



**THE METROPOLITAN TRIBUNAL**

Archdiocese of Mobile  
14 South Franklin Street  
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**DOCUMENTATION AND INSTRUCTIONS  
FOR SUBMITTING TO THE TRIBUNAL**

**“A PETITION FOR A DECLARATION  
REGARDING MATRIMONIAL VALIDITY”**

*(Revised 08.XII.15, Issued 06.I.16)*

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### “Petitioner Information Form” and “Petition”

As you begin preparing this, please know that the purpose of this process is to clarify whether you are bound to a previous marriage in the eyes of the Catholic Church. There are three different types of “invalidity.” If you were Catholic and married outside the Catholic Church ceremony without a dispensation, then your marriage would be invalid due to a lack of canonical form. If you or your spouse had an impediment for marriage at the time of the wedding, then your marriage would be invalid due to that impediment. The most common impediment to marriage is the presence of a “prior bond” which means that you or your spouse had been married before the present union, and that prior marriage had never been annulled. The third type of invalidity comes because of some defect in a person’s consent, that is, the person’s consent (i.e, the exchange of marriage vows) was not free, or reasoned, or lacked some essential element of marriage itself. The Church presumes that all marriages are valid. This presumption can be overturned by proof to the contrary.

There are three processes which can be used to prove the invalidity of marriage. The first of these is an administrative process to prove the above mentioned lack of canonical form. The proof comes from the Catholic party’s baptismal certificate and marriage certificate which would show a marriage having taken place outside of the Catholic Church ceremony. The second process is a judicial documentary process, in which again, the proof of invalidity is contained in the documents of the prior marriage, the divorce, and the present marriage. The third process, to prove a defect in a person’s consent to marry, is in the form of the canonical trial which is utilized for the majority of petitions presented to a tribunal. There is now the possibility of a modification of this canonical trial, called the brief process, which provides for a speedier trial under specific and necessary conditions in which the bishop himself becomes the judge for the case trial. In all three of these processes the tribunal MUST contact the Respondent to let him or her know that you have petitioned for a declaration of matrimonial nullity. The Respondent does not have to answer for the process to move forward to completion.

**All three processes rely on the information that you, the Petitioner, and the other party in the marriage, the Respondent, provide. That is why it is important to you and to the tribunal that you fill out the required information as clearly and accurately as you possibly can. All information should be typed or printed in black ink.**

The “Petitioner Information Form” (pages 04 - 20) is divided into five sections:

1. The first section asks basic information regarding you, the “Petitioner,” your (former) spouse (the “Respondent”), and your courtship, marriage, and divorce. (pages 04 - 11)

2. The second section asks for the names and complete addresses of witnesses who can be contacted to answer questions about your respective family backgrounds and your courtship and marriage to Respondent. It is essential to provide witness testimony. (pages 12 - 15)
3. The third section is to be completed only if you cannot locate your former spouse after using whatever sources available, including the internet, and other professional services. (pages 16 - 17)
4. The fourth section is called a **Description of Marital Dynamics (DMD)**, and it is to be the story of your and Respondent's backgrounds, courtship, and marriage. **This is required only for the third process, i.e., a canonical trial in order to discover a possible defect in marital consent. Note that this is also a necessary component for the "briefer process" which is still a canonical trial.** You will find a suggested outline for your story, as well as a list of circumstances to include in your story if applicable, because those circumstances could be important in understanding your marital consent. (pages 18 - 20)
5. The final section culminates in the actual "**Petition for a Case to Examine the Validity of Marriage**" (pages 21 - 25): **This petition is necessary for all three processes used to examine the validity of a marriage.**
  - a. The three pages (pages 21 – 23) preceding the Petition (pages 24 – 25) will help you in proposing the reasons for the Tribunal to examine the validity of your marriage.
  - b. Also included is a checklist of everything that is required for you to submit this "Petition to the Tribunal" as well as a "Policy Statement" for you to sign. (page 24)

The Archbishop of Mobile wants you to have all the assistance you need in completing this information. For this reason, the Archbishop has made a rule that every Petitioner have a priest or deacon to act as his or her **PROCURATOR**, to give spiritual assistance and practical guidance to you as you go through the annulment process. Normally, this priest or deacon will be from the parish where you, or the interested Catholic party, attend church. However, if you would prefer a different priest or deacon, that is also acceptable. Also, the Tribunal has trained some lay people to act as **CASE SPONSORS** for Petitioners who want help going through the process. A Case Sponsor is willing to help you with your forms, and especially with writing your story (DMD) so as to include pertinent facts. Your priest/deacon can refer you to one of these trained specialists. As you know, the Tribunal cannot guarantee any time frame for the completion of a case, nor can it pre-judge or guarantee the outcome. You may not set a date for a wedding unless and until you have the final decree of nullity from the Tribunal in hand. May God bless you and bring you peace and insight as you begin your case!

