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1. What is a declaration of nullity?

A declaration of nullity (sometimes referred to as an "annulment" or a "declaration of invalidity") is a statement by the Catholic Church that at the time two people exchanged marital consent there was something essential missing that prevented a valid marriage bond from being formed. The three essential things that are necessary for valid marital consent are; the capacity of the parties for making such a commitment and fulfilling the obligations of marriage, the intention to enter into marriage as the Church understands marriage, and a basic level of knowledge both of marriage itself and of the person they are marrying.

Most marriages are entered into validly. However, when there is a serious deficiency in any one of these three areas, the marriage may be considered invalid. This is not a moral judgment on the parties themselves, since many times both parties exchanged their consent with the best of intentions. Nor is it a process that seeks to lay blame on one or other of the parties for the failure of the marriage. Rather, a declaration of nullity is a statement of fact concerning the validity of the marriage bond itself.

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2. Who needs a declaration of nullity?

The Catholic Church teaches that it is the consent of the parties that creates the marital bond. Therefore, whenever two people have exchanged marital consent, the Church has to look into the matter to see if a valid marriage bond has been formed. This is regardless of whether the parties were Catholic or non-Catholic, baptized or non-baptized, married in a religious ceremony or married in a civil ceremony. If a person has been married and divorced more than once, additional inquiries will need to be made for each prior marriage.

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3. Who can apply for a declaration of nullity?

Either party to the marriage can apply for a declaration of nullity. However, before the Church can consider a case, it must be clear that there is no possibility for reconciliation between the parties. In the United States, a civil divorce is considered sufficient proof that the parties cannot be reconciled. If the parties married in a country that allows for the possibility of a religious marriage without civil effects, a marriage nullity case can be heard as long as there is sufficient proof (normally the declaration of both parties to that fact) that the parties cannot be reconciled.

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4. What marriages are considered valid by the Catholic Church?

In considering whether a marriage bond is valid, the Church looks at five things: the (1) [form of the marriage](#), (2) [the freedom of the parties](#), (3) [the parties' capacity for entering into marriage](#), (4) the parties' knowledge of marriage and of each other, and (5) the parties' intentions in

entering into marriage. A marriage could be declared invalid if something is lacking in any one of these areas.

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5. What is meant by the "form of marriage"?

This refers to marriages of members of the Catholic or Orthodox Churches. In order for the marriages of Catholics or the Orthodox to be considered valid by the Catholic Church, they must take place in a certain way. For Catholics, this means the consent of the parties must be exchanged in the presence of a Catholic priest or deacon who has the necessary jurisdiction, and done in the presence of two witnesses. (At times and for sufficient reason, the Catholic party can obtain a dispensation so that, if they are marrying someone who is not Catholic, his or her marriage can take place in another religious setting.) For the Orthodox, their marriages must take place in the Orthodox Church with the blessing of the priest.

It is only members of the Catholic and the Orthodox Churches who have to marry in a certain way. All others - whether baptized or not - when they marry among themselves can marry in whatever way they choose and it is generally recognized by the Catholic Church as a valid marriage. This is because the Church believes that it is the consent of the parties that creates the marriage bond. The Church makes further requirements upon members of the Catholic Church as to how their marriages are celebrated, and we recognize the requirements of the Orthodox Church for the celebration of marriage, but we cannot place those same requirements on those who are not members of our faith community.

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6. How is a marriage declared invalid for a "lack of canonical form"?

Marriages of Catholics or the Orthodox that are invalid because of lack of proper form can be declared invalid through an administrative process. This normally takes place when one of the parties wants to enter into a subsequent marriage. The request for an administrative declaration of nullity is normally sent in by the priest, deacon, or other pastoral minister, with the rest of the marriage papers. The minister should fill out a form called "Form D" Petition for Declaration of "Lack of Canonical Form," and submit it to the Tribunal Office, along with a recently issued baptismal certificate of the Catholic or Orthodox party, a copy of the marriage license, and a copy of the final decree of divorce from the previous marriage(s).

