

## FORMAL CASE PETITION



### GUIDELINES FOR FILLING OUT AND SUBMITTING PETITION FOR DECLARATION OF NULLITY OF MARRIAGE

Canonical & Tribunal Services

Diocese of Tyler

1015 East Southeast Loop 323, Tyler, TX - 75701

1. Before you answer any of the questions, please read the entire questionnaire.
2. Study each question carefully and think about how you will answer it. It is important that you answer each question as *truthfully and fully* as possible.
3. Please provide as much detail as possible. There is also space for any additional information that you may wish to provide, or you may use as many additional pages as necessary. Specific and detailed answers are most helpful to the judge in reaching a decision.
4. Please download the form from the diocesan website and send it **electronically** to the Tribunal; go to [www.dioceseoftyler.org](http://www.dioceseoftyler.org), click on 'Our Offices' and click 'Tribunal' select the form from 'Forms for Marriage Cases.'
5. If you do not understand a question, or are unable to fill out the questionnaire, please contact your Ecclesiastical Advocate or the tribunal. If you live outside the Diocese of Tyler, you may contact the Tribunal of your Diocese.
6. If a question does not apply to you, please write "N/A."
7. You are the petitioner submitting this request to the tribunal. The respondent is the former spouse.
8. We realize that some of the questions may appear to be very similar to other questions that you have been asked. Please understand that each question is significant to a particular time, such as dating, the engagement, or the actual marriage.

#### CONCERNING THE WITNESSES:

9. As a general rule, witnesses should have knowledge of the marriage in question, especially the courtship, engagement, and wedding. When possible, they should have known at least one party *before* the wedding.
10. Talk with your prospective witnesses and be sure that they are willing to complete a questionnaire.
11. The witnesses should be encouraged to answer each question *fully and honestly*.

12. If witnesses are unable to read or write or do not speak English, inform your advocate or the tribunal and other arrangements will be made to take their statements.
13. The following documents *should* accompany your Petition for a Declaration of Nullity. Cases *cannot* be processed if a necessary item is missing. If you want the documents to be returned, please enclose a stamped, self-addressed envelope.
- a) Civil marriage license,
  - b) A marriage certificate issued by the Catholic Church, if applicable,
  - c) *Certified* copy of the divorce decree signed by the Judge,
  - d) A *recent* copy of the baptismal certificate of Catholic parties, with notations. The baptismal certificate can be obtained from the Church in which the person was baptized.
14. In order that you may be aware of the possible outcomes of this process, we offer, informally, the following information.
- a) To be declared free to marry by the Catholic Church, there must be an affirmative decision by the Tyler Tribunal.
  - b) If an AFFIRMATIVE DECISION (a declaration that the marriage in question was invalid) IS GIVEN by the Tyler Tribunal, there are two courses the case may take:
    - If there is no appeal (by the respondent or the Defender of the Bond) against the decision of the Tyler Tribunal, within 15 days, the parties will be notified that they are free to marry in the Catholic Church.
    - If there is an appeal, the case goes to the Court in San Antonio. If there is an appeal to the briefer process before the Bishop, then the petition goes to the Metropolitan (Galveston-Houston).
  - c) If A NEGATIVE DECISION IS GIVEN, that is, the Tyler Tribunal does support the validity, the case will *not* be acted upon further, unless the Petitioner makes an appeal.



**PETITION FOR DECLARATION OF NULLITY OF MARRIAGE  
MANDATE OF THE PETITIONER FOR THE ADVOCATE/PROCURATOR**

Canonical & Tribunal Services

Diocese of Tyler

1015 East Southeast Loop 323, Tyler, TX - 75701

“A *procurator* or proxy is one who, by legitimate mandate, performs judicial business in the name of someone else. The procurator, in other words, is a representative of the party and is, in effect, the *alter ego* of the party” (Craig Cox, in *New Commentary*, p. 1646). “An *advocate* is a person approved by ecclesiastical authority who safeguards the rights of a party in a canonical process by arguments regarding the law and the facts....” (ibid).

