



Metropolitan Tribunal of the Archdiocese of San Antonio

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ABOUT THE PETITION FOR PAULINE PRIVILEGE

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DEFINITION

Regarding the Pauline Privilege: A consummated marriage of two baptized persons, that is a sacramental marriage, is indissoluble, and only death alone can dissolve that bond.

However, a non-sacramental marriage can be dissolved in various circumstances; one of these is referred to as the Pauline Privilege. The Christian Tradition has understood the words of Saint Paul in 1 Corinthians 7:12-15 to mean that a Christian convert is free to contract another marriage if their unbelieving spouse departs or refuses to cohabit peacefully.

Therefore, under certain conditions a non-sacramental marriage in which both parties were unbaptized at the time of consent, but one of them becomes baptized during the marriage, may be dissolved by means of the Pauline Privilege. One who desires that such a marriage be dissolved can request this favor from his/her local Ordinary.

The local Ordinary, or his delegate, will then gather information to ascertain that the requirements for the use of the Pauline Privilege are met and if so, grant the requisite permission.

SACRED SCRIPTURE

*To the rest, I say (not the Lord):
if any brother has a wife who is an unbeliever,
and she is willing to go on living with him, he should not divorce her;
and if any woman has a husband who is an unbeliever,
and he is willing to go on living with her, she should not divorce her husband.*

*For the unbelieving husband is made holy through his wife,
and the unbelieving wife is made holy through the brother.
Otherwise, your children would be unclean, whereas in fact they are holy.*

*If the unbeliever separates, however, let him separate.
The brother or sister is not bound in such cases;
God has called you to peace.*

(1 Corinthians 7: 12-15)

PETITION FOR PAULINE PRIVILEGE

THE LAW

Canon 1143

- §1. A marriage entered into by two non-baptized persons is dissolved by means of the Pauline Privilege in favor of the faith of the party who has received baptism by the very fact that a new marriage is contracted by the same party, provided that the non-baptized party departs.
- §2. The non-baptized party is considered to depart if he or she does not wish to cohabit with the baptized party or to cohabit peacefully without affront to the Creator unless the baptized party, after baptism was received, has given the other a just cause for departing.

Canon 1144

- §1. For the baptized party to contract a new marriage validly, the non-baptized party must always be interrogated whether:
 - 1/ he or she also wishes to receive baptism;
 - 2/ he or she at least wishes to cohabit peacefully with the baptized party without affront to the Creator.
- §2. This interrogation must be done after baptism. For a grave cause, however, the local ordinary can permit the interrogation to be done before baptism or can even dispense from the interrogation either before or after baptism provided that it is evident at least by a summary and extrajudicial process that it cannot be done or would be useless.

Canon 1145

- §1. The interrogation is regularly to be done on the authority of the local ordinary of the converted party. This ordinary must grant the other spouse a period of time to respond if the spouse seeks it, after having been advised, however, that his or her silence will be considered a negative response if the period passes without effect.
- §2. Even an interrogation made privately by the converted party is valid and indeed licit if the form prescribed above cannot be observed.
- §3. In either case, the fact that the interrogation was done and its outcome must be established legitimately in the external forum.

- Canon 1146 The baptized party has the right to contract a new marriage with a Catholic party:
- 1/ if the other party responded negatively to the interrogation or if the interrogation had been omitted legitimately;
 - 2/ if the non-baptized party, already interrogated or not, at first persevered in peaceful cohabitation without affront to the Creator but then departed without a just cause, without prejudice to the prescripts of cann. 1144 and 1145.

- Canon 1147 For a grave cause, however, the local ordinary can allow a baptized party who uses the Pauline Privilege to contract marriage with a non-Catholic party, whether baptized or not baptized; the prescripts of the canons about mixed marriages are also to be observed.

PETITION FOR PAULINE PRIVILEGE

PRE-REQUISITES

The Pauline Privilege is not a declaration of invalidity; it is rather a dissolution of a presumed valid marriage based on certain prerequisites:

1. Both parties must be non-baptized persons at the time they married.

The fact of their status as non-baptized individuals must be proved by means of knowledgeable witnesses or authentic documents. Knowledgeable witnesses are those who have known the non-baptized party most of his/her life (e.g. parents, siblings).

2. The Petitioner must become validly baptized during the marriage.
At the time the privilege is used, the Respondent must remain non-baptized.
3. The Petitioner must not be the party who caused the marriage to fail.
4. The Petitioner must be intending to marry a specific person in the near future. If the Petitioner is not intending to marry a specific person, the privilege cannot be invoked.

In the Archdiocese of San Antonio, the Petition for a Pauline Privilege is directed to the Judicial Vicar of the Archdiocese of San Antonio. It may come directly from the Petitioner, that is, the one seeking the privilege, or it may come from the Pastor of the Petitioner (or his delegate).

The required documents for the Petition for Pauline Privilege include:

1. Baptismal Certificate for Your Current or Future Spouse
2. Marriage License for You and Your Former Spouse
3. Divorce Decrees for You and Your Former Spouse

The standard case fee for a Petition for Pauline Privilege is \$150.

Payment may be made in cash or by check, payable to AOSA (Archdiocese of San Antonio).

We do not want finances to be a barrier to anyone seeking the Pauline Privilege.

If it is a hardship for the Petitioner to pay the case fee, the Petition should be submitted with only a contribution of any amount or without payment.

