

PROTOCOL NUMBER**APPLICATION FOR FORMAL ANNULMENT CASE**(Application must be fully completed – please type or print)**(Person beginning case) PETITIONER****(Former Spouse) RESPONDENT**

Maiden Last Name		
Full Legal Name: First, Middle, Last		
Street Address		
City	State	Zip
Home Phone	Business Phone	
Birthdate:	Month / Day / Year	
Age at Time of Wedding to Respondent		

Maiden Last Name		
Full Legal Name: First, Middle, Last		
Street Address		
City	State	Zip
Home Phone	Business Phone	
Birthdate:	Month / Day / Year	
Age at Time of Wedding to Petitioner		

Baptized: Yes	No:
If baptized, give date or approximately when:	
Name and Sect of Church of Baptism	
Complete address of Church of Baptism	
Religion at Time of Wedding	Present Religion

Baptized: Yes	No:
If baptized, give date or approximately when:	
Name and Sect of Church of Baptism	
Complete address of Church of Baptism	
Religion at Time of Wedding	Present Religion

MARRIAGE OF PETITIONER AND RESPONDENT

Date of Wedding	Month / Day / Year
Name of the Church or Place of Wedding	
Names of Children and their Birthdates	

Official Witness – Priest, Clergyperson, Civil Official	
Complete Address of the Church or Place of Wedding	
Length of Common Life	Years / Months
Final Separation	Month / Day / Year

IF THE MARRIAGE WAS LATER CONVALIDATED IN THE CATHOLIC CHURCH

Date of Convalidation	Month / Day / Year
Name of the Church or Place of Marriage	

Name of the Official Witness – Priest, Deacon	
Complete Address of Church or Place of Marriage	

CIVIL DIVORCE OR DISSOLUTION

Final Date	Month / Day / Year
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County, City or Borough, and State

PROPOSED WITNESSES

It is essential that witnesses be provided. Witnesses are people who knew both you and your former spouse very well, your backgrounds, and how your relationship began and developed. Good witnesses are people who knew you and your former spouse during the courtship and the early part of the marriage. People who knew you and your former spouse only during the marriage seldom can provide the kind of information pertinent to an annulment.

Before you submit the names of your witnesses, please contact them to determine if they are willing to offer testimony on your behalf.

Witness 1

Please circle one: Mr. Mrs. Ms.

Full Legal Name, First, Middle, Last

Street Address

City, State

Zip

Home Phone

Age of Witness at Time of Your Marriage

Relationship to You

Witness 2

Please circle one: Mr. Mrs. Ms.

Full Legal Name, First, Middle, Last

Street Address

City, State

Zip

Home Phone

Age of Witness at Time of Your Marriage

Relationship to You

Witness 3

Please circle one: Mr. Mrs. Ms.

Full Legal Name, First, Middle, Last

Street Address

City, State

Zip

Home Phone

Age of Witness at Time of Your Marriage

Relationship to You

Witness 4

Please circle one: Mr. Mrs. Ms.

Full Legal Name, First, Middle, Last

Street Address

City, State

Zip

Home Phone

Age of Witness at Time of Your Marriage

Relationship to You

Professional Witness 1

Full Name and title

(Organization)

Street Address

City, State

Zip

Business Phone

Professional Witness 2

Full Name and title

(Organization)

Street Address

City, State

Zip

Business Phone

YOUR STATEMENT OF NULLITY

(Read page 4 before answering the following)

In a brief statement, give your reasons why you believe that your marriage is invalid, that is, defective in some essential way FROM THE BEGINNING. (You should discuss this with your parish priest or deacon, or other competent pastoral minister.)

APPOINTMENT OF PROCURATOR/ADVOCATE

I hereby appoint _____ as my procurator/advocate, with the mandate to perform in his or her own name, as and for me, all useful and necessary acts as permitted or required by Church law before the Ecclesiastical Tribunals of the Catholic Diocese of Lexington and the Appeal Court for the Archdiocese of Louisville.

PETITIONER'S ATTESTATION TO WRITTEN ANSWERS TO INTERROGATORIES AND APPOINTMENT OF PROCURATOR

As God is my witness, I hereby solemnly swear that all statements made by me herein are the truth, the whole truth, and nothing but the truth, to the best of my knowledge and belief. In signing, I acknowledge that I have discussed the case fees with my procurator/advocate.

