

**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:

Total length of courtship: _____ Length of engagement: _____

(If applicable) Date & Place of Church Marriage: _____ (If applicable) Date & Place of Civil Marriage: _____

Your respective ages at the time of marriage in question: _____ Number of children born: _____

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 for *both* parties 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* (obtained from the church where the wedding took place)
 - Church Marriage Certificate* (obtained from the church where the wedding took place)
 - Civil Marriage License* with confidential information on bottom included (obtained from the Clerk of Court where the original license was purchased)
 - Final Decree of Divorce* (obtained from the Clerk of Court of the jurisdiction where the divorce was granted)
- Please note: the aforementioned documents should be copies and *not* the originals as these documents become the sole property of the Tribunal and cannot be returned.

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

Church Parish

Signature of Case Sponsor

Sponsor Address

Sponsor Printed Name

Sponsor Address

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:

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"
"
"
"
"

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.	2.
_____	_____
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.

"

a
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

Sponsor Printed Name

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 are not to be answered with “yes” or “no” or one word answers. The answers should contain details. *On separate paper*, please type your answers. *The Tribunal cannot accept handwritten answers.*

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!

I. Preliminary

- A. Please state your present legal name, current mailing address, and telephone number(s).
- B. Please state your religion.
- C. Please begin the history by typing these words:

"I, (your name), believe in the sanctity of an oath and swear to the truth of the following statements."

II. Your Family Background

- A. Describe your parents: their educational background, financial and social status, their relationship with each other.
- B. Your siblings: how many did you have and where were you in birth order? Describe your relationship with them.
- C. Describe yourself: your educational background, your personality, strengths and weaknesses prior to meeting your former spouse.
- D. Describe your family life: what was your experience of your family? Please state honestly and with as much detail as possible the dynamics that made up your family life, especially any problems that may have existed, e.g., alcoholism, drug abuse, sexual abuse, physical abuse, etc.
- E. What were your experiences with the same sex and the opposite sex before meeting your former spouse?

III. Your Former Spouse's Family Background (as best as you are able to describe)

- A. Describe his/her parents: their educational background, financial and social status, their relationship with each other.
- B. Your former spouse's siblings: how many did he/she have and where were he/she in birth order? Describe his/her relationship with them.
- C. Describe your former spouse: his/her educational background, personality, strengths and weaknesses prior to meeting you.
- D. Describe his/her family life: what was his/her experience of his/her family? Please state honestly and with as much detail as possible the dynamics that made up his/her family life, especially any problems that may have existed, e.g., alcoholism, drug abuse, sexual abuse, physical abuse, etc.

IV. Your Relationship with Your Former Spouse Before the Marriage

- A. Be detailed: how did you meet? How old were the two of you when you met? How long after meeting did you begin to date each other exclusively? Describe your dating habits. How did you show affection to each other? Did premarital sex have a part in your relationship? If so, how much? Did this result in a premarital pregnancy?
- B. Were there any significant arguments and, if so, what were their causes? Did you break-up during dating? If so, how many times and over what? How did you reconcile? Did you consider your dating period one of harmony or of discord and why?
- C. How did the subject of marriage come up? Was there a formal engagement? Was this a happy time for both of you—why/why not?
- D. If there was a premarital pregnancy: how much did this influence you to marry? Did either of you consider that there were any other options available – abortion, adoption, not marrying? How much influence was placed upon both of you to marry as the only option and who did the influencing? Had there not been a premarital pregnancy, would you have still married each other? Why/why not (be as detailed as possible)?

V. Ability to Discern and Choose Marriage Freely

- A. Prior to and at the time of the wedding: what was each of your operative concepts of marriage? How much of a part did your respective upbringing play in your understanding and appreciation of what marriage and family are?
- B. Prior to and at the time of the wedding: how would you assess your capacity to share your true feelings and reveal yourself in your relationships with others? With your former spouse prior to marrying him/her? Did you place the needs of others and your former spouse above your own? Now, answer these same questions as they applied to your former spouse.
- C. Prior to and at the time of the wedding: how would you describe your ability to make critical judgments about your fitness to marry your former spouse at the time you made the decision to marry him/her? Now, answer this same question as it applies to your former spouse.
- D. (*If applicable*) Prior to and at the time of the wedding: given the unhealthy dynamics of your relationship with your former spouse during dating and engagement, why were you not able to make a proper evaluation of these and of the particular difficulties that you should have foreseen? Now, answer this same question as it applies to your former spouse.
- E. Prior to and at the time of the wedding: what was your motive for marrying your former spouse? How free were you in marrying him/her, i.e., did you see marriage as the only viable option at that time in your relationship with your former spouse? Please explain. Now, answer this same question as it applies to your former spouse.

