



CATHOLIC DIOCESE OF LEXINGTON

MARRIAGE GUIDELINES

Revised January 29, 2008

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INTRODUCTION

The Roman Catholic Church describes marriage as an intimate partnership of life and love naturally ordered toward the good of the spouses and toward procreation and education of the children. Furthermore, Christ raised marriage between two baptized persons to the dignity of a sacrament. The grace of the sacrament perfects the love of spouses, sanctifies them and strengthens their union.

Marriage demands a lifelong commitment, thus the Church has the pastoral obligation to assist couples in making a prayerful and mature judgment concerning their marriage.

These Marriage Guidelines have been prepared with the approval of Bishop Gainer for those involved in the work of marriage preparation, in order to help them to minister more effectively to those who are seeking to enter into the Sacrament of Marriage.

All those who have the responsibility of compiling what we usually call the pre-nuptial file, of recording marriages in the official register and of sending out the required canonical notifications should exercise great care in fulfilling this very serious pastoral responsibility, since this is a central part of our service as “official ministers” to those who approach the Church requesting the Sacrament of Matrimony. These people have a right to expect that all the required canonical preparations will be made in an orderly and efficient manner. It also affords an opportunity for evangelization to those couples that have had minimal contact with the parish community.

These Marriage Guidelines are intended to help parish personnel satisfy these serious obligations. They are also designed to assure consistent practice within the Diocese regarding the compiling of the pre-nuptial file and other matters. Please understand that the directions herein contained operate at different levels of authority: canonical norms, which are required, statements of policy that provide for consistency of practice within the diocese and guidelines for dealing with special circumstances that allow for pastoral adaptation.

I hope that the Priests, Deacons, Parish Life Directors and other ministers will use these Guidelines wisely in the service of God's people.

January 29, 2008

Rev. John List, J.C.L.
Judicial Vicar
The Catholic Diocese of Lexington

Every opportunity has to be taken to help couples grow in their faith and to keep God in their marriage.

I. PRE-NUPTIAL FILE

The affidavits and documents for weddings must be kept in a permanent file. Given the permanent nature of these files, the diocesan forms are printed on document paper. You may call the Chancellor Office and request these forms. Priests and deacons are reminded to type or print clearly the information on the prenuptial files.

A. For a first wedding (first wedding for both parties):

1. Completed pre-nuptial investigation forms provided by the Chancellor's Office; (If the parties to be married have completed their preparations and paper work in another diocese, the forms used by the other diocese are acceptable.)
2. Baptismal Certificate(s) of Catholic Party(ies) unless the party is to be married in the same parish in which he or she was baptized; (See the Section II if unable to find baptismal certificate. Certificate is valid only if issued within past six months. When requesting a baptismal certificate from another parish always request a copy of the certificate with any and all notations.)
3. Baptismal Certificate of Baptized non-Catholic Party. If it is not possible to obtain, you may accept the party's own statement and statements from 2 family members who can testify to the baptism of the non-Catholic party.
4. Confirmation Certificate(s) of Catholic Party(ies). (This is necessary only if the date and place of Confirmation is not listed as a notation on the baptismal certificate). (See Section II if there is no record of confirmation)
5. Proof that the couple has completed the diocesan marriage preparation programs or an explanation of why they could not do so. If the Party (ies) resides in a different diocese they may complete their marriage preparation programs in that other diocese and present a certificate confirming their completion of said program to the minister for the pre-nuptial file.
6. A record of any dispensation or permission given by the Bishop or his delegates.
7. Proof of freedom to marry of both parties: (2 affidavits for each party. See Section XI)
8. Any explanatory notes or observations, which the one preparing the couple thinks are noteworthy.

B. For any "second wedding" See Section XIII.

II. BAPTISMAL AND CONFIRMATION INFORMATION

A. Baptism

Baptized Roman Catholic should present a recently issued and fully annotated baptismal certificate. Those who have been received into full communion should present the Statement or Certificate of their Reception into the Church.

If the Catholic party does not remember where he/she was baptized or if a baptismal record cannot be found, there are several things that can be done.