A typical administrative declaration of nullity in the Diocese of Las Vegas would take about two to three weeks to obtain, once the necessary papers have been sent to the Tribunal Office.

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7. What is meant by "canonical freedom to marry"?

In order to marry validly in the Catholic Church, each party must be free from any canonical impediments. "Impediments" are things that disqualify a person from marrying. Some of these impediments are considered to be of divine law, and therefore cannot be dispensed by the Church; while others are considered to be of merely ecclesiastical law, and therefore do not bind those who are not members of the Catholic Church, or can be dispensed for those who are members of the Catholic Church.

The canonical impediments are found in [canons 1083 to 1094 of the 1983 Code of Canon Law](#). They prohibit marriages of people who are under a certain age (c. 1083), who suffer from perpetual impotence (c. 1084), who are held to a prior bond of marriage (c. 1085), who have not been baptized (c. 1086), who are in Catholic Holy Orders (c. 1087) or have made perpetual Religious vows (c. 1088), who have committed certain actions ("abduction" in c. 1089 and coniujudice in c. 1090), or who are related (as in consanguinity) in a certain way (canons 1091 to 1094).

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8. How is a marriage declared invalid because of a "lack of canonical freedom to marry"?

The process that is followed in these cases is called a "summary judicial process." It involves gathering the necessary documents and other information that demonstrate that a canonical impediment existed at the time of the marriage and that it had not been dispensed; contacting the other party to see if that person has any objection to the documents that have been presented; and then having a tribunal judge determine whether indeed there was an un-dispensed canonical impediment present at the time the parties exchanged consent.

A typical case involving the summary judicial process in the Diocese of Las Vegas, once all of the appropriate documents have been provided, takes approximately two months to complete. This is not a guarantee that a specific case will be done in this time period, as each case is handled individually and the processing time varies greatly from case to case. The case is begun in your local parish by filling out a "Form C" with a priest, deacon, or other pastoral minister.

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9. What does the ground of "an incapacity to assume marital obligations" mean?

The canonical ground of nullity comes from the [following canon in the 1983 Code of Canon Law](#):

c. 1095, 3^o – “The following are incapable of contracting marriage: those who are not able to assume the essential obligations of marriage for causes of a psychic nature.”

This canon refers to the fact that to consent to marriage a person must be capable of assuming and carrying out the essential obligations of marriage. The inability to assume the obligations of marriage here must be due to a ‘psychic’ (psychological) nature. This ‘psychic’ inability is not limited to a psychological illness, but is much broader. It is any disorder or disturbance of the

human mind, which if sufficiently severe, can prevent a person from assuming the essential obligations of marriage. Some examples of non-psychological “psychic causes” which are often included in this area are victims of abuse and ‘adult children of alcoholics’.

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10. How is a marriage declared null because of “an incapacity to assume marital obligations”?

The Catholic Church comes to a decision about these cases through a formal judicial process, which is described below. The case is begun in your local parish by filling out a "Tribunal Application" form with your priest, deacon, or other pastoral minister.

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11. What is meant by "lack of reason" in entering into marriage?

The canonical ground of nullity comes from the [following canon in the 1983 Code of Canon Law](#):

c. 1095, 1^o – “The following are incapable of contracting marriage... those who lack the sufficient use of reason”

This canon states that those who lack the use of reason together – as well as those who suffer from a lack of ‘sufficient’ use of reason are incapable of contracting marriage. When a disruption of the psychological processes involved in forming the human act are seriously impeded, the person is deprived of any meaningful deliberation concerning his or her personal capacity for entering into the marital commitment. The mental impairment here must be relatively severe and pervasive in its effect. The cause can be a habitual disorder such as a psychosis or severe mental retardation, or could possibly be a transient disturbance such as a serious trauma. It could also be something as simple as the person being incapacitated at the wedding due to drug or alcohol use.

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12. How is a marriage declared null because of "lack of reason" for marriage?

The Catholic Church comes to a decision about these cases through a formal judicial process, [which is described below](#). The case is begun in your local parish by filling out a "Form C" with your priest, deacon, or other pastoral minister.

