



# 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

PETITIONER		RESPONDENT
	Full Name	
	Maiden name	
	Date of Birth	
	Place of Birth	
	Present 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 time of Marriage	
	Age at time of Marriage	

HISTORY OF MARRIAGE	
Date of Marriage	
Officiant (Name and Title)	
Place of Marriage (Catholic Church/Non-Catholic Religious/Court house/other)	
Address (Street, City, Zip, County)	
Did you live together before the marriage? If so, how long?	

### CONVALIDATION

*If the marriage was CONVALIDATED in the Church after an earlier wedding elsewhere, please answer the following questions. If there is no Convalidation, please skip this section.*

Date of Convalidation	
Name of Catholic Church	
Address of Catholic 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 time of Convalidation	

### HISTORY OF RELATIONSHIP

When did you meet? Approximate date	
When was your first date? Approximate date	
Date of the marriage proposal/engagement	
How long was the engagement?	
Where there any separations in your marriage? If so, how many? Please briefly describe the reasons for the separations.	
Date of final separation	
Date of Civil Divorce	
County of Civil Divorce	
Who filed for divorce?	
How many children were born or adopted? List their dates of birth.	

<b>CURRENT RELATIONSHIP WITH RESPONDENT</b>	
Are you and the Respondent in regular contact?	
Did you notify the Respondent that you are applying for a declaration of nullity?	
If no, why did you 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?	

<b>CURRENT SPOUSE OR FIANCEE</b>	
Have you remarried or plan to remarry since your civil divorce?	
If 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?	

*If this is not your first marriage, please list all your previous marriages on a separate sheet of paper, including dates of marriage and civil divorce, venues where the marriages took place, place of civil divorce, and whether you received a declaration of nullity*

**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

**(Please be aware that INCOMPLETE applications CANNOT BE ACCEPTED. Incomplete applications cannot be processed until all information and documentation is provided)**

**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**

## FACTS AND PROOFS WHICH WILL PROVE THE ALLEGATIONS

Please answer the following questions making reference to the time of the Religious Marriage or Convalidation

1. At the time of the marriage/convalidation, did you understand marriage and the basic responsibilities of being a spouse?  
\_\_\_\_\_

2. At the time of the marriage/convalidation were you capable of competently weighing and assessing life decisions, especially concerning marriage? \_\_\_\_\_ if no, please explain on a separate sheet of paper.

Was your former spouse capable? \_\_\_\_\_ if no, please explain on a separate sheet of paper.

3. At the time of the marriage/convalidation were you suffering from any psychological disorder, emotional trauma, or addiction that later prevented you from fulfilling the basic obligations of marriage? \_\_\_\_\_ (If yes, please explain on a separate sheet of paper)

Was your former spouse? \_\_\_\_\_ If yes, please explain on a separate sheet of paper.

4. At the time of the marriage, did you understand that marriage is a permanent partnership between a man and a woman, requiring sexual cooperation for the procreation of children? \_\_\_\_\_

Did your former spouse understand? \_\_\_\_\_

If "no" to either question, please explain on a separate sheet of paper.

5. Before the **Religious marriage/Convalidation**, did you hold that you had the personal right to divorce and marry again if you were not happy or for some other reason? \_\_\_\_\_

Did your former spouse hold such a personal right? \_\_\_\_\_

If "yes" to either question, please explain on a separate sheet of paper.

6. Did your former spouse deceive you in any way in order to obtain your consent to marry in the Church? \_\_\_\_\_

Did you conceal any major fact from your former spouse in order to obtain his/her consent? \_\_\_\_\_

If "yes" to either question, please explain on a separate sheet of paper.

7. Was any grave force exerted against you to get you to marry in the Church or did you enter marriage because of a great fear? \_\_\_\_\_

Did your former spouse marry because of a grave force or a great fear? \_\_\_\_\_

If "yes" to either question, please explain on a separate sheet of paper.