1. If the person remembers where and when they were confirmed it is possible that the Confirmation certificate may include the name and address of the church of baptism.
2. Obtain 2 sworn statements from the parents or godparents or close relatives of the party. This testimony should indicate that the party was baptized, where and approximately when. (In order to be valid and recognized by the Catholic Church, the baptism must be in water by immersion or pouring and using the Trinitarian Formula: "I baptize you in the name of the Father, of the Son and of the Holy Spirit.")
3. Obtain testimony from close friends, relatives, parish priests, etc. who can swear that the person has always presumed that he/she was baptized and that he/she has been a practicing Catholic for as long as he/she can remember. This option should be used only if the first two cannot be used.
4. In the case of refugees, none of the above mentioned options might be possible. In such cases, a sworn statement from the party testifying to the fact, place, and approximate date of baptism would be acceptable.
5. People should be baptized conditionally only when they cannot remember whether or not they have been baptized, and no record of baptism can be located after diligent inquiry, and no witnesses to a baptism can be contacted, or when a prudent doubt exists about the validity of the baptism conferred.

B. Confirmation

1. Confirmation is normally indicated on Baptismal certificate of the Catholic Party. If you have a Baptismal certificate with annotation about Confirmation, no further documentation of sacramental reception is necessary.
2. If the person remembers the parish where the confirmation took place that parish can be requested to issue a certificate.
3. If there is no annotation on the Baptismal certificate and a record of the Confirmation cannot be found, steps similar to the ones mentioned under Baptism can be used.

4. A Catholic might seek the sacrament of matrimony without having received the Sacrament of Confirmation. In this case, the Church encourages such a Catholic to receive the Sacrament of Confirmation before getting married. Failure to do so however is not a cause for denying or delaying a wedding. However, the Party (ies) should be encouraged to seek Confirmation even after the wedding to complete their full Christian initiation.

The revised code is not as strict about this as was the 1917 Code, but still mentions that Catholics should be confirmed before they are married. The exact wording of the revised law is “Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience.” (c. 1065) As well as being good sacramental theology, this law reflects the concern that the person to be married has received at least a basic education in the faith. If the person has never been confirmed, one can be fairly sure that he/she received little or no formal religious education, whether in Catholic Schools or parish religious education programs, from the time he/she was in the early levels of grade school.

Since it often happens that a Catholic who has not been confirmed will still request the Sacrament of Matrimony, we offer the following list of options. In situations in which none of these options are possible, the priest/deacon should call the Tribunal Office, Liturgy Office or the Chancellor for advice.

1. OPTION A

It may be possible to encourage the uncatechized Catholic (if baptized as an infant, or baptized in danger of death or similar cases who did not receive any catechetical formation) to become a part of the parish or area RCIA group and to present him or herself for Confirmation and Eucharist when the other uncatechized Catholics in the group do so. Any confusion between such baptized persons and catechumens must be avoided.

2. OPTION B

If the bishop will be coming to the parish for Confirmation, the one who is preparing the couple for marriage may wish to consult with the pastor of the parish about a private course of instructions leading to the catechized Catholic (baptized but unconfirmed Catholic who received the Sacrament of Eucharist and some catechetical formation) to be confirmed with the others during the Bishop’s visit. If this option is chosen the Liturgy Office should be notified so that the Bishop will be prepared to recognize the adult, catechized Catholic as confirmation candidate.

3. OPTION C

If the Bishop visit to the parish is not scheduled, the catechized Catholic may be instructed through an individually tailored instruction by the pastor of the parish. Then the pastor may request from the Bishop the faculty to confirm that person.

4. OPTION D

OPTIONS A, B and C are highly recommended but if they cannot be satisfied and the wedding is scheduled before the next visit of the Bishop to the parish, the pastor may wish to encourage the person to join the RCIA or seek some other form of preparation for Confirmation soon after the wedding.

NOTE: A pastor or parochial vicar must receive the faculty from the diocesan bishop to confirm an adult who was baptized Catholic.

III. **PENANCE AND EUCHARIST**

In order for the sacrament of marriage to be received fruitfully, it is highly recommended that the Catholics parties receive the sacrament of penance and the holy Eucharist c. 1065, § 2. The sacrament of penance should be approached the week before the couples wedding when they can celebrate it with greater reflection and devotion. The sacrament of penance before marriage is commendable as a form of spiritual preparation, as is participation in the Eucharist and reception of Holy Communion.

NOTE: When two Catholics marry the Nuptial Mass is the recommended and preferred form for the celebration of their wedding.

