



DIOCESE OF AUSTIN

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## **MARRIAGE**



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# **Marriage Guidelines for the Diocese of Austin**

*October 1, 2004*  
*Revised May 22, 2008*

**National Conference of Catholic Bishops  
United States of America**

**DECREE OF PROMULGATION**

On November 18, 1998, the Latin rite *de iure* members of the National Conference of Catholic Bishops approved complementary legislation for Canon 1067 of the Code of Canon Law for the Latin rite dioceses of the United States.

The action was granted *recognitio* by the Congregation for Bishops in accord with article 82 of the Apostolic Constitution Pastor Bonus and issued by Decree of the Congregation for Bishops signed by His Excellency Most Reverend Giovanni Battista Re, Prefect, and His Excellency Most Reverend Franciscus Monterisi, Secretary, and dated September 30, 2000.

*The National Conference of Catholic Bishops, in accord with the prescriptions of Canon 1067 and with due regard for Canon 1068, hereby decrees that the following norms shall be observed in preparation of a couple for marriage:*

- 1) *The couple should receive appropriate education and pastoral preparation through participation in a marriage preparation program approved by the diocesan Bishop;*
- 2) *Parties should be questioned as to their freedom to marry;*
- 3) *Baptized Catholics should present a recently issued, annotated baptismal certificate;*
- 4) *Where necessary, additional documentation (such as affidavits of parents) attesting to a Catholic party's freedom to marry should be presented;*
- 5) *Baptized non-Catholics should present satisfactory proof of baptism and freedom to marry;*
- 6) *Unbaptized persons should present satisfactory proof of freedom to marry;*
- 7) *Preparation for marriage should be in conformity with the prescriptions of Canon 1063 (regarding what must precede marriage) and Canons 1064, 1071, 1072, 1086~2 and 1125, which entrust certain situations to the special care of local ordinaries;*
- 8) *Preparation for marriage should be in compliance with appropriate civil laws.*



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### Welcoming the Engaged Couple

#### I. Introduction

The engaged couple initiates the marriage preparation process when they call a parish or a particular priest or deacon to inquire about being married in the Catholic Church. In many cases, and for a variety of reasons, the engaged couple may not be actively involved in the parish and, thus, will not be aware of the diocesan and parish guidelines for marriage.

#### II. Goals

- A. To communicate “an attitude of openness toward couples seeking to marry,” whatever their religious background or level of faith (*Faithful to Each Other Forever: A Catholic Handbook of Pastoral Help for Marriage Preparation*, 58)
- B. To direct the couple to an initial face-to-face interview with the proper pastor or his representative (59)

#### III. Hospitality

*“Young adults approach the Church to be married for a number of reasons, including parental pressure, the desire to have a church wedding, or to reunite themselves with the Church. Regardless of why they come, the Church and its ministers need to welcome them as Christ welcomes them, with understanding, love, and acceptance, challenging them with the gospel message, and giving them hope that a lifelong commitment is possible”* (*Sons & Daughters of the Light* (USCCB, 1996)).

- A. All persons who approach the parish for marriage are to be treated with respect, openness, and warmth. This is true whether they are registered in the parish, and regardless of their faith development.
- B. Although a couple should be encouraged in the course of the marriage preparation process to become more actively involved in the parish, neither registration nor financial contributions may be used as a prerequisite for sacramental preparation if the couple lives within the parish boundaries (c. 107; 843).

IV. Place of Wedding

- A. Weddings are to be celebrated in the parish where either of the Catholic parties resides. Weddings may sometimes be celebrated in another Catholic church or chapel but only with the permission of the proper pastor, i.e., the pastor of the parish in which either of the Catholic parties resides (c. 1115).
- B. Weddings are ordinarily to take place in a Catholic church. Exceptions may be made for mixed marriages or marriage with a non-baptized person (See [Appendix IV - VI](#) (Pages S-47 – S-50)).

V. Notification of the Parish

In order to allow sufficient time to carry out the various steps of the marriage preparation process, a couple should contact their parish as soon as they make the decision to marry (formal engagement). It is important that contact with the parish should precede any other commitments regarding the wedding celebration (e.g. reception site, photographer, etc.).

- A. Under normal conditions, this initial contact should be made at least six (6) to nine (9) months prior to the anticipated time of their wedding.
  - 1. In parishes that have a large number of weddings, even more lead time may be necessary in order to provide proper marriage preparation.
  - 2. The engaged couple must personally contact the parish. Other family members may not contact the parish on their behalf.
- B. If either of the parties has been previously married, extra time must be allowed for satisfying the requirements for marriage in the Church (See [Special Circumstances § VI](#) (Page S-28)).
- C. In cases involving convalidation of a marriage see [Special Circumstances § VIII](#) (Page S-31).

VI. Responsibility of the Clergy

- A. The pastor of either Catholic party has the responsibility for marriage preparation.
- B. In some cases, a priest or deacon outside the proper parish will be requested to witness the marriage.
  - 1. The pastor (or other marriage preparation minister) may give permission to this priest or deacon to coordinate the couple's marriage preparation.

2. When a couple resides in a local parish but will be married elsewhere and preparation is to take place locally, the local priest or deacon who is preparing the couple should contact the priest or deacon who is witnessing the wedding in order to coordinate the marriage preparation process.
- C. The records of the marriage are ordinarily kept in the Catholic church where the wedding took place. For exceptions, see [Appendix V](#) (Page S-47). The documents must include a recent baptismal certificate, dispensations, and other documents required by Canon Law (See also [Wedding Liturgy](#) (Page S-17)).
1. In the case of a Catholic and a non-Catholic baptized person, it is the obligation of the priest or deacon witness to ensure that the marriage packet is filed in the Catholic Church where the wedding took place and that the usual notations are made in both the marriage register where the wedding occurred and the baptismal register where the Catholic party was baptized.
  2. In the case of a Catholic marrying a non-baptized person, if the marriage took place outside a sacred place, a copy of the marriage packet and proper notations must be made in the baptismal register and marriage register of the diocese in which the dispensation was obtained; the church of the person who prepared the couple for marriage; the diocese the Catholic lives; and the church the Catholic party attends.



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### Discernment

#### I. Introduction

The discernment phase, which involves initial evaluation sessions as well as monitoring throughout the marriage preparation process, is meant to be an affirming experience for the couple as they become more aware of their readiness to enter Christian married life.

*The Church's role as well as the primary task of 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 (FEO<sup>1</sup> 63).*

#### II. Goals

- A. To help engaged couples assess themselves and their readiness for Christian marriage in light of their individual and mutual strengths and weaknesses.
- B. To offer and provide a marriage preparation plan appropriate to the engaged couple's needs.
- C. To provide an opportunity for the priest or deacon to affirm, support, and challenge the engaged couple preparing for the sacrament of matrimony.

