

REVISIONS TO ANNULMENT PROCEDURES IN THE YEAR OF MERCY

As the image of Jesus' love for the Church, Sacramental marriage is essential to our human existence. Because of the large difference between the Church's understanding of marriage and that of the secular world, an increasing number of people find themselves in relationships that fall short of the Sacramental view of marriage. Failed marriages can become a stumbling block for people to experience God's love, causing them to feel a sense of shame and guilt. Pope Francis notes that "charity and mercy demand that the Church, like a good mother, be near her children who feel themselves estranged from her." In light of the Jubilee Year of Mercy, the pope has published a revision to the procedures for annulment investigations. It's important to note that these are changes to the *procedures* for a declaration of nullity, not the *criteria* that would make a marriage null.

The most significant changes to the annulment process are outlined below. **If you have any questions about the application of these norms, please contact Fr. Alex or Fr. Pascal (812/476-3061), or the Office of the Tribunal for the Catholic Diocese of Evansville (812/424-5536).** All cases will be treated with confidentiality.

The changes to the annulment procedure can be found in the document *Mitis Iudex Dominus Iesus* (The Gentle Judge, our Lord Jesus) promulgated on December 8, 2015.

- **Elimination of fees:** The Holy Father asked that diocesan fees be reasonable. In response, the Evansville Diocese has eliminated the fees for annulment cases. In the past, the diocese encouraged these fees, but they were not required.
- **Location:** Previously, the annulment investigation had to take place in the diocese where the marriage ceremony was held. That has been expanded and now an annulment investigation can also take place in the diocese where the couple now resides or in the diocese where most of the witnesses reside.
- **Elimination of automatic appeal:** Previously, every single case was subject to an automatic appeal, where it was reviewed by a second tribunal (a Catholic Church court). The option of an appeal is still available, but the automatic appeal is eliminated. This is expected to make the process shorter by about three months.
- **Establishment of a Briefer Process:** Under certain circumstances, the annulment investigation can be run through a briefer process and judged directly by the Bishop or his delegate. The questioning of the parties under this process will be less intrusive than the full process. If the Bishop or his delegate is unable to determine a clear case for nullity under the briefer process, the case will be returned to the tribunal and go through the full process. In order for the briefer process to be undertaken the petition must be made *with consent of both parties*. Several of the circumstances that would allow for the briefer process include:
 - One or the other party entering into the marriage without understanding the nature of Christian marriage: that the spouses be faithful, that marriage is perpetual, and openness to children;
 - A brief duration of the marriage, indicating the lack of understanding discussed above;
 - An abortion procured during the marriage to prevent procreation;
 - Obstinate infidelity by one of the parties prior to, or immediately following the wedding;
 - Deception of one party with regards to: sterility, grave contagious illness, children from a previous relationship, or past incarceration;
 - The original cause of marriage being: extraneous to the married life (such as marrying for immigration purposes), or because of an unexpected pregnancy, or based on physical violence or threats of violence to obtain consent.
 - A medical condition, such as a psychiatric illness, that causes a defect in the use of reason.

The process of seeking an annulment can be a path of spiritual healing: to recognize that God has not abandoned you and that a way forward still exists. Divine mercy is so all-encompassing, that there is nothing about your past that is not part of God's loving plan for your future. **If you or someone you know needs to feel the mercy of God in this way, please act on this information.**