

OFFICE OF THE TRIBUNAL
Diocese of Charleston
901 Orange Grove Road
Charleston, SC 29407

Phone (843) 261-0450

INSTRUCTIONS FOR PRELIMINARY QUESTIONNAIRE AND PETITION

Please note that altered templates of this form will be rejected and returned

- 1) The “**Preliminary Questionnaire**” is intended to help you, the petitioner, to present pertinent information to the Tribunal. The information you provide will be used to determine if there is a canonical basis for a case. The questions are formulated to reveal possible canonical grounds against the presumed validity of your marriage. The information you provide, therefore, is critically important for the determination of whether or not the Tribunal can consider your case.
- 2) If information about sexual or physical abuse of a child who is currently a minor is revealed in your testimony, you must provide written proof that this abuse has been reported to the proper authorities. In accord with civil law, no confidentiality can be given for any sexual or physical abuse of someone who is currently a minor. Cases revealing sexual or physical abuse of someone who is not currently a minor will be examined on an individual basis and may have to be discussed with you prior to moving forward depending on several factors.
- 3) If your case is accepted and it is a formal case, your former spouse, the Respondent, has the legal right to see the testimony and evidence that has been presented as proof of nullity.
- 4) All questions concerning the Respondent must be answered in full. Blank responses will not be accepted, please use “not applicable” or “unknown” as necessary. Additionally, a complete and current address for the Respondent is essential. Questionnaires without this information will be returned for completion, as your former spouse must be contacted and advised of his/her rights in the case. Outdated and inaccurate addresses, zip codes, and telephone numbers are useless and cause delays.
- 5) In order for your responses to have legal standing, this questionnaire and all subsequent forms must be signed by you under oath before your case assistant (the priest, deacon, or other person assigned by your pastor). That person will be responsible for mailing these materials to the Tribunal Office. You should keep a copy for your personal files and check with our office about two weeks after your meeting to be sure we have received your case materials.
- 6) You are required to submit original or notarized copies of your marriage certificate and divorce decree with your preliminary questionnaire for verification. All civil and church documents submitted to the Tribunal must be seal-bearing original documents or notarized copies of the original, likewise bearing the authenticating seal of the civil or

ecclesiastical authority. Photocopies (Xeroxed copies) are not acceptable in ecclesiastical courts as authentic documents.

- 7) In Church Law, a marriage once celebrated is always presumed to be valid. The legal presumption of validity cannot be overturned unless the Petitioner can prove otherwise. Neither the Tribunal nor anyone else can guarantee an affirmative decision nor give a specific time frame for the completion of your case. The policy of the Diocese of Charleston is that a wedding date **cannot be set** until you have received a final Decree of Nullity of the previous attempted marriage, which has been the subject of this trial. Furthermore, if you or your present spouse is in the RCIA program, **Church law prohibits completion of this program until all prior marriages have been resolved according to Catholic Church law.**
- 8) It is important that you are personally involved in your case. Once the Tribunal has accepted a case, the Tribunal asks petitioners to call or write once every three months. Written inquiries are preferred since they allow the staff time to study carefully your case file. When you call, to protect the confidentiality of the case, you must provide your protocol number. If you have a change of address or a new phone number, please update that information at the Tribunal as soon as possible.
- 9) There is no fee to submit your case. Upon pre-acceptance of your case, a \$200.00 fee will be assessed. Inability to meet the payment schedule will not prevent the processing of a case. Special difficulties or financial hardships should be made known to the Tribunal so that the matter of payment may be discussed.

