

Questions and answers about the annulment process

A declaration of nullity, or what is commonly referred to as an annulment, is a statement granted by the Catholic Church that at the time two people exchanged marital consent, there was something essential missing that prevented a valid marriage bond from being formed. It must be evident at the time of consent that something essential was lacking even though it was not obvious to the parties at that time.

Q: How long will it take?

A: There are several different types of cases and even for each type of case each one is individual and unique. Generally speaking, the most common type that we process is called a Formal case. Many factors such as the involvement of the parties, the cooperation of witnesses, the quality of testimonies, and the review by the Appellate Court will affect the length of time of each Formal case. At the present time, it takes between ten and fourteen months to complete a Formal case.

Q: Is there a fee for the process?

A: In the Diocese of Grand Rapids there is no fee for an annulment process. The cost of processing a case is paid for from funds collected during the annual Catholic Services Appeal (CSA). All members of the diocese are encouraged to support the work of the Church by contributing to the Catholic Services Appeal. No one is denied or discriminated against who is unable to make a contribution to CSA.

Q: Does an annulment affect the legitimacy of children?

A: No. The legitimacy of children is determined by the laws of the states. Some people think that a declaration of nullity makes the children illegitimate because they think the declaration means the marriage never existed. Both of these views are incorrect. Just as a divorce does not make children illegitimate, neither does an annulment granted by the Church. A declaration of nullity has no effect on the status of children. They are regarded as having the same dignity as any person, since all are created in the image and likeness of God.

Q: Does my former spouse have to be contacted? What if I do not have his/ her contact information?

A: The former spouse (Respondent) will be contacted by the Tribunal and offered the opportunity to present his/her testimony as well as to submit any witnesses. Church Law demands that the Respondent has a right to know about and participate in the annulment process. It is important, therefore, for the Tribunal to have a complete address of the former spouse. However, we do not require the former spouse to take part in the process. The former spouse does not have to agree to the annulment. But we must let the former spouse know the process has begun and what the eventual result of it is.

Q: Why do I need witnesses? And what if I don't have any?

A: Witnesses are required by Church Law to assist the Tribunal in a deeper understanding of the marriage in question. Each witness is sent a questionnaire and asked to respond in writing. It is best to have at least five or six witnesses. Good witnesses are people who knew both parties intimately, their backgrounds and how their relationship began and developed. Typically, parents, siblings, childhood friends or other relatives make good witnesses. The respondent also has the right to provide the names of the witnesses. Of course, it is essential that we have correct addresses for each witness.

Q: But I am not Catholic, so why do I need an annulment from the Catholic Church?

A: The Catholic Church presumes that every marriage – whether it involves a Catholic or not – is valid until the contrary is proven. The Catholic Church considers any exchange of marital consent as binding the person to marriage, regardless of where that consent was exchanged. It is for this reason that the Church must examine the former marriage of a non-Catholic person who wants to marry a Catholic or wants to join the Catholic Church to see if the consent can be considered invalid.

Q: What if I got married in another country?

A: The Tribunal of the Diocese of Grand Rapids can request competency to process cases where the marriage took place outside this Diocese or outside this country.