

The Summary Statement

Rev. Mark R. Richards, JCL  
Judicial Vicar

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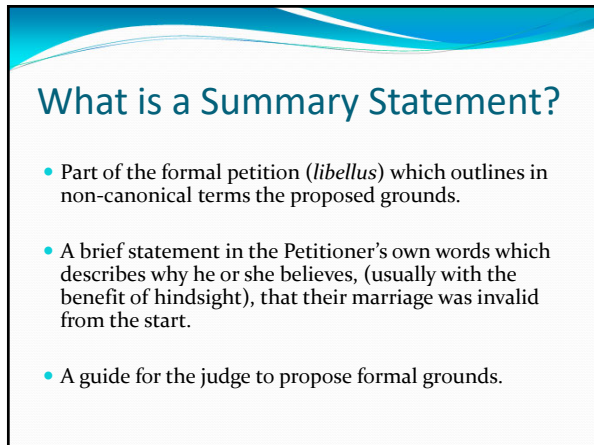
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What is a Summary Statement?

- Part of the formal petition (*libellus*) which outlines in non-canonical terms the proposed grounds.
- A brief statement in the Petitioner's own words which describes why he or she believes, (usually with the benefit of hindsight), that their marriage was invalid from the start.
- A guide for the judge to propose formal grounds.

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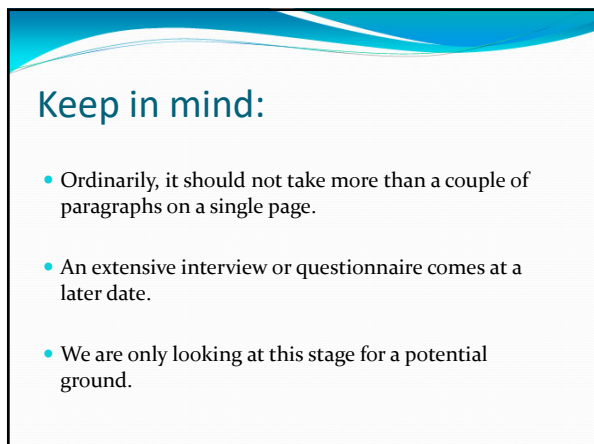
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Keep in mind:

- Ordinarily, it should not take more than a couple of paragraphs on a single page.
- An extensive interview or questionnaire comes at a later date.
- We are only looking at this stage for a potential ground.

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**What a Summary Statement is not:**

- Testimony about the specifics of the case.
- Proof of invalidity.
- Autobiography.
- Indictment of the Respondent.

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**How to Help Your  
Petitioner Write Their  
Summary Well**

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**It takes time!** 

Recall from the Introductory Advocate Training that you should meet with the Petitioner **at least twice**.

**IDEALLY...**  
The first meeting should be an introductory get-to-know-you meeting, a sharing of information regarding the process.

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Once it is determined to be a Formal Case...

**Familiarize yourself with the knowable facts by...**

**Assisting in the preparation of the Formal Case application!**

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**Pay Close Attention to:**

- Age of parties at time of marriage
- Length of courtship
- Was there an engagement?
- Civilly married, then convalidation?
- Length of marriage
- # of children
- Baptismal status of both parties

Why? It begins to create a picture for understanding the marriage.

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**Next**

**Prepare the Petitioner to write the Summary Statement:**

**“Tell me your story.”**

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**Listen:**  
The conversation sets the foundation for writing an effective Summary Statement.

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**Remember:**  
**Summary Statement Objective**  
Is there any indication of a possible defect of consent (invalidity), i.e., do you see any hint of grounds?

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If initial conversation does not reveal potential grounds,  
**Review “A Guide to Writing Your Summary”**

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Questions are designed to spark conversation on possible grounds.

