

Instructions for FORMAL PETITION

(This sheet may be retained by the Petitioner.)

COMPETENCE

To determine the Davenport Tribunal's jurisdiction in your case, please read the following explanation before checking the appropriate blank on page 1 of the Petition.

1. The marriage in question took place in the Diocese of Davenport.
2. The Petitioner or Respondent has permanent residence, or at least 3 months' actual residence, within the territory of the Davenport Diocese.
3. Most of the witnesses are located in the Davenport Diocese.

INFORMATION FOR THE SHORT HISTORY

Following the format of page 1, prepare a brief outline, presenting the basic facts. If the outline exceeds the allotted space, please use a separate **single** 8 1/2" x 11" sheet of paper.

This brief history will be sent to your former spouse.

(Note: Very sensitive information, labeled "CONFIDENTIAL", may be attached, for the Tribunal's further understanding of your marriage problems. This will not be sent to the Respondent.)

NECESSARY DOCUMENTS TO BE INCLUDED WITH PETITION

(without which your Petition is subject to rejection)

(Note: Documents are not ordinarily returned to you. Other evidence of the cause of marriage nullity may also be submitted, e.g., letters, newspaper clippings, court records, photos, etc.)

1. Certificate of marriage (issued by church or county court house)
2. Copy of decree of completed civil divorce/dissolution
3. Certificate(s) of baptism or Profession of Faith of Catholic parties (issued by parish of baptism/conversion within last six months)
4. Identification of Witnesses (page 3 of Petition)
5. Mandate for Procurator-Advocate (church attorney) (page 5 of Petition)
6. One (1) copy of Petition (pages 1-4) in addition to original Petition



FORMAL PETITION

to
Tribunal of the Diocese of Davenport
780 West Central Park Ave
Davenport, Iowa 52804-1901

I, the undersigned, by this my Formal Petition request the Davenport Tribunal to initiate annulment proceedings on my behalf. I assure you that the Davenport Tribunal has competence on the following basis:

- ___ 1. The marriage in question took place in the Davenport Diocese.
- ___ 2. I or the Respondent has resided in the Davenport Diocese for at least 3 months.
- ___ 3. Most of the witnesses are located in the Davenport Diocese.

I ask, therefore, that the Davenport Tribunal investigate my former marriage. I understand that the Tribunal will supply my former spouse with a copy of the following: the Short History, the Canonical Grounds, and the List of Witnesses.

Short History

Our exclusive dating began _____; we were engaged on _____
(month/year) (month/year)

Prior to our wedding we had these problems:

When we married I was _____ years old and my former spouse was _____

Our wedding date was _____ and took place in _____

We had _____ children, their birthdates being _____

Our most serious marital problems were

The marriage ended because _____

Date of (last) separation _____ Date of decree of divorce _____

My subsequent relationships/remarriages: _____

My former spouse's subsequent relationships/remarriages: _____

Because of these and other facts which I will make known, I believe that this marriage is invalid, that is, the marriage never was established as a valid, sacramental union in accord with Catholic doctrine and laws, for the following reason(s), which can be proven to have existed **from the very beginning** [please check those which apply]:

EXAMPLES OF CANONICAL GROUNDS:

GRAVE LACK OF DISCRETION OF JUDGMENT: A person was unable, **at the time of consent**, to contract marriage due to insufficient foresight, insight and judgment. This may have been because s/he was quite young and inexperienced, severely immature, feeling extreme family, cultural or other pressures (due to, for example, a pre-marital pregnancy or pre-marital sexual activity), etc.

_____ Petitioner _____ Respondent _____ Both

INABILITY TO ASSUME THE ESSENTIAL OBLIGATIONS OF MARRIAGE: A person, for some psychological reason, was unable, **at the time of consent**, to enter into a partnership of the "whole of life." Possible reasons: alcohol or drug abuse, serious personality disorders or mental illnesses, or other factors which seriously affect one's ability to assume and fulfill essential marital obligations.

_____ Petitioner _____ Respondent _____ Both

SIMULATION [please circle one or more element or property]: A person intended, **at the time of consent**, to exclude one or more essential element or property of marriage, namely, *fidelity* or *children* or *permanence* (maintaining the right to divorce and also the belief that one has the freedom to remarry after divorce) or the "*community of life*" (the physical, emotional and spiritual welfare of one's spouse) or *sacramentality*.

_____ Petitioner _____ Respondent _____ Both

ERROR [please circle one or more element or property, or "quality"]: A person, **at the time of consent**, because of a problematic family or personal background and/or a lack of religious formation, did not understand one or more elements or properties of marriage (*permanence, the community of life, sacramental dignity*) as the Church understands them. Or a person was mistaken about an *important quality* of the other party and would not have married if s/he had been aware of that quality.

_____ Petitioner _____ Respondent _____ Both

FORCE OR GRAVE FEAR: A person made a decision to marry because s/he viewed marriage as the only conceivable alternative under the circumstances at hand.

_____ Petitioner _____ Respondent _____ Both

CONDITION: A person married with a condition concerning the future.

_____ Petitioner _____ Respondent _____ Both

FRAUD: A person was deceived by fraud about a quality of the other party, which of its very nature seriously disturbed the marital partnership.

_____ Petitioner _____ Respondent _____ Both

INVALID CONVALIDATION: A person failed to renew consent properly when a civil marriage was being validated in the Catholic Church.

_____ Petitioner _____ Respondent _____ Both

OTHER: [Please specify]: _____
[For example non-consummation, impotence, etc.]

_____ Petitioner _____ Respondent _____ Both

In support of my contention, I authorize the Tribunal to forward this Petition to the Respondent. To this end I am enclosing a copy of the Petition (pages 1-4) and the requested documents.

