



**ROMAN CATHOLIC
DIOCESE of ORANGE**

PASTORAL CENTER: OFFICE OF CANONICAL SERVICES
13280 CHAPMAN AVENUE, GARDEN GROVE, CA 92840

EMAIL: MARRIAGETRIBUNAL@RCBO.ORG

VOICE: 714-282-3080 FAX: 714-282-3087

APPLICATION FOR FORMAL DECREE OF NULLITY

Dear Petitioner,

You are to be commended for taking this first step in clarifying your marital status in the Catholic Church. We hope that this process will be a time of healing and spiritual growth.

The Catholic Church believes that marriage is sacred and that it affects the family, society, and the Church. The Church law states that: "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized." (Canon 1055). This teaching forms the basis of the Tribunal's investigation.

There is no divorce in the Catholic Church. Every marriage, whether sacramental or not, is presumed valid until proven otherwise, and it is supposed to be for life. Unfortunately, divorce is a reality of our society. Divorce is always difficult both for the parties and for the children, and it can affect one's sacramental life in the Church particularly when the person remarries civilly. Because of this, all Catholics, and any other persons whose marriages have ended in divorce, and now desire to marry in the Catholic Church have the right to ask the Church (ordinarily through the Tribunal) to investigate the possibility of the nullity of their marriages.

The Tribunal is composed of specially trained priests, deacons and lay persons appointed by the Bishop of the Diocese of Orange who will determine your current marital status and your eligibility to marry in the Catholic Church. The Tribunal's primary goal is to minister to you and to the Respondent during this process.

Marriage nullity/invalidity may be declared only by the Tribunal if it can be shown through a formal inquiry that, at the time of consent, at least one of the parties lacked an intention or capability required to establish a binding marital commitment as understood by the Catholic Church. If nullity/invalidity is declared, both parties would be free to enter another marriage in the Catholic Church, if they choose to do so. This declaration does not deny that a real relationship existed, nor does it imply that the relationship was entered with ill will or moral fault. It does not seek to place blame or establish guilt.

Declaration of marriage nullity/invalidity in the Catholic Church does not affect the legitimacy of any children of the marriage and has no consequences whatsoever in civil law.

Competency

In accord with *Mitis Iudex Dominus Iesus*, a *motu proprio* promulgated by Pope Francis on September 08, 2015, an application for marriage nullity may be accepted in the Tribunal of Orange if: 1) the marriage took place in the Diocese of Orange; 2) the Petitioner or Respondent has domicile or quasi-domicile (minimum of 3 months) in the Diocese of Orange; or 3) most of the proofs can easily be gathered or are available in the Diocese of Orange.

Investigation Process

The application for marriage nullity begins at the parish level with the assistance of the parish priest or deacon. The Petitioner completes the application and sends it to the Office of Canonical Services / Diocesan Tribunal with the required documents, such as marriage license, divorce decree, baptismal certificate, and the whereabouts of the Respondent, etc. When all available information has been gathered, the Petitioner or the Respondent will be contacted by and/or will meet with the priest of the Diocesan Tribunal. It is the responsibility

of the priest or deacon to explain the process with the Petitioner and to review his/her responses to the questions. The priest/deacon is to ensure that questions are satisfactorily answered and that the other required documentation is complete.

The following persons are vital to the investigation process:

- Petitioner: The Tribunal requires absolute collaboration from the Petitioner to ensure a smooth investigation.
- Respondent: Church law requires that once the Tribunal has received and accepted the Petitioner's application, the Tribunal is to contact the Respondent and invites him/her to participate in the proceedings. Should the Respondent choose not to participate, the case will nonetheless continue. If the Respondent's whereabouts are unknown, the Petitioner must explain what efforts have been made to locate the Respondent. The Tribunal is required by church law to take reasonable steps to locate every Respondent.
- Witnesses: The Tribunal understands that no one is aware of every difficulty, stress, or trauma in someone's marriage. However, supporting testimony from the witness is essential to clearly establish the facts and the truth of the case. Immediate family members, relatives or friends who were aware of the marriage can be named witnesses. Counselors or therapists who were seen either during the course of the marriage, or after the marriage ended, might also be approached for their observations.

