

UKRAINIAN CATHOLIC METROPOLITAN ARCHDIOCESE OF PHILADELPHIA

LACK OF CANONICAL FORM

PROCEDURE: (In cases of Lack of Canonical Form)

1. The following documents, in photocopy form, TOGETHER with this PETITION must be submitted to this office.
 - A. Baptismal Certificate of the **CATHOLIC** party (issued within the past six months);
 - B. Certificate of marriage attempted outside the Catholic Church;
 - C. Final divorce decree or annulment.
2. For marriages attempted before January 1, 1949, special instruction is to be requested from this office.
3. Sworn statements, on the form provided by this office, and signed by the Petitioner and two trustworthy people (preferably relatives of the Catholic party) that the attempted marriage was never subsequently convalidated in the Catholic Church must accompany the documents. Witness must know the parties from the time of the attempted marriage.
4. A non-Catholic may petition.
5. **NO DATE** should be set for a subsequent marriage until the prior marriage has been declared null; A separate application is to be made for each marriage attempted by the Petitioner.
6. \$50.00 is the ordinary offering for cases of this nature to defray the expense of processing the petition. (PLEASE NOTE: No case shall be rejected because of the Petitioner's inability to make an offering).

INTRODUCTION

All Catholics are obliged to enter marriage in the presence of the pastor or a priest/deacon delegated by him, and two witnesses. If this FORM is not observed and no dispensation from Form has been received, the marriage is invalid.

The following are EXCEPTIONS:

1. An Eastern Catholic of any jurisdiction (with the exception of Ukrainian Catholics) entering marriage with an Orthodox person before an Orthodox priest since January 21, 1965.
2. A Ukrainian Catholic entering marriage with an Orthodox person before an Orthodox priest since April 7, 1965.
3. A Latin Catholic entering marriage with an Orthodox person before an Orthodox priest since March 25, 1967.

These marriages are Valid but illicit if no permission had been previously obtained.

PASTORAL NOTE:

Lack of form cases usually involve no further investigation on the part of the chancery. Therefore, in order that this process be one of Christian healing and realizing that the petitioner is motivated purely for religious and spiritual reasons, the parish priest should express concern regarding the causes of the breakup of the marriage in question, in an attempt to prevent the same factors from affecting a subsequent marriage.

DELEGATION:

Reverend and dear Father:

You are authorized to act as Delegate of the Ordinary in this process, and therefore you may administer and receive the oaths and act as notary in these acts according to the norms of canon law. Please observe the following:

1. Warn the petitioner and witnesses of the solemnity of the oath;
2. Have the petitioner and witnesses affix their signatures in your presence;
3. Witness the document with your own signature, noting the day, month, year, place, and affix the seal of the parish.

PETITION FOR DECLARATION OF NULLITY OF MARRIAGE
DUE TO LACK OF FORM [Return this page to Tribunal] (1)

p# _____ (for Chancery use)

Most Reverend Archbishop:

I, _____ (a baptized Catholic
 a former Catholic
 a baptized non-Catholic
 a non-baptized person

NOT OBSERVING THE CANONICAL FORM OF MARRIAGE AND HAVING
OBTAINED A CIVIL LICENSE IN THE CITY OF (OR COUNTY OF)

_____ IN THE STATE OF _____, ATTEMPTED
MARRIAGE WITH:

_____ (a baptized Catholic
 a former Catholic
 a baptized non-Catholic
 a non-baptized person

ON THE _____ DAY OF _____, 19____, IN THE CITY OF

_____, STATE OF _____ BEFORE (NAME)

_____ (check one) (civil official) (non-Catholic minister).

I HAVE OBTAINED A CIVIL DIVORCE IN THE COUNTY OF

_____, IN THE STATE OF _____

ON THE _____ DAY OF _____ 19____, ON THE GROUNDS

_____.

PETITIONER

PRIEST SEAL

Place: _____ Date: _____

**AFFIDAVITS FOR DECLARATION OF NULLITY
OF MARRIAGE DUE TO THE FAILURE TO OBSERVE
THE CANONICAL FORM [Return this page to Tribunal] (2)**

P# _____ (for chancery use)

SWORN STATEMENT OF PETITIONER:

I, _____, a baptized catholic (non-catholic) (non-baptized person) declare before God and the church that 1). I have not received a dispensation from the bishop to enter a marriage before a non-catholic minister of religion (or civil official), and 2). I have not validated this marriage before a catholic priest. I affirm and swear that the foregoing is the truth, so help me God.

Petitioner

Date _____

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SWORN STATEMENT OF WITNESS:

I, _____, having knowledge of this marriage in question solemnly swear that to my knowledge, this marriage was never rectified or validated before a priest of the Catholic Church and two witnesses. I affirm and swear the foregoing is the truth, so help me God.

Witness Date _____

Witness

Relationship to Petitioner: _____

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SWORN STATEMENT OF WITNESS:

I, _____, having knowledge of this marriage in question solemnly swear that to my knowledge, this marriage was never rectified or validated before a priest of the Catholic Church and two witnesses. I affirm and swear he foregoing is the truth, so help me God.

Witness Date _____

Witness

Relationship to Petitioner _____

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I, the undersigned, a Catholic priest, declare that I have examined and am including all the documents together with this petition. I have witnessed the testimony given above by the petitioner and two witnesses.

Priest Place: _____ (SEAL)