

ANNULMENT Q&A for COUPLES

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What does it mean to be *free to marry* in the Catholic Church?

It means that one is capable of entering into the covenantal commitment of marriage. Specifically, that they are;

1. Old enough
2. Not prohibited from marriage by ordination or religious profession
3. Not already committed to someone else in a prior marriage
4. Are capable of entering a marital relationship

What is an annulment?

It is more accurately referred to as a “Declaration of Nullity.” This declaration is made when in the judgement of the Tribunal (the Church court) there is proof that an authentic marital bond was never established and so was null from the beginning. (The Church still respects the civil jurisdictions rules concerning properties, parental rights, etc.)

What is the difference between a Church annulment and a divorce?

A divorce claims to end a marriage. An Annulment in the Church says the union was never authentically established.

When is an annulment needed?

When a person desiring to enter into a new marital union, has previously committed to another in marriage and death has not ended the marriage. The presumption is that when a man and a woman who are free to marry give their consent to each other (in a way recognized by their community) that they are authentically married, that God has joined them together. Such a presumption can, in some circumstances, be proven to be incorrect by petitioning the Church court and offering proofs to the nullity at the time of the wedding.

What are some of the reasons why an annulment might be granted?

Generally there must be some impediment or some critical defect in form or consent. An impediment could be that someone is already committed in marriage to someone else or they are less than 14 years of age. For form: To enter a genuine marriage, a Catholic must get married “in the Church”, that is according to our marriage ritual by a minister of the Church or they must get special permission of the Bishop. Regarding a defect in consent: Something stood in the way of consent being freely given, e.g. one party commits fraud against the other, one party is forced or coerced, one party lacks sufficient use of reason, one party pretends to desire marriage but wants something else (perhaps citizenship or her family fortune).

If I am granted an annulment, will that mean the Church sees my children as illegitimate?

No. The Church is very clear that legitimacy of children born to the union are recognized in Church law, and in civil law.

For more information on annulments, call your Church or diocese or [visit the United States Conference of Catholic Bishops website.](#)