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Petition for a Church Declaration of Invalidity (Formal Case)

Instructions:

1. Complete every question. Changing or skipping questions delays the process. Make sure facts and dates are as accurate as possible. Throughout this form **you are the PETITIONER**. The section entitled **RESPONDENT** is for information regarding **your former spouse**.
2. In order to process your case the following documents **must** be included: recently issued **baptismal certificates** with annotations for you and the respondent (*these can be obtained through the church of baptism*), a **marriage license or certificate** and a civil **divorce decree** (*must be the judgment declaring the date of the divorce*).
3. Please **do not** submit any information to our office until your civil divorce is granted. All applications submitted without necessary documentation will be returned.
4. **All** former marriages must be considered. Therefore, if you have been married more than once, a separate petition must be submitted for **each** previous marriage. (This would not be necessary if your former spouse(s) is/are deceased.)
5. Church law requires us to contact your former spouse and offer him/her a chance to participate in the process. **It is necessary that you provide a current address for your former spouse**. If necessary, please provide the name of a relative of your former spouse. If the former spouse truly cannot be located, please include the form entitled "*Attempts to Locate Respondent*" at <http://www.fargodiocese.org/annulmentforms>.
6. In preparing your statement, please be aware that the Tribunal keeps all information received in this study as confidential as possible within the confines of civil and Canon (Church) law. Both parties have the right to be made aware of the general allegations put forth by the other in reference to the marriage, and testimony submitted. In very limited circumstances, the judge may withhold some piece of evidence or testimony from review.
7. In the United States there are **no civil effects** to a Church declaration. This process pertains to Church matters only.
8. After the petition has been submitted, it will be studied for formal acceptance and determination of grounds. After the grounds have been set, you and your former spouse will be notified of the grounds. At that time you will be asked to make an appointment for a deposition at the Tribunal offices.
9. Provisions of Church law, which must be observed, govern this judicial process. As the Tribunal is a Mandated Reporter by North Dakota State child abuse reporting laws, in some limited circumstances testimony may be reported to civil authorities.
- 10. NO FUTURE WEDDING DATE, NOT EVEN A TENTATIVE ONE, MAY BE SET IN THE CATHOLIC CHURCH BEFORE YOU RECEIVE A DECLARATION OF FREEDOM TO MARRY FROM THE TRIBUNAL.**

If you have any questions, do not hesitate to ask your parish priest, deacon, or field advocate. You may also call the Tribunal at the number listed above. **Bring the completed form to your parish priest or his delegate to be signed and to discuss the annulment process. After you have received his signature, mail it to us at the address listed above. We strongly encourage you to photocopy the application and documents for your records, and to insure that nothing is lost in the mail.**

I. BASIC INFORMATION PLEASE TYPE OR PRINT CLEARLY – BLACK INK ONLY

PETITIONER (YOUR INFORMATION)		RESPONDENT (YOUR EX-SPOUSE'S INFORMATION)
	Last (Current) Name	
	Maiden name, if applicable	
	First	
	Middle	
	Street Address*	
	City	
	State/ Zip	
	Home Phone	
	Work Phone	
	Private E-mail	
	Occupation	
	Employer	
	Date of birth	
	City of birth	
	State of birth	
	Date of Baptism	
	Church of Baptism	
	City & State of Baptism	
	Religion (at time of marriage)	
	Present Parish	
	If religion has changed, when did this occur?	
	Father's Name	
	Father's Religion	
	Father's Street Address	
	Father's City, State/ Zip	
	Father's Phone	
	Mother's Name	
	Mother's Religion	
	Mother's Street Address	
	Mother's City, State/ Zip	
	Mother's Phone	

*If Respondent's address is unknown, please complete the form entitled "Attempts to Locate Respondent" at <http://www.fargodiocese.org/annulmentforms>.

COURTSHIP			
Length of dating period		Dates:	
Length of engagement		Dates:	
Ages at the time of your marriage	Petitioner	Respondent	
MARRIAGE			
Wedding Date			
Name and address of Church or other location			
Officiant			
If either party was Catholic, did this marriage take place outside the Catholic Church? <i>(N.B. If you answer yes to this question, check with your priest to find out if this is the correct form to use)</i>		Yes	No
If yes, was there a Catholic Ceremony later?			
Was there a prenuptial agreement?			
<i>For a later Catholic ceremony please fill in the following boxes</i>			
Name and address of Church	Date of Catholic Ceremony	Officiant	
Was a dispensation from canonical form granted <i>(permission from the Bishop to have a marriage outside the Catholic Church)</i>		Yes	No
<i>If yes, please fill in the following</i>			
Diocese Granting Dispensation	Parish of Marriage Preparation	Address of Parish	
CHILDREN BORN OR ADOPTED IN THIS MARRIAGE			
Number of children	Who received custody of minors?	Birth Dates	
Is the petitioner fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions? <i>If no, please explain on back of page.</i>	Yes	No	
Is the respondent fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions? <i>If no, please explain on back of page.</i>	Yes	No	
DIVORCE			
Length of marriage before <i>final</i> separation:		Date of final separation:	
Civil Dissolution	Date	County	State
Grounds cited in civil divorce			
ANNULMENTS			
	Yes	No	
Have you attempted to have <i>this marriage</i> declared null by a Church court before?			
If yes, in which (arch)diocese?			

