

There is no guarantee that an affirmative decision will be reached. Therefore, no date for a subsequent marriage should ever be set until the case is concluded and the decision is ratified.

OTHER TYPES OF CASES

PAULINE PRIVILEGE

Pauline Privilege refers to the dissolution of a marriage between two unbaptized persons.

To invoke the Pauline Privilege:

- a. Both parties must have been unbaptized at the time of marriage, and the other party must still be unbaptized.
- b. Proof of non-baptism of both parties at the time of the marriage must be established.
- c. The Petitioner must sincerely seek to be baptized.
- d. The other party does not intend to be baptized and does not wish to be reconciled with the Petitioner.

FAVOR OF THE FAITH

Favor of the Faith refers to the dissolution by the Holy Father of a marriage in which at least one party remained unbaptized during the entire period of common life. The conversion of the Petitioner is not required in all cases.

Conditions:

1. All honest attempts at reconciliation have failed.
2. The non-baptism (before and throughout the course of the marriage) of at least one of the parties to the marriage has been established.
3. The Petitioner and the prospective spouse or present civil spouse were not the culpable cause of the breakup of the marriage.
4. The petitioner has a prospective (or present) new spouse.
5. No scandal may result from the granting of the dissolution.

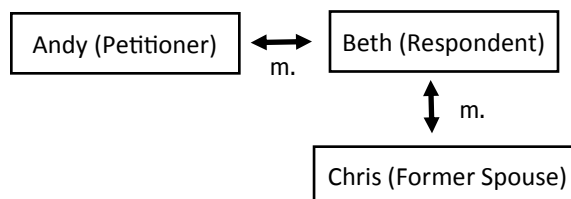
6. The promises (*cautiones*) must be signed by both the Catholic and non-Catholic party should a dispensation for disparity of worship or permission for mixed religion be required for the proposed new marriage.
7. Efforts must be made to secure the present whereabouts and testimony of the Respondent.
8. A Catholic Petitioner must do everything possible to ensure the religious education of the children from the former marriage.
9. The principles of justice toward the previous spouse and any children of the former marriage must be fulfilled by the Petitioner.
10. The Catholic parties must seriously practice their Faith.

PRIOR BOND (*LIGAMEN*)

Ligamen, or prior bond, is one of the impediments to marriage in the Church and causes the existing marriage to be invalid.

One or both parties have a prior valid marriage that has/have not ended by the death of the former spouse, and the church has not issued an affirmative decision on the nullity of the prior marriage(s).

Example: Andy married Beth. Beth, however, had been previously married to Chris. Chris is still living. The Church presumes this previous marriage to be valid. The marriage between Andy and Beth, therefore, is invalid because of Beth's prior bond with Chris.



Archdiocese of Los Angeles
METROPOLITAN TRIBUNAL



Archdiocese of Los Angeles
Metropolitan Tribunal

QUICK GUIDELINES

UNDERSTANDING THE PROCESS OF MARRIAGE NULLITY IN THE CATHOLIC CHURCH

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FORMAL TRIALS OF MARRIAGE NULLITY

Marriage comes about through the mutual consent of the parties. If the consent of one or both parties is seriously defective, no marriage is formed. The process to determine whether binding consent existed or not is called a formal trial of marriage nullity.

THE FORMAL PETITION - LIBELLUS

An individual who has been civilly divorced and wishes to petition for a declaration of nullity should contact a priest, deacon, or a designated pastoral minister at a nearby parish. The minister will assist the party in preparing the petition, using the application provided by the Archdiocese.

Through the Formal Petition, also known as a “Libellus”, the petitioner asks the Tribunal to examine the status of the marriage in light of the teachings of the Catholic Church.

Upon receiving a petition, the Tribunal reviews the material to determine if Los Angeles is competent to hear the case. If it is not competent, the Tribunal will assist the Petitioner in presenting the case to a competent Tribunal.

If there are possible grounds of nullity, the Tribunal will accept the petition. If not, the Tribunal will reject the petition.

Required Documents:

The following documents must accompany the petition application.

1. Petitioner’s Baptismal Certificate (if baptized)
2. Marriage Certificate
(Church and / or Civil License)
3. Final Civil Decree of Divorce
4. Other pertinent documents or reports that may serve as evidence (medical or police reports, etc.).

It is extremely important that the proper address of the Respondent be given, since the Respondent (the other party to the marriage) must be notified and offered the opportunity to participate in

the proceedings. This is required by Church law. The citation of the Respondent, however, is done by the Tribunal and not by the pastoral minister at the parish.

WITNESSES

The statements of the parties are generally not considered sufficient in themselves to prove nullity. Witness testimonies are also required concerning the circumstances surrounding the courtship, ceremony, and married life. Witnesses should be chosen who knew the parties at the time of their marriage.

Expert witnesses (counselors, psychologists, and psychiatrists) also provide valuable assistance to the Tribunal. They can provide insight into the emotional and developmental characteristics of the parties. The judge in each case will determine whether such experts will be necessary or not.

THE HEARING

At times, the Tribunal may request that the Petitioner, the Respondent, or the witnesses, who are under oath, come to the Tribunal for further testimonies. The official of the Tribunal will conduct the interviews privately. At other times, such testimonies may be taken via telephone.

THE DECISION

When the judge or judges conclude that no further investigation is needed, the case is brought to a conclusion. The Defender of the Bond, who argues for the validity of the marriage, presents observations for the consideration of the judge(s).

The judge then decides the case and informs the parties of the outcome. If a marriage is declared null by the Tribunal and no formal appeal against the decision is made within the allotted time, the decision of the Tribunal is considered ratified.

APPEAL OF THE DECISION

Either party or the Defender of the Bond may appeal the decision of the Tribunal. The appeal must be made to the Tribunal that granted the decision

within three weeks (15 days) of the notification of the decision.

If an appeal is made, the Tribunal then sends the appeal, along with the Acts of the case to the proper appellate court. The appellate courts for the Archdiocese or Los Angeles are the Tribunal of the Diocese of Orange and the Roman Rota.

RESTRICTIONS

At times, because of the nature of the case, a restriction (*vetitum*) is placed upon one or both parties prohibiting remarriage in the Church.

The purpose of a restriction is to ensure that the same conditions that led to the nullity of the previous marriage do not recur in the proposed new marriage. If a party receives such a prohibition, no marriage in the Church may be scheduled until such time as the restriction is lifted.

CIVIL EFFECTS

There are no civil effects to a declaration of nullity in the United States. It does not alter one’s moral and financial obligations toward the other party or one’s children. Nor does a declaration of nullity in any way affect the legitimacy of children born of the invalid marriage.

The Church considers the children born of any presumably valid marriage, even if that marriage is subsequently found to be invalid, as fully legitimate.

LENGTH OF THE FORMAL TRIAL PROCESS

Each annulment case has its own unique circumstances, therefore a definite time frame cannot be guaranteed. The time involved is governed by requirements of canon law and by the cooperation of the principal parties and their witnesses in providing sufficient testimony.

The Tribunal strives to complete each case in a timely manner and in accord with canon law. That being said, cases in this Tribunal are normally completed within twelve months from the date of acceptance by the Tribunal.