

## **DIOCESE OF TULSA, OKLAHOMA**

### **Office of the Tribunal**

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## **The Process of Presenting a Declarations of Nullity**

### **What is a Declaration of Nullity?**

A Catholic Church court known as a Tribunal, declares that a marriage thought to be valid according to Church law actually lacked at least one of the essential elements required for a binding union, or a valid marriage. The Tribunal process seeks to determine if at least one of the essential elements was missing at the moment of consent, that is, the time of the wedding.

For a marriage between a man and a woman to be valid, there is required that:

1. The spouses are free to marry.
2. They are capable of giving their consent to marry.
3. They freely exchange their consent.
4. In consenting to marry, they had the intention to marry for life, to be faithful to one another and to be open to children.
5. They intend to the good of each other.

### **What does the Tribunal process involve?**

There are several steps involved:

1. The person asking the Tribunal to investigate the validity of their marriage, the petitioner or co-petitioners, ask their parish priest, deacon, or trained lay person who are known as advocates, to assist them in preparation of a petition to be submitted to the Tribunal.
2. The petitioner assisted by their advocate prepares and submits written testimony about the marriage in question:
  - a. List two to four witnesses that are willing to answer questions in regard to the spouses and the events leading up to the wedding. Testimony from these witnesses, former spouse and parents, if living, will be obtained by the Tribunal through mail.
  - b. A copy of the marriage certificate
  - c. A copy of the divorce decree
  - d. A copy of Catholic baptism of either petitioner or respondent
3. If the petition is not co-signed by both spouses, the tribunal will contact the former spouse, the respondent, so it is necessary that a current address for the former spouse be submitted.
  - a. The respondent has a right to be involved, but if the former spouse chooses not to become involved, the case can still move forward.
4. Once all required documentation has been received by the Tribunal, the Tribunal will determine the process that is to be followed:
  - a. Regardless of the selected process, both the petitioner and the respondent will be able to read the testimony submitted, except for testimony protected by civil law, and both will have the opportunity to submit additional testimony.
5. If the Tribunal decides in favor of the nullity of the marriage, the parties are then free to marry in the Catholic Church, unless an appeal of the decision is lodged, or the decision includes a

prohibition against one or both of the parties marrying until certain issues have been resolved (refer to Code of Canon Law 1682.1).

**How long does the process take?**

The length of time will depend upon the type of process that is followed, e.g., the ordinary judicial process, the process before the Bishop or "Briefer Process", a documentary process, or a process before a Roman court. Your advocate, priest, or deacon will be able to give you a more exact estimate of time based upon your case and can advise you of what type of process might be possible to submit.

**Why does the Catholic Church require an intended spouse, who is divorced but not Catholic, to obtain a declaration of nullity before marrying in the Catholic Church?**

The Catholic Church respects and holds all marriages valid until proven otherwise. The Church requires a declaration of nullity in order to establish that an essential element was missing in that previous union that prevented it from being a valid marriage, and thus freeing the intended spouse to marry in the Catholic Church.

**When may we set a date for our wedding after submitting our petition for a declaration of nullity?**

You should not set a date until the Tribunal's decision has been finalized. For the reason that the petition may not be granted, and if eventually it is to be granted, there may be unexpected delays in the process, e.g., an appeal by the former spouse to the tribunal's decision.

**The following self-examination questions will be helpful to review before you begin to answer the questionnaire. These questions are between you and God and are designed for your own benefit and do not need to be submitted to the Tribunal.**

1. What did your ex-spouse most criticize in you, or what in you most upset him/her? With hindsight, do you perhaps now see that your former spouse was justified in his/her reactions?
2. Did you perhaps react unwisely or inappropriately to things in your ex-spouse's personality or conduct that bothered you? What were these inappropriate reactions on your part?
3. How aware were you of your former spouse's feelings and needs? Were you usually caring and supportive? In what ways did you show this?
4. Did you really keep your spouse in first place in your life? If not, who or what took the first place: Your mother or father? Your children? Your work? Other friends? Recreation without your spouse being along? How soon after your wedding did this start? Was this your real intention or did you just slip into it gradually or perhaps without real awareness of what was happening?
5. Did you usually or always insist on having your own way with your former spouse? Were you always right, and your spouse always wrong?
6. When you entered marriage, what was your understanding of marriage? Comparing your understanding and your intentions with your real living in your marriage, how well or how poorly did you do? Did you ever consciously intend to enter a partnership between equals for a deeply interpersonal and total caring and sharing of life and love – such as Christian marriage is supposed to be?