8. Was an unplanned pregnancy a factor in the decision to marry in the Church? \_\_\_\_\_

If "yes," had marriage discussions taken place prior to the discovery of the pregnancy? \_\_\_\_\_

9. When you and your spouse entered into marriage, did either of you do so for any other reason than marriage itself, such as obtaining a green card, for financial gain/assistance, escape a bad home environment, etc? \_\_\_\_\_

If "yes" please explain why on a separate sheet of paper.

10. Before the marriage, did you resolve to totally exclude children in the marriage? \_\_\_\_\_

Did your former spouse? \_\_\_\_\_

Did you, without the agreement of your former spouse, determine the number of children? \_\_\_\_\_

Did your former spouse? \_\_\_\_\_

If "yes" to any of these questions, please explain on a separate sheet of paper.

11. When you married in the Church, did you hold that you had the personal right to have a sexual partner other than your spouse? \_\_\_\_\_

Did your former spouse hold such a personal right? \_\_\_\_\_

If "yes," please explain on a separate sheet of paper.

12. Did you consent to this marriage based on the condition that something had to take place in the future? [e.g. achieve a certain income level, become a doctor, etc.] \_\_\_\_\_

Did your former spouse? \_\_\_\_\_

*If "yes" to either question, what was that condition and why?*

13. When you married in the Church, did you hold that your spouse had to have a particular quality/characteristic, and this was the primary or principal reason you chose him/her to be your spouse? \_\_\_\_\_

*If "yes," what was that characteristic?*

Would you have married this person if you were aware that he/she did not possess this quality/characteristic? \_\_\_\_\_

14. Did your former spouse hold that you had to have a particular quality/characteristic in order to enter marriage with you? \_\_\_\_\_

*If "yes," what was that characteristic?*

Would your former spouse have married you if he/she were aware that you did not possess this quality/characteristic? \_\_\_\_\_

Has this case ever been presented to any other Tribunal? \_\_\_\_\_

If yes, what was the name of the Tribunal?

Have you ever been a party to any other marriage not reported to this Tribunal? \_\_\_\_\_

*If yes, explain.*

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 other professional counselor? \_\_\_\_\_

If "yes," who received counseling, when, from whom, and **can you provide medical documents to verify your statement?**

**On a separate sheet of paper, please give a timeline of your life indicating years and events, including date of birth, events in elementary school, graduation, dating, marriages, careers, jobs, date of birth of children, divorces, etc.**

**ALLEGATION THAT THE MARRIAGE IN QUESTION WAS INVALID**

For the Tribunal to accept your petition, you must make an argument for why your marriage was invalid from the very beginning based on reasons defined by Canon Law. Please identify the reasons why you believe your marriage must be declared invalid from the very beginning and indicate on whose part you are making the allegation.

Possible Grounds	Please indicate On Whose Part?	
	Petitioner	Respondent
<b>A. Total simulation:</b> canon 1101 §2. At the time of the wedding, one or both parties did not intend to enter into a true marriage at all, but only wanted the appearance of a marriage.		
<b>B. Exclusion of the good of children:</b> canon 1101 §2. At the time of the wedding, one or both parties did not want children or was not open to the possibility of children throughout the marriage.		
<b>C. Exclusion of the good of fidelity:</b> canon 1101 §2. At the time of the wedding, one or both parties reserved the right to have other sexual partners.		
<b>D. Exclusion of permanence:</b> canon 1101 §2. At the time of the wedding, one or both parties 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, one or both parties did not intend to respect the fundamental equality and human dignity of the other party.		
<b>F. Ignorance:</b> canon 1096. At the time of the wedding, one or both parties labored under the ignorance about marriage which is typical of prepubescent children.		
<b>G. Error of person:</b> canon 1097 §1. At the time of the wedding, one or both parties 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, one or both parties were in error about a highly significant quality of the other person which was subjectively more important than the other party.		
<b>I. Deceit:</b> canon 1098. Prior to the wedding, one or both parties deceived the other, 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, one or both parties willed to enter a marriage that was not a permanent union of only two people, and 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, one or both parties placed a future or unknown condition on the marriage which had to be fulfilled in order for the marriage to continue.		
<b>L. Force or Fear:</b> canon 1103. At the time of the wedding, one or both parties were forced to get married, or entered into marriage as the only way to avoid a fearful situation.		
<b>M. Lack of sufficient use of reason:</b> canon 1095 §1. During the wedding ceremony, one or both parties 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. At the time of the wedding, one or both parties were not capable of knowing what marriage is, or not capable of wanting a true marriage due to an extreme mental defect.		
<b>O. Inability to assume the essential obligations of marriage:</b> canon 1095 §3. At the time of the wedding, one or both parties were incapable of fulfilling the obligations of marriage due to an extreme mental illness.		
<b>P. Diriment Impediment:</b> canons 1083-1094. At the time of the wedding, one or both parties were legally incapable of contracting a valid marriage due to one of the following: underage; impotent; bound to a prior marriage; Catholic married to a non-baptized without a dispensation; too closely related; etc.		

