THE METROPOLITAN TRIBUNAL & OFFICE OF CANONICAL AFFAIRS

ADVOCATE TRAINING PROGRAM

2014-2015
An Advocate’s Initial Steps in Preparation of Marriage Nullity Cases

I. Preparation of Marriage Cases: Initial Interview and Libellus

Pastoral Considerations

1.1 Introductory Thoughts

- The importance of the *libellus*.
- The importance of the initial interview, the use of the preliminary questionnaire and the long questionnaire to enter into the story of the Petitioner.
- The context of the New Evangelization and the universal call to holiness, while ministering to those in very difficult situations.

1.2 To be or not to be ... pastoral

- What does it mean to be an advocate in a marriage nullity trial? The advocate is member of the Tribunal in its quest to seek the truth about a particular marriage.
- The Tribunal strives to remain faithful to the teaching of the Church regarding marital indissolubility.
- Therefore, we must avoid any false pastoral approach. We must reject pseudo pastoral thinking, which says that we must tell people what they want to hear.
- The false dichotomy between pastoral approach and canon law.
- The true pastoral attitude is one that is in tune with the truth, since that is what the marriage nullity trial seeks to uncover. There is no room for misplaced compassion, which sees all on a purely horizontal plane, seeking to arrive at a declaration of nullity at any cost.
- As advocates and members of the tribunal we must respect truth and love in the application of canon law, since that is the true path to holiness.
1. Initial Interview

a. The need to establish a relationship of trust with the Petitioner from which the Petitioner receives encouragement.

b. The “initial interview” is actually a series of interviews, first to gain knowledge of the Petitioner’s life story; and later throughout the long development of a marriage nullity trial.

c. The advocate must be knowledgeable, confident and encouraging.

d. A special approach is needed with the non-Catholic who may not understand why he/she needs to submit to this process.

e. Catholics also bring to the table misunderstandings and fears. You will have to be caring, patient and compassionate in all cases and able to diffuse tensions.

f. Every encounter with a Petitioner or potential Petitioner should be transformed by your understanding of their dignity as persons, called to intimacy with Christ. You must approach them in the love of Christ.
As advocates, you will most especially be expected to do the following:

- Enter into the Petitioner’s story with compassion, recognizing the pertinent facts
- Recognize and focus on the type of case and the possible grounds
- Provide patient encouragement for the completion of the long questionnaire
- Review the questionnaire before it is submitted to the Tribunal, along with the libellus
- Prepare and write the petition or *libellus*
- Gather the necessary documents
- Assist in seeking and establishing the whereabouts of the Respondent
- Assist in seeking suitable witnesses
- Respond to the tribunal letters and requests
- Be truthful but compassionate
- Communicate with both the Petitioner and the tribunal
The following are other concerns you must be prepared to deal with:

- Instruct the petitioner about the teaching of the Church on the sacrament of matrimony, on separation, on divorce, on obligations to children and on remarriage
- Be attentive to ALL previous marriages, even of a former spouse, even civil or common law marriages or marriages between non-Catholics
- Give direction regarding admission to the sacraments of Penance and Eucharist if this becomes an issue
- Counsel regarding information to be shared
- Accompany the individual to the tribunal for depositions or review of the acts and sentence should the petitioner so desire
- Prepare briefs as needed throughout the process
In conclusion, the Advocate is the priest, deacon, or approved pastoral minister who represents a Petitioner before the tribunal (cc. 1481-1490), and is incapable of serving as a witness in the case (c. 1550). Therefore, in order to be free to serve as a witness, a person who has counseled either party or who can provide good insights into the personalities of the parties or their marital relationship should direct the Petitioner to another Advocate. Further:

- The advocate will need to use the Preliminary Questionnaire as a tool to gather the information needed to establish what type of case this will be.
- Both the PQ and the big questionnaire will be essential in helping you identify the grounds to propose and to draft the *libellus*. The big questionnaire will continue to be used for formal trials and this will be most helpful to you in writing the libellus.
- Let’s take a quick look at impediments, the different types of cases and then at the different grounds, which will be dealt with in greater detail in future sessions.
Existence of Impediment cc. 1083-1094

- 1083 – lack of age
- 1084 – impotence (absolute or relative)
- 1085 – prior marriage bond (ligamen)
- 1086 – disparity of worship
- 1088 – public perpetual vow of chastity in religious institute
- 1089 – abduction
- 1090 – crime (killing spouse of intended spouse)
- 1091 – consanguinity (all in direct line + 4th degree collateral)

Defect/Lack of Form cc. 1108-1127

Defect of Form
- 1108 -1111 - qualified official witness by office, delegation, or sui iures church
- 1118 – qualified official witness by place
- 1116 – before witnesses only
- 1108 -1127 – appropriate expression of parties

Lack of Form
- 1117 – absence of form
Some Brief Thoughts on Diriment Impediments

_Divine and Ecclesiastical Law._ Any factor or circumstance which prevents the celebration of marriage is an impediment, from the Latin _impedire_ (to stand in the way), and may be of two kinds, either merely forbidding the marriage or also invalidating the marital contract. The first type are prohibitive, the second diriment (_dirimere_ = to tear apart). Moreover the circumstance which either forbids or nullifies a marriage may be public or private, known or even unknown to the partners themselves.

What is the source of these impediments? The natural law, founded in the objective moral order and therefore binding on all persons, whether Christian or not; and positive or ecclesiastical law, determined by the Church as obligating all Christians who are not lawfully dispensed. Very few impediments come under the natural divine law and all of them are diriment, namely impotence that is certain and antecedent to marriage, the bond of a previous valid marriage (ligamen), immature age before a person has the use of reason, close relationship by blood (certainly between parent and child and probably between brother and sister). Other impediments, whether prohibitive or nullifying, are the result of positive Church legislation.

Not all diriment impediments are equally important or practical, yet all have direct bearing on the nature of marriage and explain the Church's solicitude to safeguard a contract on whose validity depends one of the sacraments and the consequent grace that husband and wife need to live out their married life successfully (cfr. Fr. John A. Hardon, S.J. “Moral Theology”).
From the Code of Canon Law:

Can. 1083 §1 A man cannot validly enter marriage before the completion of his sixteenth year of age, nor a woman before the completion of her fourteenth year.

§2 The Episcopal Conference may establish a higher age for the lawful celebration of marriage.

Can. 1084 §1 Antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or on that of the woman, whether absolute or relative, by its very nature invalidates marriage.

§2 If the impediment of impotence is doubtful, whether the doubt be one of law or one of fact, the marriage is not to be prevented nor, while the doubt persists, is it to be declared null.

§3 Without prejudice to the provisions of can. 1098, sterility neither forbids nor invalidates a marriage.

Can. 1085 §1 A person bound by the bond of a previous marriage, even if not consummated, invalidly attempts marriage.

§2 Even though the previous marriage is invalid or for any reason dissolved, it is not thereby lawful to contract another marriage before the nullity or the dissolution of the previous one has been established lawfully and with certainty.

Can. 1086 §1 A marriage is invalid when one of the two persons was baptized in the catholic Church or received into it and has not by a formal act defected from it, and the other was not baptized.

§2 This impediment is not to be dispensed unless the conditions mentioned in cann. 1125 and 1126 have been fulfilled.

§3 If at the time the marriage was contracted one party was commonly understood to be baptized, or if his or her baptism was doubtful, the validity of the marriage is to be presumed in accordance with can. 1060, until it is established with certainty that one party was baptized and the other was not.

