

Starting a Case

1. How can I initiate a marriage case?

A marriage case can be initiated through a parish priest, deacon, or a notary/auditor. Those wishing to initiate a marriage case with a notary/auditor have the choice of meeting with a man or woman notary/auditor. The party initiating the case will be asked to meet with one of the above-mentioned persons who will help the party complete the application for the marriage case and to instruct him/her on how to complete the other required forms. These forms will then be sent to the Tribunal for consideration. A preliminary decision about the type of case (formal or informal) may be made at this time; yet the Tribunal will make the final determination.

2. What will be required of me when my case is considered?

Since in formal cases the validity or invalidity of a marriage revolves around the moment of consent (exchange of vows) at the wedding, the Court will ask the parties to provide testimony regarding their family background, the courtship, the marriage, the breakdown of the marriage, and the period since the divorce.

3. What documents will be required for this process?

The Court needs proof of baptism, a certified marriage certificate, and a certified decree of divorce, including settlement agreements and financial support of children. Also, if available, any counseling records, criminal/police reports, or pre-nuptial agreements would be helpful.

4. Who will be working with me on my marriage case at the Tribunal?

The Tribunal is made up of the judges, the advocates, the defenders of the bond, and the notaries. The judges instruct the case and control the stages of the investigation and the gathering of the evidence, and will eventually make the decision regarding the validity or invalidity of the marriage. The advocates advise the parties whether their case has merit to present it to the Court. They help the parties to prepare the case and present it to the Court for assessment. The task of the defenders of the bond is to defend the bond of marriage. The notaries are responsible for providing an accurate written record of the case. The party initiating the marriage case is called the Petitioner and his/her former spouse is called the Respondent.

5. What will happen once my application for the marriage case is received by the Tribunal?

The case is assigned a number, and the advocate will review the case. If necessary, the advocate will ask the Petitioner additional written testimony or request a personal interview. If the material appears to have substance, the advocate will write a petition which will be sent along with an appointment of advocate form to the Petitioner to sign and have notarized. When these forms are returned, the case is assigned to a judge.

6. How long will the process take?

Each case is unique, but the average length of time to work a formal marriage case in the Peoria Tribunal is from one year to a year and a half after the case has been assigned to a judge, and depends on many factors.

7. How much will it cost, and what if I can't afford to pay the fees?

At present, the fee of the Tribunal is \$550. Everyone has a right to have their marriage case reviewed by the Tribunal, and no one is refused because of their inability to pay. Arrangements can be made to pay their fees, and in cases where a party demonstrates he/she is unable to pay anything, the fee can be waived, if arranged with the Judicial Vicar.

8. Will I have to provide witnesses for my marriage case?

Yes. The petitioner is required to contact family members and non-family members to get their permission to submit their names as possible witnesses.

9. What is the role of the witnesses?

Witnesses are asked to describe the behavior of the two parties before and during the marriage. They may also be asked to report statements that the parties made.

10. Is the testimony kept confidential?

The Law states that only the two parties can read the witness testimony. Under certain conditions, it may be possible to keep parts of the testimony confidential.