



# Diocese of Colorado Springs

228 North Cascade Avenue

Colorado Springs, Colorado 80903-1498

Telephone 719/636-2345 - FAX 719/866-6474 (*Tribunal Only*)

## **FORMAL PETITION FOR DECLARATION OF NULLITY**

### **Information Summary**

#### **I. CHURCH STATEMENT ON MARRIAGE AND ANNULMENT**

The Catholic Church, instructed by Christ, Himself, maintains that marriage and family life are the cornerstones of society and endeavors to do her best to proclaim this to her members and to the world. Therefore, the Church does not take marriage or the matter of annulment lightly. The annulment procedure is used as a safeguard for the institution of marriage, to preserve and uphold the values of Christian marriage wherever they are found and to assist people who find themselves in unfortunate situations.

Church law states, reflective of the Gospel of Matthew, Chapter 19, and other scriptural passages, that all marriages are presumed valid until the contrary is proven (Canon 1060).

The breakdown of a marriage does not automatically imply that an annulment is possible. The marriage bond is not dissolved just because one party to the marriage feels that the marriage is over. We know this because the bond between Christ and his Church is not ruptured by his physical absence. Therefore, when a Petitioner makes an allegation that his/her marriage is invalid, it must be proven. This is the purpose of the annulment process.

#### **II. THE ANNULMENT PROCESS**

An annulment is an official legal pronouncement of the Catholic Church Court System (Tribunal) which states that a marriage has been determined to have been invalid from the beginning, that, in fact, it never actually existed, and that, therefore, the parties to this marriage are no longer bound to that union in the eyes of the Church. This statement is based on Catholic Church law and the Catholic theology of marriage.

An annulment has **NO CIVIL RAMIFICATIONS** in the United States of America. Therefore, matters pertaining to property, child support, or any other such issues are not affected in any way by the Church's action. Children of the marriage are not rendered illegitimate as a result of **EITHER** the civil or Church statements regarding the marriage.

#### **III. THOSE WHO REQUIRE AN ANNULMENT**

If any of the following conditions are true for you, you need a declaration of nullity:

1. You were previously married in the Catholic Church, divorced, and now seek a second marriage
2. You are Catholic and were married previously outside the Church
3. You are not Catholic, were previously married, and are now seeking a marriage to a Catholic
4. There is proof that you were married by means of Common Law, that is, if a divorce decree for that union was obtained

OFFICE OF THE JUDICIAL VICAR

Rev. Msgr. Ricardo Coronado-Arrascue, J.C.D.

## IV. WHO CAN APPLY FOR AN ANNULMENT

To apply for an annulment through the Diocese of Colorado Springs, jurisdiction must be established:

1. If the marriage in question took place within the geographical territory of the Diocese of Colorado Springs, either party may apply.
2. If both parties now live within the Diocese of Colorado Springs, either party may apply.
3. If only your spouse lives within the Diocese of Colorado Springs, you may apply.
4. If, however, you live in the Diocese of Colorado Springs, but your spouse does not, the Tribunal of Colorado Springs may try the case only if your spouse has been contacted and the Judicial Vicar of his/her domicile grants permission. This instance also requires that both parties live within the jurisdiction of the same Episcopal Conference (for residents of the United States, this means that both parties must live in the continental United States, Alaska, or Hawaii - Puerto Rico and other U.S. territories are NOT INCLUDED).
5. The last possibility is if the majority of the witnesses that have been identified live within the Diocese of Colorado Springs. However, your spouse may object and so may his/her Judicial Vicar.

