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## PRELIMINARY STUDY FOR A DECLARATION OF NULLITY

Enclosed you will find an outline of information to begin the process of reviewing a marriage for a possible *Declaration of Nullity*. Please note the following instructions:

1. Complete every question. Make sure facts and dates are accurate. The **Petitioner** is **you**. The **Respondent** is **your former spouse**.
2. As the Church desires to extend Christ's Mercy for the salvation of the Faithful and God's people, the Interdiocesan Tribunal of Edmonton does not collect a fee to offset the cost of a Declaration of Nullity. However, as one may well appreciate, fixed costs remain as a part of the process; therefore, a donation is always most welcome and received with deep gratitude. Please speak to your Case Instructor if you are interested in making a donation.
3. In order to expedite your case, marriage and divorce documents must accompany this application.

For all marriages celebrated in a **Catholic Church in Canada**, please obtain:

- A copy of the Marriage Certificate issued by the parish
- A copy of the Divorce Decree Absolute (the Certificate of Divorce *only*, not the entire judgement.)

For marriages celebrated in a **Catholic Church outside of Canada**, please obtain:

- A copy of the Marriage Certificate issued by the parish
- A copy of the Divorce Decree Absolute (the Certificate of Divorce *only*, not the entire judgement.)

For **civil or non-Catholic marriages**, please obtain:

- A certified copy of the Marriage Registration (available from a Registries Office/Vital Statistics Office in the Province or place of marriage)
- A copy of the Divorce Decree Absolute (the Certificate of Divorce *only*, not the entire judgement)
- A copy of the Certificate of Baptism, or an Affidavit of Non-Baptism, for both parties.

4. An average case takes approximately twelve (12) months or more from the time the Petitioner is interviewed. Whenever possible, the most abbreviated process is chosen.
5. If you have been married more than once, and your former spouse is still living, a separate application form must be submitted for **each** previous marriage.
6. You are required to provide current contact information for your spouse. If not possible, please provide the name and contact information of a relative of your former spouse.
7. In preparing your statement, please be aware that the Tribunal keeps all information received in this study confidential.
8. In submitting this application, there are **no civil effects** to a Church declaration. This process is a Church matter only.
9. **Please do not make any plans for marriage in the Catholic Church until you have received a *Declaration of Nullity*.** The Tribunal bears no responsibility for any promises or guarantees made for any wedding date that is scheduled before the completion of the case.
10. If you have any questions or require further information, please contact the Tribunal Office or speak to your Pastor.
11. Please meet with your Parish Priest or Parish Pastoral Associate in order to complete the application. They will submit your application on your behalf.





# Preliminary Study For A Declaration of Nullity Form

## **MARRIAGE**

Wedding: \_\_\_\_\_  
Date (dd/mm/yyyy) Name of Church or other location

\_\_\_\_\_  
City Province/State Country

Before a: Priest  Minister  Justice of the Peace/Civil Official  Other:  \_\_\_\_\_

If either party was Catholic, did this marriage take place outside the Catholic Church? Yes  No

Was there a Catholic Ceremony (a.k.a. Convalidation) later? Yes  No

If yes: \_\_\_\_\_  
Name of Catholic Church City, Province/State, Country Date (dd/mmm/yyyy)

## **CHILDREN BORN OR ADOPTED IN THIS MARRIAGE** (Names and dates of birth of all children born/adopted)

\_\_\_\_\_  
\_\_\_\_\_

Who has custody of the children? \_\_\_\_\_

## **N.B. PLACES OF RESIDENCE DURING YOUR MARRIAGE** (Please list all places of residence during your marriage)

City/Town	Years of Residence
_____	_____
_____	_____
_____	_____

## **SEPARATIONS**

Dates and duration of temporary separations? \_\_\_\_\_

\_\_\_\_\_

## **DATE AND PLACE OF FINAL SEPARATION**

\_\_\_\_\_

### **A COPY OF THE DIVORCE DECREE ABSOLUTE MUST ACCOMPANY THE APPLICATION FORM**

Date of Decree ABSOLUTE/Certificate of Divorce: \_\_\_\_\_

**Have you ever made a request for a *Declaration of Nullity* of your marriage to this or any other Tribunal?**

Yes  No  If yes, please give details (including place of Tribunal and date submitted):

