

Case Name: \_\_\_\_\_ - \_\_\_\_\_ Prot. No. \_\_\_\_\_

(Tribunal Office Use Only)

**DIOCESE OF WINONA-ROCHESTER - Office of the Tribunal**  
**55 West Sanborn ■ PO Box 588 ■ Winona, MN 55987 ■ Phone: (507) 454-4643**

## ***LIBELLUS***

Please note: A copy of this *Libellus* (excluding Description of Marriage) is sent to the Respondent (canon 1508, §2).

**I, \_\_\_\_\_, the Petitioner, hereby freely and voluntarily challenge the validity of my marriage to \_\_\_\_\_, the Respondent, and request that the Diocese of Winona-Rochester Tribunal judge whether this marriage is proven to be invalid.**

**I recommend the following ground(s): \_\_\_\_\_**  
*(see pages 4 and 5)*

### **1. PETITIONER INFORMATION:**

Current Name: Mr. Mrs. Ms. Dr. \_\_\_\_\_

Maiden or Birth Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Date of Baptism: \_\_\_\_\_ Church of Baptism: \_\_\_\_\_  
*(Submit a current Certificate of Baptism)* Proper Name and Denomination

Religion on Wedding Day: \_\_\_\_\_ Current Religion: \_\_\_\_\_  
Denomination or "None" Denomination or "None"

If applicable: Date of Reception into Catholic Church: \_\_\_\_\_

Name of Church: \_\_\_\_\_ City & State: \_\_\_\_\_

### **2. RESPONDENT INFORMATION: *The Tribunal must contact your former spouse.***

Current Name: Mr. Mrs. Ms. Dr. \_\_\_\_\_

Maiden or Birth Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Date of Baptism: \_\_\_\_\_ Church of Baptism: \_\_\_\_\_  
*(Submit a current Certificate of Baptism)* Proper Name and Denomination

Religion on Wedding Day: \_\_\_\_\_ Current Religion: \_\_\_\_\_  
Denomination or "None" Denomination or "None"

If applicable: Date of Reception into Catholic Church: \_\_\_\_\_

Name of Church: \_\_\_\_\_ City & State: \_\_\_\_\_

**3. MARRIAGE INFORMATION:** (Submit a copy of your Certificate of Marriage)

Length of Dating Prior to Engagement: \_\_\_ Years \_\_\_ Months Engagement Date: \_\_\_\_\_

Ages on Wedding Day: Petitioner \_\_\_ Respondent \_\_\_ Wedding Date: \_\_\_\_\_

Name of Church/Location: \_\_\_\_\_ Church \_\_\_ Public Bldg. \_\_\_ Outdoors

City & State: \_\_\_\_\_

Officiant Name: \_\_\_\_\_ Priest \_\_\_ Minister \_\_\_ Civil Official

Officiant Address: \_\_\_\_\_ City & State: \_\_\_\_\_

**For Catholics:** (Submit a copy of the Catholic Church's Certificate of Marriage)

If this was a civil marriage, was it ever convalidated (new sacramental consent) in a Catholic Church? \_\_\_\_\_

IF YES, Wedding Date: \_\_\_\_\_ Name of Church: \_\_\_\_\_

City & State: \_\_\_\_\_ Presider Name: \_\_\_\_\_

**4. CHILDREN BORN OR ADOPTED OF THIS MARRIAGE:**

	Name	Date of Birth		Name	Date of Birth
1.	_____	_____	4.	_____	_____
2.	_____	_____	5.	_____	_____
3.	_____	_____	6.	_____	_____

**5. SEPARATION AND DIVORCE:** (Submit a complete copy of your final Divorce Decree)

Date of Final Separation: \_\_\_\_\_ Date of Divorce: \_\_\_\_\_ County & State of Divorce: \_\_\_\_\_

**6. MARRIAGES OF THE PETITIONER:** Each marriage that ended in divorce needs to be looked into and a separate Libellus for each marriage is necessary. This information could establish other grounds for finding your marriage invalid so please be thorough. If any marriage ended due to death, submit a copy of Death Certificate.

