

**Petition to the Judicial Vicar of the Diocese of Colorado Springs  
for a Declaration of Nullity in the Ordinary Process**

I \_\_\_\_\_, the Petitioner<sup>2</sup> in this case, hereby request the Tribunal of the Diocese of Colorado Springs in Colorado to investigate, and declare null from the very beginning, according to the Catholic Church Law, my marriage to \_\_\_\_\_, the Respondent<sup>3</sup> in this case,

Whose current address is:

\_\_\_\_\_

I ask that my marriage be declared null and void from the very beginning on the following grounds:

The reasons why I consider my marriage to be null and void from the very beginning are:

I list here the names of at least two witnesses and the facts they can testify to:

NAME	FACTS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

Petitioner's name: \_\_\_\_\_

Petitioner's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Church and city: \_\_\_\_\_

Name of Case Sponsor: \_\_\_\_\_

Signature of Case Sponsor: \_\_\_\_\_

**Respondent's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*(Only if both Parties agree with this petition)*

<sup>2</sup> The Petitioner is the person who presents the petition.

<sup>3</sup> The Respondent is the other party or ex-spouse.



# DIOCESE OF COLORADO SPRINGS

228 N. Cascade Ave. | Colorado Springs, CO 80903

(719) 636-2345 | www.diocs.org

## APPLICATION FOR A DECLARATION OF NULLITY ORDINARY PROCESS

**NB, the parts marked with (\*) obligatory**

PETITIONER	BIOGRAPHICAL INFORMATION	RESPONDENT
	*Full Name	
	*Maiden name	
	*Date of Birth	
	*Place of Birth	
	*Current Address Street City, State, Zip	
	*Phone Number	
	Email	
	*Current Religion	
	*Current Parish	
	*Have you been Baptized?	
	*Religion at the time of Baptism	
	*Date of Baptism	
	*Denomination of Baptism	
	*Street Address of Church of Baptism City, State, Zip	
	*Religion at the time of Marriage	
	*Age at the time of Marriage	

<b>*BRIEF HISTORY OF MARRIAGE</b>	
Date of Marriage	
Officiant (Name and Title)	
Place of Marriage (Catholic Church/Non-Catholic Religious/Court house/other)	
Address (Street, City, Zip, County)	
How many children were born or adopted? List their dates of birth	
How long did the marriage last?	
Before the final separation, were there any separations in your marriage? If so, how many? Please briefly describe the reasons for the separations	
Date of final separation	
Who initiated the final separation?	
Who filed for divorce?	
Date and County of Civil Divorce	

<b>*BRIEF HISTORY OF RELATIONSHIP BEFORE THE MARRIAGE</b>	
When did you meet? Approximate date	
When was your first date? Approximate date	
Date of the marriage proposal/engagement. Approximate date	
How long was the engagement?	
Before the marriage, did you live together? If so, for how long? Who proposed to live together?	
Before the marriage, were children conceived or born, or adopted? If so, how many?	
Was a pregnancy involved in the marriage decision?	
Was the engagement ever broken? If so, who broke up the engagement? Who initiated the reconciliation?	

**\*CONVALIDATION**

*(N.B. If the marriage was convalidated in the Catholic Church after an earlier wedding elsewhere, please answer the following questions. If there is no convalidation, please skip this section).*

How long did you live together before the convalidation?	
Date of convalidation	
Name of Church	
Address of Church (Street, City, Zip, County)	
Age of Petitioner at the time of the convalidation	
Religion of the Petitioner at the time of convalidation	
Age of the Respondent at the time of convalidation	
Religion of the Respondent at the time of convalidation	

**CURRENT RELATIONSHIP WITH RESPONDENT**

Are you and the Respondent in regular contact?	
*Did you notify the Respondent that you are applying for a declaration of nullity?	
*If not, are any reasons why you did not notify the Respondent?	
*Do you understand that the Respondent has the right to participate actively in this case?	
*Do you think the Respondent will participate in this case?	

