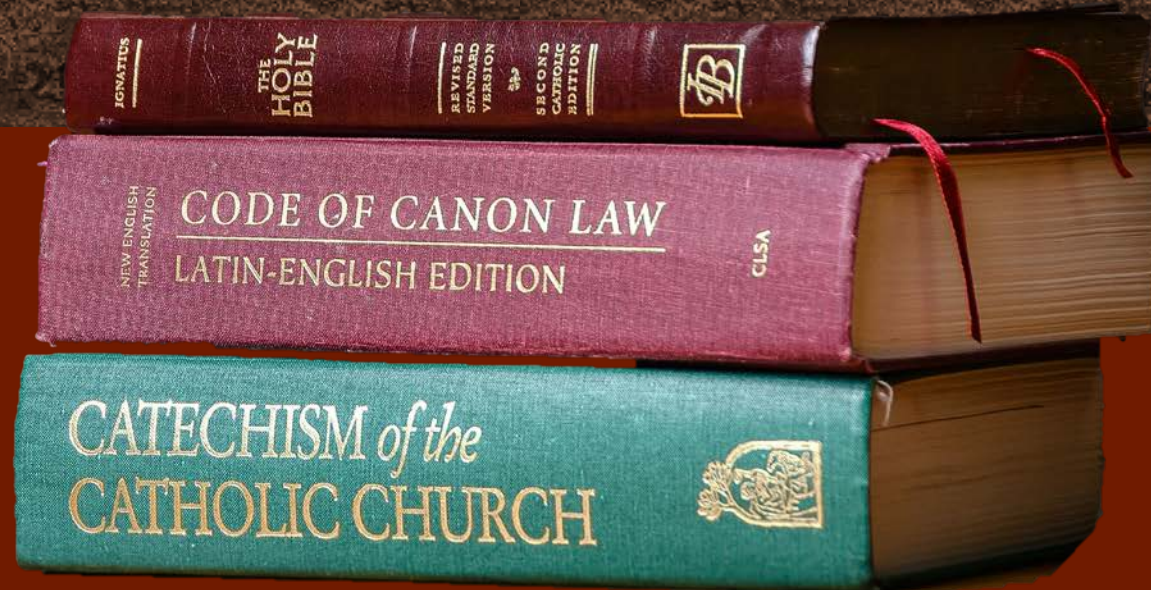




Continuing Education for Advocates and Priests



**METROPOLITAN TRIBUNAL AND OFFICE OF CANONICAL AFFAIRS
SEPTEMBER 2017**

Very Rev. Giovanni Capucci, JCD, JV, Mr. Carlos Venegas, JCL
Mr. Steven Hancock, JD, JCL, Mr. Anthony St. Louis-Sanchez, MA, JCL
Sister Francisca Igweilo, OP, JCL

OUTLINE FOR TODAY'S SESSION

I. State of the Tribunal

II. Review of Previous Continuing Education for Advocates

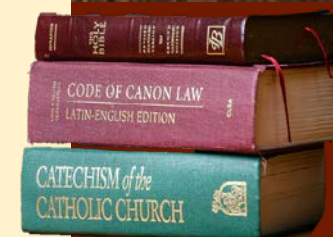
III. Force or Fear (Canon 1103)

IV. Libellus

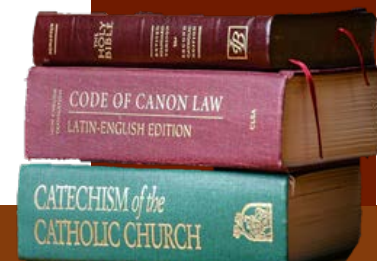
V. Lack of Form

VI. Abbreviated Process

VII. Q&A Based on your Questions



I. STATE OF THE TRIBUNAL



Metropolitan Tribunal & Office of Canonical Affairs

State & Activity

The Metropolitan Tribunal

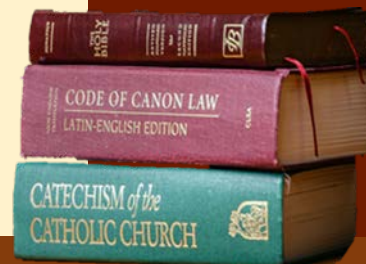
The Metropolitan Tribunal is the vicariate established by Canon Law as the judicial arm of the Archbishop's Government of the Archdiocese. As such, it is the court system of the Church and the canonical forum for the resolution of legal questions arising from the activity of the Church and of the Faithful.

The Metropolitan Tribunal houses the first Instance Court of Denver, as well as the appeals court for the province, which includes the dioceses of Cheyenne, Pueblo and Colorado Springs. By delegation, the tribunal also handles all matters of permissions and dispensations pertaining to marriage.

Office of Canonical Affairs

The Office of Canonical Affairs advises the archbishop, his staff and clergy on all other matters pertaining to Canon Law, including but not limited to clergy issues, sacramental law, temporal goods, and penal law.

The mission of the Metropolitan Tribunal and Office of Canonical Affairs of the Archdiocese of Denver is to safeguard the rights of individuals and the common good, to seek truth and justice in all judicial matters and to uphold the supreme law of the Church, the salvation of souls.



Metropolitan Tribunal & Office of Canonical Affairs

State & Activity

STAFF



NEW STAFF MEMBERS



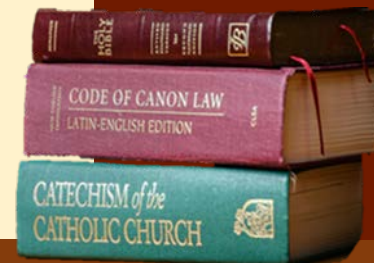
In-house
Transcriptionist

Case
Processor

Judge

We are currently staffed in-house with:

- 4 Judges
- 1 Defender
- 1 Promoter of Justice
- 2 Auditors
- 1 Moderator of the Tribunal
- 1 Case Processor
- 1 Receptionist/ Marriage Files
- 1 Secretary for JV
- 1 Transcriptionist & Summary Writer
- Several External Judges and Defenders



ACTIVITY OF THE TRIBUNAL '17



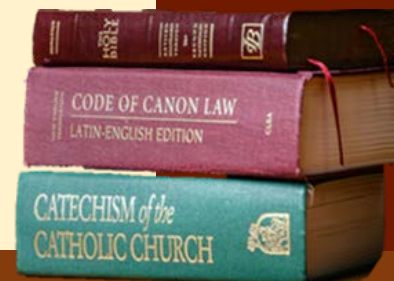
10K Interested Parties
Any Day/ Any Time

(Considering that there are two parties plus advocates and 3 or more witnesses in formal cases, two parties in the lack of form cases with an advocate, one party contacting us for Marriage files, dispensations and permissions, we are always in potential communication with ~ 10,000 people...)



