



## **DIRECTIONS FOR PETITION FOR FORMAL CASES OF NULLITY OF MARRIAGE**

*To be completed by the Priest, Pastor, Deacon, or Pastoral Minister*

Pope Francis recently issued the apostolic letter, *Mitis Iudex Dominus Iesus (MIDI)*, reforming and simplifying the procedural norms regarding declaration of nullity of marriage. These new norms took effect on December 8, 2015.

The document also provides that the Judicial Vicar remains the **ONLY** person who will determine the process to be used. Once he has made that determination, the Judicial Vicar will inform the Parties of his decision.

The Judicial Vicar can only recommend the abbreviated process if all the documents, the consent of the Respondent and testimonies from both Parties and witnesses have been received.

### **Abbreviated Process**

(Processus Brevior - MIDI cc. 1683 - 1687)

This process requires the following:

- a) the signed Respondent's Consent (see attached form) at the time the petition is submitted OR submitted **within 15 (fifteen) working days** upon notification of the process;
- b) the Petitioner's Questionnaire provides sufficient information concerning the parties' relationship at the time of and during the marriage, reasons for marrying, married life, and separation;
- c) corroborating testimony submitted **within 15 (fifteen) working days** from witnesses who knew the parties at the time of and during the marriage;
- d) all pertinent documents submitted with the petition.

In the abbreviated process, the diocesan Bishop, after considering the observations of the Defender of the Bond and in consultation with the instructor and assessor, will make the decision if he can arrive at moral certitude based on the proofs submitted. He can also refer the case to the ordinary process.

### **Ordinary Process**

(MIDI - cc. 1675 - 1682)

This process requires the following:

- a) notifying the Respondent and assuring his/her right of defense.
- b) completing the Petitioner's marital history, and if needed, with additional testimony;
- c) obtaining corroborating testimony from witnesses who knew the parties at the time of and during their marriage;
- d) collecting all pertinent documents related to the parties and the marriage.

In the ordinary process, the case decision (final sentence) will be communicated by the Judicial Vicar.

- ***NO DATE for a future marriage may be set until the Tribunal has reached a final decision.***
- ***NO ASSURANCE of a favorable decision can be given.***
- ***The Tribunal wants to assure the parties that the staff wishes to be of service to them in accordance with Church law and the Church's teaching on marriage.***



## **REQUIRED DOCUMENTS FOR FORMAL CASES OF NULLITY OF MARRIAGE**

*All Documents Must Be Submitted with Form C (Libellus)*

Required Documents	Abbreviated Process	Ordinary Process
<b>1. Petitioner's Baptismal Certificate</b> <i>(issued within the last 6 months, with notations - where applicable)</i>	✓	✓
<b>2. Marriage Certificate</b> <i>(if multiple marriages, kindly send each marriage certificate)</i>	✓	✓
<b>3. Dissolution (Divorce) Decree</b> <i>(if multiple marriages, kindly send each decree)</i>	✓	✓
If applicable and/or available: A. Temporary Restraining Order/s and/or Court Order/s	✓	✓
B. Counseling Report with Signed Confidentiality Release Form	✓	✓
<b>4. Petitioner's Questionnaire (2 to 3 Pages)</b> Answer to questions on page 2 <i>The Petitioner is asked to answer the questions in each section as fully as possible, in complete sentences.</i>	✓	✓
<b>5. Witnesses</b> <i>(Children of Parties Cannot Be Witnesses)</i> • Name • Address • Phone Nos. (Mobile and Daytime) • E-Mail Address	✓	✓
<b>6. Minister's Comments</b> <i>(Signed)</i>	✓	✓
<b>7. Petitioner's Declaration</b> <i>(Signed)</i>	✓	✓
<b>8. Respondent's Consent</b> <i>(Signed)</i>	✓	
<b>9. Statement of Tribunal Policy</b> <i>(Signed)</i>	✓	✓

