



TRIBUNAL
DIOCESE OF FARGO

5201 Bishops Boulevard, Suite A
Fargo, North Dakota 58104-7605
tribunal@fargodiocese.org
Phone: 701.356.7940
Fax: 701.356.7995

Dear Petitioner,

I commend you for taking this first step in clarifying your marital status in the Church. While this process is judicial in nature, I hope that you will find it a time of healing and spiritual growth.

The Catholic Church believes that marriage is sacred and that it affects not only individuals, but the family, society, and the Church. Marriage is a covenant by which a man and a woman establish between themselves a partnership of the whole of life. This covenant, whose essential properties are unity and indissolubility, is ordered by its nature to the good of spouses and the procreation and education of offspring. This teaching applies to all marriages, not just those between Catholics.

Unfortunately, the experience of divorce is a reality of contemporary society and is often extremely difficult for all involved. Since indissolubility is essential, divorce cannot truly end a marriage, and a properly celebrated marriage is presumed by law to be valid until proven otherwise. Therefore, before a divorced person can attempt marriage, it must be established that he or she is objectively free to marry.

Sometimes, a relationship that appeared to be a marriage might never have been one in reality. Things that happened after the wedding cannot retroactively invalidate the contract of marriage. However, if at the time of consent, at least one of the parties lacked an intention or capability required to establish a marriage “the Church, after an examination of the situation by the competent ecclesiastical tribunal, can declare the invalidity of a marriage, i.e., that the marriage never existed” (Catechism of the Catholic Church, 1629).

The Church utilizes a judicial process to examine whether a marriage contract was entered invalidly. The process requires adequate legal proof, typically gathered in the form of documents and the testimony of witnesses and the principal parties. If nullity is declared, both parties are free to enter marriage in the Catholic Church (though in certain situations, restrictions may apply). Such a declaration does not deny that a real relationship existed, nor does it imply that it was entered into with ill will or moral fault. When a marriage is declared invalid, there is no effect in American law, nor on the legitimacy of any children of the union.

The following instructions and forms are intended to assist you in better understanding the marriage nullity process and in completing the application. We look forward to working with you. Meanwhile, may God be with you in your journey of faith.

Sincerely,

Very Rev. James S. Goodwin, JCL
Judicial Vicar

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Tribunal Intake Form

OFFICE USE ONLY

Date Received _____ Jurisdiction _____ Information Complete _____ PR # _____

**PETITIONER
(You)**

Current Name

First _____ Middle _____ Last _____

Birth/Maiden Name (if different than current name)

First _____ Middle _____ Last _____

Residential Address

Preferred Phone # _____
 Cell Home Work

Email _____

Date of Birth _____

Date of Baptism _____

Religion of Baptism _____

Name/Address of Church of Baptism _____

Petitioner's Age at Wedding _____

Religion at time of Wedding _____

Current Religion _____

**RESPONDENT
(Prior Spouse)**

Current Name

First _____ Middle _____ Last _____

Birth/Maiden Name (if different than current name)

First _____ Middle _____ Last _____

Residential Address

Preferred Phone # _____
 Cell Home Work

Email _____

Date of Birth _____

Date of Baptism _____

Religion of Baptism _____

Name/Address of Church of Baptism _____

Respondent's Age at Wedding _____

Religion at time of Wedding _____

Current Religion _____

CONCERNING THE RELATIONSHIP

Date when courtship began _____ Was there a formal engagement? Yes No If yes, Date _____
Were there any special circumstances present at the time of the courtship or engagement (e.g., long distance relationship, premarital pregnancy, etc?) _____

Date of wedding _____ Religious or civil ceremony? _____ Church or place of wedding _____

City, State _____ Officiant _____ Denomination (if applicable) _____

If either of you were Catholic at the time of the wedding and you did not marry in a Catholic Church, was a dispensation granted? Yes No If no, was the marriage ever validated/"blessed" in the Catholic Church? Yes No

If yes, name of Catholic Church, City, State, Date _____

Number of children born/adopted in this marriage _____ Number of children currently under age 18 _____

Date of permanent separation _____ Date of divorce _____ County, State of divorce _____

Has either party ever previously sought a declaration of nullity for this marriage, whether before this tribunal or another tribunal? Yes No If yes, please indicate where and when _____

INFORMATION REGARDING OTHER MARRIAGES

Was this the only marriage for both you and the Respondent? Yes No*

*If no, please indicate any other marriages contracted by either party, whether before or after the marriage in question. If more space is needed, please include those marriages on a separate sheet. Include all marriages, religious or civil.

