

Office Use Only      Date Rec'd: .....

Case Name: .....

Case #: .....



## PETITION FOR A DECLARATION OF NULLITY

DIOCESE OF MADISON-TRIBUNAL · 702 S. High Point Road, Suite 225 · Madison, WI 53719-4926 · 608-821-3060 · tribunal@madisondiocese.org

*This form must be filled out completely (please print or type), including information regarding the Respondent. The Respondent will be sent a copy of the essay portion of this petition, unless the Petitioner demonstrates a grave reason (e.g., a restraining order) why it should not be sent. It is the duty of the Petitioner to provide a viable address for the Respondent, and providing a wrong or incomplete address for the Respondent will cause serious delays in the case. If the Respondent is truly impossible to locate, please attach a record of your attempts at locating him/her.*

PETITIONER (YOU)	RESPONDENT (OTHER PARTY)
Current name: .....	Current name: .....
Maiden name (if applicable): .....	Maiden name (if applicable): .....
Present address: .....	Present address: .....
City: ..... State: ..... Zip: .....	City: ..... State: ..... Zip: .....
Telephone: .....	Telephone: .....
E-mail: .....	E-mail: .....
Date of birth: ..... City: .....	Date of birth: ..... City: .....
Baptized?   Yes   No      If so, date: .....	Baptized?   Yes   No      If so, date: .....
Church of baptism: .....	Church of baptism: .....
City: ..... State: ..... Zip: .....	City: ..... State: ..... Zip: .....
Age at time of marriage: .....	Age at time of marriage: .....
Your religion at time of marriage: .....	His/her religion at time of marriage: .....
Your religion currently: .....	His/her religion currently: .....

### CONCERNING THE RELATIONSHIP

Date when courtship began: .....	Length of courtship prior to engagement: .....	
Date of engagement: .....	Length of engagement prior to marriage: .....	
Date of marriage: .....	Length of marriage prior to divorce: .....	
Church or place of marriage: .....		
Address of church or place of marriage: .....		
Minister or officiant of marriage: .....	Denomination (if applicable): .....	
If a civil marriage, was it ever “blessed” / “validated” in the Catholic Church?   Yes   No   If so, where: .....		
Date of separation: .....	Date of divorce: .....	County, state of divorce: .....

## CHILDREN BORN OF THIS MARRIAGE

Name: ..... Date of birth: .....

*Attach additional sheets as needed.*

*\* A declaration of nullity does not make children illegitimate if at least one of the parties has given marital consent in good faith.*

Has either party ever petitioned for a declaration of nullity of this marriage, whether from this tribunal or another tribunal?

Yes No If so, please indicate where and when: .....

## INFORMATION REGARDING OTHER MARRIAGES

Was this the first marriage for both of you? .....  Yes  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.*

PETITIONER  RESPONDENT

Spouse: .....

Check all that apply below:

Religion of spouse: .....

If Catholic decree of nullity, protocol #: .....

Date of marriage: ..... Location: .....

If former spouse is dead, give date of death: .....

Was this marriage ever validated in the Catholic Church? .....

If civil divorce, give date of divorce: .....

PETITIONER  RESPONDENT

Spouse: .....

Check all that apply below:

Religion of spouse: .....

If Catholic decree of nullity, protocol #: .....

Date of marriage: ..... Location: .....

If former spouse is dead, give date of death: .....

Was this marriage ever validated in the Catholic Church? .....

If civil divorce, give date of divorce: .....

*For each marriage, please enclose, if applicable, certified civil marriage license, death certificate, divorce decree, and Catholic declaration of nullity.*

## PETITIONER'S CURRENT INTENTIONS

I have no 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 consequent to a separate petition for a declaration of nullity or a lack of canonical form.*

## GROUNDS OF NULLITY

By petitioning for a declaration of nullity, you are making an allegation that your marriage was invalid due to some factor present on the day you exchanged marital consent. Consequently, a petition for a declaration of nullity must include the reason for petitioning; that is, the ground or grounds of nullity on which the marriage is being challenged. The petition must also indicate at least in a general way the facts on which the Petitioner is relying in order to demonstrate the nullity of marriage. Please refer to APPENDIX A: EXPLANATIONS OF THE GROUNDS OF NULLITY and the sample petitions when completing this section. Many parties find it helpful to solicit the assistance of their parish priest or a canonical advocate in completing this section.

