

TRIBUNAL PRACTICES AND POLICIES

Dear Petitioner:

In presenting a petition for a declaration of nullity of your marriage, you are asking that your marital status be clarified in the Roman Catholic Church. The Tribunal is an ecclesiastical court of law, and its proceedings are exclusively spiritual in nature. The primary purpose of the Tribunal is to gather and evaluate evidence in order to discover truth and serve justice. It is also the Tribunal's desire that the proceedings be a healing experience conducted in a spirit of Christian understanding and compassion.

Out of respect for the human dignity of persons and the sacred nature of marriage, Church tribunals approach each marriage as valid. This means that the Church presumes you and your former spouse both meant what you said and accomplished what you intended when you first exchanged vows. There can be one or more reasons or "grounds of nullity" why this presumption of validity can be overturned. Declarations of nullity are not favors given to innocent or deserving parties. They are statements about the deepest spiritual truth of your former union, as best as any human judge can determine. Judges must have moral certitude, based on the evidence submitted, that your marriage at the time of your exchange of vows was missing one of the elements essential for marriage as intended by God and taught by the Church. In the absence of such certitude, the judge must conclude that the invalidity of the marriage has not been proven.

If you have some documentation (medical or psychological records or letters that regard the period before and during the marriage), please submit them with your petition. They may be useful for us in considering your case.

TIME ELEMENT

The length of the process is unpredictable, as it depends on your cooperation, the cooperation of witnesses, and the workload of the Tribunal. **Each** and **every** marriage you have entered must be declared. Please indicate whether or not you are currently in a civil marriage, and if so, the previous marital history of your civil law spouse. Failure to account for every marriage will delay the processing of your case.

Once all the evidence has been gathered, you may be asked to have a personal interview with one of the officials of the Tribunal. If you are contacted for an interview appointment, please try to accommodate the time and date given to you.

To avoid disappointment and embarrassment, it is **very** important to remember that while you may go through marriage preparation and schedule a tentative wedding date, you cannot be married in the Catholic Church until you actually receive a **Decree of Nullity**. It is quite conceivable that a lack of corroborative evidence, the necessity of some form of post annulment counseling, or the possibility of a negative decision being rendered could occur.

RESPONDENT

Church Law requires that your former spouse, the Respondent in your petition, be contacted and offered the opportunity to testify. Please make every effort to locate the Respondent so that he/she can be contacted by the Tribunal to participate in the process. It is always more advantageous if the Respondent participates. Therefore, it is very important that we obtain an accurate address and telephone number for him/her. Ideally, it is very helpful if you inform the Respondent that you are submitting a petition

seeking a declaration of nullity. You may also be able to find out whether the Respondent intends to participate in the process and whether or not he/she desires a declaration of nullity as well.

If you cannot locate the Respondent, please do a diligent search and submit your results. The following are websites that we recommend: www.zabasearch.com, www.intelius.com, www.anywho.com, www.spokeo.com, www.whitepages.com.

WITNESSES

If at all possible, please submit the names of at least four corroborating witnesses with your petition. Again, accurate addresses, emails and telephone numbers are important. If they will need a questionnaire in Spanish, please indicate in the line next to their name. Make every effort to encourage their cooperation, but understand that you are in no way to assist them in preparing their testimony.

The best witnesses are parents, siblings, relatives or friends who know not only your marital life but especially your engagement and the whole period from your first date to the day of the wedding. For example, even if they didn't spend time with you, maybe you confided your doubts, concerns, proposal about marriage itself, its duration, or something about your intention on having children, or about the lifelong commitment, your ideas about divorce, if you put a condition on entering into marriage, if you or the other party concealed an important issue, etc. Those who are familiar with the reasons for your decision to marry will be your best witnesses.

CONFIDENTIALITY

Because of the sensitive nature of information gathered in this process, and since the Tribunal wishes to promote a spirit of reconciliation, all the information gathered in the course of this investigation is considered confidential. This information is made available only for inspection by you, the Respondent and officers of this Court (clergy, religious and lay) as part of the process.

This information is not made available to witnesses or anyone acting on their behalf, or in any civil legal proceedings. Witnesses should be made aware of the fact that when all of the evidence has been gathered in the case, both you and the Respondent have a right to review it.