VI. Intentions Regarding Marriage Itself

- A. Prior to and at the time of the wedding: did you intend to enter into and create a marital relationship with your former spouse? Explain. What about the intentions of your former spouse?
- B. Prior to and at the time of the wedding: did you go through the ceremony solely for an extraneous reason, i.e., a means to an end other than the establishment of a community of life and love with your former spouse? Please explain. What about your former spouse?
- C. Prior to and at the time of the wedding: if you were having serious doubts about marrying your former spouse, why did you go through the ceremony? Explain. What about your former spouse?

- D. Prior to and at the time of the wedding: 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? Please explain. What about your former spouse?
- E. Prior to and at the time of the wedding: did you personally see your upcoming marriage to your former spouse as an equal partnership involving all aspects of your lives together? Explain. What about your former spouse?

VII. Intentions Regarding Marital Fidelity

- A. Prior to and at the time of the wedding: did you intend to be a faithful partner to your intended spouse to the exclusion of all other person? What about your former spouse with regards to you? Explain.
- B. Prior to and at the time of the wedding: did either of you have a reputation of being promiscuous? Explain.
- C. Prior to and at the time of the wedding: did you reserve for yourself the right to have sexual relations with someone other than your former spouse? What about your former spouse? Explain.
- D. Were you, in fact, unfaithful during engagement and during the marriage? What about your former spouse? Explain.

VIII. Intentions Regarding Marital Indissolubility (Permanence)

- A. Prior to and at the time of the wedding: did you intend your marriage to be a true and permanent union? What about your former spouse?
- B. Prior to and at the time of the wedding: did you/your former spouse believe that divorce was a normal way to terminate an unhappy marriage? Explain.
- C. Prior to and at the time of the wedding: describe your respective attitudes about divorce. As best as you can, your former spouse's attitudes about divorce.
- D. Prior to and at the time of the wedding: had you/your former spouse formed the resolution/intention, or reserved the right to terminate your marriage by divorce should it prove to be unhappy or if one or the other would be guilty of one act of infidelity? If so, when was such an intention formed? What was said? Why was such an intention formed?
- E. Prior to and at the time of the wedding: was the element of the permanence of marriage essential to your/former spouse's religious faith's understanding of marriage?
- F. Prior to and at the time of the wedding: were any of your or your former spouse's family members or close friends divorced? If so, how did this effect you/your former spouse? Explain?

IX. Intentions Regarding Procreative Intercourse

- A. Prior to and at the time of the wedding: what was each of your attitudes toward having children? How did each of you relate with children?
- B. Prior to and at the time of the wedding: did you discuss with each other the topic of having a family? If so, exactly what was decided?
- C. Prior to and at the time of the wedding: did either of you intend to avoid having children? Exactly what was this intention? Did either of you intend to avoid children only for a time or was it the intention to never have children? Please explain.

- D. During the marriage: if the avoidance of children was to be temporary, during that time in which you planned to avoid having children, if you would have wanted to start a family, would your former spouse have refused this request (and vice-versa)? Please explain.
- E. During the marriage: were means taken to prevent children? If so, what means were taken and on whose part? Were means always taken? Were there any occasions when means were not used? For how long did you and your former spouse intent to use these means?

X. Intentions Regarding the Good of the Spouses

- A. Prior to and at the time of the wedding: did you treat your former spouse with love, dignity, equality, and respect? Explain.
- B. Prior to and at the time of the wedding: did your former spouse treat you in the same way? Explain.

XI. Conditions

- A. Prior to and at the time of the wedding: were there any conditions and/or reservations attached to your consent to marry? If so, please explain who made these conditions and what these conditions were.
- B. Prior to and at the time of the wedding: would the marriage have taken place if the condition(s) was/were not met? Please explain.
- C. Prior to and at the time of the wedding: was there a Prenuptial Agreement drawn up? If so, who was responsible for drawing it up and what were the reasons for such an agreement? Would the marriage have taken place had you/your former spouse not signed/agreed to this agreement? Please explain.

XII. Personality Traits Prior to and at the Time of the Wedding

- A. Maturity: prior to and at the time of the wedding: describe your respective levels of maturity during courtship and at the time of the wedding. Were both of you ready to leave father and mother and cling to each other, or, were either of you still very dependent on your parental figures and/or family?
- B. Regard for others: prior to and at the time of the wedding: were either of you selfish or self-centered? Please explain. Also, did either of you seek personal luxuries before basic necessities? Explain.
- C. Behavior: prior to and at the time of the wedding: were either of you abusing drugs, alcohol, or gambling, or pornography? Please explain the seriousness of any of these that apply. Were either of you ever in trouble with the law and what was the outcome?
- D. Temperament: prior to and at the time of the wedding: was jealousy a factor in the relationship? How serious was this and how did this affect the relationship? Explain. Was habitual lying involved on the part of either of you? If so, please explain. Did either of you lack temper control and was there any physical or mental or emotional or sexual or physical abuse in this regard? Did either of you suffer from any mental or emotional disorder? If so, what was it and were you under a doctor's care and/or was there any prescribed medication involved?

