

navigating the process

communicating with the Tribunal

knowing your rights in the process

understanding the roles: a glossary

Information for you as **Petitioner**

The Formal Marriage Case

Metropolitan
Tribunal



Archdiocese of Atlanta



navigating the process

There are four stages in a formal marriage case before the Tribunal:

- A. Preparation & Acceptance of the case**
- B. Instruction or Evidence-Gathering**
- C. Decision-making**
- D. Appeal /Implementation of the decision**



Preparation & Acceptance

1. A case is normally started when you answer a brief questionnaire, gather required documents, and meet with a Case Sponsor in your parish to review these materials. If documents, addresses of the spouses, or other information is missing, it will delay the acceptance of the case.
2. This introductory paperwork is reviewed to determine if it is complete, if there are possible grounds for a case, and if the Atlanta Tribunal has jurisdiction. An introductory letter or phone call to you explains the results, and informs you if anything is missing.
3. If the marriage did not take place within the Archdiocese of Atlanta and if the Respondent does not live here, we may need to contact the Respondent before the case is accepted. You are informed of this before it happens.
4. When the Tribunal receives the case, a case number is assigned. Please refer to this case number in all communication with the Tribunal.

5. Once the case has been accepted, the Respondent is contacted and normally given a copy of your petition, and invited to participate in the process. The process itself is invalid if we do not contact the Respondent.

6. Then the judges set the grounds in the case and notify both parties. After giving both spouses time to request a change in the grounds, the case moves on.

B

Evidence-Gathering

7. Once the grounds have been set, both you and the Respondent are asked to answer questions about those grounds. This may be done by a questionnaire, a personal interview, or a telephone conversation. At the same time, the witnesses you named are sent a letter inviting them to answer a questionnaire. Any witnesses named by the Respondent will be contacted as soon as they are submitted.

8. The longest delay in most cases is the time it takes for witnesses to respond to the Tribunal. It helps your case if you contact each of your witnesses personally and encourage them to reply quickly and thoroughly. Upon request, the Tribunal can send an electronic version of any questionnaire to a case party or witness for easier completion.

9. Once testimony has been received, and if the judges think it will be helpful to them in understanding the case, you or the Respondent or the witnesses may be asked to answer a few more questions in writing, in person or over the telephone. Depending on the grounds, you and/or the Respondent may be asked to meet with the Tribunal psychologist for an interview to offer insight into the marriage.

10. The Tribunal does not normally re-contact witnesses who have not responded, but we inform you if we have waited more than two months with no response from your witnesses.

11. Once the testimony has been gathered, one of the judges reviews this evidence and writes to you either to:

a. Ask for more witnesses or information if additional evidence is needed; or

b. Notify you and the Respondent that you may review the evidence in the case. This is normally done at the Tribunal with your Advocate present. You may choose simply to have your Advocate summarize the testimony for you over the phone instead.

C

Decision-making

12. Each case in the Tribunal is handled in chronological order. In preparation for reviewing the case before making a decision, the judges ask the Advocate(s) and the Defender of the Bond to prepare opinions in the case. These must be based on the written testimony.

13. Three judges review the case and make a decision on the grounds, based on the testimony presented by the Petitioner, Respondent, and witnesses. We can never guarantee a decision, and can never guarantee a decision date.

14. You and the Respondent are notified of the decision in writing, you are each offered the opportunity to read the text of the decision, and you are informed of your right of appeal if you believe that the decision is in error.



D

Appeal & Implementation

15. Either the Petitioner, the Respondent, or the Defender of the Bond may appeal the decision to the *Court of Appeals for the Province of Atlanta* or to the *Tribunal of the Roman Rota* within 15 days of notice of the decision. If a formal appeal is made, another set of procedures begins.

16. If there is no appeal, the decision is forwarded by law to the *Court of Appeals for the Province of Atlanta* for a mandatory review and ratification. Another panel of 3 judges, assisted by another Defender of the Bond, reviews the decision. This may take up to 8 weeks. If the decision is confirmed, the final decision is issued to you and the Respondent.

