

MARRIAGE

Married Christians, in virtue of the Sacrament of Matrimony, signify and share in the mystery of that unity and fruitful love which exists between Christ and his Church; they help each other in attaining holiness in their married life and in the rearing and education of their children; and they have their own special gift among the people of God.

Priests and deacons should first of all strengthen and nourish the faith of those about to be married, for the sacrament of matrimony presupposes and demands faith (RM Intro. nn. 1-7).

- I. Marriage Preparation: The goal of the initial contact is to communicate an attitude of openness toward couples seeking to marry, whatever their religious background or level of faith and to direct the couple to an initial face-to-face interview with the proper pastor or his representative (USC pp. 58-59). Couples are to be treated with respect, openness and warmth, regardless of their faith development, registration status in the parish or financial contributions.
 - A. Marriages are to take place in the parish of either party or in another Catholic church with permission of the proper pastor. Interfaith marriages are ordinarily to take place in a Roman Catholic church. (C 1115)
 - B. It is necessary for couples to contact their parish as soon as the formal engagement is made and at least six (6) months prior to their anticipated wedding. Extra time must be allowed if either party had been previously married and requires a declaration of nullity.
 - C. It is the pastor's responsibility to see to it that his parishioners are adequately prepared for marriage. Normally, the priest/deacon who will witness the vows prepares a couple for marriage and completes the paperwork. In cases in which a couple is being prepared for marriage in another place, the priest/deacon doing the preparation should coordinate his efforts with the clergyman who will be witnessing the vows. Couples who are preparing for marriage in a place other than that in which they will be married should stay in frequent contact with the deacon/priest who will be witnessing their vows. The clergyman should also obtain a written statement from those who are preparing the couple that the requirements for marriage preparation in this diocese have been fulfilled. (C.1063.2)
 - D. The records of the marriage are ordinarily kept in the Catholic parish in which the marriage took place. If a dispensation from canonical form is granted, the record is kept in the church of the preparing priest who asked for the dispensation.
 - E. Discernment: The primary task of the church, the clergy and others in marriage preparation is to assist the couple in making a judgment about their relational readiness and personal faith, not to make those judgments for or about them. (USC, p. 63)
 1. The initial interview is done by the priest/deacon and not by the parish secretary or over the phone (USC, p. 59). The purpose is to establish

rapport, explain the process and determine freedom to marry. The Prenuptial Investigation Form may be completed at this time .

2. Larger parishes may opt for a group introductory session prior to individual initial interviews .
 3. Marriage preparation is to identify and deepen the couple's faith. Couples may be refused only when they explicitly and formally reject what the Church intends to do in the marriage of baptized persons. (Familiaris consortio; USC p. 61).
 4. It is recommended that the deacon/priest give each couple a premarital inventory as an aid to discussion (Bess PMI, FOCCUS are recommended. Cf. USC pp. 68-71). An inventory should always be used in the case of couples with special problems .
 5. A decision to delay is made by the deacon/priest, the couple and, on occasion, the parents after consultation with an outside party: e.g. a member of the parish staff, a professional counselor, the director of the Family Life Office, director of Pastoral Ministries Office, or the chancellor. The couple may appeal any decision for delay.
- F. Instructional Program: is to present the essential human and Christian aspects of marriage so that the couple becomes aware of the total dimensions of the marriage covenant and is introduced to persons and resources available so that they might turn to the Church in times of personal need .
1. This should include:
 - a. context of marriage today
 - b. communication and conflict resolution
 - c. meaning of permanence and forgiveness
 - d. requirements of a sacramental marriage
 - e. role of faith, prayer and Church
 - f. roles, expectations and responsibilities
 - g. self-awareness, personal healing, individual growth in marriage
 - h. sex and sexuality
 - i. value of children, parenthood, natural family planning
 2. Resistance to any form of program is a strong negative indicator of readiness for marriage .
 3. Instructional programs available:
 - a. Sponsor couple (training available in English and Spanish)
 - b. Engaged Encounter (available in English and Spanish)
 - c. Parish group programs
 4. Married couples should be used as a part of the marriage preparation process in each parish .
 5. The priest/deacon should meet with the couple to see that the catechesis for

the sacrament has been completed and to discuss the results of their instructional program. All documentary requirements should be completed by this time.

