



THE TRIBUNAL

DIOCESE OF WHEELING-CHARLESTON
PO BOX 230
WHEELING, WV 26003

(304) 233-0880

Dear Petitioner:

Greetings in our Lord Jesus! Following what I am sure has been a period of serious discernment, you have chosen to begin the process of seeking a declaration of sacramental nullity of your previous marriage, a process some call 'annulment'. I would like to commend you on having taken this important step and pledge to you the Tribunal's assistance.

I would like to answer a few questions at the beginning. First, this process is quite different from the process of civil divorce. A civil divorce treats marriage like a civil contract and says that while the parties entered a valid contract, there is an adequate reason to end that contract and release them from their obligations. On the other hand, Jesus Christ himself taught that civil divorce is not to be practiced among His followers. Thus, if you were validly married, that marriage can be ended only by the death of one or both parties. If, however, the marriage was not validly entered by you, your former spouse, or both of you for one reason or another, than the marriage can be declared invalid (that is, inexistent) and the two of you free to contract a new marriage. The annulment process, then, looks not at what happened during marriage as much as it considers what the two of you brought to marriage. In other words, the period of dating, courtship, and engagement is of greater concern to the Tribunal. The period of marriage and its breakdown is only of concern as it reflects back on the period preceding marriage. You should keep this in mind as you complete the attached questionnaire.

Since an affirmative decision is not guaranteed and since the time can change significantly, depending on the cooperation of your witnesses, you are asked **not to schedule a date for a future marriage until the process is complete and you have received an affirmative decision.** The process will move quicker if you thoroughly complete the attached forms, submit the documents requested, submit the requested number of witnesses, and contact the witnesses in advance.

The address of the other party is essential to the process. Since the marriage took place between the two of you, the input of the other party must be sought by the Tribunal. The failure of the other party to participate in the process will not hinder or delay the process at all. However, he or she does have the right to be notified and to be invited to participate. It is not the responsibility of the Tribunal to locate your former spouse.

The participation of witnesses is also essential. The Tribunal process is a very real trial in which the truth of the matter is sought through the evidence brought forward by the parties. Because of the gravity of the matter, whether or not a true marriage existed, the Tribunal cannot merely take one party's word for it. Rather, witnesses who can describe the dating, courtship, engagement, and wedding of the parties are needed. Witnesses who can only describe the marriage or its breakdown are not particularly helpful to the process. The greater the number of witnesses the better.

Children and their status are in no way affected by this process. Your children, born to you and loved by you are yours. The identity of their parents is in no way doubted, and the mutual relationship of love and concern between parent and child is as untouched by the annulment process as it is by civil divorce.

A booklet has been developed by the Tribunal which explains each step in the annulment process and provides other useful information. If you would like to receive a copy of Annulment FAQ, please contact the Tribunal.

The Tribunal will notify you of each stage of the process. Though you are welcome to contact the Tribunal at any time, many of your questions can be answered by the advocate who is assisting you.

Lastly, I know that filling out this petition may prove difficult and even, at times, heart-rending. However, I hope that through this process you will experience a certain measure of healing and comfort; placing your feelings and recollections on paper may be a positive way of both objectifying them and beginning to let them go so that new life can begin.

With every prayer and best wish, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read 'Joseph M. Augustine', with a long horizontal flourish extending to the right.

Very Reverend Joseph M. Augustine, J.C.L.
Judicial Vicar

TRIBUNAL
of the
DIOCESE OF WHEELING-CHARLESTON

Agreement to Tribunal Policies and Practices

The Policies and Practices of the Tribunal of the Diocese of Wheeling-Charleston are:

