

---

## Do I need to petition?

The Catholic Church teaches that civil divorce does nothing to a marriage, that a couple is just as much married in the eyes of God the day after a divorce as the day before a divorce. This teaching is based on the words of Jesus himself (Mark 10:2-12).

In the terminology of canon law, a marriage is presumed valid (a true marriage) until it is proven otherwise in a Church Tribunal (*Code of Canon Law*, canon 1060). Once a marriage has taken place, neither party may remarry in the Catholic Church, unless one party dies or the marriage is declared invalid by a Tribunal. Otherwise, the new marriage is invalid due to the prior marital bond.

Catholics living in invalid marriages are not permitted to receive Holy Communion (canon 915). This traditional discipline was reaffirmed by the Pontifical Council for Legislative Texts on June 24, 2000.

The following people may use the Tribunal process to determine if they are free to marry:

- Catholics who are divorced and may wish to remarry someday
- Catholics who are divorced and are civilly remarried and now desire to validate their marriage in the Church
- Non-Catholics who were previously married and now want to marry a Catholic

A declaration of nullity has no civil effects, and it does not say that a civil marriage did not exist. It does not render children illegitimate in the Church (canon 1137).

Often the parties say that the process brings closure on a sad chapter in their lives, and they are often able to learn from their past mistakes and make better lives for themselves as a result.

---

## How do I start the process?

A parish priest or deacon, serving as an **advocate**, can help a person prepare the papers required to petition for a declaration of nullity. Some parishes also have lay advocates available to help people begin the process.

A cause begins with a petitioner filling out a **preliminary questionnaire** that covers the basic facts relating to a marriage. The preliminary investigation looks for various possible grounds of nullity to help the petitioner prove that his or her prior marriage was invalid.

For a copy of the form as a fillable PDF, go to [www.catholicchawaii.org/cic](http://www.catholicchawaii.org/cic) and click on "Defect of Consent."

The petitioner also provides the names of some **witnesses**. The witnesses can be family and friends who can corroborate the petitioner's statements and testify to the petitioner's good character. The witnesses are sent forms to complete.

The following **documents** are also required:

1. Photocopy of baptism certificate (only for Catholics)
2. Photocopy of marriage certificate (Catholic Church certificate if it was a Catholic wedding; otherwise the civil certificate)
3. Photocopy of divorce decree (first and last pages)

While the Catholic Church does not recognize the divorce, the fact that the parties are divorced means that there is usually little hope for reconciliation and that financial matters and any issues relating to the custody of children have already been resolved.

More information on the steps of the process and the people involved is available at [www.catholicchawaii.org/cic](http://www.catholicchawaii.org/cic).

---

## Confidentiality:

Tribunal personnel are professional individuals who keep all information strictly confidential. Only the parties themselves have a right to the information concerning their marriage.

Even though the process is a legal procedure involving a judge, the gathering of evidence is done privately, not in a courtroom setting.

---



## FAQs about respondents

### ***Do I have to provide the respondent's address?***

Yes. Because a marriage is a contract between two people, canon law recognizes the right of the respondent (the other party to the marriage) to be notified that a petition for a declaration of nullity has been submitted and to participate if he or she chooses.

### ***What if I can't locate the respondent?***

If the petitioner is unable to locate the respondent, the Tribunal has a private detective agency that can be used to find respondents. The petitioner is responsible for this cost (currently \$98.96).

### ***What if the respondent is opposed?***

In this case, the Tribunal staff will be particularly careful to safeguard the rights of the respondent as he or she participates in the cause. However, a respondent has no veto power over the process and does not need to agree to a declaration of nullity in order for one to be issued.

### ***What if the respondent does not respond or refuses to participate?***

Justice requires that the process continue in the situation where a respondent does not respond to invitations from the Tribunal to participate. In that case, the judge must rely solely on the declarations of the petitioner and the testimony of the petitioner's witnesses in reaching his decision.

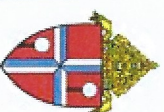
### ***What if I am afraid that my former spouse will get angry or even violent?***

The Tribunal has experience dealing with such situations. The petitioner is not required to contact the respondent. The Tribunal will do this. And at no point in the process do the petitioner and respondent face each other. The petitioner's current address can be withheld from the respondent upon request. Furthermore, often the behavior of an angry respondent can end up helping the petitioner's cause.

Your advocates to help you for  
St. Elizabeth, Aiea, is:

Rev. Arnold Ortiz  
(808) 487-2424  
aortiz@rcchawaii.org

Or you can make an appointment with any  
priest or deacon serving in the diocese.



## Diocesan Tribunal

DIOCESE OF HONOLULU

St. Stephen Diocesan Center

6301 Pali Highway

Kaneohe, HI 96744

Phone: 808-203-6766

[www.catholicchawaii.org/cic](http://www.catholicchawaii.org/cic)

## When a Marriage Is Declared Invalid

A "declaration of nullity" is an authoritative statement issued by a Catholic Tribunal that a marriage is invalid.

Such a declaration does not dissolve a marriage, as if it was a type of divorce granted by the Church. It does not mean that the human relationship was void of meaning.

Rather, a declaration of nullity is a ruling of the Church's court that some essential ingredient was lacking in a marriage from the time of consent. Several grounds can make a marriage invalid.

In 2015, Pope Francis made changes to canon law which simplified the Tribunal procedure, eliminating the fees and shortening the process.