**You don't have to answer each question in the Summary Statement.**

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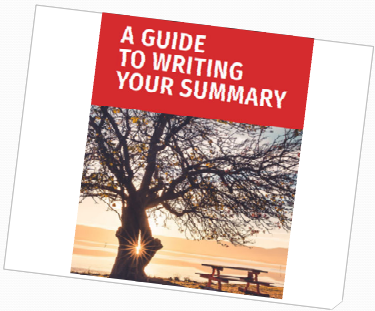
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Summary Topics to Discuss

- Family Background
- Courtship
- Engagement
- Wedding
- Breakdown of Marriage
- Final Separation



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Reviewing this Guide helps you:

Focus the Petitioner by framing the conversation and outlining the information that will be a necessary component of the Summary Statement.

Pertinent Background Information

Courtship/Engagement

Marital Decision

Breakdown of Marriage

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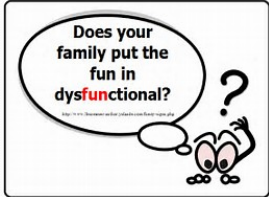
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**1. Begin by exploring the Petitioner's background and growing up years.**



Does your family put the fun in dysfunctional?

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Ask the Petitioner to reflect on his/her upbringing and family background.

- Were there any significant or problematic events that may have negatively impacted them or their choices later in life?

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**Trauma and Marital Consent**

Early childhood trauma creates an obstacle in normal human psychological development.

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**What is an example of a possible traumatic event/condition?**

- Chaotic childhood of instability, poverty, emotional neglect
- Abuse: sexual, verbal, or physical
- Family tragedy (death of a family member)
- Alcoholic parents
- Chronic illness
- Mental illness
- Divorced parents / Step-parents
- Raised by grandparent(s)

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**When a traumatic event goes unresolved...**

- The experience of trauma **may** hinder marital consent and the **ability** to live in a marital partnership.
- Long-lasting effects persist into adulthood, in thinking, feeling, and behavior.
- Distorts reality.
- **Difficulty in interpersonal relationships.**
- Lack ability to evaluate critically, deliberate and reason, and to make logical judgments about themselves or their partners and about marriage, the object of consent.

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**These examples may be indications of unresolved conflict. Listen for these...**

<ul style="list-style-type: none"> <li>• Addictive behaviors</li> <li>• Chaos in personal life</li> <li>• Excuses abusive behavior or is ambivalent</li> <li>• Suffered depression</li> <li>• Intense, brief courtship</li> <li>• Risky behavior</li> <li>• Drug and alcohol abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Low self-esteem</li> <li>• Desire to escape a situation</li> <li>• Poor relationship with parent(s)</li> <li>• Poor performance in school</li> <li>• Presence of a psychic anomaly</li> <li>• Odd social behavior</li> </ul>
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**2. Next, explore the Courtship.**



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**Everybody has a story.**

- How did the Petitioner and Respondent meet?
- How did they move from acquaintance to friendship to courtship?
- Was there romance?
- Was there conflict in the relationship? What was it?
- How soon were they intimate? Was this important?
- If they discovered something they didn't like about the person or relationship, did they resolve it? How?
- Did they experience disillusionment? Did their friends and family support them in this relationship?

A good history of the party's background, **combined** with details of the courtship, reveal the circumstances, influences, and experiences which shaped the choice of their marriage partner.

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**3. Explore their decision to marry.**



1. Who first brought up the subject of marriage?
2. Why did you **want** to marry your partner, and why did he/she **want** to marry you?
3. Was your choice to marry free and of your own accord?
4. What did you expect married life to be like?

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**Have the Petitioner reflect on their engagement.**

- Was it a time of joy, stress, doubt?
- Did concerns surface? What were they?
- Did the concerns negatively affect the relationship?
- Did they think they could overcome them?
- Was the engagement a time of preparation?

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**4. Talk about the Wedding Day**



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In the weeks, days, and hours leading up to the wedding day, did either party have any:

**FEARS?  
DOUBTS?  
UNEASINESS?**

Did they share their thoughts and feelings with anyone?



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Did anything unusual happen?



"Didn't you get my email?"

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5. Explore the breakdown of the Marriage



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6. Talk about the final Separation

What precipitated the final separation?



OOPS!

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**Tips for Recognizing Possible Grounds**

Help the Petitioner focus on what is important.