Can. 1087 Those who are in sacred orders invalidly attempt marriage.
Can. 1088 Those who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

Can. 1089 No marriage can exist between a man and a woman who has been abducted, or at least detained, with a view to contracting a marriage with her, unless the woman, after she has been separated from her abductor and established in a safe and free place, chooses marriage of her own accord.

Can. 1090 §1 One who, with a view to entering marriage with a particular person, has killed that person's spouse, or his or her own spouse, invalidly attempts this marriage.

§2 They also invalidly attempt marriage with each other who, by mutual physical or moral action, brought about the death of either's spouse.

Can. 1091 §1 Marriage is invalid between those related by consanguinity in all degrees of the direct line, whether ascending or descending, legitimate or natural.

§2 In the collateral line, it is invalid up to the fourth degree inclusive.

§3 The impediment of consanguinity is not multiplied.

§4 A marriage is never to be permitted if a doubt exists as to whether the parties are related by consanguinity in any degree of the direct line, or in the second degree of the collateral line.

Can. 1092 Affinity in any degree of the direct line invalidates marriage.

Can. 1093 The impediment of public propriety arises when a couple live together after an invalid marriage, or from a notorious or public concubinage. It invalidates marriage in the first degree of the direct line between the man and those related by consanguinity to the woman, and vice versa.

Can. 1094 Those who are legally related by reason of adoption cannot validly marry each other if their relationship is in the direct line or in the second degree of the collateral line.
At the time of your prior marriage, were you or your former spouse baptized Catholic?

We were both Catholic
  - Were you married before a Catholic priest or deacon? Were you married in the Catholic Church?
    - Yes to both: Formal Trial
    - No to both: Lack of Form

One of us was Catholic
  - Were you married before a Catholic priest or deacon? Were you married in the Catholic Church?
    - Yes to both: Formal Trial
    - No to both: Lack of Form

Neither of us was Catholic
  - Was your former spouse married before? Was that former spouse still living when you were married?
    - Yes to both: Possible Dispensation or Dismissal, otherwise
    - No to either: Were either of you baptized?

  - Were you married in an Orthodox Church?
    - Yes: Formal Trial
    - No: Lack of Form

  - Did you receive a Dispensation from Form?
    - Yes: Favor of the Faith
    - No: Lack of Form

  - Was one of you unbaptized?
    - Yes: Favor of the Faith
    - No: Formal Trial

  - Do you want to become Catholic?
    - Yes: Formal Trial
    - No: Favor of the Faith

* Lack of Sacred Rite
MARRIAGE NULLITY CASES

- IMPEDIMENT
- LACK OF FORM
- CONSENT

CAPACITY
- Lack of Due Discretion (LDD)
- Inability

WILL
- Simulation (Canon 1101)
  - Total Simulation
  - Partial Simulation
  - Non-inclusion (Canon 1055)
- Conditioned Consent (Canon 1102)
- Force and Fear (Canon 1103)

KNOWLEDGE
- Ignorance (Canon 1096)
- Error (Canon 1097)
- Fraud (Canon 1098)
The *libellus* in marriage nullity cases

3.1 Who is the subject of the *libellus* in a marriage nullity case?

Can. 1674 prescribes: “the following are capable of impugning the validity of a marriage: 1. The spouses themselves; 2. The promoter of justice, when the nullity of the marriage has already been made public, and the marriage cannot be validated or it is not expedient to do so. This initial petition to impugn the validity of a marriage is done through a *libellus* or *escrito de demanda*. This is what sets the whole process in motion. Without this, the case cannot be considered or accepted by the Tribunal.

Here, we will consider only the right of the spouses to impugn or challenge the validity of their marriage. The spouses may impugn the marriage separately (individually), or in combined way. The law states that “if both parties are seeking a declaration of the nullity of the marriage, they can name for themselves a common procurator or advocate” (D.C., Art. 102).

It is established that only in marriage nullity cases can the spouse or spouses choose to proceed to trial alone, without the services of an Advocate. But such a party stands at a disadvantage, because during a marriage nullity trial no one except the Advocate has the right to inspect the judicial acts before publication (C. 1678) and to otherwise examine documents produced by the parties. For that reason it is best to ask the parties to name an Advocate, but also because marriage nullity trials require specific skills since the Advocate is in fact a collaborator of justice. The advocate plays a very special role in helping the Court arrive at the truth of the matter, which is the object of the process.
3.2 What is the form of the *libellus*?

With regard to the form, the *libellus* is always written. There is an exception, since can. 1503 §1 prescribes that the *libellus* may be also oral but only in the following cases: a) Whenever the plaintiff is impeded from presenting a petition; b) when the case can be easily investigated and is of minor significance.

In both cases, however, the *libellus* must be transcribed and recorded by a notary and this written record is to be read to the Petitioner and signed by the Petitioner. So, in short, it is always written.

3.3 What are the necessary elements of the *libellus*?

What does the *libellus* look like? A first general look shows us that the *libellus* is divided into four parts.
1. *Subjective elements*

A) *Quis petit* – who is making the petition? The person who asks that the law be applied through this trial is the Petitioner. It is necessary to write his/her first and last name, his/her date and place of birth and his/her current address. Since this is regarding marriage nullity, the information of the other party to the marriage, the Respondent, needs to be included, as well as the marriage information, that is, where did the marriage take place.

B) *A quo petatur* - against whom is the petition being made? This may be the Respondent, or if the Respondent also agrees that the marriage should be declared null, this petition is made against the norm which protects the indissoluble character of the matrimonial bond. This is the presumption of law which says that the marriage is valid until it has been otherwise proven (c. 1060).

C) *Coram quo* – that is before whom is this being requested? The Petitioner is asked to send the libellus to the Bishop or the Judicial Vicar (c. 1504, 1), as in our case, and it comes to one of the judges of the Tribunal.

These subjective elements are necessary in order to be able to establish and verify the competence of the Court, as we will see below.
2. **Objective element**

The objective element is the practical petition or *petitum*. It is important to write in a very concrete way the object of the dispute. In other words, it is necessary to clearly write that act requested of the Court by the Petitioner. For example: I request the nullity of this marriage due to my total simulation, and the Respondent’s exclusion of children at the time of the wedding. It is not enough to simply ask for a declaration of nullity, nor is it necessary to present a technical explanation of the proposed grounds.

3. **Juridical element**

The Petitioner must express the foundation in law of his/her petition, which is known also as the *causa petendi*. The *libellus* must indicate the law upon which the Petitioner bases the case and, briefly, enumerate the facts and the proofs demonstratively supporting what the Petitioner is claiming. The *causa petendi* consists of two elements:

A) **Law or normative element**: the petition must be based on the law, therefore, it is necessary that the Petitioner, referring to canon(s) should explain the juridical elements supporting his/her petition (c. 1504, 2, c. 1677 and D.C. art. 135 §3).
B) **Factual element**: the Petitioner must write the concrete facts and the circumstances that support the petition. It is useful that the presentation of the facts follow in summary fashion a chronological order. The Petitioner must enumerate the facts beginning with the parties’ life before the marriage and ending with the conjugal life. The following would be the main points to consider: a) parties’ family background; b) parties’ childhood and adolescence; c) parties’ personality and character; d) parties’ courtship or engagement period; e) the wedding day and honeymoon; f) conjugal life; final separation and divorce. It is necessary to present only those facts that will be useful for giving a basis to the ground being alleged.