1. I understand that, if the Tribunal accepts my case for consideration, it does not and cannot guarantee an Affirmative decision will be given in the case.
2. I understand that the Tribunal cannot and will not ever promise or guarantee to conclude a case by a certain date. I agree to wait until I receive a final decision in writing before I set a definite date for remarriage within the Catholic Church, for the Convalidation (blessing) of an existing civil marriage, or being baptized or received into the Church.
3. I understand that the Tribunal, in the investigation of the case, may employ the services of a psychological professional or other expert witness and I hereby authorized the Tribunal to disclose complete information concerning my case to such a professional for case review. Upon completion of the case, I also authorize the Tribunal to release information regarding the case to a psychological expert, counselor, priest, or deacon for follow-up counseling as well as for premarital preparation presently or in the future. It is understood that otherwise all contents of this investigation will be kept confidential, reserved exclusively to the parties of the case and to the staff of the Tribunal, according to canon law of the Roman Catholic Church.
4. I voluntarily waive now and in the future any right under law (civil or ecclesiastical) to the subpoena or judicial discovery of the Testimonial Acts for this case. This waiver is given without reservation and condition. The purpose of this waiver is to provide for candor and openness in testimony and in recognition of the purely spiritual and religious nature of these proceedings.
5. I understand that the Tribunal's Presiding Judge will issue a decree binding all parties in this case to confidentiality. Accordingly, I agree to keep confidential and secret any information that I shall learn in the course of the proceedings. 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 might learn through the case or, during the proceedings in any other forum (civil or ecclesiastical) or for any other purpose.
6. Please know that because of our deep concern for the safety of children and our firm commitment to keep them safe, we are obligated to report to the appropriate authority any and all instances of alleged abuse brought to our attention during this marriage.

By signature I attest that I have read and agree to the foregoing Policies and Practices of the Tribunal of the Diocese of Wheeling-Charleston.

Signature of the Petitioner: _____ Date: _____

NOTE: YOUR SIGNATURE MUST BE WITNESSES AND NOTARIZED BY A NOTARY PUBLIC

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____,
20____ by _____.

My commission expires _____

Notary Public



THE TRIBUNAL
 DIOCESE OF WHEELING-CHARLESTON
 PO BOX 230
 WHEELING, WV 26003

(304) 233-0880

MANDATE OF APPOINTMENT

To the Honorable Diocesan Tribunal of Wheeling-Charleston:

I have this day appointed _____ as my PROCURATOR and ADVOCATE for the purpose of representing me before the Honorable Tribunal.

I have authorized this person fully to act in my behalf and file this mandate for the purpose of establishing said authority and making a permanent record of same.

 Signature of Petitioner

 Address

Date: _____

NOTE: The Procurator-Advocate will present your case to the judge and suggest grounds for nullity. The actual choice of grounds will be the duty of the judge to determine.

Each case is unique and it is difficult to estimate the length of time necessary for completion. Therefore, any plans to remarry in the Church may not be made unless there is first received a final affirmative decision.

Furthermore, sometimes problems which caused the breakdown of the "failed marriage" have not been properly addressed. It is the Tribunal's mandate to see that these arrears are properly resolved prior to approving new nuptials.

I have accepted the appointment of Procurator and Advocate.

 Signature of Advocate

 Address

Date: _____

PARISH SEAL



THE TRIBUNAL

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FORMAL PETITION CHECK LIST

The following papers and documents must be submitted to the Tribunal of the Diocese of Wheeling-Charleston together with the Formal Petition:

_____ Questionnaire complete in full.

_____ If Catholic at the time of the marriage, a copy of the Baptismal Certificate of the Petitioner (*dated within the last 6 months with all notations*).

_____ If Catholic at the time of the marriage, a copy of the Baptismal Certificate of the Respondent (*dated within the last 6 months with all notations*).

_____ Certified copy of Civil Certificate of Marriage issued by the State.

_____ Copy of the final Civil Divorce Decree. ONLY a copy of the FINAL and ABSOLUTE Divorce Decree is acceptable.

_____ Witnesses (*your parents and 4 or more additional witnesses; if your parents are deceased at least 6 other witnesses*).

If any item is missing, DO NOT submit your petition to the Tribunal until you obtain the missing item. We highly recommend that you keep a copy of all documents and papers sent to the Tribunal.

The first task of the Tribunal will be to determine if the Diocese has competence in your case. Specifically, whether (1) the marriage was held within the jurisdiction of the Diocese of Wheeling-Charleston, or (2) the Respondent lives within the Diocese, or (3) the Respondent lives outside of the Diocese of Wheeling-Charleston but the Judicial Vicar of the Respondent gives jurisdiction to the Diocese of Wheeling-Charleston after having heard from the Respondent.

As required by the Code of Canon Law of the Roman Catholic Church, the Tribunal will attempt to contact your former spouse, inform them that you are petitioner for an annulment, and will invite them to participate in the process if they so choose. They will have the right to provide testimony, propose witnesses, and have an Advocate appointed to speak on their behalf. However, you will not need to have contact with them nor will they need to have contact with you. They may also decline to participate in the proceeding which will **NOT** have a **NEGATIVE** bearing on your petition.

After this, a questionnaire will be mailed to the witnesses you named. They will respond by completing it and mailing it directly to the Tribunal. At his discretion, the Tribunal Judge assigned to your case may call you for a personal interview.