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13. What is meant by "Total Simulation" or “Partial Simulation” for entering into marriage?

These canonical grounds of nullity come from the [following canons in the 1983 Code of Canon Law](#):

c. 1101, §1 – “The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.”

c. 1101, §2 – “If, however, either or both of the parties by a positive act of the will exclude marriage itself... the party contracts invalidly.”

Total Simulation:

These canons refer to the fact that a person may be simply “going through the motions” at the time of the marriage, not truly intending to get married, which invalidates the marriage. This is called ‘simulation’ – when a person desires to enter into marriage, or to, at least, go through the marriage ceremony, to enjoy certain benefits of marriage, but intends marriage in such a distorted manner so that the object of consent is not really marriage. A classic example of this is a “green card” marriage, where the parties are going through the actions of the marriage, but have no intention of being married as the Church understands the Sacrament. They entered the marriage to obtain the “green card,” not to be married, and thus the marriage could be considered as invalid. There are several other examples of this simulation that are not found as often: an example would be when a person enters into the marriage excluding the essential property of unity (reserves the right to have more than one spouse).

Partial Simulation:

In partial simulation, a person may want “marriage” but marriage on one’s own terms and devoid of an essential property of marriage. Since simulation involves a positive act of the will, simulators must be aware, at least in a basic way, of what they are intending, but the party need not be aware of the invalidating effect of his or her intentions.

Partial Simulation - An intention against the good of children

Whether a particular marriage actually gives rise to children is, in some measure, beyond the control of the spouses. The failure to have children does not in itself invalidate consent, but the exclusion of the right to potentially procreative acts does invalidate consent. Exclusion of marriage’s ordination to the procreation and education of offspring occurs when a spouse reserves to him or herself the right to determine whether, when, and under what circumstances conjugal relations will be open to the procreation of children. Usual examples of this include:

The right to acts *per se* apt for the generation of child is excluded absolutely

The right to such acts is limited, even for a time

The exclusion of the right, even for a time, is made a condition for marriage

The exclusion of the right is implicit in the exclusion of children from the marriage

The right to conjugal acts is limited to contraceptive acts only

Partial Simulation - An intention against the good of fidelity

As fidelity in the marriage covenant is one of the essential properties of marriage, to exclude this is to contract the marriage invalidly. There are many ways by which the right of fidelity can be removed:

Through direct exclusion of the right itself.

Through the attachment to consent of a condition contrary to the obligation of fidelity.

Through the concession of the right to the conjugal acts to a third person.

Through a conviction about the impossibility for frail human nature to observe this.

Through the intention to commit adultery which prevails over the intention of giving and accepting the obligation of fidelity.

It should be noted that the fact that fidelity was violated during a marriage does not dissolve the marriage. Entering the marriage while refusing one's spouse the right to a faithful relationship excludes the good of fidelity and invalidates the person's consent. However, if there is a history of adulterous relationships prior to the marriage, which continued through the marriage, this would be good evidence that there was some rejection of fidelity at some level in the adulterer's psyche.

Partial Simulation - An intention against the good of permanence

As permanence (or indissolubility) in the marriage covenant is one of the essential properties of marriage, to exclude this is to contract the marriage invalidly. The increased availability of civil divorce and the increased willingness of people, including Catholics, to avail themselves of this option, has led to a general mindset in the United States that divorce is acceptable. This mindset is contrary to the teaching of the Church, and those who hold this entering into marriage enter into the marriage covenant invalidly.

To exclude the good of permanence, people need not be aware of the Church's teaching on the indissolubility of marriage or of the invalidating effect of their intention or desire or even anticipate that the marriage will fail. What is essential is that they reserve the right to terminate the relationship either at will or if a particular circumstance occurs.

A person who knows the Church's teaching on marriage but consciously rejects it as 'old fashioned' or 'too demanding' and marries with the understanding that he or she has the option of dissolving the bond and recovering his or her former status of full freedom to enter marriage explicitly excludes indissolubility from his or her consent. A person who holds that he or she has the right to seek the divorce if some circumstance is reached in his or her marriage also enters the marriage invalidly.

