

How long does all this take?

Each case is dealt with individually and as circumstances often vary greatly, no set time can be specified. However, the Tribunal endeavours to bring a case to conclusion within a year, if at all possible.

Can I set a date for the Church?

No priest is able to accept a booking for a Church wedding until he has personal notification from the Tribunal that a person is free to marry.

What are the fees?

The cost of the Tribunal is largely met by the Archdiocese, but a contribution is encouraged. The fee structure is set out on the application form and an assessment fee is payable on lodgement of the application. The remainder can be paid in instalments as the case proceeds. There will be no fee for those in genuine financial difficulty. Credit card facilities are available in the office.

Is it all worthwhile?

A decree of nullity brings peace of conscience and the possibility of full communion with the Church for those who have attempted a second marriage and want to have it recognised in the Catholic Church.

For many, the process of obtaining an annulment can have some very painful and anxious moments. However, petitioners often find that the process itself and the sensitive and understanding approach of the Tribunal staff are extraordinary experiences of healing and wholeness.

***Interdiocesan Tribunal of Adelaide
(SA & NT)
(08) 8210 8225***

***39 Wakefield Street, Adelaide SA 5000
GPO Box 1364, Adelaide SA 5001***

***Port Pirie Office
(08) 8632 0550***

***Darwin Office
(08) 8942 6018***

***For more information and to
download application forms please
visit www.adelaide.catholic.org.au***

Marriage Annulment in the Catholic Church

***A simple guide
A healing process***



***Interdiocesan Tribunal of Adelaide
(South Australia
& Northern Territory)***

***Archdiocese of Adelaide
Diocese of Darwin
Diocese of Port Pirie***

Marriage breakdown is always a traumatic experience which profoundly affects one's life. Nothing can prepare a person for the grief which attends the breakdown of a relationship which was embarked on with love and hope. The actual event of separation and divorce is usually preceded by a history at least as long as the marriage itself and is often a critical time for all concerned. Both may have invested a major part of their lives, their resources, their hopes, their dreams. The causes of the breakdown often reach back to the wedding day, to the time of courtship or to the childhood environment of one or both.

It sometimes happens that marriages breakdown because of inherent problems existing at the time of marriage, which could have the effect of making the marriage invalid. The Tribunal is a Church Court set up to determine whether this could be the case. In this way the Church seeks to assist those persons who have divorced and who are intending another marriage, or who want reassurance of their position for peace of conscience.

What is an annulment?

A formal annulment (decree of nullity) is a declaration by the Church that the sacramental bond was not present at the moment of marriage. The declaration of nullity means that the parties are free of the continuing rights and obligations of the marriage and that they are free to enter into a new marriage. An annulment does not deny that a real relationship existed and it is not a comment on any moral fault in the parties.

Rather, a decree of nullity is a declaration by the Church that, at the time a couple entered a marriage, an essential element was seriously lacking in the consent of at least one of them, making the marriage invalid.

The annulment process is not merely a legal process, but is also a means of bringing healing and giving support. The Church is very aware of the many problems and stresses in the modern world which impact on marriage and often lead to a breakdown. Through the Tribunal process it endeavours to reach out to the pain and hurt of a divorced person, while upholding the permanence of a valid marriage.

What about the children?

The status of the children is not changed by the declaration of nullity. Church law ensures the children are always regarded as legitimate.

Are there any effects in civil law?

In Australia, Ecclesiastical annulments have no civil effects. A civil divorce must be obtained before a person applies to the Tribunal.

Who may apply for annulment?

Everyone has the right to ask for an investigation of their previous marriage by the appropriate Tribunal of the Church. For residents of South Australia and the Northern Territory, this will normally be the Interdiocesan Tribunal of Adelaide. (See contact details on the reverse.)

How do I start the process?

You may contact the Tribunal directly, or through a referring person, who may be a priest, religious or qualified pastoral assistant. You will then be asked to attend an initial interview to provide a basic outline of your case. You will also need to supply the following:

- A copy of your baptismal certificate
- A full copy of your marriage certificate
- Your decree of divorce

Second stage

You will be informed in writing when your application has been assessed and you will then be invited to make an appointment for an interview to provide detailed information about your case.

How is a decision reached?

The Judicial Vicar constitutes a court consisting of judges, advocates and a defender of the bond.

From the evidence gathered, the arguments for and against the validity of the marriage are debated in accordance with the laws of the Church.

The defender of the bond is always present to uphold the ideals of marriage and its permanence.

At the conclusion of the hearing, a judgement will be made whether the marriage was invalid or that the evidence does not allow such a decision to be made.

In some cases the Tribunal may also require a person to attend counselling before being permitted to marry in the Church. The purpose of this counselling is to best prepare you for the Sacramental union of marriage.