



Policies of the Diocese of Kansas City ~ St. Joseph

Policy # 120.30

Matrimony

Approved By: Most Reverend Raymond J. Boland, DD

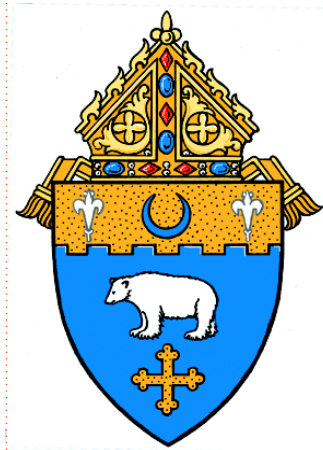
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The full text of the policy follows.

Marriage Preparation Policies of the Diocese of Kansas City ~ St. Joseph



Marriage Preparation Policies of the Diocese of Kansas City-St. Joseph

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INTRODUCTION

I. Introduction

Marriage Preparation Policies of The Diocese of Kansas City-St. Joseph

These Marriage Preparation Policies have been developed to assist Priests/Pastoral Ministers in preparing engaged couples to come before God to make a life-long commitment in the Sacrament of Matrimony. These policies replace any former policies of the Diocese.

Roles have changed and are continuing to change. These Marriage Preparation Policies are being issued within the context of change and its accompanying anxiety and new opportunities. As roles of husbands and wives have changed, so too have those of clergy and lay persons. Therefore, it is necessary to change the ways of helping persons accomplish the goals and meaning of the Sacrament of Matrimony. For example, the Priest may do all the marriage preparation or he may be part of a marriage preparation team. Such a team could include other qualified members of the faith community (i.e., those schooled in Catholic faith and life, with a comprehensive awareness of the meaning of marriage and Church teachings) as designated by the Pastor/Pastoral Administrator (such as Deacons and Pastoral Ministers) to carry out other steps of the marriage preparation process.

Expectations of one another are not only important for couples to understand, but for all involved in the ministry of marriage preparation. Expectations must also be realistic. We deal not only with role change and unclear expectations, but also with the realities of our present society. For instance, a typical couple of marrying age may not be oriented toward the Church. They may be in a developmental stage where expressing an anti-institutional stance could be expected. Other sociological factors are also important to consider. The “typical American family” of two parents where the mother stays home and the father goes to work represents only a small number of American families. Many families include both parents employed or only one parent living in the household. A high rate of divorce, increased chemical usage and domestic violence suggest the possibility that more instability and stress are being experienced by young persons coming for marriage preparation than commonly recognized. These factors not only give direction to the necessary content of marriage preparation programs but also indicate that those involved in marriage preparation deal with certain limitations outside their control.

It is hoped that the processes and programs encouraged in these policies will help build better marriages and better families in the Diocese of Kansas City-St. Joseph in the years ahead.

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II. Office of Family Life

THE GOALS OF THE DIOCESE OF KANSAS CITY-ST. JOSEPH MARRIAGE PREPARATION PROCESS

- A. To affirm the love of the couple and their openness to prepare for marriage by:
 - 1. Challenging them to grow in their relationship and faith
 - 2. Providing catechesis on the nature of God's love for humanity (as revealed to us in Jesus and taught by the Church) and each individual's need to know, love and serve God
- B. To enable couples approaching the Catholic community of faith for Christian marriage to:
 - 1. Realize the sacred nature of the Sacrament of Matrimony, helping them to develop and live as a permanent community of life and love in the world
 - 2. Grow in their spiritual lives (actions such as participation together at Eucharist, development of a devotional prayer life [e.g., contemplative prayer before the Blessed Sacrament, praying the rosary, meal-time prayers, evening prayers, spontaneous prayers] and reading Sacred Scripture may aid spiritual growth)
- C. To enable couples to discover and realize the sacredness of their intimate relationship and their call to witness their relationship to the world as a prophetic sign of God's love
- D. To provide an opportunity to share with couples desiring Christian marriage the Catholic vision of marriage by:
 - 1. Demonstrating how they can live together the Sacrament of Matrimony for one another and for the world through the lived experience of the Catholic community of faith
 - 2. Providing catechesis
 - a. On the nature of the Sacrament of Matrimony
 - b. On the moral teaching of the Church (including birth control and abortion)
 - c. On rooting marital love firmly in Christ
- E. To reflect and discuss in interreligious marriages the similarities and differences of each other's faith, beliefs and traditions

- F. To support couples in developing a domestic/home spirituality by:
 - 1. Assisting the couple in sharing their faith with one another
 - 2. Helping them learn to pray together
 - 3. Enabling them to express the reality of the family as a domestic church
- G. To provide engaged couples an opportunity to:
 - 1. Review in-depth and assess their relationship before marriage
 - 2. Discern their readiness to enter Christian marriage and their mutual commitment in Christ
- H. To facilitate and teach the engaged couple effective means of communication, conflict resolution, financial management and an understanding of their respective families of origin
- I. To foster a sense of care and concern of the Catholic community for the engaged couple
- J. To provide a process of discernment, formation and marriage preparation for couples

Assessment of Engaged Couple's Readiness for Marriage: Overview

Since marriage demands a lifelong commitment, the Church has the pastoral obligation of assisting those desiring to marry to make a prayerful and mature judgment concerning their marriage. In particular, the priest who will assist at the marriage has the responsibility of helping the couple assess their readiness for the Sacrament of Matrimony. This assessment is accomplished through reviewing and processing information gathered in accordance with the Marriage Preparation Program.

The Priest/Pastoral Minister should be clear about what is being assessed; namely, the couple's:

1. Present state of maturity which can be assessed by considering age, habits/behavior, education and life experiences.
2. Potential for personal growth in responsibility, relationship, intimacy and parenthood.
3. Capacity to commit themselves to a lifelong marriage to each other.
4. Special circumstances that may affect marriage (e.g., age, cultural background, pregnancy, physical or emotional health, stage of faith development and religious issues, etc.).

The priest and the couple must take into consideration not only spiritual attitudes but also emotional, psychological and financial factors. The assessment, in some cases, should include consultation with the parents of the couple. If one or both of the parties has not celebrated his or her eighteenth birthday, the parents or guardians must be consulted. The assessment, in special cases, must include evaluation and/or consultation with an approved diocesan counselor prior to completing the assessment.

Each couple preparing for marriage within the Church is asked to complete a premarital inventory assessment. During the entire marriage preparation process, the Priest/Pastoral Minister will need to be sensitive to the couple's nervousness or apprehensiveness, particularly when initiating discussion of the premarital assessment instrument. The assessment process is not designed to rule out the possibility of marriage. The process produces no wrong or right answers. It should be explained to the couple that the instrument may be administered by the Lead Couple or by another member of the marriage preparation team. Standardized pre-marital assessment instruments (Prepare or FOCCUS) are tools to help the couple discuss marital issues and build communication skills. The couple should be assured that the instrument is not a test but rather an effective guideline for worthwhile conversations. The results are utilized in an effort to identify strengths and areas for growth in the couple's relationship and to assist the couple in their own evaluation of their readiness for marriage.

During the assessment process, the Pastor continues to make the decision to Proceed further or Delay the marriage. The couple should be made aware that if a problem becomes apparent at any time in proceeding further, the wedding date may then be postponed. When the Priest/Pastoral Minister and the engaged couple have a personality conflict during the assessment process, they should mutually agree that another Priest/Pastoral Minister will continue the marriage preparation process. This does not apply when the Pastor determines to delay the marriage for good reason. Couples who have been delayed by one Priest sometimes will attempt to proceed with the marriage by contacting another Priest. The reasons for the delay will vary in each case. Thus, pastoral considerations require a prudent investigation into the circumstances of the original delay.

[See Section II - Office of Family Life; "Decision Reached to Proceed with or Delay Marriage," page FL-23.]

Steps for Assessment: The assessment would normally proceed according to the following steps in the order in which they are listed.

- Step 1.** Initial Interview with the Couple
- Step 2.** Marriage Preparation Program
- Step 3.** Ongoing Interviews with the Couple
- Step 4.** Referral for Evaluation and/or Counseling (a discretionary step determined by the priest)
- Step 5.** Decision Reached to Proceed with or Delay Marriage

Occasionally, circumstances will dictate that some of the steps are taken out of the above order, or even conducted/applied simultaneously, but this is not to be accepted as the usual procedure. The description and utilization of each of the above steps follows.

STEP 1. INITIAL INTERVIEW WITH THE COUPLE

The Initial Interview is usually conducted by a parish priest, deacon or other pastoral designee (collectively referred to in this document as the “Priest/Pastoral Minister”). The purpose of this interview is to discuss the Diocesan Marriage Policy and to develop a relational understanding of the individuals approaching the Church for a sacramental marriage. Issues of importance may include the couple’s faith and psychological readiness for marriage and their canonical freedom to marry. Couples are also extended an opportunity to share their concerns with the Priest/Pastoral Minister.

The Priest/Pastoral Minister should meet with the couple as soon as possible to discuss the probable course of marriage preparation consistent with the couple’s needs and to plan for the timely beginning of the process. Even if the couple calls a year ahead of time, it is not too soon to explore any circumstances requiring special procedures or counseling.

1. **Engaged couples are to contact the parish at least nine months prior to the desired date of the wedding.** After the initial interview, there will ordinarily be about six to eight months available for assessment and participation in an appropriate Marriage Preparation Program. Therefore, the required notification will provide adequate time for assessment of readiness to marry and a fitting catechesis for the celebration of the Sacrament of Matrimony. At times, a reasonable cause may call for flexibility in this requirement. The pastor of the parish may waive a portion of the nine-month preparation period if he **prudently** judges that the marriage preparation can be adequately completed, but very rarely under six months. Conversely, procedures to overcome the case of a delay may add to this time period.
2. **The Priest/Pastoral Minister is responsible for all marriage instructions and documents.** The theology of the Second Vatican Council characterizes Christian marriage as an “intimate partnership,” “a conjugal covenant” of life and love. Effective pastoral preparation for couples who express the desire to marry in the Catholic Church must be given special emphasis. Each couple should receive a thorough overview of diocesan and specific parish guidelines and procedures for marriage preparation. Marriage instruction in this Diocese ought to address mutual and lasting fidelity as well as openness to the possibility of children. The Priest/Pastoral Minister serves as the hub of all required paperwork, fees, registration, documentation, etc. The Priest/Pastoral Minister may delegate certain aspects of these duties.

3. The Priest/Pastoral Minister should:

- a. **Welcome couples.** Employing good, active listening skills, the Priest/Pastoral Minister attempts to gain insight into the couple through basic who, what and why questions (e.g., who is this couple (their individual/collective story); what are their special circumstances, if any; what are they asking of the church/parish; why do they want to get married).
- b. **Build rapport and identify needs and concerns.** The Priest/Pastoral Minister begins to build rapport with the couple at the initial contact. More than one interview with the couple may be necessary to establish/build good rapport. The rapport builds through listening to their needs and concerns and sharing attitudes and beliefs about sacramental marriage. A warm response and positive approach to the possibilities open to the couple through marriage preparation will help them feel affirmed and challenged rather than hemmed in by rules and judgments.
- c. **Complete pages 2 and 3 of the Marriage Registration Form [see Appendix A].** At this time, the Priest/Pastoral Minister should review the necessary Diocesan Marriage Registration Form to be alert to possible difficulties. (The Marriage Registration Form is ***not to be signed*** until completion of the Marriage Preparation Program.)
- d. **Explain the marriage preparation process, including Diocesan and Parish policies.** In the initial visit, the couple should be fully informed about timing, costs or special requirements and options. Also in that visit, or shortly thereafter, the couple should give their decision as to whether or not they desire to proceed with the marriage preparation process, be apprised of any options that may be available, and, if necessary, assisted with special arrangements.
- e. **Briefly explain the beauty of the Sacrament of Matrimony.** The engaged couple should be given a review of the fundamentals of Christian doctrine. This should include catechesis both on the doctrine concerning marriage and the family, and on the sacrament and its rites, prayers, and readings so that they may be able to celebrate it consciously and fruitfully.
- f. **Arrange for the administration and interpretation of a premarital inventory; currently Prepare II and FOCCUS.**

4. During the initial interview, the following reminders may be helpful.

- a. Marriage preparation consists of many “teachable moments” between the Priest/Pastoral Minister and the engaged couple.
- b. Marriage readiness can be initially addressed through a discussion of the personal, family and faith histories of the couple and an assessment of the knowledge and practice of each individual’s faith. Because young people do not always clearly express their knowledge of the faith or talk openly about their religious practice, questions may be in order (e.g., regularity of Sunday Mass attendance, frequency of reception of sacraments and their life of prayer). These factors may help to indicate their spiritual readiness for marriage.
- c. The couple will respond best to policies and procedures presented as an expression of concern for them on behalf of the Christian community. The Priest/Pastoral Minister must patiently explain how some culturally accepted attitudes are detrimental.
- d. Engaged couples should be helped in understanding that popularly accepted attitudes are not on an equal plane of equality with the teaching of the Church. The Priest/Pastoral Minister must patiently explain how some culturally accepted attitudes are detrimental.
- e. The Marriage Preparation Program should be offered as a response to the couple’s individual needs, rather than as hoops to jump through for a church wedding. This will enhance their motivation for active participation in their marriage preparation.
- f. The focus should be on how two persons can live their commitment of life and love in a Christian lifestyle.
- g. As many couples are anxious about setting a date, a tentative date may be pencilled in the parish facility calendar with a consistent pattern or timing of each parish’s process. Many of our parishes have found this helpful after the review of the inventory assessment due to its helpfulness in determining if counseling or other more lengthy delays may be warranted.

STEP 2. MARRIAGE PREPARATION PROGRAM

The entire policy and procedures for entering the Sacrament of Matrimony hinge on the best possible marriage preparation program being made available to the couple. The term “Marriage Preparation Program” includes the wide range of programs available to those intending marriage.

In light of Vatican II and according to the most recent *Code of Canon Law*, the entire ecclesial community is responsible for the care and nurture of the married couple. Therefore, the Marriage Preparation Program is administered through roles and responsibilities of the ecclesial community. The Priest/Pastoral Minister supervises the entire Marriage Preparation Program. The collaboration between the engaged couple, the Priest, Deacon and others involved in the Marriage Preparation Program will insure that each couple receives the best possible marriage preparation and insures the integrity of Catholic doctrine. Duties may vary according to circumstances of the local parish.

While the Church calls lay men and women, as part of the church community, to assist couples in preparing for the Sacrament of Matrimony, it also calls resource persons to specific work with clergy and other Pastoral Ministers. These resource persons may include:

- a. Lead or Engaged Encounter Couples
- b. Beginning Experience coordinators and facilitators
- c. Natural Family Planning (NFP) teachers
- d. Remarriage Preparation Team coordinators and facilitators
- e. Diocesan resources (e.g., Catholic Charities, the Family Life Office, the Marriage Tribunal)

On occasion, couples may be unable to take advantage of these resource persons directly. For example, military service or geographical distance may prevent or limit access to formal preparation methods. In those instances, the couple and Priest/Pastoral Minister may need to make special arrangements for preparation and assessment of the couple’s readiness for marriage. ***[See Section IV - Special Circumstances That May Require Attention During Assessment Process; “Absent Partner/Couple,” page SC-9.]***

1. Components of Marriage Preparation Program.

A. As of this writing, there are three basic Marriage Preparation Programs. Two preparation programs are recognized by this Diocese for first marriages: (a) the parish-based Lead Couple Program and/or (b) the Catholic Engaged Encounter weekend model. Couples who may be remarrying within the Church are encouraged to take advantage of either parish-based preparation efforts or to participate in the diocesan weekend experience, (c) To Trust Again.

1. **The Lead Couple Program** generally requires four or five sessions (two hours each) involving the engaged couple and a pastorally trained married couple. The purpose of this program is to provide the engaged couple with necessary input and content regarding issues impacting married life, to stimulate necessary dialogue between the engaged couple and to help the couple assess their readiness for marriage.
2. **The Catholic Engaged Encounter** experience is designed to provide the engaged couple with an opportunity to talk honestly and intensively about their prospective life together. These sessions are facilitated by a priest coordinator and two married couples within a large group (15-20 couples) setting. This process is completed within a weekend context, requiring two overnight stays (Friday through Sunday).
3. **The To Trust Again** remarriage preparation process invites the remarrying couple into focused conversations (large/small group activities) on issues facing their relationship. Each couple is encouraged to develop an understanding of the challenges incurred in forming a successful remarriage. These dialogue sessions are facilitated by married couples who enjoy a successful remarriage relationship.

The Priest/Pastoral Minister, in collaboration with the engaged couple, makes the decision about the most appropriate preparation program. On occasion, the Priest/Pastoral Minister may require additional preparation efforts. If, for serious reasons, a couple is unable to participate in a Marriage Preparation Program, private instructions on marriage must be provided for by the Priest/Pastoral Minister. Additional conferences should then be scheduled to offer adequate opportunity for religious instruction on the general teachings of the Catholic Church, responsibility of married life, and commitment in faith to Christ and the Church.

The eight weeks prior to the wedding should be reserved for the couple to plan the wedding liturgy and for further spiritual preparation for marriage. Acknowledging an unanticipated minor delay or other unusual situation, the Priest/Pastoral Minister may, with discretion, extend participation in the Marriage Preparation Program into this period.

B. Certain elements tie the various programs together in order that each couple will have substantially the same opportunity:

- 1. The instructional aspect, *The Marriage Preparation Seminar or Engaged Encounter*, presents the essential human and Christian aspects of marriage.** Through this instruction, the couple becomes aware of the total dimensions of the marriage covenant. Formal marriage preparation includes: reflection on the nature and Sacrament of Matrimony, married love and family life, couple prayer, marital responsibilities, communication within marriage, personal expectations, Natural Family Planning and other practical considerations.

The couple, whatever their age or previous experience of marriage, needs the means to evaluate this new relationship. The challenge is to provide a marriage preparation program that is more than exhortative or didactic. Research has shown that an interactive marriage preparation program accomplishes more than a lecture format.¹ The best marriage preparation includes feedback from a premarital assessment instrument, sharing of feelings and concerns, and training in communication and problem-solving skills.² All aspects of the marriage preparation program should be designed according to principles of adult learning and Christian formation.

All who help with marriage preparation should receive formation and training to enable them to minister to the engaged couple. The Parish should take advantage of Diocesan training programs and resources from approved national organizations.

2. Common Curriculum - there are five basic themes:

- a. Communication/Conflict Resolution
- b. Sexuality/Responsible Parenthood/Natural Family Planning
- c. Spirituality/Catholic Marriage/Interfaith or Mixed Marriage
- d. Parenting/Family Skills/Family of Origin Awareness
- e. Financial Planning/Priority Setting

2. Recruiting/Training Lead Couples

In recruiting Lead Couples, a Priest/Pastoral Minister should consider the following criteria:

- a. The couple's lifestyle should evidence their faith and commitment to a canonically valid marriage and their understanding of what it means to be Church through an active participation and support of the Church.
- b. The couple is willing and able to work as part of the Parish marriage preparation team.
- c. The couple is open, empathetic and flexible, and their communication is active and deep.
- d. The couple has been married at least three years (preferably five years).
- e. The couple has shown a desire for growth in their relationship, demonstrated by attendance at Marriage Encounter or other marriage preparation or enrichment experiences.
- f. Each individual enjoys obvious personal integrity, open-mindedness and a pleasant sense of humor.
- g. The couple has a basic knowledge of and accepts Church teaching, especially about marriage and family, and is willing to gain new knowledge and skills.
- h. The couple can facilitate sessions with an engaged couple in complete confidentiality.
- i. Interreligious, intercultural and interracial couples who are successfully living the challenges and joys of integrating different faith traditions.

Through these criteria, the Diocesan Lead Couple Training Program emphasizes couple-to-couple relationship, through hospitality and witness to Christian marriage, in helping the engaged couple come to a realization of the significance of married life. The Lead Couple Training Program encourages individual and couple skills development through structured activities and discussions.

Training sessions for new candidates for Lead Couples are held during the year, and are consistent in content throughout the Diocese. Engaged Encounter Couples are also trained through guided workshops, following the nationally approved outline of Catholic Engaged Encounter. Coordinators and Facilitators are also prepared for the remarriage preparation ministry (e.g., To Trust Again).

3. Role of Priest/Pastoral Minister

a. The Priest/Pastoral Minister oversees each couple's marriage preparation, including:

1. Explanation of policies and programs.
2. Completion of required forms requesting necessary permissions and/or dispensations.
3. Consideration of the need for special counseling and initiating referral to a counselor, if deemed necessary.
4. Early referral to an introductory session in natural family planning.
5. Ensuring the coverage of certain points in the Marriage Preparation Program, including the primacy of one's relationship to God, fidelity to the teaching of the Church, growth in the spiritual life, unity and permanence of marriage, fidelity to each other and openness to children.
6. Serves as a spiritual director.

b. The Priest/Pastoral Minister Assists those desiring to marry to:

1. Make a prayerful and mature judgment concerning their marriage.
2. Understand the meaning of Christian marriage. If one or both parties lack faith awareness, the couple should be referred for further instruction (e.g., special classes, one-on-one discussions). It is usually good for a couple to attend together.
3. Examine sacramental aspects of their human covenant.
4. Understand the moral teachings of the Church. If, despite counsel and discussion, an engaged ***couple explicitly and formally rejects*** the Church's teaching on marriage, then the ***Priest or Deacon would not be free to witness*** their marriage. He must make it clear that the couple themselves, and not the Church, have put an obstacle in the way of the celebration.³

- c. **The Priest/Pastoral Minister assesses the couple's readiness for marriage by:**
1. Examining motives for marriage and exploring any special circumstances that may affect their marriage.
 2. Arranging for the administration and interpretation of a premarital inventory.
 3. Making a referral to the parish-based marriage preparation coordinator or to Catholic Engaged Encounter.
- d. **The Priest/Pastoral Minister ultimately decides on the readiness of the couple for marriage and communicates the decision to the couple:**
1. If the decision is to proceed, follow procedures under ***"Step 5A - Proceed with Marriage," page FL-23.***
 2. If the decision is to delay, follow procedures under ***"Step 5B - Delay of Marriage," page FL-26.***
- e. **The Priest/Pastoral Minister helps plan a liturgical experience that celebrates and manifests this momentous step of the couple.** At the time the liturgical wedding plans begin, all parish guidelines should be given to the couple. The couple should be informed of any expenses and/or suggested offering.
- f. **The Priest/Pastoral Minister encourages ongoing growth in the sacraments.** The couple should be reminded of their role as witnesses to the faith community. They should also be invited to live out their sacramental responsibilities through an active participation in the life of the parish.

4. Expectations of the Engaged Couple

- a. Give sufficient notice to the Pastor as soon as they have the intention to marry.**
- b. Participate in the Marriage Preparation Program.**
- c. Encourage one another to pray together.**
- d. Complete a premarital assessment instrument to:**
 - 1. Identify and cultivate strengths.
 - 2. Focus on areas for growth in the relationship.
 - 3. Identify areas of difficulty in their relationship and, when recommended, participate in premarital evaluation and counseling.
[See Section II - Office of Family Life; "Referral for Evaluation and/or Counseling," page FL-21.]
- e. Recognize essential characteristics of marriage, such as:**
 - 1. Unity
 - 2. Fidelity
 - 3. Permanence
 - 4. Openness to children
 - 5. Characteristics of Christian faith, including:
 - a. Primacy of God in life
 - b. Growth in spiritual life
 - c. Fidelity to Church teaching
- f. Active participation in parish/worshipping community.**

5. Role of Lead Couple (where the ministry exists)

Married couples have great credibility in speaking to the engaged about the realities of the joys and struggles of married life. The Priest/Pastoral Minister should provide opportunities for these married couples to come together for prayer, study, discussion and mutual support. Thus, married couples will be able to share in the responsibility for marriage preparation and witness to the holiness of their sacramental lives of intimacy, unity, self-sacrificing love and commitment.

Every parish ought to be able to refer an engaged couple to a Lead Couple in their parish or in a neighboring parish for mutual dialogue and support. Even if weddings are a rarity in the parish and the Priest/Pastoral Minister has plenty of time, the engaged couple can benefit by also working with a trained married couple. The Lead Couples of our Diocese (and Engaged Encounter Couples) are married couples trained in conformity with Church teaching. ***[See Section II - Office of Family Life; "Recruiting/Training Lead Couples," page FL-11.]***

The Lead Couple may be called on to:

- a. Share the results of the premarital inventory, review categories, and discuss family of origin.** Through utilization of the premarital instrument, the Lead Couple discusses with the engaged couple their strengths and areas for growth in their relationship.
- b. Demonstrate the concern of the Church community for the couple in living out the Sacrament of Matrimony by:**
 - 1. Witnessing to the joys and struggles of the lived experience of marriage.
 - 2. Helping to foster basic communication and conflict management skills.
 - 3. Sharing the importance of God in their daily marital life.
- c. Provide feedback to the Priest/Pastoral Minister regarding the engaged couple's readiness for marriage.** The Lead Couple is invited to share their insights, impressions and concerns regarding the engaged couple's readiness for marriage. The Lead Couple does not share in the responsibility for determining readiness; only the Priest/Pastoral Minister and the engaged couple own this responsibility.

6. Role of Family Life Office

- a. Train clergy and Pastoral Ministers in the administration and interpretation of assessment inventory instruments.
- b. Ensure that Marriage Preparation/Engaged Encounter offers the topics noted. ***[See Section II - Office of Family Life; "Components of Marriage Preparation Program," page FL-9.]***
- c. Train Lead Couples and insure that they receive adequate support/resources. ***[See Section II - Office of Family Life; "Recruiting/Training Lead Couples," page FL-11.]***
- d. Educate the community regarding the diocesan Marriage Preparation Policies.
- e. Provide opportunities for Priests, Pastoral Ministers, Marriage Preparation/Engaged Encounter staff, and Lead Couples to convene regarding program content and roles.
- f. Provide opportunities for married couples to acquire skills in facilitating discussions regarding remarriage.
- g. Provide counseling referrals for unwed parents and provide consultation and training to Priests/Pastoral Ministers regarding referral procedures.
- h. Provide coordination and training for married couples entering first marriage preparation or remarriage preparation programs.

7. Role of Natural Family Planning (NFP)

Trained allied health professionals in the field of Natural Family Planning, as well as NFP teaching couples, can provide engaged couples with the practical knowledge and instruction that is required for the use of NFP. To ensure that couples receive at least a basic exposure to modern NFP, an introductory session will be included as part of the Marriage Preparation Program.

Two NCCB accredited programs of instruction in natural family planning exist within this Diocese: Fertility Care Center of Kansas City and Couple to Couple League of Kansas City. Both have as their goals:

- a. The creation of an awareness of benefits of NFP.
- b. The education of men and women to the impact of the woman's natural fertility cycle in planning and spacing the introduction of children to the family.
- c. The support of the Church's teachings regarding human sexuality, marital bonding and nurturance of the couple relationship.