Party Involved in Other Marriage:

Petitioner (You) Respondent (Prior Spouse)

Name of Spouse _____

Spouse's Religion of Baptism _____

Date of Wedding _____

Location (venue/city/state) _____

If either party was Catholic at the time of the wedding and the wedding was not in a Catholic Church, was a dispensation granted? Yes No

If no, was the marriage validated/"blessed" in the Catholic Church? Yes No If yes, where and when _____

Check all that apply below:

Still Together
 Civil divorce – Date of divorce _____
 Death of Spouse – Date of death _____
 Catholic decree of nullity issued
Date issued _____ Diocese _____

Party Involved in Other Marriage:

Petitioner (You) Respondent (Prior Spouse)

Name of Spouse _____

Spouse's Religion of Baptism _____

Date of Wedding _____

Location (venue/city/state) _____

If either party was Catholic at the time of the wedding and the wedding was not in a Catholic Church, was a dispensation granted? Yes No

If no, was the marriage validated/"blessed" in the Catholic Church? Yes No If yes, where and when _____

Check all that apply below:

Still Together
 Civil divorce – Date of divorce _____
 Death of Spouse – Date of death _____
 Catholic decree of nullity issued
Date issued _____ Diocese _____

WITNESSES

In order to prove the nullity of a marriage, you must provide witnesses who will attest to the facts and proofs alleged about the proposed ground(s) of nullity. The best witnesses are typically those who knew one or both parties prior to and at the time of the wedding (e.g., family, friends, members of the wedding party). Children born of the parties should not be listed as witnesses. No fixed number of witnesses is required, but space is provided here to nominate four witnesses. Attach additional sheets as needed to propose more witnesses. You should contact these witnesses in advance to ensure that they are willing to testify and inform them that the Tribunal will be contacting them by mail. The pace of the marriage nullity process is often connected to the responses of the witnesses. Please also note that the Respondent, the Defender of the Bond, and the judge in your case may decide to propose additional witnesses.

Witness 1

Name _____ Address _____

City _____ State _____ Zip _____ Preferred Phone # _____
 Cell Home Work

Email _____ Relationship to Parties _____

Have you let this witness know that we will be contacting them? Yes No

What kind of testimony do you expect this witness to offer? (check all that apply) Knowledge prior to the wedding
 Knowledge during the marriage Character information Professional Counselor or Doctor

Witness 2

Name _____ Address _____

City _____ State _____ Zip _____ Preferred Phone # _____
 Cell Home Work

Email _____ Relationship to Parties _____

Have you let this witness know that we will be contacting them? Yes No

What kind of testimony do you expect this witness to offer? (check all that apply) Knowledge prior to the wedding
 Knowledge during the marriage Character information Professional Counselor or Doctor

Witness 3

Name _____ Address _____

City _____ State _____ Zip _____ Preferred Phone # _____
 Cell Home Work

Email _____ Relationship to Parties _____

Have you let this witness know that we will be contacting them? Yes No

What kind of testimony do you expect this witness to offer? (check all that apply) Knowledge prior to the wedding
 Knowledge during the marriage Character information Professional Counselor or Doctor

Witness 4

Name _____ Address _____

City _____ State _____ Zip _____ Preferred Phone # _____
 Cell Home Work

Email _____ Relationship to Parties _____

Have you let this witness know that we will be contacting them? Yes No

What kind of testimony do you expect this witness to offer? (check all that apply) Knowledge prior to the wedding
 Knowledge during the marriage Character information Professional Counselor or Doctor

RIGHTS OF THE RESPONDENT

Both parties have a natural right to know about and participate in this investigation. Catholic Church law requires the Tribunal to contact the Respondent and encourage him/her to participate in the process. The Petitioner is required to provide the Tribunal with the Respondent's current mailing address and contact information.

Have you advised your prior spouse that you are requesting this investigation? Yes No

If no, why not? _____

Is your prior spouse willing to share his/her insights with the Tribunal? Yes No Unknown

If no, why not? _____

Is there a restraining order? Yes No *If yes, please attach.*

PETITIONER'S CURRENT INTENTIONS

I have no current plans to enter marriage **OR** Name of intended spouse _____
Religion of intended spouse _____
Has he/she ever been previously married? Yes* No

**If yes, please note that this other person is not free to marry in the Catholic Church unless his/her previous spouse has died or the marriage is declared invalid through a separate process. This is required even if he/she is not Catholic.*

Signature and Attestation

I, the undersigned, hereby testify that I am bringing this case forward in good faith, that the statements I have made are true to the best of my knowledge, and that I will entrust the investigation of this case to the Court. I understand that the completion of this form and my participation in the process does not guarantee that a declaration of nullity will be issued by the Court. By my signature, I empower the Court to appoint on my behalf, any personnel whom it may designate for the best assistance of this case, in whatever capacity the Court considers best. Moreover, I agree to honor fully the Court's sense of confidentiality and thus recognize that the materials gathered by the Court are solely for the purpose of determining canonical status.