#### III. Initial Interview

- A. The priest or deacon (or his delegate) who is responsible for the premarital preparation will conduct the initial interview with the couple.
- B. In no case should the initial interview take place over the phone or be done by the parish receptionist or secretary (FEO 59).
- C. The purposes of the initial interview are:

<sup>1</sup> *Faithful to Each Other Forever: A Catholic Handbook of Pastoral Help for Marriage Preparation* (USCCB)

1. To establish rapport with the couple and begin to know them
  2. To explain the marriage preparation process
  3. To determine freedom to marry according to civil and Church law (See [Appendix II](#) (Pages S-41 – S-43)).
  4. To identify any special needs or requests the couple may have regarding the wedding (e.g. location, long-distance preparation, etc.)
- D. The Prenuptial Investigation Form may be used as part of the discussion during this session.
- E. Couples should have received the Sacraments of Initiation. Canon 1065 states:

*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.*

1. This Canon assumes:
  - i. That both parties are baptized, or
  - ii. That, at least, the Catholic party is baptized
2. For more information regarding the initial interview, see FEO 91-94.

#### IV. Faith Readiness

Because the marriage of two baptized Christians is a sacrament, it requires the presence of faith in its recipients. One of the primary goals of marriage preparation is the identification and deepening of the couple's faith.

- A. While faith is a primary factor in whether or not a marriage will endure, Pope John Paul II, in *Familiaris Consortio* 68, gives us several cautions in dealing with the engaged:
1. Faith can exist in varying degrees, and requiring a certain level of faith involves grave risks to our treatment of the couple and our defense of the sacrament itself.
  2. A decision to seek a marriage that requires unconditional love and fidelity is not done without the motivation of God's grace.
  3. Couples who seek marriage from social motives (as opposed to genuinely religious ones) remind us that marriage by nature is a social matter.

- B. Pope John Paul II stated that couples ought to be refused sacramental marriage only when they explicitly and formally reject what the Church intends in the marriage of baptized persons. (For additional information on Pope John Paul II's pastoral approach, see FEO 60-61).

#### V. Marriage Readiness

Although there is no possible way to determine definitively a couple's readiness to marry, there are clear indicators that can predict potential problems or even the eventual failure of the marriage. Because of this knowledge, every engaged couple ought to be given the best possible chance to evaluate their present state of readiness for marriage.

- A. Research on marriage preparation indicates that this is best accomplished with a premarital inventory at the beginning of marriage preparation, at least six (6) months before a planned marriage. In this diocese, either the PREPARE or FOCCUS instrument is recommended.
  - 1. Such an inventory is not to be used as a test of whether a couple should marry but, rather, as an aid for the couple and the priest or deacon (or delegate) in discovering important areas for discussion and attention during the marriage preparation process.
  - 2. The PREPARE or FOCCUS should be administered by a trained facilitator and according to the guidelines for the instrument.
- B. For couples with special circumstances (pregnancy, cohabitation, etc.) it is especially essential that a premarital inventory be used as part of the discernment.
  - 1. The Family Counseling and Family Life Office provides periodic training on the FOCCUS and/or PREPARE for deacons, priests, and other marriage preparation facilitators appointed by the pastor.
  - 2. Parishes that do not yet have trained facilitators can arrange for couples to take the FOCCUS or PREPARE at the Family Counseling and Family Life Office at the Pastoral Center.

#### VI. Areas of Special Concern

- A. Even for those couples who have been active in the Church, there are some issues that should be addressed as part of their discernment process. For example, the minister or delegate and couple should be alert to signs of severe family of origin concerns, physical abuse, etc.; this may indicate the need for a referral to a professional counselor.

- B. Another area of concern is chemical dependency or regular alcohol by abuse either party. Such behavior may inhibit one's freedom to marry and should be taken seriously. It may indicate the need for a referral to a professional counselor.
- C. Finally, there is the occurrence of frequent premarital sexual activity.
  - 1. The couple may not realize this is an area of concern, and yet, such behavior can inhibit their communication as well as their ability to make a free choice to marry.
  - 2. Couples engaging in premarital intercourse also typically use contraception to avoid pregnancy and, therefore, may have great difficulty being open to the Church's teaching when forming their conscience about family planning.
  - 3. Since regular sexual activity is often a precursor to cohabitation, the guidelines for working with cohabiting couples may be helpful in working with those who are involved in premarital sex ([See also the guidelines regarding cohabitation](#) (page S-25)).
  - 4. Any engaged couple that is sexually active ought to be encouraged to live chastely during the marriage preparation process.

## VII. Decision to Proceed or Delay

Following a discussion of the results of the premarital inventory, or at any other time in the marriage preparation process, the priest, deacon or other marriage preparation minister or the couple themselves may raise questions about whether to proceed further with marriage preparation.

- A. A decision to delay should be made only after serious and prayerful deliberation and appropriate consultation. Consultants for the priest, deacon, or couple might include members of the parish staff, a professional counselor, or the director of the diocesan Office of Family Counseling and Family Life.
- B. The priest, deacon or other marriage preparation minister should assist the couple in addressing the reasons for delay and seek to alleviate these if possible. Appropriate counseling may be recommended.
- C. If a couple objects to the decision to delay the marriage, they are to be advised of their right to appeal and the procedure for appeal ([See Appeals](#), (page S-35)) is to be explained to them.



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### Formation

#### I. Introduction

*Pastors of souls are obliged to see to it that their own ecclesial community furnishes the Christian faithful assistance so that the matrimonial state is maintained in the Christian spirit and makes progress toward perfection. This assistance is especially to be furnished through ... personal preparation for entering marriage (c. 1063).*

#### II. Goals

- A. 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 contract.
- B. To introduce the couple to persons and resources available to them through their parish and diocesan community so that they might turn to the Church in times of personal need.

#### III. Content of Formation

- A. In the *National Directory for Catechesis* (USCCB, 2005), the United States Bishops identify several key areas that should be addressed in preparation for Christian marriage (NDC 36). Specifically, the directory states that: *Dioceses and parishes should present catechesis on the sacrament of Matrimony that*
  - 1. *Encourages the care and concern of the whole Christian community for married couples by public recognition of couples planning marriage, modeling by couples in successful marriages, and support of couples in challenged marriages*
  - 2. *Stresses marriage as a distinct and dignified vocation in the Church*

