



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 this 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 throughout the process.

The breakdown of a marriage can be a traumatic experience, but please know that whatever the cause of the divorce, God and 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 message is sent.

The Church ministers to the man and woman who are created in the divine image of God, and are called to love and be loved, as they discover in their mutual love, the meaning of their life.

For these reasons, the Church offers the means to study the demise of the marital bond. In the Catholic Church, the marital bond, at the time of consent, creates marriage and makes it permanent. Thus, during this examination, the Church attempts to discern whether the marital bond created at the time of consent is valid. The marital bond can be declared null if certain criteria are met. For instance, it is possible that at the time of consent, one or both of the spouses presented only the appearance of love and not an authentic conjugal love; or maybe they lacked the minimum knowledge, preparation, and intention required by the Church to enter marriage.

Since marriage is created at the time of consent, problems that happen after the conjugal bond is created, do not necessary prove that the marital bond was null from the beginning. This is a stark contrast to civil law and the divorce process. 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 quite 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 fidelity in their 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 suffer certain traumatic events, before the marital consent, might develop an incapacity to understand or assume the essential obligations of marriage.

Thus, since marriage is an act of the will to create a conjugal bond, its value is protected by three types of guarantees which, if absent, might invalidate consent. The *first* guarantee is the personal freedom of the spouses, which is the presupposition of every voluntary commitment to love. Only a free choice can validate the matrimonial decision, namely the desire for self-giving and mutual love, and acceptance in the face of the uncertainties of the future. The *second* guarantee regards having a good and right inclination for the other party, because it is impossible to consider valid a conjugal commitment of the spouses just partially assumed. The *third* guarantee regards the psychological ability by one or both parties to commit to conjugal life at the time of consent.



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The Church teaches that all normal and ordinary persons may enter into marriage, however, at the same time, she requires human maturity proportionate to the state of life in question, since marriage entails lifelong obligations and commitments. It is important to consider that if the reason for the investigation of marriage falls within the realms of the incapacity or immaturity of one or both of the spouses, it does not mean that the spouse had or has a mental disorder. It only means that the person either was not able to understand or assume the essential obligations of marriage, at the time of the consent, due to either a psychic anomaly or past traumatic experience(s).

You have the right to defend yourself personally before our Court, however, since the process of nullity of marriage involves topics that can be technical and difficult to understand, we recommend that you procure the assistance of a Case Sponsor (through your parish church or this Diocesan Tribunal) to assist and guide you through the process.

Since the contributions of the benefactors to 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's fee, which is \$200.00; normally processed through the Office of the Tribunal.

To grant a nullity of marriage, the canonical Judge must obtain moral certitude, based on a preponderance of presented evidence, regarding the nullity of a matrimonial 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 is based on Church law and the facts presented and proven by the parties and corroborated by the witnesses.

To obtain the *moral certitude* necessary by law, your cooperation, as well as that of your ex-spouse, is very useful. Your willingness to share personal data about yourself, the Respondent (the ex-spouse), and the development of your prior 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 flattering to a person, however, 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, if necessary.

Please understand that no marriage date shall be set until and only if an affirmative decision has been granted by this Tribunal. The Tribunal is not responsible for any inconveniences and/or complications if this notice is not respected.



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Also, please understand that, at times, a *Vetitum* (a restriction) or a *Monitum* (a warning) may be placed upon you, the Respondent, or both parties when receiving a declaration of nullity. A *vetitum* is a temporary prohibition* to marry in the Catholic Church, until the imposed conditions are met, and the same Tribunal which issued the sentence or the Ordinary (Bishop) of the place where those who have received a *vetitum* are to be married is consulted and, in writing, lifts the *vetitum*. A *monitum* is a warning to the Pastor preparing you for marriage. It indicates certain issues that need to be addressed through pastoral counselling before you can be allowed to marry in the Catholic Church.

(* The possibility of a temporary prohibition added to the sentence is placed when the declaration of nullity is guaranteed for the grounds of impotence, permanent incapacity, deception, or simulation. Please be reassured that the *vetitum* is not automatic. The *vetitum* is added to the sentence only in serious circumstances.)

Lastly, we encourage 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. 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 for individuals who marriage were deemed to valid at the end of the marriage nullity process, have found themselves to be reconciled with themselves, with God, and with the Church. We hope this process brings you healing and closure as well.

Please follow the instructions to fill out the prescribed petition.

The staff of the Tribunal looks forward to being of assistance to you in this process. Please do not hesitate to contact our Case Manager/Ecclesiastical Notary at (719) 866-6471, if you have any questions or concerns.

Sincerely in Christ,

The Tribunal Staff of the Diocese of Colorado Springs