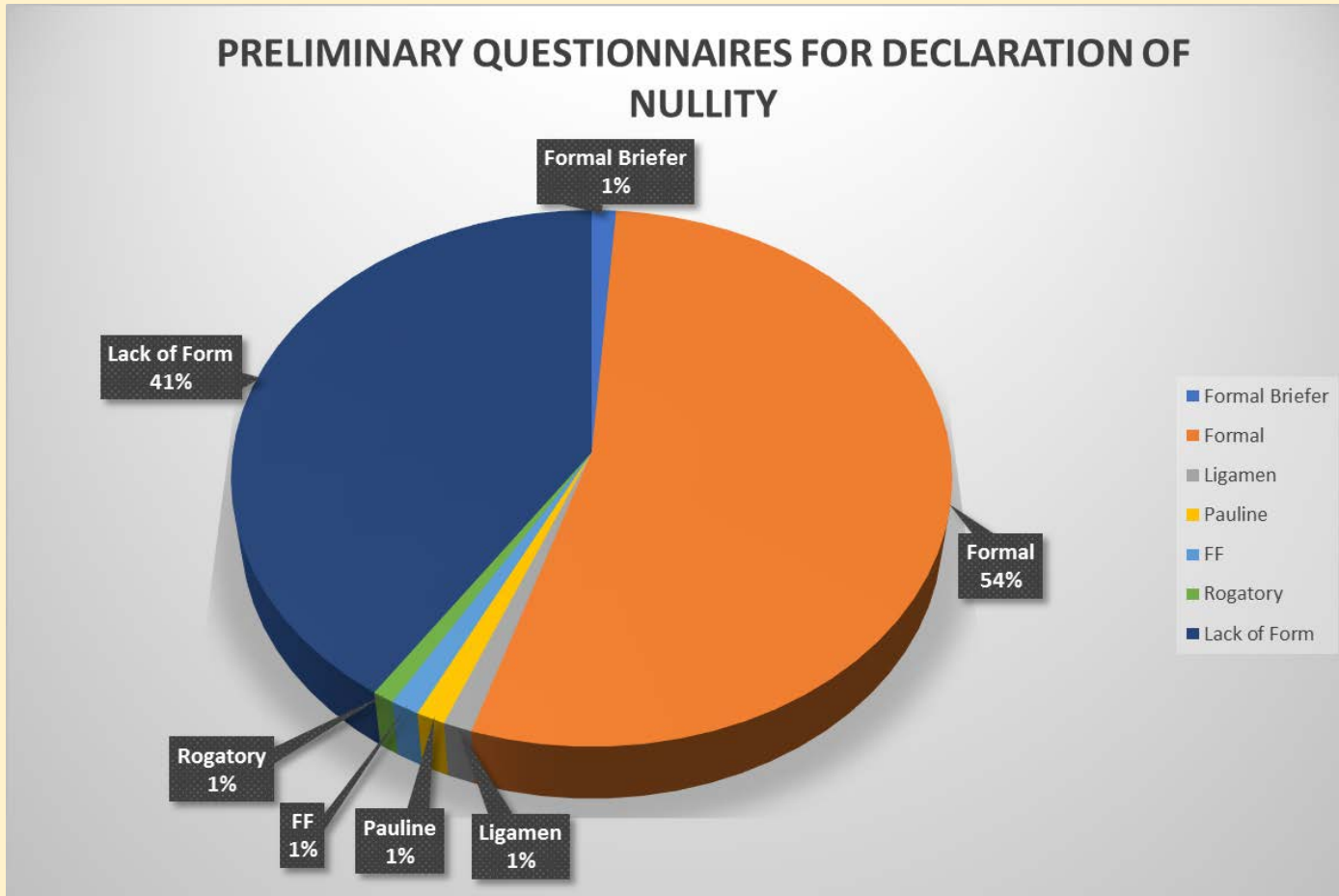
Tribunal receives 466% more calls than the average for all the other AOD departments

(Based on a report produced by the AOD on the number of phone calls received by the AOD Information Desk, the Tribunal receives 466% more than the average for all other departments, not counting the direct dial calls to our office.)



ACTIVITY OF THE TRIBUNAL '17

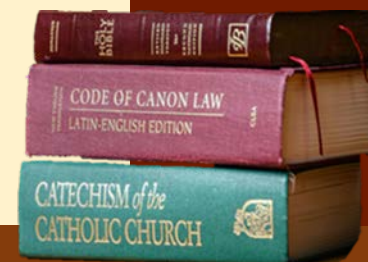
Preliminary Questionnaires for Declaration of Nullity



	From Jan – Sep '17	Year End Projection
New Formal Cases Accepted	160	222
Type of Case (PQ)	As of End of Sep	Year End Projection
Formal Briefer	4	6
Formal	180	250
Ligamen	4	7
Pauline	4	7
FF	4	7
Rogatory	3	5
Lack of Form	136	189
Total	335	471

Marriage Cases	From Jan – July '17	Year End Projection
Marriage files (Nihil Obstat & Visums)	327	453
Permissions and Dispensation	342	474

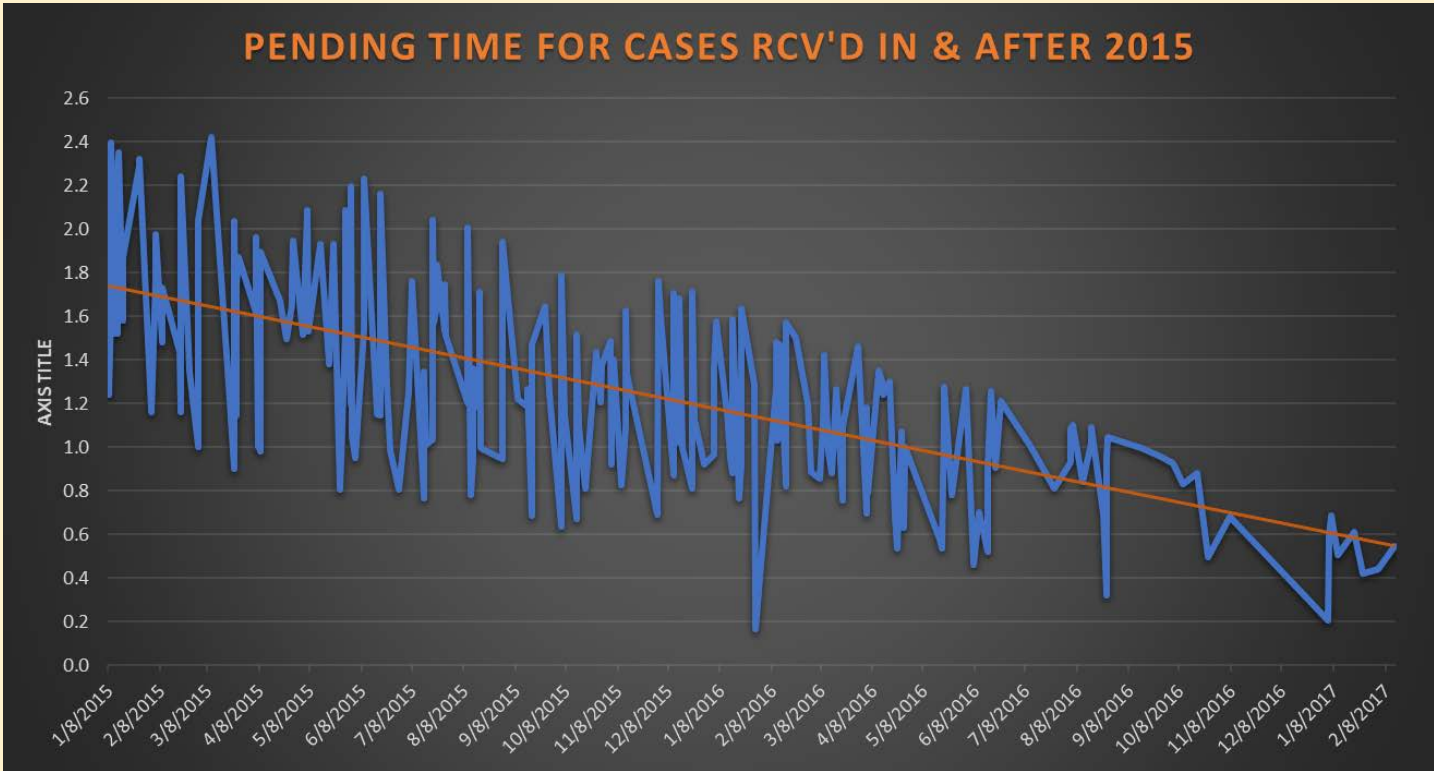
To Date we have protoled 1071 Tribunal Service Requests