3. *Explains the effects of the Sacrament of Matrimony: the establishment of a perpetual and exclusive bond between the spouses that is sealed by God himself, the perfection of the mutually exclusive and permanent love of the couple, the strengthening of their indissoluble unity, and the experience of a foretaste of the Kingdom of God*
4. *Encourages marriages within the Catholic faith and explains why this is desirable (the Church requires marriage within the Catholic faith; permission or a dispensation from the Bishop is necessary for a Catholic to marry a non-Catholic or an unbaptized person, respectively)*
5. *Teaches that marriage is a covenant of love in which God participates as an active member*
6. *Acknowledges that it is in the love and struggles that a couple attains the holiness of their vocation*
7. *Teaches that in Christian marriage the unity of the couple is a unity founded in an equal personal dignity and expressed in an unreserved mutuality of self-giving*
8. *Teaches that the family is the first and essential center of faithful living, the domestic Church*
9. *Teaches that the home is the first school of Christian life and human enrichment*
10. *Teaches that a couple's marriage in Christ is a sacred relationship that is supported for the length of their lives by the grace to love each other with the love Christ has for the Church*
11. *Teaches that fidelity, indissolubility, and openness to children are essential to Christian marriage*
12. *Teaches that Christian marriage is for the mutual support of the spouses, their growth in love, and the procreation and education of their children*
13. *Includes a clear presentation of the Church's teaching on the morally acceptable methods of regulating birth and the immorality of artificial birth control, of sterilization for that purpose, and of abortion*
14. *Emphasizes their personal responsibility to protect the human life that they co-create with God from the moment of conception to natural death*
15. *Includes a clear presentation of the Church's teaching on mixed and interreligious marriages*

16. *Includes instruction on the rite of the sacrament*
  17. *Teaches that the couple themselves are the ministers of the sacrament and that their consent should be publicly exchanged in their vows before a priest or deacon (or a witness authorized by the Church) and two other witnesses, ideally in the presence of an assembly of the faithful*
  18. *Assists the couple in deepening their understanding of the nature of Christian marriage as a covenant between a man and a woman whereby the spouses establish between themselves a partnership of their whole life that is ordered to the well-being of the spouses and to the procreation and upbringing of children*
- B. Every couple of child-bearing age should be asked to attend either an introductory session or a series of classes on natural family planning.

#### IV. Formational Programs

The priest or deacon should guide the couple in selecting a formational program that best suits their needs. The process selected for the individual couple should include at least two of the following, and all of the “key elements” from § III: *Content of Formation* above (Page S-11).

Programs marked with an asterisk (\*) are considered comprehensive.

A. Together In God’s Love Marriage Preparation Program\*

The diocese offers training for parish and deanery facilitators in the program so that it can be offered within the local parish in both English and Spanish. The diocese offers a limited number of class series and retreats directly to couples to assist parishes that have not yet developed facilitator teams, either within the parish or in their deanery (for smaller parishes). For more information, see the schedules and registration forms posted on the diocesan website.

B. For Better and Forever Sponsor Couple Program (English and Spanish)\*

This is a multi - five (5) to seven (7) -session program that takes place in the home of the sponsor couple. The written materials are *For Better For Ever/Nos Amaremos Toda la Vida* by Father R. Ruhnke. The program includes individual couple dialogue and couple-to-couple discussion. Training is provided by the author (see [www.marriagepreparation.org](http://www.marriagepreparation.org)).

C. Unitas \*

This program is presented by the parish and is modeled on the RCIA process. For more information, see [www.cpcbooks.com](http://www.cpcbooks.com).

D. Today and All the Days of Your Life (English and Spanish) \*

Multi-session program presented in the parish. Books, facilitator guides, and DVDs are available from Liguori Books at [www.liguori.org](http://www.liguori.org).

E. One in the Lord Program \*

This is a seven (7) session marriage formation program for couples by Charles Balsam. It is available from the author. Contact the Family Counseling and Family Life Office of the diocese for more information.

F. God's Plan for a Joy-Filled Marriage

A supplemental program based on Pope John Paul II's Theology of the Body. This program should only be presented by trained Theology of the Body facilitators. Contact the Office of Pro-Life Activities and Chaste Living for more information. This course may be taken as one of the two required forms of marriage preparation, provided that the other form of marriage preparation covers the other topics listed in § III: *Content of Formation* above (Page S-11).

G. Natural Family Planning

An introduction to natural family planning, presented by a certified NFP educator, is required for all couples being married in the Diocese of Austin, if they are of childbearing age. The full course may be taken as one of the two forms of marriage preparation provided that the other form of marriage preparation covers all of the other topics listed in § III: *Content of Formation* above (Page S-11). For information about natural family planning in the Diocese of Austin contact the Office of Pro-Life Activities and Chaste Living for an updated program list.

V. Use of Married Couples in Marriage Preparation

- A. The U.S. Bishops state that a primary ministerial goal of marriage preparation programs should be “to involve a variety of personnel in the task of marriage preparation” (FEO 58).
- B. Local parishes are to encourage and promote programs in which married couples help engaged couples as part of the marriage preparation process.
  - 1. It should be a rare exception that the priest or deacon is the only minister of marriage preparation for an engaged couple.



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### **Additional Sessions**

Following the formational phase of marriage preparation, the priest or deacon meets with the engaged couple to complete the marriage preparation process.

#### **I. Follow-up to Formational Program**

- A. The priest or deacon who is helping the couple prepare for marriage is responsible for seeing that catechesis in the sacrament of marriage has been completed. Thus, he must meet with the couple to discuss the results of their formational program.
- B. By this time verification of all required documents should be complete. These include a recent copy of the baptismal certificate(s), the prenuptial investigation form, and any necessary permissions or dispensations. If applicable, the affidavit of free status, annulment papers, and death certificate of previous spouse should be included.
- C. The priest or deacon also makes sure the couple knows the civil law requirements for marriage.

#### **II. Preparing the Liturgy**

- A. During the follow-up session(s) with the priest or deacon, final plans for the liturgical celebration may be made. The priest or deacon (or other parish minister) assists the couple in understanding the various options and choices approved by the diocese (and parish) regarding music, readings, and ritual.
- B. Catholics entering marriage should be encouraged to celebrate the sacrament of reconciliation prior to the wedding ceremony.

### III. Witnesses

- A. There are two types of witnesses that function at weddings. When the wedding is conducted according to canonical form (a Catholic wedding) there is the “qualified witness” and the “witnesses.”
  - 1. The qualified witness is the priest or deacon conducting the ceremony.
    - a. He must have jurisdiction to witness the exchange of consent.
    - b. He must ask for and receive the consent.
  - 2. The other requirement of canonical form is to have two witnesses to the exchange of consent. The law does not stipulate any special status for these witnesses. They need not even be Catholic. The only necessity is that they be able to witness the consent. This would mean, for example, a baby or a blind person, could not be considered witnesses. In fact, as long as two persons are present, and do in fact witness the consent, they can serve as the witnesses.
- B. When the wedding is not celebrated according to canonical form (if there has been a dispensation), then civil law is to be followed with regard to how many witnesses and what qualifications they need to have.
- C. Catholics may serve as witnesses at weddings of family and friends of other faiths except where there is reason to believe that the marriage to be witnessed is invalid.

### IV. Wedding Rehearsal

- A. The wedding rehearsal may be conducted by the priest or deacon witnessing the marriage or by his representative (e.g., wedding rehearsal coordinator).
- B. The rehearsal is part of the preparation process and offers an excellent opportunity for the wedding party to join together in prayer.