#### **The Administrative "Lack of Canonical Form" Process**

For those who were ever baptized or received into full membership in the Roman Catholic Church before this marriage, but who were married "outside the Catholic Church" without a dispensation from the bishop, this is the process you should use to petition for a declaration of nullity. You will need to complete only the following Sections of this booklet: **Sections I: A, B, and C, beginning with the 'Exact date of the wedding in question.'** The tribunal also will need an authentic marriage certificate, a copy of the divorce decree, and a recent (issued within the last six months) baptismal certificate for the Catholic party, this obtained from the church where the baptism occurred. If you cannot find a correct mailing address for the Respondent, after using various methods, including an internet search, then you will need to fill out **Sections III: E "Your Efforts to Locate the Respondent"** (cf, pages 25 - 26).

**SECTION I-A: PETITIONER**

Contact Information:

Name (Title, First Name, Middle Name, Maiden Name if applicable, Current Married Last Name)

---

Street Address

---

City	County	State	ZIP	Gender	<input type="checkbox"/> Male
					<input type="checkbox"/> Female

---

Occupation

---

Home telephone ( )		Cell phone ( )
Work phone ( )	Ext.	E-mail address

How would you prefer to be contacted about your case?

May we leave a message regarding your case at:  E-mail  Home phone  Cell phone

Biographical Information:

Date of birth (Month/Day/4-digit year)

Place of birth: City State Country

Before the marriage in question, were you ever baptized?  
If yes, in which denomination were you baptized?

What was the date (or year) in which you were baptized?

Church or parish of baptism

Address of Church City State Country

What was your religion or denomination at the time of the wedding?

What religion or denomination do you now observe or practice?  
Current parish or congregation

City State Country

---

Is there any Eastern Church (Catholic or Orthodox) affiliation in your family background? (*For example: Maronite, Ruthenian, Ukranian, Cyrian, Melkite, Greek Hellenic. . .*). If so, which?



**SECTION I-C: COURTSHIP & WEDDING**

Briefly, when and how did you and the Respondent meet?

Date: \_\_\_\_\_ and the Circumstances:

---

How long was your courtship before you decided to marry?

---

Was there a formal engagement period prior to the wedding?

If yes, what was the date of your engagement?

Did you and Respondent live together (cohabit) prior to the wedding? Yes No

Please provide approximate dates of cohabitation.

---

Was there a premarital pregnancy prior to this wedding? Yes No

If yes, what effect did the pregnancy have on your decision to marry?

---

Did the pregnancy lead to childbirth?

If no, what happened?

---

Did you and Respondent enter into a prenuptial or antenuptial agreement? Yes No

If yes, please attach a copy of this agreement.

Exact date of the wedding in question (month/day/4-digit year)

---

The marriage was performed/witnessed by a:

Catholic priest or deacon Other religious official Civil official Other (list whom)

---

Church or place of marriage

---

Address of place of marriage

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_ Country \_\_\_\_\_

---

Where was the civil marriage license obtained? County \_\_\_\_\_ State \_\_\_\_\_

---

If the original wedding was not a Catholic ceremony, was it ever con-validated (“blessed”) in the Catholic Church?

If yes, what was the date of the validation or “blessing” (month/day/4-digit year):

Name of church or parish: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Name of priest or deacon:

Why did you have your marriage con-validated at that time?:

**SECTION I-D: SEPARATION & DIVORCE/DISSOLUTION**

Approximately how long was your married life with Respondent before the final separation?

Number of separations during the marriage: \_\_\_\_\_ Approximate date of first separation: \_\_\_\_\_

What brought about the **first** separation (briefly)?

What brought about the **final** separation (briefly)?

Date of final separation: month: \_\_\_\_\_ year: \_\_\_\_\_

Date of civil divorce: month: \_\_\_\_\_ day: \_\_\_\_\_ year: \_\_\_\_\_

Was it no-fault or for cause? If for cause, please describe:

Name of court which granted the divorce: \_\_\_\_\_

Address of court:

County: \_\_\_\_\_ State: \_\_\_\_\_

Who applied for the divorce:  I did.  Respondent did.

**SECTION I-E: CHILDREN**

How many children were born to you and Respondent? \_\_\_\_\_

Please list the names & date of birth for each child, in chronological order (mm/dd/yyyy):

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

5. \_\_\_\_\_ 6. \_\_\_\_\_

7. \_\_\_\_\_ 8. \_\_\_\_\_

Were there any miscarriages during this marriage: \_\_\_\_\_ If so, please give approximate dates.