ACTIVITY OF THE TRIBUNAL '17

Average time for Formal Cases accepted in and after 2015 is 1 year and 3 months

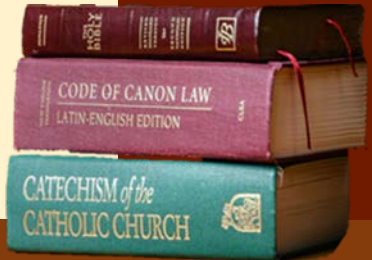
PENDING TIME FOR CASES RCV'D IN & AFTER 2015



	Cases Closed as of End of Sep '17	Year End Projection
Abated	5	7
Death	2	3
Affirm	162	224
Negative	8	11
Total	177	245

RESTRICTIONS	Petitioner	Respondent
Monitum	30%	39%
Vetitum	4%	27%
None	66%	34%

78 CASES ADJUDICATED UNDER 1 YEAR



Tribunal

The salvation of souls is the supreme law.



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Tribunal Case Status Search

This system will provide an updated case status for ACTIVE cases of the Denver Metropolitan Tribunal. If your case number is not found, it may not be a case in the "ORDINARY PROCESS", or a final decision may already have been reached. Please contact the Metropolitan Tribunal for the status if your Protocol Number is not found. Please note: do **NOT use the hyphen** in the case number. If your Protocol number is 2017-0021, you should enter 20170021. **Note: The Tribunal considers the time pending for the case starting on the date that the case is accepted and the parties are cited. That is when the process initiated at the Tribunal.**

This Case Status is updated weekly. (last update 9-19-17)

<https://archden.org/tribunal-case-lookup/>

CTRL-CLICK TO FOLLOW LINK

Online Courses and Workshops

Online Course

Class Notes

Helpful Books

CE for ADVOCATES & PRIESTS WORKSHOP '16 - Video

CE for ADVOCATES & PRIESTS WORKSHOP '16 - Slides

Mitis Iudex & Abbreviated Process Workshop

Mitis Iudex & Abbreviated Process Workshop (Slides)

ADVOCATE RESOURCES

Determine Case Type

Templates & Questionnaire

The Abbreviated Process

Resources

Marriage Forms

Forms for Declaration of Nullity

General Information

Brochure - Guide for Petitioners

Grounds of Nullity

Petitioner's Formal Questionnaire

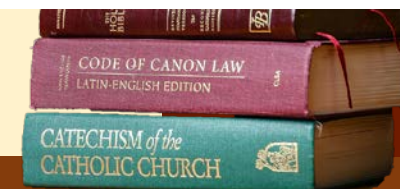
Advocate Page

Tribunal Quarterly Newsletters

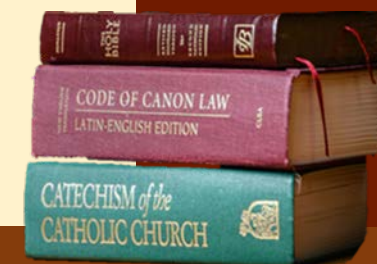
Newsletters

Judicial Expenses

Payment Schedule



II. REVIEW OF PREVIOUS CONTINUE EDUCATION FOR ADVOCATES SESSION



Review of Grounds - IDENTIFYING GROUNDS

Are we dealing with a Juridical Incapacity or another defect of consent?"

JURIDICAL INCAPACITY

Can. 1095 The following are incapable of contracting marriage:

§ 1 those who lack the sufficient use of reason;

§ 2 those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;

§ 3 those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

OTHER DEFECTS OF CONSENT

Simulations (1101)

Total Simulation

CBF, CBC, CBP

Contra Bonum Sacramenti

Contra Bonum Sacramentalitatis

Errors (1097, 1098, 1099)

1097

- § 1 Error of Person
- § 2 Error of Quality

1098 Imposed Error

1099 Determining Error

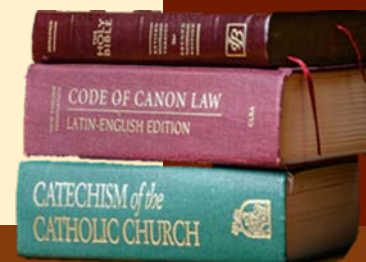
Conditioned Consent (1102)

§ 1 Future Condition

§ 2 Past/Present Condition

Force or Fear (1103)

Ignorance (1096)



Review of Grounds - IDENTIFYING GROUNDS

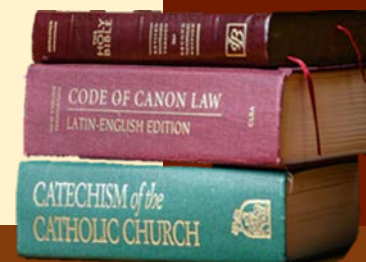
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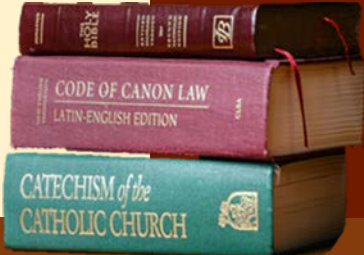
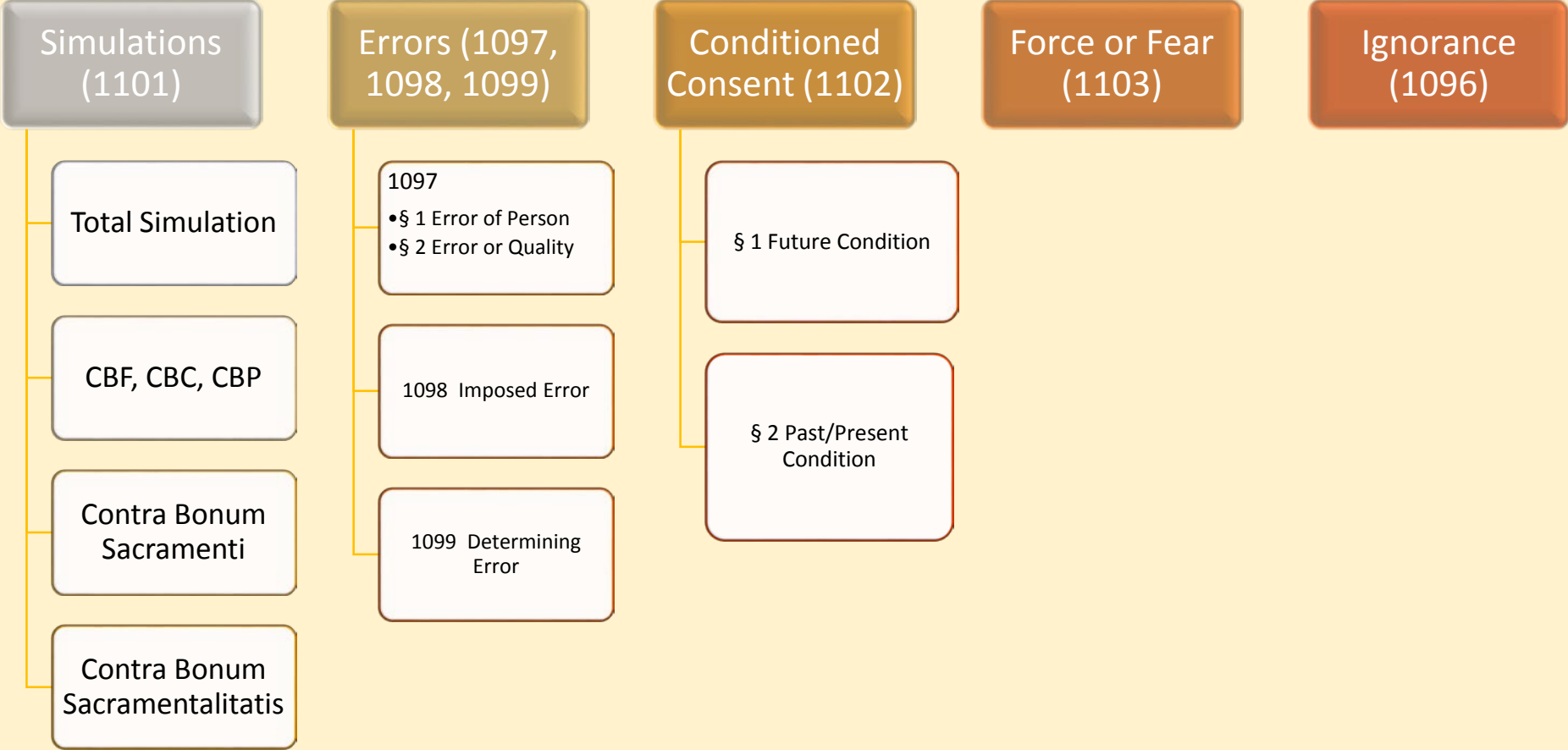
§ 2 those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;

