

DIOCESE OF DALLAS

Marriage Nullity Process

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RCIA AND PREVIOUS MARRIAGE BONDS

Any candidate/catechumen being brought into the Church, if living in a conjugal relationship, must be in a presumably valid marital union according to the laws of the Catholic Church. Any candidate/catechumen being brought into the Church, even though now not living in a conjugal relationship but hoping to marry some day, must be free to marry according to the laws of the Catholic Church. If a person is not living in a conjugal relationship and never anticipates marrying again, he/she might be brought into the Catholic Church so long as the person understands, once a Catholic, he/she is bound to the Catholic form of marriage. In these rare instances, please consult with the Tribunal.

Thus, if a previously married candidate/catechumen is to be brought into the Church, all previous marriages must be reviewed and declared invalid so the current marriage or any future marriage can be presumably valid according to the laws of the Catholic Church. Again, in the case of a person who declares he/she never intends to marry again, the person still should be encouraged to have the previous marriages reviewed by the Tribunal.

Likewise, any spouse/intended spouse of the candidate/catechumen also must be free to marry according to the laws of the Catholic Church and must meet the same requirements concerning any review of previous marriages.

Any marriage of a candidate/catechumen requiring convalidation should be convalidated prior to bringing the person into the Church. An exception may arise with Privilege cases; therefore, please call the Tribunal if a decree has been issued to allow the person coming into the Church to use the Pauline or Petrine Privilege.

Any convalidation must be preceded by the appropriate marriage preparation as required by the parish and Diocese. And the parties must be properly instructed so they can fully understand that they are making a new act of consent in order to marry.

If there are any questions, please contact Margaret Gillett via email, mgillett@cathdal.org, or telephone (214) 379-2840.

MATRIMONIAL CASES AND THE TRIBUNAL PROCESS

Investigation Of A Previous Marriage

The following information is offered to explain the matrimonial process and the parts played in this process by the Petitioner (the one seeking the declaration of invalidity), by the Respondent (the other party or former spouse) and by the Diocesan Tribunal (the Church Court).

The Catholic Church believes that marriage is a lifetime exclusive partnership between a man and a woman, who give and receive mutual help and love and, from their union, bring forth and rear children. When Catholics and Eastern Orthodox Christians marry according to the requirements of their churches, and when people of other religions marry according to the requirements of civil law, the Catholic Church presumes that they marry validly. If both spouses are baptized, the Church also considers their marriage to be a sacrament and believes that, once consummated, it cannot be set aside by any human power, including a civil court.

Because it is a lifetime commitment, the decision to marry is one of the most serious decisions most people ever make. Since so much of the person is invested in this decision and since so much is expected in terms of time, energy, emotion and resources, when a couple marries, divorce is unthinkable. Yet, the unthinkable does happen to many couples; thus, the Catholic Church seeks to minister to divorced people.

While supporting the permanence of marriage, the Church offers to review the broken marriage to determine whether there could have been something defective from the beginning. Perhaps on the wedding day the marriage lacked one or more of the elements which the Catholic Church considers essential for valid marriage. If that can be proven, the Church can declare the marriage invalid, indicating that it never had the permanent binding force of marriage. A Church declaration of invalidity, then, is a decision by the Church, based on proof, that on the wedding day a particular union lacked some element essential to marriage. Such decisions are sought and given through the Tribunal, the Church Court established in a Diocese to assist the Bishop in giving timely judgment to both parties.

In studying and deciding petitions for declarations of invalidity, the Tribunal seeks only the spiritual good of the people involved. The Tribunal makes no attempt to assign blame for the breakup of the union. A Church declaration of invalidity does not have civil effects. *A decision for invalidity does not make children illegitimate.* It cannot be used to question a child's paternity. It will not influence a civil court to set or change terms of civil divorce, child custody, support or property settlement. If a marriage is declared invalid by the Tribunal, the spouses, so far as that marriage is concerned, are free to marry others in the Catholic Church once all stipulations placed by the Tribunal have been fulfilled. As a result of that freedom, the Catholic spouse or spouses in the new union are able to participate fully in the life of their Church.

Grounds for Invalidity

Because there are many reasons why a union may lack one or more of the basic elements of a binding marriage, it is not possible here to list and explain them all. However, many correspond to at least one of the following questions:

1. Was the marriage ceremony legally acceptable to the Catholic Church?
2. Were both spouses free to marry each other?
3. Was each spouse adequately prepared to understand, accept and fulfill the rights and obligations of marriage?

4. Did each spouse intend to accept and fulfill what, in the Church's tradition, has been taught as God's plan for marriage?

If a person can honestly answer "No" to any of these questions as they apply to her or his marriage on the wedding day, then it is possible that some grounds for a declaration of invalidity exist.

Proof of Invalidity

Marriage is never a private affair. It is recognized by society. It has legal existence before the Church and the State. It is a matter of public record. And for Catholics, marriage in the Church between two baptized people is a celebration of the sacrament in the presence of the Church's minister and the Church community. Therefore, for a declaration of invalidity Church law requires proof beyond simply the word of the person seeking it. Of course, the Church will rely heavily upon the declarations of the spouses. No one knows the truth better than they. The additional proofs usually come from the testimonies of witnesses - relatives, friends or acquaintances who knew the spouses during their courtship and marriage and are willing to offer information to the Tribunal. Marriage counselors, psychologists, medical doctors and other professionals also may act as witnesses; but when they do, they require a release signed by the person about whom they are giving information. Medical, military, government or judicial records can be admitted as evidence. Sometimes even the transcripts of civil action, especially civil annulment, can provide proof not available elsewhere. In certain instances, testimony about the credibility of a spouse (character witness) is acceptable. Witnesses are much more likely to participate if their cooperation has been secured beforehand, so the Petitioner should notify them in advance that they will be contacted by the Tribunal to give testimony. The former spouse, the parents of both parties, and witnesses suggested by both parties are among those contacted.

