

PROCEDURE IN FORMAL TRIAL CASES

INSTRUCTIONS TO PRIEST/DEACON/PASTORAL MINISTER

1. Thank you for agreeing to act as Advocate for the Petitioner.
2. Give all the enclosed forms to the petitioner to complete at his/her leisure.
3. Once completed, all documents and the petitioner's self-testimony are to be submitted to the Tribunal by you. They are not sent directly. Petitioner submits everything to you as his/her advocate.
4. Your name is to be inserted in the Mandate of Appointment as advocate for the petitioner. You should complete the acceptance part, date and sign it.
5. Explain the self-testimony to the petitioner. Go over that part and make sure the petitioner understands what is to be written.
6. The testimony must be legible. Typewritten testimony is preferred. As an advocate you might arrange to have the testimony typed. The testimony should be signed and dated. Policy Statement and Financial agreement should be signed and dated also.
7. Inform the petitioner that you will help in any way possible in drafting the self-testimony. Assure him/her that all matters are confidential and cannot be used in civil courts.
8. When all the enclosed forms are completed, the self-testimony is obtained and the necessary documents are gathered, and then submit all to the Tribunal.
Do not submit these piecemeal!
9. Do not give petitioner any assurance about a favorable decision or set any date for a subsequent marriage. There is no definite time estimate for processing these formal cases. (Generally, it takes at least eight months from the date of petition acceptance.)
10. A \$75.00 filing fee is to accompany the petition. An additional \$75.00 will be charged when the case has been accepted and \$75.00 upon completion. This total (\$225.00) represents about one-third of actual Tribunal costs. Please inform the petitioner of this fee. The fee can be paid in full upon filing the case or by installments. In cases of poverty, something should be paid or the fee paid by the parish, advocate or others. Inform the Tribunal if payments will be made in installments or by the parish.

INSTRUCTIONS TO PETITIONER

2/08

1. Complete GENERAL INFORMATION FORM. Information should be complete and accurate. Be sure to include names and addresses of possible witnesses. (Please include titles for females, such as, Miss, Mrs. or Ms.)
2. Complete the PETITION FOR DECREE OF NULLITY but omit filling in the “grounds” for initiating your case. The Tribunal will put the correct canonical grounds on the form after reviewing your self-testimony.
3. Complete the MANDATE OF APPOINTMENT indicating the name of the local priest, deacon or pastoral minister who will act as your advocate.
4. Write out your SELF-TESTIMONY on separate sheets of paper following the areas outlined on the form. Typewritten testimony is preferred, but handwritten testimony is acceptable if it is legible. Please be as detailed and complete as possible in describing your background, that of your former spouse, your courtship, marriage, married life and the reasons your marriage ceased. Your priest-advocate or deacon-advocate will be happy to assist you in writing your self-testimony, if necessary. The Tribunal is mainly interested in your story in your own words.
5. Submit certified documents of the following: **(PLEASE, ORIGINAL DOCUMENTS. DO NOT SEND PHOTOCOPIES.)**
 - a) marriage certificate
 - b) ‘CERTIFIED’ final divorce decree
 - c) baptismal certificate if either party is a Catholic; if both are Catholics, baptismal certificates for both. Certificates MUST BE CURRENT, that is, not more than six months old.
 - d) \$75.00 filing fee (an additional \$75.00 will be charged upon acceptance of the case and a further \$75.00 is to be paid upon completion of the case. This is a total of \$225.00; the entire amount could be paid upon filing, if petitioner so desires.)
6. Submit all completed forms, documents and self-testimony to your advocate. He/she will submit these to the Tribunal. He/she is your advocate before the Tribunal.

NOTE:

A. All documents refer to marriage to be annulled.

B. If more than one marriage is involved, please submit separate documents and testimony for EACH marriage.

C. There is no definite time for processing case; usually it takes at least eight or nine months. There is also no guarantee of a favorable decision.

DIOCESE OF SALT LAKE CITY

10/05

GENERAL INFORMATION

(All information pertains to the marriage to be declared invalid.)

PLEASE PRINT

PETITIONER

RESPONDENT

Present name (First, Middle, Last)

Present name (First, Middle, Last)

(Maiden Name, if a Woman)

(Maiden Name, if a Woman)

Present Street Address

Present Street Address

City, State, Zip

City, State, Zip (if unknown, give address of next of kin.)

Home Telephone Work Telephone

Home Telephone Work Telephone

Birth Date

Birth date

Occupation Age at marriage

Occupation Age at marriage

Religion at marriage Baptism at marriage

Religion at marriage Baptism at marriage

Religion now, if different

Religion now, if different

MARRIAGE DATA:

Date Place

before (Minister, Priest, Judge, Justice of Peace, Other)

Name of Church: If marriage was civil, was it later Blessed in Catholic Church?

