



CATHOLIC DIOCESE OF KALAMAZOO

Office of the Tribunal

215 N. Westnedge Ave, Kalamazoo MI 49007-3760; 269-349-8714 ext. 1117

PETITION FOR DECLARATION OF INVALIDITY OF MARRIAGE

Informational Sections (1-6). The personal information contained in these sections is not made known to the respondent by any action of the Tribunal or Diocese of Kalamazoo, but may still be known by other means beyond our control.

1. PETITIONER

Maiden Name if Female

Full Legal Name at Present, Including First, MI, Last

Street Address of Residence (apartment no., postal box etc.)

City, State, Zip Code and County of Residence

Home/Cell Phone

Email Address

☐ Check here if petitioner is a catechumen.

☐ Check here if petitioner is a candidate for reception into full communion.

☐ Check here if intended / current civil spouse of petitioner is a catechumen.

☐ Check here if intended / current civil spouse of petitioner is a candidate for reception into full communion.

Baptismal Status and Religion **At the Time of Wedding**

Baptismal Status and Religion **At Present**

**Date of Catholic Baptism or Reception (also specify which)

Church/Parish of Catholic Baptism or Reception

Church/Parish Address Where Baptized/Received

Church/Parish City, State, Zip Code, and County

Date of Birth

Age At Time of Wedding

2. RESPONDENT (YOUR FORMER SPOUSE)

Maiden Name if Female

Full Legal Name at Present, Including First, MI, Last

*Street Address of Residence (apartment no., postal box etc.)

*City, State, Zip Code and County of Residence

Home/Cell Phone

Email Address

Baptismal Status and Religion **At the Time of Wedding**

Baptismal Status and Religion **At Present**

** Date of Catholic Baptism or Reception (also specify which)

Church/Parish of Catholic Baptism or Reception

Church/Parish Address Where Baptized/Received

Church/Parish City, State, Zip Code and County

Date of Birth

Age At Time of Wedding

**If whereabouts of the respondent is unknown, you must attach the Whereabouts of Respondent form (available from procurator-advocate or website). If residence differs from mailing address, provide complete mailing address on a separate attached page.*

***Include authenticated, recent (**within the last 6 months**) and annotated records of any Catholic baptism or reception; and if possible, copies of non-Catholic baptism records.*

3. WEDDING, COMMON LIFE AND CIVIL DIVORCE

You must include authenticated copies of civil records for marriage and the first page, and all signature pages, of the final divorce decree.

| | |
|---|---|
| _____-_____-_____ Date of Wedding | _____ Name of Place of Wedding (Church, Park, Court, Etc) |
| | _____ Address for the Place of Wedding |
| | _____ City, State, Zip, and County for the Place of Wedding |
| | _____ <i>If a Religious Ceremony, Religion or Denomination</i> |
| _____-_____-_____ Date of Final Separation | _____ Number of Years of Common Life Prior to Final Separation |
| _____-_____-_____ Date of Civil Divorce | _____ Place of Civil Divorce (City, County, and State) |
| _____ Number of Children Born | <input type="checkbox"/> Support Obligations Are Met |
| _____ Number of Children Adopted | <input type="checkbox"/> Support Obligations Are Not Met |
| | <input type="checkbox"/> Support Obligations Are Not Applicable |

*If there was any **subsequent** Catholic ceremony for this marriage*

| | |
|--|---|
| _____-_____-_____ Date of Catholic Ceremony | _____ Place of Catholic Ceremony |
| | _____ Street Address of Catholic Ceremony |
| | _____ City, State, Zip and County of Catholic Ceremony |

4. MARITAL HISTORY AND INTENTIONS – add additional information on a separate page if needed

- 1) Were you married to other person(s) before this marriage? ☐ yes ☐ no
If yes, please provide details:

A. Name of former spouse: _____

Date of marriage: _____

Place of marriage – church name/court/etc, city, state and county:

B. Name of former spouse: _____

Date of marriage: _____

Place of marriage – church name/court/etc, city, state and county:

2) Was your former spouse married to other person(s) before this marriage? ☐ yes ☐ no
If yes, please provide details:

Was your former spouse's prior marital partner alive at the time you married your former spouse?