The Matrimonial Process

Either spouse may seek a Church declaration of invalidity of her or his marriage. A person may apply to the Tribunal of the Catholic Diocese where the marriage took place, where the former spouse resides, where the person seeking the declaration of invalidity has a permanent residence, presuming the former spouse lives within the same Episcopal Conference, or where the majority of proofs will be collected. In some cases, the Tribunal where the former spouse lives has to give consent.

To begin the matrimonial process in the Diocese of Dallas, either party from the previous marriage enlists the assistance of a local priest, deacon, or appointed layperson (called a Procurator-Advocate). If necessary, the Tribunal can be contacted for their names and phone numbers.

In completing the necessary forms, the one initiating the process (Petitioner) should answer all questions truthfully and as completely as possible. The Petition for Investigation of a Marriage Bond and the Petitioner's Questionnaire should be completed in black ink and signed by the Petitioner and by the priest, deacon, or appointed layperson, who will forward them, along with the other necessary documents, to the Tribunal. The Petitioner should keep copies of all materials sent to the Tribunal.

The other documents to be sent to the Tribunal, along with the Petition and Questionnaire, are copies of the civil marriage and divorce records, the originals of the current baptismal certificates with notations for Catholic parties, the original of the current Catholic Church marriage certificate, and a copy of the Catholic Church prenuptial file. For the legal protection of all, no case can be accepted until the Tribunal has received a copy of the complete, final, signed, civil divorce decree.

The Decision and Appeals

When sufficient information has been received, the facts are given to a panel of three Judges, or to a single Judge, for a decision. An affirmative decision means that sufficient proof has been provided to affirm that on the wedding day some element essential to marriage was missing. A negative decision means, in the eyes of the Church, the presumption the marriage is valid has not been overturned. An affirmative decision usually must be reviewed by an Appellate Court. A decision may be challenged by either of the parties or by the Defender of the Bond. Marriage in the Church is not possible until an affirmative decision is rendered and, if required, upheld by the Appellate Court. To offer some assurance that previous factors will not seriously jeopardize the success of a subsequent marriage, the Judges may direct that before a new marriage is celebrated, adequate counseling be undergone. In addition, the Judges may require verification of fulfillment of civil and moral obligations arising from a previous relationship.

Time and Cost

The Tribunal can *never* guarantee beforehand an affirmative decision in a matrimonial case since the decision must rest on the facts which surface during the investigation. Therefore, plans for a future church wedding cannot be made until a case has been given a final affirmative decision and the parties declared free to marry. The average time for the conclusion of a matrimonial case varies, and some factors are beyond the control of the Tribunal. The parties should notify the Tribunal in writing of any change in address or telephone number and should direct their questions to their Procurator-Advocates.

The Dallas Tribunal's expenses are provided through parish assessments. Should a psychological evaluation be required for the completion of a case, the Petitioner is asked to pay for the evaluation. The Petitioner also is asked to pay the fee for the Appellate Court.

Contacting the Former Spouse

The Tribunal must notify the Respondent. Church law and indeed basic justice require the other party to have the opportunity to know about the petition for invalidity and to defend the validity of the marriage. For this reason, the Tribunal asks for the Respondent's address or the name and address of someone through whom the Respondent can be reached. While the Tribunal does request that the Petitioner notify the Respondent to expect to receive a letter from the Tribunal, it does not require that the spouses have face-to-face contact in the Tribunal. But the Tribunal must extend to the Respondent the right to be heard. This right to be heard includes the opportunity to know about the petition, to offer information about the marriage, to name witnesses to be contacted, to be informed as to the progress of the case and to challenge the decision. The Respondent may choose not to exercise this right to be heard; that choice will not prevent the Tribunal from completing its study.

Do I Have a Case?

Each request is as unique as are the persons involved. While no one can be guaranteed a declaration of invalidity in advance, a person who thinks her or his marriage may have been defective from the beginning should request a study of that marriage. Many already have received justice through the matrimonial process. The Tribunal staff will do everything possible to assist the parties in this important matter.