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### Wedding Liturgy

#### I. Introduction

- A. Liturgy, the prayer of the Church, is by its very nature communal. A parish assembly's celebration of the Sunday Eucharist is the normal way of celebrating any sacrament or other liturgy. Catholic weddings, therefore, are celebrations of the whole church as well as of individual couples.
- B. It is important that the parish and the couple recognize the relationship they share with one another. The engaged couple should be given catechesis on the rites, prayers, and readings in order that they might receive the greatest benefit possible from the celebration of the sacrament.

#### II. Goals

- A. To encourage the participation of the assembly in the wedding liturgy
- B. To express the faith and commitment of the couple and of the assembly
- C. To pray as a faith community for the couple, thereby offering them promise of support in their married life.

#### III. General Guidelines

- A. In this diocese, Catholic weddings are to take place in Catholic churches. For exceptions, see [Appendix V](#) (Page S-47).
- B. The general norms for liturgical celebration are to be followed at a wedding liturgy.
- C. The couple should be involved in the preparation of their wedding liturgy and may need guidance so the celebration reflects the sacramental nature of their union.

1. Several resources for preparing the wedding liturgy are available to guide them in the selection of scripture readings, prayers, blessings, and other options in the rite (See [Appendix XIII](#) (Page S-68)). Through prayer and reflection on these choices, the couple will be able to enrich the celebration with expressions of their faith.

#### IV. Ministries of the Liturgy

Within each liturgical celebration there are a variety of ministries such as lectors, servers, the extraordinary minister of holy Communion, etc.

- A. Some roles can only be filled by a Roman Catholic minister (e.g., ordinary or extraordinary minister of holy Communion); however, qualified persons of other faith traditions may serve as lectors.
- B. Care should be taken in the selection and preparation of persons to fill these various roles. They should have the skills and spiritual gifts necessary to fulfill the ministry, not just a social relationship to the couple.
  1. If suitably skilled persons cannot be found by the couple, the parish should offer assistance from among its ministers.
  2. In no circumstances should all of the ministries be assumed by just one person, such as the priest or deacon.
- C. The ministry role of the assembly is to participate in the celebration to the fullest extent possible. The liturgy should be prepared so that community participation is encouraged.

#### V. The Rite

- A. The Church provides three different rites for marriage:
  1. A sacramental rite during the Eucharist, which is the usual but not mandatory, form when both parties are Catholic
  2. A sacramental rite outside the Eucharist, which is the usual but not mandatory form when one party is baptized but not Roman Catholic
  3. A non-sacramental rite between a Catholic and an unbaptized person.
- B. Entrance Rite
  1. The procession may include liturgical ministers and the presider, as well as bride and groom, family members, and attendants.

2. There are many ways to plan the entrance rite, such as:
  - a. Liturgical procession followed by procession of the wedding party
  - b. Attendants entering as couples rather than the bridesmaids alone
  - c. Bride and groom accompanied by all parents or relatives in the procession
  - d. The bride escorted by her father

C. Liturgy of the Word

1. Readings may be selected from the many options given in the *Lectionary for the Ritual Mass of Marriage* or from other appropriate Scripture.
2. Non-scriptural readings are not to be used.
3. Both the Psalm and the Gospel Acclamation are normally sung.
4. The general intercessions should address the needs of the universal Church as well as those of the couple.

D. The Rite of Marriage

1. Since the exchange of vows by the bride and groom are the focus of the rite, they should be clearly visible to the entire assembly during this exchange of vows.
  - a. Preferably they should face each other or the assembly so that their exchange of vows may be heard by all present.
2. The rite provides optional forms for receiving the consent of the couple.

E. Liturgy of the Eucharist

1. It is not recommended that the wedding couple be extraordinary ministers of holy Communion at the wedding Mass.
2. The couple should also remain in their places during the Eucharistic Prayer as members of the assembly. They are usually located in or near the sanctuary.
3. Admission to holy Communion at a Catholic wedding is not possible under the present circumstances for members of non-Catholic churches.

4. It is recommended that the statement from the *Guidelines for the Reception of Communion* (NCCB, 1986) be inserted in the worship aid. Condensed versions can be used such as the following:

*We welcome everyone to this celebration of the Eucharist and the Marriage vows of N. and N. As fellow Christians we all long for the day on which we can all share in the Eucharist together. We cannot ignore, however, the differences that still exist among us as Christians. As we Catholics now share in the Eucharist, the sign of our unity in faith, life and worship, we would ask that those of you from other Christian traditions will pray that this sad division will be healed, and that the unity prayed for by Jesus to the Father, "Father, may they all be one" will one day bring us to the joy of sharing the Eucharist together.*

## VI. Music

- A. The general norm for liturgical music is to be followed. Consult with the parish music director and the diocesan guidelines for wedding music for assistance (See [Appendix XII](#) (Page S-65)).
- B. The music used before or during the liturgy must be clearly identifiable as prayer by all gathered.
- C. Music Ministers
  1. It is important that the music minister (or other pastoral minister) be able to present in a clear and kind manner the role of music in Catholic worship as well as the parish policies for music at liturgy.
  2. The presence of a trained cantor should be encouraged at a wedding liturgy.
    - a. The cantor's main role is to help the assembly participate in the singing.
- D. Worship Aids

In order to encourage the participation of the assembly in the wedding liturgy, it is helpful to have a worship aid. This might be an available hymnal or a specially prepared order of worship containing the music to be sung.

1. When preparing such a booklet, correct reprint permission is required to fulfill copyright law.

## VII. Parish Policies

- A. Parish policies for wedding liturgies are helpful and to be encouraged and should always be presented in a positive, welcoming, hospitable tone.
- B. Samples of local parish policies are available from the Office of Family Counseling and Family Life.
- C. Written parish policies or guidelines that state clearly what is allowed or not allowed in the celebration can assist the couple in making initial preparations.
  - 1. Such policies typically cover the areas of music, environment, and photography.
  - 2. A clear understanding at the beginning can help avoid the disappointment of having to change plans after they have already been made.
  - 3. Written policies also maintain consistency as the couple talks with various parish ministers (clergy, music ministers, environment coordinators, etc.).
- D. While policies may be particular for each parish community, they cannot prohibit what the general law of the Church allows. (For example, a parish cannot prohibit weddings during Lent since the Church itself does not prohibit them. However, a couple should be instructed on the nature of Lent, informed of the art and environment that may be in the church at that time, and given assistance in planning their wedding accordingly.)
  - 1. Parish guidelines should be in conformity with these diocesan guidelines.

## VIII. Environment

The environment for the wedding should take into consideration the liturgical season.

- A. Quality and appropriateness are the two primary principles which govern the environment of worship.
- B. The arrangement of kneelers, flowers, candelabra, and other decorations should not obstruct the view of the assembly or inhibit their participation, nor should it restrict movement within the sanctuary.