Date

Signature of petitioner

**PETITION FOR DECLARATION OF NULLITY OF THE MARRIAGE BOND TO THE
TRIBUNAL OF THE DIOCESE OF WHEELING-CHARLESTON**

I, _____, who lives at

Petition the Tribunal of the Diocese of Wheeling-Charleston to consider the nullity of my marriage

to _____,

who lives at _____.

I will present the name of witnesses and other evidence to prove my assertion that this marriage is null on account of a defect of consent on my part or on the part of my former spouse, as will be further refined at the time of the Joinder of Issues.

I ask that the Tribunal admit _____ to serve as my advocate and have included a mandate of appointment for my advocate.

Date

Signature of Petitioner

PETITION FOR DECLARATION OF NULLITY OF THE MARRIAGE BOND TO THE TRIBUNAL
OF THE DIOCESE OF WHEELING-CHARLESTON

BACKGROUND INFORMATION ABOUT YOU THE PETITIONER

Your Present Name _____ Maiden Name _____

Present Address _____

City/County/St/Zip _____ / _____ / _____

Home Phone# _____ Cell Phone _____

Present Occupation _____ Email Address _____

Birth Date _____ Present Religion _____

Present Parish _____

Parish Address City/State/Zip _____ / _____ / _____

Date & Church of Baptism _____

Church Address City/State/Zip _____ / _____ / _____

BACKGROUND INFORMATION ABOUT YOUR FORMER SPOUSE THE RESPONDENT

Present Name _____ Maiden Name _____

Present Address _____

(Your case will not be accepted by the Tribunal without the current address of your former spouse)

City/County/State/Zip _____ / _____ / _____

Home Phone _____ Cell Phone _____

Present Occupation _____ Email Address _____

Birth Date _____ Present Religion _____

Present Parish _____

Parish Address City/State/Zip _____ / _____ / _____

Date & Church of Baptism _____

Church Address City/State/Zip _____ / _____ / _____

INFORMATION ABOUT THE COURTSHIP

When did you meet? _____

How long did you know one another before marriage? _____

How long did you date each other before marriage? _____

How long were you engaged? _____

INFORMATION ABOUT THE MARRIAGE

What was the date of the wedding ceremony? _____

What was the name of the church or place of the wedding? _____

Address City/State/Zip _____

Who conducted the ceremony, (*i.e. Catholic clergyman, civil official, other*)? _____

What was your religion at the time of marriage? _____

What was spouse's religion at the time of marriage? _____

What were your ages at time of marriage? You _____ Spouse _____

Was this the first marriage for: You _____ Spouse _____

How long did you live together in this marriage? _____

How many children did you have from this marriage? _____

List their birth dates: _____

If no children, why: _____

How many temporary separations followed by reconciliation were made? _____

Give length and dates of separations: _____

What was the date of final separation? (*If you do not know the EXACT date, please give month and year*)

What was the date of the Civil Divorce? _____

Where (place) was the Divorce granted? _____

IF YOU (OR YOUR FORMER SPOUSE) WAS A CATHOLIC AT THE TIME OF MARRIAGE AND THE MARRIAGE WAS NOT INITIALLY CELEBRATED IN THE CHURCH BUT LATER "VALIDATED" OR "BLESSED" BY A PRIEST, COMPLETE THE SECTION BELOW.

What was the date of the convalidation? _____

Where did the convalidation take place? _____

Why was the marriage convalidated? _____

PLEASE LIST ANY OTHER MARRIAGES YOU HAVE EVER CONTRACTED

Listed will be those marriages you have contracted BEFORE or AFTER the present one in this matter.

1. Name of Spouse _____

Date of Marriage _____

Date of Divorce _____

2. Name of Spouse _____

Date of Marriage _____

Date of Divorce _____

Were any of the marriages listed above annulled by the Catholic Church? Yes ___ No ___

(If Yes to this question), **When:** _____ **Where:** _____

PLEASE LIST ANY OTHER MARRIAGES FORMER SPOUSE HAS EVER CONTRACTED

Listed will be those marriages your former spouse has contracted BEFORE the present one in this matter.

