

Witnesses

Every case requires witnesses. Witnesses are those relatives, **especially parents**, and friends who are willing to present information known to them about you and/or your former spouse prior to or at the time of the wedding. Since each witness is to respond to the Tribunal's questions, any witness listed must be willing to testify, and must not be coached in any way. Usually 3 or 4 knowledgeable witnesses are sufficient.

Professional witnesses are those counselors, psychologists, psychiatrists, and physicians who have counseled or treated you, your former spouse, or both, for problems which caused or were indicative of marital maladjustment. When professional input may be helpful to your cause, the Tribunal will assist you in arranging for the lawful submission of a professional report to the Tribunal, with proper consent as required by the counselor, doctor, or agency.

Confidentiality

Church law dictates that any testimony not protected by confidentiality is open to inspection by the Petitioner and the Respondent just prior to the final Decision on the marriage case. **Professional** testimony is always confidential, to be seen only by the Tribunal.

Either the Petitioner or the Respondent may agree to assign the right to examine testimonies received in the course of the investigation to a Church official known as a Procurator-Advocate.

These officials act as Church attorneys to assist their party in preparing the case, and for promoting their party's interests. The Procurator-Advocate has access to the testimonies and the final Decision. Also, the Judge on his own authority may declare any sensitive material confidential. These provisions thus adequately protect everyone's desire for privacy.

Thank you for your careful attention to this important information. We want to help you, and are here to serve you.

As you can see, the annulment process is lengthy and the investigation in-depth. Because of the scope of the examination of each marriage in question, and the number of pending cases, currently a case can usually be concluded within 14 months from the date of the **acceptance** of the case. The Tribunal is dedicated to dealing fairly with each case without undue delay.

Having studied these issues, you may want to complete the Formal Petition. Your priest or pastoral minister will assist you in this.

If you are recently divorced, or contemplating a new marriage, or are already remarried, you might consider attending programs sponsored by the *diocesan Office of Faith Formation* for the separated, divorced, and remarried. Sometimes after an annulment is declared, the Tribunal itself mandates participation in an appropriate program for couples already in or about to enter a subsequent marriage.

Diocese of Davenport
Marriage Tribunal
780 West Central Park Ave.
Davenport, Iowa 52804-1901

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About Annulments . . .

If you are contemplating petitioning the Davenport Tribunal to explore the possibility of finding your former marriage null, we believe you will find the information contained in this brochure helpful.



Diocese of Davenport
Marriage Tribunal

About Annulments . . .

It is the traditional teaching of the Catholic Church that marriage is a sacred, lifetime covenant. The Church also recognizes that sometimes marriages are entered invalidly due to a defect so radical that the sacred covenant was never established, even though by outward appearances it seemed to be a marriage. After the civil dissolution of a marriage, if such a defect is proved the Tribunal can declare that particular marriage invalid.

A declaration of invalidity has no civil effects. It does not make offspring “illegitimate”, or affect any stipulation or assignment made by the civil courts.

An annulment is granted when invalidity of the marriage in question is proved to the moral certitude of the Judge(s). It is toward this end that we will undertake your case, **provided** there is a canonical reason for pursuing the issue and this Tribunal has jurisdiction in your case.

The entire process leading to a declaration of invalidity is regulated by Catholic Church rules (Canon Law), which are universal and govern Tribunals in every country. The elements and issues discussed in this brochure can aid your becoming acquainted with the procedures which must be followed. Your priest or pastoral minister will gladly advise and assist you.

Competence

In order to hear your case the Tribunal must have competence. Competence is based on one or more of these criteria: the wedding in question occurred in this diocese; your former spouse resides in this diocese; you yourself intend to reside permanently in this diocese, or you have already done so for 5 years; most of the witnesses live within this diocese. If the Davenport Tribunal lacks jurisdiction to hear your case, we will put you in touch with a competent Tribunal.

Documents

In each case the following documents must be submitted with the Formal Petition: an authentic copy of the marriage certificate and the divorce or dissolution decree; and the baptismal certificate of each Catholic party. Catholic Church documents are issued by the parish in which the baptism or marriage occurred; civil documents are issued by the county court house at which the marriage or divorce was recorded.

You, the Petitioner

As you prepare your testimony, you may find parts of the questionnaire you will receive inquire about very intimate details of your and your former spouse’s lives. Other questions may cause you to recall some aspects of the relationship which were not pleasant. We hope your experience might be like most Petitioners, who find a final sense of relief in relating their complete story to a caring Church body who wants to assist you in every way possible toward a favorable resolution of your plight.

The Tribunal does not attempt to place blame on either you or your former spouse. Rather, we attempt to gather sufficient factual information so that an enlightened and just Decision can be rendered.

The Respondent

At the outset of the investigation, the Respondent (your former spouse) must be cited so that he/she might provide input. If possible, please notify your former spouse of your intention to begin this ecclesiastical process. Even if you have had no contact with your former spouse for a long time, you must use every reasonable means to determine his/her current address. If unable to locate your former spouse, you will need to provide documentation of your efforts to obtain this information.

Several church laws command respect for the rights and duties of your former spouse regarding annulment proceedings. The Tribunal must advise him/her of these rights and duties, while simultaneously trying to enlist a cooperative attitude. A Respondent’s refusal to participate, however, seldom jeopardizes the continuation of the case.

Briefly stated, the Respondent has these rights: 1) to receive a **copy** of your Petition, which includes a brief history of your marriage, the reasons for the alleged invalidity of the marriage, and the names of witnesses to be contacted; 2) to respond in writing to your Petition; 3) to provide testimony; 4) to name additional witnesses; 5) to be advised of the Decision of the case and to appeal it.



A tribunal office is the court established by the church to decide issues presented to it for resolution. Its primary function is to review petitions that have been submitted for an ecclesiastical declaration of marriage nullity. If there is a question regarding whether a specific marriage is valid and binding until the death of one of the spouses, the issue is brought before the Church community through a tribunal office. This ecclesiastical process involves an investigation of facts concerning a specific marriage and the rendering of a possible declaration of nullity. The Tribunal is staffed by canon lawyers (clergy and lay people) and an experienced administrative staff.