

## **MARRIAGE ANNULMENTS: Respondent Information**

**Please read the GENERAL BACKGROUND INFORMATION PAGE before reading this page.**

Your former spouse has requested that the Tribunal of the Catholic Diocese of Fall River conduct a confidential study of your marriage. Since you are an intimate part of that relationship, you have a right to know that this study is being conducted and to share with the Tribunal your own insights into the history of this marital relationship. The Tribunal staff understands that it is difficult for you to cooperate without first knowing the purpose, nature, and method of this study. We hope that this brochure, and the *General Background* brochure, will convey that information to you.

The *General Background Information* page answers many questions, including: What is a Tribunal? What is Marriage? What is a Declaration of Invalidity? Does It Have Any Effects in Civil Law? What about the Legitimacy of Children? Why Might a Marriage Be Declared Null?

As the Respondent in a formal case, you are being informed that your former spouse submitted a petition to the Tribunal of the Diocese of Fall River challenging the validity of your marriage. The petition initiates a judicial investigation to determine whether or not there is proof of some ground upon which the invalidity of marital consent rests. This process, therefore, involves the search for and demonstration of the truth. An affirmative decision indicates that a person's petition for a declaration of nullity has been proven according to the laws and teachings of the Catholic Church; a negative decision would indicate that the invalidity of the marriage was not established by way of the facts presented in view of the law.

The information contained here is designed to help you better understand the judicial process pertaining to the nullity of marriage. It also explains your rights according to the norms of canon law. We encourage your participation in the case by providing testimony. You may opt to complete the same questionnaire your former spouse completed to introduce the case. Your responses will enable us to come to a balanced understanding of the factors surrounding your marriage.

Please be aware that your former spouse has a right to petition the Fall River Tribunal for a declaration of marriage nullity. This is true even if neither of you are members of the Catholic Church or if the marriage was not celebrated in a Catholic ceremony. If you and your former spouse are not Catholic, you can presume that the only reason we have agreed to examine this marriage is to determine whether your former spouse can be considered free to marry now in the Catholic Church.

### **What is the Result of this Process?**

For some people, the outcome of this process can include a healing of memories or simply peace of mind. For a divorced and remarried Catholic, a declaration of nullity will allow you to resume a full sacramental life in the Church. For a non-Catholic, a declaration of nullity will enable your present or intended Catholic spouse to have your marriage validated by the Church. With regard to any previous marriage, a non-Catholic should be aware that the Catholic Church presumes that any

marriage entered into by a man and woman is considered valid until the contrary can be proven. Therefore, a subsequent marriage cannot be recognized by the Catholic Church until any former marriage has been declared null.

### **What Are the Steps Involved in the Process?**

The process has three principle stages: the introduction, the instruction, and the conclusion.

① ***The Introductory Phase:*** In this phase, the Petitioner obtains (from his/her parish) and completes the *General Preliminary Questionnaire* and the *Personal and Marital History*, the parish will submit the paperwork, the Judge and other court officers are appointed, the Petitioner is interviewed under oath, the Petition is formally accepted or rejected, the Respondent is contacted, and the grounds on which the possible nullity of the marriage will be studied are established.

② ***Instruction:*** During this second phase, the witnesses named by the Petitioner and Respondent are contacted. If a doctor, psychiatrist, psychologist, or professional counselor whom you consulted in the past was named, we will ask you to sign a release form. After all the testimony has been gathered, the Judge will determine if there is enough testimony to bring the case to conclusion. Sometimes, the Judge may consult an Expert Witness. Once a case is concluded, it is published, and the Petitioner and the Respondent are notified. They may come in to the Tribunal Office to review the testimony that has been collected and not withheld. The Defender of the Bond and the Procurator/Advocate(s) are also notified at this point.

③ ***Concluding Phase:*** In this final phase, the Defender of the Bond submits his recommendations and the Judge makes his decision and writes the Definitive Sentence. Afterwards, the parties and the Defender of the Bond are informed of the Judge's decision, which they have the right to appeal, if they so wish. If no formal appeal is made within the time limit of 15 days against an affirmative sentence, the Judge's decision will be executed and granted, and both parties are free to prepare for a new marriage. If someone does appeal a sentence, it, along with the entire acts of the case, will be sent to our Appellate Court. If the Appellate Court confirms our affirmative decision, both parties are then notified by mail. The process is complete and the parties are free to prepare for a new marriage.

### **What are the Rights of the Parties?**

It is important for you, as the Respondent, to know your rights throughout this process, governed by the canon law of the Catholic Church. You have the right:

1. to be notified about your former spouse's request for a declaration of marriage nullity;
2. to be informed of the grounds (the basis in canon law on which the validity of the marriage will be judged);
3. to be represented by and have the assistance of an Advocate-Procurator;
4. to offer testimony (in writing or in a taped interview at the Tribunal office);
5. to propose witnesses (relatives, friends, counselors, etc. who are asked to complete a questionnaire or come in for a taped interview);

6. to be informed of the status or progress of your case;
7. at the designated time, to review all relevant testimony or evidence in your case, and to respond to it if you choose;
8. to be advised of the decision of the case and to appeal it to a higher Church tribunal.

It should be noted that the Petitioner has rights similar to the above. Therefore, know that the information provided to us may be reviewed by both the Petitioner and the Respondent, if they so choose.

### **What is the Length of the Process?**

It is impossible to predict the length of time because of a number of variable factors. Some cases are delayed by insufficient information or by a lack of cooperation from the Petitioner or witnesses. However, generally speaking, this process takes approximately twelve months.

### **Are there any Fees?**

It is often rumored that an annulment costs thousands of dollars. This is simply not true. The Diocese of Fall River underwrites most of the actual expenses involved in running the Tribunal. At present, the Petitioner in a formal case is asked to contribute \$275 to help defray a portion of the administrative costs incurred in processing the case.

### **Communicating with the Tribunal**

One of the most important values of the Tribunal is confidentiality. Because of this, communication regarding a case is very limited. Only the Petitioner, the Respondent, their Advocates, or clergy assigned to their parish, may call the Tribunal for information about their case. We will not speak with an intended spouse, parents, children, or others.

Most communication should be done in writing, so that we have a written record. When you write, e-mail or call about your case, you should always provide the Protocol Number assigned to your case.

### **Further Questions?**

The Fall River Diocesan Tribunal exists to help people participate more fully in the sacramental life of the Church. We will do all that we can, within the limits of Church law, to assist both the Petitioner and the Respondent in exercising their rights in this process. If you need further information, you may wish to speak to a parish priest, or to contact the Diocesan Tribunal.