ITEMS REQUIRED FOR INTRODUCTION OF CASES

1. Fully completed Petition for Investigation of a Marriage Bond for each marriage under review.
2. Fully completed questionnaire appropriate to the case under review; that is, the formal questionnaire for formal cases, the convalidation questionnaire for cases involving a convalidation, the DF questionnaire for absence or defect of form cases, the *ligamen* questionnaire for *ligamen* cases, etc.
3. **Copy of civil marriage certificate for marriage under review**. IF AT ALL POSSIBLE OBTAIN, ALSO, THE APPLICATION FOR THE CIVIL MARRIAGE LICENSE AND THE LICENSE from the County Clerk. For records in Texas since January, 1966, contact the Bureau of Vital Statistics, Texas Department of Health, P.O. Box 12040, Austin, TX 78711-2040, (512) 458-7111. For Dallas County, contact the County Clerk's office at Records Building, 509 Main Street, Dallas, TX 75202, (214) 653-7131.
4. **Copy** of complete, final, signed, certified, civil divorce decree filed in county in which divorce took place for marriage under review can be obtained from the District or Circuit Court Clerk. Records in Texas since March, 1968 can be obtained from the Bureau of Vital Statistics, Texas Department of Health, P.O. Box 12040, Austin, TX 78711-2040 (512) 458-7111; or if you know it took place in Dallas, contact the District Clerk, 600 Commerce Street, Dallas, TX 75202, (214) 653-6136.
5. Current (issued within the last six months) baptismal certificate with notations for Catholic Petitioner can be obtained from the church of baptism. Please submit the original (not a photocopy) of the recently issued certificate. (See example of a request on the back of this sheet.)**
6. Current (issued within the last six months) baptismal certificate with notations for Catholic Respondent can be obtained from the church of baptism; or the church of marriage can provide the name of the church and baptismal date from the marriage register. Please submit the original (not a photocopy) of the recently issued certificate.**
7. Catholic Church marriage certificate (issued within the last six months) for marriage under review can be obtained from church of marriage. (See sample of a request on the back of this sheet.)**
8. **Copy of prenuptial papers** for marriage under review can be obtained from church of marriage. **
9. Typewritten list of names and addresses of four witnesses (in addition to parents and stepparents and counselors) who are knowledgeable about the courtship and early marriage of the parties. (Include relationship to these witnesses and length of time known). Advise witnesses that they will be contacted and are to provide in-depth answers. Counselors require releases completed in the presence of a notary public.

The case, once ready for presentation, should be mailed to: Tribunal
Diocese of Dallas
P. O. Box 190507
Dallas, Texas 75219-0507

SAMPLE LETTER TO ASSIST YOU IN OBTAINING CATHOLIC CHURCH DOCUMENTS

On your parish letterhead

Note: If the case already is in the Tribunal, please indicate case name and number on your letter and send a copy of your letter to the Tribunal.

Date:

Complete address of church/diocese or archdiocese

Dear Sirs:

I am writing to request (*name of document you want*) for (*person's full name*) who was (*baptized/confirmed/married*) in (*city/state/country*). Would you be so kind as to assist us in getting a currently issued (*name of document you want*) with any appropriate notations for (*person full name*). The following information will assist you:

Name:
Date and Place of Birth:
Church of Sacrament:
City/State/Country of Church:
Diocese of Church:
Date of Sacrament:
Father's Name:
Mother's Name:
Bride/Groom names if marriage information

We are hopeful that you will be successful in this matter and are most grateful for your assistance.

Sincerely yours,

Your Name
Your Title

Note: This letter may be adapted with appropriate changes to request assistance with any sacramental church documents from inside and outside the United States.

The Tribunal has a sample letter for the Apostolic Nuncio, whose assistance can be requested after trying all other methods.

THE PARTIES' RIGHTS IN A MARRIAGE CASE

Both the Petitioner and the Respondent have rights. To favor one over the other is to deny justice. The Right of Defense (c. 1598, §1) must be protected. Denial of the Right of Defense causes irremediable nullity (c. 1620, 7°).

The following rights must be protected:

1. The right of the Respondent to be consulted by one's own Judicial Vicar (as determined by domicile) when determining the forum of competency, provided both parties reside within the territory of the same Episcopal Conference (c. 1673, 3°).
2. The right to be summoned to stand in Court, unless a Curator has been appointed by the Judge (cc: 1476-79; 1620, 5°; 99; 1508, §3; 1528). A Petitioner is expected to make all reasonable efforts to provide a current address for the Respondent. If it is determined that the Petitioner is unable to provide such, the Presiding Judge may appoint a Procurator-Advocate, and the case may proceed without her/his involvement. If the Respondent becomes present at a later time, he or she can become active in the process. If the Petitioner is able to produce evidence that the Respondent, if cited, could be a danger to herself/himself or to other people, the Presiding Judge may appoint a Curator to protect the interests of the Respondent and to receive all communications normally received by the Respondent during the processing of the case. The Respondent has the right to be cited and, therefore, notified of all judicial acts. (cc. 1507-12; 1686). The Respondent also has the related obligation to respond (cc. 1476; 1530; 1531). The Respondent who refuses to accept the citation or who prevents its delivery is considered to have been legitimately cited (c. 1510). Even after the time for response has elapsed, the Respondent may provide a declaration any time during the processing of the case.
3. The right to know the grounds for nullity posited by the Petitioner (c. 1508, §1). The *libellus*/petition is to be attached to the citation unless, for grave reasons, the Judge determines that the petition is not to be made known to the Respondent before the Respondent submits a deposition (c. 1508, §2). In her/his letter of citation, the Petitioner's allegations are made known to the Respondent. If, during the processing of the case, grounds are to be altered in any way, the Petitioner and Respondent will be contacted.
4. The right to appoint a Procurator-Advocate to assist in the process. This right is made known to the Respondent at the time of citation. The right to have appointed an Advocate and/or Procurator (cc. 1477; 1481, §1; 1490) if he/she does not appoint one. The Advocate gives legal advice and pleads the party's cause before the Tribunal. The Procurator acts as proxy on behalf of the party. Each requires a mandate.
5. The right to propose witnesses. This right is made known to the Respondent at the time of citation (cc. 1547; 1551; 1593, §1).
6. The right of each to know the names of the witnesses presented by the other, either before they are examined or at least before the publication of the testimony (c. 1554).

