



DIOCESE OF MONTEREY

The Tribunal

P.N. _____

TRIBUNAL PRACTICES AND POLICIES

Please Read Carefully, Then Initial & Sign the Affidavit on pg. 2

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 religious in nature. These proceedings are governed solely by the laws of the Roman Catholic Church. The primary purpose of the Tribunal is to gather and sift through 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 are required to approach each marriage as valid, presuming that you and your former spouse both meant what you said and accomplished what you intended when you first exchanged vows. There are numerous reasons or *grounds of nullity* that can overturn this presumption, but decisions in such cases are not arbitrary. 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 brought forward*, that your former union was missing one of the elements essential for marriage as the Church teaches God intended it to be. In the absence of such certitude, the judge must rule in the *negative*.

Concerning the Respondent (Your Former Spouse)

Church Law requires that your former spouse be contacted and offered the opportunity to testify. Make every effort to locate your former spouse so that he/she can be contacted by the Tribunal to participate in the process. Understand that you need have no direct contact with your former spouse, unless you feel it is in your own best interest to make contact and encourage a response. Your efforts to locate your former spouse should be documented and sent to the Tribunal if the search is not successful.

Concerning Witnesses

Witnesses are necessary to process this petition for a declaration of marriage nullity. It is in your best interest to encourage their cooperation and timely response; please understand, however, that you are in no way to assist them in preparing their testimony.

Concerning Confidentiality

Because of the sensitive nature of information gathered in this process, and because 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 never made available except as required by Church Law for inspection by the Petitioner, the Respondent and officers of this Court.

This information is never made available to the witnesses or anyone acting on their behalf, or in any civil legal proceedings. In accord with applicable standards of professional accountability, reports from psychological counselors are always withheld from the Petitioner and the Respondent. Witnesses may *request* that their testimony be withheld from the Petitioner and/or the Respondent for serious reason, such as avoidance of defamation of character, physical danger, family discord or scandal.

The Presiding Judge may curtail the availability of testimony for serious reasons. It is the policy of the Tribunal to disclose this information to those duly authorized ecclesiastical officials or other ecclesiastical Tribunals when necessary for the resolution of the case.

Concerning Expenses and Fees

The ordinary fee for processing marriage nullity cases of this nature is \$500.00. This amount covers approximately 30% of total Tribunal costs for salaries, postage and telephone, office equipment and secretarial expenses. The Diocese of Monterey subsidizes other ordinary Tribunal expenses. However, in certain cases the judge may deem it necessary to employ the services of a professional in the behavioral

sciences to assist in clarifying issues that may arise. It is the responsibility of the Petitioner to defray these expenses.

A filing fee of \$100.00 is required when submitting the petition. The remaining \$400.00 and, if necessary, any additional professional fees, are due and payable at the notification of the first instance decision. This obligation may be met on an installment basis by agreement between the Petitioner and the Tribunal. Inability to meet these expenses is never a cause for refusing to accept and process a petition. Should you anticipate difficulties in this regard, please have your parish priest contact this office.

AFFIDAVIT OF PETITIONER

I have **initialed** to show that I have read and understand the following points regarding my petition for a declaration of nullity:

_____ No assurance can be given of an Affirmative decision (that is, one granting a declaration in favor of nullity).

_____ No assurance can be given as to a definite time for the completion of the Tribunal process.

_____ Should the Tribunal of the Diocese of Monterey as First Instance Court issue an affirmative decision in my case, this decision has no force until the waiting period for an appeal has passed or, if applicable, an affirmative decision by the Second Instance Court is granted.

_____ Absolutely no arrangements can be made, and no date scheduled for a future Catholic marriage or convalidation (*not even a tentative date*) until after I have received final notification that an affirmative decision has been issued by First Instance and if applicable, Second Instance Court.

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

By my signature below, I the Petitioner, hereby indicate that I have read the two pages of the Practices and Policies statement, do clearly understand it, and fully agree to abide by its terms.

Signature of Petitioner

Signature of Pastoral Minister

Date

Church/Place

Please proceed to the Preliminary Information Form

Petitioner should keep copies of all materials submitted.

NOTE:

Before sending history of your marital case and the rest of the documents to the office of the Tribunal, please speak with your parish priest or applicable pastoral staff. They can check this paperwork to ensure it is ready for submission. They can also help answer any questions that may arise when filling out the form.



