

APPLICATION AND *LIBELLUS* FOR A DECLARATION OF NULLITY
DIOCESE OF LAFAYETTE

The Tribunal
P. O. Box 3387
Lafayette, LA 70502-3387
(337) 261-5623

For Tribunal Use Only:

Protocol Number: _____ Type of Case: _____ Date Received: _____

(Omission of any items below will cause a delay in the processing of the case)

1. Self: *(Indicate full present name)*

Name: _____ Religion: _____

(Full Maiden Name, if woman): _____

Address: _____

City, State, Zip _____

Telephone: (Work) _____ (Home) _____ (Cell) _____

Date of Birth: _____ Place of Birth: _____

Church of Baptism: _____ Date: _____

City and State: _____ What Religion: _____

2. Former Spouse: *(Indicate full present name)*

Name: _____ Religion: _____

(Full Maiden Name, if woman): _____

Address: _____

City, State, Zip _____

Telephone: (Work) _____ (Home) _____ (Cell) _____

Date of Birth: _____ Place of Birth: _____

Church of Baptism: _____ Date: _____

City and State: _____ What Religion: _____

3. Concerning The Marriage To Your Former Spouse:

(If applicable) Date & Place of Church Marriage:

(If applicable) Date & Place of Civil Marriage:

Number of Children born: _____

Age at the time of the marriage in question:

Self: _____ Former Spouse: _____

4. Concerning The Divorce:

Court of Divorce: _____

Date of Divorce: _____ Obtained by: Self _____ Former Spouse: _____

5. Status:

Your status at the time of marrying your former spouse:

Your *Former spouse's* status at the time of marrying you:

Single: ____ Divorced: ____ Widowed: ____

Single: ____ Divorced: ____ Widowed: ____

If *divorced*, was a Church Declaration of Nullity granted prior to your marrying your former spouse:

If *divorced*, was a Church Declaration of Nullity granted prior to your former spouse marrying you:

____ When & Where: _____

____ When & Where: _____

6. Documents to be obtained:

- Recent Baptismal Certificates *with all notations on back* with an issue date no older than six (6) months. In the case of a baptized Non-Catholic, if a certificate cannot be obtained, a sworn affidavit by the party or a knowledgeable member of the party's family will suffice.
- Copies of: Pre-Nuptial Investigation File, Church Marriage Certificate, Civil Marriage License with confidential information on bottom included, Final Decree of Divorce.

LIBELLUS

Part 1:

Formal Petition

I, _____, petition the
(Name of Petitioner)

Tribunal of the Diocese of Lafayette, Louisiana to declare null, *from the beginning*, my marriage to:

(Name of Respondent)

for the following reasons: _____

Also submitted at this time is the following evidence: answers to questions about the marriage as I experienced it, and the required documents of baptism, prenuptial file, church marriage certificate, civil marriage license and final decree of divorce. At the request of the Tribunal, I am also providing the Tribunal with names and addresses of two (2) witnesses whose written affidavits will support my claim, or act as character witnesses on my behalf, and any other documents that the Tribunal deems necessary to complete its investigation.

I recognize the fact that this petition does not assure me of an affirmative decision. I understand that the burden of proof for a decision rests with me and that an affirmative decision will be granted only if there is sufficient proof for the judge to reach moral certitude. I also recognize that the judge, guided by Church Law and the Testimony Review Policy of the Tribunal of the Diocese of Lafayette, may allow my former spouse a reasonable and fair review of the evidence that I present in this case. I also understand that the Church considers a marriage to be valid until proven otherwise and that the Tribunal does not take sides in this case, but that it encourages my former spouse to participate as actively as possible so that the whole truth as understood by both parties can be presented.

Date: _____

Signature of Petitioner

Signature of Case Sponsor

This page is used ONLY if the Former Spouse [the Respondent] has been contacted by the Petitioner or case Sponsor and has expressed a desire for the marriage to be declared null. The Respondent is to read over and fill out what is below giving his/her reasons as to why the marriage is invalid; date and sign it. If the Respondent signs this page, it is to be part of the packet to be submitted to the Tribunal. Otherwise, this page is to be discarded from the packet.