Regarding this presentation of the facts, it is sufficient that it be made in general terms (**generatim saltem**), and indicate the facts and proofs upon which the allegations are made (c. 1504, 2). If documentary proofs are to be provided, it is best if these are presented along with the *libellus*. If witness testimony makes up the proofs, a list of names and addresses should be provided with the *libellus*. In any case, there is sufficient opportunity to present proofs throughout the process, even after the closing of the period for providing proofs. The Judge, when examining the *libellus*, shall recognize the *fumus boni iuris* (presumption of sufficient legal basis) precisely in the true relationship between the facts set forth in the *libellus* and the law invoked. If the relationship does not exist, the petition should be rejected (c. 1505 §2 n. 4).

For example if I ask the Court to investigate marriage nullity due to exclusion of children on the part of the Petitioner, I cannot write facts or offer proof that the Petitioner actually wanted children or perhaps suffered consensual incapacity. In this case, the inexistence of the *fumus boni iuris* would be clear, that is, there would be no legal basis for the petition. If I were alleging that the Petitioner excluded the good of children, it would make better sense refer to facts before and after the wedding that show the Petitioner’s exclusion of children.
Once the competence of the Court has been established, the acceptance or rejection of the *libellus* must be established as quickly as possible. There are circumstances where the *libellus* is automatically accepted once the time limits have run out with no action from the Court. The petition must be rejected when the following elements are missing: the Tribunal that the petition is being presented to is not named; the marriage to be considered by the Court is not named; the reason or grounds for the petition against the validity of the marriage is not proposed; the proofs to be used are not presented with the petition; the petition is not signed by the Petitioner or by the Procurator/Advocate, or the addresses of the parties are not included. The Petitioner is given an opportunity to remedy the issues in order that the petition can be considered again by the Court.
Lastly, the *libellus* must be rejected when it is certainly deduced from its content that the petition lacks all legal basis and there is no hope that any legal basis will emerge during the instruction of the case. It is clear that the nullity of this marriage can never be declared. If this is not clear, and there is only doubt and lack of clarity about the legal basis, some sort of short investigation can be initiated to determine whether to accept or not the petition. There is a possibility of recourse against a decree of rejection of a *libellus*. This must be presented within ten useful days. This measure should be something very rare, and should never become a habit and is not an issue when the *libellus* is well prepared.

4. *Request*

Finally, the last element of the *libellus* is the request of the intervention of the Judge. This element serves to formally ask the Judge for a just solution of the dispute.
Other ancillary issues

**Competence**

Once the *libellus* is completed and signed it is presented to the Judicial Vicar who then designates the Judges and the Defender of the Bond who will hear the case. Normally, three judges are appointed, although in special cases up to five judges can make up the Court. Once the Court has been designated, the first task of the judges is to determine whether to reject or accept the libellus, as explained earlier.

Still, the issue of the competence of the Court to hear the case must be quickly resolved. Many times, cases get bogged down in this step due to difficulties in gaining or determining competence. Let’s go over the different possibilities in more detail.

Regarding the competence of the Court in cases of marriage nullity, we refer to c. 1673 that prescribes: the following tribunals are competent in cases concerning the nullity of marriage which are not reserved to the Apostolic See: 1. The tribunal of the place where the marriage was celebrated; 2. The tribunal of the place where the respondent has a domicile or quasi-domicile; 3. The tribunal of the place where the Petitioner has a domicile, provided that both parties live within the territory of the same Bishops’ Conference, and that the judicial Vicar of the domicile of the respondent, after consultation with the respondent, gives consent; 4. The tribunal of the place in which in fact most of the proofs are to be collected, provided that consent is given by the judicial Vicar of the domicile of the respondent, who must first ask the respondent whether he or she has any objection to raise. There is no real hierarchy among these tribunals and competence is established once the conditions requested by law are verified in each case.
Whereabouts of Respondent

The former spouse, or Respondent, has the right by law to participate in an investigation of the marriage and the right to name witnesses. The current and complete address of the former spouse must be included in order for the Tribunal to contact him/her and offer the opportunity to participate. If the address is not available, or the whereabouts are not known, the last known address together with the name and address of a family member may be given. The efforts of the petitioner to find an address of the Respondent must be documented by you and the Petitioner. The Respondent is allowed a specified time in which to reply, and actually there are several attempts to contact him/her throughout the process.

Witness List

It is essential that witnesses be provided. Witnesses are persons who knew the spouses during their courtship and marriage and thus may be able to offer insights as to why a given marriage has failed. Witnesses may include parents, relatives, or close friends of the couple. The tribunal contacts witnesses by mail, using questionnaires although it is foreseen that we will transition to personal depositions whenever possible. For the moment, there may sometimes be attempts to cite them to personal interviews. Marriage counselors and other professionals may also act as witnesses, but when they do so, they require a release signed by the person about whom they are giving information. Witnesses are more likely to participate if their cooperation has been secured beforehand; therefore, the party submitting the witnesses' names should notify them that they will be contacted by the tribunal. The Petitioner or Respondent should never attempt to direct the answers of the witnesses, but merely inform them that they will be contacted by the Tribunal and should respond promptly. It’s a good idea to have the witnesses keep a copy of testimony, at least as long as the trial is ongoing.
II. Overview Libellus and Questionnaires

• Sample *libellus*
• Preliminary Questionnaire
• Long Questionnaire
LIBELLUS
(Petition for the Declaration of Marriage Nullity)

I. THE FACTS

1. I, Joseph Cunningham, a baptized Catholic, born on 14 August 1967, domiciled in Fort Collins, Colorado 80527; under the direction of my Advocate, Deacon Charles De Gaulle, declare the following before the Metropolitan Tribunal of the Archdiocese of Denver regarding my marriage with Monica Schultz, a baptized Catholic, born on 24 April 1964, and who is domiciled in Fort Collins, Colorado 80522.

2. I entered canonical marriage with Monica Schultz at Holy Cross Church in Santa Barbara, California, on 10 July, 1999. We dated about one year and were engaged for about that long, during which time we cohabitated for about one year. This cohabitation was a deliberate and conscious decision so that I could get to know her and this supported my decision to marry.

3. I was raised in a family of four which included my parents and two siblings. Monica was raised in a family of four which included her parents and a sister. She was raised and schooled in France before the family moved to Southern California. There was some turmoil and dysfunction in the family history. The main difference between our families of origin is that marriage and fidelity is valued differently.

4. We met when I was 24 and the Respondent was 26 while taking a business class together during graduate schooling. The relationship was interrupted after about eight months of dating, due to the matriarchal tendencies I noticed in her family but we continued after several months and I realized I was in love with her. Despite the warning signs of her matriarchal tendencies and her financial insolvency, I decided to proceed to marriage. We had a financial pre-nuptial agreement due to the Respondent’s expressed desire for a “safety net” should the marriage fail. After we married, the problems centered on finances, anger, love and practice of religion. We entered into marital counseling to try to overcome these problems. I intended for this to be a lifelong union, but the Respondent expressed her opinion that a marriage should end should either party be unhappy. As regards fidelity, she ultimately changed from being a monogamous partner, to choosing another person to invest her time with, with complete disregard to morality. I abhor the destruction and infidelity she caused through the divorce. I have learned to forgive the person whom I loved more than any other, despite her expressed desire for a divorce at the end.
II. *IN IURE*

1. The following canons are applicable to the present case:
   a) Canon 1056, which reminds us that one of the essential properties of marriage is indissolubility, without which it would not be a true marriage.
   b) Canon 1101, §2 affirms that the person who celebrates marriage having excluded with a positive act of the will the property of indissolubility does so invalidly.
   c) This Tribunal is competent in accord with c. 1673, §1, since this is the place where the marriage was celebrated.