Signature of Petitioner

Date

Please check that all of the following required documents are submitted with this form:

- Certificate of Baptism** of the Petitioner (if applicable)
- Certificate of Baptism** of the Respondent (if applicable)
- Certificate of Catholic Marriage** (or civil certificate if not a Catholic wedding)
- Copy of the complete Divorce Decree**
- Police and/or Counseling Reports** (if applicable)
- Written Personal History** (see Guide Sheet for Personal History – Appendix A)
- Libellus (Appendix B)**

Please note that an incomplete application or missing documents will delay the process.

ACKNOWLEDGEMENT AND AGREEMENT

I, _____, by submitting this preliminary paperwork and formally submitting a
(Please Print First and Last Name)

Declaration of Nullity petition to the Tribunal of the Diocese of Fargo and to all appeal Tribunals, do hereby understand and agree to the following:

- I understand that no specific date for completion of this process can be given. I agree not to make future marriage arrangements until a final decision is made and only if a declaration of freedom to marry has been provided to me.
- I understand that the Respondent has a general right to an opportunity to review all submitted evidence, including written statements, transcripts, civil documents, and any other material that my witnesses and I submit. If there is a specific act I believe should be withheld, I will coordinate with my advocate to make that request. I understand that providing the Respondent's current address and contact information is my responsibility.
- It is my responsibility to provide witnesses (names and addresses) and any other proofs necessary to support the ground(s) of my case.
- I understand that an expert, such as a psychologist, psychiatrist, or cultural expert, may be called upon to review the case file and/or to conduct face-to-face interviews of either party and to prepare a report based upon the evidence in the case.
- I understand that all documents, evidence, or testimony provided in this process become the property of the Diocese of Fargo.
- I acknowledge that ministers of the Tribunal are mandated by state law to report suspected abuse or neglect of a minor to law enforcement and/or child protective services. Thus, in some limited circumstances evidence in this process may be reported to civil authorities.
- I understand that this process concerns only ecclesiastical (church) matters and has no civil effects in the United States, and that the granting of the declaration of invalidity does not affect the legitimacy of any children who may have been born of the union.
- I also understand and agree not to use information learned or obtained in this process to cause disquiet or attempt to harm another's reputation, nor will I attempt to use it in the civil forum. Furthermore, I agree that no civil lawsuit will ever be brought by me against the Diocese of Fargo, any appeal tribunals, its officials, witnesses, or any other agents legitimately involved in my case and I hold all of said parties harmless from any and all claims arising from the process of this case.
- I understand that both parties will receive a copy of the definitive decision and I acknowledge that the outcome of this process may not result in a declaration of nullity of my marriage. I further understand that if a negative decision is rendered, I will not receive a declaration of freedom to marry and I remain canonically bound to the marriage under consideration, and that I will not be free to marry.
- Although nullity of the marriage may be declared, I understand that the judge(s) in this case may delay permission for me to marry in the Catholic Church if this is found to be necessary, such as if the facts indicate that further pastoral or professional counseling is required to help me in any future marriage.
- I understand that this is a truth-seeking process and is juridic in nature. I further understand that this process is not specifically designed to provide closure, healing or forgiveness, and I am encouraged to seek out spiritual direction and guidance from my pastor, trusted priest, or someone trained in pastoral care and professional counseling as needed.

Signature of the Petitioner _____ Date _____

FEES

The Catholic Church is committed to making the marriage nullity process accessible. Hence, even though it costs the Diocese of Fargo approximately \$5000 per case, **we charge nothing**. Instead, we appeal to the generosity of the people like you, who have participate in the annulment process to do what you can to offset the costs through a voluntary tax deductible donation *after* the process concludes. Please prayerfully consider donating half the cost (\$2500) to the *Catholic Development Foundation-Tribunal*. Of course, you are free to give more or less as you are able. Donations have absolutely no effect on the decision of the Court, and the judges never interact with contributions.

If you are working with a priest, deacon, or parish liaison to submit your paperwork, please have them complete this page.