## IX. Special Concerns

The diocesan Worship Office is available to all parishes as a resource for any special concerns relating to the wedding liturgy. The following are the most common of these concerns:

A. Mixed Marriages

1. When Christians of different faith traditions marry, care should be taken to emphasize unity and to minimize division.
  - a. It is important that the bride and groom, as well as their families and guests, be able to participate as fully as possible in the celebration.
2. While clergy from each tradition may be present, one celebrant must be designated to receive the vows, according to the norms of Canon Law ([See Appendix III – VI](#) (Pages 44–50)).
  - a. If a non-Catholic minister is to receive the vows, a dispensation from canonical form is required.

B. Cultural Adaptations

1. The Church encourages cultural adaptations within the liturgy as long as the adaptations are in keeping with the nature and spirit of the liturgy.
2. Each cultural adaptation should also be critically examined in light of its origins and content.
3. Such adaptations should not overpower the liturgical emphasis on the rite.
4. Care should be taken not to duplicate symbols in the celebration that might have similar meanings. For example, the lasso and the unity candle are both cultural adaptations which emphasize the union of two persons into a new life in Christ.
5. The couple should be guided in making the appropriate choices in such adaptations.

NOTE: A helpful resource in explaining cultural adaptations is the FEO 118 - 120. Particular explanations for Hispanic cultural adaptations may be found in *Don y Promesa; Gift and Promise* (OCP), *Primero Dios* (LTP), and other resources from the Mexican American Cultural Center in San Antonio.



## DIOCESE OF AUSTIN

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### Special Circumstances

#### I. Introduction

Christian marriage has a great value to offer the couple and the world no matter the circumstances. Couples dealing with added complications, such as religious differences, premarital pregnancy, or addiction deserve more individual attention.

The task of the priest or deacon or other marriage preparation minister in these situations is a complex one. On one hand, the couple has the right to marry; on the other, they need assistance to assess as realistically as possible the potential difficulties ahead.

The following sections cover common “special circumstances,” which a priest, deacon or other marriage preparation minister may meet in the course ministry to engaged couples. It is by no means an exhaustive list.

#### II. Goals

- A. To show care and concern for the couple
- B. To respect and accept the persons in their specific circumstances
- C. To address facts and issues directly (i.e., to explain the Church’s teachings while being pastoral in applying them to the couple’s particular situation)
- D. To refer the couple to appropriate persons for additional assistance or professional counseling

NOTE: Follow guidelines in [Discernment § VIII: \*Decision to Proceed or Delay\*](#) (Page S-10) if the decision is to delay the marriage.

### III. Marriage of Teenagers

Although age is no guarantee of maturity, research and experience indicate that teenagers are generally not prepared emotionally, intellectually, spiritually, or financially to handle the responsibilities of marriage. Special care and concern must be taken with any couple in which one or both parties are under nineteen (19) years of age.

#### A. Restrictions

If either of the parties will be less than nineteen (19) years of age at the time of the wedding, then the couple should have at least a full six (6) months of marriage preparation.

1. Completion of the canonical affidavit of free status must also be completed.

#### B. Additional Precautions

1. In every case involving a marriage of teenagers, a premarital inventory should be used as an aid in assessment.
  - a. Referral to a professional counselor may also be recommended.
2. In every case involving a teenager, the parents of the couple should be interviewed if at all possible. (A sample of an instrument for this purpose is given in [Appendix XV](#) (Page S-79))

### IV. Pregnancy

A. Pregnancy is one of the most difficult situations to address in the context of marriage preparation. The motivation for marriage can become confused because of the urgency to decide the future of a child.

1. In spite of the pressure involved for the couple and the minister, it is important to challenge the couple so that they can make the best possible decisions.
2. The priest, deacon, or other marriage preparation minister can best serve the couple by helping them assess their reasons and readiness for marriage as a separate issue apart from the decisions they must make regarding the child.
3. The goal is to support them in making a stronger mutual commitment to each other as well as the child.

## B. Pastoral Considerations

1. In the case of a couple who had not intended or planned to marry prior to the pregnancy, marriage is not always an appropriate solution to the immediate situation.
  - a. This is particularly true of those couples who have been living together without a formal engagement or those in which one or both parties have been in previous cohabiting relationships (See [Special Circumstances § V: Cohabitation](#) below, on this page).
2. In the case of a couple who intended to marry (i.e. were engaged) prior to the pregnancy, marriage continues to be a viable possibility. However, discernment of their readiness for marriage (exclusive of the pregnancy) is still essential.
  - a. The couple needs to address issues such as the priority of the marriage relationship, the burdens of new parenthood, and upcoming restrictions on their time.
  - b. For this reason, the inclusion of married couples to assist in the preparation is strongly encouraged.

## C. Restrictions

1. If the couple had not planned to marry, pregnancy, of itself, must not be considered sufficient reason to enter marriage or to shorten the marriage preparation process.
2. In every case involving pregnancy, a premarital inventory should be given as an aid in assessment.
  - a. Referral to a professional counselor may also be recommended.

## V. Cohabitation

- A. For the purposes of these guidelines, cohabitation is defined as “living together in a sexual relationship without marriage.”
  1. This definition does not include couples who are civilly married and are coming to the Church for convalidation.
  2. For guidance in dealing with these couples, see [Special Circumstances § VIII: Convalidations](#) (Page S-31).

- B. Today many couples who come for marriage preparation in the Catholic Church are in a cohabiting relationship. Cohabitation has become a generally perceived and accepted stepping stone to marriage in this secular culture and is set within a context of widespread sexual activity outside of marriage.
- C. Yet, the Church has many good reasons for suggesting that couples cease cohabitation and/or sexual activity during the marriage preparation process.
1. Cohabitation is not marriage nor is it a good preparation for marriage.
  2. An increasing body of research on the phenomenon of “trial marriage” indicates that cohabitation may even contribute to marriage failure.
  3. In addition, cohabitation is a practice that seriously undermines the wisdom of Church teachings and tradition about sacramental marriage and sexual morality.
- D. From one perspective, then, there is a rich and valid Church tradition and teaching that must be guarded and upheld; from another, the opportunity is there to connect with and support couples desiring to regularize their situation.
1. Like Jesus, we must love these couples as they are, while always calling them to conform their lives to gospel morality.
- E. *Faithful to Each Other Forever* notes that two extremes are to be avoided: (1) immediately confronting the couple and condemning their behavior and (2) ignoring the cohabitation aspect of their relationship. In the decade following the document's publication, pastoral experience and diocesan policies have borne out the wisdom of this approach. (*Marriage Preparation and Cohabiting Couples* (USCCB, 1999) (See [Appendix XVII](#) (Page S-84))
- F. The following guidelines are meant to encourage and support a pastoral response to this issue.
1. Initial Interview (See also [Discernment § III: Initial Interview](#) (Page S-7))
 

The priest, deacon, or other marriage preparation minister collects biographical information during the initial interview with the couple preparing for marriage. If, in the course of this and following sessions with the couple, the minister discovers that the couple is in a cohabiting relationship, he or she should discuss with the couple the importance of addressing their situation as part of good marriage preparation. It may also be helpful to give the couple some reading material about cohabitation and the reasons for the Church’s concern about this practice (See [Appendix XVIII - Bibliography](#) (Pages S-90 – S-91).

