

1. **No divorce in the Catholic Church:** Jesus is the originator of the Catholic doctrine of marriage. He said, much to His disciples' surprise and dismay, "what God has joined, humans must not separate" (Mt 19:6, Mk 10:9; CCC, 1614-15). The Church did not form the bond, so the Church cannot break it (1640).
2. **An annulment is a "declaration of nullity." It does *NOT* cancel an existing bond.** The problem in English is that the word "annulment" *sounds like* "taking action to destroy a bond." The technical meaning of the word is exactly the opposite: in an annulment, the only action the Church takes is to **recognize that the bond of marriage never formed**. An annulment does not break a marriage bond; the finding of the Marriage Tribunal reports that *no bond ever existed* (1629).
3. **Grounds for an annulment are derived from the prerequisites for marriage.** If one ingredient is missing at the time of the marriage, the marriage bond never came into existence.
  - A. **Publicly witnessed vows:** If the consent of the couple is damaged by circumstances (for example, "force and fear") or by interior inadequacies (such as psychosis, mental illness, malice, or intoxication), **then the words said by the couple have no meaning**. In taking the vows, the couple must embrace the goods of marriage: *indissolubility, exclusive fidelity, and fertility* (1643). If one or the other party could not or did not intend these goods, then the vows, though pronounced, were not intended and therefore are not binding.
  - B. **Consummation by sexual intercourse.** Physical, circumstantial, or psychological factors may make it impossible for the couple to complete their promise of self-giving; if so, the marriage remains incomplete. If neither partner complains, they remain "married" in the eyes of the Church; if one wishes to seek another partner with whom a full married life may be lived, the Church will declare that the first union was null and that the petitioner is free to marry.
4. **Spouses may separate for serious reasons.** Since marriage is overseen both by the Church and by the state, couples may obtain a *civil divorce* which addresses only the secular, legal relationship of the couple to each other; they are still bound by the vows that they made in the presence of the Church and by the assumption that God joined them. They may live apart, but may not re-marry during the lifetime of their spouse (1649); so long as the "divorced" person is chaste, he or she may receive the sacraments. If the couple obtains a civil divorce and then one or both enter a marriage authorized only by secular society, the person who attempts remarriage **excommunicates himself or herself** (1650-1).
5. **The children of a relationship that was found null are legitimate.** The sexual activity of the parents was legitimate because it was blessed by both the Church and by the state. *The legitimacy of their sexual union is not broken by the recognition that there was something deficient in their spiritual relationship* (the matter of the vows). Contrast this case to those instances of true illegitimacy in which the child is the fruit of adultery, rape, incest, or fornication. There is a world of difference between these tragic or sinful situations and that of a couple who are beginning their sexual relationship with a public, though defective, declaration of their intentions. There is nothing secretive, sinful, or shameful about the sexual activity of the couple who attempted marriage, and therefore no stigma is attached to them or to their children when it is determined that some aspect of the spiritual relationship was flawed.
6. **The Church is not getting rich from the annulment process.** All costs associated with annulment are directed simply to covering the living expenses of those who dedicate their lives to this service of the Church, whether they are laity or clergy.

## Explaining Zellweger's "Fraud" Claim

by Joal Ryan

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<http://www.eonline.com/News/Items/0,1,17382,00.html>

When Renée Zellweger called Kenny Chesney a "fraud," she meant it only in the best way.

The Oscar-winning actress attempted to clarify Friday why her four-month marriage to the country singer all but ended this week when she filed for an annulment, citing "fraud."

In a statement, the Cold Mountain star called the term "simply legal language and not a reflection of Kenny's character."

"Oh, I beg to differ," Glen L. Rabenn, a family law attorney based in Seal Beach, California, said with a laugh when read Zellweger's words. "What is it then? She's saying the guy is a fraud. Doesn't that go to character?"

Attorney John Mayoue, an Atlanta litigator who has represented the likes of Jane Fonda, called the "fraud" declaration "very unusual for a high-profile case."

"Most celebrities who have a public name to protect would not make this kind of public allegation," said Mayoue. "When famous people call us, we try to find a way under the radar, so to speak."

In California, where Zellweger filed, annulments are rare, seemingly by design, among the famous and non-famous. The state that invented the no-fault divorce is a stickler on annulments. "You've got to prove your grounds," Rabenn said. "You've got to go to court."

In Nevada, where Britney Spears ended her 55-hour union to childhood friend Jason Allen Alexander in 2004, a bride can annul her marriage simply by declaring, as the pop star did, that she "**lacked understanding of her actions.**" But in California, the annulment seeker must declare one of the following: 1) That he or she was under age; 2) that one of the parties was already married; 3) that someone was of "unsound mind"; 3) that the marriage was entered into by "force"; 4) that one of the parties suffered "physical incapacity"; or, 5) that "fraud" had been perpetuated.

"Fraud is a very high standard," Mayoue said. "For a court to accept this for fraud, it's going to have to be a very egregious situation."

Under California law, a fraudulent marriage means, in part, "the consent of either party was obtained by fraud." In layman's terms, Rabenn explained a hypothetical case this way: A newlywed couple checks into a honeymoon suite; the husband pulls out a document declaring that he's impotent; the wife, previously unaware of this situation, checks out--and calls her lawyer.

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12/20/05: The Chesney/Zellweger annulment was finalized in Los Angeles Superior Court on 12/20/05 when a judge granted their request. Officially, their brief marriage never existed.

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Sorrell Trope, a top Hollywood divorce attorney, on annulments: Fraud "means a promise was made before the marriage, but the person who made it had no intention of keeping it. The promise has to pertain to the heart of the marriage."