2. Further, in accord with c. 1504, 2, I have agreed to present those elements of proof that will support my contention that this marriage is invalid, which includes witnesses as noted on the included witness list. I propose that the remote *causa simulandi* is found in the values she received in her family upbringing where marital indissolubility was not valued or taught; the proximate *causa simulandi* is found in the fact that she engaged in lesbian relationships before and after the wedding; the *causa contrahendi* is found in her desire to maintain normal appearances, but her immoral behavior during the marriage and her unwillingness to change her behavior, I believe, speaks tomes. These facts, along with her premarital statement that divorce is acceptable, her insistence on a prenuptial agreement and her decision to divorce me despite my wishes, all indicate her exclusion of indissolubility at the time of the wedding.

I also have documentary proof in the form of personal letters written by the Respondent before the marriage. Also included is a signed mandate, which in accord with c. 1484 designates Deacon De Gaulle as my Advocate. All pertinent documentation is also included.

*Wherefore*

I, Mr. Joseph Cunningham, now turn to this Metropolitan Tribunal of the Archdiocese of Denver and asks that this marriage with Monica Schultz be declared null and invalid due the exclusion of the indissolubility of marriage, c. 1101, §2, on the part of the Respondent.

Fort Collins, Colorado
14 April 2014

________________________
Mr. Joseph Cunningham
Petitioner
III. THOSE WHO REQUIRE A DECLARATION OF NULLITY

You need a declaration of nullity:

1. If you were married in the Catholic Church previously, have divorced, and now seek a second marriage in the Church.
2. If you are Catholic and were married previously outside the Church.
3. If you are not Catholic, were previously married, and are now seeking to marry a Catholic in the Catholic Church.

Please note that a Common Law marriage may be relevant under any of the above headings if there is proof, that is, if a divorce decree for that union was obtained.

IV. WHO CAN APPLY FOR A DECLARATION OF NULLITY?

The following can apply for a declaration of nullity in the Archdiocese of Denver:

1. Only one of the spouses (parties) of the marriage may apply.
2. Only Catholics, those seeking to become Catholic, or those seeking to marry a Catholic in the Church may apply.
3. If the marriage in question took place within the geographical territory of the Archdiocese of Denver, either party may apply.
4. If both parties now live within the Archdiocese of Denver, either party may apply.
5. If only your former spouse lives within the Archdiocese of Denver, you may apply.
6. If only you live in the Archdiocese of Denver and your former spouse lives in the United States (excluding U.S. territories), the Tribunal of Denver may accept your case if the Judicial Vicar of your former spouse's local diocese grants permission.
7. The last possibility is if the majority of the witnesses you list live within the Archdiocese of Denver. However, your former spouse may object or his/her Judicial Vicar.

V. YOUR RESPONSIBILITIES

1. The marriage nullity process MUST BEGIN AT THE PARISH LEVEL. If you have not already done so, please select a priest or deacon who will act as your advocate and assist you in preparing your petition to the Tribunal.
2. Complete all the required documentation. TYPE OR PRINT LEGIBLY.
3. Sign your petition after you have read the Information Summary and the Statement of the Petitioner. Have your signature witnessed by your Advocate.

4. You must obtain certified copies of your baptismal certificate (issued within the last six months), marriage certificate, and your civil annulment/divorce/dissolution decree. If you take the originals to your Advocate, he can copy and certify them.

5. Indicate who your witnesses will be in the spaces provided. You must advise them beforehand that they will be presented as witnesses, and that the Tribunal will be seeking their testimony. It is important that the witnesses you list have already agreed to cooperate with the Tribunal on your behalf.

6. List a current address for your former spouse. If this is unknown, you must present actual proofs of the reasonable efforts you have made to obtain this address.

7. If you change your address at any time throughout the duration of this process, it is your responsibility to inform this office in writing.

8. If, at any time in the process, you wish to select a different Advocate to assist you, or if he is transferred, it is your responsibility to inform this office so to the name of the new Advocate who will be assisting you.

If any of the above information is missing, we cannot accept your petition. It will be returned to you or your Advocate immediately.

We must have adequate information in order to accept your petition. If we feel we need more information, we will contact you.

VI. IF YOUR PETITION IS ACCEPTED

1. Once your Formal Petition is received, you become the Petitioner. You will receive notification from this office regarding the names of the court officials who will be handling your petition.

2. When the Court accepts your Formal Petition, you will receive a letter explaining the proposed ground(s) or reasons why your marriage may have been non-binding.

3. Your former spouse (referred to as “the Respondent”) will be contacted by this office and notified that you have petitioned for a declaration of nullity. The Respondent will also receive information regarding the court officials and the proposed ground(s). Both you and the Respondent have equal rights in this process, and it is our responsibility to explain this to him/her.

4. If we fail to contact the Respondent, any decision rendered can be overturned. Once the Respondent is contacted, he/she can choose to participate in the proceedings or not. The Respondent is free to give testimony and name witnesses. If he/she refuses to do so, this does not stop the process. The Respondent does have the right to know what has been alleged and the names of those witnesses that are testifying.

5. Our decision will be based on the information that 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 to provide assistance or additional witnesses. If the Court experiences other problems with your case, both you and your priest/deacon will be contacted.

2. Once all of the information has been gathered, the case will be 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 WRITING or BY PHONE ONLY. In order to ensure confidentiality, we DO NOT offer any statement regarding the status of a case to anyone via email.

3. Before the Court reaches its decision, the case will be presented to the Defender of the Bond who will propose the reasons which support the validity of the bond of marriage. Next, the Court (usually composed of three judges) will issue its decision. This decision will be either affirmative or negative in relation to the specific ground(s). An affirmative decision means that sufficient evidence existed to grant a declaration of nullity. A negative decision means that there was insufficient evidence and the Church will continue to presume that a valid bond exists between you and your former spouse. Both parties can read the text of the final decision at the appointed time, under the supervision of tribunal staff, and, if necessary, appeal the Court’s decision to an appellate tribunal in the Archdiocese of Philadelphia or to the Tribunal of the Roman Rota.

4. IF AN AFFIRMATIVE DECISION IS RENDERED IN FIRST INSTANCE, it is automatically reviewed by the Appellate Court (Second Instance), which is located in the Archdiocese of Philadelphia. If the affirmative decision from the First Instance is ratified (approved) by Second Instance, it becomes EFFECTIVE. At this point, a person is considered free to remarry.

5. At times, the Court in Denver or in Philadelphia may decide that, even though a person may be free to remarry following a declaration of nullity, it is apparent that the problems of a person’s prior marriage may still be present. In order to ensure that a strong foundation exists for a new marriage, either Court may require counseling or some other conditions be fulfilled before a new marriage may be contracted in the Church.

6. IF A NEGATIVE DECISION IS RENDERED IN FIRST INSTANCE, the parties may appeal the decision within fifteen (15) days of the notification.
VIII. HOW LONG DOES THE PROCESS TAKE?

