



APPLICATION PACK FOR

DECLARATION OF NULLITY

OF A MARRIAGE

THE TRIBUNAL OF THE CATHOLIC CHURCH
FOR NEW ZEALAND



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01

DECLARATION OF NULLITY OF MARRIAGE

A statement from the Roman Catholic Church for New Zealand

WHAT IS MARRIAGE?

The Catholic Church teaches that marriage is a partnership of life and love and recognises the marriages of all men and women, irrespective of religion or where they take place. All marriages are valid until proven otherwise (Can. 1060).

WHAT IS A DECLARATION OF NULLITY (DECREE OF NULLITY)?

A Decree of Nullity is a declaration by the Church that a particular marriage is not binding for life according to criteria of the Catholic Church.

WHAT A DECLARATION OF NULLITY IS NOT?

A Declaration of Nullity is not a Catholic word for divorce. It does not deny that there had ever been any

kind of bond between the couple or erase the relationship that existed. Nor does it assign blame for the breakup of the marriage. The Church recognises that there was a real civil marriage, a real relationship and the children are and always will be legitimate even if a Declaration of Nullity is granted.

DOES THE DECLARATION OF NULLITY HAVE ANY CIVIL EFFECTS?

No. This process only concerns the Catholic Church and church law.

WHEN IS A DECLARATION OF NULLITY POSSIBLE?

People can enquire and initial documents may be filed at any time. However, the Tribunal policy is that cases are not to formally begin until a final civil divorce has



been granted. This is because civil divorces indicate the relationship past the point of reconciliation and finalises its ending. No decision for nullity will be made until after the final decree of civil divorce.

HOW DOES THE TRIBUNAL WORK?

Canon law (Church law) calls for a Tribunal in every diocese worldwide. The Tribunal is the judicial arm of the Church and hears cases from various branches of law like Penal, Administrative, Marriage, and the like. It has a staff of specially trained people - priests, religious and lay - who offer help to those who ask the Church to study a marriage to determine if there is a possibility of a Declaration of Nullity.

HOW DOES ONE ASK FOR A DECLARATION OF NULLITY?

The process begins when a person (known as the petitioner) is in touch with the Tribunal via their parish priest, church leader or on their own initiative. A Tribunal personnel would usually be in touch with them for an initial meeting to discuss their circumstances and then provide them with the Application Pack, which contains the Fact Sheet, Preliminary Submission Form, and list of accompanying documents, for the petitioner's completion. Once they have completed the Application Pack and checked off the Check List, they may return it to the Tribunal.

The Application Pack is available both on the Tribunal website as an e-copy and as a physical document

available at the Tribunal.

The Preliminary Submission Form asks for information about the background of each party, and for details of the courtship and married life. The document is reviewed by one of the Tribunal staff and then the petitioner will be informed of the next steps. If upon review, there is no case for a Declaration of Nullity, we are upfront and the petitioner would be told. Vice versa, if there is semblance of a case, the petitioner will be informed of the next steps. If a petitioner or respondent changes address or is away for an extended period of time, the Tribunal must be notified to avoid delays.

IS THE PREVIOUS SPOUSE(S) CONTACTED?

It is a requirement of canon law that the other spouse(s) (known as the respondent) be informed of the investigation and given the opportunity to participate in the investigation in the same manner as the petitioner.

The Tribunal must be provided with the respondent's current address or contact details by the petitioner. It is not necessary for the petitioner to contact the respondent; the Tribunal can do this.

However, it is often better if the petitioner informs the respondent that he or she has approached the Tribunal and is making an application so that they do not feel blindsided when the Tribunal contacts them. The testimonies of the petitioner and the respondent will be obtained separately. In most cases, the respondent is willing to testify, however, if a respondent once



contacted, declines to participate, the case can still proceed.

WHAT ABOUT WITNESSES?

Both the petitioner and the respondent may nominate witnesses, these can be family, friends (preferably not all witnesses are family members). Key witnesses are those who knew the couple before the wedding and at the time they got married. The person who names the witnesses is responsible for getting them to agree to give evidence, but the Tribunal will contact them to arrange for the evidence to be given.