☐ yes ☐ no If NO, skip the rest of this section.

Was your former spouse's prior spouse alive during the entire duration of your marriage to your former spouse? ☐ yes ☐ no

Name of his/her prior marital partner: _____

(If a woman) Maiden name: _____

Date and place of his/her prior marriage - church name/court/etc, city, state and county:

Was this marriage the first for both parties? ☐ yes ☐ no If NO, please explain:

Was this marriage declared ecclesiastically invalid? ☐ yes ☐ no

Type of ceremony: () Civil () Religious

IF Religious did a Roman Catholic Priest officiate? ☐ yes ☐ no

Was either party to the first marriage a Catholic or a non-Catholic Eastern Orthodox Christian?

☐ yes ☐ no

What was the religious affiliation of each party? Man: _____

Woman: _____

Was permission granted by Catholic Church authorities for the celebration of marriage without the presence of a Catholic priest or deacon? ☐ yes ☐ no

3) Are you presently married? ☐ yes ☐ no

Are you preparing to remarry? ☐ yes ☐ no

If yes to either question above, please provide details:

Legal name of your present or intended spouse:

Address of your present or intended spouse: _____

Current religion of your present or intended spouse: _____

If you are presently married please provide date and place of marriage:

4) Is your current or intended spouse free to marry in the Catholic Church? ☐ yes ☐ no

If not, has a marriage case been submitted to a Tribunal for this person yet? ☐ yes ☐ no

If a case has not been submitted, explain below.

5. ACKNOWLEDGEMENT OF TRIBUNAL POLICIES AND APPOINTMENT

- 1) I confirm that I have received, read and understood the **Statement of Tribunal Policy**. I will cooperate fully with the tribunal and be bound by this policy. **I explicitly agree that I will not set a definite wedding date unless and until the bishop or the Tribunal informs me of my freedom to marry in the Catholic Church.**
- 2) If I am found free to marry in the Catholic Church, I also understand that anyone whom I wish to marry must also be free to marry, and that any and all previous marriages not dissolved by death must be resolved through a canonical procedure.
- 3) I have attached the complete and current names of witnesses and their mailing addresses. I have included all necessary sacramental records and copies of civil marriage certificates and complete final divorce decrees.
- 4) If my former spouse consents to this petition, I have included **Section 8. Consent by the Respondent**.
- 5) If the location of the Respondent is truly unknown, I have given details of the attempts I made to locate her or him in the **Whereabouts of Respondent form**, and have attached it.
- 6) I appoint the undersigned as my procurator-advocate, giving authority to act on my behalf before this Tribunal and the bishop. I expressly give this person, as procurator, a special mandate for the right to abandon the case, if necessary, and authority to name a substitute procurator and advocate, if necessary.
- 7) I testify by my signature that the information I have given and the testimony I will give is true and complete to the best of my knowledge.

Date

Signature of Petitioner

6. ACCEPTANCE OF APPOINTMENT AS PROCURATOR-ADVOCATE OR ADVOCATE

I accept the appointment and mandates as above. I attest that the petitioner has received, read, and understood the **Statement of Tribunal Policy**.

Signature of Procurator-Advocate or Advocate

Name of Parish of Procurator-Advocate or Advocate

Printed Name of Procurator-Advocate or Advocate

Street Address of Procurator-Advocate or Advocate

Date

Daytime Phone Number of Procurator-Advocate or Advocate

7. PETITION FOR INVALIDITY OF MARRIAGE

I, the undersigned Petitioner, request the Tribunal, competent according to canon law, to judge the canonical validity of this marriage below, and to declare that it is canonically invalid, according to the law of the Catholic Church. I understand that such a decree of invalidity from the Catholic Church would have only religious effect and no effects in civil law, nor would it deny that a civilly lawful marriage took place.

