

APPENDIX

SOME SUGGESTED INTERROGATORIES FOR THE
ADMINISTRATIVE HEARING OF SEPARATION CASES

I. REQUEST AND INTERROGATORY OF PETITIONER FOR
ECCLESIASTICAL SEPARATION

CHANCERY OF THE DIOCESE

Num. Prot.
PETITIONER Subject: REQUEST OF PETI-
RESPONDENT TIONER FOR EC-
CLESIASTICAL SEP-
ARATION

I, the undersigned, _____, a baptized Catholic,
do hereby request permission of the Most Reverend Ordinary of the
Diocese, to institute a canonical separation as to bed, board and
dwelling place in accordance with the prescriptions of Canons 1129-
1132, from with whom I contracted
marriage in (City, County) of in the State of
..... on 19.....

I respectfully submit herewith the following documents:

1. Record of my Catholic Baptism
2. Record of my marriage from the Church Register.

Date:

Priest Notary: Petitioner

The Priest Notary will administer
the following oath:

“I, the undersigned, recognizing the sacred character of an oath
as a calling upon God to witness the truth of what I say, do
solemnly swear that in answer to your questions I shall tell the
truth, the whole truth and nothing but the truth. So help me
God and these His Holy Gospels which I touch with my hand.”

A. Information Concerning Petitioner

1. What is your name (maiden name if wife)?
2. What is your present address?
3. Have you some identification?
4. What is your religion?
 - (a) Date and place of birth?
 - (b) Date and place of baptism?
5. What are the names and addresses of your parents?

.....

Father's Name	Address
---------------	---------

.....

Mother's Name	Address
---------------	---------

.....

6. Have you always been a practical Catholic? Describe.

B. Information Concerning Respondent

1. What is the name of your spouse?
2. What religion does your spouse profess?
3. Is (he) (she) a practical member?
4. What is the present address of your spouse?

C. Information Concerning Marriage

1. When and where did your marriage with the respondent take place?
 - (a) Before whom?
 - (b) Did a civil marriage precede your marriage before a priest?
2. How long did you live together before difficulties arose?
3. What was the cause of your first difficulty?
Explain in detail:

D. History of Any Previous Separations

1. How often did you and the respondent separate?
2. When did the first separation take place?
3. What was the cause?

4. After the first separation did you resume marital life?
 - (a) What persons were instrumental in effecting this reconciliation?
 - (b) Explain their rôle.
 - (c) Give their names and addresses.
5. How long after this first separation did reconciliation take place?
6. How long did you remain together after this first reconciliation?
7. Were there any other separations in the intervening period until the present?
8. If so, give the causes, length of time, date of reconciliation and names and addresses of persons instrumental in the reconciliation.
9. When did the final separation take place?
 - (a) What was its cause?
 - (b) How long for the present have you been separated from your (husband) (wife)?

E. Children of the Marriage

1. How many children have been born of your marriage?
2. What are their names and ages?
3. Did your spouse treat and care for the children as a true parent?
4. Were your children educated as Catholics?
5. Were they sent to a Catholic school?
6. Who has their custody at present?
7. Who will have their custody in the event of a separation?

F. Grounds for Separation

According to Canon 1129, § 1, formal adultery, i. e. adultery not caused, permitted, condoned or compensated by you, is the only cause for a permanent separation.

According to Canon 1131, § 1, a temporary separation may be granted for these causes: If the other party has joined a non-Catholic sect, has educated the offspring in a non-Catholic manner, has led an ignominious life or a criminal life, has become physically or morally dangerous to you, made the common life too difficult because of quarrels and cruelty, and other causes of this nature have existed.

1. With this in mind explain the canonical cause which would warrant an ecclesiastical separation in your case.
2. Kindly give the names and addresses of at least two witnesses, preferably Catholics, who could substantiate your allegations.