An early referral to an introductory session in natural family planning should be made to ensure the couple's exposure to modern NFP and to allow the couple to pursue a full course of instruction early in the marriage preparation process. In those areas where trained NFP practitioners and/or teaching couples for modern methods of NFP are not available, a videotape may be employed. The Family Life Office will be able to provide a suitable video to these parishes.

STEP 3. ONGOING INTERVIEWS WITH THE COUPLE

In most situations, the Priest/Pastoral Minister will request follow-up interviews with the engaged couple. It is during these sessions that both the couple and the Priest/Pastoral Minister gain an appreciation of the couple's readiness for marriage. At this time, issues of cohabitation, pregnancy before marriage and others are discussed, if pertinent. The couple is encouraged to examine their spiritual, emotional and physical commitments to each other, their parish family and to God.

The Priest/Pastoral Minister should meet with the couple as often as necessary to reach a decision about the couple's readiness to marry, whether to marry at this time, or even marry each other. Like the initial interview, these conversations should be more than a question and answer session. They are opportunities for knowing the couple well enough to reach a firm decision.

The following guidelines are suggested in conducting follow-up discussions:

- 1. Faith and sacramental readiness for marriage should be considered.**
- 2. Spiritual and human enrichment are serious concerns in marriage preparation.**
 - a. Awareness of the love of God, of neighbor and of one's self.
 - b. Confidence and hope in God and in one's partner; in serving God and working out one's salvation.
 - c. Acceptance of the potential for personal and spiritual growth and development.
 - d. Valuing the importance of mutual respect and mutual support.
- 3. The skills or wisdom gained from personal experiences in human relationships should never be underestimated.** The Priest/Pastoral Minister plays a most important and crucial role in the lives of every couple preparing for marriage. He/She is asked to become aware of the couple's lifestyle and beliefs and then to share insights to assure their continued growth. The Priest/Pastoral Minister:
 - a. Assists the couple in naming/claiming their feelings and attitudes.
 - b. Invites an open dialogue about their future life together.
 - c. Assesses their views and attitudes concerning their marriage in light of the teachings of the Church.

4. The “work” of the Priest/Pastoral Minister is to:

- a. Establish a relationship with each couple that shows genuine concern for them now and in the future.
- b. Encourage growth by sharing information and fostering communication between the couple.
- c. Assist them to understand their reasons for marriage.
- d. Assist them to understand that they are sign and sacrament to each other.
- e. Enable them to learn to appreciate their individual and collective giftedness.
- f. Guide the couple in a discussion of their personal responsibility as a child of God, husband or wife, and father or mother.
- g. Explore any special circumstances surrounding this marriage and how these may affect it. ***[See Section IV - Special Circumstances that May Require Attention During Assessment Process.]***
- h. Assist the couple to view marriage realistically, with all its joys and sorrows.

STEP 4. REFERRAL FOR EVALUATION AND/OR COUNSELING

1. Evaluation

- a. The couple should never be required to set up an appointment for evaluation before they have completed at least one visit with the Priest/Pastoral Minister (not merely on the telephone) so that a relationship with them can be established. The couple's questions can be answered and a reasoned and positive explanation of the Marriage Preparation Policy given. When the couple are not minors, nor is there a pregnancy involved, it is recommended that a referral not be made unless several (2 or 3) meetings have been completed. The basic role of the counselor is one of service to the Priest/Pastoral Minister to assist in making an informed pastoral decision about the Priest/Pastoral Minister's own recommendation for the couple. The counselor is not, nor is it meant to be, the decision maker.
- b. It should be made clear to the couple that this referral is for positive counseling, assistance, and help in looking at their readiness for marriage. It should also be made clear to the couple that the counselor will be sending a written report, but that this evaluation will not be the sole factor in assessing the readiness of the couple for marriage. The possibility of alienation of the couple from the Church can be minimized if, from the very start, the Priest/Pastoral Minister is careful to explain to the couple (and their parents, where necessary) that the Marriage Preparation Policy is calculated to protect the ultimate rights and happiness of those involved and not arbitrarily to infringe upon them.
- c. When the referral is necessary, the Priest/Pastoral Minister should give the couple the necessary information to contact either a counselor from Catholic Charities or a counselor in private practice so they can set up their own appointment.
- d. The Priest/Pastoral Minister should always share with the couple the principal reason for referral. This will help immensely in lessening the couple's confusion and resentment.
- e. The couple should not be told that all couples are referred for evaluation or counseling. This is not true. Only when serious doubts or special circumstances come to light does the policy call for referral.

- f. A couple should not be referred for evaluation because there is a question of their faith commitment. This is the Priest/Pastoral Minister's responsibility. Questions of faith may be discussed by the Priest/Pastoral Minister with the Chancellor if so desired.
- g. When a referral for evaluation is made, the following should be explained:
 - 1. The total cost of the evaluation will be born by the couple in like manner to Catholic Charities' sliding scale to financial situations; or, if a private counselor, according to his/her pay scale.
 - 2. The total number of visits will be determined between the couple and the counselor.
 - 3. The procedures may include such things as personality tests, premarital inventories and follow-up discussions to review any questions that have arisen during the counseling process.

Case material, summary, and recommendations are prepared and reviewed by the counselor. The report is submitted to the referring Priest/Pastoral Minister.

2. Counseling

- a. All steps and procedures are the same as those above for **Evaluation**. In most cases, the couple will also go through the evaluation process as part of their counseling.
- b. Premarriage counseling differs from evaluation in that it attempts to work toward the solution of a known problem area. The content will most likely revolve around the issue(s) revealed in the evaluation. For those referred specifically by the policies (e.g., pregnancy or under 18 years of age, etc.), an evaluation will need to be conducted [as set out in **Evaluation** above] to determine how significant this factor is in the total situation.

STEP 5. DECISION REACHED TO PROCEED WITH OR DELAY MARRIAGE

1. Proceed with Marriage

- a. **Set the wedding date**
- b. **Arrange for the Blessing of the Engaged Couples in the context of the domestic Church of family and friends.**
 1. **As a celebration of this time of more intense spiritual preparation, a blessing for engaged couples is encouraged.**
 2. **Refer to the Book of Blessings for suggestions to aid the couple in arranging this ceremony.** The Diocesan Worship Office can also be contacted for suggestions to aid the couple in arranging the ceremony for the Blessing.
- c. **Complete the Marriage Preparation Program**
 1. **The Marriage Preparation Program is to be completed at least eight weeks prior to the wedding date.**
 2. **Discuss with the couple what they have learned and experienced.** The Priest/Pastoral Minister can receive valuable information from the couple when assessing their reactions to the formal Marriage Preparation Program. Together, they can discuss any topics needing further elaboration and explore further their call to marriage.
 3. **Complete, compile, review and sign Diocesan prenuptial papers, as follows:**
 - a. **Obtain current baptismal certificate (dated no more than six months prior to its submission).** For a Catholic, either a baptismal certificate or an Affidavit of Baptism (**Appendix B**) **and** a Freedom to Marry Form (**Appendix C**) are needed. If necessary to establish baptism and freedom to marry, forms may be obtained from the Office of the Chancellor. Preferably, the mother and/or another witness would attest to the individual's baptism and freedom to marry. A Priest may also certify his knowledge of the Catholic's baptism and freedom to marry. In cases where an Affidavit of Baptism and a Freedom to Marry Form are required, the overall objective would be that,

at some point, a baptismal record for the Catholic be established.

- b. **Complete Diocesan Marriage Registration Form.** The remaining portion of the Marriage Registration Form should be completed and a review made of the personal information that was previously obtained on pages 2 and 3 of such form. The Marriage Registration Form should be properly signed (p. 3 of the form) and the Declaration and Promise of Catholic Party obtained, if needed (p. 4 of the form).
- c. **Obtain dispensations or permissions from Chancellor's Office, as necessary.** All documentary requirements must be completed and appropriate permissions or dispensations requested.
- d. **The couple should be reminded of the need for the civil marriage license and any other civil requirements (Appendix D).**

4. **Spiritual Preparation/Liturgy Planning**

- a. **The final eight weeks should be reserved for the couple to make spiritual preparation for marriage and to plan the wedding liturgy.** The couple should use this time for more intense spiritual preparation for marriage through prayer and the sacraments, reading and discussion (Priest/Pastoral Minister might recommend appropriate books and tapes).
- b. **In following liturgical policies of the Diocese and parish, the couple may need advice and direction for planning the wedding liturgy.** A member of the liturgy committee or other person familiar with good liturgical practice could serve as this resource person. The couple should be cautioned against overshadowing the beauty of the rite with popular practices, music inappropriate for liturgy, or undue attention to clothing and decorations.

- c. **The liturgical policies for weddings [see Section VII - Office of Worship] printed with these policies should be shared with the couple.** The couple ought to be provided a liturgy planning sheet (from the parish or a pamphlet on the market) to aid in coordinating all the necessary aspects for our marriage ritual (e.g., songs, movements, prayers, readings, etc.) and generally returned to the parish two to four weeks prior to the wedding. After review, changes may be recommended, if necessary.
- d. **Finalize wedding liturgy and discuss rehearsal.**

5. Wedding Ceremony

2. Delay of Marriage

The Diocesan Bishop has some legislative power in his Diocese and it cannot be delegated; Priests do not have executive power to make regulations. Therefore, these Marriage Preparation Policies have certain limits; they cannot be contrary to universal law. They are particular laws for the Diocese. Thus, Priests cannot exercise executive power to make regulations restricting the free exercise of the right to marry. No one and no custom, no matter how long-standing, can prohibit marriages unless it is a matter of universal law. Marriages may be delayed, however, in accord with these Marriage Preparation Policies.

Delaying a marriage should be viewed as a pastoral judgment motivated by care and concern for a mature, healthy Christian marriage by the engaged couple. The Priest/Pastoral Minister should inform the couple of the reason(s) for delay. It should be explained to the couple that, until such matters are remedied by continuing dialogue and/or counseling where called for, they cannot proceed with marriage plans.

The Priest/Pastoral Minister should refer to the following guidelines when a delay is being considered:

- a. Marriages may be delayed for only grave causes and for only the duration of the cause.
- b. Delay must be implemented only after deliberation within the marriage preparation team, including discussion with the engaged couple.
- c. Upon deciding to delay the celebration of matrimony, the Priest/Pastoral Minister will inform the couple and offer to help them overcome the obstacles to their readiness for marriage.
- d. The Priest/Pastoral Minister must record the reasons for delay on the Marriage Registration Form.
- e. Notification of the reason(s) for delay must be made in writing to the Pastor(s) of both parties.
- f. Examples of possible reasons to delay marriage may include (but are not limited to) the following:
 1. Non-practice of the Catholic faith by either Catholic party with no evidence of an intention of practicing the faith.
 2. Obvious lack of freedom, maturity, or readiness for marriage.

3. Substantial lack of appreciation for the spiritual and sacramental aspects of marriage.
 4. An expressed intention by one party to deny the right of the other to a permanent, exclusive and fruitful union.
 5. Apparent indifference by the Catholic party for the Catholic formation of children.
 6. Refusal to cooperate with the marriage preparation process.
- g. **When a delay is decided upon, the couple will be directed to professional services when appropriate.** The couple may be referred to the appropriate professional services or to other appropriate instructional or therapeutic programs. (The Family Life Office can provide resources suitable for Catholic marriage preparation). Other required action may be defined, as necessary.
- h. **A Priest/Pastoral Minister can never recommend a civil union where the Sacrament of Matrimony has been delayed.** Sometimes the engaged couple cannot be persuaded to postpone their wedding and state that they will marry outside the Church. The Priest/Pastoral Minister should not look upon such an attempted marriage as simply the lesser of two evils. If the engaged couple is not ready for marriage, then any union, even a civil one, would be a mistake. The false idea that a Priest might as well witness the marriage, or else they will be living in sin, will contribute to the failure of the marriage from the start. Therefore, a Priest/Pastoral Minister should do all that is possible to persuade such a couple not to enter into any kind of union.
- i. **The Priest/Pastoral Minister and/or Lead Couple should remain in contact with, and offer to help, the couple during the delay.** When the problem cannot be resolved and the couple decides to cancel the wedding, referral to a counselor who can assist them in dealing with termination of the engagement may be helpful.
- j. **Alienation of the couple from the Church may be minimized if, from the very start, the Priest/Pastoral Minister is careful to explain that these guidelines are designed to protect the rights and happiness of those involved and not arbitrarily to infringe on them.** With a temporary postponement of the marriage, the couple should be offered the continuing concern of the Church and not left with the false impression that the Church has abandoned them. They should be encouraged to participate in parish liturgy as a couple while the postponement is in effect.

If the couple disagrees with the recommendation of the Priest/Pastoral Minister to delay the marriage, they may appeal through Diocesan channels with the Bishop having final determination. **[See Section V - Office of Chancellor; “Appeals Process,” page CO-10.]**

INTERRELIGIOUS MARRIAGES

(INTERFAITH MARRIAGES AND MIXED MARRIAGES)

III. INTERRELIGIOUS MARRIAGES (INTERFAITH MARRIAGES AND MIXED MARRIAGES)

1. Increase in number of interreligious marriages IM-1
2. Couple to be encouraged to study teachings of own religion IM-1
3. Cooperative effort between clergy of both faith communities encouraged IM-1
4. Further information regarding marriages of interreligious couples:
 - a. Catholic and non-baptized party IM-1
 - b. Catholic and a Christian IM-2
 - c. Permission from local Bishop IM-2
 - d. Declaration and Promise of Catholic Party IM-2
 - e. Witness to Declaration and Promise of Catholic Party IM-3
 - f. Preparation of couples in interreligious marriages IM-3
 - g. Cooperation of Priest/Pastoral Minister with Minister of other party IM-3
 - h. Disparity of Cult IM-3
 - i. Canonical Form of Marriage IM-3
 - j. Dispensation from Canonical Form IM-4
 - k. Interreligious Marriage and Ecclesial Record IM-4
 - l. Another religious celebration of same marriage forbidden IM-4
 - m. Place of marriage for Catholic/baptized non-Catholic IM-4
 - n. Invitation for guest minister to participate in Catholic wedding ceremony IM-4
 - o. Manner in which guest minister may participate in Catholic wedding ceremonies IM-5
 - p. Marriage Rite: Catholic/baptized non-Catholic IM-5
 - q. Marriage Rite: Catholic/non-baptized IM-5
 - r. Participation of Priest/Deacon in non-Catholic wedding ceremony . IM-5
 - s. Official Witnesses IM-5
 - t. Catholic/Eastern Christian IM-6
 - u. Catholic/Catholic Orthodox IM-6

III. Interreligious Marriages (Interfaith Marriages and Mixed Marriages)

There exists an ambiguity about terms used to describe marriages between Catholics and those who are not Catholic. For instance, the term “mixed marriage” is used to describe a marriage between a Catholic and a baptized non-Catholic Christian while the term “interfaith marriage” is considered to be one between a Catholic and a non-Christian. However, marriages also occur between a Catholic and a non-baptized, non-church affiliated person. Therefore, for ease of discussion in these Marriage Preparation Policies, when referring collectively to the aforesaid unions, the term “interreligious” will sometimes be used.

1. **Interreligious marriages are common among Catholics, and the number percentage-wise continues to increase.** Thus, the Church’s approach to couples of different faiths has experienced quite an evolution. Nevertheless, the faith difference is still an important topic to work through. Ignorance of basic religious tenets can lead to serious misunderstandings by couples and to lifestyles that avoid serious involvement in church and the things of faith (e.g., baptism and education of children, church attendance, family prayer, couple prayer, church support, etc.).
2. **Couples of different faiths should be encouraged to study the teachings of their religion to inform their consciences, verbalize their concerns and acknowledge any problems that may exist.** With a well-informed conscience and life of prayerful discernment, a couple can make better decisions about matters of faith pertaining to their marriage and family. There should not be any undue pressure placed on the couple to make any decision regarding entering the Church. “An interreligious marriage may be the occasion, but must never be the cause of any conversion.”⁴ Clear assurance of this will help to dissipate concerns of forced conversion.
3. **Ideally, a cooperative effort between clergy of both faith communities is encouraged.** Despite the challenges of an interreligious marriage, its positive potential can also be stressed. In cases in which the proposed marriage is an ecumenical or interreligious one, the Priest/Pastoral Minister advises the clergyman of the non-Catholic party of the diocesan concern for marriages, and shares with him or her the aims and goals as well as the details of the marriage preparation process.
4. **The following information may also be of value when a couple who are of different religions is planning to marry:**
 - a. **Catholic and nonbaptized party.** The Catholic Church holds that a valid marriage between two baptized Christians is a sacrament. Priests and deacons may wish to inform and educate couples on the consequences of this point—that marriage to a nonbaptized person is not a sacrament.⁵ Additionally, a

dispensation is required from the Bishop, as requested through the Office of the Chancellor.

- b. **Catholic and a Christian.** The marriage of a Catholic and a Christian of another communion calls for special pastoral concern. The Catholic Church shows particular care for these marriages and treats them in a way that is distinct from its treatment of the marriage of two Catholics.⁶
- c. **Permission from local Bishop.** Such marriages require permission from the local bishop, as requested through the Office of the Chancellor. They require a just and reasonable cause as well as the following conditions being fulfilled:
 - 1. The Catholic party is to declare that he or she is prepared to remove dangers of falling away from the faith and is to make a sincere promise to do all in his or her power to have all the children baptized and brought up in the Catholic Church;
 - 2. The other party is to be informed, at an appropriate time, of these promises that the Catholic party has to make, so that it is clear the other party is truly aware of the promise and obligation of the Catholic party;
 - 3. Both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either party.⁷
- d. **Declaration and Promise of Catholic Party.** The declaration and promise by the Catholic party, necessary for permission to enter any interreligious marriage, is provided on the last page of the Marriage Registration Form and is to be made in the following or similar words:

I reaffirm my faith in Jesus Christ, and with God's help I intend to continue living that faith in the Catholic Church. I promise to do all in my power to share the faith I have received with our children by having them baptized and raised as Catholics.⁸ We have discussed our religious beliefs and practices. We intend to be faithful to one another until death, and we intend a marriage which is permanent.

The pastoral minister should draw the attention of the Catholic to the communion of spiritual benefits in a Christian marriage. The declaration and promise should be made in the light of the "certain, though imperfect, communion" of the non-Catholic with the Catholic Church because of his or her belief in Christ and baptism...⁹

- e. **Witness to Declaration and Promise of Catholic Party.** The declaration and promise are to be made in the presence of the priest or deacon or other pastoral minister. The one who submits the request for permission or dispensation to enter an interreligious marriage shall certify that the declaration and promise have been made by the Catholic party and that the other party has been informed of this requirement and fact. A space for this is provided on the last page of the Marriage Registration Form and is to be made in the following or similar words:

The required promise and declaration have been made by the Catholic in my presence. The other party has been informed of this requirement, and he/she is aware of the promise and obligation on the part of the Catholic party.

- f. **Preparation of couples in interreligious marriages.** Each one preparing couples for an interreligious marriage should emphasize that such a marriage is an opportunity to live the principles of ecumenism deeply and intensely on a day-to-day basis.
- g. **Cooperation of Priest/Pastoral Minister with Minister of other party.** In the assistance that is given to prepare for a marriage between a Catholic and one of a church or ecclesial community not in full communion with the Catholic Church, and in the continued efforts to help all married couples and families, the Priest/Pastoral Minister should endeavor, where wise and requested, to be in contact and to cooperate with the minister or religious counselor of the other party.¹⁰
- h. **Disparity of Cult.** The impediment of disparity of cult, holding invalid the marriage between one who was baptized into the Catholic Church or received into it and another not baptized, even though such may claim some Christian affiliation, remains in force.¹¹ A dispensation from disparity of cult may be requested through the Office of the Chancellor.
- i. **Canonical Form of Marriage.** The Canonical Form of the celebration of marriage, required for validity (i.e., that the marriage take place in the presence of the Catholic pastor of the place [or his delegate, either priest or deacon] and two witnesses) is to be observed in interreligious marriages.¹²
- j. **Dispensation from Canonical Form.** The local ordinary may grant permission for an interreligious marriage, dispensation from the impediment of disparity of cult, and the dispensation from Canonical Form for reasons such as the following: “to achieve family harmony or to avoid family alienation; to obtain parental agreement to the marriage; to recognize the significant claims of

relationship or special friendship with a non-Catholic minister; to permit the marriage in a church that has particular importance to the non-Catholics [sic].”¹³

- k. **Interreligious Marriage and Ecclesial Record.** In an interreligious marriage, for which there has been granted a dispensation from Canonical Form, an ecclesiastical record of the marriage shall be kept in the chancery of the diocese that granted the dispensation and in the records of the parish from which the application for the dispensation was made.¹⁴
- l. **Another religious celebration of same marriage forbidden.** It is forbidden to have, either before or after the canonical celebration of marriage, another religious celebration of the same marriage either to give or receive matrimonial consent; nor may there be a religious celebration of the marriage in which the Catholic priest or deacon and a non-Catholic minister, each performing his or her own rite, ask for the consent of the parties.¹⁵
- m. **Place of marriage for Catholic/baptized non-Catholic.** A marriage between a Catholic party and baptized non-Catholic party is to be celebrated in the parish church. With the permission of the local ordinary or the priest, it may be celebrated in another Catholic church or oratory.¹⁶ With a dispensation from Canonical Form, the marriage may be celebrated in a non-Catholic Church and witnessed by a non-Catholic minister [see “j” above].
- n. **Invitation for guest minister to participate in Catholic wedding ceremony.** At an interreligious marriage in a Catholic church, when the party who is not Catholic expresses the wish to have his or her minister present, the Catholic pastor (or his delegate) should issue an invitation, giving an assurance of a cordial reception. When issuing such an invitation, the Catholic pastor (or his delegate) should advise the guest minister to wear whatever is deemed appropriate and that a place of honor will be reserved either in the sanctuary or in the body of the church. However, it should be kept in mind that this invitation will not be accepted in every case and, perhaps, not even be welcome because of either an official church policy or the specific minister’s personal preference. The couple, thus, may need to be alerted that even though we will extend the invitation in accord with their wishes, it may be declined by the other minister for reasons of church policy. That will spare them the feeling that they are personally being spurned.
- o. **Manner in which guest minister may participate in Catholic wedding ceremonies.** The guest minister may be invited to participate in the Catholic marriage service by giving additional prayers, blessings, or words of greeting or exhortation. If the marriage is not a part of a eucharistic celebration, the minister may also be invited to read a lesson and/or preach. For the guest minister to

preach as part of the eucharistic celebration, a special dispensation from the diocesan bishop is required in individual cases.¹⁷

- p. **Marriage Rite: Catholic/baptized non-Catholic.** In a marriage between a Catholic and a baptized person who is not a Catholic, the *Rite for Celebrating Marriage Outside Mass* or, when available, *A Christian Celebration of Marriage: An Ecumenical Liturgy* may be used. The latter rite has been developed by the Consultation on Common Texts and approved by the National Conference of Catholic Bishops in November 1987; approval from the Holy See is pending. If circumstances justify it, and providing the couple request it, and provided that no undue pressure has been exerted and the party who is not a Catholic does not have to act against his or her conscience..., “the rite for celebrating marriage within Mass may be used, except that, according to the general law, communion is not given to the non-Catholic.”¹⁸
- q. **Marriage Rite: Catholic/nonbaptized.** In a marriage between a Catholic and one who is not baptized, the *Rite for Celebrating Marriage between a Catholic and an Unbaptized Person* is to be used.¹⁹
- r. **Participation of Priest/Deacon in non-Catholic wedding ceremony.** In the case where there has been a dispensation from the Canonical Form and the priest or deacon has been invited to participate in the marriage service, his participation should be the same as outlined above for the minister of a church or ecclesial community not in full communion with the Catholic Church at a Catholic rite of marriage.
- s. **Official Witnesses.** Members of a church or ecclesial community not in full communion with the Catholic Church may act as official witnesses (i.e., best man and maid of honor) at a Catholic marriage, and Catholics may do so at marriages in churches or ecclesial communities not in full communion with the Catholic Church, except when there is reason to believe that the marriage to be witnessed is invalid in the eyes of the Catholic Church.²⁰
- t. **Catholic/Eastern Christian.** In a marriage between a Catholic party and a separated Eastern Christian, the Canonical Form obliges only for lawfulness; for validity, however, the presence of a sacred minister is required, with the observance of the other requirements of law.²¹
- u. **Catholic/Catholic Orthodox.** The ordinary of the Catholic party in a Catholic-Orthodox marriage may dispense from observing the Canonical Form for lawfulness if there is a pastoral reason that, according to his prudent judgment, requires this dispensation.²²

[For filing requirements, dispensations and/or permissions for interreligious marriages, see Section V - Office of Chancellor; "Requesting Permissions and Dispensations," page CO-3.]

**SPECIAL CIRCUMSTANCES
THAT MAY REQUIRE ATTENTION
DURING ASSESSMENT PROCESS**

IV. SPECIAL CIRCUMSTANCES THAT MAY REQUIRE ATTENTION DURING ASSESSMENT PROCESS

A. Youthful Marriages	SC-1
B. Pregnancy	SC-3
C. Remarriage	SC-6
D. Premarital Sexual Involvement and Living Together	SC-7
E. Absent Partner/Couple	SC-9
F. Older Couples	SC-12
G. Ethnic, Cultural and Racial Differences	SC-13
H. Persons with Disabilities	SC-14
I. Addictive Behavior	SC-16
J. Emotional/Psychological Disorders	SC-18
K. Courtship Violence/Family Violence	SC-21

IV. SPECIAL CIRCUMSTANCES THAT MAY REQUIRE ATTENTION DURING ASSESSMENT PROCESS

Due to the varying backgrounds of couples requesting marriage today, circumstances are often present that warrant additional pastoral concern. In dealing with some of the following situations it may be appropriate to refer the parties for assistance.

A. Youthful Marriages

Canon Law allows marriage after the 14th birthday for a woman or 16th birthday for a man (**Canon 1083**). It is open to cultures with stability, mores, and family ties that encourage marital stability despite youthfulness. Maturity must be judged in relation to age and social circumstances. Maturity includes an understanding of the meaning and responsibilities of marriage, the physical, intellectual and emotional ability to fulfill these responsibilities, and an understanding and affirmation of marriage as a sacrament. Age is related to maturity and to the likelihood of marital satisfaction and success. Our American culture does not provide such incentives for long-lasting marriages. For the Diocese of Kansas City-St. Joseph, the minimum age will **ordinarily be eighteen**. If either party is under eighteen years of age and the couple insists upon marrying, permission of the Bishop is necessary.

Special procedures for teenage marriage are not meant to be unduly hard on young people. It is to give them the particular care their youthfulness requires, to help them avoid unhappy marriages, and to achieve joyful, long-lasting marriages.

