



DIOCESE OF LAKE CHARLES

P. O. Box 3223
Lake Charles, LA 70602
(337)439-7400

TRIBUNAL

PETITION FOR DECLARATION OF NULLITY OF MARRIAGE (FORMAL CASE)

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INTRODUCTION TO THE PROCESS

The process for a Declaration of Nullity of a marriage can be confusing. The first thing that you should know is that this process is nothing like civil divorce. Civil divorce dissolves the civil bonds of matrimony. This "declaration of nullity" process does not dissolve a marriage; instead, it seeks to determine if the marriage was invalid, that is, it seeks to determine whether one or more essential elements of marriage were missing or defective at the time of the wedding. The Church always presumes that a marriage is valid, but if a judicial investigation determines that one or more of these elements was missing or defective, the marriage is declared null.

Thus, if you have already civilly divorced and either party believes the union to be invalid, you may petition the Tribunal to consider the issue. This is true whether or not you are Catholic and whether or not you have subsequently attempted to enter other unions.

There are a number of steps in this judicial process. Some that will be of importance to you are the following:

1. The application: including these forms, the documents requested, and your **typed** testimony
 - All information must be submitted on the Tribunal forms, except the testimony.
 - Once completed, the above is given to the Initiator of the case (priest, deacon, etc.).
2. A letter informing you of the Tribunal's decision to accept or reject the petition
3. If your Petition is accepted, a letter will be sent to your former spouse to:
 - inform him/her that the process has been initiated and
 - ask if he/she would wish to submit a testimony and witnesses
4. Publication of the Acts: both parties will be invited to review the evidence that has been collected and, if need be, put forth objections and/or additional evidence.
5. Both parties are informed of the judgment rendered.

Please remember that the process for a Declaration of Nullity is not about "blaming" anyone for the failure of the marriage. The process simply investigates whether or not there is sufficient proof to determine if the marriage is invalid.

As you begin this process, you should keep in mind that there is no guarantee that a declaration of nullity will be granted. Although it is not possible for the Tribunal to provide a timeframe in which the case will be completed, your case will move through the judicial process more speedily if all forms, documents, and your testimony are filled out entirely and to the best of your ability. This information will provide the basis on which your case will be adjudicated.

In the event that your case is accepted, please contact the Tribunal if you should have any questions.

PETITION FOR DECLARATION OF NULLITY
Diocese of Lake Charles

Initiator: _____
Case #: _____
Companion Case: _____

1. Concerning the Petitioner:

Given Name: _____

Present Legal Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____ Work Phone: _____

Date of Birth: _____ Date of Baptism: _____ Religion: _____

Church of Baptism: _____ Where: _____

Current Religion: _____

2. Concerning the Respondent:

Given Name: _____

Present Legal Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____ Work Phone: _____

Date of Birth: _____ Date of Baptism: _____ Religion: _____

Church of Baptism: _____ Where: _____

Current Religion: _____

3. Concerning the Marriage:

Length of Courtship: _____ Length of Engagement: _____

Date and Place of Wedding: _____
Date on Civil Marriage Certificate City State

By a Catholic Priest Minister Justice of the Peace

In: _____
Name of Church, Synagogue, Courthouse, Home, Other

Ages at the time of the wedding: I was _____ My former spouse was _____

CONVALIDATION If the wedding was NOT a Catholic ceremony, was it ever validated (“blessed”) in Catholic Church? YES NO If YES, Date: _____ Celebrant: _____
Name of priest or deacon

Church: _____
Name Address City State

Ages at the time of Convalidation: I was _____ My former spouse was _____

4. Concerning the Divorce:

Length of Common Life: _____ Number of Separations: _____

Date of Final Separation: _____ Date of Divorce: _____

Court of Issuance, City, State: _____

5. Concerning the Children:

How many children were born/conceived of this marriage? _____

How many children were adopted in this marriage? _____

List the names of each child and dates of birth/adoption (“DOB/A”):

Name of Children	DOB/A	Name of Children	DOB/A
1.		4.	
2.		5.	
3.		6.	

6. Previous Marriages:

1. This was My first marriage ? YES NO;

If NO: List ALL previous marriages with the name and religion of spouse, wedding date, place, when and how each marriage ended. (If any of your former spouses had been married before, place an asterisk (*) to the left of their name(s).)

Previous Marriages to:	Religion	Wedding Date	Place	When & how did the Marriage end?	Was an annulment sought/granted?
1.					
2.					
3.					

2. This was the Respondent’s first marriage YES NO;

If NO: List ALL previous marriages with the name and religion of spouse, wedding date, place, when and how each marriage ended. (If any of their former spouses had been married before, place an asterisk (*) to the left of their name(s).)

