



# **Tribunal of the Diocese of Memphis**

## **Tribunal Information & Application for a Formal Case**

*Bishop's Letter  
Guidelines for Submitting a Marriage Nullity Application  
Application for a Formal Case*



## Tribunal of the Diocese of Memphis

Dear Petitioner,

You are to be commended for taking this first step in clarifying your marital status in the Catholic Church. The following pages are intended to help you understand the annulment process.

The Catholic Church believes that marriage is sacred. Church law states that: "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized." (Canon 1055) This teaching forms the basis of the Tribunal's investigation.

The Lord Jesus taught: "Every one who divorces his wife and marries another commits adultery, and he who marries a woman divorced from her husband commits adultery." (Luke 16:18) This is one of our Lord's most difficult teachings. True to the teaching of her divine Spouse, the Church teaches that every consummated marriage between baptized Christians is indissoluble. No one on earth has the power to dissolve the bond of a consummated sacramental marriage. "What therefore God has joined together, let not man put asunder." (Mark 10:9) So, the Church presumes that every marriage is valid until proven otherwise.

The Catholic Church also presumes the validity of the marriages of non-Catholic Christians and of non-Christians; therefore, even if you are not Catholic and were not married in a Catholic Church, the Church acknowledges and respects the vows that you made on your wedding day.

Unfortunately, divorce is a reality of our society. Divorce is always difficult both for the parties and for their children. It can affect one's relationship with the sacramental life of the Church, particularly when a divorced person remarries civilly. All whose marriages have ended in divorce, especially if they hope to marry again in the Catholic Church, have the right to ask the Church to investigate the possibility that their prior marriage was invalid.

In general, a Declaration of Nullity (annulment) may be granted by the Tribunal only if it can be shown through a formal judicial proceeding that, at the time of consent, at least one of the parties lacked an intention or capacity required to establish a binding marital commitment as understood by the Catholic Church. If a petitioner presents sufficient evidence to the judges of the Tribunal that demonstrates beyond a reasonable doubt that his/her marriage was invalid from the very beginning, then the Tribunal will declare the marriage null. If there are no appeals against the judges' decision, the parties will be free to marry in the Catholic Church, if they so choose. A Declaration of Nullity does not deny that a real relationship existed, nor does it imply that the relationship was entered with ill will or moral fault. It is not the goal of the Tribunal to place blame or establish guilt.

The Tribunal is composed of specially trained priests, deacons, religious, and lay persons whom I have appointed to assist you in petitioning the Tribunal for a Declaration of Nullity and determine if you are free to marry in the Catholic Church. The Tribunal operates in accord with the canon law of the Catholic Church. Because the work of the Tribunal is an essential part of the pastoral ministry of the Diocese of Memphis, all of us at the Tribunal stand ready to assist you.

A Declaration of Marriage Nullity in the Catholic Church does not affect the legitimacy of any children of the marriage and has no consequences whatsoever in civil law.

The following instructions and forms will serve as an aid to assist you to better understand the Marriage Nullity process and to complete the petition.

Sincerely yours in Christ,

Most Rev. David P. Talley, M.S.W., J.C.D.  
Bishop of Memphis in Tennessee



**Tribunal of the Diocese of Memphis**

**GUIDELINES TO ASSIST THE PETITIONER IN  
SUBMITTING A MARRIAGE NULLITY APPLICATION**



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**Diocese of Memphis in Tennessee**

Tribunal  
5825 Shelby Oaks Drive  
Memphis, TN 38134

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### ***WHERE TO BEGIN***

The party presenting the petition for a declaration of nullity of marriage is called the ***Petitioner***. The other party is called the ***Respondent***. Church law and justice demand that the Respondent be contacted and given the opportunity to participate in the process. It is the Petitioner's responsibility to make every reasonable attempt to locate the present name and address of the Respondent and to submit both to the Tribunal. Internet searches are helpful and background checks are available on-line for a small fee. If this information cannot be provided, a summary of the efforts that were made to locate the Respondent must be included on a separate sheet. The Tribunal will then determine if the case can proceed without the Respondent's address.

**Parish:** Everyone is encouraged to complete this application at your parish. A priest, deacon or specially trained layperson in the parish will provide assistance to the Petitioner in completing the application. This person will assist you in completing the application and answering all questions.

**Online:** Petitioners are also welcome to complete this application online. You may complete the application online and then print it or you may print it and complete it by hand. The application *cannot* be submitted electronically.

**Submitting the Application:** After you have completed the application along with the narrative (see pages 10-11), you may bring it to the parish submitting minister and sign it in his/her presence or you may bring it directly to the Tribunal and sign it there. Upon receipt of the application, the Tribunal will assign a ***Procurator-Advocate*** to assist you with your case. He/she will be in regular contact with you throughout the process. Your assigned Procurator-Advocate will contact you to set up a time and location to meet and compose the official petition (*libellus*).

