



January 2017

Tribunal Newsletter

DIOCESE OF TYLER

Volume 1, Issue 1

A Message from Bishop Strickland

I want to commend Father Lawrence and the Tribunal staff for this initiative. A regular newsletter will be a good tool for promoting the ministry of mercy which is at the heart of the work of the Tribunal. I pray that many may benefit from your efforts to extend your work to all who are in need.

- Most Reverend Joseph Strickland, Bishop of Tyler

Greetings from the Judicial Vicar

Dear Readers of the Tribunal News Letter (TNL),

New Year Greetings!

With immense joy in the Lord and with all your great support and encouragement, the Office of the Tribunal is very much delighted to launch this quarterly Tribunal News Letter beginning January 07, 2017 on the Feast of Saint Raymond of Penyafort, the patron saint of canon lawyers.

The primary purpose of this TNL is to keep the clergy and laity of the diocese informed and updated about the activities of the tribunal, to motivate tribunal advocates, to encourage supporters of canon law ministry in parishes, and to provide an

opportunity for various beneficiaries of the tribunal ministry to share their enriching and life-changing experiences. We hope to enrich the knowledge of the interested laity and clergy through brief articles on current and interesting canonical topics. We will address and clarify some common canonical questions and issues which the clergy and laity may encounter in their day to day parish ministry. As the judicial wing of the diocese, the tribunal office is supposed to explain to the faithful of our diocese the juridical nature of any new canonical/legal document from the Holy See, Conference of Bishops, and the diocesan bishop. To accomplish these goals, the tribunal office launches this electronic newsletter, with

the support of our diocesan canonists, and the approval and generous blessings of our bishop, Joseph Strickland.

The TNL will be distributed via email to diocesan clergy and tribunal advocates in English and Spanish. The free subscription of the TNL is open to anyone interested in learning more about canon law. The Tribunal office encourages the clergy to inform their parishioners of this newsletter and help us form a reader's circle of the TNL in every parish. Anyone interested in receiving the quarterly newsletter should submit an email address to:

mtiscareno@dioceseoftyler.org

Your brother in Christ,
Fr. Lawrence Rasaian, JCD

Did you know?

A major cause of frustration in processing formal case petitions is inadequate testimony from the parties or their witnesses. It is important for petitioners and witnesses to understand the Tribunal needs a detailed biography of the parties to the marriage to have a clear understanding of the homes of origin, the courtship, and events leading up to the time of marriage. The judge is entrusted with making a significant decision (the validity of a former marriage!) and must reach moral certitude in doing so. The judge needs strong, clear evidence upon which to base that decision. Petitioners and witnesses need to be informed in advance that the testimonies they provide will require serious time, effort, and honesty on everyone's part.

- Margaret Oppenheimer

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Email canonical questions to the Tribunal Office at: mtiscareno@dioceseoftyler.org; the response from the Judicial Vicar will be published in future issues of the TNL.

A Decision from the Apostolic See



My name is Marissa; in August 2012, I tried to start a process for the dissolution of my previous marriage (ratified and non-consummated); nevertheless, I was not able to continue due to lack of witnesses. A year later, I received a letter from Father John J. Gomez, who was the Judicial Vicar at that time; he offered information about the process. In January 2014, I met with Father Gomez to talk to him about my case. Since then Father Gomez, the tribunal secretary, and I began to work on my case. I must state that both demonstrated interest, enthusiasm and determination during the process. It was a blessing that on April 28, 2015, His Holiness, Pope Francis dispensed my previous marriage. On December 8 of that year I married by the Church.

I am infinitely grateful to God our Father, Jesus Christ and the Holy Spirit for this blessing as well as the people who made possible the happiness I feel and the benefit of returning to the sacraments.

Canon Law, not Just for the Tribunal

By Rev. Gavin N. Vaverek, JCL

AUTHORITY OF LITURGICAL LAW

As part of the ongoing efforts to improve the English translations of the rituals and bring them into accord with *Liturgicum Authenticum*, a new translation of the Second typical edition Order of Celebrating Matrimony was approved by the United States Conference of Catholic Bishops (USCCB) November 2012 and received confirmation from the Holy See on June 29, 2015. Effective December 30, 2016, the Feast of the Holy Family, this new ritual must be used for weddings in English in the United States. Hopefully, this is not news to any of the priests or deacons or those involved with preparing for the celebration of this rite. The approval of this new translation provides us an occasion to review Church law concerning the liturgy.