7. The right to raise objections against the witnesses, the experts, the Judges, the Defender of the Bond or any other officer of the Court (cc. 1555; 1576; 1449). These names are made known to both parties.
8. The right to inspect the Acts of the case at the time of publication under penalty of nullity (c. 1598, §1). Both parties with their respective Procurator-Advocates are notified after all material has been gathered and are invited to come to the Tribunal with their Procurator-Advocates to review all materials including the declaration of one another. Restriction of materials from either party is the exception and never includes the restriction of the declaration of either principal from the other. The Judge must ensure that the right of defense remains intact if he chooses to restrict certain portions of testimony.
9. The right, after examination of the Acts, to propose other items of proof (cc. 1598, §2; 1593; 1601).
10. The right to plead and respond to pleadings and observations (cc. 1603; 1606).
11. The right to be aware of the contents of the sentence and the means by which it may be challenged (c. 1614). The decision can be challenged both before the Appellate Court for the Dioceses of Texas or the Appellate Court in Rome (Rota). Both parties have the right to review the sentence with their respective Procurator-Advocates in the Tribunal office.
12. The right to challenge a sentence, even if he/she did not appear or respond before a decision was reached (c. 1593, §2).
 - By formal appeal to the Tribunal of Second Instance (cc. 1628; 1630; 1687, §2; 1637).
 - This recourse may be made even after two conforming sentences, provided that there is new and serious evidence (cc. 1643; 1644).
 - By a plaint of nullity due to some substantial defect (c. 1626).

The denial of any right to either party may render the judgment null, since her/his right to defense was denied. If the judgment is rendered null, justice to both parties may be delayed even further.



PETITION FOR INVESTIGATION OF A MARRIAGE BOND
- USE A SEPARATE FORM FOR EACH MARRIAGE TO BE REVIEWED -
Revised June 7, 2011

Protocol No. _____

(Please print with black ink)

PERSONAL DATA FOR PETITIONER:

- a. Full Name: _____
(Maiden name, if a woman): _____
b. Present Address: _____
(City State Zip Code County) Telephone: () _____
c. How long have you lived in the Dallas Diocese? _____ email: _____
How long do you intend to remain in the Dallas Diocese? _____
d. Date and Place of Birth: _____
e. Religion and Rite at time of Marriage with Respondent: _____
f. Present Religion and Rite: _____
g. Dates, Places and Denominations of all Baptisms: _____

h. LIST CHRONOLOGICALLY ALL MARRIAGES CONTRACTED BY YOU INCLUDING YOUR PRESENT MARRIAGE, IF ANY

Table with 4 columns: Name of Partner, Marriage Date, Place of Marriage (city, state, county), Who Officiated? (i.e. priest minister, civil official, etc)

i. DATE AND PLACE OF ALL CIVIL DIVORCES AND/OR DEATHS:

Table with 4 columns: Name of Partner, Final Separation Date, Divorce Date, Place of Divorce (city, state, county)

j. Name of Present Spouse or Intended Spouse: _____ (Include maiden name, if a woman)

(Baptismal status and Religion)

(Has s/he ever been married before [civil/religious or common law])?

k. Is it your intent to become Catholic? _____ Are you enrolled in RCIA? _____

PERSONAL DATA FOR RESPONDENT: (CHURCH LAW REQUIRES that the other party be contacted by the Tribunal)

- a. Present Name of Respondent (former spouse): _____
- b. (Maiden name, if a woman): _____
- c. Present Address (If current address is unknown, where can the Respondent be contacted? If you cannot obtain an address, provide a complete explanation of the efforts made to do so. Without this information, the case cannot proceed.)

(Street City State Zip Code (County)
Telephone: () _____ () _____
email: _____

- d. Date and Place of Birth: _____
- e. Religion and Rite at time of Marriage with Petitioner: _____
- f. Present Religion and Rite: _____
- g. Dates, Places and Denominations of all Baptisms: _____

g. LIST CHRONOLOGICALLY ALL MARRIAGES CONTRACTED BY RESPONDENT:

Name of Partner	Marriage Date	Place of Marriage (city, state, county)	Who Officiated?(i.e. priest, minister, civil official)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- h. How did the Respondent react when you contacted her/him about this process? _____

LIST WITNESSES PROPOSED TO VERIFY FACTS AND CIRCUMSTANCES FOR MARRIAGE WITH RESPONDENT:

CHURCH LAW REQUIRES that this investigation be proved not only by the declarations of the parties to the marriage but also by the testimonies of reliable witnesses. List persons who have knowledge of your courtship, decision to wed, engagement, wedding, and early period of the marriage and who will provide us with information. Your parents and stepparents and those of your former spouse are contacted. List at least four other family members and/or mutual friends. Enlist the cooperation of witnesses before providing their names to the Tribunal. Witnesses are directly contacted by the Tribunal. They are to return their statements to the Tribunal rather than through you. Witnesses should keep a copy of their statements in case the original is lost in the mail.

