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Warning!

If you start a so-called ‘annulment’ (explained below), your (former) wife or husband can read everything you write in your ‘Summary’ (explained below) and everything you say in any interviews of you. You and your (former) husband or wife can read whatever any witnesses say in their interviews. Witnesses cannot read what you write or what you or your (former) wife or husband says in an interview or anything that other witnesses say in their interviews.

Who I am. I am a person working in the internal law of the Catholic Church in Canada. I am not a lawyer in the normal sense of the word. **Although I work in the Catholic Church, this is NOT an official Catholic website.** I believe that what I write here is correct, but it isn’t official or binding on anyone.

Our office does what are commonly called ‘annulments’. We don’t actually make something that was valid a nullity: we investigate to see whether the marriage was invalidly entered into. If we decide that a marriage was invalidly entered into, we aren’t saying that there was no human relationship or even less that any children of the marriage are illegitimate.

Under the continuing onslaught of mass media that teach false values, many people enter into marriages without intending what the Catholic Church teaches is a real marriage. Other people have been damaged by a toxic upbringing, so that they have never had a model of a true marriage; others are pressured to marry either by parents who want to avoid having grandchildren born outside marriage or by internal feelings that make them feel they must get married.

Whether or not you are Catholic, if you want to marry in the Catholic Church, you need to be free to marry according to Catholic teaching. The Catholic Church believes that, if a baptized man, Catholic or not, and a baptized woman, Catholic or not, get married and have sex after they are married, the marriage cannot be dissolved. The Catholic Church believes that this teaching comes from God and cannot be changed.

There is no time limit on starting an investigation into whether a marriage was validly entered into. Obviously, the earlier the investigation starts the better, as the parties (husband and wife) and any witnesses will remember events more clearly.

Where a case is done. A case can be done either (a) where the applicant or the other spouse has a usual place of residence (b) where the marriage took place (c) where the most important evidence about the entry into marriage is available. In practice the simplest is where the marriage was celebrated (because there can't be any disagreement about where the marriage was celebrated) and the next easiest is where either the husband or wife normally lives. The place where there is the most important evidence about the marriage is seldom used. There is a fee for doing a case, which doesn't come close to paying what a case actually costs us, but, if you can show that you can't afford even the fee we charge, you won't be charged anything at all.

The first step is to ask for an application package. This asks for documents showing when and where the marriage you want us to investigate occurred. It also asks for proof of divorce: we don't look into marriages to see whether they were validly entered into, unless there is a 'Certificate of Divorce' (what was called a 'Decree Absolute' of divorce under the old Divorce Act). By requiring proof of divorce we are ensuring that the marriage really has died. In the application package we also ask for a 'Summary of Married Life'. *This Summary is almost always misunderstood*: it isn't primarily about how the marriage failed but about why you think your marriage wasn't validly entered into. If no one can dissolve your marriage, in other words, if both husband and wife were baptized and after baptism had sexual intercourse during the marriage, all that can be done is to find out whether something stopped what seemed at the time to be a normal wedding from actually making a valid marriage come into existence.

Most of the grounds of investigation apply to Catholics and non-Catholics alike. One of the most common grounds of investigation is called 'grave lack of discretion of judgement'. What this means is that something internal to husband or wife or both of them significantly removed the needed free and carefully considered ability to choose whether to marry each other. A common fact pattern is a premarital pregnancy. Another common fact pattern is that a person emigrates to Canada and later brings their spouse to Canada. Sometimes the couple marry to get Canadian Immigration status or the person from the old country who comes to Canada to join the other person feels pressured to marry, regardless of

Immigration status. Such cases may involve 'grave lack of discretion of judgement' or other grounds of investigation.

The Catholic Church believes that a marriage must be open to children. The marriage does not become invalid just because no children are born. Both husband and wife must be open to having children. If either the husband or the wife excludes children at the time of the wedding, then not all of marriage has been offered and the marriage was invalidly entered into. Similarly with fidelity: if at the time of marriage the husband or the wife reserves the right to have sexual relations with a person other than the other spouse, then the marriage was invalidly entered into.