_____, and
Full Name of Petitioner (print legibly or type; use maiden name if Petitioner is a woman)

Full Name of Respondent (print legibly or type; include maiden name if Respondent is a woman)

Date of Wedding

Name of Place of Wedding (Church, Park, Court, Etc)

City, State, Zip and County for the Place of Wedding

(if a convalidation, use that date, name and place at the direction of the procurator advocate)

I have summarized below the facts and grounds (canonical reasons) why I believe that this marriage is invalid or null below. I contend that it was lacking in some essential way from its very beginning according to the law of the Catholic Church. I believe this will be proven with moral certitude by witness testimony and other means of proof.

The procurator-advocate must assist the Petitioner to propose only the significant facts and grounds (canonical reasons) that most accurately describe the basis for this petition. The Petitioner should consult Tribunal Terms and Grounds for a fuller explanation of grounds. The procurator-advocate should consult Grounds of Invalidity for Procurators-Advocates. Add pages if needed.

Signature of Petitioner

Date

If you have questions, please call the Tribunal at 269.349-8714 ext. 1117 (M-F 8:30 am - 4:30 pm Eastern), or write to Diocese of Kalamazoo Tribunal, 215 N. Westnedge Avenue, Kalamazoo MI 49007-3760

8. CONSENT BY RESPONDENT TO PETITION FOR INVALIDITY OF MARRIAGE

Note: This form should only be used by the Procurator/Advocate if there is a possibility that the Respondent will cooperate in the Tribunal process. It may be requested later by the Tribunal, but it is not necessary to complete this form before submitting a case. **The completed form should be returned by the Respondent directly to the Tribunal. This page and its information is not to be shown or given to the Petitioner or the Petitioner's Procurator/Advocate.**

Respondent - Please check one of the boxes below to give or decline your consent to having this marriage declared invalid. This would have only a religious effect and no effects in civil law. Regardless of your action below, or non-action, Church law requires the tribunal to contact you once again before proceeding so that you may express your views more fully and, if you want, participate in the process to the fullest extent that Church law provides. A citation letter and questionnaire will offer various options to you, and the Tribunal will inform you of the rights you have and ask you about the level of involvement that you want in this case.

This application and signature mean only that a process is beginning. It is not the decision itself and does not create a freedom to marry in the Catholic Church for either party.

☐ I also challenge the validity of this marriage and consent to this petition by my signature below, notarized by a civil notary and/or a witness from the parish administration.

☐ I do not give my consent.

Name (full legal name printed or typed)

Signature of Respondent

Date

Address

City/State/Zip

A large rectangular box with a thin black border, intended for a notary seal and signature. A horizontal line is drawn near the bottom of the box.

Reserved for notary seal, and notary or witness signature.

if you have questions, please call the Tribunal at 269-349-8714 Ext. 1117 (M-F 8:30 a.m-4:30 p.m.) or write to the Diocese of Kalamazoo, 215 N. Westnedge Avenue, Kalamazoo, MI 49007-3760



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Office of the Tribunal

215 N. Westnedge Street, Kalamazoo MI 49007-3760; 269-903-0215

QUESTIONNAIRE REGARDING THE WHEREABOUTS OF THE RESPONDENT

In accordance with present ecclesiastical law, every reasonable effort must be made by the petitioner to locate his/her former spouse and provide the Tribunal with a valid address. (*Reasonable efforts include: a white pages search at the last known place of residence, contacting adult children of the marriage, using Friend of the Court records if child support is ordered, contacting the parent's of the Respondent, etc.*) Therefore, would you please complete the following questions so that we may ascertain what efforts you have made to determine your former spouse's whereabouts. If needed, use an additional sheet of paper for your answers.

1. What means have you taken to determine your former spouse's current mailing address of residence? [If none, reread the above paragraph].
2. What was your former spouse's last known mailing address? (Street, City, State and Zip Code)
3. How long did your former spouse live at this address? _____
4. Do you have definite knowledge that your former spouse no longer lives at this address?
5. What is his present address of employment? (Please indicate complete mailing information)
6. What is the last known mailing address of his/her parent(s)? Or the address of a close relative? (Indicate complete mailing information).
7. Please answer the following ONLY if children have been born of this union:
 - a. Does any child have contact with your former spouse?
 - b. Are child support payments being fulfilled?
 - c. If so, how are such payments sent to the spouse who has custody?
 - d. Does he make use of any visitation rights?
 - e. Do you make any use of visitation rights?