WHAT ABOUT CONFIDENTIALITY?

All evidence gathered is confidential. The parties to the marriage have the opportunity to know the decision and the basis on which it was made. The Tribunal, however, must also observe relevant civil reporting and privacy laws of New Zealand.

IS THERE A NEED TO PRODUCE ANY DOCUMENTS?

Yes. The petitioner will be asked to supply the Tribunal with Marriage and Divorce Certificates and also records of baptisms (where applicable).

HOW LONG DOES THIS ALL TAKE?

Due to the number of applications, family dynamics and the varying factors involved in different cases, no time can be specified. Each case runs its own course timewise depending on its complexity but most cases

are completed within a year.

CAN I BOOK MY WEDDING?

Petitioners cannot book a wedding in any parish until the Tribunal decision is finalised. The Tribunal can make no prediction about how long any case will take to complete; many cases are delayed because of difficulty in getting evidence from witnesses, etc. Setting a date for a wedding before the final decision is known places the petitioner, their proposed spouse and Tribunal staff, under unreasonable and unnecessary pressure.

WHAT ARE THE FEES FOR THE DECLARATION OF NULLITY PROCESS?

The applications for Declaration of Nullity are free of charge. The Tribunal is supported by the New Zealand Catholic Bishops' Conference.

**“Petitioners cannot
book a wedding in any
parish until the Tribunal
decision is finalised.”**



02

INITIAL APPLICATION INSTRUCTIONS

1. Please print and fill in as much as possible the "Fact Sheet" and complete a "Preliminary Submission" (both included within the "Declaration of Nullity Application Pack"). Please fill in one Fact Sheet and Preliminary Submission for each previous marriage. Should you require more than one Application Pack, please feel free to download e-copies from the Tribunal website or enquire with Tribunal personnel.
2. Please submit the "Fact Sheet" and "Preliminary Submission" along with the following documentation to the Tribunal for initial assessment:
 - Baptism Certificate (if any)
 - Previous Marriage Certificate
 - Divorce Certificate
3. Submit the above documentation by way of the following three options:
 - **POSTAL**
 - **E-MAIL**
 - **IN PERSON**

Please see section 07 for your local Tribunal office contact information.

Once the initial application pack has been received and assessed, a Tribunal personnel will be in touch with you to arrange for an appointment to further discuss your case.



03

PRIVACY STATEMENT

The Tribunal of the Catholic Church for New Zealand (we, us or our) may collect, use and disclose personal information (PI) about you. We are committed to protecting all PI and do so in compliance with the Privacy Act 2020 (PA 2020), and New Zealand's 13 Information Privacy Principles (IPPs), which are set out in Part 3, Subpart 1 PA 2020.

We collect PI directly from you, or your nominated sources, and may also collect PI passively through our website.

Personal information is collected and held by the Tribunal only for the purposes of the ministry of the Tribunal in administering cases concerning the status of the persons who have been married and in reaching its decisions in accordance with Church Law (Canon Law).

The Tribunal may provide pastoral care to you, provide you with other services you are seeking, communicate with you about the services we offer in compliance with our legal and regulatory requirements.

If the PI you provide is incomplete or inaccurate, we may not be able to provide you with the services you

seek.

Some of the information you provide us with could be deemed 'sensitive information'. By giving us this PI, you consent to us using it in accordance with our stated privacy statement.

We may disclose PI about you to other Tribunals here or overseas to enlist their assistance in the judicial process and our parishes who assist us in operating our organisation. If you were baptised overseas, we are required by Canon Law or church policies to advise that overseas parish of the notification of the outcome of some Tribunal procedures. By giving us your PI, you consent to us disclosing that information to the overseas parish or Tribunal personnel if and as required by canon or civil laws.

Our Privacy Policy (available upon request) sets out how you can access and ask for correction of your personal information, how you can complain about privacy-related matters and how we respond to complaints.

Please contact your local tribunal office for more information.





NULLITY APPLICATION - FACT SHEET

Please fill in as fully as you can.

