

# METROPOLITAN TRIBUNAL

ARCHDIOCESE OF ATLANTA



## PETITION FOR A DECLARATION OF NULLITY THROUGH THE DOCUMENTARY PROCESS ON THE GROUND OF THE IMPEDIMENT OF PRIOR BOND APPLICATION FORM

### INSTRUCTIONS

The present form can be filled in either by hand or on the computer. If you choose to use your computer, you will need the program Acrobat Reader, which you can download for free from the website [adobe.com](http://adobe.com). Do not use your browser, as it won't allow you to save your file. If you choose to handwrite your answers, please write legibly. In any case, do not forget to sign where it is indicated.

Do not begin filling out this application until you have met with an Advocate of the Metropolitan Tribunal of the Archdiocese of Atlanta. Inquire in your parish or contact the Metropolitan Tribunal to learn how to select an Advocate.

Do not rush through the questionnaire. Answer all the questions as completely as possible. Taking some time now will save you time later.

In this questionnaire, you are the "Petitioner." The "Respondent" is the other spouse to the marriage for which a declaration of nullity is sought.

The mailing address of the Respondent is extremely important. Making sure that the address is correct will avoid delays.

If you or the Respondent change addresses, notify the Tribunal as soon as possible.

It is not possible to know in advance how long this process will take. Do not set a date for a wedding before this process has finished.

### DOCUMENTS

All the following documents must be submitted with this Petition:

- ☐ Marriage license application and certificate from your marriage to the Respondent.
- ☐ Civil Divorce decree from your marriage to the Respondent (containing judge's signature).
- ☐ Marriage license application and certificate from the marriage that caused the impediment of prior bond.
- ☐ Civil Divorce decree from the marriage that caused the impediment of prior bond (containing judge's signature).
- ☐ Signed Petition page.
- ☐ Signed Agreement of Understanding.
- ☐ Signed Acceptance of the Electronic Transmission of Data policy.

Please keep a copy of any documents you submit to the Tribunal in case they are lost in the mail.

For Tribunal use: Date Received

Prot. Num.

**AGREEMENT OF UNDERSTANDING**

1. I understand that, if the Tribunal accepts my case for consideration, it cannot and does not guarantee that an affirmative decision will be given in the case.

2. I understand that the Tribunal cannot ever guarantee that a case will be concluded by a certain date. As such, I agree to wait until I receive a final decision in writing from the Tribunal before I set a definite date for a marriage in the Catholic Church.

3. I understand and accept that Church law obligates the Tribunal to contact the Respondent and present him or her with the opportunity to participate in the process. Therefore, I acknowledge that I must provide the Tribunal with the full current address of my former spouse. All reasonable efforts to locate my former spouse must be exhausted to the satisfaction of the Tribunal. The requirement of contacting my former spouse may be omitted only in the most extreme circumstances, and only then with the approval of the Judicial Vicar.

4. I understand that I must contact my witnesses personally to inform them that I have started this case. I will ask my witnesses to respond to the Tribunal.

5. I understand that the Metropolitan Tribunal of Atlanta, in the investigation of the case, may employ the services of a court expert or other expert witness and I hereby authorize the Tribunal to disclose complete information concerning my case to such a professional for case review. Upon completion of the case, I also authorize the Tribunal to release information regarding the case to a psychological expert, counselor, priest, or deacon for follow-up counseling as well as for pre-marital preparation presently or in the future. It is understood that otherwise all contents of this investigation will be kept confidential, reserved exclusively to the parties to the case and to the staff of the Tribunal, according to the canon law of the Roman Catholic Church.

6. I understand that if, with occasion of the instruction of the case, the Metropolitan Tribunal were to learn about specific information, then by law the Metropolitan Tribunal may be required to report such information to legal authorities. Such information may include names or situations in which a minor has been subjected to physical or sexual abuse or neglect. I release the Archdiocese of Atlanta and its agents from any liability for disclosure of information to appropriate legal authorities about abuse of a minor.

7. I also understand that if, with occasion of the instruction of the case, the Metropolitan Tribunal were to learn about specific information regarding abuse (past or present) by clergy or other professional employees or volunteers of the various parishes and institutions of the Roman Catholic Church, this information will be reported to the Office of the Archbishop of Atlanta.

