PETITION FOR DECLARATION OF NULLITY OF MARRIAGE
By Documentary Trial on the Ground of a Prior Bond

Canonical and Tribunal Services
Diocese of Austin
6225 E US 290 HWY SVRD EB
Austin, TX 78723

According to Canon 1073, the existence of an impediment renders a person incapable of contracting a valid marriage. According to Canon 1085, a marriage is considered invalid due to the impediment of a prior bond when it involves a person obligated to a previous bond of marriage even if that marriage is invalid or dissolved for any reason, unless the nullity or dissolution is legitimately and certainly established.

For declaration of nullity to be granted on the basis of the existence of a prior bond, information is needed about three different people (and two different marriages): the Petitioner, the Respondent (your former spouse), and his/her former spouse.

If your former spouse was married to another person before he/she married you, and this marriage was never proved invalid by the Church, he/she would not have been free to marry you. If this can be demonstrated by answering the following questionnaire and providing documents to prove the previous marriage, your marriage would be invalid by virtue of a previous bond. If this can be proved, the Tribunal would be able to grant you a Decree of Invalidity of that previous marriage.

Enclosed you will find a questionnaire of needed information by the Tribunal of the Diocese of Austin to begin the process of reviewing a marriage for a possible declaration of invalidity as a prior bond case. In order to process this request in an efficient and timely manner, please answer all of the requests to the best of your ability.

a. Complete every request. Make sure facts and dates are as accurate as possible. Throughout this form the PETITIONER is you. The section entitled RESPONDENT is for information regarding your former spouse who at the time of marriage with you had a valid prior marriage. Information about the Respondent’s former spouse is also needed.

b. In order to expedite your case, please provide the following when submitting your petition:
   - Baptismal certificate/status (no more than 6 months old) for you, the Respondent and the Respondent’s former spouse (these can be obtained through the Church of Baptism).
   - Marriage license/certificate and a civil divorce decree between you and the Respondent, as well as the marriage license/certificate and divorce decree of the Respondent’s former spouse (must be the judgment declaring the date of the divorce with signature of the judge or certificate from the County/State).
   - Documentation on prior marriage(s) of your current or intended spouse and a currently dated baptismal certificate (no more than 6 months old).
c. Do not submit any information to the Tribunal Office until a civil divorce is granted. All petitions submitted without necessary documentation will be returned.

d. All former marriages must be considered. Therefore, if you have been married more than once, a separate petition must be submitted for each previous marriage. (This would not be necessary if your former spouse [s] is/are deceased, in which case a copy of the death certificate must be provided.)

e. Church law requires that the Respondent (your former spouse) be offered a chance to participate in the review process. If you do not have a valid address for the Respondent, two investigations of his/her whereabouts are necessary. As well, all documents are required to process this case. Except for the baptismal certificates, all other documents are a part of the public record. Ask the Tribunal for the appropriate search companies to assist in this process. You may wish to secure this information before filing the Petition. It will assist the Tribunal staff in processing your case more efficiently.

f. In submitting this petition, keep in mind that there are no civil effects whatsoever to a Church declaration. This process pertains to internal Church matters only. Provisions of Church law, which must be observed, govern this judicial process. If you have any questions, do not hesitate to ask your parish priest, deacon or parish advocate for assistance. Please mail this completed petition to us at Diocese of Austin, Pastoral Center, Office of Canonical & Tribunal Services, 6225 E US 290 HWY SVRD EB Austin, TX 78723. We recommend you keep a copy of all documents.
PETITION FOR DECLARATION OF NULLITY OF MARRIAGE
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Diocese of Austin
6225 E US 290 HWY SVRD EB
Austin, TX 78723

For Tribunal Use Only

Case Title: __________________________________________
Case Number: ______________________________________

Canon 1085
§ 1: A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.
§ 2: Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or dissolution of the prior marriage is established legitimately and certainly.

I, the undersigned, __________________________, under oath, respectfully petition the Tribunal of the Diocese of Austin to follow the documentary trial procedure to declare null, on the ground of a Prior Bond, the marriage that I contracted with __________________________, on __________________________, at __________________________.