Date

Signature

PROCURATOR'S ACCEPTANCE OF APPOINTMENT

I, the undersigned, accept the mandate of the petitioner and agree to faithfully carry out the duties assigned to me as procurator/advocate.

Date

Signature

PETITIONER AND PROCURATOR

BE SURE THAT YOU HAVE FOLLOWED ALL THE INSTRUCTIONS GIVEN HEREIN. IF YOU HAVE NOT, THE APPLICATION WILL BE RETURNED.

BE SURE THE PETITIONER UNDERSTANDS THAT THIS IS ONLY AN APPLICATION FOR PRELIMINARY INVESTIGATION AND REVIEW BY THE TRIBUNAL. IT BECOMES A FORMAL PETITION FOR ANNULMENT WHEN GROUNDS ARE SET.

BE SURE THAT PETITIONER HAS SIGNED HIS OR HER STATEMENT AND THAT THE SIGNATURE HAS BEEN WITNESSED BY A CLERIC OR OTHER COMPETENT PASTORAL MINISTER.

BE SURE THAT THE FOLLOWING ARE INCLUDED:

1. A copy of the marriage license and certificate.
2. A copy of the final decree of divorce or dissolution. The petition or settlement statement or the like does not suffice.
3. Records, with all notations, of baptism of Catholic spouses, issued within the last six (6) months.

The following questions are intended to give the complete background of the total relationship of the parties to the Marriage in question. You are asked to answer these questions as completely as possible. Please answer in detail. Brief, uninformative answers are generally not sufficient.

ANSWERS MUST BE LEGIBLE AND NUMBERED USING 8 ½" x 11" PAPER. ANSWERS CAN BE TYPED, COMPUTER USED, OR HANDWRITTEN.

REGARDING YOUR BACKGROUNDS AND COURTSHIP

1. Please give complete details about your own background, schooling, family, friends, religion, service, etc. Were there any special circumstances or problems (such as, divorce, tensions, problems between your parents, difficulty in relating to parents or siblings, absence of parents, death, illness, alcohol or drug use/abuse, emotional illness, financial hardship, sexual abuse, etc.)? How did your parents treat you and the other children? How did you relate to your family or friends as a child, as a teenager, etc.? Please explain.
2. Please give the complete background of your former spouse in regard to his/her family, schooling, friends, religion, service, problems with the law, history of employment etc. In his/her family background, were there any special circumstances or problems (such as, divorce, emotional illness, financial hardship, drug or alcohol use/abuse, etc.)?
3. Before you met each other, how much dating had been done by each of you?
4. When and how did you become acquainted with your former spouse? (Give the approximate date).
5. How often did you date? Describe a typical date. Describe how your relationship developed. What attracted you to each other? What sorts of activities were enjoyed together?
6. During the time that the two of you were dating, which of you was the more dominant partner? Did you consider it an equal relationship? How you did treat each other and feel about each other? Explain.
7. Describe your communication during your courtship. How often and about what sort of things did you argue? Did you discuss matters about yourselves or just common activities?
8. Describe any characteristic about your former spouse that caused you concern or created problems in your relationship. How did you react to those characteristics?
9. How long had you been dating before you felt this was a serious relationship, and what made you feel that this was a serious relationship? At the time you were dating, how would both of you have described marriage?
10. When and why did you both decide to marry? How old were each of you? Were there any special circumstances, which may have influenced your decision (for example a pre-marital pregnancy, sexual involvement, having lived together, graduation from school, the marriage of friends, an impending relocation, etc.)? Would you have married this person had these circumstances been different?
11. How long were you engaged? Was the engagement ever broken? If so, when and what was the reason for the break-up and how did you reconcile?
12. Did the two of you become involved in sexual relationship before the wedding? Did the two of you live together during this time? If so, how soon into the courtship? Did your relationship change or develop any problems after that?
13. If there was a pre-marital pregnancy, before the pregnancy was discovered, had the two of you been planning to marry? How did the discovery of the pregnancy affect both of you emotionally? How did members of both families deal with pregnancy? Did you consider alternatives? Please, explain.
14. What did your parents and friends think about the relationship? Did anyone caution or advise against the marriage and how did you respond to these objections? Please explain.
15. Were you both practicing your faith at the time of your wedding? What value did religion have in your life? Was there any conflict over religious values?
16. Describe how the two of you prepared for marriage? Before the wedding, was any instruction received about marriage itself or pre-marital evaluation given? Did you have any discussion between yourselves about the responsibilities and demands of marriage?
17. What were each of you looking for in marriage? What plans did either of you make for where and how you would live?
18. Did you or your former spouse have any doubts or fears about the marriage? Did you feel your relationship was deepening during the days just before the wedding?