**Abbreviated Process**

- Notification to the DOB Date \_\_\_\_\_
- Respondent's Consent Needed By Date \_\_\_\_\_
- Testimonies' Needed By Date \_\_\_\_\_

Date Received \_\_\_\_\_

Date Accepted \_\_\_\_\_

Competence

1  2  3

**Ordinary Process**

GROUNDS



**FORM C - LIBELLUS - PETITION FOR FORMAL CASE OF NULLITY**

*To be completed by the Priest, Deacon, or Pastoral Minister*

<b>Name of Priest/Deacon/Pastoral Minister:</b>	<b>Name of Church:</b>
<b>Telephone No.:</b>	<b>City/State/Zip:</b>

PETITIONER		RESPONDENT
	<b>Full Name</b>	
	<i>Maiden Name (For Female Party)</i>	
	<b>Street Address</b>	
	<b>City/State/Zip</b>	
	<b>Mobile Phone No.</b>	
	<b>Daytime Phone No.</b>	
	<b>E-Mail Address</b>	
	<b>Date of Birth</b>	
	<b>Place of Birth</b>	
	<b>No. of Times Married</b>	
	<b>This Marriage is Number</b>	
	<b>Date of Baptism</b>	
	<b>Place of Baptism</b>	
	<b>Age at Time of this Marriage</b>	
<input type="radio"/> Yes <input type="radio"/> No	<b>Currently Enrolled in RCIA</b>	<input type="radio"/> Yes <input type="radio"/> No

**MARRIAGE INFORMATION**

**CHURCH WEDDING**

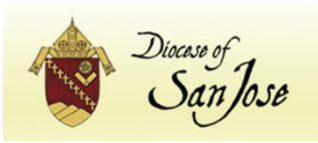
<b>Date</b>	<b>Name of Church</b>	<b>City/County/State/Country of Church</b>

**CIVIL WEDDING (if any)**

<b>Date</b>	<b>City/County/State/Country</b>	<b>Performed By (Check one)</b>
		<input type="radio"/> Civil Official <input type="radio"/> Other

**CIVIL DISSOLUTION [Final Decree of Divorce/Annulment/Dissolution]**

<b>Date</b>	<b>City/County/State/Country</b>	<b>Length of Married Life</b>	<b>Length of Separation Prior to Divorce</b>	<b>Number of Children</b>	<b>Custodial Parent (For Minor Child/Children)</b>



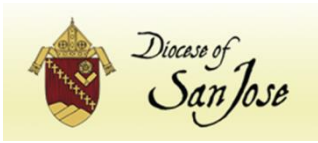
**NEEDS TO BE SUBMITTED WITH FORM C (Libellus)**

**MINISTER’S COMMENTS**

*(TO BE COMPLETED BY THE PRIEST/DEACON/PASTORAL MINISTER)*

1	Acquaintance with Petitioner: parish involvement, length of acquaintance, frequency of contact
2	Respondent’s Background: Description of family life, siblings, family interaction, presence of alcohol/addictions (substance, chemical, and behavioral), Respondent’s educational background, employment.
3	What is your opinion of the Petitioner’s sincerity?
4	State your reasons why you believe this petition might be a viable case for nullity.
5	Based on the Petitioner, what are the reasons for the breakdown of this marriage?  Why does the Petitioner believe this is not a true marriage?
6	Were there special circumstances that surrounded the decision to marry (e.g., pregnancy, substance abuse, expiration of visa, force or fear, arranged marriage, domestic violence, imprisonment of a party, etc.)?
7	If the Petitioner has remarried civilly, or intends to marry, is the present or intended spouse free to marry in the Church?  Intended Spouse (check one): <input type="checkbox"/> Free to marry; has never been married before <input type="checkbox"/> Needs to apply for a formal annulment <input type="checkbox"/> Needs to apply for Lack of Canonical Form
8	Has the Respondent remarried? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown

