

PROCESS FOR A PRIVILEGE OF THE FAITH, i.e., PETRINE PRIVILEGE

Introduction

This document is written for persons who have a petition for a Petrine Privilege pending before the Tribunal of the Diocese of Pueblo. This document lists only the more important stages of the process for obtaining a Petrine Privilege. The intent of the document is to inform the Parties about their responsibilities in this process so that they can clearly understand what they are undertaking. This document is designed to help the Parties become aware of the stages of the process for obtaining a Petrine Privilege so that they can actively, directly and personally participate in these proceedings.

An Ecclesiastical Dissolution and the Petrine Privilege

The Catholic Church claims the power to dissolve non-sacramental marriages.

The theory is that in order to have the *sacrament* of matrimony both Parties to the marriage must be validly baptized. If it can be proven that either one or both Parties to a marriage is not baptized, then the marriage is held to be non-sacramental and hence subject to a possible ecclesiastical dissolution in virtue of the Privilege of the Faith, sometimes called the Petrine Privilege.

A Petrine Privilege is the dissolution by the Pope of a non-sacramental marriage.

The Difference between a Petrine Privilege Case and an Annulment Case

A Petrine Privilege case should not be confused with a declaration of invalidity case, popularly termed an annulment. A Petrine Privilege case is one in which the issue is proving that the marriage was not a sacrament, that is, that either one or both Parties to it were not baptized. A declaration of invalidity case, popularly termed an annulment, is one in which the issue is proving that the marriage in question is not valid. That is proving that at the time the union was entered there was a radical defect present which prevented valid consent from being given. And therefore the right to marry still obtains.

Requirements for the Petrine Privilege

The current papal legislation that governs the granting of a Petrine Privilege is entitled *Potestas Ecclesiae* and was issued in Rome on April 30, 2001. There are a significant number of requirements for the valid granting of a Petrine Privilege. The following four conditions are the most important.

- 1) It **must be proven** that **one** or the other of the Parties to the marriage was **not baptized** when the marriage was entered and during the entire time of their married life.
- 2) It must be proven that the marriage was not consummated if the previously non-baptized Party becomes baptized.
- 3) No possibility exists to restore the partnership of conjugal life.
- 4) The Petitioner was not the culpable cause, exclusive, or prevalent cause for the destruction of conjugal living, and the person whom the Petitioner wishes to marry in the Catholic Church did not provoke the separation of the spouses by his/her own fault.

Acceptance of the Petition

When a petition for a Petrine Privilege has been received by the Tribunal, and the case appears to have merit, the Tribunal commits itself to investigate the case. The Petitioner and Advocate are then notified that the case has been accepted. Included with the notification letter of acceptance are three other items: 1) this document entitled *Process for a Privilege of the Faith, i.e., Petrine Privilege*; 2) the Acknowledgment of Petitioner form; 3) a lengthy Petitioner Questionnaire, that the Petitioner will need to complete with the assistance of the Advocate. The Petitioner should complete the questionnaire, with the assistance of the Advocate, and the Acknowledgment form and return both to the Tribunal as soon as possible.

Citation of the Other Party

On the same day that the Tribunal formally accepts the case for investigation, it writes to the former spouse. Included with the letter of citation are two other items: 1) this document entitled *Process for a Privilege of the Faith, i.e., Petrine Privilege*; 2) a questionnaire concerning the issue of non-baptism and the reasons for the break down of the marriage.

Citation of the Witnesses and Requests for a Baptismal Search

This is the stage at which the testimonies of the witnesses and other proofs are gathered by the Tribunal. Among the most important source of proof in any type of case is the testimony of knowledgeable and willing witnesses. In a Petrine Privilege case, Rome has been very insistent that testimonies from the blood relatives of the alleged non-baptized Party is essential. The Tribunal directly contacts the witnesses who have been named. They are asked to complete a witness questionnaire that contains approximately twelve questions. These questions, among other things, concern the baptismal status of the Parties and the reasons for the breakdown of the marriage. All of the questions must be answered. The questionnaire must be signed by the witness as well as by a Notary Public or by a Catholic Priest. If all of the questions are not answered or if the testimony is not properly signed and notarized, then what is provided is useless. Full and adequate witness testimony is absolutely essential in a Petrine Privilege case.