8. In order to assist the Tribunal to maintain an atmosphere of candor and openness in testimony and in recognition of the spiritual and religious nature of these proceedings, I voluntarily waive now, and in the future, any rights under civil law to subpoena the acts of the case in judicial discovery. This waiver is given without reservation, condition or limit of time.

9. I agree to keep confidential and secret any information that I shall learn in the course of the proceeding because all testimony in this case is given for the possible ecclesiastical declaration of nullity of my marriage; and, because my interest is solely to present my case to the Tribunal, I promise not to use information that I may learn through the case in any other forum or for any other purpose.

10. I understand that no fees will be charged for any cases submitted to the Metropolitan Tribunal of Atlanta. However I acknowledge that a fee will be assessed in a case transmitted to Rome on appeal and that the party who initiates the appeal will be responsible for the fee.

Accepted in (City, State) \_\_\_\_\_, on \_\_\_\_\_.

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Signature of the Petitioner

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Signature of the Advocate

## ELECTRONIC TRANSMISSION OF DATA

The use of new technologies allows for more expedience and convenience in our communications. If you are willing to receive our communications electronically, please sign the acceptance below.

*Definition of electronic case file transmission:* For the purposes of this agreement, electronic transmission of data refers to the communication of information pertaining to the case, between the Petitioner and the Tribunal, via email and/or other appropriate electronic means.

*Benefits of electronic case file transmission:* The electronic transmission of 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.

*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, and documents are password-protected in an effort to maintain case file confidentiality, 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 Archbishop of Atlanta, 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 and/or Respondent Advocates, Defender of the Bond, Promoter of Justice, and Court of Second Instance.

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.

**Do you want to receive our communications electronically?** ☐ Yes ☐ No.

Accepted in (City, State) \_\_\_\_\_, on \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of the Advocate

**PETITIONER'S GENERAL INFORMATION**Language preferred: ☐ English ☐ Español ☐ Tiếng Việt

Title: \_\_\_\_\_

First name: \_\_\_\_\_

Middle name: \_\_\_\_\_

Current last name: \_\_\_\_\_

Maiden name: \_\_\_\_\_

Gender: ☐ Male ☐ Female

Street address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip code: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Were you baptized before the marriage in question? \_\_\_\_

If yes, Church or denomination of baptism: \_\_\_\_\_

City, State: \_\_\_\_\_

Date of baptism: \_\_\_\_\_

Religion or denomination at the time of the wedding: \_\_\_\_\_

Current religion or denomination: \_\_\_\_\_

Current parish or congregation: \_\_\_\_\_

City, State: \_\_\_\_\_

Is there any Eastern Rite (Catholic or Orthodox) affiliation in your family background (Byzantine, Ruthenian, Ukrainian, Maronite, Greek Catholic, etc.)? \_\_\_\_\_

If yes, which? \_\_\_\_\_

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 didn't you notify the Respondent? \_\_\_\_\_

Do you understand that the Respondent has the right to participate actively in this case? \_\_\_\_

Do you think that the Respondent will participate actively in this case? \_\_\_\_

Why? \_\_\_\_\_

**RESPONDENT'S GENERAL INFORMATION**Language preferred: ☐ English ☐ Español ☐ Tiếng Việt

Title: \_\_\_\_\_

First name: \_\_\_\_\_

Middle name: \_\_\_\_\_

Current last name: \_\_\_\_\_

Maiden name: \_\_\_\_\_

Gender: ☐ Male ☐ Female

Street address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip code: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Before marrying you, was the Respondent baptized? \_\_\_\_

If yes, Church or denomination of baptism: \_\_\_\_\_

City, State: \_\_\_\_\_

Date of baptism: \_\_\_\_\_

Religion or denomination at the time of the wedding: \_\_\_\_\_

Current religion or denomination: \_\_\_\_\_

Current parish or congregation: \_\_\_\_\_

City, State: \_\_\_\_\_

Is there any Eastern Rite affiliation (Catholic or Orthodox) in the Respondent's family background (Byzantine, Ukrainian, Maronite, Greek Catholic, etc.)? \_\_\_\_\_

If yes, which? \_\_\_\_\_

**OTHER MARRIAGES**

Please list in chronological order all the weddings that you or the Respondent have celebrated. Please include all marriages, even those that were not celebrated in religious ceremonies.