On this date, I freely and knowingly issue the following mandate to serve as

Ecclesiastical Advocate / or  Procurator \_\_\_\_\_,

By means of this document, I am aware that I can freely choose my own advocate/procurator. If I choose my own advocate/procurator, to that person, I freely and knowingly grant the faculty of doing and performing in my name all that may be necessary and useful (c. 1484, §1). I am also aware that if I don't select an advocate/procurator, in those cases when the judge considers it necessary, he can appoint one -usually when the party has no proper right of defense (c. 1481, §1).

By means of this document, I also empower my Procurator-Advocate to receive the citations, to be notified of the publications of the acts, to examine the acts, to be notified of the conclusion of the case and of the publication of the decision, etc. throughout the procedure in connection with the expeditious, just and equitable disposition of the case.

Given at \_\_\_\_\_, Texas, on this date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's Signature

*If you send this form electronically you need to scan your signature; otherwise, sign and send it by regular mail.*

\_\_\_\_\_  
Ecclesiastical Advocate / Procurator



**PETITION FOR DECLARATION OF NULLITY OF MARRIAGE  
STATEMENT OF TRIBUNAL POLICY CONCERNING  
CONFIDENTIALITY OF EVIDENCE**

Canonical & Tribunal Services

Diocese of Tyler

1015 East Southeast Loop 323, Tyler, TX - 75701

Fairness and Justice require that the Tribunal have adequate information in order to make the right decision. In addition to the statements of the parties themselves and the testimonies of their witnesses, the Tribunal may request information from medical or psychological records (as well as school, military or personnel records) if this becomes necessary and only with your permission.

All information gathered in the course of this process is the exclusive property of the Tribunal of the Diocese of Tyler - and is confidential and privileged. This information is **never** made available to any others **except** as required by the law of the Catholic Church - notably: for inspection by the Petitioner, the Respondent, and officers of the ecclesiastical Court. The information is **never** made available to witnesses or anyone acting on their behalf or in any civil proceedings.

By means of this document, I also promise that I will institute no litigation before any civil jurisdiction or for any cause whatsoever, since this matter pertains to the governance of the Roman Catholic Church and is within her exclusive jurisdiction.

---

**AFFIDAVIT**

I attest that I have read this statement of Tribunal policy concerning confidentiality of evidence and that I understand it and voluntarily agree to be bound by the policies explained in this statement.

I further swear that the statements I have made in the enclosed Petitioner's statement are the truth and nothing but the truth.

---

**Petitioner's Signature**

*If you send this form electronically you need to scan your signature; otherwise, sign and send it by regular mail.*

---

**Ecclesiastical Advocate's Signature**

---

**Date**



PETITION FOR DECLARATION OF NULLITY OF MARRIAGE

Canonical & Tribunal Services

Diocese of Tyler

1015 East Southeast Loop 323, Tyler, TX - 75701

**CASE NAME:** \_\_\_\_\_ - \_\_\_\_\_ **TY # 20**\_\_\_\_ - \_\_\_\_\_

**PETITIONER:** First, Middle, Maiden & Present Last Name

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/St/Z: \_\_\_\_\_

Phone: Work: (\_\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Religion: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age \_\_\_\_\_

Church of Baptism: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City/St/Z: \_\_\_\_\_

**RESPONDENT /FORMER SPOUSE:** First, Middle, Maiden, Present Last Name

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/St/Z: \_\_\_\_\_

Phone: Work: (\_\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

RESPONDENT Con't:

Religion: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age \_\_\_\_\_

Church of Baptism: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City/St/Z: \_\_\_\_\_

**MARRIAGE:** (Enclose copy of civil marriage license)

Place/Church: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ County: \_\_\_\_\_