6. The priest/deacon should, at this time, discuss the liturgical preparations for the marriage and encourage Catholics to celebrate the Sacrament of Penance prior to the wedding .
7. The rehearsal is conducted by the priest/deacon or his representative and offers the opportunity for group prayer by the wedding party .

II. Special Circumstances provide the priest/deacon the opportunity to show care, concern and respect for the couple's unique situation, to speak the teachings of the Church pastorally and, as needed, to refer the couple to appropriate persons for help and counseling.

- A. A full six months of preparation should be given if either party will be under 19 years of age at the time of the wedding. A premarital inventory should be given and referral to a professional counselor is recommended. If possible, the parents of the couple should also be interviewed.
- B. In cases in which the couple had not planned to marry, pregnancy is not sufficient reason to enter marriage or shorten the preparation process. In cases in which the couple had intended to marry, discernment and some instruction by married couples is still essential. In every case of pregnancy, a premarital inventory should be given and professional counseling is recommended.
- C. During the initial interview with the couple preparing for marriage, the priest or deacon should collect the couple's basic biographical information. If it is found that the couple is in a cohabitational relationship, the priest/deacon should discuss the positive value of sexual abstinence in preparation for the gift of self in the sacrament of marriage. In future sessions, the priest/deacon should ask the couple how the information gained from the preparation process has raised their level of consciousness regarding their cohabitation and what positive response will be made in light of this new knowledge (the ceasing of cohabitation until marriage, the refraining from sexual intimacy until marriage, etc.). Once the couple has made their informed response, the priest/deacon is to morally ascertain the couple's readiness and ability to enter into a sacramental marriage.

It is recommended that the priest/deacon administer to the couple a Premarital Inventory.

- D. When one or both parties has been previously married, the deacon/priest should be sensitive to and address issues of grief over the previous union, step-parenting and the adjustment to single life following the previous union. The priest/deacon should also discuss the freedom of the previously married to enter into a new marriage in the Church and assist the couple accordingly. No date should be set for the wedding until the previous bond(s) have been annulled or dissolved and no promise should be made to the couple regarding the outcome of the process. The deacon/priest should also allow sufficient time for the healing process following a divorce. Special attention should be given to those seeking remarriage less than two years after divorce or the death of a spouse. In the instructional phase of the preparation, it is recommended that Sponsor Couples who have remarried in the Church or the Marriage Preparation Day be utilized.

- E. In interfaith and ecumenical marriages, the cooperation and involvement of clergy from both faith communities in the instruction and celebration phases is highly encouraged. When possible, a Sponsor Couple who has been/is in an interfaith/ecumenical marriage should be involved. The deacon/priest should submit the necessary petitions for dispensations and permissions.
 - F. Couples married outside the Church who wish to have their marriages convalidated should be adequately prepared for the sacrament of marriage. It is important for the priest/deacon to inquire into the motivation of such couples and particularly to deal with issues arising out of troubled marriages, referral to a counselor may be indicated. All couples validating their marriages should be helped to understand the sacramentality of the covenant relationship and should participate in some type of marriage preparation or enrichment program. Formal marriage preparation is important for couples married civilly for less than five years. Except in the case of a stable, long-standing union, the normal assessment and preparation process should not be waived. In no case should the validation occur until at least six months after the date of the marriage outside the Church.
 - G. If there is suspicion of chemical abuse or dependency, the couple should be referred to appropriate resources and a professional evaluation made to determine sufficient discretion and capability of assuming the obligations of marriage. The same applies in cases of current physical or emotional abuse.
 - H. If one or both parties suffer from physical or mental disability, consultation should be made with family members and professionals to assess the individual's level of independence and ability to make a permanent commitment. The Tribunal should be consulted if there is concern about canonical impediments.
- III. Form of the Celebration of Marriage:
- A. Only those marriages are valid which are contracted in the presence of the local ordinary or the pastor or a priest or deacon delegated by either of them, who assist, and in the presence of two witnesses, according to the rules expressed in the following canons, with due regard for the exceptions mentioned in C 144, 1112.1, 1116 and 1127, 2 and 3.
 - B. The one assisting at a marriage is understood to be only that person who, present at the ceremony, asks for the contractant's manifestation of consent and receives it in the name of the Church. In a mixed religion marriage, it is forbidden to have the Catholic minister receive the vows of the Catholic party and another minister receive the vows of the non-Catholic. This would render the marriage invalid.
 - C. If the non-Catholic party wishes to have his/her minister present, the Catholic pastor (or his delegate) should issue an invitation, give a cordial reception, advise the guest minister to wear whatever is deemed appropriate and reserve a place of honor in the sanctuary or the body of the church. The presider should introduce the guest minister and extend a warm welcome during the ceremony. The presider should also invite the minister to give a blessing to the couple and address to them words of good wishes and exhortation at the end of the celebration. If there is no Mass, the guest minister may take part in the service by preaching, reading, or leading the prayer of the faithful. To be a valid witness, the Catholic priest or deacon must ask for and receive the consent of the couple. It is not permitted for the rites of the respective churches to be celebrated

