



ARCHDIOCESE OF WASHINGTON

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Important Information For Petitioners Regarding the Annulment Process

1. Once your narrative statement, including petition, has been accepted by the Tribunal, the investigation of your plea of nullity will be set in motion. There can, however, be no guarantee that a decree of nullity will necessarily be granted. The Court begins with the assumption that every marriage is valid. The obligation to prove the contrary lies squarely on the petitioner, you -- though, of course, the Tribunal guides the way to a just conclusion. This is reached only after proofs have been submitted and carefully scrutinized by trained canonists (Church lawyers) appointed to try the case. The proofs required include the sworn statements of witnesses and sometimes reports from experts like doctors, etc.
2. Even when a decree of nullity is granted by one Tribunal, the ratification of another Tribunal is required before the case is completed.
3. In order to avoid any embarrassment or ill-will, the following is the Archdiocesan policy: **no date should be scheduled for a future marriage** when an individual, who has a prior marital bond which needs to be adjudicated, approaches a member of the parish staff. **A date is to be scheduled only after the marriage case has been adjudicated by the Tribunal.**
4. Every effort must be made by the petitioner to discover and inform the Tribunal of the whereabouts of the former partner to the impugned marriage (the respondent) so that he/she may be invited to present his/her side of the case. When requested to do so, the Tribunal is careful not to reveal to one party the address of the other. Care should be taken to inform the Tribunal promptly of any change of name or address.
5. Sometimes the complex nature of a case is a cause of delay. At other times a case may be held up through lack of evidence; either because a petitioner has not presented the correct names and addresses or because the witnesses live in other parts of the world. Also it is well to remember that yours is not the only case on our books [at the moment we have more than five hundred (500)]. Every case is urgent!
6. We cannot give information about a case to anyone except the parties who are actively involved in the adjudication of the impugned marriage. Please remember to note your case number, once it has been assigned, and refer to it all correspondence and phone calls.
7. **Costs:** the thorny question of finance must be dealt with in this as in every other matter which requires the giving of a professional and expeditious service. Besides the priests (who receive no remuneration for their professional work), the Tribunal employs four or five lay people who have the right to receive a living wage. That must be found somewhere. The cost to the Archdiocese of running the Tribunal amounts to hundred of thousands of dollars each year. While the Archdiocese (and this means the Catholic people who support it) must bear this expense, it is only fair that **those**

petitioners who are able to do so should make a significant contribution towards the costs of the case.

When you submit your narrative statement, you are requested to meet a filing fee in the amount of \$40 to cover our expenses in docketing your case. A larger offering will be requested when your case is assigned to a judge. **No case is ever refused or delayed on the basis of inability to pay.** All that is asked is that you pay what you can according to your means.

8. **Do not be afraid** of what you are undertaking. You will be guided step by step by our trained staff. We are well aware of the depth of suffering that is often entailed in the breakdown of a marriage. It is not a part of our task to assign blame. Our only interest is to discover the truth on which to base a sound and just decision. To that we are bound before God and our consciences. You and yours are constantly in the prayers of the members of the Tribunal.
9. **Witnesses:** Because no one can be expected to take an impartial view of his/her own situation, the law requires that sufficient evidence be obtained from trustworthy witnesses to corroborate statements made by parties to a case brought before the Tribunal. Whenever a petitioner approaches the Tribunal, it must be understood that the other party to the impugned marriage (the respondent) will be invited to give his/her view of the matter. This is a matter of simple, natural justice. No case will be entertained if the petitioner does not allow the Tribunal to do its best to contact the respondent. The petitioner must make every effort to help the Tribunal to do so. If requested, the Tribunal will not divulge the whereabouts of the petitioner. Neither the parties nor the witnesses are "cross-examined." That is not the way things are done in Church courts. All our interviews are conducted in a confidential and face-to-face manner.

Who Can Be A Witness: anyone at all. In marriage cases, both the petitioner and the Respondent are expected to name them, ***after obtaining the agreement of the witness to be interviewed.***

Obviously, the more the witness knows about the case, the better the testimony is likely to be. It is usual to name as witnesses close relatives, friends, etc. Especially, it is useful to name witnesses to whom either party has spoken of the case before the process of annulment was begun. Remember: "hearsay" evidence can be very acceptable (with necessary safeguards) in canonical procedures.

So, witnesses can be of varying degrees:

- a) those who have known both parties from before the marriage;
- b) those who have known one of the parties from before the marriage;
- c) those who have known the parties from the beginning of the marriage;
- d) those to whom the parties (or one of them) have spoken of the marriage;
- e) those who can testify to the character of the parties (or one of them).

Just because you kept things to yourself, do not think you have no witnesses to suggest.

PLEASE REMEMBER:

- It is important not to speak about your marriage with a witness once he/she has agreed to serve;
- Never ask a witness to say this, that or the other; but only to say what he/she knows to be the truth;
- Witnesses have to be contacted by you and asked to testify; remember to tell the witnesses that the interview may not take place for a considerable time since much has to be done before the evidence is collected and that the interview may take some time, as much as two hours.