



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

PETITIONER QUESTIONNAIRE

A. INFORMATION

CONCERNING YOURSELF:

Name: _____

Maiden Name (if female): _____

Address: _____

_____ (zip)

Phone – Home: (____) _____
Work: (____) _____

Birth Date: _____

Parents: _____

Address: _____

_____ (zip)

Date of Baptism: _____

Religion at Baptism: _____

Religion at Marriage: _____

Age at the time of Marriage: _____

If baptized Catholic, name of
present parish Priest: _____

Employment at time of Marriage: _____

Employment now: _____

CONCERNING YOUR SPOUSE:

Name: _____

Maiden Name (if female): _____

Address: _____

_____ (zip)

Phone – Home: (____) _____
Work: (____) _____

Birth Date: _____

Parents: _____

Address: _____

_____ (zip)

Date of Baptism: _____

Religion at Baptism: _____

Religion at Marriage: _____

Age at the time of Marriage: _____

Employment at time of Marriage: _____

Employment now: _____

CURRENT MARRIAGE SITUATION

CONCERNING YOURSELF:

Have you re-married? Yes / No
If “no”, skip ahead to the **next question**.
If “yes”, then complete the following:

Name of new spouse

Religion: _____

Date of this Marriage: _____

Place: _____

Officiated By: _____

New spouse previously married? Yes / No

Name of other party: _____

Date of this earlier Marriage: _____

Was this other party married prior to this date? Yes / No

Date of Divorce of this Marriage: _____

Next question:

Are you considering marrying again? Yes / No / NA

If “yes”, then complete the following:

Name of intended spouse

Religion: _____

Date of intended marriage: _____

Was this person ever married before? Yes / No

If “yes”, the ability of this person to marry is in question and will need to be addressed separately!

CONCERNING YOUR SPOUSE:

Has your spouse re-married? Yes / No
If “no”, skip ahead to the **next question**.
If “yes”, then complete the following:

Name of new spouse

Religion: _____

Date of this Marriage: _____

Place: _____

Officiated By: _____

B. WITNESS INFORMATION

RESPONDENT

NAME: _____ PHONE: _____

ADDRESS: _____

_____ Has not been contacted.

_____ Has been contacted and has agreed to co-operate.

_____ Has been contacted and will not co-operate.

WITNESSES

1. NAME: _____ PHONE: _____ _____ Agreed to co-operate.

ADDRESS: _____

RELATIONSHIP: _____ To Petitioner _____ To Respondent _____

2. NAME: _____ PHONE: _____ _____ Agreed to co-operate.

ADDRESS: _____

RELATIONSHIP: _____ To Petitioner _____ To Respondent _____

3. NAME: _____ PHONE: _____ _____ Agreed to co-operate.

ADDRESS: _____

RELATIONSHIP: _____ To Petitioner _____ To Respondent _____

4. NAME: _____ PHONE: _____ _____ Agreed to co-operate.

ADDRESS: _____

RELATIONSHIP: _____ To Petitioner _____ To Respondent _____

C. THE REASON THAT THE MARRIAGE IN QUESTION IS INVALID

VERY IMPORTANT – PLEASE READ BEFORE CONTINUING:

By definition, when you submit a petition for a declaration of nullity (annulment), you are asking the Church to declare that your marriage was invalid from the beginning. In order for the Church to consider your petition, you must make an argument for why your marriage was invalid from the beginning based on reasons defined by Canon Law – see below for some examples. Identifying reasons why your marriage might be considered invalid is extremely important. Without a clear sense of the reasons why your marriage might be invalid, your argument will most likely be too long, contain too many unimportant details, and fail to be convincing. Contact the Tribunal office if you have any questions.

