



DIOCESE OF COLORADO SPRINGS

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INSTRUCTIONS TO GUIDE YOU IN COMPLETING THE APPLICATION

Dear Petitioner,

Please read these instructions before filling out the application.

1. The whole application is composed of 15 pages; however, most of the information required is biographical information. Please understand that **these are official documents** and **this is an official process of the Church**; therefore, your active participation throughout the process is required.

The term **Petitioner** refers to the person who introduces the petition. The term **Respondent** refers to your ex.

I. PETITION, pg. 1.

It is possible for both of you, Petitioner and Respondent, to submit the application together if both of you agree that the marriage is null and void from the very beginning and both agree on the reasons for the nullity of the matrimonial bond. For this reason, **the *Petition*** (page 1), has a space for the Respondent's signature. However, it is not absolutely necessary for you to procure their signature, the case will proceed accordingly.

Please understand that it is very important that you provide us with accurate contact information for the Respondent. Since the process for the declaration of nullity pertains to the public good of the Church, **the Respondent has the right to be notified** that you are challenging the matrimonial bond and also has the opportunity to present testimony and/or refute the allegations that you make.

Please be aware that although **we notify the Respondent of this process, we do not disclose to the Respondent your contact information**. Also, if the Respondent does not reply to the citation or refuses to cooperate, the Respondent will be declared absent, and the process will proceed to its final conclusion.

In the petition, please indicate **the grounds** that you believe apply to your case, you can find a description of the grounds on page 8 of the application. Also, please make sure to indicate whether the ground applies (on the part of the Petitioner) to you or the Respondent (on the part of the Respondent), or both (on the part of the Petitioner and/or Respondent).

Under the reasons, please briefly describe the nature of the problems that caused the nullity of the matrimonial bond. The reasons must be brief and to the point. For instance, if the ground is on simulation against the good of children, you may write, "I was on contraception before and during the marriage." Or "I never intended to have children." Or if the grounds are on simulation against

the good of permanence, you may indicate, “My parents divorced when I was 6 years old; I grew up believing that divorce was a normal part of life.” “All my friends and many of my relatives are divorced; I truly believed marriages could be dissolved at will.” Or, if the grounds are on simulation against the good of fidelity, you may write, “I grew up experiencing the infidelity of my father (or mother); I thought infidelity was fine.” “I did not intend to be faithful to my spouse; I believed I had the right to establish other amorous relationships outside marriage.” These are only examples to show that you do not have to give an extensive explanation. A short statement will suffice.

Please indicate at least the names of two witnesses and the facts that they can testify to.

Lastly, sign the petition and have your Case Sponsor review and sign it as well. If the Respondent is cooperating, have the Respondent sign the petition.

II. APPLICATION, pg. 2-15.

Page 2. Important points to keep in mind.

It is essential that you provide us with all the information requested in the *Application* (pp. 2 and the following). We need to have accurate and current contact information for you. **If you move to a different location during this process, please keep us informed** so that we can send you notifications regarding your case to your new address.

Dates are very important. Please indicate the date of your baptism, if baptized, as well as the **complete address of the church of baptism**. We need this information to notify them if a declaration of nullity is granted. They need to make a record of it in their baptismal registry.

Page 3.

Please provide the specific information requested regarding dates and places.

Page 4.

If the marriage was contracted outside of the Catholic Church and was convalidated at a later date, please fill out the section regarding convalidation.

It is essential for us to know whether you and the Respondent are in regular contact; it will give us a better understanding of whether the Respondent might be willing to participate in the process.

It is also important for us to know whether you have established a new relationship and whether you have any plans to remarry in the Catholic Church. However, you need to know that having plans to marry in the Catholic Church will not sway the process one way or another.

Page 5.

Please list all the marriages that you have had, whether religious or civil. We need to investigate the validity of all marriages starting with the very first one. It does not matter whether the marriage happened outside the Church or whether you or the other person were unbaptized. The Church recognizes the natural right of the human person to marry; therefore, all marriages need to be investigated.

Please indicate whether you or your ex have ever applied for a declaration of nullity in another tribunal, either for this or another marriage.

Page 6.

Please indicate whether you or your ex has ever received, at any time during your life, counseling from a licensed psychologist or psychiatrist. Depending on the nature of the counseling and the information provided by the psychologist or psychiatrist, your case may be tried under psychological grounds.

Page 7.

Please provide us with at least two witnesses who can testify on your behalf. We need their contact information so that we can contact them via mail.

If there are any documents, in addition to those requested on page 6, please indicate which documents are included with your application.

Page 8.

Please read this page carefully; it contains a list of possible grounds under which your case can be tried. It is important that you indicate whether the ground applies to you, to the Respondent, or both. At times, people want to check as many grounds as possible; however, this often makes for a poor application since the facts and proofs are not substantial. It is recommended that you spend some time in prayer before choosing the grounds. It is recommended that you choose one, or two at the most, and concentrate on presenting proofs and allegations that support the ground that you have chosen.