City/St/Z: \_\_\_\_\_

**DIVORCE:** (Enclose copy of signed divorce decree)

County: \_\_\_\_\_ State: \_\_\_\_\_ Date: \_\_\_\_\_



**Witnesses are a vital part of this process. The best witnesses are those who knew the parties before, at the time of, and during the courtship and/or marriage. Please provide at least two knowledgeable witnesses. Family members often make good witnesses.**

Name: \_\_\_\_\_ Work: (\_\_\_\_\_)\_\_\_\_\_

Address: \_\_\_\_\_ Home: (\_\_\_\_\_)\_\_\_\_\_

City/St/Z: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship: \_\_\_\_\_ How long acquainted? \_\_\_\_\_

Name: \_\_\_\_\_ Work: (\_\_\_\_\_)\_\_\_\_\_

Address: \_\_\_\_\_ Home: (\_\_\_\_\_)\_\_\_\_\_

City/St/Z: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship: \_\_\_\_\_ How long acquainted? \_\_\_\_\_

Name: \_\_\_\_\_ Work: (\_\_\_\_\_)\_\_\_\_\_

Address: \_\_\_\_\_ Home: (\_\_\_\_\_)\_\_\_\_\_

City/St/Z: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship: \_\_\_\_\_ How long acquainted? \_\_\_\_\_

Name: \_\_\_\_\_ Work: (\_\_\_\_\_)\_\_\_\_\_

Address: \_\_\_\_\_ Home: (\_\_\_\_\_)\_\_\_\_\_

City/St/Z: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship: \_\_\_\_\_ How long acquainted? \_\_\_\_\_



Please **initial** each statement.

I, the undersigned Petitioner, understand and agree:

- \_\_\_\_ 1. A declaration of nullity cannot be granted until I have provided sufficient evidence to overturn the Church's presumption that my marriage is valid.
- \_\_\_\_ 2. Submitting this petition does not guarantee that a declaration of nullity will be granted.
- \_\_\_\_ 3. The rights of the Respondent (my former spouse) will be protected.
- \_\_\_\_ 4. Both parties have the right to review the case testimony at a designated time in the Tribunal office.
- \_\_\_\_ 5. I have the obligation to exhaust all reasonable means to locate my former spouse, and provide the Tribunal with a current address and phone number. If unsuccessful, I agree to document what attempts made to locate my former spouse.
- \_\_\_\_ 6 I will **NOT** set a date for marriage in the Catholic Church until a declaration of nullity is granted.
- \_\_\_\_ 7. A declaration of nullity is an ecclesiastical matter and has no bearing whatsoever in civil law.
- \_\_\_\_ 8 The tribunal decision does not affect legitimacy of children.
- \_\_\_\_ 9. The Tribunal may recommend /require pre-marital preparation or counseling prior to my entering into a future marriage.
- \_\_\_\_ 10. If a declaration of nullity is granted, there may be restrictions on my entering a future marriage if I am not fulfilling my moral and civil obligations to my former spouse or children.
- \_\_\_\_ 11. Only the Petitioner, Respondent, or their Advocates, parish priest may seek information regarding the case.

Inquiries should always include **the case name and protocol number**.

\_\_\_\_\_  
Petitioner's Signature

*If you send this form electronically you need to scan your signature; otherwise, sign and send it by regular mail.*

\_\_\_\_\_  
Date

**I. PETITIONER:** \_\_\_\_\_

1. Describe your parent's relationship with each other.
  
2. Describe your relationship with your parents.
  
3. Do you have brothers/sisters? How many, and how did you get along with them?
  
4. Did your extended family get along? (grandparents, aunts, uncles, cousins)
  
5. How important was religion in your home of origin?
  
6. Did you make friends easily while growing up?
  
7. Did you have any problems growing up? (physical or emotional)
  
8. How did you do in elementary / secondary school?

9. Did you get along with teachers and the other students?

10. Anything you especially did not like about school?

11. How much education do you have?

12. What were some of the jobs you had after high school?

13. If you attended college, how did you get along with teachers, students, and friends there?

14. Describe your dating experience prior to meeting your former spouse.

15. What is your current profession, and for how long?

16. Check Yes or No:      Were You:

\_\_\_\_\_ Yes    \_\_\_\_\_ No    Erratic

- Yes     No    Jealous
- Yes     No    Nervous
- Yes     No    Selfish
- Yes     No    Dishonest
- Yes     No    Irresponsible
- Yes     No    Unpredictable
- Yes     No    Quick tempered
- Yes     No    Insensitive to others
- Yes     No    Inclined to violent rages