The following should be kept in mind when discussing marriage with young people:

- 1. No Priest/Deacon is to witness the marriage of an individual less than 18 years of age without the permission of the Bishop, as secured through the Chancellor's Office.**
 - a. The Bishop may grant such permission upon receipt of information from the Pastor attesting to the couple's maturity and readiness for marriage or he may refer the couple to the appeals process.
 - b. Marriage Preparation may begin, but the wedding is not to take place until permission has been received.
- 2. The Priest/Pastoral Minister is to consult with the parents of the teenager regarding their opinion on the proposed marriage.** Feelings about the proposed marriage may be discussed with the parents of each party (separately). The hazards facing premature marriages should be discussed if the parents are not already aware of them. The parents should be asked to help the couple honestly evaluate their readiness for marriage.

- Remember that the parents have a responsibility before God for their children and this must be respected even though, in some cases, it may seem they are not doing a good job of it.
- When parents are opposed to the marriage, their reasons should be clear and given serious consideration.
- Very often, parents are pushing for the wedding, especially in cases of pregnancy. If this is found to be the case, it should be discussed with them and they should be apprised of what the couple will be working on during the assessment. It might be recommended that the parents cover the same material, particularly the tools for communication.

(Note: It is not necessary for a premarital assessment instrument to be administered until after the consultations with the parents, unless the results would help in the assessment of maturity and marital readiness.)

- 3. During the first interview, the usual Marriage Preparation Policy and the special provisions for teenagers approaching the sacrament should be explained.** Even before mentioning an appeal, it is suggested that the couple, as individuals, visit with a professional counselor. Sometimes one of the parties will gain the courage to postpone the wedding once the situation is talked out with the counselor.
- 4. As part of the process, the couple will be referred for evaluation of maturity and motivation.** If the couple refuses to visit with a professional counselor or continues to insist upon marriage even after consultation with the parents and others, they must appeal for an exception to Diocesan policy. ***[See Section II - Office of Family Life; "Referral for Evaluation and/or Counseling," page FL-21, and Section V - Office of Chancellor; "Appeals Process," page CO-10.]***
- 5. If the Bishop gives permission or the counselor recommends that the couple is ready for marriage, initial assessment may continue toward the decision to proceed or delay.** Readiness for marriage by a teenage couple must be assessed apart from motivation because of pregnancy. If the couple is pregnant, the following section on "Pregnancy" should be consulted.

B. Pregnancy

Cases that involve pregnancies are probably the most difficult to handle, yet need the most attention. Readiness for marriage should always be separated from the issue of pregnancy. Underlying reasons for pregnancy are not always apparent to the couple and their parents and can be difficult to determine. Some of these reasons, especially among

young couples, are ignorance, insecurity, a need to gain attention or a desire to escape domineering parents.

Pregnancy may also cause an obvious or hidden pressure on the decision to marry. A sense of urgency in order to avoid embarrassment or to “give the child a father” can confuse the motivation for marriage. If pregnancy is the only, or primary, reason for marriage, it will have a shaky foundation. If parents are forcing the marriage, it has little chance of success. Premarital pregnancy often leads to premature marriage, with a high percentage of such marriages ending in divorce.²³

In spite of the pressure surrounding premarital pregnancy, the marriage preparation process should be slowed down. The couple needs time to examine issues and consider alternatives. The marriage preparation team must evaluate and help the couple to consider their maturity and the welfare of the child. They also must consider parental and societal pressures that undermine their freedom of choice.

1. Pregnancy is as equally a grave reason for not entering marriage as for entering marriage. A couple needs time and opportunity to consider their reasons and readiness for marriage beyond the pregnancy. Pregnancy does not exempt the parties from the normal Marriage Preparation Policies.

2. 18 years and older

- **When both individuals are 18 years of age or more,** the Priest/Pastoral Minister follows the usual procedures for initial interview and assessment. When pregnancy is disclosed, the Priest/Pastoral Minister discusses with the couple when it occurred, the feelings of the couple and family reactions, and how it affected the decision for marriage.
- **Choices for the couple and the child must be discussed and include** marriage, delay of the wedding until after the child’s birth, adoption or single parenting without marriage. If appropriate, the couple may be referred to Catholic Charities for unwed parent and/or adoption services.
- **If the decision to marry and engagement were prior to pregnancy,** the Priest/Pastoral Minister may proceed with the Marriage Preparation Process. The couple must discuss with the Priest/Pastoral Minister the effects of the pregnancy on their relationship.
- **If the decision to marry was made after the pregnancy,** there needs to be an evaluation by the Priest/Pastoral Minister before proceeding with the marriage preparation process. Consultation with a counselor is advised. The Priest/Pastoral Minister must help the couple assess their readiness for

marriage independent from pregnancy motivation. Consideration must be given for the extra pressures that pregnancy and childbirth bring. If the decision is made that marriage is the couple's best choice, the assessment process may be continued. The impact of the pregnancy should be considered throughout the marriage preparation process. The ordinary marriage preparation time line should be followed, and in no instance should marriage preparation be rushed.

3. **Less than 18 years of age for either individual means the “Youthful Marriage” guidelines also apply.** If either party is under the age of 18, the assessment must include a consultation with the couple's parents and an evaluation by a counselor. No Priest/Deacon may witness the marriage of an individual less than 18 years of age, even in the case of pregnancy, without permission of the Bishop secured through the Chancellor's office. In the initial interview and assessment, the Priest/Pastoral Minister should discuss with the couple when the pregnancy occurred, the feelings of the couple and family reactions, and how pregnancy affected the decision about marriage. Alternatives to marriage and the possibility of postponing the decision until after the child's birth should be discussed. A referral to Catholic Charities is suggested.
4. **Conversations with Parents.** When visiting with each set of parents, their feelings about the proposed marriage should be discussed. If either parent appears to be pushing the couple to marry, the difficulties facing a premature marriage following pregnancy should be addressed. The parents' assistance should be sought in helping the couple honestly evaluate their readiness for marriage.
 - a. Remember that the parents have a responsibility before God for their children and this must be respected even though, in some cases, it may seem they are not doing a good job of it.
 - b. When parents are opposed to the marriage, their reasons should be clear and given serious consideration.
 - c. Very often, parents are pushing for the wedding, especially in cases of pregnancy. If this is found to be the case, it should be discussed with them and they should be apprised of what the couple will be working on during the assessment. It might be recommended that the parents cover the same material, particularly the tools for communication.
5. **Referral for Counseling.** If the couple is determined to marry, consultation with a counselor is required. The purpose of the consultation is to help assess each

individual's maturity and motivation for marriage. If the counselor recommends against marriage, and the Priest/Pastoral Minister concurs, that recommendation should be carefully examined with the couple and with their parents.

6. **Appeal.** When the pregnant couple has been given the reasons for delaying marriage at this time, they must be informed of their right to appeal. **[See Section V - Office of Chancellor; "Appeals Process," page CO-10.]**

C. Remarriage

Couples entering a subsequent marriage require special consideration owing to their differing circumstances and past experiences with marriage. Those married before may not be immediately free to enter a subsequent marriage in the Church. The Priest/Pastoral Minister will address the individual circumstances and assist the couple accordingly.

- 1. The general content and structure for marriage preparation, with issues addressed from the perspective of remarriage, must be followed.**
- 2. The couple is to participate in a remarriage program at the Parish or Diocesan level.**
- 3. Also to be included:**
 - a. Grief issues and closure of prior marriage(s)
 - b. Step-parenting and step-family issues
- 4. A Declaration of Nullity, required whenever there has been a previous union (Catholic, Protestant or civil) that ends in civil divorce (and the former spouse is still living), must be obtained before the formal marriage preparation begins.** A remarriage can be celebrated in the Catholic community only after the death of a previous spouse or when a prior marriage has been declared null by the Church. If a party does not have a copy of the Decree of Nullity, they are to obtain a copy from the appropriate Tribunal.
- 5. Any legal or canonical issues related to the divorce or annulment must be resolved prior to the beginning of formal marriage preparation.** The Priest/Pastoral Minister must follow any admonitions or prohibitions placed on the case by the Marriage Tribunal granting the Decree. When required, the Priest/Deacon must have the permission of the competent authority indicated in the Decree to witness the marriage.
- 6. After a grant of nullity, key issues need to be addressed. Examples include:**
 - a. Time between the marriages.
 - b. Emotional closure on the previous marriage or marriages.
 - c. Expectations and major issues in the new marriage.
 - d. Families of origin, step-parenting, alimony and child support.
 - e. Visitation rights.

D. Premarital Sexual Involvement and Living Together

Sexual relations are more than a biological act. The sexual act symbolizes and expresses a union of two hearts, two minds, and two spirits. Sexual relations before building friendship, respect, trust and commitment between the individuals lack the fullness of how a relationship unfolds.

Pope John Paul II encourages Priests/Pastoral Ministers to take a “patient and loving attitude toward couples living together without Church marriages.” He has said: “Approach people living together with discretion and respect and strive through patient and loving action to remove the impediments and smooth the road toward regularizing the situation.”²⁴

- 1. The general expectation of the Church is that couples desiring to be married in the Church are not to be living together nor engaging in premarital sexual intercourse.**
- 2. The Priest/Pastoral Minister, approaching with pastoral care, should:**
 - a. Teach the couple the meaning of sexual intimacy in the Sacrament of Matrimony.
 - b. Advise them of the wisdom to live separately and refrain from sexual intercourse until after their marriage.
 - c. Explain potential scandal given to the community by living together prior to marriage.
 - d. Teach the need for awareness of full intimacy as opposed to sexual intimacy.
- 3. If the couple is living together, the Priest/Pastoral Minister must explore with the couple the reasons why they are approaching the Church for the Sacrament of Matrimony at this time.**
 - a. Is there pressure on them to enter marriage now?
 - b. Was there previous reluctance or hesitation to marry? Why? Have those issues been completely addressed prior to now seeking marriage?
 - c. What has brought them to this point of asking for marriage in the Catholic Church?
 - d. Why did the couple choose to cohabit before marriage?
 - e. What has the couple learned from their experience of living together?
 - f. What have they learned about themselves as a couple and as individuals?
 - g. What does marriage as a sacrament mean to the engaged couple?
 - h. How does the couple see their faith and love for each other as an intimate part of their marriage?
- 4. Since cohabitation is not in itself a canonical impediment to marriage, the couple may not be refused marriage solely on the basis of cohabitation.**

Marriage preparation may continue even if the couple refuses to separate. Pastoral ministers can be assured that to assist couples in regularizing their situation is not to approve of cohabitation. ***[See Appendix E - Marriage Preparation and Cohabiting Couples - An Information Report on new Realities and Pastoral Practices, by The Committee on Marriage and Family of the National Conference of Catholic Bishops, dated August, 1999.*** This booklet has been sent out to all priests, deacons, and lead couple coordinators. Also, at each Lead Couple Training, the couples receive a copy as well.]

E. Absent Partner/Couple

One or both engaged parties may be living away from their home Parish or the Parish where the wedding will take place. The individual or couple living far away from the wedding site may find it difficult to participate in the local marriage preparation program. Whether the absence is for reasons of education, work, military service or other circumstance, formal marriage preparation is still necessary. Long distance separation of the couple might even increase the need for assistance with discussion of marital issues.

Through appropriate referral and follow-up, the Priest/Pastoral Minister can insure that the couple receives adequate marriage preparation. The key is to keep in mind the goals and principles underlying the Diocesan marriage preparation process.

When the local Pastor is initially contacted by the couple, it should be determined when the couple will have opportunities to meet with the local Priest/Pastoral Minister (not just what seems convenient for them). It is imperative the couple visit with the local Priest/Pastoral Minister at least six months before the proposed wedding date. The personal contact will get the relationship off to a better start and will ease the working out of a practical plan for the couple.

The following guidelines are recommended:

1. The same elements and structure of the marriage preparation program are required.
2. The local Priest/Pastoral Minister will assist an individual or couple in contacting a Priest/Pastoral Minister who can help with marriage preparation in a more convenient location.
3. The local Priest/Pastoral Minister will obtain evidence that the couple has completed formal marriage preparation and will obtain completed prenuptial forms eight weeks prior to the wedding.
4. The local Priest/Pastoral Minister and the engaged couple will arrange for at least one visit long enough to get to know the couple better, to determine the progress of marriage preparation and to discuss liturgical and spiritual preparation for the wedding.
5. **If both parties live within the Diocese**, the couple and Priest/Pastoral Minister need to determine what aspects of the marriage preparation will take place locally and which will be carried out in a more convenient location. Referral of the couple to the appropriate Priest/Pastoral Minister should be made and the sharing of knowledge about the couple and the assistance being sought should be communicated. Any

serious problem requiring delay should immediately be communicated to the local Priest/Pastoral Minister.

6. **If the couple or either party lives outside the Diocese** marriage preparation may proceed according to how much preparation time and contact is available. If more than six months marriage preparation time is available or the couple can return to the local Parish regularly, marriage preparation can be carried out as usual. If limited contact is possible, arrangement should be made for as much of the marriage preparation to be done within the Diocese as possible. To complete the other aspects of marriage preparation, the couple should be referred to a Priest/Pastoral Minister and marriage preparation program in a convenient location. The Priest/Pastoral Minister should be contacted by phone or letter by the local Priest/Pastoral Minister. The Family Life Office of the Diocese of Kansas City-St. Joseph may be contacted for a referral to programs in other Dioceses.
7. **If the assessment process is carried out elsewhere, before the wedding date is set, conferral by the local Priest/Pastoral Minister with the other Priest/Pastoral Minister or the professional directing the initial assessment regarding the results would be appropriate.** It is important that the local Priest/Pastoral Minister receive pertinent information when this phase of marriage preparation has been completed. It should be requested of the other Priest/Pastoral Minister that information be relayed immediately to the Priest/Pastoral Minister planning to witness the marriage if a delay-causing problem arises, and also to initiate communication when the Priest/Pastoral Minister has finished working with the couple.
8. Individuals who are widely separated and claim that getting together for marriage preparation is virtually impossible should be encouraged to consider ways to visit one another and make time for marriage preparation. Otherwise, they should be encouraged to postpone the wedding until adequate formal marriage preparation can be arranged.
9. **The Priest/Pastoral Minister may consider the following alternatives when contact with the couple is very limited:**
 - a. The premarital assessment instrument can be mailed to each individual with the instructions to complete and return the instrument within a week. Then the Priest/Pastoral Minister and the Lead Couple can study the profile and prepare to work with the couple as soon as they visit locally.
 - b. The couple may be referred to a Lead Couple or professional counselor outside the Diocese to fill out the premarital assessment instrument and discuss marital issues.

- c. The couple may be advised to set aside one weekend for Engaged Encounter. This program is widely available in the United States and is most effective after the couple has answered a premarital assessment instrument.
 - d. When contacting a Priest/Pastoral Minister of another Diocese, the expectations of our Diocese should be discussed and a determination made of what can be accomplished in the other Diocese. Most, if not all, of the expectations for marriage preparation of this Diocese can be met through Parish or Diocesan programs elsewhere. If there are any serious omissions that cannot be resolved, the Family Life Office may be contacted for assistance.
10. **The other Priest/Pastoral Minister must be advised early that the specific verification of marriage preparation must be received in this Diocese four weeks before the wedding.** This should give the Priest/Pastoral Minister and the couple ample time to track down any missing forms.
11. **A couple wishing to marry in a parish other than that of the bride or the bridegroom must seek permission of their parish priest or the Bishop (Canon 1115).** This permission should respect the guidelines of this Diocese regarding place of marriage. ***[See Section V - Office of Chancellor; "Place and Witnessing of Marriage," page CO-1.]***

F. Older Couples

- 1. The structure of preparation for marriage of older couples will ordinarily follow that of the general Marriage Preparation Policy.** Some people wait until their late twenties, early thirties, or even older before marrying for the first time. There may be reluctance to ask an older couple to participate in the usual Marriage Preparation Program. Sometimes it is assumed that the life experiences of an older couple has adequately prepared them for marriage. Those marrying for the first time after five or more years of living and working independently are not necessarily any more ready for marriage than a younger couple.
- 2. The Priest/Pastoral Minister will determine the structure of preparation for marriage or remarriage according to the readiness and maturity of the couple seeking marriage.** The older individuals, as an engaged couple, are faced with issues relating to their independent life styles. Care should be taken to adjust marriage preparation to help them discuss those issues. The couple's age and life history will show whether the marriage preparation team should be alert to particular concerns and needs they may have as an older couple. The initial interview and assessment should proceed as usual.
- 3. The couple may be reluctant to participate in a Marriage Preparation Seminar or Engaged Encounter if they perceive it aimed at younger couples.** They can be assured that these programs are for couples of all ages and that older couples have expressed great appreciation of them. In such cases, it is advisable for the Lead Couple to be older than the engaged couple. When possible, the Lead Couple should also have had a similar experience of marrying at an older age. (If needed, a referral for a suitable Lead Couple may be obtained by consultation with a neighboring Parish or the Family Life Office.)

G. Ethnic, Cultural and Racial Differences

- 1. The Marriage Preparation Policies will remain the same but should be adapted to the backgrounds of the couple.** Some ethnic groups have different expectations for marriage preparation (e.g., that arrangements are solely the concern of the parents, with marriage preparation taken for granted as part of growing up). Such ideals may be naturally supported by the ethnic culture, but the couple must face the realities of American society.

To help engaged couples with cultural traditions and expectations different from the norm of society, the Priest/Pastoral Minister should be sensitive to their point of view. The couple's own experience and expectations need to be balanced by realism about the culture in which they will live out their marriage. This will enable pastoral adaptations of the ordinary marriage preparation process. For instance, the premarital assessment instrument, FOCCUS, is available in some foreign languages (e.g., Spanish, Vietnamese) and also in Braille and on audio tape. Additionally, an Alternative Edition of FOCCUS was prepared in 1988 for the use of learning challenged couples. This edition can also be used with persons for whom English is a second language. Alternative assessment methods may be used when significant cultural or language differences exist.

- 2. The couple entering an intercultural or interracial marriage is to be assisted in exploring difficulties that may arise and to find appropriate methods to deal with differences.** A Lead Couple of the same cultural heritage could be especially helpful to the engaged couple. Collaboration between Parishes is encouraged to share the services of "specialized" Lead Couples. Consultation with the Family Life Office is suggested if assistance is needed in collaborative endeavors.

The marriage preparation team can help the mixed-culture couple appreciate the richness that their differences can contribute to their relationship. It is advisable that the couple be assisted in acknowledging and working through difficulties they are likely to encounter within themselves and in society. The couple should be encouraged to draw from cultural traditions for the wedding ceremony, as long as they follow the Rite of Marriage.

H. Persons with Disabilities

1. **When a person with a developmental disability requests marriage, the Priest/Pastoral Minister will consult with the family and with professionals who are able to assess the person's understanding and capability of marriage.** A step-by-step process should be developed utilizing many persons in the assessment: parents, teachers, clergy, advocates, physician, counselors and economists. A visit with the individual's family of origin to obtain their assessment of the person's ability to enter and maintain a marital relationship is encouraged. Additionally, an evaluation by a professional familiar with the disabled person may be helpful. If family and professionals indicate that the individual is able to marry, marriage preparation may continue.
2. **Except for permanent impotency, physical disability is not an impediment to marriage.** Canon Law shows concern for the dignity and rights of the person. Permanent impotence is the only physical disability that is an impediment to marriage. Continuing medical advances make permanent impotence difficult to confirm, and increase the possibility of the impotence being temporary. To witness the marriage of a person when impotence is a possibility, it is sufficient to obtain a doctor's statement that the couple could possibly consummate the marriage. With permanent physical impotence, consult with the Diocesan Chancellor, as is true with other diriment impediments. The Priest/Pastoral Minister should help the couple to consider the implications of the disability on their marriage and whether there is a need for counseling.
3. **Persons with disabilities have a right to be active members of the Catholic community, which includes reception of the Sacrament of Matrimony.** The right to marry is a right of high priority. The need for love and intimacy is human. A person who is physically or developmentally disabled is a sexual person, just as a person without a disability is a sexual person. A person with a disability who is able to understand and is capable of fulfilling the marriage vows may receive the Sacrament of Matrimony. The Church has the pastoral obligation of helping persons with disabilities desiring to marry to make a prayerful and sound judgement concerning their readiness for marriage. Careful instruction and counseling should be provided for both partners before and after marriage.
4. **While marriage is the right of every person, for some it may not be appropriate.** During the assessment phase for a couple contending with a developmental disability, it is recommended that the Priest/Pastoral Minister discuss with the couple their reasons for wanting to marry. While some persons with disabilities marry and achieve success, it may not be fair to present marriage as the only option. Therefore, when a person with a disability wishes

to marry in the Church, the particular case must be assessed on an individual basis.

5. **With physical disabilities, a careful consideration should be made as to whether the couple is truly ready for marriage.** The marriage preparation team must help the couple prepare for the special difficulties the disability may bring to their relationship and life together. Subjects recommended for discussion are:
 - a. the sacraments and their value in developing the individual's personal growth,
 - b. sexuality based on Christian principles to obtain a deeper understanding of the creative powers given by God to humanity,
 - c. responsibility for children in marriage and moral implications for them, and
 - d. economic realities such as planning family expenditures, budgeting, earning an income and household management.
6. **Out of concern for the individual with a disability who wishes to marry, the Priest must be sure that the individual can form a permanent commitment and live interdependently.** Thus, instructions for the reception of Matrimony for the person who is disabled may need to be of longer duration. If marriage is not recommended, the Priest/Pastoral Minister and the couple should explore how the couple might meet their needs for closeness through a special friendship without marriage or sexual union. Other alternatives, such as a group home, may be suggested.

I. Addictive Behavior

1. **With a suspicion of alcohol or drug abuse or dangerous compulsive behavior, the Priest/Pastoral Minister will help the couple assess the effects of the problem.** Chemical abuse (of alcohol or drugs) is a disease that affects the entire family. It affects the physical, emotional, social and spiritual health of the chemically dependent person, the spouse and the children for many years, possibly for a lifetime.

Any indication of a problem with alcohol or drugs should be followed up by the Priest/Pastoral Minister. The individual may deny or minimize usage or effect; acknowledgment of the need for help is a big step. A serious problem is not likely to go away without specialized help. Because chemical abuse is usually progressive, it will benefit the couple and all concerned to face and handle the problem immediately and certainly before marriage.

2. **In cases of overt addictive behavior or codependency, marriage will not be witnessed until the person receives professional evaluation which can confirm sufficient use of reason and discretion.** A person with a serious chemical dependency may not be capable of accepting the responsibilities of marriage. Additionally, an individual who is co-dependent also has questionable capacity for making a rational decision about marriage. Therefore, the Priest/Pastoral Minister is encouraged to develop a consultative relationship with a professional counselor for purposes of referral and evaluation to assess addictive issues.

A referral for appropriate professional evaluation may be necessary for one or both individuals, which may cause a delay in Marriage Preparation. A community alcohol treatment center usually provides free evaluation services.

- a. If the evaluator determines that treatment is appropriate, **the wedding should be delayed** until the completion of a treatment program or the counselor confirms that the person can handle the responsibilities of marriage. The Marriage Preparation Program will also be more effective if delayed.
- b. **If the problem behavior is not sufficient to delay marriage**, the couple could still be encouraged to take advantage of professional help during the time of marriage preparation. The partners should both be aware that addictive behavior is a long-term difficulty.

3. **If either individual reveals a family history of addictive behavior, the couple will be encouraged to seek professional counseling.** Parental addiction greatly affects the personality of the adult child. Awareness of personality traits can help a person break the pattern. Help is available through Adult Children of Alcoholics groups, books on co-dependency, and counseling. When one or both individuals acknowledge a family history of addictive behavior, it is suggested that the couple visit with a counselor to explore ways they can work to overcome possible detrimental effects on their relationship. Again, counseling is not mandatory but could be very helpful.
4. **During the assessment process, it should be noted whether behavior, statements, or responses to the premarital assessment instrument indicate the need for evaluation of drug abuse, addiction or dangerous compulsive behavior.** Dependency might be revealed during sessions with the Lead Couple, who should then confer with the Priest/Pastoral Minister.
5. **There are other behavior patterns about which there is disagreement in the professional community as to whether they are true addictions.** Nevertheless, they can be self-destructive and harmful for the marriage relationship. Dangerous behaviors include compulsive gambling, compulsive sexual behaviors, excessive television watching, excessive Internet usage and eating disorders. The marriage preparation team can help a couple face the issue of addiction or compulsive behavior, but they are to refer individuals to community resources for treatment.

J. Emotional/Psychological Disorders

- 1. Existence of emotional/psychological disorders requires consultation with a professional counselor regarding the individual's readiness for marriage.**
- 2. If the assessment process suggests that one individual has had professional assistance for emotional/psychological issues, it should not be assumed that the person is currently experiencing difficulties.** The marriage preparation team should be alert to signs of current problems. If doubts about the person's mental health remain, it is advisable for the person to contact the former counselor to request release of information that might be helpful to the assessment process. If the person is currently in treatment, consultation with the counselor may be made after receiving a release to do so. When the possibility of emotional/psychological related disorders is suspected, concerns should be discussed first with the individual and then with the couple. The individual should then be referred to a professional.
- 3. Should the counselor determine that the individual is incapable of contracting marriage or of assuming the obligation of marriage, formal marriage preparation is suspended and the marriage is delayed until after the completion of treatment.** Referral for professional evaluation or treatment of an emotional/psychological disorder automatically delays the marriage. This should be discussed tactfully with the couple. A wedding date should not be set until the counselor confirms that the individual is capable of contracting marriage and assuming its responsibilities. If the couple rejects referral or treatment, they should be advised of the appeals process and assured of confidentiality.
- 4. "Discretionary judgement" and "sufficient use of reason" are necessary for the valid contracting of marriage (Canon 1095). [See also Section VI - Office of Tribunal; "Psychic-natured Incapacity to Assume Marital Obligations," page TO-31.]** Emotional/psychological disorders may impair the ability of an individual to exercise adequate judgement or reason. Further, such problems may impair the ability of an individual to "assume the essential obligation of marriage" (Canon 1095). Marriage Tribunals make the decision after the fact, with the aid of testimony and expert opinion, whether a marriage was prevented by the lack of due discretion or the incapacity to fulfill the obligations of marriage. The judge must reach this decision with moral certitude. It is difficult to determine before a wedding whether a condition exists which will prevent effective consent. A history of

emotional/psychological problems might cause concern regarding the likelihood of recurrence and potential effects on the relationship.

- a. **Lack of Due Discretion:** “The ability to form an adequate will act at the time of marriage is not sufficient in itself for a valid marriage. It must be preceded by sufficient deliberation or critical judgement about the implications of the act of consent for the person at that particular time. The person does not only consent to a wedding but makes a decision about his or her life and the life of the marriage partner. If there is a serious inability to evaluate critically the decision to marry in light of the consequent obligations and responsibilities, then consent may be invalid. A person must be able to evaluate his or her motivation for the wedding, personal strengths and weaknesses, as well as those of the other party, and his or her ability to live up to the demands of the marriage....

“The critical faculty depends first on the mature ability to grasp what the marital relationship entails. The person must then be able to relate marriage as an abstract reality, i.e., what it theoretically involves, to his or her concrete situation. This requires insight and the application of one’s actual situation and abilities to the theoretical demands of marriage.

