

# **UNDERSTANDING THE MARRIAGE NULLITY CASES**



A Practical Guide to:  
Navigating the Process  
&  
Selecting Your Grounds

**METROPOLITAN TRIBUNAL  
ARCHDIOCESE OF NEWARK**

Dear Reader:

You have this booklet because you are either seeking an annulment as a Petitioner, are involved in an annulment process as the Petitioner's previous spouse (the Respondent), or are simply curious about the Catholic Church's "annulment" process.

An "Annulment" is a declaration of invalidity – a decree by a Tribunal that a previous marriage is not valid (is invalid) according to the laws of the Catholic church.

In order to understand how the Catholic Church can declare a marriage to be invalid by granting an annulment, you must first understand how the Catholic Church defines Marriage. The Catholic Church uses the word "Marriage" in a way that is different than is commonly understood in our modern world.

The Catholic Church believes that God is the author of marriage, not our civil courts or legislative bodies. Marriage is revealed and established by God in Sacred Scripture and remains under the guidance of the Holy Spirit. Marriage is brought about by the consent of the couple (their "I Do's" at the wedding ceremony). The couple must manifest this consent according to the law of their own faith tradition: e.g., for Catholics, the consent to marry must be manifested before a priest or deacon and two witnesses. This is called canonical form, which is required for the marriages of all Catholics unless the bishop dispenses from the requirement, which he is able to do in certain circumstances.

For a valid marriage, at the time of the wedding the couple must intend to include certain basic elements ("good") in their own marriage which the Catholic Church believes to be required by God. At the time of the wedding, both parties must consent to a marriage that is open to children, both must intend to remain faithful to each other, and both must intend absolute permanence (a marriage that can be ended only by death). Also, both parties must enter marriage without placing any condition on their consent. And both parties must be free and psychologically able to consent to marriage, which must be done only after using proper, proportionate and mature judgment.

If any of the above qualifications is lacking, then a marriage can be declared invalid by a Tribunal, even though any children conceived or born of such an invalid marriage will always be legitimate. If a previous marriage is declared invalid through an annulment, then both parties are free to marry anew in the Catholic Church and enter into a new marriage which will be considered valid.

We hope that this brochure will answer most of the questions you may have and make a difficult legal process in the Church more accessible and understandable to you. If you are a party in a case, either the Petitioner or the Respondent, this process may open your heart and mind to memories both joy-filled and sad. At each step of this journey, place your faith in God and allow him to heal your hurts and multiply your joys.

Sincerely yours in Christ,

The Judges and Personnel of the Metropolitan Tribunal of Newark

## THE PROCESS

The annulment process is guided by strict procedural norms. These norms help to guide the search for the truth when a question is raised about a marriage's validity. They also help to protect the rights of all parties involved, and to ensure that each marriage case before the Tribunal is handled fairly and objectively.

The following pages outline the various steps in a marriage trial within the Tribunal of Newark. It is just a brief sketch of the process that we follow.

## A NOTE ABOUT MARRIAGE CASES AND TESTIMONY

A Tribunal is not seeking to assign blame for the failure of a marriage. Instead, the judges are looking principally at how the marriage began – at the time of the wedding – and not how it ended. In the annulment process, the judges gather the facts for the marriage, focusing their attention at the marriage's beginning. To do this, the judges will ask questions of Petitioners, Respondents and Witnesses, either by personal interviews or through written questionnaires. In all cases, the judges make decisions based on the facts that are presented to them.

Some of these facts may seem embarrassing. At times it may be necessary to tell of events that are painful to recall or that seem to indicate blame or fault. And, even though the judges are looking principally at how the marriage began, later events may also be relevant and helpful to the judges.

In giving testimony, we ask that parties and witnesses be completely honest and open, allowing the judges to search for the truth of the matter, and not to be concerned about moral or ethical judgements.

Although the information we gather is confidential, this confidentiality is not absolute. For example, the Petitioner and the Respondent in a case both have the right to know what is being said about them and the right to contradict claims with which they disagree. We also make sure that any information we learn about the abuse of minors is shared with civil officials.

## Meeting with a Parish Official

In order to start this process, a person who is seeking an annulment, the Petitioner, usually contacts their local parish and meets with the pastor or his representative. The pastor or his representative will help the person to determine if the annulment case needs to be processed in the way that is described in this booklet, or if a Catholic was married without observing the required canonical form (exchanging consent before a priest or a deacon) and this was done without seeking a dispensation from canonical form from the bishop, then a simpler process is available.

If it is determined that the formal annulment procedure is required, the person will receive the Initial Questionnaire, called the *Petition*, to complete.

## Preparing the Initial Questionnaire

1. The first step is to fill out the preliminary forms and answer questions about the marriage under review. The spouse who asks the Tribunal to investigate the marriage is called the Petitioner, since he or she is the one who “petitions” the Tribunal to begin the case. The other spouse is called the Respondent, since he or she “responds” to the Petitioner’s initiative.
2. The Petitioner must also gather the documents that must be submitted with their Petition. These **must be original or certified documents** and include the following:
  - A Baptismal Certificate (if the Petitioner is Catholic) – issued within the last 6 months
  - The Marriage Certificate or License
  - The Divorce Decree

3. The Petitioner, reading through this booklet, will begin to determine which ground or grounds can be used to question the validity of his or her failed marriage.
4. When the Petition is completed, the Petitioner contacts the Tribunal (973) 497-4145 to schedule a meeting with a Case Assessor.