An ecclesiastical declaration of marriage nullity is made after the Defender of the Bond has given the animadversions (observations) and after moral certitude has been reached by the Judges. The petitioner or the respondent who feels aggrieved by the decision of Court, and likewise the Defender of the Bond, have the right to appeal the decision (Canon 1628).

Civil Effects

A decree of ecclesiastical nullity has no effects in civil law in this country, nor does it affect the legitimacy of children (Canon 1137).

Fee

A fee of **\$700.00** is requested, payable in three (3) installments: a) an initial **NON-REFUNDABLE** fee of **\$200.00** when submitting your application; b) a second payment of **\$250.00** when the instruction of the case is complete, and c) the final payment of **\$250.00** will become due when case is concluded.

Please note that cases are accepted and handled regardless of finances, but that all Petitioners are expected to contribute to the best their ability. Payment plans can be arranged. Please note that the fees that this office collects cover less than one fourth of the real costs involved. The shortfall is subsidized by the generosity of the Bishop and the Catholic people of the Diocese of Orange.

Sincerely yours in Christ,

Rev. John Caronan, O.Praem., JCL
Director of Canonical Services

Case Name: _____

Case #: _____

Petitioner

First Name: _____ Middle Name: _____
Current Last Name: _____ Maiden/Birth Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Cell Phone : (_____) _____ Home Phone: (_____) _____
E-Mail: _____
Date of Birth: _____ City & State of Birth: _____ Primary Language: _____
Have you ever been baptized? YES NO Are you currently enrolled in RCIA? YES NO
If baptized, in which religion? _____ Would you like to become Catholic? YES NO
What religion do you currently practice? _____
Which Church do you attend: _____
City of Church you attend: _____

Respondent

First Name: _____ Middle Name: _____
Current Last Name: _____ Maiden/Birth Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Home Phone: (_____) _____ Work: (_____) _____
E-Mail: _____
Date of Birth: _____ City & State of Birth: _____ Primary Language: _____
Has s/he ever been baptized? YES NO
If so, in which religion was s/he baptized: _____
What religion does s/he currently practice? _____

Marriage

When did you first meet the Respondent (approximate month & year): _____

When were you engaged (approximate month & year): _____

Date of Marriage: _____

City and State of Marriage: _____

Place of marriage (church, chapel, courthouse, etc.): _____

Name of Church: _____

Was this a validation or religious ceremony of a civil marriage? YES NO (if no, please complete the following)

Date of Validation: _____

Parish of Validation: _____

City and State of Church: _____

Number of Previous Marriages by Petitioner: _____

Number of Previous Marriages by Respondent: _____

Petitioner's age at marriage: _____ Respondent's age at marriage: _____

Number of Children: _____ Ages: _____

Divorce

Date of Final Separation: month _____ year _____

Date of Final Decree of Divorce: _____

Number of Later Marriages by Petitioner: _____

Number of Later Marriages by Respondent: _____

In regards to this marriage, have you petitioned another diocesan tribunal for a formal tried nullity? YES NO

If so, when: _____

Where: _____

Present Marital Status of the Petitioner

Are you seeing someone or in a relationship with someone you may marry?* YES NO

*(*if this person has a previous marriage, this marriage must also be investigated and requires a separate annulment process)*

Are you currently engaged? YES NO

Are you currently remarried civilly? YES NO

Please complete the following information regarding your **Present/Intended spouse**:

First Name: _____ Middle Name(s): _____

Maiden Name: _____ Current Last Name: _____

Has your present/intended spouse been baptized? YES NO

If no, is intended spouse enrolled in RCIA? YES NO

If baptized, in which religion? _____

Has your present/intended spouse been married before? YES NO

If so, how many times? _____

Is the ex-spouse of your present/intended spouse deceased? YES NO

If your intended spouse has a previous marriage, has that marriage been declared null through the Catholic Church?
YES NO

Counseling

Did you ever seek professional counseling for the difficulties you experienced before, during, or after this marriage:
YES NO

If yes, please give the specific months and years: _____

Please give the name and the complete address of the therapist or counseling center:

Witnesses (please include as many as desired-minimum of 4 –use separate sheet if needed)

**Please indicate if you do not want your parents to act as witnesses.*

1. Father's Name: _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____

2. Mother's Name: _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____

Please provide the names of additional witnesses who knew you and the Respondent before or during the marriage.

