

What Are the Rights of the Respondent?

The law recognizes the right of the Respondent to fully participate in the process if the Respondent so chooses. Statements may be made by completing a written questionnaire and/or appearing at the Tribunal for personal interview. A Respondent's testimony will always be of assistance to the Court in reaching a decision.

The Respondent is entitled to know the grounds for nullity, has the right to appoint an Advocate, the right to know the names of witnesses, the right to name witnesses, the right to reply to pleadings and observations, the right to know the contents of the judgment, and the right to appeal a judgment.

Who Are Advocates?

Trained Catholic priests, religious sisters and lay persons who represent the parties at the Tribunal assist in the preparation of the case and provide pastoral care through the process. In addition, Advocates may write briefs and accompany the Petitioner/Respondent to the hearing. The priest who witnessed the wedding may not serve as the Advocate; his assistance may be more valuable in the capacity of a witness. A party may designate the Advocate of his/her own choosing. Typically, the Tribunal will offer names of Advocates who have volunteered to assist parties.

How Does The Process Work?

These are the steps in the formal process of a case.

1. The preliminary stage involves the assembling of the case history, gathering of civil and church documents, requesting names of witnesses and notifying the Respondent.
2. The judicial process begins when the Court is constituted and parties are cited for session to appear before the Tribunal. Proofs are gathered from the testimony of the parties, witnesses and in some cases, experts.
3. The parties are given an opportunity to review the evidence and respond to it. Subsequently, the instruction is concluded and briefs may be submitted by the Defender of the Bond and party advocates.

Finally, a turnus of three judges will render a decision and a notification of the sentence is provided to both parties. Each party has a right to personally appeal a decision by the Tribunal to either the Archdiocese of Philadelphia or the Roman Rota.

Who Will Read the Submitted Material?

All material relative to the nullity process is confidential as required by the Church's law. Only those who have a right to the information (the parties, their Advocates and the Tribunal officials) are permitted to review it in the offices of the Tribunal for the reasons expressed in Canon Law. All are bound by oath to keep all information confidential and to use it only for the express purpose of resolving the case.

How Long Does it Take?

Each case is unique. Predicting case handling time is not possible due to several variable factors. The Tribunal's goal is to provide a decision within one year of when a completed file is submitted. The preliminary stage of the process does not have a timetable. Cases move more rapidly if all documents are presented as requested initially and if the parties and witnesses reply in a timely fashion.

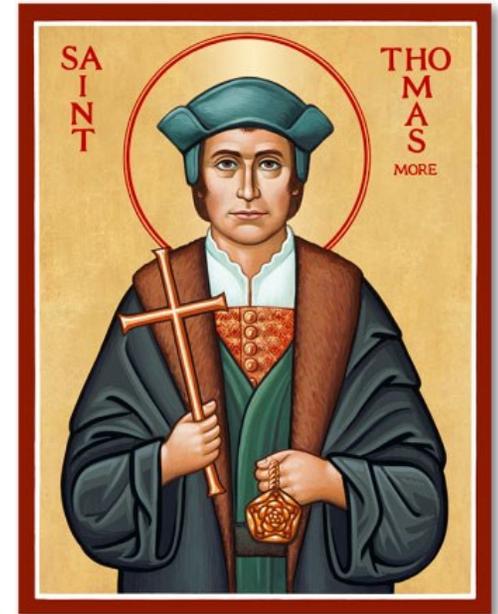
May Future Marriage Plans Be Made?

Permission to remarry or validate a civil marriage in the Catholic Church cannot be guaranteed before this process is completed. As a condition of remarriage, counseling may be required. Future marriage plans may not be made with the parish priest until a Declaration of Invalidity is given and conditions are satisfied. The Tribunal bears no responsibility for any promises or guarantees made if a wedding date is scheduled before the case is completed and a final decree is issued.

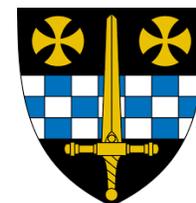
**Tribunal office hours are:
8:30 AM to 4:45 PM**

The Tribunal is located at:
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2900 Noblestown Road
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Answers to Frequently Asked Questions Concerning the Tribunal Process



*Department of
Canonical Services
Office of the Tribunal
Diocese of Pittsburgh*

How Does the Church Understand Marriage?

The Catholic Church considers marriage an institution of divine origin both in the order of creation and in the order of redemption. The second Vatican Council, in *Gaudium et Spes*, teaches that marriage forms a relationship “which by divine will and in the eyes of society too is a lasting one.” The Council described marriage as a “community of love” and an “intimate partnership of life and love.”

The Church presumes all marriages are valid unless proven otherwise. If there has been a marriage of any kind (religious, civil, common law) ended by a divorce, some Church process is required before a previously married person is recognized as free to marry in the Catholic Church. This applies even if the partners in the former marriage were not Catholic. The Church considers a marriage by two non-Catholics, Christian or other, to be true and binding marriages. Therefore, any previous marriage is an obstacle to a new marriage with a Catholic ceremony. (Due to the unique circumstances of each marriage, not all marriages require the same process.)