XIII. Wedding Rehearsal, Ceremony, Reception, Honeymoon

- A. Prior to and at the time of the wedding: did anyone advise you not to marry your former spouse? If so, please explain fully.
- B. Prior to the wedding: what form of marriage preparation did you receive?
- C. Wedding events: who planned the wedding? Did anything unusual happen at the rehearsal and/or rehearsal supper? Were there any bachelor and/or bachelorette parties? Were there any objections to this? Was there excessive drinking or drug use? Was there any inappropriate behavior? If so, what was it and on whose part?
- D. Did anything unusual happen during the wedding ceremony? If so, please explain.
- E. Reception: did anything unusual happen at the reception? Was there excessive drinking or drug use? Was there any inappropriate behavior? If so, what was it and on whose part?
- F. Honeymoon: who planned it? Where did you go and for how long? Was the marriage consummated during this time? If not, when was it consummated? Did the honeymoon meet your expectations? If not, please explain.

This section is to be included only in the case of a marriage that was validated ("blessed") in the Catholic Church after a previous civil or Non-Catholic religious ceremony. Otherwise, skip to XIV on the next page.

XIV. Attempted Validation

- A. **Before the validation ("blessing"):**
 - 1. Why did you have the marriage validated ("blessed")? Please explain fully. How would you describe your relationship with your former spouse at that time? Please explain fully. If you were pressured to do so, would you have had the union validated if the pressure was not there? Explain fully.
 - 2. Why did your former spouse go along with this? Explain.
 - 3. Did you see your civil union as invalid and did you give a new and fresh consent at the validation? In other words, when you repeated the vows were you intending a new marriage as if for the first time? Please explain fully. What about your former spouse?
- B. **At the time of the validation ("blessing"):**
 - 1. At the time of the validation, did you both intend your marriage to be a true and permanent union? Please explain fully.
 - 2. At the time of the validation, had you/your former spouse formed the resolution/intention, or reserved the right to terminate your marriage by divorce should the validation ("blessing") not work out? If so, when was such an intention formed? What was said? Why was such an intention formed?
 - 3. At the time of the validation, had you/your former spouse formed the resolution/intention, or reserved the right to terminate your marriage by divorce should the other party be guilty of one act of infidelity? Do you believe that one act of infidelity is cause enough to dissolve a marriage?
 - 4. *(If applicable)* At the time of the validation, did either of you intend to avoid having children? Exactly what was this intention? Did either of you intend to avoid children only for a time or was it the intention to never have children?

XV. Married Life

- A. Did you personally see your marriage as a partnership involving all aspects of your lives together? Explain fully. How about your former spouse? Explain fully.
- B. Did you treat your former spouse with love, dignity, equality, and respect? Explain fully. Did your former spouse treat you in the same way? Explain fully.
- C. Did you marriage with your former spouse involve a full sharing of your lives together, or did you merely share the same house together? Explain fully.
- D. If children were born of this marriage, what was your and your former spouse's interaction with them?
- E. How did you and your former spouse fulfill your religious obligations?
- F. Realizing the sensitive nature of this question, please explain as best you can: regarding marital intimacy: how was your sexual relationship? Were mutual physical and emotional needs met?
- G. Regarding your mutual emotional interaction: describe your affection, caring, loving, sharing and concern for each other. Also describe your ability to communicate.
- H. Regarding the problems within the union: how long after the wedding did problems surface? What were those problems? Please explain. Were these problems in evidence prior to the marriage? What led to the breakdown of the marriage? Please explain.
- I. Did you ever seek professional and/or pastoral counseling for the problems in the union? If no, why not? If so, name the counselor and how long did you see him/her? What was the outcome of the session(s)?

XVI. Separation and Divorce

- A. How long were you married when the first separation occurred? Who initiated the separation? What was the cause of this separation and how long did it last? If there were other separations, how many were there, who initiated them, what were the causes, and duration of each?
- B. What was the primary factor that led to the final and definitive separation? Explain.
- C. Who wanted the divorce and who obtained it? Explain.
- D. What was the atmosphere surrounding the divorce proceedings? Explain.
- E. *(If applicable)* Who was granted custody of any minor children at the time of the divorce? *(If applicable)* Who has custody now and how is support being provided?
- F. Since the divorce has been granted, has either of you re-married? If so, to whom and how many times for you? To whom and how many times for your former spouse?

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!

CONFIDENTIAL ASSESSMENT OF CASE SPONSOR

Please use this sheet to give your impressions of the petitioner (and respondent if participating at this time). Your impressions should be based upon your knowledge of the aforementioned and, especially if you have beforehand knowledge of the facts of the relationship in question. Obviously, any information obtained within the Sacrament of Penance cannot and must not be revealed here. Any material obtained from pastoral counseling must have the permission of the party for its use here. This assessment is not subject to review by the petitioner and the respondent.

Signature of Case Sponsor

Date