SPONSORING PARISH

Name of Priest/Deacon/Liaison _____

Parish _____ Parish Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Please answer the following questions regarding the Petitioner:

Is the Intake Form complete and all required documents attached? Yes No

Is the Petitioner currently engaged or seeking validation of a marriage in the Catholic Church? Yes No

If yes, to whom? _____

Has the Petitioner's potential spouse been married before? Yes Yes, but widowed No

If yes, has a Declaration of Nullity been granted? Yes No

If yes, in which Diocese? _____ When? _____

Is the Petitioner seeking to be received into the Catholic Church (OCIA)? Yes No

If yes, when and in which parish? _____

Signature of Priest/Deacon/Liaison _____ Date _____

Petitioner, please save a copy for your records. Send original documents and completed forms to:

**Diocese of Fargo – Tribunal
5201 Bishops Blvd S, Suite A
Fargo, ND 58104-7605**

If you have any questions, please contact us at **701-356-7940** or **tribunal@fargodiocese.org**.



APPENDIX A: GUIDE SHEET FOR PERSONAL HISTORY

Please answer all questions in detail, providing as many concrete examples from as early in the relationship as possible. **Please type your answers in a separate document.** The personal history should typically be at least ten (10) pages. Be as thorough as possible.

1. Describe your upbringing and family life, including:

- Briefly describe your family of origin (e.g., family make up, living situation, relationships, religious practices) and the example of marriage and family life you witnessed.
- Do you have any history of mental health issues (e.g., depression, anxiety, mood disorders)? Does your family of origin? Please provide concrete examples.
- Do you have a history of addictions or addictive type behavior (e.g., alcohol, drugs, gambling, food, shopping, pornography, etc.)? Does your family of origin? Please provide concrete examples.
- Is there any history of abuse in your background (e.g., verbal, emotional, physical, sexual)? Please provide concrete examples.
- Describe any conflicts with civil authority.
- Briefly describe how your family relationships and the significant events of your upbringing affected you as a child, adolescent, and adult.
- Are there any other serious or traumatic events? How did that affect you?

2. Describe your prior spouse's upbringing and family life, including:

- Briefly describe their family of origin (e.g., family make up, living situation, relationships, religious practices) and the example of marriage and family life they witnessed.
- Do they have any history of mental health issues (e.g., depression, anxiety, mood disorders)? Does their family of origin? Please provide concrete examples.
- Do they have a history of addictions or addictive type behavior (e.g., alcohol, drugs, gambling, food, shopping, pornography, etc.)? Does their family of origin? Please provide concrete examples.
- Is there any history of abuse in their background (e.g., verbal, emotional, physical, sexual)? Please provide concrete examples.
- Describe any conflicts with civil authority.
- Briefly describe how their family relationships and the significant events of their upbringing affected them as a child, adolescent, and adult.
- Are there any other serious or traumatic events? How did that affect them?

3. Describe how your relationship developed prior to the wedding, including:

- How/When did the two of you meet and how did the relationship develop? What was your initial attraction to and impression of your prior spouse?
- How did you treat each other?
- Were the two of you able to talk openly with one another? Were you able to make decisions together and resolve conflicts? Please provide concrete examples.

- Were there any notable difficulties or circumstances? Please provide concrete examples.
- Were there any breakups during the time of dating and/or engagement period? How were these resolved? Please provide concrete examples.
- Was there any abuse (e.g., verbal, emotional, physical, sexual) in your relationship prior to the wedding? Please provide concrete examples.
- Was there any infidelity during the time of dating and/or engagement period? Please provide concrete examples.
- Did either of you experience any mental health issues (e.g., depression, anxiety, mood disorders) during dating/engagement? Please provide concrete examples.
- Did either of you experience any addictions or addictive type behavior (e.g., alcohol, drugs, gambling, food, shopping, pornography, etc.) during dating/engagement? Please provide concrete examples

4. Describe the decision to marry, including:

- Why did you want to marry your spouse? Why did they want to marry you? Were either of you under any extreme pressure or obligation to marry? Please provide concrete examples.
- What were the reactions of parents/family, and friends to your decision to get married?

5. Describe your understanding of and intentions for marriage at the time of the wedding, including:

- Did the two of you ever discuss what marriage would be like? What was discussed?
- Did the two of you intend your marriage to be a lifelong partnership for the whole of life? In your mind at the time, what, if anything, could break the permanent marriage bond? What did your spouse think? Was there a prenuptial agreement? Why?
- Did you both go into the wedding intending to be faithful to each other? If not, please explain.
- At the time of the wedding, were you both open to the possibility of having children in your marriage? Why or why not? If not, what means were used to prevent childbirth? Were these means always used?