Attach to this Petition all the documentation relative to each of these marriages: marriage certificate, civil divorce decree, and, if applicable, ecclesiastical decree of dissolution or nullity.

If either you or the Respondent has more than three marriages, please copy this page and include all the information for each of the weddings.

**PETITIONER**

1) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

2) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

3) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

**RESPONDENT**

1) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

2) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

3) Name of spouse: \_\_\_\_\_

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

Place: \_\_\_\_\_

Was this the first marriage for the other spouse? \_\_\_\_\_

Has this spouse passed away? \_\_\_\_\_

If so, when? \_\_\_\_\_

Has the Catholic Church granted a declaration of nullity or dissolution of this marriage? \_\_\_\_\_

If yes, name of Tribunal: \_\_\_\_\_

Case number and date: \_\_\_\_\_

### WEDDING TO THE RESPONDENT

Date of the wedding: \_\_\_\_\_

Officiant: ☐ Catholic priest or deacon

☐ Other religious minister

☐ Civil official

☐ Other (explain) \_\_\_\_\_

Name of officiant: \_\_\_\_\_

Church or place of marriage: \_\_\_\_\_

Street address: \_\_\_\_\_

City, State: \_\_\_\_\_

Zip code: \_\_\_\_\_

### CIVIL DIVORCE

☐ Civil Divorce or ☐ Civil Annulment?

Date of divorce or annulment: \_\_\_\_\_

Court: \_\_\_\_\_

County, State: \_\_\_\_\_

Are the terms of your divorce decree, if any, toward your former spouse and children being met? \_\_\_\_\_

If not, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### MANDATE OF APPOINTMENT OF ADVOCATE

I, \_\_\_\_\_, hereby appoint \_\_\_\_\_

as my Advocate in conformity with canons 1481-1490 of the Code of Canon Law. This mandate is valid exclusively in the canonical forum and for the purposes of the present process of declaration of nullity of my marriage before the ecclesiastical tribunals.

Given at (City, State) \_\_\_\_\_, on \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of the Advocate

## PETITION FOR A DECLARATION OF NULLITY OF MARRIAGE

In accordance with canons 1501-1504 of the Code of Canon Law and art. 116 of *Dignitas Connubii*,

I, \_\_\_\_\_, Petitioner herein, with domicile in (City, State) \_\_\_\_\_,

hereby request that the Metropolitan Tribunal of the Archdiocese of Atlanta declares invalid my marriage with

\_\_\_\_\_, Respondent herein, with domicile in (City, State) \_\_\_\_\_.

The marriage took place at (City, State) \_\_\_\_\_ on (date) \_\_\_\_\_.

I contend that this marriage was invalid because

☐ I, the undersigned Petitioner,

☐ the Respondent

was validly married to \_\_\_\_\_.

This previous marriage was celebrated on \_\_\_\_\_, at \_\_\_\_\_.

I am attaching to this Petition all the pertinent documents in order to prove the truth of my allegations.

Moreover, in accordance with can. 1686 and art. 295 of *Dignitas Connubii*, I ask that this process be instructed according to the norms of the documentary process (cans. 1688-1690).

By my signature below, I affirm that all the answers recorded above are true to the best of my knowledge.

Signed at (City, State) \_\_\_\_\_, on \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of the Advocate

For Tribunal use only:

In accordance can. 1676 §1, and whereas this Tribunal is competent by virtue of can. 1672, I hereby accept the Petition for adjudication in first instance. The case is to be handled through the documentary process. This Decree is to be communicated to the Parties and the Defender of the Bond, and they are to respond within fifteen (15) days of the notification.

Given at the Hall of the Metropolitan Tribunal of the Archdiocese of Atlanta, on \_\_\_\_\_.

\_\_\_\_\_  
Judicial Vicar

\_\_\_\_\_  
Notary