



Metropolitan Tribunal of the Archdiocese of San Antonio

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PETITION FOR DECLARATION OF NULLITY BASED ON LACK OF CANONICAL FORM

Revised August 28, 2023

WHAT YOU NEED TO KNOW

THE PASTOR (*parochus*) is the proper pastor (*pastor*) of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share, so that for that same community he carries out the functions of teaching, sanctifying, and governing, also with the cooperation of other presbyters or deacons and with the assistance of lay members of the Christian faithful, according to the norm of law (c. 519).

BAPTIZED CATHOLICS are obligated to follow the form prescribed in the Church's Code of Canon Law, in order for a marriage to be validly contracted. When Baptized Catholics marry outside of the proper form, without the appropriate permission and documentation from the Church, that marriage may be declared null based on a lack of canonical form. For your information, relevant canons from the Code of Canon Law include cc. 1071, 1108, 1116 and 1127.

ANYONE WHO DESIRES TO BE MARRIED IN THE CATHOLIC CHURCH, whether Catholic or non-Catholic, baptized or not baptized, must have any and all prior marriages reviewed by the Catholic Church through some type of nullity process, unless the spouse is now deceased. This includes common-law marriages as well as marriages performed in any style, religious or not religious, or in any place, including residences, courthouses, places of worship or any other location. Without either a death certificate for a spouse or declaration of nullity for any and all prior marriages, it is not possible to marry in the Catholic Church.

PRE-REQUISITES

1. At least one of the two parties to the marriage must be baptized Catholic at the time of the exchange of vows.
2. No dispensation from canonical form was granted before the exchange of vows.
3. No convalidation of the marriage in the Catholic Church has taken place after the exchange of vows.
4. No radical sanation of the marriage in the Catholic Church has been granted after the exchange of vows.
5. The parties have divorced and there is no intention to reconcile.

REQUIRED DOCUMENTS

1. Petition Form (Please sign and date the last page.)
2. Baptismal Certificate with Notations for at least one Party to the marriage, who was a Baptized Catholic at the time of the exchange of vows (newly issued certificate, i.e., within the last 6 months from Catholic parish where the Catholic Party was baptized)
3. Marriage License for the Marriage in Question (official certified copy from the agency where the marriage was recorded, often a county district clerk's office).
4. Divorce Decree for the Marriage in Question (official certified copy from the agency where the divorce was filed, often a county district clerk's office).

WHERE TO SUBMIT THE PETITION The Petition should be submitted to one's Pastor. However, if a Petitioner has another marriage (or marriages) to be investigated for a possible declaration of nullity with the Tribunal, the Pastor may refer all of the Petitioner's cases to the Tribunal.

SPECIAL CASES If one's marriage involves an Eastern Catholic; an Orthodox Christian; or a person who has abandoned the Catholic faith by a formal act, please contact the Tribunal.

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ABOUT YOU

Full Name: _____

Maiden Name (if female): _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Date of Birth: _____ City, State of Birth: _____

Were you a baptized Catholic at the time of the marriage in question?

Yes No

If Yes: Date of Catholic Baptism or Profession of Faith: _____

Parish, City, State

ABOUT YOUR SPOUSE (FROM THE MARRIAGE UNDER INVESTIGATION)

Full Name: _____

Maiden Name (if female): _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Date of Birth: _____ City, State of Birth: _____

Was your spouse a baptized Catholic at the time of the marriage in question?

Yes No

If Yes: Date of Catholic Baptism or Profession of Faith: _____

Parish, City, State

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ABOUT THE MARRIAGE CEREMONY

Date of Marriage Ceremony: _____

Church or Other Location of Marriage, City, State

Did you receive Marriage Preparation prior to the ceremony? Yes No

Parish or Other Location where Marriage Preparation was received, City, State

ABOUT THE DIVORCE

Date of Divorce: _____

Place of Divorce (County, State): _____

Is there any possibility that you and your spouse will reconcile? Yes No

1. Did you and your spouse ever later (after the wedding in question) recite your marriage vows to each other before a Catholic priest or deacon (c. 1160)?
 Yes No
2. Did you and your spouse ever later (after the wedding in question) recite your marriage vows to each other before an Eastern Catholic priest or an Orthodox priest (c. 1127 §1)?
 Yes No
3. Are you aware of a radical sanation for the marriage in question (c. 1161)?
 Yes No
4. Are you meeting your moral and civil responsibilities to your spouse and any children of the marriage (c. 1071 §1, 3^o)?
 Yes No

If no, please explain: _____

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5. Do you have any other marriages, either before or after the marriage in question, that ended in divorce or death? If Yes, please complete Marriage Timeline below.

