

HOW TO FIND GOOD WITNESSES & EVIDENCE

WHO (do I choose?):

- Family (parents, siblings, cousins, aunts/uncles, former spouse's family, etc.)
- Friends
- Schoolmates
- Members of the wedding party
- Co-workers
- Your Counselors (if appropriate to the case)
- Your Doctor (if appropriate to the case)

Be sure to choose people who have firsthand knowledge of you the petitioner and/or respondent's background, and/or courtship & time of consent.

WHO NOT TO CHOOSE:

- Children born of the marriage at issue! No matter how long ago the marriage happened, these children cannot speak of the courtship & time of consent;
- Current spouse;
- Current spouse's family ***unless*** they knew the party ***prior*** to the marriage at issue;
- Family members or friends who are significantly impaired by Alzheimer's, dementia, or a mental illness;
- Anyone who is dead.

WHAT (do they need to do?):

The witnesses need to be able to speak ***knowledgeably*** and ***honestly!*** You, the Petitioner, must give your witnesses permission to talk or write about **all** they know, even if they don't think it will show you in the best light! You must remind your witnesses that this process is **NOT** about making one party look good and the

other party look bad. Good witness testimony is critical for every case. If your parents provide identical testimony, then they will be considered one witness.

WHEN (must I have known them?):

The best witnesses are the ones who can speak about one or both of the following:

- The background of the Petitioner and/or Respondent,
- The courtship and time of consent and early part of the marriage.

Remember, it is the background of the Petitioner and Respondent and their courtship and time of consent that are the focus of this process. It is essential that **you**, the Petitioner, name people who can speak with knowledge about one or both of these time periods.

WHERE (do I look?):

You must make a concerted effort to find witnesses who can indeed testify about the time periods in question. Often we lose touch with people who at one time were significant in our lives, but technology offers anyone the opportunity to look for people they would like to find. Below are ways to begin searching online:

Verify the information **before** submitting it to the Tribunal

- **Facebook** is a great place to look when trying to find other members of a military unit in which a person served, an alumni group from one's high school, or long lost friends or family members. No fee to join and you can delete your presence on Facebook when your case is finished.
- **Intelius.com** (there will be a fee to get most of the information you will need);
- **Beenverified.com** (will cost at least \$1.95 per search)
- **Standard.netdetective.net** (We have had great success with this site, but you may need to open a membership. We think there is a very nominal one-time fee & no yearly fees.);
- **Spokeo.com** (will cost at least \$1.95 per search)

- **Peoplefinders.com** (there will be a fee to get the information you will need);
- **Whitepages.com** (only provides basic information & may not be current)
- **Linkedin.com** (membership required—it is free; there will be a fee for some of the needed information);
- **Google**
- **Alumni Associations** from schools attended (this may be done in person or possibly online);
- **Don't limit yourself to these suggestions.**

Finding people from your past can take some work and may involve some expense, but as it is solely the responsibility of you, the Petitioner, to prove nullity, it is in your best interest to put on your detective hat and **really** search to find some good witnesses! Document all attempts you make to contact people. If you are using contact information found online, print the screen shot of the information and handwrite in the date & time you attempted to contact each person & the result of your attempt.

WHY (do I need them?):

We can't stress enough that it is up to **YOU**, the Petitioner, to prove the claim of invalidity, thus we need to have contact with those people who will speak honestly and with knowledge about your background and/or courtship and time of consent and early marriage.

HOW (does the Tribunal contact them?):

You, the Petitioner will provide the Tribunal with the current contact information for your witnesses, after you have let each person know that you intend to name them as a witness. We will contact each witness and provide them with a questionnaire for each of the grounds set. If follow-up testimony is required, we will contact the witness by phone and conduct a phone interview. It is important that the witnesses know that they should **tell the unvarnished truth** about

background and courtship, time of consent and early marriage of the Petitioner and/or Respondent! **Please do not coach your witnesses, and do not help them answer the questionnaires we send!**

OTHER SOURCES OF EVIDENCE:

If **you or your former spouse are Catholic** and received marriage preparation in the Catholic Church, do you have:

- Your Engaged Encounter notebooks
- Sponsor Couple workbook (for past 20 years entitled: *For Better & For Ever*)
- Pre-Cana workbook (may be entitled: *God's Plan for a Joy-Filled Marriage*)
- FOCCUS test evaluation from the priest who prepared you for marriage (if the priest provided this to them. **The Tribunal will request the pre-nuptial file from the parish**)

Do you have any of the following **from the courtship & wedding** day:

- Correspondence received during the courtship and/or time of consent from each other, family, or friends that indicates problems, issues, and/or concerns regarding the relationship and impending marriage at issue.
- Pictures from the wedding that reflect problems between the bride and groom (we **don't** want the wedding pictures or album if there were no problems at the wedding or reception!).
- Video from the wedding or reception **that clearly indicate serious problems** between the bride and groom (we **don't** want every wedding video, **ONLY** the ones that **show** serious problems between the couple).

Do you have any of the following **from during and/or the end of the marriage at issue:**

- Correspondence received during the marriage at issue that identify or acknowledge problems present during courtship or at the time of consent.
- Copies of police reports that support claims of abuse or violence

- Copies of any restraining orders
- Any legal documents filed prior to the final divorce decree which indicate issues at the end of the marriage.
- Amendments to the final divorce decree
- Amendments to the child custody agreement
- Counselor notes or recommendations that are addressed to you, the Petitioner. If you attended counseling: fill in the Confidentiality Release at the back of your application. We will need the correct contact information for the counselor(s), the approximate month and year(s) you were in counseling, and your signature at the bottom of the form. We cannot accept into evidence any of your former spouse's records without their verified written permission.
- The relevant hospital or ER document that support claims of abuse or violence. These will all require a HIPAA release signed by the person who was treated:

ASK THE HOSPITAL OR ER FOR THE FOLLOWING:

If an ER visit only: Get the entire ER report w/nurses notes

If an Inpatient or surgery admission:

- Physician reports, including: history & physical, discharge summary, operative reports, consultations
- Ancillary reports such as radiology: CT scans, MRI's, x-rays
- Nursing notes **may not** be as helpful if there was an extended stay & may prove very costly to obtain copies.

REMEMBER: Contact your witnesses **before** you submit their names to the Tribunal!