



**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**).

Prior Bond

- 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.



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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 _____

Date and Place of Marriage (Church, Justice of the Peace) _____, City & State _____. Enclosed is the required documentation.

Print Name of Petitioner

Print Name of Pastor or Advocate

Signature of Petitioner

Signature of Pastor/Advocate

Date

Parish Name & Address

Parish Seal

**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 _____
Church or Civil, City, State

Clergy Name & Faith Tradition _____

Date & Place of Divorce _____

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

Male _____
First, Maiden, Last Name

Female _____
First, Maiden, Last Name

Date of Marriage _____ Place of Marriage _____
Name of Church, City, State

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) Male Female

(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 _____

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 _____

MARRIAGE HISTORY OF THE PETITIONER

List all marriages from past to present.

A. PETITIONER'S NAME: (Insert name)				
Spouse Name First & Last	Date of Marriage	Date of Divorce	Was the spouse in a prior marriage? If so, provide the name of this person's previous spouse. Catholic or Non-Catholic?	Was the spouse living or deceased at the time of the subsequent marriage? Provide death certificate if deceased.
1st				Living () Deceased ()
2nd				Living () Deceased ()
3rd				Living () Deceased ()
4th				Living () Deceased ()

MARRIAGE HISTORY OF THE RESPONDENT

List all marriages from past to present.

A. RESPONDENT'S NAME: (Insert name)				
Spouse Name First & Last	Date of Marriage	Date of Divorce	Was the spouse in a prior marriage? If so, provide the name of this person's previous spouse. Catholic or Non-Catholic?	Was the spouse living or deceased at the time of the subsequent marriage? Provide death certificate if deceased.
1st				Living () Deceased ()
2nd				Living () Deceased ()
3rd				Living () Deceased ()
4th				Living () Deceased ()

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.