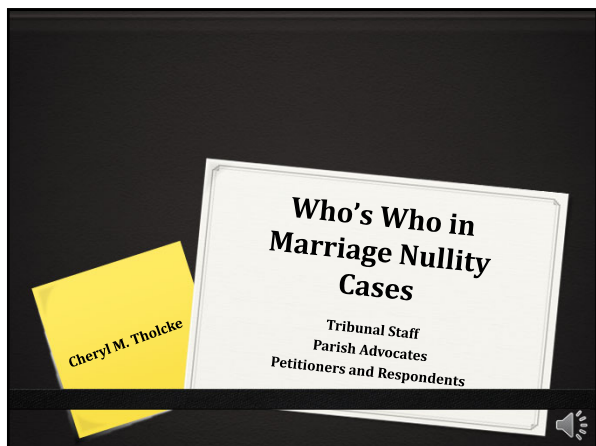




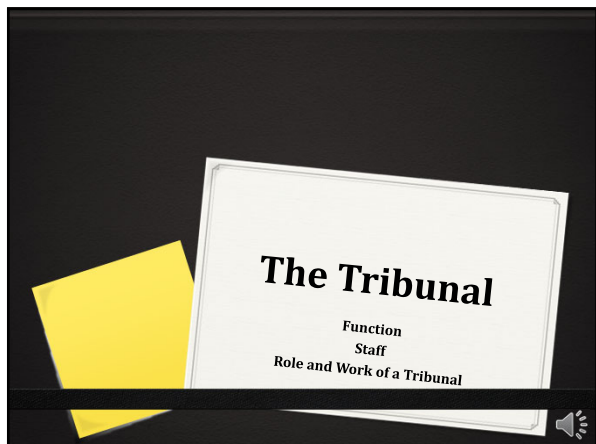
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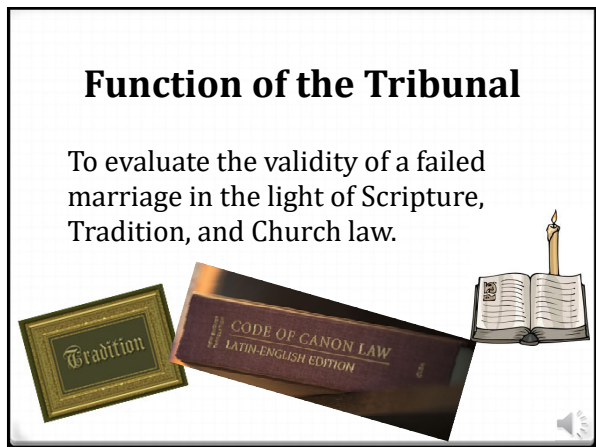
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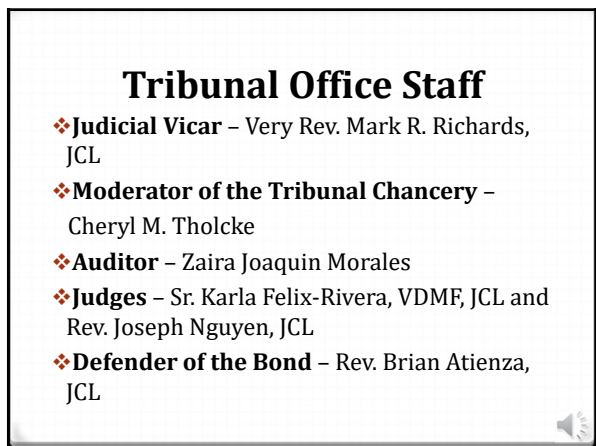
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Tribunal Field Staff

- ❖ **Expert Witnesses:** Elizabeth Sullivan, Ph.D. and Maria Calderon-Romero, Psy.D.
- ❖ **Defenders of the Bond:** Christina Hip-Flores, JCD and Rev. Msgr. Raymond Goehring, JCL
- ❖ **Judge:** Rev. Santiago Raudes, JCL



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Role and Work of Tribunal

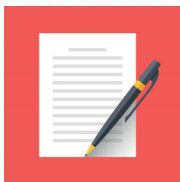
- ✓ Dispensations and Permissions
- ✓ Marriage Testimonials and *Nihil Obstats*
- ✓ Adjudication of marriage cases (Lack of Form, *Ligamen*, Pauline Privilege, Favor of the Faith, Defect of Form, Formal)
- ✓ Assistance with problem-solving regarding sacramental registers

8



9

Who is the Petitioner?



The Petitioner is the one who begins the case - by submitting a petition to have the marriage declared invalid.

10

About the Petitioner

- He/She may be uneasy, uncertain, and/or afraid of engaging in the process.
 - Acknowledge that this process can and does bring up memories – both good and bad – and that you are there to accompany them in the process. Let them know many people experience healing as they move through the process.
- He/She may harbor feelings of anger, betrayal, and/or blame toward their ex-spouse.
 - Let them know this process is not about fixing blame, but to determine if consent was valid at the moment they said “I do.”

