



Tribunal Office

DIOCESE OF RAPID CITY
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Pauline Privilege

(Revised May 2016)

This information is intended to guide those who may wish to petition for the Pauline Privilege. The dissolution of a non-sacramental marriage by the local bishop or his delegate, according to the norm of law, in order to favor the faith of the un-baptized party who wishes to be baptized Catholic. It could also be that the un-baptized desires baptism in another Christian Church with valid baptism and wishes to marry a Catholic. In this case the favor of the faith is for the intended Catholic spouse. There are many variations of these kinds of cases. The following may help you determine if the Pauline Privilege may apply, and how to introduce the case.

The following must be proven with moral certitude:

- The non-baptism of both spouses during the entire time of the marriage.
- The respondent remains un-baptized to the time the Pauline Privilege is granted.
- The party requesting the favor is not primarily the cause of the breakup of the marriage.
- The intended spouse is clearly not the cause of the breakup of the marriage.

The officials of the Tribunal of the Diocese of Rapid City conduct the process. Please do not obtain a signed statement from any witnesses about the non-baptism of any party or other facts before submitting all of the papers as described below. The process is prepared in the Diocese according to the norm of law.

If, after considering the above information and applying it to the particular case, there seems to be reason to think the Pauline Privilege may apply, the priest is to discuss this possibility with the Petitioner and explain the process and costs. If the Petitioner wishes to proceed with a Pauline Privilege case, the Petitioner is to do the following:

A. Documents

You should obtain all the documents that are pertinent (**marriage certificate and divorce decree**). You will be informed if other documents are needed after the process has begun.

B. Narrative

Please type or neatly write in ink in narrative style one side of the pages only a **brief** history of your family life and that of your former spouse and the courtship, marriage and divorce. Use the following questions as a guide.

1.) Background of the Petitioner:

When and where you were born, and what was your place in the birth order. How many brothers and sisters did you have? Give a brief description of your family life, particularly any significant events or aspects such as alcoholism, abuse, etc. How would you describe the place of religious faith in your growing up years? Were there any significant developmental issue? How was your relationship with family and friends?

2.) Background of the Respondent:

Describe what you know of the background of your former spouse using the above questions as a guide.

- 3.) Dating, courtship and decision to marry:
How and when did you meet? Had either of you been engaged or married before? What was the quality of your communication and relationship? Was there any abuse by either of you?
- 4.) Wedding and honeymoon:
Where there any significant or unusual circumstances or events regarding the wedding and honeymoon?
- 5.) Marriage:
What was your attitude regarding permanence, fidelity and mutual respect? Did you both intend to have children? What was your religious practice during the duration of the marriage? If you had any children, did you baptize them or raise them in any church? What was the quality of your communication and the relationship in general?
- 6.) Divorce:
When did you first realize your marriage was in trouble? Did you seek marriage or personal counseling? Were there separations during the course of your common life? When and why did you finally separate? Who initiated the separation and who initiated the divorce? Was it a mutual decision? If there were children, who received custody and are child support payments current?
- 7.) Current Situation:
Describe your experience since the divorce. Have you had any counseling or participated in any support groups? Is alcohol or the use of other drugs a problem for you at this time? Has your former spouse remarried? Is there any hope or desire for reconciliation between you?
- 8.) Write these words at the end of your history: *I solemnly swear, before God and my conscience, that in this narrative, I have told the truth, the whole truth, and nothing but the truth, insofar as I know it.*
- 9.) Sign & Date
Sign and date your narrative.

C. Additional Information for the Pauline Privilege Process

- 1.) On a separate paper type or write clearly using ink on letter size paper the names & addresses of all churches attended by each party with any frequency from birth until the final separation of the Petitioner and Respondent, if any. If none were attended please indicate that here: _____
- 2.) Were either of you seriously sick during which you might have been baptized without knowing it? If yes, please explain on a separate paper what you know about the matter.
- 3.) Is the Petitioner on speaking terms with the Respondent? _____. Is the Respondent likely to participate in the process and answer the questions of the Catholic Church? _____.

Please Note: Keep a copy of all the information and documents that you submit for your records and in case anything is lost in the mail.

Statement of the Petitioner - Favor of the Faith

I, _____ make the following statement of understanding concerning
(Please print your current name)
my petition for use of the Pauline Privilege in my marriage to _____
(Please print your former spouse's current name)

By my signature below, I declare I have read this statement and understand all that is contained in this statement.

I UNDERSTAND THAT:

