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I. TRIBUNAL

Tribunal Administration

5001 The judicial vicar constitutes one tribunal with the bishop. He primarily functions as a judge in matters brought to the Tribunal. The day to day management of the Tribunal Office is under his care.

Appellate Court

5002 The Tribunal for the Diocese of Toledo has two appellate courts, the tribunals of Youngstown, Ohio and Steubenville, Ohio. All formal marriage annulment cases are required by law to be sent for review and ratification to the designated appellate court(s) of the diocese. The Roman Rota has determined the Toledo Diocese case distribution, requiring that every third case be sent to Steubenville.

General Information

5003 General questions concerning formal cases, ligamens, Absence of Form, Pauline Privilege and case status should be referred to the secretary in charge of case information.

Privilege of the Faith Case

5004 Questions regarding a Privilege of the Faith case should be referred to the Judicial Vicar.

Tribunal Forms

5005 Forms for the various types of annulment cases, for dispensations and sanations, and MA forms for pre-marriage preparation, should be obtained from the Tribunal or may be directly downloaded from the diocesan web site. Copies should not be made, as these forms are periodically updated to reflect current tribunal practice. Forms dated prior to 2009 are no longer acceptable.

Case Status

5006 Access to information and status regarding a specific case is available only to the petitioner, the respondent, and their respective procurator advocates. This protects confidentiality.
Finances

5007 The services of the Tribunal are always available to persons regardless of their ability to pay the requested fees. Where needed, fees can be adjusted or waived. Questions concerning finances should be referred to the Director of the Tribunal.

5008 The present fee scale for the following tribunal cases is found in the Financial Information Addendum found in the Temporal Goods section.

- Formal Case
- Ligamen
- Pauline Privilege
- Absence of Form
- Privilege of the Faith

Restrictions

5009 The Toledo Tribunal may recommend pastoral restrictions when granting a decree of marriage nullity. They are of two kinds: restriction (monitum) and prohibition (vetitum). Neither ought to be interpreted as a penal decision, but they are pastoral expressions of concern regarding a future union. A restriction is a word of caution to the priest or deacon who may prepare the person for a future marriage that a careful preparation should be undertaken. In such cases the priest/deacon makes the determination that a person with a restriction is ready for a future union. In the case of a prohibition, a future union can not be celebrated until the tribunal has lifted the prohibition or the directions included in the prohibition itself have been met to the satisfaction of the preparing minister. A prohibition is placed on a person only when there has been substantial proof of a person’s inability to assume and fulfill the essential obligations of the marriage covenant. Professional counseling is always required and in some cases it may be long term. When it is lifted the preparing minister always receives a letter with formal notification that the prohibition has been lifted and barring any impediment the party is able to enter into a Catholic marriage. The Tribunal will release the details of a restriction/prohibition attached to a specific case only in writing, and only to the procurator-advocate of a party, or the priest/deacon preparing a party for a new marriage union.
Record Keeping

5010 When a decree of marriage nullity has been granted, the protocol number, the date of issuance and notation of a restriction should be recorded in the baptismal/marriage register of the Catholic party's church of baptism. This same information should be placed in the pre-nuptial file when a future marriage follows the granting of a decree of marriage nullity. Whenever the parties to an annulment decision are Catholic, their parishes of baptism and marriage are informed by the Tribunal that a decree of nullity has been granted.

Wedding Dates

5011 A date for a future Catholic marriage is not to be set until the annulment process is complete, including the disposition of any and all appeals. Difficulties resulting from failure to abide by this policy will be the responsibility of those who set the date. Cases will not be taken out of order or expedited because a wedding date was set before the annulment was complete.

Rite of Christian Initiation of Adults (RCIA)

5012 Annulment cases involving a Rite of Christian Initiation of Adults (RCIA) candidate should be clearly indicated as such, and should be presented to the Tribunal at least a year in advance of wedding or RCIA preparation.

