



# DIOCESE OF COLORADO SPRINGS

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## INSTRUCTIONS TO GUIDE YOU IN COMPLETING THE PETITION FOR A DECLARATION OF MARRIAGE NULLITY IN THE ORDINARY PROCESS

(\* *LIBELLUS* IS YOUR PETITION AND ATTACHED NARRATIVE STATEMENT)

Dear Petitioner:

Please read these instructions before beginning to complete the Ordinary Process's petition pages and writing your narrative statement.

The whole petition portion is composed of 16 pages, however, most of the information required is biographical information. Please understand that **these are official Church documents and this is an official legal process of the Church**; therefore, your active participation throughout the process is required.

The term **Petitioner** refers to the person who introduces the petition and allegations of marriage nullity.

The term **Respondent** refers to the Petitioner's former spouse.

### I. PETITION (Page 1)

It is possible for both of you, the Petitioner and the Respondent, to submit the petition together; if both of you agree that the marriage is null and void from the very beginning and both agree on the reasons for the nullity of the matrimonial bond. For this reason, the Petition (page 1), has a space for the Respondent's signature. However, it is not absolutely necessary for you to procure their signature before submitting your petition. The case will proceed accordingly.

Please understand that it is very important that you provide us with accurate and current contact information for the Respondent. The process for the declaration of nullity pertains to the public good of the Church and **the Respondent has a due process right to be notified** that you are challenging the matrimonial bond, and has the opportunity to present their own testimony and witnesses in defense of the allegations that you make.

Please be aware that although **we will notify the Respondent of this process, we do not disclose to the Respondent your contact information.**

Also, if the Respondent does not reply to the notification or refuses to cooperate, the Respondent will be declared absent, and the process will proceed to its final conclusion.

In the petition, please indicate **the grounds** that you believe apply to your case. You can find a description of the grounds on page 8 of the petition. In this section on page 1, please state just the canon law number and its title. Also, please be sure to indicate whether the ground applies to you (on the part of the Petitioner) or your former spouse (on the part of the Respondent), or both (on the part of the Petitioner and the Respondent). (Example: Canon 1101.2, Exclusion of the Good of Children, both parties.)

**In the reasons section**, please *briefly* describe the nature of the problems that caused the civil nullity of the matrimonial bond. The reasons must be brief and to the point.

For instance, if the ground is on simulation against the good of children, you may write, *“I was consistently using birth control and contraception before and during the marriage.”* Or *“I never wanted or intended to have children.”*

Or, if the grounds are on simulation against the good of permanence, you may indicate, *“My parents divorced when I was 6 years old; I grew up believing that divorce was a normal part of life.”* *“All my friends and many of my relatives are divorced; I truly believed marriages could be dissolved at will.”*

Or, if the grounds are on simulation against the good of fidelity, you may write, *“I grew up experiencing the infidelity of my father (or mother); I thought infidelity was fine.”* *“I did not intend to be faithful to my spouse; I believed I had the right to establish other amorous relationships outside marriage.”*

These are only examples to show that you do not have to give an extensive or detailed explanation. A short and concise statement will suffice.

Please indicate the names of at least two witnesses and the facts to which they are expected to testify.

Lastly, sign the petition and have your Case Sponsor review and sign it as well. If the Respondent is cooperating, have the Respondent sign the petition, if possible.

## II. PETITION (Pages 2-16)

**Page 2**      Important points to keep in mind, please:

It is essential that you provide us with all the information requested in the *Petition* (pages 2 and the following). We need to have accurate and current contact information for you. **If you move to a different location during this process, please keep us informed**, so that we can send you notifications regarding your case to your new address.

Dates are very important. Please indicate the date of your baptism, if baptized, as well as the **complete address of the church of baptism**. We need this information to notify them if a declaration of nullity is granted. They will need to make a record of it in their baptismal registry.

### **Page 3**

Please provide the specific information requested, regarding dates and places (including complete addresses, if requested).

### **Page 4**

If the marriage was contracted outside of the Catholic Church and was convalidated at a later date, please complete the section regarding convalidation.

It is essential for us to know whether you and the Respondent are in regular contact. It will give us a better understanding of whether the Respondent might be willing to participate in the process.

It is also important for us to know whether you have established a new relationship and/or whether you have any plans to remarry in the Catholic Church. However, you need to know that having plans to marry in the Catholic Church will not change or speed up the process one way or another.

### **Page 5**

Please list all the marriages that you have had, whether religious or civil. We need to investigate the validity of all marriages starting with the very first one. It does not matter whether the marriage happened inside or outside the Church or whether you or the other person were unbaptized. The Church recognizes the natural right of the human person to marry; therefore, ***all marriages are considered valid and need to be investigated to prove otherwise.***

Please indicate in both sections whether you or your previous spouse have ever applied for a declaration of nullity in another diocesan tribunal, either for this or another prior marriage.

