



DIOCESAN TRIBUNAL

DIOCESE OF RAPID CITY
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Favor of the Faith Preliminary Investigation

(Revised January 2021)

This information is intended to guide those who may wish to petition for the use of the favor of the faith. The dissolution of a non-sacramental marriage by the Pope as the Vicar of Christ can be done, according to the norm of law, in order to favor the faith of a Catholic party. There are a few variations of these kinds of cases. The following may help you determine if the favor of the faith may apply, and how to introduce the case.

The following must be proven with moral certitude:

- The non-baptism of at least one of the spouses during the entire time of the marriage.
- 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 promise of the non-Catholic party of the new marriage (if applicable) that the Catholic party will be able to freely practice the Faith, and baptize and educate all children as Catholics.

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 norms of the Congregation for the Doctrine of the Faith, and then forwarded to Rome where it is presented personally to the Holy Father. As stated above, there are a few variations of these cases depending on which persons (Petitioner, Respondent, intended spouse) are baptized.

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

A. Documents

Complete page 6 (“Facts”). You should obtain all the documents that are pertinent (**baptism certificate, marriage certificate, divorce decree**). You will be informed of what other documents are needed after the process has begun.

B. Written Narrative

Please type or write carefully in narrative style, and on one side of the paper, your "history" in the following categories. It will help us if you keep the information in sequence and number the sections as we have. The questions themselves are only guidelines, and not to be answered one by one, but only used to guide your "story." Some may not apply to you at all.

1. Background of Petitioner: When and where were you born, and what was your place in the birth order? How many brothers and sisters did you have? Describe your home life, significant events from your school age years, how you got along socially and academically in school, type of discipline at home, your parent's

personalities and relationship with each other. How would you describe the place of religious faith in your growing up years? Was there alcohol abuse, divorce, extensive hospitalization, deaths of immediate family members, verbal, physical or sexual abuse? How would you describe your teen years? What image of marriage did you take with you from your experience of growing up in this family? How would you describe your personality at the time you left home? Were there significant developmental issues regarding sexuality? Was homosexuality an issue? How would you describe your relationships with friends, family?

2. Background of Respondent: Describe what you know of the background of your former spouse, using the above questions as a guide. Specify any significant differences from your background.

3. Dating, courtship and decision to marry: How and when did you meet? What attracted you to each other? How old were you when you began dating? Going steady? How did you treat each other during the time of dating? How did you arrive at decisions? Did you know and like each other's families? Had either of you been engaged or married before? Did you know this about each other? When and how did you become engaged? Were there any pressures that moved you toward marriage? Were you sexually involved with each other prior to marriage? Did you live together prior to marriage? Was alcohol abuse present during your dating? Was pregnancy a factor in your decision to marry? Was there any outside or internal pressure to marry at this time? To marry this person? Did you discuss seriously practice of religious faith, fidelity, children, problem solving, finances, prior to marriage? Was there any sign of emotional, physical or sexual abuse?

4. Wedding and honeymoon: Was your wedding day a happy time for you? For your spouse? Who made the decisions, and how were they made regarding the type of wedding, honeymoon plans, career options, where you would live, spacing of children and/or use of birth control? When was the marriage consummated? Was alcohol or other drug abuse present in either of you at the time of the wedding?

5: Marriage: What was your attitude and feelings regarding permanency, fidelity, equality issues, mutual respect? Did you both intend to have children, to raise them and educate them in faith? What was your religious practice during the duration of the marriage? Were there any problems in your sexual relationship? Did you have mutual friends? What was your relationship to your parents, and to the parents of your former spouse? If you had children, when were they born? How did you each respond to the responsibilities of parenting?

6. Divorce: When did you first realize your marriage was in trouble? What was your response? 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 filed for divorce? Was it a mutual decision? If there were children, who received custody? Are child support payments current?

7. Current Situation: Describe your experience since the divorce. Have you had counseling or participated in any support groups? Is alcohol or the use of other drugs a problem for you at this time? For your former spouse? Has your former spouse remarried? Is there any hope or desire for reconciliation between you?

Is there anything you would like to add that might help us further understand your experience of the marriage under study?

