



# The Toledo Diocesan Tribunal

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## Application: Expedited Process

**Please read carefully:** the expedited process, or *processus brevior*, was instituted by Pope Francis as a means of bringing cases of nullity to the attention and judgment of the diocesan bishop in special situations outlined below. Before submitting this application, be sure that all of the requirements are met. If they are not, the case will be remanded to the ordinary process and the forms required for that process will be returned to you to be completed. Once your application is received and accepted, you and all other parties will be cited or summoned to a formal oral hearing at the Tribunal offices. The letter of citation will include the names of your Instructor (the person who will gather all of the facts for submission to the diocesan bishop), the Defender of the Bond (who will be looking for facts which uphold the validity of consent), the notary or recording witness who will compose the oral materials for the diocesan bishop's examination, and the Advocate/Procurator of the petitioning party who will contact all parties and arrange for them to gather in Toledo for an oral hearing.

It is necessary that either **both parties sign this petition**, or that the non-petitioning party submit a statement with this application that s/he has no objection to making use of the process or in having a Declaration of Freedom to Marry in the Catholic Church approved by the bishop. The required statement is included in this packet.

It is necessary that **at least one** of the following apply to the marriage being examined; please check any that apply. You will have to explain the situations you check later in a formal challenge to the validity of your consent to marriage called the *libellus*.

- A defect of faith which led to either the exclusion of some aspect of marriage or grave/serious mistaken definition of marriage which determined the decision to marry;
- A brief common life;
- An abortion procured to avoid procreation;
- An obstinate persistence in an extra-marital affair at the time of the wedding or immediately following;
- Deceitful concealment of sterility, or grave contagious disease, or children from a previous relationship, or previous incarcerations;
- A cause for marriage entirely extraneous to married life, or consisting of the unexpected pregnancy of the woman, or physical violence inflicted to extort consent, or the defect of the use of reason which is proved by medical documents.

It is necessary that the petitioning party or parties submit a formal complaint, the *libellus*, against the act of consent exchanged at the wedding. An outline for preparing this challenge is included in this packet and it should reflect upon the points checked off above.

## Required Documents

### **All of these must be submitted with the application**

- Recent copies of all baptismal certificates of the parties who are baptized or other proof of baptism such as notarized witness statements by parents or older siblings.
- Notarized statement of witnesses to the non-baptism of either party to the marital consent being examined.
- Copy of the Profession of Faith for a person baptized in an ecclesial community other than the Catholic Church who later joined the Church.
- Copy of the Catholic marriage certificate for a wedding celebrated in the Church.
- Certified copy of the **Application for Marriage License** (obtained from the county where the license was filed) and the **Certificate of Marriage**.
- Certified copy of any **Separation Agreement**.
- Certified copy of the **Divorce** or **Dissolution Decree**.
- Certified copy of any subsequent civil Decree affecting child custody.

Please note: If you were married and divorced prior the marriage being examined, please submit all pertinent civil and church records as outlined above dealing with that marriage. On a separate page, please give the name(s) and current addresses, if known, of any former spouse(s) and the names and birth dates of any children born to that previous union. If you obtained an annulment of any prior marriage, submit the tribunal and protocol number of the case with this application. The presence of multiple marriages may require that your case be handled using the ordinary or formal process.

**Facts of the Act of Consent to be Examined**  
**Provide all information sought - Leave no blank spaces**

Full name, including maiden name if applicable, of the **petitioner**: \_\_\_\_\_

Birth date: \_\_\_\_\_ Place of birth: \_\_\_\_\_

Religion of this party at the time of the wedding  
and, where applicable, date and place of baptism: \_\_\_\_\_

Religion of this party today: \_\_\_\_\_

Address where this party can be reached by US Mail: \_\_\_\_\_

Phone number and e-mail where this party can be reached: \_\_\_\_\_

Full name, including maiden name if applicable, of the **former spouse**: \_\_\_\_\_

Birth date: \_\_\_\_\_ Place of birth: \_\_\_\_\_

Religion of this party at the time of the wedding  
and, where applicable, date and place of baptism: \_\_\_\_\_

Religion of this party today: \_\_\_\_\_

Address where this party can be reached by US Mail: \_\_\_\_\_

Phone number and e-mail where this party can be reached: \_\_\_\_\_

Date (approximate) when the parties met: \_\_\_\_\_

Date of the engagement: \_\_\_\_\_

Date and place of the wedding – include the county and state, the name and address of the church where applicable: \_\_\_\_\_

Full **names and birth date** of all children born to the union or **date of adoption** of any children adopted by the union:

Date (approximate) when divorce was first mentioned by either party: \_\_\_\_\_

Date the Divorce or Dissolution Decree was filed  
and County and State where it was filed: \_\_\_\_\_

File number of the above Decree: \_\_\_\_\_

If child custody was awarded to one party or the other, please indicate who obtained primary custody: \_\_\_\_\_

If child support or alimony was mandated by the Decree of Divorce or Dissolution, or by some other Agreement, have its terms been fully met?  Yes  No If you answered no, why not?