6. Describe your marriage, including:

- Describe any unusual or troubling circumstances at the wedding, the reception or on the honeymoon.
- Did either spouse's personality change significantly shortly after the wedding and if so, how?
- How did you treat each other? Did this change during the marriage? When? Please provide concrete examples.
- During the marriage, did anything prevent the two of you from communicating openly with one another? Were you able to make decisions together and resolve conflicts? Please provide concrete examples.
- Did either of you experience any mental health issues (e.g., depression, anxiety, mood disorders) during the marriage? Please provide concrete examples.
- Did either of you experience any addictions or addictive type behavior (e.g., alcohol, drugs, gambling, food, shopping, pornography, etc.) during the marriage? Please provide concrete examples.
- Was there any verbal, emotional, physical, or sexual abuse during the marriage? If so, when did it begin? Please provide concrete examples.

- Were there any instances of infidelity by either of you? If so, when did this occur? Please provide concrete examples.
- Did you seek any counseling to try to save the marriage and what was its effect?
- What finally led to the breakdown of the marriage? When was the first talk of divorce?
- If this was a civil marriage that was later validated, “blessed”, or sanctified by the Church, please describe the time between the civil ceremony and the religious ceremony. Include such things as: The amount of time that elapsed between the two ceremonies, the reason for the decision to marry in the Church, any problems that might have occurred, special circumstances surrounding the decision to marry in the Church, whether each of you thought the Church ceremony was necessary, what each of you thought the Church ceremony would do for your relationship, etc.

7. Describe your life since the separation and divorce, including:

- How is each spouse fulfilling his/her parental responsibilities to the children of this marriage?
- Why are you seeking a declaration of nullity at this time?

8. Were you involved in a previous or subsequent marriage? Was your former spouse?

- Please give a brief description of all marriages prior to the one under consideration for either spouse. Include such information as: age of the parties at the time of the marriage, circumstances surrounding the decision to marry, the length of the marriage, the reasons for the breakdown, and whether all the terms of the civil divorce have been fulfilled (e.g., alimony, child support, visitation, etc.)

9. Do you have any further insights or comments that you would like to add?

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APPENDIX B: LIBELLUS (FORMAL PETITION)

Please note, in accord with Church Law a copy of this Formal Petition will be sent to the Respondent.

I, _____, the undersigned Petitioner presently known as _____,
(full maiden name if woman)

residing in the Diocese of _____ hereby request that the Tribunal of the Diocese of Fargo investigate
my marriage for a Declaration of Invalidity which I contracted with _____, the
(full maiden name if woman)
Respondent, presently residing in the Diocese of _____. The marriage took place on _____ at
(date)
_____, _____.
(name of church/venue) (city/state)

I believe this marriage contract to be invalid according to the laws of the Catholic Church as based upon the
ground(s) (*chosen from Appendix C – MUST propose at least one*) of:

_____ (Canon _____)
on the part of the Petitioner Respondent Both

_____ (Canon _____)
on the part of the Petitioner Respondent Both

_____ (Canon _____)
on the part of the Petitioner Respondent Both.

_____ (Canon _____)
on the part of the Petitioner Respondent Both.

I believe the grounds are applicable in light of the following facts, which existed at the time when I exchanged my
marital vows:

I will provide proofs for this claim by written documents, giving a deposition, and providing witnesses who can testify to the relevant facts.

(signature of the petitioner)

(date)

OFFICE USE ONLY

Case Name: _____

Case Number: _____

DECREE Acceptance of *Libellus* and Citation of Respondent

In accord with canon 1505 §1, having determined that the matter is within the competence of the Diocese of Fargo according to canon 1672, the libellus of the Petitioner is accepted. I have been informed that the marriage has irreparably failed, and that conjugal living cannot be restored.

_____ is appointed as Defender of the Bond.

_____ is appointed as Advocate for the Petitioner.

I order that the parties be cited, informed of this acceptance, and invited to participate fully. The parties shall have fifteen (15) days to express their respective views on the petition. After that deadline has passed, I will determine the formula of the doubt and decide whether the case is to be treated with the ordinary contentious process or with the *processus brevior* according to the *Code of Canon Law*, cc. 1683-1687.

Very Reverend James S. Goodwin, JCL
Judicial Vicar

Given at the Tribunal
This _____ Day of _____, _____.

Ecclesiastical Notary



APPENDIX C: EXPLANATIONS OF THE GROUNDS OF NULLITY

By petitioning for a declaration of nullity, you are making an accusation that your marriage was invalid due to some serious factor that was already present on the day you exchanged marital consent. Therefore, you must indicate the basis for your petition, that is, the ground or grounds of nullity on which the validity of the marriage is being challenged.

Only three kinds of defects can cause a marriage to be invalid, and each of these can be further classified into several distinct grounds. A marriage can only be made invalid by: 1) defective consent, 2) the presence of an impediment that made one or both of the parties legally unqualified for marriage, or 3) a defect in the legal form in which the marriage was celebrated.