DETACH THE INSTRUCTIONS AND GIVE TO THE PETITIONER

**DIOCESE OF CHARLESTON
PRELIMINARY QUESTIONNAIRE**

Biographical information: It is very important that you provide all the information requested below for both you and the Respondent. **Please note that altered templates of this form will be rejected and returned.**

PETITIONER:

Current Full Name: _____

Maiden Name (woman): _____

Address: _____

Phone: Home: _____

Cell: _____

Date of Birth: _____

Place of Birth: _____

Place of Employment: _____

Occupation: _____

Were you ever baptized? _____

Religion and Date of Baptism at Marriage: _____

Church of Baptism: _____

Address: _____

Current Religion: _____

If Catholic, date of Baptism/Profession of Faith: _____

Are you currently in RCIA? _____

Parental information

Father's Full Name: _____

Address (only if living): _____

Religion at time of your birth: _____

Mother's Full Maiden Name: _____

Address: _____

Religion at time of your birth: _____

RESPONDENT: (former spouse)

Language Preference: English Spanish

Current Full Name: _____

Maiden Name (woman): _____

Address: _____

Phone: Home: _____

Cell: _____

Date of Birth: _____

Place of Birth: _____

Place of Employment: _____

Occupation: _____

Was he/she ever baptized? _____

Religion and Date of Baptism at Marriage: _____

Church of Baptism: _____

Address: _____

Current Religion: _____

Is he/she currently in RCIA? _____

Father's Full Name: _____

Address (only if living): _____

Religion at Respondent's birth: _____

Mother's Full Maiden Name: _____

Address: _____

Religion at Respondent's birth: _____

Is there anyone in your family history or your former spouse's who belonged to an Eastern Catholic Church? Yes No If yes, please give details.

Is there anyone in your family history or your former spouse's who belonged to the Orthodox Church? Yes No If yes, please give details.

Marriage being investigated

1. How long did you date before you became engaged? _____

2. What was the length of your engagement before marriage? _____

3. Did you live together before marriage? Yes No If yes, for how long? _____

4. Before the marriage, did you, as a couple, participate in premarital counseling? Yes No
If "yes", when and where? _____

5. Date of marriage: Month _____ Day _____ Year _____

6. Church or place of marriage (Name and complete address):

7. We were married by:

- Catholic priest/deacon
- Other religious official
- Judge or other civil official

8. If you or your former spouse was Catholic at the time of marriage and if the marriage took place outside a Catholic Church without the permission of the Catholic Church, was it later convalidated (blessed) in the Catholic Church? Yes No If "yes", when and where?

9. Were there any separations in your marriage? Yes No

If "yes," please give details on a separate sheet of paper and include how many, when, and who initiated each separation.

10. After the commencement of the marriage, how long did you live together before the final separation?
_____ Exact date of the final separation: _____

11. Who obtained the civil divorce? I did My former spouse did

Date of Civil Divorce: _____ County: _____

State: _____

Civil Grounds: _____ 12. How many

children were born/adopted in this marriage? _____

Names and dates of birth/adoption:

Who has principal custody now? I do My former spouse does Other

Has the child support assessed by the civil courts been fully met? Yes No
If “no,” please explain on a separate sheet of paper.

Grounds of invalidity

13. What was your age at the time of the marriage _____ former spouse’s age _____?

14. Was your marriage consummated [by sexual intercourse]? Yes No
If no, please explain.

At the beginning of your marriage, were you incapable of normal sexual intercourse? Yes No
Was your former spouse incapable? Yes No
If “yes” for either question, please explain on a blank sheet of paper.

15. Was this the first marriage for you? Yes No
For your former spouse? Yes No
If “no” for either question, please explain on a blank sheet of paper.

16. Were you ever ordained to the sacred ministry (priesthood or diaconate) or a member of a religious order? Yes No Was your former spouse? Yes No
If “yes,” please explain on a separate sheet of paper.

17. Were you and your former spouse related by blood? Yes No
If “yes,” please explain on a separate sheet of paper.

18. Did you ever cohabit [have a sexual relationship] with a blood relative of your former spouse?
 Yes No
Did your former spouse ever cohabit [have a sexual relationship] with a blood relative of yours?
 Yes No If “yes” to either question, please explain on a separate sheet of paper.

19. Were you ever married to a blood relative of your former spouse? Yes No
Was your former spouse ever married to a blood relative of yours? Yes No
If “yes” to either question, please explain on a separate sheet of paper.

20. Are you and your former spouse related to each other by legal adoption? Yes No
If “yes,” please explain on a separate sheet of paper.

21. At the commencement of the marriage, did you understand marriage and the basic responsibilities of being a spouse? Yes No

Did your former spouse understand? Yes No

If “no” please explain on a separate sheet of paper.