successively. (EGD pp. 9-10; C 1127.3)

- D. The bishop or local Ordinary of the Catholic party may, for a just pastoral cause, dispense from canonical form in individual cases, after consulting with the Ordinary of the place in which the marriage will take place and with due regard for validity and some public form of celebration. Types of reasons for requesting this dispensation include:
 - 1. to achieve family harmony or avoid family alienation
 - 2. to obtain parental agreement to the marriage
 - 3. to recognize significant claims of relationship or special friendship with a minister of another communion
 - 4. to permit the marriage in a church that has particular importance to the other party
 - E. A cleric witnessing a marriage within a parish other than his own must have delegation from the proper pastor or other competent authority for the marriage to be valid.
- IV. The Wedding Liturgy should encourage the participation of the assembly in worship, express the faith and commitment of the couple and of the assembly and call the faith community to prayer for the couple as a promise of support in their married life
- A. The wedding should take place in a church.
 - B. The general norms for liturgical celebration should be followed, including those which call for the participation of the assembly.
 - C. The various ministries should be filled by those skilled in them and chosen by the couple or provided by the community. The presider should not assume the various ministries.
 - D. The Church provides three different rites for the celebration of marriage: sacramental during the Eucharist, sacramental outside the Eucharist (usual when one party is a baptized non-Catholic) and a non-sacramental rite (when one party is unbaptized).
 - E. Music should be well-written, appropriate to the liturgy and assist the community to pray. The cantor/music ministers should help the assembly to participate in the singing.
 - F. A hymnal or prepared worship aid should be available to the assembly.
 - G. Parish policies should cover music, environment, photography, etc. and may discourage weddings during Lent, but may not prohibit them.
 - H. The environment should take into consideration the liturgical season and should reflect both quality and appropriateness for the liturgy, not obstructing the view of the assembly or the liturgical movements of the ministers in the sanctuary.
 - I. In mixed marriages, clergy from both traditions may be present, but only one is

the presider.

