

INSTRUCTIONS FOR PRESENTATION OF *LIGAMEN* (PRIOR BOND) CASES

Once a marriage is celebrated by persons apparently able to marry, the law of the Catholic Church presumes the validity of that marriage and, according to Canon 1060 of the 1983 Code of Canon Law, the marriage is granted the favor of law. Therefore, once a person has apparently married validly, a subsequent marriage is invalid by reason of the prior bond (known as *ligamen*) existing from the first marriage. By divine law, a previous marriage bond renders invalid any subsequent marriage (cf. canon 1085).

When a case involves the diriment (invalidating) impediment of *ligamen*, a special, simplified procedure is conducted by the Tribunal. This procedure is governed by canons 1688-1690. These canons state that, in processing cases of *ligamen*, the full formalities of a nullity process are dispensed with and in place of the usual procedure, the Ordinary declares the marriage null (invalid), after the intervention of the Defender of the Bond, on the basis of certain witnesses and authentic documents.

In resolving the existence of the impediment of *ligamen*, three principal parties are involved:

1. The Petitioner, the spouse in a marriage who claims that a prior marriage existed on the part of
2. The Respondent, the other spouse in a marriage who was a partner in the prior marriage to
3. The Third Party, the first wife or husband from that prior marriage.

The Tribunal has prepared a series of questionnaires to secure the necessary information for this process. In the questions, the party is referred to by the title of relationship to the case, that is, Petitioner, Respondent, or Third Party. In taking answers to the questions, it is important to understand clearly the designated title of relationship. If documents and witnesses are available, the case is relatively uncomplicated. The process establishes that:

1. one spouse in a later marriage was previously married;
2. this spouse's first marriage meets the requirements for validity; and
3. the Third Party was alive during the course of the entire marriage.

To reach a decision in a *ligamen* case, it is important to have contact with the Respondent and, if possible, the Third Party, the first spouse. These persons must provide factual data about:

1. the previous marriage being their first marriage;
2. their intention in entering that marriage;
3. their religious affiliation, to determine if either or both were bound to the Catholic form of marriage; and
4. verification that the Third Party was alive during the course of the subsequent marriage of the Respondent.

When the Third Party cannot be reached, testimony of other witnesses is sought. These four areas establish the validity of both the first marriage and the impediment. Therefore, this information is essential and must be ascertained.

The following documents must be submitted for the completion of a *ligamen* case:

1. Marriage license/certificate for Petitioner and Respondent;
2. Divorce decree for the Petitioner and Respondent;
3. Marriage license/certificate (marriage license is preferred) for the Respondent and Third Party; and/or
4. Divorce decree for Respondent and Third Party, if available.

The final decree is mailed to the Petitioner.