It is necessary that the challenge to an act of consent be laid in accord with the acceptable 'grounds of nullity' listed in the Code of Canon Law. Please study the following list. It has been greatly simplified, so please; discuss the facts of your own premarital experience with your Advocate/Procurator and then select one of these as the basis for your challenge. Please note that when the Application is received, the Judicial Vicar may recommend or even establish some other ground which seems more appropriate:

- **Canon 1095, §2 – Grave lack of Due Discretion of Judgment** – at the time of the marriage one or the other or both failed to undertake a truly critical analysis or to evaluate the objective demands of marriage or the subjective consequences of marrying the person. The objective demands are permanence, fidelity, partnership for the good of the spouse and an openness to the formation of a family by ordinary childbirth. The subjective consequences have to do with the actual potential to undertake those required ends with the person you married. Proving this ground may require a referral to a professional, fees for that service will be passed on to the petitioner(s).
- **Canon 1096 – Ignorance** – at the time of the marriage one or the other or both did not know that marriage was a permanent partnership between a man and a woman which includes in its ordinary activities the potential for having children by means of some sexual cooperation.
- **Canon 1097 – Error of Person or Quality** – Substitution of someone other than the intended or substitution of some quality which fully replaced the person of the intended at the time of consent.
- **Canon 1098 – Deceit** – having been deceived for the purpose of obtaining consent by the deliberate 'hiding' of some fact or quality which could or did disrupt the marital life.
- **Canon 1099 – Error Determining the Will** – a mistaken and powerfully held but inadequate 'definition' of marriage such that the permanence, unity or sacramental dignity of marriage is not essentially present.
- **Canon 1101, §2 – Exclusion/Simulation** – the deliberate withholding of marriage or one of the required elements or properties of marriage, i.e., permanence, fidelity, partnership for the good of the spouse, or the procreation and education of offspring.
- **Canon 1102** – Condition placed against the future – at the time of the wedding some condition was attached to the act of consent which in effect delayed or held back consent until something either did or did not occur.
- **Canon 1103 – Force and Fear** – at the time of the wedding some external force roused up an internal fear which made it imperative or necessary to marry.

## Witness List

Please provide all requested information.

It is recommended to name **at least one** qualified witness who can provide corroboration for or additional information relative to the period leading up to the act of consent to be examined and one witness who can verify the integrity and honesty of the party/parties. Please keep in mind that your witnesses **must agree to come to the tribunal for the formal oral hearing** and should be informed of this requirement. This hearing will occur within thirty days of receiving your challenge to the act of consent. You may recommend three dates which would be best for you and all other parties who must travel. If the qualified witness does not substantially corroborate the facts you have provided, the matter will be referred to the ordinary or formal annulment process.

**Preferred date(s)** for the oral hearing (not more than three) [please note that the tribunal may not be able to schedule the oral hearing on any of the preferred dates]:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

Name of **qualified witness**: \_\_\_\_\_

Address where this party can be reached: \_\_\_\_\_

Phone number at which the witness can be reached: \_\_\_\_\_

Please describe briefly the insights/information this witness could provide on your behalf:

Name of **character witness**: \_\_\_\_\_

Address and/or email where this party can be reached: \_\_\_\_\_

Phone number at which the witness can be reached: \_\_\_\_\_

**You may add one or two additional qualified witnesses if you wish in order to bolster the available facts on which the diocesan bishop is to render his decision:**

Name of **second qualified witness**: \_\_\_\_\_

Address and/or email where this party can be reached: \_\_\_\_\_

Phone number at which the witness can be reached: \_\_\_\_\_

Name of **third qualified witness**: \_\_\_\_\_

Address and/or email where this party can be reached: \_\_\_\_\_

Phone number at which the witness can be reached: \_\_\_\_\_

Please note that you and your Procurator/Advocate may prepare a specific list of questions you would like any of the witnesses to answer on your behalf at the oral hearing. These may be submitted with this application or at any time up to five days before the oral hearing. In the event that not all parties and witnesses can come to the Tribunal on the same date, another date may be set for other testimony to be taken; however, as the parties have the right to be present for these depositions, a single date is preferred.

## The Challenge to an Act of Consent

### Composing Your *Libellus*

The formal challenge to the validity of your act of consent to marriage should be composed in its final form using a typewriter or computer so it can be easily read by the diocesan bishop. It should have the same margins you see here: 1.5 inches on the left so it can be bound, and an inch on all other sides. As you prepare to compose this document, please keep in mind that the examination will focus on **the beginning of the marriage**, not on the end. There must be something ‘wrong’ at the wedding itself which can be linked by facts and evidence to one of the grounds of nullity outlined above. Begin by repeating the facts of the marriage, that is, the names of the parties, the date of the wedding, where it occurred including the name of any church, city, county and the file number [this may be a page and volume number] of the **application** for marriage license. This opening paragraph should include the number of children with the birth date of the oldest, especially if a premarital pregnancy intervened. The duration of the common life should be mentioned and the date and place, with the file number of the civil divorce or dissolution. If there were previous marriages the *libellus* should include in its facts section the name(s) of former spouses, the date(s) of the wedding(s) and the date and place of the civil termination. If any previous marriage was in the Catholic Church, please indicate how it was resolved ‘in the Church’ by mentioning the tribunal which addressed it, the date, and the protocol or file number of the final disposition.

