



Interdiocesan Tribunal of Sydney

New South Wales and the Australian Capital Territory

Catholic Diocese of Wollongong

The Annulment Procedure in the Catholic Church

“The Lord in his goodness has granted that the Church may rejoice in the many, many families who, upheld and sustained by a sincere faith, in the daily hardships and joy, live out the goodness of marriage. The goods of marriage are taken up with sincerity at the moment of the celebration of marriage, and they are pursued with faithfulness and tenacity.

“Yet the Church is well aware of the suffering of many family nuclei that fall apart, leaving a trail of broken affective relations, endeavours and shared expectations.”

– Pope Francis, 23 January 2015

The Sacrament of Marriage

For the Catholic Church marriage is the intimate partnership of life and love between a man and a woman. Of its very nature, marriage is endowed with the qualities of fidelity, permanence and an openness to children. The Church has always followed the teaching of Jesus on marriage: *“What God has joined together, let no one separate.”* (Mark 10:9)

When baptized Christians marry, their marriage takes on the special character of a sacrament. A sacrament is an action of Christ and the Church, a sign and means by which faith is expressed and strengthened, worship is offered to God and our holiness is brought about.

What Makes Marriage?

A marriage comes into existence when a couple exchange their mutual and freely-given consent to establish between themselves a partnership of their whole life. The Church safeguards the integrity of marriage by establishing laws for it to be a valid marriage. In this way, the Church respects the personal integrity of each spouse and also upholds the dignity and stability of marriage. When one of the essential requirements for a valid marriage is lacking, the Church can declare the marriage to be invalid.

In the marriage liturgy of the Catholic Church, the couple affirm that they are entering marriage **freely** and **unconditionally**, and that they intend the marriage to be a **life-long, respectful** and **faithful relationship**, open to the **procreation** and **upbringing of children**.

When a Marriage Breaks Down

When a marriage breaks down, the dreams of a lifetime together are shattered, and the experience is difficult for all concerned, including for any children. In charity and mercy, the Church provides pastoral care for people who are divorced, whether they have or have not remarried civilly.

If a marriage has broken down irretrievably, and this is confirmed by a civil divorce, either spouse, Catholic or non-Catholic, has the right to ask the Church to examine the facts relating to their marriage and to make a judgment as to whether or not their marriage was valid. The Church always presumes that a marriage, properly celebrated, is valid.

Because this is such a significant matter for all involved, the Church has a process that explores and determines the issue of the validity of the marriage. This process is conducted through the ministry of the Church Tribunal.

The Ministry of the Church Tribunal

After a couple has received a civil divorce, the Tribunal looks at the history of the couple’s relationship, especially at the time of the wedding, to see if one or more of the essential elements required for a valid marriage was lacking. The Tribunal, in seeking the truth, investigates the facts relating to a marriage, and determines, in light of the teaching and law of the Catholic Church, whether or not a marriage is valid.

If the Tribunal determines a marriage is invalid, then a Declaration of Nullity is issued, which is commonly known as an “annulment”. A Declaration of Nullity is not a ‘Catholic divorce’. In civil law a divorce means that a civilly valid marriage has been dissolved by a decree of the civil court.

There is one Tribunal in New South Wales and the Australian Capital Territory, known as the Interdiocesan Tribunal of Sydney. Each diocese has an office of that Tribunal. People seeking an annulment may approach any office of the Tribunal. Either or both spouses may make such an approach.

Any person who has been married and civilly divorced, and who wishes to seek clarification of the status of their marriage, are advised to make contact with their local Tribunal office, where staff will be pleased to offer assistance.

Pope Francis' Reform of the Tribunal Process

In September 2015, Pope Francis introduced a number of significant changes to the Tribunal process for annulments. Without changing the Church's teaching on marriage, Pope Francis reformed the process making it somewhat simpler and more easily accessible, so that, in some cases, certain delays are avoided. These changes came into effect on 8 December 2015, coinciding with the opening of the *Year of Mercy*.

The Process of the Tribunal

Pope Francis introduced **three significant changes**:

A more accessible process: the Interdiocesan Tribunal of Sydney can now accept a request for the examination of a marriage if just one of the parties lives within NSW or the ACT.

A simpler process: there is no longer the requirement that there be two decisions in favour of nullity in each case before a Decree of Nullity is issued. Now, once the Interdiocesan Tribunal has declared a marriage invalid, that decision becomes final, unless an appeal is made against it. If there is no appeal within the specified time, the parties whose marriage has been declared invalid, are free to remarry in the Catholic Church.

A Briefer Process: A Briefer Process can be used when, firstly, both parties are in agreement about making the request to the Tribunal, and, secondly, when the evidence clearly indicates the nullity of the marriage. In the Briefer Process, the local diocesan bishop makes the final judgment.

The Ordinary Process

If the Briefer Process cannot be used, the case is presented through what is called the Ordinary Process: one spouse approaches the Tribunal and a Petition is accepted, the other party is then informed and invited to participate.

Respect for the rights of both parties is paramount in the ministry of the Tribunal. Rights include the right of both parties to be informed of and to participate in the process, and to call witnesses. For this reason, the other party must be informed and given the opportunity to be involved. If the other party cannot be located, or is unwilling to participate in or objects to the process, the Ordinary Process continues.

The Ordinary Process typically takes about twelve months. The Briefer Process takes somewhat less time. The local Tribunal office can be contacted if a party wishes to be informed of the progress of their case.

The Method of the Tribunal

Church Tribunal cases are not adversarial as in civil courts of law. Church Tribunals focus on gathering the facts of the situation, that is, the task of seeking the truth. Documents are presented and evidence is taken from the parties and, usually, some witnesses who have knowledge about the backgrounds of the couple, their courtship and the story of the marriage itself. The Tribunal then assesses the information, and determines if there are any grounds on which the invalidity of the marriage might be determined. The objective is to reach the truth of the situation in the most pastoral and caring way possible.

Fees

You should contact your local Tribunal office regarding any fees that may be charged for administering the process.

Please Contact Us

This brochure has been designed to have an overview of the annulment process in the Catholic Church.

There are other processes for the marriages of unbaptized persons, or for Catholics who have married contrary to the norms of the Catholic Church.

If you have any questions, please contact staff at your local Tribunal Office:

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