MARRIAGES OF THE PETITIONER

OTHER SPOUSE	FIRST MARRIAGE	SECOND MARRIAGE	THIRD MARRIAGE
First Name			
Present Last Name			
Maiden Name			
Date of Marriage			
Religion of Both at Time of Wedding			
Place of Marriage			
City, State\Province of Marriage			
Country Where Married			
Spouse Living or Deceased?			
Marriage Ended by Divorce or Death?			
Date of Death of Spouse			
Date of Divorce			
Name of Divorce Court			
Divorce Court County, State, Country			
If Catholic Annulment, Date Declared			
Diocese Which Declared Annulment			
Spouse Married Before Marrying You?			

INTENDED SPOUSE OF PETITIONER

First Name	
Middle Name	
Present Last Name	
Maiden Name, if Applicable	
Intended spouse ever divorced?	
Present Marital Status of Intended Spouse <i>(i.e., Single, Widowed, Divorced, Married (civilly) to Petitioner)</i>	
Religion of Intended Spouse	
If the intended spouse is seeking an annulment or has obtained one, with which (arch)diocese is he/she working?	

MARRIAGES OF RESPONDENT

OTHER SPOUSE	FIRST MARRIAGE	SECOND MARRIAGE	THIRD MARRIAGE
First Name			
Last Name			
Maiden Name			
Date of Marriage			
Religion of Both at Time of Wedding			
Place of Marriage			
City of Marriage			
State\Province of Marriage			
Country Where Married			
Spouse is living or deceased?			
Present Status of Marriage			
Marriage ended by death or divorce?			
Date of Death of Spouse or Divorce			
If Catholic Annulment, Date granted			
Diocese Which Granted Annulment			
Diocese			

II. DESCRIPTION OF MARITAL DYNAMICS

TYPED ON SEPARATE SHEETS OF PAPER, please answer the following questions as completely as possible. If you feel that your answers to these questions do not represent a fairly complete picture of the relationship in question, you may write an additional statement. Under Canon Law both you and your former spouse have the right to view each other's testimony according to established Tribunal policy. The description should typically be around 10 to 20 pages. **Be as thorough as possible.**

A. CONCERNING YOUR MARRIAGE

Do **NOT** write answers on this page. Type your responses on separate page. **Be as thorough as possible.**

Previous marriages

1. Please give a description of all marriages prior to the one under consideration for either spouse. Include such information as: age of the parties at the time of the marriage, circumstances surrounding the decision to marry, the length of the marriage, the reasons for the breakdown, and whether all the terms of the civil divorce have been fulfilled (I.e., alimony, child support, visitation, etc.).

Courtship

2. Describe the circumstances under which you and your former spouse met. Include such information as: how old each party was at the time, whether each party was living at home or on your own, and special circumstances which took place in your life around that time (death/divorce/remarriage of a parent, breakup of a serious relationship, relocation to another city, etc.).

Describe how your relationship developed. Include such things as: whether there was drug or alcohol abuse, how often you saw each other, how you treated each other and felt about each other, what each of your parents and friends thought about the relationship, what attracted you to each other, what sorts of activities you enjoyed together, how long you had been dating before you felt this was a serious relationship, and what made you believe that this was a serious relationship. Please also indicate whether there was sexual activity prior to marriage and whether two of you lived together prior to marriage, and the effect these circumstances had on your relationship.

Describe your communication during this time. Include such things as: how often and about what sort of things you argued, any break-ups that you had and how you got back together again, whether you discussed matters about yourselves or just about common activities, any characteristics about your former spouse that caused you concern or created problems in your relationship, and how you reacted to those characteristics.

Engagement

3. Describe how the decision to marry came about. Include such things as: when and why you both decided to marry, how long you had been together, how old you each were, and any special circumstances which may have influenced your decision (e.g. having established a sexual relationship, a premarital pregnancy, having lived together, an impending relocation, graduation from school, the marriage of friends, etc.), and whether you would have married this person had these circumstances been different.

Describe how others reacted to your engagement. Include such things as: how each of your parents and friends reacted, whether anyone objected to the engagement (please also give the reasons why this occurred), or tried to talk either of you out of marrying (please also give the reasons why this occurred), and how you responded to these objections.

Describe the engagement period. Include such things as: whether there was alcohol, drug or physical abuse, how long you were engaged, how often you saw each other, any break-ups that you had and how these were resolved, whether both of you were involved in the wedding plans, any doubts or fears on the part of you or your former spouse, any problems that worsened during this period of time, whether you felt your relationship was deepening during this time, any misgivings that either of you had as the wedding approached, anything which caused you to doubt the wisdom of your decision to marry, etc.