(Church)

(City)

(Date)

FINAL SEPARATION: Date: Were there other separations? How long?

FINAL DIVORCE: Date: Place

Was this the first marriage for both you and respondent? if not, explain

CHILDREN BORN OF MARRIAGE: (Give names and birth dates)

Who has custody? Are they baptized? In what religion?

Have you remarried? (Times) (Dates) Has respondent remarried? (Times) (Dates)

Full name of your present spouse (Maiden name, if woman)

Religion of your present spouse

Was present spouse married before?

If so, submit case for him/her also.

(SEE REVERSE SIDE TO LIST WITNESSES)

WITNESSES

(Please indicate the names and addresses of any persons (witnesses) who can substantiate the testimony you give regarding your marriage. List them in order of importance, i.e. No. 1 is best witness, can verify most of the testimony; No. 2 is next best, etc. Please indicate their relationship to you or to your former spouse, the expectation of cooperation and whether or not you have already contacted them to seek their cooperation. Often times, relatives can be the best witnesses.)

1. Full Name: (Mr/Mrs/Miss/Ms) _____
Street _____
City _____ State _____ Zip _____ Phone: () _____
How well does the witness know you? _____
How well does the witness know your ex-spouse? _____
Will witness cooperate? _____ Have you contacted him/her _____

2. Full Name: (Mr/Mrs/Miss/Ms) _____
Street _____
City _____ State _____ Zip _____ Phone: () _____
How well does the witness know you? _____
How well does the witness know your ex-spouse? _____
Will witness cooperate? _____ Have you contacted him/her _____

3. Full Name: (Mr/Mrs/Miss/Ms) _____
Street _____
City _____ State _____ Zip _____ Phone: () _____
How well does the witness know you? _____
How well does the witness know your ex-spouse? _____
Will witness cooperate? _____ Have you contacted him/her _____

4. Full Name: (Mr/Mrs/Miss/Ms) _____
Street _____
City _____ State _____ Zip _____ Phone: () _____
How well does the witness know you? _____
How well does the witness know your ex-spouse? _____
Will witness cooperate? _____ Have you contacted him/her _____

CASE TITLE
PROT. NO:

PETITION FOR A DECREE OF NULLITY

I, the undersigned _____, with residence at _____, respectfully request the Tribunal of the Diocese of Salt Lake City to declare null and void, on the grounds(s) of _____

The marriage which I contracted with _____ on _____ at _____ before _____. I shall produce the necessary documents, proofs and witnesses at the proper time, as requested by the Tribunal.

Date: _____
Place: _____ Petitioner

MANDATE OF APPOINTMENT

I, the undersigned, _____, hereby accept appoint _____ to act as Advocate on my behalf in my case before the Tribunal.
Date: _____
Petitioner

ACCEPTANCE

I, the undersigned _____ herby accept the appointment as Advocate to act in behalf of _____, The Petitioner in the above case.

Date: _____

Parish: _____ Priest/Deacon/Pastoral Minister-Advocate

SELF TESTIMONY OF PETITIONER

Notes: 1. In order to determine whether your marriage can be considered invalid according to the laws of the Roman Catholic Church, it is necessary that the Tribunal officials understand your background, the background of your former spouse, what gave rise to your marriage, what happened in your relationship and factors that may have influenced you at marriage and its subsequent break-up. Therefore, you are asked to write out your story in your own words following the areas outlined below. Comment on every item.

2. Please be advised that all canonical proceedings in the Tribunal are secret. Anything you communicate to the Tribunal will be treated with utmost secrecy. None of these proceedings or their outcome can be used to change civil court determinations already made or to be made concerning the divorce settlement, child custody or support. All matters are strictly confidential.

3. Be assured that these proceedings are for the sole purpose of arriving at a true determination of the validity, according to the laws of the Catholic Church, of the marriage in question. In no way will this determination affect the legitimacy of any children born of this union. The Church holds these children as legitimate no matter what the outcome of the case.