G. In re: Reconciliation

1. Is reconciliation with the respondent possible at this time?
If not, why not?
2. When did you see the respondent last?
3. Has (he) (she) remarried?
4. Have you any intentions of remarriage?
5. Did you ever speak to a priest outside of the confessional regarding your marital difficulties?
 - (a) When?
 - (b) What is the name of the priest?
 - (c) What is the address of the priest?
 - (d) His relationship to you, i. e. parish priest, friend, etc.
 - (e) Does this priest fully understand your case?
 - (f) Did this priest confer with the respondent?
6. If the answer to n. 5 is negative, please give the name and address of a priest who is acquainted with both you and the respondent and can be interrogated concerning your request.
7. Have you ever presented a petition similar to this in any chancery before?
8. Do you realize that an ecclesiastical separation will not permit you to marry again?
9. Do you realize that even company-keeping would be wrong for you?
10. Do you realize that a separation for any cause but formal adultery is temporary, and that as soon as the cause ceases you will be expected to return to your spouse?
11. Do you apply for a separation under these conditions?

H. Civil Action

1. Have you to date undertaken any action in the civil courts against your spouse?

2. What is the nature of this action?
3. Give the name, address and religion of any lawyer you have consulted and his recommendations in the matter.
4. Do you desire to undertake any civil action?

The policy of this chancery in the matter of civil action is the following:

5. With this in mind, what type of civil action do you desire?
6. What are your reasons for desiring this action?

-
1. Do you have anything further to add to this testimony?
 2. (Here the testimony should be read to the deponent.) Do you wish to add to, amend or correct any of the foregoing statements?
 3. Please take the following oath:

“I do solemnly swear that the testimony I have just given is correct and that I have told the truth, the whole truth and nothing but the truth. So help me God and these His Holy Gospels which I touch with my hand.”

Date:

Priest Notary: Petitioner

Parish: Parish Seal

(The priest notary is requested to present a statement of his opinion from either personal knowledge or investigation of the deponent with regard to: (1) the deponent's credibility; religious character; probity of life; (2) whether the alleged cause is public, notorious or occult; (3) the possibility of scandal if a separation is granted; (4) whether the alleged causes exist; (5) what efforts have been made toward a reconciliation; (6) his personal recommendations in favor of or against the granting of the petition.)

.....
Signature

II. INTERROGATORY FOR RESPONDENT

CHANCERY OF THE DIOCESE

Num. Prot.

PETITIONER Subject: INTERROGATION
RESPONDENT OF RESPONDENT
IN CASE OF ECCLE-
SIASTICAL SEPARA-
TION

The Priest Notary will administer
the following oath:

“I, the undersigned, recognizing the sacred character of an oath as a calling upon God to witness the truth of what I say, do solemnly swear that in answer to your questions I shall tell the truth, the whole truth and nothing but the truth. So help me God and these His Holy Gospels which I touch with my hand.”

A. Information Concerning the Respondent

1. What is your name (maiden name, if wife)?
2. What is your address?
3. Have you any identification?
4. What is your religion?
 - (a) Date and place of birth?
 - (b) Date and place of baptism?
5. What are the names and addresses of your parents?

.....
Father's name	Address
.....
Mother's name	Address

6. Have you always been a practical Catholic? Describe.

B. Information Concerning Marriage

1. When and where did your marriage with the petitioner take place?
 - (a) Before whom?
 - (b) Did a civil marriage precede your marriage before a priest?

2. How long did you live together before difficulties arose?
3. What was the cause of your first difficulty?
Explain in detail:

C. History of Any Previous Separations

1. How often did you and the petitioner separate?
2. When did the first separation take place?
3. What was the cause?
4. After the first separation did you resume marital life?
 - (a) What persons were instrumental in effecting this reconciliation?
 - (b) Explain their role.
 - (c) Give their names and addresses.
5. How long after this first separation did reconciliation take place?
6. How long did you remain together after this first reconciliation?
7. Were there any separations in the intervening period until the present?
8. If so, give the causes, length of time, date of reconciliation and names and addresses of persons instrumental in the reconciliation.
9. When did the final separation take place?
 - (a) What was the cause?
 - (b) How long for the present have you been separated from your (husband) (wife)?