Possible reasons why a marriage might be invalid:

- A) Total simulation. At the time of the wedding, one or both parties did not intend to enter into a true marriage at all, but only wanted the appearance of a marriage. Canons 1057 and 1101 §2.
- B) Exclusion of the good of children. At the time of the wedding, one or both parties decided not have children or was not open to the possibility of children throughout the marriage. Canons 1055 and 1101 §2.
- C) Exclusion of the good of fidelity. At the time of the wedding, one or both parties reserved the right to have other sexual partners. Canons 1056, 1057 §2, and 1101 §2.
- D) Exclusion of permanence. At the time of the wedding, one or both parties did not intend the marriage to last forever. Canons 1056 and 1101 §2.
- E) Exclusion of the good of the spouses. At the time of the wedding, one or both parties did not intend to respect the equality and dignity of the other party. Canons 1055 and 1101 §2.
- F) Error. At the time of the wedding, one or both parties were in error about the identity of the other person. Canon 1097.
- G) Deceit. Prior to the wedding, one or both parties deceived the other, in order to obtain their consent for marriage. Canon 1098.
- H) Condition. At the time of the wedding, one or both parties placed a condition on the marriage which was more important than the reality of the other party. Canon 1102.
- I) Force or Fear. At the time of the wedding, one or both parties were forced to get married, or entered into marriage as the only way to avoid a fearful situation. Canon 1103.
- J) Lack of sufficient use of reason. During the wedding ceremony, one or both parties were not capable of knowing what was happening due to a habitual or transient disorder. Canon 1095 §1.
- K) Lack of due discretion. At the time of the wedding, one or both parties were not capable of knowing what marriage is, or not capable of wanting a true marriage due to extreme immaturity. Canon 1095 §2.
- L) Inability to assume the essential obligations of marriage. At the time of the wedding, one or both parties were incapable of fulfilling the obligations of marriage due to causes of a psychological nature. Canon 1095 §3.

List the reason(s) why your marriage should be considered to be invalid from the beginning:

- 1)
- 2)
- 3)

VERY IMPORTANT – PLEASE READ BEFORE CONTINUING:

Now that you have identified the reason(s) why you believe your marriage could be considered invalid from the beginning, you must make an argument that your marriage was invalid based on those reasons. This argument should take the form of proofs/examples which show that the reasons were truly present and therefore makes your marriage invalid from the beginning.

To do this please write a brief narrative of your previous marriage in which you argue that it was invalid from the beginning by giving proofs and examples which make your point. Be specific in matters/events most significant to the invalidity of the marriage (these would be the issues/problems/incidents that prove a valid marriage never existed). DO NOT exceed TEN total pages of typed testimony. When writing your testimony, PLEASE BE SURE to include only that information that is relevant to proving that the marriage is not valid and DO NOT include extraneous information that has no relevance to the reason(s) you are proposing.

To aid you in writing your testimony we have provided a series of questions divided into sections. It is our hope that these questions are helpful to you, but if not, feel free to ignore them.

NOTE:

In order to use these questions most effectively take them one section at a time. Carefully and thoughtfully read the questions in any given section. Let these questions act as a guide through your memory. Then, based upon your reflection on these questions, write a short essay in which you summarize the questions and argue that your marriage was invalid. SKIP any sections that are not relevant to your argument.

D. FAMILY BACKGROUND for BOTH PETITIONER AND RESPONDENT

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Very briefly describe your family background, including a description of what your life was like growing up through your completion of school, your parents' relationship, your relationship with your parents and your relationship with your brothers/sisters, what your approach to religion was and how it evolved, etc.
2. Are there instances of divorce in your family? If so, did they influence your attitude toward marriage and all of the essential aspects of marriage? Did it influence your thinking regarding divorce? What is your thinking regarding divorce? What was your thinking regarding divorce prior to your marriage?
3. Did either party have issues from childhood/family situations that might have influenced his/her decision to marry and/or views on marriage and its essential attributes (unity/fidelity, permanence, children)? Explain.
4. Were there problems, abusiveness, significant incidents, or family troubles that might have caused either party to develop confused and/or abnormal attitudes, behavior patterns, and/or psychological issues as they grew into adolescence and young adulthood? Explain.

Now that you have carefully considered questions 1-4 in section D, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

