

QUESTIONS/ANSWERS CONCERNING ANNULMENTS DIOCESE OF SYRACUSE

Programs for Troubled Marriages

Those having trouble with their marriages should seek counseling of one kind or another. Programs such as Retrouvaille and the Third Option as well as other forms of counseling and support are readily available. It is important that couples try such programs before they opt for divorce. Information may be obtained from the Diocesan Office of Family/Respect Life by calling 315-470-1418 or on the [diocesan website](#).

What is the Diocesan Tribunal?

Every diocese is required by the Code of Canon Law to have a Tribunal. It handles petitions that come to it regarding the rights of people within the diocese. Getting an annulment is a legal process. The Tribunal is there to protect people's rights and to help clarify their status within the Church after a failed marriage and to help them through that process. Annulments make up 90% of the work of the Tribunal. We know that some marriages are going to fail. The Tribunal is not for counseling. When someone comes to the Tribunal they already have a divorce. One has to have a divorce before an annulment can be obtained.

Where is the Tribunal located?

Our diocesan Tribunal is located in the Chancery at 240 East Onondaga Street in Syracuse, across from the Cathedral (315-470-1480). How does a person get started to find out if their marriage can be annulled? Most likely one would start by talking to his/her parish priest or deacon and he will help you start the process. Or one can call the Tribunal Office (315-470-1480) and talk with Barbara Reiter our case manager. The petitioner will be asked to fill out a "*Marriage Fact Sheet*" that will help the Tribunal determine whether or not an annulment is needed.

How much does an annulment cost?

There is no cost for an annulment, unless an appeal of a decision is made. At that time an amount will be requested from the party who appeals.

What happens after the process is started?

One of the Tribunal Staff that is assigned to an annulment case is an advocate. This person works on behalf of the petitioner throughout the entire process. The advocate will explain the process, the various stages, time frame and will answer all questions and concerns. The advocate and the petitioner will work together until the conclusion of the process.

How long does it take to get an annulment?

Generally that depends upon the petitioner. Some petitioners complete the 23 page questionnaire in two weeks, others in two months and some in two years. One should not wait until 3 months before a wedding date to begin the process, *as the average processing time is 4 to 6 months*.

Why does a person get an annulment?

People get annulments for different reasons. Obviously the majorities are seeking to remarry and want to be married in the Church and an annulment is needed to do that. However, there are some who just want to put a final closure on the marriage. Even though they have a divorce they feel that the Church says they are still married.

Are there certain restrictions if a person chooses to remarry without an annulment?

Yes, there are some restraints if Catholic is *remarried without obtaining an annulment*, he/she is more than welcome to attend Mass; however, this person cannot receive the sacraments. They should not be catechists or act as liturgical ministers by serving as lectors or Eucharistic Ministers, etc.

Is getting an annulment the same as getting a divorce?

Some people see it that way, but they are two separate entities. Divorce is a civil closure of marriage. In our case it is New York State declaring that the marriage is over. The parties were married under state law whether by a minister, a judge or in the Catholic Church. Many times a divorce is uncontested. If the divorce becomes a longer process the courts are usually interested in the last 5 years or so as to what was the immediate cause of the marriage failure. With the Catholic annulment process we go back to the beginning. From a legal stand point the Church says it is consent that makes a marriage more than just an exchange in vows. Did the couple have the right intentions? Did they intend to have children? Did they have proper maturity? Were they under pressure to get married? Could those pressures have severally affected their decision making processes? Any of these can contribute to defective consent. The Tribunal looks at all of those possibilities.

Who are the people involved in the annulment process?

It starts with the petitioner who was one of the parties in the marriage. The ex-spouse (respondent) is contacted and can be part of the process if he/she chooses to be. Participation by the respondent is not necessary, but that person must be cited. The petitioner will be asked to provide names of people who can be contacted to give additional information about the marriage. These are called “witnesses“. These additional people help to confirm what the petitioner has alleged and offer a clearer understanding of the marriage for the people on the Tribunal. This helps in the decision-making process. The other court personnel involved in the process are the case manager, staff psychologist, ecclesiastical notary, advocate, defender of the bond and a judge. Once the judge has made his decision a notice will be sent to the interested parties. If one or the other of the parties appeals this decision, they must put it in writing within two weeks of the notice.

What is the Church’s position on dissolving a marriage?

We know from scripture that this Sacrament is where two people act as one. That is one of the great signs of the Sacrament of Marriage. Each of the sacraments has its signs and symbols - water for Baptism - bread and wine for Eucharist - but in marriage the couples themselves are the sign of that union between God and His Church. Just as Jesus Christ takes the Church as his bride forever in perpetuity, so couples in marriage are called to be that sign. When that works well it is a beautiful sign for all. From the earliest days of the Church there have been reasons why the Church has allowed remarriages. As time went on, the Church defined the proper form of marriage. For example, it had to be before a priest, there had to be two witnesses; the couple had to give evidence that they were being married legitimately, such as age.

Who is the judge at our Diocesan Tribunal?

Right now Msgr. Timothy Elmer, J.C.L., Judicial Vicar and who also serves as Vicar General for the diocese, writes most of the decisions. The judge has to have a Canon Law degree. Presently (2015) there are 3 other diocesan priests with degrees in Canon Law who could serve as judges.

Who can serve as “witnesses” in the annulment process?

Perhaps a longtime friend who has observed your marriage. Also, family members usually make good witnesses. Ideally, the Tribunal likes to have 4 witnesses, but it is not always possible, especially if you were married and divorced years ago and have moved on and made new friends. Or perhaps the petitioner was an only child, the parents are deceased or there are no relatives and the petitioner is unable to get other people to contribute information. In rare instances, adult children of the parties might serve as witnesses.

What about someone who has been married within the Church to another Catholic?

An annulment for someone who was married outside the Church or to someone who was not a Catholic? There is a **“Formal Annulment”** for those Catholics married within the Church. Then there is a **“Lack of Canonical Form”** for a Catholic who was married outside the Church by a judge or a minister without the Church’s permission to do so. Those marriages are not recognized by the Church and their process is an easier one. In addition, should a non-Catholic, who was previously married, intend to marry a Catholic, that prior marriage would require an annulment as well.

Does an annulment make the children of the marriage illegitimate?

No. When the parents married they obtained a civil license. Therefore, any children from that marriage are their legal offspring. Obtaining a civil divorce and then a Church annulment does not change the status of the children.

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