<b>Priest / Deacon/ Pastoral Minister’s Signature:</b>
<b>Priest / Deacon/ Pastoral Minister’s Printed Name:</b>
<b>Date Signed:</b>



NEEDS TO BE SUBMITTED WITH FORM C (Libellus)

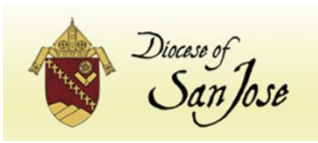
**PETITIONER’S QUESTIONNAIRE**

***TO BE COMPLETED BY THE PETITIONER***

(Kindly answer the questions on separate paper; 2-3 page narrative is required.)

1	<b>Personal Background:</b> Describe your <b>personality and character</b> – your strong and weak points, your <b>relationship with parents and siblings</b> , your <b>religious</b> and educational training, your <b>social life prior to meeting the Respondent</b> , medical problems, any <b>difficulties with alcohol, drugs, gambling</b> and if you have ever undergone <b>psychological counseling</b> .
2	<b>Respondent’s Family Background:</b> Give the same information for your former spouse as outlined in #1 to the best of your knowledge.
3	<b>Baptismal Status:</b> You and/or your former spouse’s baptism into any Christian church and relevant details.
4	<b>Courtship:</b> How you and your former spouse met, <b>the length of the dating and courtship period</b> , problems and separations you had; what attracted you to each other, your ability to show affection for each other, <b>the interests, values, and goals you had in common; the quality and depth of your communication;</b> who brought up the subject of marriage, <b>your understanding of marriage at the time</b> , your discussion about (a) <b>your roles</b> in the marriage, (b) <b>children</b> , (c) <b>fidelity</b> whether you experienced <b>doubts or pressure</b> prior to the marriage; the plans you both discussed and made for your life together; <b>your reasons for believing both of you were suited for each other, and mature enough to accept the responsibilities of marriage.</b>
5	<b>Wedding and Honeymoon:</b> Your thoughts and feelings as you prepared for the wedding, any <b>significant incidents prior to the wedding or reception: any fears, doubts or feelings of uneasiness about the marriage;</b> how the honeymoon went, intimacy and sexual problems encountered.
6	<b>Married life:</b> Attitude of each toward work, careers and responsibilities; common goals, friends and leisure time shared; <b>ability to communicate and share fears, joys, doubts;</b> attitude toward children; <b>ability to constructively resolve conflict;</b> how decisions were made about finances, career, discipline of the children; <b>when problems first appeared; any instances of infidelity, physical or psychological mistreatment (abuse); problems with alcohol, drugs, gambling; appearance of psychological disorder – extent and treatment;</b> any separations and whether counseling (personal and couple) was sought.
7	<b>Final Separation:</b> Describe circumstances surrounding the final separation and the efforts made to reconcile. In your opinion, what was the cause of the breakup of your marriage?





**NEEDS TO BE SUBMITTED WITH FORM C (*Libellus*)**

**PETITIONER'S DECLARATION**

I, the undersigned Petitioner, swear to the truth of the information given to the priest/deacon/pastoral minister.

I acknowledge that I have been informed of the following:

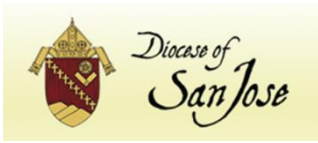
- NO DATE is to be set for any future wedding until the FINAL DECREE OF NULLITY is sent to me by the Tribunal;
- A fee will be charged for the processing of this petition;
- My cooperation with the officials of the Tribunal is essential. I agree to provide them with whatever assistance they will need to bring my case to completion.

