



Diocese of Sacramento
The Tribunal
 2110 Broadway, Sacramento CA 95818
 (916) 733-0225
www.tribunal.scd.org

Office Use Only:

Rec'd: _____

PN: _____

FORM C: Formal Case Application

PETITIONER: Before beginning, please read the letter on p. 9. Complete this form with your Parish Advocate, answering the following questions. Please PRINT clearly.

| PETITIONER | | RESPONDENT |
|------------|--|------------|
| | Current Full Name <i>(First, Middle Last)</i> | |
| | Maiden Name <i>(if applicable)</i> | |
| | Physical Address: Number & Street | |
| | City, State | |
| | ZIP Code | |
| | Mailing Address <i>(if different):</i> | |
| | City, State | |
| | ZIP Code | |
| | Home Telephone | |
| | Work Telephone | |
| | Mobile Telephone | |
| | E-Mail Address | |

| | | |
|--|---|--|
| | Date of Birth | |
| | Place of Birth | |
| | If Baptized, Date of Baptism | |
| | Denomination of Church of Baptism | |
| | Denomination/Religion at Time of Marriage | |
| | Current Denomination/Religion | |

| | | |
|---|----------------------|--|
| If not Catholic, are you currently undergoing instruction to be baptized or received into the Church (RCIA)? <input type="checkbox"/> Yes <input type="checkbox"/> No | If so, which parish? | |
|---|----------------------|--|

MARITAL HISTORY

ABOUT YOU

If the marriage under investigation is not your only marriage, please list below, in chronological order, all your prior or subsequent marriages. If any marriage was addressed by a Tribunal, please include the final decree(s).

| Date of Marriage | Name of Spouse | Church or Civil | Officiant | City and State |
|------------------|----------------|-----------------|-----------|----------------|
| #1 | | | | |
| #2 | | | | |
| #3 | | | | |

ABOUT YOUR FORMER SPOUSE

If the marriage under investigation is not the only marriage for your former spouse, please list below, in chronological order, all prior or subsequent marriages of which you are aware.

| Date of Marriage | Name of Spouse | Church or Civil | Officiant | City and State |
|------------------|----------------|-----------------|-----------|----------------|
| #1 | | | | |
| #2 | | | | |
| #3 | | | | |

MARRIAGE UNDER INVESTIGATION

1. Length of Courtship? _____
2. Date of Engagement? _____
3. Age at Engagement? He _____ She _____
4. Date of Wedding? _____
5. Age at Wedding? He _____ She _____
6. Place of Ceremony (*name and address of church or other location*)?

7. Who "officiated" at the ceremony (priest, minister, rabbi, judge, etc.)? _____

8. If this was a religious ceremony, please give denomination: _____

9. If the wedding was not a Catholic ceremony, was the marriage ever formally "blessed" or convalidated in the Catholic Church? Yes No If yes, please give name and address of the church of convalidation:

10. How long did you live together as husband and wife before your final separation?

11. What was the date of the final separation? _____

12. How many children were born or adopted of this marriage? _____

13. Who has physical custody of the minor children? _____

14. Final decree of divorce: Date _____ County & State _____

15. Have you ever submitted this case to a Catholic Tribunal prior to now? Yes No If yes, when and where?

We advise you to discuss this with your previous spouse prior to submitting this case to the Tribunal so that it does not come as a complete surprise. Every relationship is different, but ordinarily, there is a greater likelihood that he/she will cooperate if notified in advance.

