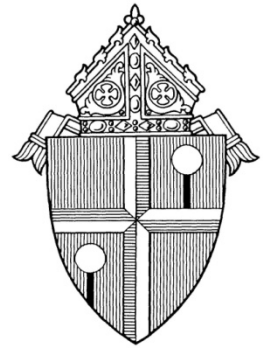


# THE DIOCESAN TRIBUNAL

DIOCESE OF HONOLULU • ST. STEPHEN DIOCESAN CENTER  
6301 PALI HIGHWAY, KĀNE`OHE, HAWAI`I 96744-5224  
[808] 203-6766 • WWW.CATHOLICHAWAII.ORG



## Cause for Marital Nullity: Defect of Consent Preliminary Investigation

Petitioner

Respondent

\_\_\_\_\_ Name-in-full \_\_\_\_\_  
\_\_\_\_\_ Maiden last name (if applicable) \_\_\_\_\_  
\_\_\_\_\_ Street address\* \_\_\_\_\_  
\_\_\_\_\_ City\* \_\_\_\_\_  
\_\_\_\_\_ State/Zip\* \_\_\_\_\_  
\_\_\_\_\_ Occupation \_\_\_\_\_  
\_\_\_\_\_ Home phone \_\_\_\_\_  
\_\_\_\_\_ Work phone \_\_\_\_\_  
\_\_\_\_\_ Cell phone \_\_\_\_\_  
\_\_\_\_\_ E-mail address \_\_\_\_\_  
\_\_\_\_\_ Date of birth \_\_\_\_\_  
\_\_\_\_\_ Age at the time of marriage \_\_\_\_\_

**\*The current address of the respondent is required. You are not required to contact the respondent. The Tribunal will do this for you.**

Advocate's name: \_\_\_\_\_ Parish/City: \_\_\_\_\_

### Include the following with this preliminary investigation:

- For Catholics: Baptism certificates (if you were originally baptized in a non-Catholic community, provide a certificate of reception into the full communion of the Catholic Church)
- Marriage certificate (Catholic marriage certificate if a Catholic marriage or validation; otherwise, provide a copy of the civil marriage certificate)
- Divorce decree (first and last/signature page if a multi-page document)
- \$450 Processing fee (*Make check payable to: Roman Catholic Church in the State of Hawai'i*)

### Tribunal use only

Name \_\_\_\_\_ Prot. no. \_\_\_\_\_  
Date received \_\_\_\_\_ Processing Fee: \_\_\_\_\_ \$450 Paid \_\_\_\_\_ \$250 Paid (\$200 due)

**General Information:**

Date first met respondent (approximate) \_\_\_\_\_

How soon after you first met did you begin dating? \_\_\_\_\_

Date of engagement \_\_\_\_\_

Wedding date \_\_\_\_\_

Officiant \_\_\_\_\_

Church/Place \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

If you were married outside of the Catholic Church and later had your marriage validated:

Date of validation \_\_\_\_\_

Church of validation \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

**Note: If you or the respondent are Catholic and you were first married outside of the Catholic Church and then later had your marriage validated (or “blessed”) in the Catholic Church, please answer all questions in this form based on the date of the Catholic Church wedding.**

Number of children \_\_\_\_\_ Current ages of children \_\_\_\_\_

Number of separations \_\_\_\_\_ Date of final separation \_\_\_\_\_

Date of divorce \_\_\_\_\_

Is there a possibility of reconciliation with the respondent? \_\_\_\_\_ Please make a statement:

Have you ever previously petitioned for a declaration of nullity for this marriage? \_\_\_\_\_

If so, when and where? \_\_\_\_\_

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**Respondent’s Prior Marriages:**

Was the respondent (your former spouse) married before being married to you? List all previous marriages with as much information as possible:

**Petitioner's Religion:**

What is your religion/denomination? \_\_\_\_\_

If you are Catholic: Date of baptism \_\_\_\_\_

If you were first baptized in another community before becoming Catholic: Date of reception into the full communion of the Catholic Church? \_\_\_\_\_

Church of baptism (or reception into full communion) \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

If you are not Catholic, are you baptized? \_\_\_\_\_

Are you currently seeking Catholic baptism or reception into the full communion of the Catholic Church (RCIA)? \_\_\_\_\_

Have you ever changed religions otherwise? \_\_\_\_\_ If so, please explain:

**Respondent's Religion:**

What is the respondent's (your former spouse's) religion/denomination?