Intentions

4. Describe how the two of you prepared for marriage. Include such things as: any marriage preparation, programs you attended, the discussions you had either between yourselves, with a priest or minister, or others with regard to the responsibilities of married life, how you planned to deal with the responsibilities and demands of married life, what each of you was looking for in marriage, what plans you made for where you would live, whether both would work outside the home, how both of you would accommodate yourselves to make a common life possible, etc.

Describe each of your attitudes toward the permanence of the union. Include such things as: whether there was any discussion prior to marriage of what would be done if the marriage was unhappy, whether either of you considered divorce an alternative if the marriage proved to be unhappy, whether there was a premarital agreement drawn up, etc. Did other people know about these things? Who were they and how did they know?

Describe each of your attitudes toward fidelity. Include such things as: any discussions about either party expressing concern about the ability to be faithful, any instances of infidelity during dating or engagement and the reaction of each party to the discovery of the infidelity, etc. Did other people know about these things? Who were they and how did they know?

Describe each of your attitudes toward having children. Include such things as: any discussions before marriage about delaying children, whether this was permanent or for a certain period of time, whether both of you agreed to this, whether the decision was negotiable, what means were used to prevent pregnancy, etc. Did other people know about these things? Who were they and how did they know?

The Marriage

5. Describe any unusual circumstances at the wedding, the reception, or on the honeymoon. Include such things as: alcohol or drug use before the ceremony, excessive drunkenness, fights, lack of intercourse on the wedding night/honeymoon, regret, etc. Were other people aware of these things? Who were they and how did they come to know?

If this was a civil marriage that was later convalidated or “blessed” by the Church please describe the time between the civil ceremony and the religious ceremony. Include such things as: the amount of time that elapsed between the two ceremonies, the reason for the decision to marry in the Church, any problems that might have occurred, special circumstances surrounding the decision to marry in the Church, whether each of you thought the Church ceremony was necessary, what each of you thought the Church ceremony would do for your relationship, etc.

Describe your married life together. Try to write your description in the order that the events occurred. You may wish to organize your description around the places you lived, the birth of your children, the jobs that each of you had or any distinct turning points that you experienced in your marriage.

In your description, please answer such questions as: how long the two of you actually lived together, how long you were married before problems first were apparent to each of you, how you related to each other in general, whether both of you worked, how you divided up household responsibilities, how you related to friends and family, etc.

Also in your description include such problem areas as: physical, emotional, verbal or sexual abuse by either of you, alcohol or other drug abuse by either of you, major areas of disagreement and how these were resolved, sexual problems which occurred during the marriage, instances of infidelity by either of you, problems with unemployment, with civil authorities, or with family/in-laws, etc. Please indicate at what point in the marriage these problems became apparent.

Also in your description include whether either of you insisted on delaying having children, whether birth control was used for the entire marriage (and what method), whether either of you brought up the subject of children and your partner's reaction to that, how the children were treated, what role each party had in raising the children, any emotional problems which the children experienced during the course of the marriage, etc.

Describe any temporary separations during the course of the marriage, including when these occurred, the cause and length of the separation, and how the two of you decided to reconcile. Describe the final separation. Include such things as: the reason for the final break-up, the responsibility of each of you for the breakdown of the marriage, whether either of you suggested marriage counseling and the reaction of the other party, the circumstances surrounding the final separation, who moved out of the home, how each party's family reacted to the breakdown of the marriage, and what happened between the final separation and the civil divorce.

Describe what has happened to each of you since the civil divorce. Include such things as who obtained custody of the children and how the children have reacted to the divorce, whether the terms of the civil divorce have been fulfilled, what interaction there has been since the divorce and how you have treated each other, how stable each of you have been (emotionally, financially, occupationally), whether either of you has remarried or has plans to remarry, etc.

If you have remarried, or are planning to remarry, describe your relationship with your present/intended spouse, and indicate whether he/she has been married before.

B. CONCERNING YOURSELF

Parents and Family

1. What nationality or nationalities were your parents/step-parents? When you were growing up, what was your family socio-economic level (poor, wealthy, middle-class, etc.)?

How many brothers and sisters did you have and what are their ages in relationship to you? Describe your relationship with your brothers and sisters.

What religion(s) were your parents/step-parents? How active were you as a family in the practice of your religious beliefs?

Describe your mother's personality. Describe your relationship with her. Do the same for a stepmother.

Describe your father's personality. Describe your relationship with him. Do the same for a stepfather.

Describe how your mother and father got along when you were growing up.

Describe how they treated you and the other children, including such items as: displays of affection, nature of discipline, expression of anger, rewards and punishments, any feelings of rejection, parental interests in your development and activities, any instances of physical, sexual, or substance abuse, etc.

If your parent(s) separated, divorced, or died, elaborate on the circumstances (how old you were, why the divorce, circumstances of death, who raised you, etc). If there was a remarriage, describe the relationship between your biological parent and yourself, your stepparent and yourself.

