

Monitum and Vetitum

FR. MARK RICHARDS, JCL, JV

Binder Tab 4, pp. 9-10

1

Purpose

Serves parties upon whom they are imposed by helping them address the underlying problems that contributed to the breakdown of their previous union.

Helps protect those interested in marrying those with prior unions.

Upholds the Church's commitment to the sacredness of marriage by prohibiting a new marriage until there is evidence that the parties are willing and able to assume and live out that commitment.

2

Monitum = Warning

A *monitum* is a pastoral caution.

It is not provided for in the *Code of Canon Law*, but a *monitum* identifies areas of concern to assist the minister preparing a couple for marriage in providing the appropriate preparation required by c. 1063, n.2.

3

Vetitum = Prohibition

Canon 1684:

- ...persons whose marriage has been declared null can contract a new marriage...unless a prohibition attached to the sentence or decree or established by the local ordinary has forbidden this.
- The existence of a grave cause is sufficient reason to issue a personal prohibition of marriage; this prohibition can only be temporary and must be revoked when the motivating cause ceases.
- Personal prohibitions are not meant as punishments but as protections of the personal good of the spouses and the public good of the community.
- A *vetitum* does not have an invalidating effect if not respected.

4

Reasons for Placing a *Monitum* or *Vetitum*

Existence of a grave psychic anomaly (c. 1095)

Impotence (c. 1084)

Deceit (c. 1098) or simulation (c. 1101) providing the party demonstrate the right intention to marry

A marriage of a person bound by previous marital and parental responsibilities (negligence)

5

Example as Written in Sentence

A **VETITUM** is placed on the Petitioner. This party is prohibited from convalidating his current civil union/entering a new marriage, until he has demonstrated through appropriate counseling or psychological intervention a resolution of the issues in his life arising from his childhood and adolescence which contributed to his incapacity to place a valid marital consent at the time of his marriage to the respondent. This prohibition remains in place until such time as it has been determined that this party is capable of placing a valid matrimonial consent at the time of such a future convalidation.

6

Decree Execution of the Sentence

#[CASE_NAME] #[CASE_NO]
 DECREE
 EXECUTION OF THE SENTENCE
 In the name of the Lord. Amen.

WHEREAS, the Court, constituted to evaluate the case of #[CASE_NAME] #[CASE_NO] by its definitive decision of #[INST1_LONG], pronounced an affirmative sentence defining that the marriage contracted by said parties was invalid on the count of: #[GROUNDS_3]; and

WHEREAS, said sentence was duly rendered public by disposition attached to it; and

WHEREAS, fifteen (15) days have passed and no appeal or complaint of nullity has been filed by the parties or the Defender of the Bond;

NOW, THEREFORE, I, the undersigned Judicial Vicar, acting for the Tribunal of the Diocese of Sacramento, hereby declare that the sentence may, without further delay, be carried into execution.

Those concerned with preparation for a future marriage are hereby advised that a [vetitum, monitum] has been placed on the [Petitioner, Respondent, both]. Such persons are asked to contact the Tribunal for further information prior to setting a date for a future marriage in the Church.

Given at the Diocesan Pastoral Center in Sacramento, California on #[ISSUED_LONG].

Very Reverend Mark R. Richards, JCL
 Judicial Vicar

7

Party is Notified by Letter

The Tribunal has completed its investigation into the validity of your former marriage to [name of Respondent]. With no appeal being lodged against the [date] decision of this Tribunal, the affirmative decision regarding your petition for a declaration of nullity is confirmed.

As we have communicated with you, there is a need for specified conditions to be fulfilled before you enter a new marriage in the Catholic Church:

Choose which applies to the Petitioner

A monitum has been placed on you. **Example: You and your present spouse must complete the normal, diocesan-required preparation for second marriages and/or convalidation.**

A vetitum has been placed on you. **Example: Before you enter a new marriage in the Church, we require that you meet with a counselor (marriage/family therapist) to discuss past issues regarding your previous marriage and how they have been resolved.**

When the above condition(s) have been fulfilled, you may request copies of the decree and sentence of nullity from this office. It will be necessary to inform your pastor of the need to request copies of the original decrees to be sent to him at the time of a new marriage in the Catholic Church.

If you have any questions, please contact me at the Tribunal: (916) 733-0231 or ctholcke@scd.org.
 Sincerely yours,
 Mrs. Cheryl M. Tholcke
 Moderator of the Tribunal Chancery

8

Parish Advocate is Notified

Dear [name of Parish Advocate],

With no appeal lodged against the [date] decision of this Tribunal, I am happy to tell you that the affirmative decision regarding the case of [Petitioner's name] is confirmed. Thank you for your generous cooperation and support of the Petitioner.