22. At the commencement of the marriage, were you capable of competently weighing and assessing life decisions, especially concerning marriage? Yes No

Was your former spouse capable? Yes No

If “no” please explain on a separate sheet of paper.

23. At the commencement of the marriage, were you suffering from any psychological disorder or addiction that later prevented you from fulfilling the basic obligations of marriage? Yes No

Was your former spouse? Yes No

If “yes” to either question, please explain on a separate sheet of paper and indicate whether professional or medical treatment was sought.

24. At the commencement of marriage, did you understand that marriage is a permanent partnership between a man and a woman, requiring sexual cooperation for the procreation of children? Yes No

Did your former spouse understand? Yes No

If “no” to either question, please explain on a separate sheet of paper.

25. Before the marriage, did you hold that you had the personal right to divorce and marry again if you were not happy or for some other reason? Yes No

Did your former spouse hold such a personal right? Yes No

If “yes” to either question, please explain on a separate sheet of paper.

26. Did your former spouse deceive you in any way in order to obtain your consent to marry?

Yes No

Did you conceal any major fact from your former spouse in order to obtain his/her consent?

Yes No If “yes” to either question, please explain on a separate sheet of paper.

27. Was any grave force exerted against you to get you to marry or did you enter marriage because of a great fear? Yes No

Did your former spouse marry because of a grave force or a great fear? Yes No

If “yes” to either question, please explain on a separate sheet of paper.

28. Was an unplanned pregnancy a factor in the decision to marry? Yes No

If “yes,” had marriage discussions taken place prior to the discovery of the pregnancy? Yes No

29. When you and your spouse entered into marriage, did either of you do so for any other reason than marriage itself, for example obtaining a green card, for financial gain/assistance, escape a bad home environment, etc.? Yes No If “yes” please explain why on a separate sheet of paper.

30. Before the marriage, did you resolve to totally exclude children in the marriage? Yes No

Did your former spouse? Yes No

Did you, without the agreement of your former spouse, determine the number of children? Yes No

Did your former spouse? Yes No

If “yes” to any of these questions, please explain on a separate sheet of paper.

31. When you married, did you hold that you had the personal right to have a sexual partner other than your spouse? Yes No

Did your former spouse hold such a personal right? Yes No

If "yes," please explain on a separate sheet of paper.

32. Did you consent to this marriage based on the condition that something had to take place in the future? [e.g. achieve a certain income level, become a doctor, etc.] Yes No

Did your former spouse? Yes No

If "yes" to either question, what was that condition and why?

33. When you married, did you hold that your spouse had to have a particular quality/characteristic and this was the primary or principal reason you chose him/her to be your spouse? Yes No

If "yes," what was that characteristic?

Would you have married this person if you were aware that he/she did not possess this quality/characteristic? Yes No

34. Did your former spouse hold that you had to have a particular quality/characteristic in order to enter marriage with you? Yes No

If "yes," what was that characteristic?

Would your former spouse have married you if he/she were aware that you did not possess this quality/characteristic? Yes No

Marriage problems

Indicate by a checkmark all factors that were serious problems before or during your former marriage. On a separate sheet of paper, describe the problems thoroughly including when they began, especially noting if they existed before the marriage.

	PETITIONER	RESPONDENT
Mental Illness		
Personality Disorder		
Drug Addict		
Alcohol Addict		
Gambling Addict		
Emotional Instability		
Physical Abuser		
Sexual Deviant		
Pornography Obsession		
Infidelity		
Child Abuser		
Victim of Abuse		
Victim of Incest		
Gross Immaturity		

Criminal History		
Socioeconomic Disparity		
Cultural Differences		
In-Law Problems		
Gross Financial Irresponsibility		
Negligent of Parental Responsibility		

35. Has this case ever been presented to any other Tribunal? Yes No

If yes, what was the name of the Tribunal?

36. Have you ever been a party to any other marriage not reported to this Tribunal?

Yes No If yes, explain.

37. Did either party to this marriage ever [prior to, during, and/or after the marriage ended] receive individual or marital counseling from a psychiatrist, psychologist, or other professional counselor? Yes No

If "yes," who received counseling, when, from whom, and can you provide medical documents to verify your statement?

