

Lack of Form
Procedure and Required
Documentation

MARIA GARCIA



Canonical Form of Marriage

1108 § 1 “Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the following canons and without prejudice to the exceptions mentioned in c. 144, 1112, §1, 1116, and 1127, § §1-2.”

Lack of Canonical Form

- ▶ **A Lack of Form** case arises when:
 1. A marriage has been attempted without observing the canonical form;
 2. There is a failure to obtain a dispensation from canonical form, and;
 3. There is never an intention to have the marriage validated in the Church either through a sanation or convalidation

Lack of Canonical Form



Example: A baptized Catholic has not observed the canonical form of marriage if he/she decided to marry in the presence of a Justice of the Peace.



Example: A baptized Catholic who contracted marriage before a wedding minister in the Chapel of Elvis has not observed the canonical form of marriage.

Procedure

- ▶ Initial meeting and inquiry into person's background: faith, prior/current/future marriage(s), divorce(s), etc.
- ▶ The Lack of Form application & corresponding documents must be completed and submitted by the Parish Advocate - NOT by the Petitioner.



Lack of Canonical Form



- ▶ The Lack of Form is a documentary case
- ✓ Which means: The case is proven by documents alone.
- ✓ NO DOCUMENTS = NO PROOF

Without proper documents, the case cannot be processed as a Lack of Form

Required Documents and Fee

- ▶ Lack of Form Application
- ▶ Recent Baptismal Certificate, with notations (issued within the last six months)
- ▶ Civil Marriage License & Certificate
- ▶ Final Divorce Decrees
- ▶ Fee of \$50


Reminder: Incomplete packets will be returned to the Parish Advocate



**Required
Documents**

Lack of Form Application

- ✓ Download the most recent version of the form from the Tribunal website.
- ✓ The Petitioner & Parish Advocate sign the form together.
- ✓ Advocate's mailing address must be legibly printed.
- ✓ Natural and/or financial obligations are fulfilled.
- ✓ All blanks must be filled.



**Diocese of Sacramento
The Tribunal**
2110 Broadway, Sacramento CA 95818
(916) 733-0225
www.tribunal.scd.org

Office Use Only:

Rec'd: _____

PN: _____

Petition for a declaration of nullity due to
LACK OF FORM

To be filled out with the assistance of a pastoral minister. Please print clearly.

PETITIONER		RESPONDENT
	Current Full Name <i>(First, Middle Last)</i>	
	Maiden Name <i>(if applicable)</i>	
	Address Number & Street	
	City, State, and ZIP Code	
	Home Telephone <i>(inc. area code)</i>	
	Work Telephone <i>(inc. area code)</i>	
	Mobile Telephone <i>(inc. area code)</i>	
	E-Mail Address	
	Date of Birth	
	Place of Birth	

PETITIONER	RESPONDENT
<i>At the time of this marriage, had you been baptized or received into the Catholic Church?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>At the time of this marriage, had he/she been baptized or received into the Catholic Church?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If not, what religion were you?</i>	<i>If not, what religion was he/she?</i>
<i>If yes, please attach certificate of baptism and, if applicable, certificate of reception into the Catholic Church. Please answer the following questions:</i>	<i>If yes, please attach certificate of baptism and, if applicable, certificate of reception into the Catholic Church. Please answer the following questions:</i>
Were you brought up as a Catholic? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was he/she brought up as a Catholic? <input type="checkbox"/> Yes <input type="checkbox"/> No
Did you make your First Communion? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did he/she make their First Communion? <input type="checkbox"/> Yes <input type="checkbox"/> No
Were you confirmed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was he/she confirmed? <input type="checkbox"/> Yes <input type="checkbox"/> No
To what extent have you practiced your faith?	To what extent have you practiced your faith?
Have you ever left the Catholic Church by a formal act? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain (include date):	Did he/she ever leave the Catholic Church by a formal act? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain (include date):

Lack of Form (Revised January 2017)

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Baptismal Certificate

- ▶ The baptismal certificate for the Catholic party must
 - Be a recent original certificate, issued within the last 6 months
 - It has to show all sacramental notations. If there are no notations, the certificate must have the words “No Notations”



If a baptismal certificate is unavailable...



Examples:

- ▶ Parish burned down and sacramental records were destroyed
- ▶ Parish was destroyed due to a natural disaster
- ▶ Difficulties finding where the Catholic party was baptized

Baptismal Certificate Unavailable

Certificate of Baptism

Church of _____

↳ This is to Certify ↳

That _____
Child of _____
and _____
born in _____
on the _____ day of _____
was **Baptized**
on the _____ day of _____
According to the Rite of the Roman Catholic Church
by the Rev. _____
the Sponsors being _____
as appears from the Baptismal Register of this Church.

