



# The Roman Catholic Archdiocese of Washington

Archdiocesan Pastoral Center: 5001 Eastern Avenue, Hyattsville, MD 20782-3447

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## PETITION FOR DECLARATION OF NULLITY — LACK OF CANONICAL FORM

*This form is to be completed by a Priest or Deacon who will ask the Petitioner, under oath, for the information requested below. <sup>(a)</sup> Additional sheets of paper may be used if they are needed and attached to this form.*

I, \_\_\_\_\_, Petitioner, hereby petition the Tribunal to declare my marriage to \_\_\_\_\_, Respondent, null and void because of the lack of canonical form. This marriage was contracted by us before a non-Catholic minister or a civil official at \_\_\_\_\_ on \_\_\_\_\_. In support of my petition, I submit the following documents: [a] an authentic certificate of the Catholic party's baptism or reception into full communion with the Catholic Church;<sup>(b)</sup> [b] authentic documentary proof of the attempted marriage;<sup>(c)</sup> [c] an authentic copy of the decree of civil divorce;<sup>(d)</sup> and [d] the present name and address of the person with whom I contracted this marriage.<sup>(e)</sup>

***Without the documents and information requested above, the petition cannot be submitted.***

### Deposition of the Petitioner

1. Petitioner's religion at the time of this attempted marriage, including whether Christian baptism<sup>(f)</sup> was ever received: \_\_\_\_\_. If Petitioner is Catholic, date and place of baptism or reception into full communion with the Catholic Church<sup>(g)</sup>: \_\_\_\_\_.
2. Respondent's religion at the time of this attempted marriage, including whether Christian baptism<sup>(f)</sup> was ever received: \_\_\_\_\_. If Respondent is Catholic, date and place of baptism or reception into full communion with the Catholic Church<sup>(g)</sup>: \_\_\_\_\_.
3. Was a dispensation from canonical form<sup>(h)</sup> ever granted so that the attempted marriage in question could take place in other than a Catholic ceremony? \_\_\_\_\_.
4. Does the Petitioner affirm that he or she and the Respondent never contracted marriage before the local ordinary, pastor, or a priest or deacon delegated by either of them, and two witnesses, which is the canonical form of marriage?<sup>(i)</sup> \_\_\_\_\_.
5. Does the Petitioner affirm that he or she and the Respondent never convalidated this attempted marriage before the local ordinary, pastor, or a priest or deacon delegated by either of them, and two witnesses, which is the canonical form of marriage?<sup>(i)</sup> \_\_\_\_\_.
6. Does the Petitioner affirm that, to the best of his or her knowledge, there was never a radical sanation of the attempted marriage in question?<sup>(k)</sup> \_\_\_\_\_.
7. List the places where the Petitioner and Respondent lived while in this attempted marriage, and indicate the years of residence in each: \_\_\_\_\_.
8. Has either party married another person subsequently to the breakup of the attempted marriage in question?<sup>(l)</sup> \_\_\_\_\_. If so, to whom, when, and where, and in what kind of ceremony? \_\_\_\_\_.
9. List the names and addresses of at least two persons who can verify the statements<sup>(m)</sup> that the Petitioner is making here: \_\_\_\_\_.
10. Has a Catholic party to this attempted marriage ever formally defected from the Catholic Church?<sup>(n)</sup> \_\_\_\_\_. If so, when and how? \_\_\_\_\_.

**I, the undersigned Petitioner in this case, affirm under oath that the information that I have given above is true and complete to the best of my knowledge.**

\_\_\_\_\_  
Signature of Priest or Deacon

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Name of Priest or Deacon (please print)

\_\_\_\_\_  
Name of Petitioner (please print)

\_\_\_\_\_  
Parish

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
City, State, ZIP

Tribunal@adw.org

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Email

## Petition for Declaration of Nullity — Lack of Canonical Form

### INSTRUCTIONS FOR THE PRIEST OR DEACON

*The following explanatory notes are keyed to texts or questions on the form.*

- a. Priest or Deacon A Priest or Deacon, not the Petitioner, should complete this form, using information from the Petitioner, who is to be questioned under oath.
- b. authentic certificate This will be a church certificate that shows that the person in question was baptized in the Catholic faith, or was received into full communion with the Catholic Church. If obtaining such a document is a true impossibility (not just an inconvenience), the Tribunal should be consulted.
- c. authentic ... proof This will be a certificate issued by the non-Catholic minister or the government official who officiated at the marriage ceremony. If obtaining such a document is a true impossibility (not just an inconvenience), the Tribunal should be consulted.
- d. authentic copy A copy of a divorce decree can be obtained from the court that issued the original decree. If obtaining such a document is a true impossibility (not just an inconvenience), the Tribunal should be consulted.
- e. name and address The other party to the attempted marriage (the Respondent) must be informed of the petition and given the opportunity to participate in its adjudication, even if only to verify or to deny what is being alleged by the Petitioner. In the age of the Internet, it is not difficult to locate people if an effort is made. Relatives and mutual friends can be consulted. Without this information, the petition cannot be submitted to the Tribunal.
- f. Christian baptism A valid Christian baptism requires the minister's use of true water and the Trinitarian formula, "I baptize you in the name of the Father, and of the Son, and of the Holy Spirit." In cases of doubt, the Tribunal should be consulted. This information is needed in order to understand fully the religious status of the person in question (e.g., "I am a Christian" is insufficient information).
- g. full communion Persons who are baptized in non-Catholic churches or ecclesial communities are not "re-baptized" when they become Catholics, but are received into full communion with the Catholic Church, and thereby become subject to the laws of the Church.
- h. dispensation For a Catholic to marry without the canonical form of marriage, it is necessary that a dispensation be issued by a competent authority. It may be necessary to explain this to the Petitioner.
- i. form of marriage This question uses the actual language of the canon that describes the canonical form of marriage. It may be necessary to explain to the Petitioner terms such as "ordinary," "pastor," and so forth.
- j. convalidated A convalidation occurs when the parties to an attempted marriage that is invalid (in this case) because of the lack of canonical form later contract marriage with one another according to the canonical form of marriage.
- k. radical sanation A radical sanation may be understood as an *ex post facto* regularization of an attempted marriage that is invalid (in this case) because of the lack of canonical form. This is done in response to a petition from one of the parties to the attempted marriage, but it is not necessarily known to both parties.
- l. subsequently Any *subsequent* marriage whatsoever on the part of either party to the marriage in question must be listed, without exception. There is no marriage that does not need to be addressed in some way by the Tribunal if a party's present freedom to marry is to be established. Marriages *prior* to the one in question should be listed on the pre-nuptial questionnaire, if the Petitioner is preparing for marriage, and then adjudicated.
- m. verify ... statements The witnesses, who may be family members, friends, or co-workers, must be able to verify that the statements made by the Petitioner regarding the marriage in question are true.
- n. defected ... Church Before changes to the Code of Canon Law in 2009, those subject to the marriage laws of the Church were persons baptized in the Catholic Church or received into full communion with it, who had not defected from it by a formal act. This "formal act" is a written statement submitted to, and accepted by, the ordinary or the pastor, by which one manifests the intention to depart from the Catholic faith. The language about defection by a formal act as it pertained to marriage laws was removed in 2009, but a person who defected before that change may not have been subject to the marriage laws.