

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 Outdated and inaccurate addresses, zip codes, and telephone numbers are useless and cause delays.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 currently remarried and either you or your present spouse is in the RCIA program, **Church law prohibits completion of this program until all prior marriages have been resolved.**
- 8) It is important that you are personally involved in your case. You will be required to meet with the Tribunal officials for an interview. When you call the Tribunal Office, to protect the confidentiality of the case, you must provide your protocol number. If you or your former spouse 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

Respondent

Current full name:

Current full name:

Maiden name (woman): _____

Maiden name (woman): _____

Address: _____

Address: _____

Phone Number: _____

Phone Number: _____

Email: _____

Email: _____

Date of Birth: _____

Date of Birth: _____

Place of birth: _____

Place of Birth: _____

Occupation: _____

Occupation: _____

Were you ever baptized? _____

Was he/she ever baptized? _____

Religion and Date of Baptism at Marriage:

Religion and Date of Baptism at Marriage:

Church of Baptism: _____

Church of Baptism: _____

Address: _____

Address: _____

Current Religion: _____

Current Religion: _____

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

Are you currently in RCIA? _____

Are you and the Respondent in regular contact? _____

Did you notify the Respondent that you are applying for a declaration of nullity? _____

If no, why didn't you notify the Respondent?

Do you understand that the Respondent has the right to participate actively in this case? _____

Do you think that the Respondent will participate actively in this case? _____

Why?

Parental information

Petitioner

Father's full name: _____

Address (only if living): _____

Religion at the time of your birth: _____

Mother's full maiden name: _____

Address (only if living): _____

Religion at the time of your birth: _____

Respondent

Father's full name: _____

Address (only if living): _____

Religion at Respondent's birth: _____

Mother's full maiden name: _____

Address (only if living): _____

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		

Has this case ever been presented to any other Tribunal? Yes No
 If yes, what was the name of the Tribunal?

Have you ever been a party to any other marriage not reported to this Tribunal?
 Yes No If yes, explain.

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: _____
Phone Number:: _____
Date of birth: _____

39. Religion: _____
Does he/she practice his/her religion? Yes No

40. 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 be necessary to submit a separate case for that marriage.

41. Have you already contracted marriage with this person? Yes No
If yes, when: _____
where: _____
status of officiant: _____

42. Have any children been born of this marriage? Yes No If yes, give names and date(s) of birth/adoption: _____

43. Are these children baptized? Yes No If yes, give the name, date, and place of baptism for each child: _____

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

Please write a narrative answering the following questions on separate sheets of paper.

Family History

Describe your personality and character –your strong and weak points, your relationship with parents and siblings, your religious and educational training, your social life prior to meeting the Respondent, medical problems, any difficulties with alcohol, drugs, gambling and if you have ever undergone psychological counseling.

Your former spouse's family history

Describe your former spouse's personality and character – strong and weak points, relationship with parents and siblings, religious and educational training, social life prior to meeting you, medical problems, any difficulties with alcohol, drugs, gambling and if former spouse has ever undergone psychological counseling.

Dating history

How you and your former spouse met, the length of the dating and courtship period, problems and separations you had; who brought up the subject of marriage, your understanding of marriage at the time, your discussion about (a) your roles in the marriage, (b) children, (c) fidelity; whether you experienced doubts or pressure prior to the marriage; the plans you both discussed and made for your life together; your reasons for believing both of you were suited for each other, and mature enough to accept the responsibilities of marriage.

Marital history

Attitude of each toward work, careers and responsibilities; how decisions were made about finances, career, discipline of the children; when problems first appeared; any instances of infidelity, physical or psychological mistreatment (abuse); problems with alcohol, drugs, gambling; appearance of psychological disorder –extent and treatment; any separations and whether counseling (personal and couple) was sought; describe circumstances surrounding the final separation and the efforts made to reconcile. In your opinion, what was the cause of the breakup of your 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. Your witnesses will first receive an email from the Tribunal Office and then they will be contacted by telephone for an interview.

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

Name _____ Relationship: _____
Address: _____ Email: _____
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: _____ Email: _____
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: _____ Email: _____
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: _____ Email: _____
City, State, Zip Code: _____ Phone: _____
Year this person met you: _____ Year this person met your former spouse _____

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

Name _____ Relationship: _____
Address: _____ Email: _____
City, State, Zip Code: _____ Phone: _____
Year this person met you: _____ Year this person met your former spouse _____

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) _____, whose address is _____

_____ for the following reasons:

Also submitted at this time is the following evidence: answers to questions about the marriage as I experienced it, and the required documents of baptism, civil marriage license and final decree of divorce. At the request of the Tribunal, I am also providing the Tribunal with names and addresses of witnesses whose written affidavits will support my claim, or act as character witnesses on my behalf, and any other documents that the Tribunal deems necessary to complete its investigation.

Date

Signature of Petitioner

Address 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):

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.
8. I voluntarily waive now and in the future any right under law (civil or ecclesiastical) to the subpoena or judicial discovery of the Testimonial Acts for this case. This waiver is given without reservation and condition. The purpose of this waiver is to provide for candor and openness in testimony and in recognition of the purely spiritual and religious nature of these proceedings.

Given at _____ (place) _____ (date)

Signed: _____
(Petitioner)

Signed: _____
(Case Assistant)

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 Zoom and Microsoft Teams. 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