- J. Cultural adaptations are allowed, but should not overpower the liturgy. Such adaptations should be examined in light of origin and content. (Cf USC, pp. 118-20)
 - K. The Pastoral Ministries Office is available for consultation on all liturgical issues.
 - L. Marriage, including validations, are forbidden on Holy Saturday (Congregation for Divine Worship, 1/16/88 n. 61 and 75)
- V. Non-Christian Catholic Marriages
- A. Marriages should take place in the parish church of the Catholic or in the place of worship of the non-Christian (Synagogue, Mosque)
 - B. If difficulties arise because the persons are reluctant to have the ceremony in a Catholic Church or a synagogue:
 - 1. The priest or deacon should first suggest that the celebration take place in another religious building.
 - 2. The priest or deacon may seek permission from the local Ordinary to celebrate the marriage in another appropriate place after reviewing the reasons offered by the couple and investigating the place suggested for the wedding to ensure that it is appropriate for a dignified and prayerful ceremony. If possible, the ceremony should be celebrated in a chapel-like arrangement or in a room apart from the place where the meal or reception will take place
 - 3. Under no circumstances is marriage permitted out-of-doors.
 - C. If a Catholic marries a non-Christian who professes no religious affiliation or is not practicing his/her faith, it is normative that the marriage be witnessed in a Catholic Church.
- VI. Conditions Required for a Mixed Marriage in a Non-Catholic Church or Synagogue or Other Appropriate Place (cf. EGD pp. 8-10; C 1118, 1120)
- A. When witnessed by a priest or deacon:
 - 1. Permission should be sought from the Chancery in all cases. In the event that a couple wishes to have their marriage witnessed outside of a sacred place, such a permission will not be granted except in rare circumstances, such as the inability of parents (or bride/groom) to attend a church wedding due to illness, or a wedding between a Catholic and a non-Christian for whom a church wedding would pose a serious difficulty.
 - 2. The parish responsible for preparing documentation is that in which the marriage would ordinarily take place, e.g., the parish of the Catholic.
 - 3. The usual premarital investigation must be completed to ensure the adequate preparation, instruction and freedom of the couple.

4. The priest or deacon must be the sole witness to the marriage.
5. Just as in the case where the marriage would take place in the Catholic Church, a non-Catholic clergyperson may be present and may offer prayers and ask a blessing on the couple.
6. In view of this restriction of participation by the non-Catholic clergyperson, this must be discussed with him/her and be agreeable to him/her and his/her ecclesiastical superiors, if necessary.
7. The priest witnessing the marriage requires canonical delegation from the territorial parish or other competent authority in which the celebration of the marriage will take place, if the place is outside his own parish.
8. Notation of the marriage must be made in the register of the territorial parish within which the marriage actually takes place and the usual documentation is to be retained in the files of that parish.
9. It is the obligation of the priest witness to ensure that timely notice is sent to the appropriate parish/institution so that the usual notation can be made in the Catholic party's proper Baptismal register.

B. When witnessed by a non-Catholic clergyman with dispensation from canonical form:

1. The parish priest/deacon of the Catholic party is to prepare the couple and procure the customary documentation (including premarital investigation, etc.).
2. The application for a dispensation from form should be directed to the Ordinary of the Catholic party.
3. There can be only one ceremony. The priest/deacon may be present to offer a prayer and blessing.
4. All records of the marriage are to be placed in the parish files of the priest who prepared the couple. The priest arranging the marriage is responsible for making sure this is done and for notifying the Church where the Catholic was baptized.

C. Related considerations:

1. Members of other churches, as well as non-Christians, may be the official witnesses (best man and maid/matron of honor) in the celebration of marriage in the Catholic Church. A Catholic, too, may be best man or maid/matron of honor at marriage properly celebrated among non-Catholics.
2. When a Catholic with permission (mixed marriage) or proper dispensation (with an unbaptized) enters into marriage with a person who is not a member of the Church, the celebration may be celebrated at the altar.

3. The banns for an ecumenical marriage may be announced, but should be omitted if it violates the norms of the other religious community involved (EGD p. 10; EGR III). A dispensation from banns is no longer necessary; however, for every proposed marriage, the freedom of the parties must be proved by sworn declaration of witnesses.
4. Priests or deacons should endeavor to meet with the clergy of other churches in their community to explain the theological and pastoral reasons for the Catholic Church's law on marriage and, at the same time, to become thoroughly acquainted with the marriage regulations of other churches and communities.
5. In counseling a couple about to enter into a mixed marriage, the priest or deacon should help them to realize that their different religious traditions in no way lessen the holiness of their marriage, which is a sacrament whenever two baptized persons are involved; and he should emphasize their common duty to grow in faith and in charity toward one another.