The mass media talks a lot today about homosexuality, pushing the idea that a homosexual union is the same as a heterosexual union. The Catholic Church does not believe this and says that homosexual acts and sometimes homosexual inclinations in either the wife or the husband may affect the validity of the marriage between the husband and wife. This is a complex area and the grounds of investigation can be one of quite a few.

Grounds of investigation include:

Fear of physical harm: the classic is the so-called 'shotgun wedding'. This doesn't happen very often in Canada. More common is the pressure from relatives, such as parents, that a man marry his girlfriend because he has made his girlfriend pregnant.

Error about a quality of the other party that is so important to the person making the error that the person in error is more marrying the quality than the person. This can happen in cultures where family origin or caste is extremely important. Sometimes a person marries into money and really doesn't see the other person as a person but just sees their money or their family's money. Such an extreme focus on a quality of the other person is quite rare in Canada.

The man or the woman is in error about whether a person may marry more than one person or whether a marriage can be dissolved or whether a marriage is a sacrament, where this error is central and decisive in the giving of marriage consent by the person in error. Error about whether marriage is a sacrament is very seldom in Canada central to a person's consent. It chiefly happens in countries where there is a very strong anti-Catholic culture in some parts of the society, usually in countries where the Catholic Church was the only legal religion or where it had an

overwhelming influence on society but the society is now secular, that is, does not pay attention to religious and in particular Catholic Christian values in determining the society's values and laws.

The man or the woman has been deceived, not necessarily by the other person, about a quality of the other person that is by its very nature likely to affect communal life. This deceit must have been perpetrated in order to obtain marriage consent. A classic example is that the man or the woman knows that he or she cannot have children and the other is deceived about this and having children is a core wish of the person who was deceived.

Either the man or the woman explicitly excludes either marriage itself or an essential element or an essential property of marriage. This is similar to but not quite the same as error. Error means that the person in error has a false understanding. Exclusion or 'simulation' means that the person has excluded something fundamental to marriage in giving his or her consent.

Total 'simulation', which is the technical term for the exclusion of marriage itself, is where a person goes through a form of marriage but intends something completely different. A classic example is the marriage of convenience, typically when a person marries in order to obtain immigration status. The immigration authorities in Canada keep an eye out for this. Classic fact-patterns include when the couple never really got to know each other before the marriage ceremony or else split up very soon after the wedding.

Partial simulation is where a person goes through a wedding ceremony but excludes a fundamental part of marriage consent. There are three well established things that a person marrying is forbidden to reserve to himself or herself at the wedding ceremony: (a) the right to marry more than one person (b) the right to dissolve the marriage (c) the right to refuse to have any children or unilaterally decide how many children of the marriage there will be. A fourth exclusion is where a man or woman excludes the good of his or her spouse. If from the beginning of the marriage or very shortly after the wedding the man or the woman treats his or spouse as a stranger, having no significant togetherness, then he or she is excluding the good of the spouses. Husband and wife are supposed to give himself or herself to the other: the wife is not a mere breeder of children or housekeeper, the husband is not a mere meal ticket or source of social advancement.

Obviously, the Catholic Church is not saying that the State may not dissolve its version of a marriage bond; what the State may not do in the view of the Catholic Church is dissolve the religious bond that comes into being between a man and a woman at a marriage ceremony approved by the Catholic Church, typically a marriage celebrated in a Catholic church. Indeed sometimes a Catholic needs to use the law of the State to get his or her rights when a marriage breaks down, such as financial support for the spouse or for children, division of matrimonial property, visiting rights to children of the marriage.

The grounds of investigation mentioned so far apply to Catholics and non-Catholics alike. The next area of investigation only applies to Catholics. Marriage on a condition, that is, where the condition is fundamental to the marriage consent, can make the marriage invalid. The rules on this vary between Western/Latin Catholics and Eastern Catholics (in Canada most often Ukrainian Catholics).