

# The Tribunal Quarterly

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Diocese of Austin · Tribunal Office  
1625 Rutherford Lane · Austin, Texas 78754

## Message from Bishop Aymond: Forgiveness and Healing

“As we continue to celebrate the year of forgiveness and healing, our priests, deacons, religious, and other pastoral ministers are showing great dedication collaborating with me and our diocese Tribunal, in bringing healing and reconciliation with God and Church to those most in need all over the Diocese of Austin at our Easter celebrations. I am deeply grateful for their ministry and dedicated efforts to bring Christ’s healing to our sisters and brothers.”



## Pope’s Address to the Roman Rota

On January 28, 2006 the Holy Father, Pope Benedict VI addressed the dean, judges, promoters of justice, defenders of the bond, officials and lawyers of the Tribunal of the Roman Rota, on the occasion of the inauguration of the judicial year. The theme of his address was on *LAW AND PASTORAL CARE UNITED BY LOVE FOR TRUTH*.

The Pope recalled how part of Pope John Paul II’s vast legacy of teachings on the subject of canon law is contained in the Instruction *Dignitas connubii* regarding the procedures to be followed in causes of the nullity of marriage. “The greatest contribution of this Instruction, which I trust is fully applied by ecclesial tribunals, consists in indicating the measure and manner in which, in causes of the nullity of marriage, the norms contained in the respective canons ... should be applied, while observing the special norms for causes concerning the state of persons, or for causes concerning the public good.”

The Holy Father pointed out that, during last year’s October Synod on the Eucharist, the



Synod Fathers had “called on ecclesiastical courts to make every effort to ensure that members of the faithful not canonically

married may, as soon as possible, regularize their domestic situations” and so resume communion. On the other hand, Pope Benedict continued, “canonical legislation and the recent Instruction would seem to place limits on that pastoral proposal, as if the principle concern were to fulfill the legal formalities, while losing sight of the pastoral aims of the legal process. Concealed behind such an approach is a supposed conflict between law and pastoral care in general.”

Pope Benedict went on, “In this, my first meeting with you, I prefer to concentrate on an aspect that represents the main point of agreement between law and pastoral care: love for truth... All legal systems must tend, then, to ensure the objectivity, timeliness and effectiveness of the judges’ decisions.” (*For a copy of the complete remarks, please call the Tribunal.*)

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## **Information from Jurisprudence: Questions & Answers**

**QUESTION#1:** My situation is a bit unique. I was stationed at (XYZ) and was married in a Lutheran Church in (Timbuktu). My ex-spouse was a Lutheran. I believe that we received our dispensation through the Catholic Diocese. I currently live in South Pole but my baptismal Church is in North Pole. I have sought counsel from my home (North Pole) parish that my family is very active in. They suggested I work through the Tribunal in North Pole but unfortunately, since I wasn't married there nor do I live there, they don't have jurisdiction. Can you please advise me on the steps I need to take to begin the process?

**Answer:** Please be advised that names of places or Churches above are fictitious to protect confidentiality. First of all, this is a marriage that took place between a Catholic

and a non-Catholic. The Catholic partner states that he had dispensation from the Diocese in "Timbuktu" to marry in a Lutheran Church. So this case cannot be processed as a Lack of Canonical Form. However, the Tribunal in North Pole will not accept his application because they do not have jurisdiction. In other words, the marriage did not take place in their diocese, nor does he or his ex-spouse now live in that diocese. But the marriage took place in "Timbuktu." Therefore, even though the applicant now lives in South Pole, he can submit his petition for annulment with the Tribunal in "Timbuktu" which has jurisdiction by virtue of the place of marriage. (Canon 1673.1)

**QUESTION #2:** I have a parishioner that wants to know if they can

change one of their child's godparents. The one in question is not Catholic. Your advice is greatly appreciated.

**Answer:** Church law requires that "only one male or one female sponsor or one of each sex is to be employed." C.873. A baptized person who is not Catholic may not be admitted *except* as a witness, and "together with the Catholic sponsor." C.874.5,2. A witness is one "by whom the conferral of baptism can be proved." C.875. It seems to me this person cannot be replaced, although there are pastoral ways of bringing the preferred sponsor into the life of the child, either as sponsor for First Eucharist or Confirmation. Since baptismal records are historic documents, changes are not made without the approval of the Bishop.

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### **New Summer JCL Program**

The Catholic University of America, The School of Canon Law, Washington, D.C., will begin this new summer program in June 2006.

It is a part-time program leading to the Licentiate in Canon Law, designed for maximum educational benefits—summer courses, distance learning—with the least time constraint placed on the students. This will permit those who follow the program to receive a thorough canonical formation while at the same time serving the needs of their diocese. For more information, contact the School of Canon Law by phone: (202) 319-5492 or e-mail: [cua-canonlaw@cua.edu](mailto:cua-canonlaw@cua.edu).

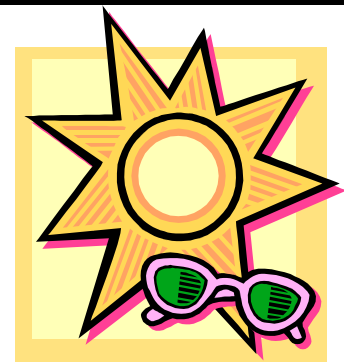
### **2006 CLSA Convention**

The 2006 CLSA Convention takes place at the Renaissance Worthington Hotel in Fort Worth, Texas from Monday to Thursday, October 9-12, 2006. There will be two pre-convention workshops October 8-9, 2006.

In-depth information, such as convention and pre-convention registration and programs, can be found at [www.clsa.org](http://www.clsa.org).

**For Tribunal Information, go to our website:**

<http://www.austindiocese.org/staff-and-organizations/tribunal.html>



**Have a safe and blessed summer!**