I, _____, also petition the
(Name of Respondent)

Tribunal of the Diocese of Lafayette, Louisiana to declare null, *from the beginning*, my marriage to:

(Name of Petitioner)

for the following reasons: _____

I am also willing to participate in this process to the best of my ability either by way of giving testimony and/or providing evidence as needed by the Tribunal in the adjudication of this case, as well as nominating two (2) witnesses whose written affidavits will support my claim, or act as character witnesses on my behalf should that be necessary.

I also recognize the fact that this petition does not assure my former spouse and me of an affirmative decision. I understand that the burden of proof for a decision rests with my former spouse and myself and that an affirmative decision will be granted only if there is sufficient proof for the judge to reach moral certitude. I also recognize that the judge, guided by Church Law and the Testimony Review Policy of the Tribunal of the Diocese of Lafayette, may allow my former spouse a reasonable and fair review of the evidence that I may present in this case. I also understand that the Church considers a marriage to be valid until proven otherwise and that the Tribunal does not take sides in this case.

Date: _____

Signature of Former Spouse [Respondent]

Signature of Case Sponsor

Part 2: Witnesses—either to support my contentions or character

The following are witnesses with whom I have spoken and are willing to submit testimony to the Tribunal on my behalf—should such testimony/character reference be required. I understand that in that event, a questionnaire will be mailed to each of the following witnesses regarding my marriage to my former spouse or with regards to my character. I have asked my witnesses to be as thorough as possible when submitting testimony to the Tribunal since their failure to do so would not corroborate the testimony provided by me and thus jeopardize my case. I also state that in no way will I coach the witnesses as to what to say— realizing that to do so would result in collusion and weaken my truthfulness and case considerably.

I have also informed my witnesses that my former spouse, if participating in this process, has the right to know that they have testified and that the content of the testimony may be provided to him/her— but only at the discretion of the judge in accordance with the Church’s procedural norms.

1. (Circle One: Mr., Mrs., Ms., Rev., Dr.)

2. (Circle One: Mr., Mrs., Ms., Rev., Dr.)

Complete Name

Complete Name

Mailing Address

Mailing Address

City, State, Zip Code

City, State, Zip Code

Telephone Number

Telephone Number

SUMMARY OF OTHER EVIDENCE TO SUPPORT MY CONTENTIONS:

(Letters, documents, psychological evaluations, police reports, etc.)

Should other evidence become available at a later date which would be beneficial to my case, I will at that time submit said evidence, in writing, to the Tribunal. I understand that the judgment of the Tribunal will be based on the evidence that I am submitting and, if necessary, will submit.

Signature of Petitioner

Date

Part 3:

DECLARATIONS AND MANDATE OF THE PETITIONER

I, the undersigned, declare that I am the Petitioner in the above-captioned marriage case.

I recognize the fact that a petition for a Declaration of Nullity does not assure me of an affirmative decision. I understand that the decision is based upon the testimonies and evidence provided by me, my witnesses, and possibly my former spouse, and any witnesses that he/she wishes to nominate. This information, together with any other testimony or evaluations the Tribunal may deem necessary (such as psychological reports, incriminating evidence found in letters, prison records, court records, etc.) will be used in determining the validity of my petition. I also understand that an affirmative decision will be granted only if there is sufficient proof for the judge to reach moral certitude.

I also declare that a reasonable and fair review of the facts of my case may include a review by my former spouse of testimony and documents which have been submitted by me and my witnesses in accordance with canon 1598, §1 of the Code of Canon Law. It is my understanding that a review of these materials would be at the discretion of the Presiding Judge and within the confines of the Church's procedural law and the Testimony Review Policy of the Tribunal of the Diocese of Lafayette.

I wish to appoint my case sponsor as my Procurator to act on my behalf. At this time, however, I do not feel that it is necessary to also appoint an Advocate to argue the case on my behalf. However, should the Judge decide that the appointment of an Advocate is advisable, I understand that the Tribunal will notify me of such and send me an approved list from which to select an Advocate to argue on my behalf.