**The application must be completed in its entirety. Incomplete applications or applications that are not accompanied by the required documents listed below will not be accepted.**

### ***THE PRELIMINARY APPLICATION***

#### **Preliminary Data and Petitioner's Narrative:**

These sections are basically an interview on paper. The Petitioner's testimony should present a comprehensive description of his/her background, the parties' courtship, the marriage and the separation.

**As a pastoral practice, the Tribunal will not accept or process a petition for Marriage Nullity before a final civil divorce decree has been issued. Also, petitions will not be processed if there is on-going civil litigation between the parties.**



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### **Required Documents:**

The following documents **must** accompany this application. The unexplained absence of these documents will prevent the opening of the case.

1. Petitioner's **Baptismal Certificate** (if baptized) or **Profession of Faith Certificate** (if received into the Catholic Church after having been baptized in another ecclesial community) These certificates must have been issued within the last six months.
2. **Copy of the Marriage Certificate (Church and/or Civil Certificate)**
3. **Copy of the Final Civil Divorce Decree**
4. **Other pertinent documents or reports that may serve as evidence** (e.g. medical or police reports, etc.).

### **Witness Sheet:**

Other persons will be asked to provide the Court with information from their vantage point (witness testimony). These witnesses will be contacted by the Tribunal, and asked to complete a questionnaire, first in writing and, if necessary, by phone interview or Skype. In order to have a clear picture of both parties and of the marriage, if possible, witnesses should be persons who knew the Petitioner and/or the Respondent before the marriage or early in the marriage and who may have knowledge of family backgrounds, childhood or marital situations. It is recommended to include witnesses from the Petitioner's side and from the Respondent's side. Complete current names, addresses and phone numbers of proposed witnesses are required. The names of the witnesses (but not other personal information) may be given to the Respondent. We ask that the Petitioner personally contact all persons prior to listing them as witnesses to ensure that they are willing to cooperate. **One of the biggest delays in the annulment process is caused by the failure of witnesses to respond.**

Ordinarily parents, siblings, co-workers, and friends are good witnesses; however, in general, children of the union are not used as witnesses.

### **Counseling Reports:**

When either the Petitioner or the Respondent has seen a counselor, psychologist or psychiatrist, prior to or during the marriage, the Tribunal may ask the Petitioner to obtain a confidential summary and/or records from these individuals or institutions. The Petitioner will be advised if this step is necessary.

### **Fees:**

In accord with the stated desire of Pope Francis, the Tribunal of the Diocese of Memphis does not charge any fees. At the end of the process, a letter will be sent to the Petitioner requesting a donation to defray the cost of processing your case. This donation is totally voluntary.

If the Presiding Judge believes that the opinion of a psychological expert is needed, we ask that you consider making a donation to cover the expert's fee.



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### ***SUBMITTING THE APPLICATION***

The Petitioner may submit the completed application at his/her parish or at the Tribunal. Once the application and all supporting documents have been received, the Tribunal will assign a Procurator-Advocate who will contact you and schedule a time and location to meet. When you meet with your Procurator-Advocate, he/she will assist you in composing the formal petition (*libellus*) and help you prepare your case. Since documents are sometimes lost in the mail, **the Petitioner must keep a copy of the petition and all documents he/she submitted.**

#### **Review by the Judicial Vicar:**

Once the petition (*libellus*) is received by the Tribunal, the Judicial Vicar reviews the information submitted, determines possible grounds to be investigated, and what other information may be required. If all the necessary information is present and the petition appears to have merit, the petition will be accepted. If not accepted, the Tribunal will ask the Petitioner's Procurator-Advocate to assist the Petitioner in presenting a new petition.

#### **Citation of the Respondent:**

The Petitioner and the Respondent will be notified by letter of the Tribunal's official acceptance of the petition.

**The Respondent is invited to participate in this process to the extent he/she wishes and is provided a copy of the "libellus" page, which you will complete when you meet with your assigned Procurator-Advocate. The Petitioner should be aware that any information provided on that page will be sent to the Respondent.**

#### **Case Name and Protocol Number:**

The acceptance letters indicate the petition's Case Name and Case Number (Protocol Number). It is necessary to have this information available whenever contacting the Tribunal so that our staff can quickly locate the file and refer you to the proper Tribunal staff member.