3. Name: _____ (Relationship): _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____

4. Name: _____ (Relationship): _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____

5. Name: _____ (Relationship): _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____

6. Name: _____ (Relationship): _____

Address: _____ City/State/Zip: _____

Phone Number: _____ (Spanish) (Vietnamese)

E-Mail: _____



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STATEMENT OF DIOCESAN TRIBUNAL POLICY

The proceedings of the Diocesan Tribunal are exclusively religious in nature and are governed solely by the laws of the Roman Catholic Church. The sensitive nature of the information gathered in this process and the dictates of charity require that the information be considered confidential. The information is not made available to the witnesses or anyone acting in their behalf, nor in any civil proceedings. This information is made available as required by Church law for inspection to the Petitioner, the Respondent, and officers of the Tribunal. The Presiding Judge may restrict the availability of the information for serious reasons, such as avoidance of defamation of character, family discord, or scandal. It is the policy of the Tribunal to disclose this information to those authorized ecclesiastical officials or other ecclesiastical Tribunals when necessary for the resolution of the case.

DECLARATION OF THE PETITIONER:

I declare, under penalty of perjury, that the foregoing is true and accurate to the best of my knowledge.

I have read the Statement of Tribunal Policy. I understand it and I voluntarily agree to be bound by the policies explained in that statement.

Signature of Petitioner

Date

Name of Priest

Signature of Priest

Parish

Parish Seal

City

State

Zip

QUESTIONNAIRE - FORMAL DECREE OF NULLITY

*[Please use 8½x11" paper to respond to these questions.
One word or one sentence answers are not sufficient.
Please give detailed examples with several sentences or paragraphs]*

Background

1. Briefly state your educational background and the educational background of the respondent. What kind of students were you?
2. Give a brief resume of your previous employment, and that of the respondent, and indicate your present employment.
3. Please describe your own family life and your growing up years, your relationship with your parents and your parents' relationship with each other.
4. Please describe your religious upbringing: the practice of your religion while growing up and what your church taught regarding marriage.
5. Please describe the respondent's family life and his/her growing up years, the relationship with the parents and the parent's relationship with each other.
6. Please describe the respondent's religious upbringing: the practice of his/her religion while growing up.

Courtship

7. Describe your dating and courtship, i.e., when did you meet, for how long a period did you date, and how frequently. Were there any serious issues or breakups during this period?
8. Please state your motivation for marrying the respondent when you did. What do you believe the respondent's motivation was for marrying you?
9. What was the attitude of the parents of each party to the proposed marriage?
10. Were there any unusual circumstances immediately before, during, or immediately after the wedding? Please explain.
11. Please describe any circumstances or indicate any reasons that may have negatively affected true and binding marital consent, such as: a) an intention not to have children; b) a conviction that divorce dissolves a marriage; c) undue pressure from any person or circumstance; d) a hastily made decision to marry; e) any emotional or physical health problems.

The Marriage

12. What was the first serious problem in the marriage and when did it occur? How did the two of you handle it?

13. What were the major areas of disagreement between you and the respondent? Please explain how you and the respondent dealt with such disagreements and the extent to which you were able to resolve them.
14. Please explain how you and the respondent settled the balance of power between you during the marriage.
15. Please explain the extent to which you and the respondent were able to communicate honestly and effectively with each other and the degree to which each of you were able to share and express your feelings to one another.
16. Describe the extent to which you and the respondent felt and expressed trust and confidence in each other and the degree to which each of you felt and demonstrated respect for yourselves and one another.
17. To what extent were you and the respondent able to exchange affection, to give and receive expressions of warmth and closeness? Was your sexual life together satisfactory? If there were problems in these matters, please explain.
18. Explain the extent to which you and the respondent were able to handle the everyday responsibilities of living with each other and of dealing with the practical aspects of married life, e. g., a) financial; b) shared leisure time; c) household responsibilities; d) care of children; e) individual careers.
19. To what extent was your ability to live happily with one another impaired by interference from the parents and family of either party? Please explain.
20. Did you or the respondent have any history of or difficulty with a) alcohol abuse; b) drug addiction; c) emotional, physical, or sexual abuse; d) the law? Please explain.

