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**TRIBUNAL OF THE EPARCHY OF STAMFORD**

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**APPLICATION FOR THE ANNULMENT OF A MARRIAGE**

These materials have been prepared to help you introduce a case for the nullity of a marriage that you contracted and which is presumed to be valid and binding according to the laws of the Catholic Church. In order to begin this process you are asked to read the description of THE ANNULMENT PROCESS printed on both sides of this page. Also, please read the explanation of COURT FEES that is found on the last page. After you have read these pages you must prepare a written account of your case using the OUTLINE OF A MARITAL HISTORY found on the inside of the back page, being sure to discuss all the areas listed. You must also complete the PERSONAL DATA SHEET contained in this packet. The PERSONAL DATA SHEET and the Marital History that you prepared and a copy of your civil divorce papers should then be sent to the Tribunal. You should keep the yellow folder. If someone in your parish is assisting you it is a good idea to have that person review these materials before sending them to the Tribunal.

**THE ANNULMENT PROCESS**

**DEFINITION**

The annulment procedure is a court trial. It is conducted by the Tribunal of the Diocese according to Catholic Church Law. Such a trial involves a careful and legal process of reaching an answer to a difficult and often delicate question. In the annulment trial the question to be answered is whether or not a particular marriage can be declared null and void. The trial has no effect in civil law.

In a trial for nullity of marriage the party who asks the Church for a judgment of nullity is called the "petitioner". The other party to the marriage is called the "respondent". It should be noted that the "respondent" is not considered a "defendant", since it is the marriage and not the respondent who is on trial. It frequently happens that the respondent is in agreement that the marriage should be declared null.

In presenting a case for nullity, the petitioner describes the history of the marriage and the reasons he or she feels that the marriage should be declared null. Not all problems which are encountered in marriage are sufficient to declare the marriage null according to law. If the Tribunal accepts a petition for a trial of nullity it means that clear, legal reasons (grounds) do seem present in the case for questioning the validity of the marriage.

ACCORDING TO CHURCH LAW MARRIAGE ENJOYS THE FAVOR OF THE LAW. IN THE CASE OF DOUBT A MARRIAGE IS PRESUMED VALID UNTIL IT HAS BEEN PROVEN TO BE NULL. THEREFORE IT IS IMPORTANT THE PETITIONER AND RESPONDENT UNDERSTAND THAT THEY ARE NOT FREE TO MAKE ANY PLANS OR SET ANY DATES FOR A FUTURE MARRIAGE IN THE CATHOLIC CHURCH UNTIL THEY ARE NOTIFIED OF A FINAL DECISION OF THE NULLITY OF THE PREVIOUS ATTEMPTED MARRIAGE, WHICH HAS BEEN THE SUBJECT OF THIS TRIAL.

After the initial investigation, if the petition is accepted for trial, then the purpose of the trial which follows is to gather evidence in order to prove that the marriage is really null as claimed.

Before the trial opens the respondent must also be contacted and advised of the petitioner's request for nullity. It is not permitted to conduct a trial for nullity without informing the respondent and giving him or her the opportunity to address the question of nullity and to participate in the trial. It is always hoped that the respondent will cooperate and offer information which will be helpful in reaching a fair decision. If, however, the respondent does not cooperate, after being invited to do so, the trial will proceed.

## EVIDENCE

The evidence offered in an annulment trial usually consists in personal testimony given by the petitioner and respondent and by witnesses listed by either the petitioner or the respondent. Reports from doctors or counselors who may have been consulted during the marriage can also be requested as evidence. Such reports are helpful but can be obtained only with the signed and notarized permission of the parties who received the counseling or therapy. In some cases it may be necessary for the Tribunal to appoint an expert to review the evidence and provide a psychological evaluation of the problems in the matrimonial consent.

In the gathering of this evidence and testimony confidentiality is respected. No one is permitted to see the file except those authorized by Church law who are appointed to the Tribunal as officials or experts. Subject to the discretion of the Judge, however, the evidence may be reviewed by the petitioner and respondent.

Since all of this evidence is important to the trial of this case, it is therefore expected that the Tribunal would receive the full and prompt cooperation of the petitioner and hopefully also the respondent in obtaining whatever information would be helpful.

## THE JUDGMENT

When the evidence has been gathered the trial is brought to a conclusion. The evidence is studied by the Judge, the Defender of the Bond (and the Advocates, if there be any assigned). The evidence is evaluated and legal arguments are discussed whether or not it has been proven in fact and in law that the marriage is null. The Judge makes the decision: AFFIRMATIVE or NEGATIVE.

An affirmative decision states that after review of the evidence and law it has been found that the marriage is null and void. The reason for the nullity is stated. It is also the right of either party and the Defender of the Bond to make a formal appeal to the higher court against the affirmative decision. It is possible that during the appeal procedure the members of the Metropolitan Archeparchy Tribunal of Philadelphia will call for additional evidence. The annulment becomes final if the Metropolitan Archeparchy Tribunal of Philadelphia also reaches an affirmative decision. If the Metropolitan Archeparchy Tribunal of Philadelphia overturns the original affirmative decision, the case could be further appealed to the Sacred Roman Rota (equivalent of a Supreme Court, located in Rome as part of the papal jurisdiction).

