

Healing the Hurt

What Every Catholic Should Know About Annulment



Annulment Can Be Important When A Marriage Really Wasn't a Sacrament That United A Couple for Life. Church Review is Part of a Return to Spiritual and Emotional Health.

USCCB Survey Points to Need for Catholics to Understand Annulment

Including those who have remarried, 23 percent of American Catholics have been divorced at some time. Among those currently married, nearly a third (30 percent) had not been married in the church or had their marriage "convalidated," or formally blessed by the church.

The findings, part of a 2007 nationwide survey commissioned by the United States Conference of Catholic Bishops, points up the potential importance of the annulment process to many who are or want to be part of the Church.

For those who were separated or divorced at the time of the survey, more than half (51 percent) said they had not been married in the church or had their marriage convalidated.

Of those who were divorced, 85 percent had not sought an annulment, but 7 percent

had sought and received one.

Asked for their views on the general acceptability of divorce, more than three-quarters of U.S. Catholics (76 percent) said it was "acceptable in some cases" and another 17 percent said it was "acceptable in all cases." Only 7 percent said divorce was "not acceptable in any case."

When they were asked about whether divorce was acceptable in specific circumstances, 96 percent said it was in cases of physical abuse, 92 percent said yes when there was emotional abuse and 85 percent said it was acceptable when there was infidelity.

"This is the first time that such a varied and comprehensive body of data about Catholic patterns in marriage has been collected and analyzed," said Archbishop Joseph E. Kurtz of Louisville, Ky. He was chairman at the time of the survey of what is now the bishops' Subcommittee on Marriage and Family Life of the USCCB Committee on Laity, Marriage, Family Life and Youth.

About the Survey

The survey report divided respondents into four generational groups: the pre-Second Vatican Council generation, ages 65 and over in 2007, who made up 19 percent of the respondents; the Vatican II generation, ages 47-64, 31 percent; the post-Vatican II generation, ages 26-46, 40 percent; and the millennial generation, ages 18-25, 10 percent.

The survey was commissioned as part of the bishops' National Pastoral Initiative for Marriage, which the bishops launched in 2004 to call attention to the value of married life.

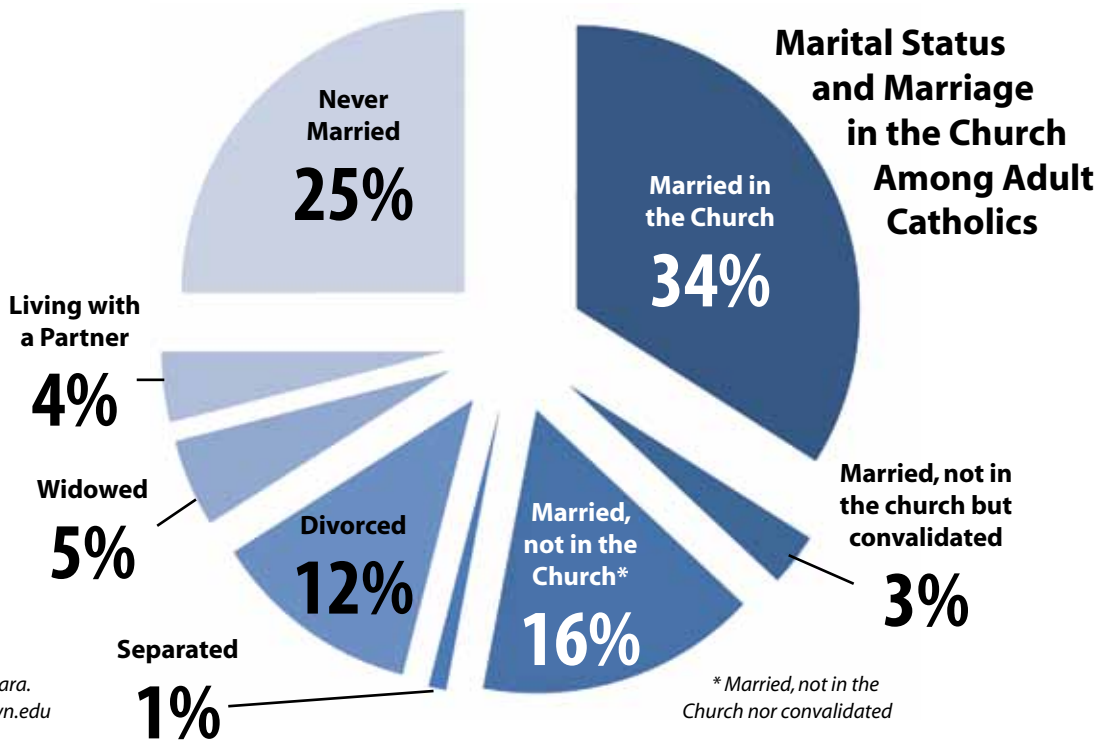
The survey was carried out in June 2007 by the Center for Applied Research in the Apostolate at Georgetown University via the Internet polling firm Knowledge Networks and was made public later.

