

PRELIMINARY QUESTIONNAIRE AND PETITION

FOR ALL MARRIAGE CASES
NOT for Lack of Form cases.



DIOCESE OF SALINA

Office of the Matrimonial Tribunal
PO Box 980, Salina, KS 67402-0980
785-827-8746

For Tribunal Use Only:

Case No: _____

Date Received: _____

_____ - _____

PLEASE PRINT OR TYPE

(1) PETITIONER:

Name: _____
First Middle Maiden Present

Address: _____
No. Street City State Zip

Phone: _____
Area Code - Exchange - Number Date of Birth Place of Birth-City & State Present Age

Cell Phone: _____ E-Mail: _____

Baptized? Yes () No () Date? _____ Church _____ City _____ State _____

Religion: As a child: _____ At time of wedding: _____ Now: _____

(2) RESPONDENT:

Name: _____
First Middle Maiden Present

Address: _____
No. Street City State Zip

Phone: _____
Area Code - Exchange - Number Date of Birth: Place of Birth-City & State Present Age

Baptized? Yes () No () Date? _____ Church _____ City _____ State _____

Religion: As a child: _____ At time of wedding: _____ Now: _____

(3) MARRIAGE:

Date: _____ Catholic (), Protestant (), Civil (), Orthodox ()

Place: _____
Church City County State

(4) Ages at time of Wedding: Groom _____ Bride _____

(5) Length of Marriage: From _____ To _____

(6) Places lived during marriage: _____

(7) Children & Dates of Birth: _____

(8) DIVORCE: Date Final: _____ City: _____ County: _____ State: _____

(9) REASON for petition of annulment: a. Documentary: _____ b. Formal: _____ c. Pauline: _____

NOTE: A "Narrative Statement," completed in keeping with the outline provided, should accompany this form in all cases of possible nullity or dissolution of marriage. (A computer version can be obtained from Tribunal office).

(10) Priest's or parish minister's comments on petitioner: _____

(11) PETITIONER'S PARENTS:

Father: _____
Name Street City State Zip Religion Phone No.

Mother: _____
Name Street City State Zip Religion Phone No.

Were you ever under the care of anyone besides your parents? Yes () No ()

Name Street City State Zip Religion Phone No.

(12) PETITIONER'S BROTHERS & SISTERS: (List the best witnesses to your case first)

Name Street City State Zip Religion Phone Age

(13) RESPONDENT'S:

Father: _____
Name Street City State Zip Religion Phone Age

Mother: _____
Name Street City State Zip Religion Phone Age

Was respondent ever under the care of anyone besides parents? Yes () No ()

Name Street City State Zip Religion Phone Age

(14) RESPONDENT'S BROTHERS & SISTERS: (List the best witnesses to your case first)

Name Street City State Zip Religion Phone Age

(15) LIST CHRONOLOGICALLY ALL OTHER MARRIAGES CONTRACTED BY YOU:

Name Date Church City State

a) _____
b) _____
c) _____

(16) LIST CHRONOLOGICALLY ALL OTHER MARRIAGES CONTRACTED BY RESPONDENT:

Name Date Church City State

a) _____
b) _____
c) _____

(17) GIVE PRESENT NAME, ADDRESS, AND PHONE NUMBER OF EACH PARTY IN QUESTION 15:

a) _____
b) _____
c) _____

(18) GIVE PRESENT NAME, ADDRESS, AND PHONE NUMBER OF EACH PARTY IN QUESTION 16:

a) _____
b) _____
c) _____

(19) INFORMATION ABOUT YOUR OTHER SPOUSES LISTED IN QUESTION 15:

Date of Birth Place of Birth-City & State Baptized in Religion Church where Baptized – City & State Date Baptized

- a) _____
- b) _____
- c) _____

(20) INFORMATION ABOUT DIVORCES FROM SPOUSES LISTED IN QUESTION 15:

Marriage ended by divorce or death Date City County State

- a) _____
- b) _____
- c) _____

(21) PARENTS OF SPOUSES LISTED IN QUESTION 16:

Street Address – City – State & Zip Phone No.

- a) _____
- b) _____
- c) _____

(22) IF ANY OF YOUR SPOUSES WERE MARRIED BEFORE THEY MARRIED YOU, PLEASE INDICATE WHICH SPOUSE AND LIST THEIR PREVIOUS SPOUSES AND APPROXIMATE DATE OF THAT MARRIAGE.

(23) I wish to a) enter into marriage (), b) validate my present marriage ()

with _____
Religion _____

(24) In submitting this Petition, I am fully aware of the following:

- The possibility that that this case (if only one respondent) or these cases (if more than one respondent) may not be able to be solved.
- The length of time required for the entire process in both the Court of First Instance and the Regional Court of Appeal.
- The necessity of full cooperation by knowledgeable witnesses who can help establish and support the facts of the case.
- The fact that expenses will be incurred. (the fee schedule will be sent with other additional information)

(25) I request the Tribunal of Salina to accept this petition on the grounds, and to determine the grounds deemed most appropriate based on the facts of the case. At the end of my "Narrative Statement" I have listed witnesses who have knowledge of this case and are willing to testify.

