

FORMAL CASE – DECLARATION OF NULLITY

Introducing Your Case

Tribunal of the Diocese of Lincoln, 3400 Sheridan Blvd, Lincoln NE 68506-6125, 402-488-0921

(Revised December 2015)

To begin a formal declaration of nullity process in the Catholic Church, sometimes called an annulment process, you may petition the diocese where the wedding occurred, OR the diocese where you or your former spouse lives, OR the diocese where most of the evidence (depositions and witness testimony) will be gathered. If the Diocese of Lincoln meets one of these categories and you wish to open the case at the Lincoln Tribunal you may begin a process by following the steps outlined in this form. If another diocese meets one of these categories and you wish to present your case to their diocesan tribunal then you should contact that diocese and use their forms.

In the Diocese of Lincoln you may introduce your case to the Tribunal after one year has passed since the final decree of divorce was signed by the judge. (For example, if the decree was given March 1, 2015 you could introduce your case after March 1, 2016.)

If you have further questions after reading these pages, you may find it helpful to read “Marriage and Declarations of Nullity in the Catholic Church” which a priest can give to you or you can find it at the diocesan website: www.lincolndiocese.org/tribunal

Most cases will be admitted to the ordinary process, but when a case is introduced to the Tribunal it will be examined to see if a “brief process” is possible. For instance, does your former spouse agree with the one-page petition and are they open to the shortened process; will the parties and witnesses give testimony quickly and does the evidence provide clarity?

No fees are sought and donations for the work done by the tribunal staff are not accepted prior to a case being closed; later on, if you wish to give a donation that is left to your discretion.

1. By my signature below I declare that I understand the following:

+ This process is a religious matter and has no civil effects on the marriage. + All information gathered is for use by the Tribunal in accord with the laws of the Catholic Church. + The laws of the State of Nebraska concerning the reporting of sexual abuse of a minor must be followed. + The process seeks to discover the truth about the marital consent and the freedom of the parties on their wedding day. + There is no guarantee whether the Tribunal will declare this marriage null. + The length of the process varies depending upon a number of factors, including the participation of the petitioner and respondent, the time it takes for witnesses to reply and the strength of testimony. + The decision will be based on the evidence presented and the laws of the Catholic Church. + The Catholic Church considers an attempted marriage to be binding on both parties until the death of a spouse, unless it is proven otherwise. + I will keep a copy of the materials I submit in case anything is lost in the mail or in any other way.

Signature of petitioner _____ Date _____

Signature of priest _____ Parish/City _____(seal)

2. Factual information (please write legibly in ink or type)

YOUR current name (first, middle, last) **Maiden name** **Complete mailing address including zip**
(if applicable)

The name you go by
(for example, Joe rather than Joseph)

Telephone numbers

_____ home _____ work _____ cell

Email address (optional) Date & place of birth Date and place of baptism (church name, city, state)

Religion at the time of this marriage Present religion and where you practice

List each marriage **you** have entered:

Date Spouse's name Place Date of divorce Date & Tribunal
(name of church, courthouse, etc., city & state) if declaration of nullity given

Is your Father living? ____ Is your Mother living? ____ If one parent has died, were they married at the time of death? ____ Were they still married to each other when you married? ____ Are they still married to each other? _____

Regarding your siblings: # of older brothers ____
of younger brothers ____ # of older sisters ____ # of younger sisters ____

of your siblings who have divorced ____ # who have remarried ____

Have you or your former spouse ever contacted another Tribunal about this marriage?

Yes ____ No ____ If yes, what Tribunal or Diocese? _____

Give the names and birth date of **all** children born to you **or** to your former spouse
(and the name of the other parent if applicable)

Check one

Are you now: not dating dating in a serious relationship engaged civilly remarried

Name of intended or civil spouse His/her religious affiliation How many times was he/she previously married? Date & Tribunal if declaration of nullity given

Your **FORMER SPOUSE'S** current name Maiden name ****Complete mailing address including zip****
(first, middle, last) (if applicable)

*** If you are unable to provide an address for your former spouse, please explain the reason in the space below. Tell what efforts you have made to find an address, his/her last known addresses and his/her Social Security number (perhaps from an income tax return). Also give the names/addresses of the person's parents, siblings, relatives and/or friends who may be able to help find the missing person.*

