

# Annulment process helps healing of hearts

By Lee Strong  
Staff writer

In 1983, Paula Fragaszy's children became old enough to start religious education.

While arranging for them to be educated as Catholics, Fragaszy discovered a desire within herself to be fully reunited with the church of her youth, from which she had felt separated since her 1977 divorce and subsequent remarriage.

Relatives had told Fragaszy that she could not get an annulment because she had children from her first marriage. But when she spoke with her parish priest, he encouraged her to try.

In July, 1984, Fragaszy's request for an annulment was recognized by the Tribunal of the Diocese of Rochester. Her second marriage was then blessed, and a weight was lifted from her shoulders.

"I felt healed," Fragaszy said. The divorce had taken care of the legal and psychological parts of the end of her first marriage, she observed, and, "the annulment gave me peace of heart."

Fragaszy was among 535 people in the Diocese of Rochester who received annulments, or, more properly, "declarations of nullity," in 1984. In 1985, 36,180 annulments were granted in the United States. Of those grants, 441 went to members of

the Diocese of Rochester. Figures for 1988 show that the diocesan tribunal granted 390 of approximately 440 annulment requests.

The number of annulments approved in the United States was one of the issues raised during the March 8-11 discussions between U.S. bishops and Vatican officials. Cardinal Achille Silvestrini, head of the Vatican's highest court, the Roman Rota, questioned why most of the annulments in the world are granted in the United States, and suggested that U.S. tribunals were not following proper procedures.

The cardinal's criticisms drew an immediate response from a number of U.S. prelates, including Cardinal Edmund C. Szoka of Detroit, who countered that U.S. tribunals were indeed following proper procedures and invited Vatican officials to look at them firsthand.

Father William Laird, judicial vicar of the Diocese of Rochester's tribunal, suggested that the U.S. figures are high in part because U.S. Catholics tend to follow proper procedures. More Catholics in this country have church weddings than those in many other nations, he said, and when people of those other nations divorce, they see no need of annulments, nor are they concerned about getting annulments before they remarry. In addition, he said, U.S.

bishops have "been very solicitous in providing appropriate personnel for their tribunals."

Although U.S. tribunals follow proper procedure, they are still subject to misunderstanding, Father Laird acknowledged. One of the most common misunderstandings is that an annulment is a way to get approval for ending a marriage. Accurately stated, he said, an annulment "is a declaration that a union intended to be a marriage is actually invalid, even though it was entered in good faith."

An annulment, therefore, is the recognition that some condition existed before the wedding that made one or both of the partners incapable of making the commitment a sacramental marriage requires. Among such conditions are mental illness, inability to form an interpersonal relationship, an ongoing disposition to infidelity, or the entrance into marriage on the part of one or both partners as a result of force or fear. "A condition that comes about after the marriage has begun does not invalidate the marriage," Father Laird observed.

Diocesan tribunals are charged with investigating marriages to determine if they were valid in the first place. Those seeking annulments must supply documentation that includes in-depth histories of their lives and their marriages to help the tribunal determine if invalidating conditions existed prior to the marriages. Witnesses are interviewed to corroborate the stories given by the applicants, and former spouses are contacted to present their stories.

Fragaszy, for one, found the application process painful, but helpful.

"You have to pull something from a (mental) file marked 'Closed,'" Fragaszy said. "It calls to mind factors that you might have been oblivious to that caused this marriage to fail."

Because of the annulment process, Fragaszy and her former husband were able to make peace with each other, meeting for the first time in nine years. "That doesn't happen to everybody, but the annulment changed our non-communication to some sort of civil peace between us," she said.

Angie Gallo, coordinator of Catholic Family Center's Separated, Divorced, Bereaved and Remarried Ministry, pointed out that completing the application helps the person "see there wasn't a good Christian marriage here. Something was out of whack." The process, she said, helps people to see more clearly their own part in the break-up, and to come to terms with the failure of the marriage.

To help applicants with the forms and the process, the diocese now offers "Annul-

ment Experience" weekends. Three times a year, as many as 30 people take part in these weekends. Father Laird explains the annulment process, then Gallo and a number of volunteers, most of whom have received annulments themselves, provide support and advice.

"To me, that's a part of church — to help people solve what's happening to them so they can get on with a good, Christian life," Gallo said. "The issue is that you feel good about who you are and you get some of your self-esteem, your own Christian values, back intact."

As for arguments that annulments are easy to obtain, especially if a person has connections or enough money, "that really hurts," Fragaszy said. "I don't think (critics) are coming from the right frame of mind. It's a healing thing: I don't think you can put a dollar sign on it."

Father Laird labeled such statements "facetious" and suggested that people who claim annulments are easy to get should "talk to the people that we had to write to tell them that we couldn't make the decision because the materials were not there."

As part of the tribunal process, Father Laird noted, a "defender of the bond" is appointed to argue against granting the annulment. "What is under attack is the bond of matrimony, not the partners," he explained.

Father Robert O'Neill, former official of the tribunal, pointed out that the priests chosen by Bishop Matthew H. Clark to serve as defenders are charged with doing their utmost to defend the validity of the marriage in each case they examine. "It's a matter of conscience," he said. "If (the defender) feels that an annulment should not go through, he must do everything he can to prove that the marriage was valid." In his experience, he noted, the defenders have taken their roles seriously.

The defenders examine all the documentation to make sure that every rule has been followed, that both parties have been given all their rights, that the witnesses' testimony is reliable and search for conditions that would make the marriage valid. The defender and the judge deciding the case meet to discuss any problems the defender has found. The case is not submitted for judgment until those problems have been addressed.

Even after the annulment is granted, if the defender still has doubts, his objections are noted when the annulment goes on to the regional appeals tribunal. All annulments granted are automatically submitted to this tribunal "because of the signifi-

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