Signature of Petitioner

Date



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LIST OF COOPERATIVE WITNESSES

Before submitting this list, please contact these witnesses to verify they are willing to testify. Please provide their current, accurate and complete addresses, including the zip code. Unless the judge instructs you otherwise, **do not** list children from this marriage, or your former spouse, or your intended fiancé(e), or your current civil spouse as witnesses. **If an address is partial or wrong or outdated, or the co-operation of a witness has not been obtained, your case and the cases of others are delayed. Please be diligent so the tribunal may assist you.** Send this list with the petition to the tribunal, but keep a copy for your own records.

*(The respondent may use a **blank** copy of this form to name witnesses if supporting or consenting to this petition.)*

1.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?

2.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?

3.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?

4.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?

5.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?

6.

Mr., Mrs., Ms., Rev., and full name

street address (apartment no., postal box etc.)

city, state, zip code

relationship?

length of time known?



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Witness Supplement Form

Do not sign this form until you have read it.

ADVOCATES, it is YOUR responsibility to VERIFY the Petitioner has made wise witness selections.

THE ROLE OF THE WITNESS:

- A. Witnesses must know the background of the party/parties in your case, the history of your relationship, and/or the reason(s) for the breakdown of the marriage being examined.
- B. They are NOT character references. They do not simply sign a document. They must give their testimony in writing.
- C. Witnesses must have knowledge of at least some of the following areas in order to be considered qualified and helpful:
 - a. Background of the party/parties **before** the marriage being examined.
 - b. Period of courtship and engagement and the reason(s) for the marriage.
 - c. Intentions of the party/parties before, at the time of marriage, and during the marriage regarding children.
 - d. Intentions of the party/parties before and during the marriage regarding fidelity and a life-long union.
 - e. Detailed description of the relationship, with specific problems, during the marriage.
- D. Witnesses must possess such information before an application is sent to the Tribunal. In other words, witnesses must not be instructed what to say in testimony.

SELECTION OF WITNESSES:

Acceptable witnesses are people knowledgeable of the background of one or both of the parties and their relationship to one another. They may know of the information either first-hand or have learned of it from someone else, including you, **before** the annulment process began.

Witnesses may be members of your immediate family or in-laws from your previous union. They may be friends, employers, co-workers, former roommates, fellow students, members of your wedding party or neighbors. Consider carefully who knew you, knew of your intentions and problems, and people to whom you confided. We do not encourage minors under the age of fourteen to be witnesses. We also do not suggest the children from the former union or a prospective spouse to be witnesses, unless you request special circumstances why they should be allowed to testify.

We cannot stress how important witness selection is.

Witnesses without knowledge of your dating/engagement period and time married are not helpful and only delay your case while other witnesses are sought. Canon 1678.2 now allows that a single witness is acceptable if he/she presents sufficient and qualified testimony. If you provide only one witness, the **petitioner and the advocate** must be beyond confident that this one witness will provide an extremely strong testimony.

Prepare a list of people whom you think are potential witnesses.

Speak to each of them personally.

Explain what they must do and ASK if they are willing to participate.

VERIFY their name and address; then complete the Witness List form.

Questions to be answered by the Petitioner:

1. Did YOU contact EACH witness included on the Witness List form?

[] Yes [] No

2. Did YOU explain to EACH person what he/she must do on your behalf as explained above?

[] Yes [] No

3. Does EACH witness possess significant information AND agree to provide their testimony?

[] Yes [] No

Signature of Petitioner or Respondent

Signature of ADVOCATE (REQUIRED)

SETTING A WEDDING DATE

Members of the Tribunal process each case as quickly as possible. Please keep in mind that aside from the required waiting periods and deadlines dictated in Canon Law so that those involved have an appropriate opportunity to respond, the Tribunal can in no way guarantee or predict the outcome.

Understandably, many people want to set a date immediately for an upcoming wedding in order to begin making arrangements. But **NO DATE MAY BE SET** until the declaration of nullity is received.

