



# DIOCESE OF VICTORIA

## TRIBUNAL OFFICE

Post Office Box 4070 • Victoria, Texas 77903 • (361) 573-0760

### PETITION for a DECLARATION of NULLITY Due to LACK of CANONICAL FORM (Canon 1117)

This petition is used in those cases where a Catholic entered into a marriage ceremony without fulfilling the requirement of canonical form (*Canon 1108: marrying before a Catholic priest or deacon and two witnesses*) and that marriage ended in divorce.

→ If a person has more than one lack of form failed marriage, use a separate petition for each lack of form failed marriage.  
→ REQUIRED DOCUMENTS to be submitted with this petition:

- A recent Baptismal or Profession of Faith (POF) Certificate (issued within the last 6 months, with any sacramental notations listed on the back) for the Catholic at the marriage ceremony. If both were Catholic, only one certificate is necessary. It is the Petitioner's responsibility to obtain the certificate.
- A copy of the marriage license showing the name and title of the officiant.
- A copy of the civil divorce decree with the signature of the judge and date signed.
- A death certificate(s) and/or any other affirmative nullity decree(s) if applicable.

→ If you have any questions, call (361) 573-0760.

**PETITIONER INFORMATION:**  Mr.  Mrs.  Ms.  Dr.  Other \_\_\_\_\_  Male  Female

Full First Name: \_\_\_\_\_ Phone Numbers: Home: ( ) \_\_\_\_\_

Full Middle Name: \_\_\_\_\_ Work: ( ) \_\_\_\_\_

Present Last Name: \_\_\_\_\_ Cellular: ( ) \_\_\_\_\_

Suffix (Sr., Jr.): \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(Month, Day, Year)

If female, Maiden Name: \_\_\_\_\_ Date of Catholic Baptism/POF: \_\_\_\_\_  
(Month, Day, Year)

Address: \_\_\_\_\_ Name of Church: \_\_\_\_\_

Apartment/Unit #: \_\_\_\_\_ Church Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**RESPONDENT INFORMATION (Former Spouse):**  Mr.  Mrs.  Ms.  Dr.  Other \_\_\_\_\_  Male  Female  
Was your former spouse Catholic at the time of the marriage ceremony?  Yes  No  Uncertain

Full First Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(Month, Day, Year)

Full Middle Name: \_\_\_\_\_ Date of Catholic Baptism/POF: \_\_\_\_\_  
(Month, Day, Year)

Present Last Name: \_\_\_\_\_ Name of Church: \_\_\_\_\_

Suffix (Sr., Jr.): \_\_\_\_\_ Church Address: \_\_\_\_\_

If female, Maiden Name: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**MARRIAGE CEREMONY:**

Officiant’s Name: \_\_\_\_\_ Date of Marriage Ceremony: \_\_\_\_\_  
(Month, Day, Year)

Officiant’s title:  Christian minister  Non-Christian minister (rabbi, etc.)  Civil Magistrate (Justice of the Peace)  
 None-common law  Other: \_\_\_\_\_

Name of Church or Place of Marriage Ceremony: \_\_\_\_\_  
City/State: \_\_\_\_\_

Was there marriage preparation in the Catholic Church before your marriage ceremony that occurred outside the Catholic Church?  Yes  No If yes, list the following:

Name of Catholic parish/institution: \_\_\_\_\_  
City/State: \_\_\_\_\_

**NOTE to Case Sponsor:** If there is any possibility that there was a dispensation from canonical form, contact the Tribunal.

**CIVIL DIVORCE:**

Date of Divorce: \_\_\_\_\_ County/State: \_\_\_\_\_ Decree Number: \_\_\_\_\_  
Month, Day, Year (Date of the judge’s signature)

**QUESTIONS to be asked of the Petitioner:**

- 1) Were both you and your former spouse non-Catholics at the time of your marriage ceremony?  
 Yes  No
- 2) Did you and your former spouse subsequently recite your marital vows before a Catholic priest/deacon?  
(convalidation—c. 1160)  
 Yes  No
- 3) Did you and your former spouse recite your marital vows before an Eastern Rite Catholic priest or Orthodox priest?  
(c. 1127, § I)  
 Yes  No
- 4) A radical sanation (sanatio in radice) is a favor granted by a Catholic bishop to make an invalid marriage of a Catholic retroactively valid without a renewal of consent. (c. 1161)
- a) Is a radical sanation listed on the Catholic Baptismal or POF Certificate?  
 Yes  No
- b) Was a radical sanation ever requested from the Catholic Church?  
 Yes  No
- 5) If the marriage ceremony occurred after 1970, did you receive a dispensation from canonical form from a Catholic bishop allowing you to have a marriage ceremony officiated by someone other than a Catholic priest or deacon? (c. 1127, §2)  
 Yes  No
- 6) If the marriage ceremony occurred on or after November 27, 1983, did the Catholic “leave the Church by a formal act” prior to this marriage ceremony? (To leave the Church by a formal act: a Catholic, who rejects all or part of the Catholic faith, must notify *in writing* the proper Catholic bishop or pastor of his/her intention to leave the Church. Pontifical Council for Legislative Texts, March 13,2006—c. 1117)  
 Yes  No