16. Have you discussed this with the Respondent? _____

17. Will the respondent cooperate in this process? _____

18. Have you discussed this with the Respondent's parents? _____

19. Will they participate by completing a questionnaire? _____

OATH CONCERNING DEVELOPMENT OF THE TRIAL AND FUTURE WEDDING

I declare **under oath** that I have read and understand the following with regard to my petition for a declaration of invalidity: **(PLEASE INITIAL EACH STATEMENT)**

- ___ 1. I have read the accompanying *Letter to the Petitioner* (p. 9) and understand:
- ___ a. that the Respondent must be contacted, provided with a copy of my petition and summary statement, and given the opportunity to participate;
 - ___ b. that quality witness testimony is essential for the case to be successfully completed;
 - ___ c. that both parties and their advocates have the right to inspect the acts of the case at the Tribunal office;
 - ___ d. that the fact a case has been accepted for consideration does not mean that a declaration of nullity will automatically be granted;
 - ___ e. that the Tribunal cannot predict the outcome or timing of the process;
 - ___ f. that I will not set a date for a new marriage before a decision is rendered, any necessary appeal is concluded, and final notification is sent to the parties.

___ 2. The court may require review of the case by an approved psychologist or other expert, and that associated expenses must be paid by me, the Petitioner.

___ 3. That if a decree of invalidity is granted and circumstances warrant, I, the Petitioner, may be required to undergo additional counseling prior to entering a new marriage.

___ 4. That all of the information contained in or attached to this document is true to the best of my knowledge.

signature of petitioner

date

Parish Advocates: Before submitting, please be sure you have all requirement documents listed below.

- Form C – “Formal Case”** (download form from Tribunal website)
- Recent **baptismal certificate** of Catholic parties (*must be issued within 6 months, with notations*)
NOTE: If there are no notations on the certificate, it must state “No Notations” on certificate.
- Certified/Original **civil marriage license and certificate** (must have stamp or seal)
(+ church marriage certificate, if convalidation)
NOTE: California’s marriage license and certificate is one page. Nevada’s (and other states) marriage license and certificate are two separate items. We must have both the license **and** certificate. One indicates the number of previous marriages.
- Certified/Original **decree of dissolution (divorce) or civil nullity** (must have stamp or seal)
NOTE: Two documents are required of divorces granted in California: **“Notice of Entry of Judgment” and “Judgment.”** Divorce decrees *from other states* may say “Judgment” at the bottom of the page; that is okay.
- Copy of **final decrees from previous marriage case(s)**, if applicable
- Petitioner’s signed and dated **Summary Statement** (brief summary of courtship and marriage)
- Advocate’s Notes Concerning the Petitioner** (download form from Tribunal website)
- Affidavit of Diligent Search**, if applicable (download form from Tribunal website)
- Deposit of \$150 **OR** Payment in Full \$600 (check payable to Tribunal – Diocese of Sacramento)

Questions about documents? Call the Tribunal before submitting case: 916-733-0225.

FORMAL PETITION (*LIBELLUS*)

To the Tribunal of the Diocese of Sacramento:

I, _____, (*petitioner's full name, including maiden name, if female*) residing in the (Arch)Diocese of _____, hereby petition that my marriage to _____, (*respondent's full name (including maiden name, if female)*) residing in the (Arch)Diocese of _____, be declared null and void under the laws of the Roman Catholic Church due to a defect of consent. Attached are my Summary Statement, supplemental documents, and a list of witnesses to prove my claim.

Summary Statement: In your own words, on a separate page or two, briefly describe the reasons why you believe this marriage was never valid in the eyes of the Church. Please include relevant information about your family circumstances, dating, courtship, engagement, intentions at the time of consent, wedding, marriage, and separation. The Tribunal pamphlet, *A Guide to Writing Your Summary*, may be of assistance (also available on our website - www.tribunal.scd.org). You will be asked in detail about all these aspects in a later questionnaire. This is a **brief overview** (*approximately one to two pages*) to provide us with some direction.

Be advised that the Respondent will receive a copy of the Summary Statement and this page.

Petitioner: Please sign and date your Summary Statement.