The margin of error for the survey of 1,008 self-identified Catholics 18 or older was plus or minus 3.1 percentage points.

— CNS

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SOURCE: cara.georgetown.edu

HEALING THE HURT ANNULMENT GUIDE

Tribunal Sisters Have a Heart For Helping the Divorced

BY AMANDA HUDSON
News editor

Helping people live the fullness of their faith is at the heart of Tribunal work. There are two nuns who have joined their own hearts to that work here in the Rockford Diocese.

Franciscan Sister Margaret Anne Floto came to the Diocesan Tribunal 13 years ago after serving for many years in nursing and hospital health care. She came to the Tribunal because, she says, "I felt it was a wonderful ministry ... compassionate and caring. I like it because it is helping to get people back into full communion in the Church. It is very fulfilling."

School Sister of Notre Dame Nadine Meyer served in education and administration for 20 years, then in pastoral ministry with separated, divorced and inactive Catholics.

"I began to assist parishioners to apply to the Tribunal (in Burlington, Iowa)," she says. That ministry got her thinking about Tribunal work, and she returned to school to study Canon Law.

A member of her order who headed up the Rockford Diocesan Tribunal for many years contacted the SSND motherhouse about an opening. "It was the right time," Sister Nadine says, adding that she was "very happy to become part of this Tribunal staff." She has served as an advocate for seven years.

"I love this ministry," she says, "because it helps people live the fullness of their faith (and) people who are in good second marriages can possibly validate that marriage in the church."

'Validity' vs 'annulment'

Use of the term "validate" is important to both sisters. Information from the Tribunal states: "This Tribunal feels that the word 'annulment,' a civil law term which has so many negative connotations, diminishes the dignity of the persons who choose to marry one another by implying that every good that happened in their marriage to one another is officially 'wiped out like it never happened.'"

The term "annulment" is not found anywhere in the Code of Canon Law, according to the Tribunal guidelines. "The civil term (annulment) means 'to make void,' 'to wipe out' from the beginning," the guidelines say. "No wonder the word 'annulment' makes many people uncomfortable. After all, for most people their mar-

riage was one of the most important events of their lives ... it was still an important event, even though the parties divorced.

"The Church does not say that someone's marriage never existed. There was some semblance of a marriage, some type of relationship. Thus, when someone comes to the (Tribunal) to ask for a ruling on the status of their marriage they are not asking whether or not they had a marriage, because the Catholic Church presumes that a marriage existed. What is at issue is whether the marriage that did exist is what the Catholic Church considers a valid marriage.

"If we think of the word 'invalid' in the English language, it means 'disabled by illness or injury.' When a marital relationship is 'not well' from the beginning and becomes destructive, the parties become 'disabled' and severe problems arise ..."

Looking at the root causes of why a marriage failed to become a permanent bond until death may lead the Church to declare the marriage invalid from the start ... "An 'annulment' is more correctly termed a 'declaration of invalidity.'"

Beginning steps

"When people call us, we get (basic) information to start the application," says Sister Margaret Anne. "We explain the forms we need — the legal marriage record and the final decree of divorce. Then (applicants) complete a narrative," which is background information about each party and the story of their marriage.

The sisters provide assistance, if needed, for these narratives. From finding interpreters for deaf persons to typing someone's narrative as it is spoken, they are ready to help anyone who has difficulty writing up their narrative. Translators also are available for those whose first language is not English.

Maintaining clients' dignity and respecting the rights of both parties are of paramount importance. The applicant is asked to provide whatever information they can about how to contact their former spouse so that he/she can be informed by the Tribunal of the process.

There are individual, extreme, situations that may provide an exception to this rule — for example, an active order of protection or a doctor-documented diagnosis of a former spouse's emotional instability do matter.

But generally, "the other (spouse) has a right to know that the process is begun.