D. Children of the Marriage

1. How many children have been born of your marriage?
2. What are their names and ages?
3. Did your spouse treat and care for the children as a true parent?
4. Were your children educated as Catholics?
5. Were they sent to a Catholic school?
6. Who has their custody at present?
7. Who will have their custody in the event of a separation?

E. Grounds for Separation

1. Your (husband) (wife) has presented the following allegations as causes for a separation: (Priest should here read the complaint

made by the petitioner.) Are these statements true?

If not, please explain.

2. Has your spouse been remiss in fulfilling (his) (her) marital obligations?

If so, please explain.

3. Kindly give the names and addresses of at least two witnesses, preferably Catholics, who are qualified and willing to testify in your defense.

F. In re: Reconciliation

1. Are you willing to co-operate in correcting the present situation and in effecting a reconciliation?

2. When did you see the petitioner last?

3. Has (he) (she) any intentions of remarriage?

4. Have you any intentions of remarriage?

5. Did you ever speak to a priest outside of the confessional regarding your marital difficulties?

(a) When?

(b) What is the name of the priest?

(c) What is the address of the priest?

(d) His relationship to you, i.e., parish priest, friend, etc.

(e) Does this priest fully understand your case?

(f) Did this priest confer with both you and your (husband) (wife)?

6. If the answer to n. 5 is negative, please give the name and address of a priest who is acquainted with both you and petitioner and can be interrogated concerning this matter.

7. Do you realize that an ecclesiastical separation would not permit you to marry again?

8. Do you realize that even company-keeping would be wrong for you?

G. Civil Action

1. Has your (husband) (wife) initiated any civil action against you?

2. Do you intend to plead any case in the civil courts?

3. If the answer to n. 2 is yes, what type of action do you intend to plead?

1. Do you have anything further to add to this testimony?

2. (Here the testimony should be read to the deponent.) Do you wish to add to, amend or correct any of the foregoing statements?

3. Please take the following oath:

"I do solemnly swear that the testimony I have just given is correct and that I have told the truth, the whole truth and nothing but the truth. So help me God and these His Holy Gospels which I touch with my hand."

Date:

Priest Notary: Respondent

Parish: Parish Seal

(The priest notary is requested to present a statement of his opinion from either personal knowledge or investigation of the deponent with regard to: (1) the deponent's credibility; religious character; probity of life; (2) whether the alleged cause is public, notorious or occult; (3) the possibility of scandal if a separation is granted; (4) whether the alleged causes exist or the respondent's defense overrides them; (5) what efforts have been made toward a reconciliation; (6) his personal recommendations in favor of or against the granting of the petition.)

..... Signature

III. INTERROGATORY FOR WITNESS
CHANCERY OF THE DIOCESE

Num. Prot.

PETITIONER Subject: INTERROGATION

RESPONDENT OF

WITNESS IN CASE OF ECCLESIASTICAL SEPARATION

You have been named by, PETITIONER/RESPONDENT, as a witness in (his) (her) behalf in reference to a petition submitted by

for an ecclesiastical separation from the RESPONDENT, which has been presented to His Excellency the Most Reverend Bishop of the Diocese.

The Priest Notary will administer the following oath:

"I, the undersigned, recognizing the sacred character of an oath as a calling upon God to witness the truth of what I say, do solemnly swear that in answer to your questions I shall tell the truth, the whole truth and nothing but the truth. So help me God and these His Holy Gospels which I touch with my hand."