2. Pastoral Approach for Clergy

In the course of his meetings with the couple, an extended conversation should take place in which the priest or deacon gets to know the couple and invites them into a discernment process about their cohabiting situation. All of the following areas should be addressed:

- a. The couple's perspectives on cohabitation and marriage
- b. What led to their personal decision to cohabit
- c. The Catholic Church's teachings on human sexuality and marriage
- d. Whether the couple will appropriate this teaching (including possible separation) within their life situation
- e. Their personal faith response for the future

*Marriage Preparation and Cohabiting Couples*, USCCB, 1999  
(See also [Appendix XVII](#) (Page S-84))

James Healy, PhD, *Living Together and Christian Commitment. A Pastoral Guide for Ministering with Engaged Couples Who Are Living Together* (1999)

C. Premarital Inventory (See also [Discernment § V: Marriage Readiness](#) (Page S-7 – S-9)).

The priest, deacon or other marriage preparation minister must also administer to the cohabiting couple some type of personal or interpersonal inventory to ascertain and lead to a discussion of their communication skills, knowledge of the other, and personal maturity.

1. Special attention should be given to the key areas that tend to be problematic or weak in cohabiting couples:
  - a. Commitment
  - b. Fidelity
  - c. Individualism
  - d. Pressures to marry
  - e. Appropriate expectations

D. Decision to Proceed

1. After these discussions have taken place, the priest, deacon, or other marriage preparation minister should ask the couple how the information gained through the preparation process has raised their level of awareness regarding their cohabitation and the Church's concerns.
  - a. They should be asked what response they can and will make in light of their learning (e.g. the ceasing of cohabitation until marriage, the refraining from sexual intimacy until marriage).
2. Once the couple has made their informed response, the minister continues to assist the couple in ascertaining their readiness and ability to enter into a sacramental marriage.
3. Since cohabitation is not in itself a canonical impediment to marriage, the couple may not be refused marriage solely on the basis of cohabitation.
  - a. Marriage preparation may continue even if the couple refuses to separate.
  - b. However, if there is not sufficient awareness on the couple's part of the essential commitments in their future marriage, the marriage should be postponed until such awareness has developed.

VI. Previous Marriage

- A. Everyone entering marriage, even if previously married, is entering a new and different relationship. The common opinion that couples know all they need to know about marriage due to their previous experience is patently false. Second marriages fail at a higher rate than first marriages.
- B. Couples entering remarriage (for one or both parties) will need to address complexities such as: the grief process following death or divorce, previous adjustment to being single, prior single parenting, and step-parenting. Marriage preparation ministers must be particularly sensitive to these unique issues that a remarrying couple brings into their new relationship.
- C. In addition, those who have been married and divorced without a decree of nullity are not canonically free to enter a subsequent marriage in the Church.
  1. The priest, deacon, or other marriage preparation minister must address the circumstances of each particular situation and assist the couple accordingly.

D. Freedom to Marry

Previous marriage (Catholic or non-Catholic, civil or common law) is a potential obstacle to marriage in the Catholic Church. The parties must disclose to the priest, deacon, or other marriage preparation minister the facts of all previous marriage(s) (religious or civil) in an effort to seek a resolution. In such cases, the priest, deacon, or other marriage preparation minister must:

1. Avoid setting a tentative date for marriage in the Catholic Church before he has received confirmation that the final decree of nullity has been issued
2. Avoid misleading the parties into expecting an affirmative tribunal decision
3. Avoid offering the parties assurances that the case will be concluded within a specific period of time
4. Avoid arranging for a subsequent marriage to take place without allowing sufficient time for the healing process following separation and divorce

NOTE: See [Appendix XI](#) (Page S-57) for additional information on annulments.

E. Pastoral Considerations

In dealing with any couple in which either party was previously married, time should be set aside to discuss closure of the previous union, obligations to children from the former marriage, financial concerns, the dynamics of blended families, and any other topics which seem necessary.

- a. In some cases, it may be necessary to discuss these issues individually with each partner in order to enable them to be honest about any issues.
- b. Many of these suggestions apply not only to persons remarrying after a divorce but also to those who are remarrying after the death of a spouse.
  - a. Special attention should be given to persons who wish to remarry less than two years after divorce or the death of a spouse.

F. Formational Programs for Remarriage

At least part of the formational program for couples in which one or both is remarrying should be presented by those who have experienced remarriage.

## VII. Inter-religious Marriages

The term “inter-religious marriage” includes mixed marriages and interfaith marriages as well as those marriages in which the non-Catholic party has no religious persuasion or affiliation.

- A. For the purposes of these guidelines a “mixed marriage” (or “interchurch marriage”) is defined as one between a baptized Catholic and a baptized non-Catholic.
- B. An “interfaith marriage” is one between a Catholic and a non-baptized person.
- C. The priest, deacon, or other marriage preparation ministers are called to challenge the couple to face the potential difficulties of an inter-religious marriage throughout the marriage preparation process while, at the same time, helping them to respect each other’s traditions and faith experiences.

### 1. Goals

- a. To deepen the awareness of both partners concerning the influence of religious convictions and values
- b. To explore the commonalities and differences existing between the faiths of both parties, and to focus on the relational impact of the differences
- c. To look at the practical implications of adherence to and participation in separate faith communities
- d. To discuss honestly the Catholic spouse’s promise to do all in his or her power to have their children baptized and to raise them in the Catholic faith
- e. To encourage the couple to develop a domestic spirituality even though there may not be common liturgical celebration

### D. Formation for the Inter-religious Couple

In those cases where the parties are of differing faith backgrounds, the cooperative effort and involvement of the clergy of both faith communities is to be highly encouraged.

- 1. This includes involvement of the non-Catholic clergy in the formation program as well as in planning the liturgical celebration.

2. Whenever possible the couple should be assigned to a sponsor or mentor couple who have faced the challenges and opportunities of an inter-religious marriage.
3. Workshops, classes, or written resources that provide for a greater knowledge about the partner's faith should be encouraged.

E. Dispensations and Other Restrictions

For information regarding the dispensations and other restrictions that apply to an inter-religious marriage see [Appendix II - VI](#) (Pages S-39 – S-50). See also *The Ecumenical Guidelines for the State of Texas* and FEO 77-85.