Place of Tribunal: \_\_\_\_\_ Case # \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Explanation: \_\_\_\_\_



# Preliminary Study For A Declaration of Nullity Form

## OTHER MARRIAGES

1. Was this your first marriage (whether in a church or civilly)? Yes  No
2. Was it the Respondent's (your previous spouse) first marriage (whether in a church or civilly)? Yes  No

**If no to question(s) #1 or #2, list all previous marriages prior to this marriage under study:**

Was it the marriage of the Petitioner or the Respondent?	Full Name & Religion of Former Spouse <i>(include maiden name of female)</i>	Place & Date of Marriage <i>(include name of Church or Venue, City &amp; Province or State)</i>	Did the marriage receive a "Nullity" in the Catholic Church prior to your union?
Pet <input type="checkbox"/> Resp <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>
Pet <input type="checkbox"/> Resp <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>
Pet <input type="checkbox"/> Resp <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>

3. Have you remarried since the breakup of the marriage under study? Yes  No

**If yes, give full details regarding each subsequent marriage (in chronological order):**

*(Include a separate sheet to give full details for each subsequent marriage)*

Full Name (include Maiden Name):		Religion:	
City, Province/State of Marriage:		Date of Marriage:	
Place of Marriage (Church/Venue):			
Marital status at time of marriage:	Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/>		
Was this person declared free to marry in the Catholic Church?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
How?			
Are you still together in this marriage?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
If not, has a civil divorce been obtained?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
If divorced, did you marry again after this union?	Yes <input type="checkbox"/> No <input type="checkbox"/>		

*(Include another sheet for the next marriage)*

4. If you are not presently married, are you dating with a view to marriage? Yes  No

Full Name (include Maiden Name): \_\_\_\_\_ Religion: \_\_\_\_\_

His/her address: \_\_\_\_\_

His or her marital status: Single  Divorced  Widowed

If previously married, has a civil divorce been obtained? Yes  No

If divorced, has he/she been declared free to marry in the Catholic Church? Yes  No

**[Reminder:** His or her previous marriage(s) may also need to receive a *Declaration of Nullity* before any marriage in the Catholic Church can take place, regardless of the religion of the intended spouse, or the type of ceremony they previously had. Please contact our office for further information.]

5. Has the Respondent entered into a subsequent marriage? Yes  No

Name of present spouse: \_\_\_\_\_ Religion (if known): \_\_\_\_\_

Previous marital status: Single  Divorced  Widowed



# Preliminary Study For A Declaration of Nullity Form

## WITNESSES

A Declaration of Nullity cannot be processed without witnesses. Please list **at least four knowledgeable witnesses** whom you feel would have pertinent information about your courtship and marriage, and would be willing to describe the relationship as they saw it. **Please contact each person you name and inform them that they will be contacted by the Tribunal Office.**

Witness 1:

Name:	Address:			
City:	Postal Code:			
Phone number:	Email:			
Relationship to Petitioner:	Years known:			
This witness has information regarding: <i>(check all that apply)</i>				
My childhood <input type="checkbox"/>	My ex-spouse's childhood <input type="checkbox"/>	Courtship <input type="checkbox"/>	Married life <input type="checkbox"/>	Marital problems <input type="checkbox"/>
Why do you think he/she would be a good witness?				
Translator required? Yes <input type="checkbox"/> No <input type="checkbox"/>			Language for translator:	

Witness 2:

Name:	Address:			
City:	Postal Code:			
Phone number:	Email:			
Relationship to Petitioner:	Relationship to Petitioner:			
This witness has information regarding: <i>(check all that apply)</i>				
My childhood <input type="checkbox"/>	My ex-spouse's childhood <input type="checkbox"/>	Courtship <input type="checkbox"/>	Married life <input type="checkbox"/>	Marital problems <input type="checkbox"/>
Why do you think he/she would be a good witness?				
Translator required? Yes <input type="checkbox"/> No <input type="checkbox"/>			Language for translator:	

Witness 3:

Name:	Address:			
City:	Postal Code:			
Phone number:	Email:			
Relationship to Petitioner:	Years known:			
This witness has information regarding: <i>(check all that apply)</i>				
My childhood <input type="checkbox"/>	My ex-spouse's childhood <input type="checkbox"/>	Courtship <input type="checkbox"/>	Married life <input type="checkbox"/>	Marital problems <input type="checkbox"/>
Why do you think he/she would be a good witness?				
Translator required? Yes <input type="checkbox"/> No <input type="checkbox"/>			Language for translator:	

Witness 4:

Name:	Address:			
City:	Postal Code:			
Phone number:	Email:			
Relationship to Petitioner:	Years known:			
This witness has information regarding: <i>(check all that apply)</i>				
My childhood <input type="checkbox"/>	My ex-spouse's childhood <input type="checkbox"/>	Courtship <input type="checkbox"/>	Married life <input type="checkbox"/>	Marital problems <input type="checkbox"/>
Why do you think he/she would be a good witness?				
Translator required? Yes <input type="checkbox"/> No <input type="checkbox"/>			Language for translator:	

# Preliminary Study For A Declaration of Nullity Form

## **Summary of Courtship and Married Life**

You are required to provide a summary of your relationship during the courtship and marriage with the Respondent. Please use the following questions to guide you in your summary; it should be typed or clearly written. The information you provide here is used for the initial evaluation of your case. A formal interview, set at a later date, will provide an opportunity for you to give more detail.

### **Dates and Time Spans**

- When did the two of you first meet (approximate date)?
- How soon after meeting did you begin to date?
- How long did you date before the engagement (year and months)?
- How long were you engaged before the wedding (year and months)?
- Ages on the day of the wedding (both Petitioner and Respondent).

### **Characteristics of Courtship and Engagement**

- Identify and describe any problem(s) during the courtship and engagement. (e.g.: psychological or emotional problems, instability, arguing, abuse (emotional and/or physical), breakups, drugs/alcohol/pornography abuse, premarital pregnancy, unfaithfulness, etc.)
- Describe any circumstance(s) under which either or both of you would have considered divorce. (e.g.: infidelity, impotence, lack of security, family background, religious teachings, etc.)
- Describe any condition(s) either of you might have required to get married or stay in the marriage. (e.g.: "I'll marry you only if...", family expectations, arranged marriage, pre-marital sex/pregnancy etc.)
- Describe the attitude each of you had toward having children in the marriage.
- Were there issues during childhood/upbringing/pre-marital adulthood that negatively influenced the perspective of being in a relationship, or contributed to the individual personal problems, of either party?
- Was anyone concerned about you entering into marriage with the Respondent? Who? What reasons?

### **Wedding Day**

- Describe anything unusual or abnormal that happened on the day of the wedding.
- What were your emotions or behaviours like on that day? The Respondent's?

### **Marriage**

- When did the problems begin in the marriage?
- Did the problems identified during the courtship/engagement continue into the marriage? What kind?
- Describe any other problem(s) that you may have encountered during the marriage? When did they emerge?
- Were there pre-existing issues or problems with you/the Respondent that that you were made aware of after the marriage took place? If so, what were they and when did you find out? (e.g.: mental illness, other medical condition, childhood abuse (of any kind), addictions, etc.)