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14. How is a marriage declared null because of "Total Simulation" or "Partial Simulation"?

The Catholic Church comes to a decision about these cases through a formal judicial process, which is described below. The case is begun in your local parish by filling out a "Tribunal Application" form with your priest, deacon, or other pastoral minister.

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15. What is the "formal judicial process"?

The "formal judicial process" is a legal process in the Catholic Church governed by the Code of Canon Law. It has no civil effects within the United States, since its sole purpose is to determine whether a person is considered free to enter into marriage in the Catholic Church. It does not affect a person's relationship to civil society, or to any other organization other than the Catholic Church.

Because it is a legal process, it follows certain steps. It also is designed to respect the rights of both parties, and allow both parties to have their say. Its purpose is to uncover the truth about a particular relationship, and then to see how that relationship measures up against the Church's understanding of marriage.

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16. What steps are involved in the "formal judicial process" in the Diocese of Las Vegas?

The process begins with one of the parties to the marriage petitioning the Tribunal to determine whether his or her marriage is considered to be valid in the eyes of the Church. This is done by filling out a "Form C" with a priest, deacon, or other pastoral minister in your parish. If you live outside the Diocese of Las Vegas but were married here or your former spouse lives here, you can obtain the correct form by contacting your local Parish, who will in turn contact us for the correct form.

The remainder of the process can be diagrammed as follows:

- Screening of Application by Tribunal
- Does the Diocese of Las Vegas have jurisdiction? If the marriage took place in the Diocese or if either party lives here, the Las Vegas Tribunal has jurisdiction over the case. If the marriage took place elsewhere and neither party lives in the Diocese of Las Vegas, but the majority of the witnesses live here, we may also be able to claim jurisdiction to hear the case.
- Personal written testimony of Petitioner including a description of relationship between you and your former spouse, a description of Petitioner's family history and the former

spouse's family history. Names and addresses of people who will describe what they saw in the two parties, especially during the courtship

- Presentation of Petition to the Tribunal – done through the local parish
- Acceptance or Rejection of the Petition
- If petition is accepted, notification of both parties with a request that the former spouse participate (helpful but not mandatory)
- Oral or written testimony of the former spouse, if willing to participate
- Gathering of testimony, written or oral, from the witnesses
- Possible meeting with the Judge
- Possible meeting with Tribunal Psychologist
- Conclusion of the case
- Reading of testimony, if desired, before the Judge at a Tribunal Office
- Opinions of Advocates, if any were appointed
- Opinion of the Defender of the Bond
- Decision of the Tribunal
- If the Decision is appealed, it is heard by the Court of Appeals, which has the ability to confirm, nullify, or overturn the decision.
- Notification of the parties of the final decision.
- Resolution of any temporary prohibitions, if any, placed on the party.

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17. What must be proven in order to declare a marriage null?

It must be proven that at the time of consent an essential element of marriage was lacking even though it may not have been obvious to the couple at that time. Please note that adultery, or other serious problems taking place during the marriage, are not necessarily sufficient proof that a marriage was invalid at its inception.

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18. Does the former spouse have to be contacted?

Yes. At the time the Petitioner is notified that the case has been accepted, the judge will inform the former spouse (the Respondent) and will offer him or her an opportunity to participate. The non-cooperation of the former spouse usually does not hinder the progress of the case. However, the cooperation of the former spouse is invariably helpful to the process.

The Respondent does not have the right to prevent the Petitioner from filing a Petition; neither can the Respondent “stop a case” simply by making a request or demand of the Tribunal to do so.

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19. What if the address of the former spouse is unknown?

Church law requires that the former spouse be contacted. However, if the former spouse's address is unknown, it must be established that the Petitioner has used reasonable means to ascertain the Respondent's place of residence. It is left to the discretion of the judge to determine the adequacy of the Petitioner's efforts on a case-by-case basis. We also use the internet to try to obtain information about a former spouse. If the former spouse's whereabouts remains unknown, an advocate will be appointed to act on his or her behalf and the case will proceed with the advocate protecting the rights of the Respondent.