#### **The Formulation of the Doubt (Joinder of Issue):**

The proposed grounds for the investigation are the canonical grounds that are determined by the Court using Catholic Church law and do not pertain to civil law. The grounds must be some defect or incapacity in the marital consent of one or both of the parties, or some canonical impediment to marriage. When the Judicial Vicar has determined the grounds for the investigation, the Parties will receive a letter indicating the grounds of the investigation and the officials assigned to the case. Then the assigned judge(s) will obtain any necessary witness testimony. The Petitioner will also be asked to come to the Tribunal for testimony. For those who truly cannot come to the Tribunal, please contact the Tribunal to make other arrangements.



***CONCLUSION OF THE CASE***

**Publication of the Acts and Issuing of the Sentence:**

After the testimony is gathered, the case is reviewed by the Presiding Judge to determine if there is sufficient information to bring the case to completion. At that time, both parties are notified by their Procurator-Advocates that the case is nearing conclusion and that they have a final opportunity to submit any additional information and to read the Acts of the Case [i.e., all testimony pertinent to the grounds being considered]. This must be done within 15 business days of the date of that letter.

The case is then reviewed by the Defender of the Bond. It is the duty of the Defender of the Bond to give written comments supporting the bond of marriage. Once these comments are received, the judge(s) review(s) the entire file and render(s) a decision. (Most marriage nullity cases are judged by a panel of three judges.) Both parties are then notified of the decision. After the time for appeal lapses and no appeal has been filed, then, if the sentence was Affirmative, the sentence will be executed and the Parties will be free to marry in the Catholic Church, unless a *vetitum* is imposed on either of the parties.

**Appeals:**

The Petitioner and/or the Respondent, who considers himself/herself aggrieved, as well as the Defender of the Bond, have the right to appeal the decision of the Court of First Instance of the Diocese of Memphis to the Court of Second Instance of the Diocese of Nashville. The parties may also appeal directly to the Tribunal of the Roman Rota. If appeal is made to the Rota, the appellant will be responsible for any fees required by the Rota.

**Restrictions/*Vetitum*:**

If the Tribunal is concerned that the difficulties which contributed to the nullity of the marriage may remain unresolved, the judge(s) may require specific action before another marriage in the Catholic Church can take place. If the judge(s) considers that these difficulties could impact on a future relationship, a restriction [*vetitum*] will be added to the final declaration of nullity. This may apply to the Petitioner, the Respondent, or both parties. This is intended to help (not punish) the party so that he/she does not end up in a similar situation in a new marriage. Those with a restriction may be required to have a counselor's evaluation and/or time-limited counseling. This assessment or counseling is performed by professionals to assist the Court in resolving any doubts concerning the person's readiness to enter into a future marriage in the Catholic Church. (All evaluation and counseling costs are the responsibility of the Party.) This restriction must be lifted before a priest/deacon can proceed with wedding plans.



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**Time Frame:**

Each Marriage Nullity case has its own unique circumstances; therefore, a definite time frame cannot be guaranteed. The time involved is governed by the requirements of canon law and by the cooperation of the principal parties and their witnesses in providing sufficient testimony. The Tribunal strives to complete each case in a timely manner and in accord with canon law. Incomplete information or a delay in submitting testimony can often prolong the process. The Tribunal will notify you if additional witnesses or information are needed.

**It is important to notify the Tribunal of any changes in the addresses submitted for the principal parties or witnesses.**

**Status Inquiries:**

Your Procurator-Advocate is available to answer questions regarding a case or the process in general. **For reasons of confidentiality the specifics of any case can be discussed only with the Petitioner or the Respondent.**





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**APPLICATION FOR A FORMAL CASE**



## DIOCESE OF MEMPHIS

### Tribunal

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PETITIONER INFORMATION					
Last Name:		First Name:		Middle Name:	
Maiden Name, if a woman:					
Home Address:					
Home Phone		Cell Phone	Work Phone		Preferred Contact (check one)
					Home    Cell    Work
Email Address					
Date of Birth		Place of Birth:		Ethnic Origin:	
		Primary Language:			
Date of Baptism		Church of Baptism (for notification of final decision):			
		City, State, Country:			
Number of siblings:					
Is there any Eastern (Catholic or Orthodox) affiliation in your family background? (e.g., Byzantine, Ruthenian, Ukrainian, Maronite, Armenian, Greek, Syrian or other? If so, which?					
Number of marriages before this one:			Number of marriages after this one:		
Religion at the time of the wedding:					
Present Religion:					
Are you currently enrolled in RCIA?					



