

Lack of Form
Procedure and Required
Documentation

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1

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.”

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

3

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.

4


Procedure



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

5

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

6

Required Documents and Fee

- ▶ Lack of Form Application (signed by Petitioner and Advocate)
- ▶ Recent Baptismal Certificate, with notations (issued within the last six months)
- ▶ Civil Marriage License & Certificate
- ▶ Certified Divorce Decree(s)
- ▶ \$50 fee

Reminder: Incomplete packets will be returned to the Parish Advocate




Required Documents

7

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 in.



8

Baptismal Certificate

- ▶ The baptismal certificate for the Catholic party must be:
 - Original certificate, recently issued within the last 6 months
 - If there are no notations, the certificate must have the words "No Notations"



9

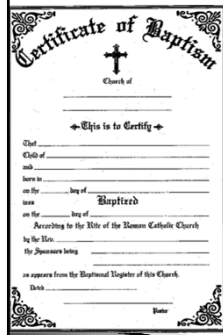
A baptismal certificate may be unavailable due to...



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

10

Baptismal Certificate Unavailable



- 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

11

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

12

Marriages in Nevada

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



13

Final Divorce Decrees

TO BE SUBMITTED: (California Divorces)

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."**



14

Fee

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



15

Decree: Final Decision

- ▶ The Tribunal's final decision is communicated in the form of a Decree of Nullity 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.

16

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.

17

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.

18



19
