



PETITIONING FOR AN ECCLESIASTICAL ANNULMENT



**METROPOLITAN TRIBUNAL
ARCHDIOCESE OF NEWARK
171 CLIFTON AVENUE, P.O. Box 9500
NEWARK, NEW JERSEY 07104-9500
Tel: 973 497-4145 Fax: 973 497-4138**

<i>For Tribunal Use</i>	
Num.	_____
Name	_____
Rec'd.	_____
Adv.	_____

This questionnaire is designed to assist you in the first step of presenting a case to the Tribunal. You are asking the Tribunal to examine your marriage relationship thoroughly and to make a judgment as to whether the Catholic Church considers you free to enter another marriage at this time. Please complete this questionnaire as carefully and as completely as you can. The information requested is important to the Tribunal, since it will be used to determine if your case can be accepted and what type of case you have.

For many persons, this process – although lengthy and sometimes painful – is an experience in healing and growth. Many persons gain new insight into themselves and their marriage. This is, however, primarily a legal process. You are asking the Tribunal to resolve the question of your marital status before the Catholic Church.

All Tribunals are governed by a very strict and detailed procedural law, which mandates certain steps in every case. This law asks that we complete cases within 18 months. Most cases are completed within this time frame, but we can never guarantee that a case will be completed within a certain time limit, or that an affirmative decision will be granted. These uncertainties often bring frustration and require great patience, since you may not hear from the Tribunal for some months at a time while we work on your case and others. Please understand that the detail required in this process is a sign of our great respect for marriage and for the seriousness of your marriage promises.

The matters that will be revealed during the course of this case enjoy a limited confidentiality and will normally be divulged only to Tribunal officials and to the parties involved (See agreement on pages 8 and 9). However, in order to protect children any information that would lead the Tribunal to suspect child abuse may be reported to the appropriate civil authorities.

If a declaration of nullity is eventually granted, it will not affect such things as the legitimacy of children, custody of children, child support, alimony, or visitation rights. These are natural and civil elements of marriage, and the decisions of this process produce outcomes which are relevant only for the Catholic Church. There are no effects or ramifications of this process in civil law or civil courts. This process deals only with the spouses, and has no effects at all on the children, or any arrangements regarding the children.

To begin a case, you must complete this questionnaire and select preliminary grounds for your case. You must also assemble the required documents (Marriage License, Divorce Decree, and – for Catholics – a current Baptismal Certificate). When this is all completed, your next step is to meet with a Case Assessor, trained and commissioned by our Tribunal to help you. Even before you’ve completed the preliminary paperwork, you may meet with a Case Assessor at any time if you would like assistance or if you have questions. You may also call or meet with your parish priest or deacon for assistance, but this does not take the place of meeting with a Tribunal Case Assessor. The Case Assessor will review your answers with you and may offer help in completing this booklet more effectively. He or she will discuss possible grounds for your case and help you to write a very brief statement regarding each of the grounds you choose. The Case Assessor will ask you to complete other brief Tribunal forms, and co-sign all the paperwork necessary to begin the Tribunal process. The Case Assessor will then forward everything to the Tribunal office. It is required that you meet with a Case

Assessor; it is an important step. The work of the Case Assessor expedites your case and prevents needless delays at the beginning of your case.

Beginning a case and proposing grounds may be an intimately personal and perhaps even painful experience. We invite you to pray for God's assistance in recalling and describing what is needed to begin your case. Your openness and honesty will prove helpful to your case and to you personally. If this process brings renewed pain or concern over unhealed issues or difficult memories, please know that there are support groups for separated and divorced persons in your area, and professional assistance available to you. Please contact the Office of Family Life Ministries for more details (<https://www.rcan.org/offices-and-ministries/family-life/mission-staff>). May the Holy Spirit guide and support you in this effort. Be assured of the assistance and prayers of the Tribunal staff, now and throughout your case.

Contacting the Respondent

It is especially important that you provide us with the complete address of your former spouse, the Respondent. Since marriage involves two people and the Tribunal's decision will affect both parties, we cannot begin a case without information concerning both spouses. Church law requires that your former spouse be notified of these proceedings and be invited to participate as an equal participant. Many times, the Respondent will opt to have no participation in the case, but we cannot presume this.

Whether or not your former spouse chooses to respond to the Tribunal will not affect how the Tribunal processes your case. Your former spouse cannot stop these proceedings—the Respondent's consent or permission is not required. The Tribunal will proceed with your case whether or not your former spouse participates. When the Respondent participates the Tribunal is provided with a more complete portrait of the marriage. To prevent ill feelings, if you have contact with your former spouse we suggest that you inform him or her that you are beginning this case and that he or she will receive correspondence from the Tribunal. It is not necessary for you to have any personal contact with the Respondent during this case, only that you provide us with a correct, current, and complete address for the Respondent.

