



CATHOLIC DIOCESE  
of SALINA

**DEFECT/LACK OF FORM PETITION**

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File No: \_\_\_\_\_

(Revised 2025 – *green form*)

PETITIONER: *(The person submitting the request)*

Name: \_\_\_\_\_

First

Middle

Maiden

Last

Address: \_\_\_\_\_

Street

City

State

ZIP

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**PETITION TO BISHOP OF SALINA:**

I respectfully request a Declaration of Freedom to Marry due to the Lack of Canonical of an attempted marriage which I contracted with \_\_\_\_\_ outside the Catholic Church, without an officiating priest and two witnesses (the Canonical Form required by Canon 1108) and without having received any special Dispensation from the Church to be so married. I submit the following information regarding this marriage:

**MARRIAGE:**

Date: \_\_\_\_\_ Place: \_\_\_\_\_ In the presence of

\_\_\_\_\_,  
(name)

\_\_\_\_\_,  
(Minister, civil official, etc)

**DIVORCE:** Date: \_\_\_\_\_ City: \_\_\_\_\_ County: \_\_\_\_\_ State \_\_\_\_\_

I testify that this marriage was never valid because (check one):

( ) I myself was a Catholic and was bound by Canon Law

( ) The other party was a Catholic and was bound by Canon Law

( ) Both of us were Catholics and were bound by Canon Law

to be married in the presence of a priest and two witnesses. We received no Dispensation from the Church to be married without a priest and two witnesses nor did we ever have this marriage validated in the Catholic Church. I solemnly swear that all the foregoing statements are true.

Respectfully submitted,

X \_\_\_\_\_  
(Petitioner's Signature)

Date: \_\_\_\_\_

**ADDITIONAL INFORMATION** to be obtained by the priest from the Petitioner:

1. Has the Petitioner been involved in any marriages either Yes      No  
before or since this marriage?

If so, please list the other marriages, including present one (if any), giving the following information for each:

TO WHOM

DATE

CITY AND STATE

2. Was the Respondent (Petitioner's former spouse in this Defect of Form case) married previous to their attempted Civil union? Yes      No
3. Has the Respondent married since their union? Yes      No
4. What is the Respondent's present name and complete address, phone number & e-mail:

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

Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

5. What are the present, complete names and addresses of:

Petitioner's Parents:

Respondent's Parents:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

**NOTE:** It will be necessary for one witness, preferably a parent of the (Catholic) party who was bound by the Canonical Form in this case, to be contacted to offer brief testimony. If addresses of parents are unknown or if they would be unable or unwilling to testify, the Petitioner should list a substitute witness in place of the parent and indicate the relationship of this witness.

Statement of Priest: According to the Petitioner, the reasons for the attempted marriage without a priest and two witnesses are as follows:

This Petition was completed and signed in my presence.

Date: \_\_\_\_\_ Priest's Signature: \_\_\_\_\_

## TESTIMONY OF THE RESPONDENT

*(Necessary ONLY when the Respondent ALONE is the Catholic party bound by the Canonical Form of marriage. The Petitioner's statement on the right must also be completed.)*

### To the Respondent:

You have seen the Petition of your former spouse who maintains that your marriage is invalid because you were a Catholic bound by the Catholic Form of marriage and also for the reason that this marriage did not take place in the presence of a Catholic priest, was never granted a dispensation from the Canonical Form and has never been validated in the Church.

May we therefore ask your kind cooperation in answering the following questions?

- |                                                                                                              |     |    |
|--------------------------------------------------------------------------------------------------------------|-----|----|
| 1. Were you a baptized Catholic at the time you entered into this marriage with the Petitioner in this case? | Yes | No |
| If so:      Date of Baptism: _____                                                                           |     |    |
| Church of Baptism: _____                                                                                     |     |    |
| Address of Church: _____                                                                                     |     |    |
| _____                                                                                                        |     |    |
| 2. Was this marriage in the presence of a Catholic priest?                                                   | Yes | No |
| 3. Was a Church Dispensation given permitting this marriage to take place without a priest officiating?      | Yes | No |
| 4. Was this marriage ever validated in the Church?                                                           | Yes | No |
| 5. Are you in favor of having this marriage declared null by the Church?                                     | Yes | No |
| (If you would like a copy of the Decree, please indicate: Yes      No      )                                 |     |    |

### Respondent's Statement:

By my signature I solemnly assert that all the above answers are true.

SIGNED:                      Respondent's Signature: X \_\_\_\_\_

Date: \_\_\_\_\_                      Address: \_\_\_\_\_

Place: \_\_\_\_\_                      \_\_\_\_\_

Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

Comments: (if any):

(Seal of the Church)

Priest's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

|                                                                                                                                          |
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| <p style="text-align: center;">INSTRUCTIONS FOR PETITIONING<br/>DECLARATION OF FREEDOM TO MARRY DUE TO DEFECT/LACK OF CANONICAL FORM</p> |
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1. The Petition should be sent to the Chancery well in advance of any contemplated future marriage and no promise of marriage or date of marriage should be confirmed until the Declaration has been granted.
2. If the Petitioner was Catholic at the time of the invalid marriage to be declared null, the signed Petition and the testimony of a witness on the Petitioner's side (preferably a parent) will suffice.
3. If only the Respondent (Petitioner's spouse in the marriage to be declared null) was a Catholic at the time of the marriage, the Respondent's testimony and that of a witness on the Respondent's side will be required in place of the witness for the Petitioner.
4. Along with the Petition and the necessary testimony the following documents should be submitted:
  - a) Recent certificate of Baptism of the Catholic party with notations;
  - b) Note from Church of Baptism indicating that the Baptismal Register has no notation of a valid marriage on the part of that Catholic party;
  - c) Certificate of civil marriage(s);
  - d) Certified copy of decree(s) of civil divorce;
5. An offering of Twenty five Dollars (\$25.00) for each case should be submitted with the Petition to help defray the expenses of the case.

|                                                                                       |
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| <p style="text-align: center;">GUIDELINES FOR DEFECT/LACK OF CANONICAL FORM CASES</p> |
|---------------------------------------------------------------------------------------|

1. Canon 1108 instructs that every baptized Catholic is bound to the Canonical Form of marriage, which means that the marriage must take place with an authorized priest or deacon officiating and in the presence of two witnesses.
2. Canon 1127§2 makes it possible for the Ordinary to dispense from the Canonical Form in a specific instance and allow the parties to be married without a priest officiating. But for this, a Dispensation from Canonical Form must have been obtained previous to the marriage.
3. Any marriage, involving a baptized Catholic entered into without observing the Canonical Form and without having received a Dispensation from Form is invalid 'ab initio' and remains so unless it has been since validated in the Church.
4. A Declaration of Freedom to Marry may be sought for any such invalid marriage and must be sought before either party of that marriage will be allowed to enter into another marriage in the Church (Canon 1085§2).