§ 3 those who are not able to assume the essential obligations of marriage for causes of a psychic nature.



Review of Grounds - IDENTIFYING GROUNDS

OTHER DEFECTS OF CONSENT



CONSENT: A HUMAN ACT

- Remember: It's All about CONSENT

- a) Consent makes marriage, as canon 1057 states: "The consent of the parties, legitimately manifested between persons qualified by law, makes marriage; **no human power can supply this consent.**"
- b) This consent is a human act which requires the action of both the intellect and the will. This essential interplay between the cognitive, evaluative and volitive functions form the essential axis for the commission of a truly human act. One cannot will what one does not understand and one cannot evaluate what one does not know.

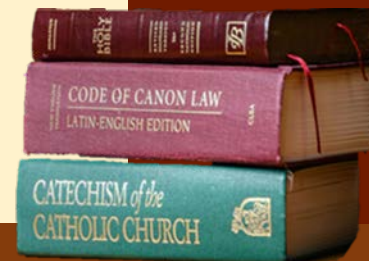
N. and N., have you come here to enter into Marriage freely and wholeheartedly?



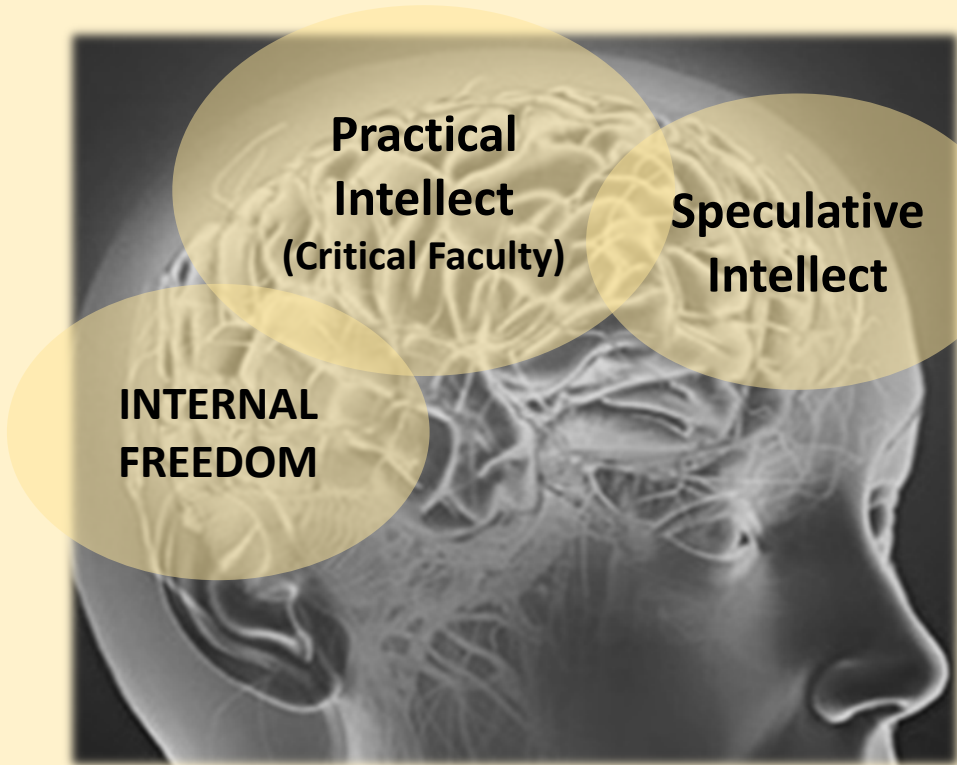
"I, __, take you, __, for my lawful wife/husband, to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish until death do us part

Are you prepared, as you follow the path of Marriage, to love and honor each other for as long as you both shall live?

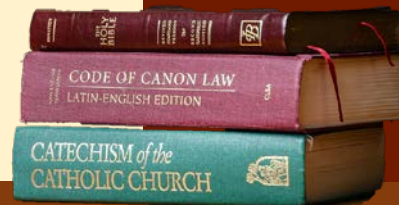
Are you prepared to accept children lovingly from God and to bring them up according to the law of Christ and his Church?



