

What is marriage?

Marriage is a covenant between a man and a woman which was instituted by God for the good of the spouses and for the procreation and rearing of children. Marriage comes about through the legitimately manifested consent of the spouses, who give and accept one another to form a partnership of the whole of life. When they marry, a man and a woman commit to be faithful to one another for the rest of their lives, to be open to having children together, and to render mutual help and service to each other in an intimate common life. Between two baptized persons, marriage is one of the seven sacraments.

What is a declaration of nullity?

Marriage is indissoluble (Mark 10). For this reason, a civil divorce does not end marriage. A declaration of nullity (sometimes imprecisely called an “annulment”) is a determination by the Church’s Tribunal that what appeared outwardly to be a marriage, was in fact never a valid marriage because it was missing something essential from the very beginning. It is not a decision about whether it was a good marriage or a bad marriage, or who was at fault for the breakdown of the marriage, or whether the petitioner “deserves” to remarry. The process does not erase the parties’ personal or relationship history. It does not change a valid marriage into an invalid marriage. The goal of the Tribunal is simply to find the objective truth about whether a valid marriage bond ever came into existence. This allows a person whose marriage has failed to know whether or not he or she is free before God to marry another.

How can the Tribunal declare a marriage null?

Marriage is a spiritual matter. Therefore, Christ gave the Church the authority to judge the validity of marriages. The Tribunal (the Church’s court) does this on behalf of the Archbishop. The Tribunal will look to a defect in the consent of the parties, or in the form used to celebrate the wedding, or to the presence of a legal impediment.

If I was not Catholic when I married, why must I pursue a declaration of nullity?

The Church believes that marriage is a natural and God-given right. Therefore, the Church assumes all

marriages are valid until proven otherwise. Thus, even if some marriages involving non-Catholics are not sacramental, they are valid and bind the parties for life.

What happens in a formal case?

A formal case begins with a petition from one of the spouses, who is called the petitioner. The other party to the marriage, called the respondent, is then contacted and informed of the petition and his or her rights. If the respondent does not participate, the trial will continue without them. The Tribunal will determine the potential ground (precise canonical reason) of invalidity. It will investigate the ground by collecting the statements of the parties and witnesses. The petitioner, respondent, and defender of the bond have the right to review the evidence and to suggest other proofs. Finally, the judges will evaluate whether or not the alleged reason for nullity has been proven and give their decision.

Why must the respondent be contacted?

The respondent must be contacted in order to protect his or her rights. As a party to the presumptive marriage, they can provide valuable testimony in the case. Since the decision affects the respondent as well as the petitioner, he or she also has the right to name witnesses, to review the evidence, to review the decision, and to appeal the decision.

Is the process private? Who sees my testimony?

Confidentiality is of the utmost importance to the Tribunal. Only those Tribunal officials directly involved in a case and the two parties can review the evidence. All the staff at the Tribunal, and all advocates, must swear to hold information from these processes in the strictest confidence. The parties to the marriage *do* have the right to review each other’s testimony and that of any witnesses, but are also bound by an oath of confidentiality. The parties are never permitted to retain copies of the testimony.

Why must I name witnesses?

Witnesses provide the court with an objective picture of the relationship. They are able to confirm or deny the statements of the parties. It is very difficult for the

petitioner to prove his or her case to the judges without the help of confirmation from witness testimony. Witnesses in a formal case generally do not need to have been present at the wedding, but must be able to testify to facts relevant to the grounds of nullity being investigated.

How long does a formal case take?

Every case is different. A typical formal case might take 18 to 24 months. Some cases are more complicated, however, so the Tribunal never makes a guarantee of the timeframe. Also, parties must know that the Tribunal might not find the nullity of the marriage proven, and might not give an affirmative decision.

Are there shorter processes?

There are shorter processes depending on the facts being investigated. For example, it is relatively quick and easy to prove that a Catholic failed to marry before the Church’s authorized witness, or was under the Church’s legal age for marriage. It is much more involved and time-consuming to investigate a defect in the person’s consent.

When can I set a wedding date?

Parties are forbidden from setting a wedding date until after the process is complete because the Tribunal can never guarantee an affirmative decision, nor can it say how long the process will take.

Is the process difficult?

Sometimes. Some parties find the process draining. Others find it difficult to relive painful experiences from their past. Others find healing and new insights about themselves through the process. In any case, the Church’s hope is that, although the marriage nullity process may be difficult, through it the parties will know their status before God and the Church and can live their lives accordingly.

What does an affirmative decision mean?

An affirmative decision means that the judges are certain that the marriage is invalid based on the proofs obtained. This means no true marriage bond came into existence, despite the historical fact that there was a relationship.

If the parties and defender of the bond do not challenge the affirmative decision, the parties are free to marry. However, if a marriage is declared invalid for a reason that may still exist, the Tribunal may restrict the party's freedom to enter a new marriage until that issue is addressed. Sometimes catechesis, counseling, or a professional evaluation is required.

Does an affirmative decision make children illegitimate? Are there civil consequences?

No, the Church's decision has no effect on the legitimacy of children who were born when the marriage was still assumed to be a valid one. In the United States, a declaration of nullity has no civil effects and cannot change the divorce decree or other civil provisions such as child custody or spousal support.

What does a negative decision mean?

A negative decision means that the evidence was insufficient to overturn the presumption that the marriage was valid. Despite a civil divorce, the presumption stands that the parties are still married to each other. This means that no new marriage can be entered, because to attempt this would be adultery.

Are there any fees for a declaration of nullity?

The Seattle Tribunal does not charge fees for the cases that are handled locally. If a case is appealed, the appellate court may charge their own fee. Also, cases that are processed in Rome such as a Petrine Privilege case will have fees as set by the Roman Curia.

Why can't I receive the sacraments if I am divorced and remarried?

Our Lord said, "they are no longer two, but one flesh. Therefore, what God has joined together, no human being must separate... I say to you, whoever divorces his wife, unless the marriage is unlawful, and marries another commits adultery" (Mt. 19:6-9 NABRE). A person who is living in a second union while presumably married to their first spouse is living in an ongoing state of serious and public sin. God is always willing to forgive sin, but this always requires repentance on the part of the sinner. Since it is not the fact of divorce that is the issue, but the *ongoing* illicit sexual relationship that the

person is not willing to abandon, such a person can receive neither sacramental absolution nor Holy Communion. Anyone can receive the sacraments if they are willing to do what is necessary to be in a right relationship with God and the Church. While this may be difficult, God will not fail to support with His grace those who ask for it.

What if I am divorced but not remarried?

A person who is divorced deserves attentive pastoral care to seek healing, to discern whether reconciliation might be possible, and what fault they may have had in the breakdown of the marriage. But if such a person recognizes that he or she is still considered to be married and is willing to live as a single person, then they are not living in an ongoing state of unrepentant sin and can therefore receive the sacraments.

How do I begin the process?

You may contact your local parish and ask to speak with a Tribunal advocate. If you have difficulty finding an advocate, please call the Tribunal at 206-382-4830.



Our Lady of Seattle, pray for us.

Rev. 08/2025

MARRIAGE NULLITY PROCESS: FREQUENTLY ASKED QUESTIONS



ARCHDIOCESE OF SEATTLE METROPOLITAN TRIBUNAL

710 9TH AVE
SEATTLE, WA 98104-2017
206-382-4830
Tribunal@seattlearch.org