REGARDING YOUR DECISION TO MARRY AND MARRIAGE ITSELF

19. Prior to marriage did you discuss what would be done if the marriage was unhappy? Did either of you consider divorce as a future option or acceptable solution to marital difficulties? If you did, did you believe that after such a divorce, you would be free to remarry? Please explain.
20. Was fidelity a value to you and your former spouse at the time of the marriage? Did either party have the ability to be faithful entering into the relationship? Were you both faithful to each other during the marriage? If not, please give details about the infidelity, when it began, how often it continued, etc.

21. Did either of you place any condition or reservation on the marriage (e.g., practice of the faith, children, virginity, financial status, etc.)?
22. Before the wedding, were there any discussions or agreements regarding children? Did either of you intend to delay children or not to have them at all? If children were born, were they wanted and raised by both parents? If no children were born, what was the main reason? How were they avoided?
23. Was the marriage contracted freely? If there was any force or fear, please explain. Who applied it, why, what kind of force, etc.?
24. When you consented to marry, did you both intend and accept that you were entering a permanent marriage binding until death, and therefore not even civil divorce/dissolution could change the binding nature of your marriage? Please explain your intentions.
25. In making your wedding vows, do you believe that both of you were committing yourselves to an equal partnership which involved a true sharing of basic marital rights and duties? What were those rights and duties, as you understood them?
26. Did anything unusual happen at the wedding, the reception, or the honeymoon? Please explain.
27. Describe your daily-married life. Where you both lived and worked, major events, dates of separation, etc. How you related to each other in general, how you divided up responsibilities, how you related to friends and family? Where you happy in the early part of your marriage? If so please explain.
28. How long did you actually live together? Why did you stay together for that length of time?
29. When and over what did problems first arise in the marriage; include such problems areas as communication, major areas of disagreement, sexual problems, finances, alcohol or drug abuse, emotional or sexual abuses, instances of infidelity, problems with unemployment, with civil authorities, or with family/in laws, etc. Were they ever resolved? If so, how?
30. Were there any separations other than the final one? If so, please give the approximate dates, how long they lasted, what caused them, and why you got back together.
31. Please describe the events surrounding final separation. What caused the breakdown of your marriage? What was the responsibility of each of you for the breakdown of the marriage? Who moved out? Were any efforts made, if any, to effect reconciliation? Is there now any real possibility to reconcile with each other?
32. At any time, did you discuss personal or marital problems with professional persons? If so, give details: doctors, agencies, etc. Indicate whether you saw them alone, or jointly with your former spouse, when the consultation took place. Would you be willing to sign a release for the above records?
33. When and by whom were statements first made about a possible divorce? Who initiated divorce and when?
34. Who obtained custody of the children and how have the children reacted to the divorce? Since the divorce how have you treated each other, how stable have each of you been emotionally, financially, occupationally?
35. Has either of you remarried or plans to remarry? If so, how many times? Give the name of the spouse(s), the date of the wedding(s) and if applicable any subsequent divorce(s). Indicate whether your present/intended spouse has been married before? If so, is she/he now free to marry you in a Catholic ceremony? What Church does your present spouse belong?
36. Give a description of your character and personality at the time you decided to marry, including your prevailing mood(s), things that bring out a strong emotional response in you, whether you are outgoing or shy, any reoccurring fears, nervousness or anxieties, your level of responsibility, your ability to plan for the future, examples of poor judgment, repeated mistakes, how you interact with other people, etc. Did you ever suffer before or after the marriage from any mental, emotional or nervous disorder? Did you undergo any psychiatric, psychological or professional help?
37. As you look back, at the time of your marriage, were you mature and ready for marriage? Why do you say that? Did you exercise good judgment in entering the marriage? Please explain.
38. Give a description of your former spouse's character and personality at the time you decided to marry, including prevailing mood(s), things that bring out a strong emotional response in him/her, whether he/she is outgoing or shy, any reoccurring fears, nervousness or anxieties, his/her level of responsibility, ability to plan for the future, interacting with other people, examples of poor judgment, repeated mistakes, etc. Did he/she ever suffer before or after the marriage any mental, emotional or nervous disorder? Did he/she undergo any psychiatric, psychological or professional help?
39. In retrospect, was your former spouse, in fact, mature and ready for marriage at the time you married? Why you say that? Did she/he exercise good judgment in entering the marriage? Please explain.