Signature of the Petitioner

Signature of the Priest/Pastoral Minister

Date: _____

Place: _____

WITNESS FORM

Witnesses should include **parents**, other close relatives, and knowledgeable friends. Please list 3 or 4 individuals as Witnesses. List each one only after he/she has agreed to provide testimony. Complete information exactly as indicated.

1. Name Mr./Mrs./Ms. _____
(circle) (as used in business/legal matters)
 Address _____
(exact street address) (city) (state) (zip)
 Relationship to you _____ Religion _____
(parent, sibling, in-law, close friend)

2. Name Mr./Mrs./Ms. _____
(circle) (as used in business/legal matters)
 Address _____
(exact street address) (city) (state) (zip)
 Relationship to you _____ Religion _____
(parent, sibling, in-law, close friend)

3. Name Mr./Mrs./Ms. _____
(circle) (as used in business/legal matters)
 Address _____
(exact street address) (city) (state) (zip)
 Relationship to you _____ Religion _____
(parent, sibling, in-law, close friend)

4. Name Mr./Mrs./Ms. _____
(circle) (as used in business/legal matters)
 Address _____
(exact street address) (city) (state) (zip)
 Relationship to you _____ Religion _____
(parent, sibling, in-law, close friend)

Additional Witnesses may be listed on reverse side, providing exact information as above.

If applicable, list Professional Witness below. The Tribunal will provide instructions on securing Professional Witness testimony.

Name Dr./Mr./Mrs./Ms. _____
(circle)
 Address _____
(exact street address) (city) (state) (zip)

Profession (check) psychiatry psychology medical other counselor

Service provided to (check) Petitioner Respondent both parties

Dates of visits: _____
(approx. start date) (approx. end date)

The More Abbreviated Process

Under certain circumstances a shorter process of annulment may be allowed. The following must be observed before submitting a petition for the shorter process:

1. This application is signed by both parties, who consent to the use of the shorter process.
2. There are facts and circumstances of people, supported by testimony or documents, which do not require a more thorough investigation or education, and make manifest the nullity.

Among the circumstances that may allow the handling of the case of nullity of the marriage by means of the briefer process according to canons 1683-1687, include for example (check all that apply):

- That lack of faith that can generate simulation of consent or error that touches the will.
- The brevity of conjugal cohabitation.
- A procured abortion to prevent procreation.
- The stubborn act of remaining in an affair at the time of the wedding or in the time following it.
- The fraudulent concealment of a major fact about one of the parties such as sterility, an incurable disease, children born from a previous relationship, or an attitude about marriage that is completely extraneous to married life as the Church understands it.
- The unexpected pregnancy of the woman.
- Acceptance of divorce as a normal way to end a marriage.
- Physical violence inflicted to bring about consent.
- The lack of use of reason proven by medical documents.

The testimony or documents which must accompany a petition for the shorter form may include, but are not limited to (check all that are being submitted):

- Sworn statements by the **Petitioner** or **Respondent** concerning the circumstances mentioned above.
- Sworn statements of **witnesses** to the circumstances mentioned above.
- Character witness statements when no other witnesses are available.
- Medical reports.
- Police reports.
- Prenuptial agreements or other civil documents.

At least two pieces of evidence must accompany this petition in order to apply for the shorter process. Please use the “**Shorter Process Witness Form**” and “**Shorter Process Document Form**” when submitting this evidence.

Formal Request for Shorter Process

In accord with the norm of canons 1683-1687, I hereby petition the Tribunal of the Diocese of Davenport to admit my case to the more abbreviated form in order to avoid the darkness of doubt which may arise from a lengthy wait for a conclusion. Included with this petition are all the necessary proofs that will allow the process to proceed immediately from the acceptance of this petition.

Signed,

Petitioner

Respondent

PETITION AGREEMENT

Please initial both spaces to indicate your agreement with the Tribunal's policies and procedures:

_____ I understand that this Petition relates to a purely ecclesiastical question and is to be resolved in accordance with the teachings, discipline and laws of the Catholic Church. While my case is in process I promise to not take any civil action against the Tribunal, the Respondent, or witnesses.

_____ I have read and comprehend the Davenport Tribunal's policies and procedures as explained in the brochures provided. I agree to cooperate fully with the Tribunal and abide by its policies, including that of not making any Catholic wedding arrangements until I have received an affirmative decision.

PETITIONER'S MANDATE OF A PROCURATOR-ADVOCATE

Please complete the form below, entering the name of the priest or pastoral minister of your choice as your Procurator-Advocate. If for any reason you need additional help, please contact the Tribunal. Your designation of a Procurator-Advocate allows that official to act in your name and on your behalf during the annulment proceedings. Specifically, the Procurator-Advocate you name will be authorized thereby: 1) to approve a change of grounds, if appropriate; 2) to review the evidence and testimonies collected by the Tribunal when the case is concluded; and 3) to receive a copy of the Decision when it is rendered.

I, the undersigned, the Petitioner in the marriage annulment case being submitted to the Tribunal of Davenport, do hereby nominate and constitute

 (Name of priest/pastoral minister)

to act as my Procurator-Advocate with the power of acting for me in my name before the Tribunal of the Diocese of Davenport and of doing all things that may be useful and necessary for the furthering of my cause before this Tribunal. I further nominate the same person to act as my Procurator-Advocate before the Tribunal of Second Instance if that Court should so permit.

Wherefore, I request that the Judicial Vicar of the Tribunal of Davenport accept the above-named person as my Procurator-Advocate with full authority to represent me in these proceedings.

 Petitioner's signature

I agree to act as Procurator-Advocate for the above Petitioner.

 Signature of Procurator-Advocate

Date on which Mandate was signed _____