\_\_\_\_\_ Did you adopt any children in this marriage? \_\_\_\_\_ If so, please give dates:

\_\_\_\_\_ Who has legal custody of the children?

Is there any ongoing or pending litigation in the civil courts between you and Respondent?

Yes  No If yes, please briefly describe:

Is there a current protection from abuse order, restraining order, or similar court order in effect between you and Respondent?  Yes  No If yes, please briefly describe the events that led up to it:

Are you paying all court-ordered child support payments?

Is the respondent?

**SECTION I-F: PRIOR MARRIAGES (Yours)**

Was your marriage to Respondent your **first marriage**?

IMPORTANT NOTE: If you were ever married to anyone else before this marriage (whether in a civil or a church wedding), please list the information regarding each & every prior marriage on this page.

Marriage Number	Name of Spouse	Date & Place of Wedding	1 <sup>st</sup> Marriage for Spouse?	Spouse Still Living?	Was marriage annulled by the Church?
1.			<b>If no, list spouse's prior marriages on separate sheet</b>		<b>If yes, give tribunal location.*</b>
2.					
3.					

**\*If you have documents from another Tribunal about a previous marriage, please include.**

**SECTION I-G: PRIOR MARRIAGES (Respondent's)**

Was **Respondent** married to anyone **before** you?

IMPORTANT NOTE: If the Respondent was ever married to anyone else before your marriage (whether in a civil or a church wedding), please list the information regarding each & every prior marriage on this page.

Spouse Marriage Number	Name of Spouse	Date & Place of Wedding	1 <sup>st</sup> Marriage for Spouse?	Still Liv -ing?	Was marriage annulled by the Church?
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1.			<b>If no, list spouse's prior marriages on separate sheet</b>		<b>If yes, give tribunal location.*</b>
2.					
3.					

**\*If you have documents from another Tribunal about a previous marriage, please include.**

## **SECTION I - H: INFORMATION FOR THE IMPEDIMENT OF PRIOR BOND**

*(**Only** for those Petitioners who are basing their petition for nullity on the fact that either he/she or the Respondent was married **BEFORE** this marriage in question).*

### **DEFINITIONS**

**Valid bond of marriage** is a marriage between a man and a woman who were free to marry, that is, neither party was married before. If either of the parties in the first marriage were Catholic, then for “validity” the marriage had to be celebrated by canonical “form” - i.e., by a Catholic priest or deacon, with two witnesses, unless a dispensation from this requirement had been obtained from the bishop. If the parties were not Catholic, then there is no particular form necessary for a valid marriage, e.g., being married before a justice of the peace would constitute a valid bond of marriage.

**Co-respondent** is the former spouse who was validly married to either the Petitioner before he/she married the Respondent, or, the Co-respondent is the former spouse who was validly married to the Respondent before he/she married the Petitioner. The Co-respondent is thus the **FIRST SPOUSE** of either the Petitioner or the Respondent.

### **DOCUMENTS NEEDED**

1. Authentic marriage certificate between the Petitioner and the Respondent
2. Authentic marriage certificate between the Petitioner and the Co-Respondent or the Respondent and Co-Respondent
3. Divorce decrees of the Petitioner and Respondent and Petitioner and Co-Respondent or the Respondent and Co-Respondent
4. If the Co-Respondent is deceased, provide a death certificate, or an obituary with date of death and the name of the newspaper, or statements from two witnesses that the Co-Respondent is deceased.
5. Recent (annotated within 6 months) baptismal certificate, if any of the parties are, or were, Catholic
6. If your case is to be based on the fact of a party’s former marriage, and you have the required documents, then **you do NOT have to write a Description of Marital Dynamics (Section IV)**.



## SECTION II: WITNESSES

It is **required** to provide the names and complete addresses of several witnesses who can support your case. It is best to name at least four witnesses (but no more than six). Good witnesses are knowledgeable friends, family members, coworkers, and roommates. We also are interested in witnesses who knew both you and the Respondent before and during the marriage, or would possess any information about circumstances that might have directly impacted your marriage. **Please contact your witnesses personally** and ask them if they are willing to be witnesses and to fill out a questionnaire sent to them by the Tribunal. Explain that you need their assistance. If you do not contact them, they may be surprised and even angered when they hear from the Tribunal, and refuse to answer questions. Their refusal will delay or affect the outcome of your case.

1. Name (Title, first, middle initial, last)

---

Street address	City	State	Zip	Country
----------------	------	-------	-----	---------

---

Home Telephone	E-mail
----------------	--------

How long has this person known you?