If you are truly unaware of the current whereabouts of your former spouse, and have no means of locating him or her, please complete the page titled *Your Efforts to Locate Your Former Spouse*. This lists every effort you have made to locate the Respondent, as well as last known address and family contacts. If you do not provide us with the correct current address of the Respondent, there will be a delay in accepting your case, since the Tribunal will try to locate him or her through other means.

If your former spouse is violent and abusive and you believe that you or your children will be placed in grave danger if the respondent is even notified about these proceedings, it may be possible to proceed without contacting the Respondent. There must be an extremely serious reason not to contact the Respondent, since it would violate his or her fundamental rights in this process. Our experience is that a Respondent will eventually become aware of the case anyway, and – if he or she knew nothing about it – the anger and abuse will only be worse. In nearly every case it is better to contact the Respondent according to our normal procedure. The Tribunal will never reveal your current name or address to the Respondent or any other party. If you are asking us not to contact your former spouse, you must document the fact that actual abuse or criminal behavior has occurred (not merely the threat or fear of abuse). This can be through documents (such as a court order, police records, hospital or shelter records) or by sworn and notarized statements of two witnesses. If you have not received a court order from a civil court to protect you from further abuse, you must explain in writing why not. If you are concerned about the Tribunal's contact with the Respondent, please discuss this when you meet with your Assessor.

**It is very important that you provide ALL the information requested in this section,
for BOTH you and your former spouse.
Anything left blank may delay acceptance of your case.**

Yourself

Your former spouse

Full Present Name

Full Maiden Name

Street Address

City, State, Zip

Home Phone

Work or Cell Phone

Email

Occupation

Date of Birth

Date of Baptism

Church and City of Baptism

Denomination of Baptism

Denomination at time of the Wedding

Age at Time of Wedding

Employment at Time of Wedding

Religious Denomination Now

Current Parish

Father's Full Name

Living or Deceased

Mother's Full Name

Living or Deceased

Number of Siblings

Place Among Them

Concerning the Courtship, Engagement and Marriage

1. When and how did you meet your former spouse? _____
2. When did you begin to date your former spouse? _____
3. How old were you at that time? _____ Your ex-spouse? _____
4. Was the dating relationship ever broken? _____
 - A. If so, by whom? _____
 - B. Why? _____
 - C. How often? _____
5. When did you become engaged? _____
6. Was the engagement ever broken? _____
 - A. If so, by whom? _____
 - B. Why? _____
 - C. How often? _____
7. Did you make Pre-Cana or other marriage preparation program? _____
8. Date of marriage: _____
9. Complete name and address of the Church or Place of Marriage: _____

10. Number of children born of the marriage: _____
11. Birth dates of children: _____
12. Were your children baptized? _____
13. Number of separations before the final one: _____
14. Date of final separation: _____
15. Who initiated the civil divorce? _____
16. Date and place of civil divorce: _____
17. Grounds of civil divorce: _____
18. Have you ever before presented a petition for annulment of this marriage or any marriage to this or any other Tribunal? If so, please explain:

19. Did you obtain any marriage counseling/professional help during the marriage? _____
 - A. If so, name of counselor: _____
 - B. Address of counselor: _____
 - C. Approximate dates of counseling: _____
 - D. Was it joint or individual counseling? _____

Previous Marriages

If either you or your former spouse were previously married, and divorced or widowed, it is extremely important that you provide all of the information requested below. This information will help the Tribunal to determine if another simpler process may be used in your case. Each and every prior marriage must be considered. If there were several prior marriages, please answer the following questions. Further information or documents may be requested later.

Yourself

Your former spouse

_____	Name of the Previous Spouse	_____
_____	Religion of Previous Spouse	_____
_____	Date of Previous Marriage	_____
_____	Place of Previous Marriage	_____
_____	Date and Place of Divorce	_____
_____	Was that Marriage Annulled?	_____
_____	When and by Which Diocese?	_____

Current Marital Status

If you are presently remarried, engaged, or seriously dating someone, this information will help us determine if this person is free to marry at this time. Providing this information now can help to save much time later. This information will not be shared with anyone outside of the Tribunal.