**\*CURRENT SPOUSE OR FIANCEE**

*(NB, If you have not remarried nor have a fiancée, please skip this section)*

Have you remarried or planned to remarry since your civil divorce?	
If you remarried, what is the date of your recent marriage?	
Full name of current Spouse or Fiancé(e)	
Is the person Baptized?	
If Baptized, what is the denomination of the Baptism?	
Was this person married before? If yes, how did the marriage end? (Death, Divorce, other)	
If divorced, did this person obtain a declaration of nullity? If yes, when and where?	

**\*PREVIOUS MARRIAGE**

*(NB, if this is your first marriage, please skip this section)*

If the marriage that you are applying for is not your first marriage, please list all your previous marriages below, including dates of marriage and civil divorce, venues where the marriages took place, place of the civil divorce, and whether you received a declaration of nullity.

**\*PRIOR PETITION OF A DECLARATION OF NULLITY OF MARRIAGE FILED TO ANY TRIBUNAL OF THE CATHOLIC CHURCH**

*(NB, if this case is your first petition regarding your marriage, please skip this section)*

Please indicate if this case has ever been presented to any other Tribunal of the Catholic Church?

*If so, please explain when, where, under which ground(s), and what was the decision?*

Have you ever been a Party (Petitioner or Respondent) to any other marriage not reported to this Tribunal?

*If so, please explain when, where, under which ground(s), and what was the decision?*

**\*COUNSELING FROM A PSYCHOLOGIST/PSYCHIATRIST**

Did either Party to this marriage ever [prior to, during, and/or after the marriage ended] receive individual or marital counseling from a psychiatrist, psychologist, or another professional counselor?

If yes, please indicate who received counseling, when, from whom, and if you may provide medical documents to verify your statement.

NOTE: Please include original or certified copies of the following items with this application.

1. Baptismal certificate issued within six months
2. Marriage certificate for the marriage in question
3. Civil divorce decree
4. Previous decrees of nullity, if any
5. **Photocopy of your official identification (ID, Driver's license, passport)**

(Please be aware that **INCOMPLETE applications CANNOT BE ACCEPTED**. Incomplete applications cannot be processed and will be returned to the Petitioner)

PLEASE BE AWARE THAT **NO MARRIAGE DATE SHOULD BE SET** UNTIL AND ONLY IF AN AFFIRMATIVE DECISION HAS BEEN GRANTED BY THIS TRIBUNAL. THE TRIBUNAL IS NOT RESPONSIBLE FOR ANY SETBACKS IF THIS NOTICE IS NOT RESPECTED

## LIST OF PROOFS

According to Church law, the burden of proof rests upon the person who makes the allegation. Canon law requires that allegations be proven by proofs of any kind which seem useful for adjudicating the case and are licit. The allegations, therefore, need to be proven not only by the allegations of the Parties to the marriage but also by the testimony of witnesses or documents (for instance, reports of experts, medical statements, diaries, letters of fiancé and fiancée, pictures, etc.).

Please list at least 2 witnesses who are willing to cooperate in this process by filling out a questionnaire or by giving their interview face-to-face before the Tribunal if requested and have knowledge of the arguments that you indicated in your petition.

### A) LIST OF WITNESSES

1. Name: \_\_\_\_\_ Agreed to cooperate? \_\_\_\_\_

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

Phone number: \_\_\_\_\_

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

Relationship: \_\_\_\_\_

2. Name: \_\_\_\_\_ Agreed to cooperate? \_\_\_\_\_

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

Phone number: \_\_\_\_\_

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

Relationship: \_\_\_\_\_

3. Name: \_\_\_\_\_ Agreed to cooperate? \_\_\_\_\_

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

Phone number: \_\_\_\_\_

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

Relationship: \_\_\_\_\_

4. Name: \_\_\_\_\_ Agreed to cooperate? \_\_\_\_\_

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

Phone number: \_\_\_\_\_

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

Relationship: \_\_\_\_\_

Please note: it is your responsibility to contact these witnesses beforehand and verify they are willing to participate, and afterward, the Tribunal will contact your witnesses by mail, or email (if you provide an email address for them), to provide their testimony.