### **Separation and Divorce**

- Explain the reason for any temporary separation(s) prior to the final one. Why did you get back together each time?
- What was the final or leading reason(s) for ending the marriage? Who sought the divorce? Was the decision to seek a divorce an amicable agreement, or was it contested?
- Are all moral and civil obligations, including child support, being met by both of you? If not, describe.



## Preliminary Study For A Declaration of Nullity Form

### COUNSELLING:

If there were any attempts at pre-marital, marital, psychological, or other types of counselling, please give the names and address of any counsellor(s) or therapist(s) you wish to include. The opinions and observations of counsellors or therapists may be helpful in our deliberations. You will be asked to sign a release for these records. [Please note we can only seek consent of your individual reports. For counsellors or therapists sought by the Respondent, those records will need his/her consent.]

### OTHER EVIDENCE

Include with your application any other pertinent evidence to support your petition. These would include letters, emails, police reports, legal documents (e.g. court orders, restraining orders, etc.), or other documentation.

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### AGREEMENT OF UNDERSTANDING

As the Petitioner, please read the following statements. By signing, you indicate your understanding and agreement. If you have any concerns, please contact the Tribunal Office of your area *prior* to submitting the form.

1. The acceptance of this petition is to not be interpreted as a guarantee that a *Declaration of Nullity* will be granted.
2. There are **no civil effects** to a Church *Declaration of Nullity*. This process is *purely* a Church matter.
3. Church Law states that the Respondent is to be notified of the case and given a chance to participate in the process; he/she has a right to participate at any point. They also have the right to appoint an Advocate/Procurator to act on their behalf. The Petitioner must provide contact information for the Respondent; if that information is unknown, then the contact information of a close relative. The lack of information for the Respondent will slow the process of investigation. If the Respondent absolutely cannot be found or contacted, the Petitioner is to notify the Tribunal.
4. The time needed to reach a decision in each case cannot be determined due to a variety of factors. An average case takes approximately twelve (12) months from the time the Petitioner is interviewed. Whenever possible, the most abbreviated process is chosen.
5. Both the Petitioner and the Respondent have the right to appeal the decision to the Canadian Appeal Tribunal or the Roman Rota.
6. **No plans should be made, nor is a date to be set, for marriage within the Catholic Church until a Declaration of Nullity has been granted.** The Tribunal bears no responsibility for any promises or guarantees made for a wedding date that is scheduled before a completion of a case.
7. Please inform the Tribunal of any changes to the contact information of yourself, the Respondent, or the Witnesses listed.
8. The process is highly confidential and privacy must be maintained. The Tribunal staff will not enter into correspondence or discussions with any other party, including a proposed future spouse or family members.

**I, the undersigned, hereby testify that I am presenting this case in good faith, and that the statements provided herein are true, to the best of my knowledge. In view of the information provided, I am requesting the Church's evaluation concerning the validity of this marriage. I understand the instructions above and agree to abide by them.**

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Petitioner Signature

Name (Print)

Date



## Preliminary Study For A Declaration of Nullity Form

*Note: Please meet with your Parish Priest, or Parish Pastoral Associate, in order to complete this form. They will submit your application on your behalf.*

### **THIS SECTION IS TO BE COMPLETED BY THE PARISH PRIEST OR PARISH PASTORAL ASSOCIATE**

To assist in this work of mercy, we would greatly appreciate any information you are able to provide to the following questions. Use additional paper if needed.

1. What is your name, address, and present assignment?

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2. Please indicate:

a. How long and how well have you known the Petitioner?

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b. Do you know the Respondent? If so, how long and how well have you known the Respondent?

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c. How familiar are you with the marital problems in this union?

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d. Your assessment of the Petitioner's character and truthfulness.

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Please submit this Preliminary Study Form for a *Declaration of Nullity* immediately to the Tribunal Office. Your cooperation on behalf of the Petitioner is greatly appreciated.

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Pastor or Parish Pastoral Associate Signature

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Name (Print)

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Date

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Name of Parish

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Address

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City/Town/Province or State