

## **INSTRUCTIONS FOR PRESENTATION OF A DECLARATION OF INVALIDITY DUE TO LACK OF CANONICAL FORM**

Canon 1086, §1 and Canon 1117 of the Code of Canon Law specify that all Catholics are bound to the Catholic form of marriage. Exceptions to this general law are comparatively few: 1. Those who attempted marriage prior to January 1, 1949 and who had not been given Catholic upbringing were specifically excepted; and 2. The 1983 Code also provides that those who by a formal act have abandoned the Catholic faith are not held to the Catholic form of marriage.

Catholics who attempted marriage without observing the Catholic form (and non-Catholics who attempted marriage with a Catholic, neglecting the Catholic form) who wish to enter a new marriage in the Catholic Church must first receive an official Decree of Invalidity of that previous union before being married in the Church. Please note that at least one of the parties to the marriage must have been Catholic at the time the marriage took place.

The process for receiving such a Decree of Invalidity is a simple one and can be expedited in minimal time. The completion of a simple petition accompanied by the required documents is all that is necessary.

The following documents must accompany the petition:

1. A **recently issued** certificate of the Catholic party's baptism. This certificate should be issued with the last six months and may contain, on the reverse side, notations as to sacraments received since baptism;
2. Marriage certificate for the Petitioner and Respondent; and
3. Final decree of divorce.

The Petitioner should provide copies of these documents which will be submitted with the completed petition to the Tribunal.

Care should be taken in the completion of the petition in order to avoid needless delays. The present address of the Respondent is not required. When the petition is completed, the pastoral minister/auditor should sign as witness.

The case is processed and the final decree is mailed to the Petitioner.