“The critical faculty involves existential judgements. It depends on a person’s emotional and psychological state and an appreciation of the lessons learned from life experiences. It also presupposes freedom from mental confusion, undue pressure, or fear in contemplating marriage....

“The mere fact of a personality or nervous disorder in itself does not necessarily lead to the conclusion of a lack of due discretion; rather, what must be determined is the gravity of the condition and its actual effect on the intellectual capacity to evaluate the decision or the ability of the will to choose freely.”²⁵

- b. **Incapacity to Assume Obligations:** “In addition to the capacity for a deliberate act of the will, spouses must be psychologically capable of assuming and carrying out the essential obligations of marriage....Marriage consent involves the exchange of certain rights between the parties, rights which are related to the essential obligations of marriage. In his famous 1969 Rotal decision, Anné held that the formal object of marital consent to which the parties commit themselves was more than the right to the body for heterosexual acts

(*ius in corpus*). It was, in its totality, the right to the community of the whole of life. This is more than cohabitation but, rather, is a developing, lifelong relationship.

“There are certain basic aspects of a covenant marriage which one is expected to be capable of fulfilling. The most obvious one is the heterosexual dimension of the marriage, to which the spouses have a right...The capacity for marriage involves the capacity for an interpersonal relationship...The spouses must be capable of giving themselves and accepting the other as a distinct person. They must be capable of relating to each other in a manner that is unique to marriage. The parties must be ‘other oriented’ since the obligations of marriage are rooted in a self-giving love.”²⁶

K. Courtship Violence/Family Violence

- 1. Evidence of courtship violence requires professional counseling with delay of marriage until completion of treatment.** There is a high incidence of domestic violence in modern society. Much of the time, abusive situations begin before marriage. Courtship violence may range from verbal threats to assault with a deadly weapon. In many cases, people experiencing courtship violence expect that this will change once the wedding has taken place. However, without attention to the problem, change is not likely to occur. Proper intervention can aid the individuals or couples in learning to identify and control their behavior.
- 2. If there is a history of family violence or being an abuse victim, the couple will be encouraged to seek professional counseling.** Abusive and abused persons often have a family history of violence. Additionally, a history of sexual abuse (as victim) can sometimes impair heterosexual relationships and general functioning. Often, the person who has been abused continues to play out the victim role, inviting further abuse, which may be followed by self-punishment, resentment, depression and/or chemical abuse. Therefore, difficulty in the relationship due to a family history of physical or sexual abuse would also suggest that the individual should voluntarily seek professional counseling. It is recommended that a referral to a counselor be made to the couple; if one partner refuses, the other is to be encouraged to see the counselor alone. If the circumstances warrant, the couple should be asked if they want to delay marriage until after counseling.
- 3. Responses to the premarital assessment instrument and comments or behavior during premarital counseling can suggest problem situations.** The marriage preparation team should be alert for clues to abusive behavior and be willing to refer the couple for professional help. If during the marriage preparation process any member of the marriage preparation team notes suggestions of abusive behavior, each partner should be interviewed separately to obtain further information in a less threatening atmosphere.
- 4. Evidence of courtship violence mandates referral of both individuals for counseling, suspension of formal marriage preparation and delay of the wedding.** The counselor should be experienced in domestic violence therapy. If either party refuses to participate in counseling, the couple is to be advised of the appeals process.

OFFICE OF CHANCELLOR

V. OFFICE OF CHANCELLOR

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V. OFFICE OF CHANCELLOR

AUTHORITY TO WITNESS MARRIAGES

Pastors by virtue of office (can. 530) and Associate Pastors by virtue of assignment may witness the marriage of anyone in their parish. They may delegate deacons to specifically witness individual marriages (can. 1108). To **validly** witness a marriage outside the territory of his parish of assignment, a Priest/Deacon **must** have delegation from the Pastor or Pastoral Administrator of the parish and/or Diocese in which he will be officiating. These requirements pertain to the validity of the marriage. In other words, no delegation, no marriage.

Non-Catholics may act as witnesses in a Catholic ceremony, and Catholics may act as witnesses at *valid* non-Catholic marriages.

The Priest/Deacon witnessing the marriage is responsible for recording the marriage and notifying the churches of baptism.

PLACE AND WITNESSING OF MARRIAGE

There are two concerns here: the **place of the marriage** and the **official witness**. Catholics, **with the permission of the Chancellor by delegation of the Bishop**, can have their marriage witnessed by a Priest/Deacon in a place other than a Catholic church. Although the present Code states that the Bishop may permit marriages in any suitable place, in point of fact, the Bishop will **not** give permission for marriage to be celebrated any place other than a place customarily used for public worship (e.g., **not** chapels, Powell Gardens, The Loretto, Loose Park, Longview Gardens, Pilgrim Chapel, the Lighthouse, etc.).

Places and witnessing of the marriage may take place as follows:

- A. **If between two Catholics**, the marriage takes place in the parish church of the bride or groom. A couple may have given little thought to the significance of the parish church in their wedding plans. It is important that they see the church as a symbol of the parish faith community and the site to gather for worship and prayer. It, too, is an opportunity to call the couple to a new awareness of their married life as part of the sacramental life of the parish family.

- B. **If between a Catholic and a baptized non-Catholic**, the marriage may take place, as follows:
1. In the parish church of the Catholic party.
 2. In the church of the baptized non-Catholic if a Catholic Priest/Deacon is present to receive vows.
 3. **With a Dispensation from Canonical Form**, in the church of the baptized non-Catholic. Catholics are permitted by Church law to have their marriages witnessed by Protestant ministers, if the Bishop's dispensation is obtained beforehand. There must be a good reason (e.g., to maintain family peace and harmony, particular church has special importance to the non-Catholic, significant relationship or friendship with non-Catholic clergyperson, etc.).
- C. **If between a Catholic and a non-baptized party**, the marriage should be celebrated in a Catholic church. In certain cases of interfaith marriages (e.g., Catholic/Jewish, Catholic/Muslim) where the families will not enter a Catholic Church, a suitable sacred space should be chosen. The Chancellor's Office should be consulted and a **Dispensation from Canonical Form requested**.

*[Note: The granting of a **Dispensation from Canonical Form** requires the presence of a just cause and only where serious difficulties block observance of Canonical Form. When seeking a Dispensation from Canonical Form, the marriage preparation process must be completed before applying for this dispensation.]*

MARRIAGE AND THE CELEBRATION OF MASS

- A. **For two Catholics**, the nuptial Mass is highly recommended.
- B. **For a Catholic and a baptized non-Catholic**, normally, the marriage takes place outside of the Eucharist. In appropriate pastoral situations, permission is granted for marriage within Mass between a Catholic and a baptized non-Catholic [, except that communion is not given to the non-Catholic.] The couple and the Priest/Pastoral Minister should consider whether that is the wisest alternative. The assembly may be unfamiliar with the liturgy or uncomfortable with the restrictions on intercommunion. An interreligious couple and Catholics of nominal faith might be better served by the simpler Rite, in church, with simple prayer, meaningful hymns, scripture readings, and an instructive homily.
- C. **Marriage between a Catholic and a non-baptized party** is celebrated according to the rite provided.

TIMES WHEN THE NUPTIAL MASS MAY NOT BE CELEBRATED

Parish guidelines about the times and days of weddings shall conform with these Marriage Preparation Policies, lest individual parish practices appear arbitrary. The wedding ceremony should not interfere with the regular parish schedule such as reconciliation or Saturday evening Eucharist. Liturgical law prohibits the celebration of a Wedding Mass on the Sundays of Advent, Lent and the Easter season, on solemnities, on days within the octave of Easter, on All Souls Day, on Ash Wednesday, and during Holy Week.²⁷ Because Lent and Advent have a character of preparation and expectation for Easter and Christmas, weddings are discouraged during these seasons. If a wedding during Lent and Advent is deemed necessary, the celebration should be in keeping with the spirit of these seasons.

REQUESTING PERMISSIONS AND DISPENSATIONS

A. The express permission of the Chancellor (by delegation of the Bishop) is required by Church law in the following cases:

1. **If one of the parties to the marriage is a baptized non-Catholic** (can. 1124), for the permission to be granted, the following items are necessary:
 - a. For the licit celebration of marriage, permission is to be requested by completing the appropriate sections of the Marriage Registration Form and submitting this form to the Chancellor's Office at least four weeks prior to the wedding.
 - b. Baptismal certificate for the Catholic party, both front and back (whether or not the back includes notations), and dated no more than six months prior to its submission, should be provided with the request for permission.
 - c. Verbal or written consent by the Catholic party declaring that he or she is prepared to remove dangers of leaving the faith is to be obtained.
 - d. The Catholic party makes a sincere promise to do all in his or her power in order that the children will be baptized and brought up in the Catholic Church.
 - e. The other party is to be informed of these promises made by the Catholic party, so that it is certain that he or she is truly aware of these promises and of the obligation of the Catholic party.
 - f. That the couple discuss the implications of the promise made by the Catholic party to baptize and raise the children in the Catholic faith.
 - g. That the parties have received marriage preparation (can. 1125).

2. In the case when the parties are transients (can. 1071 §1).
3. Marriage which cannot be recognized by the civil law or celebrated in accordance with it (can. 1071 §2).
4. A marriage of a person for whom a previous union has created natural obligations towards a third party or towards children (can. 1071 §3). Even if a union is declared invalid or dissolved by the Church, there may remain natural obligations to children or to another party. Due to the challenges of a second union on these obligations, the Church seeks assurance that these are being fulfilled.
 - a. Anyone bound by natural obligations to children or another party arising from a prior union must obtain permission of the Bishop to enter marriage.
 - b. In the Diocese of Kansas City-St. Joseph, the Bishop gives permission to Pastors and Parochial Vicars to witness the marriages of those bound by natural obligations, where there is proof that the obligations are being fulfilled.
 - c. Evidence of failure to live up to natural obligations, such as child support, will require a delay of marriage.
5. A marriage of a person who has notoriously rejected the Catholic faith (can. 1071 §4). It should be noted that Catholics who have departed from the Catholic Church by a formal act are not bound by the laws regarding mixed religion (can. 1124) just as they are not bound by canonical form. What constitutes a formal act is still being determined. Some elements seem clear. There would need to be some public form of renouncing membership in the Catholic Church. Simply falling away from the Church by not practicing the faith does not constitute a formal act of leaving. **If a Catholic wishes to marry someone who has departed formally, the same process for an interreligious marriage should be followed.**
6. A marriage of a person who is under censure (can. 1071 §5).
7. A marriage of a minor whose parents are either unaware of it or are reasonably opposed to it (can. 1071 §6).
8. A marriage to be entered by proxy (can. 1071 §7).

B. A dispensation must be requested of the Chancellor (by delegation of the Bishop) if one of the parties to the marriage is not baptized (can. 1086). For the dispensation to be granted, the following items are necessary:

1. For the licit celebration of marriage, a dispensation is to be requested by completing the appropriate sections of the Marriage Registration Form and submitting this form to the Chancellor's Office at least four weeks prior to the wedding.
2. Baptismal certificate for the Catholic party, both front and back (whether or not the back includes notations), and dated no more than six months prior to its submission, should be provided with the request for dispensation.
3. Verbal or written consent by the Catholic party declaring that he or she is prepared to remove dangers of leaving the faith is to be obtained.
4. The Catholic party makes a sincere promise to do all in his or her power in order that the children will be baptized and brought up in the Catholic Church.
5. The other party is to be informed of these promises made by the Catholic party, so that it is certain that he or she is truly aware of these promises and of the obligation of the Catholic party.
6. That the couple discuss the implications of the promise made by the Catholic party to baptize and raise the children in the Catholic faith.
7. That the parties have received marriage preparation (can. 1125).

C. Marriages taking place outside of the Diocese of Kansas City-St. Joseph:

When one or both parties is a resident of this diocese and is marrying in another diocese, the Marriage Registration Form and related materials are to be prepared by the Priest/Pastoral Minister of the Catholic(s)' parish residence. The paperwork must be sent to the Chancellor's Office for processing. Our Chancellor will then forward the paperwork to the Chancellor's Office of the diocese where the marriage will actually take place. The Marriage Registration Form must also be signed by the Priest/Deacon, granting permission for the Catholic(s) to be married outside of his/her parish residence.

D. Diriment Impediments:

According to **Canon 1073**, "A diriment impediment renders a person incapable of contracting marriage validly." Dispensations from diriment impediments are granted by the local ordinary or by whomever is delegated this power by the ordinary (in the Diocese of Kansas City-St. Joseph, the Chancellor and Vice-Chancellor).

1. The appropriate authority can dispense (i.e., allow a relaxation of the law) from certain impediments and permit a marriage to take place, as follows:

- a. The Bishop may dispense from the following impediments: disparity of cult, affinity, public propriety, adoption, lack of age.
- b. Only the Pope may dispense from holy orders, a public perpetual vow of chastity in a religious institute, and murder.
- c. The Pope can dissolve a non-sacramental bond or a non-consummated sacramental bond.
- d. No one can dispense from a bond both sacramental and consummated; however, a request for an investigation as to the possibility of a Declaration of Nullity must be honored.
- e. Abduction, consanguinity in the direct line and up to the fourth degree in the collateral line and impotence are not normally dispensed from.
- f. For unusual cases, consult the Chancellor's Office.

2. Below are the diriment impediments as defined in the *Code of Canon Law*:

- a. **Lack of Age: Can. 1083 - §1.** A man before he has completed his sixteenth year of age, and likewise a woman before she has completed her fourteenth year of age, cannot enter a valid marriage.

§2. It is within the power of the conference of bishops to establish an older age for the licit celebration of marriage.

In the Diocese of Kansas City-St. Joseph, the minimum age for both parties will ordinarily be eighteen.

- b. **Physical Impotence: Can. 1084 - §1.** Antecedent and perpetual impotence to have intercourse, whether on the part of the man or of the woman, which is either absolute or relative, of its very nature invalidates marriage.

§2. If the impediment of impotence is doubtful, either by reason of a doubt of law or a doubt of fact, a marriage is neither to be impeded nor is it to be declared null as long as the doubt exists.

§3. Sterility neither prohibits nor invalidates marriage, with due regard for the prescription of **can. 1098**.

[If it is known that a person is impotent and it is definitely certain that the person will always be impotent, a dispensation cannot be given. However, "If a doubt exists about the existence of impotence or its perpetual and irremediable nature, the parties are not to be prevented from marrying." (*The Code of Canon Law: A Text and Commentary*) Because of the current state of medical science, irremediable impotence would be rare.]

Can. 1078 - §1. The local ordinary can dispense his own subjects wherever they are staying as well as all persons actually present in his own territory from all the impediments of ecclesiastical law with the exception of those impediments whose dispensation is reserved to the Apostolic See.

§2. A dispensation from the following impediments is reserved to the Apostolic See:

1/ the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right;

2/ the impediment of crime mentioned in **can. 1090**.

§3. A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line.²⁸

c. **Prior Marriage Bond: Can. 1085 - §1.** A person who is held to the bond of a prior marriage, even if it has not been consummated, invalidly attempts marriage.

§2. Even if the prior marriage is invalid or dissolved for any reason whatsoever, it is not on that account permitted to contract another before the nullity or the dissolution of the prior marriage has been legitimately and certainly established.

[Note: Any questions regarding a prior bond should be submitted to the Diocesan Marriage Tribunal. No plans for a marriage should begin until permission has been given by the Tribunal.]

d. **Disparity of Cult: Can. 1086 - §1.** Marriage between two persons, one of whom is baptized in the Catholic Church or has been received into it and has not left it by means of a formal act, and the other of whom is non-baptized, is invalid.

§2. This impediment is not to be dispensed unless the conditions mentioned in **cann. 1125 and 1126** are fulfilled.

1. The conditions: **Can. 1125** - The local ordinary can grant this permission if there is a just and reasonable cause; he is not to grant it unless the following conditions have been fulfilled:

- 1/ the Catholic party declares that he or she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the children baptized and brought up in the Catholic Church;
 - 2/ the other party is to be informed at an appropriate time of these promises which the Catholic party has to make, so that it is clear that the other party is truly aware of the promise and obligation of the Catholic party;
 - 3/ both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either party.
2. **Can. 1126** - The conference of bishops is to establish the way in which these declarations and promises, which are always required, are to be made, what proof of them there should be in the external forum and how they are to be brought to the attention of the non-Catholic party.
- e. **Sacred Orders: Can. 1087** - Persons who are in holy orders invalidly attempt marriage.
 - f. **Public Perpetual Vow of Chastity: Can. 1088** - Persons who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

- g. **Abduction: Can. 1089** - No marriage can exist between a man and a woman abducted or at least detained for the purpose of contracting marriage with her, unless the woman of her own accord chooses marriage after she has been separated from her abductor and established in a place where she is safe and free.

[Abduction of a woman for the purpose of marriage cannot be dispensed except in the most unusual circumstances. The impediment does not apply to men.]

- h. **Crime: Can. 1090 - §1.** A person who for the purpose of entering marriage with a certain person has brought about the death of that person's spouse or one's own spouse, invalidly attempts such a marriage.

§2. They also invalidly attempt marriage between themselves who have brought about the death of the spouse of one of them through mutual physical or moral cooperation.

- i. **Consanguinity: Can. 1091 - §1.** In the direct line of consanguinity, marriage is invalid between all ancestors and descendants, whether they be related legitimately or naturally.

§2. In the collateral line of consanguinity, marriage is invalid up to and including the fourth degree.

§3. The impediment of consanguinity is not multiplied.

§4. If there exists any doubt whether the parties are related through consanguinity in any degree of the direct line or in the second degree of the collateral line, marriage is never permitted.

Can. 108 - §1. Consanguinity is calculated through lines and degrees.

§2. In the direct line, there are as many degrees as there are generations or persons, not counting the common ancestor.

§3. In the collateral line, there are as many degrees as there are persons in both lines together, not counting the common ancestor.

[Consanguinity (or the marriage of relatives) may not be dispensed in the direct line of kinship (i.e., mother-son, grandfather-granddaughter). A dispensation may not be granted for an uncle-niece, aunt-nephew relationship because such a marriage is illegal in all 50 states. (Where it is legal, the Church would dispense from the impediment.) First cousins can be dispensed to marry, but only some states permit it; it is **not** permitted in the State of Missouri. Therefore, if the couple is dispensed to marry, they would need to be married in another state.]

- j. **Affinity: Can. 1092** - Affinity in the direct line in any degree whatsoever invalidates matrimony. **Can. 109** discusses affinity, as follows:

Can. 109 - §1. Affinity arises from a valid marriage, even if not consummated, and exists between a man and the blood relatives of the woman and between the woman and blood relatives of the man.

§2. It is so calculated that those who are blood relatives of the man are related in the same line and degree by affinity to the woman, and vice versa.

- k. **Public Propriety: Can. 1093** - The impediment of public propriety arises from an invalid marriage after common life has been established or from notorious and public concubinage; it invalidates marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice-versa.
- l. **Legal Relationship: Can. 1094** - They cannot validly contract marriage between themselves who are related in the direct line or in the second degree of the collateral line through a legal relationship arising from adoption.

APPEALS PROCESS

Whenever major problems are noted in the marriage preparation process, an attempt should be made to refer couples to appropriate intervention. Only when this is not satisfactory should the couple use the appeals process. The Pastor, in consultation with the rest of the marriage preparation team, may decide that the engaged couple needs extra time to resolve a problem; or, a Priest/Deacon may feel that he simply cannot witness a marriage between these two people. In any case, a Priest/Pastoral Minister should clearly and compassionately inform the couple of the decision not to proceed with their marriage preparation or wedding.

A. If a couple disagrees with the recommendation of the Pastor to delay the marriage, they may appeal through Diocesan channels with the Bishop having final determination.

1. When a delay of the marriage is recommended, the couple is to be notified by the Priest/Pastoral Minister of their right to appeal by contacting the Chancellor's Office.
2. The Pastor or the couple can initiate the process by contacting the Chancellor's Office by mail, in person, or by phone.
3. At that time, the Chancellor's Office will inform the parties how to proceed.

B. No Priest or Deacon is to witness the marriage of a couple after another Priest or Deacon has decided to delay it, unless the Bishop gives the necessary permission.

If a Priest/Deacon is requested to witness the marriage of a couple who do not live within his parish, he must contact the proper Pastor of both parties to obtain permission for the couple to be married outside of their parish residence.

C. Documentation and Procedures:

1. **On occasion, certain documents may be requested and maintained by the Chancellor's Office and submitted to the Bishop, as necessary.**
 - a. A written statement by the Priest/Pastoral Minister is required outlining the reasons for delay or refusal to witness the marriage, or describing his pastoral perspective on the couple's request for an exception to these Marriage Preparation Policies.
 - b. A written statement by the couple is required either (1) presenting their position as to why a delay or refusal of their marriage is inappropriate, or (2) requesting an exception to a specific policy and outlining their reasons for the request.
 - c. Copies of all documents used during the assessment process should be submitted to the Chancellor's Office. The couple should be informed that such documents are being given to the Chancellor's Office and, when appropriate, signed permission for release of information should be obtained.
 - d. Upon receipt of the written material, the Chancellor's Office will facilitate the appeals process as quickly as possible. Normally, the process should take no longer than one month from receipt of the couple's written material. The process will usually function through an interview by the Chancellor's Office with the couple or each individual. The Chancellor's Office will then make a recommendation to the Bishop. Final determination of all appeals rests with the Bishop. The Chancellor's Office can provide him with competent advice and give the engaged couple, their families, and the Priest/Pastoral Minister a fair hearing.
 - e. The Bishop will convey his decision to the Chancellor's Office, who will discuss the decision with the Priest/Pastoral Minister and with the couple. If the appeal is denied, the couple should be encouraged to use community services such as Catholic Charities or an independent counselor.

D. The Chancellor's Office may also be contacted for assistance if a delay of marriage is considered:

1. When serious pastoral reasons suggest that formal marriage preparation should be lengthened.
2. When a personality conflict exists between the Priest/Pastoral Minister and the couple.
3. When there is disagreement over application of policy.

IN DANGER OF DEATH

If the parties swear that they are baptized and there are no impediments to their marrying, the marriage can be witnessed immediately (can. 1068). If there are impediments, the Bishop can dispense any impediment except that of priesthood. If the Bishop cannot be reached, then any Priest/Deacon can dispense the same impediments, except for that of priesthood (can. 1079).

PRESUMPTION OF DEATH

In the matter of presumed death, the process is an administrative one, handled by the Chancellor's Office.

A. Proof of Death:

Since only death can dissolve a valid, consummated marriage between baptized people, sometimes the establishing of the death of one of the parties becomes very important. When it is known that the death has taken place, a death certificate is sufficient proof. The notice from the paper, or the testimony of two (or even one), knowledgeable witnesses may also serve as sufficient proof. Certificates are preferred.

B. The following guidelines for establishing proof of death (presented in summary form) were supplied by the Sacred Congregation for the Doctrine of the Faith:

1. Prolonged absence is not sufficient criteria to make a declaration of presumed death.
2. Search thoroughly for an authentic document attesting to the death. Make a record of your efforts.
3. If there is no document, then get the testimony of two knowledgeable witnesses; one witness is sufficient if trustworthy, and there is additional corroboration.

4. Hearsay evidence may be considered sufficient, if you can be sure that you are not being deceived, and there is other circumstantial evidence.
5. Get testimony of relatives and persons who knew the person. It should cover the person's character, the reason for the disappearance and anything relevant.
6. Rumor, when corroborated by other evidence, constitutes an argument for presumption of death.
7. Inquiry by means of newspapers, police, etc. should not be overlooked.
8. If doubt cannot be resolved, perhaps a formal case with the concerned party through the Tribunal should be considered.
9. If doubt cannot be resolved, the Chancellor's Office can send the case to the Holy See.

VALIDATION OF MARRIAGES OF PERSONS WHO ARE MARRIED WITHOUT CHURCH APPROVAL

If the couple has attempted marriage contrary to the laws of the Church regarding the proper "form of marriage," or are seeking validation of any otherwise invalid marriage, they must follow the normal marriage preparation process. However, the Priest/Pastoral Minister preparing the couple may adjust these policies appropriately according to the special circumstances of the couple. *[Note: This procedure assumes that neither party has a living spouse or that an annulment has been granted; otherwise, see Section VI - Office of Tribunal.]*

A validation is the exchange of consent in marriage as it would have taken place if celebrated in the Church. For a validation, the official wedding ceremony is used, without exception. There must be two witnesses besides the Priest/Deacon and the couple. The two witnesses may be of the same gender and need not be Catholic. The result is a valid marriage in the Church from the moment of the liturgical celebration.

A. The following guidelines should be followed and the questions utilized in making the determination as to whether or not to validate a civil marriage:

1. The attempted marriage must have existed at least one year before the marriage can be validated. (This one-year time limit is a norm - not a hard and fast rule; some instances would warrant a much longer time.)
2. The couple and Priest/Pastoral Minister must allow at least nine months preparation for the Sacrament of Matrimony before validation.
3. The Pastor must explore with the couple why they are approaching the Church for the Sacrament of Matrimony at this time.
 - a. Is there pressure on them to celebrate the Sacrament of Matrimony now?
 - b. Was there previous reluctance or hesitation to marry in the Church? Why?
 - c. What has brought them to this point of asking for marriage in the Church?
 - d. Is the couple ready to enter the matrimonial covenant?
 - e. Are they trying to save a troubled marriage?
 - f. When the couple married civilly, were they trying to escape the marriage preparation process?
 - g. Is the couple trying to overturn the decision of the original Priest/Deacon who wished to delay the marriage?
4. Despite the age of the couple, the request for validation provides an opportunity for a pastoral meeting between the Pastor and the couple. If a younger couple, or a couple whose marriage has been of short duration, has not completed a marriage preparation program, they should be required to do so in accord with these Marriage Preparation Policies. A couple civilly married for many years or those who have been in previous marriages may require different programs handled privately by the Pastor or another marriage preparation program suited to their needs. **Therefore, couples seeking validation may take part in one or more of the following according to their particular circumstance:**
 - a. Completion of a marriage assessment instrument and discussion of the results with the Lead Couple.
 - b. Attendance at an approved preparation process.
 - c. Attendance at an approved marriage preparation seminar/encounter.
 - d. Participation in professional counseling and evaluation.

B. The following documents are required to be submitted to the Chancellor's Office to request permission for the validation:

1. Completed Marriage Registration Form requesting permission for the validation and any other necessary permissions or dispensations.
2. Baptismal certificate for the Catholic party, both front and back (whether or not the back includes notations), and dated no more than 6 months prior to its submission.
3. Marriage license for the couple's civil marriage.
4. Death certificate, if a former spouse has died, thereby freeing one or both of the parties to marry in the Church.
5. Decree from the responsible tribunal indicating freedom to marry, if there is a living former spouse.