Previous Marriages to:	Religion	Wedding Date	Place	When & how did the Marriage end?	Was an annulment sought/granted?
1.					
2.					
3.					

7. Witnesses:

Persons who knew you and your former spouse BEFORE marriage and/or know some of the facts about what went wrong with the marriage and are willing to testify. **Minimum: 4 persons.**

PETITIONER MUST NOTIFY WITNESSES BEFORE GIVING THESE NAMES.

Name (Mrs., Mrs., Ms.) _____ Name (Mrs., Mrs., Ms.) _____

Address _____ Address _____

City, State, Zip _____ City, State, Zip _____

Relationship to You _____ Relationship to You _____

Name (Mrs., Mrs., Ms.) _____ Name (Mrs., Mrs., Ms.) _____

Address _____ Address _____

City, State, Zip _____ City, State, Zip _____

Relationship to You _____ Relationship to You _____

8. Documents:

For all petitions, please submit:

1. Copy of Application for Marriage License. (It will say “Certificate for Marriage” and can be obtained from Courthouse.)
2. Copy of Judgment of Divorce
3. Proof of Baptism for **both** parties
 - A. If both baptized Catholic, recent Baptismal Certificate for **both**.
 - B. If either or both baptized non-Catholic, a certificate or letter from Church of baptism or notarized statement attesting to baptism.
4. If marriage involved at least one Catholic and was convalidated (blessed) after a civil marriage, a record from the Church of convalidation.
5. Copy of Freedom to Marry Declaration, or annulment document if previous marriage was annulled or previous marriage was a Ligamen, or Defective Form.
6. If there was a pre-nuptial agreement, please attach a copy.

Guide for Preparing Your Petition

The Petition form is at the end of this section. On this form, you will be asked to write a very brief description of why you think the marriage was not valid and binding from the beginning. There are a number of elements that can cause a marriage to be invalid. These are called grounds or reasons for nullity and can be found below. These grounds will help you to prepare your formal Petition. Please carefully review the grounds listed and try to determine which, if any, may apply to your situation. The priest, deacon, or advocate assisting you can also help you to determine if any of these apply to your case.

Remember that any basis or circumstance for a declaration of nullity must have existed from the very beginning of the marriage, that is, on the day of the wedding or on the day of the convalidation of the wedding (blessing of the marriage).

Please indicate whether or not the following existed on the day of the wedding:

- If at the time of your wedding you did not hold that your marriage would be an exclusive union...** that is one or both of you considered the marriage “open” or considered it acceptable to have other sexual partners during your future marriage, you could write, “an intention against exclusivity.”
- If at the time of the wedding one or both of you decided to exclude the possibility of having children** during the duration of your marriage, or if you and/or the other party mutually or unilaterally decided to postpone having children until some indeterminate time or condition was met, or if you always used some means of contraception to prevent pregnancy, you could write, “the exclusion of children.”
- If there was a pre-marital pregnancy...** If the fact or suspicion of a pre-marital pregnancy caused the decision to marry this might be a factor. Did you feel pressured to marry because of the pregnancy, whether it was internal pressure or pressure from someone else? If so, you could write, “pressure to marry because of pregnancy.”
- If at the time of the wedding there were serious problems with addictions...** If the problems affected one or both of you in your decision making ability, or in your ability to function normally, or if they prevented one or both of you from being able to fulfill the basic obligations of marriage, you could write, “alcohol (and/or drug) abuse which prevented fulfilling the basic obligations of marriage,” or “alcohol (and/or drug) abuse which prevented sound decision-making at the time of marriage.” It is important to state when the addiction started.
- If psychological/psychiatric illness affected the party(ies) or marriage...** A person must be capable of living out the commitment of marriage, including being a spouse and a parent, even with illness. If serious psychiatric illness prevented either you or your former spouse from understanding or fulfilling the basic obligations of marriage, you could write, “serious psychiatric or psychological illness which prevented the fulfillment of the basic obligations of marriage.”
- If fraud led to the marriage...** If you or your former spouse had been told a lie in order to convince you to marry, or if something important was intentionally concealed in order to get you to marry, you could write, “fraud intended to lead to marriage.”