### **Meeting with a Case Assessor**

Every person seeking an annulment from the Tribunal of the Archdiocese of Newark must meet with a Case Assessor before submitting their case. This meeting can occur after the Petitioner has completed the Petition and assembled the required documents, or earlier if the Petitioner needs help in completing the Petition. (See the previous section for contact information). Normally, the Petitioner will meet twice with a Case Assessor at a local Catholic parish.

<p>The case Assessor will review the Petition and all of the required paperwork. The Case Assessor will also help the Petitioner suggest one or more ground (reason) for an annulment. Every case must have at least one recognized ground. Together with the Case Assessor, the Petitioner will write a one-page statement regarding each proposed ground, stating why the Petitioner believes the ground applies to his or her case.</p>	<p>A <b>Case Assessor</b> is a person specifically trained and commissioned by the Newark Tribunal to help a Petitioner prepare and submit the introductory documents of a marriage case.</p> <p>A <b>Procurator/Advocate</b> is a canon lawyer or other person skilled in marriage cases who offers advice after the petition is received and accepted and who can represent the interests of a Petitioner or Respondent before the Tribunal.</p>
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### **The Petitioner will also be required to submit two to five material witnesses who can help to prove the Petitioner’s suggested grounds.**

The best witnesses are persons who know both parties before and during the marriage: Witnesses may be co-workers, friends, neighbors, or family members. The Petitioner is expected to speak personally with each person named as a witness, to inform them that they will be contacted by the Tribunal and to ensure that each witness will respond quickly to the Tribunal’s questions. Children from the marriage under investigation are not normally permitted to be witnesses.

The Case Assessor has two other brief but important forms for the Petitioner to sign: the actual Petition to begin the case, and a Statement of Tribunal Policies. At this point the Petitioner also appoints an Advocate (if the case is accepted by the Tribunal) who will help the Petitioner through the remainder of the process.

#### **FEES**

Each annulment case requires the work of many individuals who have salaried positions in the Tribunal. The processing of each case involves other costs associated with the operation of an office (telephones, computers, electricity, mail, paper, etc.).

The Archdiocese of Newark helps to defray the costs associated with the processing of Marriage Cases, but Petitioners are also expected to help with these costs.

Every Petitioner must include a small filing fee with their petition and agree to pay the remaining balances as determined in their agreement.

## **Determining Jurisdiction**

A Tribunal must have jurisdiction in a case before it can accept it. This is to guarantee that both spouses as well as their witnesses have the opportunity to participate in the case if they wish to, and prevents “shopping around” among Tribunals. For a marriage case, a Tribunal has jurisdiction if:

1. the marriage took place within the Tribunal’s territory, or
2. the Respondent lives within the Tribunal’s territory, or
3. the Petitioner lives within the Tribunal’s territory, or
4. most of the proofs (witnesses and other testimony) are found within the Tribunal’s territory.\*

\*The territory of the Archdiocese of Newark includes 4 counties: Essex, Bergen, Hudson & Union.

## **Accepting the Case**

Once the jurisdiction of the Tribunal is established, the Tribunal reviews the Petitioner’s introductory statements to see if the case can be accepted. The judges may reject a Petition if no grounds are evident or are unsupported by the Petitioner’s statements. It is very important that the Petitioner, in consultation with his or her Case Assessor, suggest grounds that are supported by the facts of the case.

The Tribunal will write to the Petitioner if the case is accepted. At this point, the Petitioner will have already appointed an Advocate to answer questions the Petitioner may have and also to represent the interests of the Petitioner before the Tribunal.

Both the Petitioner and the Respondent will be informed who the three judges of their case will be, as well as the name of the Defender of the Bond. The Defender of the Bond has the role of pointing out for the judges the elements in the case which seem to support the validity of the marriage bond. The Defender of the Bond has an important role in evaluating the testimony and grounds in a case and ensuring that the teaching of Jesus and the Church on the permanence of marriage is respected.

## **Contacting the Respondent**

After the Petition has been accepted by the Tribunal, the Respondent is contacted. This step is known as the “citation of the Respondent,” and is a crucial part of the process. The letter citing the Respondent is sent at the same time the Petitioner is notified that the case has been accepted.

The Respondent is notified that the Petitioner has submitted a Petition for a case, and a copy of the one-page Petition listing the suggested grounds and witnesses is sent to the Respondent. The Respondent is asked to appoint an Advocate. Lastly, the Respondent is asked to consider how actively he or she wants to participate in the case.

The Respondent cannot simply “stop” the case, but has several options regarding participation in the trial:

- The Respondent can choose to participate actively, suggest grounds and witnesses, and offer personal testimony. The Tribunal encourages the Respondent’s active participation because it allows the judges to hear from both parties of the marriage and come to a better understanding of the events and circumstances at the beginning of the union.
- The Respondent can choose a more passive role and simply request to be informed on the progress of the case.
- The Respondent can ask that the Tribunal not make further contact with him or her. Sometimes the Respondent simply ignores this contact from the Tribunal and is declared absent from the process, which will continue without the Respondent’s participation. Nevertheless, the Respondent always has the right to become more actively involved later, as the case progresses.

