



CATHOLIC DIOCESE OF KALAMAZOO

Office of the Tribunal

215 N. Westnedge Street, Kalamazoo MI 49007-3760; 269-903-0215

TERMS USED IN MARRIAGE CASES

Affirmative and negative decision. An affirmative decision means the Tribunal or Bishop has found a marriage to be proven invalid according to Church law, with more certainty. A negative decision means that invalidity has not been proven.

Assessor. Tribunal official who helps evaluate proofs (evidence) for the Tribunal or Bishop who will judge the marriage case.

Case name. To clearly identify a case, the last name of the man and the maiden name of the woman are used in conjunction with the case number (see below). Refer to both when contacting the Tribunal.

Case number. A control number that identifies the case in conjunction with the case name (above). Refer to both when contacting the Tribunal.

Code of Canon Law and Dignatis Connubii. The source of Catholic Church laws regulating marriage cases.

College of judges. Panel of three judges who decide the case in an ordinary process. These are the presiding judge, the ponens and the associate judge. The ponens directs the process and commits the decision of the college to a written sentence.

Decree or declaration of nullity or invalidity. A judgment by church authority that a marriage thought valid according to Catholic Church law, actually lacked at least one essential element required for a valid, binding union. Often but imprecisely called annulment. To declare the nullity of marriage is absolutely different from decreeing the annulment of the marriage.

Defender of the Bond. Tribunal official who must review the case and present any reasonable arguments or observations, always respecting the truth, that contribute to protecting the bond of marriage and the integrity of the legal process.

Expert (peritus). A professional with special competence and credentials who is assigned to review the case, and often to, interview the parties, before formulating a report to clarify certain matters for the judge. This is normally a psychologist.

Grounds. Reasons for invalidity stated in canon law on which the case is heard and judged.

Instructor. Tribunal official who gathers proofs and directs the preparation of a marriage case for the bishop to decide.

Judicial Vicar. Priest who is the administrator of the Tribunal. He assigns officials to a particular case.

Mandate. Document by which a petitioner or respondent appoints a procurator advocate to assist them.

TERMS USED IN MARRIAGE CASES (continued)

Notary. Tribunal official who authenticates juridical acts and documents as well as manages correspondence and contacts.

Ordinary Process. The legal actions by which a Tribunal judge or college of judges resolve a challenge to the validity of a **marriage**.

Petition. A request, submitted to a Tribunal according to the requirements of Catholic Church law, that challenges the validity of a marriage.

Petitioner. The party who petitions a Tribunal. Either party to a marriage that is irreparably broken, usually shown by the fact of divorce, may petition.

Process before the Bishop. If certain essential conditions are met, the Bishop, rather than the Tribunal, judges the nullity of the marriage. One condition is the consent of the respondent to the petition, and a second is the manifest invalidity of the marriage in the judgment of the judicial vicar. Otherwise, the Tribunal follows the Ordinary Process (“formal case”).

Procurator-Advocate. The procurator performs judicial business for a party while the advocate assists the party by advice. In the mandate both are appointed so that they can function in these official capacities. Usually, one person functions in both positions. See mandate.

Prohibition (Vetitum). A restriction placed in an affirmative sentence by a Tribunal, or by the Bishop, even apart from a nullity process, but which still prevents a future Catholic marriage until certain conditions are fulfilled.

Respondent. The other spouse in the challenged marriage who responds to the petition, but may also support or consent to it.

Second Instance Tribunal. The Tribunal that treats an appeal of a decision by the Tribunal of the Diocese of Kalamazoo. The second instance Tribunal is normally the Archdiocese of Detroit but may be the Roman Rota.

Sole judge. Tribunal official who acts as the only judge in the case.

Tribunal. The ecclesiastical court of the Catholic Church in a diocese. A Tribunal can accept a marriage case when either party has a residence in it or the marriage took place in it, or most of the significant proofs are to be gathered in it.

Warning (monitum). A Statement of issues that should be addressed specially in the pastoral preparation of either or both parties for a future marriage.

Witnesses. People proposed by either party who can testify knowledgeably and truthfully about the parties and marriage. Their testimony is usually obtained by a questionnaire that the Tribunal sends them.