



Diocese of Saint Petersburg Office of the Tribunal Formal Cases

Information for you as Respondent The Formal Marriage Case

The Catholic Church presumes that every marriage between a man and a woman who are free to marry (Catholic, Protestant, Jewish, Non-Believer, etc.) to be a valid marriage until the opposite is proven.

Therefore, anyone who is divorced, Catholic or non-Catholic, needs to obtain this Catholic declaration of nullity before he/she is allowed to remarry in the Catholic Church. This type of declaration concludes that the union lacked something basic from the beginning and, as a result, the union was not binding according to the Catholic Church.

The Catholic Church reaches out to the divorced through her ministry. One of the ways the Church offers to help people achieve healing and closure is through a declaration which states that a marriage was non-binding according to the laws of the Catholic Church. It is the hope of the Tribunal that this will be a “Time for Healing”. We also hope that this brochure will answer some of the questions you might have about such a declaration.

The Catholic Church believes that marriage is an intimate partnership of life and love, arising from the irrevocable consent of husband and wife and geared to the giving and receiving of mutual love. This partnership of “community of life” is characterized by permanence and fidelity to one another and is ordained by God for the good of the spouses and the procreation and education of children. For the baptized, Christ raised the marital relationship to the dignity of a sacrament.

IMPORTANT: Please note that this process has NO civil effect. It does NOT affect the validity of your civil union, legitimacy of children, custody, property, or other settlements. It does not seek to assign blame or guilt on anyone. It merely ascertains the status of the union according to the laws of the Church. The children always were and always will remain legitimate. You had a valid civil union. Therefore, your children are legitimate.

Your former spouse has been asked to write a detailed history of your union. We hope that you will cooperate in this process by answering a questionnaire. Your parish priest or a member of your Diocesan Tribunal is usually available to be of assistance to you if you have questions or you may write to us.

Your cooperation is very helpful in assisting the Tribunal to reach a just and fair decision. However, should you choose not to cooperate, the petition will continue to be processed. Be assured that all materials gathered are held in the strictest of confidence in accord with Church Law and will be seen only by those authorized to do so in the Tribunal.

The Church requires witnesses in order to provide a deeper understanding of you, your former spouse, and the union. Please name people who knew you, or preferably, both of you, prior to and during the union and who have indicated they would be willing to answer a brief questionnaire from the Tribunal. (Parents, brothers, sisters, mutual friends, members of the wedding party, usually make



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excellent witnesses.) Do not name children of the union. Be sure to let the witnesses know that they will receive a questionnaire and we ask that they return it within four weeks if possible.

After a decision has been rendered by a Judge or Judges at this Tribunal, the decision will be sent to the Court of Second Instance in Miami. There the decision will either be confirmed, denied, or will be given a new hearing. When a final decision has been reached you will be notified.

If an affirmative decision has been rendered, this should not be viewed as a reward; similarly, if a negative decision is rendered, this should not be viewed as a punishment.

Since no two petitions presented to the Tribunal are the same, it is impossible to predict the length of time this process will take. The average length of time is eight months to one year, if we have complete cooperation from all involved.

For people who belong to a church other than the Catholic Church, who believe that a divorce allows persons to remarry in their church, it should be understood that declarations which state that marriages were non-binding according to the laws of the Catholic Church, allow persons to remarry in the Catholic Church – nothing more, nothing less.

It is the sincere intention of the Tribunal that this entire process be, for you and all involved, a time for healing and insight. The staff of the Tribunal is here to help. We want to assure you that your observations and concerns are very important to us. If you have any questions, observations and/or concerns, please write to us at the address below.

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