

Information for you as Respondent 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. A case begins when a petition or formal request is submitted to the Tribunal. This petition includes a brief questionnaire about the facts of the marriage. It also includes a list of witnesses named by the Petitioner, as well as documents such as the marriage license and divorce decree.
2. When the Tribunal received the case with all the required documentation, a case number is assigned. Please refer to this case number in all communication with the Tribunal.
3. Upon acceptance of the case, the Tribunal will contact you as the Respondent. You are invited to participate in the process and given a copy of the introductory petition. The process is invalid if we do not contact you to invite you to participate.
4. It is your decision whether you want to participate actively in this case or not. Your participation is very helpful to the case, so that the judges will hear both spouses to the marriage before making a decision. You may also name witnesses. An Advocate is appointed for you.

Evidence-Gathering

5. Upon review of the case by the judge, the grounds will be set. You, the Petitioner and your witnesses are asked to answer a questionnaire about the grounds. Upon request, the Tribunal can send an electronic version of any questionnaire to you or to your witness for easier completion. **Please note that the completed notarized questionnaire must be mailed to the Tribunal.**
6. Once testimony has been received, and if the judges think it will be helpful to them in understanding the case, you, the Petitioner, or the witnesses may be asked to answer a few more questions in writing.
7. The Tribunal does not normally re-contact witnesses who have not responded, but we inform you if we have waited more than one month with no response from your witnesses.

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8. Once the testimony has been gathered, the Tribunal will send a letter to notify you and the Petitioner that you may review the evidence. This is normally done at the Catholic Church Tribunal closest to you.

Decision-making

9. 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 opinions. These opinions are based on the written testimony received from you, the Petitioner and the witnesses.
10. 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 and can never guarantee a decision date.**
11. You and the Petitioner 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.
12. Specific Note: The New Motu Proprio introduced 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

13. 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*.
14. If there is no appeal, the decision is final and a Decree of Invalidity is issued to you and the Petitioner.
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 petitioner can remarry within the Catholic Church.

UNDERSTANDING THE ROLES

The Tribunal is a Court of Law. The law, which governs our work, is the Canon Law of the Catholic Church, which is directed and animated by the Gospel of Jesus Christ. There are several roles in cases before the Tribunal:

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- **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 them in their case
- **Auditor** – a Tribunal staff person appointed by the judges to gather 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** – one 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 participate in this case to the extent that you choose: you may participate actively or you may simply be kept informed of the progress of the case
- ✓ 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 or disprove the grounds
- ✓ To offer your complete testimony
- ✓ 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
- ✓ To be informed of the status or progress of your case
- ✓ To read the final decision of the judges and to understand the reason for 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

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:

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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. It will help when you call, write, or email, 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):

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Archdiocese of Atlanta
2401 Lake Park Drive SE
Smyrna GA 30080
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