

## **Archdiocese Forum for the R.C.I.A.**

### **Open Forum**

#### **"Marriage, Annulment and the R.C.I.A."**

**Tuesday, September 17, 2019**

##### **I. Overview and Deliverables**

The session is intended for those that are involved in respective programs and ministries that facilitate handling of marital issues among those they serve. The overarching question today is: "What is an annulment and where do I direct persons to obtain information and address their marital issues? The deliverables will be: determining Baptismal status; the communities we serve; determining annulment and Convalidation (or, Radical Sanation) issues; types of cases; and where to find resources.

##### **II. It All Begins With Baptism and Understanding What Is a Marriage**

The cornerstone of our faith is Baptism. Therefore, everything that we do whether R.C.I.A. or marriage poses the critical and foundational questions concerning Baptism. We, as Church, recognize Baptism that is used with flowing water, performed by a suitable religious official in a Trinitarian format.

But, not all Baptisms meet this requirement. Most mainline Christian denominations do meet this requirement and are accepted by the Catholic Church. It is important that this be determined as early as possible in the process of your interviews what the Baptismal status is of those you serve. This will not only assist in your catechetical process but also critical when determining the type of annulment.

The cornerstone of understanding annulment is through understanding marriage. There are two forms of marriage: Natural – between non-Catholics or those not validly Baptized. It accomplishes procreation; education; and the good of the spouses for the common good of society; Sacramental – it accepts the characteristics depicted in Natural marriage but adds the critical definer of Baptism. This element deepens the bond.

##### **III. Interviewing The Individual To Obtain Information**

R.C.I.A., Catholics returning home, Adult Confirmation, Marriage and Remarriage, all require the Church and its representatives to conduct some form of process to obtain information and interview the respective person. Once a person makes contact with the Church, the clock begins ticking whether R.C.I.A. and entering the Church or wedding plans. It is important to begin the interview process and determine issues as early as possible so that marital and Baptismal issues can be resolved as soon as possible. Some Director's have voiced concern that

they refrain from discussing marriage and annulment issues early in the process as not to scare persons away. While it is important to be pastoral, not connecting persons to resources early creates problems.

#### IV. Annulment

Through its work, the Metropolitan Tribunal serves many persons: those single; those previously married; those previously married that or married to a person that was previously married; those that married outside the Church (one or both being Catholic); those Catholic and married in the Church; those that have completed the annulment process. While most persons associate the Tribunal work as to annulment, the work also extends to other issues on canonical administration. The Tribunal is a Church court that seeks justice.

Nullity, or annulment, is an ecclesial process that determines that what appeared to be a Sacramental union was not from the time of consent. Annulment is not divorce focused but looks carefully at the courtship and the capacity and quality of consent of the persons.

There are two major categories of annulment types:

- Informal: Lack of Canonical Form and Prior Bond (Ligamen) are documentary cases. Privilege cases are Pauline Privilege and Favor of the Faith (Petrine Privilege).
- Formal: Ordinary Process and Briefer Process.

Much has been written about changes that became effective December 8, 2015 by Pope Francis. Changes occurred in: determining jurisdiction; elimination of automatic appeal; some revision in canons; potential for an expedited process; and elimination of fees where possible.

As Directors it is important not to provide assurance of an outcome or timeframe for completion; type of case. Case facts can alter the type of case, grounds and outcomes.

For R.C.I.A., most cases will be Ordinary Process and some Lack of Canonical Form. For some persons that are already married civilly, there will be issues to address as to Convalidation or Radical Sanation. In 2019, a new Advocate program was rolled out, it modified the Case Sponsor Program and relationships. Refer to the Metropolitan Tribunal – Atlanta website.

For additional resources:

- Archdiocese Forum for the R.C.I.A. blog
- Team R.C.I.A. website
- Metropolitan Tribunal – Archdiocese of Atlanta website

*Disclosure: This presentation is for general information and not an official statement of the Metropolitan Tribunal – Archdiocese of Atlanta. Consult the Tribunal for specific questions.*

A-D-Forum-RCIA/presentation/marriage+annulment-toolkit/V.2.5/9-2019/CharlesJones//

## **QUICK START GUIDE FOR COMMON QUESTIONS**

This is a brief guide to assist you in your work. It does not cover all possibilities but does the most common found in your ministry work. It poses several brief yes and no questions and possible solutions.

### **Annulment:**

1. Have you ever been married to anyone in any form?
2. Was your former spouse or current spouse ever married to anyone in any form?
3. Is your former spouse or the former spouse of the person you are presently married to or desire to marry still living?
4. Has the civil divorce been completed and a Decree issued for your prior marriage or that of the person you wish to marry?

If you can answer "yes" to these questions, consult the Church for resolution of all prior marriages which have occurred for all parties.

### **Annulment Decree Issues To Resolve With The Tribunal:**

1. Have you completed the annulment process?
2. Does your annulment have pending issues to resolve such as prohibitions or other required paperwork?

If you can answer "yes" to these questions, consult the Metropolitan Tribunal for resolution. These issues must be resolved prior to remarriage or a new marriage in the Church.

### **Convalidations and Radical Sanations:**

1. If applicable, are there any pending annulment issues you or your present spouse in need of resolving?
2. Are you and your present spouse free to marry according to the Catholic Church?
3. Are you presently legally married to someone?
4. Are one or both of you a Baptized Catholic?