IV. **WHO HAS JURISDICTION TO “PERFORM MARRIAGES”?**

A. The Pope, anywhere in the world.

B. The Bishop in his Diocese.

C. The Pastor, Parochial Vicar or Deacon of the Catholic Party. In this Diocese by the delegation of the local bishop, priests and deacons with a canonical assignment to a parish or mission, and resident priests within a parish territory may validly assist at any Catholic marriage within the same territory. The same faculty is extended to retired priests who live within the parish territory so long as they have in writing a general delegation from the local pastor. (If both parties are Catholic, then either the bride’s or the groom’s pastor, associate pastor or deacon has jurisdiction). It should be noted that a person gains his or her status as a parishioner in canon law by:

1. Having a domicile or quasi-domicile or at least one month long residence in a territorial parish. (See below for explanation of the terms “domicile” and “quasi-domicile”)

NOTE: The person's status as parishioner in a territorial parish comes simply from living within the parish territory and does not depend on parish registration or participation in the liturgy or activities of the parish.

2. Meeting the requirements set for membership in a personal parish (usually an ethnic, ritual or military designation). In our Diocese this would include the Newman Centers.
3. Explanation of domicile and quasi-domicile
 - a. Domicile – In the revised Code of Canon Law one obtains domicile in a parish or a diocese by establishing a residence there with the intention of remaining there permanently unless called away, or by actually living in a place for five complete years.
 - b. Quasi-domicile – In the revised Code of Canon Law, one obtains quasi-domicile by moving to a place and establishing a residence there with the intention of remaining there for at least three months unless called away, or by actually remaining in a place for three complete months.
5. Who has jurisdiction in cases of “non-canonical parishioners”?

It often happens that a certain Catholic son or daughter moves to the territory of another parish or diocese but continues to participate in the sacraments at the parish of his or her mother and father. Since one becomes a parishioner of a territorial parish by having a domicile or quasi-domicile within the territorial limits of the parish, these sons or daughters are not, in law, parishioners of the parish of their parents. If a person in this position would request to be married in the parish Church of his or her parents, the proper pastor of that parish would have to request permission from the pastor of the party concerned in order to have a licit celebration.

6. The wedding is to take place in the parish church of either of the Catholic parties. For information concerning the place for weddings when a Canonical Form dispensation is to be granted, see Section VIII.

Canon law gives the local pastor the authority to allow the celebration of a wedding in another church or chapel within territory of his parish c.1118.

The law does not make a distinction in this case between Catholic churches and chapels and non-Catholic ones. However, if the Nuptial Mass is to be celebrated, then the Bishop's permission is required, since Mass cannot be celebrated in a non-Catholic church or chapel without the Bishop's permission.

Therefore, if a Catholic wishes to have a wedding in, for instance, the chapel of his or her secular or non-Catholic college or university, the pastor of the parish in which the university or college chapel is located can give permission for the wedding to take place in that chapel as long as it will not be conducted within the context of the Nuptial Mass. If the Catholic wishes the wedding to take place at Mass in such a chapel, the Bishop's permission must be obtained.

V. COUPLES FROM OUTSIDE THE DIOCESE

Visiting couples: The couple is informed that they need to be prepared according to the Marriage Preparation Guidelines of their own diocese (within which they have domicile). The couple is instructed to send all documents and papers to their Chancery for the NIHIL OBSTAT of their bishop. Their Chancery will forward all paper work – to the Lexington Chancery. The Lexington Chancery will then send all the papers to the church of the wedding.

VI. MARRIAGE OF CATHOLICS OF DIFFERENT RITUAL CHURCHES SUI IURIS AND EASTERN NON-CATHOLIC

1. A marriage between a Latin Catholic and Eastern Catholic is subject to the law of both churches. The Latin canon law binds the Latin party; the Eastern law binds the Eastern party.

In marriages of Catholics belonging to different ritual Churches, the Latin Code permits marriage in the church of either party, but the Eastern code prefers that the wedding takes place in the church of the groom, unless a just cause excuses. If the prospective groom is a member of an Eastern Ritual Church sui iuris, the couple should be referred to the proper Eastern Catholic priest. Should the couple determine that the marriage will be celebrated in the Latin Rite, the priest should approach the Chancery of the Diocese of Lexington to obtain the appropriate permission.

The pastor or bishop may validly assist at the marriage of people who are not his subjects, provided at least one of them (for validity) is of Latin church ascription. Where the Eastern Catholics do not have their own hierarchy and pastors, Latin ordinaries and pastors may validly assist at their marriages. But where Eastern Catholics do have their own hierarchy, for validity, the competent Eastern Catholic hierarch must expressly grant this habitual faculty (given only to priests) in writing.