Procurator - Advocates

5013 All priests may serve as procurator-advocates for persons seeking a marriage annulment. Deacons, pastoral leaders and laity who wish to serve as procurator-advocates must be approved by the Diocesan Bishop through the Tribunal Advocate Training Program. Pastors/pastoral leaders interested in having persons trained for this ministry should contact the Director of the Tribunal.
II. DISPENSATIONS

Sanations / Convalidations / Dispensations

5014 Questions regarding radial sanations, convalidations, and dispensations from Catholic form and disparity of worship, should be directed to the Episcopal Vicar who serves as the delegate of the Diocesan Bishop in these areas. In an emergency you may contact the Vicar General. Forms are to be obtained from the Chancery.

Mixed Religion Marriages

5015 Mixed religion is no longer an impediment that requires a dispensation. The Diocesan Bishop has delegated to the priests and deacons of the diocese the faculty to grant permission for a marriage between two baptized persons, one of whom is Catholic.

Practical Guidance Concerning Canonical Form of Marriage

5016 The practice of “co-officiating” marriage ceremonies in which a Catholic priest or deacon and minister of another faith each take part in the celebration is often a source of confusion for priests and deacons. Here is some guidance.

5017 Catholics are bound to be married according to the Canonical Form of Marriage, unless this has been legitimately dispensed. The popular understanding of the canonical form is “in the presence of a priest/deacon and two witnesses.” This is true, but not quite precise enough. This has led some priests to believe that, for example, as long as they are "present" in the non-Catholic church where a wedding takes place and in which the non-Catholic minister receives the vows, the Canonical Form has been fulfilled. In fact, without a Dispensation from Form, such a marriage would be invalid.¹

5018 Canon 1108 §2 states, “The one assisting at marriage is understood to be only that person who, present at the ceremony, asks for the contractants' manifestation of consent and receives it in the name of the Church.” Ordinarily, this is the Catholic priest or deacon who officiates, using the Catholic ritual, and who does so either within his own jurisdiction by virtue of this general faculties, or if outside of his own jurisdiction, by the delegation of the local pastor. If a dispensation from Canonical Form is granted by the Diocesan Bishop of the Catholic party, then the “one assisting at marriage” is the non-Catholic minister or civil official who receives the consent of the parties, and whose name is given on the dispensation. It is not the Catholic priest, even if he is present and participates in some other way in the ceremony.

¹ Canons 1108 §1, 1127 §2.
Every valid marriage ceremony must fall into one or the other of these categories. There can be no hybrids, which are canonically valid. Canon 1127 §3 states specifically: “it is likewise forbidden to have a religious celebration in which a Catholic and a non-Catholic minister, assisting together but following their respective rituals, ask for the consent of the parties.” Either the Catholic clergyman receives the vows, following the Catholic rite, or a Dispensation from Form must be obtained, authorizing the non-Catholic minister to receive the vows.

A Dispensation from Canonical Form is not necessary when a priest or deacon celebrates a wedding outside of a church. But in these cases, the permission of the Diocesan Bishop is required for a wedding to take place in a setting other than a church. This permission is not readily or easily granted. More importantly, if the place of the wedding is outside of the priest’s or deacon’s jurisdiction (i.e. the geographical boundaries of the parish to which he is assigned), delegation must be obtained from the local pastor, or the marriage is invalid. In these circumstances the marriage is recorded in the geographical parish where the marriage took place.

When the Canonical form has been dispensed, the non-Catholic minister (or civil official) receives the vows, whether or not a Catholic clergyman is present. The marriage is to be recorded in the parish where the preparation took place and from which the petition for Dispensation from Form was filed.

Mixed-Marriage Involving Eastern Rite Persons and Non-Catholic Persons

Occasionally priests and deacons may encounter a couple seeking marriage, one of which is a baptized Catholic belonging to an Eastern rite, and one of whom is a non-Catholic. Even when such a clergyman is within his own jurisdiction, and even if the Eastern rite Catholic is a registered and practicing member of his parish, he cannot validly assist at this marriage without receiving delegation from the proper Eastern rite Bishop. This is because at least one of the contractants must be of the Latin rite for him to assist validly at a marriage. Also, the dispensations for such a mixed marriage must come from the proper Eastern rite Bishop. Latin rite pastors and bishops do not enjoy jurisdiction over the marriages of Eastern rite Catholics, even if they have been registered and practicing in a Latin rite parish for many years. Please call the chancery for assistance with these cases.