There is no way to say how long the process takes; however, we can say that it is lengthy and requires the cooperation of all those involved, especially in gathering the necessary witness testimony and official documents. The sooner we receive your testimony and your witnesses' testimony, the sooner we will be able to resolve your case.

PLEASE NOTE: Your case must receive two (2) AFFIRMATIVE DECISIONS before you can plan a marriage. Please do not enter into pre-marital instruction or make definite plans for a wedding ceremony.

This office cannot be held responsible, nor will it be pressured by arrangements made, if the above notice is disregarded.

IX. COST OF THE MARRIAGE NULLITY PROCESS

The Archdiocese spends an average of $1,500.00 to process each marriage nullity case. We ask that you help defray this cost by paying:

1. A $25.00 filing fee, which was to be included with the Preliminary Questionnaire;

2. A processing fee of $550.00, which can be paid in full or in twelve monthly installments;

3. An Appellate Court fee of $100.00, which will be requested at the time your case is submitted to the Appellate Court (Second 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.

We do not wish to impose 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.

X. CONCLUSION

The staff of the Metropolitan Tribunal realizes that the marriage nullity process is long, painful, involved, and demanding. But, it may also serve as a healing process which will help you and your former 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 MARRIAGE NULLITY PROCESS.

LIBELLUS
Petitioner's Questionnaire

INSTRUCTIONS:

1. Remember that this is an interview on paper.

2. Please read the Information Summary before you proceed to answer the questionnaire. Please sign all pages, where indicated.

3. Please print or type your responses on 8 1/2" x 11" paper. Write on one side only and number the pages. Do not answer the questions by writing on this form.

4. Please answer all the questions as completely as possible.

5. Do not use Yes or No answers. These are of little help in trying to understand your situation. The questions are meant to serve as suggestions for your reflection on these areas of your life, your former spouse's life, and the marriage itself. Please give a very detailed explanation of the courtship, the reason(s) for marriage/convalidation, and all the different problems encountered from the beginning of the relationship.

6. Do not discuss your answers with anyone as this could jeopardize the case.

7. The collection of your answers to these questions is your deposition; they are your allegations concerning the history of the marriage. This is a legal document in the Church. Before you send your deposition back to our office, PLEASE MAKE COPIES of this document and the Statement of the Petitioner, and keep them together with the Information Summary and this Questionnaire with your other important records.

8. Please be aware that in accord with Canon Law, you and your former spouse have the right to view each other's allegations before the conclusion of this case, along with witness testimony. Only in cases of very serious danger may your testimony be withheld, and this is done at the Judge's discretion.

9. Please keep the INFORMATION SUMMARY at hand - both will be a great help to you during the marriage nullity process.

10. If you have any questions or need help, please contact your Advocate or check your INFORMATION SUMMARY.
II. DOCUMENTS YOU SHOULD SEND TO OUR OFFICE FOR THIS PROCESS:

a. Petition (page 17)
b. Statement of the Petitioner (pages 18 and 19)
c. Depositions/Allegations/History of the marriage (answers to the questionnaire)
d. List of Witnesses (non-experts and experts) (pages 20 and 21)
e. Certified copy of the Marriage Certificate
f. Certified copy of the Divorce/Dissolution/Civil Annulment decree
g. If you are Catholic, your baptismal certificate (issued within the last six months); if not Catholic, any proof of baptism is optional and will be accepted
h. Catholic Baptismal Certificate of the Respondent (issued within the last six months)

Note: A certified copy is the copy issued to you by the court/church with their seal on the document or a copy of these documents issued by the court/church and notarized by a Notary Public or your parish priest with the church's seal.

THIS PETITION CANNOT PROCEED IF ANY OF THE ABOVE DOCUMENTS IS MISSING.

A. Family Background

1. Briefly describe your family background, including a description of your parent's relationship, your relationship with your parents and your relationship with your brothers and sisters.

My father was third or fourth generation Irish with a mother who came from Germany after World War II. I grew up in a northern suburb of Chicago. My mother was third generation Irish of both her parents. They had 6 children. I am the second oldest. I have 5 sisters. I believe I had a good relationship with my parents and siblings. My parents had a good marriage. They remained together from the time that they married in 1928, until my mother died in 1960.

2. What is your overall opinion of your childhood and adolescent years in relation to your family, friends and school? Make note of particular events/problems.

I believe that my adolescent years were normal. I had a couple buddies in the neighborhood. I did not really remain close with them after grade school and then went off to the public school.

My mother and grandmother wanted me to become a priest. I did not really know what I wanted; I was 12 years old. And so, I attended a small seminary in a northern suburb of Chicago for my freshmen year in high school.

The summer just prior to leaving for high school, however, I met a girl with whom we became friends. I remember it as an innocent puppy love. I then went away to the seminary. I later learned that she had become pregnant by a boy in the sophomore class at her school. That was the last I heard about that.

During my freshmen year, I decided that I was not interested in continuing a path to the priesthood; I was interested in girls. I then attended a Catholic high school. I do not recall having any close friends the first year at the Catholic high school. Later, I had a couple friends in high school in my junior and senior year. I had a friend in my senior year that influenced me. I then started smoking tobacco occasionally. Also I started drinking alcohol and smoking marijuana in my senior year of high school; he was not a good influence.

Not did I have any girl friends in high school. I did double date with a couple times in my senior year, but it was always difficult for me to talk with girls. I was pretty shy and tended to be more comfortable in being by myself.

3. What is your educational background?

I attended Catholic grade school and Catholic high school. I attended a two-year college for one semester, and took a job instead for the second semester. I attended a Catholic University for one year, but academically, I did poorly.

After I met Susan (my future spouse), I went back to college. I attended a different two-year college and graduated with an associate degree in engineering. We then married and had our first and second child while I attended a university. I then took a job that allowed me to continue my education, so I attended the university and finished school with a BA degree in engineering.
4. Are there any instances of divorce in your family? If so, did they influence your attitude toward marriage and divorce?

I recall that my father's cousin had been without a husband. I do not recall the details. My father's sister was married to a man who was not the father of her daughter. There, I also do not recall the details. All my sisters married before me. Prior to my marriage, there were no instances of divorce in my family. Subsequent to my divorce, however, two of my sisters divorced.

I also had a cousin who separated and divorced her husband while I was dating Susan. But I was not in close contact with her at that time. I learned later that they had reconciled and remained married today.

In all, I do not think that my cousin's situation had any influence on my decision to marry or attitude toward divorce.

5. Are there any instances of physical or sexual abuse occurring during your childhood or adolescent years?

No, there were no instances of physical or sexual abuse during my childhood.

6. Have you had a homosexual experience during your adolescent years or at any time in your life? If so, what effect or bearing did that have on your decision to marry, or on the marriage itself?

No, I know that I have no attraction physically to a member of my gender. I have always been attracted to women.

7. Please answer all the above questions (1-6), regarding your former spouse and his/her family background.

She grew up in a northern suburb of Chicago. Her family has three siblings. She is the second oldest. She has an older sister and a younger brother and sister.

She had a father who was of Mexican descent and who worked for the Chicago Transit Authority. Her mother is of Nayaritian descent, and worked as a clinical technician. I understand that she had a good relationship with her parents and siblings. I believe that her parents had a good marriage. They remained together from the time that they married in 1965, until her father died in 1995. I know little of my former spouse's adolescent years. She did tell me that she had had several high school boyfriends.

She attended grade school and high school in a northern Chicago suburb. After high school graduation, she worked and traveled, and lived in other states. After we married and had our first child, she returned to school to obtain a two-year technical degree in occupational therapy.