2. In the marriage of a Catholic and an Eastern non-Catholic, for example Orthodox, the dispensation from the observance of the canonical form is required for liceity only. For validity in the Eastern non-Catholic churches, the marriage must take place before the Eastern non-Catholic priest and receive his blessing.

VII. MARRIAGE OF NON-CATHOLIC COUPLES

In the Diocese of Lexington, the bishop limits the faculty of the priests and deacons to marriages in which at least one of the parties is Catholic.

VIII. DELEGATION: WHO HAS IT AND WHO NEEDS IT?

Delegation is the act of granting a faculty by a person who has this power to someone who does not. As noted below, a pastor has the faculty to assist at

weddings, within the limits of his parish, by virtue of his office as pastor. Delegation of faculties to a visiting non-resident priest is always required for the validity of the canonical form.

A. Delegation General vs. Specific

General delegation must be given in writing. All who have general delegation for assisting at marriage in the territory may, in turn, subdelegate a specific priest or deacon for a specific marriage, that is, ad hoc but not for all marriages in the territory.

Specific delegation can be given verbally by someone who has the power to give it for a specific marriage.

B. In the Diocese of Lexington the following can validly assist at wedding without requesting delegation:

1. The Bishop, his Vicar General and Judicial Vicar.
2. The pastor or parochial vicar within the limits of their parish
3. Any priest officially assigned to a residence in the parish rectory (residents, retired priests assigned to live in a rectory, etc)
4. Deacons who are assigned to a parish within the limits of that parish
5. A parochial vicar or deacon, who has received general delegation in writing to assist at marriages from the pastor or local ordinary, can subdelegate another priest or deacon to assist at a definite marriage. No subdelegated power can be subdelegated again unless the one delegating has expressly permitted it.

C. In the Diocese of Lexington, the following must request delegation from the pastor or parochial vicar or deacon of the parish in which the wedding will take place, from the Bishop, the Vicar General, or one of the priests to whom the Bishop has given general delegation:

1. Any priest or deacon from outside the diocese.
2. Any priest who is not officially assigned to residence in the rectory of the parish in which the wedding will take place
5. Any priest or deacon, when the wedding will take place outside the parish to which he is assigned.

Visiting priests/deacons from other dioceses and religious priest, who are not appointed by the Ordinary as parochial vicars, need specific and individual delegation from the proper authority for each marriage they witness for the validity of that marriage.

IX. PERMISSION AND DISPENSATIONS

A. Permissions: Unless the wedding is taking place in the parish of the Catholic party the permission is necessary:

1. When only one party is Catholic, the permission of the Catholic Party's pastor is required for liceity. When both are Catholic, either party's pastor can give permission.
2. In the following cases, the Bishop's permission to assist at the wedding must be obtained.
 - a. When one of the parties is a baptized non-Catholic (usually referred to as "Mixed Religion" (c. 1125)

NOTE: Bishop Gainer has granted to all priests and deacons who are now functioning in the Diocese of Lexington and who have faculties to assist at marriages the authority to grant what is usually called "Mixed Religion Permission". This faculty is included on the List of Faculties given to the priests and deacons of the diocese.

The priest or deacon who grants the "mixed religion" permission should sign to that effect on the pre-nuptial investigation form. This permission cannot be granted until the Catholic Party makes the Declaration of Faith and the usual "promises".

NOTE: The revised code of Canon Law gives the authority to grant "mixed religion permissions" to the Bishop of the place of residence of the Catholic party. Therefore, when the Catholic party has neither a domicile nor quasi-domicile within the Diocese of Lexington, the priests or deacon of this diocese do not have the authority to grant the necessary permission. In such cases, they should simply fill out the request form as they have always done, mail it to our Chancery, and our chancellor will forward it to the proper diocese.

NOTE: This does not include the faculty to grant dispensations from Disparity of Cult. In the case of a Catholic who wishes to marry a non-baptized person, a dispensation from the Bishop is required. (This will be handled, as is presently done, through the Chancellor's Office). The dispensation from Disparity of Cult is necessary for a valid celebration of marriage.

- b. When neither of the Catholic parties has a domicile or quasi-domicile recognized by law (c. 1071, §1, 1°).
- c. When the marriage cannot be recognized or celebrated according to civil law (c1071, § 1, 2°).
- d. When one of the parties has natural obligations arising from a previous marriage which are not being met. (e.g. child support, visitation rights, etc., c. 1071, §1, 3°).
- e. When either of the parties has notoriously rejected the Catholic faith (c. 1071, §1, 4°).
- f. When either party is bound by any ecclesiastical censure (suspension, excommunication, interdict, etc., c.1071, §1, 5°).