- If at the time of your marriage, you or your former spouse did not hold that your marriage was “until death”...** If in fact you or your former spouse excluded from your marriage all probability of marital permanence, you can write, "exclusion of the permanence of marriage."
- If homosexuality was an issue in the marriage...** Homosexuality is not a ground of invalidity in itself, but confusion over sexuality and self-image can prevent or interfere with the marital relationship and marital intimacy. If this was a factor in the marriage, you could write, “inability to fulfill the obligations of a (husband/wife) because of homosexuality.” It is important to include whether homosexual feelings or confusion existed prior to the marriage, how soon into the marriage this became a problem, and whether the marriage ended principally because of homosexuality.
- If you did not intend to marry at all...** Sometimes a couple will go through a legal or religious marriage ceremony for a reason connected with immigration, insurance, or finances, and not out of the idea of marriage itself. In other words, they were pretending to marry. If such was the case in this marriage, you could write, “simulation of marriage for reasons of (immigration/insurance/_____).”
- If one or both of you entered this marriage against your will...** If either spouse, or both, did not agree to marry freely but because of some force, or out of fear (even a deep-seated fear of displeasing someone important to you such as a parent or clergyman), you could write, “force (or fear) to enter marriage.” This might apply also if the marriage was arranged (as happens in some cultures) and you or your spouse did not want to marry.
- Error of person or error of quality principally and directly intended...** If your former spouse falsified his or her identity at the time of marriage, such that you thought you were marrying a different person, you could write, “error of person.” If in choosing to marry your former spouse you were actually focused primarily on some quality that you thought the other had (i.e., she is a doctor, he is a vegetarian), but later discovered that he or she was not, and you or the Respondent desired that quality more than marriage itself, you could write, “error principally and directly intended,” also indicating the quality about which you were in error.
- Condition...** If you placed any condition on the marriage—either concerning the past, present or future, you could write, “past/present/future condition,” also indicating what the condition concerned and whether or not the condition was actually fulfilled.

ATTENTION!

The next page is the most important in this packet. For your case to be accepted, you must fill it out completely.

PETITION

PETITIONER

Your full name (also family name if applicable): _____

Address: _____

RESPONDENT

Full name of spouse to this marriage: _____

I, the undersigned Petitioner, do hereby request that the Tribunal of the Diocese of Lake Charles accept this petition to pronounce, according to the Canon Law of the Catholic Church, that the marriage between the spouses named above was not valid.

The marriage or convalidation (blessing) took place on the following date and in the following place:

Date (mm/dd/yyyy): _____

(Arch) Diocese of _____

City, State, and Country: _____

Name/Address of Church: _____

In making this petition, I contend that the marriage was invalid for the reason(s) contained in my application and as summarized below: (You must: (1) include a very brief explanation of why you chose the ground(s) and (2) indicate the party on which the grounds apply: yourself, your former spouse, or both.

1. Ground(s) and explanation:

2. Party or parties to whom it applies:

WITNESSES: I name the following witnesses who are knowledgeable about the above ground(s) and who are willing to appear and offer sworn testimony.

1. _____ 2. _____

3. _____ 4. _____

Petitioner Signature

Date

For Tribunal Use:

Date Received _____

Date Accepted _____

Rev. William Elder, JCD
Judicial Vicar



Diocese of Lake Charles

P. O. Box 3223
Lake Charles, LA 70602
337-439-7400

TRIBUNAL

POLICY STATEMENT

I, _____, the Petitioner, understand that:

- A declaration of nullity cannot be issued unless I have provided evidence sufficient to overcome the presumption of validity of my marriage.
- My submitting the Petition does not guarantee that a declaration of nullity will be granted.
- The other party (respondent) has the right to know why I allege our marriage is invalid; furthermore, he/she will be invited to participate in these proceedings and all his/her rights will be protected as well as mine, including the right to inspect the Acts of the case (declarations, testimonies, etc.)
- **I cannot set (even tentatively) a date for marriage or validation** in the Catholic Church until the nullity of the previous marriage/s has/have been established with certainty according to the laws of the Church.
- I understand that no assurance of the outcome or the time it will take to complete the process can be given.
- I understand that if there is a judgment granting the declaration of nullity, it may contain a clause delaying or restricting permission to remarry in the Church.

I hereby certify that:

- I have contacted the witnesses whose names and addresses I have supplied, and they agree to participate.
- I understand that I am not to discuss the facts of my case with them.
- I have kept a photocopy of the materials I am submitting.

And I swear to the truthfulness of the evidence I am submitting.

Signature: _____ Date: _____

Case Initiator Verification *

I, _____, the undersigned initiator of this case, do hereby inform the Tribunal of Lake Charles that I have assisted the Petitioner in this case to the best of my ability; furthermore, I have reviewed the attached case and verify that the case is complete and ready for judicial review.

Furthermore, I have reviewed the grounds of nullity alleged by the Petitioner and

I agree with the alleged ground(s) of _____.