1. Name of Spouse _____

Date of Marriage _____

Date of Divorce _____

2. Name of Spouse _____

Date of Marriage _____

Date of Divorce _____

Were any of the marriages listed above annulled by the Catholic Church? Yes ___ No ___

(If Yes to this question), **When:** _____ **Where:** _____

***NOTE:** If you or your former spouse had contracted marriage to another person before you, and did not have that marriage(s) annulled by the Catholic Church, you may wish to contact the Tribunal to discuss this issue, since it may be beneficial to your case.*

CURRENT STATUS

If you are not Remarried:

Do you have plans to marry in the future? Yes ___ No ___

If you are engaged, is your fiancé **Single** ___ **Widowed** ___ **Divorced** ___?

What is the name of your fiancé? _____

What is the religion of your fiancé? _____

If you are Remarried:

What is the name of your present spouse? _____

What is the Religion of your present spouse? _____

What was the Date of Marriage? _____

What is the Status of the present spouse before this marriage **Single** ___ **Widowed** ___ **Divorced** ___?

PRE-MARITAL ATTITUDES

1. Were either of you “pressured” in any way to enter this marriage? (e.g., pregnancy, long-term dating, escaping from home, etc.)

Explain _____

2. At the time of entering marriage with your former spouse did you intend to (answer Yes or No) marry for life? _____ to remain faithful? _____ to have a family? _____
(If no, please explain)

3. At the time of entering marriage with you, to the best of your knowledge, did your former spouse intend to (answer Yes or No) marry for life? _____ to remain faithful? _____ to have a family? _____. (If no, please explain) _____

4. Were there any problems during the courtship and engagement which should have signaled marital problems? _____ Please detail: _____

5. Did either you or your ex-spouse (indicate who) _____ ever consult a professional therapist? If yes, at what period of the relationship? Prior to marriage, during marriage, or after the final separation? _____
6. Was the professional therapist a psychiatrist (M.D.)? _____
Psychologist? _____ the family doctor? _____
7. Please give the name and address of the therapist and indicate the approximate dates of therapy. _____

8. Please give the reasons for consulting the therapist and, if known, give a summary of his/her findings as you understand them. _____

Please indicate which of the following defects if any, apply to your situation.

BEHAVIORAL DEFECTS

	<u>YOURSELF</u>	<u>EX-SPOUSE</u>	<u>MAJOR PROBLEMS</u>
Immature attitudes			
Selfishness			
Inability to communicate			
Parental over dependence			
Unreliability			
Irresponsible behavior			
Extreme mood swings			
Restlessness			
Extreme nervousness			
Infidelity			
Unreasonable jealousy			
Unreasonable distrust			
Physical abuse			
Verbal abuse			
Drug use/abuse			
Excessive drinking			
Excessive gambling			
Excessive spending/misuse of money			
Erratic employment			
Preoccupation outside the home			
Homosexual/Lesbian tendencies			

IN REFERENCE TO YOURSELF (PERSONAL HISTORY)

1. Describe your mother as you knew her growing up. What kind of a person is (was) your mother?
2. Any changes in your opinion since then?
3. Describe your father as you knew him growing up. What kind of a person is (was) your father?
4. Any changes in your opinion since then?

5. Have your parents ever separated or divorced? When and how did it affect you?

6. How many brothers and sisters do you have? Where do you fit in among them?

7. Do you have happy memories of your childhood?

8. Were you raised by both parents?

9. Did you ever feel either parent rejected you?

10. Did you ever maintain a prolonged dislike for either parent?

11. Were your parents overprotective, overindulgent or over restrictive?

12. Was there any event or illness in childhood that had a great effect on you?

13. Anything else about your childhood you think significant?

14. Did your parents ever find you difficult to understand and manage? If so, at what age or grade were there problems?

15. Did your parents let you make your own decisions?

16. Did you find it a problem becoming independent of parents?

17. Did you have difficulty socializing with peers and with persons of the opposite sex?

18. What kind of dating experience did you have before meeting your ex-spouse?

19. Were you involved in juvenile delinquency?

20. Was there any event or illness in adolescence that had a great effect on you?

21. Did you or any member of your family have psychiatric care?

22. Who influenced your development most as you grew up?

23. Was there friction between you and others in your family?

24. Anything else about adolescence you think pertinent?

25. Give your educational background.

26. How much religious training did you have?

27. Give details of your military service.

28. While married, were you steadily employed?

9. Did spouse have difficulty relating to peers and with persons of the opposite sex?

10. What kind of dating experience did ex-spouse have before meeting you?

11. Who influenced your former spouse most as he/she grew up?

12. Was spouse involved in any juvenile delinquency?

13. Did spouse express dislike for either parent?

14. Give spouse's educational background (last grade completed)?

15. How did he/she relate to teachers and peers?

16. How much religious training did spouse receive?

17. Did spouse suffer serious or prolonged illness at any time?

18. Any incident that caused spouse great emotional upset?

19. Did spouse or any member of family have psychiatric care?

20. Was spouse a steady worker?

21. Give details of military service.

Please provide detailed answers concerning each of the points listed below. This information is **absolutely vital** in your case and, therefore, should be given sufficient attention. Please type or print legibly. If you need more space, please feel free to attach sheets to this form.