Following the facts, the second paragraph should begin: “I challenge the validity of consent to my marriage with (naming the former spouse) on the ground of (naming one of the accepted grounds). I believe this to be the case because of the following several facts:

[Here list the proofs required by the ground selected after discussing your own experience with your Advocate/Procurator. By telling the story of how you and your former spouse met, courted, and then celebrated a wedding day you should be able to give the Advocate enough information from which to assemble this section. S/he may want to conduct a brief interview about your childhood, dating history, any previous engagement and why it broke up, etc., in order to arrive at this brief overview of the wedding and the state of mind of you and your former spouse. Remember, the *libellus* must provide the diocesan bishop “circumstances of things and persons, with substantiating testimonies and records, which do not demand a more accurate inquiry or investigation and which render the nullity manifest.” Your composition should make it very clear that something was amiss at the wedding which prevented consent from functioning to create a lasting marital bond.]”

In a final paragraph name your witnesses and what each one can offer to corroborate the facts as you laid them out in the previous paragraphs.

Sign and date the document and have your Advocate co-sign it.

**Hand written challenges to an act of consent will not be accepted.**

If you do not have a word processor, please work with your Procurator/Advocate who will prepare the final copy for your examination and signature.

**Mandate for Appointment of the Procurator/Advocate  
Expedited Examination of Nullity of Consent**

This is an official document which affects your rights, please read carefully

I, the undersigned Petitioner, in a challenge to my marital consent before the Tribunal of the Diocese of Toledo, mandate the appointment of the Pastoral Minister whose name appears at the bottom of this form as my Procurator to act in my name, with full faculty of performing in my name all useful and necessary acts in the processing of my case before the Court of the First Grade, the Diocese of Toledo, and in all other grades of trial, or as Advocate to assist and advise me relative to the canonical processes.

I further certify that I have contacted all witnesses and they have agreed to participate openly and objectively. I understand that I am not to discuss the facts of the case or the possible questions and answers with these witnesses, or any other who might be called upon to testify. I understand, and have informed all witnesses, that both I and my former spouse have the right to review anything they might have to say.

I have retained a copy of all the materials I am submitting.

I herewith swear before God to the truthfulness of everything I have written in my Petition.

Date: \_\_\_\_\_ Signature of Petitioner \_\_\_\_\_

Signature of Respondent if joining in the Petition \_\_\_\_\_

\* \* \* \* \*

I, the undersigned Pastoral Minister, have carefully reviewed the Petition with the Petitioner and have explained the meaning and importance of the forms and terms contained in the Application for the expedited process. I have examined the materials to be submitted and have enclosed all required documents. I have retained a copy of all materials and testimonies for my personal records so that I may faithfully discharge the obligations of my Mandate.

I assure the Court that the Respondent has either signed the above mandate by joining in the petition or has signed the agreement permitting the use of the expedited process. I have retained the complete list of witnesses and their contact numbers and agree to facilitate the gathering of the parties and witnesses at the time scheduled by the Instructor.

I herewith accept the Mandate of the Petitioner and Appointment by the Tribunal to serve as Procurator and Advocate for the petitioning party/parties. In assuming this function, and agreeing to assist as Advocate, I understand that it is my obligation in Law to regularly contact the Tribunal on the progress of this case.

Date: \_\_\_\_\_ Signature of Procurator/Advocate \_\_\_\_\_

Print name of Advocate here: \_\_\_\_\_

**Release of the Respondent to Pursue the Expedited Process**  
This is an official document, please read carefully

I, the undersigned non-petitioning party, in a request to examine the quality of consent rendered between myself and the petitioner, do not wish to join the petition but do not object to its being adjudged using the expedited process. I am aware that the expedited process has been developed for those acts of consent which are, in law and fact, manifestly null according to the canons of the Catholic Church and that the matter will be decided by the diocesan bishop. I further understand and agree that if an affirmative decision is rendered I will not appeal from it to any other grade of trial in the Catholic Church. I reserve the right to name a qualified witness as well as a character witness who have agreed to assemble with all other parties at the Tribunal of the Diocese of Toledo for an oral hearing at a date to be established by the Instructor assigned to gather testimonies and evidence for examination by the diocesan bishop. If I wish to exercise the right to provide witness testimony, the names of those parties appear below.

Date: \_\_\_\_\_ Signature of the non-petitioning party \_\_\_\_\_

Print name of the Petitioner here: \_\_\_\_\_

**I have contacted the following witnesses and all have agreed to assist at an oral hearing [please note that you do not have to participate or submit any witnesses but may certainly do so]**

Name of a **qualified witness**: \_\_\_\_\_

Address of this person (an e-mail may be included): \_\_\_\_\_

Phone number of this person: \_\_\_\_\_

Please briefly describe how this witness might be helpful in determining the state of mind on the day of the wedding:

Name of a **character witness**: \_\_\_\_\_

Address of this person (an e-mail may be included): \_\_\_\_\_

Phone number of this person: \_\_\_\_\_

**Please check here if you would like to participate by attending the oral hearing.**