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2 Canon 1109.
III. COURT OF EQUITY

5023 The Court of Equity shall have jurisdiction and authority to conciliate and adjudicate disputes over the exercise of the office or authority in the Church of the Diocese of Toledo.

Competence and Areas of Concern

5024 The Court of Equity shall be competent to offer the process of conciliation and adjudication in the following areas:

- To reconcile disputants or adjudicate disputes between individual members of the Diocese or groups within the Diocese which concern an ecclesiastical matter.
- To reconcile disputants or adjudicate disputes between a person and diocesan administrator or administrative body when it is contended that an act or decision, including administrative sanctions and disciplinary actions, has violated Church law, formal policy or natural equity.
- To reconcile disputants or adjudicate disputes between administrative bodies of the Diocese which involve conflict of competency.

5025 The process of conciliation shall not extend to:

- Cases involving the validity of marriage.
- Cases involving labor union contracts.
- Cases involving religious in their strictly internal affairs or in those matters adequately covered by the conciliation process established by the conferences of major religious superiors.
- Cases involving the infliction of penalties by judicial sentence and those requiring a special process according to the Code of Canon Law. However, prior to such processes it is highly recommended that the establishment of fact in such cases be assigned to the Board of Conciliation; if the facts so warrant, the award is to be an indication to the Diocesan Bishop of whether or not he is to initiate required canonical procedures.
- Cases involving doctrinal matters of faith and morals. The establishment of fact in such cases, however, is within the competence of the Board of Conciliation.
- Cases involving the academic and internal affairs of any institution of higher learning in the Diocese.
- Cases in which proper authorities have rendered a decision prior to the effective date of this document, unless new and weighty evidence warrants a hearing.

To initiate a case, contact the Clerk of the Court. Consult the Diocesan Directory for the clerk's address and phone number.
IV. COMMUNICATIONS

Office of Communications

5027 The Office of Communications, under the supervision of the Director of Communications, is an office of the Chancery comprised of the Communications office, the Catholic Chronicle and the Information Technology department.

5028 The Director of Communications is responsible for the external and internal communications of the diocese, and routinely serves as spokesperson for the diocese with media. The Director reports to both the Bishop and Episcopal Vicar. In addition to direct media contact, the Communications office provides marketing support for the ministries of the diocese, Catholic Youth and School Services and Catholic Charities. The Director monitors Catholic radio apostolates in the diocese, and as a representative of the Bishop, sits as an advisory board member to the apostolates. The Communications office is staffed with a part-time Communications Coordinator who reports to the Director. The Editor of the Catholic Chronicle and the Director of Information Technology report to the Director of Communications.

Website

5029 The diocesan website <www.toledodiocese.org> is maintained by the Communications office. Its purpose is to provide external and internal communications regarding Catholic social teaching, news of the local and universal Catholic Church and serve as an evangelization tool for the diocese. The website has a protected password log-in for parishes and schools to access online weekly mail and diocesan documents and forms. The Communications office also maintains social media addresses and monitors the social media efforts by diocesan ministries and offices.

Tidings

5030 TIDINGS is the internal newsletter for Catholic Center employees made available through a password protected log-in. Its daily updates by the Communications office provide news and information for Catholic Center staff.