Below is a list of the possible grounds of nullity with a brief description of each ground, and examples that help illustrate what the ground is and is not. Please note that these are only examples; the grounds may be applicable in a wider variety of circumstances. For more in-depth explanation of grounds, including more examples, visit [Explanation of Grounds](#).

PSYCHOLOGICAL DEFECTS OF CONSENT

Consent is what makes a marriage, and all adults are presumed capable of consenting to marriage. It is possible, however, that this basic capacity can be disrupted by a serious psychological disorder or anomaly at the time of the wedding, rendering the person incapable of consenting to marriage validly.

Lack of Sufficient Use of Reason (canon 1095, 1°)

What is it? A person who suffers from a permanent or temporary lack of the use of reason due to a severe disability, mental illness, psychological disturbance, or extreme intoxication at the time of the celebration of marriage is not able to give valid consent to marriage. For example:

- The bride asks for something to calm her nerves before the wedding; unbeknownst to her, she is given a heavy sedative. She loses consciousness shortly after the ceremony, and only learns that she did indeed get married when told so by others later.

Grave Defect of the Discretionary Faculty Regarding the Essential Rights and Duties of Marriage (canon 1095, 2°)

A person who lacks the *minimal* ability to make a concrete judgment about the *essential* rights and duties of marriage (i.e. those immediately related to permanence, fidelity, and openness to children) at the time of the wedding because of a serious psychological anomaly is not able to give valid consent to marriage. For example:

- After suffering years of childhood sexual abuse at the hands of a relative, the groom develops a severe case of depression as a teenager, for which he is hospitalized on multiple occasions throughout college, and from which he does not recover until ten years after the divorce. While still in the throes of his disorder, he meets the bride, and the two decide to marry after a brief and tumultuous courtship that includes physical abuse. Despite his best intentions, at the time of the wedding, he remains so consumed by this disorder that he is unable to evaluate practically what he is committing to, even minimally, and abandons the union, seemingly for no reason, to move in with an ex-girlfriend just a few months after the wedding.

Incapacity to Assume the Essential Obligations of Marriage (canon 1095, 3°)

A person who suffers from a serious psychological anomaly and, as a result, is altogether incapable of assuming one of the essential obligations of marriage (i.e. those immediately deriving from permanence, fidelity, and openness to children) is incapable of marrying validly. The psychological problem must be so severe that it makes it humanly impossible, not merely difficult, to take on at least one of the essential obligations of marriage. This impossibility can be caused by a mental illness, a psychological disorder, a severe addiction, or a strong homosexual inclination. For example:

- After being exposed to pornography at age 11, the groom develops a severe addiction to pornography, which eventually leads him to daily consumption of more explicit and demeaning forms of pornography. Although he wants to be chaste during the courtship and engagement, the groom is repeatedly unfaithful, engaging in

indiscriminate and compulsive sexual relationships that he immediately regrets. Even though he loves his fiancée and wants to be faithful to her for life, his severe sexual addiction, which pre-dates the wedding, makes it humanly impossible for him to assume the obligation to observe fidelity in the marriage.

- The bride is offered heroin at a party during her sophomore year of college and quickly becomes addicted. Over the next eight months, her addiction grows to the point that she is forced to drop out of college and is arrested for stealing from an employer. She spends the following year in and out of rehab and has multiple near-fatal overdoses. Her addiction persists throughout her courtship and engagement to the groom. Though she loves her fiancé and wishes to treat him well, she is compulsively abusive as a result of her addiction.

OTHER DEFECTS OF CONSENT

Partial Simulation Against the Good of Children (canon 1101 §2)

In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of children. By its nature, marriage is directed toward bearing and raising children. By marrying, spouses give each other the right to procreative acts, even if those acts cannot or do not end up resulting in pregnancy due to infertility, age, etc. If, at the time of the wedding, a party excludes this right, the party marries invalidly. For example:

- Because of her radical views on environmentalism and overpopulation, the bride decides before the wedding that she will never be open to having children with the Respondent under any circumstance. She consistently insists on the use of contraception throughout the course of their marriage, and unilaterally denies the groom's requests to reconsider.

Partial Simulation Against the Good of Fidelity (canon 1101 §2)

In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of fidelity. As terrible as adultery is, it does not make a marriage invalid. But, if a party enters marriage while intending to reserve the right to be unfaithful or to take multiple spouses, that intention might make the marriage invalid. For example:

- The groom has a girlfriend on the side throughout the entire courtship and the engagement. Even though he is getting married, he has no plans to break off this side relationship and actively makes plans to continue it. Even though he does not want to be found out, he has no remorse whatsoever about this arrangement, and maintains his mistress until she breaks up with him five years after the wedding.