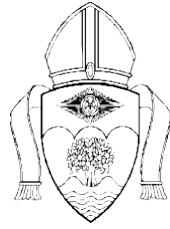
The Separation

21. Were there separations in the marriage other than the final separation? Explain in some detail the chief reason(s) for the breakup of the marriage?
22. Explain what efforts, if any, were made to get professional or pastoral counseling.

Conclusion

23. Please add any other useful information that you believe would be helpful.

DIOCESE OF ORANGE



Checklist for Canonical Petitions for Formal Trial

In keeping with our commitment to work together with our Tribunal to provide the best possible service to those who seek justice at our Tribunal:

- By communicating clearly and honestly to others about the canonical process that is used;
 - By making sure that the documents are completed correctly when submitted;
 - By responding to the Tribunal's request for other documents in as timely a fashion as possible;
1. I have given no assurance that an Affirmative decision, that is, a declaration in favor of nullity will be given.
 2. I have given no assurance that the Tribunal process will be completed within a specified amount of time.
 3. I have not myself, nor have I allowed others, to schedule a wedding date – not even a tentative date – nor will I make any arrangements for a future Catholic marriage or convalidation until such time as a final Decree of Nullity issued.
 4. I have explained that, in certain cases, the judge may be required by canon law or otherwise deem it necessary to employ the services of a professional in the behavioral sciences to assist in clarifying issues. I have explained that the Church will not be responsible for any fees associated with these services.
 5. I have explained that if circumstances causing the invalidity of the marriage so indicate, the Tribunal may require that he or she seek professional counseling before any subsequent marriage in the Catholic Church is permitted and that all expenses in connection with such therapy or counseling are not the responsibility of the Church.
 6. I have explained that it is mandatory under canon law that the Tribunal contact the petitioner's former spouse and inform him/her of the proceedings, since the proceedings will also affect his/her canonical status.

Check one:

- I have included the complete address where the ex-spouse can be reached.
- The petitioner no longer has the address of the ex-spouse. However, a good faith effort has been made to locate the formal spouse and any information that is known about his/her whereabouts has been included in this petition.

7. I attest that the petitioner understands his/her ex-spouse's right to participate in these proceedings, to know the allegations made against the validity of the marriage; and to review the evidence as an active participant in the proceedings.
 - Because of the situation between the two former spouses and/or civil legal requirements, I ask that the Tribunal not reveal any information about the whereabouts of the petitioner and/or their children.
8. I have explained to the petitioner, and the petitioner understands and accepts, that if a declaration of Nullity is granted the ex-spouse does have the right to appeal that decision to the Court of Appeals and/or to Rome.
9. I attest that those people listed as witnesses in this case have been contacted by the petitioner and have agreed to give written/oral testimony at such time as they are contacted by the tribunal.
10. A signed copy of this checklist has been given to the petitioner.
11. I have explained to the petitioner that they should inform the respondent that a petition for marriage nullity has been filed with the Diocese of Orange and that they should expect to be contacted by the Tribunal directly.

The following are included and submitted with this petition:

- The **marriage license from the county recorder's office (no abstracts)** for the marriage in question and **baptismal certificates** for the Catholic Petitioner.
- The final decree of **civil judgment of divorce** or **civil annulment**.

-and-

- A NON-REFUNDABLE filing fee of \$200.00. I have explained that a second payment of \$250.00 will become due when and if the case is prepared for adjudication, and that a final payment of \$250.00 will become due when the case is concluded.

-or-

- The petitioner has indicated to me that the fees listed above would prove to be a significant financial hardship, and to the best of my knowledge this is true. Therefore, I have discussed with the petitioner several payment options and the petitioner has agreed to the following payment schedule:

Signature of Priest/Deacon/Pastoral Associate

Parish

Date