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SAMPLE LIBELLUS¹
**PETITION FOR A DECLARATION OF NULLITY
THROUGH THE ORDINARY PROCESS**

I, **John Francis Smith** hereby exercise my right to challenge my marriage before the Toledo Tribunal in accord with canon 1674 §1, 1°, and I request that the Tribunal investigate the validity of my consent to marry **Jane Ann Doe**, which took place on **January 1, 2000** at **St. Raymond of Peñafort Catholic Church** in **Anywhere County, Nowhere, Ohio**.

The following is a brief summary of the reasons that I am accusing my marriage of nullity from the moment of consent.

Jane and I met in September of 1998 while we were both in college at Codex University in Nowhere, Ohio. Our friends introduced us and after a few weeks I asked her out.

Our relationship seemed to be good at the time, but now I realize that I was using Jane as a crutch for my depression and anxiety as I tried to make it through my senior year. I felt like I needed her because she was the only one I could talk to. After six months of dating, I proposed after graduation (May 1999) and she accepted. As the January wedding approached, I felt like I had no other option but to go through with the wedding since I couldn't imagine life without her. I think she felt trapped too. The wedding day was normal, and I pushed my worries about our relationship to the back of my mind, feeling relieved that at least now I wouldn't lose her.

Even though we thought marriage would make things better, things actually got worse. It seemed like Jane was avoiding me with work and friends, and I was less and less able to rely on her being there to help me when I was anxious. I realize now that it was probably a big burden on her to feel like I needed her help so often. She needed some space. We couldn't communicate on anything, and my mental health was getting worse and worse, so eventually I stopped trying to bring things up.

About six months into the marriage, my parents finally convinced me to see a therapist. That was actually really helpful and enlightening. After a few months of counseling, I realized that I had made a mistake by using Jane as a crutch. I realized that I married her because I felt like I didn't have any other option, and that wasn't a good reason to get married. Around this time, maybe a year or so into it, we were basically living as roommates rather than husband and wife. Our communication was minimal. I wasn't sure what to do because I believe that marriage is for life, but we

¹ This is a sample petition. This document is to be used for demonstration purposes only, and all names herein are fictional. Any resemblance to real persons or events is purely coincidental.

had totally drifted apart. Eventually, around March 2001, we started talking about separation and divorce. We finalized the divorce in May of 2001.

With these facts in mind, I request that the Toledo Tribunal examine the consent to the above-mentioned marriage on the basis of the following ground(s), which I have discussed with my Advocate:

Canon 1095, 2° A Grave Lack of Discretion of Judgment Regarding the Essential Matrimonial Duties on the part of the Petitioner

I fully realize that a declaration that the consent exchanged between myself and my former spouse, the Respondent, was invalid depends on the proofs presented and that it is my responsibility to assure the Tribunal that adequate and truthful facts are offered for this examination. Here is a brief list of proofs that will be helpful in investigating my cause:

Witnesses

- **Amy Smith – my mother – she knows about my history of mental health issues**
- **Bill Robertson – my college friend – he introduced me to Jane and knew us throughout our relationship**
- **Julie Doe – twin sister of Jane and maid of honor in our wedding – she and Jane share everything with one another**
- **Adam Smith – my brother and best man in our wedding – he has known me my whole life and knew Jane and I before and during our marriage**

Documents and Other Information

- **Baptismal certificates for both myself and Jane**
- **Civil Application for Marriage License with attached Certificate of Marriage**
- **Catholic Marriage Certificate**
- **Civil Divorce Decree**
- **Complete Separation Agreement**

I understand that no assurance can be given of an affirmative decision, that is, one which recognizes that consent was invalid, nor can assurance be made of a definite timeline for the completion of this process. Furthermore, I understand that absolutely no arrangements can be made for a future Catholic marriage or convalidation unless and until I have received a final and favorable decision from the Toledo Tribunal and any and all appeals Tribunals to which this matter may be directed. I recognize that this process is an entirely ecclesiastical one with juridic effects at canon law but without any legal effects under United States civil law.

My current address is: **100 Processus Lane, Nowhere, OH 10000**

The Respondent's current address is: **200 Matrimonialis Street, Nowhere, OH 10000**

I understand that the Respondent has the same rights as I do in this process, including a right to participate fully, and as such will receive a copy of this *libellus* (c. 1508 §2). If we desire to do so, the Respondent and I will both be permitted to review the acts, testimony, and definitive sentence of this cause at the appropriate times.

I swear before God that all that is contained in this *libellus* is submitted freely by myself, the Petitioner, and is true to the best of my knowledge and memory.

Signature of Petitioner

Date

Signature of Petitioner's Advocate

Date

SAMPLE