

# MYTHS                      AND                      TRUTHS

The following are myths about *divorce*, *annulment*, and *remarriage* in the Catholic Church. (Please note the word *annulment* is commonly used jargon, but the proper church term is *declaration of nullity*.)

MYTH	TRUTH
1. A person's divorce does not have to be final in order to apply for a declaration of nullity.	To petition for a declaration of nullity you need to be civilly divorced. The Church presumes that all marriages are valid until proven otherwise and hopes that a couple in a troubled marriage will work at reconciliation.
MYTH	TRUTH
2. Divorced or separated Catholics may not receive the sacraments of Eucharist and Reconciliation.	Divorce alone does not affect a Catholic's status in the Church. Divorce is a function of civil law and secular courts. Separated and divorced Catholics may receive the sacraments.
MYTH	TRUTH
3. Divorced or separated Catholics may not be a sponsor at Baptism and Confirmation.	Any Catholic in good standing may be a sponsor at Baptism and Confirmation.
MYTH	TRUTH
4. Divorced Catholics who remarry without an annulment may not register in the parish, attend Mass, or participate in Church activities.	A divorced and remarried Catholic is still Catholic, belongs to a parish, and participates in Church activities.
MYTH	TRUTH
5. A divorced Catholic <b>must</b> receive a declaration of nullity even if they are not going to be remarried.	A Catholic who is civilly divorced does not have to obtain an annulment if they are <b>not</b> planning on remarrying in the Church. However, they may petition for an annulment. In many instances a divorced Catholic without plans to remarry do so because they realize that a future marriage is possible. This gives them the benefit of not having to wait for a declaration of nullity to be granted when or if they want to get married in the Church.
MYTH	TRUTH
6. Children of parents who received a declaration of nullity are considered illegitimate.	The parents who are now divorced or whose marriage is civilly annulled once obtained a civil license and had a legal marriage. Any children of that legal marriage are legitimate offspring. A civil divorce, a civil annulment, and a Church annulment do not change the legitimacy of the children. Also the parents' responsibility toward the children remains the same as before the civil divorce and annulment. The annulment process is concerned only with the spouses not the children or arrangements involving the children such as custody or support.

# MYTHS AND TRUTHS

MYTH	TRUTH
7. Children of divorced or remarried Catholics may not be baptized or receive any other sacrament.	Children of divorce may be baptized and receive any other sacrament providing that the parents of the children intend to raise their children in the Catholic Faith.
MYTH	TRUTH
8. An annulment assigns blame to the respondent (the respondent is the former spouse of the petitioner; the petitioner is the person who petitioned for the annulment).	Both parties usually contribute to the circumstances that cause the marriage to be declared null.
MYTH	TRUTH
9. You have to know someone important to receive a declaration of nullity.	If you know or are acquainted with anyone on the tribunal they will not be involved in processing your case.
MYTH	TRUTH
10. It takes years to process a declaration of nullity.	<p>The length of time that an annulment takes depends on the individual case. A formal case <u>usually</u> takes from 12 to 18 months. It takes as long as it is necessary to prove that the marriage in question is valid or invalid.</p> <p>Marriages that were contracted outside the Church <b><u>without a dispensation</u></b> are processed immediately after the proper documentation is submitted to the Tribunal.</p>
MYTH	TRUTH
11. A former spouse has to agree to the annulment process or an annulment cannot be granted.	Both the petitioner and the respondent have equal rights but a former spouse does not have to agree with the petitioner to get an annulment. They cannot stop the proceedings. They can appeal the decision.
MYTH	TRUTH
12. Someone married a long time could never get a declaration of nullity.	The length of the marriage does not correlate with whether a marriage is valid or invalid in the Catholic Church.
MYTH	TRUTH
13. It cost thousands of dollars to receive a declaration of nullity.	The cost does vary from diocese to diocese but most dioceses do not charge the <u>actual cost</u> of receiving a declaration of nullity. <b>Please note that no one is denied a declaration of nullity due to inability to pay.</b>

# MYTHS AND TRUTHS

MYTH	TRUTH
14. An annulment is a Catholic divorce.	Civil divorce and church annulments are two different things. A divorce is concerned with the legal realities of the marriage only. Divorce focuses on the end of a marriage and legally dissolves the marriage. Annulments looks at the beginning of a marriage from the very moment that the couple gave consent in the marriage ceremony. An annulment looks at marriage from the perspective of the gospel and Church doctrine.
MYTH	TRUTH
15. If you receive a declaration of nullity from the Church it means you never had a marriage.	The Church still recognizes that a legal marriage took place. Annulments do not erase history nor do they try to. The process only looks at whether or not the marriage in question is a valid one according to the gospel and Church doctrine.
MYTH	TRUTH
16. Anyone that appeals and waits long enough will get an annulment.	Tribunals do give negative decisions. The burden of proving a case rests on the petitioner. The Catholic Church presumes that every marriage is a valid union. There must be sufficient grounds for declaring otherwise.
MYTH	TRUTH
17. If a marriage is declared null, remarriage is always allowed in the Catholic Church.	If a marriage is declared null due to a possibly ongoing cause, a second marriage obviously cannot be permitted until it has been shown that the cause which nullified the first marriage has been eliminated. If the marriage is declared null and there are no restrictions concerning remarriage, the usual procedure of preparing for marriage in the Catholic Church may be started with the local parish priest.
MYTH	TRUTH
18. A declaration of nullity must be processed in Rome.	Annulments are processed at the diocesan level. If the decision is affirmative, the case <b>automatically</b> goes to the Court of Appeals, Province of Chicago (Court of Second Instance), for a second decision. It cannot be considered final until the Court of Second Instance issues a confirmation of the affirmative decision.  If the Court of Second Instance reverses a decision in a given case, the petitioner or the respondent can request that the case be appealed to the Roman Rota. If the decision in the first court is negative it may be appealed by the petitioner or the respondent to the Court of Second Instance or to the Roman Rota. An affirmative decision at either level can be appealed by the Respondent to the Roman Rota.

# MYTHS AND TRUTHS

MYTH	TRUTH
19. Only divorced Catholics need to have a declaration of nullity to remarry or validate an existing marriage in the Catholic Church.	Any person who has received a civil divorce, regardless of their religion or where they were married, and wishes to get married or validate their present marriage in the Church must petition for a declaration of nullity for their prior marriage. This is true because the Church believes that the marriage contract involves the consent of a man and a woman and is permanent according to divine law. The Catholic Church has laws about what Catholics must do in order to contract a valid marriage. Catholics must marry in a Catholic Church before an approved witness, ordinarily a priest or a deacon. In the event that a Catholic marries a non-Catholic, dispensations can be obtained to contract the marriage elsewhere with a non-Catholic minister. However, regarding a prior marriage of a non-Catholic, the Church considers any marriage permanent according to divine law. Thus marriages of non-Catholics are valid regardless if they took place in a civil or a religious setting.

For additional information, please contact the Tribunal of the Diocese of Joliet, 815-722-2256, or on the web at [www.dioceseofjoliet.org/tribunal](http://www.dioceseofjoliet.org/tribunal)