17. Even though the decision may be affirmative, that is, recognizing that a marriage was not valid under the canon law of the Catholic Church, there may be special preparation for a new marriage that is required for you or for the Respondent before you can marry within the Catholic Church.

18. This special preparation usually involves several visits with a family therapist by you and your intended spouse, to discuss particular issues from a prior marriage. This is not a punishment but a special help to you and your intended spouse, to strengthen the marriage.

19. After these steps have been completed, the final decree will be issued to you by the Tribunal and a wedding date in the Catholic Church can be set.

■ understanding the roles

■ **T**he Tribunal is a Court of Law. The law which governs our work is the canon law of the Catholic Church, which is directed and animated by the Gospel of Jesus Christ. There are several roles in cases before the Tribunal:

- • **Petitioner** — the spouse who asks the Tribunal to examine the validity of his or her marriage
- • **Respondent** — the other (former) spouse to the marriage, who is invited to participate in the case
- • **Case Sponsor** — a parish-based volunteer or employee who assists the Petitioner in presenting a complete petition to the Tribunal
- • **Advocate** — a canon lawyer or other person expert in marriage cases, appointed by a party to advise and represent them in their case; the Advocate may also be appointed **Procurator**, which allows the Advocate to act in the party's name during the case
- • **Auditor** — a Tribunal staff person appointed by the judges to gather testimony in a case
- • **Judge** — a canon lawyer appointed by the Archbishop of Atlanta to hear and decide cases before the Tribunal; in a marriage case there are usually 3 judges: the *presiding* judge or *praeses*; the *presenting* judge or *ponens*; and a *collegiate* judge
- • **Defender of the Bond** — a canon lawyer or person expert in marriage cases who is appointed by the Archbishop of Atlanta to present any reasonable arguments in support of the validity of a marriage under study by the Tribunal
- • **Notary** — one who witnesses and authenticates testimony and documents in a Tribunal case

knowing your rights

It is important for you to know your rights throughout this process, governed by the canon law of the Catholic Church.


You have the right...

- ✓ to ask that your case be heard by any Tribunal which has jurisdiction
- ✓ to propose grounds or the legal basis for considering the marriage to have been invalid, and to know the grounds the judges have chosen
- ✓ to propose witnesses and other evidence in order to prove the grounds
- ✓ to offer your complete testimony, in person if you choose
- ✓ to know and to review the contents of all relevant testimony or evidence in your case, and to respond to it if you choose
- ✓ to name an Advocate or expert in canon law to advise you, and a Procurator to represent you during your case
- ✓ to be informed of the status or progress of your case
- ✓ to read the final decision of the judges and to understand the reason for their decision
- ✓ to lodge an appeal against the final decision if you think it is faulty, or to challenge the process if you think it was improperly done
- ✓ to renounce or abandon your case at any time, provided that the Respondent does not insist that the case continue



About Fees: no one is ever turned away from the Tribunal because of difficulty in paying a fee. Any reasonable payment plan you propose will be accepted. Please discuss with your Advocate if you have difficulty paying a fee.

communicating with the Tribunal

ne of the most important values of the Tribunal is confidentiality. Because of this, communication about a case is very limited:

1. Only the Petitioner, the Respondent, their Advocate, or clergy assigned to their parish, may call the Tribunal for information about their own case. We will not speak with an intended spouse, parents, children, or others, even if they are the only Catholic person related to the case.
2. Most communication with the Tribunal should be in writing, so that we have a written record. When you write, e-mail, or call about your case, you should contact your Advocate first. Your Advocate is your first and principal line of communication with the Tribunal. Expect to be asked a question or two about the case, just for the Tribunal to verify that we're speaking with the right person.
3. It will help when you call, write, or e-mail, to mention your full name and your case number, which is assigned by the Tribunal as soon as we receive a fully-completed petition.

Case number:

Advocate's name & e-mail (or phone):



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