---

Relationship to you:	Relationship to Respondent
----------------------	----------------------------

Did this person know both you and Respondent at the time of the wedding? Yes No

What, in general terms, will this person be able to tell the Tribunal?

2. Name (Title, first, middle initial, last)

---

Street address	City	State	Zip	Country
----------------	------	-------	-----	---------

---

Home Telephone	E-mail
----------------	--------

How long has this person known you?

---

Relationship to you:	Relationship to Respondent
----------------------	----------------------------

Did this person know both you and Respondent at the time of the wedding? Yes No

What, in general terms, will this person be able to tell the Tribunal?





**Witnesses (continued)**

**Professional or Expert Witnesses:** If you counseled with a Professional at any time before or during the marriage, please answer the following:

Did you see a Licensed Counselor, Psychologist, Psychiatrist, or Clinical Social Worker with respect to your marriage to, or divorce from, Respondent?

- No.
- Yes, I did, without the Respondent.
- Yes, we did together.
- Yes, Respondent did without me.

Did you see a medical doctor or other health professional (about issues related to this marriage) within the past 10 years?

- No.
- Yes, I did, without Respondent.
- Yes, we did together.
- Yes, Respondent did without me.

If yes to any of the above, would you be willing to sign a Release from Confidentiality Form so as to allow that person to provide testimony should the Tribunal consider it necessary and helpful to the case?

PLEASE NOTE THAT IF RESPONDENT WAS SEEN BY A PROFESSIONAL WITH YOU, OR SEEN INDIVIDUALLY, IT WILL BE NECESSARY FOR RESPONDENT TO SIGN A RELEASE AND AUTHORIZATION FOR A PROFESSIONAL WITNESS TO OFFER TESTIMONY.

**If psychiatric or psychological illness played a role in the problems that existed at the time of this marriage, it will be helpful to the case for you to submit copies of any medical or hospital records in your possession which show a diagnosis and treatment dates. If physical abuse was present in the marriage, it will be helpful for you to submit copies of any records in your possession regarding this, such as medical, hospital, or police records. If drug or alcohol abuse and addiction was present in the marriage and you or Respondent received DUIs (a citation for driving while under the influence) or spent time in jail, copies of those records would be useful.**

**SECTION III: YOUR EFFORTS TO LOCATE RESPONDENT**

**ONLY if** you are unable to provide the Tribunal with a complete, current address for Respondent, please complete the questions below. In some cases it may not be possible to accept the case without a complete current address for Respondent. **YOU MUST PROVIDE COMPLETE DOCUMENTATION FOR ALL SEARCHES AND INVESTIGATIONS. *Please attach additional paperwork as needed.***

Full name (First, Middle, Last) of Respondent

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Has this person ever been known by another name (maiden, alias, former name)?  
If yes, please list each of these names.

---

When was your last contact with Respondent?

- In person
  - By phone
  - By mail
  - By e-mail → Please give that e-mail address:
- 

Last known address of Respondent:

Street                      City              State      ZIP      Country

---

Last known telephone #:

Home: \_\_\_\_\_

Cell: \_\_\_\_\_

Work: \_\_\_\_\_

---

Respondent's Social Security # (See bank, credit card, tax, financial, work, or military records.)

---

Last known employment: (company or employer)

Company/Employer Name:

Street                      City              State      ZIP      Country

---

If you had children together, please explain why neither a son nor a daughter could provide you with current information:

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**YOUR EFFORTS TO LOCATE RESPONDENT** (continued):

**Please list in detail what efforts you have made to locate Respondent=s current address:**

***Please attach all additional paperwork to this form.***

Cities/Towns for which you looked in telephone books (available in libraries) or called Directory Assistance, together with date last checked:

Names and contact information for attorneys, investigators or other professionals you contacted for help:

Names and contact information for mutual friends, in-laws, former neighbors, co-workers, etc., you have contacted:

Online/internet search engines and paid services you used to try to locate Respondent: (Give web addresses and **print and attach your results**. It is your job to check the various addresses and phone numbers that a search engine may supply, to find the correct person and the current address.)

Other efforts you have made, and when:

For additional suggestions regarding locating Respondent, see the Tribunal website at [www.mobilearchdiocese.org](http://www.mobilearchdiocese.org) and click on About Us and then click the link to the Metropolitan Tribunal. Scroll down to Tribunal Forms, and click on Possible Ways to Locate a Respondent. Our office periodically attempts to update this helpful list of suggestions based upon experience and feedback.