**I, the petitioner, allege that my marriage to the Respondent was invalid from the beginning for the reason(s) indicated above**

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

\_\_\_\_\_  
Date

**Please write a narrative answering the following questions on separate sheets of paper indicating ages and dates at the time of any significant event**

### **Family History**

Describe your personality and character –your strong and weak points, your relationship with parents and siblings, any traumatic experience or abuse (physical, emotional, sexual) while you were growing up, your religious and educational training, your social life prior to meeting the Respondent, medical problems, any difficulties with alcohol, drugs, gambling and if you have ever undergone psychological counseling. Any instances of divorce or infidelity in your family of origin? Extended family?

### **Your former spouse's family history**

Describe your former spouse's personality and character – strong and weak points, relationship with parents and siblings, any traumatic experience or abuse (physical, emotional, sexual) while growing up, religious and educational training, social life prior to meeting you, medical problems, any difficulties with alcohol, drugs, gambling and if former spouse has ever undergone psychological counseling. Any history of divorce or infidelity in their family of origin? Extended family?

### **Dating history**

How and when you and your former spouse met, the length of the dating and courtship period, problems and separations you had; who brought up the subject of marriage in the Church, your understanding of marriage at the time, your discussion about (a) your roles in the marriage, (b) children, (c) fidelity; whether you experienced doubts or pressure prior to the marriage; the plans you both discussed and made for your life together; your reasons for believing both of you were suited for each other, and mature enough to accept the responsibilities of marriage. Any problems while dating?

### **Engagement**

Was there an engagement period? Was there a proposal? What were the circumstances leading up to the engagement/proposal? Any problems during the engagement? Any breakups during the engagement? What were the reasons for the breakups? Why did you want to get married? What attracted you to your ex-spouse? Did you love each other?

### **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 wanted to get married to solve a problem? Did anything unusual happen at the time of the wedding? Did both of you marry freely? Was there a honeymoon? Was the marriage consumed during the honeymoon? Any problems during the honeymoon?

### **Marital history**

Attitude of each toward work, careers and responsibilities; how decisions were made about finances, career, discipline of the children; when problems first appeared; any instances of infidelity, physical or psychological mistreatment (abuse); problems with alcohol, drugs, gambling; appearance of psychological disorder –extent and treatment; any separations and whether counseling (personal and couple) was sought; describe circumstances surrounding the final separation and the efforts made to reconcile. In your opinion, what was the cause of the breakup of your marriage?

### **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? When was the final separation? Who initiated civil divorce process?

**Witnesses**

Church law requires that allegations be proved not only by the statements of the Parties to the marriage but also by the testimony of witnesses. The best witness would be a material witness: someone who sees or experiences directly an event and not someone who only knows of it by hearsay, though hearsay testimony is admissible. Please list at least 3 persons who have knowledge of your family background, childhood and/or marital situation, who were present in your life at the time of your marriage, and who are willing to cooperate in this process by filling out a questionnaire. Please note, **it is your responsibility to contact these witnesses beforehand and verify they are willing to participate.** Your witnesses will be contacted by mail, or email (if you provide an email address for them), to provide their testimony.

