

Divorce, Marriage

Do you need a Catholic annulment? The pope can help.

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Oct 1, 2015

By

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Pope Francis announced that [he has changed](#) the Catholic Church’s annulment process, making it easier for Catholics to obtain annulments. What does this mean for Catholics getting divorced in the United States?

Legal annulment vs. Catholic annulment

It’s easy to get confused about the differences between a legal annulment and a Catholic annulment. A [legal annulment](#) is an alternative to a legal divorce, and is performed in a state court. Legal annulments are granted for reasons that refute the legality of the marriage in the first place. Such reasons can include fraud (one person lying to the other about something significant about the marriage), an inability to consummate the marriage, incest, bigamy, an underage spouse, mental illness, or being forced to get married. Once an annulment is granted, the legal marriage never existed.

But obtaining a legal annulment has no impact on getting a Catholic annulment; it’s a completely separate process. Catholic annulments are granted if one spouse never intended to be faithful or was already married, the spouses didn’t view the marriage as a lifelong commitment, the marriage could not be consummated, or if one of the spouses was not mentally able to understand the commitment when it was made.

A divorced Catholic who remarries may be deemed by the church as persisting in a grave sin (adultery, to be precise) and therefore unworthy of receiving Communion. But if that person obtains a Catholic annulment—thus invalidating the sacramental bonds of the first marriage—he or she is not living adulterously and can receive Communion, which is a powerful reason for devout Catholics to seek a church annulment.

Why the change?

As part of the pontiff’s ongoing efforts to humanize and update the church, he has recognized that the current annulment process is difficult. “Some procedures are so long and so burdensome,” [he said in 2014](#), “and people give up.”

The Catholic annulment [procedure](#) is certainly more complicated than a legal annulment. A petition is submitted along with a list of people who can testify. Each spouse can have a church advocate (canon lawyer) who represents them. A church “defender of the bond” argues against the annulment. The church court reaches a decision but then that decision has to be reviewed by a second court.

It takes a year to 18 months to complete, whereas a civil annulment can be completed over a few months (or less). There are about [11 million Catholics](#) in the United States whose marriages end in divorce, yet only about [25,000 Catholic annulments](#) are granted in this country each year.

The pope’s move is seen as a way to make the church more responsive to people’s needs. “It is a democratizing move focused on easing the course of reintegration into the church for women, in particular,” [says Candida Moss](#), a professor of New Testament and early Christianity at the University of Notre Dame. “His actions are propelled by compassion and pragmatism: He recognizes the dangers of spousal abuse and the reality that many modern marriages are undertaken without full consideration.”

What exactly is the pope proposing?

[The changes](#) are significant. Pope Francis is eliminating the second court’s review. He’s making the annulment process free (it normally [costs about \\$1,000](#)) and is fast-tracking it to take about 45 days.

Bishops are also being given autonomy to grant some annulments themselves without all the red tape. Appeals can be conducted locally instead of at the Vatican.

Impact on U.S. courts

Now that Catholic annulments are going to be more accessible, there is heightened interest in annulment in general. More people will be headed to their lawyers or to court directly, thinking they should get a legal annulment along with their Catholic annulment.

The change of process in the church, however, doesn’t translate into any differences for existing civil annulment law. “While Catholic annulments are getting easier due to changes in the Catholic Church, this does not mean that civil annulments have changed in any way,” confirms [Jennifer A. Brandt](#), a family law attorney at [Cozen O’Connor](#).

For non-Catholics, annulment may not be the way to go anyway. Divorces are actually more common than annulments, and easier to prove. “As with a divorce,” says Brandt, “when a marriage is annulled, there are still issues of property division, support, and child custody that must be resolved. So, at the end of the day, getting an annulment is oftentimes not easier, and may in fact be more difficult than getting a divorce.”

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