

## PAULINE PRIVILEGE

Pauline Privilege refers to the dissolution of a marriage between two unbaptized persons.

To invoke the Pauline Privilege:

- a. Both parties must have been unbaptized at the time of marriage, and the other party must still be unbaptized.
- b. Proof of non-baptism of both parties at the time of the marriage must be established.
- c. The Petitioner must sincerely seek to be baptized.
- d. The other party does not intend to be baptized and does not wish to be reconciled with the Petitioner.

### Procedure:

The following are to be submitted to the Tribunal, using the required forms and questionnaires:

1. The completed petition form.
2. Authentic copy of the marriage license.
3. Final decree of divorce.
4. Petitioner's testimony, plus names and addresses of two witnesses regarding non-baptism (parents, older relatives, etc.)
5. Respondent's testimony and or address, plus names and addresses of two witnesses regarding non-baptism.

### Please note:

The Petitioner should not be baptized until authorization from the Tribunal has been received. The first marriage is dissolved only when the Petitioner, having been baptized, enters into a second valid marriage.

## FAVOR OF THE FAITH

Favor of the Faith refers to the dissolution by the Holy Father of a marriage in which at least one party remained unbaptized during the entire period of common life. The conversion of the Petitioner is not required in all cases.

Conditions:

1. All honest attempts at reconciliation have failed.
2. The non-baptism (before and throughout the course of the marriage) of at least one of the parties to the marriage has been established.
3. The Petitioner and the prospective spouse or present civil spouse were not the culpable cause of the breakup of the marriage.
4. The petitioner has a prospective (or present) new spouse. (There may be exceptions in certain cases.)
5. No scandal may result from the granting of the dissolution.
6. The promises (*cautiones*) must be signed by both the Catholic and non-Catholic party should a dispensation for disparity of worship or permission for mixed religion be required for the proposed new marriage.
7. If, after the breakup of the marriage in question, the unbaptized party became baptized, non-consummation must be proven.
8. Efforts must be made to secure the present whereabouts and testimony of the Respondent.
9. A Catholic Petitioner must do everything possible to ensure the religious education of the children from the former marriage.
10. The principles of justice toward the previous spouse and any children of the former marriage must be fulfilled by the Petitioner.

11. The Catholic parties must seriously practice their Faith.

**Please note:**

1. A Petitioner is not to be baptized or received into full communion with the Church without official notification that the Favor has been granted. Any and all exceptions to this rule must be discussed with the Tribunal staff.
2. Rome will not accept petitions for the dissolution of a marriage in Favor of the Faith in the following cases:
  - a. Where the Petitioner was previously married in a Catholic ceremony with a dispensation from disparity of worship and now wishes to enter into a new marriage which will also require a dispensation from disparity of worship.
  - b. Where one of the parties to the marriage in question has already received a dissolution of a prior marriage in Favor of the Faith.
3. Rome does not issue a progress report on the petition. If there is an issue with a petition, the CDF will contact the Tribunal immediately. Otherwise, after acknowledging that the case has been received, we do not hear anything until the case is concluded.

**Procedure:**

1. The pastoral minister assists the Petitioner in completing the petition form in Favor of the Faith, secures the deposition of the Petitioner on the required form, and forwards the petition and deposition to the Tribunal along with the marriage certificate and final decree of divorce of the marriage in question.
2. The Tribunal evaluates the case to determine if the basic elements of a Favor of the Faith are verified and proceeds with the processing of the case.
3. The Acts of the case are forwarded to the Congregation for the Doctrine of the Faith (CDF).
4. The pastoral minister and the Petitioner are informed by the Tribunal of the eventual decision given in Rome.

# **DECLARATIONS OF NULLITY**

## LACK OF CANONICAL FORM

All Catholic, regardless of their ritual church (rite), are required to enter marriage before a qualified priest or deacon and two witnesses. If this form was not observed, if a dispensation from canonical form was not granted and if the marriage was never convalidated or sanated, then the marriage is invalid.

