

Determining the Correct Type of Marriage Case

(FOR USE ONLY BY PRESENTER)

Determining the correct case type and the appropriate forms to use can be confusing. This confusion is compounded when multiple marriages are involved. This questionnaire is designed to address the most common types of marriage cases presented and is intended to help you in determining the correct case type and the proper forms to use. The forms may be found on the Diocesan Extranet under “Tribunal”.

1. LACK OF FORM

- YES NO Was one of the parties a Catholic at the time of the wedding?
- YES NO Was this wedding celebrated in front of someone other than a Catholic bishop, priest or deacon?
- YES NO Is it true that prior to that wedding no dispensation had been given by the Catholic Church so that some other minister or civil official could conduct the wedding?
- YES NO Is it true this marriage was never later validated or recognized in a decree from the Catholic Church?

If all questions are answered YES, ; this marriage may be declared invalid using the “Administrative Process” (i.e., Lack of Form) document should be sent to the Tribunal to have a decree issued. If any question was answered NO, please continue.

2. PRIOR BOND IMPEDIMENT

- YES NO Had the Respondent been married prior to marrying the Petitioner?
- YES NO Was neither party to that marriage a Catholic?
- YES NO Was the Respondent's first spouse living at the time the Respondent married the Petitioner?

If all questions are answered YES, ; this marriage might be declared invalid because of a PRIOR BOND; please use the prior bond/*ligamen* documents with their special directions. If any question

was answered NO, please continue.

3. PAULINE PRIVILEGE

- YES NO At the time of the marriage, were both parties unbaptized and has at least the other party (respondent) remained so?"
- YES NO Is it true that there is no hope that the couple will be reconciled?
- YES NO Is it true that the Petitioner was not the predominant cause of the other's departure?
- YES NO Is it true that the Petitioner was not the one who refused to live in peace?
- YES NO Does the Petitioner wish to be validly baptized (in any Christian faith) or has the Petitioner been validly baptized since the divorce?
- YES NO Does the Petitioner have a fiancé or spouse whom he/she wishes to marry in the Catholic Church?
- YES NO Is it true that the use of the PAULINE PRIVILEGE would not be a reason for criticism of the Catholic Church?



If all questions are answered YES, ; this marriage may be a PAULINE PRIVILEGE case. Please use the appropriate forms under the heading "Privilege Cases". If any question was answered NO, please continue. If a privilege case begins but later cannot be proven, it may be necessary to complete the work for a formal case.

4. FAVOR OF THE FAITH

- YES NO Was one party in the marriage unbaptized and did the party remain so throughout the marriage?
- YES NO Is it true that there is no hope that the couple will be reconciled?
- YES NO Is it true that the Petitioner was not the predominant cause of the breakup of the marriage?
- YES NO If applicable, is it true that the parties have not had conjugal relations since the non-baptized party has been baptized?
- YES NO Does the Petitioner have a fiancé or spouse whom he/she wishes to

marry in the Catholic Church?

- YES NO Is the non-Catholic party willing to sign the promise to raise any children born of the new marriage as Catholic and not hinder the Catholic party's practice of the Faith?
- YES NO Is it true that the new fiancé/spouse was not the cause of the breakup of this marriage?
- YES NO Is the Catholic party actively practicing the Faith?
- YES NO Is it true that granting of the favor would not cause criticism of the Catholic Church?



If all questions are answered YES, ; this marriage may be a **FAVOR OF THE FAITH** case. Please use the appropriate forms under the heading "Privilege Cases". If any question was answered NO, please continue. If a favor case begins but later cannot be proven, it may be necessary to complete the work for a formal case.

5. DEFECTIVE CONSENT (FORMAL) CASE

If none of the above types of marriage cases apply to the situation of this marriage, it requires the procedures of a formal case.