Name of Petitioner's Father: _____
Address: _____ City/State/Zip: _____
Telephone No.: () _____ Religion and Rite of Father: _____

Name of Petitioner's Mother (Present) _____ (Maiden Name): _____
Address: _____ City/State/Zip: _____
Telephone No.: () _____ Religion & Rite of Mother: _____

Name of Petitioner's Stepfather, if any: _____ Telephone No.: _____
Address: _____ City/State/Zip: _____

Name of Petitioner's Stepmother, if any: _____ Telephone No.: _____
Address: _____ City/State/Zip: _____

Name of Respondent's Father: _____
Address: _____ City/State/Zip: _____
Telephone No.: _____ Religion & Rite of Father: _____

Name of Respondent's Mother (Present) _____ (Maiden Name): _____
Address: _____ City/State/Zip: _____
Telephone No.: _____ Religion & Rite of Mother: _____

Name of Respondent's Stepfather, if any: _____ Telephone No.: _____
Address: _____ City/State/Zip: _____

Name of Respondent's Stepmother, if any: _____ Telephone No.: _____
Address: _____ City/State/Zip: _____

FOUR ADDITIONAL WITNESSES are required:

Name: _____ Relationship: _____ Telephone No: _____
Address: _____ City/State/Zip: _____
Year This Person Met You: _____ Year This Person Met Your Former Spouse: _____

Name: _____ Relationship: _____ Telephone No: _____
Address: _____ City/State/Zip: _____
Year This Person Met You: _____ Year This Person Met Your Former Spouse: _____

Name: _____ Relationship: _____ Telephone No: _____
Address: _____ City/State/Zip: _____
Year This Person Met You: _____ Year This Person Met Your Former Spouse: _____

Name: _____ Relationship: _____ Telephone No: _____
Address: _____ City/State/Zip: _____
Year This Person Met You: _____ Year This Person Met Your Former Spouse: _____

Did all the witnesses, including your parents and those of your spouse, agree to serve?

AGREEMENT

I, the Petitioner, respectfully request that the Tribunal of Dallas review my marriage with _____
(I understand my former spouse will be contacted and given an opportunity to answer this petition.)
I request that after the investigation is made there be a final judgment declaring the marriage invalid and establishing my freedom to marry in the Catholic Church.

As evidence to support this petition, I offer my own declaration; the testimonies of witnesses; any documents which may be pertinent; and other proofs which may reveal the nature of this marriage under investigation. I understand all documents submitted to the Tribunal by me or anyone else will become the property of the Dallas Tribunal and be preserved according to Church law. I understand my former spouse and I will be able to review, in the Tribunal offices, the case file, including each other's declaration and all other unrestricted materials.

My domicile (place of residence) and that of the Respondent are correctly noted on this petition.

I confirm as my Procurator-Advocate the person appointed by the First Instance Judge. I hereby mandate that my Procurator-Advocate perform in my name, including renunciation, all that may be necessary in my interests.

I recognize the Tribunal cannot guarantee a time frame for the completion of this case. I acknowledge I cannot set a date for any marriage, including a convalidation, until I have received final notice that I am free to marry and that any stipulations placed by the Tribunal have been fulfilled. **I ALSO UNDERSTAND THAT NO PRIEST, DEACON OR CHURCH MINISTER MAY PROVIDE ME WITH EVEN A TENTATIVE DATE FOR A FUTURE WEDDING IN THE CATHOLIC CHURCH UNTIL THIS PROCESS HAS BEEN COMPLETED.**

I understand that counseling may be mandated before permission will be given for a marriage in the Catholic Church and that some materials from my file may be given to the clergy or lay person counseling and/or preparing me for marriage in the Church. I agree to pay the fee for this assessment. I also agree to pay for any psychological evaluation that may be required to bring my case to completion. I understand I will be responsible for the fee if/when my case is sent to the Appellate Court.

I know civil and moral obligations arising from my prior marriage must be met before I can marry in the Church.

I hereby affirm that the facts supplied are true and correct and affix my signature to this Petition.

(Petitioner)

Subscribed before me at _____

on _____

(Priest, Deacon or Lay Minister)

ROLE OF THE PETITIONER'S PROCURATOR-ADVOCATE

In the Diocese of Dallas, the Petitioner appoints the same person as both Advocate and Procurator. He/she can at any time appoint someone else in the place of either or both.

The Petitioner's Procurator-Advocate ensures that at all times the rights of her/his client are protected:

1. To provide testimony
2. To know the proposed grounds
3. To know the issue on which the case will be joined
4. To be informed of any proposed change in grounds
5. To appoint a Procurator and/or Advocate
6. To know the names of the witnesses proposed by the former spouse
7. To propose witnesses
8. To review a copy of the *Acta* in the local Tribunal office
9. To review a copy of the First Instance Decision in the local Tribunal Office
10. To appeal the First Instance decision to the Appellate Court for the Dioceses of Texas or to the Roman Rota
11. To review a copy of the Second Instance decision in the local Tribunal office
12. To be kept fully informed throughout the processing of the case

The Petitioner's Procurator-Advocate also has important rights in the process. Among the most significant are:

1. Exemption from any requirement to testify in the case (canons 1548, §2, 1°; 1550, §2, 1°). This is akin to the attorney-client privilege of civil law.
2. Participation in the examination of the witnesses, unless restricted by the Judge due to particular circumstances (canon 1550). This includes the right to propose questions for the Judge or Auditor to ask of a witness, but not to ask questions directly unless Tribunal norms provide for that (canon 1561).
3. The right to review the published Acts of a case and the right to a copy of the Acts (canon 1598, §1).
4. The right to present written or oral briefs in defense of the client's position (canons 1601-1603), within the reasonable regulations issued by the Tribunal.

