



DIOCESE OF COLORADO SPRINGS

228 N. CASCADE AVE, COLORADO SPRINGS, CO 80903

TEL: 719.636.2345 • FAX: 719.636.1216

www.diocs.org

Letter to the Petitioner

We, the members of the Tribunal, want to thank you for taking the first step in submitting your petition for a declaration of nullity. We know this process can be intimidating; thus, we want to reassure you of our prayers and moral support.

The breakdown of a marriage can be a traumatic experience, but please know that whatever the cause of the divorce, the Church never stops loving you. Please be aware that the norms regulating the process for a declaration of nullity are established for the good of the faithful to whom the Gospel's message is sent.

The Catholic Church, faithful to the Lord's call, expressed in the Gospels and the Tradition of the Church, sees marriage as a permanent covenant between a man and a woman whereby they establish a partnership for their whole life. Furthermore, the Church teaches that marriage is created by God and governed by His laws. Since the institution of marriage is of divine origin, the Church's teachings concerning the dignity of marriage apply to all marriages, not merely those of Catholics. All people capable of giving free consent can marry; thus, consent is what makes the marriage. The Church holds that a couple's spiritual bond is sealed by God and does not end, even if the emotional and physical bond has ended in a civil divorce. Moreover, the Catholic Church shares the belief of other faith communities and of society that marriage is not only a private affair, but instead, it is a public reality affecting both the civil and religious spheres of society.

The Church, imbued with Christ's Divine Wisdom, understands that not always and everywhere do men and women knowingly and willfully consent and establish a true marriage. For this reason, She, imitating His Justice and Mercy, establishes the means, through Marriage Tribunals to study the demise of the marital bond. These Marriage Tribunals are staffed with specially trained and experienced priests, deacons, and lay persons who see their role as one of a healing ministry. These ministers give special attention to the words of Pope Pius XI who defined the role of the Tribunal in these words: "to care for the dignity of marriage; to work for the good of persons."

In short, the Tribunal staff investigates a particular failed marriage using a judicial process to determine whether there are any grounds acceptable according to church law for a Declaration of Nullity. The Tribunal works towards this end by diligently protecting the rights of the Parties in a specific marriage, as well as the rights of the Church. The goal of the Tribunal then is two-fold: (1) to be "prophetic" (to teach what Jesus taught and arrive at the truth of the bond), and (2) to be "pastoral" (to minister to those people whose marriages have ended in a civil divorce). It is essential to know that the task of Tribunal Ministers is to arrive at the truth of the marital bond and to declare, after a succinct analysis and meditation on the law and the facts, its validity or nullity; for this reason, not all who apply for a declaration of nullity receive an affirmative decision.



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Since marriage is created at the time of consent, problems that happen after the conjugal bond is created do not necessarily prove that the marital bond was null and void from the very beginning. This is a stark contrast to civil law; while in the civil forum, people are free to create and break contracts for any reason and at any time, in the Ecclesiastical or Sacramental forum, the process is different. There must be reasons, often rooted in one's childhood or adolescence, that might have caused a person to posit invalid consent. For instance, people who grow up experiencing multiple divorces or instances of infidelity in the family of origin might develop a mentality that excludes the good of fidelity or permanence. At times, people exposed to domestic violence might develop an intention against the good of the spouses or children. At other times, people who suffered certain traumatic events might develop an incapacity to understand or assume the essential obligations inherent in the matrimonial covenant. These are a few examples of why a marital bond might be declared null.

Since marriage is an act of the will to create a permanent conjugal bond, its value is protected by three types of factors that, if absent, might invalidate consent. The first factor is the personal freedom of the spouses which is the presupposition of every voluntary human action and commitment to love. Only a free choice can validate the matrimonial decision, that is, the desire for self-giving and mutual love and acceptance in the face of the uncertainties of the future. The second factor regards having a good and proper disposition for the other party and offspring since it is impossible to consider valid a conjugal commitment that the spouse only partially assumes. The third factor regards the psychological ability to understand and assume the rights and responsibilities of the conjugal life at the time of consent.

The Church teaches that all normal and ordinary persons may enter into marriage, but, at the same time, She requires human maturity proportionate to marriage since it entails lifelong obligations. It is essential to consider that if the reasons for the investigation of the validity of a particular marriage fall within the realms of incapacity or immaturity of one or both spouses, it does not mean that the spouse has a mental disorder. It only means that the person either was not able to understand or assume the essential obligations of marriage due to a canonical incapacity which might proceed from either a psychic anomaly or past traumatic experiences.

In order to discern the nullity of a marriage, the Judge must obtain moral certainty regarding the nullity of the bond. The Judge derives this certainty from those things which have been carried out and proven in the process. Therefore, a ruling of this type is not arbitrary, but it is based on the law and the facts presented and proven by the Parties and corroborated by the witnesses. To obtain the moral certainty necessary by law, your active cooperation throughout the process, as well as that of your ex-spouse, is very useful. However, if your ex-spouse refuses to cooperate, the process will continue to the final decision.

Your willingness to share personal data about yourself, the Respondent, and the development of your relationship will help the Judge reach an accurate decision. Sometimes, there is a tendency not to reveal the whole truth to avoid making anyone look bad. The truth may not always be



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flattering to a person, but the Tribunal still needs to know the complete truth offered in a spirit of charity. We assure you that the information revealed in this process is kept confidential unless it reveals that a vulnerable person (e.g. a minor child) is in immediate danger. In such a case, the Tribunal must alert the appropriate law enforcement authorities.

Please understand 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.

Also, please understand that, at times, a *Vetitum* or a *Monitum* is placed on you or the Respondent, or both, when receiving a declaration of nullity. A *vetitum* is a temporary prohibition to marry in the Catholic Church unless some conditions are met, and the same Tribunal which issued the sentence or the Ordinary of the place where those who have received a *vetitum* are to be married is consulted. A *monitum* is a warning to the Pastor preparing you for marriage; it indicates certain issues that need to be addressed during pastoral counseling before you can be allowed to marry in the Catholic Church.

Although the process for a declaration of nullity may be difficult, many people have found that going through the process has been quite helpful in their own personal growth and spiritual life, even if their marriages were deemed to be valid, for they were reconciled with themselves and with the Church. We hope this process brings you some healing as well.

You have the right to defend yourself personally before our Court. Still, since the process of nullity of marriage involves topics that can be too technical and difficult to understand, we recommend that you procure the assistance of a Case Sponsor to guide you throughout the process.

Since the contributions of the Catholic benefactors of the Diocese of Colorado Springs help the Bishop fund the operations of the Tribunal, we do not charge a fee. However, please be aware that if it is necessary to obtain the assistance of a Psychological Expert to establish some fact or to discern the true nature of some matter, it is your responsibility to pay the Expert his/her fee, which, depending on the complexity of the case, might be between \$ 200.00 to \$500.00.

Lastly, we exhort you to take an active role in this process and to reply, in a timely manner, to all communications or requests for information from this Tribunal. Similarly, if you move to a different place during this process, please notify us of your new mailing address so that we can send you official notifications to your new address.

We, the members of this Tribunal, look forward to being of assistance to you in this process. Please do not hesitate to contact our Case Manager/Ecclesiastical Notary at (719) 636 - 2345 if you have any questions or concerns.

Sincerely in Christ,



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The Tribunal Staff of the Diocese of Colorado Springs.