

# The Toledo Diocesan Tribunal

## Petition for the Pauline Privilege (cc. 1141-1150)

If a Christian has an unbaptized wife, and she is willing to live with him, he must not divorce her; and a woman who has an unbaptized husband willing to live with her must not divorce her husband. For the unbaptized husband now belongs to God through his Christian wife, and the unbaptized wife through her husband. If on the other hand, the unbaptized partner wishes for a separation, let him have it. In such cases the Christian husband or wife is under no compulsion.

I Cor 7: 12-14a, 15-16.

The Pauline Privilege is the dissolution of a presumed valid natural but non-sacramental bond in favor of a sacramental marriage, or to preserve the faith of the Catholic party in a non-sacramental marriage. Its use dates to the Apostolic Era and requires a formal statement by one in authority that the requirements have all been met (since there is a civil marriage license which the Church would presume had led to a valid marriage) The following criteria must be met for the use of this privilege.

1. The two parties were certainly unbaptized at the time of the wedding and the Respondent remains unbaptized at this point;
2. It is clear that the possibility of reconciliation does not exist; and
3. There is conversion (Christian baptism) on the part of the Petitioner.

The separation of the spouses or even the civil decree terminating the civil requirements of marriage does not dissolve the natural bond; rather valid consent to a new marriage in the Catholic Church accomplishes the dissolution.

Conversion to Catholicism is not required; rather conversion to Christianity suffices for the use of the privilege.

In order to determine the potential for applying for the privilege, any of the following must apply:

1. A Catholic seeks to marry a convert to Catholicism, who was formerly non-baptized and married to a non-baptized person;
2. A Catholic seeks to marry a convert to another Christian church who was formerly non-baptized and married to a non-baptized person;
3. A convert to Catholicism who was formerly non-baptized and married to a non-baptized person seeks to marry a baptized non-Catholic or non-baptized person. In this case, the dissolution is granted in virtue of c. 1147, which is concerned with mixed marriages. Permission, if it is a mixed marriage, and a dispensation for the impediment, if it is a disparity of cult (to a non-baptized) marriage is required. In either case, all the requirements for a mixed marriage enumerated in cc. 1124-1129, must be met.

A brief outline of the stages involved in a Pauline Privilege of the faith case:

- 1 Submission of the Petition for the Pauline Privilege and required documentation;
2. Questionnaire sent to the Petitioner via the Procurator/Advocate;
3. Collection of the deposition of the Respondent (if deemed necessary) and the testimony of witnesses regarding the non-baptism of the parties. The non-baptism of both parties must be verified;
4. Review of the evidence by the Tribunal;
- 5 The Decree granting the Pauline Privilege is issued authorizing the Petitioner's baptism and declaring that after his/her baptism, the party is free to contract marriage within the Roman Catholic Church.

### Petition for Pauline Privilege of the Faith

**Advocate:** Remit this form and all supporting documents to:

The Toledo Diocesan Tribunal  
1933 Spielbusch Avenue  
Toledo, Ohio 43604-5360

date: \_\_\_\_\_

I, \_\_\_\_\_, residing at \_\_\_\_\_  
first, middle, maiden last name street  
\_\_\_\_\_, petition for the use of the Pauline Privilege.  
city, state and zip

I married \_\_\_\_\_, now residing at \_\_\_\_\_  
first, middle, maiden, last name street

\_\_\_\_\_, in the presence of a  
city, state and zip

minister  rabbi  civil magistrate  other

at \_\_\_\_\_  
city and state

on \_\_\_\_\_.  
date

II. We separated finally at \_\_\_\_\_ on \_\_\_\_\_  
city and state date

and never lived together as man and wife afterward.

III. The Respondent (my former spouse) remains unbaptized at this point in time.

IV In support of the above, I submit the following documentation:

- A certified copy of the civil Application for Marriage License with the attached Certificate of Marriage
  - A certified copy of the civil Divorce/Dissolution decree with the accompanying Separation Agreement
  - A recent Catholic Baptismal Certificate, with all notations, for the party whom the Petitioner wishes to marry
  - A recent Catholic Baptismal Certificate with all notations for the Petitioner, if baptized. If baptized in a non-Catholic denomination, a record of Trinitarian baptism must also be submitted.
- This petition form, signed by both the Petitioner and his/her Advocate/Procurator.

V I enclose a deposit of \$\_\_\_\_\_ for the expenses incurred by the Toledo Diocesan Tribunal in excess of the funding provided by the ACA (Annual Catholic Appeal), which has been fixed at \$100.

\_\_\_\_\_  
Advocate signature

\_\_\_\_\_  
Petitioner signature

You may find it simplifies getting the correct forms by taking this Petition along with you to the courthouse.