VIII. Convalidations

- A. When a couple, married outside the Church, wishes to convalidate their union, the local parish community shall provide adequate preparation.
- B. While convalidations are certainly encouraged by the Church, a couple may have complex motives for wanting their marriage celebrated in the Church.
  1. To aid the couple in determining their motives, the priest, deacon, or other marriage preparation minister ought to inquire whether the marriage is having any major difficulties (convalidation is not a cure for a troubled marriage).
    - a. Referral to counseling or to diocesan programs for troubled marriages may be recommended in such a case.
- C. All couples convalidating their marriage should be helped to appreciate the sacramentality of marriage and to understand the implications of a covenant relationship.
  1. The couple should also understand that a new covenant and a new exchange of consent must be made and not merely a renewal of the old one.
  2. While such instruction is the responsibility of the priest or deacon, the couples should also be encouraged to participate in some type of marriage preparation or marriage enrichment program.
- D. Formal marriage preparation is particularly important for couples married civilly for less than five (5) years.

E. Restrictions

1. A marriage that occurred outside the Church does not constitute cause to omit or waive the normal assessment and preparation process for a wedding that is now to be celebrated within the Church.
2. This may also be true for cases in which the non-Catholic spouse intends to enter the Catholic Church and a convalidation is mandated because of their current marital status.
  - a. The preparation process may be expedited in the case of stable, long-standing unions. However, for convalidations following annulments or dissolutions, proper pastoral care should be exercised (See [Special Circumstances § V: Cohabitation](#) (Page S-23)).
  - b. Usually convalidation should not occur until at least six (6) months have passed from the date of the marriage outside the Church.

F. Radical Sanation

1. A marriage involving a Catholic that is 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.
  - a. This may happen only as long as the original consent of marriage of both parties still exists (c. 1165, § 2).
2. In cases of mixed marriage, the usual permission and promises must be obtained.
3. A grave cause is necessary in order to grant a sanation. Examples of such are:
  - a. Serious inconvenience in informing the other party
  - b. Lack of cooperation by the non-Catholic party
  - c. Lack of knowledge by the priest, deacon witness, or Ordinary that gave rise to nullity of the marriage ceremony
4. Forms used in applying for radical sanation may be obtained from the tribunal.

## IX. Additional Pastoral Concerns

There are additional circumstances that require extra pastoral care on the part of the priest or deacon. In such cases, consultation with or referral to a qualified counselor is often necessary. In every case a premarital inventory should be given as an aid in assessment.

### A. Chemical Dependency, Abuse, etc.

1. During the marriage preparation process the priest, deacon, or other marriage preparation minister may have reason to suspect potential or current problems of a serious nature. These may include a family history of alcohol or drug dependency, spouse or child abuse, or other severe psychological symptoms.
  - a. Additional questions in these areas should be asked and the couple should be referred to resources for their growth and healing.
2. Whenever there is reasonable evidence of an active chemically dependent person, marriage should not take place until a professional evaluation is obtained and assessment can confirm that sufficient discretion and the capability of assuming the essential obligations of matrimony are present.
  - a. The marriage should be delayed if treatment is recommended until there is adequate evidence of recovery.
3. The same restrictions apply in the case of current physical or emotional abuse of the partner or of a child. Special care should be taken in cases of cohabitation, civil marriages, and remarriages to probe any history of abuse.
  - a. State reporting requirements regarding abuse of a child must be followed.
4. Although not required by state law, couples should be encouraged to have their blood screened for sexually transmitted diseases and HIV. They should also be encouraged to discuss the results of these tests with each other.

### B. Persons with Physical or Mental Challenges

Pastoral care and sensitivity is required when a person who is physically or mentally challenged requests marriage.

1. Each situation must be assessed on an individual basis.

2. A determination should be made only after consultation with both family members as well as professionals who know or can assess their levels of independence and their abilities to make a permanent commitment to one another. Where there is concern about canonical impediment, the tribunal should be consulted (See also [Appendix X](#) (Page S-55)).

C. Military Couple/Absent Partners

Many couples planning for marriage find themselves unable to participate as a couple in marriage preparation programs either in the parish where they will be married or in the parish in which they currently reside.

1. When such couples request marriage, the priest, deacon, or other marriage preparation minister is to assist them in marriage preparation and/or help them with referral to a parish in their respective locations.
2. During the marriage preparation process the couple should make frequent contact with the priest or deacon who will witness the exchange of vows.
  - a. The priest or deacon needs to have a written statement from those preparing them for marriage that they have fulfilled the requirements of this diocese.



## DIOCESE OF AUSTIN

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### Appeals

#### I. Introduction

When a priest or deacon cannot in good conscience witness a marriage and, after consultation with other members of his marriage preparation team, decides to delay the marriage ceremony, the engaged couple may appeal that decision.

#### II. Goals

- A. To safeguard the right of couples to marry
- B. To protect the priest or deacon's right either to delay or to refuse to witness the marriage

#### III. Procedure for Appeal

- A. In those cases where a priest or deacon determines that it would be advisable for a couple to delay their marriage and the couple objects, the couple must be advised of their right to appeal.
- B. If the priest asking for a delay of the marriage is not the pastor of either party, then the first appeal should be to the proper pastor.
- C. The priest or deacon requesting delay is responsible for notifying the pastor of the facts of the case.
- D. The couple should also meet with the pastor in order to present their case.
- E. If a second level appeal is necessary, the couple may appeal to the dean of that area.
  - 1. The dean will listen to both the couple and to the priest or deacon who is delaying or refusing marriage.

2. He may consult, if appropriate, with the director of the diocesan Family Life Office or recommend an evaluation of the couple by a professional counselor.
- F. Ultimately an appeal may be taken to the vicar general and then to the diocesan Bishop.
  - G. This process should take no longer than four (4) to six (6) weeks from the date the couple's appeal is made known to the proper pastor.

## Appendix I: Delegation

### I. Delegated Faculty for Marriage

#### A. Canon 1111

§1 *As long as they hold office validly, the local Ordinary and the pastor can delegate to priests and deacons the faculty, even a general one, of assisting at marriages within the limits of their territory.*

§2 *To be valid, the delegation of the faculty to assist at marriages must be given to specific persons expressly. If it concerns special delegation, it must be given for a specific marriage; if it concerns general delegation, it must be given in writing.*

### II. Subdelegation

A. One who has general delegation for marriages can subdelegate another priest or deacon in individual cases.

B. One who has received a special delegation for a determined marriage or marriages can subdelegate another priest or deacon to assist at the marriage only if this power of subdelegating is expressly conceded to him by the one delegating.

