



# An Overview of Nullity Grounds and Proceedings

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# The Catechism and Marriage

## Catholic Definition of Marriage

- A Contract between a Man and a Woman
- Agree to Establish a Permanent Partnership
- Of the Whole Life Ordered toward:
  - (a) The good of the spouses, and
  - (b) Being open to the gift of children and raising them together

(CCC 1601)

# The Catechism and Marriage

## Elements of a Catholic Marriage

- Canonical Form
- The Spouses:
  - (a) are free to marry
  - (b) freely exchange their consent
  - (c) Intend to marry for life, be faithful and open to children

# The Catechism and Marriage

## Freedom to Marry and “Impediments”

- Prior Bond—still bound by a prior valid marriage (CCC 1085)
- Disparity of Worship—marriage between Catholic and non-baptized person (CCC 1086)

# The Catechism and Marriage

## Freely Exchange Consent (Anomaly)

- Lack of Sufficient Reason
- Grave Defect of Discretion of Judgment
- Incapacity to Assume Essential Obligations

**AT TIME OF MARRIAGE CEREMONY**

# The Catechism and Marriage

## Freely Exchange Consent (Simulation)

- A Positive Act of Will
- Total Simulation
- Partial Simulation

# The Catechism and Marriage

## Freely Exchange Consent (FFF)

- Force
- Fear
- Fraud

# The Catechism and Marriage

## Intentions in Consent

- Conditions
- Errors



# Nullity Proceedings

## Archdiocesan Judicial Tribunal

- Similar to civil litigation
- Instituted by petition filed by spouse
- Other spouse has opportunity to respond to petition's claims
- Discovery to develop factual record for petition
- Written decision from Tribunal

# Marriage & Nullity Proceedings

Q&A