

---

## Is it all worthwhile?

For many, seeking a decree of nullity has some very painful and anxious moments. However, it can be a pastoral and therapeutic process as well as a legal procedure. Many applicants find that the process itself, and the sensitive approach of the tribunal staff, can be an experience of healing and an opportunity to face up to debilitating memories of the past.

Moreover, whether a decree of nullity be issued or not, the decision should bring peace of mind to the parties who have been wondering or questioning whether the Church would regard the marriage in question as binding for life or not.

Naturally, decrees of nullity bring many the satisfaction of being able to celebrate a planned remarriage in the Catholic Church, or to have another marriage (already entered) validated and recognised by the Church. But even those who petition unsuccessfully for a decree of nullity can at least make their future plans informed with a clear understanding of their marital status as far as the Church tribunal can determine.

## Should a date be set for a wedding?

A booking for a Church wedding should not be made until a personal notification that a person is free to marry has been sent to the celebrant. An affirmative decision is never guaranteed until final ratification. Setting a tentative date before a final decision has been given often leads to disappointment since the investigation is a trial of the marriage and, like all trials, the outcome is subject to unforeseen difficulties. Setting a date for a wedding before the final decision is known places the applicant and their proposed partner, not to mention the Tribunal staff, under unreasonable and unnecessary pressure.

## What are the fees for annulment?

The Tribunal requests an initial assessment fee of two hundred and fifty dollars (\$250) on presentation of the written submission. Prior to the judgement of a case a further five hundred dollars (\$500) is requested. This is a subsidised fee and does not represent the full cost of processing a case. In difficult financial circumstances, allowances are made for an adjustment of the account or for payment in instalments.

## Who to contact?

The Tribunal of the Catholic Church - Victoria and Tasmania  
PO Box 146  
East Melbourne VIC 8002  
Phone: (03) 9639 4211  
E-mail: tribunal@cam.org.au

## Annulments

### What is an annulment?

An annulment (decree of nullity) is a declaration by the Church that a marriage is not considered binding for life. This does not mean that the parties are free of the continuing obligations of the union such as the welfare of children. An annulment does not deny that there was a wedding ceremony or erase the relationship that existed. Nor does it make any comment on any moral fault in the parties. Rather, a decree of nullity is a declaration by the Church that, at the time the couple attempted to exchange wedding vows, an essential element was lacking in the consent of at least one of them and thus the union which followed such a consent is not considered to be an obstacle to either party remarrying in the Catholic Church.

# The Process and Requirements

---

## Who may apply?

Any divorced Catholic has the right to ask for an investigation of a previous marriage by the appropriate Tribunal of the Church. Any non Catholic divorced person remarried to a Catholic, intending to become a Catholic or intending marriage to a Catholic has the same right. Only a party to the marriage, however, may apply.

## How is the process started?

An application is made by phoning the Tribunal offices (in Melbourne 9639 4211) for an initial interview. A letter of referral from a priest or pastoral worker can be a helpful introduction, but is not necessary.

Following this interview, a preliminary assessment is made, after which the applicant is advised whether the case is considered worth further investigation. If grounds are identified, the applicant is requested to present a comprehensive written submission, according to the guidelines provided by the Tribunal. If the case is accepted for hearing, there will be a further formal interview with the applicant.

## Are witnesses necessary?

They are. The persons submitted as witnesses are normally nominated by the parties to the marriage. They must be willing to be interviewed confidentially by the Tribunal about what they know of the marriage. They are not simply character referees; they must have some knowledge of the marriage under scrutiny.

## Is the former spouse contactable?

It is a requirement of canon law that the other party be informed of the investigation and given the opportunity to participate in the investigation.

## How is a decision reached?

When it is considered by the Tribunal that there is sufficient evidence for a decision to be reached, the formal (and private) sessions of the Tribunal are held. The parties are not required to attend. The defender of the marriage bond is always present to uphold the ideals of the Church on marriage and its permanence. The decision will be made by judges of the Tribunal, and they will declare either that the marriage is certainly invalid or that the evidence does not prove invalidity with certainty and so the presumption that the marriage is valid remains.

## What happens after the decision?

The case must be forwarded to the Catholic Appeal Tribunal of Australia and New Zealand. This Tribunal has the task of reviewing every decision. If it ratifies the judgement, a decree of nullity is issued. In more complex cases this review may take quite some time and there is no guarantee of an affirmative decision.

## Is every application successful?

No. The decision rests entirely with the Tribunal after reviewing all the evidence. The fact that evidence is taken should not be interpreted as an indication of a favourable decision.

Even where an affirmative decision has been given, before being permitted to marry in the Church, it is quite possible that the applicant will be required to attend counselling together with the future spouse. Such counselling is a prudent requirement to safeguard the hope that the subsequent union will be successful. In cases where an incapacity for marriage has been proven, there may be a requirement that some form of counselling therapy be proven to have been beneficial before remarriage in the Church is possible.

## How long does all this take?

Each application is dealt with individually. Where a person has been married more than once each union needs to be considered separately. Where both parties to a proposed marriage have been previously married each union would need investigation. Due to the number of applications and the varying factors involved in different cases, no time can be specified. Often an applicant is informed of a decision within a year of presenting the written submission to the Tribunal office, but the average time for an outcome is between twelve and eighteen months.