

DIOCESE OF PUEBLO: TRIBUNAL
1001 NORTH GRAND AVENUE
PUEBLO, COLORADO 81003-2948
(719) 544-9861

A Word of Explanation about the
Annulment Procedure in cases of ABSENCE OF CANONICAL FORM

ANNULMENT: A DEFINITION

A Declaration of Invalidity, popularly termed an annulment, is a decision by a church court that morally certain proof is had that the marriage in question is not valid, that is, that it was entered into invalidly. In other words, proof is had that at the time of the wedding ceremony, there was a radical defect present which rendered the consent given ineffective, that is, invalid. The Catholic Church teaches that all persons have the right to marry once. A declaration of invalidity means that the right to marry was not effectively utilized at the time of the wedding ceremony. And therefore the right still obtains.

DEFECT of FORM

Baptized Catholics, who have not been otherwise dispensed or who have not left the Catholic Church by a formal act, are bound to the canonical form of marriage. This means that a baptized Catholic must be married before a properly delegated Bishop, or Priest, or Deacon and in the presence of two other witnesses. A marriage can be declared invalid when it is proven that one of the parties was bound to the canonical form of marriage but did not observe it. This does not apply to Latin or Oriental Catholics who marry before an Oriental Orthodox Bishop or Priest without a dispensation from form. Such marriages are illicit but valid.

This case is often called an administrative or informal case. This is because the invalidity of the union is established primarily through documents such as marriage records, divorce decrees, and baptismal certificates. It is "informal" in that the Petitioner need not, under normal circumstances, have their formal testimony taken at the Tribunal. And witnesses are usually not required in such cases.

FORMER SPOUSE

Your former spouse has a right to know that a petition for a declaration of invalidity has been placed before the Tribunal. Please make sure that the RESPONDENT'S ADDRESS is current and complete. In the revised Code of Canon Law, Canon 1686 requires that the Respondent be properly cited, even in documentary cases such as Ligamen, and other diriment impediment cases.

CHECK LIST

You must give your Advocate the following documents: a) certificate of marriage; b) certificate of civil divorce; c) baptismal certificates of the Catholic parties. The baptismal certificates must be recent, not more than six months old. Xerox copies are not acceptable.

EXPENSES

To help defray part of the office expenses involved in the processing of your petition we ask you to pay a fee. Your Advocate will inform you about the current amount of the fee. This fee should be given to your Advocate at the time the petition is sent to the Tribunal.

FINAL DECREE

The Tribunal will try to handle the petition as quickly as possible. If an affirmative decision is given, we will send the final decree and other papers directly to you. You should know that the acceptance of your petition by the Tribunal does not guarantee that an annulment will be granted. Nor is it a promise that a certain timetable will be followed in reaching a decision. Therefore, UNDER NO CIRCUMSTANCES should a date for a new marriage be arranged before receiving the final decree.