1. Are you presently remarried? _____
 - A. If so: name and denomination of present spouse: _____
 - B. Place/date of wedding: _____
 - C. Marital status of present spouse:
 - i. single/never married: _____
 - ii. married and divorced but not annulled: _____
 - iii. married, divorced and annulled: _____
2. Did you enter any marriage between this marriage under investigation and your current marriage? If so, please provide details: _____
3. Are you presently planning to remarry? (See #3 on page 9.) _____
 - A. If so: Place/date of proposed marriage: _____
 - B. Denomination of intended spouse: _____
 - C. Marital status of intended spouse: (see #1C) _____
4. Is your ex-spouse presently remarried? _____
5. Is he/she involved in the lives of your children? _____

Witnesses:

It is absolutely necessary to submit the names and complete addresses of witnesses who can support your case. The best witnesses are friends, co-workers, room-mates, neighbors, or family members who knew both you and the Respondent before and during the marriage. Sometimes it is not possible to locate witnesses easily, and this may be difficult for you. It is essential to the case, however. Unless you first tell the people you list that they will hear from the Tribunal, your witnesses may be surprised and even angered when they receive a brief questionnaire from us. Often the longest delays in cases are caused by witnesses not responding. Please contact your witnesses personally and ask them to assist you in the case—this will avoid misunderstandings, delays, and hurt feelings

Witness number one:

Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

Relationship to me: _____ Has known me since: _____

Witness number two:

Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

Relationship to me: _____ Has known me since: _____

Witness number three:

Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

Relationship to me: _____ Has known me since: _____

Witness number four:

Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

Relationship to me: _____ Has known me since: _____

Witness number five:

Name: _____

Address: _____

Home Phone: _____ Work/Cell Phone: _____

Relationship to me: _____ Has known me since: _____

Your Efforts to Locate your Former Spouse

Full Name of your former spouse, including middle name(s): _____

His/her social security number: _____

(If unknown, please check tax records, bank or mortgage records, military records, etc.)

When was your last contact with your former spouse? _____

Was this contact: in person by mail by telephone other: _____

Last known address: _____

When was the last date you knew the Respondent to be at the above address? _____

Last known place of employment: _____

When was the last date you knew the Respondent to be employed there? _____

Did you attempt to contact the Respondent at this place of employment? _____

If you had children together, please give the name and address of a son or daughter who has contact with the Respondent: _____

If no son or daughter has contact with the Respondent, please explain why not:

Please list in detail what efforts you have made to locate your former spouse's current address:

- Cities/Towns for which you looked in telephone books or called for Directory Assistance:

- Names and locations of Attorneys or other professionals contacted for information or assistance:

- Former friends, neighbors, acquaintances you contacted for information:

- On-line services or other computer-assisted searches you made for information:

- Other efforts:

Agreement to Tribunal Policies

When you meet with the Case Assessor to submit this booklet to the Tribunal, the Case Assessor will ask you to sign a form on the next page which states that you understand the policies and practices of the Tribunal. There is a positive and practical purpose to this agreement. The Tribunal has handled many cases, and frankly we've learned from mistakes made in the past. The points in the agreement are intended to avoid hurt, embarrassment, and misunderstanding. From the beginning of the case we want you to understand clearly the policies under which we operate.

The first three points state clearly that the Tribunal does not guarantee a favorable decision in your case, and cannot guarantee when a decision will be given. There are many factors which can determine how fast your case will be heard and decided, including the number of new petitions received; illnesses, vacations, and workload of the Tribunal staff; and especially how quickly or slowly your witnesses respond to the Tribunal.

Why do we ask you not to set a date for a future marriage? Because this is a process which deals with your marital status in the Catholic church, and it must be resolved definitely – one way or the other – before you can begin to prepare for another marriage. To avoid confusion, embarrassment, anger and hurt, no date can be set for remarriage in the church until a definitive decision has been given in writing by the Tribunal. Occasionally a Petitioner will ignore this part of the agreement, setting a date for another marriage. Unfortunately, this leads to embarrassment and anger when the Tribunal cannot render a favorable decision before the planned date. Please, do not set a date until you have a favorable decision of the Tribunal in writing. The wait is frustrating, but the problems are much worse if you do set a date and cannot proceed with your plans.

The next two points deal with professional and personal confidentiality. In some cases the Tribunal will ask an “expert witness,” usually a psychologist or family therapist who works with the Tribunal in these matters, to offer insight into the grounds of the case based on his or her professional skills and expertise. Similarly, if an affirmative decision is given in your case, the Tribunal will offer specific assistance to the priest or deacon assisting you in your plans for remarriage in the church. By signing you give your permission for us to release the contents of the case to these professionals. We ask you also to agree to personal confidentiality regarding the case. There is no purpose to this process other than to clarify your marital status according to the doctrine of the Catholic church, and the Tribunal takes every measure possible to safeguard the confidentiality of testimony submitted in a case. By signing the agreement, you are cooperating with the Tribunal in fulfilling this promise of confidentiality. Only those who have a right to see the testimony will do so. However, this confidentiality is limited, and the Tribunal has the obligation to protect children and may make reports of suspected child abuse to the appropriate civil authorities. The next two points deal with the documents required for the process and the financial responsibilities.

