



**PAULINE PRIVILEGE PETITION
IN FAVOR OF THE FAITH FOR THOSE WHO INTEND TO REMARRY
IN THE CATHOLIC CHURCH AFTER RECEIVING BAPTISM**

**Canonical & Tribunal Services
Diocese of Austin, Pastoral Center
6225 E US 290 HWY SVRD EB
Austin, TX 78723**

In order to determine whether to apply for a Pauline Privilege, please review the following canons.

Canon 1143 - §1. A marriage entered into by two non-baptized persons is dissolved by means of the Pauline Privilege in favor of the faith of the party who has received baptism by the very fact that a new marriage is contracted by the same party, provided that the non-baptized party departs.

Conditions for the Application of the Pauline Privilege

The essential conditions for the application of the Pauline Privilege are:

- (a) a marriage entered into by two unbaptized persons;
- (b) the subsequent baptism of one and only one of the spouses; and the “departure” of the still unbaptized spouse.

Departure of the Unbaptized Spouse

Canon 1143 - §2. The non-baptized party is considered to depart if he or she does not wish to cohabit with the baptized party or to cohabit peacefully without affront to the Creator unless the baptized party, after baptism was received, has given the other a just cause for departing.

Interpellations

Canon 1144 - §1. For the baptized party to contract a new marriage validly, the non-baptized party must always be interrogated whether:

1. he or she also wishes to receive baptism;
2. he or she at least wishes to cohabit peacefully with the baptized party without affront to the Creator.

Canon 1144 - §2. This interrogation must be done after baptism. For a grave cause, however, the local ordinary can permit the interrogation to be done before baptism or can even dispense from the interrogation either before or after baptism provided that it is evident at least by a summary and extrajudicial process that it cannot be done or would be useless.

Pauline Privilege

Manner of Making the Interpellations

Canon 1145 - §1. The interrogation is regularly to be done on the authority of the local ordinary of the converted party. This ordinary must grant the other spouse a period of time to respond if the spouse seeks it, after having been advised, however, that his or her silence will be considered a negative response if the period passes without effect.

Canon 1144 - §2. Even an interrogation made privately by the converted party is valid and indeed licit if the form prescribed above cannot be observed.

Canon 1145 - §3. In either case, the fact that the interrogation was done and its outcome must be established legitimately in the external forum.

Right to Remarry

Canon 1146 – The baptized party has the right to contract a new marriage with a Catholic party:

1. if the other party responded negatively to the interrogation or if the interrogation had been omitted legitimately;
2. if the non-baptized party, already interrogated or not, at first persevered in peaceful cohabitation without affront to the Creator but then departed without a just cause, without prejudice to the prescripts of canon 1144 and 1145.

Possibility of a Mixed Marriage

Canon 1147 – For a grave cause, however, the local ordinary can allow a baptized party who uses the Pauline privilege to contract marriage with a non-Catholic party, whether baptized or not baptized; the prescripts of the canons about mixed marriages are also to be observed.



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FOR TRIBUNAL USE ONLY:

Case Title:

Case Number:

(PLEASE PRINT)

1. PETITIONER Male Female Mr. Mrs. Miss Dr.

First Name

Middle

Maiden

Present Last Name

Present Address

City, State, Zip

Telephone Numbers

Email Address

2. RELIGION OF PETITIONER

Religion at time of marriage to the Respondent (former spouse) _____

Religion as of the present date _____

Is it your present intention to become a Catholic? Yes No

Are you currently attending an RCIA (Rite of Christian Initiation of Adults)? Yes No

Where attending? _____

Name and address of Church presently attending _____

Intended date of Baptism _____

Pauline Privilege

Are you already baptized? Yes No

If yes, current religion _____

Date of Baptism _____

Place of Baptism _____
Church, City, County, State

If baptized, provide a current Baptismal Certificate

3. WITNESSES FOR THE PETITIONER (Please provide two credible witnesses who can attest that the Petitioner was not baptized at the time of the marriage to the Respondent.)

Name _____ Relationship _____

Address _____

Name _____ Relationship _____

Address _____

4. RESPONDENT (Former Spouse) Male Female Date of Birth _____

(Mr Mrs Miss Dr) First Name Middle Maiden Present Last Name

Present Address _____

City, State, Zip _____

Telephone Numbers _____

Email Address _____

IF THERE IS ANY REASON WHY RESPONDENT SHOULD NOT BE CONTACTED, PLEASE NOTE REASON.

(Proof must be provided through a Medical Report, Police Report or Court Order.)

5. RELIGION OF RESPONDENT

Respondent's Religion at the time of the marriage _____ As of this date _____

Did the Respondent submit to a ceremony of christening, sprinkling, or immersion (Trinitarian form – “in the name of the Father, Son, and Holy Spirit?”

Yes No

Describe: _____

Are you certain that the Respondent was never baptized?