EXPENSES AND FEES

The Tribunal does not charge any fees for the process. Once the case has been completed, the Tribunal welcomes any donation you would like to make to assist with its expenses in processing the case.

However, in certain cases the judge may deem it necessary to require the services of a psychological expert to assist in clarifying issues that may arise. The Tribunal expects you to provide payment for the services of the expert, which can range from \$350 to \$500.

DOCUMENTATION

Please submit the following with your petition:

1. A photocopy of your **Marriage License** (the civil document) & **Marriage Certificate** (if married in the Catholic Church);
2. A photocopy of your Final Judgment **Decree of Divorce** (the Final Judgment Page only);
3. If you are a Catholic, a recent (dated within the past six months) copy of your **Baptismal Certificate**;
4. If applicable, search results for Respondent if whereabouts are unknown.



TRIBUNAL

FORMAL PETITION FOR DECLARATION OF NULLITY

(Note: If possible, please type your answers.)

1. By means of this document I request that the Tribunal of the Diocese of San Diego declare invalid my marriage to my former spouse. In support of this request, I submit the following information concerning myself and my former spouse, the marriage itself, and the divorce, according to right as stipulated in canon 1674, §1. I also swear to tell the truth.

2. **PETITIONER** (If a woman, please give maiden last name)

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP CODE: _____

PHONE: _____

EMAIL: _____

DATE OF BIRTH: _____

CHURCH OF BAPTISM: _____

ADDRESS: _____

DATE OF BAPTISM: _____

RELIGION: _____

3. **RESPONDENT** (If a woman, please give maiden last name)

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP CODE: _____

PHONE: _____

EMAIL: _____

DATE OF BIRTH: _____

CHURCH OF BAPTISM: _____

ADDRESS: _____

DATE OF BAPTISM: _____

RELIGION: _____

4. WEDDING

DATE OF CHURCH WEDDING: _____

PLACE: _____

OFFICIANT: Catholic priest/deacon _____ Non-Catholic minister _____ Civil Magistrate _____

DATE OF CIVIL WEDDING: (If different than church wedding) _____

RELIGION AT TIME OF WEDDING: You _____ Respondent _____

5. AGE AT TIME OF WEDDING: You _____ Respondent _____

6. DIVORCE

DATE: _____ CITY/STATE: _____

7. How long did you live together as husband and wife? _____

8. How many children were born and/or adopted in this marriage? _____

9. Has your case been submitted before to any Church Tribunal? _____

If so, give details.

10. I believe the following:

My former spouse is aware I am submitting this petition: Yes _____ No _____

My former spouse will participate in the process: Yes _____ No _____ I don't know _____

My former spouse supports a declaration of nullity: Yes _____ No _____ I don't know _____

11. I believe my marriage is invalid for the following reasons (check all that apply):

_____ My decision to marry was significantly lacking in discretion of judgment.

_____ My former spouse's decision to marry was significantly lacking in discretion of judgment.

_____ I was not able to fulfill the obligations of married life for causes of a psychic nature.

_____ My former spouse was not able to fulfill the obligations of married life for causes of a psychic nature.

_____ At the time of the wedding, I did not intend to have children, and we did not have children during our marriage.

_____ At the time of the wedding, my former spouse did not intend to have children, and we did not have children during our marriage.

_____ At the time of the wedding, I wanted to delay having children, and we did not have children during our marriage.

_____ At the time of the wedding, my former spouse wanted to delay having children, and we did not have children during our marriage.

_____ At the time of the wedding, I considered divorce as an option if the marriage did not work.

_____ At the time of the wedding, my former spouse considered divorce as an option if the marriage did not work.

_____ At the time of the wedding, I did not intend to be faithful to my former spouse.

_____ At the time of the wedding, my former spouse did not intend to be faithful to me.

_____ I felt threatened to marry and believed that getting married was the only way to escape the threat and resulting fear for my well-being.

_____ My former spouse felt threatened to marry and believed that getting married was the only way to escape the threat and resulting fear for his/her well-being.

_____ I was intentionally deceived about a quality of my former spouse, which, if I had known otherwise, I would not have married.

_____ My former spouse was intentionally deceived about a quality regarding me, which, if he/she had known. Otherwise, he/she would not have married me.

