



INSTRUCTIONS FOR LACK OF FORM NULLITY

1. **PROCESS:** A prior marriage of any kind requires either a death certificate or a Decree of Nullity before a person is free to marry in the Catholic Church. **A Decree of Nullity must be obtained before scheduling a wedding.** A Lack of Form Nullity Decree is the result of a documentary process demonstrating that a particular marriage is not binding because one of the parties was bound to canonical form which was not observed.
2. **WHO ARE BOUND TO OBSERVE THE CATHOLIC FORM:**
 - a) From May 19, 1918 – December 31, 1948 form applied to baptized Catholics who practiced their faith (First Communion);
 - b) From January 1, 1949 – November 26, 1983 form applied to all who were baptized Catholic regardless of practice;
 - c) From November 26, 1983 – April 8, 2010 form applied to all who were baptized Catholic and who did not leave the Catholic Church by a documented formal declaration.
 - d) From April 8, 2010 form applies to all who were baptized Catholic.
3. **WHO DOES NOT QUALIFY FOR A LACK OF FORM NULLITY:**
 - a) If neither party was Catholic at the time of the marriage.
 - b) If a dispensation from Canonical Form was obtained.
 - c) If the marriage was later validated or sanated.
 - d) Marriage of a Catholic before an Orthodox priest (with or without permission) after March 25, 1967.
4. **DOCUMENTS REQUIRED AS PROOF:**
 - a) **Catholic Baptismal Certificate:** Must be an **authentic document**, dated within six months with all prescribed notations – no fax, no photocopy,
 - b) **Marriage Certificate:** Photocopy of the full marriage record is preferred – including application section. Document must include date and place of the ceremony as well as the name and status of the officiant – thus an abstract will not suffice.
 - c) **Civil Decree of Divorce:** Photocopy of the Final Divorce Decree is required.
 - d) **Certificates of Search:** The Priest or Deacon Advocate is responsible to secure testimonial letters from all dioceses where the parties resided during the marriage, except for the Diocese of Pittsburgh. These letters prove that the marriage was not dispensed from canonical form, not validated nor sanated. A sample search letter is available from the tribunal. If the marriage was contracted outside of this diocese but the couple never lived outside of the Diocese of Pittsburgh, the advocate must note this in a cover letter.
5. **NOTES:**
 - a) A separate application is required for each marriage attempted by the Petitioner.
 - b) The Petitioner may be a non-Catholic providing the Respondent is a Catholic.
 - c) A woman is always identified by her maiden name in this process.
 - d) If there is a discrepancy with the names on the three documents, proofs must be submitted demonstrating that it is the same person.

**SAMPLE OF SEARCH LETTER
FOR LACK OF FORM APPLICATION**

(On parish letterhead)

[DATE]

Reverend [NAME]
Chancellor
Diocese of [NAME]
[ADDRESS]
[ADDRESS]

Dear Father [NAME]:

Please search the records for any indication of a dispensation, validation or sanation of the marriage of:

[GROOM'S NAME] and [BRIDE'S MAIDEN NAME].

In the period of: [DATE OF WEDDING] and [DATE OF DIVORCE].

Please mail, fax, or email the results of the search to me at the address above. Thank you for your kind consideration in this matter.

Sincerely yours,

Reverend [NAME]
Pastor

In regard to the marriage listed above, our records show:

Signature

Title

Date

SEAL