



IT TAKES TWO: THE RESPONDENT IN THE ANNULMENT PROCESS

The Office of the Tribunal and Matrimonial Concerns often receives questions about the involvement of the Petitioner's ex-spouse, called the Respondent, in the annulment process. In this issue, we will look at what canon law requires regarding the Respondent, and why.

Canon law defines marriage as a total partnership of the whole life between a man and a woman (canon 1055 §1). By entering into this partnership, the legal status of both parties in the Church changes, entitling both parties to certain rights that are unique to the married state. When one of the parties, the Petitioner, challenges the validity of a marriage, he or she is challenging the marital rights of both parties.

One of the most fundamental rights that people possess in canon law is the right to defend their rights before a competent Church authority (canon 221 §1).

This right of defense requires Church authorities to inform a person that his or her rights are being challenged and to provide that person the opportunity to respond to that challenge.

Because, by challenging the validity of a marriage, the Petitioner in an annulment case is also challenging the rights of both parties in that marriage, the Respondent has the right to defend his or her marital rights. The tribunal that accepts the case is therefore obliged to inform the Respondent that the process is underway and to give the Respondent the chance to participate in the process. The Respondent can participate in the following basic ways:

- Offering evidence, telling his or her side of the story;
- Naming witnesses;
- Challenging the proposed grounds;
- Reviewing the evidence provided by the Petitioner and witnesses;
- Receiving a copy of the decision of the tribunal;
- And appealing or otherwise challenging the decision.

It is important to note a few final points about the Respondent in a case. First, the *tribunal* is obliged to notify the Respondent that the case is underway. We require the Petitioner to provide contact information for the Respondent, but the Petitioner is not obliged to contact the Respondent, nor do we divulge the Petitioner's contact information to the Respondent.

Second, the Respondent has the right to participate in the case, but he or she is not required to participate. If he or she chooses not to participate, which often happens, or if the Respondent cannot be located, the case can proceed without him or her.

That's it for now. Until next time, keep the faith, love God's people, and always honor the code!

Tribunal road shows are back!

The tribunal is once again traveling the diocese to offer information sessions for persons in need of an annulment at the following locations:

- 10/10 St. Boniface, Kersey
- 10/17 St. Michael, Emlenton
- 10/24 Sacred Heart, Erie

All sessions begin at 6:30 PM, and tribunal staff will be available to meet one-on-one to answer any questions. Please encourage your parishioners who need an annulment to attend.