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: \_\_\_\_\_



**Petition To the Tribunal of the  
Diocese of Colorado Springs in Colorado for a  
Declaration of Nullity**

I, \_\_\_\_\_, request that the Tribunal of the Diocese of Colorado Springs in Colorado declare my marriage to: \_\_\_\_\_ whose address is: \_\_\_\_\_  
\_\_\_\_\_

null and void from the very beginning on the grounds of (see **page 6** of application):

The reasons for this petition are (indicate your argument):

I list here the names of witnesses who can support my claim:

- |          |          |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

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

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

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

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

Signature of Priest/Deacon/Public Notary \_\_\_\_\_

**MANDATE FOR PROCURATOR/ADVOCATE**

If you would like to be represented by a Procurator/Advocate, please fill out the following form.

A **Procurator** is someone who can act on your behalf; a procurator acting on your behalf, can respond to certain notification letters from the tribunal.

An **Advocate**, is someone who can give you canonical advice, follows the case, and advises you on procedures and facilitates communication between you and the tribunal, and advances your case/argument.

Thus, if you believe that you can benefit from the help of a Procurator/Advocate, please fill out the following mandate.

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I, the undersigned Petitioner, in accordance with Canon 1481 §1 of the Code of Canon Law, hereby appoint:

\_\_\_\_\_ to serve as my Canonical Procurator/Advocate in all matters regarding my status and my rights regarding this case.

Or, if you do not know any Procurators/Advocates, but would like one, please initial below:

\_\_\_\_\_ I would like the Diocesan Tribunal of Colorado Springs to appoint a Procurator/Advocate for me.

I understand that I may revoke this mandate at any time by stating the revocation in writing to the Procurator/Advocate. I understand that the mandate may be renounced at any time by the Procurator/Advocate communicating this to me in writing.

Presented before the Diocesan Tribunal of Colorado Springs in Colorado on this \_\_\_\_\_ (date)

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

\_\_\_\_\_  
(date)

I accept the appointment as Procurator/Advocate as provided in this mandate:

\_\_\_\_\_  
Name of Canonical Procurator/Advocate

\_\_\_\_\_  
(date)

**SIGNATURE PAGE**

By my signature, I swear that all of 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)*

Printed Name of Witness: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_ Date: \_\_\_\_\_  
(Priest, Deacon, Notary Public)

### Agreement of understanding

I, the undersigned petitioner, understand the following points with regard to my petition for a decree of invalidity.

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 share with anyone except the members of the tribunal, 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.

4. I understand that my divorced spouse has the right to read anything that I submit to the tribunal as well as anything submitted by my witnesses.

5. 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.

6. 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 first months/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.

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

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

9. 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 a decree of nullity and established my freedom to enter a new marriage in the Catholic Church.

10. I understand that if the circumstances causing the invalidity of the marriage so indicate, the Tribunal may find it necessary to require that I seek professional counseling before a marriage in the Catholic Church.

11. 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 decree of nullity has been issued for this marriage and all other prior marriages for myself and my present spouse.

12. 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.

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

\_\_\_\_\_  
(date)

Signed: \_\_\_\_\_  
(Petitioner)

Signed: \_\_\_\_\_  
(Priest, Deacon, Notary Public)

**AUTHORIZATION FOR 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, to include 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 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 Petitioner’s case. The average processing time for a case is between twelve and sixteen months.

**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: Judges, Psychologists, Counselors, Petitioner, Respondent, Procurators/Advocates, and 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

\_\_\_\_\_  
Printed name of Petitioner

\_\_\_\_\_  
Signature of Priest, Deacon, or Notary Public

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Printed name of Priest, Deacon, or Notary Public

This section can be used to provide additional information or clarification.