



**TRIBUNAL
DIOCESE OF FARGO**

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**APPLICATION
LACK OF CANONICAL FORM CASE**

CANONS: 1108-1123

I. THE CASE

A Catholic, baptized or having been received into the Catholic Church, and not having left it by means of a formal act (between November 27, 1983 and December 1, 2010) married outside the Catholic Church. A dispensation from Canonical Form was **not** granted and the union was not convalidated or sanated. The Tribunal has been given the responsibility of investigating the assertions and declaring the freedom of the parties to marry within the Catholic Church.¹

II. REQUIRED DOCUMENTS

The parish priest submitting this case must provide to the Tribunal the following documents:

1. Recent Baptismal Certificate of the Catholic Party
2. Marriage License or Certificate of Marriage
3. Divorce Decree²

III. REQUIRED INFORMATION (please type or print clearly)

1. Present legal name of Petitioner³ _____
Maiden Name _____
Religion⁴ _____
Address _____
City, State, Zip _____ Phone Number _____
2. Present legal name of Respondent⁵ _____
Maiden Name _____
Religion _____
Address _____
City, State, Zip _____ Phone Number _____
3. Catholic party's baptism or reception into the Church:
Church _____
Place _____
Date _____
4. Attempted Marriage
Place _____
Date _____
Name of Minister or Judge _____
5. Was this attempted marriage ever validated or blessed by a Catholic Priest or Deacon? _____
If the answer to this question is Yes, you are not eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.
6. Was this attempted marriage ever brought to the attention of the Church for a possible sanation?⁶ _____
If the answer to this question is Yes, you may not be eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.

7. Final Divorce Decree

Date _____
Place _____

8. Was a dispensation from Canonical Form obtained?⁷ _____

If the answer to this question is Yes, you are not eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.

9. Did the Catholic party formally defect from the Catholic Church between November 27, 1983 and December 1, 2010?⁸ _____

If Yes, was this before the attempted marriage? _____

If yes, to which ecclesiastical authority did the Catholic party submit the declaration of his/her intent to formally defect? _____

10. Is the petitioner fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions?⁹ _____ If no, please explain:

11. Is the other party fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions?¹⁰ _____ If no, please explain:

12. Why was the decision made not to have this marriage take place within the Catholic Church?

I solemnly swear and affirm that, to the best of my knowledge, the above answers are true especially that my attempted marriage was never convalidated or “blessed” by a Catholic Priest or Deacon.

Date

Petitioner

CHURCH SEAL

Parish priest or delegate

Please return this form and required documents to the Tribunal.

Do not set a date for the marriage until you are notified that this marriage has been declared null by a Decree of Lack of Canonical Form.

There may be some period of time as we will attempt to contact the Respondent. As the Tribunal is a Mandated Reporter by North Dakota State child abuse reporting laws, in some limited circumstances testimony may be reported to civil authorities.

INSTRUCTIONS FOR THE PARISH PRIEST SUBMITTING A LACK OF CANONICAL FORM PETITION

¹While all parties have a right to marriage (can. 1058), this is not an absolute or unrestricted right. The Ordinary has the right to forbid a marriage of his own subjects, though only for a time, for a grave reason and while that reason persists (can. 1077 §1). The Tribunal will use this form along with the recommendations of the parish priest to decide if the Ordinary should restrict the right to marry in this case. Possible reasons for restricting this right might include: the serious likelihood that a proposed marriage would be invalid, the marriage of person who is not fulfilling natural obligations toward another party or children, arising from a previous union, the well-grounded prospect of a turbulent and unhappy marriage, a real danger to the faith of the parties or their children, a physical or moral danger to the parties or to others. In submitting this petition the parish priest is to enclose any information that would suggest the need to restrict the right to marriage.

²This is to be a document that declares the marriage to have been civilly dissolved. It may be called the final judgment. The divorce decree will indicate that a divorce or dissolution has been granted, the date of the dissolution and the place. It will usually indicate the judge granting the dissolution.

³The Petitioner is the party requesting the declaration of nullity. The Respondent is the other party.

⁴If the Petitioner or Respondent was baptized in another religion but has been formally received into the Catholic Church, please indicate that.

⁵We must have the address of the Respondent to notify him/her and verify that there is no disagreement over the essential facts of the case. It is also their canonical right to be notified about anything that may affect their canonical status within the Church. If he/she cannot be located please fill out the form entitled "Unable to Locate Respondent."

⁶A radical sanation is an administrative procedure by which the bishop convalidates a marriage without the parties having to renew their consent. The convalidation is understood to be retroactive to the time the marriage was celebrated. If a sanation was granted by a bishop, then the marriage is presumed to be valid and a Formal case will need to be introduced.

⁷A dispensation from Canonical Form is a permission from the Bishop or his delegate to be married in a non-Catholic setting.

⁸If a Catholic formally defected from the Catholic Church between November 27, 1983 and December 1, 2010, he or she is not bound by Canonical Form. The person had to intentionally commit an act of heresy, schism or apostasy AND must have submitted in written form to the Ordinary or proper pastor that they intend to abandon the Catholic Faith. It is very rare that a person actually formally defected from the Catholic Faith.

⁹Canon 1071 §1 3° requires the permission of the local Ordinary before anyone is allowed to witness the marriage of a person bound by natural obligations towards another party or children arising from a previous union. In the Fargo diocese the Bishop has given permission to pastors and parochial vicars to witness marriage of those thus bound, where there is proof that the obligations are being fulfilled.

The focus of this canon is primarily concerned with the children. However there may be situations where there are special obligations owed to a former spouse. The first question the parish priest should ask of the petitioner is whether he or she is fulfilling the legal obligations imposed by the civil courts. Is the petitioner doing his or her part to see to it that the physical, emotional, religious and developmental needs of the children are being met? An administrative prohibition delaying the marriage may be imposed if it appears appropriate.

¹⁰The same requirement for the fulfillment of natural obligations belongs to the other party of the marriage as well as the Petitioner. Since the Declaration of Nullity frees the other party from this marriage as an impediment to future marriage within the Catholic Church, it is important to investigate the respondent's fulfillment as well.