

In 2015, Our Holy Father, Pope Francis, asked the leaders of the Catholic Church to reach out in a special way to those who were away from the sacraments because of an invalid marriage. The Diocese of Lincoln, in response to this call, is trying to reach out to those who are in need of annulments. You can help us with this outreach by dispelling any myths people have about annulments and by inviting your friends and loved ones who are in need of an annulment to learn more about the process. These pages are meant to provide some basic information about annulments and to encourage those who are in need of one to consider beginning the process.

## The Church's Teaching on Marriage

Before one can understand what an annulment is, it is necessary to know how the Church understands the sacrament of marriage. With regard to marriage, Jesus said, "What God has joined together, no human being must separate." Jesus also said, "Whoever divorces his wife and marries another, commits adultery against her." For this reason, the Catholic Church understands

marriage to be much more than just a legal contract. Marriage is a sacred bond, which can be broken only by death. However, on a couple's wedding day, there might have been elements present which kept a true marriage from taking place. An example of this would be if one of the parties were only getting married due to fear or pressure. Other examples would be: when one is not open to having children; when

one does not see marriage as permanent; when one does not intend to be faithful; when a baptized Catholic gets married outside the Church without permission; and when a person does not have the psychological capacity to get married. Even if one of these factors was present, the Church presumes that every marriage is valid until the opposite is proven beyond a reasonable doubt.

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*"What God has joined together, no human being must separate."  
– Mark 10:9*

## What is a Declaration of Nullity?

An annulment, properly called a declaration of nullity, is the discovery that at the time of the wedding, some essential feature, such as one of those listed above, was not present. If an essential element of marriage wasn't present, then the marriage was incomplete, and the Church, after thorough investigation, declares that a valid marriage did not exist. The declaration of nullity does not deny that an interpersonal relationship existed, nor does it imply that the marriage was

entered into with ill will or through moral fault. A declaration of nullity is not some sort of "Catholic divorce" by which the Church allows the marriage bond to be broken. Unlike a civil divorce, a declaration of nullity does not claim to break the marriage bond, but it is rather a statement that the marriage, as it is understood by the Church, was never valid in the first place. In a declaration of nullity process, the tribunal judges conduct an investigation into the circumstances surrounding the marriage,

especially prior to and at the time the couple exchanged their vows. The judges evaluate and examine the marriage for the necessary elements of a valid union: permanence, fidelity, true companionship and love of the spouses, and openness to bearing and educating children. The tribunal seeks to determine if there was anything that prevented those elements from being present from the beginning or if one or both spouses were unable to enter into a valid union due to physical, psychological or circumstantial causes.

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### Common Misconceptions

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*"In the Diocese of Lincoln, there is no fee for a declaration of nullity."*

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*"A declaration of nullity has no civil effects and does not render children from the marriage illegitimate."*

Unfortunately, many people who are in need of a declaration of nullity have never applied for one because of misconceptions they have about the process. It is important for us to correct these misconceptions so that no one will ever unnecessarily be away from the sacraments.

One common misconception regards the amount of money it costs. In the Diocese of Lincoln, there is no fee for a declaration of nullity. However, since the tribunal does incur expenses in the process, donations to offset the costs are welcome. It should be noted that donations, while appreciated, are never expected, and have no effect on the outcome of the case. Donations are not even accepted until after the case is finished so that there can be no appearance of bribery or favoritism.

Another common misconception has to do with the amount of time it takes the tribunal to hear a case. In the Diocese of Lincoln, once the petitioner has submitted all of papers to the tribunal, an average case can be expected to last around a year. However, there are many different types of cases and many factors that can affect how long the process takes. Some cases can be completed in a month and some

cases will require more than a year. There is no guarantee about how long a case will take and no future wedding plans can be made until the case is completed.

It should also be noted that a declaration of nullity has no civil effects and does not render children from the marriage illegitimate. Also, a declaration of nullity does not assign any guilt to either party nor does it blame either party for the breakup of the marriage.

Some people do not apply for a declaration of nullity because they know their former spouse will not participate in the case. At the beginning of each case, the former spouse is notified and invited to take part in the process. It is helpful when the former spouse decides to participate, but if he or she chooses not to be involved, the case will still be able to move forward without them.

Finally, it is important to know that not everyone who applies for a declaration of nullity will receive one. Marriages are always presumed valid until proven otherwise. For a tribunal judge to declare a marriage null, he must carefully review all of the facts and testimony and have moral certainty that a valid marriage did not take place.

### More Information and How to Apply



Diocesan Tribunal  
3400 Sheridan Blvd.  
Lincoln, NE 68506

[www.lincolndiocese.org/tribunal](http://www.lincolndiocese.org/tribunal)

If you are interested in getting more information about declarations of nullity, a good place to start is our diocesan website. Our website elaborates on the topics on this flyer and has links to other sites for even further detail. Your parish priest will also be able to answer many of the questions you might have. If you prefer to have your questions answered by email, feel free to contact the tribunal through the diocesan website: [www.lincolndiocese.org/tribunal](http://www.lincolndiocese.org/tribunal).

If you feel ready to apply for a declaration of nullity, you can obtain the proper forms from your parish priest or download them

yourself from the diocesan website. However, we encourage you to ask for help before you start so you can be sure you are filling out the correct forms and not doing any unnecessary work.

If you are already in the process of preparing your documents and have questions or need help, you can talk to your parish priest or email the tribunal from the diocesan website. By email, you could also set up a time to speak on the phone with a member of the tribunal to discuss how to fill out the forms and get guidance on how to write your narrative.