This marriage (*convalidation, if applicable*) took place on _____ (*date of marriage*) at: _____
name of church, court, or other location, including city, county, state (and country if outside USA)

The Tribunal of the Diocese of Sacramento has canonical competence (*jurisdiction*) due to the following (*your Parish Advocate can assist you with this; check the first that applies*):

- ___ 1. Marriage was celebrated within the Diocese of Sacramento (c. 1672, 1°)
- ___ 2. Petitioner and/or Respondent lives within the Diocese of Sacramento (c. 1672, 2°)
- ___ 3. I hereby request that the Tribunal assess whether it is competent as the forum of proofs (c. 1672, 3°), and, if not, to assist me in forwarding this petition to another ecclesiastical court that is competent.

I UNDERSTAND THE RESPONDENT WILL BE SUPPLIED WITH A COPY OF THIS *LIBELLUS* AND THE ACCOMPANYING SUMMARY STATEMENT.

signature of petitioner

date

WITNESSES

In support of your petition, attached with the Summary Statement, on p. 6 please submit the names and contact information of at least three or four witnesses, plus your parents (if possible) on p. 7, who are knowledgeable about your courtship and marriage. Include the following for each witness: Title (*Mr., Mrs., etc.*), Name, Address, Phone Number(s) (*indicate home, work, cell*), relationship to petitioner or respondent (*e.g., brother, sister, best man, friend, neighbor, classmate, co-worker, etc.*), and briefly, in a few words, what the witnesses knows to reinforce your petition. Please also indicate whether each witness prefers communication in English, Spanish, or Vietnamese.

Please notify the witnesses that you have given us their name and that they will be sent a questionnaire so this process does not come as a surprise.

FUTURE MARRIAGE INTENTIONS

The petitioner is seeking an annulment for the following reason (*please check one*):

- 1. ___ convalidation of a civil marriage 2. ___ waiting to marry in the Church

Name of intended spouse: _____

If intended spouse has prior marriage(s), please check here ___

- 3. ___ no definite plans regarding future marriage

MANDATE FOR THE PARISH ADVOCATE

In accord with Canon 1481, §1, of the 1983 *Code of Canon Law*, I, the undersigned petitioner, do hereby appoint _____ to act as advocate on my behalf in the attached case at the Court of First Instance and in any appeal.

signature of petitioner

date

ACCEPTANCE

In accord with Canon 1481, §1, of the 1983 *Code of Canon Law*, I, the undersigned parish advocate, hereby accept the appointment to act as advocate on behalf of the petitioner in the attached case.

signature of parish advocate

date

PARISH ADVOCATE INFORMATION

Name of Parish Advocate (***please print***) _____

Name of Parish _____

Address, City, State, ZIP Code _____

(address where you wish to receive Tribunal communications)

Phone (include area code) _____

This is a Cell phone Home phone Work phone

Email Address _____

(must be an e-mail address that only the advocate has access to)



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Witness List

Submit the names and addresses of at least three (preferably four) witnesses **plus** your parents (on the next page) who are knowledgeable about your courtship and marriage. These witnesses are in addition to your parents. Please notify the witnesses that you have given their contact information to the Tribunal, so our communication with them does not come as a surprise. **Questionnaires are sent in English unless otherwise indicated.**

| | |
|-------------------|--|
| Witness #1 | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|-------------------|--|

Title _____ Full Name _____ Relationship to Petitioner/Respondent _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____

| | |
|-------------------|--|
| Witness #2 | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|-------------------|--|

Title _____ Full Name _____ Relationship to Petitioner/Respondent _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____

| | |
|-------------------|--|
| Witness #3 | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|-------------------|--|

Title _____ Full Name _____ Relationship to Petitioner/Respondent _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____

| | |
|-------------------|--|
| Witness #4 | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|-------------------|--|

Title _____ Full Name _____ Relationship to Petitioner/Respondent _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____



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| | |
|--------------------------|--|
| Petitioner Parent | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|--------------------------|--|

Title _____ Full Name _____ Relationship to Petitioner _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____

| | |
|--------------------------|--|
| Petitioner Parent | <input type="checkbox"/> Spanish questionnaire <input type="checkbox"/> Vietnamese questionnaire |
|--------------------------|--|

Title _____ Full Name _____ Relationship to Petitioner _____
Mr/Mrs/etc.

