

Metropolitan Tribunal

Dear R.C.I.A. Coordinator,

Every year, as Lent approaches, the Metropolitan Tribunal receives petitions to handle cases of candidates and catechumens who need their marriage situations regularized in order to be baptized or brought into full communion with the Catholic Church at the Easter Vigil. Often, by this time it is too late to begin a case. The marital status of those who desire to become Catholic should be established from the outset in order to avoid last minute surprises and disappointment.

ALL marriage cases should be dealt with immediately when an individual first registers for the R.C.I.A. and the Tribunal should be contacted no later than November 1.

If a candidate has ever been married either in a religious or civil ceremony (i.e., Justice of the Peace, Judge, Civil Magistrate, etc.) he or she will need to have that marriage reviewed by the Tribunal. Whether or not the candidate and his or her former spouse were Catholic, **any previous marriage** needs to be investigated by the Tribunal.

There are several types of annulment cases, ranging from a simple documentary process, called a "Lack of Canonical Form" and which can be completed in a relatively short period of time, to a formal annulment case which generally takes about nine months to complete. Another process, commonly referred to as the Pauline Privilege, may be applied when two unbaptized persons marry, then divorce, and now one seeks to become a baptized Catholic. No matter which type of procedure is required, several documents need to be obtained such as recent copies of baptismal certificates (if the candidate's former spouse was Catholic) and marriage and divorce decrees. In many instances it is also necessary to make some contact with the candidate's former spouse and there may be a need to obtain testimony from witnesses. All of this takes time and should be dealt with as soon as possible in order to have the candidate's marriage situation regularized well before the Easter Vigil, if possible.

It would also assist us to know that a petitioner in an annulment case is participating in the R.C.I.A., which alerts us to the time frame we are dealing with. In most circumstances if a case is initiated in September or early October and we know it involves an R.C.I.A candidate there is a much better chance of completing the appropriate process on time.

Prompt attention to these matters makes it easier for everyone involved: pastors, candidates and catechumens, R.C.I.A. coordinators and tribunal judges.

Thanking you for your cooperation in this matter and asking God's blessing on you and your work, I am

Sincerely yours in Christ,

Rev. Msgr. Paul A. DiGirolamo, JCD
Judicial Vicar

Metropolitan Tribunal

Anyone who had a marriage that ended in divorce can petition the Tribunal for a Declaration of Nullity. The Tribunal is looking to see if something was lacking in the intentions of the parties in regards to children, fidelity and permanence, and/or in their understanding of marriage, and/or in their ability to enter into and fulfill marriage.

1. To begin, go to the website of the Archdiocese, www.archphila.org and download the forms. On the top right of the webpage, under the heading, "How do I", click on the tab "Start the Annulment Process". **Follow the instructions, fill out the form on your computer, print out the form, obtain the proper documents and send everything to the Tribunal.** When your application is received you will be contacted to begin your case with formal testimony.
2. Once your formal testimony has been taken, your former spouse will be cited by the Tribunal. Your former spouse will be notified of the grounds and reasons for the Petition. If you do not have an address for your former spouse, you need to provide the Tribunal with an explanation as to why that is so and what steps you took to locate your former spouse.
3. If your former spouse participates in the case, is in favor of a Declaration of Nullity, and agrees with the grounds and the reasons for the Petition and if their testimony is similar to your testimony, then it is possible that the case **may** be heard in a process called the "Brief Process", or the "Bishop's Process" given by Pope Francis. With this process, the testimony in the case, the advice of a Tribunal assessor and the comments of the Defender of the Bond (whose job is to uphold the validity of the marriage) go to the Bishop for a decision. If the Bishop judges the case to be proven, he then issues a decision for a Declaration of Nullity. If the Bishop judges the case not to be proven to him, the Bishop **does not deny** the Petition. Instead, sends it back to be judged in the normal process, where more testimony is gathered.
4. In cases where the former spouse is opposed to a Declaration of Nullity, where the former spouse does not respond to the Tribunal, or is unable to be located, and even cases from #3, these cases continue on in the **normal process** for a Declaration of Nullity. Pope Francis facilitated this ordinary process by permitting Tribunals to accept the case of anyone who lives within their local diocese, no matter where the marriage took place (even if in a foreign country) or no matter where their former spouse lives (even if in a foreign country). Also, if the Tribunal arrives at granting a Declaration of Nullity and if the other person is not opposed to it and does not appeal it, then the Declaration becomes immediately effective, without need for anything further. The normal process takes about 6-8 months.
5. Archbishop Charles Chaput, in accord with the wishes of Pope Francis, has decreed that the Archdiocese will absorb the \$800 cost of the process. Petitioners are asked to contribute something out of charity according to their means.