Catholic Chronicle

5031 The Catholic Chronicle is the official newspaper of the Diocese of Toledo, Ohio and the Bishop serves as the Publisher. Its mission is to spread the good news of the Gospel by reporting information, providing education and including inspiring features about people and events in the diocese and the worldwide Catholic Church. The print edition is published two times each month except July. The online edition (www.catholicchronicle.org) is updated daily. The Catholic Chronicle does not accept political advertising.
Diocesan Directory

5032 The Diocesan Directory is published annually from the Chancery of the Diocese of Toledo. This document contains information about the ministries, the clergy, the religious, the institutions, the parishes, and the statistics of the Diocese of Toledo. Copies of this directory are provided to the parishes, schools, priests, pastoral leaders, deacons, and major superiors of Religious communities of the Diocese and the laity. Additional copies may be purchased through the Catholic Chronicle. Corrections and changes to the information published in the directory should also be sent to the Catholic Chronicle.

Information Technology

5033 The Information Technology department is staffed by a Director and an Assistant Director of Information Technology. This department is responsible for the security, maintenance and upgrades of the technology infrastructure of diocesan voice, data, and video network and the VOIP telephone operations. The Computer usage policy is set forth in the diocesan employee handbook.

Church Involvement in Political Issues

5034 Efforts should be made at the parish level to help parishioners understand and accept the importance of their involvement in the political process by participation in all elections (primary and general, local and national).

5035 The Church, through its leadership, has not only a right, but an obligation to speak to the moral dimension of political issues.

5036 The Church’s primary responsibility in the political arena is one of being educated – of being aware of the moral implications of political issues. The leadership of the Church has an obligation to provide guidance concerning the rightness or wrongness, good or evil of any specific issue.

5037 In fulfilling this responsibility to provide moral guidance on political issues, however, the Church does not wish to engage in political activity. Consequently, Church leadership (diocesan officials, or offices, pastors/pastoral leaders, parish councils) should not:

- endorse political parties or take any action that could be construed as endorsement on the part of the Church;
- endorse individual political candidates or take any action that could be construed as endorsement on the part of the Church;

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make available the use of church facilities to one party or candidate;

authorize anyone to distribute political material on church property;
(Persons who attempt to do so should be asked to leave church grounds. The distribution of political materials off church property cannot be prohibited, although it should never be authorized.)

use church publications, inserts or attachments thereto (Sunday bulletins, etc.) to support, promote, or endorse any particular party or candidate. (see 6039 below)

For special voter education, church facilities can be made available, if a fair cross section of candidates is invited to participate in a debate or forum at which a variety of issues is discussed without any biased limitation of topics. If the program includes a question and answer period, each candidate should be given the opportunity to answer questions. Bias should not be exhibited by using rehearsed questions to entrap certain candidates.

Special care should be exercised in distributing in churches, materials that attempt to report candidates’ stands on specific issues. Only materials published by the following entities can be distributed in the Diocese of Toledo.

- United States Conference of Catholic Bishops (USCCB)
- Catholic Conference of Ohio (CCO)
- Diocese of Toledo

A Christian’s social concern should extend to the entire spectrum of social issues. While some concerns may be weightier than others, citizens should nevertheless be encouraged to inform themselves of a candidate’s stand on all issues before making a final judgment. It would be a disservice to encourage citizens to take an overly simplistic “single issue” approach.

The effectiveness of these guidelines demands that they be impartially applied to all candidates or parties, whether an individual candidate or party supports the Church’s position on a specific issue or not. If effective moral leadership has been provided on the issues, the choice of candidates can confidently be left to each individual.

These anti-politicking rules also apply to the Web.
Those Giving Radio or TV Talks on Christian Doctrine

5043 “The National Conference of Catholic Bishops, in accord with the prescriptions of canon 772 §2, hereby decrees that, with due regard for the norms of canon 763, a Catholic who regularly expounds Christian doctrine on radio or television must be specially qualified by his or her knowledge of the subject, by manifest adherence to the teaching of the Magisterium and by the witness of his or her life as a Catholic. The individual must obtain the permission of his or her proper diocesan bishop or the diocesan bishop of the place where the radio or television program is originally broadcast. In the case of members of institutes of consecrated life or societies of apostolic life, permission of the competent superior is also required, insofar as the constitution of the institute or society provides for it.”

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