- g. When either party is a minor (under 18) and the parents are either unaware of or opposed to the wedding (c.1071, §1, 6°).
- h. When the wedding is going to be conducted by proxy (c.1071, §1, 7°).
- i. When the wedding is to take place in a sacred place other than a Catholic Church or chapel but in the context of a Nuptial Mass (c.1118).

NOTE: Permission to celebrate a wedding outside a sacred place must be obtained from the Bishop and will be granted only for very grave reasons.

B. Dispensations

A dispensation is a relaxation of a merely ecclesiastical law in a particular case given by someone who has the power to dispense (c. 85.)

NOTE: An impediment is some fact or condition that prevents a person from marrying validly (c. 1073). If a marriage should be contracted without a dispensation from an impediment, it is invalid.

1. Dispensations reserved to the Holy See.

In the following cases, your request for a dispensation would have to be forwarded by our office to the Holy See (c.1078, §2):

- a. When either party is in sacred orders or has taken a public perpetual vow of chastity in a religious institute of pontifical right (c. 1078, §2, 1°).
- b. When either party has incurred the canonical crime arising from the intentional killing of a spouse (c. 1090.) The canonical crime exists in law now only when a spouse has been killed in order to clear the way for a new marriage (c. 1078, §2, 2°)

2. Reserved to the local Bishop.

In the following cases, requests for dispensations are addressed to the Bishop of Diocese of residence of the Catholic party, or his delegates, even if the wedding is celebrated in another diocese. If both are Catholics the request may be addressed to the bishop of either party.

- a. Age (When the groom has not completed his 16th year or the bride her 14th)
- b. Disparity of Cult (a Catholic and a non-baptized person).
- c. Affinity (when, for example, a man would want to marry anyone related to his deceased wife by blood in the direct line).
- d. Consanguinity (when, for example, a man wishes to marry a blood relative). This is never given in any degree of the direct line. That is, a dispensation is never given for a man to marry his mother or his

daughter. It is never given in cases involving, for example, a man who would want to marry his sister, or aunt or niece. It is rarely and only for the most serious reasons given in cases involving what we usually call “first cousins”. It would almost never be given in any case for which the state would not issue a license.

- e. Public Propriety: parent or sibling of common law, concubinage or of marriages not recognized by the Catholic Church. It extends to all those related by blood to the “spouse” in the first degree of the direct line. For example, a man could not marry his civil spouse’s mother or daughter after he divorced his civil spouse even if the Church never recognized the first marriage;
- f. Adoption: parent or sibling by legal adoption (when, for example, a boy is adopted, he cannot later marry his adopted mother or grandmother or any of the natural children of his adopted parents).
- g. Canonical Form (When the couple wants to have the wedding take place before the non-Catholic’s minister, rabbi, etc.).

3. Sufficient Reasons for Permissions/Dispensations

Permission for Mixed Religion can be granted by deacon/priest in Diocese of Lexington.

Request for marriage dispensations can be sought by the priest or deacon preparing the couple. There must always be sufficient reason for granting a dispensation and must include the spiritual welfare of the parties. The requests most often made are for Disparity of Cult, and Canonical Form. The following are reasons considered sufficient by the Bishop.

NOTE: Please address all request for dispensations and permissions to:

**The Chancery Office
The Catholic Center
1310 West Main Street
Lexington, Ky. 40508-2048**

a. FOR MIXED RELIGION AND DISPARITY OF CULT

- 1) To achieve family harmony or to avoid family alienation;
- 2) To obtain parental agreement to the marriage;
- 3) The spiritual well-being of the parties, especially if the non-Catholic party is attached to the familial faith;
- 4) *Periculum Civilis Matrimonii*

b. FOR CANONICAL FORM

- 1) To permit the marriage in a church that has particular importance to the non-Catholic;
- 2) The non-Catholic has a close relationship with the minister of a non-Catholic Church and would very much like to have that minister preside at the wedding.
- 5) To recognize the religious commitment of the non-Catholic party with the non-Catholic minister who will do the wedding;
- 3) The non-Catholic has a very strong and long standing attachment to his/her church and insists that the wedding take place there;
- 4) The non-Catholic or the family of the non-Catholic is very much opposed to the idea of having a wedding in a Catholic Church and the best way to achieve family harmony seems to be to allow the wedding in the non-Catholic Church;
- 5) *Periculum Civilis Matrimonii*

X. LEGISLATION ON WEDDINGS CONDUCTED WITH A DISPENSATION FROM CANONICAL FORM AND WEDDINGS IN WHICH A NON-CATHOLIC MINISTER IS ASKED TO PARTICIPATE

A. When a Catholic priest, deacon, or other minister is invited to take part in a wedding ceremony after a dispensation from canonical form has been granted, the following guidelines apply.

