

Information for you as Witness The Formal Marriage Case

You have been contacted as a witness in a marriage case heard by the Tribunal of the Catholic Archdiocese of Atlanta.

YOUR PART IN THE CASE

1. The Tribunal is contacting you because one of the case parties – the Petitioner or Respondent – submitted your name and address as a witness in a case involving his/her marriage. Hopefully, the Petitioner or Respondent has notified you that your contact information was submitted as part of a Tribunal case.
2. When a Catholic Tribunal considers the validity of a marriage, we do so on the basis of specific grounds or legal reasons as specified in the Canon Law of the Catholic Church. The questions relate to the grounds of the case.
3. The Tribunal is not interested in assigning blame for the failure of the marriage, and is not concerned with finding moral fault with either spouse. It is important to know that the testimony you provide will help the Tribunal determine whether the grounds for the case are proven. Your honest and complete answers may be the most important element in the case. **We need to know what you observed prior to and during the marriage.**

Your Answers

4. The grounds may be on only one of the case parties – the Petitioner or the Respondent – or both. It is important that you answer the questions completely. If the grounds or legal basis for this case is attached to one spouse only, answers dealing with the other spouse maybe irrelevant.
5. If you cannot answer a specific question, it will be helpful if you indicate briefly, why you cannot provide that answer.
6. It is helpful if you state briefly how and when you came to know the information you are providing to each answer: did you observe something personally, hear about it when it happened, or did you learn about it only after this Tribunal contacted you about this case.
7. Your personal opinions may also be helpful even if you state in an answer that you have no direct knowledge of what is being asked. Your opinion may help the Tribunal judges to understand the situation better. An opinion is no substitute for direct knowledge, and so it is important to state that you are offering an opinion and not a fact.
8. The Tribunal will always consider your answers in light of all the testimony received in a case. The judges will weigh the testimony received in a case. They will consider how long you and other witnesses have known the parties, your relationship with them, and your knowledge of the marriage in question. Your testimony is very important, but it is not the

only information that will be considered when the judges begin to reach a decision in this case.

Confidentiality

9. The parties in this case have the right to know who the witnesses are and what the witnesses say that is relevant to the grounds. The parties will also have the opportunity to disagree with the testimony if they wish, by offering additional evidence or testimony to contradict anything they disagree with.
10. If there is something that you do not want one or both of the parties to know in your testimony, you must indicate this clearly and give the reason for asking the Tribunal to withhold this information. The Tribunal cannot guarantee that your request will be honored, since the parties generally have the right to review the evidence in their case.
11. Confidentiality is very important to the Tribunal. Only those individuals who have the legal right to learn information about the case will see your testimony. This is generally limited to the Tribunal staff, the case parties, and their Advocates. The Tribunal will keep confidential both the fact that you offered testimony as well as the content of that testimony.

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12. If you would prefer to complete the questionnaire electronically instead of in writing, send your name, the case number, your e-mail address, and request an electronic version of the questionnaire to tribunal@archatl.com. The Tribunal assumes no responsibility for the confidentiality of your e-mail account. **Please note that the completed notarized questionnaire must be mailed to the Tribunal.**

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. There are several roles in the cases at the Tribunal:

- **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 to advise and represent the parties 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 and authenticates testimony and documents in a Tribunal case

NAVIGATING THE PROCESS

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

- A. Preparation & Acceptance of the case
- B. Instruction of Evidence-Gathering
- C. Decision-making

Preparation & Acceptance

1. A formal case begins when a spouse (Petitioner) submits a written document - a petition - to a Tribunal. The Petitioner asks that the Tribunal consider whether a marriage that has ended in divorce was valid and binding for life. The validity is according to the teachings of Jesus and the Canon Law of the Catholic Church.
2. The Respondent (ex-spouse) is contacted and invited to participate in the case. The process is invalid if we do not contact the Respondent. Both case parties – the Petitioner and the Respondent – are asked to submit witnesses.

Evidence-Gathering

3. The judge sets the grounds in the case. The parties and their witnesses are asked to answer a questionnaire about the grounds.
4. The longest delay in most cases is the time it takes for witnesses to respond to the Tribunal. It is always helpful if the witnesses reply quickly and thoroughly. The Tribunal does not normally re-contact witnesses who have not responded, but we do inform the party who submitted a witness if that witness has not responded after a month.
5. After the judge reviews the case, one or both of the case parties, or witnesses may be asked to answer a few more questions in writing.

Decision-making

6. 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 the Petitioner, Respondent, and the witnesses.
7. Three judges review the case and make a decision on the grounds, based on the testimony presented by the Petitioner, the Respondent and witnesses
8. The Petitioner and Respondent are notified of the final decision in writing and offered the opportunity to appeal if they believe that the decision is in error.

COMMUNICATING WITH THE TRIBUNAL

One of the most important values of the Tribunal is confidentiality. In regards to this, communication about a case is very limited: The witnesses may only inquire as to receipt of their testimony. Please keep in mind that you must always include your full name and the case number for reference when making your inquiry.

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