THE SANATION OF MARRIAGES

Sanations may be requested when the parties are married out of the Church, one of the parties refuses to go through another ceremony according to the Catholic form, and the parties are free to marry. In certain instances, the Bishop can dispense the Catholic party from the obligation of Catholic form and grant Church recognition of the marriage, going back to the time the original consent was given, or to the time the parties became free to marry in the Church. This is a process by which the marriage is sanated, or healed at its roots. It is an administrative procedure, and is handled by the Chancellor's Office. A sanation does not require a marriage ceremony; however, consent to the marriage must continue by both parties. If there is no evidence to suggest that one of the parties plans to divorce, then the presumption is that the consent is on-going.

Our Bishop can dispense in the following situations: when neither party was previously married and the marriage took place outside of Catholic form, **or** for some reason the consent was defective, **or** there was an undispensed impediment. When the sanation is granted, the impediment is also dispensed.

Permissions or dispensations, as needed for weddings, are also required for sanations. The Sanation of Marriage Form (**Appendix F**) is completed in part by the Priest. Signatures must be obtained by the party requesting the sanation, the Priest and the Chancellor. The sanation is then filed in the records of the Chancery Office.

OFFICE OF TRIBUNAL

VI. OFFICE OF TRIBUNAL

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Tribunal Ministry

The Tribunal of the Diocese of Kansas City-St. Joseph exists for a twofold purpose:

1. To help people who are divorced to exercise their rights given in Canon Law regarding possible remarriage; and
2. To help people who have gone through the difficulties of divorce to heal and to be reconciled with the community of the Church.

**We regard our work as a participation
in Jesus Christ's ministry of healing and reconciliation.**

The Sanctity of Marriage and the Family

The intimate partnership of married life and love has been established by the Creator and qualified by His laws. It is rooted in the conjugal covenant of irrevocable personal consent. Hence, by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of this sacred bond no longer depends on human decisions alone.

For God Himself is the author of matrimony, endowed as it is with various benefits and purposes. All of these have a very decisive bearing on the continuation of the human race, on the personal development and eternal destiny of the individual members of a family, and on the dignity, stability, peace, and prosperity of the family itself and of human society as a whole. By their very nature, the institution of matrimony itself and conjugal love are ordained for the procreation and education of children, and find in them their ultimate crown.

Thus a man and a woman, who by the marriage covenant of conjugal love “are no longer two, but one flesh” (Matthew 19:6), render mutual help and service to each other through an intimate union of their persons and of their actions. Through this union they experience the meaning of their oneness and attain to it with growing perfection day by day. As a mutual gift of two persons, this intimate union, as well as the good of the children, imposes total fidelity on the spouses and argues for an unbreakable oneness between them.

Christ the Lord abundantly blessed this many-faceted love, welling up as it does from the fountain of divine love and structured as it is on the model of His union with the church. For as God of old made Himself present to His people through a covenant of love and fidelity, so now the Savior of men [and women] and the Spouse of the church comes into the lives of married Christians through the sacrament of matrimony. He abides with them thereafter so that, just as He loved the church and handed Himself over on her behalf the spouses may love each other with perpetual fidelity through mutual self-bestowal.

Authentic married love is caught up into divine love and is governed and enriched by Christ’s redeeming power and the saving activity of the Church. Thus this love can lead the spouses to God with powerful effect and can aid and strengthen them in the sublime office of being a father or a mother.

For this reason, Christian spouses have a special sacrament by which they are fortified and receive a kind of consecration in the duties and dignity of their state. By virtue of this sacrament, as spouses fulfill their conjugal and family obligations, they are penetrated with the spirit of Christ. This spirit suffuses their whole lives with faith, hope, and charity. Thus they increasingly advance their own perfection, as well as their mutual sanctification, and hence contribute jointly to the glory of God.”

Second Vatican Council, The Pastoral Constitution on the Church in the Modern World, Gaudium et spes, no. 48

The Nature of Christian Marriage

Over the last few years, there have been three significant developments in the understanding of the nature of Christian marriage.

1. What was previously considered a marriage “contract” is now presented as a marriage “covenant.” Throughout Sacred Scripture we see God making covenants with humankind. A personal relationship and mutual commitment to the covenant are the primary focus. It is true that from our perspective certain legalities and penalties are associated with a covenant. Nonetheless, when a covenant is spoken of in regard to marriage it immediately raises the bond from something in the secular realm (as in contract) to a dimension where God has a very pro-active role to play along with the spouses. In the Letter to the Ephesians, chapter 5, verses 21-32, we are given a statement of the clearly defined role of the Lord in marriage. We see how within a Christian marriage the love and fidelity that Christ has for the Church is manifest. Accordingly, a Christian marriage is a sign or symbol of this love that Christ has with the Church. It must be reflected in the union for all to see.
2. Up until the Second Vatican council, the Church emphasized that the primary end of marriage was the procreation and education of children, and the secondary ends were mutual help and a “remedy to concupiscence.” The focus has now shifted so that neither end is primary, that both are essential. Conjugal love is considered as an essential element of marriage, without reference to primary or secondary ends.

Just to take this a little further, St. Augustine spoke of three goods or “bona” of marriage:

- a. The “bonum prolis,” or good of the child, refers to the right to the intimate sexual union with an openness to life. This entails the capacity to be responsible parents which means not only the conception and bearing of children, but also their rearing and education.
- b. The “bonum fidei,” or the good of fidelity, refers to the right to an exclusive, life-long marital love. This involves the possibility of loving and being loved as the “only one” to the exclusion of all others.
- c. The “bonum sacramenti,” or the good of the sacrament, refers to the love between husband and wife that reflects the love between Christ and the Church. This “good” is also understood as the permanence of a marriage. Marriage as a sacrament is a union only dissolved by the death of a party.
- d. Now in addition, **a fourth good, the “bonum conjugum,”** or the good of the spouse is understood as the capacity of a person to commit one’s whole self for life with a partner. This fourth good is the thrust of the current theology of marriage. It recognizes that the married love of husband and wife goes beyond

the visible, and is supportive of a relationship so intimate and intense that it can only find its equivalent in the relationship of Christ and the Church. As a spouse I must be able to be essentially concerned for my husband or wife.

3. Finally, in previous years, it was taught that the “giving” in marriage was limited to the sexual act for the procreation of children. Today, we see this giving in a much broader sense. We no longer confine this to a physical act but now include the giving of all that we are, our emotional self, our psychological self, as well as our physical self. This is what we give to each other. This takes marriage much further, so that it is now deemed to be a union of two persons, not just two bodies.

All of the above properties of marriage were emphasized by the Second Vatican Council in the Pastoral Constitution of the Church in the Modern World, Gaudium et spes, no. 48. Therein, the Fathers of the Council gave a description of the nature of Christian marriage, telling us what we are called to in the married state:

The intimate partnership of married life and love has been established by the Creator and qualified by His laws. It is rooted in the conjugal covenant of irrevocable personal consent. Hence, by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of this sacred bond no longer depends on human decisions alone.

And finally, this same teaching is found in canon 1055 when it attempts to incorporate the teaching of Gaudium et spes in its description of marriage. Canon 1055.1 states:

The marriage covenant by which a man and a woman establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses and to the procreation and education of children, has, between the baptized, been raised by Christ the Lord to the dignity of a sacrament.

In summary we can outline the theology of marriage of the Church today in these points:

1. Marriage as a sacrament is a sign of the love of God for His people, and Christ for His Church. Since this relationship between God and His people is everlasting and permanent, then marriage also has the essential characteristic of permanence.
2. As God's love for His people bears fruit, so does marriage entail fruitfulness, most aptly expressed by the conceiving and raising of new life.
3. As God has been faithful to Israel and Christ is faithful to the Church, then so must marriage entail a faithfulness of one spouse to the other.
4. As God's love for His creation is total, so must the love of husband and wife be total, encompassing the whole person. As our relationship with God is one based on love, then in marriage man and woman are called to love each other

as God loves us—a love that demands sacrifice, giving of self, the receiving of love, and above all forgiveness.

Conjugal Love

The biblical Word of God several times urges the betrothed and the married to nourish and develop their wedlock by pure conjugal love and undivided affection. Many men [and women] of our own age also highly regard true love between husband and wife as it manifests itself in a variety of ways depending on the worthy customs of various peoples and times.

This love is an eminently human one since it is directed from one person to another through an affection of the will. It involves the good of the whole person. Therefore it can enrich the expressions of body and mind with a unique dignity, ennobling these expressions as special ingredients and signs of the friendship distinctive of marriage. This love the Lord has judged worthy of special gifts, healing, perfecting, and exalting gifts of grace and of charity.

Such love, merging the human with the divine, leads the spouses to a free and mutual gift of themselves, a gift proving itself by gentle affection and by deed. Such love pervades the whole of their lives. Indeed, by its generous activity it grows better and grows greater. Therefore it far excels mere erotic inclination, which, selfishly pursued, soon enough fades wretchedly away.

This love is uniquely expressed and perfected through the marital act. The actions within marriage by which the couple are united intimately and chastely are noble and worthy ones. Expressed in a manner which is truly human, these actions signify and promote that mutual self-giving by which spouses enrich each other with a joyful and a thankful will.

Sealed by mutual faithfulness and hallowed above all by Christ's sacrament, this love remains steadfastly true in body and in mind, in bright days or dark. It will never be profaned by adultery or divorce. Firmly established by the Lord, the unity of marriage will radiate from the equal personal dignity of wife and husband, a dignity acknowledged by mutual and total love.

The steady fulfillment of the duties of this Christian vocation demands notable virtue. For this reason, strengthened by grace for holiness of life, the couple will painstakingly cultivate and pray for constancy of love, generosity, and the spirit of sacrifice.

Second Vatican Council, The Pastoral Constitution on the Church in the Modern World, Gaudium et spes, no. 49

The Fruitfulness of Marriage

Marriage and conjugal love are by their nature ordained toward the begetting and educating of children. Children are really the supreme gift of marriage and contribute very substantially to the welfare of their parents. The God Himself who said, “It is not good for man to be alone” (Genesis 2:18) and “who made man from the beginning male and female” (Matthew 19:4), wished to share with man a certain special participation in His own creative work. Thus He blessed male and female, saying, “Increase and multiply” (Genesis: 1:28).

Hence, while not making the other purposes of matrimony of less account, the true practice of conjugal love, and the whole meaning of the family life which results from it, have this aim: that the couple be ready with stout hearts to cooperate with the love of the Creator and the Savior, who through them will enlarge and enrich His own family day by day.

Parents should regard as their proper mission the task of transmitting human life and educating those to whom it has been transmitted. They should realize that they are thereby cooperators with the love of God the Creator, and are, so to speak, the interpreters of that love. Thus they will fulfill their task with human and Christian responsibility. With docile reverence toward God, they will come to the right decision by common counsel and effort....

Marriage to be sure is not instituted solely for procreation. Rather, its very nature as an unbreakable compact between persons, and the welfare of the children, both demand that the mutual love of the spouses, too, be embodied in a rightly ordered manner, that it grow and ripen. Therefore, marriage persists as a whole manner and communion of life, and maintains its value and indissolubility, even when offspring are lacking—despite, rather often, the very intense desire of the couple.

Second Vatican Council, Pastoral Constitution on the Church in the Modern World, Gaudium et spes, no. 50.

Pope John Paul II on the Divorced Catholic

Various reasons can unfortunately lead to the often irreparable breakdown of valid marriages. These include mutual lack of understanding and the ability to enter into interpersonal relationships. Obviously, separation must be considered as a last resort, after all other reasonable attempts at reconciliation have proved in vain.

Loneliness and other difficulties are often the lot of separated spouses, especially when they are the innocent parties. The ecclesial community must support such people more than over. It must give them much respect, solidarity, understanding and practical help, so that they can preserve their fidelity even in their difficult situation; and it must help them to cultivate the need to forgive which is inherent in Christian love, and to be ready perhaps to return to....married life.

The situation is similar for people who have undergone divorce, but being well aware that the valid marriage bond is indissoluble, refrain from becoming involved in a new union and devote themselves solely to carrying out their family duties and the responsibilities of Christian life. In such cases their example of fidelity and Christian consistency takes on particular value as a witness before the world and the Church. Here it is even more necessary for the Church to offer continual love and assistance, *without there being any obstacle to admission to the sacraments*.

Daily experience unfortunately shows that people who have obtained a divorce usually intend to enter into a new union, obviously not with a Catholic religious ceremony. Since this is an evil that, like the other, is affecting more and more Catholics as well, the problem must be faced with resolution and without delay....The Church, which was set up to lead to salvation all people and especially the baptized, cannot abandon to their own devices those who have been previously bound by sacramental marriage and who have attempted a second marriage. The Church will therefore make untiring efforts to put at their disposal her means of salvation.

Pastors must know that, for the sake of truth, they are obliged to exercise careful discernment of situations. There is in fact a difference between those who have sincerely tried to save their first marriage and have been unjustly abandoned, and those who through their own grave fault have destroyed a canonically valid marriage. Finally, there are those who have entered into a second union for the sake of the children's upbringing, and who are sometimes subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid.

Together with the [bishops], *I earnestly call upon pastors and the whole community of the faithful to help the divorced, and with solicitous care to make sure that they do not consider themselves as separated from the Church, for as baptized persons they can, and indeed must, share in her life*. They should be encouraged to listen to the word of God, to attend the Sacrifice of the Mass, to persevere in prayer, to contribute to works of charity and to community efforts in favor of justice, to bring up their children in the Christian faith, to

cultivate the spirit and practice of penance, and thus implore, day by day, God's grace. Let the Church pray for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope.

John Paul II, *Apostolic Exhortation on the Christian Family in the Modern World, Familiaris Consortio*, no. 83

Declaration of Invalidity

Marriage is a “covenant by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring.” (c. 1055) Between two persons baptized in any denomination, a valid marriage is considered a sacrament. Two unbaptized persons who are free to marry contract a natural marriage which is considered valid by the Catholic Church.

A ***declaration of invalidity***, or an annulment, is a statement by the Catholic Church that at least one of the elements understood as essential for a binding marriage was not present in the particular relationship at the time of consent. The declaration of invalidity is determined after a serious study conducted by the Tribunal, the legal office of the Church.

For two baptized persons, the declaration of invalidity indicates that a *sacramental* marriage was not entered into by the parties, despite appearances. The declaration of invalidity concerns the spiritual bond of the marriage and has no civil effects whatsoever. The civil divorce must be final before a declaration of invalidity is issued. The validity of a marriage is presumed unless it is challenged by one of the parties.

Advocate Reminders

1. **Thoroughly read marital dynamics, make sure in-take sheet is complete, and proper documents have been obtained.**
 - a. Have Petitioner make copies of all material sent to Tribunal. Any copies Advocate retains, must remain confidential, then destroyed when case is completed.
 - b. Make sure Petitioner has listed the best witnesses for the case as mentioned in dynamics.
 - c. If Petitioner received counseling during the past five years, ask if Petitioner is willing to complete release form.
 - d. If counseling occurred six or more years ago, have Petitioner summarize the counseling sessions (explain what happened during counseling).
 - e. Make sure marital dynamics are complete. Did Petitioner include Respondent's biographical sketch? Are any questions omitted?
 - f. Was marriage convalidated in Catholic Church?
 - g. Is Petitioner dating someone? If so, is that person free to marry in the Catholic Church? Find out if that person has previous marriages that need Tribunal's attention.
 - h. Did Petitioner check his/her choice on confidentiality statement? Did Petitioner sign and date marital dynamics?
2. Make an appointment with Petitioner for signing of grounds sheet. Ask Petitioner if witnesses submitted are the very best for the case.
3. Call Tribunal to make sure witnesses have responded effectively and to periodically check on case. Keep in contact with Petitioner.
4. Write pastoral letter to explain Petitioner's spiritual development since he/she began case.

Formal Case Instructions

The Petitioner is asked to read carefully the following instructions:

1. **NO GUARANTEES OF AN AFFIRMATIVE DECISION:** The acceptance of a **Petition is not to be interpreted or understood as a guarantee that a Declaration of Invalidity will be granted in a case.** An affirmative decision, that is a Declaration of Invalidity, will depend on the merits of the case. However, a negative decision is possible if the case lacks the substance or evidence to prove invalidity.
2. **TIME FRAME FOR COMPLETION:** The time needed to reach a decision in a formal case cannot be determined. Case progress depends on several factors, including the submission of all preliminary materials (i.e. petition, marriage license, divorce decree, marital dynamics, baptism information), cooperation from parties and witnesses, time periods set in procedural law for the exercise of certain rights by the parties, and decisions by both Diocesan and Appellate Courts.
3. **SETTING A DATE FOR A FUTURE MARRIAGE:** It is advisable not to make arrangements for a future marriage in the Catholic Church or a convalidation of a marriage already entered into civilly until after the confirmation of the affirmative decision by the Missouri Appellate Tribunal in St. Louis. If in doubt, contact the Tribunal.
4. **NOTIFICATION OF THE FORMER SPOUSE:** The Petitioner must provide the **Tribunal with an accurate and current address of their former spouse.** Church law requires that the other party (i.e. Respondent) be notified that the Petitioner has begun a church procedure to determine whether or not their former marriage is morally binding. The Tribunal will always make this contact with the Respondent. If the Respondent decides not to cooperate with the Tribunal, the case may still proceed.
5. **CONFIDENTIALITY:** Since the process for a formal marriage case is highly confidential, **the Tribunal staff will communicate only with the Petitioner or Respondent or Advocate concerning a particular case.**
6. **RESTRICTIONS ON ACCESS TO THE CASE FILE:** Because of the sensitive nature of the information gathered in the process, all the evidence collected in a case is considered to be the exclusive and confidential property of the Marriage Tribunal of the Diocese of Kansas City-St. Joseph. Church law requires that the parties and/or their duly-mandated Advocates be informed about the collection of proofs of which they may request a review. This review may take place only at the Office of the Tribunal. **The Judge can decree that testimonies submitted with a request for full confidentiality and expert reports or other acts are not to be shown to anyone except those persons duly authorized by the Tribunal**

in order to avoid serious dangers. This review is not made available to the witnesses nor for any civil proceedings.

7. **CHANGE OF ADDRESS:** It is the responsibility of the Petitioner to inform the Tribunal of any change of address that takes place during the course of the proceedings. **If the Petitioner's whereabouts become unknown, the Tribunal will conclude that the Petitioner no longer has an interest in the case.** In such instances, the case file will simply be closed.
8. **WITNESSES:** **The Petitioner must provide the Tribunal with the names and current addresses of witnesses who should be apt and willing to respond in a candid and timely manner.** The Respondent may also suggest witnesses. A witness should have known one or both parties during their courtship and/or during the early years of the marriage.
9. **CIVIL EFFECTS OF A DECLARATION OF INVALIDITY:** A Declaration of invalidity of a marriage does not in any way whatsoever affect the legitimacy in church or civil law of any children born of that union.
10. **RESTRICTIONS ON A FUTURE MARRIAGE IN THE CHURCH:** Even if a Declaration of Invalidity is granted, the **Tribunal may place a restriction on either of the parties prior to remarriage in the Catholic Church.** This caution or restriction usually states the need for counseling or greater understanding of the nature of marriage as a sacrament prior to a subsequent church marriage. Such a restriction may be lifted by the Tribunal upon fulfillment of their directives.

PETITIONER'S WORKSHEET

CASE NAME: _____

PLEASE NOTE: The Tribunal will always contact the Respondent. Help us to do this by giving the current or last known address of the Respondent.

FORMER SPOUSE:

FULL PRESENT NAME: _____

COMPLETE MAILING ADDRESS AND ZIP: _____

While working on your Marital Dynamics, you may think of appropriate and willing witnesses. Please indicate that you have contacted each witness listed below and obtained his/her agreement to complete a questionnaire. The Tribunal will not contact any witness who has not agreed to participate.

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

Miss/Mrs./Mr.
NAME: _____

Address: _____
Zip

Relationship: _____

Contacted: Yes _____
Will Participate: Yes _____

**Suggested Ways For Petitioner
to Locate Respondent's Address**

Canon law requires that Respondent be notified of pending annulment case; therefore, the Tribunal needs to know what effort Petitioner has made to find Respondent's present address and phone number. Kindly use the following list as helpful ways to locate Respondent, document the results, and return to Tribunal. (Use separate paper if needed.)

1. Last known address of Respondent
2. Relatives, Children and/or Friends of Respondent (including addresses and phone numbers)
3. Telephone Directory Assistance (re: Respondent)
4. Internet search (re: Respondent) (some search engines are free)
5. Social Security Records (re: Respondent)
6. Motor Vehicle Records (re: Respondent)
7. City Directory (re: Respondent's last known address)
8. The Public Library (re: telephone directories for large cities/metropolitan areas in US)
9. State Records (e.g., if Respondent has suffered serious illness, possible death record?)
10. Credit Records (re: Respondent)
11. Professional organizations (re: Respondent's membership)
12. Military Records (re: Respondent)

Multiple Marriages

As marriage cases become more complex, it might be that a Petitioner has two, three or more past marriages. The Advocate is faced with the task of sorting out these multiple marriages according to the type of marriage case that applies in each instance.

1. The starting point is always the first marriage of the Petitioner. Decide what kind of case it (e.g. Formal Case, Lack of Form, Previous Bond, Pauline Privilege).
2. After the first marriage, treat each subsequent marriage of a petitioner as a separate case, proceed in a chronological order, and determine the kind of case that applies to each marriage.
3. Submit all marriage cases for a petitioner at the same time if possible.
4. It is preferable to do a Lack of Form case for a Catholic rather than a Previous Bond case, since proving the Catholic's baptism is usually easier than proving the Respondent's previous marriage.
5. Any Previous Bond case submitted by a Petitioner must be based on the former marriage of the Respondent, not the Petitioner.
6. As a reminder, Protestants or those of no religion who have married and divorced and now wish to marry a Catholic, or to become a Catholic, must go through a marriage case, since the Church presumes the validity of all non-Catholic marriages wherever they took place (e.g. before a minister or a Justice of the Peace). All previous marriages must be addressed either by proof of death or a marriage case.
7. During the initial interview, find out if the Petitioner's present or intended spouse has been married before, and if so, that person's marriage case(s) should be submitted together with the Petitioner's case(s).
8. Have the Petitioner sign and date the petition in each kind of case. The Advocate should submit the petition and accompanying marriage license, final divorce decree signed by a judge, baptism certificate for Catholics, and payment plan. For a formal case, the marital dynamics must also be submitted with these documents.

9. Re: completing the marital dynamics questionnaire who has more than one formal case: the petitioner should complete the entire questionnaire for the first formal case. For each formal case thereafter, the petitioner should complete just these sections for the marital dynamics: (a) biographical sketch of the Respondent, (b) the courtship, (c) the wedding, (d) the married life, and (e) the desired statement of confidentiality.
10. Conversion is required in a Pauline Privilege. The baptism of the Petitioner as a Catholic or in an ecclesial community with a valid baptism must take place before the marriage. Two witnesses must verify the Petitioner's non-baptism and two other witnesses must verify the Respondent's non-baptism. Send the Tribunal information about the baptism and the date when the marriage took place.

During the initial interview with the Petitioner, ask the questions listed below, as well as those covered in completion of the petition:

1. How many times have you been married?
2. At the time of the wedding, were either you or your former spouse(s) Catholic?
3. Was the marriage the first one for both parties?
4. If you are Catholic but did not marry before a priest/deacon and two witnesses, was there a dispensation from canonical form?
5. Do you have an annulment from the Catholic church for a prior marriage?
6. Was the former spouse of any union that ended in divorce still living during the marriage of the Petitioner and Respondent?

Lack of Form Cases

“Form” is a word used to describe the Catholic “way” of getting married. The Catholic way of getting married is not just a recommendation, but marrying properly is required before the Church will recognize the binding force of a marriage involving Catholics. The prescribed canonical form of marrying for Catholics is to do so in the presence of a Catholic priest or deacon and two witnesses (c. 1108).

In this instance, “form” describes the persons who must be present to witness the marriage. With a dispensation, Catholics are permitted to marry in the presence of a Protestant minister or civil official and follow whatever rules they have for marrying properly. As long as there is a dispensation from “form,” the Church recognizes the binding force of such a marriage.

The Lack of Form case involves an administrative process and can be completed in minimal time. The completion of the Petition for a Declaration of Nullity Due to Lack of Canonical Form, accompanied by the required documents, is all that is necessary.

Description:

A Lack of Form case involves the marriage of two persons, at least one of whom is Roman Catholic, before a Protestant minister or civil official without a dispensation from canonical form. Subsequently this couple has divorced, and now one of them wants to enter into marriage with another person according to Catholic canonical form.

Documents:

1. a recent baptismal certificate (issued within last six months) of Catholic party
2. a copy of the civil marriage license for marriage in question
3. a copy of the final divorce decree signed by a judge for marriage in question

Petitioner:

1. The petitioner completes the information on the petition form for Lack of Form cases.
2. The petitioner signs and dates this petition form.

Parish Priest:

1. A parish priest must sign the “Declaration of Nullity Due to Lack of Canonical Form.”
2. At the time of the priest’s signature, the above decree is effective immediately.

Advocate or Priest must verify:

1. That the Catholic was bound to canonical form.
2. That some official other than a Catholic priest or deacon witnessed the marriage

Send to Tribunal:

1. The completed form provided for a Lack of Form /Declaration of Nullity
2. All the required documents noted above
3. Case fee unless waived

Clarifications:

1. Exceptions to the general law specifying that all Catholics are bound to the Catholic form of marriage are comparatively few: (1) those who attempted marriage prior to January 1, 1949, and who had not been given Catholic upbringing, were specifically excepted; and (2) the 1983 Code of Canon Law also provides that those who, by a formal act have abandoned the Catholic faith are not held to the Catholic form of marriage.
2. If there has been no divorce and the couple in question simply want to have their marriage convalidated, proceed as though they had never married. Fill out the Pre-Nuptial form and obtain whatever dispensations or permissions are required. Also, diocesan policies for marriage should be observed.
3. If it is established that the persons did marry according to canonical form, but there were insufficient witnesses present, or the wording of their exchange of consent was incomplete (e.g. words describing their union as lasting until death were missing), or the priest was delegated improperly, then you have a "Defect of Form" case and you should contact the Tribunal for assistance.
4. Catholics of Eastern Rite Churches in communion with Rome, as well as Orthodox Christians, also have an obligation to their own form of marriage. If you have reason to think a person may have been baptized in one of these Churches, ask the Petitioner for information concerning their baptism and the marriage rite. For marriage cases involving Orthodox Christians, you should contact the Tribunal for assistance.

Previous Bond Cases

Once marriage is celebrated by persons apparently able to marry, the law of the Catholic Church presumes the validity of that marriage and, according to canon 1060, the marriage is granted the favor of the law. Therefore, once a person has apparently married validly, a subsequent marriage is invalid by reason of the Previous Bond existing from the first marriage. By divine law, a previous marriage bond is an impediment that renders any subsequent marriage invalid (canon 1085).

When a case involves the impediment of Previous Bond, a special, simplified judicial procedure governed by canons 1686-1688 is conducted by the Tribunal. Previous Bond cases are called documentary cases because proof can be obtained through public records that show that the prior marriage took place and that the parties are now divorced. What has to be established and proven is that a **prior** marriage took place. If there are multiple marriages, it must be proven that one of the prior marriages took place. It must also be verified that the first wife or husband from that previous marriage was alive during the course of the subsequent marriage of the Respondent.