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About the Petitioner

- He/She may not be Catholic and not understand why an annulment is necessary.
 - If the Petitioner wishes to marry a Catholic, the Petitioner must be free to marry.
 - Because the Catholic Church presumes all marriages between a man and a woman is valid until determined otherwise, an annulment is required for someone (who was previously married) to be free to marry a Catholic.
 - If the Petitioner wishes to become a Catholic and is civilly married, and has a previous marriage (without an annulment), he/she cannot join the Church unless the previous marriage has been addressed.

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Who is the Respondent?

The Respondent is the one who is convened by the action of the Petitioner and his/her petition.

have rights in a marriage nullity case!

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10 Specific Rights for the Respondent

1. The right to be summoned (the Citation)
(1983 *CIC*, cc. 1507-1512)
2. The right to know the grounds for nullity alleged or the doubt to be answered by the trial (Joinder of Issues)
(1983 *CIC*, c. 1513, 1676 §2)
3. The right to appoint an Advocate or Procurator
(1983 *CIC*, cc. 1477-1481)
4. The right to nominate witnesses
(1983 *CIC*, c. 1551)

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5. The right to know the names of witnesses proposed by the Petitioner
(1983 CIC, c. 1554)

6. The right to inspect the acts of the case
(1983 CIC, c. 1598)

7. The right to propose additional proof
(1983 CIC, c. 1598)

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8. The right to reply to pleadings and observations
(1983 CIC, c. 1603)

9. The right to be made aware of the contents of the judgment (The Sentence)
(1983 CIC, c. 1614)

10. The right to challenge the judgment by appeal or complaint of nullity
(1983 CIC, cc.1628, 1680) or (1983 CIC, c. 1593, 1626)

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Both Petitioner and Respondent in a Marriage Nullity Case Have Rights

- Both parties *have equal standing* during the trial and *may* have an interest in the outcome of the case.

c. 1060: "Marriage possesses the favor of law; therefore in a case of doubt, the validity of a marriage must be upheld until the contrary is proven."

- A Respondent has the right to participate to contest the proceedings.

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Why Do Both Parties Have Rights?

- Because it is their natural right and Canon Law says so!
- In fact, if those rights are not observed, the sentence may be legitimately challenged on the basis of a denial of rights (*c. 1620, 7°*) resulting in an irremediable nullity of the sentence!

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If the Respondent is Absent ...

The Tribunal's ability to discover and rule in accord with the truth may be **significantly limited**, because testimony from both parties as to the partnership provides the possibility of greater insight into their interpersonal relationship and personal dynamics.

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If the Respondent is Absent ...

He/She waives most of their rights in the trial; however, those who have been decreed absent are provided with the Decree of ACCEPTANCE (which includes the Petitioner's Summary Statement, i.e., petition), Decree of JOINDER, Decree of PUBLICATION OF THE ACTS, and Decree of PUBLICATION OF THE SENTENCE.

A Respondent may appear later in the process or respond before a decision. The Respondent can offer testimony or witnesses within certain limits (to protect against excessive delays).

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If the Respondent is not Catholic

Canon 1476 acknowledges the right of all persons to lodge a petition for declaration of nullity and places no limitation on who may exercise the right to pursue an action.

This is because:

- Marriage flows from divine natural law.
- All baptized and non-baptized have a natural right to marry.
- Just like all sacramental unions are presumed valid, all non-sacramental unions are presumed valid unless proven otherwise. (1983 CIC, c. 1060)

The marriage nullity trial is conducted in order to clarify the question of the legal status *in the Church* of persons who according to Church law are presumed to be married, more specifically to answer the question, "Are the parties bound by the bond of marriage?"

Neither party needs to be Catholic to participate in a trial of nullity!

22



23

Qualities and Characteristics

- ❖ Faithful Catholic in good standing
- ❖ Compassion
- ❖ Integrity
- ❖ Friendly
- ❖ Willing to accompany people throughout the process

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Skills and Abilities

- ❖ Represent the Church
- ❖ Computer literacy/ability
- ❖ Communication and listening
- ❖ Ability to maintain confidentiality
- ❖ Organization (capacity to fulfill the procedural functions of the Parish Advocate role)
- ❖ Helpful, but not required: Ability to speak and write in Spanish or Vietnamese

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Job Description

- ❖ Using Tribunal guidelines, meet with the Petitioner to determine/propose the type of case to submit (Formal, Lack of Form, Pauline Privilege, Favor of the Faith, *Ligamen*).
- ❖ Assist the Petitioner in completing forms, gathering required documents, providing quality testimony, procuring witnesses, etc.

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Job Description (cont'd)

- ❖ Complete the Advocate's Brief, assessing the Petitioner's circumstances, character, and credibility. Your observations and evaluations assist the Court in understanding the context of the information provided.
- ❖ Meet regularly or speak with the Petitioner to provide support, clarify the process, and offer advice.

27

Job Description (cont'd)

- ❖ Encourage the Petitioner to be active on their own behalf.
- ❖ With the Petitioner, inspect the Acts (testimony) produced by the parties and their witnesses.

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Any questions?



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