## **Determining the Grounds (The “Joinder of Issues”)**

The Petitioner initially suggested possible grounds and witnesses on the one-page petition that was sent to the Tribunal along with the Initial Questionnaire. This petition was sent to the Tribunal along with the Initial Questionnaire. This petition was then sent to the Respondent, who was able to state that he or she is in agreement or not with the Petitioner’s proposed grounds. The Respondent is also given the opportunity to suggest entirely different grounds.

Once the judges have heard the opinion of the Respondent, if he or she has decided to participate, the judges will determine the grounds in a step known as the Joinder of Issues. In fact, the judges may set grounds that neither the Petitioner nor the Respondent suggested. The judges always set grounds based on the initial information they have received and in view of finding the best possible ground or grounds for the case at hand.

The Petitioner and Respondent are then informed of the grounds that will be used to judge the case. They can object at that time, or can ask at any time that the grounds be changed. However, it is always the judges in the case who make the final decision on what grounds will be used, The input of the parties is important, but they do not actually choose the grounds.

## **Collecting the Proofs (Gathering the Evidence)**

Once the grounds have been determined by the judges, the Petitioner and the Respondent will be able to offer testimony, either by completing additional questionnaires in writing (affidavits), or through a personal interview with a court official (deposition). The questions asked on the affidavit or during the deposition will be based on the grounds that have been assigned to the case. Witnesses will also be cited and will normally offer their written testimony in response to questions that have been sent to them by regular mail. Sometimes witnesses are brought in to the Tribunal for a personal interview; occasionally they will be contacted by telephone for follow-up questions.

The longest delays in cases often occur because witnesses do not respond to their questionnaires in a timely fashion. It is the responsibility of the parties to ensure that their witnesses respond. If witnesses do not respond, the grounds cannot be proven because the statements of the Petitioner are not supported by other testimony. In this situation the case is either abandoned by the Petitioner or given a negative decision by the judges (meaning that an annulment is not granted and the marriage is not declared invalid).

## **Reviewing the Evidence**

Once the witnesses, the Petitioner and the Respondent (if participating) have answered the Court’s questions, the testimony is reviewed by one of the judges. If the judge determines that enough evidence has been gathered to bring the case to a conclusion, both the Petitioner and the Respondent and their Advocates are invited to come to the Tribunal during normal business hours to review the evidence.

If either party lives outside the Archdiocese of Newark, this review may be done at another Tribunal near to them. No copies of the testimony may be made and no notes may be taken. The only purpose of this review is to correct false statements by submitting additional testimony and witnesses. In practice, the parties are usually provided with a summary of evidence that will be used by the judges in making their final decision.

## **The use of Expert Witnesses**

In some cases, the Tribunal judges will consult an expert witness before reaching a decision in the case. This is typically done in cases in which the grounds require a psychological or psychiatric interpretation of the testimony in order to reach a decision.

Often, this input is based on a thorough review of the testimony already collected in a case. Sometimes, however, it may become necessary for one of these experts to personally meet with the Petitioner or the Respondent for

psychological testing and questioning. When this type of personal interview by a psychological expert is necessary to bring a case to its conclusion, an additional fee is normally charged.

The input offered by the expert witness is considered a confidential communication between that professional and the judges. It is normally not made available to the parties, but may be reviewed by the Advocates.

### **Decision-making in the Case**

Once the evidence-gathering stage of the trial is concluded, the decision-making stage begins. The presiding judge determines if the Advocates are to submit written briefs for the case. If so, the Advocates are given time to compose their legal briefs. The judge may also permit the Advocates to make “oral arguments” instead of writing a brief.

Next, the Defender of the Bond is given time to compose a written statement pointing out any reasons why the validity of the marriage ought to be upheld (that is, he or she may give reasons why the Declaration of Nullity should not be granted). This important document is required in all cases, and the Defender of the Bond has an important role in guaranteeing that the judges reach a just, balanced, and equitable decision.

The case is then placed on the judges’ docket. Since there are usually many cases waiting for the judges’ final decision, each case is reviewed in the order in which it was placed on the docket.

Three judges of the Tribunal will eventually discuss the case together, considering all the testimony and the comments of the Advocates and the Defender of the Bond. If the case is complicated, or the testimony is not clear, the judges may ask the Advocates to compose additional written briefs, or responses (“rejoinders”) to the first briefs.

### **Publication of the Sentence**

When the judges have discussed the case and reached a decision based on the testimony, one of the three judges places that decision in writing in the “Definitive Sentence.” The decision of the judges is made known, or “published” to the Petitioner, the Respondent and their Advocates, and they are permitted to read the Sentence at the Tribunal office. If they are not living in the Archdiocese of Newark, they may read the judges’ decision in the office of a Tribunal near to them.

### **Appeal of the Sentence**

If the Petitioner, the Respondent or the Defender of the Bond believe that the judges have reached an incorrect decision, a formal appeal may be made to either the Tribunal of Newark or to the Roman Rota of the Holy See itself. The person who formally appeals the case is responsible for all fees associated with the appeal. During formal appeal, both parties will normally be expected to provide additional testimony.