## DIOCESE OF MEMPHIS

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RESPONDENT INFORMATION					
Last Name:		First Name:		Middle Name:	
Maiden Name, if a woman:					
Home Address:					
Home Phone		Cell Phone	Work Phone		Preferred Contact (if known)
					Home    Cell    Work
Email Address					
Date of Birth		Place of Birth:		Ethnic Origin:	
		Primary Language:			
Baptized? Yes    No		Church of Baptism (for notification of final decision):			
Date of Baptism		City, State, Country:			
Number of siblings:					
Is there any Eastern (Catholic or Orthodox) affiliation in the Respondent's family background? (e.g., Byzantine, Ruthenian, Ukrainian, Maronite, Armenian, Greek, Syrian or other? If so, which?					
Number of marriages before this one:			Number of marriages after this one:		
Religion at the time of the wedding:			Present Religion:		



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COURTSHIP, MARRIAGE AND FAMILY LIFE			
When did you meet?			
When did you begin to date?			
Approximate date of engagement (month/year):		Length of engagement:	
Date of wedding:	Age at time of marriage:	Respondent's Age:	
Place of wedding (Name of Church/Courthouse/etc., City, State, Country):			
Was this marriage later celebrated or "blessed" in a Catholic Church?			Date:
Where? (Name of Church, City, State, Country)			
Was there a prenuptial agreement?		<i>If "yes", please attach a copy to this application</i>	
Were any children born or adopted during this marriage?			
	Date of birth	Name of child	
1			
2			
3			
4			
5			
6			
Were there any children from a previous relationship?			
Were there any abortions during the marriage?			
Were there any separations during the marriage?		If yes, date(s):	
Date of the final separation:			
Date of the final civil decree of divorce or annulment:			
County and State issuing the civil divorce decree:			
Who has custody of the children? ( <i>check one, if applicable</i> )		You:	Respondent:      Joint:
If there are any unusual circumstances or problems in processing this petition or communicating with the Respondent, kindly describe them (i.e. imprisonment of a party, domestic violence, restraining order, etc.):			



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### PETITIONER'S ASSESSMENT OF THE PARTIES' MARITAL ATTITUDES

At the time of a wedding, people have different attitudes and beliefs about what marriage means, as well as various abilities. The following statements are designed to help the Tribunal gain a better understanding of your abilities, attitudes and beliefs and those of the Respondent.

Please review each of the statements about your wedding and check the boxes that apply to you and/or the Respondent [Resp.]. These items refer to PRINCIPAL or MAJOR traits that you and the Respondent brought into the marriage. In any given section, you may **check one box, several boxes or no box. There are no "right" or "wrong" answers.**

#### You   Resp.

##### **A. At the time of our wedding, one or both of us:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | was not mature enough to understand what a commitment entailed;                         |
| <input type="checkbox"/> | <input type="checkbox"/> | was trying to get away from something unpleasant in our lives;                          |
| <input type="checkbox"/> | <input type="checkbox"/> | believed we were committed to the marriage because of dating for so long                |
| <input type="checkbox"/> | <input type="checkbox"/> | had serious doubts about whether this was a good decision;                              |
| <input type="checkbox"/> | <input type="checkbox"/> | did not realistically consider whether this was a good decision;                        |
| <input type="checkbox"/> | <input type="checkbox"/> | had little or no dating experience;   |
| <input type="checkbox"/> | <input type="checkbox"/> | believed that because we were sexually active with each other, marriage was inevitable; |
| <input type="checkbox"/> | <input type="checkbox"/> | ignored the significant opposition of family and/or friends;                            |
| <input type="checkbox"/> | <input type="checkbox"/> | had no example of a stable marriage while growing up.                                   |

##### **B. At the time of our wedding, one or both of us:**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | already had personal or family involvement with physical abuse, sexual abuse, alcohol or drug abuse;            |
| <input type="checkbox"/> | <input type="checkbox"/> | had received or needed to receive counseling for a serious psychological disorder;                              |
| <input type="checkbox"/> | <input type="checkbox"/> | was unable to establish stability in a job, education, lifestyle or a relationship due to personality problems; |
| <input type="checkbox"/> | <input type="checkbox"/> | had a history of violence or other antisocial behavior;   |
| <input type="checkbox"/> | <input type="checkbox"/> | could not accept personal responsibility for actions committed;   |
| <input type="checkbox"/> | <input type="checkbox"/> | already struggled with what would later be seen as an addiction (gambling, alcohol, drugs, etc.);               |
| <input type="checkbox"/> | <input type="checkbox"/> | expressed, experienced, or was in denial about difficulties with sexual orientation.                            |

##### **C. At the time of our wedding, one or both of us:**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | did not want to be married to the other person but went through the ceremony for some personal reason; |
| <input type="checkbox"/> | <input type="checkbox"/> | did not want to establish a marital partnership;   |
| <input type="checkbox"/> | <input type="checkbox"/> | other things were more important than the spouse, e.g. _____   |
| <input type="checkbox"/> | <input type="checkbox"/> | did not intend to assume any permanent responsibilities toward the other person                        |



## DIOCESE OF MEMPHIS

### Tribunal

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#### You   Resp.