Personality

2. Give a description of your personality, including the following: 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, personality disorders, psychiatric treatment, etc.

3. Describe how you interact with other people, including: examples of poor judgment, repeated mistakes, your reaction to people who point out your faults, ability to express gratitude, any selfish tendencies, envy, circumstances that would cause you to lie or cheat, any instances of physical violence with others, etc.
4. Have you ever seriously contemplated, threatened, or attempted suicide? If so, please elaborate.
5. Describe your ability to plan for the future. Include such things as your financial responsibility, ability to handle money, any problems with creditors, overspending, etc.

Personal History

6. Describe your childhood memories. Describe any significant accomplishments and problems, any significant health problems, any emotional or adjustment problems while you were growing up (e.g., death of a close family member, serious illness in the family, etc.).
7. Describe your religious practices and beliefs [a] as an adolescent and before the wedding; [b] during the marriage; [c] at the present time. Describe the type of religious education you received.
8. Describe your academic history, including such things as how you did academically and socially in school, what schools you attended, how far you went in school, your relationship with your teachers and fellow students, your involvement in extracurricular activities, any disciplinary problems, reasons for leaving school prior to graduation.
9. Describe your history of employment, including types of jobs you held during school and after graduation, reasons for any job changes, your ability to get along with employers and coworkers.
10. Describe any sexual related problem you have experienced (e.g. abuse, homosexuality, assault etc.). Include information as to when any problems began, and how they were resolved.
11. Describe your dating history prior to the marriage, including when you began to date, how often, your sexual tendencies and attitudes, any earlier and serious romances, whether you lived together with anyone before marriage, and, if so, give the circumstances.
12. Describe your past and present use/abuse of alcohol and/or other drugs (prescription and/or non-prescription). Describe any problems in this area, including when the problem(s) started, how much and how often the substance was used, and how the problem(s) have been resolved.
13. Describe your history in military service (e.g. your record, type of discharge).
14. Describe any conflicts with civil authority, including arrests, traffic tickets, license suspensions, etc.

Counseling

15. Describe any history of counseling, including psychiatric hospitalization and/or out-patient treatment, (a) before the marriage; [b] during the marriage; [c] after the divorce until the present. Include the reasons for the counseling, and any results and/or diagnosis.

C. CONCERNING YOUR FORMER SPOUSE

Parents and Family

1. What nationality or nationalities were your former spouse's parents? When he/she was growing up, what was his/her family's socio-economic level (poor, wealthy, middle-class, etc.)?

How many brothers and sisters did he/she have and what are their ages in relationship to him/her? Describe his/her relationship with any brothers and sisters.

What religion(s) were your former spouse's parents? How active was the family in the practice of their religious beliefs?

Describe the personality of your former spouse's mother. Describe his/her relationship with her. Do the same for a stepmother.

Describe the personality of your former spouse's father. Describe his/her relationship with him. Do the same for a stepfather.

Describe how your former spouse's mother and father got along when he/she was growing up. Describe how they treated their children, including displays of affection, nature of discipline, expression of anger, rewards and punishments, any feelings of rejection, parental interests in his/her development and activities, any instances of physical or sexual abuse, etc.

If your former spouse's parent(s) separated, divorced, or died, elaborate on the circumstances (how old your former spouse was, why the divorce, circumstances of death, who raised your former spouse, etc). If there was a remarriage, describe the relationship between your former spouse's biological parent and your former spouse, between his/her step-parent and he/she.

Personality

2. Give a description of your former spouse's personality, including his/her 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, personality disorders, psychiatric treatment, etc.
3. Describe how your former spouse interacted with other people, including examples of poor judgment, repeated mistakes, his/her reaction to people who point out his/her faults, ability to express gratitude, any selfish tendencies, envy, circumstances that would cause him/her to lie or cheat, any instances of physical violence with others, etc.
4. Has your former spouse ever seriously contemplated, threatened or attempted suicide? If so, please elaborate.
5. Describe your former spouse's ability to plan for the future. Include such things as his/her financial responsibility, ability to handle money, any problems with creditors, overspending, etc.