CONSENT: THE HARMONIOUS ORDER



- **Speculative Intellect:** Marriage considered as an abstract concept.
- **Practical Intellect:** Marriage considered as something to do.
Involves the “critical faculty”
 - Evaluating
 - Considering
 - Judging
 - Choosing
- **Internal & External Freedom**
 - Freedom from impulses
 - Capacity for self-determination
 - Freedom from Force & Fear



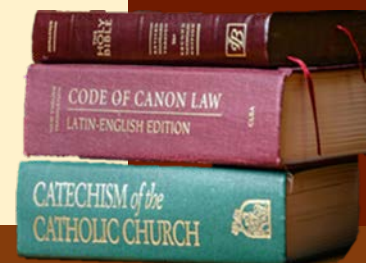
LACK OF INTERNAL FREEDOM (Pertains to 1095)

- Due discretion of judgment requires two things: **critical evaluation** and **internal freedom**.
- Freedom can be compromised either from an **external source** (*ab extrinseco*) or from an **internal source** (*ab intrinseco*). If freedom is compromised from an extrinsic source, *then the proper canon is force or fear, c. 1103*. However, if the loss of freedom is due to pressure from family and friends, and/or immaturity, and/or an Juridical Incapacity to deal with stressful situations, etc., then the proper chapter of nullity is canon 1095, 2°

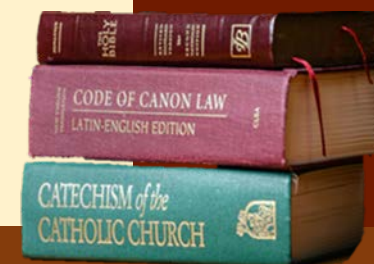
Internal Freedom and Psychic Anomalies

- Severe disorders and psychic disturbances render one incapable of marriage because the integrity and proper functioning of the **critical faculty is damaged**.
- Less severe disorders do not completely destroy the critical faculty, but they may compromise the person's internal freedom.
- Such anomalies, **"Deprive the victim of the internal freedom and clarity of thought which are indispensable for making weighed decisions concerning important matters affecting one's life (such as marriage)."** ⁴

⁴Mendonca, A. & Morris, P.S., "Pathological Gambling and Marital Consent," in Canon Law Society of Great Britain & Ireland Newsletter, 143 (2005), p. 34.



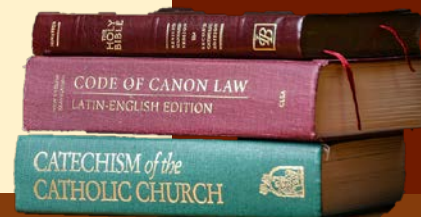
III. FORCE or GRAVE FEAR – Canon 1103



FORCE OR FEAR: DIMINISHED FREEDOM

Canon 1103: “A marriage is invalid if entered into because of **force or grave fear** from **without**, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.”

The problem is a lack of freedom of choice. We read in one decision from the Rota: “the reason for the nullity of a marriage entered because of grave fear is based not so much on the reparation of grave injury, but on the lack of sufficient freedom of choice” (Coram Boccafola, 21 February 1991, n. 5).



FORCE vs FEAR

Canon 1103 implies a distinction between “force” and “fear”. Although this distinction is logical, the practical usefulness of the **canon pertains to fear or coercion to enter into marriage**.

Force = Exterior pressure from a greater thing that cannot be resisted (i.e., physical/ablative force). An example of forced consent would be when a party is induced by hypnotism or some chemically induced state to give matrimonial consent.

Fear = A trepidation of the mind caused by an immediate or future danger or evil (i.e., coercion). An example of coercion through fear is when consent is induced from the threat of violence.



REVERENTIAL vs COMMON FEAR

The jurisprudence of the Roman Rota has identified three types of fear which can invalidate matrimonial consent. Invalidating fear can be (1) Common, (2) Reverential or (3) **Mixed**.

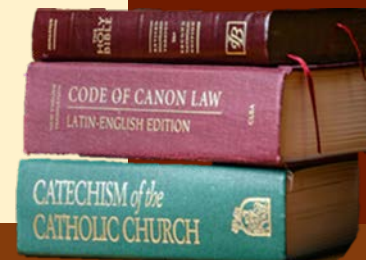
Common fear is that which arises from a threat of violence.

Reverential fear is that which arises from the threat of indignation from those whom one owes obedience and reverence. Reverential fear requires:

- Fear of a parent or superior (respected person).
- The source of fear is the parent's or superior's indignation.
- The indignation must be foreseen to be grave and long lasting.

It can be difficult to distinguish reverential fear from parental help in making a decision. We read in one decision: "But it has to be noted that pleas or persuasions are inappropriate, if they do not allow space or quiet and are so insistent that they have the effect of oppression and vexation or extortion" (Coram Boccafola, 21 February 1991, n. 7).

(Examples: Girl is pregnant and marries out of reverential fear although she has an aversion to the groom)



THE GRAVITY OF FEAR

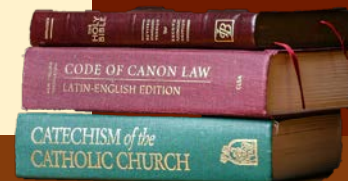
There are several factors to consider when evaluating the gravity of fear.

The fear must be based on an objective fact for it to be grave. **Fear which is based on the imagination alone does not constitute grave fear.**

The gravity of fear must be evaluated both in terms of its **objectivity and subjectivity**.

- Objectively, the gravity of the fear depends on the nature and quality of the evil threatened.
- Subjectively, the gravity of the fear depends on character of the one threatened. The gravity of the fear “must be derived from the sum of the objective and subjective elements” (Coram Boccafola, 21 February 1991, n. 6).

Also, the character of the one making the threat must be evaluated. **The fear is grave if the one making the threat is capable of executing the threat. Also, there must be certainty or probability that the threats will be fulfilled.**



FEAR FROM WITHOUT

There must be a subjectively perceived threat of evil **from some external source**.

If the fear originates only from within the person, then this should be considered under **canon 1095**.

The external source must be free, i.e., **it proceeds from a human being**. Fear of a natural disaster or an illness does not qualify as fear under canon 1103.



Fear Must Cause the Marriage

Ex metu = from fear

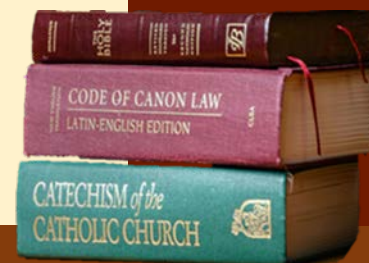
Cum metu = with fear

Aversion is the best indicator of *ex metu* consent. A proven aversion to marriage suggests that the marriage was motivated from fear. However, "the presumption which arises from aversion does not lead to certitude unless the contractant is proved to have consented to marriage unwillingly because of grave extrinsic coercion" (Coram De Angelis, 5 November 2003, n. 6).

Fear invalidates matrimonial consent when **it leaves the person with only one viable solution**: marriage. If there is some other option available other than marriage, then the consent was *cum metu*.

"Fear is the efficient cause of the matrimonial contract only if it has the force of the motivating, principle and dominant cause in the choice of marriage, and it is perceived to be the only possibility of escaping the threats" (Coram Boccafola, 21 February 1991, n. 6).

...prejudice, preference, proclivity:
fear n. 1 °dread, °terror,
°alarm, trepidation, apprehension,
hesitation, trepidation, and

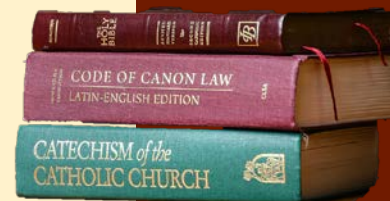


PROVING INVALIDITY BECAUSE OF FEAR

“According to the established jurisprudence of this Apostolic Tribunal, the elements of proof of the nullity of marriage on the ground of fear seem to be the following:

- a) The credibility of the petitioner;
- b) The contractant’s aversion to his/her spouse or to contract marriage with that spouse;
- c) The deposition of the victim of fear;
- d) The deposition of the person inflicting the fear and his/her character;
- e) The deposition of witnesses who had the knowledge of the consent given under fear;
- f) The circumstances which render credible the consent given under fear” (Coram De Angelis, 5 November 2003, n. 8).

There are two basic arguments in a force and fear case: the direct argument (proving coercion) and the indirect argument (proving aversion).