## V. YOUR RESPONSIBILITIES

1. The process for requesting an annulment **MUST BEGIN AT THE TRIBUNAL**. Please call the main Chancery phone number found at the beginning of this document and ask for the Tribunal office. We will help you to begin the process for submitting your petition to the Tribunal.
2. Complete all the required documentation. **TYPE OR PRINT LEGIBLY**.
3. The documents that you will sign must be signed in the presence of a Priest, Deacon, Auditor, Ecclesiastical Notary, or Notary Public. Please be sure to plan adequately for this requirement.
4. You must obtain and present certified copies of: 1) your baptismal certificate (required, if Catholic); 2) your spouse's baptismal certificate (if possible); 3) your marriage certificate; 4) your civil annulment/divorce/dissolution decree; 5) complete documentation from other/previous marriages and divorces/annulments (**some documents must have been issued/certified in the last six months – check the “Document Summary” memorandum on the Tribunal web page for more information – the web address is “<http://www.diocs.org/CPC/Tribunal/index.cfm>”**).
5. The Diocesan Tribunal may choose to assign an Advocate to assist you if it appears that your case may be difficult/complicated.
6. If you change your address at any time throughout the duration of the process, it is your responsibility to inform the Tribunal in writing.
7. If your Advocate is changed or transferred at any time during the process, the Tribunal will work with you to identify and properly install your new Advocate.
8. List the current address for your spouse. If this is unknown, you must present actual proof of the “reasonable efforts” you have made to obtain this address. In most cases, the process will not be able to begin until you have provided a valid, verifiable address for the respondent.
9. Testimony from reliable and knowledgeable witnesses is essential to every case. This testimony should come from your spouse (Respondent) and from at least two other individuals. Church law requires that your spouse be notified and permitted to participate whenever a declaration of nullity is pursued. In the space provided, identify at least two other individuals who will be able to provide useful and reliable information that is pertinent to your case – these are your witnesses (a minimum of two are required – four may be identified).

**NOTE:**

We must have adequate information in order to accept your petition. If we feel we need more information, we will contact you. **IF ANY OF THIS REQUIRED INFORMATION IS MISSING, we cannot accept your petition.** It will be returned to you or your Advocate immediately.

Church law also requires that the testimony of the Petitioner be collaborated by witnesses. Given that the purpose of the Petition is to seek a declaration of nullity, the testimony of the Petitioner should present the necessary allegations emphasizing those aspects and events of the marriage and prior relationship that prove the marriage was invalid from the very beginning. The testimony of the witnesses should, then, support and verify these allegations. Not all witnesses need to verify all allegations. However, the testimony of the witnesses, taken as a whole, must substantiate the allegations of the Petitioner in order for the case to move forward. Anyone may be a witness (this includes immediate family, other relatives, friends, co-workers, etc.) as long as he/she knew the Petitioner and/or spouse well enough to have pertinent information about their marriage and/or their relationship prior to their marriage.

Before submitting the names of any witnesses, you **must** advise them, **beforehand**, that they will be presented as witnesses and that the Tribunal will need to interview them in person to obtain their testimony. It is important that they have already agreed to co-operate with the Tribunal on your behalf.

Lastly, please be aware that in accord with canon 1598, both you and your spouse have the right to view each other's allegations before the conclusion of this case, along with witness testimony. The judge in the case has discretionary control as to the actual exercise of this right, however, only in cases of very serious danger may testimony be withheld – again, this is up to the discretion of the Judge hearing the case.

## **VI. IF YOUR PETITION IS ACCEPTED**

1. Once your case is accepted, you become the Petitioner. Your spouse is referred to as “the Respondent”. You will receive notification from this office regarding the proposed grounds for your case and the names of the court officers who will be working with your petition.
2. The Respondent will be contacted immediately by this office. It is the responsibility of this office to let the Respondent know about his/her rights in this process.
3. If we fail to contact the Respondent, any decision rendered will, most likely, be set aside. Once the Respondent is contacted, he/she will decide whether or not to participate. If he/she refuses to participate, the case will still move forward without the participation of the Respondent.
4. The Tribunal will base its decision on the information you, the Respondent, and the witnesses submit.

## **VII. STEPS FOLLOWING ACCEPTANCE**

1. The first thing to keep in mind is that the information we need from your witnesses, churches, and public authorities, etc., takes time to collect. If the Court has difficulty getting information from your witnesses, you will be contacted for assistance or additional witnesses. If the Court experiences other problems with your case, both you and your Advocate will be contacted.
2. Once all of the information has been gathered, the case is ready for a review by the court officials. However, due to the number of petitions, there is a waiting period and your petition will be reviewed in

the order in which it was received. During this time you WILL NOT HEAR FROM US. If you would like to check the status of your petition, please do so IN PERSON OR IN WRITING ONLY. To ensure confidentiality, we DO NOT offer any statement, regarding the status of a case, over the phone.

