

ANNULMENTS - DISSOLUTIONS

Since marriage is a natural law right, all marriages are presumed to be valid until proven otherwise. The Catholic Church recognizes the validity of the marriages of Catholics and non-Catholics alike. Following a divorce, a person, regardless of religious affiliation, may petition the Church in the following ways:

- I. FORMAL CASE: The Petitioner is asked to complete a lengthy questionnaire concerning the ended marriage. The civil documents, the address of the Respondent, the names and addresses of at least three witnesses are required. The decision in a formal case declaring the nullity of the marriage is based on evidence that establishes a particular ground found in canon law. There is no assurance that an affirmative decision will be given. It is important that no new wedding date be set prior to a final decree. Every affirmative decision must be ratified by a superior court. The docket line varies but could last eight months or more.
- II. INFORMAL CASE: This is also known as a documentary case. The Petitioner completes a one-page questionnaire with the help of a priest or advocate. The point to be established is, for instance,
 - A. Absence of Canonical Form was not followed: The priest or advocate views the civil documents and the Catholic baptismal record and writes this information on the petition form. The address for the other party is required.
 1. In the Diocese of Tyler, priests and deacons have the ability to process Absence of Canonical Form marriage cases when the petitioner is the baptized Catholic. When the respondent is the Catholic party, the case is to be handled by the Tribunal. Only legitimate Absence of Form cases can be processed in the parish. It is the responsibility of the pastor to see that these cases are handled properly and completely.
 2. Method of Recording: Each parish is to maintain a book for the recording of all Absence of Canonical Form marriage cases processed in the parish. The book is to be hard-covered and kept with the sacramental record books in a secure and fire-proof place. It is the pastor's responsibility to insure that only authentic absence of form cases are processed and that the cases are recorded in an accurate and timely manner. The deans will check the books on an annual basis. The following information is what is to appear in the record book.
 - Name of Catholic Person
 - Name of the former Spouse
 - Date granted
 - Name of priest/deacon preparer
 3. Form to be completed: See form on M-V.
 - B. Prior Bond (Ligamen): An undisposed impediment existed prior to the marriage in question which resulted in the invalidity of the marriage. For example, the Respondent was previously married and divorced prior to the marriage in question. Thus a prior bond (ligamen) petition is filed. The priest or advocate obtains the civil documents both for the marriage in question and

the prior marriage and sends them along with the completed petition to the Tribunal. The address for the other party is required. If another undispensed impediment besides ligamen is the case, it is suggested that the priest or advocate contact the Tribunal for further instructions.

There is no docket line for informal cases. Upon reception of the completed documentation and after hearing from the Respondent, if all seems in order, the Tribunal can give a verbal approval prior to issuing the final decree.

III. DISSOLUTION OF A MARRIAGE IN FAVOR OF THE FAITH: In this case, one or both of the contractants was unbaptized prior to and during the marriage in question.

- A. Pauline privilege: Both contractants were not baptized in any Christian religion. After the separation one is baptized, but the other party refuses to reconcile. The remarriage of the baptized party dissolves the first marriage. The procedure is accomplished locally.
- B. Petrine privilege: One or both contractants was not baptized. The Tribunal prepares the petition in triplicate copy and forwards the case to Rome. In addition to proving the nonbaptism of one or both parties, the Petitioner cannot have been the cause for the breakup of the marriage. Nor can the intended spouse be culpable. This case must have a written recommendation from the priest. Conversion is not required.

The Pauline privilege decree is issued after the Tribunal hears from both Petitioner and Respondent and witnesses.

The Petrine privilege decree, since it is issued by Rome, may take a year or more.

It is recommended that the priest or advocate contact the Tribunal before filing a privilege case.

IV. DISPENSATION FROM THE BOND DUE TO AN UNCONSUMMATED MARRIAGE: The case is prepared by the Tribunal and forwarded to Rome. Civil documents, proof of nonconsummation, addresses of both parties and witnesses are required. The priest or advocate should contact the Tribunal for instructions prior to filing a case of this kind.

Forms for all cases are available at the Tribunal. Xeroxing forms for the parish file is permitted.

DIOCESE OF TYLER
ABSENCE OF CANONICAL FORM

If a Catholic was previously married, and the marriage was not witnessed according to the canonical form of marriage, the priest/deacon may use this form to investigate the person's freedom to enter another marriage without the need of a decree of nullity. In the event of any doubt, or if the person's former spouse was the Catholic party, please use the Absence of Canonical Form petition from the diocesan Tribunal. If the person has more than one absence of form marriage, please use a separate form for each marriage.

- I. Name of Catholic Person: _____
Date of Catholic baptism: _____
Church of Catholic baptism: _____
Church's full address: _____

OBTAIN A BAPTISMAL CERTIFICATE ISSUED WITHIN SIX MONTHS.

- II. Name of former spouse: _____
Religion of baptism, place and date: _____

- III. Date of marriage and place: _____
Name and title of magistrate or minister of marriage: _____

OBTAIN A COPY OF MARRIAGE LICENSE.

- IV. Date of divorce, county and cause no.: _____

OBTAIN A COPY OF SIGNED DIVORCE DECREE.

- V. Questions to be asked of the petitioner under oath.
1. Did you ever have a priest/deacon validate, bless or fix up the marriage?
 2. Is reconciliation possible?
 3. Was there a dispensation from canonical form issued? A Sanation?
 4. (If the marriage took place after November 27, 1983) Has the Catholic party ever left the Catholic Church by a formal act?
 5. Are the moral and civil obligations to the former spouse and to the children born of this marriage being met?
- VI. Obtain sworn affidavits from two persons (parents, relatives, close friends) to affirm the fact that the marriage was never blessed/convalidated and/or the person never went through a Catholic wedding ceremony. Please use the regular Freedom of Status Form.
- VII. Place affidavits, baptismal certificate and this form in the pre-nuptial file. Return civil documents to the person.
- VIII. Date facts recorded in a parish record book:_____

By my signature, I solemnly swear that the above information is correct:

Signature of Petitioner:_____

Signature of priest/deacon:_____

Signature of pastor (if not the preparer):_____

Date:_____

Parish Seal: