

EPARCHIAL TRIBUNAL

In Causa:

Prot. No.:

TRIBUNAL PRACTICES AND POLICIES

Concerning the Solely Ecclesiastical (Religious) Nature of this Tribunal Process

I realize that in presenting a Petition for a Declaration of Nullity of my marriage, I am asking that my marital status be clarified according to the teachings and law of the Catholic Church. I realize too that this Tribunal for the Eparchy of Our Lady of Lebanon, Los Angeles is governed “solely” by the Laws and Canons for the Eastern Catholic Churches and the jurisprudence of the Catholic Church, and that all proceedings are religious in nature.

I further realize that the primary purpose of a Catholic Tribunal is to gather and sift through evidence in order to discover the truth and to serve justice. It is also the Tribunal's desire that the proceedings be a healing experience conducted in a spirit of Christian understanding and compassion.

I accept the Catholic Church's teaching and belief regarding the sacred dignity of persons and the sacred nature of marriage. Because of this belief, I understand that the Church approaches each and every marriage with the presumption that it is “**valid**”; for the Church presumes that both spouses both meant what they said when they first exchanged their vows and that they had the capacity to do so in accord with the teachings of the Catholic Church. I understand, and I accept, that **“I”** have the responsibility of proving, according to Church Law, that my former marriage may be invalid according to the teachings of the Catholic Church.

Concerning Grounds for Invalidity (known as the “Caput”)

There are numerous reasons or “**grounds for invalidity** (known as a “**caput**”) that can cause this basic presumption “accepting the validity of every marriage” to be overturned. But decisions regarding such matters are not arbitrary. Declarations of Invalidity by the Tribunal are not favors given to innocent or deserving parties. Rather, such Declarations of Invalidity are the deepest spiritual truth regarding a former union, as best as any “human

judge” can determine. I understand that Tribunal Judges must have “moral certitude” based on the evidence brought forward, viz., that my former marriage was missing one of the elements essential for marriage as the Catholic Church understands and teaches what God

intends marriage to be. In the absence of "**moral certitude**", I understand that the Tribunal Judge must give a **NEGATIVE** decision to my petition.

Concerning the Respondent (Your Former Spouse)

In addition, I realize that Church Law and justice requires that my former spouse be contacted and offered the opportunity to testify. I agree to make every effort to locate my former spouse so he/she can be contacted by the Tribunal to participate in this Process.

I understand that I myself do not have to contact my former spouse regarding this procedure, unless I feel it is in my own best interest to do so and encourage him/her to participate.

I further understand that if I hide the fact I am aware of my former spouse's whereabouts and I do not notify this Tribunal about his/her whereabouts, the entire Acts of the Case will be declared null and void, and my Petition must be withdrawn.

Concerning Witnesses

I also understand that Witnesses are necessary to process my petition. I agree to make every effort to encourage their cooperation, but I also understand I am in no way to assist them in preparing their testimony. I further realize that without sufficient evidence presented by Witnesses, my petition may receive a **NEGATIVE** decision.

Concerning the Responsibility of the Petitioner to Supply Witnesses Ready to Testify

I also agree that it is my responsibility to have my Witnesses ready to testify and to cooperate in every way they may be asked. If I fail in that regard, I understand I can automatically receive a **NEGATIVE** decision for failure to supply Witnesses, because Church Law requires at least two well-informed Witnesses who give ample testimony. If my Witnesses cannot offer sufficient testimony, I will offer further Witnesses and make arrangements for them to respond to the Tribunal's questioning.

While two (2) good Witnesses are the minimum required by Church Law, I realize that sometimes people find it hard to share and answer questions, so I will be sure to have other

Witnesses in reserve so that ample testimony/evidence can be provided for my case. I will begin by submitting the names of at least three (3) or four (4) Witnesses when I submit my Preliminary Questionnaire.

Concerning the Development of the Trial and Plans for a Future Marriage

I recognize that my Petition alone does not assure an **AFFIRMATIVE** decision (that is, one granting a declaration in favor of nullity), and also that there is no assurance as to a definite time for completion of the Tribunal Process. I understand that if this Tribunal for the Eparchy of Our Lady of Lebanon of Los Angeles issues an initial **AFFIRMATIVE** Decision, this Decision has no force until its is confirmed or upheld by a second **AFFIRMATIVE** Decision by our Court of Appeal, viz., the Latin Diocesan Tribunal of Orange in Orange, California.

I promise that I will **NOT** make any arrangements for a future Catholic marriage or convalidation of my current non-Catholic marriage until after I have received a **FINAL NOTIFICATION** that **TWO (2) AFFIRMATIVE** Decisions have been issued.

If the circumstances causing the invalidity of my former marriage so indicate, I recognize that the Tribunal may require that I seek professional counseling before any subsequent marriage in the Catholic Church is permitted. All expenses in connection with such therapy or counsel are my responsibility.

Concerning Confidentiality and Church Law

I accept Church Law regarding the sensitivity of the information gathered in this Process, and in the spirit of reconciliation and healing I acknowledge that all such information is confidential. I realize this information is never made available to anyone, nor to anyone acting on behalf of the Parties, nor to anyone acting on behalf of any civil legal proceedings. I further acknowledge that by Church Law, I or my former spouse ***without any other person present***, except an Officer of the Tribunal who by Church Law must be present, may review the evidence in the Acts which have not been restricted by the Judge. I further accept that some evidence may be restricted from review by me or my former spouse by the Church Tribunal Officers, such as 1) psychological reports (which by California State Law are restricted), or 2) the testimony of a Witness who asks that his/her testimony be withheld from the Parties for serious reasons, such as to avoid defamation of character or physical danger or severe family discord or true scandal. I understand the Tribunal Judge, alone after consultation with the other Tribunal Officers, solely makes this determination and restriction.

Concerning Tribunal Fees

I agree to pay the established Fee of **\$850.00** for processing my case before this Tribunal. This amount covers 30% of total Tribunal costs for salaries, postage, telephone, office equipment and secretarial expenses.

Additionally, the Judge according to the precepts of Canon Law may deem it necessary to employ the services of a professional in behavioral sciences to assist in clarifying issues that may arise. Such experts are paid at the rate of \$100.00 an hour and these fees are added to the standard fee.

Concerning my Promise to Fulfill these "Tribunal Practices and Policies"

By my signature below, I, the Petitioner, hereby indicate that I have read these four (4) attached pages of "**Tribunal Practices and Policies**". That I do understand all that is written and explained on these four (4) pages regarding "**Tribunal Practices and Policies**". And, that I fully agree to abide by all of the terms listed in these four (4) pages of "**Tribunal Practices and Policies**."

I agree to all the terms of these pages and am signing this document on the ____ day of _____, 20____.

Petitioner

Witnessed this ____ day of _____, 20____ by me

Parish Priest/Deacon

[Upon completion, please make two copies of these four (4) pages. Give one copy to the Petitioner. Place one copy in the parish file you keep regarding this case. Send the original copy to the Tribunal Office.]