Did you have problems with:

- Yes     No    Drugs
- Yes     No    Alcohol
- Yes     No    Holding a job
- Yes     No    Handling money
- Yes     No    Establishing goals
- Yes     No    Getting along with people
- Yes     No    Following through with plan

\* Please explain any "yes" answers. \*

---



---



---



---



---



---



---



---



---



---

17. BEFORE the wedding describe YOUR attitudes about:

a. Wanting or not wanting children.

- b. Limiting the number of children.
  
- c. Practicing or not practicing birth control.
  
- d. Marriage is "for better or worse, until death do us part".
  
- e. If a spouse commits adultery, is one then free to end the marriage?
  
- f. Getting divorced and re-married if the marriage didn't work.
  
- g. If a person was justified in divorcing, would they be then free to enter a new marriage?
  
- h. Having sex only with your spouse or reserving sex for marriage?
  
- i. Being pressured into marriage.

\* The Petitioner answers this section *about* the Respondent:

**II. RESPONDENT:** \_\_\_\_\_

1. Describe your former spouse's parents' relationship with each other.

2. Describe your former spouse's relationship with his/her parents.
  
3. Does your former spouse have brothers and sisters? How many, and did they get along?
  
4. Did his/her extended family get along? (Grandparents, aunts, uncles, cousins)
  
5. How important was religion in your former spouse's home of origin?
  
6. While growing up did your former spouse make friends easily?
  
7. Did your former spouse have problems growing up? (physical or emotional)
  
8. How did your former spouse do in elementary / secondary school?
  
9. Did your former spouse get along with teachers, and other students?

10. Anything your former spouse especially liked or disliked about school?

11. How much education does your former spouse have?

12. What jobs did your former spouse have after high school?

13. If your former spouse attended college, did he/she get along with teachers and students?

14. Describe your former spouse' dating experience prior to meeting you.

15. What is your former spouse's current profession. How long?

16. Check Yes or No. Was your former spouse:

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Erratic
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Jealous
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Nervous
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Selfish
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Dishonest
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Irresponsible

- Yes     No    Unpredictable
- Yes     No    Quick tempered
- Yes     No    Insensitive to others
- Yes     No    Inclined to violent rages

Did your former spouse have problems with:

- Yes     No    Drugs
- Yes     No    Alcohol
- Yes     No    Holding a job
- Yes     No    Handling money
- Yes     No    Establishing goals
- Yes     No    Getting along with people
- Yes     No    Following through with plans

\* Please explain any "yes" answers \*

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

17. BEFORE the wedding, describe your FORMER SPOUSE’S attitudes about:

a. Wanting or not wanting children.

b. Limiting the number of children.



c. Practicing or not practicing birth control.

d. Marriage is "for better or worse, until death do us part"

e. If a spouse commits adultery, is one then free to end the marriage?

f. Getting divorced and re-married if the marriage didn't work?

g. If a person was justified in divorcing, would they be then free to enter a new marriage?

h. Having sex only with your spouse or reserving sex for marriage?

i. Being pressured into marriage.

**III. DATING AND ENGAGEMENT:**

1. How did you meet your former spouse?

2. What were your ages when you first met? You: \_\_\_\_\_ Former spouse: \_\_\_\_\_

3. What attracted YOU to your former spouse?
  
4. What attracted your FORMER SPOUSE to you?
  
5. How long and how often did you date? Describe your dates.
  
6. Were there problems during the dating period? If "yes", please explain.
  
7. What did YOUR parents, family, and friends think about the relationship?
  
8. What did your FORMER SPOUSE'S parents, family, and friends think?
9. While dating, was there anything that bothered you about your former spouse?
  