IF YOURS WAS A MARRIAGE OUTSIDE THE CATHOLIC CHURCH BUT WAS LATER CONVALIDATED IN THE CHURCH, PLEASE COMPLETE THE FOLLOWING QUESTIONS

40. Describe the time between the first ceremony and the ceremony in the Catholic Church?
41. Why did both of you agree to undergo this ceremony in the Catholic Church? Did you regard this ceremony in the Catholic Church as necessary for both of you to be truly married?
42. What was your and your former spouse's level of participation in the Catholic faith prior to the validation?
43. A validation includes a "new act of consent". A couple, perhaps recognizing the flaw in their prior consent, chooses to give marital consent a new and a distinct exertion of will. Did you intend to give a "new act of consent" or merely renew the consent already given?
44. After you were married in the Catholic Church, what date did you consider as your marriage anniversary?

FULL FORMAL PROCESS

The declaration of nullity process examines the consent given by the parties to a marriage and/or the capacity of the parties to carry through with the marital consent. The parties manifested consent with the proper formalities required by church law, but the question to be examined is whether or not a deficiency in consent and/or capacity kept the indissoluble bond of marriage from existing.

The basic presumption of Church law is that the parties gave sufficient reflection to what they were doing, had the proper intentions, and were capable of doing what they intended freely and fully. It is that presumption that must be overturned through the Tribunal process.

A full treatment of the grounds for nullity cannot be given here. The following are only some brief thoughts about grounds.

One must intend marriage and all its essentials to marry validly. As canon 1101 states:

1. The internal consent of the mind is presumed to be in agreement with the words or signs employed in celebrating matrimony;
2. But if either or both parties through a positive act of will, should exclude marriage itself, some essential element or an essential property of marriage is invalidly contracted.

Examples of deficient consent are:

- Total intention against being married;
- Exclusion of a permanent marriage;
- Exclusion of children from the marriage;
- Restriction of the other party's right to children;
- Exclusion of fidelity;
- Intention not to cohabit;
- Conditions contrary to the substance of marriage;
- Defective intentions regarding a convalidation.

One must also be capable of consenting to, and living out, the "partnership of the whole of life...by its nature, ordered toward the good of the spouses and procreation and education of offspring" (Canon 1055.1).

A person may actually not be capable of giving free and true consent on the day of the wedding for a variety of reasons:

- Severe mental illness;
- Force and fear demanding that the wedding take place;
- Psychological or severe social pressures;
- Undue pressure resulting from pre-marital pregnancy;
- A grave inability to exercise good judgment;
- Severe immaturity.

Likewise, a person may be incapable of living out the essential responsibilities of marriage:

- Severe mental illness;
- Physical or psychic impotence;
- Severe and chronic irresponsibility;
- Chronic alcoholism; drug abuse;
- Homosexuality
- Personality disorders.

If a person is incapable of living out these essential obligations and responsibilities, he or she is incapable of assuming them because no one is held to the impossible.

In these cases, any exclusion, psychic incapacity, or serious lack of the necessary critical judgment must be proven to have existed at the time of the marriage ceremony, even though the full implications may not have come to light until later in the common life. A declaration of nullity cannot be given for reasons that develop or surface only AFTER the wedding, unless they can be proven to have existed BEFORE the marriage ceremony, at least beginning within that time frame.