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**Remember**

Validity or invalidity of consent is present at the moment that consent was exchanged.

A **DEFECT** of consent can be rooted in:

- Incapacity
- Defect of the intellect
- Defect of the will

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**Defect of Consent: Incapacity**

Grounds	Indicators
<ul style="list-style-type: none"> <li>• Lack of due reason (c. 1095, n.1)</li> <li>• Lack of due discretion, grave defect of discretion of judgment (c. 1095, n.2)</li> <li>• Lack of due competence, incapacity to assume the marital obligations (c. 1095, n.3)</li> </ul>	<ul style="list-style-type: none"> <li>• Premarital pregnancy</li> <li>• Chaotic childhood of instability, poverty, emotional neglect</li> <li>• Abuse: sexual, verbal or physical</li> <li>• Family tragedy</li> <li>• Alcoholic parents</li> <li>• Chronic illness</li> <li>• Mental illness: i.e., personality disorder</li> <li>• Intense, brief courtship</li> <li>• Risky behavior</li> <li>• Drug and alcohol abuse</li> <li>• Age</li> <li>• Reverential fear, family pressure</li> <li>• Pressure of preserving family honor</li> <li>• Using marriage as a means of escape</li> </ul>

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### Defect of Consent: Intellect

<p><b>Grounds</b></p> <ul style="list-style-type: none"> <li>• Ignorance (c. 1096)</li> <li>• Error about a quality of a person (c. 1097 §2)</li> <li>• Error induced by fraud (c. 1098)</li> <li>• Error of law (c. 1099)</li> </ul>	<p><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Ignorance: Extremely sheltered</li> <li>• Error: Quality must be DIRECTLY and PRINCIPALLY intended such as:             <ul style="list-style-type: none"> <li>Rich spouse   Good health</li> <li>Non-smoker   Social status</li> </ul> </li> <li>• Deceit (fraud), such as:             <ul style="list-style-type: none"> <li>• Party hides sordid past or hides addiction</li> <li>• Homosexuality</li> <li>• Feigned pregnancy</li> <li>• Sterility</li> <li>• Party hides mental illness</li> </ul> </li> <li>• Erroneous belief of marriage             <ul style="list-style-type: none"> <li>• Civil divorce ends a marriage</li> <li>• Refuses to accept the sacramentality of marriage</li> <li>• Reserves the right to divorce</li> <li>• Believes in an open marriage</li> </ul> </li> </ul>
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### Defect of Consent: Will

<p><b>Grounds</b></p> <ul style="list-style-type: none"> <li>• Total exclusion of marriage (c. 1101 §2)</li> <li>• Exclusion of the good of children (c. 1101 §2)</li> <li>• Exclusion of the sacramentality of marriage (c. 1101 §2)</li> <li>• Exclusion of the good of fidelity (c. 1101 §2)</li> <li>• Exclusion of the good of permanence/indissolubility (c. 1101 §2)</li> <li>• Exclusion of the good of the spouses (c. 1101 §2)</li> <li>• Conditioned consent (c. 1102)</li> <li>• Force and Fear (c. 1103)</li> </ul>	<p><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Using marriage to obtain something other than marriage, i.e., legal status</li> <li>• Catholic marriage is a show to appease parents</li> <li>• To preserve honor</li> <li>• Abhorrence to children</li> <li>• Use of contraceptives</li> <li>• Unfaithful during courtship and behavior extends to marriage</li> <li>• Party believes divorce ends marriage</li> <li>• "If I become unhappy, I can divorce."</li> <li>• One spouse especially self-centered, selfish, and disrespectful; ignores needs of other spouse</li> <li>• Prenuptial agreement</li> </ul>
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## Writing the Summary Statement

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Having engaged in conversation and explored the questions:

- Help the Petitioner to focus the Summary Statement on the potential grounds.
- Some context, facts, and examples are necessary, but try to leave out superfluous information.

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### Common Mistakes with Summary Statements



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### Summary Status focuses on problems that occurred during the marriage.