Address _____
Street City State ZIP

Phone Numbers _____
Home Work Cell

What does the witness know to reinforce the petition? _____



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COUNSELOR RELEASE FORM

*Have you ever received counseling of any kind in your lifetime? If yes, make a copy of this page for each counselor and/or physician seen. List the counselor/physician name, current address, phone number, and dates seen. Sign this **RELEASE FORM** to allow us permission to contact them for relevant information regarding your therapy that may be helpful in this case. Please note that if a fee is required for release of information, you will be responsible for the fee.*

Name of Counselor/Physician _____
 Dates Seen _____
 Office Name _____
 Address _____
 City/State/ZIP Code _____
 Telephone (inc. area code) _____

RELEASE OF INFORMATION

I, the undersigned, _____, do hereby authorize you, _____ (name of counselor/physician) to communicate with the officials of the Tribunal of the Diocese of Sacramento, California concerning matters which have come to your knowledge as the result of my consultation with you.

I further authorize you to make available to these officials all information requested by them and waive all and any claim that I might have in connection with the disclosure, authorized hereby, of the contents of my consultation and your medical findings.

This authorization is made by me for the benefit of the instruction of the marriage case being submitted to the Sacramento Tribunal, and with the understanding that the information made available to the Tribunal will be kept confidential.

Given on this _____ day of _____, of the year _____.

Signature of Client

Tribunal Notary



**DIOCESE OF SACRAMENTO
The Tribunal**

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**Give this letter to
your petitioner.**

Dear Petitioner,

The Diocesan Tribunal will do all in our power to help you in your marital situation. Since you have asked us to investigate the validity of your previous marriage, there are certain facts concerning the Tribunal's process that you should know.

1. **Canon Law requires that we contact your former spouse (the respondent)**, so that he/she is aware that the process has been started and to give him/her the opportunity to participate in the process if he/she so chooses. If, after we have contacted the respondent, he/she does not wish to participate, the process will proceed. We realize that sometimes it is impossible to locate a respondent, and if this is the case, we must have, in writing, documentation of your attempts to locate the respondent (*last known address, relatives, newspaper ad, Internet search, etc.*) and the reasons why he/she cannot be located. Use the **Affidavit of Diligent Search** form to provide us with the information on how you have tried to contact the respondent.
2. **Quality witness testimony is essential** if the case is to be brought to a successful conclusion. It is necessary for you to name at least three or four witnesses plus your parents (if possible) who have first-hand knowledge of the courtship and marriage. Please give us the exact street address and telephone numbers of the respondent and witnesses. **Notify your witnesses** that you have given us their names so that the questionnaires do not come as a surprise.
3. Canon 1598 of the Code of Canon Law provides that **the petitioner and the respondent**, as well as their advocates, **have the right to inspect the acts of the case (testimony)** at the Tribunal, according to approved procedures, so as to guard the right of due process to both parties. You will be notified when this step is reached in the process.
4. Please keep in mind that **this is an investigation by a Church court** to see if this particular marriage was a true marriage as the Church describes it. The fact that a case is accepted for consideration by the Tribunal does not mean that a declaration of invalidity will always be granted. There must be provable grounds and a legal basis in canon law for a Church court to declare a marriage null.
5. **The average time to process a formal case is 8-12 months, but it can take longer.** A date for a future wedding or plan for baptism or reception into the Church may not be set until the process has been completed, since we cannot predict the outcome or timing of the process. The full cost to process this type of case is close to \$1,500. We ask you to pay at least the minimum fee of \$600 toward that cost. An expert witness fee of \$100 may be added to your case, depending on the grounds of the case.

Please do not hesitate to ask your Parish Advocate for any assistance you may need in preparing your materials for presentation to the Tribunal. Tribunal personnel are also available to answer any questions you may have.

Sincerely,

Cheryl M. Tholcke

Moderator of the Tribunal Chancery