

OFFICE OF THE TRIBUNAL

Phone (843) 261-0450

Diocese of Charleston
901 Orange Grove Road
Charleston, SC 29407

INSTRUCTIONS FOR SUBMITTING A LACK OF FORM CASE

It is the responsibility of the petitioner to provide all supportive documentation and funding along with the petition. The Tribunal requires:

- 1) A recent baptismal certificate of the Catholic party(ies). If both parties are baptized Catholic, copies of both baptism certificates should be submitted with the application. This record must have been issued within the last six (6) months and must indicate in writing whatever notations are found regarding any previous marriage or state "NO NOTATION." This notation must be issued from the church of baptism.
- 2) Two affidavits of corroboration. The petitioner must provide witnesses who can verify that the marriage in question was never validated or "blessed" according to Catholic Church law (Use attached affidavit form). Normally, the witnesses would be immediate family members. The two affidavits **MUST** bear a parish or notary seal.
- 3) A civil marriage record. Only original or certified, seal-bearing copy can be accepted (c.1544).
- 4) A final decree of divorce. The petitioner must include complete civil documentation of the divorce. If there is a mention of a merged or incorporated document in the final decree, this document must also be submitted. Again, only original or certified, seal-bearing copies can be accepted (c.1544).
- 5) The complete, current address for the respondent (former spouse). The respondent may be contacted.
- 6) The petitioner must include a check to the Diocese of Charleston in the amount of \$20 to defray office expenses.
- 7) The questionnaire and all documentation must be submitted through a case assistant (the priest, deacon, or other person at your local parish assigned to work with petitioners). The case assistant is responsible for going over the form with you, witnessing your signature after you take the oath, and then mailing your questionnaire and documentation to the Tribunal Office. You are encouraged to make copies of these materials for your personal files and call the Tribunal Office after about two weeks to be sure your case materials have been received.

DIOCESE OF CHARLESTON
PETITION FOR A DECREE OF LACK OF CANONICAL FORM

This petition is intended for the use of marriages in which one party, at least, was a Catholic and who entered marriage without fulfilling the requirement of canonical form, and who now wishes to enter a new marriage in the Catholic Church. Catholic law requires a Catholic to contract marriage before the local ordinary, pastor, or a priest or deacon delegated by either of them unless previously dispensed from this obligation by the Diocesan bishop (cf. canon 1108). For marriages contracted before January 1st, 1949, contact the Tribunal Office for special instructions.

Biographical information: It is very important that you provide all the information requested below for both you and the respondent.

Petitioner – Current Full Name:

Respondent (former spouse)–Current Full Name

Maiden Name (woman): _____

Maiden Name (woman): _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Date of Birth: _____

Date of Birth: _____

Place of Birth: _____

Place of Birth: _____

Religion and Date of Baptism:

Religion and Date of Baptism:

Church of Baptism: _____

Church of Baptism: _____

Address: _____

Address: _____

Is there anyone in your family history or your former spouse's who belonged to an Eastern Catholic Church? Yes No If yes, please give details.

Is there anyone in your family history or your former spouse's who belonged to the Orthodox Church? Yes No If yes, please give details.

Did the baptized Catholic party ever *join* any other Church either by baptism, profession of faith, or by any other formal ceremony of acceptance? Yes No If yes, did the Catholic party give written notification to his/her Catholic pastor of that departure? Yes No

IF YES, PLEASE EXPLAIN THE CIRCUMSTANCES ON A SEPARATE SHEET OF PAPER.

Date of Marriage: Month _____ Day _____ Year _____

Church or place of marriage (Name and complete address):

Officiant's Title: _____

Did either party consult with a priest before the marriage? Yes No

Explain:

Why was the decision made not to have this marriage take place within the Catholic Church?

Was the Catholic party dispensed or given permission for this marriage to take place apart from a Catholic ceremony or witnessed by someone other than a Catholic priest or deacon (e.g., minister, rabbi, judge)? Yes No

Was the marriage ever later validated [blessed] before a priest or deacon? Yes No

Explain:

When did the parties finally separate? _____

Who obtained the civil divorce? I did My former spouse did

Date of Civil Divorce: _____ County: _____

State: _____ Civil Grounds: _____

Were there any children? Yes No

If the civil divorce proceedings on this marriage indicated that there had to be either alimony, child support or other considerations, have these obligations been met? Yes No If not, please explain the circumstances on a separate sheet of paper.