**NOTE:**

**If, at any time during this process, the Tribunal becomes aware of the abuse of a minor, it is our responsibility to see to it that a report is made to the appropriate civil officials. We will help the person making the claim report the abuse, or make the report on our own initiative.**

## **Special Preparation for a New Marriage**

If the decision of the Tribunal is to grant the Declaration of Invalidity (“annulment”), and if this is ratified or upheld on appeal to a higher Church court, then both the Petitioner and the Respondent are free to prepare for a new marriage. In many cases, the Tribunal offers special assistance to one or both parties to ensure that their marital preparation clearly addresses specific problems evident in the previous marriage, so they are not brought into the new union. This special assistance can take several forms, but always involves both the party and their intended spouse together. The several options of assistance may include:

- The priest or deacon assisting the party in special marriage preparations may need to discuss specific points of concern with the couple.
- The party and his or her intended spouse may be asked to meet with a family therapist or counselor to discuss specific concerns together before entering a new marriage. If this is required, the couple may make two appointments with a Catholic Charities counselor for these special sessions at no cost and without being placed on a waiting list. The couple may also choose to meet with a counselor of their choice; in this case, the couple must pay for the session themselves.
- If the failed marriage involved addictions or some serious psychological illness, the Tribunal may request that the affected party and their intended spouse visit an addictions counselor or psychologist (at their own expense) before entering another marriage in the Catholic Church.
- Lastly, in particularly serious situations, the Tribunal may impose a delay or request that a person wait for six to twelve months before preparing for a new marriage.

A subsequent marriage in the church is normally simpler and more reserved than the first marriage. This serves to prevent any scandal from occurring, which may cause people to believe that divorce and remarriage in the Church is a commonly accepted practice.

## **THE GROUNDS**

Every marriage case must be based on at least one canonically recognized ground of nullity. At the beginning of the process, the parties suggest possible grounds and explain in written statements why they believe those grounds apply to their case. After both parties have had the opportunity to do this, the judges will determine the ground or grounds best suited for the case. The parties will be notified of the ground(s). They may express their objections to the chosen grounds if they so choose, and the judges will consider their objections. The judges may select several grounds at the beginning of the case, but grounds may be suppressed, and other grounds added by the judges during the trial at the request of the parties. The parties and their witnesses will be asked to give testimony regarding the specific grounds of the case.

The following pages listed the possible grounds that can be used in a marriage case before the Tribunal. After a brief description of each ground, there is a list of questions relating to that ground. If a person can answer “yes” to most or all of the questions, then that ground may apply to his or her case. The judges decide each case solely on the basis of whether the grounds are proven by the testimony submitted by the parties, their witnesses, the circumstances of the marriage, other indicators and evidence, and, if required, the opinion of an expert consultant.

If you are starting a marriage case with the Newark Tribunal, the Case Assessor will help you suggest grounds for your case. Before meeting with your Case Assessor, you should review all of these grounds and place a check mark next to each one that you believe may apply in your case. If you are the Respondent in a case, your Advocate is able to help you understand the grounds. You may use this booklet to help you agree with or object to the grounds proposed by the Petitioner and suggest other grounds.

When the judges have determined the ground(s) that will be used in a case, the parties and their witnesses are asked questions similar to those given in this booklet attached to that ground.

**Insufficient Use of Reason (Canon 1095, 1°)**

To enter a valid marriage, a person must have the degree of reasoning ability sufficient to know and understand what marriage is and what he or she is doing at the time of marriage. Serious conditions, such as profound mental retardation, certain personality disorders or black-out states (caused by alcoholic intoxication, drug use, or seizure disorder), might prevent a person from possessing or using reasoning ability during the marriage ceremony. If one or both spouses lacked the use of reason during the wedding ceremony itself, this ground can be considered.

Did either you or your former spouse abuse drugs or alcohol to the extent of suffering from blackout periods? If so, did either of you use drugs or alcohol before the wedding ceremony? Were either of you intoxicated, “stoned,” or “high” during the ceremony? Were either you or your former spouse ever diagnosed with a very low intelligence or with a serious learning disability, or serious difficulty with the ability to reason? Were either of you ever diagnosed with a mental disability or a mental illness that caused blackout or delusional episodes? If so, did such an episode occur at the time of the wedding ceremony? Did either you or your former spouse suffer from epilepsy and grand mal seizures? If so, did a seizure occur just before or during the wedding ceremony?

**Grave Lack of Discretion of Judgment (Canon 1095, 2°)**

To enter a valid marriage, a person must have use of sound reason and mature judgment. This means that the person is making a prudent and free decision, after careful judgment, to enter marriage with a particular person, and that the decision is not impulsive or without forethought. If one or both spouses either lacked sufficient knowledge of marriage or failed to exercise mature judgment in choosing to marry, this ground can be considered. Proof of the condition must be provided, however, and often the Tribunal will require a current evaluation by a mental health professional. Because it requires a grave lack of discretion of judgment, this ground may be difficult to prove.

Did either you or your former spouse have extremely little or no dating experience before becoming engaged? Were either of you on the “rebound” from a broken engagement or previous marriage when you decided to enter this marriage? Did you see marriage as simply “the next step” without much consideration? Did the two of you date for only a brief time? Was the decision to marry made impulsively, or without much thought? Did either of you make immature and impulsive decisions in other areas of life (career, finances, etc.)? Would you say you really did not know one another well enough to marry when you did? Was your decision to marry based on some pressing issue or circumstance (for example, a pre-marital pregnancy, difficult home situation, peer pressure, escape from another relationship)? Did family or friends express serious concerns about this marriage and did you choose to ignore them?