The Petitioner's Procurator-Advocate is crucial to the protection/vindication of the rights of the Petitioner and to the smooth functioning of the tribunal in its judicial procedure.

The Procurator-Advocate represents the Petitioner to safeguard the rights of that party. He/she need not have a degree in Canon Law but must have completed sufficient advocate training, be a Catholic of at least 18 years of age and of good reputation, and be approved by the Bishop.

The Procurator-Advocate is the person empowered to act in place of the Petitioner. He/she acts on behalf of the party as well as directs and guides her/him. The Procurator-Advocate advises the Petitioner and the Court on behalf of the party.

The role of the Petitioner's Procurator-Advocate is several-fold:

1. To know the specific problem in the marriage under consideration
2. To comply faithfully with the procedural norms
3. To help the party prepare the defense, according to the norms of law
4. To represent the party
5. To add new grounds or change the accepted grounds
6. To renounce the action if it becomes evident there are no grounds
7. To review the Acts of the case (for purposes of publication, c. 1598 and DC 229)
8. To receive the sentence (for purposes of publication, c. 1614 and DC 258)
9. To appeal the case and serve as Advocate in Second Instance, if necessary
10. To carry out other acts that may be opportune or necessary; that is, designate new witnesses, call for expert advice, etc.

As most Petitioners to a nullity case are unfamiliar with the workings of a tribunal, it is to their benefit to have a Procurator-Advocate.

The Petitioner's Procurator-Advocate, who also introduces the case, does the following:

1. Spends a minimum of two hours initially helping the client get the case into the Tribunal. Much of this time will be spent in listening actively to the client
2. Assists the Petitioner to complete the Petition for Investigation of a Marriage Bond, including providing a list of four knowledgeable witnesses, in addition to parents and stepparents
3. Assists the Petitioner to obtain copies of the civil marriage application, license and certificate and the final, signed civil divorce decree.
4. Assists the Petitioner in obtaining the Church documents, that is, current baptismal certificates with notations for the Catholic parties and a current Church marriage certificate
5. Obtains a copy of the prenuptial papers from the church of marriage
6. Obtains a copy of the entry in the Church marriage register
7. Assists the Petitioner in completing the appropriate Petitioner's questionnaires, being sure that all questions have been answered fully
8. Submits the case to the Tribunal

It is important in all dealings with the client to exercise attentive listening skills as he/she shares the pain of a broken relationship. The client is opening up wounds that perhaps have not been exposed to anyone else. Putting the client at ease will go a long way in helping the person to tell her/his story fully so the Tribunal can perform its judicial function. Whatever the Procurator-Advocate learns is confidential to be shared only with the Tribunal.

Good questions to ask the client while working with her/him: (1) How would the other partner to your marriage view the marriage? (2) How would other people view your marriage? (3) Are you emotionally ready to go through the process? The Procurator-Advocate will help the Petitioner draw out the important points of the matter to be adjudicated. The Procurator-Advocate may suggest appropriate witnesses, including expert witnesses, to be called. The Procurator-Advocate works for the Petitioner and serves as the point person between the Tribunal and the Petitioner.

HINTS FOR UTILIZING THE TRIBUNAL PROCESS

1. Select an Advocate with whom you are comfortable to introduce your case. If you are not comfortable with any of the clergy or lay ministers in your own parish who introduce cases telephone the Tribunal so that you can put be put in touch with appropriate persons.
2. Complete the appropriate Petitioner's questionnaire in black ink utilizing backs of pages if necessary. The Tribunal does not require an elaborate presentation on the computer. Your own hand written questionnaire will suffice for Tribunal purposes. Keep copies of all materials you submit to the Tribunal.
3. In telling your story give the necessary facts recognizing that the Tribunal is not in the business of placing blame on either party. You do not have to build up yourself at the expense of the other partner. Remember when you are writing your testimony to realize that your former spouse will have access to it as you will that of your former spouse.
4. Include whatever information is pertinent regardless of how embarrassing it might be to you or someone else. The Tribunal is better able to assist you if you provide the necessary information. Your Advocate can guide you in making such a decision.
5. Alert your former spouse ahead of time to expect contact from the Tribunal and enlist her/his support.
6. Provide the complete names and current addresses of four witnesses, in addition to parents and stepparents of both parties, who are knowledgeable about you and your former spouse while you were dating, making the decision to marry, engaged, going through the wedding ceremony, and living out the early period of your married life. Prior to proposing a witness, enlist her/his support and remind the witness that to be helpful to you the witness should not take sides but should present information in the most direct, honest way.
7. Consider releasing "expert witnesses" such as counselors or health professionals, clergy, social workers, etc. who might know something about the marriage in their professional capacity.
8. Periodically contact your Advocate so that he or she can check on the case. Your Advocate is your liaison with the Tribunal and will be happy to talk with the Tribunal for you concerning the progress of your case. You may be asked by the Tribunal, via your Advocate, to provide additional information or to contact your witnesses if they are not responding in a timely way to the Tribunal.
9. Do not set a wedding date including a date for convalidation until you have received a decision in First Instance which has been, if necessary, confirmed by the Appellate Court and until any stipulations placed by either Court have been fulfilled.
10. Inform the Tribunal in writing of any changes of address for yourself, former spouse or witnesses.

ROLE OF THE RESPONDENT'S ADVOCATE

In the Diocese of Dallas the Presiding Judge appoints an Advocate for the Respondent before he/she is contacted. The Respondent then, at any time, can appoint a replacement.