FORMAL CASE
Preliminary Information Form

P.N. _____

Diocese of Monterey

PLEASE PRINT

NAME OF PETITIONER _____ (Maiden Name) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Cell Phone _____ Email _____

Present Religion _____ Religion at time of marriage _____

In what Parish do you reside _____ City _____

Date of Birth _____ Place of Birth _____

Church of Baptism _____ Date of Baptism _____

Address of Church _____ City _____ State _____ Zip _____

Father's Name _____ Religion _____

Mother's Maiden Name _____ Religion _____

NAME OF RESPONDENT _____ (Maiden Name) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Cell Phone _____ Email _____

Present Religion _____ Religion at time of Marriage _____

Date of Birth _____ Place of Birth _____

Church of Baptism _____ Date of Baptism _____

Address of Church _____ City _____ State _____ Zip _____

Father's Name _____ Religion _____

Mother's Maiden Name _____ Religion _____

MARRIAGE BETWEEN THE PETITIONER AND RESPONDENT

Name of Church _____ Date _____

Address _____ City _____ State _____ Zip _____

Presider: Priest Deacon from the Diocese of _____

Date of Civil Union _____ Place _____ City/State _____

Person Performing Marriage: Minister Judge Other _____

Petitioner's age at time of marriage: Church _____ Civil _____ Respondent's age at time of marriage: Church _____ Civil _____

Length of Courtship _____ Date of Engagement _____ Did you live together before marriage? _____

of separations during marriage _____ Date of final separation _____ # of children _____

CIVIL DISSOLUTION/DIVORCE: Person who filed for divorce? _____

County & State _____ Date of Final Decree _____

FAMILY'S MARITAL STATUS:

Parent's marital status: (please circle one) Married Divorced Answer the following with numbers.

Mother: How many times married? _____ Divorced? _____ Widowed? _____

Father: How many times married? _____ Divorced? _____ Widowed? _____

Siblings: How many siblings do you have? _____ How many have been married? _____ Divorced? _____

REGARDING THE MARITAL RELATIONSHIP: *Please answer completely. Use the back page or another sheet if needed.*

During your courtship and engagement was there any indication of issues or behaviors that proved to be problematic in the marriage? If yes, please describe.

At the time of marriage, did you consider yourself sufficiently mature to commit to a lifelong relationship? [] YES [] NO

At the time of marriage, did you consider your former spouse sufficiently mature to commit to a lifelong relationship? [] YES [] NO

Was there any indication before or after the marriage of:

Abuse of alcohol, drugs or other addictive issues? _____

Homosexuality or sexual deviant behavior? _____

At the time of marriage, what was your intention regarding having children? _____

What was your former spouse's intention? _____

At the time of marriage, what was your intention regarding the permanence of your marriage? _____

What was your former spouse's intention? _____

At the time of marriage, what was your intention regarding being faithful to your spouse throughout your marriage? _____

What was your former spouse's intention? _____

Did any of these intentions change after marriage? If yes, please explain. _____

Were you and your former spouse able to communicate in depth regarding issues of a personal nature, as well as, your marital life?

If no, please explain. _____

Please feel free to add any further comments or clarification which would help this court in determining the validity of the marriage.

OTHER MARRIAGES

Regarding the Petitioner:

How many times have you been married including your marriage to the Respondent? _____

List all marriages for yourself, giving the following information:

To Whom (provide maiden name if applicable) Date Place (i.e. Church, Courthouse, City, State etc.)

Are you presently married? [] yes [] no If yes, name of current spouse _____

Was your current spouse married before? [] Yes [] No If yes, has it been resolved in the Catholic Church? [] Yes [] No

If planning to marry, has your intended spouse ever married before? [] Yes [] No

If Yes: Year _____ Place _____ Before Whom _____

Has it been resolved in the Catholic Church? [] Yes [] No

Regarding the Respondent:

How many times has the Respondent married (civil, church, common law, etc.) including his/her marriage to you? _____

List all marriages of the Respondent, giving the following information:

To Whom (provide maiden name if applicable) Date Place (i.e. Church, Courthouse, City, State etc.)

Respondent's current marital status _____

Do you expect that the Respondent will cooperate with the Church in this case? []Yes []No []Maybe []Unknown

I solemnly swear before God that all information contained within this questionnaire is truthful to the best of my knowledge.

Petitioner's signature

Date

Submit the following:

- Signed & Dated* **Tribunal Practices & Policies** (pgs. 1-2)
- Signed & Dated* **Preliminary Information Form** (pgs. 3-5)
- List of Witnesses** (pg. 6)
- Signed & Dated* **Marriage Case History** (see pgs. 7 & 8)

Documents:

- Baptismal Certificates (with notations)** of the Petitioner and Respondent issued in the last 6 months
- Civil Marriage License** (Church also, if different than civil)
- All pages of the final signed Decree of Dissolution** (obtained at the county offices where divorced)

Please mail packet with \$100.00 filing fee to:

Diocese of Monterey
The Tribunal
P.O. Box 350
Monterey, CA 93942-0350

If within 21 days, you have not received verification that we have received your petition, please call the Tribunal Office. 831-373-1833

PLEASE MAKE COPIES OF ALL DOCUMENTS BEFORE SUBMITTING THEM



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Petitioner's Witnesses

Testimony of other individuals is necessary in the annulment process. Ideally the witnesses you offer should be people who have known both parties before the marriage and during the marriage. Quite often testimony of the families concerning the formative years of the individuals is most helpful. Please inform the individuals you list as witnesses that they will be asked to give testimony and it will be held in strict confidence as they request. Indicate the preferred language for their questionnaire.

