



Dear Petitioner:

In presenting a case for a declaration of nullity, you are asking the Tribunal to make a judgment as to whether or not your previous marital relationship may be set aside in order to marry again in the Catholic Church. The information printed in this brochure will help you understand this process. However, there are a few matters that must be emphasized:

1. Since marriage involves two people and the decision of the Tribunal judges will affect both parties, Church law requires us to invite the participation of your former spouse. We will ask for information similar to that which we now ask of you. Your former spouse may choose not to participate and, if so, this will not hinder the case. In order to prevent ill feelings, if you have contact with your former spouse, please inform him or her that you are beginning this process. There is more about the involvement of your former spouse in the following pages.
2. Please be assured that the information you provide to this Tribunal is considered confidential and will not be divulged without your permission to anyone who does not have the right to see it. This is normally reserved to the parties and Tribunal personnel. However, if information concerning child sexual abuse is revealed, it must be reported to civil authorities.
3. If, through these proceedings, a declaration of nullity is granted, it will not affect the natural and civil effects and obligations of marriage, such as the legitimacy of children, child support, visitation rights, or alimony. This process is conducted exclusively for religious purposes to determine the validity of your marriage in accord with the teachings of the Gospel and of the Roman Catholic Church.
4. In the document *Mitis iudex*, the Holy Father expressed a desire that the services of the Tribunals be without charge. Thus, we impose no fee for the services rendered in the processing of your case. If, at a future date, you wish to make a freewill contribution toward continuing the work of the Tribunal, it would be greatly appreciated.
5. The *Narrative History* is crucial to the determination of whether a case is accepted or not. If you find it difficult to compose this information, you may wish to make an appointment with one of the Tribunal Auditors to provide your *Narrative History* in person (phone 814-824-1140 for an appointment).

This may be an intimately personal, even painful experience, to provide the information that is requested by the Tribunal. You may find it helpful to complete only a page or two at a time, but try not to delay. Pray for God's assistance in recalling and describing what is needed to begin your case, and please be honest. Your openness and thoroughness will help your case, and perhaps prove helpful to you personally and emotionally. Thank you for your cooperation in all these matters.

May the Holy Spirit guide and support you in this effort. Please be assured of our assistance and prayers.

The Tribunal Staff

# **A PRACTICAL GUIDE FOR THE PROCESS OF PETITIONING FOR A DECLARATION OF NULLITY**

## ***WHAT YOU SHOULD KNOW AS YOU BEGIN***

For a divorced and remarried Catholic, a declaration of nullity will allow full participation in the sacramental life of the Church. For persons of other religious traditions, a declaration of nullity will enable your present or intended spouse to celebrate your marriage in the Church and to participate fully in the spiritual and sacramental life of the Church. For many people this process brings an experience of healing. The ministry of the Tribunal can assist in the personal growth, healing, and forgiveness which is often needed after a separation and divorce.

While many people have gained new insight into themselves and their marriage through the process of petitioning for a declaration of nullity, the Tribunal exists primarily as a ministry of justice. A Tribunal is a court of law which exists to resolve questions of law within the Catholic community. The Church considers every marriage valid unless it is proven not to be. Therefore, in a declaration of nullity case the question is whether a given marriage is valid according to the teachings of the Gospel and of the Church. Essentially a declaration of nullity requires sufficient proof that this marriage was not valid from the very beginning.

An affirmative decision will result in a declaration of nullity. This does not mean that the marriage never occurred. Of course it did, and the past cannot be erased or forgotten. It does not render children illegitimate and does not have any civil effects whatsoever. It does mean that the marriage is not considered valid as the Church understands marriage and, therefore, does not bind the parties for life. A negative decision in a case simply means that this nullity was not sufficiently proven to the judges of a Tribunal, but not necessarily that this was a valid marriage.

## ***CONFIDENTIALITY OF TESTIMONY***

The contents of your case will be treated confidentially. No one will read or learn anything who does not have a right to do so. This is normally limited to you and the Respondent (your former spouse) as well as the staff of the Tribunal. If, in the determination of the judges, serious harm would result from revealing particular testimony to you or the Respondent, that testimony will be reserved and not revealed. Your address and the address of your former spouse and your children will never be disclosed to anyone. The only exception to the confidentiality previously described is in cases when childhood sexual abuse is revealed since this must be reported to civil authorities.

## ***THE LENGTH OF THE PROCESS***

When you complete the enclosed forms, you are beginning a lengthy process. Because of the case load of our Tribunal, it will be many months before a decision is reached. The Code of Canon Law (which contains the rules that govern the operation of the Tribunal) indicates that cases should be completed within eighteen months. Most cases are completed within that time. The recent document, "*Mitis Iudex*", issued by the Holy Father, has shortened the process somewhat. However, we still expect cases to take six to eight months. With your cooperation and that of your witnesses, the case may be completed much sooner.

