

POINTS OF UNDERSTANDING

General Procedures

PREFACE

Whether you are a Catholic or non-Catholic Petitioner, the declaration of nullity procedures can be a confusing process. Your Advocate is appointed to assist you, and to discuss the following "Points of Understanding". It is important that you understand these items so that misunderstandings about the process (cc. 1673-1685 CIC/83) can be avoided. After discussion, please co-sign with your Advocate.

- I understand that the application for a declaration of nullity is no guarantee of a favorable decision. Each case is unique and has its own circumstances. As no date can be given as to when a decision will be rendered, no date for a future wedding can be promised or scheduled until the process is complete and a decree has been issued.
- I understand that ecclesiastical law states that a marriage legitimately celebrated enjoys the presumption of validity and is binding unto death. Therefore, the burden of proof is my responsibility (c. 1060 CIC/83).
- I understand that the offering requested covers a portion of the administrative expenses of the Tribunal and that there is no refund for a negative decision, failure to pursue the case, or renunciation of the case (c. 1649 CIC/83).
- I understand that after an affirmative decision has been issued by the Tribunal of Palm Beach the case is forwarded either to the Tribunal of Archdiocese of Miami (the appellate court) for confirmation of the sentence or to the Tribunal of the Roman Rota. I further understand that the issuing of an affirmative decision by the Tribunal of Palm Beach is no guarantee that an affirmative decision will be issued by either of those tribunals. I further understand that actions in those tribunals are beyond the control of the Tribunal of Palm Beach. No promise can be given as to when a decision will be rendered (cc. 1681-1685 CIC/83).
- I understand that the Tribunal must make every effort to contact the Respondent (former spouse), and I am required to supply a current address for the Respondent. If after my own investigation I have not been able to determine an address, the Tribunal may conduct its own investigation and act on any information that it may have independently obtained (DC 132; 134).
- I understand that when my former spouse is contacted at the introduction of this case, he/she will be given a copy of the *libellus* that I signed requesting that the Tribunal of Palm Beach to formally begin the process. I further understand that my former spouse has rights within these proceedings including the right to read my testimony, and the testimony of my witnesses. I further understand that my ex-spouse has the right to read the decision and has the right to appeal the decision to the Tribunal of the Archdiocese of Miami or the Tribunal of the Roman Rota. I also understand that an appeal may be a lengthy process without prospect of a prompt decision (c. 1620, 7° CIC/83).

- I understand that if I have concerns about any part of my testimony or that of my witnesses being read by my former spouse, it is my duty to alert the Tribunal with a description of the points of testimony. The Tribunal may decide either way about what may or may not be excluded and I will be informed of the decision. I further understand that my former spouse will have access also to the names and address of my witnesses and myself unless specifically requested to sequester addresses but not the names of witnesses (c. 1598, §1 *CIC/83*).
- I understand that there are timelines and time limits to be observed in the processing of a case and that if I am unable to meet them I must request an extension with reasons. I further understand that failure to meet them without making a request for an extension may mean the case will be abated (stopped) (cc. 1465-1467 *CIC/83*).
- I understand that, in addition to the testimony provided by the questionnaires that my witnesses and I have completed, it may be necessary for me to give additional testimony in an interview at the Tribunal. I further understand that it may be necessary for me to bring forward the names of additional witnesses (Book VII, Part II, Title IV *CIC/83*).
- I understand that if the wedding did not take place within the Diocese of Palm Beach and my former spouse does not reside in the Diocese of Palm Beach, then the Tribunal of Palm Beach will need to obtain competency (permission to accept the case) from the Judicial Vicar of the residence of my former spouse. As there is no guarantee that the permission will be forthcoming, should it not be received, the case cannot be heard in Palm Beach (c. 1673, 1°-4° *CIC/83*).
- I understand that all communication and correspondence regarding my petition will be addressed solely to me or to the Respondent and/or our respective advocates. I understand that all concerns anytime in the process are to be directed to my advocate.
- If I have a problem with my advocate then I am to direct a letter to the Rev. Monsignor Thomas Klinzing, Judicial Vicar, Tribunal Office, Diocese of Palm Beach, P.O. Box 109650, Palm Beach Gardens, FL 33410, with my concerns about my advocate (Book VII, Part I, Title IV, Chapter II *CIC/83*).

Date: _____

Place: _____

Signature of the Petitioner

Signature of Advocate