**Incapacity to Assume the Essential Obligations of Marriage (Canon 1095, 3°)**

To enter a valid marriage, a person must have the psychological ability to take on and to live out the lifetime obligations of marriage. A person cannot consent to something that is beyond their psychological capacity to fulfill. Even if the condition became known or diagnosed only after marriage, if a person was afflicted at the time of marriage with a serious psychological or psychiatric condition that prevented him or her from assuming the obligations of marriage, the marriage was invalid. Proof of the condition must be provided, however, and often the Tribunal will require a current evaluation by a mental health professional. Because the ground requires incapacity and not merely diminished capacity, it may be difficult to prove.

Were either you or your former spouse diagnosed with a serious psychological illness? Even without a specific diagnosis, did either of you suffer from a serious mental illness at the time of your marriage? Did either of you have any addictions at the time of the wedding (alcohol, drugs, prescription drugs, etc.)? If yes to any of these questions, did the illness or addiction prevent either of you from living out the commitment you made to each other or to your children? At the time of your marriage, did either of you have any serious sexual disorder, serious questions about your sexual identity, or homosexuality? If so, did this affect the ability to live out the commitment to marriage?

**Ignorance of the Societal Nature of Marriage (Canon 1096)**

To enter a valid marriage, a person must have some basic knowledge (i.e., not be ignorant) of what marriage is all about. A necessary element of that knowledge is to know that marriage is a permanent partnership between a man and a woman. If a person truly has no knowledge that marriage is such a partnership, because of tragic or extremely dysfunctional circumstances in his or her personal or family background, this ground may apply.

Did either you or your former spouse come from a family background where there were many divorces, separations, or live-in relationships? Did either of you have the experience of growing up in several households, whether among relatives or foster parents? Did either of you grow up in an institution, such as an orphanage? If so, can you say that there was never a role model for a happy or healthy marriage? Can you say that either you or your former spouse did not know when you married that marriage is a permanent partnership? Were either of you reared in an environment that was extremely sheltered (to an unhealthy degree)? Were there any cultural factors that influenced your knowledge of what marriage was all about? Were either of you surprised or shocked after marriage by what marriage was all about? Did you separate or divorce quickly after discovering what marriage was all about?

**Ignorance of the Sexual Nature of Marriage (Canon 1096)**

To enter a valid marriage, a person must have some basic knowledge (i.e., not be ignorant) of what marriage is all about. A necessary element of that knowledge is to know that marriage by its nature involves openness to children by means of sexual cooperation between the spouses. Although such ignorance is not presumed in persons beyond the age of puberty, this ground may be considered if one or both spouses were truly ignorant of this fact.

Were either you or your former spouse extremely young when you began dating the other? If so, was this dating relationship the only one before marriage? Did either of you come from a family background where there was no discussion at all of sexuality? Did either of you enter marriage with absolutely no understanding of human sexuality and sexual intercourse? Were either of you reared in an environment that was extremely sheltered or sexually repressed (to an unhealthy degree)? Were there any cultural factors that influenced your knowledge of human sexuality and sexual relations? Were either of you surprised or shocked after marriage to learn about sexuality or sexual relations? Did you separate early in the marriage because of an unwillingness to engage in sexual relations?

**Error of Person (Canon 1097, §1)**

To enter a valid marriage, one must know the person he or she is marrying. In other words, marital consent is exchanged with a specific man or woman and it is essential to have true knowledge of who that person is. If one spouse made a substantial error in judgment concerning the true identity of the intended spouse, or in other words married the wrong person, this ground could be considered. The error in question is not about details of personality or behavior, but a serious error about the identity of the other spouse.

Did you and your former spouse know one another for only a very short time before marriage? Was your courtship at a distance? Did you actually spend very little time together, alone, before marriage? Was your intended spouse not the person you thought you were marrying? Did you discover after marriage that the person you married was not, in fact, the person you intended to marry? Did you react with shock or surprise when the error was discovered? Did you separate immediately afterward, or did your marital relationship change immediately afterward?

**Error About a Quality of a Person (Canon 1097, §2)**

To enter a valid marriage, one must know the essential qualities of the person he or she is marrying. If, at the time of marriage, one spouse was mistaken about a quality directly and principally intended in the other spouse (almost as a condition for marriage) then this ground could be considered. This ground might apply if you or your former spouse intended to marry someone who possessed a certain quality (perhaps of a moral, social, physical, religious, psychological, or legal nature) and the primary reason for entering this marriage was the belief that the intended spouse possessed that quality. The intended quality must be of such a magnitude that without it, the person would not have married the other.

Was there a certain quality or trait that either you or your former spouse were looking for in a prospective husband or wife (for example, a certain social status, marital status, education, a certain profession, religious conviction, freedom from addiction or disease, freedom from an arrest record)? Did you or your former spouse consider that trait so important in a prospective spouse that you would marry only someone who possessed that trait? Would this marriage have been called off if the other person did not possess that quality? When it was learned that you or your former spouse did not possess that quality, did the other spouse react with shock or surprise? Did you separate immediately afterward, or did your marital relationship change immediately afterward?

**Fraud or Deceit (Canon 1098)**

A person who enters marriage deceived by fraud, which is perpetrated to obtain the marital consent of the other person, marries invalidly. Fraud is the intentional act of deception. It can be perpetrated by the other spouse or by a third party, but the end result is the same: one of the contracting parties consents because he/she was deceived into doing so. If fraud or deceit took place in order to make marriage happen, this ground can be considered.