## ***WITNESSES***

It is important for you to remember that you are beginning a legal process, and one which will require proofs and evidence. Normally this is provided by the parties to the marriage and by witnesses. The best witnesses are those who have known you and your former spouse prior to and during the courtship and marriage. Typically, parents, brothers and sisters, childhood friends, neighbors, or other relatives make good witnesses. The witnesses will normally receive a questionnaire by mail. In some cases a personal interview may be arranged. The longest delays in a case often arise when witnesses do not respond. To avoid these delays, we ask you to speak personally with every person you will list as a witness and obtain their assurance that they will respond promptly.

## ***THE INVOLVEMENT OF YOUR FORMER SPOUSE***

The process followed by the Tribunal in marriage cases has been refined over many centuries, and exists to protect the rights and interests of both parties, as well as of the Church and of the sacrament of marriage. The Tribunal is under a most serious obligation to ensure and protect the rights of your former spouse, which means that we must notify your former spouse about your request for a declaration of nullity and invite the Respondent to participate in this case by giving testimony and presenting witnesses. Many Respondents simply ignore our correspondence, and the process continues without them. The Respondent does not have the option of stopping this process. Testimony given by a Respondent will always help the judges in reaching a just decision. The Respondent has the right to read and respond to your statements, although this seldom occurs in practice. The Respondent also has the right to know the names of the witnesses and to learn, in general, the content of their testimony. The Respondent may challenge or appeal our Tribunal's decision to a higher Church Tribunal. In essence, since both spouses are considered equal partners in a marriage, both you and the Respondent enjoy the same rights.

## ***WHEREABOUTS OF YOUR FORMER SPOUSE IS UNKNOWN***

If you are unaware of the current whereabouts and have absolutely no means of locating your former spouse, the case can continue. The Tribunal will assist you in locating the Respondent through Church or civil channels. Please provide us with the last known address or that of a parent or family member. You are expected to cooperate with the Tribunal in searching for your former spouse's current address.

## ***PREPARING FOR ANOTHER MARRIAGE***

In evaluating the testimony in a marriage case, the Tribunal judges learn a great deal about the parties and their marriage. Some of this information can be used to help the parties prepare more thoroughly or realistically for a future marriage. The Tribunal is very concerned that your future marriage be as happy and healthy as possible, and particularly that problems from a prior marriage do not resurface. Because of this, in many cases the judges will require special marriage preparation before another marriage in the Church. This special assistance in marriage preparation is not meant as a penalty but as a help; a way of putting the information from your case to good use for your benefit.

This special preparation can take one of these forms:

- Informing the priest or deacon assisting you in your marriage preparation about specific issues or concerns which arose from the testimony in the case;
- A visit to a family therapist at a local office of Catholic Charities Counseling and Adoption Services to discuss specific concerns or questions;
- A referral to a psychologist or mental health professional to discuss special areas of concern.

Because this is a legal process which involves the question of your marital status in the Catholic Church, it must be resolved definitively - one way or the other - before you can begin to prepare for another marriage in the Church. To avoid confusion, anger, embarrassment and hurt, no date can be set for remarriage (or convalidation of an existing civil marriage) before a decision is rendered in your case. If you are a catechumen or candidate for reception into full communion with the Church, your initiation or reception may also be delayed until your marital status is clarified. If you have questions about this, please speak with your parish priest.

## **THE MAIN STEPS IN THE PROCESS**

Once your petition has been accepted, the Tribunal will begin to process your case in its turn. It may be helpful to summarize the steps that occur during the two main parts of the process:

### **A. *The Investigation:***

- You and your former spouse will be notified by mail as to the ground(s) under which the case will be investigated.
- You may be asked to provide additional testimony either in a written questionnaire or through a personal interview or both and, if necessary, to authorize the release of confidential reports from agencies or individuals from whom you received counseling.
- You will be asked to submit the names of witnesses who will be contacted by mail in order to obtain their testimony.
- Your former spouse will be invited to offer testimony either in writing or in a personal interview. (Please note: you and your former spouse will never be asked to appear to testify at the same time.)
- Your former spouse will be invited to present the names of witnesses who will also be contacted for their testimony.
- At the conclusion of the investigation you and your former spouse will have the opportunity to examine the testimony that has been compiled as directed by the Judge.

### **B. *The Decision:***

- Once the investigation is completed, the Defender of the Bond must submit a written report to the Judges citing any reasons why the marriage bond should be upheld in your case.
- The Judge (or panel of Judges) renders the decision in writing.
- You and your former spouse are promptly notified of the decision and will be given an opportunity to examine it at the Tribunal Office.
- You and your former spouse and the Defender of the Bond have the right to appeal the decision to the Metropolitan Tribunal of the Archdiocese of Philadelphia or to the Sacred Roman Rota.
- If the decision of the Erie Tribunal is in favor of nullity and there is no appeal and the 15 day period has lapsed, you will receive notification that the decision is final. Only at that time would you be considered free to marry again in the Church.

As you can see, the process is rather involved with many steps that must be observed in all of the cases pending before our Diocesan Tribunal. Therefore, we ask you to be patient and to cooperate with the Tribunal staff and follow the directions that you receive throughout the process.

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