E. COURTSHIP

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. How did you meet? How long did you date before becoming engaged? How long were you engaged before your marriage?
2. While you were dating, were there any particular problems/interruptions? How did you deal with these?
3. Did you both feel that each of you had completed the things you wanted/needed to accomplish as single individuals (i.e. education, travel, job related) so that you were truly ready to marry? Explain.
4. Was there a basic and realistic understanding of the seriousness of marriage and its responsibilities?
5. Were both of you settled enough in your own lives and strong enough in your relationship to make a marriage commitment and to successfully live up to the obligations of such a commitment? Explain.
6. Did either of you go into the marriage setting any conditions which would have to be met in the marriage if the marriage was to continue? For example, entrance into the Church, completion of an education program, etc. Please explain.
7. Did either of you have any serious doubts or reservations about getting married and/or the future success of the marriage? If so, please describe them and how they were addressed (if they were addressed at all).
8. Describe the quality of your love for each other. Were you truly in love or was it infatuation? How well did you know each other (e.g. attitudes, personality traits, etc.)? How well did you communicate? Was your communication frequent enough; focused on appropriately meaningful topics; honest; open?
9. What were the real motives for marrying? Did common, mutually understood goals for the marriage exist?
10. Prior to your marriage, did you and your spouse cohabit? When? How did this affect your decision to marry? If not, did you have a pre-marital sexual relationship? How did this affect your decision to marry?
11. Was there any opposition to the marriage from family or friends? If so, who was opposed and why?

Now that you have carefully considered questions 1-11 in section E, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

F. PRE-MARITAL INSTRUCTIONS

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Were there any instructional/preparation programs prior to the marriage? If so, of what did they consist?
2. Did these instructions bring about any difference of opinion or attitude in regard to the marriage?
3. If there were differences that you became aware of as a result of the premarital instruction, how did you respond to them? Did these problems eventually affect the marriage?

Now that you have carefully considered questions 1-3 in section F, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

G. PRESSURE TO ENTER THE MARRIAGE

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Was pregnancy involved before the marriage? If so, what was your reaction to it? What was your spouse's reaction? What was the reaction from your families? Did you consider any choice other than marriage?
2. Did you feel any other type of pressure to marry? If so, what form did the pressure take? For example, were you the last of a close knit group of friends to be married? Did you feel that you were getting "too old" to be single? Were you the last person in your family to marry? Was it your expectation, or that of your family or friends, to be married by a certain age? Was another type of pressure present? Explain.
3. Did this pressure leave you with a viable choice other than marriage?
4. Would you have married, either at that time or at all, had the pressure not been present? Explain fully.
5. Did the pressure to marry push aside any doubts that existed, leading to an attitude that you would resolve them later? Did the pressure prevent you from considering the real implication of married life and its responsibilities? Please explain.
6. Did any significant plans for the future have to be changed because of the pressure to marry? Did this change in plans cause any resentment or tension in the marriage? Please explain.

Now that you have carefully considered questions 1-6 in section G, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

H. MARRIED LIFE

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Did both parties go into the marriage with at least the intellectual understanding that marriage was meant to be a permanent, life-long commitment of each exclusively to the other with an openness to accept children?
2. Do you feel that you were actually making this type of life-long commitment to each other at the time of your marriage or were you simply hoping that it would become a life-long commitment? Explain.
3. Did you both regard fidelity as an essential part of your commitment to each other? If not, please explain.
4. Did either party reserve the right to associate with others to whatever degree of intimacy he/she desired, despite actually being married?
5. From the beginning of the marriage, were you both happy with the choice to marry? Explain.
6. Did either party appear to be living like a single person, despite actually being married? Did either party spend an excessive amount of time away from home (other than work or reasonable recreation)? Explain.
7. Did both of you work together to make the necessary adjustments to married life? Did you attempt to strengthen your marriage through open communication and mutual decision making? Explain.
8. Did anything become known after the marriage that should have been made known before the marriage? If so, would it have affected your decision to marry? Do you feel it was covered up intentionally? Explain.
9. Did you both have jobs during the marriage? Explain. Were there any areas of married life which were particularly difficult for you? If so, what were they and how were they handled? Please explain.

Now that you have carefully considered questions 1-9 in section H, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

I. SEXUAL ASPECTS OF MARRIAGE

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Did both of you see sex as an integral part of the marriage and also a way of showing true love for each other as opposed to just using each other?
2. Did either party show any sexual attitudes or ask for practices unacceptable to the other party?
3. Were there any problems of a sexual nature in the marriage? If so, what were they and how were they addressed/resolved? If counseling was sought, what were the findings and recommendations?
4. Was there a problem with impotence? If so, was the problem functional or psychological? What do you think caused the problem? Were any steps taken to correct this problem? What were the results?
5. Was there ever any surgery that affected the sexual aspect of the marriage (i.e. tubal ligation, vasectomy, hysterectomy, etc.)? If so, what was done and why? How did it affect the sexual aspect of the marriage?
6. Are you completely and totally heterosexual? Is your spouse completely and totally heterosexual?
7. If you have any homosexual inclinations whatever, when do you believe you first begin to be attracted to those of your sex? How did this affect your view of yourself? How did this affect your relationship with your spouse, before and after marriage? How did this affect your decision to marry?
8. If your spouse has any homosexual inclinations whatever, when did your spouse first begin to be attracted to individuals of the same sex? How did this affect your spouse? How did this affect your relationship with your spouse, before and after marriage? How did this affect your spouse's decision to marry?

