



# Diocese of Saint Petersburg Office of the Tribunal Formal Cases

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## Information for you as Petitioner The Formal Marriage Case

Divorce is unique among life experiences. There is no precedent that can prepare an individual for its trauma. Divorce is a process, not an event. The experience of divorce is the result of a long series of incidents which eventually erode the relationship between a husband and wife. The ending of any marriage is a traumatic experience. The adjustment which follows can either be positive or negative; it is always difficult.

The Catholic Church reaches out to the divorced through her ministry. One of the ways the Church officers to help people achieve healing and closure is through a declaration of nullity or “annulment”. It is the hope of the Tribunal that this will be a “Time for Healing”. This brochure is intended to help explain the process of petitioning for a declaration of nullity.

**MARRIAGE** is an intimate partnership of life and love, arising from the irrevocable consent of husband and wife and geared to the giving and receiving of mutual love. The partnership or “community of life” is characterized by permanence (indissolubility) and fidelity to one another and is ordained by God for the good of the spouses and the procreation and education of children. For the baptized, Christ raised the marital relationship to the dignity of a sacrament.

**Furthermore, the Church presumes that every marriage between a man and a woman who are free to marry, (Catholic, Protestant, Jewish, Non-Believer, etc.) to be a valid marriage until the opposite is proven.**

Therefore, anyone who is divorced, Catholic or non-Catholic, needs to obtain a Catholic declaration of nullity before he/she is allowed to marry in the Catholic Church. A declaration of nullity concludes that the union lacked something basic from the beginning and, as a result, the union was not binding according to the Catholic Church.

**Important: Please note that this process has no civil effect. It does not affect the validity of your civil union, legitimacy of children, custody, property, or other settlements. It does not seek to assign blame or guilt on anyone. It merely ascertains the status of the union according to the laws of the Church. The children remain legitimate.**

It should be noted that the process for a declaration of nullity will not be initiated in this Diocese **until at least one year has passed** from the date of the final divorce decree. It is the experience of this Tribunal that time is a great healer. Not only will the passage of time indicate that the marital relationship is indeed over and reconciliation is no longer possible, but it will allow for closure and healing.

**How to Petition:** To begin the process, contact a priest or deacon (preferably one in your parish). He will meet with you and give you the necessary information and forms needed to petition the Church for a declaration of nullity. This person will be your Advocate when the petition is filed.



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After you have completed the paperwork, acquired the requested documents, signed the appropriate forms, and written a detailed history of your former union, you should return them to the priest/deacon who will forward them to the Tribunal. Be sure you include a recent copy of your baptismal certificate (if Catholic), your marriage certificate, and final decree of divorce. Many find it helpful to tell their children what they are doing so as to avoid potential misunderstandings. Know that all materials gathered are held in the strictest of confidence in accord with Church Law.

**Your Former Spouse:** The Church requires that your former spouse be notified of your petition to the Tribunal. Therefore, be sure to provide a current address for him/her. It is often worthwhile to let your former spouse know that they will be contacted by the Tribunal. The cooperation of your former spouse is very helpful in assisting the Tribunal to reach a just and fair decision. However, should your former spouse choose not to cooperate, the petition will continue to be processed.

**Witnesses:** The Church requires witnesses in order to provide a deeper understanding of you, your former spouse, and the union. Please name people who knew you, or preferably, both of you prior to and during the union and who have indicated they would be willing to answer a questionnaire from the Tribunal. (Parents, brothers, sisters, mutual friends, members of the wedding party, usually make excellent witnesses.) Do not name children of the union. Be sure to let the witnesses know that they will receive a questionnaire and that they should return it as soon as possible.

**Interview:** After all the testimony has been gathered, an appointment will be made for you if necessary. After reviewing all of the material, the judge will render a decision.

**What next?** If the judge finds that the union was not binding, the decision will be sent to the Court of Second Instance in Miami. There the decision will either be confirmed, denied, or will be given a new hearing. When a final decision has been reached you will be notified.

**How long?** Since no two petitions presented to the Tribunal are the same, it is impossible to predict the length of time this process will take. **The average length of time is eight months to one year, if we have complete cooperation from all involved.**

**NO DATE FOR A MARRIAGE IN THE CATHOLIC CHURCH CAN BE SET UNTIL A DECLARATION OF NULLITY IS RECEIVED.**

**Fee:** As of February 1, 2015, the fees for all Tribunal services were eliminated by direction of Bishop Robert N. Lynch.

**Questions?** It is the sincere intention of the Tribunal that this entire process be, for you and all involved, a time for healing and insight, a healing of the pain and guilt that you may be experiencing as a result of the broken marriage, and an understanding of the real reasons for the breakdown of the marriage. If you have any questions or concerns, please contact your Advocate in the parish in order for the Tribunal to maintain confidentiality. You may also write:

Office of the Tribunal  
P. O. Box 40200  
St. Petersburg, FL 33743-0200