I disagree with the alleged ground (s) of _____
for the following reason(s):

Church Parish

Signature of Initiator

City and State

Date

Parish Seal

*The **Initiator** is the priest, deacon, or advocate who assists the Petitioner.

Testimony Guidelines

As an initial step in the investigation of your former marriage, you are asked to develop a narrative using the following as a guideline. It is important that you address each area by developing your petition in narrative form (sentence and paragraph form). Give concrete examples to support your statements. Please type, using one side of paper, double spaced. Use as many pages as necessary.

In narrative form please describe the following:

A. YOUR FAMILY BACKGROUND AND THE ENVIRONMENT IN WHICH YOU GREW UP

- Your home situation as a child.
- The socio-economic background of your family.
- The personalities of your parents and their relationship.
- Your brothers and sisters and how well you got along with them.
- Your role in the family.
- The use of alcohol/drugs in your family.
- Any physical, emotional, or sexual abuse in the family.
- The display of emotion and affection in the family.
- How conflict was resolved?
- Any serious health or emotional problems or difficulties you or members of your family may have had while you were growing up.
- The divorces and separation in your immediate family.
- The psychiatric/psychological care required by you or your family members.
- How your home situation influenced the decision to marry?

B. YOUR PERSONAL DEVELOPMENT

- The extent to which you practiced your religion.
- The age you began dating and first dating experiences and the nature of your first serious relationship.
- Your involvement in serious relationships and how they were terminated.
- How your parents felt about your dating patterns?
- How the topic of sex was treated in your family?
- How you learned about sex?
- How you related to people of the opposite sex? The same sex?
- Your life goals during your adolescent period.
- The highest grade level of education you completed and why.
- Your own problems with gambling, alcohol, or drug use.
- Your job history between age 16 and your marriage.
- Please write about any other pertinent issues from you family or personal background that have not been addressed in the preceding statements.

C. THE FAMILY BACKGROUND AND ENVIRONMENT OF YOUR FORMER SPOUSE

Please provide the same information about you former spouse as you did about yourself in Section A.

D. THE PERSONAL DEVELOPMENT OF YOUR FORMER SPOUSE

Please provide the same information about you former spouse as you did about yourself in Section B

E. DATING/COURTSHIP

- How and when you met your former spouse and age of both parties?
- Were either of you on the rebound from another relationship?
- How often did you date and what did you do on dates?
- What attracted you to each other?
- At the time, what attitudes did each of you have toward premarital sex in your relationship?
- Was there a premarital sexual relationship and, if so, to what extent did it affect your relationship?
- Did you feel any pressure to maintain or continue the relationship during the courtship?
- Describe your ability to communicate with each other during courtship.
- What did you see in this person that motivated you to choose him/her as a marriage partner?
- Who brought up the topic of marriage? How long did you know your former spouse before discussing marriage?
- At the time of your marriage, did each of you feel that you would commit yourselves to each other for the rest of your lives? Please explain.
- Was there any indication that either of you thought lightly of fidelity prior to the marriage? If yes, please explain.
- Were either of you involved with anyone other than your former spouse during the courtship? If yes, please explain.
- Did either of you enter this marriage with the attitude “if this doesn’t work out, we can always get a divorce”? If yes, please explain.
- When you married, did you both intend the marriage to last for the rest of your lives? If yes, please explain.
- Did you discuss plans about having children? If yes, what were those plans?
- Prior to the marriage, did either place any condition on the marriage such as “I will only marry you if...” or “I will remain married to you provide that...”? If yes, please explain.
- Was there any quality about the other person that, had you been aware of it, you would never have entered the marriage? If yes, please explain.
- Was there any force or fear used by anyone, such as threats, physical harm, etc., to make either party marry? If yes, please explain.
- Were there any conflicts related to careers, future family goals, and expectations? If yes, please explain.
- What were your and your former spouse’s career goals? Were they realized prior to your marriage?

- Was there ever a pregnancy involved before marriage? If yes, how did it affect the decision to marry?
- Did any other factor hasten your decision to marry?
- Were there any premarital instructions given by a priest or minister? Did you attend any pre-Cana program? Did either occasion cause any questions or problems?
- Were there any arguments during the courtship? Over that issues? How did these conflicts affect the relationship and how were they resolved?
- Describe any emotional, sexual, or physical abuse.
- Were there any interruptions or breakups during the courtship? If yes, please explain.
- Did you have any concerns about your former spouse during the courtship? If yes, please explain.
- Did either of you express a concern or doubt about the impending marriage? If yes, please explain.
- What were your families' reactions to your engagement?
- Did you and/or your former spouse sign a prenuptial agreement? If yes, what did it cover and why was it necessary? Can you furnish us with a copy? If so, please attach.
- What was your respective use of alcohol/drugs during the courtship? Please describe.
- What was the attitude of each of you toward the practice of religion? Was there any conflict about this?
- Describe any significant physical, emotional, psychological, or psychiatric problems either of you may have had during the courtship. How were they treated?
- Did either of you enter military duty during the courtship? If yes, when and why? How did this affect the relationship?
- During your courtship, do you think you were both sufficiently mature and emotionally stable to enter into marriage? If not, please explain.
- What were your and your former spouse's reasons/motives for marrying?
- Are there any other pertinent issues about the courtship you would like to mention that have not been expressed in the previous responses?

