

## GROUNDS FOR A DECLARATION OF NULLITY

**Lack of Due Reason:** A severe mental disability or illness or an overwhelming chemical influence impaired the person from knowing what he/she was doing during the wedding.

**Grave Lack of Discretion of Judgment:** Because of a psychological defect (temporary or permanent), the person could not make a sound judgment at the time of the wedding. This can be for three reasons: 1) the person was unable to comprehend what marriage basically is; 2) the person was unable to assess whether the other person or the marriage would be suitable; 3) the person was inwardly opposed to the marriage but could not freely choose otherwise. Poor judgment, imprudence, haste, inertia, societal expectations, etc. do not make a person incapable if there is not some severe psychological problem or distress.

**Incapacity to Assume the Essential Obligations of Marriage:** Because of some severe identifiable psychological disorder, the party could not take on and live out the married life from the beginning of the marriage.

- For example, because of a disorder like bi-polar, schizophrenia, narcissism, major depression, or post-traumatic stress, proven to exist at the time of the wedding, at least latently.
- For example, because of **Alcohol/Drugs:** Because of a serious dependence upon alcohol or drugs, the party could not take on and live out the married life. This dependence must *be proven* to pre-date the wedding, at least latently.
- For example, because of **Homosexuality:** Because of a radical same sex attraction, the party could not commit to and live out a permanent, exclusive heterosexual relationship. This attraction must be proven to pre-date the wedding and manifest itself in pre-marriage conduct.

**Ignorance:** The person simply did not know the following about marriage: that it is 1) a permanent partnership 2) between a man and a woman 3) which is ordered toward the procreation of offspring 4) by means of some sexual cooperation.

**Error of Person:** The party married someone who was a physically different person than the person he/she intended to marry.

**Error of Quality:** The party married the other person first and foremost because of the presence or absence of some quality of absolute importance. The presence or absence of this quality was on the forefront of the person's mind around the time of the wedding. This quality is similar to an actual condition for getting married.

**Dolus (Deceit):** One person deliberately deceived the other in order to make the marriage happen. The thing about which the person was deceived must be a significant aspect of the married life.

**Total Simulation:** When stating the vows, the party actually did not want to get married but was only pretending to get married. The reason for doing this must be proven (e.g., to gain American citizenship, to collect alimony, etc.). Included here is the situation in which the party had a Catholic convalidation ceremony but did not intend to create a new valid sacrament.

### Partial Simulation

- **against the Good of Permanence:** When stating the vows, the party intended only a marriage that could be ended at any time. The person reserved to him/herself the right to end or abandon the marriage.
- **against the Good of Exclusive Fidelity:** When stating the vows, the party intended only a marriage that allowed for the possibility of multiple sexual partners. At the time of the wedding,

the person excluded the requirement of reserving sexual intimacy to his/her spouse, and the person actually did commit adultery.

- **against the Good of Children:** When stating the vows, the party intended only a marriage in which there would be no children, or having children was unlikely and was only for that person to decide.

- **against the Good Spouses:** When stating the vows, the party intended to dominate the other person throughout the marriage, even to seriously mistreat and abuse the person. The party never had any intention to truly love the other.

**Condition:** When stating the vows, the party attached a condition to the marriage. Without the fulfillment of this condition, the person would (and did) immediately leave the marriage.

**Force or Grave Fear:** When stating the vows, the party was completely opposed to getting married to the other person but did so only to avoid some serious negative consequence. The force or fear was imposed by some other person, even unintentionally.

**Determining Error about the Indissolubility of Marriage:** When stating the vows, the person had the understanding that he/she could end the marriage at any time. He/she did not want a divorce but entered marriage only because he/she thought the marriage could be ended at any time.