The law of the Catholic Church as found in the *Code of Canon Law* describes marriage as: “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of their whole life, and which of its own nature is ordered to the well being of the spouses and the procreation and upbringing of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament.”

Husband and wife create together an exclusive, intimate partnership for the whole of life. The sacrament of marriage bonds a couple in a union that is faithful and life long. It is this bond of marriage which makes a second marriage impossible as long as both spouses are alive. This principle guides and directs the Church in the pastoral preparation of couples for marriage and directs the ministry of the Tribunal. In its examination of marriages that have been broken by divorce, this ministry is carried out with compassion.

What is the Tribunal?

Church law requires that every diocese establish a Tribunal. The Tribunal of the Diocese of Pittsburgh exists as a ministry of justice to assist the Bishop in fulfilling his ministry to the faithful entrusted to his care. It offers assistance to persons who ask that the Church examine a marriage to determine if a defect existed at the time of the wedding which may have prevented the establishment of a true and lasting bond of marriage. If so, the parties could be declared free to marry again.

On What Basis Can the Tribunal Declare a Marriage Invalid?

A declaration reflecting no spiritual bond of marriage must be based on grounds consistent with the teachings of the Catholic Church and recognized in Canon Law. Grounds arise from the nature of marriage as a partnership of the whole of life freely consented to by both parties. Grounds can be found in the failure of one or both parties to understand the essential obligations of marriage. Grounds may be found also in a lack of freedom to give consent or in the lack of ability to assume the essential obligations of marriage.

Other grounds include: Intentions deliberately excluding some essential aspect of marriage or the partnership of the whole of life may be alleged to make the consent invalid. Future conditions, deliberate or fraudulent deception about an important material quality, force, or fear which compelled the marriage, mistaken ideas about marriage and other **grounds** may be alleged. This list is not exhaustive, but grounds must touch the essence of marriage and they **must be proven** to the certainty of the Tribunal. The length of a marriage, common life and children born of the marriage do not of themselves establish validity in a marriage.

What Are The Effects of a Declaration of Invalidity?

For a divorced (and remarried) Catholic, a declaration of invalidity will allow him/her to be free to marry with full participation in the sacramental life of the Church (including marriage in the Church). For members of other religious traditions, a declaration of invalidity will enable the Catholic partner to celebrate the marriage in the Catholic Church and to fully participate in the sacramental life of the community.

If a Tribunal declares a marriage invalid it does not mean that the marriage never occurred, nor does it imply guilt. A declaration of invalidity means that a marriage lacked at least one of the essential elements of a binding union. It shows that a marriage presumed valid was in fact invalid as the Church understands a sacramental marriage.

A declaration of invalidity does not render children illegitimate nor does it have any civil meaning or effect in the United States. All children remain fully legitimate according to both civil and Church law. It has no effect on the rights of property ownership, inheritance, custody, visitation of children, child support or similar legal matters.

How Does the Process Begin?

The process is initiated by contacting the Tribunal. The Tribunal will send you the initial paperwork and assign an Advocate. A **Petitioner** (the one who initiates the process) contacts the Advocate who will represent them before the Tribunal. The Advocate will provide assistance in the development of the case history. When the initial paperwork has been completed it is submitted to the Tribunal. After an evaluation of the case history and a review of the documents submitted, witnesses who are named and the former spouse (**Respondent**) are contacted. Since this is a canonical legal process, proofs and evidence are required. It is the Diocese of Pittsburgh’s policy that couples **MUST** be civilly divorced according to state laws before the Tribunal will conduct a review.

Why Are Witnesses Important?

Church law requires that a case be proven by documents and the supporting testimony of witnesses. Witnesses are necessary for the Tribunal to gain a deeper understanding of the background and dating experience of both parties, the marriage and the reasons for breakdown. Anyone who has known the parties well or for a long time may be a witness. The best witnesses are those who have known the former spouses since the time of courtship. Good witnesses are typically parents, brothers and sisters, childhood neighbors or other relatives and friends. A minimum of three witnesses will be contacted by mail and asked to give their personal observations.

What Role Does the Former Spouse Have?

A former spouse must be contacted and given the opportunity to present his or her views of the marriage as well as to introduce witnesses. This is required by Canon Law. Therefore, it is necessary to have a current address. If a current address is unavailable, the last known address and/or the address of a family member should be provided. Justice demands a good faith effort to locate the former spouse.

Since both spouses are equal partners in the marriage, both enjoy the same rights in cases which may result in a declaration of invalidity. Even in cases where the former spouse is not Catholic and may not be interested in the Church’s process, the party has rights before the Church. The former spouse does not have the option of preventing the process. If the former spouse ignores the citation (summons), the process continues without his/her cooperation. The spouses are never scheduled to appear at the same time.