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20. What happens if the former spouse refuses to cooperate?

The responsibility of the Tribunal is to inform the former spouse of his or her rights in a marriage nullity case. The choice to exercise those rights or not belongs with the person. In requesting a declaration of nullity, the Petitioner has asked the Church a question: Is my marriage considered valid by the Church. The Church therefore is obliged to give the person an answer. The Tribunal attempts to gather as much information as possible in order to give an answer that is as well informed as possible. However, if information is not available to the Tribunal, it still must give the Petitioner an answer.

Therefore, if the other party chooses not to exercise his or her rights in the case, the Tribunal will proceed with the case nonetheless. Lack of cooperation by the other party is unfortunate, since it deprives the Tribunal of valuable information. However, the Tribunal cannot force people to testify against their will, and must reach a decision based upon the information it has been able to collect.

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21. Is the testimony kept confidential?

All the information gathered in the course of this investigation is considered confidential. This information is not made available except as authorized by Church law. Church law states that both parties do have access to the information collected unless the judge determines that access to a particular part of the information may cause serious harm, or unless the information is protected by civil statute (an example of this would be psychological or medical records). The purpose of this access is to defend one's position for or against the ecclesiastical declaration of nullity. No one else has access to the information contained in the case. The addresses of the parties are never given out, and all contact with the parties is done through the Tribunal. At no time do the parties have to appear before the Tribunal together.

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22. What is the role of a witness in a marriage nullity case?

A witness is a person who can provide the tribunal with information about the parties and their relationship. Ideally, a witness is able to provide information about the time leading up to the marriage, the marriage itself, and the reasons for the break-up of the marriage.

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23. Who can be asked to serve as a witness?

Most persons, including family members, are eligible witnesses. Specifically excluded by Church law are confessors. In general, the Tribunal does not accept adolescent or adult children of the parties, a current civil spouse or a prospective spouse of either party to offer testimony unless there is some special reason. The Tribunal will contact the witnesses by mail usually within three weeks of accepting the petition. They are not required to appear at the Tribunal Office. The Petitioner will be asked to provide the names of three or more witnesses who will be able to provide substantive testimony about the marriage. The Respondent also has the right to provide the names of witnesses.

It is important that the Petitioner makes sure that the witnesses have agreed to cooperate prior to submitting their names to the Tribunal. In addition, the Petitioner should encourage the witnesses to return their testimonies to the Tribunal Office in a reasonable amount of time (i.e., two to three weeks). Failure of the witnesses to cooperate in due time is one of the main reasons for a delay in the processing of a case.

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24. What other information is part of the case?

The judge may collect any other information that might be helpful in preparing a case, such as statements from clinicians, hospitals, institutions, law enforcement agencies, etc. In order to obtain this information legitimately, the Tribunal will provide proper release forms to be signed by the Petitioner at the time of his or her interview. When necessary, the former spouse of the Petitioner may also be asked to sign such forms.

The judge may also ask the Petitioner to come to the Tribunal for an interview in order to clarify some parts of the Petitioner's testimony. The judge may also ask the Petitioner to come in for an interview with one of our Tribunal psychologists, depending on the grounds of the case. The purpose of the interview with the psychologist is to obtain needed information about the personality of the Petitioner in order to come to a decision on the case.

The judge will also try to obtain the testimony of the Respondent, either in person or through a written questionnaire, and see if the Respondent also wishes to submit the names of witnesses.

Both parties have exactly the same rights in a marriage nullity case: the right to give testimony, the right to submit the names of witnesses, the right to be represented by an advocate, the right to review the material in the case, and the right to appeal the decision.

After an adequate amount of testimony has been presented, and depending on the grounds the judge has determined for the case, the judge may ask a psychologist or other professional for an opinion regarding the case.

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25. What happens once all the testimony is collected in a case?