Marriage:	Full Name of Spouse	Date of Marriage	Date of Divorce	Catholic Decree of Nullity?	Diocese
First	_____	_____	_____	___No ___*Yes	_____
Second	_____	_____	_____	___No ___*Yes	_____
Third	_____	_____	_____	___No ___*Yes	_____

(\*Submit a copy of Church Decree of Nullity)

**7. MARRIAGES OF THE RESPONDENT:** Each marriage that ended in divorce needs to be looked into and a separate Libellus for each marriage is necessary. This information could establish other grounds for finding your marriage invalid so please be thorough. If any marriage ended due to death, submit a copy of Death Certificate.

Marriage:	Full Name of Spouse	Date of Marriage	Date of Divorce	Catholic Decree of Nullity?	Diocese
First	_____	_____	_____	___No ___*Yes	_____
Second	_____	_____	_____	___No ___*Yes	_____
Third	_____	_____	_____	___No ___*Yes	_____

(\*Submit a copy of Church Decree of Nullity)

**8. DESCRIPTION OF YOUR MARRIAGE:**

*Using your own paper, provide a thorough description of your marriage, typed or neatly printed, which includes those facts which you believe show that your marriage was invalid. We cannot accept your Libellus unless you complete a Description of Marriage. In preparing your description, please address the following areas:*

1. Both parties' family backgrounds and any significant problems while growing up.
2. The development of the courtship and any special circumstances which brought it about. Also note if there was cohabitation prior to marriage and why.
3. The decision to marry, why it was made, and any pressure to do so.
4. The engagement period and any notable difficulties prior to the wedding.
5. If civilly married, a description of the convalidation of your marriage later in the Catholic Church.
6. The couple's married life together during the early to middle years and when the problems arose in the marriage.
7. The cause of the final separation and divorce.

Please know that the purpose of this process is to clarify whether you are bound to a previous marriage in the eyes of the Roman Catholic Church. The process, which includes the submission of this form and other documents, will help the Tribunal to make a well-informed decision regarding the marriage. Our responsibility is to uncover the truth. A Declaration of Nullity is not something we give to you and is not something the Catholic Church owes you. It is a decision, based on the evidence you present and the facts of your case, that your marriage was not a sacramental marriage.

**PETITIONER'S OATH:**

I hereby request that the Winona-Rochester Tribunal accept and adjudicate this petition to recognize under canon law that the marriage between the spouses named above was not valid and binding. I understand that the burden of proof is on me to overturn the legal presumption that my marriage is valid (canon 1060).

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.

I swear that the information submitted in this *Libellus*, including my Description of Marriage, is truthful, complete and accurate, so help me God.

Date: \_\_\_\_\_ Signature of Petitioner: \_\_\_\_\_

Printed Name of Petitioner: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Respondent: \_\_\_\_\_

Printed Name of Respondent: \_\_\_\_\_

Priest Sponsor: \_\_\_\_\_

Parish: \_\_\_\_\_ City, State: \_\_\_\_\_

## EXPLANATIONS OF THE GROUNDS OF NULLITY

### DEFECTS OF CONSENT

*Consent is what makes a marriage. However, certain people are not capable of truly giving consent because of some psychological obstacle, error, or lack of freedom. Others are capable of giving consent, but they purposefully withhold something essential from their consent or attach their consent to some external factor.*

#### **Lack of Sufficient Use of Reason (c. 1095, 1°):**

Permanent or temporary lack of the use of reason due to a severe disability, mental illness, psychological disturbance or intoxication at the time of the celebration of marriage prevents a person from making an act of consent.

#### **Grave Lack of Discretion of Judgment (c. 1095, 2°):**

*Because of a psychological defect* (temporary or permanent), the person could not make a sound judgment at the time of the wedding. The person's inability to discern marriage can be for one of three reasons: 1) the person was incapable to comprehend the basic meaning of marriage; 2) the person was incapable of assessing whether the other person or the marriage would be suitable; 3) the person was inwardly opposed to the marriage but could not freely choose otherwise. Poor judgment, imprudence, haste, inertia, societal expectations, etc. do not make a person incapable; however, these may suggest the presence of severe psychological problem or distress.

