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Information for you as a **Witness**

The Formal Marriage Case

Metropolitan
Tribunal



Archdiocese of Atlanta



You have been contacted as a witness in a marriage case being heard by the Tribunal of the Catholic Archdiocese of Atlanta.

your part in the case



1. The Tribunal is contacting you because one of the case parties — the Petitioner or the Respondent — submitted your name and address as a witness in a case involving his or her marriage. Hopefully that person has already spoken with you informed you he or she would provide your contact information as part of a Tribunal case.
2. When a Catholic Tribunal considers the validity of a marriage, we do so on the basis of specific grounds or legal reasons as specified in the Canon Law of the Catholic Church. The questions that you are being asked relate to the grounds in the case.
3. The Tribunal is not interested in assigning blame for the failure of the marriage, and is not concerned with finding moral fault with either spouse. What is important is understanding whether or not the grounds are proven by testimony submitted by you and by the parties. Your honest and complete answers may be the most important element in this case.



your answers

4. The grounds may be on only one of the case parties — the Petitioner or the Respondent — or on both. It is important that you answer the questions appropriately. If the grounds or legal basis for this case are attached to one spouse only, answers dealing with the other spouse may be completely irrelevant.

5. If you cannot answer a specific question, it will be helpful if you indicate briefly why you cannot provide that answer.

6. It will also be helpful if you state briefly how and when you came to know the information you are providing to each answer: did you observe something personally, or hear about it when it happened, or learn about it only after this Tribunal case was started?

7. Your personal opinions may also be helpful: even if you state in an answer that you have no direct knowledge of what is being asked, your opinion may help the Tribunal judges to understand the situation better. An opinion is no substitute for direct knowledge, and so it is important to state that you are offering an opinion and not a fact.

8. The Tribunal will always consider your answers in light of all the testimony received in a case. The judges will weigh the testimony and consider how long you and other witnesses have known the parties, your relationship with them, and your knowledge of the marriage in question. Your testimony is very important, but it is not the only information which will be considered when the judges begin to reach a decision in this case.

confidentiality

9. The parties in this case have the right to know who the witnesses are, and to know what the witnesses say that is relevant to the grounds in this case. The parties will also have the opportunity to disagree with the testimony, if they wish to, by offering additional evidence or testimony to contradict anything they disagree with.

10. If there is something that you do not want one or both of the parties to this case to know from your testimony, you must indicate this clearly and give the reason for asking that the Tribunal withhold this information. The Tribunal cannot guarantee that your request will be honored, since the parties generally have the right to know the evidence in their case.

11. Confidentiality is very important to the Tribunal. Only those persons who have the legal right to learn information about the case will see your testimony. This is generally limited to the Tribunal staff, the parties in this case, and their advocates. No one else has the right to see your testimony, and the Tribunal will keep confidential both the fact that you offered testimony as well as the content of that testimony.

word processor version

12. If you would prefer to complete a questionnaire using your computer instead of in writing, send your name, the case number, your e-mail address, and a request for an electronic version of the questionnaire to **tribunal@archatl.com**. The Tribunal assumes no responsibility for the confidentiality of your e-mail account.

understanding the roles

The 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
- **Witness** — a person named by one of the case parties to offer testimony regarding the grounds in the case
- **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, and who may contact or interview witnesses
- **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
- **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

navigating the process



There are four stages in a formal marriage case before a Catholic 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 started when a spouse submits a written document – a petition – to a Tribunal, asking that the Tribunal consider whether a marriage which has ended in divorce was valid and binding for life according to the teachings of Jesus in the Gospel and according to the canon law of the Catholic Church which flows from the Gospel teachings.

2. The Respondent or former spouse is contacted and invited to participate in the process. The process itself is invalid if we do not contact the Respondent. Both case parties – the Petitioner and the Respondent – are asked to submit witnesses.

B Evidence-Gathering

3. The judges set the grounds in the case, and the parties and the witnesses are asked to answer questions about those grounds. This may be done by a questionnaire, a personal interview, or a telephone conversation.

4. The longest delay in most cases is the time it takes for witnesses to respond to the Tribunal. It is always helpful to the case if the witnesses reply quickly and thoroughly. The Tribunal does not normally re-contact witnesses who have not responded, but we do inform the party who submitted a witness if that witness has not responded after a month.

5. If the judges think it will be helpful in understanding the case, one or both of the case parties, or witnesses may be asked to answer a few more questions in writing, in person or over the telephone. Depending on the grounds, one or both of the case parties may be asked to meet with a Tribunal psychologist to offer insight into the marriage.

6. Once the testimony has been gathered, the case parties may review the evidence in the case, and offer additional evidence or testimony if desired.



Decision-making

7. 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.

8. 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.

9. The case parties are notified of the decision in writing, you are each offered the opportunity to read the text of the decision, as well as to appeal if a party believes that the decision is in error.



Appeal & Implementation

10. 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*. 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. If the decision is confirmed, the final decision is issued to the case parties.

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:

11. 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 a witness, an intended spouse, parents, children, or others, even if they are the only Catholic person related to the case.

12. Communication with the Tribunal should be in writing, so that we have a written record. Please always include your full name and the case number for reference.



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