10. Who proposed marriage? Why?

11. Was there an engagement period? How long was it?
  
  
  
  
  
  
  
  
  
  
12. Were there problems during the engagement period?
  
  
  
  
  
  
  
  
  
  
13. What did YOUR parents, family, and friends think about the engagement?
  
  
  
  
  
  
  
  
  
  
14. What did your FORMER SPOUSE's parents, family, and friends think?
  
  
  
  
  
  
  
  
  
  
15. Where YOU reluctant or pressured to marry? If "yes", please explain.
  
  
  
  
  
  
  
  
  
  
16. Was your FORMER SPOUSE reluctant or pressured to marry? If "yes", please explain.
  
  
  
  
  
  
  
  
  
  
17. Did the two of you work together planning the wedding? If "No", please explain.
  
  
  
  
  
  
  
  
  
  
18. Were both families involved in wedding preparations? If "No", please explain.

19. Before the wedding (or convalidation of a civil union), did you:

\_\_\_ Yes \_\_\_ No     a. Both attend Pre-Cana?

\_\_\_ Yes \_\_\_ No     b. Both attend an Engaged Encounter?

\_\_\_ Yes \_\_\_ No     c. Both receive in-depth instructions from a Catholic priest or  
deacon on the Sacrament of Matrimony?

\_\_\_ Yes \_\_\_ No     d. For a non-Catholic wedding: did you both receive instructions  
on the responsibilities, and the serious nature of marriage?

20. If you did NOT receive any pre-marriage preparation, please explain why not.

21. What did the priest, minister, or civil magistrate who witnessed your marriage think about the marriage?

#### **IV. WEDDING, RECEPTION, HONEYMOON:**

1. Was this the first marriage for you and your former spouse? If "No", please explain.

2. Describe your frame of mind on the wedding day, including at the ceremony/reception.

a. Your frame of mind:

b. Former spouse's frame of mind:

3. What were your ages on your wedding day? You: \_\_\_\_\_ Former spouse: \_\_\_\_\_

4. Were there any unusual events on the wedding day? If "yes", please explain.

5. Where and how long was the honeymoon?

6. Was the honeymoon a pleasant experience? \_\_\_\_\_ If "No", please explain.

7. IF you were Catholic and married civilly, and then had the marriage validated in the Catholic Church, please explain your understanding of this second Church ceremony.

- When and where did this occur?

- Why did this occur?

a. Your understanding:

b. Former spouse' understanding:

#### **V. THE MARRIAGE:**

1. How long did you actually live together as husband and wife? (weeks, months, or years)

2. When did problems first begin? (before the wedding, within weeks, months, or years?)

3. Describe these problems.
  
4. How did you and your former spouse respond to these problems?
  - a. You?
  
  
  
  
  
  
  
  
  
  
  - b. Your former spouse?
  
5. What influence did family / friends have on your marriage?
  - a. Your family / friends:
  
  
  
  
  
  
  
  
  
  
  - b. Former spouse' family / friends:
  
6. Please comment on the effect these issues had on your marriage:
  - a. A breakdown in communication.
  
  
  
  
  
  
  
  
  
  
  - b. The loss of shared goals and interests.
  
  
  
  
  
  
  
  
  
  
  - c. Sexual incompatibility.

d. Sexual infidelity.

e. Conflicts about children.

f. Alcohol / drug abuse.

g. Religion / in-laws.

h. Jobs / careers / money.

i. Verbal / emotional abuse.

j. Violence / physical abuse.

k. Sexual abuse.

7. Do you think the two of you ever grew together in a close and loving partnership?

a. You:

b. Do you think your former spouse would agree?

8. Do you feel you ever had a close and happy life together?

a. You:

b. Do you think your former spouse would agree?

