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Top 10 annulment myths Get the truth about the most common myths regarding annulment Dennis Poust and Mary DeTurrís Poust OSV Newsweekly

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Myth 1: It will make my children illegitimate

This is perhaps the most common myth about annulment. Undoubtedly, the belief that a tribunal's declaration of nullity of a marriage would render the children of that marriage "illegitimate" after the fact has kept many Catholics from pursuing annulments. Beyond that, it has been the cause of much groundless hostility toward the Church from people who are rightfully offended by the concept. Thankfully, it is not true. In Church law, when at least one of the parties enters a marriage in good faith, the children of that marriage are always considered to be legitimate, even if the marriage is shown to be invalid later.

Myth 2: They will ask prying questions about my sex life

While occasionally a sexual issue may come into play as a ground for annulment (such as homosexuality, a refusal of one party to be open to children, or the inability or unwillingness of one spouse to consummate the union), this is not true for the vast number of annulment cases. And even in those circumstances, the judge is not interested in intimate details of what went on or didn't go on in the bedroom. While a question about the couple's sex life may be relevant in a particular case, the responses the judge is looking for wouldn't rank high at all on the blush meter. An annulment proceeding will be cause for introspection on the relationship but also on one's life leading up to the marriage. The sexual relationship may well be a factor in marital troubles, but unlikely to be sole grounds for an annulment.

Myth 3: It costs too much

The annulment process is not free, but it is not a bank breaker either by any means. Chances are your civil divorce cost many times more what your annulment proceeding will cost. Annulment cases are heard by diocesan tribunals. That means many combined hours of work by a judge, advocate and defender of the bond, as well as support staff time, office space, utilities, paperwork, postage, etc. Depending on the diocese, the cost could be anywhere between \$500 and \$1,000 (typically due in installments), but it's a safe bet your diocesan tribunal offers a sliding scale for those who do not have the means to pay. No one is turned away because of lack of finances, and the ability to pay has absolutely no impact on the final outcome of the case.

Myth 4: It's just a Catholic divorce

In truth, an annulment is nothing like a divorce. A divorce is the legal dissolution of a valid civil marriage, whether that marriage was solemnized in a church, at city hall or standing on a beach. An annulment will not be granted prior to a civil divorce. After an annulment, both parties are free to marry again in the Catholic Church. This would not be so if a divorce had not first been obtained. An annulment is a declaration by the Church that a valid marriage did not exist from the beginning (even though a legal civil marriage was indeed entered into) because something critical was missing that would have enabled both parties to give the full consent of will needed to instill the sacrament.

Myth 5: It takes too long

An annulment proceeding involves multiple steps: written and/or oral testimony of witnesses, a psychological evaluation, possible examination of medical records, contacting of the other spouse, compiling of documents, a written decision, an appeal process. In other words, it doesn't happen in a week. But given all that goes into it, the process is remarkably short. An annulment proceeding typically takes one year or less. It may take a little longer depending on some factors, such as the participation level of the other spouse. It is wise, therefore, for a divorced Catholic who may someday wish to remarry to initiate the process well before planning a future wedding.

Myth 6: My ex-spouse will never agree to it

Chances are, if your marriage has collapsed and you have gone through a divorce, you and your former spouse may not be on the best of terms. Nothing breeds animosity and discord, it seems, more than the divorce process. So if you are seeking an annulment, your ex may not be willing to jump through hoops to help you out. After all, it stands to reason that the one pursuing the annulment has moved beyond the breakup and is in a better emotional place than the one who has not. If you are seeking an annulment, chances are you have already entered into another relationship and are at least contemplating the idea of remarriage. This may not sit well with your former husband or wife, who may even try to create obstacles for you. Fortunately, your ex does not have to agree to the annulment or even participate in the process. The tribunal hearing your case will attempt to contact your former spouse and invite him or her to

participate in the process. The person will be given a chance to have his or her side of the story heard. But you will not be forced to have contact with your spouse. Neither an absence of cooperation by your ex or his or her actively fighting it will prevent the case from proceeding. In the event of an affirmative ruling, your ex can exercise the right to appeal, which can delay a final result. But what it comes down to is this: If there are legitimate grounds for annulment, there is nothing your ex can do to ultimately prevent it.

Myth 7: I'm excommunicated because I'm divorced without annulment

Being civilly divorced has absolutely no bearing on your standing in the Church and you are free to receive holy Communion. If, however, you were to remarry civilly without benefit of an annulment from your first marriage, you would be committing the sin of adultery in the eyes of the Church and not in full communion with the Body of Christ. In this situation, you could not receive holy Communion until your marital situation was regularized through annulment and a Church wedding, as well as by receiving the Sacrament of Reconciliation.

Myth 8: Only Catholic marriages need to be annulled

In short, the fact that you were not married the first time in the Catholic Church does not automatically absolve you from needing an annulment in order to remarry in the Catholic Church. "The Church presumes the validity of any marriage between two people who are free to marry at the time of their wedding," wrote canon lawyers Jacqueline Rapp and Peter Vere, in a 2003 article in *Envoy* magazine. Therefore, the reality is, "Anyone, Catholic or not, who was previously married and whose former spouse is still alive, and who wants to marry someone else in a Catholic ceremony needs some action or decision through a Catholic Church tribunal about the former marriage," according to the Diocese of Trenton's tribunal website.

Myth 9: Whether you get one depends on who you know

It's hard to pinpoint where this myth came from, except maybe to assume it is perpetuated by Catholics who are intimidated by the process or have some other beef with the Church. Needless to say, there is no truth to this. Diocesan tribunals, like any court, operate free of bias, and they are answerable to higher level tribunals, most immediately their province's Metropolitan Tribunal. A tribunal judge isn't going to risk his career greasing an annulment for a friend or well-heeled donor, when the evidence is readily available for review by higher courts.

Myth 10: Annulments dredge up the past, causing undue pain for all involved

Rather than being painful, the annulment process can be healing in a way similar to the Sacrament of Reconciliation. It is an opportunity for personal growth and discovery, as it requires the petitioner to confront important traits, behavior patterns and other factors that, once recognized, often prove

invaluable in navigating future relationships, including new marriages. For many Catholics, the annulment decision gives them closure in a much more profound way than the divorce. It can be a true moment of grace.

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