The name he/she goes by
(for example, Sue rather than Susan)

Telephone numbers

_____ home _____ work _____ cell

Email address (optional) Date & place of birth Date and place of baptism (church name, city, state)

His/her religion at the time of this marriage Present religion and where he/she practices

List each marriage your **former spouse** has entered:

Date His/her spouse's name Place Date of divorce Date & Tribunal
(name of church, courthouse, etc., city & state) if declaration of nullity given

Is his/her Father living? ____ Is his/her Mother living? ____ If one parent has died, were they married at the time of death? ____ Were they still married to each other when you married? ____

Are they still married to each other? ____ *Regarding his/her siblings:* # of older brothers ____
of younger brothers ____ # of older sisters ____ # of younger sisters ____
of his/her siblings who have divorced ____ # who have remarried ____

3. Documents

- For any Catholic in the marriage: provide a certificate of baptism or profession of faith issued in the last 6 months. When requesting one, ask that it show all notations
- If possible, for any baptized non-Catholic in the marriage: provide a baptism certificate or a letter from the church giving the baptismal information
- The civil marriage license bearing the seal or certification of the issuing agency. If it was a Catholic marriage, also obtain a certificate from the Church where the marriage took place.
- A sealed or certified copy of the final divorce decree signed by the judge

Please indicate in writing if you would like the original documents returned to you.
(If the priest helping you makes a photocopy of an **original** document to submit with the case he is to write on the copy, "I have seen the original" with his signature and date.)

4. The narrative (usually 6-10 pages, one sided and double-spaced)

The outline below provides a guide for writing your narrative. Please write your narrative in chronological order. Give the full name of persons referred to in the narrative so that it will make sense to someone who is not familiar with you (for example, "my mother's sister, Sara Smith" rather than "my aunt" or "Dale Brown, my best friend," rather than "my best friend").

Near the end of the process you and your former spouse will be given the opportunity to review what has been gathered in the case. If for a very serious reason you wish to have part of your narrative held confidential, put that portion on a separate page marked "Confidential" and give the reason you are asking for it to be held confidential.

Write "Narrative" at the top of the first page and include your name and the following information:

List all the members of your family, any problems in your family of origin such as drugs, alcohol, abuse of any kind, problems in your youth or in school, divorces in your family, religious instruction, job experiences, other relationships before marriage, and explain the effect any of these things had on you as you entered marriage. Indicate chronologically the places you lived before the marriage, with your family or by yourself. Tell when you graduated from high school and any further education you had.

Cover the same items found in the preceding paragraph but as they apply to your former spouse.

Describe the first meeting, the month and year, where you met, your ages, and the month and year formal or exclusive dating began. What was the length and frequency of dating? Were there any significant problems during dating? Were there any separations or breakups? Why and for how long? Why did you get back together each time?

Was there a formal engagement? When? Were there any unusual circumstances or motivations for the decision to marry? Was there any pressure to marry? If yes, from who and why? If there was any opposition to the courtship or to the engagement indicate from whom and why. List 2 friends (non-family) you were close to at the time of the wedding, and the same for your former spouse.

Was there cohabitation, sexual activity, or a pregnancy before marriage? If yes, what effect did this have on each of you? Were there any serious doubts or hesitations about marrying?

What was the intention or attitude of each of you before marriage towards fidelity, permanence until death of a party, divorce and remarriage, and plans about having or avoiding children?

Was there a prenuptial agreement? Explain who wanted it and submit a copy if possible. Were there any last minute disagreements or anything else significant during the time before marriage?

Did you attend marriage preparation? How did it go? Were there any problems or disagreements in preparing for marriage or the marriage arrangements? Give the date of the wedding and your ages. What form was used for the vows? (If there was a validation or "blessing" later in the Catholic Church give the date, your ages, explain how this came about, and the attitude of each party towards the validation.) Were there any problems at the rehearsal, wedding, reception or on the honeymoon? How did the first few months or years go after the wedding?

Indicate the places where you lived during the marriage. When did serious problems first begin? What were the problems? Explain thoroughly. Were there serious problems with drinking alcohol, drugs, verbal or physical abuse, finances, communication, parents, friends, jobs, sexual relationship, fidelity, health problems, religion, commitment, or sharing all aspects of your life, social media concerns, habitual problems due to pornography or chat rooms? At the time of the wedding were there any thoughts against a permanent marriage, one that lasts until the death of one of the spouses no matter whether there is a civil divorce, openness to children, or fidelity? Explain whether the problem was on your part or your former spouse.