All cases are handled independently of payment or non-payment.

CHECKLIST

PLEASE CHECK ONE:

_____ Petition is complete.

_____ Payment of \$150 is enclosed.

_____ All documents are attached.

_____ Payment in the amount of _____ is enclosed.

_____ No payment is enclosed.

PETITION FOR PAULINE PRIVILEGE

ABOUT YOU

Full Name: _____

Maiden Name (if female): _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

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

Have you ever been christened, sprinkled or baptized in any Christian community?

If so, provide Date of Baptism: _____ and Place below (Church, City, State):

If not, is it your desire to be baptized in the Catholic Church? ☐ Yes ☐ No

Are you involved in RCIA at your parish? ☐ Yes ☐ No

Provide the name of the parish where you are attending RCIA.

Parish, City, State

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR FAITH HISTORY

Did either of your parents actively practice any religion? ☐ Yes ☐ No

Which one? _____

What were your parents' attitudes or feelings about the baptism of their children or about religious choice for their children. If your parents or guardians chose NOT to have you baptized, what were their reasons?

How many brothers and sisters do you have? _____ Sisters _____ Brothers

Were any of them baptized in any faith during their younger years? ☐ Yes ☐ No

Were you ever under the care of anyone other than your parents (e.g., grandparents, aunts/uncles, older sisters/brothers)? ☐ Yes ☐ No

If yes, how old were you when you were under their care? _____

What was their religion? _____

Please provide the name and contact info for these guardians in the space below.

Did you ever attend any church or Sunday School? ☐ Yes ☐ No

How old were you when you attended? From age _____ to _____

If so, indicate the name of the church, city and state and the years of attendance.

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR WITNESSES

Please provide the names and contact information of family members who might be able to answer questions regarding your baptismal status.

Witness 1

Full Name: _____

Relationship to You: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Witness 2

Full Name: _____

Relationship to You: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Witness 3

Full Name: _____

Relationship to You: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR FORMER SPOUSE

Full Name: _____

Maiden Name (if female): _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

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

Has he/she ever been christened, sprinkled or baptized in any Christian community?

If so, provide Date of Baptism: _____ and Place below (Church, City, State):

What religion did your former spouse practice at the time you exchanged vows?

Is it his/her desire to be baptized in the Catholic Church? ☐ Yes ☐ No

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR FORMER SPOUSE'S FAITH HISTORY

Did either of his/her parents actively practice any religion? ☐ Yes ☐ No

Which one? _____

What were his/her parents' attitudes or feelings about the baptism of their children or about religious choice for their children. If his/her parents or guardians chose NOT to have him/her baptized, what were their reasons?

How many brothers and sisters does he/she have? _____ Sisters _____ Brothers

Were any of them baptized in any faith during their younger years? ☐ Yes ☐ No

Was he/she ever under the care of anyone other than his/her parents (e.g., grandparents, aunts/uncles, older sisters/brothers)? ☐ Yes ☐ No

If yes, how old was he/she when under their care? _____

What was their guardians' religion?

Please provide the name and contact info for these guardians in the space below.

Did he/she ever attend any church or Sunday School? ☐ Yes ☐ No

How old was he/she when he/she attended? From age _____ to _____

If so, indicate the name of the church, city and state and the years of attendance.

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR FORMER SPOUSE'S WITNESSES

Please provide the names and contact information of family members of your former spouse who might be able to answer questions regarding his/her baptismal status.

Witness 1

Full Name: _____

Relationship to Him/Her: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Witness 2

Full Name: _____

Relationship to Him/Her: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

Witness 3

Full Name: _____

Relationship to Him/Her: _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

PETITION FOR PAULINE PRIVILEGE

ABOUT THE DIVORCE

When was the Divorce granted? _____

Where was it granted (County, State)? _____

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

YOUR MARRIAGE TIMELINE

In the space below, for each of your marriages past and present, please provide the following information. Please continue on the back of this page or another sheet of paper if necessary.

- a) Date of Marriage
- b) Name of Spouse
- c) Name of each child born to this union
- d) For each child, indicate if the child was baptized
and, if so, the approximate date of baptism of the child
- e) Briefly describe, why each marriage ended.
- f) Date of Divorce

PETITION FOR PAULINE PRIVILEGE

ABOUT YOUR FUTURE MARRIAGE IN THE CATHOLIC CHURCH

Are you currently civilly married? ☐ Yes ☐ No

Please list the names and ages of any children born from your union to your Bride/Groom.

Full Name of Your Bride/Groom: _____

Maiden Name (if female): _____

Complete Mailing Address: _____

Telephone Numbers: _____

Email Address: _____

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

Has he/she ever been christened, sprinkled or baptized in any Christian community?

☐ Yes ☐ No

If so, provide Date of Baptism: _____ Religion: _____

Provide Name, City and State of the Church of Baptism:

Was he/she ever married before? ☐ Yes ☐ No

If so, how many times? _____

How did each of these marriages end (e.g., death of the spouse, divorce from the spouse)?

PETITION FOR PAULINE PRIVILEGE

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

Printed Name of Ecclesiastical Notary
Clergy/Lay Minister of the Parish or Tribunal

Name, City and State of Parish

Signature of Ecclesiastical Notary
Clergy/Lay Minister of the Parish or Tribunal

Date