**Petitioner's Signature:**

**Petitioner's Printed Name:**

**Date Signed:**

**Important Note: Kindly inform the Tribunal of any change in the Petitioner's and/or Respondent's MAILING ADDRESS and/or PHONE NUMBER and/or E-MAIL ADDRESS.**



**NEEDS TO BE SUBMITTED WITH FORM C (*Libellus*)**

**RESPONDENT'S CONSENT**

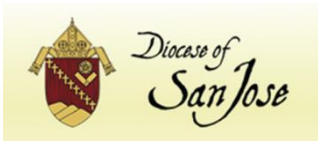
I, the undersigned Respondent, hereby give consent to the request presented by the Petitioner for the process of pursuing a possible declaration of nullity of the marriage under examination.

I also understand that I will be contacted and given the opportunity to present my own account of the marriage should I wish to do so.

<b>Respondent's Signature:</b>
<b>Respondent's Printed Name:</b>
<b>Date Signed:</b>

**Important Note:**

***Kindly inform the Tribunal of any change in the Petitioner's and/or Respondent's MAILING ADDRESS and/or PHONE NUMBER and/or E-MAIL ADDRESS.***



**NEEDS TO BE SUBMITTED WITH FORM C (*Libellus*)**

**DECREE OF ADMISSION AND TRANSMISSION**

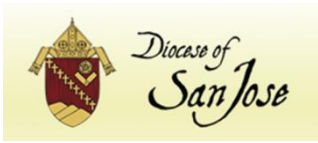
Whereas, having determined that the marriage between \_\_\_\_\_ (***Petitioner***) and \_\_\_\_\_ (***Respondent***) has irreparably failed and that conjugal life cannot be restored;

Whereas, having considered that the libellus submitted has shown some merit to proceed with the investigation of its nullity;

I decree in accordance with Canon 1676, §1, that the case be admitted and a copy of this decree be communicated to the Defender of the Bond and to the Respondent, if he/she has not given his/her consent giving each 15 (fifteen) working days from the date of this decree to express their views on the petition.

Given in the Tribunal of the Diocese of San Jose on this \_\_\_\_\_ day of \_\_\_\_\_ (month) in the year of Our Lord \_\_\_\_\_.

<b>Judicial Vicar's Signature:</b>
<b>Judicial Vicar's Printed Name:</b>
<b>Date Signed:</b>



**NEEDS TO BE SUBMITTED WITH FORM C (*Libellus*)**

**STATEMENT OF TRIBUNAL POLICY**

The proceedings of the Tribunal of San Jose are exclusively religious in nature and are governed solely by the laws of the Roman Catholic Church. These proceedings are not directed to such matters as property rights, custody of children, or other matters determined by the civil courts. The purpose of this investigation is to determine the status of the parties from the point of view of the Catholic Church and their freedom to enter a marriage which will be recognized as valid by the Catholic Church. It is the Tribunal's desire that the proceedings be a healing experience, conducted in a spirit of justice and compassion.

Church law, which is concerned with the rights of both parties in the investigation, requires that the Tribunal seek sufficient information to make a responsible and just decision in this matter. The Tribunal gathers the testimony of the parties themselves and of the witnesses proposed by the parties. The Tribunal may also request, with proper authorization, information such as medical or psychological records.

Because of the sensitive nature of the information gathered in this process and because the Tribunal wishes to promote a spirit of charity, all information gathered in the course of the proceeding is considered confidential and is not made available to anyone except as authorized by Church law. Under that law, it is the Presiding Judge of the Tribunal who has the authority to determine what information is to be given to the parties, balancing the rights of the parties, and the need for confidentiality. Information is not made available to witnesses, to anyone acting in their behalf, or for any civil proceeding. Witnesses may request that their testimony be withheld from the parties for a serious reason. It is the policy of the Tribunal to disclose information only to duly authorized Tribunal officials as determined by Church law. The goal is to afford the parties their rights as well as to preserve the necessary confidentiality of all information gathered in the Tribunal's process of investigation.

I attest that I have read the above statement and agree to be bound by the policies explained therein.

<b>Petitioner's Signature:</b>
<b>Petitioner's Printed Name:</b>
<b>Date Signed:</b>