F. WEDDING AND HONEYMOON

- In what ways did you and your former spouse share in the planning of your wedding?
- Did either of you have any second thoughts in the final days leading up to the wedding? If yes, please explain. Was this discussed with anyone?
- Did anyone express concerns or doubts to you as the wedding day approached? How did you respond?
- Has anyone told you since about their doubts before the wedding?
- What was your attitude during the wedding ceremony?
- Were there any unusual incidents during the day?
- Was there any serious drug or alcohol use prior to the wedding?
- Did you have a honeymoon?

- Were there any unusual incidents during the honeymoon? If yes, please explain.
- Was the marriage consummated at this time? If not, why?
- If not, when was the marriage consummated?
- Did you intend this marriage to be “until death do we part”?
- Did you believe marriage is dissoluble and remarriage is a right if:
 - a. the other party was unfaithful, or abusive, or left the marriage?
 - b. you were not happy?
- Did one or both of you intend to be faithful excluding all others?
- As a Catholic, did you intend your marriage to be a “sacrament”, which once given is never washed away?

G. MARRIED LIFE

- How would you describe your initial adjustments in the marriage?
- Was your married life what you both expected it to be?
- Discuss when you first became aware of serious problems?
- Describe your mutual ability to communicate and share affection.
- How were major decisions reached in the marriage?
- Describe your respective relationship with friends during the marriage.
- Did either of you see these as a problem?
- Did you do things together? Please explain.
- How did parents and in-laws influence the marriage?
- Describe the usage of alcohol/drugs by each party during the marriage. Did either of you see the other’s use of alcohol or drugs as a problem?
- Were either of you ever hospitalized or treated for emotional or psychological problems during the marriage? If yes, please explain.
- Was gambling or financial irresponsibility evident during the marriage?
- Describe any marital infidelities that may have occurred.
- Were either of you possessive, jealous, or mistrustful of the other person? If yes, please explain.
- Describe and discuss any major disagreements in the marriage.
- Did pregnancy and/or children adversely affect your marriage?
- Did you intend to have children?
- If you had children, how many and how well were they accepted and cared for by each of you?
- If you did not have children, why not?
- If you agreed to postpone children, please explain why and when this decision was made. Was it a mutual decision?
- Describe to what extent contraceptives were used in the marriage.
- Did both of you act responsibly for the upkeep of the home and family? If not, please explain.
- Describe and discuss any emotional, sexual, or physical abuse.
- Were there any sexual problems? Please explain.
- Was the use of pornographic material by either of you ever a problem in the marriage? If yes, please explain.
- Did either of you exhibit any homosexual tendencies/behaviors during the marriage?

- List the major problems, which in your opinion, led to the marital breakdown.
- How did you or your former spouse contribute to the marital breakdown?

G.1 IF THE MARRIAGE WAS CELEBRATED CIVILLY AND THEN CONVALIDATED (Blessed)

- Date of the convalidation.
- Place of the convalidation. (Church, city, state)
- Ages of the parties.
- Motivation/reason for the convalidation.
- Did the parties understand that prior to the convalidation he/she was not considered married by the Catholic Church?
- Did each party give new consent at the time of the convalidation or simply renew the vows?
- Effects of the convalidation on married life.

H. DIVORCE AND SUBSEQUENT LIFE:

- How many separations occurred during the marriage?
- What was the cause of the final separation? Who left whom?
- Were you convinced the marriage was over?
- Describe any attempts at reconciliation and who made them?
- Is there any possibility of a reconciliation? Please explain.
- How long after the final separation did divorce proceeding begin?
- Who filed for divorce and on what grounds?
- Who received custody of any children born?
- Has either party remarried? If yes, which party, how many times, to whom, when and are these marriages still in existence?
- If you have remarried, has your present spouse ever been married before?
- What are your plans if this decree is granted?
- Please feel free to mention anything else about your marriage that has not been expressed in your essay.