Additionally, the declaration of nullity may not be the only required action before a new wedding may take place. At times, an issue or problem from a previous marriage still exists, as far as the Tribunal can determine from the information at hand. The Tribunal Judge may prohibit another wedding until those issues are addressed so that the new union is not invalid for the same reasons as the previous one. In this case there may be other requirements to fulfill before the new wedding, for example, counseling, rehabilitation for substance abuse, or ensuring a true understanding of the Catholic teaching on marriage. Also, any couple entering marriage must receive pre-marital preparation.

No person should ever presume that he or she has permission to marry or that the parish priest has made a reservation or commitment to officiate at a wedding ceremony simply because a case has been started at the Tribunal. Neither the Diocesan Tribunal in Kalamazoo nor the Court of Appeal in Detroit can rush a case simply because a couple has some date in mind for a wedding or mistakenly believes that a date has been guaranteed by the parish priest.

Therefore, a party who submits a case to the Tribunal may NOT set a wedding date until:

- 1) the Court of Appeal makes its decision, and the parties receive the final affirmative decree;**
- 2) he or she fulfills any requirements set by the Tribunal Judges AND the appropriate Chancery authority removes the restrictions set by the Judge.**

I understand and accept this policy of the Diocesan Tribunal of Kalamazoo and will not set a wedding date until the above two conditions have been fulfilled.

Signature of Petitioner

Signature of Presenter/Advocate

Date

Date

INCOMPLETE ITEMS OR SIGNATURES WILL RESULT IN APPLICATION BEING RETURNED TO PARISH.

WHAT IS THE PURPOSE OF THE TRIBUNAL?

Church law (known as canon law from the statutes and canons of which it is composed) calls for the existence of a tribunal in every diocese in the world. Every governing body has an executive, a legislative, and a judicial branch. The tribunal is the judicial branch of the local church government. In Kalamazoo, the tribunal is under the direction of the Bishop of Kalamazoo and is supervised by his delegate, the judicial vicar. Through a specially trained and experienced staff, assistance is offered to people who formally request that the Church study a marriage to determine whether or not the parties are bound.

Over the course of the centuries, the Church has learned that certain intentions and capabilities must be brought to a relationship by the parties involved for a true marriage to occur. Without these intentions and capabilities, there can be no true marriage. In such a situation, there is no permanent bond, regardless of external appearances or subsequent events. The parties who were involved in a union of this sort cannot be considered permanently bound to such a relationship, and they have a right to have their free status recognized in an official way. The purpose of a marriage case before a Catholic Church tribunal is to determine whether the parties are bound to the prior marriage by investigating whether the bond of marriage as the Church understands it ever came into being.

There are no civil effects to a church declaration of nullity. A church declaration of nullity does not in any manner affect the legitimacy of children, property rights, inheritance rights, visitation rights, names, etc. It is a declaration from the Catholic Church that a particular union, presumably begun in good faith and thought of by all as a marriage, was in fact an invalid union as the Church defines marriage. There is no attempt in the process to impute guilt or punish individuals. On the contrary, the purpose of the tribunal procedure is to serve the conscience and spirit of the petitioning party and to reconcile people to full sacramental participation in the family of the Church.

In order to arrive at a decision about the nullity of a marriage, the tribunal applies the gospel teachings of Jesus Christ and the canon law of the Catholic Church to the situation in question. The ministry of the tribunal is concerned with the dignity of marriage and the good of the individual parties. The tribunal works toward this end by carefully protecting the right of the parties as well as the rights of the Church, which understands itself to be charged by Jesus Christ as the guardian of the sacrament of marriage.

There is no fee for the tribunal services in the Diocese of Kalamazoo. The tribunal is subsidized by the people of the diocese through the annual Catholic Services Appeal. The cost of resolving marriage cases is approximately \$525 per case. All we ask is that you keep the church in mind and consider making a donation of some sort to the Diocese of Kalamazoo. Your generosity will help to provide for others the same service you have received.



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COMMON GROUNDS OF INVALIDITY

Insufficient Use of Reason (Canon 1095.1°) Serious conditions, such as profound mental retardation, certain personality disorders or black-out states (caused by alcoholic intoxication, drug use, or seizure disorder), might prevent a person from possessing or using reasoning ability during the marriage ceremony.