I recall that her sister and two aunts were divorced. I do not know, however, if their divorces influenced her attitude toward marriage and divorce; it may have. I do recall a conversation in which I stated before we were married, "if the marriage did not work out, that divorce was an option."

I have no knowledge of any physical or sexual abuse in her family.

I have no knowledge of any homosexual experiences that she may have had.

8. In answering these questions, do you note significant differences in the two families? Please explain.

Both families were working middle class families.

My family attended Mass weekly and attended Catholic primary and secondary school. The family did not attend Mass weekly and attended Catholic school. Her family did not attend Mass with regularity, except when her mother who attended weekly. Nor did she or her siblings attend Catholic school.

Neither my former spouse nor I were practicing our Catholic faith when we met, dated and were married. Nor did we practice our faith during our marriage.

At the time, I think I was close to her parents, but not so much her sisters and brother. I am not sure how they felt about me, being with their sister. I think they kind of 'put up' with me, but there were no hostile comments or treatments.

And then there is my mother; my mother did not like Susan. I think she was critical of her; that she was not the person for me. But it was really that pointed that out to me, "I don't think you're mother likes me." She said this several times. When I 'looked for signs,' my mother, indeed, would be "put out" if we were making holiday family visitation time. They never really warmed up to each other; this was more evident after the children were born.

B. Courtship

1. How old were the two of you when you started dating each other?

We met just after Christmas in 1976. I was 24 years and she was 23 years.

2. How old were the two of you when you were married?

We married on May 27, 1976. I was 25 years and she had just turn 25 years.

3. How did you and your former spouse meet and start dating?

We met at a bar in Chicago. She was with a girl friend and I was with a couple friend. She was visiting her family for the Christmas holidays. She had just ended a relationship in Santa Fe, NM.

We saw each other a few times over the next couple weeks. Then, in February, she went back to Santa Fe and then to New York. She returned to Chicago after a few weeks and lived with her parents and that's when we began dating.

Between the time she left for Santa Fe and later Chicago, I had not communicated with her or her with me. I heard from her, after she returned; she called me.

At the time we met, I was interested in her, interested in pursuing her. I was enamored by her personality, her attractiveness, and her energy.

When she called me, I thought that she was interested in me. I later found out, that she was absolutely looking someone else at the time. (At the end of our marriage, she left me and went back to her husband.)

4. While you were dating, were there any particular problems or interruptions? How did you deal with these problems and/or interruptions?
I do not recall any periods of interruption or specific problems. We would argue, have disagreements often. One of would 'cube' in; in fact, to keep pace and to keep her, I would have to 'cube' in most of the time. I did not want to lose her, and would do most anything to hold onto her.

I know I would get frustrated with her, not understand her point, and then just cave in. She would become frustrated with me, too. Being an engineer, I tended to be more factual; I had problems with the emotions or the intangibles of her thoughts. She could not understand why it was that I did not accept her feelings on issues. These would cause both of us to shut down and walk away.

5. How long did you date before you became engaged? How long were you engaged before you were married?

We dated for a year before we became engaged in January 1978, and were married in May 1978.

6. Describe the level/quality of communication at the time you decided to get married. Was it honest and open, for example?

I thought that we had open communication, in reality, however, we had some major differences in the way in which we dealt with things. I wanted her to see things clean and simple, to see things my way. She would say that I "wasn't listening to her." Looking back, in truth, I wasn't. I did not want to get bogged down with the emotion. As I recall, I think one or the other of us would storm out the room, frustrated.

7. Prior to contracting marriage, did you and your former spouse cohabitate? If so, for how long?

Yes, we moved into an apartment together after we dated for approximately 8 months. We cohabitated about 8-10 months; and then we lived together in that apartment through the first 8 months after we married. The reason that we cohabitated was that she was living with her parents and wanted to move away from them. It was her initial move in this and I simply went along with it. I had never lived with a woman before. At the time, it seemed fun and exciting. Actually, I wasn't thinking of marriage at the time; I just envisioned the 'benefits' of being with her, her company, our sexual intimacies. In those days, I didn't give any real thought about the moral implications to her or myself.

8. How responsible were you for your own lives at the time of marriage? Do you feel that you had the freedom and sense of responsibility for a foundation for marriage?

As noted above, I was living with Susan prior to the marriage. I was working full time in Chicago. Before we cohabitated, she was just living free and easy, and with her parents supporting her for the greater part. After we moved in together, she began working. At the time, I think we may have had a sense of 'responsibility' in regards to our financial and personal independence, but I am not totally sure. It was a time when both of us were 'catching' onto each other. Living together brought about an excitement and excitement I had never experienced before.

Looking back, I believe that I was quite selfish, wanting to continue to live with the independent freedom of a bachelor, even though we were cohabitating.

10. Had you completed the things you wanted to do as a single person (e.g. education, travel, job experience, etc.)?

No. I had wanted to finish my college education in engineering, but wanted to get married, right away. It became more difficult for me; I had to completely change my plans and

my schedule, having to now both work and school (attending night school). On the other hand, had traveled quite a bit, but now she was content with just staying in Chicago. At this time, I was still not intending marriage of any kind. But now, my own life's course was shifting. I am not sure how I felt about that. As usual, I believe I just went along with what was being offered me. (I was not very perceptive or 'discerning' back then.)

11. 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 how they were handled?

Yes, I had the common reservations: I was unsure of the future. For example, financially, I had very little with regards to assets. Once we started cohabitating, things were getting sticky. I was not really ready for marriage or to make such a commitment. I think I just had 'blind faith' in her, that somehow the marriage would work out. Looking back, however, I was just allowing my sexual and companion desires, dictate my actions. In short, I was adjusting my life and any future plans I may have had, to fit hers.

12. Describe the quality of love between the two of you. What kind of love did you have for each other? Were you in love or was it infatuation?

I think that we were both sexually attracted to each other, and we wanted companionship. Even though I had done some dating, this was my first long term relationship. I was more of a loner in life, and I don't think I knew the difference between true love versus neediness on my part (or hers) or even healthy friendship between two people. I think that there was 'love' there, but I believe that it was strongly colored by my (and her) neediness of each other. As we started living together, that became more pronounced; it was not a very deep or committed love – at least in my heart, because we did not really have deep communication or common plans for our future.

13. Was there any opposition to the marriage from family or friends? If so, why were they opposed?

My family was generally in favor; however, was not able to get along well with my mother; neither got along with the other. My mother would routinely make 'under-tones' in her comments about . was strongly opinionated, and mother did not appreciate her opinions. My close friend also did not really like her, and thought that she was not the right person for me. Again, back then, I did not really listen to what they may have been trying to tell me, and I was trying to protect 'whatever' the heck I was supposed to be doing. I was going along with this. I myself was not sure I was convinced in my heart that I was doing the right thing, but I could not share that uneasiness with anyone, nor make a fool of myself to them or to .

14. Did common and mutually understood goals for the marriage exist?

No, not really. Our communication was not deep or mature enough to have thought out such things. I don't think that we completely agreed on any goals. wanted to marry right away, wanted to wait. She wanted children and became pregnant 9 months after we married; I wanted to wait. She wanted 4 children, I was satisfied to have two. I had wanted her to work; she wanted only to be a house mother. In truth, was more the dominant factor in the marriage than I. Pretty much, was along with whatever plans she may have had in mind. For myself, I never really had much 'investment' in the marriage; during our courting and engagement period, and in the marriage, we were really never on the same page, discussing and planning and working out similar interests. It was pretty much the therapist who set the course of the marriage.