The Respondent's Advocate ensures that at all times the rights of his/her client are protected:

1. To provide testimony
2. To know the proposed grounds
3. To know the issue on which the case will be joined
4. To be informed of any proposed change in grounds
5. To appoint a Procurator and/or Advocate
6. To know the names of the witnesses proposed by the former spouse
7. To propose witnesses
8. To review a copy of the *Acta* in the local Tribunal office
9. To review a copy of the First Instance Decision in the local Tribunal Office
10. To appeal the First Instance decision to the Appellate Court for the Dioceses of Texas or to the Roman Rota
11. To review a copy of the Second Instance decision in the local Tribunal office
12. To be kept fully informed throughout the processing of the case

The Respondent's Advocate has important rights in the process. Among the most significant are:

1. Exemption from any requirement to testify in the case (canons 1548, §2, 1°; 1550, §2, 1°). This is akin to the attorney-client privilege of civil law.
2. Participation in the examination of the witnesses, unless restricted by the Judge due to particular circumstances (canon 1550). This includes the right to propose questions for the Judge or Auditor to ask of a witness, but not to ask questions directly unless Tribunal norms provide for that (canon 1561).
3. The right to review the published Acts of a case and the right to a copy of the Acts (canon 1598, §1).
4. The right to present written or oral briefs in defense of the client's position (canons 1601-1603), within the reasonable regulations issued by the Tribunal.

The Respondent's Advocate is crucial to the protection/vindication of the rights of the Respondent and to the smooth functioning of the tribunal in its judicial procedure.

The Advocate represents the Respondent to safeguard the rights of that party. He/she need not have a degree in Canon Law but must have completed sufficient advocate training, be a Catholic of at least 18 years of age and of good reputation, and be approved by the Bishop.

The role of the Respondent's Advocate is several-fold:

1. To know the specific problem in the marriage under consideration
2. To comply faithfully with the procedural norms

3. To help the party prepare the defense, according to the norms of law
4. To represent the party
5. To review the sentence with the Respondent (for purposes of publication, c. 1614 and DC 258)
6. To serve as Advocate in Second Instance, if necessary

As most Respondents to a nullity case are unfamiliar with the workings of a tribunal, it is to their benefit to have an Advocate.

It is important in all dealings with the client to exercise attentive listening skills as he/she shares the pain of a broken relationship. The client is opening up wounds that perhaps have not been exposed to anyone else. Putting the client at ease will go a long way in helping the person to tell her/his story fully so the Tribunal can perform its judicial function. Whatever the Advocate learns is confidential to be shared only with the Tribunal.

The Respondent's Advocate does the following:

1. Spends time actively listening to the client
2. Enables the Respondent to understand the allegations and process
3. Assists the Respondent to provide knowledgeable witnesses if he/she desires. Assists the Respondent in completing releases if expert witnesses are to be called
4. Assists the Respondent in completing the appropriate Respondent's questionnaire(s); be sure that all questions have been answered fully

NULLITY SUBMISSIONS

Following are a few helpful hints to make your nullity cases move a little more efficiently:

1. In all cases, provide a copy of the complete, certified, final, signed, civil divorce decree.
2. In all cases, provide the complete, current address for the Respondent; this must be a domicile, rather than merely a mailing address.
3. In formal cases, provide four witnesses, in addition to parents/stepparents of each, who have known at least one party prior to the wedding; if one or both saw an “expert,” this person may qualify, even if he/she did not know either party prior to the wedding. However, remember that, if the expert is proposed, a release must be signed by each party who saw the counselor; otherwise, we cannot contact. Be sure the Petitioner has confirmed with the witnesses their current mailing addresses, including zip codes, and current telephone numbers and that the information is legible.

Without the above three items, critical to the acceptance of the *libellus*, the case will receive a number and you will be contacted as to what is needed and the Petitioner advised to call you; but very little more can be done until we receive these items.

In addition, submit only photocopies, not original copies, of civil documents.

When communicating with us after the case has received a protocol number, be sure to include the protocol number, so we can locate the file and/or the entry in the data base.

We have highlighted only some of the crucial areas that sometimes are overlooked and, thus, slow down the processing. If there are any questions, please contact Margaret Gillett via email, mgillett@cathdal.org, or telephone (214) 379-2840.

MARRIAGE READINESS ASSESSMENT INSTRUCTIONS

As of August 9, 2011

In order to enhance our service to those preparing for marriage, we have revised, slightly, our way of dealing with stipulations placed on Petitioners and Respondents when affirmative nullity decisions are rendered. This new procedure will enable you to select the Assessor you consider most suitable for the couple you are preparing.

Henceforth, whenever you are preparing a person to marry on whom a *monitum* or *vetitum* has been placed by the Dallas Tribunal:

- Locate a Marriage Readiness Assessor for availability (see attached list)
- Assist the Petitioner or Respondent to complete the enclosed release
- Send the completed release to me
- Instruct the Petitioner or Respondent to watch for a letter from the Tribunal. The letter will instruct the person to make an appointment with the designated Marriage Readiness Assessor. Make sure the party understands that he/she is not to attempt to make an appointment with the Assessor until after receiving the letter from the Tribunal directing her/him to do so.

We then will send a copy of the decision to the selected Marriage Readiness Assessor. Once we receive an evaluation from the Assessor, we will consider lifting the stipulations.