1. If the wedding is in the non-Catholic church's "equivalent"* of the Roman Catholic Eucharist, the Catholic priest, deacon, or other minister can participate by:
 - a. Saying a few words during or at the end of the service;
 - b. Giving a blessing to the couple;
- *This is a non-technical description. The types of ceremonies to which the law seems to be referring are Communion Services. Protestant Churches use a variety of terms for their services, such as The Lord's Supper, Eucharist, etc.
2. If the wedding is not in the context of the type of ceremony described above, the Catholic priest, deacon, or minister may do any of the things mentioned above and in addition, may:
 - a. Proclaim any of the readings
 - b. Preach the homily/sermon

- c. Offer prayers, either from the non-Catholic or the Catholic Rite of Marriage
3. The Catholic minister may not ask for and receive the matrimonial consent of the couple. The consent may not be “split”, that is, with one minister asking for and accepting the consent of the groom, and the other minister asking for and accepting the consent of the bride.

IMPORTANT: CHURCH LAW DEMANDS THAT THE ONE PRESIDING AT THE WEDDING, WHETHER THIS BE THE CATHOLIC OR NON-CATHOLIC MINISTER, MUST ASK FOR AND RECEIVE THE CONSENT OF BOTH PARTIES TO THE MARRIAGE. THEREFORE, THE PRACTICE OF HAVING THE CATHOLIC MINISTER ASK FOR THE CONSENT OF ONE PARTY AND THE NON-CATHOLIC MINISTER THE OTHER RENDERS THE MARRIAGE INVALID ACCORDING TO THE REVISED CODE. THIS PRACTICE WAS ALWAYS ILLICIT. NOW MAKES THE MARRIAGE NULL.

B. When a non-Catholic minister has been invited to take part in the celebration of a wedding in the context of our Catholic ceremony, the following guidelines apply.

1.If the wedding takes place within a Mass, the non-Catholic minister may say a few words before or after the ceremony and may give a blessing to the couple at an appropriate time during the ceremony. The non-Catholic minister may not take any of the readings or preach the homily or sermon.

2. If the wedding is not in the context of Mass, the non-Catholic minister may proclaim any of the readings, preach, give a blessing or offer one of the prayers/intercession.

NOTE: Provincial ecumenical guidelines recommend that marriage between a Catholic and a non-Catholic not take place in a context of the Nuptial Mass. In fact, doing so requires permission of the bishop.

XI. PROOF OF FREEDOM TO MARRY

The National Conference of Catholic Bishops, in accord with the prescription of canon 1067 and with due regard for canon 1068, has decreed that the following norms shall be observed in order to obtain proof of freedom to marry.

- A. Parties must be questioned as to their freedom to marry and the notation should be made on the pre-nuptial form;

- B. Two affidavits of parents or family members attesting to a Groom's freedom to marry should be presented;
- C. Two affidavits of parents or family members attesting to a Bride's freedom to marry should be presented;
- D. The priest, deacon, or person who is preparing the couple for the wedding can check the line on the pre-nuptial form which would indicate that he/she has know both parties for a long time, etc.

“A” is obligatory, the person preparing the couple also has the option of B and C or D.

XII. NOTIFICATIONS, RECORD KEEPING, FILING OF PAPERS

A. Notifications:

- 1. When the wedding involves two Catholics, or if it takes place in a Catholic ceremony the following are to be sent official notification of the wedding:
 - a. Parish(es) of Catholic party(ties)
 - b. Church of baptism of Catholic party(ties)
- 2. When the wedding takes place in a non-Catholic ceremony with a dispensation from canonical form the following must be sent official notification of the wedding:
 - a. Current parish of Catholic party(ties)
 - b. Church of Baptism of Catholic party(ties)
 - c. Office which issued the dispensation

B. Recording, Filing of Papers

- 1. When the wedding takes place in a Catholic Church, the papers are filed and the marriage recorded at the Church where the wedding took place. If that is a mission Church at which records are not kept, the papers are filed in the “mother parish”. Notification is sent to the church of baptism of the Catholic party(ties).
- 2. When the wedding takes place with a dispensation from canonical form, the papers are filed and the wedding is recorded in the parish in whose territory the wedding takes place and the priest or deacon who requests the dispensation is responsible to see that the pastor of that parish receives the necessary information. The pastor is responsible for notification of the church of baptism of the Catholic party as well as the office which granted the dispensation.

