Dissolution of Marriage by Virtue of the Pauline Privilege

Rev. Mark R. Richards, JCL

1

The Pauline Privilege

Canon 1143

§1 A marriage entered into by two non-baptized persons is dissolved by means of the Pauline Privilege in favor of the faith of a party who has received baptism by the very fact that a new marriage is contracted by the party who has been baptized.

§2 The non-baptized party is considered to have departed if he or she does not wish to cohabitate in peace without insult to the Creator.



2

What does it mean?

- It is the dissolution of a natural marriage bond between two unbaptized people.
- The marriage is dissolved by the act of consent entering the new marriage after the person is baptized.
- The new marriage dissolves the first natural bond.

The Pauline Privilege can be Invoked

If the Tribunal can determine the following:

- Petitioner desires or has received Christian baptism and wishes to enter marriage in the Catholic Church.
- Both parties were not baptized prior to, nor throughout, their common life.
- Respondent remains unbaptized and does not intend to be baptized.

4

What Is Required

- Pauline Privilege Application
- Civil Marriage License and Certificate
- Notice of Entry of Judgment and Final Judgment of Divorce
- \$175 fee
- If Petitioner is already baptized, a recentlyissued (within 6 months) baptismal certificate with notations

5

The Pauline Privilege Application

• Download the most recent version on the Tribunal website

 $\frac{https://www.scd.org/tribunal/annulment-}{information-and-forms}$

License and Certificate of Marriage

- Submit original certified marriage license and certificate
- For all marriages in Nevada, you need to request the marriage certificate <u>and</u> the affidavit of application for marriage license





7

Notice of Entry of Judgment and Final Judgment of Divorce

- Only submit original/certified court documents
- These documents should include:
 - Names of Petitioner and Respondent
 - Final date of divorce
 - Signature or stamp of the judge
 - Wording: "Marital status is terminated and the parties are restored to the status of unmarried persons"
 - Original court seal



8

Baptismal Certificate

- If Petitioner is baptized, the baptismal certificate is required and must be recently issued within the last six months
- Notations should be included; if there are no notations it must state: "No notations"

Conditions for a Pauline

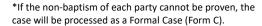
Requirements:

- Petitioner must provide testimony testifying to his/her non-baptized status
- Two witnesses for the Petitioner
- Respondent must be willing to testify to his/her nonbaptized status
- Two witnesses for the Respondent
- *Only the Bishop (or his delegate) can dispense from interpellations when there are indisputable proofs that the Respondent is not and does not intend to be baptized.

10

Best Witnesses

- The best witnesses for a Pauline Privilege are those who can testify to the non-baptism of each.
- Family Members:
 - Parents
 - Grandparents
 - Aunt/Uncle
 - Older Siblings





11

Privilege Granted

- If the privilege is granted and the Petitioner is already in a civil marriage, then the baptism must precede marriage in the Church.
- The decree is sent to the Petitioner and a copy to the Parish Advocate.
- Parish Advocate sends a copy of the baptism and marriage certificates to the Tribunal.

REMEMBER!

• DO NOT SET A WEDDING DATE OR MAKE PROMISES!!!

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



13

BE SURE....

 That you, the Parish Advocate, submit the COMPLETED application and submit original documents to the Tribunal.