### B. LIST OF DOCUMENTS

*(Only if you will be submitting any documents, Police reports, counseling reports, etc.)*

1. \_\_\_\_\_

3. \_\_\_\_\_

2. \_\_\_\_\_

4. \_\_\_\_\_

## ALLEGATION THAT THE MARRIAGE IN QUESTION WAS INVALID

Please indicate the reasons, according to Canon Law, why you believe your marriage was invalid from the very beginning. Please indicate on whose part you are making the allegation. I, the petitioner, allege that my marriage to the Respondent was invalid from the beginning on the basis of the reason(s) indicated in my statement written in the petition for the following possible grounds.

Possible Ground(s)	Please indicate On Whose Part?	
	Petitioner	Respondent
<b>A. Total simulation:</b> canon 1101 §2. At the time of the wedding, you or your ex did not want marriage itself but only the appearance or benefits of marriage		
<b>B. Exclusion of the good of children:</b> canon 1101 §2. At the time of the wedding, you or your ex did not want children or were not open to the possibility of children		
<b>C. Exclusion of the good of fidelity:</b> canon 1101 §2. At the time of the wedding, you or your ex reserved the right to have other sexual partners		
<b>D. Exclusion of permanence:</b> canon 1101 §2. At the time of the wedding, you or your ex did not intend the marriage to last forever		
<b>E. Exclusion of the good of the spouses:</b> canon 1101 §2. At the time of the wedding, you or your ex did not intend to respect the equality and human dignity of the other		
<b>F. Ignorance:</b> canon 1096. At the time of the wedding, you or your ex did not know the meaning of marriage; this ignorance is not presumed after puberty		
<b>G. Error of person:</b> canon 1097 §1. At the time of the wedding, you or your ex were in error about the identity of the other person		
<b>H. Error of quality:</b> canon 1097 §2. At the time of the wedding, you or your ex erroneously believed that the other Party possessed a highly desirable quality that was more important than the person you were marrying		
<b>I. Deceit:</b> canon 1098. You or your ex maliciously deceived the other Party [about a quality that gravely disturbed marriage] in order to obtain their consent for marriage		
<b>J. Error about unity, indissolubility, or sacramental dignity of marriage:</b> canon 1099. At the time of the wedding, you or your ex willed to enter a marriage that was not a permanent union of only two people, or a sacrament for the baptized because of a deeply ingrained error about the nature of marriage		
<b>K. Condition:</b> canon 1102. At the time of the wedding, you or your ex placed a future or unknown condition on the marriage		
<b>L. Force or Fear:</b> canon 1103. You or your ex entered marriage because a force or grave fear was present, and marriage was the only means to escape punishment		
<b>M. Lack of sufficient use of reason:</b> canon 1095 §1. During the wedding ceremony, you or your ex were not capable of knowing what was happening due to a habitual or transient grave mental illness.		
<b>N. Grave lack of due discretion:</b> canon 1095 §2. You or your ex were not endowed with the necessary discretion of judgment to understand the essential rights and obligations of marriage		
<b>O. Inability to assume the essential obligations of marriage:</b> canon 1095 §3. You or your ex were incapable of assuming the essential obligations of marriage		
<b>P. Diriment Impediment:</b> canons 1083-1094. You or your ex were legally incapable of contracting a valid marriage due to one of the following: underage; impotence; bound to a prior marriage; Catholic married to a non-baptized without a dispensation		



## **PETITIONER'S NARRATIVE**

*This narrative takes the place of the first interview; please answer all the sections as fully as possible, indicating dates and giving examples where possible. It must be written **in your own words**.*