If public records cannot be located, then the testimony of the former spouse and two other knowledgeable witnesses are sufficient. If the former spouse will not cooperate, the testimony of two knowledgeable witnesses is considered sufficient. However, the witnesses must be able to testify with certainty that the marriage in question was the first marriage for both parties. Every effort should be made to find the appropriate documents since they are the preferred legal form of proof.

Description:

Almost always Previous Bond cases will involve persons who are non-Catholic, non-baptized, or of no religious belief. It could apply to persons married in the Catholic Church if they concealed a previous marriage at the time the prenuptial papers were completed.

Documents:

1. Copies of the marriage license and final divorce decree of the former spouse's prior marriage (or of the first marriage you can identify).
2. Copies of the marriage license and final divorce decree to the marriage of your Petitioner and his/her former spouse.

Petitioner:

1. Completes the information requested on the Petition for a Previous Bond Marriage.
2. Signs and dates this Petition.

Advocate verifies:

1. That one spouse was previously married.
2. That this spouse's first marriage meets the requirements for validity.

3. That the first wife or husband from that previous first marriage was alive during the course of the subsequent marriage of this spouse.
4. Religious affiliation to determine if either party was bound to Catholic form of marriage.

Send to Tribunal:

1. Completed and signed Previous Bond Petition.
2. Copies of marriage licenses and final divorce decrees signed by judges for both marriages in question.
3. Witness testimonies if documents cannot be obtained.
4. Case fee unless waived.

Clarifications:

1. If documents cannot be obtained, interview the former spouse and one other witness knowledgeable about the marital status of **both** parties at the time of the marriage.
2. If the former spouse will not cooperate, interview two knowledgeable witnesses.
3. Concerning witness testimony:
 - a. Can be taken over the telephone by yourself or by personal interview
 - b. Witness form filled out by witness at home must be notarized
 - c. Any sworn statement not made in your presence must be witnessed by a public notary or a priest.

Pauline Privilege Cases

The Pauline Privilege allows the dissolution of a marriage between two unbaptized persons. The basis for this Privilege is found in 1 Corinthians 7:12-15, and the legislation is found in canons 1143-1150.

Use of the Pauline Privilege requires:

1. A marriage validly entered into by two unbaptized persons.
2. The sincere conversion and valid baptism of one of the parties.
3. Divorce and departure of the other unbaptized person.
4. The certitude of non-baptism of both parties.

The granting of the Pauline Privilege is made either by the diocesan bishop or through his delegate, the judicial vicar. The time required for this process is dependent upon the course of instruction of the prospective convert and subsequent baptism and the cooperation of the respondent and the witnesses.

If it happens that the non-baptized Petitioner has already attempted marriage with a Catholic, baptism of the petitioner must be delayed until the entire process leading to the granting of the Privilege has been completed. Then the baptism of the petitioner and convalidation of the attempted marriage may take place on the same occasion.

Witnesses knowledgeable about the non-baptism of the Petitioner and Respondent would be primarily members of each party's immediate family. The Respondent's cooperation is necessary. However, should the Respondent be non-cooperative or unable to be located, parents or close relatives may be contacted to give their certain knowledge of the Respondent's non-baptism.

When all proofs of the non-baptism of both parties are received by the Tribunal, the case is submitted to the Defender of the Bond for review and concurrence. The Pauline Privilege is then granted. The Decree is sent to the Advocate so that arrangements for a new marriage or the convalidation of the existing civil union can be made.

Description:

The Pauline Privilege involves a valid marriage and subsequent divorce between two non-baptized persons and requires that one of the parties be open to conversion and baptism. If the petitioner is not willing to be baptized as a Catholic or in a faith denomination with a valid baptism, then you have a Formal Marriage Case.

Documents:

1. Marriage license of marriage in question.
2. Final divorce decree signed by a judge for marriage in question.
3. Two witness testimonies confirming the petitioner's non-baptism.
4. Two witness testimonies confirming the respondent's non-baptism.

Petitioner:

1. Completes the Pauline Privilege Petition.
2. Contacts the respondent in order to have him/her complete the Former Spouse Testimony.
3. If respondent is uncooperative, contacts the two witnesses needed to verify the respondent's non-baptism.

Advocate:

1. May assist the petitioner with contacting the respondent or the respondent's witnesses.
2. Has petitioner and respondent complete their respective petition and testimony.
3. Verifies that each witness is a knowledgeable source about a party's non-baptism.

Send to Tribunal:

1. The Pauline Privilege Petition.
2. The Former Spouse Testimony.
3. The marriage licence and final divorce decree of marriage in question.
4. The four witness testimonies concerning non-baptism of the parties.
5. Case fee unless waived.

Clarifications:

1. Other documents that should be sent to the Tribunal at the time that the Pauline Privilege Petition and civil documents and witnesses are submitted (*or as soon as the required conversion/baptism takes place*):
 - a. The baptism certificate of the party that the petitioner for a Pauline Privilege plans to marry.
 - b. Certificate of baptism of the petitioner (whether Catholic or in a faith denomination with valid baptism).
2. Once the marriage utilizing the Pauline Privilege has taken place, the Advocate should send the names of the spouses and the date and place of the marriage to the Tribunal for its records.

Jurisdiction Guidelines in Formal Cases

Our Tribunal has jurisdiction to hear a formal case if any of the following criteria are met:

1. The marriage in question was contracted within the geographical territory of the Diocese of Kansas City-St. Joseph (c. 1673.1).
 2. The Respondent lives within the geographical territory of our diocese (c.1673.2).
 3. The Petitioner lives within the geographical territory of our diocese and the Respondent lives within the territorial jurisdiction of the National Conference of Catholic Bishops. In this case, the consent of the Respondent's Judicial Vicar must be obtained (c. 1673.3).
 4. The majority of proofs are, in fact, to be collected within the geographical territory of our diocese. In this case, the consent of the Respondent's Judicial must be obtained (c. 1673.4).
- Jurisdiction is automatic in the case of #1 and #2 above.
 - Jurisdiction is not automatic in the case of #3, although consent will usually be given. The Petitioner, however, should be advised that this consent is needed and might not be granted, in which case, the petition would be submitted to the Tribunal of that Judicial Vicar.
 - Jurisdiction is not automatic in the case of #4. Do not indicate to the Petitioner that the case will be accepted. Obtain the necessary information and present the case to our Tribunal for a decision about the jurisdiction.

Formal Case Stages

1. Preliminary

Advocate:

- a. helps petitioner initiate the case*
- b. hears petitioner's story of marriage to determine type of case*
- c. gives petitioner overview of process*
- d. explains how marital dynamics are to be written*
- e. indicates what documents are needed*
- f. discusses fee schedule*
- g. offers possibility of taping dynamics, if necessary*

2. Introduction of the case to the Court of First Instance

- a. Competence determined
- b. Petition accepted
- c. Notification of petitioner
- d. Citation of respondent
- e. Decree establishing the grounds*

3. Instruction of the case

- a. Consultation with advocates*
- b. Witnesses contacted
- c. Testimony gathered
- d. Report by expert, such as counselor

4. The publication of the acts

- a. Parties notified that they may add additional testimony
- b. Parties or advocate may view acts of the case not under confidentiality*

5. The discussion of the case

- a. Advocate writes pastoral evaluation*
- b. Defender of the Bond's statement

6. The judgment of the case

- a. Judge's sentence
- b. Notification of parties and advocate*

7. Court of Second Instance automatic review

- a. Ratification of sentence
- b. Notification of parties and advocate*

****Advocate's participation***

A Canonical View of Marriage

The canons that deal with marriage reflect how canon law essentially reflects and protects the faith and theology of the Church.

1. The canons on marriage, **canons 1055 to 1165**, begin with the familiar description of marriage as a *covenant* relationship between a man and a woman. **Canon 1056** then reaffirms that marriage has the essential properties of unity and indissolubility.
2. It is **canon 1057** that presents the first and most important issue to keep in mind in understanding marriage, that is, that marriage is brought into existence by the *consent* of the persons. This consent is an act of the will by which a man and woman mutually give and accept one another for the purpose of establishing a marriage.
3. The next most important canon that should be kept in mind is that the law attempts to protect the institution of marriage. **Canon 1060** states that marriage enjoys the favor of the law. This is a legal presumption that *presumes* the validity of marriage. This presumption holds unless sufficient evidence can be obtained to disprove the validity. The canon is also specific in stating that whenever there is any doubt concerning the validity of marriage, the validity is to be upheld.
4. **Canon 1061** refers to the necessity for marriage to be consummated, and ideally to be between two baptized Christians. This canon also refers to the fact that the marriage must also be consummated before it takes on the nature of indissolubility. This consummation is presumed if, in fact, the spouses have lived together after the celebration of their marriage (canon 1061.2). However, it is possible, if it can be proven that a marriage has not been consummated, for the Pope to grant a dissolution of this non-consummated but valid sacramental union.

In addition, with certain requirements, if one of the parties is not baptized, the Pope can dissolve this non-sacramental marriage on behalf of the faith of one of the parties. These types of marriage cases are commonly known as Privilege of the Faith cases (Pauline Privilege or Petrine Privilege).

On this point, one should be aware of the fact that a marriage that takes place between *two baptized* Christians, whether they are Catholic or not, and is *consummated*, is also presumed by law to be valid and indissoluble. This explains why many Petitioners who come to the Marriage Tribunal of the Catholic Church are often baptized people but who are not Catholic. They may have entered into marriage with another non-Catholic person, and the law would consider their marriage as a sacrament because they are both baptized. Thus, the only legal solution to their request for freedom for a new marriage would be the question of validity of their prior marriage, or a Declaration of Invalidity. This is an important point to remember because many people are confused about why in some cases

non-Catholics would be required to present a marriage case petition to the church's marriage court.

5. The next section details the important obligation of all the people of the Church for preparing a couple for marriage. In fact, **canon 1063**, which is addressed to pastors and lay people, is one of the longest canons in the code, and deals with the essential importance and responsibilities of *preparation for marriage*.
6. Following this section is the canonical description and elaboration of *impediments* to marriage. **Canon 1073** describes an impediment as something that renders a person incapable of validly contracting a marriage. It is these potential impediments that are reviewed by the priest in preparing a couple for marriage.
7. The next section, **canon 1083 to canon 1094**, lists the particular impediments to a valid marriage, and for simplicity's sake only some will be listed and explained here:
 - a. The man must be sixteen years of age and the woman fourteen years of age in order to enter into a *valid* marriage in the church. However, the law allows the bishops of a region to establish a higher age for the *legal* celebration of marriage. For the Diocese of Kansas City-St. Joseph, the minimum age will ***ordinarily be eighteen***. If either party is under eighteen years of age and the couple insists upon marrying, permission of the Bishop is necessary.
 - b. If a man or a woman is impotent, then this physical impotence would make it impossible for them to enter into the covenant of marriage. The law does allow that in the case of doubt, the marriage can proceed. It should be understood that impotence here is understood as the physical inability to perform the act of intercourse. *It does not refer to the question of sterility.*
 - c. A person can have an impediment to marriage if they are in fact in a previous marriage that has not been declared invalid, or has not ended because of death. Likewise, someone who has been ordained, or someone who is bound to perpetual vows of chastity in a religious institute would also have an impediment preventing marriage, unless, of course, a dispensation is obtained.
 - d. The law also states that if a woman is abducted by someone for the essential purpose of forcing her to marry, and if she does so, then this would be an impediment towards the marriage.
 - e. The impediment commonly known as "crime" states that one who has the view of entering into marriage with a particular person and has killed that person's spouse, or his or her own spouse, invalidly attempts marriage.

- f. The next two canons, canons 1091 and 1092 refer to the impediments of marrying those people who are related by blood or marriage, and prescribes the degrees of relationship within which marriage would not be allowed. (For example, a man would not be allowed to marry his sister or his mother. The law prohibits marriage of persons up to first cousins, although in some rare cases, dispensations can be obtained for first cousins to marry.)
- 8. As noted above, consent is the essential characteristic of what brings the marriage into existence. The next section of canons, **canons 1095 to 1105**, deal with what is required for valid consent, relative to formal marriage cases.
- 9. The next sections of canons deal with the *form* of the celebration of marriage. It would be sufficient to say that for a valid marriage a Catholic must marry in the presence of a priest and two witnesses (**canon 1108**); this is true if both parties are Catholic, or even if only one is Catholic. It should be remembered that it is only Catholics that are bound to this form and not other baptized Christians. As many people may know, it is possible to obtain a dispensation from the requirement of form and, thus, the Catholic may be legally allowed to marry in another church. That marriage then would still be considered as valid. If, however, a Catholic does not marry in the presence of a Catholic priest and has not obtained a dispensation to do so, then in canon law, that marriage is considered to be invalid due to a lack of form.
- 10. The following canons, **canons 1124 to 1127**, deal with the requirements that involve mixed marriages and the legal effects of marriage (**canon 1134**). Finally, the last section deals with the question of convalidation (**canons 1156 to 1160**).

IN SUMMARY, then, this overview of the canons on marriage shows that marriage has some legal requirements that are established by law to protect and reflect the view of marriage as understood in the Church's theology. A marriage comes into existence by way of the free consent of the parties. A marriage that is consummated between two baptized persons is presumed to be a valid marriage; it also has the essential properties of unity and indissolubility. The law strongly advises that couples should be adequately and extensively prepared to understand what marriage is, and also prepared to accept the serious obligations of marriage.

The law also establishes certain impediments that would prevent someone from legally and validly entering into a marriage. The marital consent requires certain properties in order for it to be understood and established as valid consent. In addition, only Catholics are bound by the form of marriage whereby the exchange of consent must take place in the presence of a priest and two witnesses. However, as mentioned, this form can be dispensed.

Overview of Grounds in Formal Marriage Cases

The following canonical reasons are considered as grounds for formal marriage cases. See the canon number given below for more complete information.

- 1. Insufficient Use of Reason [1095. 1]**
One or both parties lacked the sufficient use of reason.
- 2. Grave Lack of Discretionary Judgment Concerning Essential Marital Rights and Duties [1095.2]**
One or both parties were affected by some serious circumstances or factors that made one or both parties unable to exercise **critical judgment** concerning the essential rights and duties of marriage to be mutually handed over and accepted.
- 3. Psychic-Natured Incapacity to Assume Marital Obligations [1095.3]**
One or both parties, at the time of consent, were unable to fulfill the obligations of marriage because of a serious psychological disorder.
- 4. Ignorance about the Nature of Marriage [1096.3]**
One or both parties did not know that marriage is a permanent relationship between a man and a woman for the purpose of having children by means of sexual intercourse.
- 5. Error of Person [1097.1]**
One or both parties married the wrong person, it was not who he/she intended to marry.
- 6. Error about a Quality of Person [1097.2]**
One or both parties would never have married a certain individual had he/she known that the intended quality was not present in the spouse on the wedding day.
- 7. Fraud [1098]**
A party is deceived by malice that is designed to achieve marital consent and that of its very nature can seriously disrupt the partnership of marital life.
- 8. Error regarding Marital Unity that Determined the Will [1099]**
One or both parties married believing that marriage was not necessarily an exclusive relationship.
- 9. Error regarding Marital Indissolubility that Determined the Will [1099]**
One or both parties married believing that the State had the power to dissolve marriage and that remarriage was acceptable after civil divorce.

- 10. Error regarding Marital Sacramental Dignity that Determined the Will [1099]**
One or both parties married believing that marriage is not a sacred relationship, but merely a civil contract.
- 11. Total Willful Exclusion of Marriage [1101.2]**
One or both parties did not intend marriage relationship to be a partnership of life and love as understood by the Church.
- 12. Willful Exclusion of Children [1101.2]**
One or both parties married intending to deny the other's right to sexual acts open to having children.
- 13. Willful Exclusion of Marital Fidelity [1101.2]**
One or both parties married intending not to remain faithful or to view marriage as a mutually exclusive relationship.
- 14. Willful Exclusion of Marital Permanence [1101.2]**
One or both parties married intending not to make a permanent relationship, keeping divorce as a option.
- 15. Future Condition [1102.1]**
One or both parties attached a future condition to his/her decision to marry.
- 16. Past Condition [1102.2]**
One or both parties attached a past condition to his/her decision to marry and that condition did not exist.
- 17. Present Condition [1102.2]**
One or both parties attached a present condition to his/her decision to marry and that condition did not exist.
- 18. Force [1103]**
One or both parties married because of an external physical or moral coercion that a person cannot resist.

19. Fear [1103]

One or both parties decide to marry because of grave fear imposed by an outside source that leaves parties no other choice, but marriage.

20. Lack of New Consent during Convalidation [1157 & 1160]

After their civil marriage, both parties participated in a Catholic convalidation ceremony and one or both parties believed that (1) their civil marriage was valid without following canonical form, (2) the Catholic ceremony was a blessing instead of entering into a marriage, or (3) their consent at the time of convalidation had no real effect on their marital status.

Determining Grounds of Invalidity in Formal Cases *

DEFECTIVE CONSENT CASES:

A source of marital invalidity is defective consent. **Consent** is an internal commitment expressed externally during a marriage ceremony. The ability to consent effectively requires that one have a minimal amount of maturity, knowledge, intention, and freedom. When this minimally required maturity, knowledge, intention, and/or freedom is either altogether lacking or seriously impaired for whatever reason, then one's consent is rendered defective, and a valid marriage is impossible. This absence or serious impairment results from different causes called "grounds of nullity" in Church jurisprudence. A brief description of these grounds follows.

Insufficient Use of Reason

The use of reason which makes one capable of marriage is not simple use of reason—rather a degree of reasoning ability sufficient to understand that, in marrying, a man and a woman give and receive each other by an irrevocable covenant to constitute a partnership of the spouses' entire life, a partnership ordered, by its nature, to the good of the spouses and the procreation and education of children. A serious condition, disturbance, or disorder would be required to deprive an adult of something as basic as sufficient use of reason. Examples would be schizophrenia, profound mental retardation, alcoholic intoxication, epileptic ictal twilight state, personality or character trait disorders, psychoneuroses, drug-induced blackout state. The important question is whether or not the person at the marriage ceremony knew right from wrong, knew what was going on, was able, when exchanging consent, to make a responsible human act.

A marriage can be declared invalid on this ground if it can be proven that during the marriage ceremony one's use of reason was so impaired that one did not understand or know what was actually happening.

Grave Lack of Discretionary Judgment Concerning Essential Marital Rights & Duties

Sufficient discretion for valid marriage requires the capacity to reason rightly, to judge prudently, and to choose freely. In order for the intellect to reason rightly and to judge prudently one must possess two things: a minimal degree of accurate knowledge about what marriage is and a functioning critical faculty.

*Taken from the 1998 Canon Law Society of America Pre-Convention Workshop:
"Refocusing the Instruction of Marriage Nullity Cases."

This minimal knowledge requires appreciating that marriage is a partnership which is permanent, faithful, exclusive, heterosexual, and which involves essential matrimonial

rights and duties relative to another person, including being truthful about one's real identity, understanding one's spouse as a separate, independent person, and extending oneself in behalf of the spouse's welfare.

The critical faculty is that ability to evaluate or reach a mature, prudent judgment about the knowledge one has. The decision to marry must be preceded by sufficient deliberation or critical judgment about the implications of the act of consent from the person at that particular time. The person does not only consent to a wedding but makes a decision about his or her life and the life of the partner. If there is a serious inability to evaluate critically the decision to marry in light of the consequent obligations and responsibilities, then consent may well be invalid. A person must be able to evaluate a number of issues: One's motivation for the wedding, one's strengths and weaknesses, as well as those of the other party, and the ability of each to live up to the normal demands of the married lifestyle. This critical faculty involves existential judgments. It depends on a person's emotional and psychological state and an appreciation of the lessons learned from life experiences. It also presupposes freedom from mental confusion, undue pressure, or fear in contemplating marriage. It should include such qualities as good advice, insight, a sense of the situation, deliberation, foresight, circumspection, and rational inferences from insights and experiences.

One entering marriage sufficiently affected by one or more of the following circumstances frequently is lacking in due discretion required for valid consent:

- serious reluctance to marry
- family pressure
- financial irresponsibility
- overly dependent
- cannot hold a job
- serious immaturity
- problem drinking
- problem with authority
- premarital affair
- premarital pregnancy
- brief courtship
- desire to escape
- not assuming home or parenting responsibilities
- identity disorder

A marriage can be declared invalid on this ground if it can be proved that at the time marriage was celebrated one's ability to reason rightly, to judge prudently, and to choose freely the essential matrimonial rights and duties was either absent or seriously defective.

Psychic-natured Incapacity to Assume Marital Obligations

To consent validly one must be psychologically capable of assuming the essential obligations of marriage; in other words, one cannot consent to something actually beyond one's psychological capacity. The essential obligations of marriage arise from the nature of marriage which is defined canonically as a partnership of the whole of life ordered to the good of the spouses and the procreation and education of offspring.

Therefore, the spouses must have an adult personality. They must be capable of entering into an interpersonal relationship. They must be capable of those things which pertain to a true marital partnership. It is impossible to compile an exhaustive list of all elements essential to such a partnership since every marital relationship is unique, given the differences of couples in terms of backgrounds, personalities, and culture. Certainly well established among those elements would be found:

1. **Self Revelation:** a person must enjoy a basic ego identity involving consistence, respect for oneself, and the ability to convey a knowledge of oneself.
2. **Understanding:** a person must be able to see one's spouse as a separate person and appreciate that spouse's way of feeling and thinking, without distorting it excessively by one's own attitudes, needs, or insecurities.
3. **Caring:** one must pledge oneself to a lifelong communion with one's spouse out of reference and affection and a true desire to share life together.

Likewise, the person must have the ability to perform these same three acts towards any children that might be born.

Valid marriage does not require that one actually perform these acts but does require that one have the capacity to do so and that one exchange the perpetual right to them.

This ground pertains to the incapacity to assume these obligations of marriage due to a debilitating psychological condition. Such a condition could arise due to a psychotic disorder, a personality disorder, and even emotional immaturity which, although not an illness, precludes one's entering an interpersonal relationship. Such emotional immaturity affects the ability to make judgments, to control one's actions, and to relate to others.

A marriage can be declared invalid on this ground if it can be proven **that at the time of marriage one suffered from a debilitating psychological condition that rendered one incapable of taking on and fulfilling the essential obligations of marriage.**

Ignorance About the Nature of Marriage

To marry validly, one is not required to have a detailed and sophisticated knowledge of the essence of marriage yet a minimal knowledge of the nature of marriage is required since one cannot intend to enter marriage without basic knowledge about what it is. As an absolute minimum, the spouses must know that marriage is a permanent relationship between a man and a woman, incapable of being terminated by the parties themselves, and that this relationship is ordered to the procreation of children through sexual cooperation.

Ignorance of the nature of marriage can result from an inability to learn or the inability to grasp the meaning of interpersonal relationships, the permanence of marriage, or the connection between procreation and sexual activity. This type of ignorance, if caused by psychological or emotional deficiencies, would also relate to the incapacity ground discussed above.

The type of ignorance referred to in this ground most often refers to those who lack the opportunity rather than the capacity to learn. Knowledge arises from formal instruction, observation, and experience. People learn about marriage from the society and immediate environment in which they live. Contemporary Western society no longer provides a consistent example of stable marriage. Many within our American culture are raised in single-parent homes, or have not experienced living in the context of an extended family or community life. Such experiences and related value systems can prevent one from learning that permanent commitment and self-sacrifice are acceptable and possible facets of life.

A marriage can be declared invalid on this ground if it can be proven **that one married not knowing that marriage is a permanent relationship between a man and a woman and/or not knowing that marriage is ordered toward the procreation of offspring by means of sexual cooperation between the spouses.**

Error of Person

Error is not the same as ignorance. A person in error is not lacking knowledge but possesses erroneous knowledge. Error is a false judgment about something or someone and as such it is a defect of the intellect. Marital consent is exchanged with a specific man or woman and requires a knowledge of the person with whom that consent is exchanged. If an error is made about the identity of the marital partner, consent is invalid. No one can give true marital consent unless the other party is the person he or she intends to marry.

A marriage can be declared invalid on this ground if it can be proven **that the actual person one intended to marry was not the person with whom the marriage ceremony was celebrated.**

Error about a Quality of Person

A quality is some aspect of the person that contributes to the shaping of the overall personality. Such qualities may be moral, physical, social, religious, or legal: honesty, freedom from disease, social status, appearance, marital status, education, religious convictions, etc.

Error is a false judgment about something or someone, and as such it is a defect of the intellect. The person in error is not devoid of knowledge but possesses erroneous knowledge about a person or a thing. The person then makes a judgment or forms an opinion based on what is erroneously perceived.

An error about a quality of a person does not invalidate marriage unless that quality is directly and principally intended. A woman may marry a man whom she thinks incidentally possesses some quality she finds particularly attractive such as wealth, social rank, occupation, or even religion. If she is actually in error and the quality does not exist, the marriage is still valid. Since matrimonial consent is exchanged with a person and not with a quality of the person, it is presumed that the essence of consent remains despite the error about the quality. However, if she chose to marry this particular man because she directly and principally intended to marry only a man possessing or not possessing a specific quality and was in error about the existence or the absence of that quality, then the marriage would be invalid.

The quality must be directly intended and the primary concern of the person to the extent that the principal reason for the marriage is the quality and not the other party. This quality must be of such subjective magnitude in the mind of the person marrying that it almost completely overshadows the person of the other party.

When a person directly and principally intends the existence or the absence of a quality which is the reason for the marriage, he or she implicitly conditions the marriage upon the existence or the absence of that quality. When the person discovers the error, the person considers the marital relationship ended. This ground is often seen in invalid marriage cases when the immediate reaction/behavior of the person discovering the error gives clear indication that this particular quality was directly and principally intended. For example, a woman upon discovering after marriage that her husband is an alcoholic takes immediate steps to separate and/or divorce since she had always directly and principally intended not to marry an alcoholic spouse.

A marriage can be declared invalid on this ground if it can be proven that the principal reason for one's decision to marry was the presumed existence or absence of a particular quality in the other party; yet, that presumption was actually erroneous.

Fraud

Fraud is an act of deception by which one hides the presence or absence of a certain significant fact or quality about oneself in order to obtain the other's marital consent. Honesty about one's identity and total personality is essential to the successful development of the marital partnership. The process whereby the two become one may be impeded or made impossible by the presence or absence of a significant quality of one of the parties. Deceit about such a quality negates the gift of self since the person presented is not the true and complete self; and, therefore, the very essence of consent is radically altered. If there is deceit about an essential or significant quality, then there is not true joining of wills; rather one party manipulates the will of the other. A marriage can be declared invalid on this ground if it can be proven **that fraud about the existence or the absence of a grave quality was successfully perpetrated in order to obtain consent.**

Error regarding Marital Unity, Indissolubility, or Sacramental Dignity that Determines the Will

These are actually three different grounds which occur when a person holds erroneous beliefs or opinions about any of these three aspects of marriage, such that he or she can conceive of and give consent to marriage in no other way. When such is the case, the will is compelled to choose a model of marriage which is substantially irreconcilable with true marriage.