****PLEASE 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.

****PLEASE SIGN AND DATE YOUR NARRATIVE AND INCLUDE IT WITH THE PAPERWORK**

C. Additional Information for the Favor of Faith Process

On a separate paper, or added to the end of your narrative, transcribe the following questions, and then provide complete answers after each question has been transcribed. (**Type or legibly write using ink on letter size paper.**)

- 1) The full current names, dates of birth, and full addresses (mailing address, city, state, zip code, telephone numbers) of the **Petitioner's parents and all brothers and sisters**. If any of these persons are deceased, indicate this after their name.
- 2) The full current names, dates of birth, and full addresses (mailing address, city, state, zip code, telephone numbers) of the **Respondent's parents and all brothers and sisters**. If any of these persons are deceased, indicate this after their name.
- 3) Concerning the non-baptized party to the marriage, whether this was you or your former spouse: [If both of you were not baptized and this can be proven, you may speak with your priest about the possibility of using the Pauline Privilege process.]
 - a. Who is the non-baptized party to the marriage? [You or your former spouse?]
 - b. Names and addresses of all churches attended by the parents of the non-baptized party with any frequency from birth until the non-baptized party left home, if any.
 - c. The baptismal status of the parents of the non-baptized party and what is known about the beliefs of these parents concerning infant baptism and the necessity of baptism for salvation.
 - d. Were any of the brothers or sisters of the non-baptized party ever baptized? If so, why were they baptized and not the Petitioner or Respondent who is said to be non-baptized?
 - e. Names and addresses of all churches attended by the non-baptized party with any frequency from birth until the final separation of the Petitioner and Respondent, if any.
 - f. Was the non-baptized party ever so seriously sick, that he/she might have been baptized without knowing it? Please explain fully what you know about the matter.
- 4) 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?
- 5) What role did each of the parties to this marriage play respectively in the breakdown of this marriage? Were any third parties involved?

D. Witnesses

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. For each witness give the full name and full address (mailing address, city, state, zip code, telephone numbers). Give the relationship of each witness to the Petitioner and/or Respondent. Indicate how old each witness was when he or she came to know the Petitioner and/or Respondent.

E. 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.

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.

If the Officials at the Tribunal determine that the favor of the faith case can be pursued, the priest and parties will be notified as to the steps that will need to be completed. The case is prepared by the Tribunal of the Diocese. If all the necessary conditions are proven, the case can be sent to the Congregation for the Doctrine of the Faith in Rome for review.

The favor of the faith process is different than a formal nullity case, in 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 favor of the faith dissolution may be obtainable, when the nullity of the marriage cannot be proven. The Congregation for the Doctrine of the Faith in Rome is concluding these cases more quickly at present than in the past.

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 favor of the faith 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 favor of the faith 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 favor of the faith 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 must follow the laws of the Catholic Church to be received into the Church by baptism or profession of faith.
- 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 by Rome, and no priest or deacon is to provide me with even a tentative date for a future marriage in the Catholic Church.
- If a dissolution in favor of the faith is given, the Instructor may require professional counseling be successfully completed by me 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 am obliged to refrain from calls to the Tribunal Office inquiring about the status of my case. I will contact my parish priest or advocate as needed.
- 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 Favor of the Faith 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, and transmit this petition and all of the testimony, documents and other procedural acts to the Holy Father in Rome for a decision.

Signature of Petitioner _____ Date _____

Signature of Priest _____

Parish/City _____

(Parish Seal)

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Declaration Concerning Expenses - Favor of the Faith

The Diocese of Rapid City waives all processing fees in an effort to remove any financial obstacle or hardship to those who wish to petitioner for a favor of the faith. At the end of the process, the Petitioner may want to consider a freewill donation to offset the cost to the diocese. The Diocese covers the costs incurred through the annual Stewardship Appeal, from the good people of this diocese.

“Facts” - Favor of the Faith

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?

List other marriages [before or after the marriage in question] contracted by either the Petitioner and/or the Respondent.

PETITIONER

| Name of Spouse: | Date of Marriage: | Date of Divorce: | Decree of Invalidity (✓) | |
|-----------------|-------------------|------------------|--------------------------|----|
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |

RESPONDENT

| Name of Spouse: | Date of Marriage: | Date of Divorce: | Decree of Invalidity (✓) | |
|-----------------|-------------------|------------------|--------------------------|----|
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |
| _____ | _____ | _____ | Yes_____ | No |

STATUS CONCERNING PRESENT MARRIAGE OR FUTURE MARRIAGE [When applicable]:

Person whom Petitioner has married or is planning to marry: _____

Has this person ever been married? Yes_____ No_____

If so, has a declaration of invalidity been granted? Yes_____ No_____

Witnesses - Favor of the Faith

Witness #1

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

Witness #2

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

Witness #3

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

Witness #4

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

Witness #5

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

Credibility Witnesses - Favor of the Faith

Witness #1

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

Witness #2

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