Many people presume that all Church law is to be found in the Code of Canon Law. Canon 2, however, is explicit: "For the most part the Code does not define the rites which must be observed in celebrating liturgical actions...." The 2016 Order of Celebrating Matrimony is an example of a ritual book which is the current law for celebrating Matrimony in English in the United States.

Establishing a ritual book as current law is done by decree. A decree is an

act put forward by a competent authority that is binding upon those in the community. When looking at a ritual book, there should be a series of decrees in the first pages that will make clear when the accompanying text was originally approved and upon what authority it was set forth. The *Ordo celebrandi Matrimonium* was revised in accord with Vatican II and promulgated March 19, 1969, to be used from July 1, 1969 (Protocol Number R 23/969, found in OCM). The second edition of the OCM was promulgated March 19, 1990 for immediate use in Latin (Prot. N. DC 1068/89). The revised translation of this edition was approved by the Congregation for Divine Worship and the Discipline of the Sacraments on June 29, 2015 (Prot. N. 84/14).

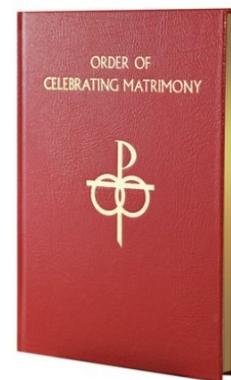
PUBLICATION OF THE NEW OCM

Generally, there is some time, "*vacatio legis*" (c. 8) between the promulgation of a law and its taking binding effect. This gives the individuals or community that receives the law a chance to be properly prepared for its taking effect. Feb 2, 2016, the USCCB issued a decree for publication which allowed the new OCM to be used after September 8, 2016, and "its use is obligatory as of December 30, 2016, the Feast of the Holy Family of Jesus, Mary and Joseph. From

that date forward, no other English edition of the Order of Celebrating Matrimony may be used in the dioceses of the United States of America" (OCM, Decree of Publication).

THE USE OF THE NEW OCM

The prohibition of using any other English edition is a matter of Church law (c. 20). It is therefore illicit to use any other English edition of the OCM. Generally, when a new ritual is promulgated, all the out of date texts should be removed from the Sacristy and places of use. Since ritual books are sacred, set apart, they should not be thrown out in trash, nor recycled. As all holy things, they can be kept in a respectable place, they can be buried or burned.



Sometimes people wonder how to know which ritual books are current. That requires that a person keeps up at least somewhat with such things or to make inquiry to some-

one knowledgeable in regards liturgical law or pastoral practice.

Canonical Tips for the Marriage Preparation

By Very Rev. Lawrence Rasaian, JCD

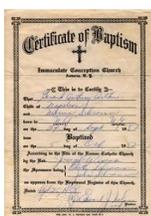


LAWS: canon 1063 of the Code of Canon Law speaks about three phases of marriage preparation: remote, proximate, and immediate preparation: *Remote preparation* takes place primarily in the family, secondarily in schools and catechetical programs. A Christian lifestyle in the family is itself a form of evangelization and the very foundation of remote preparation. If they parents have a good marriage, it will set a great example for their children on how to be good spouses and good parents.

Proximate preparation takes place during engagement. The goal of proximate preparation should be a clear awareness of the essential characteristics of Christian marriage: unity, fidelity, indissolubility, fruitfulness, the role of faith, and the grace of sacrament, and the willingness to carry out the mission proper to families in the educational, social, and ecclesial areas. The 1996 document of the Pontifical Council for the Family, *Preparation for the Sacrament of Marriage*, no. 42 recommends that a trained pastoral team to give the proximate formation for marriage in parishes, deaneries, and/or dioceses. In the Diocese of Tyler, the office of marriage and family life has been carrying out this apostolate very successfully.

Immediate preparation takes place close to the wedding. It may include

experiences of prayer, a retreat, the sacrament of reconciliation, and preparation for the marriage liturgy. This canon also speaks about the ongoing formation of married couples. It is appropriate that the same priest who prepares the engaged couple should give the homily at the wedding, receive the spouses' consent, and celebrate the wedding Mass (*Order of Christian Marriage [OCM]*, 23). *Praenotanda* 12-27 on duties and ministries of the 2016 *OCM* is a further resource of law governing preparation for marriage.