Please provide the following information on type-written sheets of paper:

1. Basic details about how you and the Respondent met;
2. Basic details surrounding the courtship, the decision to marry, and the day of the wedding;
3. Basic details about why the marriage failed;
4. Using Appendix A, the specific ground(s) of nullity which you believe rendered your marriage invalid specifying the party on whom you are making the allegation (e.g., on the Petitioner or the Respondent), and an explanation of your reasons;
5. A list of the facts and proofs (e.g., witness testimony, doctors' reports, etc.) that you will eventually use to support your accusation of the nullity of your marriage. For witnesses, describe what testimony they will provide relative to the ground(s);
6. Additional information that you think will be useful for the Tribunal.

*The information you provide should usually not be longer than 5 pages in length and will be sent to the Respondent party unless you demonstrate a grave reason (e.g., a restraining order) why it should be withheld at the time of the citation. If the Respondent chooses to participate in the trial, he/she has the right to see the essay at a later time. Based on the information you provide, the Tribunal will likely ask follow-up questions that deal specifically with your case.*

## 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. No fixed number of witnesses is required, but space is provided here to nominate six 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 by means of an oral deposition at the Tribunal of the Diocese of Madison or another diocesan tribunal and to inform them that the Tribunal will be contacting them. 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.*

<b>WITNESS # 1</b>	<b>WITNESS # 2</b>
Name: .....	Name: .....
Address: .....	Address: .....
City ..... State. .... Zip. ....	City ..... State. .... Zip. ....
Telephone: .....	Telephone: .....
E-mail: .....	E-mail: .....
Date of birth: .....	Date of birth: .....
Relationship to the parties: .....	Relationship to the parties: .....
<b>WITNESS # 3</b>	<b>WITNESS # 4</b>
Name: .....	Name: .....
Address: .....	Address: .....
City ..... State. .... Zip. ....	City ..... State. .... Zip. ....
Telephone: .....	Telephone: .....
E-mail: .....	E-mail: .....
Date of birth: .....	Date of birth: .....
Relationship to the parties: .....	Relationship to the parties: .....

<b>WITNESS # 5</b>	<b>WITNESS # 6</b>
Name: .....	Name: .....
Address: .....	Address: .....
City ..... State. .... Zip. ....	City ..... State. .... Zip. ....
Telephone: .....	Telephone: .....
E-mail: .....	E-mail: .....
Date of birth: .....	Date of birth: .....
Relationship to the parties: .....	Relationship to the parties: .....

**Necessary Documents:**

*Please enclose recently issued baptismal certificates for each party if possible (within the last 6 months for Catholic parties), a certified civil marriage license, and the complete civil divorce decree (if applicable).*

**Fees for the Process:**

*There are many expenses involved in the operation of an ecclesiastical tribunal (e.g., salaries, postage, supplies, etc.). As a matter of justice, many tribunals pass on a portion of those expenses to the parties who request their services. If the expenses are not borne by the parties, they are borne by the Church, which ultimately means by the other people in the pews. In the Diocese of Madison, the operating expenses of the tribunal are covered by contributions from our parishes, and therefore there is no fee for the parties in the cause.*

**Right to an Advocate:**

*If you wish to receive the services of a canonical advocate, please contact the Tribunal for further information regarding using in-house advocates or finding an external advocate. The party's share of the fee for using one of the stable advocates of the Tribunal of the Diocese of Madison is \$400. External advocates contract at their own rate. No one is prevented from having an advocate due to an inability to pay. To request a total or partial reduction of the advocate fee or for a payment plan, please enclose a completed FINANCIAL AFFIDAVIT FOR THE GRATUITOUS SERVICES OF A CANONICAL ADVOCATE form, available on the Tribunal website.*

**Appointment of a Case Sponsor:**

*If you wish for your pastor or another priest or deacon to receive periodic updates about the progress of the case and/or certain other case documents, please see the CASE SPONSOR APPOINTMENT form, available on the Tribunal website.*

**Please sign and date the statement below:**

I believe that the above-mentioned marriage was invalid according to the law of the Catholic Church based on the facts and proofs that are proposed herein, and I request that the Tribunal of the Diocese of Madison judge whether this marriage is proven to be invalid.

I recognize that the materials gathered for this judicial process are open to the officials of the Tribunal and are available for review by the psychological and other experts used by the Tribunal **and by the Respondent**.

I understand that no guarantee can be made as to the outcome of the case, that no definite time frame for a completion date can be established, and that **no date for a new marriage can be set by a parish priest or deacon unless an affirmative decision is issued and no appeal has been made by either party or the Defender of the Bond**.

I understand that the burden of proof is on me to overturn the legal presumption that my marriage is valid (c. 1060).

I swear before God and my conscience that all the information given in this petition is true insofar as I know.

.....  
Signature of Petitioner

.....  
Date