If you can answer "yes" to these questions, consult the Church for having you present marital union recognized through Convalidation or a possible Radical Sanation.

# Those We Serve

- Single Persons – Resolution: None Or Marriage Preparation
- Divorced Person – Resolution: None Or May Seek to Resolve Prior Marriage(s) at this time
- Previously Married Or Married To A Person Previously Married
  - Where previous spouse(s) are deceased
    - Resolution: No action is required unless one of the parties is Catholic and the current marriage took place outside the Catholic Church
  - Where one or more spouse is still living
    - Resolution: Annulment Process for the party or parties with prior marriage(s)
- Marriages where one or both parties :
  - are Catholic but they married outside the Catholic Church
    - resolution: convalidation or radical sanation
  - Catholic and married in the Catholic Church
    - resolution: no action required as theirs is a sacramental union
- Has or have completed the Annulment process
  - There were no conditions placed on the party or parties
    - resolution: convalidation or radical sanation
  - There are conditions placed on one or both parties
    - Resolution: Party or parties and their clergy should contact the Tribunal

Document Affidavit: Witness \_\_\_\_\_

**DECLARATION OF BAPTISM**

I, \_\_\_\_\_, now living at \_\_\_\_\_  
(name) (address)

am \_\_\_\_\_ and have known \_\_\_\_\_  
(relationship to baptized person) (name of baptized person)

for \_\_\_\_\_ and \_\_\_\_\_  
(state amount of time) (describe how well you know the baptized person)

I hereby declare that the aforesaid \_\_\_\_\_, is truly baptized  
(name of the baptized person)

having done so in \_\_\_\_\_  
(name of church, address, denomination where the baptism took place)

on \_\_\_\_\_  
(date of baptism)

I know this to be true because (please give facts, years, names, ages and any details that will establish proof) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I make this statement freely, declaring before God that it is true.

\_\_\_\_\_  
Person Making Affidavit (Witness)

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Date

Notary Seal

## Appendix 5

### CHURCHES WHOSE BAPTISMS ARE CONSIDERED VALID

Adventists	Cumberland Presbyterians
African Methodist Episcopal	Evangelical United Brethren
African Methodist Episcopal Zion	Evangelical Churches
Amish	International Council of Community
Churches	
Anglican Communion	Liberal Catholic Church
Assembly of God	Lutherans:
Baptists	Missouri Synod
Christian and Missionary Alliance	Evangelical Lutheran Church of
America	
Christian Church	Wisconsin Lutheran
Christian Church, Disciples of Christ	Mennonites
Church of the Brethren	Methodists
Church of Christ	Old Roman Catholics
Church of God:	Old Catholics
of Prophecy	Orthodox Churches
of Anderson, Indiana	Polish National Church
of Cleveland, Tennessee	Presbyterian Church, U.S.A.
and various others	Reformed Churches
Church of the Nazarene	United Church of
Christ Classical Pentecostals	

### CHURCHES WHOSE BAPTISMS ARE CONSIDERED INVALID

Apostolic Church	Pentecostal Churches
Bohemian Free Thinkers	Peoples Church of Chicago
Christadelphians	Quakers
Christian Scientists	Rudolph Steiner's Christian Community:
Church of Divine Science	Die Christengemeinschaft
Jehovah's Witnesses	Salvation Army (no baptism)
Masons (no baptism)	Unitarians Mormons

## Marriage Questionnaire

Please check the appropriate box below:

☐ Yes ☐ No 1a. This is my first marriage.

*If you answered "no" to statement #1a, please respond to the following statements regarding your previous marriage:*

☐ Yes ☐ No\* 1b. My previous spouse died prior to my current marriage.

☐ Yes ☐ No\* 1c. I received an annulment for my first marriage prior to marrying my current spouse.

☐ Yes ☐ No 2a. This is my spouse's first marriage.

*If you answered "no" to statement #2a, please respond to the following statements regarding his/her previous marriage:*

☐ Yes ☐ No\* 2b. His/her previous spouse died prior to our current marriage.

☐ Yes ☐ No\* 2c. He/she received an annulment for his/her first marriage prior to our current marriage.

☐ Yes ☐ No 3a. At least one of us was baptized a Catholic prior to getting married.

*If you answered "yes" to statement #3a, please respond to the following statements:*

☐ Yes ☐ No\* 3b. My spouse and I were married in the Catholic Church.

☐ Yes ☐ No\* 3c. My spouse and I were not married in the Catholic Church but we had a dispensation to be married in a different church.

☐ Yes ☐ No\* 3d. Our current marriage was witnessed by a Catholic priest or deacon.

☐ Yes\* ☐ No 4. I (and/or my spouse) was baptized a Catholic as a child and got married by the Justice of the Peace.

☐ Yes\* ☐ No 5. I (and/or my spouse) was baptized a Catholic (before our marriage) and we were married in a non-Catholic church.

☐ Yes\* ☐ No 6. I was married previously, got divorced, and remarried without first receiving an annulment for my first marriage.

☐ Yes\* ☐ No 7. My spouse was married previously, got divorced, and remarried me without first receiving an annulment for his/her first marriage.

*(See below for scoring)*

If any of your responses had an "\*" beside it, you may need to seek an annulment and/or a convalidation to be in good standing with the Catholic Church. For more information about annulments and convalidations, please listen to the recording of the annulment seminar online at [www.catholichomily.org](http://www.catholichomily.org) or speak to a priest about your specific situation.