*If possible, please type it out, **print it single-sided**, and sign each page. A good narrative will be about 3-6 pages long.*

### **I. Petitioner's Family Background and Petitioner's character**

Describe your personality and character during your childhood, and adolescence; how was your relationship with parents and siblings; did you suffer any traumatic experience or abuse (physical, emotional, sexual) while growing up; what type of religious education did you have, did you have any medical or any difficulties with alcohol, drugs, gambling; were you exposed to domestic violence; are there any instances of alcohol, drugs, divorce or infidelity in your family of origin or extended family; Please explain whether you received any psychological counseling prior to the marriage and the reasons?

### **II. Respondent's Family Background and Respondent's character**

Describe your former spouse's personality and character during his/her childhood, and adolescence; how was his/her relationship with parents and siblings; any traumatic experience or abuse (physical, emotional, sexual) suffered while growing up; what type of religious education did they have; did you have any medical problems or difficulties with alcohol, drugs, gambling; was he/she exposed to domestic violence. Is there any history of alcohol, drug abuse, divorce, or infidelity in the Respondent's family of origin or extended family? Please explain if your former spouse received any psychological counseling prior to the marriage and the reasons.

### **III. Dating/Engagement History**

How and when did you and your former spouse meet? What was the length of the dating and courtship period? Did you have any problems, quarrels, or separations during the dating? If so, please explain when and why. Were there any problems with alcohol, drugs, or infidelity while dating?

Was there an engagement period? Was there a proposal? What were the circumstances leading up to the engagement/proposal? Any breakups during the engagement? If so, what were the reasons for the breakups? What attracted you to your ex-spouse? Did you love each other? Any problems during the engagement, such as infidelity; psychological problems; or any problems with drugs or alcohol? Please, describe the level/quality of communication at the time you decided to get married. Before the marriage, did you and your fiancée live together?

### **IV. Marital Decision**

Who brought up the subject of marriage in the Church? What was your understanding of marriage at the time? Did you know the Catholic teaching on marriage? Did you discuss your roles in the marriage? Did you talk about children, permanence, or fidelity? Did you experience any doubts or pressures prior to the marriage? Did you have any doubts that the marriage would be reasonably

satisfying? If yes, please explain. Did you discuss the plans for your life together? Did you talk about the reasons for believing both of you were suited for each other. Were you both mature enough to understand and accept the responsibilities of marriage? Why did you want to get married? Why did the Respondent want to get married? Did both of you marry freely? Did you receive any marriage preparation? If so, for how long and where?

## **V. The Wedding**

Briefly describe the events of the wedding and the emotional disposition of you and your divorced spouse at the wedding. Who made the arrangements for the wedding? Did anyone of you want to get married to solve a problem? Did anything unusual happen at the time of the wedding? Was there a honeymoon? Was the marriage consummated during the honeymoon? Any problems during the honeymoon?

## **VI. Marital history**

What attitude of each have toward work, careers, and responsibilities? How were decisions made regarding finances, career, and discipline of the children? Was the conjugal life marked by mutual love, reciprocal respect, and trust? If not, what were the reasons? When did problems first appear? Any instances of infidelity? If so, on whose part? Any physical or psychological mistreatment (abuse)? Any problems with alcohol, drugs, or gambling? Please describe any psychological or emotional problems and whether counseling (personal and couple) was sought; any separations; describe circumstances surrounding the final separation and the efforts made to reconcile.

## **VII. Failure of the marriage**

Describe the events leading up to the divorce. When did the problems start? Did you attempt counseling? Were there any separations? Why did the marriage last as long as it did? In your opinion, what was the cause of the breakup of your marriage? When was the final separation? Who initiated the civil divorce process?

## **VIII. Other circumstances**

Is there anything else that you would like the tribunal to know?  
Why did you file this petition? Do you consider the Respondent a truthful person?