##### **D. At the time of our wedding, one or both of us:**

- never intended to have children (although this may not have been discovered until after the wedding);
- would not have sexual relations unless birth control was used;
- intended to delay, limit or exclude children for some personal reason;
- never intended to take any responsibility for the upbringing of children.

##### **E. At the time of our wedding, one or both of us:**

- believed that sexual infidelity was acceptable for a reason;
- believed that one could have sexual relations outside of the marriage;
- was sexually unfaithful shortly before or shortly after the wedding;
- believed that sexual relations outside marriage were acceptable as long as there was no emotional attachment;
- never intended to have an exclusive, faithful relationship.

##### **F. At the time of our wedding, one or both of us:**

- was convinced that divorce was acceptable if the marriage would prove to be unsuccessful and unhappy.

##### **G. At the time of our wedding, one or both of us:**

- intended to be married only if some condition or expectation would be fulfilled. (Please specify the condition: \_\_\_\_\_);
- intended to be married only as long as there was no infidelity.

##### **H. At the time of our wedding, one or both of us:**

- believed that because of some external pressure or some other circumstance, marriage was the only option;
- believed that because of parental insistence to marry, marriage was the only alternative;
- wanted to back out of the ceremony but could not do so;
- was afraid NOT to get married, because of some external factor or pressure.

##### **I. At the time of our wedding, one or both of us:**

- intended to marry only a person with a certain quality (Please name the quality: \_\_\_\_\_);
- mistakenly believed that the other party possessed the required quality;
- would not have married if the truth about the quality [its presence or absence] were known.

##### **J. At the time of our wedding, one or both of us:**

- purposely deceived the other person about a significant fact that is important in marriage;
- deceived the other person into marrying;
- felt deceived into getting married;
- would not have married if the truth were known.



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**K. Why do you think this marriage was invalid from the very beginning?**

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**PREVIOUS NULLITY PETITIONS**

Have you ever before presented a petition to this tribunal or any other Catholic tribunal? \_\_\_\_\_

If yes, when and where? \_\_\_\_\_

**PREVIOUS MARRIAGES**

**YOUR OTHER MARRIAGES**

Please list all of your marriages in order.

	Name	Date & Place of Wedding	Divorced or Deceased?	Annulled by a Catholic Tribunal? Where?
1				
2				
3				

**RESPONDENT'S MARRIAGES**

Please list any and all marriages of your former spouse of which you are aware.

	Name	Date & Place of Wedding	Divorced or Deceased?	Annulled by a Catholic Tribunal? Where?
1				
2				
3				



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<b>CURRENT MARITAL STATUS</b>	
Do you hope to get married in the future?	
Are you currently planning to get married?	
Are you already civilly remarried?	Date of wedding:
<b>Information about your intended spouse/civil spouse:</b>	
Name:	
Address:	
Number of Previous Marriages:	
Has this person ever petitioned this or any other Catholic tribunal for marriage nullity?	
If so, when and where?	
Has this person ever been baptized?	
Current Religion?	
If non-Catholic, is he/she currently taking instructions to become Catholic?	

<b>PROFESSIONAL WITNESSES &amp; OFFICIAL RECORDS</b>
<i>If you saw a Professional at any time before or during the marriage, please answer the following:</i>
Did you see a Licensed Counselor, Psychologist, Psychiatrist, or Clinical Social Worker?
Did you see a Medical Doctor about issues related to this marriage in the past five years?
If yes to any of the above, would you be willing to sign a Release from Confidentiality Form to allow that person to offer testimony (if the Tribunal considers it helpful to the case)?
<i>Please note that if the Respondent was seen with you or individually, it will be necessary for the Respondent to sign a release and authorization for a professional witness to offer testimony.</i>
If psychiatric or psychological illness played a role in the problems that existed at the time of this marriage, it will be helpful to the case if you submit certified (notarized) copies of any medical or hospital records in your possession which show a diagnosis and treatment dates. If physical abuse was present in the marriage, it will be helpful to submit certified (notarized) copies of any records in your possession regarding this, such as medical, hospital, or police records. <b>Photocopies of records, which are not notarized, will not be accepted.</b> Only original documents or notarized copies of the originals will be accepted by the Tribunal.





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**WITNESS NAMES AND INFORMATION**

It is absolutely necessary to provide the names and contact information for several witnesses. Please give the requested information for three or more people who knew you and the Respondent **before and during your marriage**. You may choose witnesses from among parents, brothers, sisters, friends or other family members. Ordinarily parents, siblings, friends, and co-workers are good witnesses; however, in general, children of the union are not used as witnesses.

Be sure to contact these people and ask for their cooperation before submitting their names to the Tribunal. You are not to coach your witnesses concerning what to say. Any evidence of collusion between a party and his/her witnesses will adversely affect your case. PLEASE TYPE OR PRINT ALL INFORMATION CLEARLY.

