



PROCESS

GETTING FROM A TO B: Seeing people through the annulment process

In our last issue, we reflected on the important care pastoral ministers provide to people throughout the annulment process. To facilitate that care, it can be helpful to review the basics of the process so that ministers can better explain it to their people as they help them through it. For the purposes of this review, we will focus on a formal case rather than a lack of canonical form case, the process for which is different and simpler.

The process begins when the person seeking the annulment, called the Petitioner, completes and submits the petition to the tribunal. The petition is the formal statement by which the Petitioner asserts the nullity of the marriage in question, introduces the initial reasons and proofs for that claim, and requests the judgment of the tribunal in the matter. Ministers are asked to help Petitioners understand this,

especially when assisting them in preparing their narrative history of the relationship. The purpose of the narrative history is to lay out their case for why their marriage should be declared null, which means they need to be open and honest, even about the difficult parts of the relationship. We need that information, not to pass judgment on anyone's character or to blame anyone for the failure of the marriage, but to judge whether there are sufficient reasons to declare the marriage null according to the laws of God and the Church, which is what Petitioners are seeking.

If, after reviewing the petition, there is sufficient evidence to proceed (a fairly low bar), the judicial vicar formally accepts the case, preliminarily identifying the potential legal reasons, or grounds, for declaring the marriage null. He then also notifies, or cites, the Respondent regarding the process and the Respondent's right to participate. The Respondent does not need to participate for the process to continue, nor can he or she stop it from proceeding, but we must give him or her the legally required amount of time to respond to the citation before proceeding.

After the Respondent replies to the citation or the required time for the reply has passed, the judicial vicar issues the decree of joinder. This document sets the grounds on which the case will be decided and establishes the tribunal, a panel of three judges who will decide the case. This is a crucial step in the process as, once the grounds are set at joinder, that is the sole question the tribunal will seek to answer: whether the nullity of marriage in the case is established due to those grounds alone. While it is possible to change the grounds later, that can only be done for serious reasons at the request of the parties – basically if the judicial vicar got the grounds completely wrong, which, in a tribunal as competent as ours, (almost) never happens.

That's it for now. We will continue our review of the annulment process in the next exciting issue. Until then, keep the faith, love God's people, and always honor the code!