Office Use	Case Name:	Case Number:
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	PETITIONER	RESPONDENT
Surname:		
Surname (at time of marriage):		
First Names:		
Address:		
Telephone: Home:		
Work:		
Mobile:		
E-mail Address:		
Place of Birth:		
Date of Birth:		
Religion		
Place of Baptism: (if known)		
Date of Baptism: (if known)		
Conjugal Status - before marriage		
Conjugal Status - at present		
Highest Education Completed:		
Occupation - at time of marriage		
Occupation - at present		
Father's Name:		
Mother's Name:		
Parent's Address:		



MARRIAGE

Date of first meeting:	Day:	Month:	Year:
Date began courting:	Day:	Month:	Year:
Date agreed to marry:	Day:	Month:	Year:
Date of marriage:	Day:	Month:	Year:
Place of marriage:			
Age at time of marriage (years / months)	Petitioner:	Respondent:	

CHILDREN i.e. natural children and / or adopted (please specify) of petitioner and respondent

Names:	Date of Birth:
1.	
2.	
3.	
4.	
5.	
6.	

SEPARATION AND CIVIL DISSOLUTION

First Separation (year):		Finalised Separation (year):	
Number of separations:		Length of marriage:	
Date of separations:		Place of dissolution:	
Petition for dissolution:			
Custody / Access finalised:		Property finalised:	
Any civil litigation pending:			

PROPOSED SPOUSE IN CATHOLIC CHURCH

Surname:			
Previous surname:			
First names:			
Address:			
Telephone:	Home:	Work:	Mobile:



TRIBUNAL OF THE CATHOLIC CHURCH FOR NEW ZEALAND

Place of Birth:	
Date of Birth:	
Religion:	
Place of Baptism: (if known)	
Date of Baptism: (if known)	
Occupation:	
Conjugal status:	
Form of marriage - place (if any):	
Form of marriage - date (if any):	
OTHER DETAILS	
Difficulty contacting respondent (details):	

SIGNED BY:	DATE:
PRINT NAME:	

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05

PRELIMINARY SUBMISSION GUIDELINE

This information is to be submitted along with the “Fact Sheet”

YOUR MARRIAGE

Please write out as neatly and clearly as possible the history of your marriage. Please follow the guidelines below. When you have finished your submission **sign and date it**. Please make sure prior to forwarding your submission to the nearest Diocesan Tribunal Office, to check the Check List on the last page of the Application Pack and ensure the other relevant documentation is enclosed together with your submission, i.e. Fact Sheet, Baptism Certificate, etc.”

A. PRE-MARRIAGE

Give a brief account of the background, family, education etc. of both parties. Describe in some detail, the circumstances of your meeting with your former partner, the growth and development of your personal association together, friendship and courtship, and give a reasonable coverage of the history of your relationship with each other from the time you

met until the marriage.

Please describe any particular circumstances, or situations, e.g. sickness, family reasons, pregnancy etc. which may have affected your entry into marriage. Indicate whether there were any misgivings of doubts expressed by either party, or by others, about the forthcoming marriage. Was there an engagement?

What was your relationship during the engagement period, and anything that occurred of significance during this time?

B. AT THE TIME OF MARRIAGE

In entering your marriage, did either you or your former partner have any reservations about what you were entering into? What would have been your attitudes towards permanency in marriage? Did you intend to



marry each other for life? What was your attitude towards children? Did either of you have any reservations or conditions regarding if, and when, you might have children? Would you have both entered into marriage intending to be faithful, one to the other?

C. STORY OF MARRIAGE

Write out in some detail the history of your marriage, from the first few months to the final separation. Were there any particular difficulties early in the marriage? Were there any difficulties in the sexual relationship? Cover such matters as your ability to discuss and evaluate matters together; your attitudes to one another; your relationships with your parents and parents-in-law; who had the financial responsibility; work history; ability to make and keep friends; social life together; personal life etc.

When did the problems first appear in the marriage? Describe them in some detail. What means did you or your partner take to keep the marriage together? (Marriage guidance, clergy, psychiatrists etc.)

