

Declarations of Nullity

Start with the presumption that **ALL** civil and religious marriages are valid.

Three things can make a marriage invalid or non-binding:

1. **Lack of Canonical Form** – Applies only if the marriage involved one or two Catholics, but took place outside of the Catholic Church with no dispensation from canonical form. Proven through documents and a witness affidavit. (Tab 6)

(In a situation where the marriage took place in the Catholic Church but the priest or deacon lacked valid delegation or where two additional witnesses were not present, contact the Office of Canonical Affairs.)

2. **Defect of Consent** – A “formal case” or “annulment.” Proven by the ordinary judicial process through the declarations of the parties and the testimony of witnesses. (Tab 7)
3. **Impediments** (e.g., prior bond of marriage) – A documentary process is required to prove that an impediment to a marriage existed and was not dispensed. See pp. 19-21 of the marriage norms for full list of impediments. For a copy of the form that is used, please contact the Office for Canonical Affairs.

Pauline Privilege

St. Paul’s first letter to the Corinthians (7:12-15) establishes the principle that the Church calls the Pauline privilege. In such a case, a natural marital bond between two unbaptized persons is dissolved by the fact that one of the parties receives baptism and enters a new marriage. (Tab 8)

The Pauline privilege is distinct from a declaration of nullity. Pauline privilege is a privilege of the faith that dissolves a valid natural marriage, while a declaration of nullity, if issued, states that a marriage was invalid from the beginning.

The Pauline privilege can often be invoked for those in the Rite of Christian Initiation of Adults (RCIA).

For the Pauline privilege to be invoked, it must be proven that both parties were unbaptized at the time of the marriage and that only one party has received baptism. In this case, it must be clear that the other party does not wish to receive baptism and wishes to depart from marital life (or wishes to remain departed if the parties are already civilly divorced). The party who has been baptized may not be the cause of the separation after the baptism has taken place.

Petrine Privilege

The Petrine privilege involves the dissolution of a prior bond of marriage where one party was baptized and one was not baptized. In this situation, the prior bond of marriage is dissolved by the authority of the pope, and a case must be submitted to the Vatican. Some circumstance in favor of the faith is required (e.g., one is to become Catholic). In situations where the Petrine privilege may be invoked, please consult the Office for Canonical Affairs.

Questions to Ask to Determine *Likely* Process