\_\_\_\_\_

If the respondent is Catholic: Date of baptism \_\_\_\_\_

If the respondent was first baptized in another community before becoming Catholic, date of reception into the full communion of the Catholic Church? \_\_\_\_\_

Church of baptism (or reception into full communion) \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

If the respondent is not Catholic, is the respondent baptized? \_\_\_\_\_

Has the respondent ever changed religions? \_\_\_\_\_ If so, please explain:

**Credibility of Your Statements:**

Please note that declarations of nullity are not granted because a person deserves it or not, but because of the facts of what happened in a relationship. If you honestly and accurately admit your own mistakes in the relationship, this can help establish your credibility. It also helps establish your credibility if you point out objectively positive traits of the respondent insofar as possible. Petitioners who describe themselves in only positive terms and the respondent only in negative terms often hurt their own credibility because they do not seem realistic. So please be as objective and factual as possible.

**Current Status:**

Are you currently ...?     remarried     engaged     dating

Full (maiden) name of current spouse, fiancé(e), or dating partner:

\_\_\_\_\_

Religion: \_\_\_\_\_

Has your current spouse, fiancé(e), or dating partner ever been married before? \_\_\_\_\_

If so, how many times? \_\_\_\_\_

Full (maiden) name of prior spouse of your spouse, fiancé(e), dating partner

\_\_\_\_\_

Date of marriage \_\_\_\_\_

Place \_\_\_\_\_

Did that prior marriage end by death? \_\_\_\_\_

Has that prior marriage been declared invalid by the Catholic Church? \_\_\_\_\_

Has a petition been submitted to the Tribunal? \_\_\_\_\_

If your current spouse, fiancé(e), or dating partner has more than one prior marriage, list:

**Other Prior Marriages:**

Do you have any other prior marriages, besides the one contained in this petition? \_\_\_\_\_

If so, how many? \_\_\_\_\_

Full (maiden) name of other prior spouse \_\_\_\_\_

Religion \_\_\_\_\_

Did that prior marriage end by death? \_\_\_\_\_

Has that prior marriage been declared invalid by the Catholic Church? \_\_\_\_\_

Has a petition been submitted to the Tribunal? \_\_\_\_\_

If you have additional prior marriages, list additional information:

**Note to procurator-advocate: If the petitioner (or hoped-for partner) has more than one marriage requiring a Tribunal process, all causes should be submitted simultaneously.**

**Preliminary Investigation Questions:**

The purpose of these questions is to help the judge set grounds for nullity. Once the grounds are set, then you will be asked to complete a questionnaire and/or have a hearing with the judge that focuses specifically on the grounds being considered for the cause.

Please include answers that cannot fit on this form on a separate sheet of paper.

Describe your childhood and teenage home life. Was there any instability or difficulties within your family while growing up?

Please describe your religious upbringing and practice.

Is there a history of divorce in your family? (Explain)

Describe the respondent's childhood and teenage home. Was there any instability or difficulties within his/her family while growing up?

Please describe the respondent's religious upbringing and practice.

Is there a history of divorce in the respondent's family? (Explain)

Did either you or the respondent ever have trouble with the police? (Explain.) At what age did this occur?

Describe any discussions about divorce that took place before the marriage.

Did you believe when dating that couples should remain married even when they are not happy? (Explain)

What was the respondent's attitude about remaining in an unhappy marriage?

How well did you get to know each other before marriage?

What was the quality of your communication before the marriage? Could each of you talk about personal, intimate matters? (Explain)

Were you sexually intimate before marriage? If so, when did sexual intimacy begin? How did sexual intimacy before marriage affect your feelings?

Did you live together before marriage? If so, when did you begin to cohabit? Was it before or after you were engaged?

If you cohabitated before marriage, did that fact in any way influence your decision to marry?

Was there a pregnancy before marriage? If so, did it occur before or after you had decided to marry? Did it influence your decision to get married?

Did the two of you ever discuss before marriage what would happen if there was infidelity?

What problems, if any, occurred during the dating period?

Did you or the respondent ever date anyone else while the two of you were dating? If so, explain.

What was your idea of marriage at the time you were engaged?

Have your ideas of marriage changed since then?

Describe any breakups that took place when you were dating (before engagement).

Describe how the engagement took place.

What problems, if any, occurred during the engagement? Describe any breakups that took place during the engagement.

Was there any infidelity by either of you while you were engaged? If so, explain.

Were there periods of time while you were dating and engaged that you were separated due to work, school, military service, etc.? If so, explain.

What discussions did you and the respondent have concerning children while you were dating or engaged?

What discussions did you and the respondent have concerning finances while you were dating or engaged?  
What did you agree upon ahead of time?

What discussions did you and the respondent have concerning household responsibilities while you were dating or engaged? What did you agree upon ahead of time?

What discussions did you and the respondent have concerning religious practice while you were dating or engaged?

Please describe any use of alcohol or drugs during the dating and engagement period.

Was there any abuse that took place while you were dating or engaged?



Did anyone discourage you from getting married? If so, explain.