**"Five years into the marriage after our first child, everything changed."**



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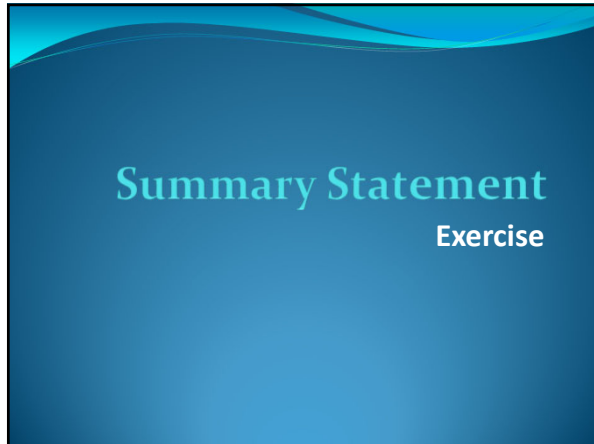
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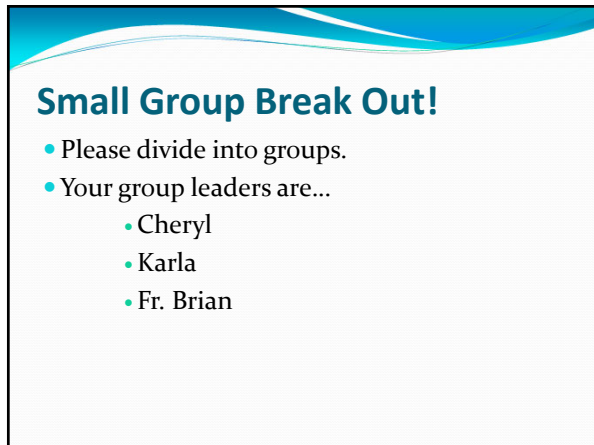
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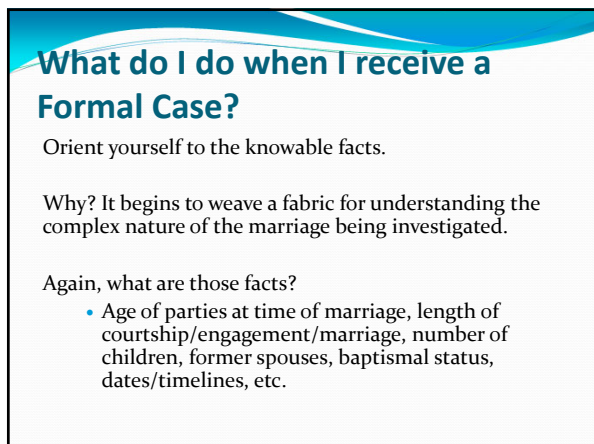
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**Then**

Start asking questions based on the information we have discussed today.

- Knowledge of grounds
- Grounds indicators
- Certain presumptions

Presumptions are factors that certain types of cases over time have proved to have in common.

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**Section I: Small Groups**

- Read Section I Summary Statement in full.
- Highlight what strikes you or stands out.
- Is anything missing, or too vague?
- Share your thoughts in your small group.

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**Large Group: What did you learn from reading Section I?**

- What facts are revealed?
- What is missing?
- What are your observations?

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**Conclusion: Section I only**

- Some conclusions:
  - It appears the inability to produce children caused a strain in their relationship, but this in and of itself is not a ground for nullity.
  - While the problems that occurred later in the marriage are concerning, it is their deliberation to get married, coupled with their ability and intention to marry, that is important.

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**Section II**

- Read Section II in your small groups.

➤What new information did you learn?

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**In your small group:**

- Identify possible problems, issues, grounds.
- As a group, determine the reasons why you believe “this marriage was never valid in the eyes of the Church.”
- Write a Summary Statement in a paragraph or two.

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**Final Thoughts**

1. Focus on Background, Courtship and Engagement. Don't get caught up in breakdown of marriage unless it relates to what was going on at the time of the exchange of consent.
2. It may take more than one meeting to get it right.
3. Probe vague statements: Can you give me an example?
4. Submitting a weak Summary Statement can create delays for us and the Petitioner.

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