

## TERMS USED IN MARRIAGE CASES

**Affirmative and negative decision.** An affirmative decision or judgment means a Tribunal Judge or the Bishop has found the marital consent to be proven invalid according to Church law, with moral certainty. A negative decision means that invalidity has not been proven. The legal presumption is that the consent to a marriage is in accord with the words in the vows and, therefore, valid.

**Assessor.** Tribunal official who helps evaluate proofs (evidence) for the Judge or Bishop who will decide the marriage case. See Expert.

**Case Name.** To clearly identify a case, the last name of the man and the maiden name of the woman (The first one listed initiated the case.) are used in conjunction with the **Case Number** (below). Refer to both when contacting the tribunal.

**Case Number.** Office control number that identifies the case in conjunction with the case name (above). Refer to both when contacting the Tribunal.

**Code of Canon Law, *Dignitas Connubii*, and *Mitis Iudex*.** The sources of Catholic Church laws regulating marriage cases.

**College of judges.** Panel of three judges (when a group is appointed in a very difficult case) who decide the case in an ordinary process. These are the presiding judge, the *ponens* and the associate judge. The presiding judge directs the process and the *ponens* commits the decision of the college to a written sentence.

**Decree or declaration of nullity or invalidity.** A judgment by church authority that a marriage thought and presumed valid according to Catholic Church law actually lacked at least one essential element required for valid consent. Often but imprecisely it is called annulment. To declare the nullity of marriage is absolutely different from decreeing the annulment of marriage, something impossible even in Louisiana civil law.

**Defender of the Bond.** Tribunal official who must review the case and present any reasonable arguments or observations, always respecting the truth, that contribute to protecting the bond, brought about by consent, of marriage and the integrity of the legal process.

**Expert (*peritus*).** A professional with special competence and credentials who is assigned to review the case, and often to, interview the parties, before formulating a report to clarify certain matters for the judge. This is normally a clinical psychologist with a Ph. D. This person may also function as an Assessor instead.

**Grounds.** Reasons for invalidity stated in canon law on which the case is heard and judged. See **Grounds for Invalidity**, a separate document.

**Instructor.** Tribunal official who gathers proofs and directs the preparation of a marriage case.

**Judicial Vicar.** Priest who is the administrator of the tribunal. He assigns officials to a particular case and determines the grounds (see separate list).

**Legitimacy.** The legitimacy of children is not affected by a declaration concerning marital consent. The decision of a church court has no civil effects.

**Money.** No payments and no donations are accepted in any form for the Tribunal services. If any are requested, report that person immediately.

**Notary.** Tribunal official who authenticates juridical acts and documents as well as manages correspondence and contacts.

**Ordinary Process.** The legal actions by which a tribunal Judge or college of Judges resolve a challenge to the validity of a marriage.

**Petition.** A request, submitted to a tribunal according to the requirements of Catholic Church law, that challenges the validity of a marital consent and seeks a decree of invalidity.

**Petitioner.** The party who petitions a tribunal. Either party to a marriage that is irreparably broken, usually shown by the fact of divorce, may petition.

**Process before the Bishop.** If certain essential conditions are met, the Bishop, rather a Tribunal Judge may decide concerning the validity of marital consent. The agreement of both parties that the marital consent is invalid is required. Secondly, it is required that both the Judicial Vicar and the Bishop agree that the invalidity is clearly established at the starting point. Otherwise, the case follows the **Ordinary Process** (“formal case”).

**Prohibition (*vetitum*).** A restriction placed in an affirmative sentence by a Judge, or by the Bishop even apart from a nullity process, but which still prevents a future Catholic marriage until certain conditions are fulfilled. In other words, something endangers the validity of the consent in a future marriage and needs correction before that marriage is sanctioned.

**Respondent/Co-Petitioner.** The other principal to the marriage in question would sign the Petition as a “Co-Petitioner” or at least would indicate that s/he would participate in the process as the “Respondent”. S/he would also answer the questions posed about the consent given at the time of the marriage. A Co-Petitioner is in agreement with the Petitioner that the consent to the marriage is certainly invalid (perhaps not for the same reasons). A Respondent objects to the idea that the consent to marriage in question is invalid (there is no reason in his/her mind to believe that the consent was invalid).

**Second Instance Tribunal.** The Tribunal that treats an appeal of a decision by the Tribunal of the Diocese of Alexandria. The Second Instance Tribunal is normally the Metropolitan Tribunal of the Archdiocese of New Orleans but may be the Roma Rota.

**Sole Judge.** Tribunal official who acts as the only Judge in the case.

**Tribunal.** The ecclesiastical court of the Catholic Church in a diocese. A tribunal can accept a marriage case when either party has a residence in the Diocese or the marriage took place in it, or most of the significant proofs or testimonies, are to be gathered in it.

**Witnesses.** People proposed by either party who can testify knowledgeably and truthfully about the parties and marriage.