DIOCESE OF TULSA



Prot. No. T.L.F. \_\_\_\_\_

Office of the Tribunal

\_\_\_\_\_ vs. \_\_\_\_\_

PETITION FOR DECLARATION OF NULLITY BECAUSE OF LACK OF PROPER CANONICAL FORM

I, \_\_\_\_\_ (a non-Catholic) \_\_\_\_\_ (a baptized Catholic) not having observed the canonical form of marriage prescribed by Canon 1108 of the Code of Canon Law and not having obtained a dispensation from canonical form, having obtained a civil license in the (County, City) of \_\_\_\_\_ in the State of \_\_\_\_\_, attempted marriage with \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in the City of \_\_\_\_\_ in the State of \_\_\_\_\_ before a minister / civil official. I have since obtained a civil divorce on \_\_\_\_\_ 20\_\_\_\_ in the City of \_\_\_\_\_ in the State of \_\_\_\_\_ I claim this attempted marriage to be null and void because of defect of proper canonical form, and I humbly petition that it be so declared by legitimate ecclesiastical authority.

\_\_\_\_\_  
Priest/Advocate

\_\_\_\_\_  
Petitioner

- These documents are to be presented in all cases:
1. Baptismal Certificate of Catholic Party.
2. Copy of Marriage License.
3. Copy of Decree of Civil Divorce.

- N.B. If the marriage in question took place before January 1, 1949, one of the following documents for the Catholic Party is to be presented
1. First Communion Record
2. Confirmation Certificate
3. Proof of Catholic training

STATEMENT OF PETIONER

- 1. Your name \_\_\_\_\_ Address \_\_\_\_\_
2. Date of birth \_\_\_\_\_ Place of birth \_\_\_\_\_
3. Father \_\_\_\_\_ Mother \_\_\_\_\_
Name \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Religion \_\_\_\_\_

4. Your Catholic Baptism: Date \_\_\_\_\_

Name and Place of Church \_\_\_\_\_

5. Present name and address of former spouse \_\_\_\_\_

\_\_\_\_\_ Religion of former spouse \_\_\_\_\_

6. Was a dispensation from canonical form petitioned so that this marriage could take place before an official or minister other than a Catholic priest? \_\_\_\_\_

7. Was this marriage ever con-validated ("blessed") by the Church?  
\_\_\_\_\_

8. Was an effort ever made to have this marriage con-validated ("blessed") by the Church? \_\_\_\_\_

If so, please give the name of the priest, the approximate date of discussion, and the results. \_\_\_\_\_

9. Why did you marry contrary to the laws of the Catholic Church? \_\_\_\_\_

10. Why are seeking this declaration of nullity? \_\_\_\_\_

11. Do you wish to add to or change anything in the above answers? \_\_\_\_\_

12. Do you solemnly swear before God that you have told the truth in the foregoing testimony? \_\_\_\_\_

Date: \_\_\_\_\_

Petitioner

Place: \_\_\_\_\_

Priest

Parish Seal

Marriage declared null and void by reason of Lack of Form

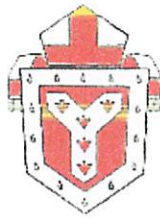
Office of the Diocesan Tribunal

Delegate

Date \_\_\_\_\_

Tribunal Seal

Notary



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## Roman Catholic Diocese of Tulsa

### PASTOR'S AFFIDAVIT OF SUPPORT

**TO THE TRIBUNAL OF THE DIOCESE OF TULSA, OKLAHOMA:**

**I, the undersigned, do hereby solemnly affirm, as regards this proposed cause for marital nullity or dissolution, and specifically about this person:**

**Name of either the Petitioner or Respondent: \_\_\_\_\_**

*(Two affidavits must be filed if the pastor has knowledge of both parties to a marriage.)*

**Relative to this person:**

*(check one)*

\_\_\_\_ 1. I know the person named above quite well. I affirm my conviction that he/she will fairly and reliably tell the truth, and so I do recommend that the utmost credibility be given his/her statements in this matter.

*or*

\_\_\_\_ 2. I know who the person named above is, but I do not know him/her particularly well. While I have no reason to doubt his/her veracity, I cannot affirm this in an official capacity.

*or*

\_\_\_\_ 3. From my knowledge of the person named above, I do not recommend that his/her recollections and perspectives be accepted uncritically.

*or*

\_\_\_\_ 4. I do not know the person named above at all, and am unable to offer any recommendations as to his/her veracity.

*(Also check if true)*

\_\_\_\_ 5. Due to knowledge which I possess in the external forum about one or both of the parties to this case, family background, and/or about their marital consent, I am able to serve as a witness in this case and offer this possibility to the Tribunal as needed.

\_\_\_\_\_  
**Signature of Pastor of Parish submitting petition**

\_\_\_\_\_  
**Date Signed**