A negative decision will state that, after review of the evidence and the law, the Judge has found that nullity has not been proven, that there is not sufficient evidence or legal argument to support a declaration of nullity. A negative decision may be appealed to the Court of Appeals. This is the right of the petitioner and also the respondent. The appeal trial could be lengthy. If the higher court reverses the decision and declares the marriage null, then the case must be sent to Rome to the Roman Rota for a final decision.

## COURT FEES

Court Fees are assumed as the responsibility of the petitioner. Please read the back page.

## FINAL PERSONAL NOTE

In a trial for nullity it is not the petitioner or the respondent who are on trial. The trial is about the marriage contract, whether it was valid or invalid. Therefore, the judgment of the Tribunal concerns the marital status in the Church, the right of the parties to enter a "new" marriage in the law of the Church. This is not intended as a judgment on the parties' spiritual relationship with the Lord. If the petitioner or respondent have special questions about their spiritual and Christian life, or their personal, moral relationship to the Church, we recommend continued prayer and also consultation with the Parish Priest.

## THE OUTLINE OF A MARITAL HISTORY

The marital history consists of a letter written by the petitioner to the Tribunal which contains pertinent information that would indicate grounds for an annulment. It should summarize any problems before or during the marriage which indicate that this should not be considered a true marriage. The letter need not be long, but it should be thorough. The letter preferably should be typed or else clearly and legibly written on lined paper. The following areas should be addressed in preparing the marital history:

(1) The background of each party indicating the type of family life in which each grew up, explaining any particular problems either may have experienced in childhood or adolescence and/or any disruptive influences in family life.

(2) The dating and engagement period prior to marriage, indicating when the parties met, how long they dated, when they were engaged, length of engagement before the wedding. The letter should explain how the couple got along during the dating/engagement period. Were there any serious difficulties, disagreements, or unusual circumstances surrounding the decision to get married? Was there anything unusual about the attitude of either party in entering marriage? Any serious hesitation by either party or attempts to cancel? Any advice or opposition by family or friends against the marriage?

(3) Briefly describe any difficulties on the wedding day itself and during the honeymoon. Were there any problems with regard to sexual adjustment?

(4) A description of life together in marriage indicating how long the couple lived together and when and what types of problems appeared or developed in married life. Were there difficulties in such areas as the following: physical or emotional mistreatment, use of free time, use of money, attitudes toward work and everyday obligations, relationships with families and friends, attitudes toward children, attitudes or behavior in sexual relations, abuses of alcohol, drugs, gambling. Were the parties faithful to each other in marriage? Were there any other difficulties adjusting to married life and fulfilling its obligations? Was there any significant medical or psychiatric history during the marriage?

(5) Briefly describe when separations and divorce occurred and what caused them. What attempts were made at reconciliation? Indicate any professional counselling which may have taken place (marriage counsellor, psychiatrist, doctor, priests).

This Marital History should be attached to the Personal Data Sheet.

(6) You must submit the **original** (not a copy) signed and dated Marital History.

## COURT FEES

The Diocese of Stamford spends over one thousand dollars to process each case. For each case there are Court Fees charged to the petitioner to help pay the costs. The basic Court Fee is \$500.00. In some cases there are additional fees for professional services provided by psychiatric experts.

The usual schedule of payments would be met as follows:

1. \$250.00 – Preliminary investigation fee to be paid once the petition has been acknowledged. This fee covers the cost of initial procedures and investigation to see if there are grounds for a trial of nullity.

**DO NOT SEND ANY PART OF THE FEES WITH YOUR APPLICATION.  
YOU WILL BE NOTIFIED WHEN PAYMENT IS DUE.**

2. \$250.00 – Trial fee to be paid when notified that the formal trial is opening. This fee contributes to the overall expense of the formal trial and appeals.
3. Additional costs incurred during the process, for such things as professional services and reports, will be payable at the closing of the trial.

It is understood that all Court Fees apply to the cost of processing each stage of procedure (initial investigation and trial, etc.) and therefore fees are not refundable regardless of the outcome or final decision in each stage.

**INABILITY TO MEET THE PAYMENT SCHEDULE WILL NOT PREVENT THE PROCESSING OF A CASE. SPECIAL DIFFICULTIES OR FINANCIAL HARDSHIPS SHOULD BE MADE KNOWN TO THE TRIBUNAL SO THAT THE MATTER OF PAYMENT MAY BE DISCUSSED.**

### AN IMPORTANT REMINDER OF THE TIME IT TAKES TO COMPLETE A CASE.

There is no average length of time for a case for the nullity of marriage. Each case is different, and the parties to each case are different. Various factors can affect the time that it takes to complete a case. Some of these are; the length of time that it takes the petitioner to respond to the requirements and requests made for information and evidence, also the length of time that it takes for the witnesses to respond. Since the respondent has rights, it may take time for these to be recognized and exercised. Many times petitioners do not realize that the respondents also have the right to appeal decisions and that if this happens, the case will take longer. Therefore, it is important not to even speculate about the length of time needed for a case. You will be informed as the case moves through the various stages and calling the Tribunal does not mean the case will move any quicker.