Near the end of the collection of the information for the case, the judge will inform both parties that they have two weeks to submit any additional evidence. At that time, both parties have a right to review the case materials at the Tribunal. A party must appear at the Tribunal offices during normal hours of operation if he or she wishes to review the material in the case. For a party living outside of the Diocese, arrangements can be made for the party to review the acts of the case at his or her local Diocesan Tribunal. Material is never sent to the party. The person who wishes to review the material in the case will also be asked to sign a promise of confidentiality and an understanding that the material being read is solely for purpose of defending oneself in an ecclesiastical process. The person will also be expected to make a statement to the Tribunal concerning what has been read.

If an advocate has been appointed, he or she will be asked to submit a brief. Before the case is decided, it is submitted to the Defender of the Bond for his or her observations. The Defender of the Bond has the task of arguing for the validity of the marriage and insuring that Church law has been observed throughout the investigation.

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26. When is an affirmative decision given?

An affirmative decision is given when there is sufficient evidence in the case to indicate that at the time of the marriage one or both parties lacked the necessary capacity, knowledge, or intention for entering marriage. Church law presumes that the marriage is valid, so it is only when sufficient evidence is presented to the contrary that this presumption can be overturned and a marriage can be declared null.

In reaching a decision, the judge has the benefit not only of the testimony in the case, but also the opinions of advocates, experts in various fields, the Defender of the Bond, and in some cases, other judges. Thus, the judge does not work alone on the case. Many other people contribute to the presiding judge's decision.

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27. When is a negative decision reached?

Church law presumes that all marriages properly celebrated are valid. The Petitioner must overturn this presumption by offering convincing evidence that the marriage was invalid from the beginning. It is not enough to prove that problems developed within the marriage, which

eventually led to the civil divorce. The Petitioner must demonstrate how at least one of the parties lacked the necessary capacity, knowledge, or intention at the time marital consent was exchanged. This proof must be based on something more than just the opinion of one or both parties that the marriage in question was null. It must also be proven that what was lacking at the time of the marriage was related to the nature of marriage and was serious enough to render the marriage invalid. Almost all marriages experience difficulties; some of these difficulties make it impossible for the couple to remain together. In order for a marriage to be considered invalid, however, it must be shown that the problems made married life impossible, rather than just difficult.

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28. Is the decision of the Las Vegas Tribunal final?

According to Pope Francis' *Motu Proprio 'Mitis et Misericors Iesus'*, if the affirmative decision of the Tribunal of the Diocese of Las Vegas is not appealed by either party, the affirmative decision becomes effective after the time for appeals is concluded. Either party, however, has the right to appeal either an affirmative or a negative decision.

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29. How are decisions appealed?

The Las Vegas Tribunal will notify the parties when a decision has been reached. If either party is aggrieved by the decision, he or she is asked to reply to the notification of the judgment in writing within a certain period of time. The person has the option of either appealing the case to the Court of Appeals for the Diocese of Las Vegas or to the Tribunal of the Roman Rota.

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30. How does the Court of Appeals for the Tribunal of Las Vegas work?

If either party appeals the decision (affirmative or negative), the case is forwarded to the "Court of Appeals," which was established by Rome for the Diocese of Las Vegas as the Diocese of Stockton. The appellate court, consisting of a Defender of the Bond and a panel of three judges (none of whom serve on the Las Vegas Tribunal) will review the case. The judges can either confirm the decision of the Las Vegas Tribunal, or ask to have the case re-opened and re-heard. After the Court of Appeals has concluded its work, it will inform the Las Vegas Tribunal of its decision. Both parties will be informed of this decision.

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31. What happens if the Court of Appeals reverses the decision of the Las Vegas Tribunal?

In the event that the Court of Appeals has reversed the decision of the Las Vegas Tribunal, the case can be appealed to another tribunal. This would normally be the Tribunal of the Roman Rota, the highest court of appeals in the Church.

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32. If an affirmative decision is confirmed by the Court of Appeals, are both parties free to marry in the Catholic Church?