3. Before presentation to the judge, your case will be reviewed by the Defender of the Bond who argues for the bond of Marriage to remain intact. When he has completed his report, the case is presented to the Judge (or Judges) in First Instance who in turn will make the decision. If an Affirmative Decision is rendered in First Instance, the Petitioner, the Respondent, or the Defender of the Bond may appeal that decision within fifteen (15) days of the notification.
4. IN ADDITION, if an Affirmative Decision is rendered in First Instance, IT IS AUTOMATICALLY REVIEWED by the Appellate Court (Second Instance), which, for the Diocese of Colorado Springs, is located in the Archdiocese of Denver. If the affirmative decision from the First Instance is ratified (approved) by the Second Instance, it becomes EFFECTIVE.
5. IF A NEGATIVE DECISION IS RENDERED IN FIRST INSTANCE, the principals or the Defender of the Bond may appeal the decision within fifteen (15) days of notification.

### **VIII. HOW LONG DOES THE PROCESS TAKE**

There is no way to say with assurance exactly how long the process will take. WE CAN SAY that there are many variables affecting the duration of the process, that it is lengthy, and that it requires the co-operation of all those involved - especially in gathering the necessary witness testimony and official documents that are required.

#### **NOTE:**

Your case **MUST** receive two (2) AFFIRMATIVE DECISIONS before you can begin to plan another marriage. **Please do not enter into pre-marital instruction or make definitive plans for a wedding ceremony unless you receive a notice from the Tribunal stating that you are now free to marry.**

**The Tribunal will not be held responsible for any problems that might occur if you choose to disregard this notice. Likewise, this Tribunal will not be pressured by arrangements that you may make contrary to the direction of this notice.**

### **IX. PROCESS COSTS ASSOCIATED WITH AN ANNULMENT**

The Diocese spends an average of \$1,500.00 to process each petition for a declaration of nullity. We ask that you help defray this cost by paying the following fees (if/when applicable):

1. The filing fee is \$25.00 and should be included when the Petition is first submitted to the Tribunal.
2. The processing fee is \$400.00 and it can be paid in full or in up to twelve monthly installments. The first payment will be due at the time the case is formally accepted.
3. The appellate court fee is \$40.00 and it will only be required if you receive an Affirmative Decision. If your case receives of an Affirmative Decision, it must be submitted to the appellate court (Second Instance) for confirmation. This fee will be due at the time you receive notification of the Affirmative Decision by the court of the First Instance.

4. Expenses incurred due to any long distance phone calls made by this office on your behalf, and any other fees incurred during the process, such as fees for psychological assessments, or fees charged by your expert witnesses. You will be notified of these fees as they are encountered.
5. Some cases require the involvement of a court expert. The current fee charged by the court expert is \$75.00. You will be notified of this fee if a court expert is required for your case.
6. You have the right to appeal the decision of the court of the First Instance. The Appellate Court (Second Instance) for the Diocese of Colorado Springs is located in the Archdiocese of Denver and their fee for processing an appeal is \$200.00.
7. You also have the right to make a final appeal to Rome to the Roman Rota. The current fee for an appeal to the Roman Rota is a minimum of \$850.00.

We do not wish to impose a financial hardship on anyone. If you cannot pay the fees in full, please contact this office in writing with the details of your particular situation. An inability to pay will not prevent anyone from being able to petition for an annulment. Nor will an inability to pay affect the decision of the Tribunal in any way.

Please note that these fees are subject to change. If they do change, there will be NO re-calculation of fees for cases already in progress.

## **X. CONCLUSION**

The staff of the Tribunal realizes that the annulment process is long, painful, involved, and demanding. But, it may also serve as a healing process which will help you and your spouse in dealing with the future. We will do all that is possible to assist you in this process.

**PLEASE KEEP THIS SUMMARY AT HAND. IT WILL HELP YOU DURING THE ANNULMENT PROCESS.**