

THE CATHOLIC CHURCH IN DENMARK

Dioecesis Hafniensis Ecclesiastical Tribunal

DEN KIRKELIG DOMSTOL
Gl. Kongevej 15
DK – 1610 KØBENHAVN V

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E-MAIL: Tribunal@katolsk.dk
APPLICATION: JT@katolsk.dk

INSTRUCTIONS

in connection with a petition to have a marriage declared invalid in the eyes of the Church.

A person, who wishes to have his/her marriage investigated with the intention of an eventual declaration of invalidity, has to send a written petition to one of the marriage tribunals, which is competent to handle the case. The competent Marriage Tribunal is in the Diocese : 1. where the marriage took place; or 2. where one or both parties have permanent or temporary residence; or 3. where most of the evidence is in fact to be gathered.

In the case that you or your former spouse had been married before your marriage, which you wish the Tribunal to evaluate, please contact the Tribunal Official (foreman) for a closer church evaluation of the situation.

With regards to the actual “what to do” regarding your petition, a detailed guide will follow this introductory letter, which will to a great degree, ask for the information that the Tribunal needs in order to judge the petition. The petition can be filled out electronically and be sent by mail/email.

In the petition you need to state **what grounds** best describe why the marriage, as seen by the Church, was entered into invalidly: for example:

- > that one or both parties had as they entered the marriage a reservation regarding:
 1. the unconditional longevity of the marriage bond (possibility for divorce).
 2. openness to have children in the marriage.
 3. faithfulness to the partner.
- > That the marriage was not entered into with full freedom and own decision, but under pressure.
- > That there existed a serious lack of discretion of judgment with regards to the rights and duties of marriage.
- > That there existed a psychological ineptitude for a marital relationship.

The Tribunal must know the former-spouse's address, and the petitioner has to self inform the former spouse about his/her wish to begin the process. Mention must also be made known, that the former spouse (the respondent) will, according to conditions of Church Law, be sent your petition in connection with the acceptance and treatment of the case. The former spouse's name, address, telephone number and if possible e-mail must be given. The petitioner must also give the names and addresses of 2 or more witnesses whom you the petitioner must ask to be witnesses. If this is not possible you are asked to give the reason why, so that the tribunal can consider the problem.

We would ask that copies of the **following documents also** be sent in along with the Petition:

- > birth and name certificate(s) or birth and baptism certificate(s) for both parties (as much as possible)
- > Marriage certificate.
- > Separation and Divorce decrees (or other Civil Judgment)
- > letters or other documentation that can give light to your petition.

A petition can first be accepted when all the necessary documents are available to the Tribunal.

It can be highly recommended, that you seek assistance in making your petition either with a Catholic priest or another qualified person. The Tribunal has a consultant who can help. You can contact him at: (Danish e-mail) konsulent@katolsk.dk

To cover the costs of the Tribunals expenses you (the petitioner) are asked to pay DDK 800 (eight hundred crowns) when the case is accepted. The Tribunal can make a dispensation for all or a part of this fee.

PETITION

to the Ecclesiastical Tribunal, Catholic Bishop's Office
Gl. Kongevej 15 DK – 1610 København V.
for a declaration of invalidity concerning the marriage between
XX and YY

1.1 Undersigned (*your name, address, occupation, telephone number(s), e-mail*) herewith petition that my marriage with (*Your former spouse's name, address, occupation, telephone number(s), e-mail*) can be declared invalid according to the Catholic Church.

1.2 Our marriage took place (*date, place (N.B. If you were married both civilly and then in the Church we need the dates and places of both)*). Here we also need to know:

1.3 whether one or both parties had been married before

1.4 whether both are baptized

1.5 what is the family and educational background for both parties (shorten version)

1.6 also whether you have earlier filed a petition to have this marriage declared invalid by a Tribunal in the Catholic Church.

2.1 Information about, when and under what circumstances the parties got to know each other: *Describe how you met and got to know each other.*

2.2 Information about how the couple's mutual relationship evolved: *Describe here how the relationship evolved to the point where the topic of marriage became a reality. Also if you were engaged and for how long before the wedding.*

2.3 Information about how getting married became a topic for discussion and what were your considerations. *Her describe why you chose marriage and not another form of living together and if it was because of practical or romantic reasons or something entirely else that influenced your considerations. Also if you had been to a form of marriage preparation with a priest.*

2.4 Information about the wedding: *About the wedding itself and the reception. How was it? If it was a god day for you both. Was there a honeymoon?*

2.5 Information about the time after the wedding up to the moment where there began to show that there were problems in the marriage: *Please describe the main elements in your mutual circumstances with regards to building a home and family and on the whole getting your common life to function. When did problems begin to enter the marriage and what were the causes of these problems?*

2.6 Information about when separation and divorce entered the conversation up to the time when you stopped living together. *Who wished the separation and why? How did the divorce come about?*

2.7 Information about **why do you now wish a declaration of invalidity** for your marriage: Is it because you wish the possibility to marry in the Catholic Church or are there other grounds for your petition? How have things been going between the two of you and with the children, if there were any? Has your former spouse remarried? Are you yourself remarried? In the case that you are planning to remarry, please indicate if your intended has been married before.

3.0 As mentioned in the instructions you are now asked to state **under what grounds**, after your meaning and what you have described about the marriage, that speak for that this marriage was entered into invalidly. These grounds for invalidity have to have been present **BEFORE entering the marriage** for one or both parties.

3.1 You can maybe formulate it this way: I charge my marriage to be entered into invalidly because (we were both too immature; I did not accept that marriage was a life long commitment; my husband / wife did not want children; we were not committed to being faithful to each other; other reasons).

4.0 I submit the following documents: *please see the list from the introductory letter as to which documents the Tribunal needs along with your name, address, telephone number(s), and the mail addresses for at least two (2) people, who could be witnesses in this case. If this is not possible, please give reasons for why not.*

5.0 *The petition concludes with you writing the city or town (from where you are writing the petition) and the date and your signature.*

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PLEASE SEND THE APPLICATION BY MAIL OR E-MAIL TO:

MAIL: Att. Den Kirkelige Domstol
Katolsk Bispekontor
Gammel Kongevej 15
1610 København V.

E-MAIL: To the secretary of the Tribunal, Jonna Thiesen: JT@katolsk.dk

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In case you have any questions regarding the instructions / petition or if there are things connected with the petition that you in doubt about, you are welcome to contact the Tribunal's secretary, Jonna Thiesen, who can be reached by phone (3355 6006), or by e-mail: JT@katolsk.dk. You can also contact the Tribunal by mail, using the address above.

Y you are also welcome to contact the Judicial Vicar, Fr. Jan Hansen, on phone no. 2226 4723 or by e-mail: p.jan@katolsk.dk