#### **SECTION IV: DESCRIPTION OF MARITAL DYNAMICS (*hereafter, DMD*)**

**This important document should be typed or printed on your own paper, paginated please, and included with your Petition, Completed Forms, and any additional Documents.**

The outline that follows is not meant to be a questionnaire, but rather an outline/guide for telling us your personal story. It covers topics which you need to address thoroughly in writing concerning your own and Respondent's personal history. It is an opportunity to tell the Tribunal what went on in your life before your marriage as well as the details of your relationship to your former spouse. We ask you to focus on fact rather than opinion, and to be as specific as possible as to time periods and dates of important events. If the outline specifies attitudes and reactions, please give more than one-word answers, and avoid comments like "good" or "normal" since these words are really conclusions, rather than facts.

The composition of this document will require much time and reflection, and probably revision, to ensure that the relevant facts are presented and arranged in a coherent order. Under each major heading of the outline, the Tribunal has included a list of specific circumstances which may or may not be relevant to your particular history, but which, if they are a part of your story, should be included in your narrative. Before showing a "first draft" of your story to your procurator or case sponsor, please review these specific circumstances to make sure they are included if applicable.

This document is one of the most important pieces of evidence in your nullity trial. The judge will base his selection of the best grounds for your case in large part on what you reveal in this history. We suggest that you pray as you write this, asking our Lord to refresh your memory, and to give you a clear understanding of what is important to be included. Our knowledgeable case sponsors suggest that you do not attempt write this all in one sitting, but rather that you break it down and write section by section, giving yourself plenty of time to reflect on the content of what you are writing. As you write, please use the format given below (A.1., A.2., ... B.1., B.2., etc.) to designate the specific topic which you are addressing. Please follow the format given below (A., B., C., etc.), which helps collate the information in a chronological fashion.

All of us at the Tribunal will deeply appreciate your efforts to be accurate and thorough. You will be helping your cause considerably!

## Outline for Description of Marital Dynamics (DMD):

### A. Autobiographical data:

1. The character of your parents, siblings and other family members and a description of family life as you were growing up.
2. Your educational background.
3. Your medical history.
4. Your history of dating others besides your spouse (which will be discussed below).
5. Your attitude toward sexuality.
6. Your work history.
7. Your religious background and practice

{Include if applicable: any verbal, physical, or sexual abuse; alcohol, drugs, other addictive behaviors, or psychiatric problems in your family while you were growing up; any alcohol and/or drugs in your background; any of your addictive behaviors or psychiatric problems; any tragedies or traumas that have affected you}

### B. Biographical data of Respondent:

Repeat questions 1-7 for Respondent, including the above mentioned issues, if applicable.

### C. Courtship:

1. When and how did you meet?
2. How long before you began dating?
3. Length, source of attraction, frequency of dates, kinds of things done together
4. Problems in dating, if any
5. Your expectations of marriage and those of the other party\*
6. How the subject of marriage arose and the circumstances of the engagement
7. Outside influences, if any, affecting the decision to marry
8. Families' reaction to, and involvement in, wedding plans
9. Attitudes of each party toward marriage itself, children, fidelity to spouse, the permanence of marriage, and divorce
10. Sexual activity during courtship, if any

{Include if applicable: Any outside pressure from family, pregnancy, circumstances at home; alcohol and/or drug use, reactions of those who knew about your intent to marry; if you considered alternatives to marriage, what they were; if you were practicing your religion during the courtship}

\* Regarding #5 above:

Were you seeking any particular qualities in Respondent? If so, what were they?

How insistent were you on them?

How did you react when you discovered Respondent did not possess these qualities?

When (approximate date) did you discover this lack in Respondent?

Were you deceived in any way? If so, how?

Prior to the wedding were you aware of any behaviors which Respondent possessed which you would not endure in the marriage, such as infidelity, abuse of drugs or alcohol, verbal or physical abuse, etc.?

If yes, why did you marry him/her?

**Outline for Description of Marital Dynamics (DMD) (continued):**

D. Wedding:

1. Attitudes and feelings on the day of the wedding, before, during and after the ceremony
2. Thorough explanations of any conditions placed on marital consent

{If you were married civilly or by a non-Catholic minister, and this marriage was later validated (often called “blessed”) in the Catholic Church, be sure to discuss how you came to have your marriage validated and the attitudes of both parties toward the event. This validation *is* the Catholic marriage which will be under investigation.}

E. Married life:

1. Description of a typical night at home during each phase of the marriage
2. Attitudes of each toward domestic chores and the sharing of family and parental responsibilities
3. Use of sex in marriage and sensitivity to one another’s needs
4. Problems in marital life to include: the issues which arose between you and Respondent, when these issues arose, how you attempted to resolve the issues, whether or not they were resolved
5. Separations: how many and how long were you separated each time. Include dates if possible, please, along with reasons and means of reconciliation
6. Cause of final separation.
7. Subsequent courtships and marriages for each person (Petitioner & Respondent).

