

## **FAQ (Frequently Asked Questions)**

### **Are there other officials in a Tribunal?**

Yes, other officials include the judges, defender of the Bond, promoter of justice, auditors, assessors and advocates. They are priests, religious and laypersons who have been trained in canon law.

### **What is a Defender of the Bond?**

The Defender of the Bond has the responsibility of upholding the laws of marriage. As such, his/her task is to question the evidence presented by the parties, making sure that no unproven case is granted by the Tribunal.

### **What is an Advocate?**

Simply put, an advocate represents your interest in the case. He/she is your lawyer before the Tribunal. An advocate will help you build your case, contact your witnesses, gather all evidence and argue your case before the Tribunal. He/she is on your side.

### **Will my former spouse be contacted? Will non-participation by a former spouse hamper, stop or otherwise delay the process?**

Yes, your former spouse will be contacted. There are two parties to a marriage and both parties have a right to participate in the process. Both parties enjoy a number of rights which includes the following: the right to participate in the trial, the right to give his/her side of the story, the right to produce witnesses, the right view the Acts, the right to submit a rebuttal, the right to appeal the case. In addition to these rights that they both enjoy, a respondent has the right to be informed of the process and the basis for the petition also. However, a respondent may waive the right to participate. Should the respondent, for instance, fail to respond to the citation from the Tribunal within the time limit provided for in canon law without justifiable cause or simply ignores the citation altogether, the *officialis* can legally declare a respondent absent from the trial and order the trial to proceed.

### **Is it true that only those who can afford to pay the fee are granted an annulment?**

No, that is a myth that has persisted for many years. Do not be deterred from approaching the Church by this myth. Every person, Catholic or not, who wishes to have their previous marriage declared null by the Catholic Church has a right to approach the Church and have their previous marriage investigated irrespective of their financial situation or capability. The fee in the Diocese of Gary is \$500 at present and has not been raised for a number of years. This amount that the petitioners are asked to pay is only a fraction of the actual cost and the rest is subsidized by the faithful of the Diocese of Gary.

**UNDER NO CIRCUMSTANCES WILL AN ANNULMENT BE DENIED BECAUSE A PERSON CANNOT MEET THE EXPENSES INCURRED BY THE TRIBUNAL IN A GIVEN CASE.**

**Is it true that it takes many years to get an annulment?**

This is another myth. The process normally takes between eight months to twenty-two months more or less. However, there are many variables which could delay or stretch the time frame. A major cause for delay is reluctance on the part of witnesses to testify. Sometimes the petitioner's lack of inaction causes delay; at other times, petitioner's even have a change of mind about pursuing the process.

**How does the Tribunal assure the confidentiality of information?**

Due to the very nature of the information, every effort is geared towards maintaining and preserving confidentiality and Tribunal personnel are bound to strict secrecy. It is the policy of the Tribunal to disclose information only to the parties whose marriage is being examined and to those persons duly authorized under canon law.

**If I am not Catholic, and therefore, not subject to Catholic Church law, why would I need an annulment in order to marry a Catholic?**

As a general rule, the laws or canons of the Roman Catholic Church bind only those baptized Catholics. Hence, two divorced non-Catholics – Protestants or Buddhists for example - who plan to remarry do not need an annulment from the Church. However, the fact that you are planning to marry a Catholic, you have *indirectly* come under the purview of Roman Catholic Church laws because the Catholic party is not free to marry you unless your prior marriage has been declared null by the Catholic Church. This is so because the Church considers all marriages valid and binding and all marriages between Christians potentially sacramental as well. Until such time that your first marriage has been declared null by the Catholic Church, you are still bound to your spouse.

**Can we set a wedding date with the Church while waiting for the annulment of my first marriage?**

NO. No pastor is free to set a date for a subsequent wedding or validation in the Church until the parties concerned receive the final notification of an affirmative decision and have completed the requirements for entering into a new marriage. Consequently, the petitioner is NOT to make any wedding arrangements until the final decree of nullity is received.

Remember, the right of the party to petition the Church does not include the right to a positive outcome. There is no guarantee that a petition for a declaration of nullity will be granted and it is not prudent to make any wedding arrangements until such time that a final decree of nullity has been granted.

**What is a *monitum*? What is a *vetitum*?**

These are prohibitions or restrictions on the right to marry. The right to marry is governed by natural and divine law. However, a Catholic is also bound by ecclesiastical law and the right to marry can be delayed for just reasons determined by the Church. A *monitum* serves as a warning whereas a *vetitum* is a restriction to marry until such time that a party has fulfilled some requirements mandated by the Church. This is another reason why it is not advisable or prudent to make wedding arrangements before a final decree of nullity has been granted.

**What is the good of going back in time and relieving the experiences of a broken marriage all over again?**

Certainly, the process involves a lot of soul searching which would oftentimes resurface some of the issues, struggles and pains, as well as the good times and joys that transpired during the marriage. It is not the intent of the Church to cause more pain or to punish the parties. For many people who have gone through the annulment process, they have experienced it as part of a healing process. Some have commented that she/he was finally able to close that chapter in life and be able to move on. Hopefully, through the process the parties are able to look at themselves, recognize their mistakes and shortcomings and be able to correct those mistakes. For some, they may never come to a point where they can readily look back; they just move on.

**Are annulments granted to abusers or to those at fault or responsible for the breakdown of the marriage?**

Any person is free to approach the Catholic Church to have his/her marriage declared null by the Church. The Tribunal examines the validity of the marriage. It is not its purpose to put guilt on the parties or to participate in any blame game. However, an abusive behavior by one or both may provide proof of the invalidity of a marriage.