Yes, but sometimes there may be other requirements. A declaration of nullity means that the previous marriage is not an obstacle for either party to enter a new marriage in the Catholic Church. However, because of issues that became apparent during the processing of the annulment case, in some cases the judge will recommend that one or both parties engage in a program of counseling before attempting a new marriage. If a party totally or partially simulated consent in the prior marriage, the party will often be required to make a formal declaration that they are now aware of his or her simulation and that he or she will not do this in any future marriage. In any case, these prohibitions are placed in those cases where there is serious concern whether a person is currently capable of entering a valid union or has the proper attitudes toward the essential obligations of marriage.

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33. If a marriage is declared null, does it mean that the marriage never existed?

Not exactly. It means it did not exist in the way the Church says that marriages exist. A declaration of nullity does not deny that a relationship existed. It simply states that the relationship that existed was not what the Church means by marriage.

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34. If a marriage is declared null, are the children considered illegitimate?

No. Church law specifically states that children born of a marriage, which at its beginning appeared to be valid, are still considered legitimate, even if later on the marriage is declared null. The decision of the Tribunal has no effect on the civil norms that govern child support, alimony, and visitation. It also does not affect the moral obligations that both parties took on in their relationship. A parent remains a parent, regardless of civil divorce or ecclesiastical annulment. There are certain moral obligations that must be fulfilled.

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35. How long does the formal judicial process take?

Each petition is dealt with individually, so it is not possible to specify how long the process will last. Generally, a decision is reached within one year of the judge's acceptance of the case. Nevertheless, in no case can a decision or its date of issue be guaranteed. Moreover, no priest,

deacon, or other pastoral minister is free to set a date for marriage until it is clear that both parties are free to marry. It is only if the Tribunal gives an affirmative decision, any appeals are resolved, and any temporary prohibition that may have been placed on the party is removed, that a wedding date can be set with a parish.

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36. Is there a fee for the formal judicial process?

There is no absolute *mandatory* fee. Once the case has been accepted by one of the judges, we ask the Petitioner to assume as much as possible of the total cost for handling the case. At the present time, it costs the Diocese of Las Vegas about \$900 to handle each marriage nullity case, although the actual fee requested by the Tribunal is considerably less than this amount. We ask each Petitioner to assume as much as they are able. In cases of financial difficulty, the Petitioner will be given an opportunity to ask for a reduction or total waiver of the fee. *No one will be refused a decision because of an inability to pay all or part of the cost of the case.*

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37. Besides declaring a marriage null, are there other ways of dealing with marriage cases?

Yes. Rather than being declared null, a marriage could be dissolved by the [Pauline Privilege](#) (for marriages in which neither party had been baptized), the [Petrine Privilege](#) (in which at least one of the parties had not been baptized), because the marriage was never consummated, or because of the presumed death of the former spouse. The application for these procedures is the same as for the formal judicial process. Once we receive the application, a member of the tribunal staff will be in contact with the Petitioner regarding the handling of this case.

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38. What is the "Pauline Privilege"?

The Pauline Privilege is a dissolution of marriage in which both parties to a previous marriage were non-baptized throughout the entire duration of their married life. It can be requested when one of the parties either wishes Christian baptism or has been baptized Christian and the other party remains unbaptized. These cases remain here in the Las Vegas Tribunal, and are decided by the Bishop of Las Vegas.

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39. What is the "Petrine Privilege"?

A Petrine Privilege or Privilege of the Faith is a dissolution of marriage in which at least one of the parties to a previous marriage was non-baptized throughout the entire duration of their married life. If the Petitioner is the non-baptized party or was baptized in another Christian church, he or she must either wish to be baptized or received into the Catholic Church, or seek to

marry a baptized, practicing Catholic. If the Petitioner is a baptized Catholic who was married to a non-baptized person, he or she must either wish to enter into marriage with a baptized Christian, or promise to enter marriage with a baptized Christian in the future. Privilege of the Faith cases involve a special petition to the Holy Father and are decided in Rome.

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