F. Please provide any other information that you consider relevant. (If necessary, write on additional pages and include with your packet.).

## SECTION V: THE PETITION FORM

### **Help in preparing your Petition**

To assist you in submitting your case, we have prepared a “**Petition for A Case To Examine the Validity of Marriage,**” which is the last part of this section, and the last of this entire document package. It contains the basic information required by canon law which must be made available to the Respondent at the beginning of the process. There is a section in the Petition in which you are asked to briefly list reasons (called *grounds* in canon law) as to why you think the marriage was not valid. These are the legal bases for considering the validity of your marital consent. The following descriptions of the most common of these grounds (given below) may help you to fill out this section on the suggested reasons for the invalidity of your marriage. Please understand that the Tribunal is not concerned with pointing fingers or finding moral fault with either spouse. We are concerned with learning the truth of what happened in the marriage. Any basis or circumstance for a decree of nullity **must have existed from the beginning of the marriage; please bear that in mind when considering the following descriptions.**

#### **If there was infidelity in the marriage. . .**

At the time of your wedding, if one or both of you considered the marriage “open” or considered it acceptable to have other sexual partners during your marriage, you could write “*the exclusion of fidelity or faithfulness.*”

#### **If at the time of the wedding one/both of you decided to exclude the possibility of having children . . .**

During the duration of your marriage, or if you and/or the other party mutually or unilaterally decided to postpone having children until some indeterminate time or condition was met, you could write, “*the exclusion of children.*”

#### **If there was a premarital pregnancy. . .**

If the fact or suspicion of a premarital pregnancy affected the decision to marry, or caused you to change your plans for marriage, this might be a factor. Did you feel pressured to marry because of the pregnancy, whether it was internal pressure, or pressure from someone else? If so, you could write “*pressure to marry because of pregnancy.*”

#### **If one or both of you were very young or immature at the time of marriage. . .**

In order to marry validly both spouses must be able to make a thoughtful, reasoned and free decision about something as important and life-changing as marriage. If one of you were not able to make a serious and thoughtful decision at the time you married, or if you seriously misunderstood what marriage was all about, or, in hindsight, if you lacked basic knowledge about one another or yourself you could write, “*serious lack of mature judgment or decision-making ability.*”

#### **If there was significant alcohol or drug use during the courtship and marriage. . .**

Alcohol or drug addiction, or serious abuse, can prevent a person from making sound and mature decisions, and/or from fulfilling the obligations of marriage. If drug or alcohol abuse was present in the courtship and marriage, you could write “*alcohol (and/or drug) abuse prevented sound decision making at the time of marriage,*” or “*alcohol (and/or drug) abuse prevented fulfillment of the basic obligations of marriage.*”

### **Help in preparing your Petition (continued):**

#### **If psychological/psychiatric illness affected the marriage. . .**

A person must be capable of living out the commitment of marriage, including being a spouse and a parent. If serious psychiatric or psychological illness prevented either of you from fulfilling the obligations of marriage, you could write, “*serious psychiatric or psychological illness which prevented the fulfillment of the basic obligations of marriage.*”

**If deception led to the marriage. . .** If you or your former spouse had been told a lie in order to convince either of you to marry, or if something important was intentionally concealed in order to get either of you to marry, then you could write, “*deception or fraud intended to lead to marriage.*”

#### **If divorce and remarriage was always an option for an unhappy marriage. . .**

If either of you always considered divorce with the right to remarry as an acceptable way to end the marriage, especially if there was infidelity, abuse, or unhappiness, you could write, “*exclusion of the permanence of marriage.*”

#### **If homosexuality was an issue in the marriage. . .**

Homosexuality is not a ground of invalidity in itself, but confusion of sexuality and self-image can prevent or interfere with the marital relationship and marital intimacy. If this was a factor in the marriage, you could write, “*inability to fulfill the obligations of a (husband/wife) because of homosexuality.*” It will be important to include in your DMD whether homosexual feelings or confusion existed prior to the marriage, how soon into the marriage this became a problem, and whether the marriage ended principally because of homosexuality.

#### **If you did not intend to marry at all. . .**

Sometimes a couple will go through a legal or religious marriage ceremony for a reason connected with immigration, insurance, or finances, and not out of the idea of marriage itself. In other words, they were pretending to marry. If such was the case in this marriage, you could write, “*simulation of marriage for reasons of (immigration/insurance/\_\_\_\_\_).*”

#### **If one or both of you entered this marriage against your will. . .**

If either spouse, or both, did not marry freely but rather because of some force, or out of fear (even a deep-seated fear of displeasing someone important to you such as a parent or clergyman), you could write “*force (or fear) to enter marriage.*” This might apply if the marriage was arranged and one of you did not want to marry.