Grave Lack of Discretion of Judgment (Canon 1095.2°) To enter a valid marriage, a person must be free of any severe anomalies and have use of sound reason and mature judgment. This means that a person is capable of making a prudent and free decision, after careful judgment, to enter marriage with a particular person.

Incapacity to Assume the Essential Obligations of Marriage due to a Psychic Cause (Canon 1095.3°) To enter a valid marriage, a person must have the psychological ability to live out the life-time obligations of marriage. If a person was afflicted at the time of marriage with a serious psychological or psychiatric condition that prevented him or her from assuming the obligations of marriage, the marriage was invalid.

Force or Fear (Canon 1103) If someone is compelled to marry by force or grave fear inflicted from without (i.e., an outside person) the marriage is invalid; if marrying is the only way to be free from the fear.

Fraud or Deceit (Canon 1098) A person who enters marriage deceived by a serious kind of fraud, which is perpetrated to obtain the marital consent of the other person, marries invalidly. Fraud is the intentional act of deception.

Condition (Canon 1102) Marriage based on a condition concerning the past or present is valid or invalid depending on the actual fulfillment of the condition; marriage based on a future condition is invalid.

Ignorance of the Societal Nature of Marriage (Canon 1096) For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.

Grave Error (Canon 1097) It is possible that a person does not know that marriage is a relationship between one man and one woman for the duration of life here on earth.

Error of a Person (Canon 1097 §1) 1. Error concerning the person renders marriage invalid.

Error about a Quality of a Person (Canon 1097 §2) To enter a valid marriage, one must know the essential qualities of the person he or she is marrying. If, at the time of marriage, one spouse was mistaken about a quality directly and principally intended in the other spouse (almost as a condition for marriage) then this ground could be considered.

Error about Marriage (Canon 1099) One who is mistaken about the unity, indissolubility or sacramental dignity of marriage contracts invalidly, if that person's will was determined by the error.

Simulation (Canon 1101) This requires an act of the will whereby a person has no intention of marrying but wishes others to believe he or she is married. For instance, a marriage of convenience to allow an alien to enter the United States. The intent is not to marry but to have marriage serve as a means of entering America. It may also be that a person has no intention of fulfilling the essential properties of a sacramental relationship.

COMMON GROUNDS OF INVALIDITY (CONTINUED)

Total Simulation (Canon 1101 §2) A positive act of the will at the time of marriage to exclude marriage itself while externally consenting to marriage. A person that has no intention of fulfilling the essential properties of a sacramental marital relationship. Example: a marriage of convenience to allow an alien to enter the United States and /or a person has no intention of marrying but wishes others to believe he or she is marriage.

Partial Simulation is acts that are against a particular element of the sacrament. For instance:

Contra Bonum Prolis is a positive act of the will whereby a person does not wish to have children. So, for instance, participating in sexual acts that are not open to the procreation of life may be *contra bonum prolis*. If a man finds his wife is pregnant and leaves her, this may be a case of simulation *contra bonum prolis*. Frequent abuse of the child by either parent may be heard on *contra bonum prolis* grounds. People who place their careers ahead of procreation of children may equally be suspect of simulation *contra bonum prolis*. Even the lack of providing for the educational, emotional and spiritual needs of a child may be symptoms of this.

Contra Bonum Fidei is against the good of the faithfulness. This may occur when a person is sexually unfaithful during the dating and “going steady” period. Sexual activity with a bridesmaid the night before the wedding is an example of *contra bonum fidei*. Continual sexual infidelity in marriage may be heard as a partial simulation *contra bonum fidei* as a person has the right to expect a relationship marked by fidelity.

Contra Bonum Sacramenti is against the good of the sacrament – against the indissolubility of marriage. A person may openly and with sincerity say to one’s intended spouse, “Well, we can try it for a while and if it does not work out we can always get a divorce”. That belief is *contra bonum sacramenti*. Due to multiple divorces in one’s immediate family, a person may not realize the element of marriage’s permanence. Permanence is a foreign thought to him or her.