AGREEMENT OF PETITIONER WITH THE METROPOLITAN TRIBUNAL OF NEWARK

I, the undersigned petitioner, have initialed the following points to show that I have read and understood them thoroughly, and that I agree to comply with them in the processing of my annulment petition.

Concerning Plans for Any Future Marriage:

- 1. I understand and accept that no assurance can be given of an affirmative decision, that is, one granting the annulment. 1. _____
- 2. I understand and accept that no assurance can be given as to a definite time for the completion of the annulment process. 2. _____
- 3. I understand and accept that **ABSOLUTELY NO** arrangements can be made for a future Catholic Marriage or convalidation until after I receive a **Final** and **Affirmative** decision from the Tribunal. 3. _____

Important and Necessary

- 4. To provide for candor and openness in testimony, in recognition of the purely spiritual and religious nature of these proceedings, and to allow the Metropolitan Tribunal of the Archdiocese of Newark to process this case free from undue entanglements or hindrances, I voluntarily waive now and in the future any right under law to the subpoena or judicial discovery of the testimonial Acts of this case. I also give permission to the Metropolitan Tribunal to release the contents of the Acts to medical/psychological professionals to provide their expert opinion if it is deemed necessary. This waiver is given without reservation and condition. I also understand that information that leads to suspected child abuse may be reported to the appropriate civil authorities by the Tribunal. 4. _____
- 5. I agree to keep confidential and secret any information that I shall learn in the course of the proceeding. Because all testimony in this case is given for the possible ecclesiastical annulment of my marriage, and because my interest is solely to present my case to the Tribunal, I promise not to use information that I may learn through the case in any other forum or for any other purpose. 5. _____
- 6. I have included baptismal certificates for Catholic parties, the civil divorce or annulment. If there is a Catholic marriage certificate, it too is included; otherwise, a copy of whatever marriage certificate exists is provided. 6. _____
- 7. I understand that I am responsible for the costs involved in processing this case. I agree to pay Five Hundred Fifty Dollars (\$550) total. A filing fee of One Hundred Dollars (\$100) is attached to this form. 7. _____

Signature of Petitioner

Date

Signature of Case Assessor

Date

Parish, City

A Note About How the Tribunal Approaches A Case

When the Tribunal reviews the Testimony in a case, it is not to determine if anyone is at fault. It is not the role of the Tribunal to assign blame to one party or another for any event in the marriage or for the breakup of the marriage itself. It may be an emotional experience for you to reflect on your marriage and to propose grounds for your case. You may be prompted to think of yourself or your former spouse as the “guilty” party. Please understand, though, that for the Tribunal there is no moral judgment of your answers, no assignment of blame or fault, no determination of a “guilty” or “innocent” party. What the Tribunal wants to know is the factual information of what happened and when, and what impact the events had upon your relationship. Please be honest and open, therefore, knowing that neither you nor the Respondent will be judged morally by what you answer.

What’s The Next Step?

The next step is for you to meet with a Tribunal Case Assessor. Please do not send this booklet to the Tribunal office directly – it will be returned to you until you meet with a Case Assessor. After you’ve completed this questionnaire, or if you would like assistance in completing this booklet, please call the Tribunal to make arrangements to meet with a Tribunal Case Assessor. The Case Assessor will forward the case to the office, after meeting with you. If you have met with your parish priest or deacon, you are still required to meet with a Case Assessor in order to present your case to the Tribunal. The Case Assessor has other brief forms which you must sign in his or her presence. To arrange to meet with a Case Assessor, call the Metropolitan Tribunal at (973) 497-4145 during regular business hours.

Required Documents

The following documents must be submitted along with this completed questionnaire. Documents must be originals or certified copies, but not photocopies. You may obtain a certified copy from the city/county which issued the original. All documents will be returned to you.

- A RECENT baptismal certificate, no more than 6 months old, if Catholic (obtainable from the parish of baptism).
- Marriage Certificate or License (obtainable from the city/county which issued the license).
- Divorce Decree (obtainable from the courthouse which issued the divorce decree).
- Filing Fee of One Hundred Dollars (\$100).

You must also include the completed list of 3 to 5 witnesses. The Filing Fee is non-refundable. Checks may be made payable to the Archdiocese of Newark. The Filing Fee is never waived. If it is impossible for you to pay this amount, please discuss the matter with your parish priest before you meet with the Tribunal Assessor to review this form.

Case Fees

Although the \$100 Filing Fee is required at the time your case is submitted, the balance of the case fee is payable as your means allow. In order to handle our heavy caseload, it is necessary for the Tribunal to maintain an efficient office and staff, which costs money. Please know that no one is ever turned away from any Tribunal because of their inability to pay a requested fee.

For more information about the Process, please visit the link below.

<https://www.rcan.org/offices-and-ministries/metropolitan-tribunal>