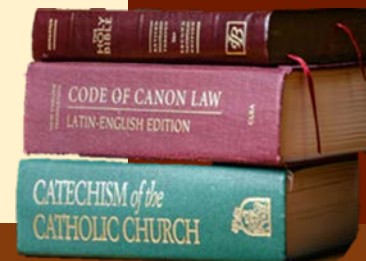


WHAT IS NOT ENOUGH TO PROVE FORCE & FEAR

- Slight fear of people in the town thinking bad about the person.
 - A young girl fears that if people know about the pregnancy they will judge her.
 - Two persons who are in love and want to marry get pregnant. They decided to get married before having the baby.
 - I want to do the "right thing."
-

FEAR MUST BE: 1) grave, 2) from an external source, 3) and cause the marriage

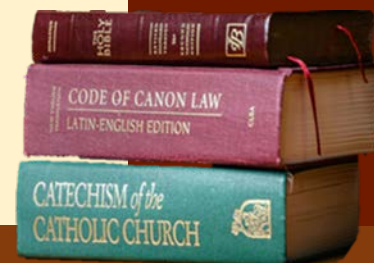
- A young woman is pregnant - she does not want to marry the child's father, but her parents have threatened that if she does not they will cut her off financially and never speak to her again. She has no income other than her parents' financial support, and her parents' love and approval mean everything to her. She is afraid to lose them and afraid of ending up on the streets with a baby, and so she chooses to marry because it is the only possible alternative to avoid her parent's rejection and poverty.
- A young girl has a boyfriend, but it was not a serious relationship. One day the girl had a fight with her mother and as a consequence her mother threw her out of the home. The girl went to stay with this boyfriend temporarily and soon she became pregnant. When she told her parents that she was pregnant, her parents had the police arrest and detain the young man until he accepted to marry their daughter. Subsequently the young man accepted to marry the girl and the wedding followed.
- Aversion to the act of marriage to the intended spouse.
- State of surrender; feels imprisoned.



IV. *LIBELLUS*



Although, at times, the Tribunal may propose Grounds that are different from what the advocate proposed in the *Libellus* , this does not imply that the initial grounds were wrong, but that they may not fit the existing facts or there may exist stronger evidence for different grounds.



DRAFTING THE *LIBELLUS*

The necessary elements of a *Libellus* and their purpose:

Initiating the Cause

- The parties must have standing to ask the tribunal to adjudicate the controversy; (only the parties and the Promoter of Justice have standing)

Competence

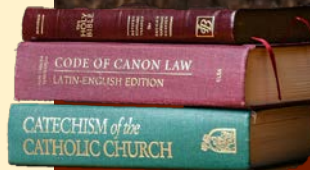
- The Tribunal must have both jurisdiction and competence to adjudicate the controversy;

Grounds (*Fumus*)

- There must be a law that applies to the facts of the controversy; and

Proofs

- The part(y/ies) must provide the facts necessary for the Tribunal to evaluate the facts in light of the law and come to a decision resolving the controversy at issue.



ELEMENTS OF A LIBELLUS

The Facts section concerns the issues of Standing, Jurisdiction and Competence. Accordingly, the section should contain the identity of the parties, their dates of birth, address/domicile, baptismal status, religious affiliation, date and location of the marriage at issue, identify prior marriages or subsequent attempted marriages, and salient facts from the backgrounds of each party and of their life together.

The In Facto section should briefly include argument applying salient facts to the law in support of the alleged grounds of nullity. In this section, the Petitioner should also identify necessary proofs to demonstrate the alleged cause of nullity, which are not presented with the Libellus, but which the Petitioner agrees to provide to the tribunal as requested throughout the pendency of the case.

The In Iure section should simply identify which canons of the Code of Canon Law the Petitioner and the Petitioner's Advocate believe provide the basis for the Petitioner's claim regarding the nullity of marriage, and the basis for the tribunal's jurisdiction

Finally, the "Wherefore" section, completes the Libellus by requesting judicial intervention and resolution of the cause of nullity of marriage and the legal basis therefore.



<https://archden.org/tribunal/advocate-page/advocate-resources/>

Denveriensis
Nullitatis Matrimonii
PET Maiden Name – RESP Maiden Name
LIBELLUS

I. THE FACTS

1. I, [Petitioner Name], a [baptismal status, religion ex. baptized Catholic], born [Date of Birth], domiciled in [City, State, Zip]; under the direction of my Advocate, [Advocate Name], declare the following before the Metropolitan Tribunal of the Archdiocese of Denver regarding my marriage with [Respondent Name], a [baptismal status, religion ex. baptized Catholic], born on [Date of Birth], and who is domiciled in [City, State, Zip].

In this Section include a short description about when and how they married, time of engagement and if they cohabitated or not and why. Note specific information important for proposed ground.

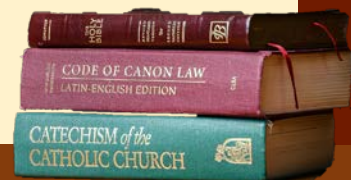
2. I entered canonical marriage [type of Marriage] with [Petitioner Name] at [Church/Place of Marriage] in [City, State, Zip], on [Date]. [EXAMPLE: We dated about one year and were engaged for about that long, during which time we cohabitated for about one year. This cohabitation was a deliberate and conscious decision so that I could get to know her and this supported my decision to marry].

In this Section include some brief information on family of origin on the PET and RESP, note differences between families. Note specific information important for proposed ground.

3.[EXAMPLE: I was raised in a family of four which included my parents and two siblings. Monica was raised in a family of four which included her parents and a sister. She was raised and schooled in France before the family moved to Southern California. There was some turmoil and dysfunction in the family history. The main difference between our families of origin is that marriage and fidelity is valued differently.

In this Section please include some brief information on how they met, their married life and problems leading to divorce. Note also some specific information important for proposed ground.

4. [EXAMPLE: We met when I was 24 and the Respondent was 26 while taking a business class together during graduate schooling. The relationship was interrupted after about eight months of dating, due to the matriarchal tendencies I noticed in her family but we continued after several months and I realized I was in love with her. Despite the warning signs of her matriarchal tendencies and her financial insolvency, I decided to proceed to marriage. We had a financial pre-nuptial agreement due to the Respondent's expressed desire for a "safety net" should the marriage fail. After we married, the problems centered on finances, anger, love and practice of religion. We entered into marital counseling to try to overcome these problems. I intended for this to be a lifelong union, but the Respondent expressed her opinion that a marriage should end should either party be unhappy. As regards fidelity, she ultimately changed from being a monogamous partner, to choosing another person to invest her time with, with complete disregard to morality. I abhor the destruction and infidelity she caused through the divorce. I have learned to forgive the person whom I loved more than any other, despite her expressed desire for a divorce at the end.]



<https://archden.org/tribunal/advocate-page/advocate-resources/>

II. IN IURE - In this Section include specific grounds applicable to this case; list attached.

5.The following canons are applicable to the present case:

[EXAMPLE:

- a) Canon 1056, which reminds us that one of the essential properties of marriage is indissolubility, without which it would not be a true marriage.
- b) Canon 1101, §2 affirms that the person who celebrates marriage having excluded with a positive act of the will the property of indissolubility does so invalidly.
- c) This Tribunal is competent in accord with c. 1673, §1, since this is the place where the marriage was celebrated.]