Contra Bonum Conjugum is against the good of the spouse. A spouse who is continually absent from the home because he or she chooses to spend time with friends at the expense of the partner may be simulating *contra bonum conjugum*. Or, a person continually putting down one’s spouse may be acting *contra bonum conjugum*.

Conditional Consent (Canon 1102) Marriage cannot be based on a condition in the future. A man is told a certain young lady will inherit \$5 million upon her father’s death. He marries her with this expectation. When the young lady’s father dies, the daughter discovers that her father left all his money to the Catholic Church. The man/husband leaves his wife. In another example, a young lady marries a young law student in the expectations that he will join her father’s very successful law firm and thereby provide for her expense tastes. He chooses instead to work as a Public Defender. A valid marriage cannot be based on conditions.

Force and Fear (Canon 1103) A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from the external pressure.

NOTES:

- The judge determines the nullifying grounds based on preliminary facts given by the petitioner. Neither party determines the grounds but offers observations. The petitioner must also PROVE the existence of grounds by supportive testimony (from witnesses).
- A marriage is presumed VALID unless proved otherwise. Simply petitioning for a declaration of nullity does not guarantee that a favorable decision will be ultimately given.
- **IN ALL CASES, THE ALLEGED GROUNDS MUST BE PRESENT AT THE TIME OF THE MARRIAGE CEREMONY. A subsequent change of intention or the subsequent psychological problems cannot invalidate what is valid from the beginning.**

PLEASE REMEMBER TO COMPLETE EACH ITEM

Please check to make sure the necessary documents are enclosed, and all signatures have been completed.

Anything missing may cause a delay in processing.

Please return the checklist with packet. Thank you.

FORMAL CASES

- | | |
|--|--|
| <input type="checkbox"/> Completed Petition to Tribunal Form | |
| <input type="checkbox"/> An official copy of the Marriage License (and Application if necessary) | OCIA Candidate? |
| <input type="checkbox"/> Divorce Decree (official copy) | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| <input type="checkbox"/> An official copy of the Baptismal Certificates or Profession of Faith* | |
| <input type="checkbox"/> Marital Resume/Questionnaire of Petitioner | |
| <input type="checkbox"/> All Signatures Completed on All Forms | |
| <input type="checkbox"/> List of Witnesses and Supplemental Form | |
| <input type="checkbox"/> Questionnaire regarding 'Whereabouts' of Respondent (If needed) | |

LACK OF FORM CASES

- ☐ Completed Petition to Tribunal Form
- ☐ An official copy of the Marriage License (and Application if necessary)
- ☐ Divorce Decree (official copy)
- ☐ An official copy of the Baptismal Certificates or Profession of Faith*
- ☐ All Signatures completed on All Forms
- ☐ Two Lack of for Form Affidavits (if either party is not well known to the priest)

LIGAMEN CASES (PRIOR BOND)

- ☐ Completed Petition to Tribunal Form
- ☐ An official copy of the Civil Marriage License (and Application if necessary)
- ☐ Divorce Decree (official copy)
- ☐ An official copy of Baptismal Certificates or Profession of Faith*
- ☐ Marriage License of form spouses first marriage
- ☐ List of Witnesses
- ☐ All Signatures Completed on All Forms

PRIVILEGE CASES

- ☐ Completed Petition to Tribunal Form
- ☐ An official copy of Baptismal Certificates or Profession of Faith*
- ☐ An official copy of Civil Marriage License (and Application if necessary)
- ☐ Divorce Decree (official copy)
- ☐ List of Witnesses that can attest to baptismal status of each party (minimum of 2 for each party)
- ☐ All Signatures Completed on All Forms

***Any Catholic baptismal certificates should be recently issued (within the last six months) and should have all notations indicated.**

Decrees or declarations generated by the Tribunal are Church property and are to be kept in the permanent parish file, not given to the parties.

I hereby affirm that all the above information is true, and I petition the Tribunal to hear my case.

Signature of Applicant

Signature of Priest/Deacon/Advocate

Date

Church Name

Church Address

Church Phone

INCOMPLETE ITEMS OR SIGNATURES WILL RESULT IN PETITION BEING RETURNED TO PARISH.