

several factors that determine your status. However, you are NOT excommunicated by not receiving an annulment, whether or not you are currently in a civil union. While those who have entered into a new civil union are disqualified from receiving Holy Communion, it is important to note that being disqualified from receiving Holy Communion is NOT excommunication.

Because receiving a negative decision means you are still married to the other party, marriage to a new person is not possible. The reason why a person who has “remarried” in a civil ceremony cannot receive Holy Communion is because he/she is bound to a prior bond of marriage. If the couple in a civil union is living a conjugal life together, they are living in a state that is contrary to the Church’s teaching on marriage. Receiving Holy Communion is a visible sign that a person is living a life in keeping with the teachings of the Catholic Church. Therefore, a person who is living a conjugal life in a civil union with someone other than who the Church considers to be his/her spouse, is not qualified to receive Holy Communion. To be clear, it is the ongoing sexual relationship that disqualifies a person from receiving Holy Communion and not necessarily the fact that someone is divorced.

As the Church teaches, if you have not remarried and are presently living a chaste and moral life, you may be qualified to approach the Sacrament of the Eucharist. Please consult with your pastor to discuss your options and to understand the parameters in which we must work for your spiritual wellbeing and the common good of all the faithful in the Church.

**If you have more questions, please visit [www.dphx.org/tribunal](http://www.dphx.org/tribunal) or contact your advocate for further assistance and instruction.**

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## AFTER RECEIVING A NEGATIVE DECISION



**DIOCESE OF PHOENIX**  
OFFICE OF CANONICAL SERVICES  
& THE TRIBUNAL

Receiving a negative decision regarding a marriage annulment can be a difficult and confusing experience. It is hoped that this brochure will answer many of the questions you may have regarding this outcome.

### **What is an annulment?**

The annulment process is an investigation into whether or not the bond of marriage was formed when two people gave their consent at the time of the wedding. When the petition was submitted to the tribunal to start the annulment case, the petitioner was asking that the court investigate whether or not this bond was formed. It is important to understand that this process is not like a civil divorce or a civil annulment. If an annulment is granted, it means that the court determined that a marriage between the two parties never existed as understood by the Catholic Church. It does not deny the fact that there was love and children, but necessary elements to form the marriage bond were absent at the time of consent.

### **What does it mean to receive a negative decision?**

When the tribunal receives a petition for an annulment, the presumption is that the marriage is valid until it is proven otherwise. Through an examination of documents and testimony, the court must determine whether or not the presumption of law (the presumption that the marriage is valid) can be overturned by the evidence collected. There is a high burden of proof for the court to overturn that presumption, which is why a significant amount of evidence is gathered during the investigation. The annulment process is a true judicial process that must follow the rules of corroborating evidence and standards for proofs in order to arrive at a just decision.

It sometimes occurs that after the collection of the evidence, the presumption cannot be overturned and the court must give the petition a negative decision. There are two reasons why this would occur:

1. the marriage was valid and the bond was truly formed at the time of consent;

2. there was insufficient evidence to prove that the marriage was invalid.

If a negative decision is given, it means the Catholic Church still considers the parties of the case to be married. Because of this, they are not free to marry someone else.

### **What are my options?**

1. Either party may appeal the decision to a higher tribunal. The appeal tribunal for Phoenix is the Archdiocese of Santa Fe. If you would like to appeal, you must inform the Tribunal of Phoenix within 15 working days from the time you are made aware of the decision.
2. You may start a new case using different grounds. Once a ground has been used and a decision rendered regarding that ground, it cannot be used again in a subsequent petition.
3. If an appeal is not possible, or the appeal also declares the marriage to be valid, someone who is already in a civil union may be able to apply for a *Frater/Soror*. With a *Frater/Soror* arrangement, the couple who is in an invalid marriage promises not to engage in sexual relations in order to be qualified to receive Holy Communion, so long as there would be no substantial risk of creating scandal in the community. The issue of causing scandal is very important because that too could be sinful and disqualify someone from receiving Holy Communion. This is because the community must not be scandalized or led into error about the Church's teaching on divorce and remarriage as it was received from our Lord in the Gospel. If you would like to request this permission, please speak with your pastor or nullity minister in the parish.

### **What is my status in the Catholic Church?**

When receiving a negative decision on an annulment case, many people are understandably concerned about their status in the Catholic Church. There are