DOCUMENTS: For the marriage to be valid, the parties must be canonically free to marry one another (c. 1066). For that reason, those who prepare the couple for the marriage should

make sure that they have the following documents: (1) a recent baptismal certificate, (2) completed pre-nuptial inquiry forms, (3) permissions (for a Catholic to marry outside of his or her parish [c. 1118, §1]; for a Catholic to marry a baptized non-Catholic [mixed marriage, c. 1125, 3^o]; (4) dispensations (a Catholic to marry a non-baptized [impediment of the disparity of cult, c. 1086]; a Catholic to marry a non-Catholic in a non-Catholic marriage ceremony [from canonical form, c. 1118, §2]), and (5) faculty and delegations (unless an officiant has the faculty by his office or general

delegation in that place, he needs proper delegation from the concerned pastor before he can validly witness a marriage [c. 1108]; (6) civil marriage license; (7) proof of marriage preparation program; (8/a) if either party has a prior marriage, a supplementary document is needed from the tribunal: if the former spouse is deceased, a copy of the death certificate, or if the former spouse is alive, a decree of nullity for formal case (defect of consent), or for documentary case (for an impediment [e.g. prior bond], or for defect of canonical form), or a decree of lack of canonical form; (8/b) a decree of dissolution for Pauline privilege from the tribunal, or for privilege of faith or ratified and non-consummation from the Holy See.



RECORDS: once the marriage has taken place, it must be recorded at the

parish where the wedding occurred. In addition, the parish where the wedding occurred must inform the parishes of baptism so that a notation may be placed in the individual's baptismal records (cc. 1121-1123). If the parties are prepared in Tyler Diocese, but marrying in another diocese, the necessary documents must be sent to our tribunal office for *nihil obstat*. The tribunal office will then send the documents to the tribunal/chancellor of the diocese where the wedding is to take place.

An Advocate Experience...

By Pennye Rhodes

If someone would have told me six years ago that I'd be living in Tyler and divorced after 21 years of marriage I'd have shaken my head and said, "No way." Yet, here I am and the most amazing thing of all is that I am an advocate for the Diocese of Tyler Tribunal.

I am astounded at how God provides blessings out of brokenness. I have found the ministry of advocacy a true blessing; not only for me, but I hope for those that I

have been assigned. I believe had I not experienced a divorce and gone through the declaration of nullity process I would not be as compassionate toward those who are divorced; nor appreciate the shame and pain that is associated with being a divorced Catholic. Had I not traversed the annulment process, I would not understand some of the frustrations felt or be able to speak openly of the great healing that comes in the end. I pray you each

"I am astounded at how God provides blessings out of brokenness."

approach being an advocate as a true ministry, remembering that we are the hands and feet of Christ, we are the Church reaching out to the assigned petitioner or respondent with mercy and love.

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Tribunal Update 2016

Formal Petitions Opened	84
Formal Petitions Completed	68
Prior Bond (Ligamen)	11
Pauline Privilege	2
Radical Sanation	6
Lack of Form	40

For free subscription to the TNL, please send the email address of Parish Advisory Boards and Ministry Heads to:
mtiscareno@dioceseoftyler.org.

Appeal Tribunal Update

Tyler Tribunal being the Appeal Court to the Archdiocese of Galveston-Houston completed one appeal case in 2016.

Administrator's Corner

I have witnessed many healing transformations over the years, and my best advice to petitioners remains the same: put your life's story on paper, and don't just scratch the surface. Explain where you came from, and who you are. It may be painful to acknowledge the good, the bad and the ugly of it all, but that is a necessary part of the process. Reflective writing from a vulnerable place is cathartic. Getting the painful memories/emotions out of one's heart and mind and onto paper, allows one to face the truth, embrace it, own it, and let the healing begin. The gift is often forgiveness and freedom for the rest of the journey.

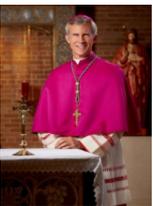
- Margaret Oppenheimer

Exploring the Code of Canon Law



What is Universal Law?

A law binding everyone for whom it was made in the entire Latin Catholic Church (c. 12), e.g., Pope Francis' recent *motu proprio* Gentle Judge reforming canons regarding marriage nullity procedure.



What is Particular Law?

As opposed to universal law, a law made for a particular territory or for a particular group of the faithful (c. 13), e.g., Bishop Joseph Strickland's decree on acts of extraordinary administration of temporal goods for parishes issued on November 1, 2015. The particular law of the diocese dictates that all pastors must consult the parish finance council before requesting the written permission from the bishop and carrying out these acts of extraordinary administration mentioned in the law.

“May the Mother of Jesus and our Mother, always smile on your spirit, obtaining for it, from her Most Holy Son, every heavenly blessing.” -St. Pio of Pietrelcina