

# Briefer, Lack Of Form and Ligamen Process

## What is the briefer process?

In 2015, Pope Francis created a briefer process for petitioners who have cases that are exceptionally strong and exceptionally easy to prove. The briefer process skips some steps of the normal process and simplifies other steps. The advantage of the briefer process is that it is much quicker than the normal formal process. The disadvantage of the briefer process is that few people can use it.

## When can my petitioner use the briefer process?

Your petitioner can use the briefer process all of the following are true.

1. The respondent will tell the Tribunal that he or she accepts the use of the briefer process.
2. The petitioner's case is exceptionally strong. The invalidity of the marriage must be manifestly evident. This is a tough standard. Many petitioners who have strong cases still do not have cases so strong that the invalidity of the marriage is manifestly evident.
3. The petitioner's case must be easy to prove.
  1. The witnesses should have firsthand knowledge of important facts, and be willing to come to the Tribunal to give testimony.
  2. The petitioner and respondent likely had a short common life.
  3. The case should not need an opinion from a psychological expert. This means that the Tribunal generally will not use the briefer process for cases based on "grave lack of discretion of judgment" (canon 1095, 2º) or "incapacity to assume the essential obligations" (canon 1095, 3º).

## How do I start the briefer process?

It is easy to start the briefer process. If you have a case that you think qualifies for the briefer process, call Fr. Nicholas Muenks at 314.792.7405 or [NicholasMuenks@archstl.org](mailto:NicholasMuenks@archstl.org). He will discuss the case with you and explain how to get started. It is best if you call Fr. Nicholas Muenks even before you send in the initial "Tribunal Application".

## What can I expect during the briefer process?

Your petitioner will not need to complete the "Comprehensive Questionnaire". Your petitioner and the witnesses will be asked to all come to the Tribunal on a certain day. The Tribunal will briefly interview your petitioner and the witnesses. If all goes well, the Tribunal will write a report for the Archbishop of St. Louis, and if the Archbishop approves, he will declare the marriage invalid. If there is a problem with the proofs, the Tribunal will help your petitioner start a formal case using the usual and longer process.

## What is a "lack of form" case?

A "lack of form" case is the special procedure used by the Tribunal to investigate a marriage in which at least one party was Catholic at the time of the wedding and should have wed in a form approved by the Church, but did not. The advantage of a "lack of form" process is that it investigates something that usually is easy to prove with just a few documents so the process is quick. The disadvantage of the "lack of form" process is that not everyone can use it.

## When can my petitioner use the "lack of form" process?

Your petitioner can use the "lack of form" process if all of the following are true.

1. Either the petitioner or the respondent was Catholic at the time of the wedding.
2. There was no Catholic wedding ceremony.

3. The person who was Catholic did not get a dispensation to marry outside of a Catholic wedding ceremony.
4. The person who was Catholic never asked the Church to validate the wedding that took place outside of a Catholic wedding ceremony.

If the petitioner or the respondent was a member of some Orthodox Church, but there was no priest at the wedding ceremony, your petitioner may be able to use the “lack of form” process. Contact the Tribunal to discuss your petitioner’s situation.

In rare cases, if the person who was Catholic sometime before the wedding made a formal action to leave the Catholic Church, then the “lack of form” process may be closed to your petitioner. Contact the Tribunal to discuss your petitioner’s situation.

## What can I expect during the process for “lack of form”?

You and the petitioner will complete a two-page form. You and the petitioner will gather the following documents: a recent baptismal certificate for the person who was Catholic; a copy of the marriage license; a copy of the divorce decree. If the paperwork submitted to the Tribunal is in order, the Tribunal will declare the petitioner’s marriage invalid by reason of lack of form.

## How long does it take to receive the process for a “lack of form”?

If the supporting documents are complete and correct, the Tribunal will reply within two weeks.

## What if I can’t find the documents for a lack of form case?

Contact the Tribunal to discuss your petitioner’s situation. If you have trouble finding the necessary documents, contact Fr. Aaron Nord at 314.792.7404 or [AaronNord@archstl.org](mailto:AaronNord@archstl.org).

## What is a ligamen case?

A ligamen case is the special procedure used by the Tribunal to investigate a marriage in which at least one party had already been married before that party attempted the marriage under investigation. The advantage of a ligamen process is that it investigates something that can be proven with just a few documents. The disadvantage of the ligamen process is that not everyone can use it.

## When can my petitioner use a ligamen process?

There are two situations in which your petitioner can use a ligamen process. Recall that ligamen cases involve two prior marriages, the *earlier* marriage, and the *investigated* marriage which the petitioner wants the Tribunal to declare in valid.

In the first situation, your petitioner can use the ligamen process if all of the following are true.

1. The respondent had an earlier marriage with someone else before attempting the investigated marriage with your petitioner.
2. If anyone in the earlier marriage was Catholic, the earlier marriage began with wedding approved by the Catholic Church or the earlier marriage was later validated by the Catholic Church.
3. The respondent’s earlier marriage was never declared invalid or dissolved by the Catholic Church.
4. The respondent’s spouse by the earlier marriage was still alive when the respondent and petitioner wed, when the respondent and petitioner lived together, and when the respondent and petitioner divorced.
5. Your petitioner can secure copies of the following documents: the marriage license for the respondent’s former marriage; the divorce decree from the respondent’s former marriage; the marriage license from the respondent and petitioner’s marriage; the divorce decree from the respondent and petitioner’s marriage.

In the second situation, your petitioner can use the ligamen process if all of the following are true.

1. The petitioner had an earlier marriage with someone else before attempting marriage with the respondent.
2. If anyone in the earlier marriage was Catholic, the earlier marriage began with a wedding approved by the Catholic Church or the earlier marriage was later validated by the Catholic Church.
3. The petitioner's earlier marriage was never declared invalid or dissolved by the Catholic Church.
4. The spouse from that earlier marriage was still alive when the respondent and petitioner wed, when the respondent and petitioner lived together, and when the respondent and petitioner divorced.
5. Either the spouse from the earlier marriage is now deceased, **or**, the earlier marriage can be dissolved by the favor of the faith or by the Pauline Privilege.

## What can I expect during the ligamen process?

Complete the Tribunal Application as you would for a formal case. On reviewing the Tribunal Application, the Tribunal will decide the ligamen process can be used. The Tribunal will contact you with a list of documents to collect and paperwork to provide. It may take you about a month to gather the necessary documents. After you submit the necessary documents, the Tribunal usually completes the process in 3 months.

## What if I can't find the documents for a ligamen case?

If you cannot find the necessary documents, the Tribunal cannot use the ligamen process and will have to use the formal process instead. If you have trouble finding the necessary documents, contact Rev. Aaron Nord (314) 792-7404. He may be able to give you tips to help you find the documents.

## Are there other ways be able to marry again in the Catholic Church?

Yes. If your petitioner's former spouse has died, the bond of that former marriage has ceased. Additionally, some marriages can be dissolved by the authority of the Church. The two most common examples are called "the favor of the faith" and "the Pauline privilege".