



Judicial Department
Diocesan Tribunal

Diocese of Brownsville

Catholic Pastoral Center

OVERVIEW OF THE CANONICAL PROCESS

1. – **Preliminary Investigation begins at the Petitioner's parish.** The Electronic Preliminary Questionnaire should be completed with the assistance of the clergy or canonical advocate. **The questionnaire should be submitted online only by the clergy or canonical advocate** for assessment and determining the degree of competence of the particular case in question according to Canon 1673.
2. – The tribunal determines the degree of **competence** (Canon 1673) of the case in question. If the tribunal has competence, a formal questionnaire is mailed to the Petitioner and thus must be completed and returned to the Judicial Department and Diocesan Tribunal within **thirty days of receipt. If the Tribunal has no competence, Petitioner's are advised to petition for an invalidity at their diocese of competence.**
3. – After the complete formal questionnaire and the required documentation are submitted to the Judicial Department and Diocesan Tribunal, the Petitioner is given an **appointment to meet with the judge to establish possible grounds** to confirm the invalidity of the marriage case in question. The Petitioner can then choose an advocate to assist them with the invalidity process.
4. – The case is assigned to a judge for assessment and formal **acceptance or rejection**, according to Canons 1505 and 1673.
5. – The Tribunal issues the proper **Formal petition** (Libellus), according to Canons 1502 and 1504.
6. – The Petitioner is advised of acceptance and the **Respondent is cited and invited to participate** in the canonical investigation process. The Respondent has **fifteen days** to respond to the citation. If the Respondent participates and opposes the petition, they may choose an advocate. If the Respondent does not respond or participate the Tribunal issues a second citation. If still no participation after the second citation, the Tribunal issues an **Absent Respondent Decree.**
7. – After the legal allocated time period to hear from the Respondent has expired, the Tribunal issues the **Joinder of Issues** (the judge decides on the official grounds for nullity, comparing notes with the information presented by both parties in the case).
8. – Immediately after issuing the Joinder of Issues, **all witnesses are contacted** by certified mail and thus are given a witness questionnaire where they will present their testimonies, and all evidence begins to gather. **Witness questionnaires are due within thirty days of receipt.**

9. – After all evidence (and all testimony) is presented, the case is open and **published** to the parties and their advocates for their review and their final remarks. Extra evidence pertaining to the case is included.

10. – 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 on a set place, date, and hour.

12. – Once the decision is made, the **parties 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 **appealed**, the file, with \$100.00 fee, is sent to the Second Instance Tribunal in San Antonio, Texas, for the second court judges (a college of three again) to, once again, do the full canonical process.

14. – If not appealed, the affirmative decision of first instance, not so the negative decision, is ipso facto, by law, reviewed to be **confirmed** to have the force of FINAL AND DEFINITIVE DECISION. At this time all fees incurred in first instance should be completely covered.

NOTE: Judges may append a *Vetitum* (prohibition) or a *Monitum* (warning) in First or Second Instance Tribunals. That is to say that the Petitioner or Respondent is not free to contract/celebrate the next marriage in the Catholic Church. These prohibitions must be taken care of, by an assigned Tribunal expert, before the Petitioner or Respondent may be given Freedom to Marry and a tentative date for the celebration of their wedding in the Catholic Church. The Second Instance Tribunal may ratify or not the Vetita or Monita appended by the First Instance Tribunal. At the same time, the Second Instance Tribunal may even append Vetita or Monita on its own.

15. – The case is sent to the Appellate Court in San Antonio for 2nd Instance review.

16. – Once the 2nd Instance decision is confirmed, all parties are notified by certified mail.

17. – After parties are notified, letters to the parties' church of baptism and church of marriage are notified by mail.