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SAMPLE LIBELLUS¹
PETITION FOR A DECLARATION OF NULLITY
THROUGH THE ORDINARY PROCESS

I, **Jane Ann Doe** hereby exercise my right to challenge my marriage before the Toledo Tribunal in accord with canon 1674 §1, 1°, and I request that the Tribunal investigate the validity of my consent to marry **John Francis Smith**, which took place on **January 1, 2000** at **St. Raymond of Peñafort Catholic Church** in **Anywhere County, Nowhere, Ohio**.

The following is a brief summary of the reasons that I am accusing my marriage of nullity from the moment of consent.

I was raised by my grandparents until the age of sixteen because my mother was not married when I was born. My grandparents did not have a loving relationship with each other, and my grandmother was very strict and didn't let me socialize much. I didn't have very much life experience because of this. My mother and my father were somewhat absent from my life. Then, when I was sixteen, my mother and her boyfriend moved to the city and forced me to come with them. I was terrified of the man because he would become violent when he drank too much alcohol. My mother, brother, and I often had to hide from him to stay safe. It caused me to act out at school.

I was immature and did not do well in school because I would talk back to teachers. I didn't have any friends, and I never hung out with people outside of school at the time because I was afraid to invite anyone to my home. I spent all of my time at school and at home. I was pretty naïve because of how sheltered I was. I desperately wanted to escape the scary environment.

I met John then. He visited my family and ate with us. He gave me little gifts and took me to parties, and I became very attached to him because he was the first person who I really knew outside of my family. But we fought because he would cheat on me with a neighbor. He would cry and say sorry, and I knew I had to forgive him. But I began to resent him for this.

We were romantically involved for about a year before we discovered that I was pregnant. John's aunt suggested that I get an abortion, but I would not do it. So she and my mother and my stepfather pressured us to get married because of what people might think otherwise. My mother was a single mom and refused to allow me to consider not marrying. I wasn't really thinking about anything except having the baby and leaving my mom's apartment. John's aunt prepared everything for the wedding, and we were married within fifteen days of telling them that I was pregnant. There was no counseling or preparation. I didn't love John anymore because of how often he cheated on me, but I felt marriage was my only option to escape my home and avoid an abortion, plus I was very immature and impulsive. I wasn't thinking about the future, just about now. I was eighteen at the time.

John's aunt tried to help us out in our new married life, but our relationship was very unstable. We fought a lot, moved four times, and John lost his job. John cheated on me again not even two years after the wedding, which prompted me to end the relationship. We got a divorce two and a half years after we got married at my insistence.

¹ This is a sample petition. This document is to be used for demonstration purposes only, and all names herein are fictional. The facts are loosely based on a real case tried before the Roman Rota *coram* AROKIARAJ, 26 October 2009, Prot. No. 16.733, and decided in the affirmative on the ground of canon 1095, 2° on the part of the Petitioner.

With these facts in mind, I request that the Toledo Tribunal examine the consent to the above-mentioned marriage on the basis of the following ground(s):

Canon 1095, 2° A Grave Lack of Discretion of Judgment Regarding the Essential Matrimonial Duties on the part of the Petitioner and the Respondent

Canon 1103 Force or Fear on the part of the Petitioner and the Respondent

I fully realize that a declaration that the consent exchanged between myself and my former spouse, the Respondent, was invalid depends on the proofs presented and that it is my responsibility to assure the Tribunal that adequate and truthful facts are offered for this examination. Here is a brief list of proofs that will be helpful in investigating my cause:

Witnesses

- **Amy Doe – my mother – she raised me starting when I was sixteen and pressured me to marry John**
- **Matilda Johnson – my grandmother – she raised me until I was sixteen and can attest to my immaturity and sheltered life**
- **Julie Smith – John’s aunt – she suggested an abortion and prepared everything for the wedding when I would not get one**
- **Adam Doe – my brother – he has known me my whole life and lived with me when we moved to the city; he knows what we experienced there**

Documents and Other Information

- **Baptismal certificates for both myself and John**
- **Civil Application for Marriage License with attached Certificate of Marriage**
- **Catholic Marriage Certificate**
- **Civil Divorce Decree and Complete Separation Agreement**

I understand that no assurance can be given of an affirmative decision, that is, one which recognizes that consent was invalid, nor can assurance be made of a definite timeline for the completion of this process. Furthermore, I understand that absolutely no arrangements can be made for a future Catholic marriage or convalidation unless and until I have received a final and favorable decision from the Toledo Tribunal and any and all appeals Tribunals to which this matter may be directed. I recognize that this process is an entirely ecclesiastical one with juridic effects at canon law but without any legal effects under United States civil law.

My current address is: **100 Processus Lane, Nowhere, OH 10000**

The Respondent’s current address is: **200 Matrimonialis Street, Nowhere, OH 10000**

I understand that the Respondent has the same rights as I do in this process, including a right to participate fully, and as such will receive a copy of this *libellus* (c. 1508 §2). If we desire to do so, the Respondent and I will both be permitted to review the acts, testimony, and definitive sentence of this cause at the appropriate times.

I swear before God that all that is contained in this *libellus* is submitted freely by myself, the Petitioner, and is true to the best of my knowledge and memory.

Signature of Petitioner

Date