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Dr. <input type="checkbox"/> Other: _____	Relationship:
Name (First/Last) :	Phone (cell):
Address :	Phone (home):
City/State/Zip :	Email:
Language of Preference: <input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Other: _____	Country (if outside USA) _____

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Dr. <input type="checkbox"/> Other: _____	Relationship:
Name (First/Last) :	Phone (cell):
Address :	Phone (home):
City/State/Zip :	Email:
Language of Preference: <input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Other: _____	Country (if outside USA) _____

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Dr. <input type="checkbox"/> Other: _____	Relationship:
Name (First/Last) :	Phone (cell):
Address :	Phone (home):
City/State/Zip :	Email:
Language of Preference: <input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Other: _____	Country (if outside USA) _____

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Dr. <input type="checkbox"/> Other: _____	Relationship:
Name (First/Last) :	Phone (cell):
Address :	Phone (home):
City/State/Zip :	Email:
Language of Preference: <input type="checkbox"/> Spanish <input type="checkbox"/> English <input type="checkbox"/> Other: _____	Country (if outside USA) _____



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### **PETITIONER'S NARRATIVE**

#### **HOW TO COMPOSE YOUR NARRATIVE:**

The proper way to present your case is in the form of a narrative. A well-written narrative should present the basic information necessary for determining possible grounds of nullity, that is, the reasons why your marriage might have been invalid according to Church law. Your narrative should be about 3-5 typed pages.

The sections below are intended to guide you in the composition of your narrative. Please compose your narrative in a way that responds to all of the topics included below. If a particular section is not relevant to your marriage (for example, "Convalidation"), you may skip that section.

Keep in mind that you will be required to swear before God that the information you provide is the truth, the whole truth, and nothing but the truth. Do not try to make yourself or the Respondent appear good or bad; we only want the truth as you see it. Do not try to embellish the truth by telling the judges what you think they want to hear. In the past, many parties have undermined their cases by saying what they thought the judges wanted to hear, rather than simply telling the truth.

#### **A. FAMILY BACKGROUND**

Briefly describe your family background and upbringing, as well as your former spouse's family background and upbringing. Highlight any major problems, such as problems with drugs, alcohol, pornography; any traumatic experiences due to physical, verbal, or sexual abuse; any emotional or mental problems before marriage that affected you or your former spouse. If possible, try to show how the difficulties in your marriage were rooted in your upbringing or the upbringing of your former spouse.

#### **B. COURTSHIP**

Briefly describe how you met your former spouse and the quality of your courtship. Highlight any major problems. Try to show how the difficulties in your marriage were present even in courtship. Please mention when and how you met? What attracted you to each other? What was the motivation for dating? Did you engage in sexual relations before marriage? Did you discuss having children? Was there any physical, verbal, or sexual abuse during courtship? Were there any breakups, etc.?

#### **C. ENGAGEMENT**

Briefly describe how you and your former spouse came to the decision to marry and the events leading up to the wedding. Highlight any major problems. Show how the major problems in your marriage were present prior to marriage. You can talk about the quality of the engagement period, who proposed, when and where? How was the decision to get married made? Was there anything or anyone pressuring you to marry? What type of marriage preparation did you have?



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### **D. THE WEDDING**

Briefly describe the events of the wedding and the internal dispositions of you and your former spouse at the wedding. Highlight any major problems. Explain how any problems in the marriage were present at the time of the wedding. For instance, who made the arrangements for the wedding? Was marriage the solution to a problem? Did it provide any benefit to either of you? Were you both happy to marry? Did both of you mean to enter into a true marriage? Did both of you hope the marriage would last forever? Were there any problems on the honeymoon?

### **E. EARLY MARRIED LIFE**

Briefly describe the first few years of your married life. Highlight any major problems. Significant marital problems became manifest in the first few years of married life. In the beginning, was the marriage a loving relationship of two people sharing their lives with each other? Did either of you continue to act like a single person after the wedding? Were there any problems of a sexual nature in the marriage? Was contraception used during the marriage? Did either of you treat the other like property or like something less than human? Were there any alcohol, drug, gambling, pornography, or sexual addictions in married life? Were there any problems fulfilling the obligations of married life?

### **F. CONVALIDATION**

This section only applies if you were civilly married and later celebrated a Catholic wedding or had your marriage “blessed” in a Catholic Church. Briefly describe the events surrounding your wedding in the Catholic Church. Highlight the motivations for getting married in the Church and your understanding of why it was necessary to get married in a Catholic ceremony. Were you experiencing any difficulties in your marriage at the time of the Catholic ceremony? Why was the marriage not celebrated in the Catholic Church originally? Why did you decide to have your marriage validated in the Church? Was anyone, such as parents, pushing to have the marriage “blessed” in the Church?