- This is an exclusively religious matter and has no civil effects.
- There is no guarantee the final decision will be given permitting me to enter another marriage.
- No guarantee can be given to me about the amount of time it will take to receive a final decision.
- If the Pauline Privilege may not be used, I may petition for a declaration of invalidity (formal case).
- The decision of the Instructor depends entirely on the merits of the case, based on the evidence presented, and the laws of the Catholic Church regarding the marriage and the conditions for use of this privilege.
- If, according to the laws of the Catholic Church, I am presumed to be bound to any other marriage, or the Pauline Privilege does not apply, I cannot plan to marry in the Catholic Church unless it is proven that I am not bound by any previous marriage.
- I should observe the laws of the gospel regarding chastity.
- I must not set a date for any future marriage (or convalidation) in the Catholic Church until the final decision is given, and no priest or deacon is to provide me with even a tentative date for a future marriage in the Catholic Church.
- If a Pauline Privilege is given, the Instructor may require professional counseling be successfully completed before a subsequent marriage in the Catholic Church will be permitted.
- I am obliged to observe confidentiality concerning the proceedings.
- I am to ask my witnesses to cooperate with the process, but I am not to discuss what they should say when they are questioned.
- **All** information gathered in this matter is privileged for the use of the Tribunal Officials of the Diocese of Rapid City in accord with the laws of the Catholic Church and for no other reason.
- The burden of the proof falls to me. I am obliged to supply the Tribunal Officials of the Diocese of Rapid City with documents, testimony, witnesses and any information that is requested.
- I may request original documents to be returned to me.
- I realize I have the responsibility to keep a copy of all the materials that pertain to my case, in the event anything pertaining to my case is lost in the mail or in any other way.
- I will address written inquiries and correspondence to the Tribunal Office, including the case name (namely, my last [maiden] name - my former spouse's last [maiden] name), and the case number assigned.
- For reasons of confidentiality, no information about my case will be given to third parties (present spouse, fiancé, parents, family members, etc.), and they should not contact the Tribunal Office.
- I agree to cooperate fully with the Tribunal Office of the Diocese of Rapid City and to be bound by the policies of the same.

Signature of Petitioner _____ Date _____

Signature of Priest _____

Parish/City _____

(Parish Seal)

Statement of Desire to Pursue a Pauline Privilege Case

I, _____, the undersigned Petitioner, hereby
(Please print your full name: first, middle, [maiden], last.)
request the Tribunal of the Diocese of Rapid City to investigate my marriage to

_____ based on the testimony and
(Please print the full name: first, middle, [maiden], last of your former spouse.)
information I have supplied herein and according to the laws of the Catholic Church.

If the law and the facts so indicate, I ask the assistance of the Tribunal to help me prepare a petition for dissolution of my marriage.

Signature of Petitioner _____ Date _____

Signature of Priest _____

Parish/City _____

(Parish Seal)

If the Instructor determines that the Pauline Privilege case will be pursued, the priest and parties will be notified as to the steps that need to be completed.

The Pauline Privilege process has the advantage that it does not aim at proving the nullity of the marriage. It is not a declaration of invalidity or "annulment." The non-Catholic Respondent and witnesses might be more likely to participate if they know they will be asked primarily about the baptismal status, rather than other questions that are usually part of a formal case. However, all of the conditions and requirements of the law must be fulfilled. In addition to other advantages, there may be instances when the proofs and conditions for a Pauline Privilege dissolution may be obtainable, when the nullity of the marriage cannot be proven.

“Facts” – Pauline Privilege

PETITIONER

RESPONDENT

Maiden Name (First, Middle, Last)

Maiden Name (First, Middle, Last)

Current Name

Current Name

Address

Address

Home Phone

Work/Cell Phone

Home Phone

Work/Cell Phone

Email Address

Email Address

Birth Date

Birth Location

Birth Date

Birth Location

Baptism Date

Baptism

Baptism Date

Baptism

Religion

Religion

Baptism Church

City/State

Baptism Church

City/State

Current Church Affiliation

Current Church Affiliation

Courtship: _____

How Long?

Engagement: _____

How Long?

Marriage: _____

Date

Place

City/State

Separation: _____

Date Parties separated permanently

Divorce: _____

Date

County/State

Children: _____

How Many?

Your Parents:

Address:

Phone Number:

Email:

Former Spouse's Parents:

Address:

Phone Number:

Email:

Your Siblings:

Sibling #1

Name: _____

Address: _____

City: _____

State/Zip: _____

Phone Number: _____

Email: _____

Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #2

Name: _____

Address: _____

City: _____

State/Zip: _____

Phone Number: _____

Email: _____

Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #3

Name: _____

Address: _____

City: _____

State/Zip: _____

Phone Number: _____

Email: _____

Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #4

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #5

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Use additional paper if necessary.

Former Spouse's Siblings:
(Please answer to the best of your knowledge)

Sibling #1

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #2

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #3

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Sibling #4

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Present Age: _____ Was this sibling baptized during his/her childhood? _____

Use additional paper if necessary

Witnesses – (Other than Parents or Siblings)

You will need to provide **at least** two witnesses (other than family members) who can testify about:

- the non-baptism of the person who was not baptized.
- the reasons for the breakup of the marriage.

To be a witness, the person should know both about the non-baptism and the cause of the breakup of the marriage, or only about one or the other of these matters.

Witness #1

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Relationship to the Petitioner/Respondent: _____
Age when witness knew Petitioner/Respondent: _____

Witness #2

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Relationship to the Petitioner/Respondent: _____
Age when witness knew Petitioner/Respondent: _____

Witness #3

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Relationship to the Petitioner/Respondent: _____
Age when witness knew Petitioner/Respondent: _____

Witness #4

Name: _____
Address: _____
City: _____
State/Zip: _____
Phone Number: _____
Email: _____
Relationship to the Petitioner/Respondent: _____
Age when witness knew Petitioner/Respondent: _____

Credibility Witnesses

Please submit the names and complete addresses of at least two persons, who are not related to you or connected with this case, preferably Catholics, who have known you for several years and would be willing to write a letter, when contacted by the Catholic Church, regarding your character, credibility, and honesty.

Witness #1

Name: _____
Address: _____
City: _____
State/Zip: _____
Email: _____
Relationship to you: _____

Witness #2

Name: _____
Address: _____
City: _____
State/Zip: _____
Email: _____
Relationship to you: _____