1. Error concerning **unity** could include the belief that polygamy or marital infidelity is possible.
2. Error about **indissolubility** includes the belief that once the existential relationship itself is dead, the marriage is completely ended and the parties are free to remarry. Such an error includes the belief that there is no such thing as an indissoluble bond to which the parties are obliged to remain faithful, even after civil divorce. Another aspect of this type of error would be the belief that the State has the power to dissolve the marriage bond.
3. Error about the **sacramental dignity** of marriage could include the belief that marriage is merely a civil affair.

A marriage can be declared invalid on this ground if it can be proven **that one's will was sufficiently compelled by erroneous beliefs concerning marital unity, indissolubility, and/or sacramental dignity such that the party chose to enter a marriage that was substantially irreconcilable with true marriage.**

Simulation - Willful Exclusion in General

Simulation is the willful exclusion of either marriage itself, or one or more of the three marital rights that arise from the elements and the properties of marriage. The elements of marriage are two: (1) the partnership of the whole of life for the good of the spouses and (2) the procreational aspect. From these arise the rights to cohabitation and to conjugal acts open to procreation. If the partnership of the whole of life or the right to cohabitation is willfully excluded for whatever reason, marriage itself is considered excluded, and TOTAL SIMULATION occurs.

The properties of marriage are two: (1) unity (fidelity) and (2) indissolubility (perpetuity or permanency). From these arise the rights to fidelity and permanency. If the right to conjugal acts open to procreation, fidelity, or permanency is willfully withheld, PARTIAL SIMULATION occurs.

Total Willful Exclusion of Marriage

Total exclusion occurs when, although one goes through an actual marriage ceremony, he/she does not have the intention to contract marriage, does not intend any union at all with the other, and/or does not intend to enter a partnership of the whole of life for the good of the spouse. This simulation invalidates marriage since consent is actually lacking. There is no intention to contract a marriage as marriage is understood by the law of nature; however, the ceremony is observed solely as a means of obtaining something other than marriage itself.

There are three different ways in which the partnership of the whole of life may be excluded:

1. by permanently excluding the right to cohabitation,
2. by going through a marriage ceremony solely for an extraneous reason, such as one who marries a foreigner solely to obtain legal emigration to another country, and
3. by substituting for true marriage one's own idea of marriage, such as a man who thinks a wife is only a housekeeper and a governess but not an equal partner.

A marriage can be declared invalid on this ground if it can be proven that one withheld the marital right to cohabitation and/or the marital promises were willfully pretended as a means of accomplishing something other than marriage.

Partial Willful Exclusion

There exist three kinds of partial exclusion which vitiate marital consent:

1. willful exclusion of children (*contra bonum prolis*),
2. willful exclusion of marital fidelity (*contra bonum fidei*), and
3. willful exclusion of marital permanence (*contra bonum sacramenti*).

Regarding partial exclusion, one must be careful to distinguish between the intention not to grant the right and the intention not to use the right granted. Whereas the former always invalidates consent, the latter does not necessarily invalidate. Thus, if a person enters a marriage by a consent which excludes the right or obligation to sexual intercourse open to the possibility of procreation, or to perpetuity, or to fidelity, the marriage is invalid. On the other hand, if these rights were truly exchanged but one desires simply not to exercise the right, the marriage is valid. For example, a couple enter marriage planning to delay having children but do not deny each other the right to have children when one of them wishes; this would not constitute an intention against children.

1. Willful Exclusion of Children

This title can be misleading since it is not actually the exclusion of children that is invalidating, but the exclusion of the right to sexual intercourse open to the possibility of procreation. The actual procreation of children is not a requirement of marriage, as evidenced in canon 1084.3 which permits marriage between those who are sterile. Likewise, it is not the absence of sexual intercourse that invalidates, but the intention at the time of marriage to deny the RIGHT of the other party to the conjugal act open to procreation.

A couple may have simply agreed temporarily not to use their right to have sexual intercourse open to possible conception. The mutual agreement not to exercise the right is not invalidating. On the other hand, if after two years one party decided it was time to attempt conception and the other adamantly refused, this might indicate that one excluded from the beginning the other's right.

A marriage can be declared invalid on this ground if it can be proven that at the time of marriage one or both parties intended, either explicitly or implicitly, to deny the other's right to conjugal acts open to procreation.

2. Willful Exclusion of Marital Fidelity

Fidelity means having as one's only sex partner one's spouse. A spouse has the right to fidelity from his/her mate. If fidelity is excluded by a positive act of the will by either or both parties, the marriage is invalid. The intention to be unfaithful when consenting to marriage is the invalidating cause—not the actual act of adultery.

A marriage can be declared invalid on this ground if it can be proven that at the time of marriage one or both parties intended, either explicitly or implicitly, to exclude the other's right to fidelity.

3. Willful Exclusion of Marital Permanence

Indissolubility is a property of marriage. If, at the time of consent, indissolubility is excluded by a positive act of the will, the marriage is invalid: for example, one enters marriage with an intention of reserving divorce as an option or entering a marriage that can be dissolved.

A marriage can be declared invalid on this ground if it can be proven that at the time of the marriage one or both parties intended, either explicitly or implicitly, to exclude the other's right to indissolubility, thereby, retaining the option to divorce.

Future, Past, Present Condition

A condition is a circumstance attached to an agreement such that the validity of the agreement depends on the existence or the fulfillment of the condition. Church law recognizes that a particular circumstance can be so subjectively important to a person that it could radically influence a person's marital consent and the conjugal life. When a spouse places more importance on the existence or the fulfillment of some condition rather than on the marriage itself, then marital consent has been conditioned.

1. **Regarding future condition:** prior to November 27, 1983 (the effective date of the current Code), church law permitted certain conditions regarding the future to be attached to one's marital consent. The validity of the marriage was determined by the fulfillment of the condition regarding a future event or circumstance. However, since November 27, 1983, church law has removed that possibility.

Therefore, a marriage, celebrated on or after November 27, 1983, can be declared invalid on the ground of future condition if it can be proven that one decided to marry intending and assuming, either explicitly or implicitly, the fulfillment of some issue regarding the future.

2. **Regarding past condition:** a past condition refers to the existence or non-existence of an historical fact prior to the time of consent which influences the perception, estimation, or identity of one spouse in the eyes of the other, e.g., "I marry you provided you have never been married before" or "I marry you provided you have already graduated from college."

A marriage can be declared invalid on the ground of past condition if it can be proven that one decided to marry intending and assuming, either explicitly or implicitly, the existence or non-existence of some issue regarding the past which, in fact, did or did not exist as intended.

3. **Regarding present condition:** a present condition refers to existence or non-existence of circumstances directly related to a person at the time of consent, e.g., “I marry you provided you are a virgin” or “I marry you provided you are not an alcoholic.”

A marriage can be declared invalid on the ground of present condition if it can be proven that one decided to marry intending and assuming, either explicitly or implicitly, the existence or non-existence of some issue regarding the present which, in fact, did or did not exist as intended.

Force

Force is a physical or moral coercion which a person cannot resist. The person chooses marriage in order to avoid the greater evil. If there were no outside force, the person would not choose marriage. The threat may include bodily harm or it may be moral pressure such as the threat of lawsuits, imprisonment, loss of reputation, employment, etc. Because of the presence of this force, freedom is so diminished that agreeing to the marriage appears to be the only possible way to escape the pressure. In order to invalidate, force must be **extrinsic** and **inescapable** except through marriage.

1. **Extrinsic:** that which is caused from a source outside the person. It is not conjured up in the mind or imagined as a result of scrupulosity, self-suggestion, or even real circumstances. An unmarried pregnant teenager usually experiences emotional stress simply because of the pregnancy. This emotional “force” is intrinsic not extrinsic. However, if someone threatens her with some form of force unless she marries, then she indeed suffers from at least one source of extrinsic force.
2. **Inescapable:** that which produces in the mind of the person experiencing extrinsic force the perception that the only possible relief is through marriage.

A marriage can be declared invalid on this ground if it can be proven that one chose to marry because of force that was both extrinsic and inescapable.

FEAR

Fear, unlike force, comes from within. It is the intimidation of the mind which comes about precisely because of an external force: threat of loss of life, grave bodily harm, disinheritance, disowning, loss of support, and excessive cajoling. Numerous situations exist wherein some type of pressure inspires a grave fear compelling a person to marry; not all are external. The usual fear experienced by a woman who is pregnant out of wedlock is not created by an external force; however, grave fear experienced by a teenage girl who was told and sincerely believed that she would be turned out of her parents’ home if she did not marry is created by an external force. One forced to marry a suitor out of fear inspired by the threat of violence, blackmail, loss of reputation, etc., gives invalid consent. “Shotgun” weddings are obviously invalid.

To invalidate, fear must be **grave, extrinsic, and inescapable** except through marriage.

1. **Grave:** that which compels a person to give consent which he/she would ordinarily not give—arising from a source that would intimidate any reasonable person.
2. **Extrinsic:** that which is caused from a source outside the person. It is not conjured up in the mind or imagined as a result of scrupulosity, self-suggestion, or even real circumstances. An unmarried pregnant teenager usually experiences fear simply because of the pregnancy. This fear is intrinsic; yet, if someone threatens her with some form of force unless she marries, then her fear becomes extrinsic.
3. **Inescapable:** that which produces in the mind of the person experiencing the fear the perception that the only possible relief is through marriage.

A marriage can be declared invalid on this ground if it can be proven that one chose to marry because of fear that was grave, extrinsic and inescapable.

Lack of New Consent during Convalidation

Simple convalidation allows a marriage to be validated through a required **renewal** of consent. This renewal, **to be valid itself**, requires a **new** act of the will whereby the party or parties who are conscious of the cause of invalidity (defective consent, impediment, or lack/defect of required canonical form) and conscious of the fact that the marriage has been invalid from the beginning, consent **anew** to marriage. The marriage becomes valid at the time and only once this **new act is properly made**.

Hence, **for a valid celebration of simple convalidation**, the law requires:

1. That one be **actually conscious** of the cause of marital invalidity as well as the fact that the marriage has been invalid from the beginning.
2. That he/she make a **renewal** of marital consent.
3. Which is a **true act of the will** distinct from the first consent.

In lack of new consent during convalidation cases, the petitioner claims that the new consent expressed during the convalidation ceremony was not a new act of the will distinct from the first and original consent; hence, the invalid marriage remained invalid despite the attempted convalidation ceremony. The petitioner's claim would be well founded if, for example:

1. one or both participating parties thought the validation ceremony was merely a blessing and not really a marriage,
2. one or both participating parties were not conscious of the fact or did not really believe the marriage to be null from the beginning,
3. the renewal of consent was, in fact, not a new act of the will but simply an affirmation of the original consent, or
4. the sole motivation for validation was to please parents or family, salvage a troubled relationship, or attain some other end which was quite distinct from entrance into a true marriage.

A marriage can be declared invalid on this ground if it can be proven that the above claim can be substantiated by knowledgeable and credible testimony.

Information Concerning Baptism in Non-Catholic Churches*

Adventist	Infant Dedication Ceremony	Valid baptism-age of reason
African Methodist Episcopal		If baptism rite used—valid
Amish (Mennonites)	No infant baptism	Valid baptism
Anglican		Valid baptism
Apostolic		No valid baptism
Assembly of God	Infant dedication	Valid baptism-age of reason
Baptist	Infant dedication	Valid baptism—age 13
Bohemian Free Thinkers		No baptism
Christiadelphians		Invalid baptism
Christian Scientists		No baptism
Church of Divine Science		Invalid baptism
Church of God	Infant dedication	Valid baptism-upon request
Church of the Brethren (Dunkers)		Valid baptism
Congregational		Valid baptism
Disciples & Christians (Disciples of Christ)		Valid baptism
Episcopalian		Valid baptism
Evangelical		Valid baptism
Evangelical United Brethren		Valid baptism
Jehovah's Witnesses		No real baptism

Community of Christ	Dedication ceremony	Valid baptism—age 13
Liberal Catholic		Valid baptism
Lutheran	Infant baptism	Valid baptism
Masons		No baptism
Methodist	Infant baptism	Valid baptism
Nazarene	Infant baptism—parental choice	Valid baptism
Old Catholics		Valid baptism
Pentecostal		Invalid baptism
People's Church		Invalid baptism
Polish National		Valid baptism
Presbyterian		Valid baptism
Quakers (Society of Friends)		No valid baptism
Reformed		Valid baptism
Salvation Army	Dedication of children	No baptism
Unitarians (universalists)		Invalid baptism
United Church of Christ (Congregationalists, Evangelical, Reformed)		Valid baptism

***For validity:** A person must use water and the Trinitarian formula. The following are not considered to be a valid baptism: Dedication, Open Door, Name Giving, Blessing, Cradle Rolls. **Most Protestant baptisms** are recognized as valid baptisms. Some are not. It is very difficult to question the validity of a baptism because of an intention either on the part of the minister or on the part of the one being baptized. **This is a partial list only**, regarding matter and form, not the intention.

OFFICE OF WORSHIP

VII. OFFICE OF WORSHIP

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VII. OFFICE OF WORSHIP

MARRIAGE POLICIES: LITURGICAL CELEBRATION

Love for each other does not begin at the moment the engaged couple speaks their wedding vows; they have loved each other for many months. What then does the wedding ceremony do? It creates, describes and proclaims the couple's sacramental relationship with God, the Church and with each other.

The love of God is revealed through the couple. Male and female were created in God's divine image. God created them that "the two shall be made into one." The couple also manifests the Church. Incorporated into the Body of Christ through baptism, the couple represents the love that Christ has for the Church.

In the celebration of the Sacrament of Matrimony, the couple is ordained as a basic church, the domestic church. It is here that they are called to share their life with each other, their children and the people around them, especially the needy and afflicted.

For the local faith community, weddings are celebrations of the local church's love and unity as a gathered people. In the midst of these faith people that have nurtured the couple's life, the couple celebrates this call of commitment and service in their lives. Therefore, couples may wish to celebrate their marriage within the faith community's scheduled weekend liturgies.

To each other, they are saying:

All that I am, whoever I am to become, I give to you.

Whatever the future holds, I promise to mingle my life intimately with yours, to live, love and grow...

together, forever. Through my love, I will always strive to draw out your best and be an instrument of God's love for you and for the children God gives us.

Together we will be a sign of God's everlasting covenant with his people.

The couple is about to express in their marriage celebration that they are sacrament to each other and to the community of faith. They will be a new source of help, advice, encouragement and spiritual support.

The wedding liturgy is a structured act of worship involving not just the couple but also their local church. A wedding is a public opportunity for those who love the couple to ritualize their support of the couple's commitment to each other and the faith community. The same basic liturgical principles that apply to Sunday Eucharist also apply to the celebration of marriage. A most basic one is that the assembly, God's people gathered to participate fully, consciously and actively, is the primary sign. There are no spectators. Therefore, the liturgy is planned so that the assembly is involved in the music, readings, prayers and environment.

The wedding day is a special day for the couple and the community of faith. It is a celebration of the couple's local church. Everyone wants the best possible liturgy of marriage. The intent of this guide is to help make the wedding celebration more meaningful. A necessary starting place in planning the wedding is to understand what liturgy and marriage are. Many wedding traditions and practices have become part of liturgy through cultural practices and adaptations, rather than through the meaning of the Sacrament of Matrimony.

Today, our society promotes ideas and attitudes contrary to the Church. The Catholic Church is striving to create the best possible religious experience of liturgy through prayers, actions, words, symbols and environment. In meeting with the parish priest or his representative, the couple may need to rethink their priorities as they plan their wedding. It is a religious event, not simply a social gathering. Covenant love is made the focal point of the couple's wedding day. Pictures, garments, wedding cakes and receptions should be considered secondary to the marriage liturgy.

PREPARING FOR THE LITURGY

Planning together (couple, parish priest, musician, etc.) will help create a most memorable life giving experience. Planning for the wedding liturgy is begun by choosing the scripture readings to be proclaimed during the Liturgy of the Word. The first reading is from the Old Testament or, during the Easter Season, from the Acts of the Apostles. A Psalm from the Old Testament will be next. This should be sung. The second reading is selected from the New Testament Letters or Book of Revelation. The Alleluia is a joyous acclamation and verse that comes prior to the Gospel. If the Alleluia is not sung, it should be omitted. The third reading is from one of the four gospels and is always proclaimed by the deacon or presider.

All the readings will suggest a theme or present a particular meaning and it is appropriate to select the readings on that basis. There is no need to incorporate an additional theme in the wedding liturgy. The meaning of Christian love is found in the Paschal Mystery of the dying, rising, and abiding presence of Christ. The various readings, prayers and music should be discussed with the parish priest or his representative before any final decision is made about their suitability.

Parents, godparents, the sponsoring couple and other significant people can be honored by involving them in the liturgy. The bride and groom can invite them to take part in the proclaiming, blessing, praying and sharing of Eucharist. Out of these significant people, two should be chosen who will be witnesses. Since the significant people have already been involved, moderation in number of attendants should be considered. They diminish the sign of the ministers of the sacrament, the bride and groom.

The assembly of God's people at weddings brings together people who may have never worshiped with each other. Many of them will be unfamiliar with the parish and the Catholic faith tradition. They need to be welcomed and put at ease.

A printed program, including music, prayers, and responses, will encourage participation. An announcement promoting participation also can be stated in the program or stated verbally right before the celebration begins. Copyright permission to reproduce the words of songs can be easily obtained for one-time use by writing to the publishers. The person responsible for providing the music at the wedding may be able to help with this.

Finally, the bride and groom should consider their role. They are the ministers of this sacrament. They bestow the Sacrament of Matrimony upon each other. The parish priest or deacon is the official witness of the Church. During the vows, the bride and groom should not have their backs to the assembly. The assembly (led by the presider) are the witnesses. Moreover, as people of prayer, the demeanor of the couple at this liturgy sets the tone for the worshipping community.

There are many ideas and options available to the couple. Of course, attempting to use them all would excessively prolong the celebration. Additionally, a wedding can effectively combine contemporary with ancient traditions, but to allow something “cute” or profanely secular is to cheapen the entire ceremony. Most importantly, the liturgy should flow with grace and a natural rhythm of action, music, prayer and silence.

The following sections set out the wedding liturgy step by step and explains what each part means and how the actions, words and music fit together.

A. THE GATHERING RITE

The bride and groom must be attentive to their use of words; they should express the true meaning of marriage. The word “guest” denotes a non-participatory role - a spectator. There are not guests at a worship service. They have a right to be there. The traditional “guest book” could be called the “book of witnesses” of the marriage. Yet, it would be best to have people sign the book at the place of reception.

As people arrive, a hospitable mood can be set through light, joyful music and friendly people. In churches with large gathering spaces it may work nicely for the bride and groom to welcome people as they arrive. This could replace a receiving line at the reception and enable the couple to enjoy their friends and relatives sooner. They may also become part of the procession as the presider leads everyone into the church where they remain standing for a hymn of praise.

As host and hostess of this celebration, it is the concern of the couple that everyone feel welcome and comfortable worshipping together. Hospitality ministers can be asked to seat people close to one another. The old custom of “bride’s side or groom’s side” forces people to choose between the two and discourages them from mixing. They should be seated together.

The cantor/musician, presider or a parent may be asked to welcome the assembly before the liturgy. They could invite those gathered to introduce themselves to each other, just as one would in their home. This practice injects warmth and friendliness into the atmosphere. This is also a good time to prepare the assembly for singing by going over a response or hymn that might be unfamiliar to them. In this way, they will know that the couple expects them to participate fully and actively.

The procession is very important. It reflects the couple's beliefs about church, marriage and relationships. It may be led by a banner (which may be used later in the day) or incense (symbolizing our prayers rising to God and the presence of God permeating the space). The cross-symbol of our Christian faith is next. The lector may carry in the book of scriptures followed by servers, presider and the wedding party. Placing the couple last will show their importance because they are the chief ministers of the Sacrament of Marriage. If a minister of another faith helps with the liturgy, he or she precedes the presider. During the procession all rise.

It has become customary for the attendants to enter as couples. For attendants, a married couple might be considered who can model and support married life by their example. Before asking people to be attendants, a check should be made with the parish to see if it limits their number. It would be fitting for the bride and groom to ask godparents or the sponsoring couple to be the canonically required witnesses to their marriage (best man and maid of honor.)

The traditional custom of the father "giving away" the bride derives from the time when the bride was the property of her father. The groom bought her at the time of the wedding. Because the bride is not property to be "given away," a procession in which the bride enters on the arm of her father to be given to the groom is alien to the present marriage rite. It should not be used. The couple enters this marriage of their own free will and bring with it a mutuality and equality upon which their marriage will be based. The actions of the couple in their marriage ceremony should be clear expressions of God's love for all and the couple's commitment to each other. Talking with the parish priest or his representative about certain traditions can help the bride, groom and parents understand the contradictory meaning behind those practices.

Both sets of parents may accompany their son and daughter to the altar or the bride and groom may enter as a couple. This part of the procession makes an important statement and is very adaptable to all family circumstances. Other members of the family may be involved here.

The processional can be instrumental music, a song with a refrain that everyone may sing, a sung "Gloria" or a gathering hymn. However, some assemblies may not be concentrating on singing during this time if this is their first glimpse of the couple. Therefore, an instrumental processional followed by a gathering song may be the solution. The gathering song brings the many into the one Body of Christ. It is wise to use a hymn that is common to both faith traditions if it is an interreligious marriage.

B. LITURGY OF THE WORD

The first reading is from the Old Testament, the second reading is from the New Testament Letters. After the first reading, and a period of shared silence, the assembly responds to hearing God's word by singing a Biblical psalm or canticle. A cantor leads it, and the whole assembly repeats the refrain. If the entire psalm or canticle cannot be sung, the verses may be spoken with music forming a bridge to the sung refrain.

Members of the wedding party, guests, parents, godparents or the sponsoring couple may proclaim the readings. The reader should be a person of faith capable of proclaiming well. He or she also should rehearse with the rest of the wedding party. The gospel acclamation ("Alleluia!") follows a period of silence after the second reading. It is proclaimed in the same manner as the responsorial psalm. The alleluia should be omitted if not sung.

C. THE MARRIAGE RITE

In the wedding celebration, the bride and groom are the ministers of the sacrament. They are asking this assembly of God's people to witness, affirm and support their declaration. Two suggested arrangements for the exchange of vows are facing one another or facing the assembly. Vows should be memorized since they are the central element of the marriage rite. Memorizing them also encourages the couple to renew their vows every night as they pray together.

At this point in the liturgy, the bride and groom are the focus as they exchange vows which include elements of unity, faithfulness, permanency and the acceptance and nurturing of children. While it may be appropriate for married couples to recommit themselves to their spouse and Christ through the words proclaimed by the bride and groom, emphasis on this recommitment prior to the exchange of vows is not appropriate. The program may state at the time of vows: *"as a covenant people, let us all renew our vows in the prayer of the bride and groom."*

The rite of marriage has three parts. The first part deals with the intent of marriage. The presider will ask the bride and groom each of their freedom to enter into this marriage, their willingness to enter into a lifelong commitment and the openness of the couple to have children.

The presider will then invite the couple to declare their consent. During this second part, as vows are recited, the couple will make public a promise to each other, before God and the Church.

The last part of the marriage rite consists in the blessing and exchange of rings. Rings are exchanged as a symbol, which will extend in time, the promises just made. If the rings have a special meaning, their significance can be explained in a specially written blessing or in a note in the program.

An acclamation may take the form of a spoken response by the assembly. After the exchange of rings, the presider addresses the assembly in these or similar words:

You have witnessed N. and N. in their commitment to each other in their exchange of vows and rings. As a sign of your approval of their marriage, please stand and respond “I do” to the following question: “Do you promise to continue to love and support, pray for and care for N. and N., and thus help them to build a happy marriage built on covenant love?”

Assembly responds, “I do.”

Within any liturgical action there are certain options that are available and certain elements of rite that cannot be changed. The practice of lighting a unity candle has been a cultural adaptation which has never been part of the marriage rite. One principle in the planning of liturgical environment is not to duplicate symbols already present in the liturgy. Since the couple themselves are the primary symbol, expressing the image of God and God’s unconditional love, the best option would be to light the unity candle when the families gather for the opening of the wedding gifts. This can be an appropriate ritual for the “domestic” church. It could also be done at the reception as part of the prayer of grace before the meal.

The general intercessions follow the exchange of rings. The intercessions may be spoken by a parent, a friend, a relative, the sponsoring couple or someone in the wedding party. Someone who does not have another responsibility may be asked to do this. The couple may write their own or ask their family, wedding party or presider to help. The intercessions pray that married love and commitment transform in holiness the Church, the world, this community and the children born of this marriage. The couple may ask for specific virtues, such as love, patience, communication, understanding and the wisdom to be good parents.

D. The ceremony proceeds as follows (depending on whether or not the Eucharist is celebrated):

1. At Weddings with the Liturgy of the Eucharist

At the preparation of the gifts, the bread and wine are brought forward by someone chosen by the married couple. Perhaps it is the sponsoring couple, parents of the bride and groom, or others who have helped to prepare for this sacrament. The Rite also asks that the couple bring a gift for the poor to symbolize marriage as a call to be bonded in service to others. As the closing blessing says: “may the afflicted and needy find in you generous friends.”

During this time, a vocal or instrumental solo is appropriate. A solo can reflect upon the sacrament which has been received. Music is important in connecting parts of the liturgy. The parish priest or his representative can help with this.

The Eucharistic acclamations are the most important in the entire liturgy and are to be sung. They are the “Holy, Holy,” the Memorial Acclamation and the “Great Amen.” These are high points in our Eucharistic liturgy and nothing must overshadow them. The parish priest or his representative will know which settings are known to the people.

The Lord’s Prayer is the common prayer of all baptized Christians and is the one prayer at interreligious marriages which everyone knows. Therefore, it is recommended that it not be sung by the community unless all of the guests can sing the same version. It certainly should **never** be sung as a solo. In keeping with the principle of non-duplication, the Lord’s Prayer should only occur once during the celebration.

The usual prayer after the Lord’s Prayer (“Deliver us, O Lord”) is omitted. At an interreligious marriage, however, the couple may want to include the doxology (“For the kingdom”) that other Christians pray.

The nuptial blessing follows the Lord’s Prayer. There are three alternatives. They should be studied closely, discussed with the parish priest or his representative and the preferred one chosen.

Next, the community exchanges a Sign of Peace. This is not a good place for a vocal solo because it unnecessarily prolongs this action. However, if the “Lamb of God” is to be sung, the instrumentalist could begin playing it at this time. If the Lamb of God will be spoken, an instrumental piece may serve as a bridge to the breaking of the bread.

All present who share the same Catholic tradition may receive communion. If needed, the couple may choose Eucharistic ministers who could assist with communion. There are members of most communities who have been appointed to this ministry. The parish priest or his representative will be able to give direction in this matter.

