

# Information for you as Petitioner The Formal Marriage Case

## *NAVIGATING THE PROCESS*

There are four stages in a formal marriage case before the Tribunal.

- A. Preparation & Acceptance of the case
- B. Instruction of Evidence-Gathering
- C. Decision-making
- D. Appeal/Implementation of the decision

### *Preparation & Acceptance*

1. The first step in submitting a case to the Tribunal is to answer a brief questionnaire, gather the required documents and meet with a Case Sponsor in your parish to review all these materials. A delay in accepting your case can occur if any documents, the address of your ex-spouse or other information is missing.
2. There is no fee to submit a case to the Tribunal.
3. When the Tribunal receives the case with all the required documentation, a case number is assigned. Please refer to this case number in ALL communication with the Tribunal.
4. You will receive an acknowledgement letter, along with the “Mandate to Advocate for the Petitioner” form, which must be signed, notarized, and returned to the Tribunal. The Respondent will be contacted, given a copy of your petition, and invited to participate in the process. **Please take into consideration that the process is invalid if we do not contact the Respondent.**

### *Evidence-Gathering*

5. Upon review of the case by the judge, grounds will be set. You, the Respondent and your witnesses are asked to answer a questionnaire about those grounds. Any witnesses named by the Respondent will be contacted as soon as they are submitted.
6. The longest delay in most cases is the time it takes for witnesses to respond to the Tribunal. It is your responsibility to contact each of your witnesses personally and encourage them to reply quickly and thoroughly. Upon request, the Tribunal can send an electronic version of any questionnaire to a case party or witness for easier completion. **Please note that the completed notarized questionnaire must be mailed to the Tribunal.**

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7. Once questionnaire testimony has been received, the judge will review the information. You, the Respondent or the witnesses may be asked to answer additional questions in writing if the judge thinks it will be helpful in understanding your case. Depending on the grounds, you and/or the Respondent may be asked to meet with the Tribunal court expert for an interview to offer insight into the marriage.
8. The Tribunal does not normally re-contact witnesses who have not responded, however, we will inform you if we have waited more than one month with no response from your witnesses.
9. Once the testimony has been gathered, the Tribunal will send a letter to notify you and the Respondent that you may review the evidence. This is normally done at the Tribunal.

### ***Decision-Making***

10. Each case in the Tribunal is processed in chronological order. In preparation for reviewing the case before making a decision, the judge asks the Advocates and the Defender of the Bond, to prepare their opinions. These opinions are based on the written testimony received from you, the Respondent and the witnesses.
11. Three judges review the case and make a decision on the grounds, based on the testimony presented by the Petitioner, the Respondent and witnesses. **We can never guarantee a decision or a decision date.**
12. You and the Respondent are notified of the decision in writing. Each party is offered the opportunity to read the text of the decision. An appeal may be filed if you believe that the decision was made in error.
13. Specific Note: The New Motu Proprio introduces a shorter process which follows the same preparation requirements as a formal case. After the case has been submitted, the Tribunal will determine if the case meets the specific criteria for this process.

### ***Appeal & Implementation***

14. The Petitioner, the Respondent or the Defender of the Bond may appeal the decision to the *Tribunal of the Archdiocese of Cincinnati (Court of Appeals)* or to the *Tribunal of the Roman Rota* within 15 business days of being notified of the decision. If a formal appeal is made, another set of procedures begins. The party who appeals is responsible for the cost charged by the *Tribunal of the Roman Rota*. If there is no appeal, the decision is final and a Decree of Invalidity is issued to you and the Respondent.
15. Even though the decision may be affirmative, that is, recognizing that a marriage was not valid under the Canon Law of the Catholic Church, there may be some restrictions that must be addressed before you or the Respondent can remarry within the Catholic Church.

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## ***UNDERSTANDING THE ROLES***

The Tribunal is a Court of Law. The law that governs our work is the Canon Law of the Catholic Church, is directed and animated by the Gospel of Jesus Christ. The several roles that are involved in the cases at the Tribunal are as follows:

- **Petitioner** – the spouse who asks the Tribunal to examine the validity of his or her marriage;
- **Respondent** – the ex-spouse to the marriage, who is invited to participate in the case;
- **Case Sponsor** – a parish-based volunteer or employee, who assists the Petitioner in presenting a complete petition to the Tribunal;
- **Advocate** – a person, who is an expert in marriage cases and is appointed to advise and represent the party in their case;
- **Auditor** – a Tribunal staff member appointed by the judges to gather the testimony in a case;
- **Judge** – a canon lawyer appointed by the Archbishop of Atlanta to hear and decide cases before the Tribunal. In a marriage case, there are three judges involved: the *presiding* judge or *praeses*; the presenting judge or *ponens*; and a *collegiate* judge;
- **Defender of the Bond** – a canon lawyer who is appointed by the Archbishop of Atlanta to present any reasonable arguments in support of the validity of a marriage under study by the Tribunal;
- **Notary** – a person who witnesses, authenticates testimony and documents in a Tribunal case.

## ***KNOWING YOUR RIGHTS***

It is important for you to know your rights throughout this process, governed by the Canon Law of the Catholic Church.

You have the right...

- ✓ To ask that your case be heard by any Tribunal;
- ✓ To propose grounds or the legal basis for considering the marriage to have been invalid and to know the grounds the judges have chosen;
- ✓ To propose witnesses and other evidence in order to prove the grounds;
- ✓ To offer your complete testimony; in person if you choose
- ✓ To know and to review the contents of all relevant testimony or evidence in your case, and to respond to it if you choose;
- ✓ An Advocate or expert in canon law will be assigned to advise and represent you during your case

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- ✓ To be informed of the status or progress of your case;
- ✓ To read the final decision of the judges and to understand the reason behind their decision;
- ✓ To lodge an appeal against the final decision if you think it is faulty, or to challenge the process if you think it was improperly completed;
- ✓ To renounce or abandon your case at any time, provided that, the Respondent does not insist that the case continue.

## ***COMMUNICATING WITH THE TRIBUNAL***

One of the most important values of the Tribunal is confidentiality. Because of this, communication about a case is very limited:

1. Only the Petitioner, the Respondent, Advocates, or parish clergy may contact the Tribunal for information about the case. We will not speak with an intended spouse, parents, children, or others, even if they are the only Catholic person related to the case.
2. Most communication with the Tribunal should be in writing, so that we have a written record. When you write, e-mail, or call about your case, you should contact your Advocate first. Your Advocate is your first and principal line of communication with the Tribunal. Expect to be asked a question or two about the case for verification that we are speaking with the right person.
3. When you call, write, or email the Tribunal, please take into consideration that it is imperative to mention your full name and your case number, assigned by the Tribunal as soon as we receive a fully completed petition.

Case Number:

Advocate's name & E-mail (or phone):

**Metropolitan Tribunal**  
**Archdiocese of Atlanta**  
**2401 Lake Park Drive SE**  
**Smyrna, GA 30080**  
Telephone: 404.920.7500  
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[tribunal@archatl.com](mailto:tribunal@archatl.com)  
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