**MANDATE FOR A CASE SPONSOR**

If you have reviewed the attached B titled “*The Role of a Case Sponsor*”<sup>4</sup> and believe that you can benefit from the help of a Case Sponsor and would like their help, please fill out the following mandate.

To the Ecclesiastical Tribunal of the Diocese of Colorado Springs, Colorado:

I \_\_\_\_\_, the Petitioner, hereby appoint the following priest/deacon \_\_\_\_\_ to act as my Case Sponsor and to assist me before the Diocesan Tribunal. I authorize this person to act entirely on my behalf, including communicating with the Court on my behalf and receiving copies of all pertinent notifications. I file this mandate to establish that authority and to make a permanent record of the appointment.

I understand that I may revoke this mandate at any time by stating the revocation in writing to my Case Sponsor. I understand that my Case Sponsor may renounce the mandate at any time via written communication. I understand, however, that if the Decree of Formulation of the Doubt has already been established, it is necessary that the Judge and the other party be informed of the removal.

Presented before the Diocesan Tribunal of Colorado Springs in Colorado on \_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Petitioner’s Name (Print)*                      \_\_\_\_\_  
*Petitioner’s Signature*                      \_\_\_\_\_  
*Date*

I accept the appointment as Case Sponsor as provided in this mandate.

\_\_\_\_\_  
*Case Sponsor’s Name (Print)*                      \_\_\_\_\_  
*Case Sponsor’s Signature*                      \_\_\_\_\_  
*Date*

**SIGNATURE NOTARIZING ALL PAGES**

By my signature, I \_\_\_\_\_ swear that all the information on this application is accurate and complete to the best of my knowledge.

Signature of Petitioner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Respondent: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Only if both Parties are submitting the application)*

Name of Respondent: \_\_\_\_\_  
*(Only if both Parties are submitting the application)*

Printed Name of Case Sponsor: \_\_\_\_\_

Signature of Case Sponsor: \_\_\_\_\_ Date: \_\_\_\_\_

## **Agreement of understanding**

I, the undersigned petitioner, understand the following points regarding my petition for a declaration of nullity of marriage.

1. I understand that this is a legal process of the Catholic Church specifically designed to clarify my canonical state in the Church. As such, it is not specifically intended to provide spiritual or emotional healing.

2. I understand that anything submitted to the tribunal is strictly confidential and will not be shared with anyone except the Tribunal staff, my Procurator/Advocate, and my divorced spouse.

3. I understand that my divorced spouse has the right to be involved in this process and to propose different grounds. He/she has the right to review my allegations and the names of those who will be presented as witnesses. In turn, I will be afforded the opportunity to review the testimony provided by my former spouse. In addition, both my former spouse and I will be able to review testimony provided by witnesses. However, I understand that my testimony, along with that provided by my former spouse, will not be made available to witnesses or anyone acting on their behalf, or in any civil proceedings.

4. I understand I may request that portions of my testimony be withheld from view by my divorced spouse for serious reasons such as avoidance of defamation of character, family discord, or scandal, but such confidentiality is not guaranteed. Witnesses may also request confidentiality based on the reasons mentioned. However, the Tribunal will determine whether the request for confidentiality can be granted.

5. I acknowledge that a decision depends wholly on the merits of the case, the evidence, and the exact reasons that the law of the Church recognizes as grounds for nullity.

6. I understand that it is my responsibility to make sure that my witnesses are willing to cooperate with this process. And I understand that if some of my witnesses do not cooperate, I will have to remove them from the list of witnesses and, if necessary, I will need to provide additional witnesses.

7. I understand that my narrative must focus on the time of the exchange of consent/vows in the testimony I present. The time of exchange of consent/vows includes the courtship leading up to the exchange of vows and the years of the religious marriage or convalidation. I also understand that I must provide reliable witnesses who have firsthand knowledge of this period and are willing to participate in this review.