PLEASE WRITE A NARRATIVE ABOUT YOUR DATING AND COURTSHIP PERIOD AND INCLUDE THE REASON OR REASONS FOR DECIDING TO MARRY. PLEASE INCLUDE ANY INFORMATION FROM YOUR AND YOUR FORMER SPOUSE'S FAMILY OF ORIGIN THAT IMPACTED THE DECISION TO MARRY. PLEASE ALSO WRITE A NARRATIVE FOR EACH CHECKED REASON WHY YOU BELIEVE YOUR MARRIAGE IS INVALID.

12. Give the names, addresses, telephone numbers, and e-mails of people who could provide supporting testimony. These ideally should be persons who know the circumstances of your marriage and who are willing to give testimony. The best witnesses are people who knew you and your former spouse before the wedding: parents, siblings, relatives, close friends. Please place a check on the left if your witness needs Spanish questionnaire. If applicable include Therapists and Counselors.

(Circle Mr., Mrs., Miss, Ms., Dr.)

_____ **WITNESS:** _____ **RELATION:** _____

ADDRESS: _____

E-MAIL: _____ **PHONE** _____

(Circle Mr., Mrs., Miss, Ms., Dr.)

_____ **WITNESS:** _____ **RELATION:** _____

ADDRESS: _____

E-MAIL: _____ **PHONE** _____

(Circle Mr., Mrs., Miss, Ms., Dr.)

_____ **WITNESS:** _____ **RELATION:** _____

ADDRESS: _____

E-MAIL: _____ **PHONE** _____

(Circle Mr., Mrs., Miss, Ms., Dr.)

_____ WITNESS: _____ RELATION: _____

ADDRESS: _____

E-MAIL: _____ PHONE _____

13. Do you swear to the truth of all your statements? _____

14. APPOINTMENT OF ADVOCATE

I hereby authorize and appoint the person whose signature appears below to act as my Advocate before the Tribunal for the Diocese of San Diego, California in my case concerning the alleged nullity of my marriage. By this mandate I authorize the Advocate to act on my behalf with all the rights granted to this person by canon law. I also agree to the appointment of Judges, the Defender of the Bond, and any other court official named by the Tribunal.

Petitioner's Signature

Advocate's Signature

Month/Day/Year

Parish

Address

City/State/Zip

Area Code - Telephone Number

Email

On a separate sheet of paper, the Advocate is asked to summarize the reasons for seeking this annulment, evaluate the strength of the petition, and assess the integrity of the Petitioner.



TRIBUNAL

PETITIONER AGREEMENT AND CONTEMPLATED MARRIAGE

I have initialed to show that I understand the following points with regard to my petition for a declaration of nullity.

_____ First, I understand that no assurance can be given to an affirmative decision, that is, a declaration in favor of nullity.

_____ Second, I understand that no assurance can be given as to a date of completion of the Tribunal process.

_____ Third, I understand that while I may undergo marriage preparation and a tentative date may be scheduled, I cannot be married in the Catholic Church until after I have received notification of a Decree of Nullity in the case.

_____ Fourth, if the circumstances causing the invalidity of the marriage so indicate, the Tribunal may require that I seek professional counseling before any subsequent marriage in the Catholic Church is permitted. All expenses in connection with such therapy or counseling are my responsibility.

_____ Fifth, I understand that all inquiries regarding the status of my case are to be made by my Advocate.

_____ Sixth, if the whereabouts of the Respondent are unknown, I will submit proof of searches done to locate the Respondent with my petition for annulment.

_____ Seventh, I will include a photocopy of my **Marriage License** (civil document) & Marriage Certificate (church document) with my petition for annulment. (Affidavit of No Marriage License may apply only when proven the Church record is not available).

_____ Eighth, I will include a photocopy of the Final Judgment Decree of Divorce with my petition for annulment. (**Final Judgment** Family Law Page only)

_____ Ninth, I will include a (**dated within the past six months**) recent copy of my Baptismal Certificate with notations if applicable with my petition for annulment. (Affidavit of Baptism may apply only when proven the Church record is not available).