List in chronological order, **all** marriages you have entered, including any present union:

Full Maiden Name of Spouse	Date of Wedding:	Place of Wedding:
_____	_____	Church/Court _____ City/State _____
_____	_____	Church/Court _____ City/State _____
_____	_____	Church/Court _____ City/State _____

List in chronological order, **all** marriages your former spouse has entered, including any present union:

Full Maiden Name of Spouse	Date of Wedding:	Place of Wedding:
_____	_____	Church/Court _____ City/State _____
_____	_____	Church/Court _____ City/State _____
_____	_____	Church/Court _____ City/State _____

Contemplated marriage

Information regarding fiancé(e), present spouse or any significant other:

38. Full name: _____

If woman, maiden name: _____

Address: _____

Home Telephone No: _____

39. Religion: _____

40. Does he/she practice his/her religion? Yes No

41. Date of birth: _____

42. Has this person ever been previously married? Yes No

If previously married, is the former spouse living? Yes No

If former spouse is still living, have they received a declaration of nullity? Yes No

*Please note that if the former spouse is still living and they have not received a declaration of nullity, it will necessary to submit a separate case for that marriage.

43. Have you already contracted marriage with this person? Yes No

If yes, when: _____

where: _____

status of officiant: _____

44. Have any children been born of this marriage? Yes No

If yes, give names and date(s) of birth/adoption:

45. Are these children baptized? Yes No

If yes, give the name, date, and place of baptism for each child:

46. Are these children being educated in the Catholic Faith? Yes No

Please answer the following questions on separate sheets of paper.

Family History

1. Describe in general terms your childhood home environment.
2. Were you raised by your biological parents in the family home? Yes No
If "no," explain.
3. Describe your parents individually and their relationship to each other, especially note if one was particularly overbearing.
4. Please list your siblings and yourself in chronological order according to birth, including ages and whether you still maintain a relationship with them.
5. Did your parents or any of your siblings have a physical or psychological problem that adversely affected the family (e.g. epilepsy, addiction, bipolar disorder, etc.)? Yes No
If "yes," please explain.
6. Is there a family history or pattern of divorce for either your parents or your siblings?
 Yes No If "yes," explain.
7. Describe your childhood and adolescence, noting family relationships, significant events (for example divorce, deaths or accidents), and school experiences.
8. Give the age you began dating and describe your dating history, especially noting serious relationships, breakups, sexual experiences and attitude.
9. Briefly describe your work history and any difficulties you had with authority figures before you married.

Your former spouse's family history

10. Describe in general terms your former spouse's childhood home environment.
11. Was he/she raised by his/her biological parents in the family home? Yes No
If "no," explain.
12. Describe your former's parents individually and their relationship to each other, especially note if one was particularly overbearing.
13. Did either of your former spouse's parents or siblings have a physical or psychological problem (e.g. epilepsy, addiction, bipolar disorder, etc.) that adversely affected the family?
 Yes No If "yes," please explain.

14. Please give the names and ages of your former spouse and all of his/her siblings.
15. Is there a family history or pattern of divorce for either his/her parents or his/her siblings?
 Yes No If "yes," explain.
16. Describe your former spouse's childhood and adolescence, noting family relationships, significant events (for example divorce, deaths or accidents), and school experiences.
17. Give the age your former spouse began dating and describe his/her dating history, especially noting serious relationships, breakups, sexual experiences and attitude.
18. Briefly describe his/her work history and any difficulties he/she had with authority figures before you married.

