



Outline of Written Petition to be Submitted in a Formal Annulment Case

Please be aware that your written petition will be sent to your former spouse at the beginning of the annulment process, as required by Church law.

1. Petition statement and basic facts

- a. Begin with the following sentence: “I petition the Tribunal of the Archdiocese of Omaha to declare my marriage to _____ null and void.”
- b. Include the full names, EXACT mailing addresses, and phone numbers of both parties to the marriage (list the maiden name of the woman, as well as her current last name).
- c. Date and place of marriage (provide the name of the church, if applicable, as well as the city and state).
- d. Religion and baptismal status of both parties.
- e. Date and place of divorce.

IMPORTANT: Recently issued baptismal certificates for both the petitioner (you) and the respondent (your former spouse), as well as a copy of the marriage certificate/license and divorce decree must be submitted to the Tribunal, along with your petition. Please note that all documents submitted will be permanently retained in the file.

- 2. Summarize the time before the wedding** (the dating and engagement periods).
- 3. Summarize the time around the celebration of marriage** (the wedding day and the first several months of marriage).
- 4. Summarize the decline of the marriage and the divorce** (when serious problems began and what they involved). For example: sex, infidelity, children, money, job, drinking, violence or religion.
- 5. Possible “ground(s)” (or basis) for a declaration of nullity**
Based on the descriptions below, please specify the ground or grounds that you believe applies to your marriage and briefly explain why. Possible reasons for a declaration of nullity include (but are not limited to) the following:

- **Force or fear**

The consent to marry must be made freely by both parties. Did one or both parties enter into the marriage due to force or grave fear, or otherwise experience intense duress or pressure?

- **Incapable of consenting to marriage in an adult manner**

The decision to marry must be a reasoned decision which is freely made. A reasoned decision is one made with knowledge of what is being given to the spouse in marriage: the right to a partnership of life, to fidelity and permanence, to a sexual union and children. Did one or both of the parties lack this understanding or suffer from a psychological condition that undermined married life? Did either spouse suffer from pervasive, persistent and serious

immaturity, as compared to what is usually expected of someone of their age?

- **Inability to live the marriage responsibilities**

The consent to marry may be defective because a person who made it was suffering from some serious emotional or psychological condition that made him/her incapable of living the interpersonal union required by marriage. Some examples of serious personality problems include: drug or alcohol dependence, other addictions, diagnosed mental disorders and homosexuality. Did one or both parties suffer from any such condition(s)?

- **Exclusion of an essential element of marriage: fidelity, permanence, children**

Marital consent must include the commitment to be faithful to one's spouse until death, a willingness to have children and raise them responsibly. At the time marriage vows were exchanged, did either party reserve the right to extramarital affairs, or plan to divorce if the marriage became difficult, or intend not to have children?

6. Conclusion

- a. If marriage outside the Church has already taken place: Give the name and address of person, religion and whether this person has ever been married before.
- b. Is another marriage merely being contemplated? To whom? Give the name and address of person, religion and whether this person has ever been married before.
- c. Has there been a previous investigation concerning the possibility of an ecclesiastical declaration of nullity (an "annulment")? If so, please explain.
- d. Provide the names and complete addresses of immediate family members, other relatives, friends, or other persons who knew you and your former spouse at the time of your courtship or the early years of the marriage. Usually 5-6 witnesses are necessary. Be sure to indicate the nature of your relationship to each witness (e.g., mother, father, sister, brother, friend, etc.) and how long they have known you. Please note that no one other than you, your former spouse and the Tribunal staff will see your petition and the witness testimony.
- e. If you have worked with a priest, deacon or annulment sponsor to write your petition, please include that person's name.
- f. **Sign and date your account at the end.**

IMPORTANT: Please note that your former spouse may be contacted in order to determine if he or she consents to the use of the shorter process, if the use of that process seems reasonable. If he or she consents to your petition and it is readily apparent that the marriage is invalid, your case will be **considered** for the shorter process.

Reminder: Your written petition will be sent to your former spouse at the beginning of the process, as required by Church law. If there is a grave reason why you believe this should not be the case, please explain in a "post script" in your petition. The judge assigned to your case will make the final determination as to whether such a grave cause exists. Also, please note that even given our high priority of confidentiality and privacy, the State of Nebraska's mandatory reporting guidelines for the abuse of minors or vulnerable adults—in the past or the present—do apply to Tribunal personnel.

The Tribunal cannot predetermine how long it may take to process a particular case. Generally, it takes about 18 months to reach a decision. If you have any questions, you may contact us at:

The Tribunal
100 N. 62nd St.
Omaha, NE 68132

402.558.3100
402.558.3026 (Fax)
tribunal@archomaha.org
www.archomaha.org/tribunal