
What Does a Formal Case Involve?

1. Intake sheet initiating case, preliminary statement of petitioner
2. Submission and assessment of Petition
3. Establishment of Grounds
4. Gathering of evidence (witness testimonies, other records, experts)
5. Assessment of the evidence by the Judge
6. Review of evidence by parties
7. Closing of gathering evidence
8. Briefs by Advocate and Defender of the Bond
9. Decision

Where Can I Process My Case?

A marriage can only be processed in a Tribunal which has competence to do so. Competent Tribunals are located in the diocese:

1. Where the marriage took place;
2. Where the Respondent now resides;
3. Where the Petitioner now resides, but permission of the Respondent is required.

What is Marriage?

The Catholic Church sees marriage as a permanent and exclusive partnership for the good of the spouses and the procreation and education of children. Not all marriages are sacramental, but all marriages are seen as naturally valid, including those entered according to non-Christian religions or civil law only.

What is a Declaration of Nullity?

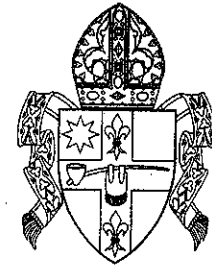
Although validity of marriage is presumed, this presumption may not be true. The quality of consent given by the spouses at the wedding is very important. When it can be proven that something essential was missing from this consent, the Church may be able to declare the marriage invalid.

What Happens to Children?

A Declaration of Nullity is purely religious procedure and has **no civil effects**; therefore it does **not** affect the **children's legitimacy**.

What is the Tribunal?

The diocesan Bishop delegates his judicial power to the Judicial Vicar and the Tribunal whose primary task is to administer justice in a variety of cases, the largest part of which are marriage cases. The Tribunal investigates the facts presented to it in order to render a just decision.



Ecclesiastical Declaration of Nullity

PROCEDURES

*Office of the Tribunal
Catholic Diocese of Peoria*

If you have any questions, please contact the Office of the Tribunal at 309-671-1550 (8:30 a.m. to 4:30 p.m.)



Spalding Pastoral Center
419 NE Madison Ave.
Peoria, IL 61603-3719
Phone: 309-671-1550

How Do I Get Started?

Contact a parish priest or lay notary-auditor who works with marriage cases. During a first interview, an Intake Sheet is completed, and some questions are asked to help determine whether there is reason to investigate this case further.

The spouse introducing the case is called Petitioner, their former spouse is known as Respondent.

Documents Needed

For all marriage cases the following are needed when introducing a case:

1. A certified copy of the marriage record/license;
2. A copy of the finalized divorce decree dated and signed by a judge;
3. Recent baptismal certificates with notations for Catholics;
4. A certificate of profession of faith for anyone who was baptized in another Christian denomination and later joined the Catholic Church.

Who Works on My Case?

The Tribunal is overseen by the Judicial Vicar. Priests, religious, and lay people work as judges, advocates, defenders of the bond, notary-auditors, and office staff.



What Information is Needed?

The Tribunal requests a substantial amount of testimony from the parties and from witnesses. The grounds which, in formal marriage cases, are being investigated concern primarily what the parties believed and thought as well as their personalities, behaviors, and capacities at the time they exchanged their vows. In informal cases, information about non-baptism, previous marriages, and marital intentions is needed.

Witnesses

A marriage case is a judicial procedure, therefore testimony of witnesses is required. It is important that proposed witness be knowledgeable about the spouses and the marriage. Witnesses are usually required to complete a written questionnaire.

Records of Counseling/Therapy

If one or both spouses ever received professional counseling or therapy, records of this treatment may be helpful for assessing their marriage. Written consent from the parties to release such records is required. This information is kept strictly confidential. In some cases it may be evaluated by a Court appointed clinical psychologist.

Review of Evidence & Confidentiality

The procedural law of the Catholic Church treats both parties in a marriage equally and safeguards their right of defense by giving both the right to review the other's statements and the witness testimonies. No one else besides Tribunal officials can see the case. Under certain serious circumstances parts of testimony can be withheld from one or both parties.

Setting a Marriage Date

Do not, under any circumstances, set even a tentative date for a wedding until the Tribunal process has been concluded. No priest can set a marriage date in the Peoria Diocese if a marriage case is being processed.

A date also cannot be set if a Declaration of Nullity has placed a prohibition on a party to be remarried. Judges place a prohibition when they believe that conditions which invalidated the former marriage still exist and need to be remedied. Upon proof of such remedy, the prohibition can be lifted by a Delegate of the Bishop.

How Long Will the Process Take?

It is difficult to predict the length of the process because each case is different. Speedy cooperation from the Petitioner, perhaps also the Respondent, and the witnesses certainly can accelerate the process. Most formal cases take 1 to 2 years, or longer when there are many delays in gathering the testimonies.

Fees

A non-refundable filing fee of \$75.00 is required when the case is first introduced, and a petition fee of \$25.00 is to accompany the signed petition in a formal case. The Peoria fee for a formal case is \$550.00 (previous fees are deducted). Fees for informal/documentary cases range from \$40.00 to \$175.00 (Rome fees additional).