A [vetitum] is placed on the Petitioner. Prior to entering a new marriage in the Catholic Church, the Petitioner must demonstrate – through an appropriate evaluation and requisite counseling – a capacity to place a discretionary judgment concerning the rights and duties of marriage.

We have also communicated with the Petitioner the need for counseling prior to a new marriage in the Catholic Church. Please contact me at our office regarding the type of counseling required. When it has been determined to our mutual satisfaction that the Petitioner has fulfilled these requirements, please petition, in writing, for copies of the original decree and sentence of nullity. These documents should be filed in your church records at the time of a new marriage.

If you have any inquiries regarding this matter, please feel free to contact me at (916) 733-0231 or ctholcke@scd.org.

Sincerely yours,
 Mrs. Cheryl M. Tholcke
 Moderator of the Tribunal Chancery

9

Letter to Doctor/Therapist/Expert

I am writing to you because I have been given your name by one of your patients, [the party]. He was recently granted a declaration of nullity for his prior marriage by in the Catholic Church. However, a *vetitum*, or prohibition, was placed on him before he can marry in the Catholic Church. The text of the *vetitum* reads as follows:

"The party is prohibited from entering into marriage in the Catholic Church until he has demonstrated through appropriate counseling that he understands what partnership means in marriage. It should be clear that there is no violence in his present relationship, and that he understands the obligation of fidelity. In addition, couples counseling is suggested prior to a new union."

The goal of the requirement is to ensure that any past issues that may have affected the party's prior relationships and marriage will not be present in any future relationships/marriage. We have informed the party that in such cases, a single session with you may not be enough for you, the expert, to make a valid evaluation of him to fulfill the requirement above. Once you have read this letter we understand that you will make an appointment with the party to begin therapy. Once we have received a report from you indicating the issues of the prohibition have been resolved, we will lift the prohibition and the party will be free to marry in the Catholic Church again.

Please let me know if I can be of further assistance. I can be reached at (916) 733-0231 or ctholve@sdc.org.

Sincerely,
Mrs. Cheryl M. Tholcke
Moderator of the Tribunal Chancery

10

Decree Lifting *Vetitum*

DECREE
LIFTING OF VETITUM

WHEREAS, the petition for a declaration of nullity in the matter of the [CASE_NAME] marriage resulted in an affirmative decision; and

WHEREAS, the judge imposed a *vetitum* on the Petitioner in accord with the norm of 1983 CIC canon 1684 §1 requiring the same to undergo professional counseling; and

WHEREAS, the Petitioner now having completed the requirement of the *vetitum* to the satisfaction of this Tribunal,

NOW THEREFORE, I hereby lift the *vetitum* and order the Petitioner to be so notified in writing.

Given at the Diocesan Pastoral Center, in Sacramento, California on [DATE].

Very Rev. Mark R. Richards, J.C.L.
Judicial Vicar

Notary

11

Petitioner Notified of *Vetitum* Lifted

Dear _____

I have received an evaluation from [name of counselor] of the professional counseling you have undertaken as a result of the *vetitum* placed on you in the declaration of nullity of your marriage to [NAME]. [He/She] assured us in [his/her] report that you have sufficiently resolved the issued for which there was an imposed *vetitum*.

Therefore, it is my pleasure to inform you that you are now free to marry in the Catholic Church, presuming all other requirements of the law have been met. A decree lifting the *vetitum* is enclosed for your records. You will need to present this decree to the parish if/when you begin preparation to marry in the Catholic Church.

Sincerely,
Very Rev. Mark R. Richards, JCL
Judicial Vicar

Enclosure

12

Advocate Notified of *Vetium* Lifted

Dear _____

Enclosed is a copy of the Decree lifting the *vetium* on the Petitioner, [NAME]. This decree is issued based on a quality evaluation of the professional counseling that [HE_SHE] received from [name of counselor, licensed role at the place of practice.]

He/She assured us in [his/her] report that [Petitioner] has sufficiently resolved the issues for which there was an imposed *vetium*. Therefore, it is my pleasure to inform you that [HE_SHE] is now free to marry in the Catholic Church, all other requirements of the law having been met.

Sincerely,

Very Rev. Mark R. Richards, JCL
Judicial Vicar

Enclosure

13



14