### **Page 6**

Please indicate whether you or your previous spouse has ever received, at any time during your lives, counseling from a licensed therapist, psychologist or psychiatrist. Depending on the nature of the counseling and the information provided by the therapist, psychologist or psychiatrist, your case may be tried under psychological grounds.

### **Page 7**

Please provide us with at least two witnesses who can testify on your behalf and are able to personally confirm any fact or facts that you present as ground(s) in your narrative statement. We need their contact information, so that we can contact them.

If there are any documents, in addition to those requested on page 6, (excluding your petition and narrative statement) please indicate which documents are included with your petition to the Tribunal for consideration.

## Page 8

Please read this page carefully; it contains a list of possible grounds under which your case can be tried. It is important that you indicate whether the ground(s) applies to you, the Respondent, or both.

At times, people want to check as many grounds as possible; *however*, this often presents a poor petition since the facts and proofs are not substantial or established for all the cited grounds.

It is recommended that you spend some time in prayer before choosing the grounds. It is recommended that you choose one or two—*three at the most*, and concentrate on presenting proofs (in your written narrative statement, documents, witnesses, etc.) and allegations that support the ground or grounds that you have chosen.

Additionally, please pray and consider your part in the failure of the marriage. If the marriage failed because of you, please do not hesitate to say that in your narrative statement.. We, the members of the Tribunal, are not concerned with how good a person is or was. We are concerned with determining the truth, facts and the validity of the marital bond.

There are some cases in which the Petitioner tries to blame the Respondent, however, during the investigation, and especially when the Respondent participates, it becomes clear that the Petitioner had much more involvement in the demise of the marriage. Sometimes, it can also become a “*he says, she says*”, in which the parties’ statements may be found of little value in the marriage nullity process.

In most of these cases, when the Petitioner refuses to take responsibility for one or more parts of the failure of the marriage, **the process becomes difficult and may lead to a negative decision.**

## Pages 9 and 10

**Your narrative statement** is very important. In this section, you tell us the story of your life (from birth; how things were growing up in the home and school; were there problems in the home; past dating experiences; when and how you and the Respondent met, started dating, and decided to be married; what happened during the marriage, etc.).

Please make sure to **type your narrative or print it legibly**. Please understand that having this basic information regarding the most formative years and events of your life while growing up and the relationship that you had with your parents and siblings is very important in discerning whether a trauma, an event, or a circumstance predisposed you to develop an erroneous conception regarding marriage and family life or whether such incidents, if any, deprived you of the basic capacity to give consent for marriage, understand or assume the essential obligations of the marital covenant.

It is similarly important for us to understand the Respondent’s development and whether a trauma, an event, or a circumstance might have affected their understanding of marriage and family life and/or whether such incidents, if any, deprived them of the basic capacity to give consent for marriage, understand or assume the essential obligations of the marital covenant also.

Please describe your dating and engagement history as best as you can; please provide dates and examples of difficulties (such as separations, discovery of acts of infidelity, additions of alcohol, drugs, pornography, etc.) that you both might have experienced during this period. The more information you present, along with corroborating witnesses, the stronger your case.

Regarding your marital decision, it is very important to know what your understanding of marriage was; did you know and believe that it was a permanent and indissoluble covenant, or did you see it as a mere social custom at the time of consent? Was it a friends-with-benefits relationship? More of a live-in roommate relationship? An open relationship where intimate sexual contacts with others was permitted and/or encouraged?

A wedding celebration is an important event. Please describe any problems or peculiar circumstances that you might have experienced during the celebration of your wedding. Was anybody late for the wedding? For what reasons? The moment around this celebration is often filled with emotions; please describe the emotional impact the wedding had on both you and the Respondent.

The marital history helps us determine whether any of the problems that were experienced during the marriage can be traced back to events that happened during your or the Respondent's childhood, adolescence and family of origin, or to any parts in your life up to the moment of consent.

**It is very important for you to understand that in the Catholic Church, we believe that marriage is a covenant formed at the time of consent.** Therefore, while in the civil forum, marriage is seen as a mere contract that may be broken at will by one or both parties, in the Ecclesiastical (Church) forum, marriage is a permanent and indissoluble covenant that can only be declared null if there is a reason that caused the bond to be defective from the very beginning. Problems that occur after marriage do not necessarily prove that consent was null from the beginning. However, when these problems can be linked back to similar problems/issues or experiences during one's childhood and/or adolescence (i.e., *before the consent*), it may be possible to declare the nullity of the bond. This is the reason why you need to provide us with full and in-depth information about your and the Respondent's development and family of origin.

The failure of the marriage happens for many reasons. However, we need a reason or reasons that can be traced back to before or at the moment of consent. Simply growing apart after many years of marriage does not prove that consent was null from the very beginning.