Partial Simulation Against the Good of Indissolubility (canon 1101 §2)

In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the good of indissolubility. The bond of marriage lasts until death. No matter how bad things get, even if the parties have to separate, the bond of marriage remains, making a second marriage impossible. However, if a party enters marriage while reserving a right to dissolve the marriage through divorce and potentially remarry, that party marries invalidly. For example:

- In his family of origin, the groom witnessed his father's infidelity and became determined never to stay in the type of marriage his parents had. He initially trusts the bride to be faithful, but he becomes suspicious of her during the engagement when she starts spending more time with a male coworker. He decides to go through with the wedding, but also decides then and there that he will not commit to her unconditionally, and he reserves the right to dissolve the marriage if the bride ever cheats. Five years into the marriage, the bride cheats, and the groom leaves her immediately.

Total Simulation (canon 1101 §2)

One or both parties has no intention to establish any kind of marital partnership, but has some totally unrelated goal that can be achieved through the appearance of marriage. The ceremony itself is essentially a sham. For example:

- The bride wants a green card in order to be able to remain in the United States. She convinces the groom to marry her solely for that purpose. They have no intention to cohabit or establish any kind of married life,

except as necessary to convince immigration officials. The day the green card arrives in the mail, the parties separate, just as they had intended to do all along.

Partial Simulation Against the Good of the Spouses (canon 1101 §2)

In spite of what the parties say in their marriage vows, one or both of the parties actually wills against one of the essential elements of marriage, in this case, the ordination of marriage to the good of the spouses. By its nature, marriage is directed to the good of the spouses. If, however, one of the parties positively decides to enter a marriage that is directly ordered toward the harm or corruption of the other party, that party marries invalidly. For example:

- The bride is from a mafia family, with whom she is actively involved. She marries the groom solely in order to carry out a vendetta against his father, whom she believes landed her own father in prison. Although she intends to have children with him, be faithful to him, and remain with him for life, she marries him with the express intention of making his life as miserable as possible.

Ignorance (canon 1096)

For matrimonial consent to exist, it is necessary that the parties at least not be ignorant that marriage is a permanent partnership between a man and a woman that is ordered toward the procreation of offspring by means of some sexual cooperation. The Church presumes that those who have reached the age of puberty have the necessary knowledge to marry. For example:

- The bride has lived an unusually sheltered life, and she believes that babies are brought by the stork. On the wedding night, she is shocked and disgusted to learn what the marriage act entails. She refuses to engage, and immediately returns home to her parents.

Error of Person (canon 1097 §1)

At the time of the marriage, one of the parties believes he/she is marrying their intended spouse, when in fact, it is actually a different person. For example:

- The groom believes he is marrying the woman he loves, when in fact, the person to whom he states his vows is that woman's identical twin sister.

Error Concerning a Quality of Person (canon 1097 §2)

When a person does not intend to marry the other party so much as the quality that they erroneously judge the person to possess, that person marries invalidly. In other words, simple error about a certain quality of a person, such as a personality trait or some fact in the person's history, does *not* make a marriage invalid, unless that quality is directly and principally intended. For example:

- The bride is pregnant. She wants to marry the father of the child. Whoever the father of the child is, that is who she wants to marry. Her *only* reason for marrying the groom is to be married to the father of her child. She marries the groom, believing with reason that he is the father. However, a paternity test later reveals the father to be someone else, and she departs immediately.

Imposed Error (Deceived by Fraud) (canon 1098)

A person's consent is invalid if it is given as a result of being deceived by fraud that (1) is intentionally inflicted in order to get that person to give consent and (2) concerns some quality of the other party which of its very nature can seriously disturb the partnership of marriage. The deceit can be perpetrated by the other party or even by some third party, such as a parent. For example:

- The groom had polio as a child and was told by doctors that he was certainly incapable of having children. Knowing that he is sterile but that the bride would only marry him if he intended to have a large family, the groom lies to her prior to the marriage by telling her that he was also looking forward to having biological children of his own. Two years into the marriage, the parties undergo fertility testing and the groom confesses that he concealed his sterility from the bride so that she would marry him. The bride promptly leaves.

Error Concerning an Essential Property of Marriage that Determines the Will (canon 1099)

Normally, error about the unity (i.e. marriage to one person), indissolubility (i.e. marriage is for life), or sacramental dignity (i.e. marriage between the baptized is a sacrament) of marriage does *not* make a marriage invalid. Error of this kind only invalidates when it determines the will. In other words, the error is so deeply held that, in the person's mind, the only kind of marriage that exists is unfaithful/polygamous marriage, or dissoluble marriage, etc. The alternative never seriously enters his/her mind. For example:

- The groom's parents were divorced when he was very young. Both of his parents have since been married several times, with each marriage ending in divorce. All of his aunts, uncles, siblings, and close friends have been married several times to several different people. In short, he has never personally known anyone who had not been divorced and remarried even once. In his mind, marriage can and should end whenever the spouses are ready to move on, and he has never really considered the possibility of an indissoluble marriage. When he promises to stay with his wife "until death do us part," he thinks it is just a nice figure of speech; really, he has no idea that marriage can be enduring.

