



Diocese of Colorado Springs

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MEMORANDUM

September 17, 2008

To: All Priests, Deacons, Advocates, Marriage Co-ordinators and Parish Staff
From: Very Rev. Ricardo Coronado-Arrascue, J.C.D.
Cc: Bishop Sheridan
Subject: Documents to be Included with Marriage Files and Nullity Cases

The purpose of this memo is to clarify the requirements governing documents that must be submitted by individuals preparing for marriage and also by individuals petitioning for a declaration of nullity (annulment) or Pauline/Petrine Privilege. While the requirements are somewhat complicated, it is our hope that, by enumerating them clearly in this document, it will be easy for everyone to understand what is required and ensure that the requirements are met from the beginning of the appropriate marriage or nullity/privilege process. The documents listed below cover most cases. There may be an occasional special case that requires additional documentation, but such cases will be dealt with as needed. Exceptions for rare/unusual situations need to be approved by the Chancellor/Judicial Vicar.

It is important to remember that the proceedings of the Tribunal and also those of the Chancellor's Office constitute formal juridical acts. Therefore, valid formal and legal documents must be presented before any formal decision can be considered. To be valid, these documents must be certified. A **certified document** is issued by the appropriate court/church and it has their seal on it. If you have questions about these requirements, please contact the office of the Chancellor or the office of the Judicial Vicar.

For Nullity or Privilege Cases:

In addition to the petition and information forms that must be submitted (most of which can be found on the Tribunal's web site at "www.diocs.org/CPC/Tribunal/index.cfm"), the following certified documents are required (**no photo copies or fax copies are acceptable**):

In Every Case:

- 1) Baptismal Certificate – **must be a new certified (dated with seal) document** from the Church of Baptism (dated within the past six months) for each Catholic who is to be married. An original certified baptismal certificate from the time the Baptism actually occurred **is not acceptable** unless the Baptism occurred within the past six months. For a baptized non-Catholic, every effort should be made to obtain a certified document. In this case, for a baptized non-Catholic, a certified document from the time of the actual Baptism is acceptable. The requirement for a current certified baptismal certificate (within the past six months) applies only to the Catholic parties because every canonical change of status must be reflected on the baptismal certificate and the Tribunal must be aware of all of the latest changes (this does not apply to non-Catholics since this process of tracking changes on the baptismal certificate is not followed outside the Church).
- 2) Marriage Certificate – may be either a civil document or a religious document. Either an original certified document or a new certified document is acceptable. In a case that involves a civil

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marriage that was later convalidated in the Church, **both** the civil document and the religious document are required.

- 3) Civil Divorce Decree – a certified civil divorce decree with all addendums, amendments, and payment records is required for each previous marriage of both parties (in cases where payment records are not available from a county or state agency, bank statements for the past twelve month period may be substituted). All divorce-related documents **must be new certified documents** (current within the last six months) for **any previous marriage where children were born or alimony was required** as part of the settlement – otherwise, original certified documents or new certified documents are acceptable. This requirement is in accordance with article 252 of the Instruction, “Dignitas Connubii”.

In Some Cases:

- 1) Nullity Documents – a certified document is required for any previous marriage for which a Church declaration of nullity was granted to either party – either an original certified document or a new certified document is acceptable. If a Monitum or Vetitum was placed on either party as a result of a declaration of nullity, a certified document lifting/removing the Monitum or Vetitum must also be provided. For this document as well, an original certified document or a new certified document is acceptable.

For Marriage Preparation:

In addition to the certifications for the formal marriage preparation activities (such as FOCCUS, the Natural Family Planning course work, etc.), the following certified documents are required (**no photo copies or fax copies are acceptable**):

In Every Case:

- 1) Baptismal Certificate – **must be a new certified (dated with seal) document** from the Church of Baptism (dated within the past six months) for each Catholic who is to be married. An original certified baptismal certificate from the time the Baptism actually occurred **is not acceptable** unless the Baptism occurred within the past six months. For a baptized non-Catholic, every effort should be made to obtain a certified document. In this case, for a baptized non-Catholic, a certified document from the time of the actual Baptism is acceptable. The requirement for a current certified baptismal certificate (within the past six months) applies only to the Catholic parties because every canonical change of status must be reflected on the baptismal certificate and the Tribunal must be aware of all of the latest changes (this does not apply to non-Catholics since this process of tracking changes on the baptismal certificate is not followed outside the Church).
- 2) MA Form – please use the **current version** of this form found on the web site for the Chancellor’s office: “www.diocs.org/CPC/chancellor.cfm”.
- 3) MB Form - please use the **current version** of this form found on the web site for the Chancellor’s office: “www.diocs.org/CPC/chancellor.cfm”.

In Some Cases:

- 1) MC Form – only required if a Permission or Dispensation is needed - please use the **current version** of this form found on the web site for the Chancellor’s office: “www.diocs.org/CPC/chancellor.cfm”.

- 2) Nullity Documents – a certified document is required for any marriage for which a Church declaration of nullity was granted to either party – either an original certified document or a new certified document is acceptable. If a Monitum or Vetitum was placed on either party as a result of a declaration of nullity, a certified document lifting/removing the Monitum or Vetitum must also be provided. For this document as well, an original certified document or a new certified document is acceptable.
- 3) Privilege Document – if a Pauline or Petrine Privilege has been granted thus making the marriage possible, a certified document is required – either an original certified document or a new certified document is acceptable.
- 4) Civil Divorce Decree – a certified civil divorce decree with all addendums, amendments, and payment records is required for each previous marriage of both parties (in cases where payment records are not available from a county or state agency, bank statements for the past twelve month period may be substituted). All divorce-related documents **must be new certified documents** (current within the last six months) for **any previous marriage where children were born or alimony was required** as part of the settlement – otherwise, original certified documents or new certified documents are acceptable. This requirement is in accordance with article 252 of the Instruction, “Dignitas Connubii”.

Special Note Regarding the Defender of the Bond:

In accordance with article 295 of the Instruction, “Dignitas Connubii”, please note that all marriage cases presented to the Tribunal must include the participation of the Defender of the Bond, including documentary cases such as Lack of Form and Ligamen. As a result, the time it takes to process these documentary cases will include the time it takes for the participation of the Defender of the Bond.

The text of article 295 is as follows: “When a petition proposed in accordance with artt. 114-117 has been received, the Judicial Vicar or a judge designated by him, having omitted the solemnities of the ordinary process but with the parties having been cited and with the defender of the bond having taken part, can declare the nullity of the marriage by a sentence if, from a document which is subject to no contradiction or exception, there is established with certainty the existence of a diriment impediment or of the defect of legitimate form, as long as with equal certainty it is clear that a dispensation was not granted, or the lack of a valid mandate of a proxy (can. 1686).

Within the discussion regarding this article, the Instruction, “Dignitas Connubii”, further states, “Those impediments that can be subject to the documentary process include: lack of sufficient age (c. 1083); prior bond (c. 1085) [this is Ligamen]; disparity of cult (c. 1086); sacred orders (c. 1087); public perpetual vows of chastity (c. 1088); consanguinity (c. 1091); affinity (c. 1092); adoption (c. 1094).