Their rights must be respected," the sisters say, adding that Canon Law says the former spouse should be told about the process by the Tribunal itself. Neither person has to be in contact with his/her former spouse.

Any declaration of invalidity of a marriage frees both parties to remarry in the Church.

Spousal rights also allow each to read the other's written statements, which allows each to defend their position. Both parties have their own advocate throughout the process, so that there will be no conflict of interest.

Personal interviews

After the narrative has been received, an applicant comes in for an interview with one of the sisters. The interview expands the written narrative and helps the sister get an idea what the grounds for declaration of invalidity might be in a particular case.

The interviews are "very helpful," says Sister Nadine. At times, crucial information to the case is discovered only through those interviews.

"Part of our assistance is to provide a welcoming and comforting environment," Sister Margaret Anne says. "Many are relieved to find out they don't sit in front of a panel of judges and tell their story. (This) is not at all like the civil divorce process. It is not a matter of placing blame. It is just to get the facts and the information needed to determine if the marriage met the criteria for a valid marriage."

A need for witnesses

"It is recommended to have four people as witnesses who will fill out a short questionnaire on the relationship in the marriage," Sister Margaret Anne explains. "It can be family, friends or any person who would have had the most information about the marriage."

Witnesses usually just fill out the questionnaire and mail it in, but they may prefer to come in for an interview, or they can call and their testimony will be taken over the phone.

Once all information is gathered, then the case goes through the regular procedure as required by Canon Law. If the marriage is declared invalid by the Rockford Tribunal, the case goes to a second tribunal court for confirmation of that declaration. The entire process takes an average of nine months to



The core staff of the Tribunal is (from left) Sister Margaret Anne Floto and Sister Nadine Meyer, advocates; Msgr. Michael Kurz, judicial vicar; Donna Hayes, case notary; Msgr. Robert Sweeney, secretary for administrative processes; Denise George, case notary; and Msgr. Arquimedes Vallejo, adjunct judicial vicar, promoter of justice and defender of the bond.

a year to complete, according to the sisters.

Cost

The Diocese of Rockford charges a portion (\$400) of what it actually costs to process a case. A member of the Tribunal staff always meets with the applicant seeking the declaration to work out a payment schedule that will not be a financial burden to him/her.

The diocesan Tribunal wants to be sure that people know that no one is denied the process because of a lack of financial resources.

Misinformation

The sisters have discovered that a lot of incorrect information about annulments exists.

One piece of oft-believed-but-incorrect information that particularly distresses Sister Margaret Anne and Sister Nadine has been around a long time: a lot of people believe that if they are divorced, they can't receive communion.

"If they have simply been divorced and have not remarried or are not currently living with or dating another, they are welcome to receive — and certainly they need — the strength, the community and the sacraments of the Church," says Sister Margaret Anne.

A second piece of incorrect information also distresses the sisters:

The question of saying that children will be illegitimate after an annulment often arises and needs to be clarified. Legitimacy is a matter of civil law. An annulment (declaration of invalidity) is a matter of Church law and has no civil effect, so the Catholic Church does not say children are illegitimate if an annulment is granted.

What Are Obstacles to True and Valid Marriage?

BY FATHER JOHN CATOIR
Catholic News Service

Anyone who has lived through the nightmare of a marriage with an emotionally sick person deserves great compassion and understanding. As a presiding judge in the appeal court for my diocese, I have processed hundreds of cases over the last 30 years. This article is offered to help you to understand the church's thinking in these matters.

Tribunals throughout the world have benefited from the jurisprudence of the Roman Rota, which sets the precedents for our canonical understanding of true marital consent. Our jurisprudence has been sig-

nificantly refined as a result of a continuing dialogue with experts in the field of psychology.

For instance, as far back as 1973 the Roman Rota decided that marital consent is not true and valid unless both parties possess the basic capacity for an interpersonal relationship. No one can oblige himself to do what he is incapable of doing. Even if the person does not want or desire the character defect, it still renders him or her incapable of giving a true and valid consent.

Those who marry must be able to see their spouse as a separate person, not as an extension of their own ego. A husband who cannot appreciate his wife's way of thinking and feeling without distorting it

or projecting his own needs and motives on everything she says or does, is incapable of fostering a conjugal interpersonal relationship. Here are some personality disorders which present obstacles to a true and valid marriage.

■ **Extreme selfishness.** As an ingrained, predictable character flaw, this state destroys real love and affection. Everyone is a little selfish. However, an extreme personality disorder exists when the person is barely aware of anything but his or her own experiences and states. Like little dictators, they tolerate no opposition.