#### **If there was something significant you did not know about your spouse. . .**

If there was something important that you did not know about the person you married or that the person you married did not know about you at the time of the marriage, you could write “*error regarding a quality of the other spouse.*” It is important to note that the quality must be so important that, if it had been discovered before the wedding, the marriage would probably not have taken place.

**Help in preparing your Petition (continued):**

**If either you or your spouse placed a condition on the marriage concerning the past, present, or future. . .**

you could write “*past/present/future condition.*” You should indicate what the condition was, and whether or not it was fulfilled. (A condition would take the form of, I will marry you *if* such and such, *if* you are a prince, *if* you become a doctor, *if* you are a practicing Catholic, etc.)

**If there was physical abuse or serious emotional abuse. . .**

If one spouse inflicts physical or emotional abuse upon the other, or upon children, it indicates a serious problem within the abuser. It is not a ground of invalidity in itself, but it does indicate possible psychological or psychiatric problems. You could write, “**lengthy history of abuse due to incapacity to be a good spouse,**” or, “**inability to manage conflict and anger without physical (or emotional) abuse.**” In your DMD you should indicate whether the behavior was demonstrated prior to the marriage, how early it began after marriage, and what effect it had on the marriage.

**If one of you was validly married before this marriage,**

and the first spouse was living at the time of this marriage, then you could write, “**the Petitioner’s (or Respondent’s) impediment of prior bond.**” (See Section I-H.)

**Please note: You must explain the reasons for a decree of nullity that you have selected for the brief explanations given above in written detail in your Description of Marital Dynamics (DMD). (See Section IV.)**

**Checklist for Submitting Your Petition to Begin a Case:**

The following is a list of information and documents that are REQUIRED to submit your case. If your information form or petition is missing any of the following, the case cannot be accepted until all items are supplied!

1. Completed **Information Form** (No blank spaces) in black ink. □
2. Complete and accurate **mailing address for the other party** (the Respondent) in this marriage, or, a completed form (Section III) detailing your efforts to locate the Respondent. No case can be accepted without this information. □
3. **Authenticated marriage certificate** for the marriage in question. □
4. **Divorce decree** for the marriage in question. □
5. **Recent** (*within the past six months*) **Baptismal Certificate for any Catholic spouse** (*Petitioner or Respondent*). □
6. **Complete names and mailing addresses** for at least four witnesses. □
7. **Completed “Petition to Begin a Case to Examine the Validity of Marriage”** (with no blank spaces, except the information for the Co-Respondent if the Respondent is unwilling to consent.). □
8. **Please make and keep a photocopy of everything** you submit to the Tribunal, in case there are unforeseen problems with mail delivery. □

Policy Statement:

I, \_\_\_\_\_, **Petitioner**, designate the undersigned priest or deacon to represent me in these proceedings as **Procurator**, and I also authorize the Metropolitan Tribunal of the Archdiocese of Mobile to assign an Advocate to provide counsel and to act on my behalf throughout the course of this trial. I also hereby consent and authorize the Metropolitan Tribunal of the Archdiocese of Mobile to release the Description of Marital Dynamics (DMD) provided by me to Catholic Social Services of Mobile, should I chose that entity for counseling. **I understand that no assurance of the outcome or the time it will take to complete the process-can be given.** I understand that I cannot set (even tentatively) a date for marriage or validation of marriage in the Catholic Church unless and until the nullity of my previous marriage(s) has/have been established with certainty according to the laws of the Church.

I understand that I am requested not to discuss the facts of my case with my witnesses.  
I understand that if there is a judgment granting a declaration of nullity, it may contain a clause delaying permission to remarry in the Catholic Church until counseling has been obtained for whatever problems were revealed.

***I swear to the truthfulness of the evidence I am submitting.***

Signature of the Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

I, the undersigned, do hereby accept the mandate to serve as **Procurator for Petitioner**.

