Various Roles in the Annulment Process

PETITIONER : A Petitioner is a civilly divorced person who asks the Tribunal: “Was my prior marriage a valid covenant before the Lord?” There is a common misconception that a Petitioner is similar to a plaintiff in civil law. In reality, these two are nothing alike. In the civil process, a plaintiff accuses another person/entity of causing him/her damage or harm. The purpose of a civil court is to, if necessary, restore the plaintiff to where he/she was before being harmed.

In the Church, a Petitioner is simply the person who asks the Tribunal if their previous marriage was valid; if he/she is still bound to their ex-spouse. The Tribunal is not interested in blaming or punishing either party. Through the investigation process, the Tribunal often uncovers truths about the marriage that help both Petitioner and Respondent learn how to better love, and how to grow in their faith. The purpose of a Tribunal is to find Truth and to lead both Petitioner and Respondent to Christ Jesus.

RESPONDENT : A Respondent is the ex-spouse of a Petitioner. Because the purpose of the Tribunal is to find the Truth and bring all people closer to Christ, the Respondent is given the same rights as the Petitioner. The Respondent is also encouraged to participate as little or as much as he/she wishes in the process. Many Respondents find the investigation a source of solace and healing after the traumatic experience of divorce.

ADVOCATE : An Advocate is a person trained by the Tribunal to assist the Petitioner and/or Respondent in presenting his/her case to the Tribunal. The Tribunal will recommend one or two advocates, but the parties themselves make the appointment. Toward the end of the process, the Advocate will present a formal,
written brief to the Tribunal explaining why an annulment should or should not be granted. The role of the Advocate is to represent the position either for or against the annulment, and to make sure that the rights of their client are respected in the process.

**DEFENDER OF THE BOND**: A Defender is a person trained in canon law whose position is to argue in favor of the bond of marriage, to make sure that proper procedures are followed, and that canon law is observed. A Defender of the Bond is required in every marriage annulment process. The Defender also has the right to appeal a decision by the judges that he/she believes is wrong or improperly decided.

**WITNESSES**: There are two kinds of witnesses: an evidentiary witness provides substantiating testimony about the Petitioner or Respondent. A witness should be knowledgeable regarding the facts of the case, including personal contact with the couple concerning their family backgrounds, time of engagement, actual celebration of the marriage, and early years of marriage. Since the annulment decision is frequently based on a defect of consent which existed at the time of the wedding, firsthand knowledge of the parties at that time is critical.

A character witness testifies to the truthfulness and good reputation of the Petitioner and/or Respondent. These types of witnesses are common for cases involving marriages that failed many years ago, and for whom living witnesses are no longer available.

**ASSESSOR**: In cases of a grave lack of discretion of judgment, or of an inability to fulfill the obligations of marriage because of a psychological anomaly, an assessor assists the judge by examining the evidence and testimony in a case, and offering an expert opinion based on same. The assessor often has a background in psychology or social work, and writes a brief summarizing what he/she sees in the testimony about the parties, their psyches, and their environments which may have affected their ability to give valid consent.

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