



# *A Quick Guide*

## TO DIVORCE AND THE CATHOLIC CHURCH

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# Introduction

Most people don't fully understand what the Church *really* teaches about love, sex, marriage, divorce, annulment, or remarriage. In fact, there are simply too many myths and misunderstandings that can cause frustration, anger, and even lead some to leave the Church.

The "good news" is that anyone can access the truth of Church teachings from reliable sources, such as the ***Catechism of the Catholic Church*** (CCC 2382-2386). Firstly, the Church recognizes that civil divorce—and what may lead up to it—is a grave offense to the natural law and the dignity of marriage. It's a deep wound to the couple, their family, and the whole community. But did you also know that not all marriages were entered into in a way that is recognized as valid by the Catholic Church, even if the couple married inside a church?

Even if one or both parties intended authentic marriage, maybe one or both was not capable or free to marry in a way that images the free, permanent, life-giving bond between Christ the Bridegroom and his bride, the Church. **After all, the Church always looks to Christ in everything and especially to his words about this important union.** There may have been a wedding, a shared life, good times, and beautiful children—but sometimes (from the beginning) significant problems can prevent a true marriage bond from forming.

While not a blanket permission to divorce, the Church also knows that civil divorce is necessary sometimes for very serious reasons, such as the safety or well-being of the family. Sometimes it's clear that, after years of struggle and a final divorce, there never was a free, faithful, total or fruitful bond that was formed between the couple when they said "I do."

But sadder still, is when one party gave it his or her very best and intended the union freely, faithfully, and fully for life, only to be abandoned by the other party. The Church is clear and unyielding in assuming every marriage is valid until proven otherwise; she upholds the dignity, sanctity, and indissolubility of marriage vows. But she also understands that what sometimes looked like a marriage was not.

Each case is different because each person and each marriage is unique. No matter what your situation may be, the Church is here to help investigate, clarify, encourage, and support you and your family in living a holy and happy life. Don't be discouraged—keep learning.

# Common Myths About Divorce

## Divorce is a sin.

*Not necessarily* so. The Church understands that in extreme cases it may even be necessary to separate and/or file for civil divorce for the emotional or physical protection and safety of a spouse and the children, or to preserve property rights (CCC 2383). Every case is different because every marriage invokes two unique people in unique circumstances. Not many really know what goes on behind closed doors. Don't be too quick to judge without a caring heart, an open mind, and all the facts.

Now, what leads to civil divorce can be very sinful. And, yes, filing for civil divorce in many cases is another sinful act that deeply wounds the marriage, the family, and the whole community. But all people have the ongoing love of God, forgiveness through the sacrament of reconciliation, and hope for marital reconciliation or at least the conversion of all hearts.

## The divorced can't receive Holy Communion.

*Not necessarily* so. If they have not remarried outside the Church and are in the state of grace, they are free to receive. However, NO Catholic who is in the state of ANY serious, unconfessed sin should approach to receive Our Lord in Holy Communion until he/she is convicted of the wrong, confesses, and repents with a "firm purpose of amendment." Habitual bitterness, unforgiveness, lying, cheating, pornography, and sexual immorality, are examples of "serious sin" that offends Our Lord. Just as we should shave, shower, and buy a gift before going to a wedding, so, too—out of love and respect for Christ in the sacrament—we should be properly prepared and disposed to receive him in this intimate act of love.

## Children are illegitimate after an annulment.

Untrue. A "Declaration of Nullity" addresses the consent of the spouses at the time of the wedding to see if there was some serious issue that prevented a valid bond from forming. *It has nothing to do with the gift of children.* "Legitimacy" is a civil issue concerning a child's paternity. Children born of a legitimate civil marriage which is later declared "null" by the Church are always legitimate and enjoy full rights and privileges of the civil law. Sadly, when one spouse party petitions for annulment, the other spouse (or family members) will try to make them look bad in the eyes of the children by telling them, "Mommy/ Daddy wants you to be declared illegitimate!" This is distressing to the children to say the least and indicates ignorance and selfishness.

## **Annulments can be bought.**

No, they can't. Canon Law has always provided for those who cannot afford the average administrative costs in this country (\$400-\$700) by dismissing or lowering the fees. *Many dioceses now charge nothing.* And even if your best friend is a judge on the tribunal, you can't change the outcome. The process of the law is still required for the protection of the parties, the community, and the dignity of the sacrament.

## **You can date after divorce.**

*Not unless you have a Decree of Nullity and are otherwise mentally, emotionally prepared to marry another.* Why? You are still married and married people are not available to give themselves romantically and sexually to others. Every time a couple exchanges marital vows whether they are Catholics or atheists, the Church presumes a VALID marriage bond comes into being. If both are baptized, then it also is a SACRAMENTAL bond.

# **Common Questions About Annulments**

Marriage, divorce, and annulments are complex issues—and deeply misunderstood within the Church, sometimes by clergy and laity alike. It is our sincere desire to help to heal this wound within the Body of Christ.