If medical, psychiatric, or counselling services sought, would you please indicate what they were and to whom recourse was had. Was there anything in either you or your partner's background, indications of mental illness in the

family?

Please describe as precisely as possible why you consider the marriage failed, and why you consider you *have* a case for a Declaration of Nullity. Please add anything else which you consider would be helpful to give a better understanding of your former marriage.

Please date and sign the submissions and forward it to the nearest Tribunal office.

Please see "Tribunal Offices" contact page.

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06

DOCUMENTATION CHECK LIST

Please check, date and sign and enclose along with your submission.

01 PRIVACY STATEMENT

I have received, read and initialed the Privacy Statement and I understand the content of the document.

SIGNED

DATE

02 DOCUMENTATION

FACT SHEET - I have filled out, dated and signed the "Nullity Application - Fact Sheet" and have enclosed it for submission to the Tribunal of the Catholic Church For New Zealand.

PRELIMINARY SUBMISSION - I have completed, dated and signed my Preliminary Submission, detailing the facts of my marriage (to the best of my knowledge) and have enclosed it for submission to the Tribunal of the Catholic Church For New Zealand.

I have enclosed copies of my;

- Baptism Certificate (if any)
- Previous Marriage Certificate
- Divorce Certificate

If there are difficulties in obtaining these certificates, would you kindly explain on the notes page provided, or please inform Tribunal personnel. If not, please indicate N/A.



TRIBUNAL OF THE CATHOLIC CHURCH FOR NEW ZEALAND





TRIBUNAL OFFICES

Please contact your local diocese

ARCHDIOCESE OF WELLINGTON

Judicial Vicar: Rev. Msgr Brendan Daly

Case Instructor: Teena George

Phone: 04 496 1727

E-mail: tribunal.wellington@catholic-tribunal.org.nz

Catholic Centre

22-30 Hill Street

PO Box 1937

Wellington 6140

Attention: Wellington Tribunal Office

DIOCESE OF AUCKLAND

Judicial Vicar: Rev. Msgr Brendan Daly

Associate Judicial Vicar: Rev. Dr. Anthony Malone OFM

Promotor of Justice: Rev. Francis Poon

Case Instructors: Andrea Schmitz, Suzie McCarthy, Rowena Orejana

Initial Enquiries: a.schmitz@catholic-tribunal.org.nz

Phone: 09 360 3030

E-mail: tribunal.auckland@catholic-tribunal.org.nz

Pompallier Diocesan Centre

30 New Street

Ponsonby

Auckland 1011

Attention: Auckland Tribunal Office

Pompallier Diocesan Centre

Private Bag 47094

Ponsonby

Auckland 1144

Attention: Auckland Tribunal Office



TRIBUNAL OF THE CATHOLIC CHURCH FOR NEW ZEALAND

DIOCESE OF HAMILTON

Case Instructor: Pauline Ott-Fepuleai

Phone: 07 856 6989

Fax: 07 858 3717

E-mail: p.ott-fepuleai@catholic.tribunal.org.nz

Chanel Centre

51 Grey Street

PO Box 4353

Hamilton East 3247

Attention: Hamilton Tribunal Office

ARCHDIOCESE OF PALMERSTON NORTH

See Wellington Contact Information

DIOCESE OF CHRISTCHURCH

Judicial Vicar: Rev. Msgr Brendan Daly

Judge: Elizabeth Ong

Case Instructor: Maria Sequeira

Phone: 03 366 9869

E-mail: tribunal.christchurch@catholic-tribunal.org.nz

Cathedral House

391 Moorhouse Avenue

PO Box 4544

Christchurch 8140

Attention: Christchurch Tribunal Office

DIOCESE OF DUNEDIN

Associate Judicial Vicar: Rev. Msgr John Harrison

Phone: 03 474 5759

E-mail: johnharr@xtra.co.nz

Catholic Pastoral Centre

300 Rattray Street

Private Bag 1941

Dunedin 9054

Attention: Dunedin Tribunal Office



