Tribunal | FAQ’s

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Frequently Asked Questions

What is Marriage?

From the beginning, God created man and woman and intended that marriage be a lifelong and exclusive partnership between a man and a woman for the procreation and education of children and for the giving and receiving of love. For that reason, the Church presumes that every marriage, including marriage between two non-Catholics, is presumed to be valid. For spouses who are baptized, marriage is also a Sacrament. This is in accordance with teachings of Jesus in the Gospels, the writings of St Paul and centuries of Christian tradition.

So how is a declaration of nullity possible?

Since God taught from the beginning that marriage is a perpetual and exclusive partnership that is open to children, it follows that in some cases a party to a marriage may hold a different concept of marriage which is incompatible to the divine plan. In other cases, a party to the marriage may have been incapable of living marriage or may have entered marriage without having an impediment dispensed by the Church. If the Tribunal finds that a particular marriage suffered from such a radical defect, the original presumption of validity no longer holds. It can then declare the marriage null, which we prefer to call a “declaration of nullity”. It must be found that the radical defect was present from the time of the wedding ceremony.

A declaration of nullity does not deny that a wedding took place or that a relationship existed, nor does it imply malice or moral fault. Quite simply, it is a statement by the Church that, from the very outset, the relationship lacked one of the elements which are essential to marriage. The Tribunal can hear cases in which at least one party is Catholic or is involved with a Catholic.

Further, there are absolutely no civil implications in this country to a declaration of nullity by the Church. It does not affect in any manner the legitimacy of children, property rights, inheritance rights,

names, etc. It is simply a declaration from the Catholic Church that a particular union was, in fact, an invalid union. There is no attempt in the investigation to impute guilt or to punish persons.

What is a Tribunal?

Like all ecclesiastical tribunals, the Tribunal of the Archdiocese of Denver is made up of a staff of specially trained persons who investigate marriage cases and declare whether or not nullity has been proven in a given case. This Tribunal consists of judges, defenders of the bond, auditors, advocates, notaries, experts and other professionals of the Court who work together with a deep sense of ministry in a search for the truth. The Tribunal is set up to adjudicate different matters and conflicts in the life of the Church, but most of its work involves marriage cases. Tribunal personnel are deeply aware of God’s providential presence and the need to recognize Christ in each person who approaches the Tribunal. The work and participation of each member of the staff is marked by a deep humility in an arduous service to the local Church.

How does one request a declaration of nullity?

The process is begun when the Petitioner goes to the local parish and approaches the priest, deacon or advocate designated to assist such persons. The Petitioner will then be instructed on how to proceed, and will be given a Preliminary Questionnaire which is to be carefully completed. The Advocate will then sign and send this to the Tribunal and the Petitioner will be notified about the next steps to take.

At this point there are different possible ways to proceed. There are particular procedures for different types of cases and this will be determined by Tribunal personnel. When the case is accepted the Petitioner will be asked to present a more complete questionnaire or even a personal interview that deal in greater detail with the marriage in question.

Once this is returned to the Tribunal, the Judicial Vicar will then constitute the Court, which consists of a Presiding Judge and two Associate Judges, as well as a Defender of the Bond. The Defender, as the name implies, defends the marital bond, makes sure that all the necessary procedural steps have been followed, and helps the Judges with their deliberations. There is also a possibility that the marital history indicates no nullity, and the Petitioner will be so advised. The process can be long and laborious, since the Judges cannot give a decision without the timely participation of everyone involved, including witnesses.

After all the evidence has been compiled, the Defender of the Bond studies the case and submits reasonable observations in support of the validity of the marriage. The Judges then deliberate to give the decision. The decision is affirmative when the Judges conclude that the marriage in question is null. If the Judges find that the evidence presented does not allow them to declare the nullity of this marriage, then they will decide in the
negative and the presumption of validity will stand.

Are there further steps after first decision?

Once the parties are notified they have 15 day period in which they can lodge a formal appeal, in which case a panel of Judges will review the case in greater detail. If the original decision was affirmative and if the Appeal Tribunal agrees with this decision, a final Decree of Nullity is granted. Both the Petitioner and the Respondent also have the right to appeal to the Roman Rota. In such a situation, more information will be made available through your Advocate.