VII. Inter-Ritual Marriage:

- A. Eastern Rite and Latin Rite Catholics: The marriage may take place in either rite of the man or woman, provided that, at least one party to the marriage is a member of the Latin Rite.
- B. Latin Rite Catholic and Orthodox: Ordinarily marriage takes place in the Latin Rite. The local Ordinary may grant a dispensation from canonical form so that the marriage may take place in an Orthodox Church witnessed by an Orthodox Priest. (This is necessary for the marriage to be recognized as valid by the Orthodox Church). In this case, canonical form is required for liceity, but lack of it does not invalidate the marriage. (C 1127.1; EGD p. 10)
- C. Eastern Rite Catholics and Non-Catholics: The marriages must be witnessed by the Eastern Rite priest. In rare cases, permission for a Latin Rite priest to witness the marriage must be obtained from the Eastern Rite Ordinary through the Chancery. Furthermore, the Latin Rite priest must seek the permission of the Apostolic Pro-Nuncio, besides the appropriate delegation from the proper Eastern Rite Ordinary, if the Latin Rite priest wishes to assist at the marriage of two people, neither of whom is a member of his Rite.
- D. In all the above cases, the Latin Ordinary has jurisdiction in cases where there is no Eastern Rite Bishop with jurisdiction. Priests should consult the Chancery when there is doubt.

VIII. Civil Law Requirements

- A. It is a violation of civil law for a priest or deacon to witness marriage without a civil license. Even in the case of a validation, the couple is required to obtain a copy of the civil license. Failure to observe the requirements of civil law or the delay or neglect to return the civil license after the ceremony can cause serious legal problems for the couple and priest or deacon.
- B. Except in exceptional circumstances, a priest or deacon is not to witness a marriage of two non-Catholics, nor should he witness any marriage in a merely civil capacity or for the civil effects alone. In these exceptional circumstances all

possible scandal must be avoided.

- C. In all marriages, whoever receives the vows must sign the license. Priests or deacons or ministers of other religions who are present should not sign the license, nor should they "co-officiate" by sharing the exchange of consent.
- D. A blood test is no longer needed in order to obtain a license.
- E. A waiting period of 72 hours between application for the license and celebration of the marriage rites is required by Texas State law. The license is valid for 30 days in most counties in Texas.

IX. Radical Sanation:

- A. Marriage involving a Catholic entered into invalidly as a result of a diriment impediment of ecclesiastical law or as a result of the lack of canonical form may be radically sanated by the diocesan bishop as long as the consent of both parties perdures.
- B. In cases of mixed marriage, the usual permission and promises apply.
- C. A grave cause is necessary in order to grant a sanation. Examples of such are:
 - 1. Serious inconvenience in informing the other party
 - 2. Lack of cooperation by the non-Catholic party
 - 3. Ignorance of the priest/deacon witness or Ordinary which gives rise to nullity of the marriage ceremony
- D. Forms used in applying for a radical sanation can be obtained from the Tribunal Office.

X. It would be opportune to develop pastoral programs to follow newly-married couples through the first years of marriage, since statistics reveal that very often crisis occurs during this early period .

XI. Appeals may be made by an engaged couple in cases in which the deacon/priest has, after consultation with his marriage preparation team, decided to delay the decision. The right of the couple to marry and the right of the priest/deacon to delay or refuse the marriage are to be protected. The process of appeal:

- A. The couple is advised of the right of appeal by the priest/deacon.
- B. The priest/deacon (if he is not the pastor of either party) advises the pastor of the delay and the facts of the case. The pastor meets with the couple in order to hear their case. If no decision that is agreeable to all parties is reached, the pastor will refer the couple to the chancellor.
- C. The Director of Family Life and/or Pastoral Ministries Office will meet with both the couple and the clergyman refusing the marriage. Evaluation of the couple by a counselor may be recommended.
- D. The appeal will made to the diocesan bishop.

- E. In no case may the appeal take longer than one month from, the date the couple's desire to appeal is made known to the proper pastor.