



**TRIBUNAL  
DIOCESE OF FARGO**

5201 Bishops Boulevard, Suite A  
Fargo, North Dakota 58104-7605  
Tribunal@fargodiocese.org  
Phone: 701.356.7940  
Fax: 701.356.7995

**APPLICATION  
LACK OF CANONICAL FORM CASE**

CANONS: 1108-1123

**I. THE CASE**

A Catholic, baptized or having been received into the Catholic Church, and not having left it by means of a formal act (between November 27, 1983 and December 1, 2010) married outside the Catholic Church. A dispensation from Canonical Form was **not** granted and the union was not “convalidated” or sanated. The Tribunal has been given the responsibility of investigating the assertions and declaring the freedom of the parties to marry within the Catholic Church.

**II. REQUIRED DOCUMENTS**

The parish priest submitting this case must provide to the Tribunal the following documents:

1. Recent Baptismal Certificate of the Catholic Party
2. Marriage License or Certificate of Marriage

**III. REQUIRED INFORMATION (please type or print clearly)**

1. Present legal name of Petitioner<sup>1</sup> \_\_\_\_\_  
Maiden Name \_\_\_\_\_  
Religion at time of wedding<sup>2</sup> \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Phone Number \_\_\_\_\_  
Email \_\_\_\_\_
2. Present legal name of Respondent<sup>3</sup> \_\_\_\_\_  
Maiden Name \_\_\_\_\_  
Religion at time of wedding \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Phone Number \_\_\_\_\_  
Email \_\_\_\_\_
3. Catholic party’s baptism or reception into the Church:  
Church \_\_\_\_\_  
Place \_\_\_\_\_  
Date \_\_\_\_\_
4. Attempted Marriage  
Place \_\_\_\_\_  
Date \_\_\_\_\_  
Name of Minister or Judge \_\_\_\_\_

(Continued)

5. Final Divorce Decree

Date \_\_\_\_\_  
Place \_\_\_\_\_

6. Was a dispensation from Canonical Form obtained?<sup>4</sup> \_\_\_\_\_

*If the answer to this question is Yes, you are not eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.*

7. Was this attempted marriage ever validated or “blessed” by a Catholic Priest or Deacon? \_\_\_\_\_

*If the answer to this question is Yes, you are not eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.*

8. Was this attempted marriage ever brought to the attention of the Church for a possible sanation?<sup>5</sup> \_\_\_\_\_

*If the answer to this question is Yes, you may not be eligible for a Lack of Form Case. Ask your Parish Priest about which form to fill out.*

9. Did the Catholic party formally defect from the Catholic Church between November 27, 1983 and December 1, 2010?<sup>6</sup> \_\_\_\_\_

*If Yes, was this before the attempted marriage? \_\_\_\_\_*

*If yes, to which ecclesiastical authority did the Catholic party submit the declaration of his/her intent to formally defect? \_\_\_\_\_*

10. Is the petitioner fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions?<sup>7</sup> \_\_\_\_\_ If no, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Is the respondent fulfilling his or her natural obligations to the children and the other party arising from this or other previous unions?<sup>8</sup> \_\_\_\_\_ If no, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Why was the decision made not to have this marriage take place within the Catholic Church?

\_\_\_\_\_  
\_\_\_\_\_

**I solemnly swear and affirm that, to the best of my knowledge, the above answers are true, especially that my attempted marriage was never “convalidated” or “blessed” by a Catholic Priest or Deacon.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

I have confirmed that the form has been completed, and all required documents have been acquired.

CHURCH SEAL

\_\_\_\_\_  
Parish priest or delegate

Please return this form and required documents to the Tribunal.

**Do not set a date for the marriage until you are notified that this marriage has been declared null by a Decree of Lack of Canonical Form.**

The Tribunal may attempt to contact the Respondent.

As the Tribunal is a Mandated Reporter by North Dakota State child abuse reporting laws, in some limited circumstances testimony may be reported to civil authorities.

## **INSTRUCTIONS FOR THE PARISH PRIEST SUBMITTING A LACK OF CANONICAL FORM PETITION**

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<sup>1</sup>The Petitioner is the party requesting the declaration of nullity. The Respondent is the other party.

<sup>2</sup>If the Petitioner or Respondent was baptized in another religion but has been formally received into the Catholic Church, please indicate that.

<sup>3</sup>If the Respondent cannot be located please fill out the form entitled “[Attempts to Locate Respondent](#)” found on the Tribunal website.

<sup>4</sup> A dispensation from Canonical Form is a permission from the Bishop or his delegate to be married in a non-Catholic setting.

<sup>5</sup> A radical sanation is an administrative procedure by which the bishop convalidates a marriage without the parties having to renew their consent.

<sup>6</sup>If a Catholic formally defected from the Catholic Church between November 27, 1983 and December 1, 2010, he or she is not bound by Canonical Form. The person had to intentionally commit an act of heresy, schism or apostasy AND must have submitted in written form to the Ordinary or proper pastor that they intend to abandon the Catholic Faith. It is very rare that a person actually formally defected from the Catholic Faith.

<sup>7</sup>Canon 1071 §1, 3° requires the permission of the local Ordinary before anyone is allowed to witness the marriage of a person bound by natural obligations towards another party or children arising from a previous union. In the Fargo diocese the Bishop has given permission to pastors and parochial vicars to witness marriage of those thus bound, where there is proof that the obligations are being fulfilled. The focus of this canon is primarily concerned with the children. However there may be situations where there are special obligations owed to a former spouse. The first question the parish priest should ask of the petitioner is whether he or she is fulfilling the legal obligations imposed by the civil courts. Is the petitioner doing his or her part to see to it that the physical, emotional, religious and developmental needs of the children are being met? An administrative prohibition delaying the marriage may be imposed if it appears appropriate.