■ **Extreme immaturity.** This is a permanent trait which blocks the capacity to relate to one's spouse in a human way. Such

people argue severely over nothing and then often become extremely withdrawn. They are filled with self-pity and blame everyone for their problems but themselves.

■ **Compulsive personality disorder.** This condition renders one incapable of experiencing warm and tender emotions. It can take the form of a blind perfectionism which tries to impose order. The person insists on conformity to a degree which destroys any hope for a normal personal relationship.

All of these serious character disorders have been spelled out by the church's high court. The disorder must exist prior to the marriage and be perpetual in nature in order to be eligible

for an ecclesiastic annulment.

If you think you have a case, you will need to present your story to the tribunal of the diocese or archdiocese where you are now living. The tribunal where your marriage took place is also competent. Please do not write to me to see if you have a case. My column is syndicated nationally, and I cannot handle the volume of mail to be your personal guide. Your local pastor may be of help in directing you to the proper authorities. A court-appointed advocate can assist you in presenting your petition.

May God bless and protect you. Remember, it is possible to forgive and begin again. With the help of God's grace, all things are possible. Do not lose heart.

To get started, call the Diocesan Tribunal at 815/399-4300,
Monday—Friday, 8:30 a.m.—noon or 1-4:30 p.m.

Q&A with the Diocesan Tribunal

Q Why does the Tribunal prefer using the word "invalidity" instead of "annulment"?

A The use of the word "invalidity" instead of the word "annulment" is not yet a general Tribunal practice. The word "annulment" is a civil law term that has negative connotations, implying that the marriage is wiped out like it never happened.

If we think of the word "invalid" in the English language, it means "disabled by illness or injury." When a marital relationship is "not well" from the beginning and becomes destructive, the parties become "disabled" and severe problems arise. Similar to when a physical disease is present but undiagnosed until years later, by analogy, a marriage may appear healthy from the outside or even to the couple who is married but still have an underlying impairment present at the time of consent.

The Tribunal studies the marriage to look at the root causes of why this marriage failed to become a permanent bond until death, and then — but only if those root causes were present before and at the time of the wedding — declares the marriage invalid from the start.

For most people, a marriage, even when it is destructive and painful, is one of the most important events of their lives. The Church does not say that someone's marriage never existed. There was some semblance of a marriage, some type of relationship, and in general the Church presumes that a marriage existed.

What is at issue is whether the marriage that did exist is what the Catholic Church considers a valid marriage. If not, the Church is saying that the marriage was not of a sacramental nature.

Since the ecclesiastical judgment has no effect in civil law, children born to a non-sacramental union which is subsequently declared invalid are and remain legitimate in the eyes of the Church.

Q What elements does the Tribunal look at when examining a marriage?

A Catholic Church law defines marriage in this way: "The matrimonial covenant, by which a man and a woman established between themselves a partnership of the whole of life, is by its very nature ordered toward the good of the spouses and the procreation and education of offspring."

The Catholic Church believes and teaches that the essential rights and obligations of marriage are to be related to these four goods, whether the parties are baptized or not, whether they practice a particular religious belief or not:

1. The good of the spouses;
2. The good of children;
3. The good of fidelity; and
4. The good of permanence.

In summary, according to Pope John Paul II as quoted in the *Catechism of the Catholic Church* (1643):

"Conjugal love involves a totality, in which all the elements of the person enter — appeal of the body and instinct, power of feeling and affectivity, aspiration of the spirit and of will. It aims at a deeply personal unity, a unity that, beyond union in one flesh, leads to forming one heart and soul; it demands an indissolubility and faithfulness in definitive mutual giving; and it is open to fertility. In a word it is a question of the normal characteristics of all natural conjugal love, but with a new significance which not only purifies and strengthens them, but raises them to the extent of making them the expression of specifically Christian values."

Q Who needs this Church process?

A Usually it is only when a person wants to remarry in the Catholic Church that their freedom to marry has to be determined and this process is used. This process applies first of all to Catholics, then to anyone who is married to a Catholic or who wants to marry a Catholic.

Another important thing to note is that no one is any longer excommunicated or forbidden to receive the sacraments because of divorce. You can receive the sacraments so long as you are not courting, living with someone else or have been remarried in any kind of legally-recognized ceremony.

Q How much does the process cost?