DESCRIBE YOUR COURTSHIP :

When, where and how did you meet? What attracted you to each other? What was the frequency of your dating?

Were there any unresolved differences, quarrels or breaks-ups/reconciliations?

What were your mutual likes and dislikes? What were your good and bad habits? What were your lifestyles and reputations? Did the two of you share much in common?

What were the reasons you decided to marry this particular person?

What were the reactions of your families or friends regarding your announcement to marry?

Did you have serious discussions of day-to-day responsibilities, finances, living arrangements and socializing during married life? Did you make plans for the future? If so, what were they?

Did you have any serious doubts or hesitance to marry as the day drew near?

How did each of you view married life? Did you have adequate ability to communicate these expectations to each other?

Did you attend marriage preparation courses? Did the two of you possess the maturity to assume responsibility of marriage?

Please add any other significant facts about your courtship.

DESCRIBE MARRIED LIFE:

Were there any problems or disagreements between the two of you on your wedding eve or day, or on the honeymoon?

Were there any noticeable changes in attitudes or behavior? If so, what were the changes?

When did you notice a decline of closeness/feeling loved? Of communicating/sharing inner feelings/openness and marital intercourse in the other's life? What signs emerged in the ability to communicate about common problems and feelings?

Were there any unrealistic expectations or impossible demands placed on one another?

Did you have any dissatisfaction with your spouse and with married life? If so, in regard to what?

What was the cause for the break-up of this relationship?

What problems existed in the relationship with family, in-laws, children, neighbors, co-workers or the general public?

Please list details of temporary separations/reconciliations:

DETAILS OF THE FINAL BREAK-UP:

Who left? Why?

What were the reactions of your family and friends?

What signs of disruptive/upsetting behavior of either party was there prior to and after the divorce?

Included with this petition is a set of witness forms. One form must be filled out completely for each witness. The witnesses should include your parents, the parents of your former spouse, and at least **four** additional persons who are willing to testify. If your parents are deceased, please supply at least **six** persons who are willing to testify. Children born of this marriage and one's present spouse, fiancé, or significant other are rarely appropriate witnesses and will not be contacted by the Tribunal.

I, the undersigned, do hereby swear to the truth of all the statements and facts herein contained, so help me God. And I swear that information learned during this process shall not be used by me in a civil court of law.

Date

Petitioner's Signature

N.B. The Priest should administer the oath at this time. This is required by Canon Law.

Date

Advocate/Pastor Signature

PARISH SEAL

.....
N.B. The Priest or Lay Advocate is requested to advise the petitioner that the following documents are to be submitted to the Tribunal with this questionnaire.

- 1. CERTIFIED COPY OF MARRIAGE RECORD.**
- 2. CERTIFIED COPY OF DIVORCE DECREE.**
- 3. COPIES OF THE BAPTISMAL CERTIFICATES OF BOTH PARTIES, IF AVAILABLE.**

BAPTISMAL CERTIFICATES OF CATHOLIC PARTIES SHOULD BE DATED NO EARLIER THAN SIX MONTHS OF DATE OF PETITION, WITH APPROPRIATE NOTATIONS LISTED.

WITNESS FORM

I SUBMIT THE FOLLOWING PERSON AS ONE OF THE WITNESSES IN THE PETITION FOR AN ANNULMENT OF MY PRIOR BOND OF MARRIAGE;

NAME: _____

ADDRESS: _____

CITY, STATE AND ZIP: _____

E-Mail: _____

Before completing this witness form, **YOU MUST CONTACT** the person and secure a definite agreement to comply with the Tribunal when called upon to testify.

1. Have you contacted this person and secured agreement to testify in your case? _____

2. What is your exact relationship to this person (e.g., your father, mother, former spouse's father, mother, in-law relation, your friend, former spouse's friend)? _____

3. Is this person knowledgeable about your family background? _____

4. Is this person knowledgeable about your spouse's background? _____

5. Is this person knowledgeable about the course of your marriage to your former spouse?

Why do you consider this person to be a good witness in your case?

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