8. I understand that no assurance can be given of an affirmative sentence (i.e., the granting of a sentence of nullity).

9. I understand that no assurance can be given of a definite time for the completion of the canonical process.

10. I understand that **absolutely no arrangements can be made for a future Catholic marriage or convalidation** of a present civil union unless and until I have received an affirmative sentence of nullity and established my freedom to enter a new marriage in the Catholic Church.

11. I understand that if the circumstances causing the invalidity of the marriage due to impotence, lack of due discretion, or impossibility to assume the obligations of marriage due to cause of nature psychic on my part and those circumstances are yet present when the affirmative sentence is issued, the Tribunal may find it necessary to require that I seek professional counseling before marriage in the Catholic Church.

12. If applicable to my personal situation, I understand that if I am, or my present spouse is, enrolled in the RCIA program, we cannot be welcomed into the Church until a sentence of nullity has been issued for this marriage and all other prior marriages for myself and my present spouse.

13. I understand that even though the tribunal staff's work is governed by an oath to confidentiality, there may be circumstances when the staff is required by Colorado law to report information that becomes known through the Tribunal process to civil authorities. For example, Tribunal staff may be required to report allegations of child abuse pursuant to Colorado's mandatory reporting laws even though the person reporting the abuse is an adult and the abuse occurred to the person when he or she was a minor. In cases where reports to civil authorities are required, we are bound by Church law and secular law to make that report and will do so. The Tribunal staff will make every effort to advise the affected person that a report will be made.

14. I voluntarily waive now and in the future any right under the 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 candor and openness in testimony and in recognition of the purely spiritual and religious nature of these proceedings.

Given at \_\_\_\_\_  
(place) (date)

Signed: \_\_\_\_\_  
(Name and signature of Petitioner)

Signed: \_\_\_\_\_  
(Name and signature of Case Sponsor)

# **AUTHORIZATION FOR THE RELEASE OF INFORMATION BY ELECTRONIC TRANSMISSION**

## **Definition of electronic case file transmission**

For the purposes of this agreement, electronic transmission refers to the communication of an original case file by electronic means, including but not limited to computer-to-computer, electronic mail (e-mail), and/or video conferencing. The information in a case file that may be electronically transmitted includes but is not limited to the original petition submitted by the Petitioner. Notification letters sent from the Tribunal to the Parties; questionnaires sent to the Parties, Procurator/Advocates, and Witnesses

## **Benefits of electronic case file transmission**

The electronic transmission of notification letters and case information reduces costs through the diminishment of paper consumption as well as postal fees. In addition to being cost-efficient, this also reduces delivery time and permits the rapid dissemination of information to all case handlers and case parties.

## **Electronic case file transmission notice/disclaimer**

Please note that the use of electronic transmission will not expedite the processing time of the Petitioner's case. The average processing time for a case is approximately twelve (12). However, the time it takes to process each case varies from case to case and it depends on the timeliness of those involved in presenting the information requested.

## **Risks of electronic case file transmission**

Electronic transmission of case information presents an inherent level of risk to the confidentiality of information related to a Petitioner's case file. Although the email server of the Tribunal is encrypted, electronic transmission of material cannot guarantee confidentiality. By signing below and utilizing the electronic transmission system, the Petitioner acknowledges and agrees to the information and terms contained herein, and further waives any and all claims against, and agrees to hold harmless, the Bishop of Colorado Springs a corporation sole, the Tribunal and any sender of case information via electronic transmission, with respect to any and all claims, loss and/or damage arising from and/or related to the electronic transmission of case information.

## **Parties who may receive electronic case file transmission**

Case information may be sent electronically from the Tribunal to the following parties: Ecclesiastical Notary, Judges, Psychologists, Counselors, Petitioner, Respondent, Procurators-Advocates, and the Defender of the Bond.

## **Agreement**

Please initial: \_\_\_\_\_ I have read and understand the information provided to me regarding the Tribunal's release of information through electronic means, and I agree to the terms.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date Signed