A The Diocese of Rockford assumes most of the costs; the Tribunal assesses a fee of \$400. Paid in installments, this fee is the petitioner's contribution toward the expenses incurred.

No petitioner is ever denied a fair hearing because of an inability to pay this fee.

Q What is the process of determining marital status in the Catholic Church?

A The formal process is needed when at least one party is Catholic and the place of marriage was a Catholic Church or elsewhere with dispensation from the bishop. It also applies to marriages between non-Catholic parties.

The purpose of the process is not to place blame, but to come to the truth of why the marriage failed.

The formal process begins only after a civil divorce decree is issued, and after a petitioner asks the Tribunal to examine the status of their marriage. When a marriage fails, either party can petition to have the Church examine their marriage, even if they are seen as the "guilty" party responsible for the breakup of the marriage.

The petitioner writes a narrative that speaks of the background of both parties, their courtship and the events of their marriage. After the narrative is received, the petitioner is scheduled to give an oral deposition to reaffirm and clarify their narrative.

Tentative grounds are then set, and the other party is invited to respond in the same manner by written narrative, oral deposition, or both.

Witnesses of both parties are then contacted to respond through an oral deposition or in writing. Church law has only one requirement for witnesses, namely, they must tell the truth. They should not filter their testimony or make things sound worse or better than they were. They should simply tell what happened as best as they remember it.

Once the witness testimony is gathered, an evaluation is made by a court expert skilled in the psychiatric sciences if necessary. Everything is then given to the Defender of the Bond, whose purpose is to set forth every reasonable argument from the gathered evidence that indicates this was a valid marriage.

It is the task of the Judge to weigh and evaluate all of this gathered information and render a decision as to whether the marriage in question was valid or invalid.

If the Rockford Tribunal decides that the marriage was invalid, the decision is automatically sent to the Provincial Court of Appeal in Chicago. If this appeal court confirms that the marriage was invalid, a Declaration of Invalidity is issued to each party indicating that each is now free to enter another marriage in the Catholic Church.

If the decision is not confirmed, the decisions of both courts are sent to Rome, where the Roman Rota decides whether the marriage was valid or invalid.

In the Rockford Diocese, the formal process takes an average of nine months to a year.

Q What is the process for Catholics married outside the church without permission from the bishop?

A If a Catholic married outside the Catholic Church without any dispensation from the bishop, the process based on Lack of Form is used.

The rule in the Catholic Church is that Catholics marry in the presence of the Church's minister. If a Catholic chooses to marry without the minister as witness, the marriage is not valid. The marriage may be declared invalid by the Tribunal through lack of form, also referred to as a defect of form. Basically, it is declared so, as the Catholic party (or parties) broke the law of the Church.

Normally, this declaration takes place when one of the parties wants to enter into a subsequent marriage. The request for an administrative declaration of invalidity is normally sent in by the parish priest with the rest of the marriage papers, using a form called "Petition for Declaration of Nullity for Marriage Attempted Outside the Church."

The form is submitted to the Rockford Tribunal along with the baptismal certificate of the Catholic party, a copy of the marriage license and divorce decree from the previous marriage(s), and two witness affidavits stating that the marriage never took place according to the proper form.

Once the necessary papers are received by the Tribunal, a typical administrative declaration of invalidity generally takes about one month to obtain in this diocese.

— Amanda Hudson, News Editor

HEALING THE HURT

Tale of Two Cases: Annulment Process Helps and Heals

BY AMANDA HUDSON
News editor

Nicole Johnson, 41, a parishioner at St. Bridget Parish in Loves Park, says she was “pretty adamant” about going through the annulment process as soon as possible.

To that end, she recruited her dad to come with her for support and attended a program about annulments at nearby Holy Family Parish after she and her husband of 13 years had separated (2008) but before their divorce was finalized (2010). At that program, she visited with Tribunal advocate Sister Margaret Anne Floto whose kind presence and helpful information provided “a big, comforting peace about the whole thing for me,” Johnson says.

“She reassured me that (the right time is) anytime you feel like (pursuing an annulment) after the legal parts are done,” she says. “It was scary, until I talked with her.”

The annulment process proved to be much different from the divorce process, Johnson says.

“After coming off the legal part, I didn’t think I could go through (a similar procedure) again,” she says of her fears that the annulment process would involve “going before a panel of judges.”

“The legal aspects just care about who did what to who,” Johnson says, “(but

I found the (annulment) interview process to be a healing process. There’s a lot of things you think about” while going back over the courtship and marriage in the interview. “It was more of a journey for me. It gets into a lot about what you are made up of.

