



## Policies of the Diocese of Kansas City ~ St. Joseph

### **Policy # 120.30**

### **Matrimony**

Approved By: Most Rev. Raymond J. Boland, DD

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Revised:

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.

**OFFICE  
OF  
FAMILY LIFE**

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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.<sup>1</sup> The best marriage preparation includes feedback from a premarital assessment instrument, sharing of feelings and concerns, and training in communication and problem-solving skills.<sup>2</sup> 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





























































































































































































## 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

Latter Day Saints (R.L.D.S.)**	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.

\*\*In 2001, the name is expected to be changed to “Community of Christ.”

**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.

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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.

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## **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

<sup>1</sup>David 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.

<sup>2</sup>David 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.

<sup>3</sup>Familiaris Consortio, no. 68.

<sup>4</sup>Faithful to Each Other Forever, p. 79.

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

<sup>6</sup>Code of Canon Law, c. 1124.

<sup>7</sup>Code of Canon Law, c. 1125.

<sup>8</sup>Apostolic 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).

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

<sup>10</sup>Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 4.

<sup>11</sup>Code of Canon Law, c. 1086.

<sup>12</sup>Code of Canon Law, c. 1108; 1127:1.

<sup>13</sup>Statement 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.

<sup>14</sup>Statement on the Implementation of the Apostolic Letter on Mixed Marriages, no. 12.

<sup>15</sup>Apostolic 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.

<sup>16</sup>Code of Canon Law, c. 1118:1 and 2.

<sup>17</sup>Ecumenical 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).

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

<sup>19</sup>Rite of Marriage, no. 8, and ch. III.

<sup>20</sup>Ecumenical Directory, Part I, no. 58.

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

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

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

<sup>24</sup>Familiaris Consortio, no. 81.

<sup>25</sup>The Code of Canon Law: A Text and Commentary, p. 776.

<sup>26</sup>The Code of Canon Law: A Text and Commentary, p. 777.

<sup>27</sup>General Instruction To The Roman Missal, pp. 330-332.

<sup>28</sup>The 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:\_\_\_\_\_