

SCHEDULE OF ACTIVITY FOR FORMAL MARRIAGE CASES

The following is an outline of the steps involved in the annulment process in the Metropolitan Tribunal of the Archdiocese of Indianapolis. They are in compliance with the procedures required by the 1983 Code of Canon Law and the Tribunal's policies and practices.

An * identifies those steps in the process where the Tribunal communicates in writing with the Petitioner and the Respondent, if he/she is participating.

Please Note: A formal marriage case takes an average of 12-18 months from the time of acceptance (Stage A, Step 3 through Stage D). Factors affecting case progress include the Respondent's response time, witness response time, and Tribunal case volume. The Tribunal cannot guarantee the length of time of a case. The average case length is merely an estimate.

A. INTRODUCTORY STAGE

- A.1. Completed Basic Data Sheet, questionnaire, witness form, and other related formal case documents are returned to the Tribunal by the Petitioner or the Field Associate.
- A.2. Materials submitted are reviewed by the Judicial Vicar/Adjunct Judicial Vicar and a *Libellus* (formal petition for nullity) is prepared and sent to the Petitioner to sign and return to the Tribunal.
- A.3.* The Judicial Vicar/Adjunct Judicial Vicar formally accepts the case.
- A.4.* The former spouse of the Petitioner, the Respondent, is cited by the Judicial Vicar/Adjunct Judicial Vicar and invited to participate in the case.
- A.5. If the Respondent chooses to participate, arrangements will be made to obtain his/her testimony.
- A.6. If there is no response from the Respondent after the second letter has been sent by certified mail, the Judicial Vicar/Adjunct Judicial Vicar, after a reasonable time, proceeds with case.
- A.7.* The Judicial Vicar/Adjunct Judicial Vicar joins the issue. That is, he determines the formal grounds on which a declaration of nullity is established. The Petitioner and the Respondent (if participating) are notified, by letter, of the joinder of issue (grounds of nullity), and the identity of the members of the Tribunal Staff, including the Judge, who have been assigned to the case. The Respondent (if participating) may raise any objections to the grounds within ten days.

B. **EVIDENCE GATHERING STAGE**

- B.1. After the issue has been joined, and if no objections have been made to the grounds, the Judge opens the case for instruction.
- B.2. The Judge invites witnesses to give testimony and arrangements are made to receive their depositions.
- B.3. Recorded or hand-written testimony must be transcribed or typed to be included in the case.
- B.4.* Once all evidence has been gathered, the Judge notifies the Petitioner and the Respondent (if he/she is participating) that they have thirty days to review the current evidence and to raise any objections or produce further evidence.**
- B.5. Depending on the grounds of nullity of the case, the Judge may be required to appoint a Psychological Expert to review the case.
- B.6. The Expert provides a written report, which is placed in the evidence of the case.
- B.7. The Judge formally concludes the case.

C. **DISCUSSION STAGE**

- C.1. The Defender of the Bond provides written observations in favor of the validity of the marriage, if any argument can be made.

D. **DECISION STAGE**

- D.1.* The Judge renders a decision (definitive sentence). An affirmative decision declares that nullity has been proven; a negative decision states that nullity has not been proven.
- D.2.* Both the Petitioner and the Respondent (if he/she participated in the case) are notified of the decision.
- D.3.* The Respondent or Defender of the Bond have 15 days to request an appeal to the Court of Second Instance.**
- In the case of a negative decision, the Petitioner may request an appeal to the Court of Second Instance.**
- D.4.* In the case of an affirmative decision (declaration of nullity), and 15 days have elapsed without an appeal, then the affirmative sentence is carried out and the parties are free to marry (notwithstanding any caution that may be attached).