“This was for thinking and reflecting, not for attacking. I was even able to identify positive points about (my ex-husband) and negative points

about me.”

Another big difference between the civil divorce and the annulment process was the cost, she says.

“Don’t go by what others say,” she says, adding that the Tribunal staff “work with you. They explain it all (and) spread (payment) out over time.

“The cost was more than reasonable, (especially) after paying attorney fees. You just tell them your circumstances.”

The one thing that gave Johnson pause in her annulment process was that “each spouse is able to go in and see what (their ex-spouse’s) narrative says. Knowing that he can read (what you write) can hold you back or (want to) attack,” she says.

Johnson came to the Tribunal office for two interviews, each about an hour and a half in length, she says. Her ex-spouse “never said anything to me about the process,” she says.

Choosing her witnesses was challenging, she says, because she didn’t have a lot of choices of people who knew them throughout the marriage. Her witnesses included two non-Catholics and two people who had been present only during the middle and end of the marriage. Johnson suggests trying “to pick a good, rounded group (of) relatives, friends, coworkers ... people who are aware of your circumstances.”

She told her witnesses that she didn’t want to read what they wrote before they submitted it. All of Johnson’s witnesses completed their forms and mailed them in.

Johnson’s divorce was finalized on Feb. 1, 2010. She began the annulment process in early March. Her annulment was finalized that October.

“They tell you it can take up to a year,” she says. The possibility that an annulment would not be approved, she says, was “one of those things I didn’t worry about (although) I felt better after I got (notice of) the first approval.”

Receiving the final decree in the mail, she adds, “was kind of anti-climactic. You don’t really know how to feel.” Johnson’s two sons “watched the legal process,” she says, adding that, “I think this (annulment process) sets a good example.”

She says she worked to help her boys “understand why (the annulment) is just as important,” and also had them go through the Rainbows program, which she highly recommends for children experiencing the divorce of their parents.

These days, Johnson is co-facilitating the Catholic’s Divorce Survival Guide program at her parish. She calls the program “excellent,” and its author, Rose Sweet, “just wonderful.”

“All the way through,” she says, “I wanted it to be about my process of healing. I think a lot of people

wait until they want to get remarried. I’m not at that point.

“The sisters really help you do it the right way.”

Matthew Baute talks about the help he received from the annulment process in a DVD recorded for the diocesan Family Life Office.

“I found myself in that 50 percent” of divorce statistics, he said. “I jumped into a relationship too quickly and hadn’t discerned” if his decision to marry was something that God wanted for him. “I succumbed to emotions and let that rule. (It was) not a good recipe for success. I (felt that) I let down my family, myself and God.”

The annulment process, Baute says, “was a tremendous blessing for me,” although he adds that, for him, it took “time and effort.”

“I learned a lot more about myself,” he recalls. “It helped me see plenty of patterns in my own way of relating (to others) that needed healing.”

Since his annulment six years ago, the traveling Catholic musician says he’s been able “to stay faithful to a true discernment process” in his life. That process “is all about finding healing and peace,” he says. “God is the God of second chances.”

Baute calls it a “great sadness” when Catholics remarry without an annulment. The annulment process “is about healing and peace ... I found a God who is all-loving, who brought me back into His family, and I just give Him great thanks for that joy, that peace that I felt.”

‘Pathway to the Sacraments,’ Other Family Life Programs Help Couples Come Back to Church

The Family Life Office has a program especially designed for men and women who have remarried without going through the annulment process who want their marriage to become a sacrament.

“Pathway to the Sacraments” provides participants the opportunity to examine the steps toward sacramental communion in the Church and provides witnesses who share how Marriage Convalidation renewed their life and their marriage.

The next information-filled session of “Pathway” will be on Thursday, March 22, 7 p.m., at St. Elizabeth Ann Seton Parish, 1023 McHenry Ave., Crystal Lake. For information or to register, contact the Family Life Office, 815/399-4300, or email lgramer@rockforddiocese.org. Walk-ins are also welcome.

Other supportive programs are available, including:

- Catholic’s Divorce Survival Guide, a recovery program offered at various times in various parishes;
- Convalidation Preparation Retreat on April 28;
- Remarriage Preparation/Enrichment on Aug. 17-18.

Information about these and other programs to support families and individuals is available from the Family Life Office at the number/email address above.

To contact the Diocesan Tribunal, call 815/399-4300.