Did you or your former spouse intentionally misrepresent or conceal information necessary for the other person to make a well-informed marital decision? Did someone else (a parent, for example) misrepresent or conceal information necessary for a well-informed marital decision? Was the deception intentionally done in order to get the other person's agreement to marry? If the truth had been known, and the deception not carried out, would the marriage not have occurred? If the deceit was later discovered, did it have an immediate effect on the marriage? Did the separation or divorce occur because of this?

**Error Concerning the Unity of Marriage (Canon 1099)**

For marriage to be valid, both spouses must intend to be absolutely faithful to one another. If one or both spouses entered marriage with an erroneous belief that infidelity, polygamy, or polyandry was possible, this ground could be considered. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than allowing for infidelity or multiple spouses or sexual partners.

Did either you or your former spouse believe that it was acceptable to have other sexual partners after marriage? Was there anything in the family background to explain the belief that marriage was not an exclusive (totally faithful) relationship? Were you or your former spouse reared in a home environment where there was sexual infidelity, or cohabitation, or several sexual partners? Did either family consider infidelity or living together acceptable or desirable? Had either you or your former spouse been unfaithful in previous relationships? Were either of you reared in a home in which no religion was practiced, or a religion that accepted polygamy? At the time you married, did you or your former spouse accept the notion of an "open" marriage? Did either of you accept the idea of multiple sexual partners, or "exchanging" partners with others? Were either of you unfaithful during your courtship or engagement? Did either of you consider cohabitation or living together to be acceptable or desirable? Were either or both of you sexually unfaithful during the marriage?

**Error Concerning the Indissolubility of Marriage (Canon 1099)**

For marriage to be valid, both spouses must agree to the absolute permanence of marriage. If one or both spouses entered marriage with an erroneous belief that marriage may be a temporary arrangement, that divorce was always an option, or that remarriage was always a possibility, this ground could be considered. The error could include the notion that marriage lasts only as long as the spouses decide, or only as long as they remain in love, or that the state has the authority to dissolve a marriage. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than allowing for the possibility of ending or dissolving the marriage.

Were either you or your former spouse reared in a home with no religious practice? Were either of you from a family background in which there were multiple instances of divorce and remarriage? Did either of your families consider divorce and remarriage acceptable or desirable? Did either you or your former spouse believe that your marriage would not be permanent? Did you sign a pre-nuptial agreement because you thought the marriage might not be permanent? Did either of you accept the idea of a "trial" marriage, with the understanding that you could divorce if it did not work out? At the time you entered this marriage, would you have said that you could divorce and remarry for a particular reason (for example, physical abuse, adultery, unhappiness, illness)? If you and your former spouse had been told that divorce and remarriage would be impossible for any reason, would either of you have backed out of the marriage? Did either of you clearly believe that it was your right to divorce and remarry at will?

**Error Concerning the Sacramental Dignity of Marriage (Canon 1099)**

A person may enter marriage validly when he or she is in simple error (holding a false opinion) about the sacred character or sacramental nature of marriage between two baptized people. However, if one or both spouses entered marriage with an erroneous belief that marriage is simply a civil or secular matter and that it has no relation to the sacred for the baptized, this ground may be considered. This belief must have been firmly held, or in other words, marriage could not be conceived of in any other way than as civil or secular in nature.

Did either you or your former spouse come from a family environment in which there was no practice of religion? Did either of you come from a religious background which taught clearly that marriage is not a sacrament or not a sacred bond? Did either of you firmly believe that marriage was merely a civil contract, having only civil effects, with no relationship to religion or the Church? Were you married by a judge or civil official, because you did not want a church wedding? Did either or both of you intend to enter only a civil contract of marriage, with no thought of religious overtones? If yes to any of the above questions, would that spouse have called off the marriage if the other person insisted on a church wedding, or insisted that marriage was a religious matter? Did either of you believe so strongly that marriage was only secular in nature that you could never envision marriage as having some religious or sacred element to it? Did either of you have a hatred or aversion toward religion?

**Total Simulation of Marriage (Canon 1101)**

To simulate consent means to say one thing externally, but to intend something quite different internally. Total simulation of marriage means that one or both spouses, at the time of marriage, did not intend to enter a real marriage. Instead, something quite different was intended. This ground may be considered if one or both spouses “pretended” to marry, and did not intend to enter a genuine, lasting marriage.

Was this an arranged marriage, that is, you and your former spouse were “told” to marry by someone else such as your parents? Did you and your former spouse agree to marry for some reason other than being in love and wanting to marry one another? Was there some reason you decided to go through a wedding ceremony without being in love (for example, to obtain citizenship, to escape your childhood home, or for insurance, welfare, or financial purposes)? If yes to any of these questions, did you separate shortly after marriage, or as soon as other conditions were met?

**Intention Against “the Good of Permanence” (Canon 1101)**

A valid marriage includes three essential “goods”—children, fidelity and permanence. If one or both spouses entered marriage with the intention to exclude the lifelong permanence of marriage, this ground can be considered. Marriage, by its very nature, is a permanent partnership which cannot be broken or dissolved by the spouses themselves. The marriage is invalid if one enters it with the intention to make the marriage only temporary, to keep divorce and remarriage as an option, or reserving the right to decide at any time to end the marriage.