Now that you have carefully considered questions 1-8 in section I, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

J. CHILDREN

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Prior to your marriage, did you and your spouse discuss any plans related to children, such as the size of the family you hoped to have and/or when to start having children?
2. Did either of you set any conditions which had to be met before children were considered? If so, when were they set? Were they met? Please explain.
3. Do you feel that both of you were comfortable enough with the responsibilities of married life to consider taking on the added responsibility of bringing children into the world? Explain your answer.
4. Were the two of you strong enough in your own relationship to provide a healthy environment in which to raise a child or children? Did you both want children from the marriage?

NOTE:

If no children were born from the marriage, please MOVE AHEAD to section "K. NO CHILDREN". If there was at least one child, please FINISH THIS SECTION and then SKIP section "K. NO CHILDREN".

5. Were you and your spouse actually united in the way you felt that any children would be raised? (i.e. religion, education, discipline and other values, etc.). Describe areas of agreement and disagreement.

6. Did either party show any jealousy on account of the child(ren) or toward the child(ren)? Did either party seem to be in competition with the child(ren)? Please explain.
7. Were either of you accused by anyone of child abuse or neglect in any way? Please explain the circumstances. Were either of you ever convicted of child abuse or neglect? If so, please explain.
8. Who was given primary physical custody of the child(ren)?
9. If the court ordered child support and/or alimony, are these obligations being met? If not, please explain.
10. Are you and your spouse presently involved in civil litigation regarding the child(ren)? Please explain.

Now that you have carefully considered questions 1-10 in section J, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

K. NO CHILDREN

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Why were no children born of the marriage? Was this the result of intentional planning? Explain.
2. Was either party uncomfortable around children, or afraid of, or intolerant of children? Explain.
3. What steps were taken to ensure there would be no children? Please describe completely.
4. Was any action taken or pressure applied by either party to “force” the other party to adopt the position that children would not be born of the marriage? Please explain completely.
5. If children were intentionally excluded, was this exclusion to be a temporary or permanent situation?
6. Did either party ever communicate to any other person, verbally or in writing, either before the marriage or during the marriage, that children were not desired and/or were to be excluded? Explain.

Now that you have carefully considered questions 1-6 in section K, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

L. CONVALIDATION IN THE CATHOLIC CHURCH

NOTE:

If you had a civil marriage convalidated (blessed) in the Catholic Church, you must complete this section.

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Why was the marriage not celebrated in the Catholic Church originally? Please explain.
2. Why did you decide to have your marriage convalidated in the Church? What was the actual motive? For example, was the motive to solve problems in the marriage, to return to the Sacraments, to have a baby baptized, to restore a relationship with a family member, or was another motive involved? Please explain.
3. Was anyone, such as parents, pushing to have the marriage convalidated? If so, please explain.
4. Did either party to the marriage feel that having the marriage convalidated in the Church was unnecessary, i.e., that you were already married, etc.? Please explain.
5. Please describe the quality of your married life at the time the marriage was convalidated in the Church.

6. Did the priest who worked with you in preparing for the convalidation explain that this was THE marriage as far as the Church was concerned and that it required a true renewal of marital consent with all the qualities, such as permanence, fidelity and children, which the Church considers essential? If not, please describe your understanding of what this “convalidation” meant to you and to your spouse.
7. Was the new act of consent given by each of you during the convalidation ceremony genuine? Explain.
8. Were you both in agreement and enthusiastic about having your marriage convalidated? Explain.
9. Do you think that, after the convalidation, you and your spouse had a greater sense of the value of the sacramentality of marriage and worked harder at improving the marriage?
10. If there was pressure present, how much did this influence having the marriage convalidated? Would you have done this if the pressure had not been present? Please explain.

