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# Information for you as **Respondent**

## The Formal Marriage Case

Metropolitan  
Tribunal



Archdiocese of Atlanta



## navigating the process

**T**here 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**

### **A** Preparation & Acceptance

1. A case is normally started when one of the spouses presents a petition or formal request to the Tribunal. This petition includes a brief questionnaire about the facts of the marriage and the two spouses. It also includes a list of witnesses named by the Petitioner, as well as documents such as the marriage license and divorce decree.

2. This introductory paperwork is reviewed, and if the Atlanta Tribunal has jurisdiction, the Petitioner is invited to appoint an Advocate at this point.

3. If the marriage did not take place within the Archdiocese of Atlanta and if you — the Respondent — do not live in North Georgia, we may need to contact you before the case is even accepted. Since the case has not even begun yet, the only question is whether the Atlanta Tribunal, or the Tribunal in your home diocese, will hear the case.

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 by a Tribunal, it is important that we contact you as the Respondent in the case. You are normally given a copy of the introductory petition, and you are invited to participate in the process. The process itself is invalid if we do not contact you to invite you to participate. Please remember that the case is just beginning at this point.

6. It is your decision whether you want to participate actively in this case or not. Your participation will be helpful to the case, so that the judges will hear both spouses to the marriage before making a decision. You may also name witnesses. You are invited to appoint an Advocate at this time.

7. 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

8. Once the grounds have been set, both you and the Petitioner 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 are sent a letter inviting them to answer a questionnaire. 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 Petitioner or the witnesses may be asked to answer a few more questions in writing, in person or over the telephone.

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 either:

- a. Determines that more witnesses or information is needed to make a decision; or
- b. Notifies you and the Petitioner 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.



## 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 Petitioner 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. The party who appeals is responsible for the appeal costs.

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 Petitioner.

17. If the decision is 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.

## ■ 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

**I**t 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 participate in this case to the extent that you choose: you may participate actively, or you may simply be kept informed of the progress of the case
- to propose grounds or the basis in canon law on which the validity of the marriage will be judged, and to know the grounds the judges have chosen
- to propose witnesses and other evidence in order to prove or disprove 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



# ■ communicating with the Tribunal



■ one 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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