Dating history

19. When and where did you and your former spouse meet?
20. Please describe what attracted you to each other? For example, the attraction was primarily physical, intellectual, emotional and so forth.
21. Describe your dating experience with your former spouse, especially giving the frequency and kinds of dates, living arrangements, and so forth.
22. If you separated in this period, describe the separations and especially note if you dated others during those periods of time and how you resumed your dating relationship.
23. If you were sexually active with your former spouse while dating, how soon after you began dating did this occur? Did you feel compelled to continue in this dating relationship once it began? If yes, explain.
24. Describe how you and your former spouse interacted and communicated with each other while dating, especially note if it was mutually open and satisfactory or argumentative and one-sided.
25. When did you and your former spouse begin to discuss the possibility of marriage? What attitudes did you each manifest, especially concerning future goals, children, residence, jobs, in-laws, and so forth?
26. Describe any serious doubts or concerns you, your former spouse, or your families and friends had about this relationship.
27. Did anyone in your family or among your friends seriously try to talk you, or your former spouse, out of this marriage? Yes No If "yes," explain.
28. Was the wedding date ever postponed? Yes No If "yes," explain.

29. As the wedding date approached, did you or your former spouse truly know that this was a mistake and the marriage would fail? If "yes," explain who had concerns and indicate the reasons one or both thought it would be a mistake to marry. Why did the one who had reservations continue with the ceremony?

30. Did you have a honeymoon? If yes, were there any significantly distressing incidents that marred the honeymoon and were indicators of future marital problems? If yes, explain.

Marital history

31. Describe your marital relationship in the first three to five years, particularly noting the harmony and affection or increasingly serious difficulties and alienation.

32. How open and how frequent were communications between you and your former spouse? In other words, what was your style of communication?

33. Describe how major decisions were made in the first few years of marriage.

34. When did the first serious problem occur and what were they? Who or what caused them? What did you or your former spouse do about them?

35. How soon after problems arose in this marriage did a break in the relationship or a separation occur? What was the length of the separation? Did the discovery of this problem lead to a final or definitive separation? If so, when?

36. Please indicate here any further information you wish to share concerning this marriage.

Witnesses

Church law requires that allegations be proved not only by the statements of the Parties to the marriage but also by the testimony of witnesses. The best witness would be a material witness: someone who sees or experiences directly an event and not someone who only knows of it by hearsay, though hearsay testimony is admissible. Please list 3 to 5 persons who have knowledge of your family background, childhood and/or marital situation, and who were present in your life at the time of your marriage. Please note it is your responsibility to contact these witnesses beforehand and verify they are willing to participate.

1] Please check one: Mr. Mrs. Ms. Dr. // Language Preference: English Spanish Other

Name _____ Relationship: _____

Address: _____

City, State, Zip Code: _____ Phone: _____

Year this person met you: _____ Year this person met your former spouse _____

2] Please check one: Mr. Mrs. Ms. Dr. // Language Preference: English Spanish Other

Name _____ Relationship: _____

Address: _____

City, State, Zip Code: _____ Phone: _____

Year this person met you: _____ Year this person met your former spouse _____

3] Please check one: Mr. Mrs. Ms. Dr. // Language Preference: English Spanish Other

Name _____ Relationship: _____

Address: _____

City, State, Zip Code: _____ Phone: _____

Year this person met you: _____ Year this person met your former spouse _____

4] Please check one: Mr. Mrs. Ms. Dr. // Language Preference: English Spanish Other

Name _____ Relationship: _____

Address: _____

City, State, Zip Code: _____ Phone: _____

Year this person met you: _____ Year this person met your former spouse _____

* What can this witness offer to support your petition? _____

If you have more witnesses, please photocopy this sheet to list additional witnesses.

PETITION

I, the undersigned Petitioner, _____ respectfully request the Tribunal of the Diocese of Charleston to begin a judicial investigation and to declare null and void under the laws of the Roman Catholic Church the marriage which I contracted with (name of the previous spouse)_____ due to a defect of consent. I herewith submit a summary of the reasons, supplemental documents, and a list of witnesses to prove my claim.

At this time, I agree to produce the necessary documents, proofs including medical reports, police reports and witnesses.

Date

Signature of Petitioner

Signature of Case Assistant

PARISH SEAL

I affirm that the information that I have given in this statement is the whole truth.

Given at: _____
(place)

this ____ day of _____, 20 ____.

Printed name of the Petitioner

Signature of the Petitioner

Printed name of the Case Assistant

Signature of the Case Assistant

Name of Parish

City, State

PARISH SEAL

FOR THE CASE ASSISTANT (priest, deacon, religious, other):

Was oath administered? Yes No

Please give a summary of your impressions of the Petitioner in the interview (e.g. dress, attitude, physical description...).