15. How well did you know each other (e.g. attitudes, personality traits, etc.)?
No very well. I was even told by her father of her demanding nature. I also recall that we quarreled quite often, prior to and during the course of the marriage. My personality is of a very low key type. I have always been more laid back and accepting. I was that way around my five sisters, and now it was that way around her. She was one who tended to steer the course of the relationship and the marriage. Looking back, I really needed someone who was stronger and more determined than me, someone who could challenge her.

18. Did the two of you have the capacity to accept and follow through with the responsibilities of marriage?

At the time I think I believed that we were capable of acceptance of responsibilities. But, in fact, I was simply not ready for marriage — with her or anyone at the time. I was not really settled in my own life, much less taking on in including the life of another person. I also think, that I wanted to continue to have the same freedom that I had in being alone. This was at a time when I did not understand the concept of compromise or unity.

17. Did you have a basic and realistic understanding of the seriousness of marriage and its responsibilities?

No. I may have thought that we had a basic understanding of the seriousness of marriage and its responsibilities, but I know I did not, nor did she. She wanted some form of relationship, some form of a commitment; I did not. I wanted a relationship, too, but I was not ready for that deep of one. I was not ready.

From the start, the relationship tended to focus around her interests. Furthermore, she held a view of marriage, that divorce in marriage was possible, if she was not happy. I don’t think that she viewed the marriage as a lifelong commitment, but rather an agreement to remain together — as long as the relationship remained strong of good.

16. What was the real motive(s) for the marriage?

I think that we thought that we loved each other and wanted to be together. Since we lived together, then marriage was the next logical step. She wanted to get married; she would bring this up quite often. As I recall, she said that she wanted to have children by the time we were 30. I tended to avoid the subject of marriage or children. She may have been ready, but I was not ready. Furthermore, I don’t believe I was the right person for her, or she for me. At the time, it was a convenience for each of us. On a scale of 1-10, I would say that her desire for marriage was an 8; mine was a 2. Also, if I had not agreed to the above time line of child bearing, she would have moved on.

Looking back, in all truthfulness, I think I was afraid I would lose her, and worse, I was afraid I would not find anyone else.

I, the undersigned Petitioner, hereby request the Metropolitan Tribunal of the Archdiocese of Denver, to investigate the marriage listed above according to Catholic Church Law. If the facts and law warrant such a decision, I ask that it be declared null from the beginning, based on these grounds:

I believe my allegations can be substantiated by documents, testimony and evidence.

________________________  __________________________
Date  Petitioner’s Signature

________________________  __________________________
Place  Advocate’s Signature
PETITIONER'S STATEMENT OF AGREEMENT

I will provide the Metropolitan Tribunal of the Archdiocese of Denver ('the Tribunal') with all required documents as well as a complete list of all of my witnesses with their correct addresses.

I agree to inform the witnesses beforehand that the Tribunal will be contacting them in the near future to ask for their cooperation in processing this case.

I will make myself available for a personal interview, if necessary. I will also inform the Tribunal of any change of address.

I understand that no guarantee can be given to me regarding when the canonical process will be completed, or if the final decision will be favorable to me.

I agree that I am not to set a date for any future marriage in the Catholic Church until a final and favorable decision has been rendered. I understand that no priest or deacon is to provide me with any even a tentative date for a future marriage in the Catholic Church.

I acknowledge that a decision depends wholly on the merits of the case, the evidence and the exact reasons which the Church recognizes as grounds for nullity. I understand that in an affirmative decision is reached, either the Defender of the Marriage Bond or my former spouse may appeal it, and stipulations against a subsequent marriage may be placed on me, pending an assessment of my readiness to live out a sacramental marriage. Also, either of these conditions may delay my ability to set a date for a forthcoming marriage in the Catholic Church.

I understand that the Tribunal staff is bound by oath to confidentiality. Marriage case information is never made available except as required by Catholic Church law. It is the policy of the Tribunal to disclose testimony only to those duly authorized ecclesiastical officials or other ecclesiastical Tribunals when necessary for the resolution of the case. These would include my Advocate and Experts duly appointed by the Court or the parties and accepted by the Court.

I understand that even though the tribunal staff's work is governed by an oath to confidentiality, there may be circumstances when the staff is required by Colorado law to report information that becomes known through the Tribunal process to civil authorities. For example, Tribal staff may be required to report allegations of child abuse pursuant Colorado's mandatory reporting laws even though the person reporting the abuse is an adult and the abuse occurred to the person when he or she was a minor. In cases where reports to civil authorities are required we are bound by Church law and secular law to make that report and will do so. The Tribunal staff will make every effort to advise the affected person that a report will be made.

I understand that the Respondent in this case (my former spouse) will have the opportunity to review my allegations ('Prelatio') and the names of those who will be presented as witnesses. In turn, I will be afforded the opportunity to review the testimony provided by my former spouse. In addition, both my former spouse and I will be able to review testimony provided by witnesses. However, I understand that my testimony, along with that provided by my former spouse, will not be made available to witnesses or anyone acting in their behalf, or in any civil proceedings.

I understand I may request that portions of my testimony be withheld from view by the Respondent for serious reasons such as avoidance of defamation of character, family discord or scandal, but such confidentiality is not guaranteed. Witnesses may also request confidentiality based on the reasons mentioned. However, the Court will determine whether the request for confidentiality can be granted.

I will maintain secrecy, that is, I will not discuss these matters with anyone other than my Advocate and the Tribunal staff until the case is concluded.

I agree to cooperate fully with the Court. I attest that I have read the Statements and Policies of this Tribunal and that I agree to be bound by them.

I swear that the allegations which I submit with this application are the whole truth.

I hereby appoint the undersigned priest/deacon to serve as my Advocate. I authorize him to communicate with the Court on my behalf and receive copies of all pertinent notifications. I will notify the Tribunal in writing if I wish to name a different individual to serve in this capacity at a later date.

Signature of the Petitioner

Date

I, the undersigned priest/deacon, agree to assist the above-signed Petitioner as his/her Advocate.

Name of Advocate

Church

Address

Telephone Number

Signature of Advocate

(Parish Seal)
**PETITIONER'S WITNESS LIST**

*Case Names: *

*Prot. No. 9999-9999*

**NON-EXPERT WITNESSES** (Family members, friends, etc.)

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**EXPERT WITNESSES**

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ARQUIDIOCESEIS DE DENVER

CUESTIONARIO PRELIMINAR PARA CASOS DE MATRIMONIO

PROPOSITO: Este cuestionario es para permitir que el personal del Tribunal pueda determinar cuál proceso tomar en referencia a su situación.

INSTRUCCIONES: El Acta es la persona que somete este cuestionario y La Parte Convocada es el otro caso en el matrimonio a cual se refiere. Por favor complete cada línea de este Cuestionario Preliminar lo mas detallado posible. Si la pregunta no aplica a su situación, por favor escribe N/A (no aplica), en el espacio correspondiente.