Delays are frequently encountered at this stage. Sometimes witnesses claim they never received the citation for testimony from the Tribunal. Some witnesses fail to have their testimonies properly signed and notarized. Sometimes witnesses claim to have sent testimony to the Tribunal when, in fact, they have not done so. Some witnesses fail to cooperate.

The burden of proving the necessary requirements for the granting of a Petrine Privilege rests with the Petitioner, not the Tribunal. The best way for the Petitioner to avoid delays is to contact the witnesses, after they have been notified that the case has been accepted for investigation, to insure that they cooperate fully with the Tribunal's request for testimony.

An additional source of proof is what is termed a "request for a baptismal search." A written request is sent by the Tribunal to churches that the alleged non-baptized Party may have attended or to the church in which the non-baptized Party celebrated their marriage. A simple request is made of the church that they check their baptismal register to see if the non-baptized Party was ever baptized at that church and then to return the results of the search to the Tribunal.

Deposition of the Interested Spouse

Rome has been insistent that the person whom the Petitioner seeks to marry in the Catholic Church also provide a deposition in the case. Therefore, later in the process, this person will be contacted by the Tribunal and the appropriate deposition form will be enclosed. This deposition is to be completed with the local parish priest and returned to the Tribunal.

Sincerity Letter by the parish Priest.

The norms also require that the local parish priest supply a letter about the religiosity of both the Petitioner and the intended spouse. The Tribunal directly contacts the local pastor and provides him with directions on how to complete the letter.

Letter to the Pope

Rome has been insistent that the Petitioner ask for the favor from the Holy Father in a personal letter. The Tribunal will generally craft this letter for the Petitioner and ask him/her to sign it and return it to the Tribunal.

The Promises

If the marriage that will be entered is between a Catholic and a non-Catholic or with an unbaptized person, then the norms require that both Parties sign a document in which the promises for a mixed marriage are given concerning the freedom of the Catholic party to practice their faith and to baptize and educate the children as Catholics. The Petitioner will be directly contacted by the Tribunal and the form for this will be provided. Once completed with the local parish priest, it should be returned to the Tribunal.

Completion of the Acts

When all of the proofs and necessary documents have been received, three copies of the file are typed up. It is at this point that the Defender of the Bond prepares his/her written *animadversions*; the Judge prepares his/her written historical summary of the case; the Diocesan Bishop prepares his written *votum*. These three items are also part of the file. Three typewritten copies of the file are sent to the Vatican Embassy in Washington, DC. They in turn place them in the diplomatic pouch which is sent on to the Congregation for the Doctrine of the Faith in Rome.

Fee

The current fee which the Congregation for the Doctrine of the Faith requires is \$440.00. However, should the Petitioner not be able to afford the fee, the Tribunal makes the request that it be granted *in forma pauperum*, that is, for free.

Congregation for the Doctrine of the Faith

Once the three copies of the case have arrived in Rome at the Congregation for the Doctrine of the Faith, it is studied by three consultors and a defender of the bond. Should the Congregation have further questions, they will write back to the Tribunal. (This is why we carefully prepare and craft these cases to anticipate questions the Congregation might have.) If everything is in order, upon recommendation of the Congregation for the Doctrine of the Faith, the case is presented to the Holy Father for his decision.

Future Weddings

The process for obtaining a Petrine Privilege takes time. If an affirmative decision is given by the Holy Father, we will send the final decree directly to you. Only then may you set a date for a new marriage. Under no circumstances may any priest or cleric promise a date nor may a couple set a date for a wedding or make arrangements for a new marriage before receiving the final decree.