Given at: _____
(City, State)

Date: _____

Signature of Petitioner

Acceptance of Nomination of Procurator

I hereby accept the nomination by the Petitioner to act as Procurator on behalf of the Petitioner in this cause. I realize that this ministry lasts for as long as the cause is before this Tribunal, or as long as the petitioner does not name another (*Dignitas connubii*, arts. 103-104).

Date: _____

Signature of Sponsor

Part 4: Marital Dynamics Questionnaire

The following questionnaire is to be used in helping you to substantiate your petition for a declaration of nullity. The answers to the following questions should be brief. The space provided should be sufficient. Please print or type your answers.

You will be asked to submit to a judicial interview sometime after the grounds have been established.

And remember: you and your former spouse are *not* on trial. It is the marriage that is being judged. As the Petitioner, *you* are responsible for proving the nullity of the marriage from its very beginning. To withhold critical information about your respective families, personalities, etc.—no matter how painful or bad it may seem—can easily result in a negative decision by the Tribunal, i.e., *you* did not prove your case!

1. How long did you and your former spouse date before your marriage? _____

2. Of that time, how long were you engaged? _____

3. Was there anything unusual about the circumstances of the wedding, the rehearsal, or the reception following the ceremony? _____ If yes, briefly explain: _____

4. Was any grave force, fear, or pressure brought to bear on either of you causing you to enter this marriage? _____ If yes, briefly explain: _____

5. Prior to or at the time of the marriage, did you have doubts or hesitations about marrying your former spouse? _____ If yes, briefly explain: _____

Prior to or at the time of the marriage, did your former spouse have doubts or hesitations about marrying you? _____ If yes, briefly explain: _____

6. Prior to or at the time of the marriage were you able to *honestly* and *openly* share your true feelings and reveal yourself in your relationship with your former spouse? _____ If not, briefly explain: _____

Prior to or at the time of the marriage was your former spouse able to *honestly* and *openly* share his/her true feelings and reveal him/herself in the relationship with you? _____ If not, briefly explain: _____

7. Did you place the needs of others and your former spouse above your own? _____ If yes, briefly explain: _____

8. Were you able to make critical judgments about your fitness to marry your former spouse at the time you made the decision to marry him/her? _____ If not, briefly explain: _____

9. Did you see marriage to your former spouse as the only viable option at that time in your relationship with your former spouse? _____ If yes, briefly explain: _____

10. Did you enter this marriage accepting divorce as an option? _____
 Did your former spouse enter this marriage accepting divorce as an option? _____
11. Prior to or at the time of the marriage, had you formed the resolution/intention, or reserved the right to terminate your marriage by divorce should it prove to be unhappy? _____
 Prior to or at the time of the marriage, had your former spouse formed the resolution/intention, or reserved the right to terminate your marriage by divorce should it prove to be unhappy? _____
12. Prior to or at the time of the marriage, had you formed the resolution/intention, or reserved the right to terminate your marriage by divorce if your former spouse would be guilty of *one* act of infidelity?

 Prior to or at the time of the marriage, had your former spouse formed the resolution/intention, or reserved the right to terminate your marriage by divorce if you would be guilty of *one* act of infidelity? _____
13. Did you believe that you could marry and still have the right to keep company with/share love and intimacies with someone other than your spouse? _____
 Did your former spouse believe that s/he could marry and still have the right to keep company with/share love and intimacies with someone other than you? _____
14. Prior to or at the time of the marriage, what was your attitude towards having children (e.g., wanted none, wait a period of years, limit the number)? _____
 Prior to or at the time of the marriage, what was your former spouse's attitude towards having children (e.g., wanted none, wait a period of years, limit the number)? _____
15. Did you enter the marriage with the intention of denying your former spouse the right to normal marital relations? _____ Did your former spouse enter the marriage with the intention of denying you the right to normal marital relations? _____

16. Was the marriage consummated? _____ When? _____

17. Were you incapable of sexual intercourse? _____ If yes, when did the condition arise and what was the cause of it? _____

Was your former spouse incapable of sexual intercourse? _____ If yes, when did the condition arise and what was the cause of it? _____