A. Information concerning Witness

1. What is your name?
2. What is your present address?
3. What is your occupation?
4. What is your religion?
5. Describe the practice of your religion.
6. How long have you known petitioner/respondent?
7. Did you know (him) (her) before (his) (her) marriage?
8. Are you related to petitioner/respondent?
9. If not related, what is your connection with petitioner/respondent?
10. Do you consider petitioner/respondent a person who is credible?
11. Did you see much of petitioner/respondent after (his) (her) marriage?
12. Do you know petitioner's/respondent's (husband) (wife)?
13. How long have you known (him) (her)?
14. What is your estimation of (his) (her) character?
15. Do you believe petitioner/respondent to have been a true and faithful (husband) (wife)?
16. What is the name of your parish?
17. Are you known to one of the priests of that parish? If so, give his name?
18. If not, give the name and address of a priest who may be able to vouch for your credibility.

B. Information Concerning the Separation

1. Are you aware that a petition for a separation has been made by the petitioner?
 - (a) When did you hear of it?
 - (b) From whom?
 - (c) Have any suggestions or instructions been given you in regard to your testimony? If so, describe.
2. The petitioner has presented the following allegations as grounds for a canonical separation: (Priest notary should here read the allegations of the petitioner.)
 - (a) In your opinion are the charges true or false?
 - (b) State exactly whatever testimony you can give to prove the truth or falsity of these charges.
 - (c) Is this personal knowledge or hearsay knowledge? Please describe.

C. In re: Reconciliation

1. Is there a possibility of reconciliation between the parties at the present time?
2. If not, do you think there is any possibility of a reconciliation at any future time?
3. Can you supply the name of anyone, preferably a priest, who may be instrumental in effecting a reconciliation?
4. What are your recommendations toward this end? Describe.
5. Do you think either party will attempt a remarriage if a separation is permitted?

1. Do you have anything further to add to this testimony?
2. (Here the testimony should be read to the deponent.) Do you wish to add to, amend or correct any of the foregoing statements?
3. Please take the following oath:

"I do solemnly swear that the testimony I have just given is correct and that I have told the truth, the whole truth and nothing but the truth. So help me God and these His Holy Gospels which I touch with my hand."

Date:
 Priest Notary: Deponent
 Parish: Parish Seal
 (The priest notary is requested to present a statement of his opinion from either personal knowledge or investigation with regard to the deponent's credibility, religious character and probity of life.)

 Signature

IV. INTERROGATORY FOR PRIEST CONSULTED

CHANCERY OF THE DIOCESE

Num. Prot.
 PETITIONER Subject: INTERROGATION
 RESPONDENT OF PRIEST CON-
 OF ECCLESIASTI-
 CAL SEPARATION

REVEREND AND DEAR FATHER:

You have been named by, petitioner/respondent, in a suit for an ecclesiastical separation, as having knowledge of the facts of the case. You are therefore respectfully requested to express an opinion regarding the merits of the case by completing the following interrogatory.

1. What is your name?
2. What is your present address?
3. Is the petitioner/respondent known to you personally?
4. If so, please express your opinion concerning (his) (her)
 - (a) religious character
 - (b) probity of life
 - (c) credibility, especially in this matter
5. How long have you known petitioner/respondent?
6. Are you acquainted with both parties?
7. Where were the parties married?
8. Have they always lived together?

9. If there have been previous separations please tell what you know of these earlier separations.
10. Were any children born of this union?
 - (a) Give their names and ages.
 - (b) Please describe their Catholic education.
11. Are you aware of any difficulties between the parties?
12. If so, what is the nature of these dissensions?
13. How often were you consulted concerning their marital difficulties?
 - (a) What was your advice in each case?
 - (b) If you advised a separation, what was your reason?
 - (c) Did you speak to both parties?
 - (d) If not, why not?
14. Is either party at present undertaking any civil action?
 - (a) If so, what type?
 - (b) On what grounds?

The causes alleged by the petitioner for a canonical separation are the following: (Here should be supplied the causes as alleged by the petitioner.)