Yes No

6. WITNESSES FOR THE RESPONDENT (Please provide two credible witnesses who can attest that the Respondent was not baptized at the time of the marriage to the Petitioner).

Name & Address _____ Relationship _____

Name & Address _____ Relationship _____

7. RELIGIOUS BACKGROUND OF PETITIONER AND RESPONDENT

Did either Petitioner or Respondent attend Sunday School or CCD or receive any religious instruction as a child?

Petitioner Yes No Respondent Yes No

Which church, if any, did the parents attend while raising their family?

Petitioner _____ Respondent _____

If the parents attended a church, was either party ever initiated into that church membership?

Petitioner _____ Respondent _____

8. MARRIAGE INFORMATION (First Marriage. If not the first marriage, explain). _____

a) Date and place of church/civil ceremony (name, address, minister, i.e. priest, deacon, minister, rabbi, justice of the peace)

Provide a copy of the marriage license/certificate.

b) Was this the first marriage for you? Yes No

c) Was this the first marriage for your former spouse? Yes No

d) Date and place (city, county, state) of civil divorce _____

Provide a copy of the divorce decree signed by the judge.

e) Reason for the break-up of marriage. Explain _____

f) Is there any hope of you and your former spouse being reconciled? Explain _____

g) Has your former spouse remarried? If yes, date and place of church/civil ceremony, city, county, state, and whether by a minister or Justice of the Peace.

9. CHILDREN OF THE FIRST MARRIAGE– Name(s) and birth dates of children of this marriage?

10. PRESENT OR INTENDED MARRIAGE

a) Name of INTENDED PRESENT spouse

First	Middle	Maiden	Last
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b) If you have not yet remarried, please provide the address, religion, and current marital status of your fiancé/fiancée.

c) What is your spouse/fiancé/fiancée's current religion? _____

d) Date and place of Baptism _____

Provide a currently dated Baptism certificate.

e) If you have not yet married, date, church/place, and address of intended marriage _____

- f) If you are currently married, date and church/place of marriage (Church/civil ceremony place, address, church denomination and whether by a minister or Justice of the Peace).

Provide a copy of the marriage license/certificate.

- g) Has your present or intended spouse had a prior marriage(s)? _____
Provide a copy of the marriage license/certificate, divorce decree, copy of nullity, or death certificate, if applicable.

- h) Were you or your present spouse responsible for the breakup of your marriage to your former spouse? Explain.

MARRIAGE HISTORY OF THE PETITIONER

List all marriages from past to present.

A. PETITIONER'S NAME: _____				
Spouse Name First & Last	Date of Marriage	Date of Divorce	Was the spouse in a prior marriage? If so, provide the name of this person's previous spouse. Catholic or Non-Catholic?	Was the spouse living or deceased at the time of the subsequent marriage? Provide death certificate if deceased.
1st				Living () Deceased ()
2nd				Living () Deceased ()
3rd				Living () Deceased ()
4th				Living () Deceased ()

MARRIAGE HISTORY OF THE RESPONDENT

List all marriages from past to present.

A. RESPONDENT'S NAME: _____				
Spouse Name First & Last	Date of Marriage	Date of Divorce	Was the spouse in a prior marriage? If so, provide the name of this person's previous spouse. Catholic or Non-Catholic?	Was the spouse living or deceased at the time of the subsequent marriage? Provide death certificate if deceased.
1st				Living () Deceased ()
2nd				Living () Deceased ()
3rd				Living () Deceased ()
4th				Living () Deceased ()

Pauline Privilege

I, the undersigned _____, state under oath that the statements in this Petition are true. I respectfully petition the Tribunal of the Diocese of Austin to investigate the possibility of the use of the Pauline Privilege regarding the marriage that I intend to contract with _____, on _____, at _____.

Please keep a copy for your files.

Print Name of Petitioner

Print Name of Pastor or Advocate

Signature of Petitioner

Pastor or Advocate

Parish

Parish Address

Date

Parish Seal

Included:

- 1. Copy of marriage license/certificate between Petitioner & Respondent
- 2. Copy of divorce decree between Petitioner & Respondent
- 3. Correct addresses for Petitioner, Respondent and witnesses
- 4. Marriage license/certificate of current marriage, if remarried
- 5. Marriage license/certificate and divorce decree, nullity decree or death certificate if current or intended spouse had any prior marriage(s)
- 6. Currently dated Baptismal Certificate of Petitioner
- 7. Currently dated Baptismal Certificate of present or intended spouse
- 8. Baptismal status of Respondent
- 9. Send to Canonical & Tribunal Services, 6225 E US 290 HWY SVRD EB Austin, TX 78723
- 10. Two investigations are needed if Respondent's address is invalid. *Tribunal Professional Charge for website investigation is \$100.00.*
- 11. For all other applicable fees, please see fee page.