When did the first separation take place and how many separations were there? Give the month, year, the cause of each separation, and why and when you reconciled.

Indicate if there was any counseling, together or individually, approximate dates, number of sessions, what was discussed, and what was the outcome.

When was divorcing first discussed, who brought it up, and in what context? What was the month and year you last lived together as husband and wife? Who petitioned for the divorce? Give the date and place of divorce.

Give the names and dates of birth of any children born of the marriage. Identify children from previous and subsequent relationships and their parents, adopted children and when adopted. If there were no children born was there a deliberate decision by one or both parties to never try to have children or to withhold the right to try to have children until a later time or circumstance?

What is the reason you believe this marriage could be declared null? You may add anything else you believe is pertinent to this process. Have the children been baptized? In what religion are they being raised? Are there any problems with child support, visitation, or other terms of the civil divorce or your relationship with your former spouse at the present time?

If you have remarried indicate when, where, to whom, and any children born. What is the religious affiliation of your civil spouse? Has he/she been previously married? (Answer the same questions if your former spouse has remarried.)

It may be helpful to note the people who were close to you or your former spouse.

****Number and initial every page of your narrative and **SIGN** and **DATE** it at the end. ****

5. Witness information

Witnesses should be knowledgeable about the reasons alleged for nullity and be willing to participate. They may be parents, siblings, relatives, friends, wedding attendants or co-workers

who are familiar with the family background of either party and/or the courtship and early marital life. You may ask them to participate but you are not to suggest to them what they are to say.

Ordinarily 4-6 witnesses are named by providing their current name, their relationship (for example, Joe's mother or Sue's sister), a complete mailing address, telephone numbers (home/work/cell), email address, approximate year of birth, when the witness met you and your former spouse.

If applicable, list each counselor and treatment facility for you and your former spouse before, during and after the marriage, a complete mailing address, telephone number, whether the counseling was done individually or jointly, approximate beginning and end dates, number of sessions, and the main issues discussed.

6. The one page "petition" *Be brief and tactful as this one page petition is to be shown to your former spouse when the process begins.*

Write "Petition" on the top of a single page and include the following information, all on one side:

I, (*your name*), being a baptized Catholic (*or insert baptismal status and religious affiliation*) living in (*city, state*), petition that the Lincoln Tribunal investigate the canonical validity of my marriage with (*present name of ex-spouse*), a baptized Catholic (*or insert baptismal status and religious affiliation*) who now lives in (*city, state*). This marriage was contracted on (*date*) in (*city, state*), at (*name of church or hall or place of marriage*). At the time of the wedding ceremony I was (#) years old and my spouse was (#) years old.

If this wedding was later convalidated or "blessed" in the Catholic Church, add: This marriage was convalidated at (*church name, city, state*) on (*date*).

Indicate the length of dating, length of cohabitation (if applicable) and length of engagement,

the names and dates of birth of children born during the marriage,

the date of final separation and the date of divorce, and whether or not each party has remarried.

State the reason why you think the attempted marriage was null from the beginning. The priest assisting you may help you to specify the grounds of nullity for the case. Please state whether each grounds listed are on your part, the part of your former spouse, or both parties.

List the names (but not the addresses) of witnesses, including counselors, and their relationship (for example, Joe's mother, Sue's sister, our counselor). *** **At the end SIGN your name and DATE the petition.** ***

(If your former spouse agrees with the petition and is willing to participate they can also sign and date the petition; a signature of a priest or notary public's seal would also be helpful, otherwise, they will be given a chance to give their reaction to the petition at the initial stage of the process.)

IN SUMMARY YOU WILL NEED TO PROVIDE THESE THINGS TO SUBMIT YOUR CASE:

1. Your signature (p. 1)
2. Factual information (pp. 2&3)
3. Documents (p. 4)
4. The narrative (pp. 4-5)
5. Witness information (pp. 5-6)
6. The one page "petition" (p. 6)

After the priest you are working with has reviewed these items he will sign the first page and forward your case to the Tribunal along with his cover letter.