Personal History

6. Describe what you know about your former spouse's childhood. Describe any significant accomplishments and problems, any significant health problems, any emotional or adjustment problems while he/she was growing up (e.g., death or serious illness of a close family member, etc.).
7. Please describe your former spouse's religious practices and beliefs [a] as an adolescent and before the wedding; [b] during the marriage; [c] at the present time. Describe the type of religious education he/she received.
8. Describe your former spouse's academic history, including such things as: how he/she did academically and socially in school, what schools he/she attended, how far he/she went in school, his/her relationship with his/her teachers and fellow students, his/her involvement in extracurricular activities, any disciplinary problems, reasons for leaving school prior to graduation.
9. Describe your former spouse's history of employment, including types of jobs he/she held during school and after graduation, reasons for any job changes, his/her ability to get along with employers and coworkers.
10. Describe any sexual related problem your former spouse has experienced (e.g. abuse, homosexuality, assault etc.). Include information as to when any problems began, and how they were resolved.
11. Describe your former spouse's dating history prior to the marriage, including when he/she began to date, how often, his/her sexual tendencies and attitudes, any earlier and serious romances, whether he/she lived together with anyone before marriage, and, if so, give the circumstances.
12. Describe your former spouse's past and present use/abuse of alcohol and/or other drugs (prescription and/or non-prescription). Describe any problems in this area, including when the problem(s) started, how much and how often the substance was used, and how the problem(s) have been resolved.
13. Describe your former spouse's history in military service (e.g. his/her record, type of discharge).
14. Describe any conflicts with civil authority, including: arrests, traffic tickets, license suspensions, etc.

Counseling

Describe your former spouse's history of counseling, including psychiatric hospitalization and/or out-patient treatment, [a] before the marriage; [b] during the marriage; [c] after the divorce until the present. Include the reasons for the counseling, and any results and/or diagnosis.

OTHER EVIDENCE

Include with your petition any other pertinent evidence to support your petition. These should include letters, police reports, or any other documents. If you do not have copies of originals please contact the tribunal for assistance.

In the box below please summarize in a few sentences why you believe this marriage is invalid, i.e., defective in some essential way from the beginning.

FOUNDATIONS FOR A DECLARATION OF INVALIDITY

Below is a description of possible grounds for declaring a marriage invalid. You can assist in this process by examining the list below and proposing which grounds you believe would be appropriate.

Explanation of Possible Grounds**Insufficient Use of Reason (Canon 1095 1°)**

You or your spouse did not know what was happening during the marriage ceremony because of insanity, mental illness, a lack of consciousness, drunkenness or other substance abuse at the time of the wedding.

Grave lack of discretionary judgment concerning essential matrimonial rights and duties due to causes of a psychic nature (Canon 1095 2°)

You or your spouse was affected by some serious circumstances or factors that made you unable to judge or evaluate either the decision to marry or the ability to create a true marital relationship. These factors often include several of the following: Poor judgment, lack of proper preparation, peer pressure of an extraordinary type, acting against sound opinion of parents or friend, mere infatuation, impulsive decision to marry, pregnancy. The combination of factors can prove that a person was unable to make a mature, stable, well thought-out decision to marry. One must make an informed decision to wed which includes forethought and reflection on such an important decision

Psychic-natured incapacity to assume marital obligations (Canon 1095 3°)

You or your spouse, at the time of consent, were unable to fulfill the obligations of marriage because of a serious psychological disorder or other condition. At the time of the wedding was there really the possibility on the part of both partners for a permanent, exclusive and fruitful commitment to the other? Did either suffer from serious personality disorders that affected their ability to live out the commitment of marriage as a partnership of the whole of life? Were both stable and emotionally mature? Were both really able to cope with the ordinary stresses of marriage?

Ignorance about the nature of marriage (Canon 1096 §1)

You or your spouse did not know that marriage is a permanent relationship between a man and a woman ordered toward the procreation of offspring by means of some sexual cooperation.

Error of person (Canon 1097 §1)

You or your spouse intended to marry a specific individual who was not the individual with whom marriage was celebrated. (For example, mail order brides; otherwise, this rarely occurs in the U.S.)

Error about a quality of a person (Canon 1097 §2)

You or your spouse intended to marry someone who either possessed or did not possess a certain quality, e.g., social status, marital status, education, religious conviction, freedom from disease, or arrest record. That quality must have been directly and principally intended.

Fraud (Canon 1098)

You or your spouse was intentionally deceived about the presence or absence of a quality in the other. The reason for this deception was to obtain consent to marriage.

Total willful exclusion of marriage (Canon 1101 §2)

You or your spouse did not intend to contract marriage as the law of the Catholic Church understands marriage. Rather, the ceremony was observed solely as a means of obtaining something other than marriage itself, e.g., to obtain legal status in the country or to legitimize a child, etc.

Willful exclusion of children (Canon 1101 §2)

You or your spouse married intending, either explicitly or implicitly, to deny the other's right to sexual acts open to procreation. Usually one party wants to have a child and the other refuses to have a child.

Willful exclusion of marital fidelity (Canon 1101 §2)

You or your spouse married intending, either explicitly or implicitly, not to remain faithful.

Willful exclusion of marital permanence (Canon 1101 §2)

You or your spouse married intending, either explicitly or implicitly, not to create a permanent relationship, and retaining an option to divorce.

Intention against Good of the Spouses (Canon 1101 §2)

You or your spouse married intending, either explicitly or implicitly, not to mutually surrender to each other; for the good of the partners, of the children, and of society. This can arise from an erroneous belief that marriage is for self rather than as the blending of life as a whole and mutual interchange and sharing thereof.