Dated _____

Pastor _____

WHAT NEEDS TO BE DONE:

- ✓ Contact the Tribunal for Witness Affidavits Forms
- ✓ Submit TWO (2) Witness Affidavits
- ✓ If a parish has verified why the certificate is unavailable...
- ✓ Letter from the Parish/Diocese [outside the Diocese of Sacramento]

You must show due diligence in locating records

License and Certificate of Marriage

▶ Provides

- Proof that “an official” other than a Catholic priest or deacon officiated at the ceremony.
- Place of marriage
- Information concerning any previous marriage(s)
- Signature of witnesses

▶ Reminder:

- Cannot be a copy of the souvenir certificate of the marriage
- Cannot be an abstract of marriage
- Must be an original certified copy

Marriages in Nevada

- ▶ For ALL marriages contracted in Nevada you need to request two separate documents
 - Marriage Certificate
 - Affidavit of Application for Marriage License



STATE OF NEVADA
COUNTY OF WASHOE

EXPIRES _____ NO. _____

We, the undersigned, being and sworn to the foregoing, depose and certify, under the penalty of perjury, that the foregoing information is correct to the best of our knowledge and belief; and that legal objection to the marriage can be the substance of a license to authorize the same to be solemnized in this and thereby apply for license to marry.

GROOM PERSONAL DATA

NAME: _____ DOB: _____ AOB: _____
TOWN: _____ STATE: _____ BIRTHPLACE: _____
MARRIAGE: 1 END: _____ WHEN: _____ WHERE: _____
FATHER: _____ B/P: _____
MOTHER: _____ B/P: _____

BRIDE PERSONAL DATA

NAME: _____ AOB: _____
TOWN: _____ STATE: _____ BIRTHPLACE: _____
MARRIAGE: 2 END: DIVORCE WHEN: _____ WHERE: _____
FATHER: _____ B/P: _____
MOTHER: _____ B/P: _____

MAILING ADDRESS: _____

Subscribed and sworn to before me this 16 Day of September A.D. 1997

JUDITH BAILEY, County Clerk

97 SEP 16 AM 10:05
JUDITH BAILEY, CLERK
FREE PAID

Final Divorce Decrees

TO BE SUBMITTED:

1. Judgment Page
2. Notice of Entry of Judgment
 - ✓ Names of Petitioner & Respondent
 - ✓ Final Date of Divorce
 - ✓ Signature or Stamp of Judge
 - ✓ Wording: **“Marital status is terminated and the parties are restored to the status of unmarried persons.”**

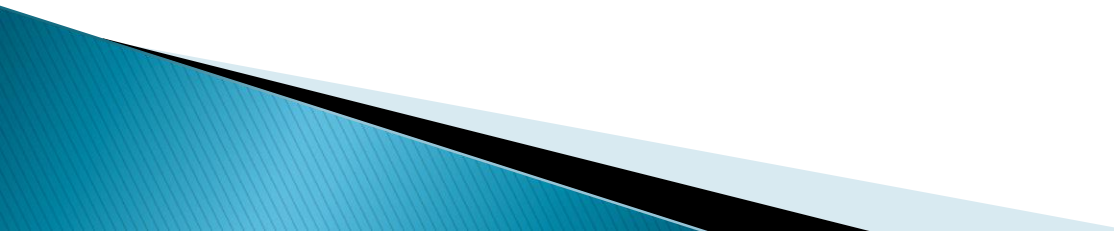


Fee

- Fee: **\$50**
- Check payable to: ***TRIBUNAL – DIOCESE OF SACRAMENTO***
- **NO CASE** is rejected due to the Petitioner's inability to pay



Decree: Final Decision

- ▶ The Tribunal's final decision is communicated in the form of a DECREE to the:
 1. The Petitioner
 2. The Parish Advocate
 - ▶ Only with this Decree of Lack of Form is the Petitioner free to marry in the Church.
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Reminder

- ▶ No date or wedding plans for future marriage may be set until the case has been completed and a decision is communicated by the Tribunal.

REMEMBER !!

It is the Parish Advocate's responsibility to ensure that the Lack of Form packet is complete prior to submitting it to the Tribunal.



It is also the Advocate's responsibility to assist and communicate with the Petitioner.



That's all Folks!

ANY QUESTIONS???