#### **Inability to Assume the Essential Obligations of Marriage (c. 1095, 3°):**

At the time of the celebration of marriage, one of the parties was altogether incapable of taking on the essential obligations of marriage (i.e. permanence, fidelity and openness to children) for reasons of a psychological nature. The psychological problem must be so severe that it makes it humanly impossible, and not merely difficult, to take on the essential obligations of marriage. The impossibility can be caused by a mental illness, a psychological disorder, a severe addiction, or a strong homosexual inclination.

#### **Ignorance (c. 1096):**

The person simply did not know the following about marriage: that it is 1) a permanent partnership 2) between a man and a woman 3) which is ordered toward the procreation of offspring 4) by means of some sexual cooperation.

#### **Error of Person (c. 1097 §1):**

At the time of the marriage, one of the parties believes he/she is marrying one person, when in fact, it is someone else. Example: The bride believes she is marrying the man she loves, when in fact, the person to whom she states her vows is the man's identical twin brother.

#### **Error Concerning a Quality of Person (c. 1097 §2):**

Error about a certain quality of a person, such as a personality trait or some fact in the person's history, does *not* make a marriage invalid unless that quality is directly and principally intended. In other words, the quality is desired more than the actual person.

#### **Fraud (c. 1098):**

A person's consent is invalid if it is given as a result of being deceived by fraud that (1) is intentionally inflicted in order to get that person to give consent, and (2) concerns some quality of the other party which of its very nature can seriously disturb the partnership of marriage. The deceit can be perpetrated by the other party or even by some third party, such as a parent.

**Error Concerning Marriage (c.1099):**

Normally, error about the unity (i.e. marriage to one person), indissolubility (i.e. marriage is for life), or sacramental dignity (i.e. marriage between the baptized is a sacrament) of marriage does *not* make a marriage invalid. Error of this kind only invalidates when it determines the will. In other words, the error is so deeply held that, in the person's mind, the only kind of marriage that exists is unfaithful marriage, or dissoluble marriage, or non-sacramental marriage. The alternative never seriously enters his/her mind.

**Total Simulation (c. 1101 §2):**

When exchanging consent, the party did not intend to get married but was only pretending to get married for an ulterior motive. The reason for doing this must be proven (e.g., to gain American citizenship, to collect alimony, etc.). Included here is the situation in which the party had a Catholic convalidation ceremony but did not intend to create a new valid sacrament.

**Partial Simulation Against the Good of Children (c. 1101 §2):**

When stating the vows, the party intended only a marriage in which there would be no children, or having children was unlikely and was only for that person to decide.

**Partial Simulation Against the Good of Fidelity (c. 1101 §2):**

In spite of what the parties say in their marriage vows, one or both of the parties actually wills against the good of fidelity. As terrible as adultery is, it alone does not make a marriage invalid. But, if a party enters marriage while intending to be unfaithful, that intention makes the marriage invalid. In other words, the party must consider bigamy or adultery to be a right.

**Partial Simulation Against the Good of Permanence (c. 1101 §2):**

When stating the vows, the party intended only a marriage that could be ended at any time. The person reserved to him/herself the right to end or abandon the marriage. Marriage lasts until death. No matter how bad things get, even if the parties have to separate, the bond of marriage remains, making a second marriage impossible. However, if a party enters marriage while reserving the right to dissolve the marriage through divorce and potentially remarry, that party married invalidly.

**Partial Simulation Against the Good of the Spouse (c. 1101 §2):**

By its nature, marriage is directed to the good of the spouses. When spouses marry, they agree to enter a partnership that is ordered towards their mutual good. If one of the parties enters a marriage with intent toward the harm or corruption of the other party, the party marries invalidly.

**Conditioned Consent (c. 1102):**

One or both parties consent to marriage *if and only if* a certain condition is fulfilled. If the condition is not fulfilled at the time of the marriage, or if the condition relates to the future, the marriage is invalid.

**Force or Fear (c. 1103):**

When stating the vows, the party was completely opposed to getting married to the other person but did so only to avoid some serious negative consequence. The force or fear was imposed by some other person, even unintentionally.