(Please type or print)

1. Name _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Relationship to Petitioner: _____ Spanish English Other _____

2. Name _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Relationship to Petitioner: _____ Spanish English Other _____

3. Name _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Relationship to Petitioner: _____ Spanish English Other _____

4. Name _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Relationship to Petitioner: _____ Spanish English Other _____

5. Name _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Relationship to Petitioner: _____ Spanish English Other _____



DIOCESE OF MONTEREY
The Tribunal

Marriage Case History

It is important for the Church Tribunal to have an understanding of the marriage for which you are seeking a declaration of nullity. With this knowledge it can be decided which process is to be used or whether there is even sufficient evidence to begin a process. The following OUTLINE is an aid to help you give the necessary information to the Tribunal.

DIRECTIONS

- 1) *Using the suggested OUTLINE, tell, in narrative form, the story of your marriage. DO NOT MERELY ANSWER the questions. Be as factual and complete as you can.*
- 2) *Your history should be at least approximately 4 to 5 double-spaced typewritten pages. **Please sign and date it. We cannot accept unsigned case history.***
- 3) *Upon acceptance of your case, formal testimony will be sought.*

OUTLINE

1. BACKGROUND

Yourself:

Your name (maiden name if a woman), date and place of birth, nationality, religion.

Religion of your family; number of your brothers and sisters; educational background and achievements, extent of religious education.

Family life: how you related to your parents, brothers and sisters; how your family got along with neighbors; how your family practiced religion and fulfilled community and civic responsibilities.

History of mental/emotional illness in you or in your family; significant illnesses; counseling or psychotherapy; any special problems.

Respondent: Same information as above insofar as you know it. If you do not know it, please indicate why this is unknown.

2. MEETING AND COURTSHIP

Prior to meeting your former spouse, did you date other people; were there any other relationships which included engagement; if so, what were the causes of the break-offs;

How and when did you meet the Respondent; how old were each of you then; how long did you know each other before marriage; how often did you date; any problems between you while you were dating; whether you ever broke up and why;

How the subject of marriage came up; when did you decide to marry and how long were you engaged; reaction of each one's family to the plan to be married; any force involved; any opposition to the proposed marriage;

Attitude of your self and Respondent toward having children; toward use of sex during courtship; toward permanence in the proposed marriage; toward an exclusive relationship in marriage;

Whether either of you hesitated about getting married and why; whether either of you had doubts that the marriage would last, and why; did anyone advise against the marriage;

Where you aware of any family, cultural, religious or economic differences, troubles that would threaten the

harmony and happiness of your married life;
What specific marriage instructions you had from a priest, minister, rabbi, counselor, physician.

3. WEDDING AND HONEYMOON

Describe the duration, the quality and the happiness or the unhappiness of your engagement;
Did you or your former spouse have any doubts, serious disagreements or separations within the engagement time;
Did anyone try to talk you or your former spouse out of going through with the wedding;
Describe your wedding; was it a happy event; did you both seem to have your wits about you during the ceremony; Were either of you under the influence of alcohol or drugs at this time;
Was the honeymoon a pleasant, happy experience; did you return from your honeymoon angry with each other, regretting that you ever got married?

4. MARRIED LIFE

Attitude of each of you toward work and responsibilities;
How did your early married life go; when specifically did the difficulties begin and what gave rise to them;
Attitude of each of you toward having children;
Any physical or psychological mistreatment;
The part the parents of each played in the marriage;
Did you find your spouse the person you thought him or her to be before marriage--if not, please explain;
Were contraceptive measures regularly used;
Was professional help sought in trying to resolve the problems?

5. FINAL SEPARATION

Number of separations and their causes;
Problems toward the end of the marriage;
Real cause for final separation and decision to end the marriage (not the general ones given on the civil divorce suit). On what specific grounds do you believe your marriage should be declared null in the Church (*it would be helpful to discuss this point with your parish priest*).

***PLEASE DO NOT FORGET TO DATE AND SIGN YOUR TYPEWRITTEN STATEMENT
and keep a COPY.***