Reminder:

- Verify that all previous marriages, whether under the auspices of the Catholic Church or not, have been reviewed and, if necessary, declared invalid before setting any wedding date.
- Assist the party to complete a release for each case processed for either party in the Diocese of Dallas.
- Contact directly the Judge in the case for any case adjudicated in another tribunal to follow that Diocese's procedure to get a copy of the decision into the hands of the selected Marriage Readiness Assessor.

If you need to consult with me in this regard, of course, feel free to call. And feel free to call about any questions you may have concerning the preparation of your people for marriage in the Church.

MARRIAGE READINESS ASSESSOR RELEASE FORM

As of August 9, 2011

Protocol Name and No:

Dear Ms. Gillett:

By means of this letter, I, _____, give permission to the Diocese of Dallas Tribunal to send copies of the Sentence as well as other documentation from the above-referenced case file to my Marriage Readiness Assessor, _____.

My intended/spouse, _____, and I agree to meet with the above Assessor and pay the required fee. We understand the Assessor will file an evaluation with you in order that consideration can be given to the lifting of stipulation(s) placed by the Judge(s) at the time the decision was rendered.

Signature of Petitioner/Respondent

Date

Signature of current/intended spouse

Date

A separate form should be completed for each case adjudicated in the Diocese of Dallas for either party.

If a case was adjudicated for either party in another diocese, contact the Judge in that case to obtain a copy of the decision for the Marriage Readiness Assessor.

MAIL COMPLETED RELEASE AND EVALUATION TO:

Margaret Gillett, Assessor
Diocese of Dallas Tribunal
P. O. Box 190507
Dallas, TX 75219

Diocese of Dallas



TRIBUNAL
3725 Blackburn Street
P.O. Box 190507
Dallas, TX 75219
214-379-2842 FAX 214-523-2437
mgillett@cathdal.org

MARRIAGE READINESS ASSESSORS

As of December 5, 2011

Robert B. Breen, Ed.D., LPC, LMFT, LCDC	Counseling & Consulting Services 661 Justin Rd. Rockwall, TX 75087	972-771-5264 drobertbreen@att.net	Bilingual English,& Spanish
Michael L. Brock, LPC	2995 LBJ Frwy, Ste 228 Farmers Branch, TX 75234	(214) 364-4154 mike@mikebrock.org www.mikebrock.org	
Judith P. Clark, LPC	St. Mark the Evangelist Churc 1100 W 15 th St Plano, TX 75075	(972) 424-5794	
Ron Eubanks, PhD, LMFT	17480 Dallas Pkwy, Ste 108 Dallas, TX 75287	(972) 713-9098	
Gale Frazier, LPC, LMFT, LCDC	Associated Counseling Center 115 W Wheatland, Ste B Duncanville, TX 75116	(972) 298-9989	
Libby Fischer-Osborne, LPC	8215 Westchester Suite 307 Dallas, TX 75225	(214) 288-9241 LFOLPC@yahoo.com	
Diane Gawedzinski, MEd, LPC	DBG Counseling, LLC PO Box 381852 Duncanville, TX 75138-1852	(214) 293-8090	
Debbie Gonzales, LPC	St. Mark the Evangelist Churc 1100 W 15 th St Plano, TX 75075	(972) 423-5600 x235	Bilingual (Spanish)

Angela M. Gwinn, M.A., LPC	Prince of Peace 5100 Plano Pkwy. West Plano, TX 75093	972-380-2100 ex. 134	
Elia R. Meyers, MA, LPC	Holy Trinity Pastoral Care 3826 Gilbert Ave Dallas, TX 75219	(214) 526-6356	Bilingual (Spanish)
David McKeon, EdD, LMFT	McKeon & Bucher Counseling 661 Justin Rd Rockwall, TX 75087	(972) 771-5264	
Ms. Diana Morin, LPC-S, LMFT	167 Georgian Drive Coppell, TX 75019	214-344-6629 Dianamorin@aol.com www.discoveriescounseling.com	
Elizabeth T. Moulin, MA, LPC, LMFT	14510 Southern Pines Dr Dallas, TX 75234-2233	(972) 247-6390	
George R. Mount, Ph.D	Clinical Psychology 6750 Hillcrest Plaza # 221 Dallas, TX 75230 1425	972-458-8333 ex. 227 972-458-7061 georgermount@yahoo.com	
Ed. O' Brien, Ph.D., LMFT	St. Rita Catholic Community 12521 Inwood Rd. Dallas, TX 75224	972-934-8388 x. 205	
Susan Parker, MEd, LPC, LMFT	331 Melrose, Ste 105 Richardson, TX 75080	(972) 517-8138	
Maribel Rodriguez, MA, LPC	2300 Valley view Lane Suite 338 Irving, TX 75062	972-514-7502	Bilingual (Spanish)

Gishela Satarino, LPC-S	Catholic Charities 180 Samuel Blvd., Suite 413 Coppell, TX 75219	214-280-3664	Bilingual (Spanish)
Souad Shrime, MS, LPC, NCC	St Thomas Aquinas Cath. Church 6306 Kenwood Ave Dallas, TX 75214	(214) 502-8678	Bilingual (Spanish, French, Arabic)
Magdalena Solano Smith, MA, LPC	214 S Main St, Ste 101 F Duncanville, TX 75116	(972) 283-4336	Bilingual (Spanish)
Raymond H. Smith, MA, LPC	15500 Western Trail Frisco, TX 75035	(972) 569-9665	