



Judicial Department
Diocesan Tribunal

Diocese of Brownsville

Catholic Pastoral Center

OVERVIEW OF THE ANNULMENT PROCESS

1. – **Preliminary Investigation begins at the Petitioner's parish.** The Preliminary Questionnaire should be completed with the assistance of the Pastor, Parochial Vicar, Deacon or Canonical Advocate. **The questionnaire should be submitted electronically by the Pastor, Parochial Vicar, Deacon or Canonical Advocate** for assessment and determining the degree of competence of the particular case in question according to Canon 1673.
2. – After the Tribunal electronically receives the Petitioner's Preliminary Questionnaire from the parish, the questionnaire will be reviewed by the Judicial Vicar for approval. If the questionnaire is approved, a Formal Questionnaire will be mailed to the Petitioner. The Petitioner will be given thirty days from the date of the letter to complete their questionnaire.
3. – After the Petitioner returns their completed Formal Questionnaire and required documentation to the Tribunal, the Petitioner is given an **appointment to meet with a Canonical Lawyer to establish possible grounds** to confirm the invalidity of the marriage in question.
4. – The case is assigned to a judge for assessment and formal **acceptance or rejection**, according to Canons 1505 and 1673.
5. – The Tribunal then issues the proper **Formal Petition (Libellus)**, according to Canons 1502 and 1504.
6. – The Petitioner is advised of acceptance and the **Respondent is cited by certified mail in accord with Canon 1659** and is invited to participate in the canonical investigation process. The Respondent has the right to participate in the case. The Respondent will be mailed the 1st Citation along with a Respondent Mandate. The Respondent has **fifteen business days** to respond to the 1st Citation. If the Respondent does not respond to the 1st Citation, a 2nd Citation will be mailed by certified mail. Again, the Respondent has an additional fifteen business days to respond to the citation. If still no response, the Tribunal will issue the 3rd Citation by regular mail. If there is no response after the third citation, the Tribunal will issue the **Joinder of Issues Decree** and the **Absent Respondent Decree**.
 - If the Respondent chooses to participate in the case **without opposition**, a Formal Questionnaire will be mailed to the Respondent. Both the Petitioner and the Respondent will be assigned to the same Advocate.
 - If the Respondent chooses to **oppose the contentions** of the Petitioner and/or the grounds assigned to the case, a Formal Questionnaire will be mailed to the Respondent. The

Respondent will be required to have 5 witnesses participate in the case. A separate Advocate will be assigned to the Respondent.

- If the Respondent chooses on his/her Mandate not participate in the case, the Tribunal will proceed with the case.

7. – Immediately after issuing the Joinder of Issues Decree, **all the Petitioner's Witnesses are mailed a Witness Questionnaire**. All witnesses are each given thirty days to complete their questionnaires. We ask that all witnesses provide their individual responses. Witnesses who reside in the same household must provide their own separate responses. **Identical responses will not be accepted.**

8. – After all evidence/testimony is presented, the case is open and **published** to the parties for their review and their final remarks. Any extra evidence pertaining to the case is included.

9. – Thereafter, the ACTS of the case are sent to the Petitioner/Respondent Advocate for the preparation of the Advocate's Brief. A notification letter is sent to the Petitioner informing him/her of the assigned Advocate. *Advocates volunteer their time; there is no time limit for them to finish a Brief.

10. – After receiving the Advocate's Brief, the case is **closed** for review and sent to the **Defender of the Bond** for his assessment and remarks.

11. – The case is presented to the **First Instance Collegiate Tribunal** (three judges) for the **Final Decision** and Sentence at a set place, date, and hour.

12. – Once the decision is made, the **Petitioner and Respondent are notified by certified mail**. The parties and canonical advocates can review the Sentence and decide whether they want to **accept or appeal the First Instance decision**.

13. – If the case receives an Affirmative Decision, and **NO APPEAL IS FILED**, case will be closed and archived.

14. – If the case receives a Negative Decision, and an **APPEAL IS FILED**, the case will be sent to the Appellate Court in the Archdiocese of Galveston-Houston, for review.

NOTE: Judges may append a *Vetitum* (prohibition) or a *Monitum* (warning) in the First Instance Tribunal. **IF A VETITUM (PROHIBITION) IS PLACED ON EITHER PARTY, THEY ARE NOT FREE TO MARRY IN THE CATHOLIC CHURCH.** To lift this **prohibition** from either party, the Tribunal requires professional counseling by an assigned Tribunal Expert.

15. – After the annulment has been granted and if either party would like to remarry, the Pastor or Deacon who will be preparing them for marriage, will have to request the **FINAL DECREE** from the Tribunal Office. **The Final Decree will only be mailed to the Pastor or Deacon upon written request.**