



## FORMAL CASE PETITION

1. Please read through the petition before you answer any of the questions.
2. Consider each question carefully and think about your answer. It is important to answer each question as *completely* and *truthfully* as possible.
3. Please provide as much detail as possible. You may insert additional pages as necessary. Specific and detailed answers are most helpful to the judge in reaching a decision.
4. You may download the petition from the diocesan website and answer it directly on your computer. Click on 'Our Offices', 'Tribunal', 'Forms'. Select the formal case petition **doc.** or **rtf.** If you download the **.pdf** file, it is print only.
5. If you do not understand a question, or are unable to fill out the questionnaire, please contact your parish contact person 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" rather than leaving it blank.
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 prior to meeting, dating, the engagement, or after marriage.

### CONCERNING THE WITNESSES:

9. Ideally, witnesses should have knowledge of the courtship, engagement, wedding, and marriage. When possible, they should have known at least one party *before* the wedding. If witnesses with this knowledge are no longer available, we will need names of people who know you the best.
10. Talk with prospective witnesses and be sure that they are willing to offer testimony.
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) 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 Metropolitan Tribunal in the Archdiocese of Galveston-Houston.
- c) If A NEGATIVE DECISION IS GIVEN, that is, the Tyler Tribunal upholds the validity of the marriage, the case will *not* be acted upon further, unless the Petitioner formally appeals the decision, or re-opens the case alleging different grounds.

## NAMING A PROCURATOR / ADVOCATE

If you have already been working with an Advocate, please indicate their name on this page.

If not, the Tribunal will assign a Procurator / Advocate to you, who can answer your questions and will be notified as the case progresses to ensure your rights are properly protected.

“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).

I would like to name \_\_\_\_\_ to act as my

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

\_\_\_\_\_ I would like the Tribunal to appoint an Ecclesiastical Procurator / Advocate to me.

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).

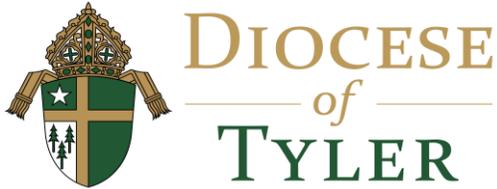
By means of this document, I also empower my Procurator-Advocate to receive the citations, to be notified of the publications of the acts, to examine the acts, to be notified of the conclusion of the case and of the publication of the decision, etc. throughout the procedure in connection with the expeditious,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

\_\_\_\_\_  
Date

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

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

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



## *Diocesan Tribunal*

18221 FM 2493 - Suite 202  
Flint, Texas 75762  
(903) 266-2172 | tribunal@dioceseoftyler.org

### TRIBUNAL POLICY CONCERNING CONFIDENTIALITY OF EVIDENCE

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.

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#### 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.

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Petitioner's Signature

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Ecclesiastical Advocate's Signature

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Date

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**FORMAL CASE PETITION**

**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: \_\_\_\_\_

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

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

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

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



**WITNESSES:** (I have contacted who are willing to testify) **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: \_\_\_\_\_ H/Cell: (\_\_\_\_\_)\_\_\_\_\_

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

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

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

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

Address: \_\_\_\_\_ H/Cell: (\_\_\_\_\_)\_\_\_\_\_

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

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

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

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

Address: \_\_\_\_\_ H/Cell: (\_\_\_\_\_)\_\_\_\_\_

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

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

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

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

Address: \_\_\_\_\_ H/Cell (\_\_\_\_\_)\_\_\_\_\_

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

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

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

PETITIONER AGREEMENT

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

\_\_\_\_\_  
Date

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

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)





17. BEFORE marriage, 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.







17. BEFORE marriage, 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.



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. Were 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?





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

\_\_\_\_\_  
Date

*If you send this form electronically you need to scan your signature;  
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## FORMAL CASE PETITION DONATION AGREEMENT

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 payment is not required, but would be applied to help defray these 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 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

Print TRIBUNAL on the memo line

\_\_\_\_\_  
Petitioner signature

\_\_\_\_\_  
Date

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September 2018