

An Annulment – What Is It?

A declaration by a competent legal authority that for some reason a contract never ‘came into existence’ and the parties to the failed contract are not bound to any of its terms. Keep in mind,. Though that if the contract of marriage was never binding the obligations owed to partners and/or children do not go away but remain in force because they are naturally binding.

An Annulment – Who Can Give One?

The competent legal authority who can issue a declaration of nullity of contract is the judge assigned to do so by the civil or ecclesiastical government which oversees contracts in Church or State.

Will Ohio Give an Annulment of the Marriage Contract?

Yes. The State regularly nullifies all kinds of contracts and can do so with the contract of marriage. Because it’s a fairly expensive process compared to simple dissolution of more complex divorce, few people seek an annulment of marriage in the civil courts.

Will the Church grant an annulment?

Yes. The Church will do this primarily for marriage; however, there are many contracts in the Church which could be annulled and the parties declared free of any obligations.

Why would Church or State issue a Declaration of Nullity of Contract?

There are several reasons, including consent obtained under duress, consent which is not properly informed, holding back something necessary to fulfill the contract, fraud and a few others.

How Does One Get an Annulment of a Contract?

Because this is a legal process, the first step is to see a lawyer to discuss whether “I have a case.” If evidence suggests you do, a filing is made at the courthouse or Church tribunal asking for a formal hearing.

What does an Annulment Trial Look Like?

Like any other legal process. It begins with a pleading, a statement in which you and your lawyer propose a reason or *ground* for asking for the annulment. The matter is handed over to a judge and there is always a Defense Lawyer or Defender of the Bond in the Church. Documentary evidence is required which substantiate both your standing in that court and the contract being impugned, as well as witnesses who either know the facts or can establish your credibility.

If I’m not Catholic and Got Married at the Courthouse, Why Does the Church Expect me to Get an Annulment in the Church?

Generally because you want to marry a Catholic who cannot marry a married person. A civil Decree of Dissolution or Divorce carries no weight because it states publicly that you validly married and that somebody stepped in to terminate the contract, not go back and nullify its original binding requirements. The goal of the annulment is to establish that the natural contract was itself flawed and therefore does not bind.

I’ve Heard That This is Really Expensive

In the civil courts it may well cost thousands of dollars, usually in legal fees charged by the lawyer and by the hour. In the Church there has never been a charge for an annulment, only an invitation to assist in covering the ordinary costs of maintaining a tribunal with highly trained staff, offices and the necessary machinery to get to the end of the process. As of December 2015, Pope Francis has asked that even cost-related fees be waived. Unlike the civil courts, which provide very little *pro bono* assistance with divorce cases, the Church’s annulment processes are always done for the good of the parties and the Church. No one working on these matters may charge for their services.

Who are the Church’s Lawyers for Annulment Processes?

All ordained priests and deacons are qualified to serve as the legal representative of someone who might need or want an annulment. The Church also requires that every bishop maintain a list of highly qualified specialists who can also assist.

The list is published on the diocesan web page, the Tribunal Ministry entry as *Field Advocates*.

Where Does All of This Take Place? Do I Have to Go to Court?

The formal process is generally accomplished via written reports and testimony so that the need to travel to some distant 'courthouse' is eliminated. The pleading, the preliminary statement in which you 'make your case' is a questionnaire which provides the tribunal with enough facts to begin a formal investigation. If that preliminary statement is weak or thin, the judge assigned to your case may ask you to come to Toledo. The Expedited Process initiated by Pope Francis requires hearings at the tribunal; however the Toledo Tribunal does not have adequate staff to do this new process.

Witnesses?

While civil courts will question and cross-examine witnesses in a public setting, the Church does her best to maintain confidentiality by talking witness testimony in writing via simple questionnaires which do not generally name the ground of nullity but allow the witness to describe it from what he or she knows. In some cases, witness testimony can be taken by phone. Witnesses are required to add to the facts and to serve as character references so the tribunal knows it can trust your word. Witnesses should be those who knew you at and around the time of consent or who can attest to your honesty and integrity. Family often serve as the best witnesses but children should be avoided since they were not at your wedding.

How Long Does the Annulment Process Take?

That depends on how well everybody does his or her part. Civil proceedings may take years to complete and those in the Church's tribunals also 'take some time' to do the best possible for everyone involved. There are built in delays as well, meant to give people, including witnesses, time to think things through and provide objective testimony. Where all goes well a case can be determined in as little as four to five months but in most cases where witnesses are not quite sure what to write so delay answering, the time may be expanded to as many as ten to twelve months. Should either party to the original contract not like the decision an appeal may further delay a final ruling.

Appeals?

Both Church and State provide for appeals. In both, the appeal is generally sent to a higher grade of trial and for the Diocese of Toledo that next level would be either Steubenville or Youngstown Tribunal. Where a party so wishes, an appeal may also be sent to the Roman Rota for a hearing.

Other questions?

Call the Tribunal at 419.244.6711

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The Annulment A Few Short Answers To Some Big Questions



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