III. IN FACTO

In this Section offer a couple of points that support the ground.

6.Further, in accord with c. 1504, 2, I have agreed to present those elements of proof that will support my contention that this marriage is invalid, which includes witnesses as noted on the included witness list. [Example: I propose that the remote causa simulandi is found in the values she received in her family upbringing where marital indissolubility was not valued or taught; the proximate causa simulandi is found in the fact that she engaged in infidelity before and after the wedding; the causa contrahendi is found in her desire to maintain normal appearances, but her immoral behavior during the marriage and her unwillingness to change her behavior, I believe, speaks tomes. These facts, along with her premarital statement that divorce is acceptable, her insistence on a prenuptial agreement and her decision to divorce me despite my wishes, all indicate her exclusion of indissolubility at the time of the wedding].

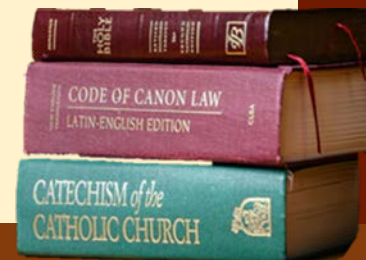
7. **[Only if applicable]** I also have documentary proof in the form of personal letters written by the Respondent before the marriage.

8. Also included is a signed mandate, which in accord with c. 1484 designates [Advocate Name], as my Advocate. All pertinent documentation is also included.

Wherefore I, [PET name], now turn to this Metropolitan Tribunal of the Archdiocese of Denver and asks that this marriage with [RESP name] be declared null and invalid due to [Example: the exclusion of the indissolubility of marriage, c. 1101, §2 [Ground], on the part of the Respondent.]

Fort Collins, Colorado [city, State]
14 April 2014 [Date]

[PET Name]

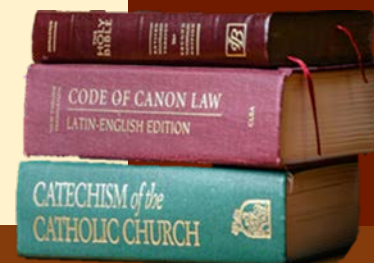


V. LACK OF CANONICAL FORM



A NATURAL INSTITUTION

Marriage in accordance with Natural Law was instituted by God when He created Eve as a companion to Adam. “It is not good for man to be alone; let us make him a help like unto himself” (Gen. 2:18). “Increase and multiply and fill the earth” (Gen. 1:28).



THE CANONICAL FORM *AD VALIDITATEM* FOR CATHOLICS

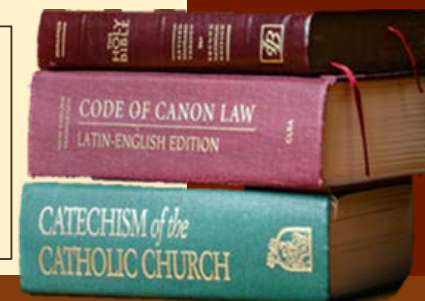


A valid Catholic marriage results from four elements:

- (1) the spouses are free to marry;
- (2) they freely exchange their consent;
- (3) in consenting to marry, they have the intention to marry for life, to be faithful to each other and be open to children; and
- (4) their consent is given in the **canonical form, i.e., in the presence of two witnesses and before a properly authorized church minister. Exceptions to the last requirement must be approved by church authority.**

The canonical form of marriage began to be required with the decree Tametsi issued by the Council of Trent on 11 November 1563. The decree Ne Temere of Pope Pius X in 1907 made the canonical form a requirement even where the decree of the Council of Trent had not been promulgated.

While allowing for exceptions, the canonical form of marriage, as laid down in canons 1055–1165 of the 1983 Code of Canon Law and canons 776-866 of the Code of Canons of the Eastern Churches, normally recognizes marriages of Catholics as valid only if contracted before the local bishop or parish priest or a priest or (in the Latin Church only) a deacon delegated by them and at least two witnesses. At earlier times, validity was not made dependent on fulfilment of this condition.



NATURAL MARRIAGE

This occurs when neither party is baptized or one party is baptized non-Catholic.



PRESUMED VALID – May be investigated as a FORMAL, Pauline or Favor of the Faith case.

LACK OF CANONICAL FORM or “LACK OF FORM”

This occurs when one of the parties is Catholic and hence bound by the law of the Church - fails to ensure that the proper Catholic form for the marriage existed or was dispensed by just authority.



NOT VALID in the eyes of the Catholic Church. Nullity can be declared via the documentary process. “Lack of Form”

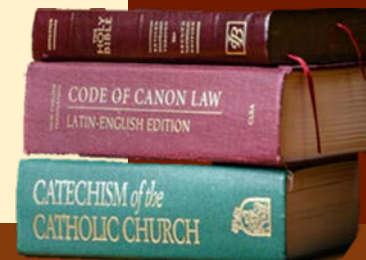
SACRAMENTAL MARRIAGE

This occurs when both parties are baptized. **Parties may be Catholic or non-Catholic.**



PRESUMED VALID – This may be investigated as a FORMAL case.

Lack of Form Process (2 weeks to approve)
A Requisite of the American Church



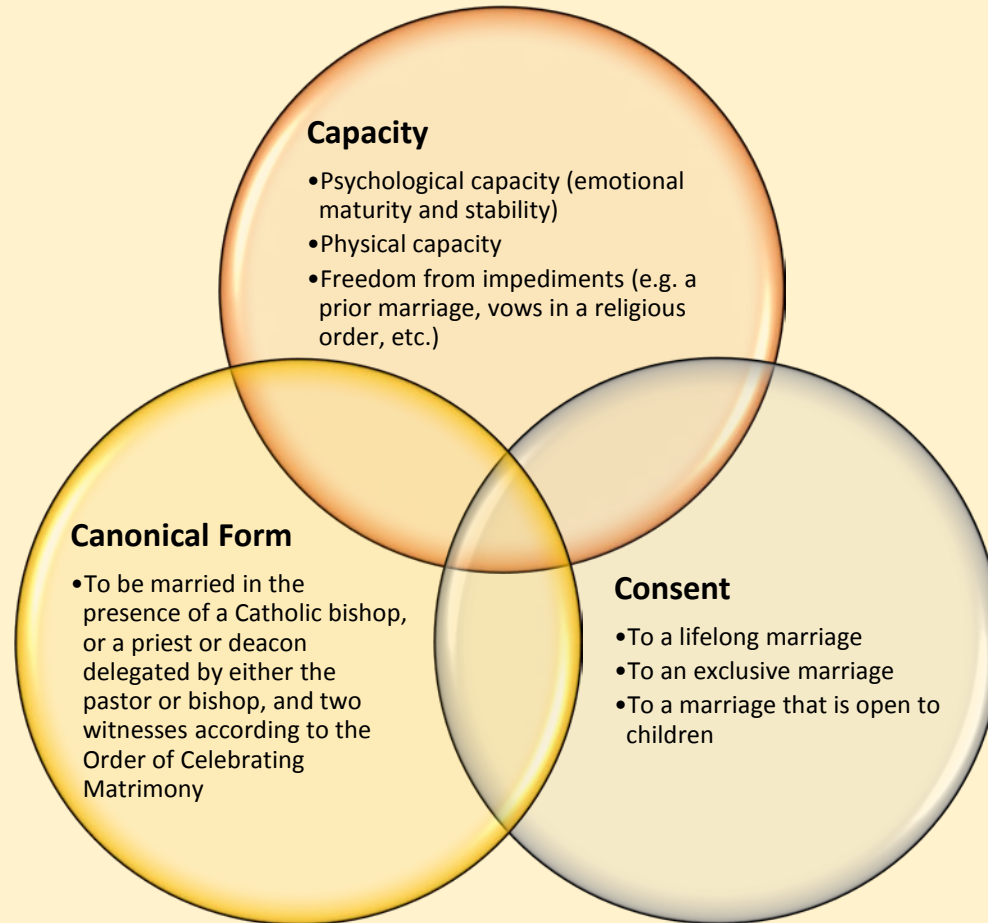
CONVALIDATION

Can. 1156 §1

Convalidation is not simply a “blessing” of an existing union. **It requires that a new, free act of consent be made.**