Future condition (Canon 1102 §2)

You or your spouse attached a future condition to your decision to marry, e.g., you will complete your education, your income will be at a certain level, you will remain in this area, etc.

Past condition (Canon 1102 §2)

You or your spouse attached a past condition to your decision to marry, and that condition did not exist, e.g., I will marry you provided that you have never been married before, provided you have graduated from college.

Present condition (Canon 1102 §2)

You or your spouse attached a present condition to your decision to marry and that condition did not exist, e.g. I will marry you provided you do not have any debt, provided that you are a virgin etc.)

Force or Fear (Canon 1103)

You or your spouse married because of an external physical or moral force that you could not resist, or chose to marry because of fear that was grave and inescapable and caused by an outside source.

Error regarding marital unity that determined the will (Canon 1099)

You or your spouse married believing that marriage was not necessarily an exclusive relationship.

Error regarding marital indissolubility that determined the will (Canon 1099)

You or your spouse married believing that civil law had the power to dissolve marriage and that remarriage was acceptable after civil divorce.

Error regarding marital sacramental dignity that determined the will (Canon 1099)

You and your spouse married believing that marriage is not a religious or sacred relationship but merely a civil contract or arrangement.

I propose the following as the grounds for my case

WITNESSES

Witnesses are an essential part of your marriage study. They verify the testimony you have given and complete the picture of the relationship and the reason for its failure. The Tribunal focuses primarily on the relationship before and at the time of the wedding. Information after the wedding may help to clarify the nature of the relationship from the beginning of the marriage.

Please contact the witnesses to inform them that you have given their names to the Tribunal for the purpose of seeking an annulment. They are more likely to cooperate if they know you want their help.

The best witnesses are those who knew you and/or your former spouse personally as each of you were developing and preparing to enter into this union. Usually this would be parents, siblings, close friends before and during the first years of marriage, the best man and maid of honor. We would also like to contact the Priest/Pastor who prepared you for marriage. If you worked with a Sponsoring Couple, their names and address could possibly help us in arriving at a decision. Other helpful testimony can be the records of any counseling you may have received. Most agencies require you to sign a release form before they will provide us with information. We suggest you contact them to find out what would be required for them to give us information.

Please provide us with the names, addresses and phone numbers of at least six persons who would be able to give us some insight into your former marriage. If at all possible at least two of these persons should be from your former spouse's side, such as, a family member, close friend, someone you double-dated with or a neighbor. Ask them to answer the questionnaires as honestly as they can - realizing, of course, there may be some questions they cannot answer.

Witnesses		
Bride's Family Member (parents, siblings, or extended family)		Groom's Family (parents, siblings, or extended family)
	Name	
	Address	
	City, State, Zip	
	Phone Number	
	Relationship (e.g. father, sister)	
Wedding Party (Bridesmaids etc.)		Wedding Party (Groomsmen, etc.)
	Name	
	Address	
	City, State, Zip	
	Phone Number	
	Relationship	
Friends/Neighbors (during courtship and/or early Marriage)		Friends/Neighbors (during courtship and/or early Marriage)
	Name	
	Address	
	City, State, Zip	
	Phone Number	
	Relationship	
Other Witnesses (during courtship and/or early Marriage)		Other Witnesses (during courtship and/or early Marriage)
	Name	
	Address	
	City, State, Zip	
	Phone Number	
Other Witnesses (during courtship and/or early Marriage)		Other Witnesses (during courtship and/or early Marriage)
	Name	
	Address	
	City, State, Zip	
	Phone Number	
Priest/Pastor: <i>This would be the priest or pastor who prepared you for Marriage</i>		Sponsoring Couple <i>This would be the couple who helped with Marriage Preparation</i>
	Name	
	Address	
	City, State, Zip	
	Phone Number	
Counselor Reports:	Professionals who could provide insight into psychological issues at the time of the marriage	Other expert reports including police or medical.
	Name	
	Address	
	City, State, Zip	
	Phone Number	

Have you contacted the above named witnesses and asked them to provide testimony in your case?

_____yes _____no

If no, why?

Before the questionnaires are sent to the witnesses, we may need to contact the respondent and his/her diocese for jurisdiction. When we have formally accepted the case, you will be notified of the grounds and that the questionnaires have been sent to your former spouse and the witnesses. Please contact the witnesses or us in a month to find out who has not responded.

ARE THE FOLLOWING DOCUMENTS OR THEIR COPIES ATTACHED TO THIS APPLICATION?

For the Catholic parties the certificates must be recently issued. Contact the parish of baptism and request that they send the baptismal certificate along with the notations directly to the Tribunal. If either party was first baptized in a non-Catholic Church and later joined the Catholic Church by making a Profession of Faith, please have the parish in which the Profession was made send a certificate to the Tribunal. The Divorce Decree must be provided before we can even open this case. The divorce decree must contain a declaration by the civil court that a divorce was granted on a specific date by a specific judge.