## **What is an annulment?**

It's not to be confused with a civil annulment. The formal term is "Decree of Nullity" and "annulment" has become the common phrase. Catholic annulment addresses the possible invalidity of the marriage due to defective consent. This means when the couple said "I do" maybe one of them really didn't mean it fully, or was unable to live up to it for some serious reason. While a marriage may be valid in the civil dimension, it can be invalid in the Church dimension. Think of it, in a certain sense, as our living in two worlds: one visible (earthly) one invisible (heavenly). This process only concerns itself with that heavenly dimension.

Despite heartfelt and good intentions, some people simply aren't able to live up to the vows they exchange, due perhaps to an addiction, severe immaturity, or some grave pressure such as an out-of-wedlock pregnancy. Some have reserved the option of divorce even though they hope it never happens. That reservation invalidates their "I do" changing it to "I do ... only under certain conditions."

## What could make a marriage invalid?

Defective consent involves the *who, what, when, how, and why* of your "I do." The Church recognizes—in her wisdom—that some people just aren't capable of entering into a sacramental union ... like some children are not capable enough to drive a car even though their feet reach the pedals and they really want to drive. *Some people who attempt to marry are extremely immature and—in a sense—may truly be unable to marry the way the Church requires.*

And the Church also recognizes—with the same love of justice and desire for mercy as Jesus—that imperfect people enter into what are called "attempted marriages." Despite their good intent, their best efforts, and maybe a very long time, something vital was missing or hindering the union from ever being able to rise to the level of a sacrament.

*Like what?* Maybe one spouse was married before and not free to marry again. Or one was immature, under age, under grave fear or pressure to marry (*shotgun weddings*), severely addicted, or refused to remain open to the gift of children. These are areas where the union can't reflect the free, total, faithful, fruitful love of the Bridegroom for his Bride and therefore cannot be "sacramental" (pointing to and becoming caught up into the Mystical Marriage).

## How does the Church determine these things?

It's a thorough, detailed process that requires *gut-wrenching honesty*.

The annulment process requires the skills of trained clergy and laity who take a good, hard look at the situation—including detailed interviews and testimonies—and (to the best of human ability) brings generous doses of God's justice and mercy to the decision making process.

Those who worry that annulments are 'too easily granted' can rest assured that the marriage bond is always considered valid until proven otherwise. And that usually takes a lot of proof by competent witnesses.

## Is it just a Catholic 'divorce'?

No. According to the Catholic Church a valid marriage can never be broken, because marriage is meant to image that unbreakable bond of permanent love between Christ and his Bride, the Church. **The Church has NO POWER to break an authentic marriage bond, but she does have the authority to determine—after thorough investigation—if that bond never formed and the marriage was invalid to begin with.** Even if the parties wanted and hoped for a valid marriage, maybe one or both of them did not have the capacity or full intent to live it out. One example is when a person stands at the altar and thinks, *Well, I hope we make*

*it, but if he or she ever cheats on me, it's a deal breaker. I'm outta here!* In that case the person has decided against the permanence of marriage. Their outward "I do" is contradicted (invalidated) by their interior reservations. But that intent has to be proven.

## **Isn't every marriage valid?**

Not always. If it's an authentic marriage, it has been "caught up into" and has become part of the unbreakable marriage bond between Christ with his Bride (all of us in his Church). God never breaks his promise; he never leaves us. No "divorce." Ever. But at the time the two said "I do," there may have been a grave condition that trumped validity. For example, a pre-nuptial agreement holds something back from the other spouse. It's a condition that is a counter-image to Christ's fullness of giving himself to us. Most pre-nups anticipate the possibility of divorce and are self-protective rather than self-giving. They turn the wedding "I do" into "I do NOT give you all." Most people are unaware of these conditions or the effect they have on the couple.

## **Do I NEED an annulment after civil divorce?**

No. Your marriage is presumed valid by the Church until proved otherwise and you are required to live as married even if your spouse left or you had to leave. It's only required if you are thinking about attempting marriage again. But many who have never remarried, and have no desire to, have still found it helpful to go through the process to determine what happened and for a sense of closure.

## **But I still feel an annulment is wrong. Or I'm sure I can never get one.**

Many people fear, resent, or fail to seek an annulment because they do not first have a full understanding of what it is. In rare cases, the other spouse has issued grave threats and someone may fear for his or her life in petitioning for an annulment. This is a complex situation but worthy of more research and an open mind. You do not have to seek an annulment if you do not plan to remarry. But please don't deprive yourself and others of a beautiful gift out of lack of knowledge and misunderstanding.

*You might want to find an informed priest or lay person who (1) has a sufficient understanding of canon law, and (2) is faithful to the Church's teachings, and seek his/her counsel.*

## Why do non-Catholics have to get annulments to remarry in the Church?

Every man and woman who said, "I do" are presumed to have a valid marriage bond until proved otherwise—Catholic or not. Scripture also tells us there is one Lord, one Body, one Church and all Christians who have been baptized are presumed capable of a sacramental marriage bond, again, until proved otherwise. This is the Church's beautiful effort to defend, protect and uphold every valid marriage bond.