PLEASE CHECK IF YOU DO NOT WANT YOUR ADDRESS REVEALED TO YOUR FORMER SPOUSE: _____

CONTEMPLATED MARRIAGE – INFORMATION REGARDING THE PERSON THE PETITIONER WANTS TO MARRY IN THE CHURCH

If this person has previously been married each prior marriage needs to be accounted for. Please submit documentation with this petition.

(If woman, give maiden name)

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

RELIGION: _____

HAS THIS PERSON EVER BEEN PREVIOUSLY MARRIED? YES _____ NO _____

If so, to whom? _____ DATE: _____ PLACE: _____

Check which applies:

OFFICIANT: ___ CATHOLIC PRIEST/DEACON MARRIAGE ENDED BY:
___ NON-CATHOLIC MINISTER DEATH: _____ (submit death certificate)
___ CIVIL MAGISTRATE DIVORCE: _____ DATE: _____
Only submit "Final Judgment" page in divorce papers

Has there been an ecclesiastical annulment of this marriage? YES _____ NO _____
If so, submit Proof (decree of nullity), If not submit paperwork

Have you already entered civil marriage with this person? YES _____ DATE: _____
If yes, submit marriage license NO _____

By our signatures below, we indicate that together we have read and discussed the **TRIBUNAL PRACTICES AND POLICIES**, and we agree to abide by all of its terms.

Signature of Petitioner

Signature of Advocate

Date

Date

About this Guide

Keep in mind that a marriage depends on the consent both parties gave to marriage. Thus, the cause of invalidity had to be present at the time of the wedding. This guide assists you in recalling significant details of your courtship and marriage. Use the questions as a prompt to give us a good idea of your relational issues. A summary of one to three pages is normally sufficient. As you compose your narrative about the reason or reasons why you believe your marriage was valid/not valid, consider the following.

Your Background

A history of your background combined with details of the courtship reveal the circumstances, influences, and experiences which shaped your choice of a marriage partner.

- What was the quality of your family life and growing up years?
- Were there any significant or problematic circumstances or events that may have negatively impacted you or your choices later in life?
- As a result of your upbringing, do you think you really knew what family life was all about?
- When you met your former spouse, were you in school? Living at home? Working? Self-sufficient?
- What plans did you have for your life?
- To the extent you know, respond to the above questions regarding your former spouse.

Courtship Period

Courtship lays a foundation for marriage in that it allows a couple to develop many of the virtues and skills that they will need for a good marriage: self-discipline, self-sacrificing, patience, right judgment, discernment, open communication, trust, fortitude, perseverance, maturity, faith, hope, and love.

Briefly describe your courtship. Consider the following:

- How did you meet your former spouse?
- How did you move from acquaintance to friendship to courtship?
- Was there romance?
- What qualities attracted you to your former spouse?
- Were you intimate? How soon? Was this important to the both of you?
- What was the quality of your relationship?
- Were you ever disillusioned?
- Was there conflict in the relationship?
- Were your family and friends supportive of your relationship?

Engagement Period

Engagement is a period that signifies the commitment and devotion between two people who wish to spend the rest of their lives with one another. Briefly describe: Was it a time of joy, stress, doubt? Did concerns surface? What were they? Did they negatively affect your relationship? Did you think you could overcome them? Was the engagement a time of preparation?

The Wedding

- Did you have any serious doubts about going through with the wedding? Why?
- Describe the wedding day.
- Did you have a honeymoon, and were there any problems, frustrations, or disturbing discoveries on the honeymoon?

Breakdown of Marriage

- When did you first become aware of the problem/s in the marriage?
- What was the nature of the problem/s?

The Final Separation

- What precipitated the final separation?
- Were there any attempts at reconciliation?

Pay attention to problematic events or behaviors and include if applicable:

- Felt pressure to marry
- Pre-marital pregnancy
- Prenuptial agreement
- Placed a condition to marriage
- Married to obtain legal status
- Not open to children
- Pattern of infidelity before wedding and after
- Experience of a chaotic childhood of instability, poverty, emotional neglect
- Experience of abuse: sexual, verbal, or physical
- Family tragedy in family of origin
- Alcoholic parents
- Alcoholism
- Drug abuse
- History of chronic or mental illness
- Divorced parents/step-parents
- Addictive behavior
- Low self-esteem
- Disciplinary problems in childhood or adolescence