

## **INSTRUCTIONS FOR PRESENTATION OF PAULINE PRIVILEGE CASES**

The Pauline Privilege allows the dissolution of a marriage between two unbaptized persons. The basis for this Privilege is found in 1 Corinthians 7:12-15, and the legislation is found in the 1983 Code of Canon Law, canons 1143-1150.

Use of the Pauline Privilege requires:

1. a marriage validly entered by two unbaptized persons;
2. the sincere conversion and valid baptism of one of the parties;
3. a moral or physical departure of the other unbaptized person; and
4. the certitude of the non-baptism of the former spouse (Respondent).

The granting of the Pauline Privilege is made either by the diocesan bishop or through his delegate, the judicial vicar. The bishop and his delegate have the faculty to dispense from the interrogation of the unbaptized Respondent when circumstances justify such a dispensation. The case is not sent to the Holy See and the time required for this process is dependent upon the course of instruction of the prospective convert and the cooperation of the Respondent and witnesses.

There must be certain proof that the Petitioner has been or intends to be baptized. Baptism may take place in any church which has a valid baptism, i.e. the baptism does not have to be in the Catholic Church. *The Pauline Privilege cannot be invoked until after baptism has been received. The entering of the Petitioner into a new sacramental marriage dissolves the prior marriage.*

If it happens that the Petitioner has already attempted marriage with a Catholic, baptism of the Petitioner must be delayed until the entire process leading to the granting of the Privilege has been completed and the baptism of the Petitioner and validation of the attempted marriage should take place on the same occasion. If that is not possible, validation of the attempted marriage should take place as soon as possible following baptism.

On the basis of the petition, the Tribunal will prepare questionnaires for the Respondent and witnesses which seek to determine the non-baptism of both parties. There should be at least one witness for the Petitioner and one for the Respondent. These witnesses should have certain knowledge of the non-baptism of the parties. The Respondent's cooperation is necessary. However, should the Respondent not cooperate or is not locatable, parents or close relatives must be available to give their certain knowledge of the Respondent's non-baptism.

When all proofs of the non-baptism of both parties are received by the Tribunal, the Pauline Privilege is granted. Notice of the granting of the Pauline Privilege is sent to the Petitioner's pastor so that arrangements for a new marriage or the validation of the existing civil union can be made.

Together with the completed petition, the following documents must be submitted:

1. Marriage license/certificate for Petitioner and Respondent;
2. Divorce decree for Petitioner and Respondent;
3. Recently issued certificate of Catholic baptism of the party the Petitioner desires to marry; and
4. Certificate of baptism of the Petitioner, if the Petitioner has already been baptized.