PLACE: _____
Petitioner's Signature

DATE: _____
Priest or Parish Minister's Signature

ADDITIONAL STATEMENT OF PRIEST OR PARISH MINISTER:

Estimate sincerity and character of intended spouse or present spouse of petitioner.

Do you feel the facts will be sufficient to prove this case? Yes () No ()

(26) GENERAL INFORMATION:

A. GROUNDS FOR DECLARING A MARRIAGE INVALID: The doctrine and law of the Roman Catholic Church presents several possible areas in which consent may be lacking. They include the following:

- **Ligamen:** a person is always bound by his first marriage (even though civilly divorced) and cannot validly enter another marriage unless the first marriage has been declared null or dissolved by Church authority or by death. Therefore, the Petitioner can be declared free of an attempted marriage which followed a previous marriage, if all facts can be verified. (Canon 1085)
- **Age:** for a valid marriage the man must be at least sixteen and the woman at least fourteen. This binds all baptized persons; the requirements of civil law must be considered regarding the non-baptized. (Canon 1083)
- **Impotency:** to prove nullity this condition must have existed prior to the wedding and must be perpetual, and is the absolute or relative incapacity to have intercourse. (Canon 1084)
- **Invalid Validation:** when required renewal of consent has not been properly given. (Canons 11-56-1160)
- **Force and Fear:** unjust force threatened by another person which creates grave fear and which causes a party to give consent. Since all these conditions must exist to invalidate marriage, this ground is usually very difficult to prove. (Canon 1103)
- **Total Absence of Internal Consent:** when a person goes through the external wedding ceremony, but does not intend to be married. (Canons 1055, 1101)
- **Defective Consent Regarding Children:** any limitation of the right to have children, or of the right to those acts, which are apt for the generation of children. This can be either by direct intention or by attached condition. (Canons 1055, 1061, 1101)
- **Defect of Consent to Good of the Spouses:** When there is lacking all of those rights and duties involving communication of spouses on all levels which fulfill the "partnership of the whole of life" (Canons 1055, 1101)
- **Defective Consent Regarding Permanency:** any intention to limit consent to an indissoluble marriage, by direct intention or by attached condition. (Canons 1055, 1057, 1099, 1101)
- **Defective Consent Regarding Fidelity:** any limitation of the mutually exclusive right to sexual intercourse, by direct intention or by attached condition. (Canons 1056, 1057, 1099, 1101)
- **Ignorance:** When a person is seriously lacking in knowledge about marriage, that is, does not at least know that marriage is a more or less stable arrangement between a man and a woman for the procreation of children, which procreation is accomplished by some mutual bodily cooperation. To prove nullity on these grounds, even this minimum knowledge must be lacking. (Canon 1096)
- **Error:** when a person is in error regarding the identity of the one married or in error concerning a personal quality of a grave nature, which amounts to an error of identity. (Canons 1097, 1098)
- **Attached Condition:** when a person marries only on the basis of a condition without which consent would not have been given. (Canon 1102)
- **Psychic Incapacity:** lack of that degree of discretion and competence sufficient to understand, consent to, and fulfill the essential obligations of marriage. This would include such things as chronic alcoholism, insanity, habitual antisocial behavior, inadequate personality, and unnatural sexual tendencies. Such cases require professional medical and/or psychiatric diagnosis. (Canons 1057, 1095)

B. GROUNDS FOR DISSOLUTION:

- **Ratified Not Consummated:** involves a marriage entered into by two baptized persons, but never consummated by the act of sexual intercourse. These cases are reserved to the Sacred Congregation for the Sacraments in Rome. (Canons 1142, 1697-1706)
- **Pauline Privilege:** involves the dissolution of the marriage bond between two unbaptized persons, when the Petitioner desires to convert while the other is unwilling to be reconciled. Permission to use this Privilege can be granted by the local Bishop. (Canons 1143-1147)
- **Privilege of the Faith:** involves the dissolution of the marriage bond between a baptized person and an unbaptized person who remained unbaptized during the time of the marriage. This must involve a real benefit to the faith. These cases are reserved to the Sacred Congregation for the Doctrine of the Faith in Rome. (Canon 1150)

C. GROUNDS FOR DECLARATION OF FREEDOM:

- **Presumed Death:** a person may be granted a declaration of freedom to remarry, if the other party can be presumed dead with moral certitude. However, if the party presumed dead is ever discovered to be living, the first marriage remains valid and binding. These cases are handled by the local Bishop. (Canons 1141, 1707)