MARRIAGE TIMELINE FOR YOU In the space below or on separate pages, for each marriage, please provide the requested information and supporting documents, such as death certificates, divorce decrees or declarations of nullity (annulments).

Date of Marriage	Full Name of Spouse	Date of [check one] Death, Divorce or Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity

6. If you are currently married, does your current spouse have any other marriages that ended in divorce or death? If Yes, please complete Marriage Timeline below.

MARRIAGE TIMELINE FOR YOUR CURRENT CIVIL SPOUSE In the space below or on separate pages, for each marriage, please provide the requested information and supporting documents, such as death certificates, divorce decrees or declarations of nullity (annulments).

Full Name of Current Civil Spouse: _____

Date of Marriage	Full Name of Spouse	Date of [check one] Death, Divorce or Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity
_____	_____	_____ <input type="checkbox"/> Death <input type="checkbox"/> Divorce <input type="checkbox"/> Declaration of Nullity

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SIGNATURE PAGE

I solemnly swear that the information I have provided in this petition is the truth, the whole truth and nothing but the truth, so help me God.

Signature of Petitioner

Date

Printed Name of Clergy/Lay Minister of the Parish

Signature of Clergy/Lay Minister of the Parish

Name, City and State of Parish

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TO BE COMPLETED BY PASTOR OR HIS DELEGATE:

**REQUIRED INVESTIGATION
FOR DISPENSATIONS OR RADICAL SANATION**

In most dioceses either the Chancellor or the Judicial Vicar is able to research historical dispensations and radical sanations. You may write one or the other or contact the (Arch)Diocese where the marriage was celebrated by telephone or email to find the best contact.

You may send a letter through regular mail in a format similar to the sample letter on the next page, or you may call or email the appropriate contact at the (Arch)Diocese where the marriage took place. Attach the written response of the (Arch)Diocese to this petition; or, if the response was not in written form, please document below.

See next page for a Sample Letter to Consult the (Arch)Diocese Where the Marriage Took Place. Please feel free to consult the Tribunal for assistance with this process.

Name of (Arch)Diocese Where the Marriage Took Place:

1. Did the (Arch)Diocese above report a dispensation for canonical form or radical sanation for the marriage in question?

Yes* No

*If a dispensation for canonical form or radical sanation is reported, then Petitioner must complete the Petition for a Declaration of Marriage Nullity using the Ordinary Process.

2. Date of response from the (Arch)Diocese where the marriage took place regarding any dispensation for canonical form or radical sanation.
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Printed Name of Clergy/Lay Minister of the Parish

Signature of Clergy/Lay Minister of the Parish

Name, City and State of Parish

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FOR USE BY PASTOR OR HIS DELEGATE:

SAMPLE LETTER
TO CONSULT THE (ARCH)DIOCESE WHERE THE MARRIAGE TOOK PLACE

[Date]

Dear [Chancellor/Judicial Vicar of (Arch)Diocese where the marriage was celebrated]:

I am conducting an investigation to determine if the marriage below suffered from a lack of canonical form. Thank you for notifying me of any record of dispensation from canonical form or radical sanation.

Name of Groom: _____

Name of Bride: _____

Date of Marriage: _____

Place (City/State or County/State) of Marriage: _____

Thank you for your assistance.

Sincerely,

[Signature of Pastor]

[Printed Name of Pastor]

Pastor

[Name of Parish]

APPENDIX
LAW SECTION PERTAINING TO LACK OF CANONICAL FORM

Canon 1108

§1. Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the following canons and without prejudice to the exceptions mentioned in cann. 144, 1112, §1, 1116, and 1127, §§1-2.

§2. The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.

§3. Only a priest validly assists at marriages between eastern parties or between one Latin party and one Eastern party whether Catholic or non-Catholic.

Canon 1109 Unless the local ordinary and pastor have been excommunicated, interdicted, or suspended from office or declared such through a sentence or decree, by virtue of their office and within the confines of their territory they assist validly at the marriages not only of their subjects, but also provided at least one of the parties is ascribed to the Latin Church, those who are not their subjects.

