

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.