Because of the divisions in Christianity, Catholics cannot extend a general invitation to receive communion to other Christians who are not fully united with us. “Catholics believe that the Eucharist is an action of the celebrating community signifying a oneness in faith, life and worship of the community. Reception of the Eucharist by Christians not fully united with us would imply a oneness which does not yet exist, and for which we must all pray.” (National Council of Catholic Bishops statement on intercommunion, November 14, 1996). For this reason, it is preferable in an interreligious marriage to omit the Liturgy of the Eucharist.

During communion, all should join in singing the communion hymn. It is an important sign of the unity we experience in the Eucharist. It should have a short, simple or familiar refrain which all can sing as they come forward. The verses are sung by the cantor or soloist.

The prayer after communion follows a period of silence.

2. At Weddings without the Liturgy of the Eucharist

In a marriage between a Catholic and a non-Catholic, it is recommended that the Liturgy of the Eucharist be omitted. In that event, the Gathering Rite, the Liturgy of the Word and the Rite of Marriage take place as described above and are concluded as follows:

After the general intercessions, the presider prays the nuptial blessing at the end of which all pray the Lord's Prayer (the ecumenical form). At the Sign of Peace, the bride and groom may greet each other with a kiss. Greetings may be shared throughout the assembly during which a solo may be sung. The couple returns to their place and the final blessing and dismissal is given. The minister of the non-Catholic party may participate in many places. ***[See Section III - Interreligious Marriages (Interfaith Marriages and Mixed Marriages), paragraph o, page IM-5.]*** The minister of the church in which the wedding is taking place customarily guides the couple through the vows. The presider and the couple should discuss the participation of any assisting minister.

E. THE DISMISSAL RITE

Many couples have involved their parents or sponsoring couple in the final blessing, or have invited the assembly to extend their hands over the bride and groom as the presider blesses them. It would be best to incorporate these rituals of blessing within the "domestic" church. The reception can provide a suitable setting for such a blessing. The couple's home would be another possible setting for a blessing by parents and friends.

The assembly should give a resounding "Amen" at the end of each section of the blessing by the presider. Because it is often difficult to tell when these endings come, it is helpful for someone (i.e., the cantor) to lead these responses over the microphone.

The recessional should be accompanied by a strong, simple, well-known hymn of joy or a lively instrumental piece. Instrumental music should continue in a festive spirit until all are out of the worship space.

THE ENVIRONMENT

The environment is an important part of liturgy, and particularly the liturgy of marriage. It is best to consult the parish priest or his representative for environmental guidelines concerning weddings. Since many parishes have established environment committees which plan seasonal decorations for the worship space, wedding decorations need to compliment what is already present.

As people enter the church, they should sense the mood of expectation and hospitality. Festive music will also help set the mood.

The focal point of the space is always to be the people of God assembling around the altar and the ambo. The decorations and positioning of the bride and groom should be planned with this in mind.

Flowers and greenery add to the festivity of the occasion. Flowers and greens that match the season of the year should be used. The parish priest or his representative can provide specific requirements.

Banners in their color, shape and texture can enhance the atmosphere of the liturgy. They are not signboards to which words are attached. Designs and colors which capture the time of the year and the liturgical season are encouraged. The couple's parish may have a nuptial banner which can be used.

The key to a pleasing liturgical environment is tasteful simplicity. The designer's adage "less is more" is a wise guideline for a worship space. Nothing should distract from the primary symbols of the worshipping community, altar, ambo, the bride and groom and presider's chair. Decisions should be made with this in mind and the dignity of the wedding ceremony will be enhanced.

Sketching a floor plan of the church can be helpful when planning the liturgy. The sketch can reflect where the participants will stand or sit during each segment of the ceremony and where decorations are to be placed. A copy can be used to refresh the memories of the wedding party before the ceremony begins.

THE MUSIC

"Music, in addition to expressing texts, can also unveil a dimension of meaning and feeling, a communication of ideas and intuitions which words alone cannot yield..."

(from Music in Catholic Worship, Bishop's Committee on the Liturgy, National Conference of Catholic Bishops)

To a large extent, the couple's understanding of marriage will be reflected in their selection of wedding music. A wedding can be viewed as merely a legal ceremony with the emphasis put on doing what is proper and lawful or a natural ceremony with the sole emphasis on romantic love. In a sacred ceremony - a Christian ceremony - the meaning of marriage transcends the legal and romantic to focus on the profound meaning of commitment, covenant and love. Similarly, the music must go beyond trite wedding music and love songs to an expression of God's love for us. The wedding music can "unveil a dimension of meaning and feeling, a communication of ideas and intuitions which words alone cannot yield."

The texts of the songs should be considered. Do they narrow down or open up our vision of Christian married love? Do the words manifest what Christ brings to human love? Do they help the gathered community pray and worship together? Whatever the source of the songs, the words should be studied. Many popular songs cheapen love.

Similarly, the music should be considered and the musician's judgment sought. To admit the trite, the musical cliché often found in popular or "traditional" wedding music, is to cheapen the liturgy. Music such as the themes from Lohengrin ("Here Comes the Bride") and Midsummer's Night Dream, in addition to being trite, originally were used for a dramatic purpose in direct opposition to Christian values. For this reason, Catholic churches do not allow them to be used.

"Appropriateness" is the key word when choosing the music as well as all the other elements in the liturgy. Since the wedding celebration is a religious event, popular secular music is not appropriate within the celebration itself. Those secular songs which have meaning for the couple could be incorporated into the reception. The final judgment on music is made by the parish priest or his representative. Their experience can be trusted.

When engaging musicians, it should be remembered that they are trained people who have spent time and money developing their skills. Out of justice, they should be adequately paid for their services. If their fee is determined when hiring them, misunderstandings can be avoided.

If available, the use of parish cantors and musicians is recommended as they are most familiar with liturgy in the particular parish.

It is important that either a cantor leads the people in singing or a soloist is hired with cantor skills. This person will be an invaluable aid to people who are not familiar with Catholic liturgy and who may need direction for sitting and standing in addition to being invited to sing at the right times. Using a cantor would not preclude having a friend or family member sing a special song, and they would be released from the burden of knowing all of the other hymns, responses and the psalm that must be sung. The addition of other instruments, such as woodwinds and brass, may also enhance the celebration. The parish priest or his representative may be asked for suggestions.

PHOTOGRAPHY

Wedding pictures are an important consideration. Through them, the couple will be able to look back on this important day. They also become a very important part of the family archives.

Early hiring of a photographer (professional or amateur) is beneficial. The parish priest or his representative may be able to make recommendations. If the couple has made

their choice, it should be confirmed with the parish priest or his representative. Certain photographers, because of their poor behavior, may not be welcome in some churches.

If choosing a photographer, his or her professional reputation should be considered. If the photographer is a family friend or relative, he or she should be able to be trusted to give good results and show respect for the dignity of the occasion. A poorly chosen photographer can disrupt an otherwise reverent and beautiful ceremony. The photographer must respect the integrity and sanctity of the church and its furnishings. It is advisable to find out in advance what the photographer can move in the church and the wishes of the parish should be respected.

During the liturgy itself, there should be no photography by anyone. This includes the members of the assembly who may have cameras. The couple may mention this in their program with an introductory paragraph such as:

Today we have come together as baptized people to hear the Word, to symbolize God's lasting and living covenant and to break the Bread and share the wine as Jesus did. To make this liturgy a life giving celebration, we need to give ourselves to one another by singing the songs, listening attentively to the stories and doing the signs of the Kingdom as a people one in Christ. To enhance this possibility, please do not take any pictures during the ceremony.

The photographer should not step into or crawl up the aisles, go into the sanctuary, smoke or eat in church during the assignment. The photographer should be suitably dressed.

The prenuptial photo session may be scheduled by arrangement with the parish priest. It should begin no less than one-and-a-half to two hours before the ceremony and should be completed by an hour before the ceremony. At this time, group photos and staged photos of parts of the rite, such as the ring ceremony, may be taken.

Saturday afternoon is a customary time when the Sacrament of Reconciliation is celebrated in the parish. The parish priest should be consulted about scheduling a photo session at an appropriate time when the church is not being used for any liturgical function.

Video-taping of the wedding ceremony must be done in a sensitive manner so as not to ruin the reverent atmosphere of the occasion. The camera must be stationary in an unobtrusive place, and only available light may be used.

**THE COUPLE SHOULD BE ADVISED TO MAKE CERTAIN
THAT THEIR WEDDING PLANS ARE IN KEEPING
WITH PARISH POLICY**

QUESTIONS COMMONLY ASKED REGARDING LITURGICAL WEDDING POLICIES

1. Is it appropriate for the attendants in the wedding party to be located in the sanctuary on kneeler and/or chairs throughout the entire marriage celebration?

As the ministers of the Rite of Marriage, it is appropriate for the bride and bridegroom to be seated in places of honor within the sanctuary. However, their seating as ministers in the liturgy should be such that their backs are not turned toward the assembly. They should be seated in a way that respects the central focus of the liturgical celebration. This focus is the assembly of the People of God at worship led by the presider around the altar and the ambo (lectern/pulpit). Those in the assembly are always to be “involved as participants and not as spectators.” The priest “presides over the assembly.” In other words, all present are to be placed so as to include and not exclude.

All other members of the wedding party, particularly attendants who are not the official witnesses, are part of the assembly and normally sit with the assembly until the actual Rite of Marriage.

After the Liturgy of the Word (when the homily is finished), the bridal couple assumes a central and visible position. At this point in the liturgical celebration, they are the official ministers of the actual Rite of Marriage. The witnesses, including the attendants, may join the couple at the altar as long as this does not block the view of the assembly.

A solid row of kneelers within the sanctuary for attendants implies preferential treatment and creates a visual barrier between the assembly and the presider. Even most large sanctuaries cannot appropriately accommodate the bridal couple and all the attendants, yet still allow for appropriate space to avoid a crowded look and, even more importantly, to permit the gracious movement of the ministers of the liturgy around the sanctuary.

At the completion of the Rite of Marriage within the liturgy, the newly married couple returns to their position within the sanctuary. The other members of the wedding party return to their places as part of the assembly. Presiding now returns to the priest or deacon.

THE ABOVE RESPONSE IS BASED ON QUOTES FROM OFFICIAL DOCUMENTS OF THE CHURCH, AS FOLLOWS:

“...(Liturgical) celebration takes into account the nature and circumstances of each assembly and is planned to bring about conscious, active, and full participation of the people, motivated by faith, hope and charity. Such participation of mind and body is desired by the Church, is demanded by the nature of the celebration, and is the right and

duty of Christians by reason of their baptism.” General Instruction of the Roman Missal #3.

“Everyone in the eucharistic assembly has the right and duty to take his own part according to the diversity of order and functions. In exercising his function, everyone, whether minister or layman, should do that and only that which belongs to him, so that in the liturgy the Church may be seen in its variety of orders and ministries.” General Instruction #58

“Within the community of the faithful a presbyter (priest) ...presides over the assembly.” General Instruction #60

“In the celebration of Mass the faithful form a holy people, a chosen race, a royal priesthood: they give thanks to the Father and offer the victim not only through the hands of the priest but also with him, and they learn to offer themselves...”

Any appearance of individualism or division among the faithful should be avoided, since they all are brothers (and sisters) in the sight of the one Father.” General Instruction #62

“The people of God assembled at mass reflects an organic and hierarchial arrangement, expressed by the various ministries and actions for each part of the celebration. The general plan of the building should suggest in some way the image of the congregation. It should allow the most advantageous arrangement of everything necessary for the celebration and help the carrying out of each function...”

The priest and his ministers have their place in the sanctuary. This part of the church shows their hierarchial position as each one presides over prayer, announces the word of God, or ministers at the altar.

While these elements must express a hierarchial arrangement and the difference of offices, they should at the same time form a complete and organic whole which clearly expresses the unity of the people of God.” General Instruction #257

“The liturgy makes distinctions between persons according to their liturgical function and sacred orders and there are liturgical laws providing for due honors to be given to civil authorities. Apart from these instances no special honors are to be paid in the liturgy to any private persons or classes of persons, whether in the ceremonies or by external display.” Constitution on the Sacred Liturgy #32.

“In the celebration of matrimony, apart from the liturgical laws providing for due honors to civil authorities, no special honors are to be paid to any private persons or classes of persons, whether in the ceremonies or by external display.” Rite of Marriage #10

2. Is it appropriate for the bridal couple to kneel when the rest of the assembly sits?

Actions and posture of the bridal couple, attendants and assembly should be the same except when the action of the liturgy calls for them to be set apart, i.e., during the actual vows and exchange of rings when couple and witnesses stand before the assembly. It is less appropriate for the bridal party to be kneeling while the rest of the assembly is sitting, for instance.

THE ABOVE RESPONSE IS BASED ON THE FOLLOWING QUOTES FROM OFFICIAL CHURCH DOCUMENTS:

“A common posture, observed by all, is a sign of the unity of the assembly and its sense of community...” General Instruction of the Roman Missal #20

“...They should sit during the readings before the gospel and during the responsorial psalm; for the homily and the preparation of gifts at the offertory; and after communion if there is a period of silence.” General Instruction of the Roman Missal #21

3. Is it appropriate for the groomsmen and groom not to participate in the procession, but instead to come in from the front of the church to watch the bridesmaids and bride process down the aisle?

Not according to the Rite of Marriage. The Rite itself states that no such separation is to be made. Instead, processions are meant to bring the assembly together and to move from one place to another.

The Rite of Marriage #20 clearly shows the order of procession for the marriage ceremony: the ministers of the liturgy, followed by the priest, with the bridal couple coming last.

The Rite also suggests including in the procession at least the witnesses and even both sets of parents, recognizing the equality of mother AND father.

4. Is it appropriate for the bride to be ushered in on the arm of only her father?

Not according to the Rite of Marriage. The bride and groom process as a couple showing the equality of man and woman in the Sacrament of Matrimony. As stated in the Nuptial Blessing, “May her husband put his trust in her and recognize that she is his equal and the heir with him to the life of grace.” Rite of Marriage #33. The bride is not a possession to be handed off any more than is the groom.

The Rite calls for the couple to process last, presumably to suggest their special ministerial role in the liturgy during the Rite of Marriage. An alternative suggestion in the Rite is for the parents of both bride and groom to escort their children. Some parents escort their child between them. Another appropriate manner of

escorting is to have the two sets of parents process as couples immediately before the bride and groom. However they enter, the bride and groom are to be treated with equality.

THE ABOVE RESPONSES ARE BASED ON QUOTES FROM THE FOLLOWING OFFICIAL CHURCH DOCUMENTS:

“At the appointed time, the priest, vested for mass, goes with the ministers to the door of the church or, if more suitable, to the altar. There he meets the bride and bridegroom in a friendly manner, showing that the church shares their joy.” Rite of Marriage #19. If there is a procession to the altar, the ministers go first, followed by the priest, and then the bride and the bridegroom. According to local custom, they may be escorted by at least their parents and the two witnesses. Meanwhile, the entrance song is sung.” Rite of Marriage #20

“Any appearance of individualism or division among the faithful should be avoided, since they all are brothers (and sisters) in the sight of the one Father.” General Instruction of the Roman Missal #62

“The purpose of (this rite) is that the faithful coming together take on the form of a community and prepare themselves to listen to God’s word and celebrate the Eucharist properly.” General Instruction of the Roman Missal #24

“The purpose of (the gathering song) is to open the celebration, intensify the unity of the gathered people, lend their thoughts to the mystery of the season or feast...” General Instruction of the Roman Missal #25

Endnotes

¹David G. Fournier. “Engaged Couples: Who are They and What Do They Expect From Us?” Workshop. National Association of Catholic Diocesan Family Life Ministers. Orlando, 1986.

²David H. Olson. “How Effective is Marriage Preparation?” Prevention in Family Services: Approaches to Family Wellness, ed., by D.R. Mace. Beverly Hills, CA: Sage, 1983. pp. 65-75.

³Familiaris Consortio, no. 68.

⁴Faithful to Each Other Forever, p. 79.

⁵Eph 5:30; Dogmatic Constitution on the Church, No. 11; Code of Canon Law, c. 1055.

⁶Code of Canon Law, c. 1124.

⁷Code of Canon Law, c. 1125.

⁸Apostolic Letter on Mixed Marriages, no. 7; Statement on the Implementation of the Apostolic Letter on Mixed Marriages, National Conference of Catholic Bishops (Washington, DC; USCC; Office of Publishing and Promotion Services, 1971).

⁹Decree on Ecumenism, no. 3; Decision of the Sacred Congregation for the Doctrine of the Faith.

¹⁰Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 4.

¹¹Code of Canon Law, c. 1086.

¹²Code of Canon Law, c. 1108; 1127:1.

¹³Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 10; Apostolic Letter on Mixed Marriages, no. 9; Code of Canon Law, c. 1127:2.

¹⁴Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 12.

¹⁵Apostolic Letter on Mixed Marriages, no. 13; Code of Canon Law, c. 1127:3; Directory for the Application of the Decisions of the Second Vatican Council concerning Ecumenical Matters, Part I, no. 56; Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 15.

¹⁶Code of Canon Law, c. 1118:1 and 2.

¹⁷Ecumenical Directory, Part I, no. 56; Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 15; Bishops’ Committee for Ecumenical and Interreligious Affairs Newsletter I:3 (7/22/72).

¹⁸Rite of Marriage, Introduction, No. 8, and ch. II; Apostolic Letter on Mixed Marriages, no. 11.

¹⁹Rite of Marriage, no. 8, and ch. III.

²⁰Ecumenical Directory, Part I, no. 58.

²¹Decree on the Eastern Catholic Churches, no. 18; Decree on Catholic-Orthodox Marriages; Code of Canon Law, c. 1127:1.

²²Decree on Catholic-Orthodox Marriages; Code of Canon Law, c. 1127:2.

²³Whitehead, Evelyn Eaton and James D. Whitehead, Marrying Well: Stages on the Journey of Christian Marriage. (Garden City, NY: Image Books, 1981). p. 349.

²⁴Familiaris Consortio, no. 81.

²⁵The Code of Canon Law: A Text and Commentary, p. 776.

²⁶The Code of Canon Law: A Text and Commentary, p. 777.

²⁷General Instruction To The Roman Missal, pp. 330-332.

²⁸The Code of Canon Law: A Text and Commentary, ed. James Coriden et al. (Paulist Press: New York, 1985), pp. 76, 77, 757, 760, 764-767, 769, 770, 771, 773, 774, 802, 804.

AFFIDAVIT OF BAPTISM

To Whom It May Concern:

This is to certify that I, the undersigned, was present at the baptism of: _____

Child of: _____ and _____ (**Maiden Name**)

which occurred at or around the date of _____,
(Month/date) (Year)

at _____ (**Name of Church**) in
_____ (**City**), _____ (**State**).

The **sponsors** were:

The **Officiating Priest** was: _____

The child was born: **Date:** _____

City: _____ **State:** _____

Signature of Witness _____

Relation to Baptized _____

Date _____

Place Signed

FREEDOM TO MARRY FORM

Testimony of a Knowledgeable Witness for _____
to be married at _____

Church and City of Marriage

This form (in whole or in part) is to be used in the following cases:

1. To establish freedom to marry when either party is not known to the priest or deacon arranging the marriage.
2. To prove the baptismal status of either party when other proof is not available.

Witnesses must be interviewed SEPARATELY by the priest or deacon. Parents usually are preferred witnesses.

- Name _____
A married woman should also include her maiden name

Address _____
Street _____ Apt. No. _____
City _____ County _____ State _____ Zip Code _____

- How long have you known the person whose name appears above? _____

What is your relationship to this person? _____

- Has this person ever been baptized? _____ In what religion? _____

Place of Baptism _____ Date of Baptism? _____
Church _____ City/State _____

- Has this person ever contracted or attempted marriage (in church, civilly, or by common law)? _____

How many times? _____ With whom? _____ When? _____

Where? _____ How ended? _____

For any invalid marriage(s) listed above, was there ever a validation before a Catholic priest or deacon? _____

- Do you know of any canonical impediments to this marriage (age, family relationship, sacred orders, public perpetual vow of chastity, crime, public propriety, impotence)? _____

- Is this person mentally and physically able to live a normal married life? _____

- As far as you know, does this person intend to enter a marriage that is for life, to give his or her spouse the right to have children, and to accept the obligation of fidelity? _____

- Is this person being forced in any way to enter marriage against his or her will? _____

- (If the person to be married is under 18) Do the parents or guardians give their consent to this marriage? _____

- Do you solemnly swear to the truth of the statements you have made? _____

CHURCH SEAL

Signature of Witness

Signature of Priest/Deacon

Date: _____

Church and City

APPENDIX D

Laws of the State of Missouri in Regard to Marriage

ELIGIBILITY:

Age:

A boy or girl may marry at the age of 15 with parental or guardian consent, or at age 18 without it. **(V.A.M.S. §451.090)**

Relationship:

All marriages between parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the half as well as the whole blood, between uncles and nieces, aunts and nephews, first cousins, and between persons who lack capacity to enter into a marriage contract, are presumptively void...and this prohibition shall apply to persons born out of lawful wedlock as well as those in lawful wedlock. **(V.A.M.S. §451.020)**

LICENSE:

Applying for the License:

Both parties are required to be present when the license is applied for. There is a fee, usually payable in cash, and not refunded. Each application for a license shall contain the Social Security Number of the applicant. Identification is required: e.g., birth certificate, passport, driver's license, Missouri identification card, etc. **(V.A.M.S. §§193.195, 451.040, 451.151)**

Waiting Period:

An application for the license by the parties to the marriage must be made to the Recorder of Deeds at least three days before the license may be issued. **(V.A.M.S. §451.040)**

Waiver of Three-Day Waiting Period:

The license may be issued on order of a circuit court judge or associate circuit judge of the county in which said license is applied for, without the usual three-day waiting period only for good cause shown and by reason of such unusual conditions as to make such marriage advisable. **(V.A.M.S. §451.040)**

Physical Examination:

Missouri no longer requires a blood test in order to obtain a marriage license.

False Statements:

Any applicant for a license to marry who knowingly makes any false statement in his or her application may be deemed guilty of a misdemeanor. **(V.A.M.S. §451.040)**

Recording of License:

Each person who performs a marriage shall certify the fact of marriage and return the license to the official who issued the license within ten days after the ceremony. This license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the parties. **(V.A.M.S. §193.185)**

Every officer or person who shall fail to return a license within ninety days after the issuing of the same, or who shall make a false return thereon...shall be deemed guilty of a misdemeanor. **(V.A.M.S. §451.130)**

CEREMONY:**Time and Place:**

The marriage must take place within 30 days from the date of issuance of the license or the license is void. The marriage ceremony must be performed in the state of Missouri. **(V.A.M.S. §451.040)**

Official:

Marriages may be solemnized by any clergyman, either active or retired, who is in good standing with any church or synagogue **in this state**. Marriages may also be solemnized, without compensation, by any judge, including a municipal judge. Marriages may also be solemnized by a religious society, religious institution, or religious organization **of this state**, according to the regulations and customs of the society, institution or organization, when either party to the marriage to be solemnized is a member of such society, institution or organization. **(V.A.M.S. §451.100)**

Marriage Certificate:

The person performing the marriage ceremony is required to deliver to the persons married a marriage certificate setting forth the names and residences of the married persons, the date of the marriage, the county from which the license was issued and the date of the license. **(V.A.M.S. §451.110)**

[See generally V.A.M.S. §§451.010 through 451.300]

THE SANATION OF MARRIAGE FORM
Sanatio in Radice
Diocese of Kansas City-St. Joseph

This Form is to be used in those instances in which a spouse, who is now free to marry in the Catholic Church, refuses to go through a marriage ceremony according to Catholic form. The couple is married invalidly.

STEPS IN THE PROCEDURE:

1. Fill out the Petition [Section A - The Facts], which asks for an outline of the basic facts.
2. Have the Petitioner sign at Section B - Declaration by Catholic Spouse, regarding the raising of the children in the faith, if the parties are of child bearing age, or have small children. The Parish Person should then also sign in Section B - Declaration by Witness.
3. Send the completed Form, along with whatever documentation is necessary, to the Office of the Chancellor.
4. When the dispensation is granted by the Chancellor [Section C - Rescript Granting the Dispensation], the Form will be returned to you.
5. The Petitioner should sign that part of the Form [Section D - Acceptance of Sanation] indicating his/her acceptance of the sanation, and the Parish Person should sign as a witness [also in Section D].
6. **The Form should be returned to the Office of the Chancellor for permanent filing.**

A. THE FACTS

Name of Petitioner:_____

Name of Spouse:_____

Date and Place of Marriage:_____

Why is this marriage invalid?:_____

Does the consent of the parties to the marriage still endure?:_____

How do you know this?:_____

Is there any danger of divorce?:_____

Why does the other party refuse to have the marriage blessed by renewal of consent according to Canonical Form?:_____

Is the Petitioner willing and/or able to see to the Catholic upbringing of the children, if the parties are of child bearing age or have small children?_____

DISPENSATIONS:

Are any of the following impediments present, which the Bishop of the Diocese of Kansas City-St. Joseph can dispense?

- | | |
|-------|---|
| _____ | Lack of Form |
| _____ | One party simulated his/her consent |
| _____ | Marriage was entered through force/fear |
| _____ | Parties were under (canonical) age |
| _____ | Spouse not baptized (disparity of cult) |
| _____ | Parties are cousins within dispensable limits |
| _____ | Parties are in-laws within dispensable limits |

Are any of the following impediments present, which require the dispensation to come from the Holy See?

- | | |
|-------|---|
| _____ | Sacred Orders |
| _____ | Public perpetual vow of chastity |
| _____ | Previous Bond |
| _____ | Petitioner is unwilling to raise children Catholic |
| _____ | Petitioner's spouse is unwilling to have children raised Catholic |

In either of the last two mentioned cases, please state the reasons in detail on a separate sheet.

B. DECLARATION BY CATHOLIC SPOUSE

I reaffirm my faith in Jesus Christ and with God's help intend to continue living that faith in the Catholic Church.

I promise to do all in my power to share the faith that I have received with our children by having them baptized and reared as Catholics.

As far as I know: my spouse has given full and free consent to our marriage; we intend to be faithful to one another until death; and we intend a marriage which is permanent.

(Signature of Catholic Party)

DECLARATION BY WITNESS

This declaration was signed in my presence. I believe that the party will do everything possible to fulfill the Declaration.

(Signature of Parish Person)

Date: _____

[SEAL]

C. RESCRIPT GRANTING THE DISPENSATION

I, the undersigned, by virtue of general delegation from the Bishop of Kansas City-St. Joseph, grant the sanation and dispense from the impediments named above, by virtue of Canon 1165.2. The church of baptism of the Catholic party should be notified of this sanation.

(Signature of Chancellor)

Date: _____

[SEAL]

D. ACCEPTANCE OF SANATION

My signature below indicates that I accept this sanation of my marriage. I understand that the Church accepts my marriage as valid and binding. This process has been explained to me, and I understand that its completion represents the pastoral concern of the Church for me.

(Signature of Petitioner)

(Signature of Parish Person)

Date: _____