Please give a brief summary of your impressions as to the veracity of the Petitioner's statements as well as your own personal knowledge of the Petitioner's religious and moral status.

Agreement of understanding

I, the undersigned petitioner, understand the following points with regard to my petition for a decree of invalidity.

1. I understand that I must focus on the time of the exchange of consent/vows in the testimony I present. The time of exchange of consent/vows includes the courtship leading up to the exchange of vows and the first months/years of marriage. I also understand that I must provide reliable witnesses who have first-hand knowledge of this period and are willing to participate in this review.
2. I understand that no assurance can be given of an affirmative decree (i.e., the granting of a decree of nullity);
3. I understand that no assurance can be given of a definite time for the completion of the canonical process;
4. I understand that absolutely no arrangements can be made for a future Catholic marriage or convalidation of a present civil union unless and until I have received a decree of nullity and established my freedom to enter a new marriage in the Catholic Church;
5. I understand that if the circumstances causing the invalidity of the marriage so indicate, the Tribunal may find it necessary to require that I seek professional counseling before a marriage in the Catholic Church. The counseling will be at the direction of the Tribunal;
6. If applicable to my personal situation, I further understand that Church law prohibits me, or my present spouse, completion of the RCIA program unless and until a decree of nullity has been issued for this marriage and all other prior marriages for myself and my present spouse;
7. I understand that, according to canon law (CIC c. 1615, DC art.258), a paper copy of the sentence will be sent by mail to myself and my previous spouse upon the final decision. I understand further, that the sentence includes elements of the testimonies submitted by all parties and witnesses.

Given at _____ (place) _____ (date)

Signed: _____
(Petitioner)

Signed: _____
(Case Assistant)

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AUTHORIZATION FOR RELEASE OF INFORMATION
BY ELECTRONIC TRANSMISSION

Definition of electronic case file transmission:

For the purposes of this agreement, electronic transmission refers to the communication of an original case file by electronic means, to include computer-to-computer, electronic mail (e-mail), and/or video conferencing applications including but not limited to Skype and FaceTime. The information in a case file that may be electronically transmitted includes but is not limited to original information submitted by the Petitioner, Respondent, Professional and/or Personal Witnesses, Court Experts, Case Analysts, Case Advocates, and Judges in the form of a preliminary questionnaire, lack of form questionnaire, formal statement, witness statements, case acts, and procedural acts.

Benefits of electronic case file transmission:

The electronic transmission of case information reduces costs through the diminishment of paper consumption as well as postal fees. In addition to being cost-efficient, this also reduces delivery time and permits the rapid dissemination of information to all case handlers and case parties.

Electronic case file transmission notice/disclaimer:

Please note that the use of electronic transmission will not expedite the processing time of Petitioner's case. The average processing time for a case is between twelve and fourteen months.

Risks of electronic case file transmission:

Electronic transmission of case information presents an inherent level of risk to the confidentiality of information related to a Petitioner's case file. Although the email server of the Tribunal is encrypted and documents are password-protected in an effort to maintain case file confidentiality, electronic transmission of material cannot guarantee confidentiality. By signing below and utilizing the electronic transmission system, the Petitioner acknowledges and agrees to the information and terms contained herein, and further waives any and all claims against, and agrees to hold harmless, the Bishop of Charleston a corporation sole, the Tribunal and any sender of case information via electronic transmission, with respect to any and all claims, loss and/or damage arising from and/or related to the electronic transmission of case information.

Parties who may receive electronic case file transmission:

Case information may be sent electronically from the Tribunal to the following parties: Judges, Psychologists, Counselors, Petitioner and/or Respondent Advocates, Defender of the Bond, Promoter of Justice, and Court of Second Instance.

Agreement

Please check and initial below:

- I have read and understand the information provided to me regarding the Tribunal’s release of information through electronic means, and I agree to the terms.

Initials: _____

Signature of Petitioner

Date signed

Printed name of Petitioner

Signature of Case Assistant

Date signed

Printed name of Case Assistant