1. Are you morally certain that these causes exist?
 - (a) Please explain.
 - (b) Is the case occult, public or notorious?
 - (c) What is your estimate of the danger of scandal in this case?
2. What provision will be made, to your knowledge, for the children if a separation is permitted?
3. If this arrangement does not seem satisfactory, what are your recommendations?
4. Have serious efforts been made at reconciliation?
 - (a) By whom?
 - (b) With what result?
5. Do you believe that medical or psychiatric treatment may offer a solution?
6. Is reconciliation of these parties possible at the present time?
7. If a separation is granted, do you believe that either of the parties will attempt another marriage?

8. Do you believe both parties understand the nature of a canonical separation, especially with regard to the impossibility for the contracting of another marriage and the obligation to resume cohabitation upon the cessation of the motivating cause?
9. After having reviewed the facts in this case what recommendations would you offer in reference to the request for a separation?

Date:

Parish: Signature of priest
Parish Seal

BIBLIOGRAPHY

SOURCES

- Acta Apostolicae Sedis*, Commentarium Officiale, Romae, 1909—
- Acta et Decreta Concilii Plenarii Baltimorensis Tertii, A. D. MDCCCLXXXIV*, Baltimore: John Murphy & Co., 1886.
- Acta et Decreta Sacrorum Conciliorum Recentiorum, Collectio Lactencis*, 7 vols., Friburgi Brisgoviae: Herder, 1870-1892.
- Acta Sanctae Sedis*, 41 vols., Romae, 1865-1908.
- Analecta Iuris Pontificii*, Romae, 1855-1869; Parisiis, 1872-1891.
- Annuario Pontificio per l'Anno 1948*, Città del Vaticano: Tipographia Polyglotta Vaticana, 1948.
- Bullarum Diplomatum et Privilegiorum Romanorum Pontificum Taurinensis Editio*, 24 vols. et Appendix, Augustae Taurinorum, 1857-1872.
- Bruns, H., *Canones Apostolorum et Conciliorum Saeculorum IV-VII*, 2 vols., Berolini, 1839.
- Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus*, Romae: Typis Polyglottis Vaticanis, 1917. Reimpressio, 1933.
- Codex Theodosianus*, ed. P. Krueger, Berolini: Apud Weidmannos, 1926.
- Codicis Iuris Canonici Fontes* cura Eññi Petri Gasparri editi, 9 vols., Romae (postea Civitate Vaticana): Typis Polyglottis Vaticanis, 1923-1939 (Vols. VII-IX ed. cura et studio Eññi Iustiniani Serédi).
- Collectanea S. Congregationis de Propaganda Fide*, 2 vols., Vol. I, ann. 1662-1866, Nn. 1-1299, Vol. II, ann. 1867-1906, Nn. 1300-1317, Romae: Typographia Polyglotta, S. C. de Propaganda Fide, 1907.
- Concilium Tridentinum Diariorum, Actorum, Epistolarum, Tractatum*, Nova Collectio 13 vols., Friburgi Brisgoviae: B. Herder, 1901—; Vol. IX, *Actorum Pars Sexta*, collegit, illustravit, edidit Stephanus Ehses, 1924.
- Corpus Iuris Canonici*, Editio Lipsiensis II (E. Richter-E. Friedberg), 2 vols., Lipsiae, 1879-1881.
- Corpus Iuris Civilis*, 3 vols., Vol. I., *Institutiones*, quas recognovit P. Krueger, ed. stereotypa 15., 1928; *Digesta*, quae recognovit T. Mommsen et retractavit P. Krueger, ed. stereotypa 15., 1928; Vol. II, *Codex Iustinianus*, quem recognovit et retractavit P. Krueger, ed. stereotypa 10., 1929; Vol. III, *Novellae*, recognovit Rudolphus Schoell, opus Schoelli morte interceptum absolvit Gulielmus Kroll, ed. stereotypa 5., Berolini, 1928-1929.
- Corpus Scriptorum Ecclesiasticorum Latinorum*, Vindobonae, 1866—.
- Decretales D. Gregorii Papae, una cum glossis restitutae*, 2 vols., Romae, 1582.
- Decretum Gratiani emendatum et notationibus illustratum una cum glossis*, 2 vols., Romae, 1582.