Now that you have carefully considered questions 1-10 in section L, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

M. PHYSICAL/PSYCHOLOGICAL PROBLEMS

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Did either party exhibit any serious imbalance of either a physical or emotional nature whether prior to or during the course of the marriage? If so, what form did this take? Did either party experience any serious incidents of either a physical or emotional nature (e.g. date or spousal abuse or rape, substance abuse, addiction, depression, anxiety attacks, etc.) whether prior to or during the course of the marriage? If so, please explain. What effect, if any, did this have on your decision to marry and also on the marriage itself?
2. If problems occurred, what treatment was sought, when, and what were the results? For instance, did either of you receive in-patient or out-patient treatment at a clinic or other institution? If so, how long did this last? Please explain the circumstances, the specific diagnosis that was made, and the results. Also, please include the name of the therapist, clinic or agency on the list of “WITNESSES”.
3. If this occurred before the marriage, were you aware of it or was it concealed from you? If it was concealed from you, would you have gone through with the marriage if you had known about it?

Now that you have carefully considered questions 1-3 in section M, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

N. FAILURE OF THE MARRIAGE

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. When did the first serious problems begin to appear in the marriage? Please focus on the primary problems that led to the break-up of the marriage and describe these problems completely (try to relate specific incidents and specific times - for example, “the first really serious problem appeared in the first few months or the first year of the marriage and the problem consisted of...”). How did you deal with these problems?
2. Were there any attempts made to work together to resolve these problems? Please explain.

3. If substance abuse occurred, how did it affect the marriage, children, sexual relationship, job(s), running the house, etc.? Did it seem to be occasional or more deep-seated, pervasive, all-consuming, and seemingly inherent in the very being of the person affected? Please give examples.
4. Were there any problems with infidelity? If so, describe them. When did they occur and when did you learn of them? Were there any indications prior to marriage that this type of problem might occur one day? Were cultural influences involved (e.g. was one party from a different cultural background where it might have been acceptable for one party to be unfaithful while demanding fidelity of the other party)? Explain.
5. If infidelity occurred, did it seem to be occasional or did it appear more deep-seated, pervasive, all-consuming, and seemingly inherent in the very being of the person affected? Please give examples.
6. If infidelity occurred, were there any attempts to re-establish a relationship of which fidelity was a part?
7. During the marriage, did any family members/friends/counselors influence your decision to divorce? If so, were these people also divorced? Please explain.
8. Were there any separations during the course of the marriage? When did they occur? (First year, last, etc.) What caused them? How were they resolved? Please explain.
9. Describe completely the events which led to the final separation and the civil divorce process.
10. Why did the marriage last as long as it did? Please explain.

Now that you have carefully considered questions 1-10 in section N, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

O. ADDITIONS

Begin by reading and carefully considering the following questions. As you do so, think of the reason(s) why your marriage was invalid, and how your answers to these questions prove that your marriage was invalid.

1. Why have you submitted this petition? Are you in RCIA or anticipating a new marriage? Please explain.
2. What do you know about the Respondent's present circumstances, i.e., single, remarried, etc.?
3. Do you have anything to add which has not been covered, but which would enable the Tribunal of the Diocese of Colorado Springs to have as complete an initial picture of your marriage as possible?

Now that you have carefully considered questions 1-3 in section O, write a brief essay summarizing these questions. This essay will act as part of your overall argument.

P. SIGNATURE

Please sign and date this form, containing your testimony (allegations), in the presence of a Priest, Deacon, Auditor, Ecclesiastical Notary, or Notary Public. If it is more convenient for you, you may also bring this form into the office of the Diocesan Tribunal to have your signature witnessed. Anyone in the Tribunal office is authorized to witness your signature. When signing, please note that you are agreeing to the accompanying declaration of truth.

I swear that the allegations, documented above, are completely true and that NO untrue or misleading statements have been included.

Signature of Petitioner

Date

Witnessed by:

Signature of Witness
(Priest, Deacon, Auditor, Eccl. Notary, or Notary Public)

Printed Name of Witness

Date

Seal

NOTE:

BEFORE YOU SEND YOUR ANSWERS (DEPOSITIONS/ALLEGATIONS) TO THE DIOCESAN OFFICE OF JUDICIAL SERVICES, PLEASE MAKE YOUR OWN COPY OF THIS DOCUMENT AND KEEP IT FOR YOUR RECORDS.