## Surviving Divorce: Hope and Healing for the Catholic Family

Decades ago after I went through civil divorce and annulment, there was very little available for the divorced Catholic. Frantic for guidance on sensitive issues most did not want to address—or even admit existed—I discovered the powerful DivorceCare© Protestant series on VHS tapes and watched them at home. I was comforted, encouraged, and so inspired! I prayed for a long time that the Catholic Church would come up with an equally compelling program.

In the meantime I started divorce ministry in California using the Protestant series, under the authority of my pastor who had come from divorced parents. I saw what worked, what did not, and the best ways to reach the hearts of suffering Catholics. I also learned to always bring lots of Kleenex! I consulted with twelve-step support groups, Catholic therapists, spiritual directors, and tribunal canonists to combine best practices in the ministry. After ten years it became clear to me: *I was the one to produce the Catholic video series!*

I excitedly called the inspirational Father Donald Calloway, a child of divorce who had three fathers by the time he was ten years old. I asked him to be in the video series and he agreed. Then I called others, including theologian and author, Christopher West. St. John Paul the Great's Theology of the Body—West's primary focus and work—had changed my whole perspective on life and love and had become the underpinning of all my ministry work. He also agreed to be part of the series.

Divorce is a difficult and depressing topic that can take a person into dark places. For a light touch and some healing humor, I knew I needed to feature the wit and wisdom of Dr. Ray Guarendi. If you haven't heard Dr. Ray on radio or seen him on television, you're in for a treat. He's hilarious.

We also included the real-life testimony of twelve Catholic men and women who share their stories. Their witness is raw, real, sometimes funny but—in the end—deeply inspiring.



The result was a complete, twelve-week program that should be part of every parish ministry, called [\*Surviving Divorce: Hope and Healing for the Catholic Family\*](#). The only such program seen through the lens of Theology of the Body, it is now in sixteen countries. Here's why it is such an essential program for parishes:

**It responds to the growing need of wounded Catholics.** As Catholics become increasingly affected by cultural influences, divorce is likely to be increasing. Your parish can be ready.

**It is Christ-centered.** The answers to divorce—and all life's problems—are found most completely in the heart of Christ. This program begins with divorce-related topics but gently moves into a deeper relationship with—and trust in—the love that never fails.

**It hits all seven works of mercy.** Through the twelve 30-minute videos and supporting materials God's abundant mercy is poured out: *Comfort the afflicted, counsel the doubtful, instruct the ignorant, and admonish the sinner*. We also teach the participants how to *bear wrongs patiently, forgive easily, and pray for one another*.

**It is based on Theology of the Body and Church teachings.** Divorce stems from disordered views of the human person and an inability or refusal to love rightly. The program experts introduce and draw on the Theology of the Body as well as timeless, traditional Catholic teaching about the dignity and indissolubility of authentic marriage.

**It profoundly changes lives.** After divorce, many who have not been faithfully practicing or have even been away for years will run to the Church for help they know they can't get anywhere else. I've heard from hundreds of participants whose love for God and the Catholic Faith have been set on fire after attending the program. Personal conversion then helps to heal the whole family.

**It offers peer support and top Catholic experts.** Participants listen to and encourage each other, knowing they are not alone, and coming out of their own misery to support one another. But they also need expert guidance; the videos present some of the best Catholic teachers in theology, psychology, and spiritual direction.

**It offers practical tips on relevant issues.** The divorced are plagued with depression, anger, unforgiveness, loneliness, loss, fear, and much more. Each of the videos and the Personal Guide offer guidance in the real problems with which people struggle.

**It helps parents help the kids.** The Church has long held that parents are the primary teachers to their children. On the "Family Page" in the Personal Guide we give parents the language to talk with their children on almost every divorce-related topic. The website provides resources and free downloads for parents and children.

**It takes the burden off the pastor.** Lay people typically facilitate this program. Those who make good leaders include single divorced persons who have healed, couples who have remarried after an annulment, and never-divorced couples who are older and have a heart for the ministry. Others who are running this program are deacons, deacon-and-wife teams, religious sisters, and even a few parish priests who themselves came from divorced parents.

**It offers structure and training.** The Leader Guide is a comprehensive resource that includes weekly lesson plans, trouble-shooting, and how to handle the intense emotions that some attendees may have. Best practices for planning and promotion are also covered. The website offers reliable information on annulments, redemptive suffering, reception of the sacraments, and much more. Comprehensive live training is also available.

**It offers ongoing support to leaders.** In addition to trainings, a private online community of group leaders around the world provides a place to bond, share, ask questions, post informative articles, and pray for the divorced and one another.

But the best thing about the [\*Surviving Divorce\*](#) program is its ability to show people how God is still working in their lives. I remember a participant once telling me, “This program made me realize how much God loves me and will not abandon me. I went to confession again, after thirty years. I’m home!”

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**Rose Sweet** is a Catholic speaker and author of ten books on relationship healing, including divorce and annulments. She is a frequent guest on Catholic radio and television and she spoke on divorce healing at the 2015 World Meeting of Families.