There are exceptions to this norm of law:

1. Oriental Catholics marrying before an Orthodox priest after January 21, 1965;
2. Latin Catholics marrying before an Orthodox priest after March 25, 1967;
3. Baptized Catholics marrying between November 27, 1983 and April 9, 2010 who have left the Church by a formal act.

In addition, the Orthodox Churches require their members to marry before a qualified Orthodox priest (not a deacon) and two witnesses. The Catholic Church considers the marriages of Orthodox Christians which take place outside of the required form to be invalid because of Lack of Sacred Rite.

### Procedure:

1. The following documents are to be submitted to the **Office of the Vicar for Canonical Services** (not to the Tribunal):
  - a. The completed petition form;
  - b. A recent certificate of baptism (issued within 6 months);
  - c. An authentic copy of the marriage license;
  - d. The final decree of divorce;
  - e. An affidavit form from the other party, testifying to the non-validation. If that is absolutely unattainable, then affidavits from two qualified witnesses are acceptable.
2. If the marriage took place before January 1, 1949, and one of the Catholic parties' parents was non-Catholic, proof of Catholic upbringing must be submitted (First Communion certificate or Confirmation certificate).
3. If the marriage took place after October 1, 1971, it is necessary to ask the parties and witnesses if a dispensation from canonical form had been obtained.
4. If the marriage took place between November 27, 1983 and April 9, 2010, it is necessary to inquire whether the Catholic party abandoned the Church by a formal act.

### Please note:

Even in a Lack of Form case, no date, not even a tentative one, for a subsequent marriage in the Church is to be set until the marriage in question has been declared null. Sometimes an unexpected complication can delay or derail what is ostensibly a simple case.

Failure to fulfill natural obligations toward one's spouse and children arising from a marriage, even an invalid one, is an obstacle to marriage in the Church (see canon 1071, §1, 3°). It is necessary to ask both parties if required child support and/or alimony is being paid. If these obligations are not being met by the Petitioner, no marriage in the Church should be scheduled until the matter is resolved. The personnel of the Office of the Vicar for Canonical Services and the Tribunal are available for assistance in such matters.

The pastoral minister should also be concerned about the reasons for the breakup of the marriage, so that similar problems do not affect the subsequent marriage in the Church.

If you are involved in marriage preparation, please direct all requests for a dispensation from canonical form to the Office of the Vicar for Canonical Affairs, not to the Tribunal.



## **OTHER INVALIDATING IMPEDIMENTS**

Canonical impediment prevent a party from entering into a valid marriage. These impediments are:

1. Age (c. 1083): The minimum age for a valid marriage is 16 for a male and 14 for a female.
2. Impotence (c. 1084): The inability to consummate a marriage.
3. Disparity of Worship (c. 1086): Marriage between a Catholic and a non-baptized person.
4. Ordination (c. 1087)
5. A vow of chastity in a religious institute (c. 1088).
6. Abduction (c. 1089): Forcibly carrying a woman off in order to marry her.
7. Murder of a spouse (c. 1090): To murder one's spouse or the spouse of another in order to marry that person invalidates the marriage.
8. Consanguinity (blood relation, c. 1091): To any degree in the direct line (e.g., father, daughter, and grand-daughter); through the fourth degree in the collateral line (first cousins).
9. Affinity (in-law relationship, c. 1092): to any degree in the direct line, no impediment in the collateral line.
10. Public propriety (c. 1093): The relationship arising from an invalid marriage or from public concubinage – invalidates a subsequent marriage with relatives of the other party in the first degree of the direct line.
11. Adoption (c. 1094): To any decree in the direct line: through the second degree in the collateral line.

### **Procedure:**

If the existence of an impediment is suspected, the pastoral minister should request an investigation by the Tribunal, submitting along with the request any relevant documents (birth, baptismal or marriage certificates, testimony of Petitioner and witnesses, etc.)