



TRIBUNAL AND CANONICAL SERVICES

ROMAN CATHOLIC DIOCESE OF  
ORANGE IN CALIFORNIA

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## **INSTRUCTION FOR LACK OF FORM**

The Priest/Deacon/Pastoral Associate alone is to record the responses of the parties and witnesses that pertain to the case.

Any special problems relating to the case in question should be outlined in writing and submitted to the Tribunal.

### **REQUIRED DOCUMENTS:**

The complete documents that should be attached are:

1. **The completed Lack of Form Petition**
  - a. All information should be answered fully on the Tribunal form.
2. **A newly issued Baptismal Certificate for the Catholic Party**
  - a. An updated copy of the Catholic's party baptismal certificate from the parish where the Catholic was baptized. Certificate must be dated within the last 6 months, with notations of any prior marriages.
3. **Copy of the Marriage Certificate/License**
4. **Copy of the Final Decree of Divorce/Judgment of Dissolution**
5. **Affidavit of Respondent or Two Affidavit Forms from Witnesses**
  - a. **Affidavit of Respondent: (Clergy Assistance)**
    - i. We ask that the clergy submit with the petition either the written response from the respondent, using a letter similar to the sample letter enclosed, or a statement that the respondent has been contacted by phone and has made such declarations orally to you.
  - b. **Two Affidavit Forms from Witnesses:**
    - i. If testimony of the other party is unobtainable, the sworn testimony of two witnesses of the non-validation of the marriage must be obtained. In order to verify non-validation, these witnesses must have had ongoing contact or communication with the parties throughout the marriage. Please use the form entitled "Lack of Form Witness Affidavit Questionnaire", also available in the Tribunal website.
6. **The case fee of \$65.00 is required for the processing of the case.**
  - a. Cash, Check, or Money Order payable to the Diocese of Orange

When the Ecclesiastical Decree of Nullity of Lack (Defect) of Form is granted by the Tribunal, this document should be preserved and presented with the documents concerning any new marriage.

\* \* \* Incomplete petitions will be returned to the Parish, Priest, or Deacon.

VOICE: 714-282-3080    E-MAIL: [marriagetribunal@rcbo.org](mailto:marriagetribunal@rcbo.org)

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Revised October 2025



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- For Tribunal Use Only -

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

Prot. Num.: LF \_\_\_\_\_

## LACK OF FORM PETITION

I, \_\_\_\_\_, solemnly swear before God that the information on this petition is true as far as I know. I swear that my marriage to:

\_\_\_\_\_ never took place before a duly authorized Catholic priest or deacon and two witnesses, and that this marriage was never subsequently validated by the Catholic Church.

### MARRIAGE IN QUESTION:

In two to four sentences, briefly describe why this marriage failed?

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

I further testify that the Catholic Church **never** issued a dispensation to allow this marriage to be performed by someone other than a Catholic priest or deacon. I hereby petition the bishop for a "Decree of Nullity" since this marriage was invalid from the beginning, according to the laws and canonical form of the Catholic Church.

*If the Petitioner is Catholic: I further testify that I did not formally defect from the Roman Catholic Church between November 27, 1983 to April 9, 2010.*

\_\_\_\_\_  
Signature of the Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Priest or Deacon

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parish

Seal:

\_\_\_\_\_  
Parish Address

\_\_\_\_\_  
City / State / Zip Code

Fee Paid: \_\_\_\_\_

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

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**REQUIRED DOCUMENTS:** *(Please attach and mark "X")*

- Newly issued Certificate of Catholic Baptism
- Certificate of Marriage (Civil)
- Final Decree of Divorce
- Affidavit of Respondent or Two Affidavits from Witnesses
- Cash, Check, or Money Order of \$65.00 payable to the Diocese of Orange

**PETITIONER:**

\_\_\_\_\_  
Name (Maiden):

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

\_\_\_\_\_  
City / State / Zip Code:

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

\_\_\_\_\_  
Email:

\_\_\_\_\_  
Date of Baptism:

\_\_\_\_\_  
Church of Baptism / City / State

\_\_\_\_\_  
Denomination:

**RESPONDENT:**

\_\_\_\_\_  
Name: (Maiden):

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

\_\_\_\_\_  
City / State / Zip Code:

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

\_\_\_\_\_  
Email:

\_\_\_\_\_  
Date of Baptism:

\_\_\_\_\_  
Church of Baptism / City / State

\_\_\_\_\_  
Denomination:

**MARRIAGE:**

\_\_\_\_\_  
Place (City, State):

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

\_\_\_\_\_  
License Number:

**DIVORCE:**

\_\_\_\_\_  
Place (County, State)

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

\_\_\_\_\_  
Case Number:

**WITNESSES:** *(2 Witnesses Minimum)*

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

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

\_\_\_\_\_  
City / State / Zip Code:

\_\_\_\_\_  
Phone Number/Email:

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

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

\_\_\_\_\_  
City / State / Zip Code:

\_\_\_\_\_  
Phone Number/Email:

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## [LETTER TEMPLATE]

[Date]

[Name of Witness]  
[Address]  
[City / State / Zip Code]

### AFFIDAVIT LETTER / QUESTIONNAIRE TO WITNESSES OF LACK OF FORM

Dear Mr./Ms. [Name of Witness]:

Mr./Mrs. [Petitioner] in their petition for a Declaration of Nullity of Lack of Form of their previous marriage with [Respondent], has named you as a witness for the case. Your participation in this matter would be purely religious, which serves to investigate the party's freedom to marry in the Catholic Church.

This investigation is to determine if at any time the marriage of [Petitioner's Name] and [Respondent's Name] which took place on [date] was witnessed by or blessed under the Catholic Church.

Enclosed with this letter is a brief questionnaire. We ask that you please return your completed and signed responses to our parish office. This is an exclusively ecclesiastical matter, with no civil effect. All testimonies are absolutely private, and the information gathered is confidential to the full extent of ecclesiastical law.

Your cooperation in this matter is greatly appreciated. If you have any questions regarding the process, please do not hesitate to contact us.

Sincerely in Christ,

[Signature]  
[Printed Name of Clergy]  
[Title] (e.g. Pastor, Parochial Vicar, Deacon)

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**LACK OF FORM WITNESS AFFIDAVIT QUESTIONNAIRE**

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

At the request of the above-named Petitioner, you have been named as a witness to the case mentioned above.

Please complete or correct the following information regarding yourself:

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

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

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

\_\_\_\_\_  
Email:

\_\_\_\_\_  
City / State / Zip Code:

\_\_\_\_\_  
Relation to Petitioner/Respondent:

The Tribunal's main goal is to find the truth under Gods witness about what happened that made the marriage in question "null/invalid from the beginning". We implore you to help us by presenting the plain truth, the whole truth, and nothing but the truth about the events that have occurred with this marriage.

**QUESTIONS:**

1. How long have you known the Petitioner and Respondent? \_\_\_\_\_
2. Did the marriage on [Date of Marriage: \_\_\_\_\_] between the Petitioner and Respondent take place in a Catholic Church? If not, where? \_\_\_\_\_
3. Did the Catholic Church grant permission for them to be married on that date by someone other than a Catholic Priest or Deacon? \_\_\_\_\_
4. Was this marriage ever blessed by a Catholic Priest or Deacon? \_\_\_\_\_
5. Did the Catholic party [or parties] always consider themselves to be Catholic, even when not practicing the faith? \_\_\_\_\_
6. If you are able, in two to four sentences, briefly describe why this marriage failed?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Do you solemnly testify to the truth of your statements? \_\_\_\_\_

**I hereby swear to the truth of my answers to the questions above.**

\_\_\_\_\_  
Signature of Witness:

\_\_\_\_\_  
Signature of Priest/Deacon

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

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

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