Signature of Procurator: \_\_\_\_\_ Date: \_\_\_\_\_

Please print Procurator’s name: \_\_\_\_\_

**Petition to Begin a Case to Examine the Validity of Marriage:**

***The Tribunal will normally send a copy of this Petition page to the Other Party in the marriage.***

Your full name (Maiden name if applicable) & Full name of spouse in this marriage (Maiden name)

\_\_\_\_\_ & \_\_\_\_\_

**I hereby request** that the Metropolitan Tribunal of the Archdiocese of Mobile accept and adjudicate this Petition to recognize under canon law that the marriage between the spouses named above was not valid and binding. The marriage (or con-validation/"blessing") took place on the following date and at the following place:

Date: \_\_\_\_\_ (mm/dd/yyyy)

City and State, or City and Country: \_\_\_\_\_

In making this Petition, I contend that the marriage was not valid for the following reasons (grounds):

I briefly summarize as follows the facts and contentions which support the reasons proposed above:

I name the following Witnesses who are knowledgeable about the above reason(s) and facts and who are willing to offer testimony:

1 \_\_\_\_\_ 2 \_\_\_\_\_

3 \_\_\_\_\_ 4 \_\_\_\_\_

5 \_\_\_\_\_ 6 \_\_\_\_\_

***I attest before God & my conscience that the above is true & complete to the best of my knowledge.***

***Signature of Petitioner:*** \_\_\_\_\_ ***Date:*** \_\_\_\_\_

If the other party in the marriage agrees to join with you in this Petition, he/she should sign below.  
(This is one prerequisite for using the new, brief marriage nullity process.)

***Signature of Co-petitioner (other party in marriage):*** \_\_\_\_\_ ***Date:*** \_\_\_\_\_

## FOR THE RESPONDENT

### **An Addendum to the Petition To Begin a Case to Examine the Validity of Marriage**

*(This form is sent to the Respondent by the Tribunal in select circumstances to elicit further participation, using either the “regular” or “briefer” process for addressing the posed question of matrimonial nullity.)*

\_\_\_\_\_  
**Your full name (maiden name if applicable)  
(maiden name)**

\_\_\_\_\_  
**Full name of your spouse in this marriage**

#### Notes to Respondent:

A Catholic “annulment” pertains to the marital consent of the spouses. All marriages are presumed valid. The invalidity of marital consent must be proven to the moral certainty of the judge. The Tribunal process for marriage nullity seeks to discover the truth about the marital consent of each party. The process is in the form of a trial, so that both parties have their rights protected; it is not about placing blame or giving rewards to either party.

The laws of the Catholic Church give equal rights to both parties in a marriage case for nullity. This means you can: give testimony, both written and/or spoken in an interview with Tribunal personnel. You may nominate witnesses. You may undergo a psychological evaluation (at no expense to you). You can submit documents to the Tribunal which add proof to your testimony: citations for **Driving Under the Influence** of drugs and/or alcohol, police or medical records, newspaper articles, phone records, etc. At a certain point in the trial process, you may review the evidence as presented by your spouse and his or her witnesses, and offer counter-arguments. A Respondent cannot stop the judicial process of investigation, but he or she can shed much light on the truth of the matter.

The “briefer process” mandated by Pope Francis in *Mitis Iudex Dominus Iesus* is applicable only to those cases for which both parties in the marriage agree on the invalidity of their consent, and the use of the “briefer process,” and are also “manifestly invalid” when reviewed by the Judicial Vicar for the Archdiocese of Mobile. (All three circumstances must be present!) The Judicial Vicar will bring the case with its proofs, written argument by the Defender of the Bond, and Instructor’s written decision to the Archbishop of Mobile who will in turn study the case and either grant the nullity of the marriage or send the case back to the Tribunal to go through the ordinary process for examining a marriage.

We are asking you at the beginning of this trial process to indicate with what you agree concerning the petition signed by your former spouse. Please check the box(es) with which you agree. **[Even if you agree with all three statements, this does not mean that your case might qualify for the “briefer process.” However, without your consent to at least the first and second statements, the case cannot qualify for that process.]** We are also including a questionnaire concerning the marriage for you to answer to the best of your knowledge and memory.

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*You may agree to one or more of the following, or none of the following:*

**Agree    Disagree**

- I agree to the reasons for the invalidity of this marriage as stated in the petition as well as the facts which support those reasons.
  
- I am in favor of an investigation of my marriage in accordance with the laws and understanding of the Catholic Church (which have no bearing in civil law.) I agree to the new, brief process, if applicable.
  
- I will cooperate in the investigation of my marriage in the following ways:  submit a brief history of myself, for this courtship, and my marriage;  nominate witnesses for the Tribunal to contact (See Q. 19 in Questionnaire);  be interviewed by Tribunal personnel either  in person, or  by telephone;  give to the Tribunal copies of various documents, articles, or other evidence which pertains to the issue of marital consent.

\_\_\_\_\_  
Signature of the Respondent

\_\_\_\_\_  
Date of signature

Reference: Case Prot. N. \_\_\_\_\_

Case Names \_\_\_\_\_