### **G. FAILURE OF THE MARRIAGE**

Briefly describe the events leading up to the divorce. Highlight the reasons for the divorce. For instance: When did the first serious problems begin to appear in the marriage? When did the marriage begin to fail? Was marriage counseling ever attempted? What was the ultimate cause for the failure of this marriage?



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## TRIBUNAL PRACTICES AND POLICIES

### AGREEMENT OF UNDERSTANDING

The primary purpose of the Tribunal is to gather, review and evaluate evidence in order to discover truth and serve justice. Out of respect for the human dignity of persons and the sacred nature of marriage, the Tribunal is required to presume each marriage is valid, and that the Petitioner and the Respondent both meant what they said and accomplished what they intended when they first exchanged vows, until it is proven otherwise.

**Declarations of Marriage Nullity are *not* favors given to innocent or deserving parties. Judges must have moral certitude, based on the available evidence, that the parties' union was missing at least one of the essential elements of marriage. In the absence of such certitude, the judge(s) must rule in the negative - that is, nullity has not been proven.**

In presenting a petition for a Declaration of Marriage Nullity, the Petitioner is asking that his/her marital status be reviewed in the Roman Catholic Church. The Tribunal is an ecclesiastical court of law, and its proceedings are exclusively religious in nature. These proceedings are governed solely by the canon law of the Roman Catholic Church.

**The following statements delineate Tribunal practices and policies, and by the Petitioner initialing them, he/she indicates his/her understanding and agreement to abide by them.**

### CONCERNING CONFIDENTIALITY

- \_\_\_\_\_ I understand that because of the sensitive nature of information gathered in this process, and because the Tribunal wishes to promote a spirit of reconciliation, **all the information, gathered in the course of the investigation** is considered confidential and the exclusive property of the person submitting the pertinent information and the Tribunal of the Diocese of Memphis.
- \_\_\_\_\_ I understand that, as required by Church law, this information will be made available for inspection by the Petitioner, the Respondent, and the officers of this Court and the properly designated ecclesiastical Court of Appeals.
- \_\_\_\_\_ I understand that this information is never made available to the witnesses or anyone acting on their behalf.
- \_\_\_\_\_ I understand that this information is never made available in any civil legal proceedings.
- \_\_\_\_\_ I understand that in accord with applicable standards of professional accountability, reports from psychological counselors may be withheld from the Petitioner and the Respondent. For serious reason (such as the avoidance of physical danger or public scandal) witnesses may ask that their testimony be withheld from the Petitioner and/or the Respondent. The decision whether to withhold any testimony, however, belongs solely to the ecclesiastical judge acting in accord with the requirements of the canon law of the Catholic Church.



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### CONCERNING THE RESPONDENT

- \_\_\_\_\_ I realize that Church Law requires that the Respondent be contacted and offered the and the opportunity to testify.
- \_\_\_\_\_ I understand that I am not required to have direct contact with the Respondent, unless I feel it is in my own best interests to contact him/her and encourage his/her response.
- \_\_\_\_\_ I also understand that the Tribunal strongly encourages Petitioners to inform Respondents in advance of filing their petition, as experience shows they tend to be more cooperative.

### CONCERNING THE WITNESSES

- \_\_\_\_\_ I understand that witnesses are necessary to process my petition for a Declaration of Marriage Nullity.
- \_\_\_\_\_ I agree to make every effort to encourage their cooperation, but understand that **I am in no way to assist them in preparing their testimony.**

### CONCERNING THE DEVELOPMENT OF THE TRIAL AND PLANS FOR A FUTURE MARRIAGE

- \_\_\_\_\_ I understand that no assurance can be given of an Affirmative decision (that is, one granting a declaration in favor of Marriage Nullity).
- \_\_\_\_\_ I understand that no assurance can be given as to a definite time for the completion of the Tribunal process.
- \_\_\_\_\_ I understand that the Tribunal **may** require that I attend one session with a court approved psychologist in order to provide the court with an expert's evaluation regarding certain grounds of nullity. I am responsible for all expenses in connection with such an evaluation.
- \_\_\_\_\_ I understand that should the Tribunal of the Diocese of Memphis issue either an affirmative or negative decision in my case, either party or the Defender of the Bond retains the right to appeal the decision within 15 days of notification of the decision.
- \_\_\_\_\_ I understand that **ABSOLUTELY** no arrangements can be made and no date scheduled for a future Catholic marriage or convalidation (*not even a tentative date*) until after I have received a final notification that the sentence has been executed. [The sentence will be executed after fifteen days if there is no appeal.]
- \_\_\_\_\_ I understand that if the circumstances causing the invalidity of the marriage so indicate, the Tribunal may require that I seek professional counseling or fulfill some other requirement before any subsequent marriage in the Catholic Church is permitted. All expenses in connection with such therapy or counsel are my responsibility.