Did anyone encourage you or pressure you to get married? If so, explain.

Were there any immigration issues (or other factors) that influenced the timing of the marriage?

Did you have a prenuptial agreement? \_\_\_\_\_ (If so, please provide the Tribunal with a copy of it.)

Did anything unusual happen at the rehearsal or on the wedding day? If so, explain.

What was the honeymoon like?

**If you first married civilly and then had your marriage validated (or “blessed”) in the Catholic Church:**  
Whose idea was it have the marriage validated? What were the reasons for the validation? Why didn't you get married in the Catholic Church originally?

What was your understanding of the validation ceremony? What was your attitude toward having the marriage validated in the Catholic Church?

What was the respondent's understanding of the validation ceremony? What was his or her attitude toward having the marriage validated in the Catholic Church?

**During the Marriage:**

Did anything change about the respondent after the marriage took place?

Did anything about the respondent come as a surprise after marriage?

How soon did problems begin in the marriage?

Describe the problems of the marriage. Give examples.

Were any children born of the marriage? If not, why did you not have children?

What method of family planning was used during the marriage? (e.g., natural family planning, certain forms of artificial contraception) How consistently was it used?

Describe how each party fulfilled parental responsibilities toward your children.

How did each of you participate in the religious upbringing of your children?

Did either party have difficulty maintaining employment? If so, explain.

Did both parties share responsibilities in maintaining the household? (If not, explain.)

How were finances managed during the marriage? Were there any financial difficulties?

Was there any infidelity by either of you during the marriage? If so, when did it first occur?

Describe the breakup and any efforts at counseling and reconciliation.

**Oath and Mandate:**

I, \_\_\_\_\_ (print your name), hereby swear that the answers which I have given on the attached sheets of paper are the whole truth and nothing but the truth. So help me God.

Wishing to pursue a petition for a declaration of nullity of my marriage to \_\_\_\_\_, hereby name \_\_\_\_\_ according to the prescriptions of canons 1481 and 1482 of the Code of Canon Law, to be my procurator and advocate in this cause.

If my procurator-advocate is a priest, I agree to automatically have his successor in office, if his transfer makes it necessary, to function as my procurator-advocate.

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of secretary/notary

Seal

**Any secretary of a Catholic parish or a public notary is authorized to sign and seal this form.**

# List of Witnesses – Petitioner

Please list relatives and friends who were knowledgeable about you and the respondent before and during the marriage. Please also list any doctors or counselors that you may have consulted, with or without the respondent.

The Tribunal prefers not to have children of the parties participate as witnesses out of concern for family harmony.

Please contact the witnesses that you are naming and let them know that they will be contacted by the Tribunal for their testimony. We will send them a questionnaire to complete either via e-mail, if they have an e-mail address, or via U.S. mail.

Please encourage the witnesses to be honest with regard to pointing out your mistakes. A declaration of nullity is not granted because a party is deserving or not, but because of the facts of what happened in a relationship.

**Please print or type:**

1.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

2.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

3.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

4.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

5.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

6.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

### Names of doctors/counselors

7.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

8.  Miss  Ms.  Mrs.  Mr.  Dr.  Rev.  Deacon

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Relationship to: Petitioner \_\_\_\_\_ Respondent \_\_\_\_\_

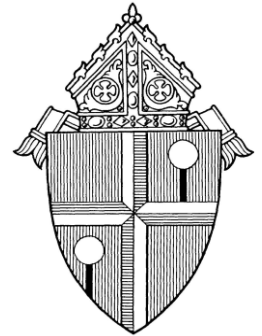
### **Why does this process take so long?**

*The process must take a certain amount of time simply because of the steps that are required.*

**However, the # 1 reason why causes take a long time to process is because the witnesses do not submit their testimony in a timely fashion.**

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## Cause for Marital Nullity: Petition *Completed by the Procurator-Advocate*

I, \_\_\_\_\_ (print), procurator-advocate  
of the parish of \_\_\_\_\_

Parish address \_\_\_\_\_

acting on behalf of petitioner \_\_\_\_\_,

hereby petition the Tribunal of the Diocese of Honolulu to declare null based on a defect of consent under the provisions of the law of the Catholic Church the petitioner's marriage to

respondent \_\_\_\_\_.

I believe that this marriage is invalid because \_\_\_\_\_

The petitioner has claimed the right, under the provision of canon 1674 of the *Code of Canon Law*, to impugn the validity of the union. The petitioner will attempt to prove the nullity of the marriage based upon his/her declarations and the testimony of witnesses.

\_\_\_\_\_  
Signature of procurator-advocate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of secretary/notary

\_\_\_\_\_  
Date

Seal

**Any secretary of a Catholic parish or a public notary is authorized to sign and seal this form.**