FAVOR DE USAR LETRA DE IMPRENTA CON PLUMA O MAQUINA DE ESCRIBIR (NO LAPIZ)

A. INFORMACION SOBRE LA PARTE ACTORA
Nombre: ____________________________  Fecha de nacimiento: ____________
Apellido de Sobre: ____________________  Teléfono de Casa: ________
Dirección: ____________________________  Teléfono de Trabajo: ________
Código Postal: ________________________  Ciudad: ____________________  Estado: __________

1. ¿Ha sido bautizada en la Iglesia Católica?  ___ Sí  ___ No

2. Si contestó que si, por favor complete la siguiente información:
   Nombre de la Parroquia: ______________  Ciudad: ______________  Estado: __________
   Affiliación Religiosa: ______________

3. Si fue bautizada en otra religión, por favor complete la siguiente información:
   Affiliación Religiosa: ______________  Ciudad: ______________  Estado: __________
   Fecha: ______________

4. Si es Católico de origen ¿Ha hecho una "Profesión de Fe" en la Iglesia Católica?  ___ Sí  ___ No

5. Si contestó que si, por favor complete la siguiente información:
   Nombre de la Iglesia: ______________  Ciudad: ______________  Estado: __________
   Fecha: ______________

6. Si no es Católico de origen ¿Está considerando convertirse en la Iglesia Católica?  ___ Sí  ___ No

7. Si está bautizado ¿Está considerando convertirse al Cristianismo?  ___ Sí  ___ No

8. ¿Está contemplando contraer matrimonio en la Iglesia Católica en el futuro?  ___ Sí  ___ No

B. INFORMACIÓN SOBRE LA PARTE CONVOCADA

IMPORTANTE: Tiene que dar la dirección para la parte convocada. Si no puede dar la dirección, tiene que enviar con el cuestionario una carta, explicando en detalle los esfuerzos que ha hecho para conseguir la dirección. No podemos proceder sin uno de los dos. (Carta o dirección)

Nombre: ____________________________  Fecha de nacimiento: ____________
Apellido de Sobre: ____________________  Teléfono de Casa: ________
Dirección: ____________________________  Teléfono de Trabajo: ________
Código Postal: ________________________  Ciudad: ____________________  Estado: __________

1. ¿Ha sido bautizada en alguna religión?  ___ Sí  ___ No  ___ No Sí

2. Si contestó que si, por favor complete la siguiente información:
   Nombre de la Parroquia: ______________  Ciudad: ______________  Estado: __________
   Affiliación Religiosa: ______________

3. ¿Si la parte convocada no es de origen Católico, ¿Ha hecho una "Profesión de Fe" en la Iglesia Católica?  ___ Sí  ___ No  ___ No Sí

4. Si contestó que si, por favor complete la siguiente información:
   Nombre de la Iglesia: ______________  Ciudad: ______________  Estado: __________
   Fecha: ______________

5. ¿Cree Ud. que la parte convocada va a cooperar en este procedimiento?  ___ Sí  ___ No  ___ No Sí

6. ¿Se ha vuelto a casa la parte convocada por el civil o en otra denominación después de la separación o divorcio?  ___ Sí  ___ No  ___ No Sí

C. INFORMACIÓN SOBRE EL MATRIMONIO

1. ¿Cuál es y donde ocurrió el matrimonio en cuestión?
   Lugar (nombre de la Iglesia, cura, residencia privada, despacho Juzgado, etc.):
   Fecha: ______________  Ciudad: ______________  Estado: __________
   Nombre y Título del Oficiante: ______________
   ¿Fue un matrimonio de Unión Libre?  ___ Sí  ___ No

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C. INFORMACIÓN SOBRE EL MATRIMONIO

2. ¿Si este matrimonio ocurrió fuera de la Iglesia Católica, se obtuvo dispensa de la Iglesia?  
   ☐ Sí  ☐ No

3. ¿Fue hecho válido después por la Iglesia Católica?  
   ☐ Sí  ☐ No

4. Si contestó que sí, por favor complete la siguiente información:
   Nombre de la Iglesia: ___________________________ Fecha: ___________________________
   Ciudad: ___________________________ Estado: ___________________________
   Nombre y Título del Oficiante: ___________________________

5. ¿Cuántos niños nacieron de este matrimonio?  
   ________________ ¿Quién tiene la custodia?  

6. ¿Cuánto tiempo vivieron como esposos, es decir, cuántos años estuvieron casados antes de la separación final?  
   ________________ años y ________________ meses.

7. ¿Cuánto tiempo pasó desde la separación final y el decreto de divorcio?  
   ________________ años y ________________ meses.

8. ¿Cómo terminó este matrimonio (divorcio civil o muerte)?  
   ________________

9. ¿Tiene conocimiento si la parte convocada pliego anulación por la Iglesia?  
   ☐ Sí  ☐ No

10. Si contestó que sí, por favor complete la siguiente información:
    Nombre del Caso: ___________________________ Fecha: ___________________________
        Número del Caso: ___________________________ Diócesis: ___________________________

D. HISTORIA MARITAL

1. ¿Cuántas veces ha sido casado/a Ud. la parte actora?  
   ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ Más de cuatro

   Favor de listar cronológicamente todos los matrimonios contrados por Ud. Use hojas adicionales, si es necesario.

   Nombre del esposo/a  Fecha del Matrimonio  Lugar del Matrimonio  Ciudad, Estado
   Oficiante del Matrimonio  Fecha de Divorcio o Fallecimiento  Fecha de la Anulación Eclesiástica

E. HISTORIA MARITAL

2. ¿Cuántas veces ha sido casado/a la parte convocada?  
   ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ Más de cuatro

   Favor de listar cronológicamente todos los matrimonios contrados por ella/him Demandado/a. Use hojas adicionales, si es necesario.

   Nombre del esposo/a  Fecha del Matrimonio  Lugar del Matrimonio  Ciudad, Estado
   Oficiante del Matrimonio  Fecha de Divorcio o Fallecimiento  Fecha de la Anulación Eclesiástica

F. INFORMACION ADICIONAL

1. Por favor tenga en cuenta que si Ud. está presentemente casado/a por el civil, o está comprometido/a con alguien previamente casado/a, aunque no sea Católico/a, esa persona puede necesitar los servicios del Tribunal Metropolitano. Si es así, tal persona debe someter un Cuestionario Preliminar para anulación.

   Nombre del cónyuge (o y apellido de soltera)  Nombre del cónyuge (apellido de soltero)

2. Por favor de el nombre del sacerdote o diócesis que le asistirá en este proceso:
   Sacerdote/Diácono: ___________________________
   Parroquia: ___________________________
   Dirección: ___________________________

INFORMACIÓN PARA SOMETER

He completado este cuestionario y lo estoy sometiendo a:
Metropolitan Tribunal
1200 South Steele Street
Denver, CO 80210

Comprendo que el Tribunal va a determinar quién de caso tengo y va a mandarme la información apropiada para comenzar el proceso. Es mi intención cooperar con el tribunal y sus oficiales.

Además adunto cheque o giro postal por $55.00 por cada cuestionario preliminar que he sometido. Yo comprendo que este dinero no me será devuelto. El cheque o giro postal debe estar a nombre de METROPOLITAN TRIBUNAL OF THE ARCHDIOCESE OF DENVER.

Firma de la parte Actora  Fecha de presentación

NOTA: POR FAVOR HAGA UNA COPIA DE ESTE DOCUMENTO Y GUARDELAS POR SUS ARCHIVOS.

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Practical Considerations

Constant Encouragement and Dialogue

Determining the Type of Case

Determining the Grounds

Payment Agreement

Sexual Abuse Policy

Conclusion and Wrap-up