### MANDATE FOR THE PROCURATOR/ADVOCATE WAIVER OF THE PETITIONER

- \_\_\_\_\_ By means of this document, I agree to whomever the Tribunals of first and second instance select to act as my Procurator/Advocate. To that person, I concede the faculty of doing and performing in my name all that may be necessary and useful to my interests in this case.
- \_\_\_\_\_ This Mandate includes the full right to delegate a substitute, authorization to review the published acts on my behalf, as well as authority to perform other duties required throughout the process.



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### **WAIVER OF THE PETITIONER**

- I am aware that an ecclesiastical Declaration of Nullity has no effect in civil law in the United States or any one of its fifty States, the District of Columbia or any of its territories. Thus, I understand that any determinations made by civil authorities with regard to custody, support or visitation with children, or with regard to any property or obligations stemming from the marriage, remain in full force.
- By means of this document, I promise that I will institute no litigation before any civil jurisdiction or for any cause related to the substance of the Tribunal process, since this matter pertains to the governance of the Roman Catholic Church and is within the exclusive jurisdiction of the Tribunal.

### **CONFIDENTIALITY AGREEMENT**

I, the Petitioner in this case, understand that this trial is being conducted in accordance with the canon law of the Roman Catholic Church, and that these proceedings are of a purely spiritual and religious nature, and that I am being given the opportunity to review the documents, testimony, and procedural acts of the case not known to me for the sole purpose of assisting me in the effective exercise of my rights before the Tribunal. I hereby undertake and promise as follows:

- 1) I voluntarily waive now and in the future any right under law to the subpoena or judicial discovery of the documents and evidence of this case apart from a case in this ecclesiastical tribunal. This waiver is given without reservation or condition.
- 2) I agree to keep confidential and secret any information that I shall learn in the course of these proceedings. To that end, I affirm that I shall make no copies or recordings of information or conversations regarding my case. I promise not to use information that I may learn through this case in any other forum or for any other purpose.
- 3) I promise not to discuss, publish, or disseminate through any means the information that I may learn here. I promise not to make use of this information in any way other than to prepare and argue my case before the tribunals of the Catholic Church. In all other places and for all other purposes I agree to keep all information I shall learn from this case confidential.
- 4) I recognize that if I should violate or threaten to violate this agreement, I consent to the authority of the chancery and tribunal of the Diocese of Memphis to impose any penal remedy, penance, and/or penalty for this offence, as permitted by the canon law of the Church, and to seek relief or remedy in any court of law or equity.
- 5) I assume in perpetuity any responsibility for damage inflicted to others by my intentional or negligent release of information learned through this case and agree to hold harmless from such damages the Diocese of Memphis as well as all persons who have offered testimony or documents in this case, and all officers and agents of the Tribunal of the Diocese of Memphis.

I acknowledge that I have read the above provisions of this confidentiality agreement and policy, and I fully understand them, and I further freely agree to abide by them now and in the future. I do so solemnly attest before God and my conscience.



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**IN SUMMARY, AS GOD IS MY WITNESS, I DECLARE UNDER OATH THE FOLLOWING:**

- A. THAT I AGREE TO OBSERVE THE TRIBUNAL PRACTICES AND POLICIES,
- B. THAT I HAVE ISSUED THE MANDATE ABOVE FOR A PROCURATOR-ADVOCATE,
- C. THAT I AGREE TO THE ABOVE-STATED WAIVER AND INITIALED STATEMENTS,
- D. THAT I AGREE TO THE ABOVE-STATED CONFIDENTIALITY AGREEMENT, AND
- E. THAT MY ATTACHED RESPONSES, ALL THE INFORMATION AND DOCUMENTS PROVIDED ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

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

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

***The Petitioner has signed the above in my presence on this date. I have examined the application and recommend this case to the Tribunal.***

\_\_\_\_\_  
*Signature of Parish Priest/Deacon/Tribunal Official*

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

\_\_\_\_\_  
*Parish Name*

\_\_\_\_\_  
*Parish City*

[Parish/Tribunal Seal]

**DOCUMENT CHECKLIST**

- **Petitioner's Baptismal Certificate or Profession of Faith Certificate** (certificates must have been issued within the last six months)
- **Copy of Marriage Certificate** (Church and/or Civil License)
- **Copy of Final Civil Decree of Divorce**
- **Other pertinent documents or reports that may serve as evidence** (e.g. medical or police reports, etc.)
- **I am aware that the process will not begin if this application is incomplete or documents are missing.**