

Intern sees Tribunal work as expression of Christ's love

By Teresa A. Parsons

Annulment, for most lay persons, is a process shrouded in mystery and distorted by rumor.

Yet deacon candidate Jim Gillette views the process as an expression of Christ's love through canon law. Thanks to experience he has gained during a summer internship at the Diocesan Tribunal, he hopes to help spread that perception to a broader audience.

This fall, Gillette, 56, will begin his third year of study in the permanent diaconate program. Each summer, deacon candidates participate in summer internship programs to support the theories to which they are exposed during the academic year.

"My primary reason for selecting the Tribunal this year is because I knew very little about annulment," Gillette said. "I presume I will be working with it a lot in pastoral ministry."

"One of the other reasons I'm here is to try and determine why marriages are breaking up," he added.

Throughout the summer, Gillette has spent one day each week with Tribunal officials. He has been able to follow cases from the initial contact with the pastor through testimony from witnesses, interviews with the petitioner and respondent, and the writing of judicial statements.

"I get excited about reading people's life stories and by knowing that there is a procedure established by Holy Mother Church to right these wrongs," he said.

The aim of an annulment investigation is to determine whether there existed between a married couple "a community of their whole lives," or whether any of a number of potential factors contributed to "deficient consent."

How those phrases are interpreted depends on each individual case. "We are looking at the capacity of persons to establish a community of their lives — in other words, whether they were psychologically capable of consent," explained Father Robert F. O'Neill, the diocesan Tribunal's presiding judge.

A petitioner, or person seeking an annulment, is first encouraged to discuss his or her case with a parish priest, pastoral assistant, or deacon. If, in that person's opinion, the petitioner has a reasonable case for annulment, he or she is given a detailed guideline (known as the Marital History Guideline) and asked to write a statement. The petitioner is then referred to the Tribunal office.

Ordinarily, witnesses are asked to confirm the content of the statements.

Presiding over cases is the Officialis, or chief judge. A Defender of the Bond is assigned to present arguments in favor of the validity of the marriage and to ensure that all parties are justly represented. Also present is a notary, and in some cases, a psychologist.

"It is more analogous to a hearing than a civil trial," Gillette explained. "They deal with individual cases on the merit of that case alone. It's respectful of the individuals themselves, not based on precedent."

Cases presented to the Diocesan Tribunal are referred to as "in the first instance." When the marriage is declared invalid by the court of first instance, the case is automatically appealed to the court of second instance, which is known



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as the Inter-diocesan Court of Appeals. Members are elected to this court by the bishops of New York state.

In cases where the marriage is declared not invalid by the court of first instance, the petitioner may appeal the decision. When the evidence presented in a case is not sufficient to support a decision, the Tribunal places the case on an inactive list, pending additional information.

A psychologist — generally Sister Dorothy Schlueter, RSM — is consulted in cases when "things are off-balance," Gillette said. "Through interviews, she can identify personality quirks or possible internal conflicts that may have contributed to the breakdown of the relationship."

Most applicants seek annulments in order to remarry within the Church. People who remarry without an annulment often stop attending Mass because they cannot in good conscience receive the sacraments. "They say they feel too left out and hurt, that it is better for them not to go," Gillette said.

"A lot of people apply because of conscience. The Holy Spirit is moving them to reconcile with their past. Can you imagine what it's like going through life in a state of sin?" he said. "My greatest concern is that they return to the sacraments."

Others, who are divorced, yet have no immediate plans to remarry, view an annulment as an official closing to that chapter in their lives.

To date, Gillette's experience indicates that the majority of marriages fail because of "the materialism that runs so rampant through society today."

"He either can't afford to keep her in the manner to which they are accustomed, or the stress of maintaining their lifestyle is so great that a relationship is never allowed to become established," he concluded. "The stress today is on the individual. If you aren't your own person with complete freedom of expression, you are wearing the proverbial 'ball and chain.'"

Gillette also blames the divorce rate on the ease with which civil courts grant divorces.

"It is, in the eyes of the civil courts, so easy to obtain a divorce that even one hardship in a marriage can bring people to the point of splitting up," he said. "You don't even have to take a day off from work to get a divorce in many cases . . . People wonder 'Why should I stick it out and try to work out a problem when I can work it out permanently for \$75?'"

In recent years, the Tribunal has completed nearly 500 cases each year. That is in comparison with only two or three each year a decade ago. Since petitioners are initially screened at the parish level, most of the cases actually heard by the Tribunal are granted.

"I have not experienced a case where an annulment was denied," Gillette said. "The Church is not going along with the break-up of marriages, but when it has already happened, what good is it to deny an accomplished fact?"

"Prior to Vatican II, there was less emphasis on God-given rights and more on the magisterium's rule of law," he added. "The Church is growing, and fortunately, not like a cancer, but like a child."

Despite the frequency with which annulments are granted, people still harbor a host of misconceptions about the process or its outcome. Many believe, for instance, that the process is lengthy and expensive and that favorable decrees are available only to the wealthy and influential.

cause of inability to pay, and the average case is completed in four to five months. The standard fee is \$200; however a fee is never mandatory. In fact, Gillette noted, when petitioners attempt to pay more than the standard fee, their money is returned.

Others question how marriages that have lasted as many as 30 years and have produced children can be said to never have existed in the eyes of the Church. "Couples may have lived together for 25 years, presumably in a married state. Certainly a ceremony took place," Gillette said.

But, he pointed out, many conditions that the Church considers as grounds for annulment — such as alcoholism or psychotic behaviors — are not easily identified in the early stages of life.

Some couples, in whose background marriage may have been held up as an inviolable ideal, refuse for years to recognize the reality that their own relationship is essentially lacking. Others remain together solely for the sake of their children.

Compared to civil law, Gillette believes that canon law procedures are both fairer and more sensible. "Annulments are based on reality, on the seeking of the truth, on self-atonement rather than self-righteousness," he said. "You're dealing with both parties in an equal manner. Civil law is based on persuasion."

Basing their expertise on 37 years of married life, Gillette and his wife, Lita, have long been involved in both formal and informal ministry to married couples. For more than 10 years, the Gillettes served as a team in the Marriage Encounter movement. Currently, they are developing a pre-Cana program in their own parish, Nativity of the Blessed Virgin Mary in Brockport.

They have also participated in the permanent diaconate as a couple, attending classes together during the academic year. After Gillette is ordained, they plan to continue working together, possibly devoting their post-retirement careers to ministry.

"Whatever it is that we end up doing, this would be a very vital part of our ministry," Gillette said.

The spiritual component of his summer internship has been equally as important as the practical experience, he added.

"At the end of every case, we look back and discuss how the outcome would improve the reconciliation of the persons involved with the whole Church. It has been a privilege to see in the interviews how tears have turned to smiles as this heavy burden a person's been carrying begins to be peeled away . . . how Jesus' love is being experienced through the whole Tribunal process."

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