Please pray and consider your part in the failure of the marriage. If the marriage failed because of you, please do not hesitate to own up to your fault. We, the members of the tribunal, are not concerned with how good a person you are, we are concerned with the validity of the bond. There are some cases in which the Petitioner tries to blame the Respondent; however, during the investigation, and especially when the Respondent participates, it becomes clear that the Petitioner was at fault. In most of these cases, when the Petitioner refuses to take responsibility for the failure of the marriage, **the decision is negative.**

Pages 9-10.

Your narrative is very important, in this section, you tell us the story of your life. Please make sure to **type your narrative or print it legibly.** Please understand that having this basic

information regarding the most formative events of your life while growing up and the relationship that you had with your parents and siblings is very important in discerning whether a trauma, an event, or a circumstance predisposed you to develop an erroneous conception regarding marriage and family life or whether such incidents, if any, deprived you of the basic capacity to understand or assume the essential obligations of the marital covenant.

It is similarly important to understand the Respondent's development and any incident that might have affected their understanding of marriage and family life.

Please describe your dating and engagement history as best as you can; please provide dates and examples of difficulties that you both might have experienced during this period. The more information you present, the stronger your case.

Regarding your marital decision, is very important to know what your understanding of marriage was, did you know and believe that it was a permanent and indissoluble covenant, or did you see it as a mere social custom?

A wedding celebration is an important event; please describe any problems or peculiar circumstances that you might have experienced during the celebration of your wedding. Was anybody late for the wedding? For what reasons? The moment around this celebration is often filled with emotions; please describe the emotional impact of the wedding on you and the Respondent.

The marital history helps us determine whether any of the problems that you experienced during the marriage can be traced back to events that happened during your or the Respondent's childhood and family of origin, or to any moment in your life up to the moment of consent.

It is very important for you to understand that in the Catholic Church, we believe that marriage is a covenant formed at the time of consent. Therefore, while in the civil forum, marriage is seen as a mere contract that can be broken at will, in the Ecclesiastical forum, marriage is a permanent and indissoluble covenant that can only be declared null if there is a reason that caused the bond to be defective from the very beginning. Problems that happen after marriage do not necessarily prove that consent was null; however, when these problems can be linked back to similar problems/issues or experiences during childhood, it may be possible to declare the nullity of the bond. This is the reason why you need to provide us with some information about your and the Respondent's development and family of origin.

The failure of the marriage happens for many reasons. However, we need a reason that can be traced back to the moment of consent. Simply growing apart after many years of marriage does not prove that consent was null. However, other situations, such as infidelity, which was present before consent, might prove that the unfaithful partner excluded fidelity from the marriage. Similarly, alcoholism, which became pronounced after several years of marriage, but which started while or before dating, might prove that the person was predisposed to become an alcoholic and thus was incapacitated, at the time of consent, to assume the essential obligations of marriage. However, if the person becomes an alcoholic after several years of marriage but has never drunk alcohol before might not prove an incapacity since alcoholism might be the result of the demands

of a stressful life or other situations. Nonetheless, please understand that every case is different, and the members of the tribunal spend a reasonable amount of time studying the case, mediating on the circumstances that might prove the nullity of the marriage, researching jurisprudence regarding the grounds of nullity, and praying for guidance so that the decision rendered may be a just one and is based on sound jurisprudence.

After completing your narrative, **please sign at the bottom of each page.**

Page 11.

Having a Case Sponsor to help you make sure that the information that you present to the tribunal is very important. We recommend that all persons who desire to submit an application for a declaration of nullity contact one of the Case Sponsors listed on the website; it is preferable for you to contact a Case Sponsor from your parish if they have one.

Page 15.

Please read this page carefully, if you feel comfortable sending and receiving information through email, please let us know. Electronic means of communication make the exchange of information between you and the tribunal faster and help us move your case in a timely manner. However, if you prefer to receive regular mail, we will accommodate your preference.

Final Indications regarding the Application:

- 1) Please start by choosing and contacting a Case Sponsor listed on the website; it is preferable that you choose one from your own parish if possible.
- 2) Please help your case and our office by answering all the sections listed on pages 9-10 as completely as possible, indicating ages and dates at the time of any significant events.
- 3) *Please do not use Yes or No answers* because these are of little help in trying to understand your situation. The questions are meant to serve as suggestions for your reflection on these important areas of your life, your former spouse's life, and the marriage itself. Please give a very detailed explanation of your family's background and your character, courtship, the reason(s) for marriage/convalidation, and all the different problems encountered from the beginning of the relationship.
- 4) Please note that **the Narrative takes the place of your first deposition.** It contains your allegations concerning the failure of the marriage and the possible reasons which will support the alleged grounds of nullity. This is a legal document and process in the Church. Before you send your petition back to our office, **please make copies of all these documents** and keep them together with your other important records.
- 5) Please be aware that after receiving and examining your answers, the Tribunal may ask you for a face-to-face interview or send you another supplementary questionnaire.

- 6) It is your responsibility to contact your witnesses, request their participation, and encourage them to answer the questionnaires sent to them as fully as possible, giving examples and dates where appropriate.
- 7) Please sign all pages where indicated, including the bottom of each page of your narrative.
- 8) If you have any questions or need help, please contact your Parish Priest, Case Sponsor, or the Tribunal.
- 9) Please be aware that **INCOMPLETE applications CANNOT BE ACCEPTED** and will be returned to you.