

Step 4: Publication of the acts

When all the evidence has been collected, the acts of the case are published, meaning they are made available for review by the petitioner, respondent and their advocates. This is a one-time opportunity and is a supervised review at the office of the tribunal. Given the strict confidentiality of the process, no copies of the evidence can be made or sent to the parties.

Step 5: Discussion

After reviewing the acts, the advocates of the parties and the defender of the bond will prepare their arguments in writing.

A **defender of the bond** is a required party in the marriage nullity process who brings forth all reasonable arguments that can be made in favor of the validity of the marriage. Once submitted, the briefs of the advocates and defender are exchanged, and all can submit a reply. In this part of the process, the defender has the right to be heard last.

Step 6: Decision

A panel of three **judges** examines the evidence to determine whether the grounds were proven. The judges must decide if the evidence is sufficient to overturn the presumption of validity. The judges will issue a decision either in the affirmative or in the negative.

An affirmative decision means one or more of the grounds was proven with moral certainty (i.e. beyond a reasonable doubt) and the marriage must be declared invalid. A negative decision means the evidence was not sufficient to overturn the presumption of validity. When the judges have made their decision, they draft a document known as a sentence where they explain their decision based on the relevant law and the facts of the case. The sentence is sent to the petitioner, the respondent and the defender of the bond.

Step 7: Effects of the decision and appeal

If the judges render an affirmative decision, no marriage bond was created at the time of the wedding and the petitioner and respondent are free to marry someone else, unless another marriage needs investigation. However, the respondent and the defender of the bond have a right to appeal the decision to a higher court. With the appeal, the effects of the sentence are suspended, and the parties are not free to marry until the appeal has been heard.

If the judges render a negative decision, the marriage bond is presumed to exist and the parties are not free to marry. The petitioner or the respondent may appeal this decision to a higher court.

How long does the process take?

Many factors bear on the amount of time it takes a tribunal to conclude a case and issue a decision. These include the complexities of the case, the number of witnesses to be interviewed and the responsiveness of the parties and witnesses.

Canon law states that cases should be concluded twelve months from the time the petition is formally accepted by the tribunal. However, for the above reasons and many others, the process can take much longer. The best thing a petitioner can do to facilitate the processing of their case is to stay actively engaged and in close contact with their advocate.

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Understanding the Annulment Process

A step-by-step guide to the annulment process in the Catholic Church.



What is the annulment process?

The annulment process is a thorough investigation of a marriage bond using established judicial procedures that ensure justice and fairness.

The process begins when one of the parties to a marriage petitions the tribunal for a declaration of nullity by challenging the validity of his/her marriage. If the petition has sufficient warrant, the tribunal opens an investigation into the circumstances surrounding the wedding.

Through interviews with both parties to the marriage and knowledgeable witnesses, the tribunal seeks to determine if there is sufficient evidence to overturn the canonical presumption of validity. If so, the tribunal will issue a decree declaring the consent given on the wedding day to have been invalid, that is, it will issue a declaration of nullity. A declaration of nullity does not dissolve a marriage bond, rather it declares the bond was never created from the beginning.

The annulment process includes seven steps:

- 1 Submission of the petition to the tribunal
- 2 Citation of the respondent
- 3 Gathering of evidence
- 4 Publication of the acts
- 5 Discussion
- 6 Decision
- 7 Effects of the decision and appeal

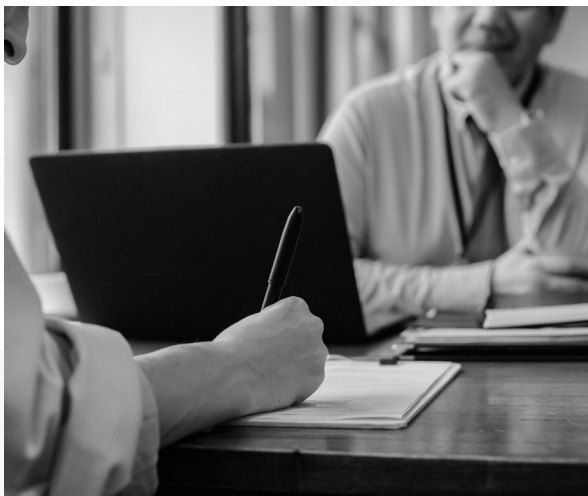
What to expect at each step

The annulment process is confidential, and all testimony is reviewed only by authorized church personnel.

Step 1: Submission of the petition to the tribunal

All petitions are initiated at the parish level. The party who initiates the process is called the **petitioner**; the other party is called the **respondent**. An individual trained by the tribunal, known as an **advocate**, assists the petitioner in preparing the petition – this includes completing a detailed application, gathering required documents and proposing the grounds on which the investigation and decision will be based.

Once the petition is complete, the advocate mails or delivers it to the tribunal. Upon receipt, it is reviewed by tribunal staff to ensure all the needed information is included, whether the tribunal is competent (i.e. has jurisdiction) to hear the case and if the petition has sufficient merit. If so, the petition is formally admitted to the judicial process. The burden of proof is on the petitioner to demonstrate that the marriage in question is invalid.



Step 2: Citation of the respondent

At the beginning of the annulment process, the respondent must be cited. As a party to the marriage, he/she has a right to be aware of the investigation and to participate. Therefore, the petitioner must provide a current address for the respondent.

The petitioner is not required to have any contact with the respondent, although it is recommended that the petitioner alert the respondent that a petition against the validity of the marriage has been submitted. If the respondent wishes to participate in the process, he or she is given an advocate to assist.

The respondent has a right to:

1. Participate (not required)
2. Appoint an advocate
3. Propose grounds
4. Propose witnesses
5. Provide testimony
6. Review the testimony
7. Receive a copy of the final sentence
8. Appeal the decision of the court

Step 3: Gathering of evidence

At this stage, the petitioner, respondent and witnesses are invited to the tribunal to give their testimonies. These interviews are always conducted separately, and the advocates of the parties may be present.

If anyone lives outside the jurisdiction of the tribunal handling the case, parties and witnesses will be invited to a tribunal near where they live. In certain cases, the petitioner and/or respondent are also interviewed by an expert witness, usually a psychologist or therapist. During this step, the parties may also submit any relevant documentary evidence.