

Divorced & Catholic FAQs

1) Is a divorced Catholic excommunicated?

A) No, civil divorce does not automatically result in excommunication. The divorced Catholic is a full member of the Church and can participate in all Sacraments.

2) Can a divorced Catholic marry again?

A) Yes, once a Decree of Nullity (annulment) has been issued by a Diocesan Tribunal.

3) Can a Catholic marry a divorced non-Catholic in the Church?

A) Yes, once the non-Catholic's prior marriage has received a Decree of Nullity (annulment) from the Diocesan Tribunal. All non-Catholic marriages, both religious and civil are presumed to be valid by our Church.

4) I am a divorced Catholic and my prior marriage was not performed before a priest, deacon or bishop (it was before the justice of the peace or another Church). What is my status?

A) Your prior marriage was invalid (unless you received a dispensation from form) since it did not follow the required form of marriage required for Catholics. You may file an administrative process, called Lack of Form, which is very simple, normally takes less than thirty days and has a small processing fee. You would then be free to marry in the Church.

5) What is a Decree of Nullity (annulment)?

A) This is a judicial decree from the Church issued at the end of a process studying the details of a marriage to determine if at the time of consent (the day of the marriage) there was some element of marriage required under Canon Law that was missing, resulting in a defective or invalid marriage. If the decree is affirmative, both parties would be able to be married in the Church. If negative they would not be able to seek marriage in the Church.

6) Does this mean that the marriage did not take place? What about the legitimacy of the children?

A) No, the marriage existed but was invalid in the eyes of the Church. This has no effect on the civil aspects of marriage, divorce, alimony, or on the status of the children.

9) How do I start the process? Is it very expensive? How long does it take?

A) By contacting your parish priest or deacon. There is a nominal processing fee. However, in the case of need assistance can be obtained. No one is denied access to the Court due to financial limitations. All cases are processed in the order the Tribunal receives them.

10) Are all cases granted a Decree of Nullity?

A) No, the process in each case is the search for the truth of the question of validity on the day of the marriage. This is done by the presentation of testimony and evidence. The process and rules are complex and structured to achieve the finding of the truth with moral certainty.

11) I am a Catholic, my present marriage was not performed before a priest or deacon, I was married outside the Church, what is my status for receiving communion?

A) Since you did not follow the form of marriage required for Catholics under Canon Law, you are not considered married in the eyes of the Church. Until you have the marriage validated, you may not receive communion. You are still a member of the Church, are not excommunicated, and required to attend Mass on Sundays and Holy Days however. Contact your parish priest.