# What are the steps for a formal case process?

Tribunal · https://missionsupport.archden.org/knowledgebase/what-are-the-steps-for-a-formal-case-process/

## 1. Libellus | Formal Petition

If the Tribunal determines that a formal process is required, you will receive a detailed questionnaire to complete. Set a time with your Advocate to review the responses to this questionnaire and draft the formal petition (libellus). In the libellus, you will propose the grounds, the reasons why the marriage might be invalid. In addition, you should present your advocate with the required documentation of the marriage (marriage record, civil dissolution, etc.) This may require two meetings. The advocate will answer your questions and help you throughout the entirety of the process. He/she is encouraged to accompany you to any appointments at the Tribunal and will strive to promote your interests in conformity with the truth.

## 2. Case Acceptance and Citation

When the required forms are received with your libellus, a member of the Tribunal will review the grounds proposed in your libellus to determine if it is possible that the nullity might be proven at the end of the process. Rarely, there will be a case where there does not appear to be any likelihood that a declaration of nullity could be granted, and the Court cannot proceed. Should that occur, the Court will explain its rationale and your options. In most cases, however, the Court finds sufficient basis to proceed and accepts the case. You and your Advocate will be notified by mail and have an opportunity to review the grounds and present any objections. The other party to the marriage, the Respondent, will be notified (the “Citation”) and invited to participate.

## 3. Joinder of the Issue ("Litis Contestatio")

After the time for responses to the proposed grounds has passed, the Ponens, one of the three judges assigned to your case, will review any responses in order to formally establish the grounds that the Court will investigate.

## 4. Instruction

In canon law, the instruction is the investigative phase of the process. At this time, we will gather your witness testimonies and, in most cases, will invite you to visit the Tribunal for a deposition to provide additional information and/or clarify information already provided. The Respondent will also be asked to participate. Depending on the circumstances, a psychological expert, appointed by the Court, may offer an opinion on the case.

### 5. Publication

Once the Ponens concludes that there is sufficient information to make a judgment on the case, he will afford parties and their advocates the opportunity to review the testimony and other evidence at the Tribunal. Each party may offer to submit additional information, if necessary.

### 6. Conclusion

Following the Publication, the Ponens closes the case to any further testimony and evidence. At this time, the parties and/or their advocates may provide a brief summarizing their arguments, and the Defender of the Bond, a member of the Tribunal, will offer observations and objections in favor of the validity of the marriage.

### 7. Definitive Sentence

Once the Defender of the Bond has completed his or her brief, a case summary is provided to the Ponens along with the entire case file. The Ponens will draft the decision (the “definitive sentence”), for the other judges to review and sign. If a majority of the judges is able to reach moral certitude of the nullity of the marriage, an affirmative decision is issued. On the other hand, if the majority finds that reasonable doubts remain, a negative decision is issued.

### 8. Appeal

The parties and the Defender of the Bond have the right to appeal the definitive sentence to the Court of Second Instance in Philadelphia or to the Tribunal of the Roman Rota in Rome. If no appeals are lodged within fifteen days, the definitive sentence is “executive”, which means that the parties are considered free from the previous union.

More information on the Declaration of Nullity can be found in the brochure below:

Declaration of Nullity | Metropolitan Tribunal - Guide for Petitioners