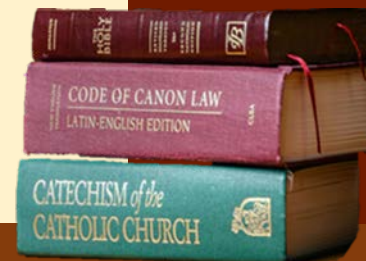
CONVALIDATION IS NEEDED WHEN THE CATHOLIC PARTY(IES) DID NOT FOLLOW CANONICAL FORM.

WHEN PARTIES THAT HAVE A PRESUMEDLY VALID MARRIAGE ENTER INTO THE CHURCH – THEN A CONVALIDATION IS NOT NEEDED.



“It is the presence of the Lord, who reveals Himself and the gift of His grace, that will render your marriage full and profoundly true.” – Pope Francis.

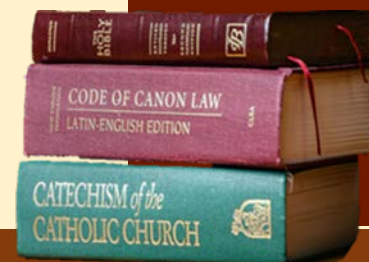
A CONVALIDATION IS A MARRIAGE AND MARRIAGE REQUIREMENTS OF THE AOD MUST BE FOLLOWED. Dispensations may be requested by the Priest or Deacon preparing the couple.



VI. PROCESSUS BREVIOR

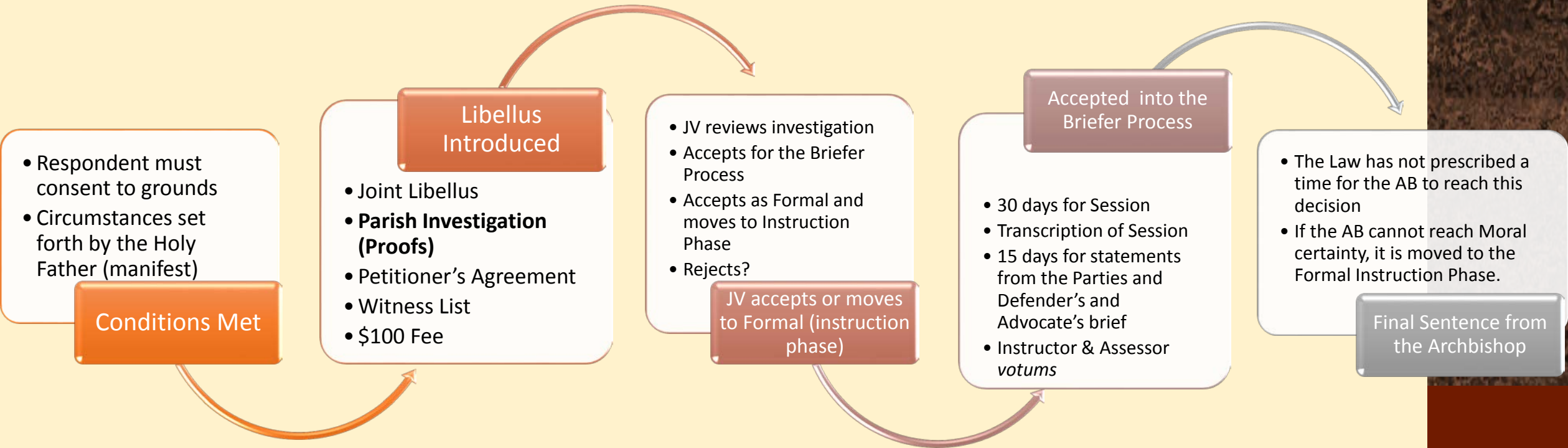
The Reform of the Declaration of Nullity Process

THE ABBREVIATED PROCESS



The Formal Briefer (Abbreviated) Process

Processus Brevior



Abbreviated Process

The following is the information and necessary paperwork to begin the process for the investigation for a declaration of nullity in accordance with Can. 1683 of the Code of Canon Law promulgated on the 15th of August 2015 by Pope Francis through the *Muto Proprio Mitis Iudex*.

Formal Briefer Matrimonial Process for Declaration of Nullity – Checklist

- Joint *Libellus*, or *Libellus* with Respondent's Signed Consent
- Mandate for Canonical Advocate
- Petitioner's Statement of Agreement
- List of Witnesses
- Proofs (Parish Investigation)
- Marriage Certificate
- Divorce Decree
- Baptismal Certificates of the Catholic Party(ies)
- Payment agreement

The Parish investigation

In the Briefer Process Can. 1684 States that "The *libellus* introducing the briefer process, in addition to those things enumerated in can. 1504, must:

- 1° set forth briefly, fully, and clearly the facts on which the petition is based;
- 2° indicate the proofs, which can be **immediately collected by the judge**;
- 3° exhibit the documents, in an attachment, upon which the petition is based."

Proofs can be in form of:

- Statements from Petitioner, and/or Respondent.
- Witnesses statements and or witness list
- Any other documentary proofs available.

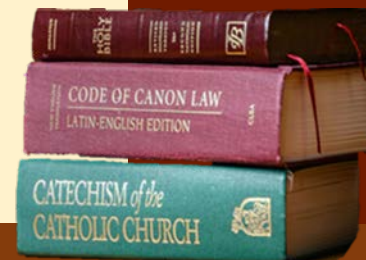
The Reform of the
Declaration of Nullity
Process

THE ABBREVIATED
PROCESS



Forms & Links

- [Joint Libellus](#)
- [Advocate Mandate](#)
- [Spanish Joint Libellus](#)
- [Respondent's Consent](#)
- [Petitioner's Statement of Agreement](#)
- [Payment Agreement](#)
- [Pet/Resp Questionnaire](#)
- [Witness List](#)
- [Witness Questionnaire](#)
- [Mitis Iudex Workshop Video](#)



VII. Q&A

Thank you for all the questions that you sent in.

Below are some questions that were not answered in the Presentation:

1. Feedback from Judges and processors about quality, effectiveness of *Libelli* & Advocate Briefs?
2. I would like to know if 100 questions are required of both parties going through the abbreviated process – if one agrees with another why are we asking for a separate 100 questions to be filled out?
3. I would like to hear some insights on establishing grounds for cases that are driven by infidelity. Petitioners who have experienced infidelity in their marriage have a difficult time seeing anything else that could have led to the problem due to the deep hurt that they experience. This is especially true when the infidelity was ongoing and the petitioner was blindsided with the sudden reality.

Thank You

