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Tribunal Talk

Spring 2023



From the Judicial Vicar

Blessings to you during this Easter Season. I would be amiss if I didn't mention the Derby season as well, as it seems like Easter is usually the beginning of the Derby celebrations going on in our Archdiocese. While I was watching the "greatest two minutes in sports" this year I realized that the process of obtaining a declaration of nullity is very similar to a horse race. I am not writing about winners and losers, but the pace at which the race/case unfolds. Everything seems to start off swiftly with the preliminary form and the F-100. After several lengths the individual case seems to establish its own stride. The respondent and witnesses may provide a quick turnaround, which will provide a fast track for the case. On the other hand, lack of cooperation by a respondent or witnesses can cause the case to significantly slow.

After all the information has been collected it may seem like the case has reached the final turn on the track, but that is not so. The case is put in queue for review, a petition must be drawn up and signed, several other proceedings are required by law. Sometimes the horse must be disqualified, just like a case is filed away because of lack of witnesses or grounds. But it has an opportunity to "race" another day with additional information.

Once the case has finally seemed to have reached the finish line there is still the possibility of appeal, not unlike the post-race testing on horses (no, our judges are not drug tested).

The race St. Paul refers to in 2 Timothy 7:7 had a definite δρόμος, or course to run, marked out for him. In the tribunal, a case has a definite course to run that is mandated by the Code of Canon Law. We can't promise a fast "race" or a finished "race." We can promise to work to the best of our ability to provide justice. In my opinion, that is better than winning the Trifecta.

In Christ,

Fr. Paul

Please Note:

When sending emails to Tribunal about cases, please make sure the case number and last names of the parties are included in the subject line.

Future Planning for Order of Christian Initiation of Adults (OCIA)

This year we were engulfed in a flurry of activity prior to Holy Week. It was not because we were opening Easter baskets from grateful parishes, rather it was due to last minute marriage issues among those wishing to enter the Church. These should never be last minute.

At the beginning of the initiation process an information sheet should be provided to candidates and catechumens. You should include questions about previous marriages, including spouse names and baptismal status. Was an annulment granted? If so, is there a restriction? Baptism information about your candidates should be a standard part of your paperwork, and if there were previous marriages, the time to start asking questions is months prior to Easter.

There is a balance between being welcoming and being "institutional." Welcoming does not exclude Church teaching on marriage. Marriage between two non-Catholic parties is a valid marriage no matter if they were married in First Baptist Church or on the Racer at King's Island, as long as there were no impediments (see article on next page).

If you need help with developing marriage questions or help with other canonical queries, please contact us (preferably before Holy Week). Additionally, we would be happy to come speak to your OCIA group concerning marriage and nullity.

What to do about two non-Catholics married outside of the Church...

The short answer is NOTHING. If both parties were free to marry and are non-Catholic, their marriage is valid (no matter if it was witnessed in the backlot of the Savannah Banana's home field or at Westminster Cathedral). When they enter the Church they do not need a convalidation or a sanation. They were not Catholic and did not fall under ecclesiastical law when they wed.

Non-Catholics, both baptized, free to marry—they are already in a valid marriage. When one (or both) enters the Church you should make a notation of their wedding date and place in your Confirmation records.

Non-Catholics, one unbaptized, free to marry—they are in a valid, although non-sacramental marriage. The marriage becomes a sacrament at the time the unbaptized party is baptized. This should be entered in your baptismal record with the date of the original wedding and place.

Yes, we should make a flow chart ...

Wedding Basics 101—If a Catholic party is marrying a non-Catholic who has previously attempted marriage(s) that has ended in civil divorce, the non-Catholic must have a declaration of nullity from the prior marriage(s) before marriage in the Catholic Church.

With the flurry of the Easter season soon over it is time to consider selecting an auditor for your parish. We continue to

receive applications and F100s from parishes and it is obvious the petitioner has attempted to complete these forms solo.

If you don't have time to work with your parishioners on invalidity cases, find an auditor/advocate in your parish who is willing to do so. We will train.

REMINDER!!

Permission needed for wedding outside the Parish

As required by Archbishop Fabre, marriages to be celebrated at a location outside the parish church between a Catholic and baptized non-Catholic need permission from the Ordinary

Dispensations

When sending in request for a dispensation whether it be Disparity of Worship, Canonical Form or whatever, we need the **complete** file – Dispensation request, MA from bride and groom, MB-one from bride's family and one from groom's family, current baptismal certificate(s), proof of marriage prep, etc.

Fulfilling Restrictions Imposed on a Declaration of Nullity

Sometimes the judge who wrote the decision for an invalidity case will impose a restriction on one or both parties. This is not a punishment, rather it is to help ensure a happy outcome in a possible future marriage. If there is a restriction, it is notated in the final letter. There are two types of restrictions: a *monitum* and a *vetitum*. Both types of restrictions need to be addressed prior to attempting another marriage.

A *monitum* can be lifted by the party's priest or deacon during the time of marriage preparation. It usually involves clarifying one of the goods of marriage: permanence, fidelity, openness to children, partnership. These are serious issues impacting consent, and the pastor must make sure the party has an understanding of the sacrament of marriage and its goods.

On the other hand, a *vetitum* involves outside counseling for problems such as substance abuse, pornography, anger management, or past abuse (physical, emotional, sexual). This restriction can only be lifted by the Tribunal after documentation has been provided that successful counseling has been completed.