9. How soon after the wedding day was there a pregnancy? (before, weeks, months, years,)

10. How did you react upon the discovery of this pregnancy?

a. You:

b. Former spouse:

11. How many children were born to this marriage? \_\_\_\_\_

12. How did you treat your children?

a. You:

b. Former spouse:

13. Did you make plans for your children's education and future?



14. Were there any separations during your marriage? How many?

15. What caused these marital separations?

16. What caused the FINAL separation?

17. Between the final separation and divorce, were any attempts made to get back together?

18. Is there any hope of you and your former spouse getting back together?

If "yes", please explain.

19. Did either of you seek any form of counseling? (from a priest, psychiatrist, family doctor)

\_\_\_\_\_ Yes \_\_\_\_\_ No Please explain.

#### **VI. DIVORCE AND REMARRIAGE:**

1. Who filed for divorce?

2. Why?

3. Has your former spouse remarried? If "yes", how many times? \_\_\_\_\_

4. Have YOU remarried and AGAIN divorced? If "yes", please give details below.

Name of Spouse	Date of Marriage	Date of Divorce
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Are you presently married? \_\_\_\_\_ If NO, skip to question #6.

a. What is the name of your present spouse?

b. Was your present spouse ever married before? \_\_\_\_\_ If "yes", how many times? \_\_\_\_\_

c. Petitioner's PRESENT spouse: \_\_\_\_\_ has never been married before  
 \_\_\_\_\_ widow / widower  
 \_\_\_\_\_ companion marriage case(s) enclosed

d. Present spouse's religion? \_\_\_\_\_

e. Any children born from this present marriage? \_\_\_\_\_

f. Please describe your relationship with your present spouse.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. If you INTEND to remarry, please answer the following:

a. Name of your intended spouse: \_\_\_\_\_

b. His/her religion: \_\_\_\_\_

c. Was your intended spouse ever married before? \_\_\_\_\_ If "yes", how many times? \_\_\_\_\_

d. Petitioner's INTENDED spouse: \_\_\_\_\_ has never been married before  
 \_\_\_\_\_ widow / widower

\_\_\_\_\_ companion marriage case(s) enclosed

7. Why are you asking the tribunal for a declaration of nullity?

---



---



---



---



---



---



---

**I take seriously an oath and freely state:  
 I HAVE STATED THE TRUTH AND NOTHING BUT THE TRUTH  
 SO HELP ME, GOD**

\_\_\_\_\_  
Petitioner Signature

*If you send this form electronically you need to scan your signature; otherwise, sign and send it by regular mail.*

\_\_\_\_\_  
Date



FORMAL CASE PETITION DONATION AGREEMENT

Canonical & Tribunal Services

Diocese of Tyler

1015 East Southeast Loop 323, Tyler, TX - 75701

Canon law requires every Diocese to staff and maintain a Tribunal Office. The Bishop’s Appeal now subsidizes the Tribunal over \$100,000 each year to provide for this most important ministry.

The Diocese spends approximately \$1,500 to process a formal case petition. Costs arise from staff salaries/medical insurance, priest stipends, continuing education, office utilities, equipment, supplies, phone/postage and general office maintenance.

We ask that a \$25 filing fee be submitted with your petition.

An additional donation would be greatly appreciated to help defray these Diocesan expenses.

Please check the appropriate statements below.

\_\_\_\_\_ I have enclosed a \$25 filing fee.

\_\_\_\_\_ I will make a donation of \$ \_\_\_\_\_ when my case is completed.

\_\_\_\_\_ I will make a minimum \$150 tithe donation to the Tribunal.

\_\_\_\_\_ I am unable to offer a donation now, but will prayerfully consider a future donation.

(Make checks payable to the Diocese of Tyler)

\_\_\_\_\_  
Petitioner signature  
*If you send this form electronically you need to scan your otherwise, sign and send it by regular mail.*

\_\_\_\_\_  
Date  
*signature;*