DOCUMENTS NEEDED (Please check yes if attached)	Yes	No
! Baptismal Certificate or Profession of Faith for the Petitioner <i>(baptismal certificate with annotations: an updated copy of the baptismal certificate that also lists the other sacraments the person has received in their lifetime)</i>		
! Baptismal Certificate or Profession of Faith for the Respondent <i>(baptismal certificate with annotations: an updated copy of the baptismal certificate that also lists the other sacraments the person has received in their lifetime)</i>		
! Marriage License or Certificate		
! Divorce Decree <i>(the decree must include the date of divorce)</i>		
! Counseling reports from the marriage		
! Police reports		
! Medical Reports		
! Prenuptial Agreement		
Please explain why any of the above documents have not been included:		
SPECIAL REQUESTS OR INSTRUCTIONS		
Are there any considerations that you would like the Tribunal to take into account as this process is begun? (For example: confidentiality of present address, special appointment times, need for translators, etc.)		
Do you wish to appoint a specific person to serve as your procurator/advocate <i>(N.B. this person must have some experience in working with annulments to be accepted as an advocate)</i>		
If the Respondent is potentially dangerous to you or your loved ones, fill out the <u>Questionnaire for Dangerous Respondent</u> , found at http://www.fargodiocese.org/annulmentforms .		

Case Name:
Case Number:

Assessment of Marital Dynamics

*At the time of the 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 the abilities, attitudes and beliefs of you and your former spouse. Please review each of the statements about your wedding and check the boxes that apply to you and/or your former spouse (F.S.). These items refer to **PRINCIPAL OR MAJOR** traits that you and your former spouse brought into the marriage. In any given section, you may check one box, several boxes, or no boxes. There are no "right" or "wrong" answers.*

Please complete and return to our office.

Name: _____ Date: _____

You F.S.

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

- was not mature enough to understand what a commitment entailed;
 was trying to get away from something unpleasant in our lives;
 believed we were committed to the marriage because of dating for so long;
 because of personality problems did not seriously consider what it would mean to be married to each other
 had serious doubts about whether this was a good decision;
 did not realistically consider whether our relationship was strong enough for us to be married;
 had little or no dating experience;
 ignored the significant opposition of family and/or friends.

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

- had personal or family involvement with physical, sexual, alcohol and/or drug abuse;
 had received or needed to receive counseling for a serious psychological disorder;
 was unable to establish stability in a job, education, lifestyle and/or a relationship
 had a history of violence or anti-social behavior;
 could not accept personal responsibility for actions committed;
 struggled with what would later be seen as an addiction (gambling, controlled substance, etc.);
 expressed or experienced difficulties with sexual orientation.

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

- went through the marriage ceremony for a reason other than contracting marriage;
 felt that a career was more important than marriage;
 felt that the most important thing was personal happiness;
 felt that we were creating an 'open marriage';
 wanted to back out of the ceremony but could not do so;
 had no example of a stable marriage while growing up;
 did not intend to assume any permanent obligations toward the other person;
 did not intend a marriage to give any permanent rights to the other person;
 felt obliged to marry as a means to continue living together.

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 until our situation was financially secure;
 intended to delay, limit or exclude children until the marriage proved successful;
 never intended to take responsibility for the upbringing of children.

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

- believed sexual infidelity was acceptable for a reason (e.g., as long as there was no emotional involvement);
 believed occasional sexual infidelity was acceptable for a reason (e.g., as long as it remained hidden);
 believed sexual infidelity was acceptable as long as both parties agreed;
 was sexually unfaithful shortly before or shortly after the wedding.

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

- grew up with the belief that divorce was an acceptable alternative to unhappiness in marriage;
 felt that divorce was a tolerable alternative to a lifelong unhappy marriage;

You F.S.

- felt that we could divorce in certain circumstances, such as adultery;
- felt that we would remain married only as long as our love lasted.

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

- intended to be married only for as long as we felt we would be fulfilled;
- intended to be married only as long as we would be financially provided for in the marriage;
- intended to be married only for as long as some condition was true (e.g., virginity, education, social status, family involvement, freedom from alcoholism, freedom from physical abuse, ability to have children, etc.);
- intended to be married only as long as there was no infidelity.

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

- believed that because of a pregnancy there was no other option except marriage;
- believed that because we were sexually active with each other, marriage was inevitable;
- believed that because of parental objection(s) to our living together, marriage was the only alternative;
- was afraid NOT to get married, for one reason or another;
- decided to marry in order to avoid the displeasure of a person important to our situation;

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

- mistakenly believed that the other party was someone, or something, that he/she was not;
- did not understand that marriage could only be dissolved by the death of the spouse;
- did not understand that marriage imposed an obligation of absolute fidelity on both parties;
- did not understand that one of the primary purposes of marriage was the bearing and education of children;
- did not understand that marriage involved the care of one's spouse;
- did not know or understand that marriage is not only a civil contract but also a spiritual union.