However, other situations, such as infidelity, which was present before consent, may prove that the unfaithful partner or spouse excluded fidelity from the marriage. Similarly, alcoholism, which became pronounced after several years of marriage, but which started while or before dating and/or the engagement, might prove that the person was somehow predisposed to become an alcoholic and thus may have been incapacitated, at the time of consent, to assume the essential obligations of marriage.

However, if the person manifests alcoholic-like behaviors after several years of marriage, but evidence states or strongly suggests that they never drank alcohol in excess before the consent, might not prove an incapacity; since alcoholism might be the result of increasing demands of a stressful life or other situations.

Nonetheless, please understand that every case has different circumstances and the members of the Tribunal spend a reasonable amount of time studying the case; gathering and examining witnesses' testimony; mediating on the circumstances that might prove the nullity of the marriage; researching jurisprudence regarding the grounds of nullity; and praying for guidance, so that the decision rendered may be a just one and is based on the presented facts, truths and sound jurisprudence.

**After completing your narrative, while signing your petition pages and narrative statement in the presence of a priest, deacon or your Case Sponsor/Advocate, please initial in the bottom righthand corner of each of the documents' pages.**

### **Pages 11 and 12**

Having a Case Sponsor or Advocate to help you make sure that the information that you present to the Tribunal is very important. We recommend that all persons who desire to submit a petition for a Declaration of Nullity for a previous marriage, contact one of the Case Sponsors/Advocates listed on the Diocesan Tribunal's web page ; it is preferable for you to contact and secure a Case Sponsor/Advocate from your parish, if they have one. If your parish church is unable to assist you in securing a Case Sponsor/Advocate, please contact the Office of the Tribunal and advise them. The Tribunal will then assist you in finding and contacting with a diocesan Case Sponsor/Advocate.

### **Pages 14, 15 and 16**

The *Agreement of Understanding* is an affirmation to the Tribunal that you understand the Catholic Church's Marriage Nullity process before the submission of your petition and narrative statement.

Additionally, in this era of electronic communications, the *Authorization for the Release of Information by Electronic Transmission* helps to ensure efficient and time-sensitive communication between you and the Tribunal.

If you feel comfortable sending and receiving information via email messaging, please complete this form in its entirety and return it with your case submission to enable us to communicate with you via this method.

Ultimately, electronic means of communication make the exchange of information between you and the Tribunal much faster (versus the U.S. Postal Service) and help us move your case in a more timely manner.

However, if you prefer to receive regular mail, we will accommodate your preference.

**Highlights regarding the Request for Marriage Nullity petition and narrative statement:**

- 1) Please start by choosing and contacting a Case Sponsor listed on the website; it is preferable that you choose one from your own parish, if possible.
- 2) Please help your case and our office by answering all the sections listed as completely as possible, indicating ages and dates at the time of any significant events.
- 3) *Please do not use Yes or No answers* because these are of little help in trying to understand your situation. The questions are meant to serve as suggestions for your reflection on these important areas of your life, your former spouse's life, and the marriage itself. Please give a very detailed explanation of your family's background and your character, courtship, the reason(s) for marriage/convalidation, and all the different problems encountered from the beginning of the relationship.
- 4) Please note that **the Narrative takes the place of your first deposition** (i.e., face-to-face sworn testimony to our Diocesan Tribunal. It contains your allegations concerning the failure of the marriage and the possible reasons which will support the alleged grounds of nullity on page 8. This is a legal document and process in the Catholic Church.

Before you submit your petition to our office, **please make copies of all these documents** and keep them together with your other important records for your own file retention and review.

- 5) Please be aware that after receiving and examining your answers, the Tribunal may ask you for a face-to-face interview or send you another supplementary questionnaire(s).
- 6) It is your responsibility to contact your witnesses, request their participation, and encourage them to answer the questionnaires sent to them as fully as possible, giving examples and dates where appropriate, and to return them promptly.
- 7) Please initial all pages where indicated, including the bottom of each page of your petition and narrative statement.
- 8) Please sign all pages where indicated.
- 9) If you have any questions or need assistance, please contact your parish's Pastor, Case Sponsor/Advocate, or the Diocesan Tribunal.
- 10) You or your Case Sponsor/Advocate may submit your petition, narrative statement, and required associated documents (i.e., baptismal certificate (if applicable); notarized or certified copies of your Marriage License or Certificate and court-ordered Divorce or Dissolution of Marriage, copy of ID credential, and Life/Event Timeline) to the Tribunal by U.S. Mail or by hand delivery to the diocese's chancery. Email submissions are not permitted.
- 11) Please be aware that **INCOMPLETE petitions CANNOT BE ACCEPTED** and will be returned to you or your Case Sponsor/Advocate.