



## **FORMAL CASE PROCEDURE – ORDINARY PROCESS**

The prospective Petitioner submits the Preliminary Information Form, Tribunal Practices and Policies, List of Witnesses, a Marriage Case History questionnaire and required documents. This information is reviewed and we notify the Petitioner whether or not there is merit to the case. If our Tribunal is competent to hear the case and there is some evidence that the marriage may be null, we proceed to invite the Petitioner to submit a formal petition. Competence is determined by where the marriage took place or the domicile of either the Petitioner or Respondent or where most of the proofs are available.

**1. THE INTRODUCTION OF THE CASE** A case can only be heard when a petition is made to the Tribunal by one (or both) of the parties to the marriage. Once the Tribunal receives the Petition and other required materials, the case is given a protocol number.

**2. ADMISSION OF THE PETITION** If the petition is complete and appears to have some basis for challenging the validity of the marriage, it is admitted for investigation. The Petitioner is notified and informed of the next steps.

**3. CITATION OF THE DEFENDER OF THE BOND AND THE OTHER PARTY**  
The Defender of the Bond is cited as is the other party to the marriage (Respondent). The Respondent is sent a copy of the petition, his/her rights are explained and s/he is invited to provide testimony and to supply the names of witnesses. A reply is requested within 15 working days (three weeks) to either offer testimony, indicate a willingness to testify, submit names of witnesses or by declining to participate. His/her failure to reply within three weeks does not prevent later participation in the process. If a cited Respondent does not reply within the time allotted, a second citation is sent and the Respondent is asked to indicate within 3 weeks whether or not s/he will participate in the process. If there is still no reply, the Respondent will be declared absent. If the Respondent's whereabouts are unknown, a documented diligent search must be made to find him/her. If the search is unsuccessful, the case will be accepted with their right to participation protected.

**4.DETERMINATION OF THE GROUND/S** After the Respondent has replied OR the period of citation has elapsed, the ground/s of nullity (the canonical reason/s a marriage might be null) is/are determined. At the same time, a determination is made regarding the process to be followed (the ordinary formal process or the new abbreviated formal process). The Petitioner, the Respondent, the advocate/s, and the Defender of the Bond are notified of the determination of the ground/s of nullity which will be considered, as well as the names of court personnel who are assigned to the case.

**5. INSTRUCTION OF THE CASE (COLLECTION OF EVIDENCE)** Witnesses are contacted by mail and asked to offer testimony in the case. Other documentary evidence may also be requested.

**6. PUBLICATION OF THE ACTS** Once all the evidence is received, the Acts of the case must be made available to the parties, their advocate(s), and the Defender of the Bond. The parties have the right to one rebuttal and are given a reasonable time to do so.

**7. CONCLUSION OF THE CASE** The instruction of the case is concluded when there is nothing else to be added by the parties and the Defender of the Bond, or when the time period has elapsed for submitting proofs, or when the Judge considers the case to be sufficiently instructed. The case is then moved to the docket queue where it waits its turn for review and decision by the Judge.

**8. OBSERVATIONS OF THE DEFENDER OF THE BOND** The Defender makes his/her observations in writing. The goal of everyone involved is to seek the truth.

**9. JUDGMENT** The Judge reviews the Acts of the case, weighs the evidence carefully, then writes a decision – either affirmative or negative.

**10. PUBLICATION OF THE SENTENCE AND NOTIFICATION** The Petitioner, the Respondent, any Advocate(s), and the Defender of the Bond are notified of the decision by the Tribunal. The Defender of the Bond and the parties have ten working days (two weeks) to object to or appeal the decision. If an appeal is made, the others will be notified. If there is no appeal, the decision is final and the parties may act on the decision.

**11. APPEAL** Both the Petitioner and the Respondent, as well as the Defender of the Bond, have the right to object and appeal, typically to the usual Appeal Court. However, a party always has the right to appeal directly to the Roman Rota.