I enclose the required documentation.

________________________________________
Print Name of Petitioner

________________________________________
Signature of Petitioner

________________________________________
Date

________________________________________
Print Name of Pastor or Advocate

________________________________________
Signature of Pastor/Advocate

________________________________________
Parish Name & Address

Parish Seal

12-13-18
Petitioner’s Deposition:
Nullity of Marriage ON THE GROUND OF PRIOR BOND

OATH: I swear to tell the truth, the whole truth, and nothing but the truth, so help me God.

1. **PETITIONER** (Please print all information)  Male □  Female □

   (Mr Mrs Miss Dr)  First Name  Middle  Maiden  Present Last Name

   Present Address

   __________________________  Date of Birth
   City, State, Zip

   Telephone Number(s)  Email Address

2. **RELIGION OF PETITIONER:**

   Religion (Denomination) at time of marriage to Respondent ________________ Present Religion______________

   Baptized  Yes □  No □

   Date of Baptism ________________________________

   Place of Baptism ______________  Church, City, State

   IF CATHOLIC, ENCLOSE A RECENT COPY OF THE BAPTISMAL CERTIFICATE (No more than 6 months old)

3. **MARRIAGE(S) OF PETITIONER**

   How many times have you been married? _____ How many times have you been divorced by civil law? _____

   **FIRST MARRIAGE OF PETITIONER (If not first marriage explain) ____________________________**

   Male ____________________________  First, Middle, Last Name

   Female ____________________________  First, Maiden & Last Name

   Date of Marriage ________________ Place of Marriage __________________________

   Clergy Name & Faith Tradition ______________________________________________________

   Date & Place of Divorce ______________________________________________________________

   12-13-18
MUST SUBMIT COPY OF MARRIAGE LICENSE/CERTIFICATE ☐ AND DIVORCE DECREE ☐ between Petitioner and Respondent and/or NULLITY DECREE ☐ OR DEATH CERTIFICATE ☐, if applicable

**CURRENT MARRIAGE ☐ or INTENTION TO MARRY ☐**

<table>
<thead>
<tr>
<th>Male</th>
<th>First, Maiden, Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>First, Maiden, Last Name</td>
</tr>
</tbody>
</table>

Date of Marriage ______________ Place of Marriage ______________________________________

Clergy Name & Faith Tradition _________________________________________________________

Is current spouse or intended spouse free to marry  
Yes ☐ No ☐

Copy of Divorce Decree, if applicable  
Date ______________ Place __________________________

Decree of Nullity (if applicable)  
Date ______________ Place __________________________

MUST SUBMIT COPY OF MARRIAGE LICENSE/CERTIFICATE ☐, DIVORCE DECREE, if applicable ☐. MUST SUBMIT BAPTISMAL STATUS/CERTIFICATE OF CURRENT OR INTENDED SPOUSE (No more than 6 months old) ☐, NULLITY DECREE, if applicable ☐.

### 4. RESPONDENT (Former Spouse of Petitioner on which this case is based)

<table>
<thead>
<tr>
<th>Male ☐ Female ☐</th>
</tr>
</thead>
</table>

(Mr  Mrs  Miss  Dr)  
First Name  
Middle  
Maiden  
Present Last Name

Street Address ________________________________________________________________

Date of Birth ______________

City, State, Zip

Telephone Number  
Email Address

**IF ADDRESS OF RESPONDENT CANNOT BE LOCATED, IT MUST BE PROVIDED EITHER THROUGH INVESTIGATION OF THE PUBLIC RECORD OR THROUGH AN INTERNET SEARCH OR BY A PRIVATE DETECTIVE REPORT. (Two proofs must be submitted with Petition.)**

**IF THERE IS ANY REASON WHY RESPONDENT SHOULD NOT BE CONTACTED, PLEASE NOTE REASON. (Proof must be provided through a Medical Report, Police Report or Court Order.)**

### 5. RELIGION OF RESPONDENT:

Religion at time of marriage to Petitioner ______________ Present Religion __________________________

12-13-18  
Page 5 of 8
Prior Bond

Baptized  Yes ☐  No ☐

Date of Baptism ____________________________________________________________

Place of Baptism ____________________________________________________________ Church, City, State