XIII. SPECIAL PROCEDURES FOR “SECOND WEDDINGS”

This section applies to any case in which at least one of the parties has had a previous wedding of any kind. The prenuptial investigation must be made with dispatch, but without undue haste, because no firm wedding date can be set without proof of the party’s (ies’) freedom from the previous union to enter into marriage.

- A. **When one of the parties is a widow/widower**, the death certificate of the spouse who has died is obtained and kept in the pre-nuptial file. A letter from the church where the funeral took place is also acceptable.

The Church does not accept state law concerning “presumption of death”. If there is a case in which the party believes his/her spouse to be dead, but has no proof, the matter must be referred to the Tribunal.

- B. **When, for example, the groom has already been through a wedding and the woman who was the bride in that wedding is still alive, then the diriment impediment of ligamen (Prior Bond) is presumed to exist.**

In the Diocese of Lexington, all such cases must be referred to the Tribunal. This includes what are commonly called “Lack of Form” cases involving a Catholic whose previous “marriage” was outside the Catholic Church.

- C. **What to do and not to do when a marriage case is going to have to be conducted by the Tribunal:**

1. When a couple comes to the parish to arrange for a wedding and it is discovered that there has been a previous wedding and the spouse from that wedding is still alive, the policy of the Diocese is that no date may be scheduled for a wedding celebration until the matter has been fully resolved by the Tribunal. Therefore, do not give the couple even a tentative date for the wedding.

The Tribunal cannot assure the couple at the outset that an affirmative decision will be given in a marriage case and can not give the couple any assurance of even an approximate date when some decision will be reached.

2. If an annulment is granted, the petitioner will receive a letter from the Tribunal informing him/her of this. The petitioner is instructed to show this to the parish priest/deacon. This is not the official decree of nullity!!! The one preparing the petitioner for marriage must obtain from the Tribunal an official decree of nullity. The reason for this is that the decree might very well contain conditions that must be met before any marriage for the petitioner can be allowed. Even if it does not contain such conditions, it may contain information which the judge wishes to share with the parish priest/deacon or other minister in order to help prepare the petitioner for marriage.

3. The official decree should be kept in the pre-nuptial file. If any “Vetitum” or “Monitum” has been attached to the decree by the judge at the Tribunal, the one preparing the petitioner for marriage must place some note in the pre-nuptial file explaining how the vetitum or monitum was addressed.

NOTE: In order to protect the Sacrament of Marriage, the individual and his/her future spouse, the Tribunal, may attach conditions to the decree of nullity in granting the declaration of nullity for a previous marriage. There are 2 types of conditions

- The Vetitum

“Vetitum”, is part of a Latin phrase which we translate “It has been forbidden”. When a judge in the Tribunal attaches a vetitum to a decision, it is done with the authority of the Bishop and means that a future marriage is forbidden until the causes of nullity of the previously attempted marriage are addressed satisfactorily. If a wedding is celebrated without the terms of the vetitum being met, the celebration is illicit

- The Monitum

“Monitum”, is the Latin word for “warning”. When a judge attaches a monitum to a decision, it is merely a warning to the one preparing the party for marriage that serious problems which caused the nullity of a previous marriage may still exist or that it might be helpful to put special emphasis on certain parts of the pre-nuptial preparation. A monitum has no legal effects.

D. The matter of obligations arising from a previous marriage

The revised code insists that the Bishop’s permission be obtained before any marriage can be celebrated for a person who has natural obligations arising from a previous “marriage”. This would refer to child support, alimony, debts, visitation rights, etc. This is a matter of simple justice. The Church recognizes that it would be a scandal to allow a man, for example, to celebrate a wedding in a Catholic ceremony when he was neglecting his duties to his children from a previous union. The Bishop has given all his priests and deacons the necessary permission they need in these cases but only on the condition that the person is living up to the natural obligations mentioned above. Therefore, some note should be placed in the pre-nuptial file indicating how the one preparing the party for marriage obtained proof that the party was living up to the obligations from the previous marriage.