Did either you or your former spouse believe that you had the right to end the marriage at any time and possibly remarry someone else? Did either of you intend a “trial marriage?” Did either of you come from a religious background which taught that divorce was acceptable, perhaps under certain circumstances (for example, adultery, physical abuse, unhappiness, illness)? Were either of you divorced and remarried several times before entering this marriage? If so, did that person view marital commitment in such a way that it necessarily included divorce as a possibility? Was divorce seen as an option for dealing with an unhappy marriage? Was there a history of divorce in either your family or your former spouse’s, or among friends? Did you sign a pre-nuptial agreement because you thought divorce would be an option? Do you think the marriage would have been called off if you and your former spouse had been told that marriage was absolutely indissoluble, and that divorce was never possible?

**Intention Against “the Good of Children” (Canon 1101)**

A valid marriage includes three essential “goods”— children, fidelity and permanence. If one or both spouses entered marriage with the intention to exclude or restrict childbearing or starting a family, this ground can be considered. This can take several forms: an outright intention to have no children in the marriage, a delay or postponement of children for illicit reasons, sterilization or consistent use of birth control to avoid pregnancy. The result is usually that no children are conceived after the wedding day, or the number of children was deliberately and intentionally limited from the beginning.

Did either you or your former spouse believe firmly that you had the right to determine when and if you would have children in this marriage? Did either of you enter marriage with the intention to delay or postpone childbearing until some later time? Was there a definite time or condition for having children later in the marriage, but not right after marriage (for example, after completing school, or after saving money, or after a certain number of years)? Was there a decision before marriage to have no children together? Even if there was a pre-marital pregnancy, was there the intention to have no other children in the marriage? Was there a limit on the number of children you would have in

the marriage? If yes to any of these questions, were there definite means taken to avoid pregnancy (for example, contraceptives or birth control medication or devices, abortion, sterilization by vasectomy or tubal ligation)?

**Condition Against “the Good of Children” (Canon 1101)**

To enter a valid marriage, a person must place no conditions or limits on the essential elements of marriage, which includes a radical openness to children. This ground can be considered if one or both of the spouses placed a condition on childbearing, such as a limit on the number of children to be born in the marriage. The condition must be present from the beginning of the marriage, and measures must have been taken to ensure that the condition was, in fact, met.

Did either you or your former spouse express any condition or intention to limit the number of children in the marriage (for instance, “I will marry you on the condition that we have only one child”)? Was this an absolute intention or condition, and not just a vague thought about the future? Was this a firm intention or condition, and not negotiable or changeable? Were there means taken during the marriage to guarantee the fulfillment of this condition or limit (such as contraceptives, sterilization, or abortion)? Was the condition actually fulfilled?

**Intention Against “the Good of Fidelity” (Canon 1101)**

A valid marriage includes three essential “goods” – children, fidelity and permanence. If one or both spouses entered marriage with the intention to exclude absolute fidelity, this ground can be considered. Fidelity or exclusivity in marriage means to have only one’s intended spouse as a sexual partner for life. Absolute fidelity prohibits openness to any other sexual relationships. When one enters marriage with the intention of excluding such absolute fidelity, remaining open to the possibility or thinking that they may choose whether to have other sexual partners, the marriage is invalid. It is important to note that what invalidates the marriage is the intention, present from the beginning, to permit infidelity – not actual infidelity. Adultery itself is not a ground of nullity.

Did either you or your former spouse believe you had the right to determine if you would have other sexual partners during this marriage? Did either or both of you intend to have an “open” marriage which would permit other sexual partners? Did either of you come from a family background where there were many sexual partners, or live-in companions, or were your parents sexually unfaithful during their marriage? Was sexual infidelity acceptable to either you or your former spouse? Did either of you view marriage in such a way that it would permit sexual infidelity or multiple sexual partners? Were either of you unfaithful to the other during your engagement? Were you sexually active before marriage? Did you cohabit with your former spouse before marrying? Did either of you cohabit or live with another person before this marriage? Was there actual infidelity or adultery during your marriage?

**Intention Against “the Good of Spouses” (Canon 1101)**

To enter a valid marriage, the parties must intend to treat each other as equals. If one or more of the parties entered marriage intending to inflict harm or not provide for the well-being of their spouse, this ground can be considered. This intention against the good of the spouse must be present from the time of consent.

Did you or your former spouse enter into marriage not intending to treat the other as an equal? Did you or your former spouse enter into marriage intending to use cause injury to the other spouse? Did you or your former spouse enter into marriage intending to use the other’s money, property, or position, while excluding the obligation to love, affection and care?

**Future Condition (Canon 1102, §1)**

To enter a valid marriage, a person must have no reservation or future condition. The spouses are required to give total and free consent to marry one another. If a person enters marriage while waiting to see if in the future a certain condition will be fulfilled or not (e.g., that one’s spouse will change religions in the future, or enter a certain profession, or will bear a child) the marriage was invalid. This ground can be considered if one or both of the spouses entered marriage with an expressed condition based on some event in the future.

Did either you or your former spouse attach any condition concerning the future to your marriage (for instance, “I will marry you on the condition that: ...we will always live in this area, ...you will complete your medical degree, ...you will become a Catholic, ...we will have a child together”)? Did you sign a pre-nuptial agreement,

thinking that divorce was an option if a future condition were not met? If yes to either question, would the marriage have been called off if the other spouse did not agree to the condition? Did the condition remain unfulfilled, and if so, did this lead to the final separation or divorce?

