



Diocese
of Toledo

WHICH PROCESS SHOULD I USE? Diocese of Toledo Tribunal

ORDINARY PROCESS – Only used when all of the following apply:

- One of the following scenarios:
 - Two Catholics marry before a Catholic priest/deacon and two witnesses
 - A Catholic marries a baptized non-Catholic before a priest/deacon and two witnesses
 - A Catholic marries an unbaptized non-Catholic before a priest/deacon and two witnesses with a dispensation from disparity of cult
 - A Catholic marries a baptized or unbaptized non-Catholic outside of a Catholic ceremony with a dispensation from canonical form and disparity of cult (if necessary)
 - Two non-Catholics marry according to their own church and civil laws
- No invalidating impediments to marriage existed for either spouse which are provable by documents alone (see **Documentary Process**)
- **ABBREVIATED PROCESS – only used when the above things apply, AND:**
 - The petition is proposed by both spouses or by one of them with the consent of the other;
 - Circumstances of things and persons recur, with substantiating testimonies and records, which do not demand a more accurate inquiry or investigation, and which render the invalidity manifest (in other words, invalidity is obvious to someone without formal training in Church jurisprudence)

DOCUMENTARY PROCESS – Only used when all of the following apply:

- At the time of the marriage, there was an invalidating impediment on one or both parties which is provable by certified documents (see **FOUNDATIONS OF NULLITY EXPLANATIONS** for more information on invalidating impediments and the documents necessary to prove them)
- For the ground of *ligamen* (prior bond) specifically:
 - At the time of the marriage, the Petitioner's former spouse (Respondent) was previously validly married to another person (Co-Respondent)
 - The Respondent & Co-Respondent's marriage was never declared invalid or otherwise dissolved by authorities in the Church
 - The Co-Respondent had not died prior to the marriage of the Petitioner and Respondent
 - **Please note that if the first marriage is later discovered to have been invalid, there was never any impediment to the second marriage**

ABSENCE OF FORM – Only used when all of the following apply:

- At least one party was a baptized Catholic prior to the exchange of consent
- The parties attempted marriage outside of canonical form (usually this means going to a civil court to marry)
- No dispensation from canonical form was obtained prior to the attempted marriage
- No convalidation ("blessing") or sanation of the consent took place after the fact

REQUEST FOR PAULINE PRIVILEGE – Only used when all of the following apply:

- There was a valid marriage between two unbaptized persons;
- One and only one of the spouses (the Petitioner) is subsequently baptized or desires to be baptized;
- The unbaptized spouse refuses to cohabit peacefully and there is no possibility of restoring conjugal life;
- The Petitioner now wishes to marry someone else in order to practice the faith;
- Neither the Petitioner nor the Intended Spouse was the prevailing cause of the breakup of conjugal life;
- No scandal would arise from the dissolution of the marriage;
- Catholic party marrying a non-Catholic must ensure safeguard of faithfulness and raise children likewise

FLOW CHART FOR DETERMINING THE PROCESS TO USE