IF CATHOLIC, ENCLOSE A RECENT COPY OF THE BAPTISMAL CERTIFICATE (No more than 6 months old) ☐

6. Was the Respondent’s spouse alive at the time the Petitioner and Respondent entered a marriage?
   Yes ☐  No ☐ If No, PROVIDE DEATH CERTIFICATE ☐

7. MARRIAGE(S) OF RESPONDENT:
   How many times married? _____  How many times divorced by civil law? _____

8. MARRIAGE BETWEEN RESPONDENT AND RESPONDENT’S FORMER SPOUSE
   Respondent______________________________________________________________ First, Maiden, Last Name

   Respondent’s Former Spouse________________________________________________ First, Maiden, Last Name

   Date of Marriage __________ Place of Marriage ____________________________ Church, City, State

   Clergy Name & Faith Tradition _____________________________________________

   Date & Place of Divorce ___________________________________________________

   Was Respondent’s Former Spouse Baptized  Yes ☐  No ☐

   Denomination __________________ Place of Baptism ____________________________ Church, City, State

   MUST SUBMIT COPY OF MARRIAGE LICENSE/CERTIFICATE ☐ AND DIVORCE DECREE ☐
   between Respondent and Respondent’s former spouse, NULLITY DECREE ☐ or DEATH CERTIFICATE ☐, if applicable.

Submit the name of a reliable witness who can answer a brief questionnaire stating the religion of the
Respondent’s former spouse and that the former spouse of the Respondent was alive at the time the
Petitioner and Respondent married. (Complete name and mailing address)

________________________________________________________ Relationship __________________

First, Maiden, Last Name

Address  City  State  Zip

12-13-18
# MARRIAGE HISTORY OF THE PETITIONER

List all marriages from past to present.

<table>
<thead>
<tr>
<th>A. PETITIONER’S NAME: (Insert name)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse Name First &amp; Last</td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td>lst</td>
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<tr>
<td>2nd</td>
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<tr>
<td>3rd</td>
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<td>4th</td>
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</tbody>
</table>

# MARRIAGE HISTORY OF THE RESPONDENT

List all marriages from past to present.

<table>
<thead>
<tr>
<th>A. RESPONDENT’S NAME: (Insert name)</th>
</tr>
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<tbody>
<tr>
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<td>4th</td>
</tr>
</tbody>
</table>
Prior Bond

Send Petition and all documents to Canonical and Tribunal Services, 6225 E US HWY 290 SVRD EB, Austin, TX. Please keep a copy for your files.

________________________________________   __________________________
Signature of Petitioner                  Pastor or Advocate

___________________________   __________________________
Date                            Parish Name & Address

Note:

Check list to include when filing a Petition:

___1. Copy of marriage license/certificate between Petitioner & Respondent
___2. Copy of divorce decree between Petitioner & Respondent
___3. Copy of marriage license/certificate between Respondent and Respondent’s former spouse
___4. Copy of divorce decree between Respondent and Respondent’s former spouse
___5. Copy of Death Certificate of Respondent’s former spouse, if applicable
___6. Correct addresses for Petitioner, Respondent and witness
___7. Copy of marriage license/certificate of current marriage, if remarried
___8. Copy of marriage license/certificate and divorce decree, nullity decree or death certificate if current or intended spouse had any prior marriage(s)
___9. Currently dated Baptismal Certificate of Petitioner
___10. Currently dated Baptismal Certificate of present or intended spouse
___11. Baptismal status of Respondent
___12. Send to Canonical & Tribunal Services, 6225 E US 290 HWY SVRD EB, Austin, TX 78723.

Church law requires that the Respondent (your former spouse) be cited (sent a certified letter). If you do not have a valid address for the Respondent, two investigations of his/her whereabouts are necessary. As well, all documents are required to process this case. Except for the baptismal certificates, all other documents are a part of the public record. Ask the Tribunal for the appropriate search companies to assist in this process. You may wish to secure this information before filing the Petition. It will assist the Tribunal Staff in processing your case more efficiently.