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

- deceived the other about the real reason for marrying;
- concealed something that the other had a right to know because there would have been no wedding if it were known;
- found out something vital about the other party after our wedding, which, if known before the wedding, would have stopped the wedding from taking place;
- kept something secret before the marriage that later became disruptive of married life.

K. Briefly state in your own words why the marriage under consideration ended:

*The following **only** applies to the marriage under consideration if it was convalidated or "blessed" in the Catholic Church:*

L. At the time of the wedding, one or both of us felt that our 'blessing of the marriage in the Church' was:

- a Catholic confirmation of an already valid marriage ceremony that took place outside the Catholic Church;
- the first genuine and true marriage between myself and my former spouse;
- a blessing by the Catholic Church of an already genuine and true marriage by which the union became a sacrament or spiritual covenant;
- a religious ceremony required by the Catholic Church for official recognition of the "marital union" between myself and my former spouse with the purpose of restoring the Catholic party to full communion;
- something that was unnecessary, but that we went through for some other reason (e.g., to get our child baptized, to satisfy our parents, etc.)

LIBELLUS (FORMAL PETITION)

N.B. In accord with Church Law a copy of this Formal Petition will be sent to the Respondent

I, _____, the undersigned Petitioner presently known as _____,
(Full Maiden Name if woman)
residing in the Diocese of _____ hereby request that the Tribunal of the Diocese of Fargo investigate my
marriage for a Declaration of Invalidity which I contracted with _____, the Respondent,
(Full Maiden Name if woman)
presently residing in the Diocese of _____. The marriage took place on _____ at the
_____ Church of _____, _____
Denomination Name of Church City/State

I request that the Fargo Tribunal declare this marriage invalid:
Choose one of these:

[] on the following grounds (chosen from Description of Grounds section) _____

[] on any grounds the Tribunal proposes as appropriate.

In support of this petition I offer the testimony provided with this petition and that of witnesses I have named in this application
and other relevant evidence that may come to light.

By virtue of my signature affixed below:

- I agree to whomsoever the Tribunal may appoint as my Procurator-Advocate and authorize him/her to do
all that is necessary in my interest.
•I understand that my former spouse may be made aware of the general content of my application and that
my former spouse may also be allowed to exercise the right, provided in Church law, to review testimony.
•I understand that professional counseling or special instructions may be mandated before permission to
marry in the Catholic Church will be granted. I understand that I will have to fulfill any requirements and
restriction placed on me as a result of this legal process before permission to marry can be received. I further
understand that all financial obligations imposed on me by the civil courts toward my former spouse and
children, if any, must be current before I can marry.
•I understand that I may not set a date for any future marriage until, and only if, I have received a
declaration of freedom to marry. I understand that no priest, deacon, or parish minister may provide me
with even a tentative date for a future wedding in the Catholic Church until this process has been completed.

I swear and affirm that I am presenting this case in good faith and am fully committed to this process. The statements in this
application are true and complete. I agree to cooperate fully with the Tribunal and to be bound by the policies established by that
Office in accordance with the law of the Church.

_____ Date _____ Signature of the Petitioner
_____ Signature of priest/pastoral minister/notary public _____ Name (typed or printed) of pastoral minister
_____ Sponsoring Parish _____ Address of Parish
_____ Phone E-mail _____ City State/zip

Who We Are, What We Do

The Marriage Tribunal exists to investigate the question of the freedom to marry in the Catholic Church. Most people come to the Tribunal to petition for a declaration of nullity, commonly referred to as an annulment. A declaration of nullity is a statement confirming that, at the time of the marriage ceremony, some essential element was missing which prevented the formation of a binding marital union as recognized by the Catholic Church.

To make this determination the Marriage Tribunal considers the intentions of the parties at the time of the marriage, their attitudes toward marriage, and personality factors which could affect either party's ability to form a stable and permanent relationship. The decision of the Marriage Tribunal has no civil effects in the United States, nor does it have any effect on the civil divorce proceedings or settlement. The granting of a declaration of nullity does not affect the legitimacy of any children who may have been born of the union.

All, whether baptized or not, can bring a marriage case before a Church Court. There are three levels of Church courts regulated by canon law: the first is at the diocesan level, the Marriage Tribunal; the second is regional and is called the Appellate Tribunal; and the third is the Roman Rota. Various officials serve at the Marriage Tribunal. The Judicial Vicar oversees the work of the Marriage Tribunal. The Defender of the Bond argues to uphold the bond of the marriage in question. Advocates represent the views of the parties, and act on their behalf.

Fees

The Catholic Church is committed to helping people find healing and reconciliation following a divorce; hence, even though it costs the Diocese of Fargo an average of \$1900 per case, *we charge nothing*. Instead, we appeal to the generosity of people like you, who have participated in the annulment process to do what you can to offset the costs through a voluntary tax deductible donation *after* the process concludes. Please prayerfully consider donating half the cost (\$950) to the *Catholic Development Foundation—Tribunal*. Of course, you are free to give more or less as you are able. Judges do not interact with money, and donations have absolutely no effect on the decision of the Court.