PLEASE TYPE

A. BACKGROUND OF EACH PARTY:

1. For Yourself.

- a) Describe the character of each parent and your estimate of who was the dominant one in the home; number of brothers and sisters; your position in the family; relationship with brothers and sisters; your position in the family; relationship with brothers and sisters; each parent's relationship with you, others.
- b) Account of school life and grades; religious practice; ease of making and keeping friends.
- c) Medical history; unusual fears in childhood or later.
- d) History of dating; and whether there were any earlier serious romances and, if so, why terminated; history of attitude toward sex and any problems.
- e) Were there long range goals or did you live for only the moment; work record; how dependable? How responsible? Frequency of job change.
- f) Any problem with gambling, drugs, alcohol, handling money – save money regularly or spent foolishly.
- g) An evaluation of strong and weak areas of own personality—inferiority complex, sensitive to needs of others, nervous, quick-tempered, moody, jealous, selfish, ungrateful, lie habitually, chat habitually; was conduct erratic and unpredictable, often outlandish and fantastic; lack good judgment in everyday situations.
Throughout this section, give examples.

2. For former spouse: (Cover same points as above in great detail.)

B. COURTSHIP

- a) Detail length; how you met; frequency and kinds of dates; source of attraction; any problems in dating; whether relationship ever ended and why.
- b) How topic of marriage arose; part that each played in the wedding preparations; reaction of each family to wedding plans; was there unusual pressure to marry; was marriage an escape from home situation?
- c) Attitude and use of sex during courtship—Was there pregnancy before marriage? Was there any reluctance to marry? Attitude of each to fidelity; attitude of each to permanence of marriage.
- d) Attitude of each to divorce; attitude of each to children.
- e) Emotional problems; displays of temper; drinking patterns. Any doubts arise which questioned whether to marry or not?

C. WEDDING AND HONEYMOON:

- a) Marriage preparation; amount, if any; from whom.
- b) Attitude of each at wedding and reception; any unusual incidents on the wedding day, where and how long was the honeymoon; was the honeymoon a pleasant experience.
- c) When was the marriage consummated; use of sex in the entire marriage and sensitivity of each to other's needs.

D. MARRIED LIFE:

- a) Length of marriage; attitude of each to work and responsibilities; attitude toward having children as well as attitude toward children once born.
- b) Physical or emotional mistreatment.
- c) How committed to marriage were you?
- d) Use of free time; part parents played in marriage.
- e) Use of money, alcohol, gambling.
- f) When did problems arise and over what.
- g) Use of professional help.
- h) Any earlier separations—cause of them and why you went back together.

E. FINAL SEPARATION:

- a) Were there previous separations, when, how long, cause.
- b) Cause of final separation: any attempt at reconciliation; any possibility of reunion; has either party remarried?
- c) Comments from relatives and friends now that you have separated.

F. PSYCHIATRIC CARE:

- a) If either party has psychiatric care or professional counseling, give the names and addresses of the psychiatrist(s)/counselor(s), the number of times consulted, and the approximate dates of consultations; diagnosis.
- b) Would you be willing to contact such a person to obtain his/her cooperation if the Tribunal deems it relevant to the case?

G. PLEASE SIGN AND DATE YOUR TESTIMONY.

POLICY STATEMENT

Case Reference: _____

I, _____, understand that:

- 1) a declaration of nullity cannot be issued unless I have provided evidence sufficient to overcome the presumption of validity of my marriage;
- 2) my submitting this petition does not guarantee that a declaration of nullity will be granted in the affirmative;
- 3) all rights of my former spouse will be protected as well as mine;
- 4) I cannot set a date for marriage or validation in the Catholic Church until the outcome of my case is known by obtaining an affirmative decision in the first instance and the proper decision from the tribunal of second instance.

Petitioner

Place

Date

DIOCESAN TRIBUNAL
DIOCESE OF SALT LAKE CITY

CASE# _____

Petitioner's Name

Respondent's Name

STATEMENT OF UNDERSTANDING ABOUT THE EXPENSES OF THE CASE

As the Petitioner for a Church judgment concerning my martial status, I understand that the Diocesan Tribunal of the Diocese of Salt Lake City will incur expenses in the processing of my case. I realize that I am responsible for the fee of \$225.00 approved by the Diocese of Salt Lake City. Since the fee represents only a portion of the total costs, the Diocese of Salt Lake City subsidizes the remaining expenses. It is understood that the sum does not include any fees which become necessary for psychological evaluations in the preliminary stage. They are to be paid by me directly to the psychologist/psychiatrist.

**I agree to pay a fee of \$225.00 in the following way:
(Circle one)**

1. Single payment of \$225.00.
2. Three payments of \$75.00 each:
 - (a) A filing fee of \$75.00 when the Packet and documents are submitted.
 - (b) An acceptance fee of \$75.00 upon our acceptance of the case.
 - (c) The completion fee of \$75.00 when the Petition and Mandate are signed and sent.

I understand that the decision will not be issued until the matter of the fee is equitably resolved.

As an indication that I have read the above, understand the stipulations, and promise to abide by this statement, I herewith affix my signature.

Petitioner's Signature