**Past Condition (Canon 1102, §2)**

To enter a valid marriage, a person must give free and unconditional consent. A past condition concerns the existence or non-existence of a fact, typically concerning the spouse's past. Placing such a past condition on the marriage raises serious questions, and it invalidates marriage when it is proven that the condition, upon which the marriage decision depended, was not fulfilled at the time of marriage. This ground may be considered when one or both spouses entered the marriage with an expressed condition based on something from the past.

Did either you or your former spouse attach any condition concerning the past to your marriage (for instance, "I will marry you on the condition that: ...you were never married before, ...you have finished college, ...you were never in jail, ...you never abused drugs before")? Did you sign a pre-nuptial agreement or any other document regarding a past condition? Would the marriage have been called off if the condition weren't fulfilled? Did the condition remain unfulfilled, and if so, was this a reason for the separation?

**Present Condition (Canon 1102, §2)**

To enter a valid marriage, a person must give free and unconditional consent. A present condition concerns the existence or non-existence of a fact or circumstance in the present time (e.g., pregnancy, a medical condition, career, a character or trait). Placing such a condition on marriage raises serious questions, and it invalidates marriage when it is proven that the condition, upon which the marriage decision depended, was not fulfilled at the time the marriage was entered. This ground may be considered when one or both spouses entered the marriage with an expressed condition based on something present or absent at the time of the wedding.

Did either you or your former spouse attach any condition concerning the present to your marriage (for example, "I will marry you on the condition that: ...you do not have a sexually-transmitted disease, ...you are the father/mother of my child, ...you are a virgin, ...you do not abuse drugs or alcohol, ...you are free of debt")? Did you sign a pre-nuptial agreement or any other document regarding this condition for marriage? Would the marriage have been called off if the condition had been discovered to be unmet or false? Did the condition remain unfulfilled, and if so, was that the reason for separation or divorce?

**Force or Fear (Canon 1103)**

A person must freely choose to enter marriage or the marriage is invalid. Force is a grave threat from outside the person, and may be inflicted intentionally or unintentionally, even by a well-meaning person. Fear is the internal result of the external force. It must be both grave and compelling, so that the person chooses to marry to escape from the force and fear. This ground may be considered if one or both spouses entered marriage in order to be free of some external force or some internal fear which was related to the marriage decision. The choice, then, was not so much to enter marriage, but to be free of the external force or the internal fear of the moment.

Were either you or your former spouse forced or pressured in any way to enter this marriage? Was the marriage someone else's idea, and not yours or your former spouse's? Did either of you feel that you had no real choice whether to marry the other? Were either you or your former spouse deeply afraid that NOT marrying would bring about a serious harm or threat? Was there, in fact, a threat in not marrying? Was there someone or something threatening harm or punishment if you did not marry one another? (Force or threats could come from parents, family, employer, church, cultural expectations, etc.)

**Reverential Fear (Canon 1103)**

The choice to enter marriage must be made knowingly and freely, or the marriage is invalid. If one or both of the spouses chose to enter marriage principally because of a grave fear of displeasing a person who was an important authority figure, this ground could be used. As in the ground above, reverential fear is an internal emotion which arises from some external force. The external force may have been a strong suggestion (or a command) to enter marriage, or an expression of disapproval over an alternative to marriage. Acting under reverential fear, then, one

chooses to marry because failure to do so would greatly displease a person or ideology which is subjectively important.

Were either you or your former spouse forced or pressured to enter this marriage by someone important in your life (for example, parents, clergy, relatives, a teacher)? If yes, was the marriage this person's idea and not yours or your former spouse's? Was someone making marriage a condition for something else (for instance, an inheritance, a job, or baptism of your child)? At the time of the marriage, were either of you dependent on parents or others to make major decisions, and if so, was the marriage really decided by parents or another significant person? Was this marriage arranged by your parents or relatives, and not your choice? Do you think the marriage would not have occurred if someone important to either of you had not insisted on marriage? Did either of you actually want to call off the marriage, but felt pressured to go through with it anyway (for example, by a parent saying, "All the arrangements are made and I insist that you go through with your plans")?

**Invalid Convalidation**

When a Catholic person or couple seeks to have an invalid marriage recognized by the Church, it is accomplished only through a new marriage within the Church. Each party must make a totally new decision and a new act of consent. They must understand that they are beginning their sacramental marriage, not "blessing" the existing invalid marriage. This ground applies if one or both spouses were Catholic, first entered an invalid marriage not recognized by the Church, and later had that marriage convalidated in the Catholic Church. This ground can be considered if the convalidation was not done freely and knowingly, or if the spouses did not intend to enter a new sacramental marriage at that time, but saw the convalidation merely as a continuation of the existing invalid marriage.

At the time you married your former spouse, were either of you Catholic? Did the marriage first occur "outside the Catholic Church," that is, not according to the laws of the Church? If so, was it later convalidated or "blessed" in the Catholic Church? Was there a specific reason for the marriage to be validated (for example, the baptism of a child, illness of a family member, etc.)? Were there serious marital problems before the convalidation occurred, and if so, did either you or your former spouse believe that the validation or "blessing" would help solve those problems? When the marriage was validated or "blessed," did you or your former spouse believe that it was simply a type of "renewal" of your earlier marriage vows? Did either of you think that the validation was simply a ceremony to go through, and not a new commitment to marriage? Did either of you think that the civil marriage was your "real" marriage, and the validation was just a formality? Did you continue to celebrate your anniversary on the date of your original marriage outside of the Church?