XIV. SPECIAL CIRCUMSTANCE MARRIAGES

There are certain situations in which the Church believes engaged couples could benefit from a more intense preparation program. These situations:

-Premarital pregnancy. The motivation for marriage can become confused because of the sense of urgency. In spite of the press of time and other pressures on the couple and the minister, it is important to slow down the process so the best possible decision can be made.

In case of couple who never intended or planned to marry prior to the pregnancy, marriage most likely is not an appropriate solution to the immediate situation.

If a couple already has set a wedding date or is engaged prior to the pregnancy, marriage is possible. The critical measure is the discernment of the couple's readiness for marriage.

However, the couple should participate in professional counseling to help evaluate their readiness for marriage.

-Very young age. Special care and concern must be taken with any couple in which one or both parties are especially young or seem immature. The priest or deacon is not merely to suggest to minors that they postpone their wedding but is to urge them that they do so until they are at least financially independent and emotionally secure to care for themselves and their children. The couple should participate in professional counseling to help evaluate their readiness for marriage.

-Cohabitation. Cohabiting couples cannot be refused marriage, but their consciences should be informed. The Church believes that sexual relations attains its highest value in the sacrament of Matrimony. Since we as Church believe this to be God's Will, the Church does not approve of cohabitation prior to marriage. The couple should be counseled to live apart and refrain from sexual relations until after the wedding.

-Mixed marriages. An *ecumenical marriage* is a marriage between a catholic and a baptized Christian of another denomination. An *interfaith marriage* is a marriage between a catholic and a non-baptized person of another faith (Judaism or Islam, for example). It is important that the priest/deacon discusses with the couple their different religious backgrounds and assists them in addressing and resolving any potential difficulties. He encourages them to respect each other's beliefs especially if one or both staunchly practice her/his faith and to learn as much as possible about the other's faith community. During the interview, the Catholic party has to make the promises to do all that is possible to raise the children of the marriage as Catholic. The non-Catholic party must be informed of what the Church expects of the Catholic spouse.

-Convalidation/Sanation. Couples attempt marriage for all sorts of reasons. However, the Church is not obliged to convalidate each of those marriages without critical review. The priest or deacon and couple are cautioned against viewing convalidation as a means of saving the marriage, particularly if the couple is experiencing difficulties. Some couples may wrongly attribute their marital problems to their failure to have God or the Church properly "bless" their marriage. They may think that validating their marriage will magically solve their relational problems. It is highly recommended that the priest or

deacon ask the couple to obtain counseling from a licensed professional before proceeding with the convalidation if there is any indication of problems in the marriage.

Each couple needs to be treated individually. The reason for the marriage outside the Catholic Church likely will suggest which preparation and precautions need to be taken in an individual case. The couple must understand that their current union is invalid in the eyes of the Catholic Church and that they have to make a new act of the will and give new consent. As far as preparing a couple for convalidation of their attempted union, they should be treated as any other couple who wish to enter a marriage in the Catholic Church.

XV. DELAY OF THE CELEBRATION OF A MARRIAGE OR DENIAL TO WITNESS THE MARRIAGE.

The 1983 Code of Canon Law in canon 843 holds that all persons can marry who seek this sacrament at appropriate time, are properly disposed and are not prohibited from doing so by law. However, the law does not presume a readiness for marriage on the part of all who request it. Even if there is no legal obstruction to a couple's right to marry, they need to be assisted in assessing realistically their readiness to marry each other at this time in their lives and the demands and potential difficulties that lie ahead.

A wedding can only be delayed or denied for a just and probable cause. If an impediment exists that cannot be dispensed, there is nothing that can be done until the impediment no longer exists.

If priest or deacon judges the pending wedding as imprudent and ill-advised due to probability of invalidity for non-impediment reason, gentle persuasion is to be used to dissuade a couple from marrying. Pastoral advice to the couple includes letting them know the reasons for the caution and, if appropriate, assisting them to approach marriage at a later time.

The imposition of a temporary prohibition to marry is not an unjust infringement on the right of the prospective spouses if it is done under the proper conditions and with the overall welfare of the spouses and the community in mind.

Church law obliges a priest or deacon to respect the engaged couple, even if that means declining to witness their marriage.

CONCLUSION

Marriage presupposes a special kind of commitment by spouses to each other and to the community. In addition, the marriage of a baptized man and a baptized woman constitutes a sacrament as well and provides the grace that flows from Christ's death and resurrection. Therefore, a couple's preparation for marriage is a matter of the greatest importance.