→ If any answer to questions #1-6 is yes, this lack of form petition CANNOT be used. Contact the Tribunal.

7) Are you meeting your moral and civil responsibilities to your former spouse and any child/children? (c. 1071, §1,3°)  
 Yes  No If no, explain as follows: (If you need assistance about this issue, contact the Tribunal.)  
\_\_\_\_\_  
\_\_\_\_\_

8) Do you have any plans to marry at this time?  
 Yes  No

## Regarding any marriages of the Petitioner and the Intended or Current Spouse

Anyone who desires to be married in the Catholic Church, whether Catholic or non-Catholic (baptized or non-baptized), must have each and every marriage reviewed by the Catholic Church through some type of nullity process. This includes any marriage(s) of any kind [religious, convalidation, civil court (justice of the peace, etc.), common law, etc.] that ended in divorce or a civil annulment. The ONLY exceptions are if the former spouse is deceased OR the previous marriage has already been declared null by the Catholic Church. Without a death certificate(s) and/or an affirmative decision(s) for nullity, it is not possible to marry in the Catholic Church.

**PART A: Besides the marriage described in this petition, does the Petitioner have any other marriage(s) that also ended in divorce or death of the other spouse?**

Yes    No (If NO, continue to Part B.)

Number of times: Married: \_\_\_\_\_ Divorced: \_\_\_\_\_ Widowed: \_\_\_\_\_

List any other marriage(s) of any kind [religious, convalidation, civil court (justice of the peace, etc.), common law, etc.] that ended in divorce or death.      *[Submit a death certificate(s) and/or any other affirmative nullity decree(s).]*

Full Name of spouse(s)	Date/Name of Church/Place City/State of Marriage ceremony	Date of Divorce and/or Death of spouse (Indicate divorce or death)	Indicate how this marriage was/is being resolved? (Death; nullity; in process; etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**PART B: If the Petitioner is planning to marry, does the Intended or Current Spouse have any marriage(s) that ended in divorce or death of the other spouse?**

Yes    No (If NO, continue to Page 4.)

What is his/her name? \_\_\_\_\_  
Full First Name      Full Middle Name      Present Last Name      *If female, Maiden Name*

Date/Place of Birth: \_\_\_\_\_ Religion: \_\_\_\_\_  
*(Month, Day, Year)*      *(City/State)*

Number of times: Married: \_\_\_\_\_ Divorced: \_\_\_\_\_ Widowed: \_\_\_\_\_

List any marriage(s) of any kind [religious, convalidation, civil court (justice of the peace, etc.), common law, etc.] that ended in divorce or death.      *[Submit a death certificate(s) and/or any other affirmative nullity decree(s).]*

Full Name of spouse(s)	Date/Name of Church/Place City/State of Marriage ceremony	Date of Divorce and/or Death of spouse (Indicate divorce or death)	Indicate how this marriage was/is being resolved? (Death; nullity; in process; etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I, the Petitioner, solemnly swear that the information given in this petition is the whole truth, so help me God.

\_\_\_\_\_  
Signature of the Petitioner

\_\_\_\_\_  
Signature of Case Sponsor

\*\*\*PARISH SEAL\*\*\*

\_\_\_\_\_  
Date signed

Case Sponsor:

\_\_Msgr. \_\_Rev. \_\_Deacon \_\_Mr. \_\_Mrs. \_\_Ms. \_\_Dr. Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip Code: \_\_\_\_\_

Phone Numbers: Home: ( ) \_\_\_\_\_ Work/Cellular: ( ) \_\_\_\_\_

Case Sponsor's Parish: \_\_\_\_\_ City/State: \_\_\_\_\_

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- A copy of the marriage license showing the name and title of the officiate.
- A copy of the civil divorce decree with the signature of the judge and date signed.
- A death certificate(s) and/or any other affirmative nullity decree(s) if applicable.

→ Mail this completed, four-page petition to:      Diocese of Victoria      Telephone: (361) 573-0760  
   Tribunal  
   P.O. Box 4070  
   Victoria, TX 77903