Canon 1110 By virtue of office, a personal ordinary and a personal pastor assist validly only at marriages where at least one of the parties is a subject within the confines of their jurisdiction.

Canon 1111

§1. As long as they hold office validly, the local ordinary and the pastor can delegate to priests and deacons the faculty, even a general one, of assisting at marriages within the limits of their territory, according to what is prescribed in can. 1108 §3.

§2. To be valid, the delegation of the faculty to assist at marriages must be given to specific persons expressly. If it concerns special delegation, it must be given for a specific marriage; if it concerns general delegation, it must be given in writing.

Canon 1112

§1. Where there is a lack of priests and deacons, the diocesan bishop can delegate lay persons to assist at marriages, with the previous favorable vote of the conference of bishops and after he has obtained the permission of the Holy See, according to what is prescribed in can. 1108 §3.

§2. A suitable lay person is to be selected, who is capable of giving instruction to those preparing to be married and able to perform the matrimonial liturgy properly.

Canon 1113 Before special delegation is granted, all those things which the law has established to prove free status are to be fulfilled.

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Canon 1114 The person assisting at marriage acts illicitly unless the person has made certain of the free status of the contracting parties according to the norm of law and, if possible, of the permission of the pastor whenever the person assists in virtue of general delegation.

Canon 1115 Marriages are to be celebrated in a parish where either of the contracting parties has a domicile, quasidomicile, or month long residence or, if it concerns transients, in the parish where they actually reside. With the permission of the proper ordinary or proper pastor, marriages can be celebrated elsewhere.

Canon 1116

§1. If a person competent to assist according to the norm of law cannot be present or approached without grave inconvenience, those who intend to enter into a true marriage can contract it validly and licitly before witnesses only:

1. in danger of death;
2. outside the danger of death provided that it is prudently foreseen that the situation will continue for a month.

§2. In either case, if some other priest or deacon who can be present is available, he must be called and be present at the celebration of the marriage together with the witnesses, without prejudice to the validity of the marriage before witnesses only.

§3. In judging the cases, mentioned in §1, nn. 1 and 2, the local ordinary can give to any catholic priest the faculty of blessing the marriage of the Christian faithful of an Eastern Church which does not have full communion with the Catholic Church if [those faithful] voluntarily ask for this, as long as nothing stands in the way of a valid and licit celebration [of the marriage]. The same priest, always with necessary prudence, is to inform the competent authority of the non-Catholic Church, who are concerned, of the fact.

Canon 1117 The form prescribed above must be observed if at least one of the parties contracting the marriage was baptized in the Catholic Church or received into it, without prejudice to the provisions of can. 1127 § 2.

Canon 1118

§1. A marriage between Catholics or between a Catholic party and a non-Catholic baptized party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.

§2. The local ordinary can permit a marriage to be celebrated in another suitable place.

§3. A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place.

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Canon 1119 Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of a marriage.

Canon 1120 The conference of bishops can produce its own rite of marriage, to be reviewed by the Holy See, in keeping with the usages of places and peoples which are adapted to the Christian spirit; nevertheless, the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives it.

Canon 1121.

§1. After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage according to the method prescribed by the conference of bishops or the diocesan bishop.

§2. Whenever a marriage is contracted according to the norm of can. 1116, a priest or deacon, if he was present at the celebration, or otherwise the witnesses in solidum with the contracting parties are bound to inform as soon as possible the pastor or local ordinary about the marriage entered into.

§3. For a marriage contracted with a dispensation from canonical form, the local ordinary who granted the dispensation is to take care that the dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed.

Canon 1122

§1. The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.

§2. If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.

Canon 1123 Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.

**DECLARATION OF FREE STATUS
BASED ON LACK OF CANONICAL FORM**

To Whom It May Concern:

After careful examination of the relevant documents and testimony, the Pastor of the Petitioner named below has established that the marriage between:

Petitioner

AND

Respondent

celebrated on _____
Date of marriage

in _____
Location of Marriage

suffered from a lack of canonical form, according to Canon 1117, given that at least one of the parties was a baptized Catholic. It is also established that no dispensations were granted to account for the variance, nor was the marriage later convalidated or sanated in the Catholic Church.

The undersigned Pastor declares that the Petitioner is free to enter into a Catholic marriage, so long as no other impediments exist.

Please apply parish seal.

Printed Name of Pastor

Signature of Pastor

Name of Parish - City and State of Parish