Have you ever contracted any other marriages? Yes No

If yes, please list all marriages you have entered into on a separate sheet of paper along with the dates and places where they occurred (i.e. churches, courthouse, etc.)

Contemplated marriage

Information regarding fiancé(e), present spouse or any significant other:

Full name: _____

If woman, maiden name: _____

Address: _____

Phone Number: _____

Religion: _____

Does he/she practice his/her religion? Yes No

Date of birth: _____

Has this person ever been previously married? Yes No

If previously married, is the former spouse living? Yes No

If former spouse is still living, have they received a declaration of nullity? Yes No

*Please note that if the former spouse is still living and they have not received a declaration of nullity, it will necessary to submit a separate case for that marriage.

Have you already contracted marriage with this person? Yes No

If yes, when: _____

where: _____

status of officiant: _____

Have any children been born of this marriage? Yes No If

yes, give names and date(s) of birth/adoption:

Are these children baptized? Yes No

If yes, give the name, date, and place of baptism for each child:

Are these children being educated in the Catholic Faith? Yes No

I, _____, solemnly swear that the above-mentioned statements are true to the best of my knowledge and belief, and that permission was never given for this marriage to take place outside of the Catholic Church nor was it ever later validated or blessed according to Catholic Church law; I also submit the two affixed affidavits as corroboration. Further, I hereby petition that this marriage be declared null and void because it was invalid according to the laws of the Catholic Church.

Given at: _____, this ____ day of _____, 20____.

Printed name of the Petitioner

Signature of the Petitioner

Printed name of the Case Assistant

Signature of the Case Assistant

SEAL

First Affidavit of Corroboration

I, the undersigned witness, hereby verify and attest that the marriage
of _____ and _____ was never
 (Petitioner) (Respondent)
validated or blessed according to Catholic Church law.

Witness

Priest/Deacon/Case Assistant/Notary Public

Date:

Place or Church:

SEAL

Second Affidavit of Corroboration

I, the undersigned witness, hereby verify and attest that the marriage of _____ and _____ was never
(Petitioner) (Respondent)
validated or blessed according to Catholic Church law.

Witness

Priest/Deacon/Case Assistant/Notary Public

Date:

Place or Church:

SEAL

Agreement of understanding

I, the undersigned petitioner, understand the following points with regard to my petition for a decree of invalidity.

1. I understand that if the Tribunal accepts my case for consideration, it cannot and does not guarantee that the case will be processed as a lack of form case and that an Affirmative decision will be given in the case.
2. Because case types sometimes change once the Tribunal reviews all of the case information, I understand that the Tribunal recommends that a marriage date not be set until a final Decree of Nullity has been issued.
3. I understand that the Tribunal cannot and will not ever guarantee that a case will be concluded by a certain date. Because of this I agree to wait until I receive a final decision in writing from the Tribunal before I set a definite date for marriage within the Catholic Church or convalidation of an existing marriage.
4. I understand that I may be asked to assist in obtaining information or documents in the interest of my case, or that it may be necessary for the Tribunal to do this.
5. I understand that if the circumstances causing the invalidity of the marriage so indicate, the Tribunal may find it necessary to require that I seek professional counseling before a marriage in the Catholic Church. The counseling will be at the direction of the Tribunal.
6. I agree to provide for candor and openness in testimony, in recognition of the purely spiritual and religious nature of these proceedings, and to allow the Tribunal to process this case free from undue entanglements or hindrance, I voluntary waive now and in the future any right under law to subpoena or judicial discovery of the testimonial or documentary acts of the case. This waiver is given without reservation or condition.
7. If applicable to my personal situation, I further understand that Church law prohibits me, or my present spouse, completion of the RCIA program unless and until a decree of nullity has been issued for this marriage and all other prior marriages for myself and my present spouse.

Given at _____ (place) _____ (date)

Signed: _____
(Petitioner)

Signed: _____
(Case Assistant)