Conditioned Consent (canon 1102)

One or both parties consent to marriage *if and only if* a certain condition is fulfilled. If the condition is not fulfilled at the time of the wedding, or if the condition relates to the future, the marriage is invalid. For example:

- The bride is pregnant at the time of the wedding, and the groom is uncertain if the baby is his. When he consents to the marriage, he consents strictly under the condition that he is the father. That is the only circumstance under which he is willing to enter marriage with the bride. In his mind, the marriage only exists if he is the father. When the baby is born, a paternity test determines that he is not the father, and he leaves immediately.

Force or Fear (canon 1103)

When a person consents to enter an otherwise undesired marriage only because of force or grave fear inflicted by some other person(s), the marriage is invalid. For example:

- The bride, a very naïve 18 year-old, is pregnant. She does not want to marry the child's father, but her parents have threatened to cut her off financially and never speak to her again if she does not marry him. She has no income other than her parents' financial support, and her parents' love and approval mean everything to her. She is afraid of losing them and of ending up on the streets with a baby, and so she chooses to marry because she sees it as the only possible way to avoid being totally rejected by her parents.

IMPEDIMENTS

Impediments disqualify one or both parties from entering marriage. In general, the Church is extremely diligent about discovering impediments before marriage, but sometimes they can remain undiscovered until after the wedding. Note that certain impediments only apply to marriages in which at least one party is Catholic.

Age (canon 1083)

A woman under 14 years of age and a man less than 16 years of age cannot validly marry. If neither party is Catholic, then civil law determines the minimum age for a valid marriage, but never below the age of puberty.

Antecedent and Perpetual Impotence (canon 1084)

A person who is permanently and completely incapable of performing the sexual act cannot validly marry. This is not to be confused with simple infertility or even total sterility, which do not make a marriage invalid.

Prior Marriage (canon 1085)

Marriage is for life. If either of the parties has previously been validly married, and the previous spouse is still living, there can be no second marriage. Note, however, that if the first marriage is later discovered to have been invalid, there was never any impediment to the second marriage. If the Respondent is the one with the previous marriage, please ask the Tribunal whether you should use the APPLICATION FOR A PRIOR BOND paperwork.

Disparity of Worship (canon 1086)

Without a dispensation from the Church, a Catholic cannot validly marry a person who has never been baptized. This impediment is often dispensed, but sometimes the need for dispensation is overlooked. Note that this impediment only applies to marriages between Catholics and non-baptized persons, and *not* to (1) marriages between baptized non-Catholics and non-baptized persons, nor to (2) marriages between Catholics and baptized non-Catholics.

Sacred Orders/Vow (canons 1087-1088)

A man who has been ordained to the diaconate or the priesthood cannot validly marry. A man or woman who has taken a public, perpetual vow of chastity in a religious institute cannot validly marry.

Abduction (canon 1089)

A man cannot validly marry a woman whom he has kidnapped with the intention of marrying her.

Crime (canon 1090)

A person who brings about the death of his or her own spouse or somebody else's spouse in order to marry cannot validly marry.

Consanguinity, Affinity, Public Propriety, and Adoption (canons 1091-1094)

Canon law prohibits marriages between certain close blood relatives (consanguinity), as well as certain in-laws (affinity). It also prohibits marriage between a person and the parent or child of someone with whom that person has publicly cohabited, even if they were not married or were only invalidly married (public propriety). Finally, it prohibits marriage between certain people related by adoption.

DEFECTS OF FORM

Catholics are required to marry according to the form specified by the Church, namely, the presence of a priest or deacon who asks for and receives a manifestation of consent, and in the presence of at least two additional witnesses. Very often, the Church authority grants a dispensation allowing for some other form of celebration, such as marriage by a Protestant minister. But when there has been no dispensation, Catholics do not marry validly unless they marry according to the required form.

Lack of Form

When a Catholic, even a non-practicing Catholic, attempts to get married outside of the Church without a dispensation (e.g. before a justice of the peace), the marriage is invalid. If this is the case, please use the [APPLICATION FOR LACK OF CANONICAL FORM](#) paperwork.

Defective Form

When the form of marriage is generally observed, but some required element is missing (e.g., only one witness is present), the marriage is invalid.