18. Prior to or at the time of the marriage, were there any conditions and/or reservations attached to your consent to marry? If so, please briefly explain (e.g. who made these conditions and what were these conditions): _____

Would the marriage have taken place if the condition(s) was/were not met? _____ If no, briefly explain: _____

19. Did you intend to bind yourself to your former spouse in a marital relationship that is ordered to the good of the spouses involving the right to self-revelation, understanding, and loving? _____

Did your former spouse intend to bind him/herself to you in a marital relationship that is ordered to the good of the spouses involving the right to self-revelation, understanding, and loving? _____

20. Did you personally see your upcoming marriage to your former spouse as an *equal* partnership involving all aspects of your lives together? _____

Did your former spouse personally see your upcoming marriage to you as an *equal* partnership involving all aspects of your lives together? _____

21. Were you under the influence of alcohol or drugs at the time of the wedding? _____ Was your former spouse under the influence of alcohol or drugs at the time of the wedding? _____

22. Was there any *major* fact concerning you that you concealed from your *former spouse* at the time of the marriage? _____ If yes, briefly explain: _____

Was there any *major* fact concerning your former spouse which was concealed from *you* at the time of the marriage? _____ If yes, briefly explain: _____

23. Why did you marry your former spouse? _____

24. How long did you and your former spouse actually live together after the wedding? _____
25. How soon after the wedding did you begin to have serious problems in your marriage? _____

26. Briefly explain of what these problems consisted. _____

27. In your opinion, to what extent were you responsible for the failure of this marriage? _____

28. Were there any temporary separations during the marriage (including military assignments, if any)?
_____ If yes, please indicate date(s), length of separations(s), cause(s): _____

29. What was the date of your final separation? _____
30. Did you seek professional counseling regarding your marriage? _____ Did your former spouse seek professional counseling regarding your marriage? _____ Did you and your former spouse seek *joint* counseling regarding your marriage? _____
31. If "yes" to #30, would you be willing to sign a Release authorizing the Tribunal to contact the therapist(s)? _____ If yes, please give name, full address, and date of consultation:

32. What are your plans if the requested Decree of Nullity is granted? _____
33. If you wish to marry, or, are presently married, please give the following information about that person:
Full Name: _____
Address: _____
City, State, Zip: _____
Telephone: (Home) _____ (Work) _____ (Cell) _____
Religion: _____ Date of Birth: _____
Has this person even been previously married? _____ If yes, is person Widowed? _____
Divorced? _____ Was a Decree of Nullity granted? _____ If yes, date and from where:

Have you already entered marriage with this person? _____ If yes, please indicate when and where:

34. Has your case even been presented to any other Tribunal? _____ If yes, what Tribunal and when:

35. If there were children born of this union, are any of them still minors? _____ If yes, please answer the following questions:

Who has primary custody? _____

If child support was stipulated by the Court, are payments current or in arrears? _____

Does the non-custodial parent maintain regular contact with the child/ren? _____

36. What is your *present* opinion of your own maturity and stability at the time of the marriage?

37. Give a brief description of your personality and background, family, social life, school, etc.

38. What is your *present* opinion of your former spouse's maturity and stability at the time of the marriage?

39. Give a brief description of your former spouse's personality and background, family, social life, school, etc.

This following section is used *only* if the marriage in question was a validation of an invalid marriage:

40. Briefly explain why you had the marriage validated ("blessed")? _____

41. Were you pressured to have the union validated? _____ If yes, briefly explain by whom and the circumstances: _____

Would you have had the union validated if the pressure was not there? _____

42. Did you believe your civil/other union to be invalid? _____ If yes, when you repeated the vows at the validation, were you intending a new marriage as if for the first time? _____ Did your former spouse also believe your civil/other union to be invalid? _____ If yes, when s/he repeated the vows at the validation, was s/he intending a new marriage as if for the first time? _____

Please complete, date and sign the following:

“I, _____, do swear before God that all I have presented in this entire *Libellus* is the truth to the best of my knowledge.”

Date: _____

Signature: _____

Case Sponsor Signature: _____

N.B.: The Tribunal will not accept the entire *Libellus* without the requisite signatures!