C. The exact wording of the Canon is as follows:

#### Canon 137

§1 *Ordinary executive power can be delegated both for a single act and for all cases unless the law expressly provides otherwise.*

§2 *Executive power delegated by the Apostolic See can be subdelegated for a single act or for all cases unless the delegate was chosen for personal qualifications or subdelegation was expressly forbidden.*

§3 *Executive power delegated by another authority who has ordinary power can be subdelegated only for ordinary power in individual cases if it was delegated for all cases. If it was delegated for a single act or for determined acts, however, it cannot be subdelegated except by express grant of the one delegating.*

§4 *No subdelegated power can be subdelegated again unless the one delegating has expressly granted this.*

Canon 1113

*Before special delegation is granted, all those things which the law has established to prove free status are to be fulfilled.*

## Appendix II: Dispensations and Impediments

NOTE: The following Canons and definitions are given as a summary. Consult the tribunal as needed for additional explanation or clarification.

### I. Dispensations

#### A. Canon 1078

§1 *The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of ecclesiastical law except those whose dispensation is reserved to the Apostolic See.*

§2 *Impediments whose dispensation is reserved to the Apostolic See are:*

1° *The impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right;*

2° *The impediment of crime mentioned in Canon 1090.*

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

B. The dispensation may be given by the ordinary of the place where the marriage is celebrated or the ordinary of the place where either party, or the Catholic party, has domicile or quasi-domicile.

### II. In Danger of Death

#### A. Canon 1079

§1 *In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in his territory both from the form to be observed in the celebration of marriage and from each and every impediment of ecclesiastical law, whether public or occult, except the impediment arising from the sacred order of presbyterate.*

#### B. Canon 1080

§1 *Whenever an impediment is discovered after everything has already been prepared for the wedding, and the marriage cannot be delayed without the probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary, and provided that the case is occult, all those mentioned in Canon 1079 2-3 when the conditions prescribed therein have been observed possess the power to dispense from all impediments except those mentioned in 1078 2, n. 1.*

§2 *This power is valid even to convalidate a marriage if there is the same danger in delay and there is insufficient time to make recourse to the Apostolic See or to the local ordinary concerning impediments from which he is able to dispense.*

NOTE: Even in danger of death, the local ordinary, priest or deacon cannot receive the vows for a current relationship in which either of the parties was previously married and the previous spouse(s) is living.

1. That is, the local ordinary, priest, or deacon cannot, under any circumstances, dispense from an impediment which could be proven in the external forum (e.g., age, prior bond, sacred orders) (c. 1074).
  - a. If, for some reason, the impediment is not proven in the external forum and the internal forum is invoked, these restrictions apply.

### III. Impediments in Particular

#### A. Age

##### 1. Canon 1072

*Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region.*

#### B. Impotence

##### 1. Canon 1084

The local Ordinary cannot dispense.

#### C. Prior Bond

##### 1. Canon 1085

The local Ordinary cannot dispense.

#### D. Disparity of Worship

##### 1. Canon 1086

§1 *A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it and the other of whom is not baptized, is invalid.*

§2 *A person is not to be dispensed from this impediment unless the conditions mentioned in Canons 1125 and 1126 have been fulfilled.*

§3 *If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of Canon 1060 until it is proven with certainty that one party was baptized but the other was not.*

E. Sacred Orders

1. Canon 1087

*Those in sacred orders invalidly attempt marriage.*

F. Public Perpetual Vow of Chastity

1. Canon 1088

*Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.*

2. In danger of death, the local ordinary, pastor, other priest or deacon or confessor, in accord with Canon 1079, may dispense from the impediment

a. However, for a dispensation in an urgent case (*omnia parata*) when everything is prepared for the wedding, only those in an institute of diocesan right may be dispensed by the local ordinary.

G. Abduction

1. Canon 1089

*No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.*

2. Canon 1103

*A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.*

## H. Consanguinity

### 1. Canon 1091

§1 *In the direct line of consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural.*

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

§3 *The impediment of consanguinity is not multiplied.*

§4 *A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line.*

2. A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line (c. 1078, § 3).
3. Third and fourth degree collateral consanguinity can be dispensed by the local ordinary.
4. The practice of the Holy See in the past has been to dispense third degree consanguinity very rarely and only for extraordinarily grave reasons and fourth degree rarely and only for grave reasons.

## I. Affinity

### 1. Canon 1092

*Affinity in the direct line in any degree invalidates a marriage. No dispensation is given by the local ordinary.*

## J. Public Propriety

### 1. Canon 1093

*The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice versa.*

K. Legal Relationship

1. Canon 1094

*Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly.*

L. Spiritual Relationship

This impediment binds only Eastern Catholics and those Latin Catholics who married before the revised Code which went into effect on November 27, 1983.

M. Guardianship

This impediment exists only in Eastern Canon Law, and therefore is binding also for marriage between an Eastern Catholic and a Latin Catholic.

## Appendix III: Form of the Celebration of Marriage

### I. Canon 1108

§1 *Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the following Canons 144; 1112, § 1; 1116; and 1127, §§ 2 and 3.*

§2 *The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.*

II. If the non-Catholic party wishes to have his or her minister present, the Catholic pastor (or other marriage preparation minister) should:

A. Issue an invitation, give a cordial reception

B. Advise the guest minister to wear whatever is deemed appropriate

C. Reserve a place of honor in the sanctuary or the body of the church

III. The presider should introduce the guest minister and extend a warm welcome during the ceremony.

A. 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.

IV. If there is no Mass, the guest minister may take part in the service by preaching, reading, or leading the prayer of the faithful.

V. To be a valid witness, the Catholic priest or deacon must ask for and receive the consent of both parties.

VI. It is not permitted for the rites of the respective churches to be celebrated successively (c. 1120).

### VII. Canon 1127

§2 *If grave difficulties hinder the observance of canonical form, the local Ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity.*

B. 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

VIII. A priest or deacon witnessing a marriage within a parish other than his own must have delegation from the proper pastor for the marriage to be valid.

## **Appendix IV: Jewish Catholic Marriage**

- I. Marriages should take place in the parish church of the Catholic party or in a synagogue, i.e. sacred place.
- II. If difficulties arise because the persons are reluctant to have the ceremony in a Catholic church or synagogue:
  - A. The priest or deacon should first suggest that the celebration take place in another religious building.
  - B. 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.
    1. 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.
    2. The priest or deacon sends a letter addressed to the Bishop. However, the letter is sent to the vicar general.

## **Appendix V: Conditions required for a mixed marriage in a non-Catholic Church or synagogue or other suitable place**

### I. Canon 1118

§1 *A marriage between Catholics or between a Catholic and a baptized non-Catholic party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.*

§2 *The local ordinary can permit a marriage to be celebrated in another suitable place.*

§1 *A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place.*

NOTE: A letter asking for permission to marry in another suitable place should be addressed to the Bishop. However, the letters are sent to the vicar general.

### II. Canon 1120

#### A. When witnessed by a priest or deacon

1. Permission should be sought from the diocese in all cases.
  - a. In the event that a couple wishes to have their marriage witnessed outside a sacred place, a letter should be addressed to the Bishop requesting permission to have a ceremony outside a sacred place.
    - i. The letter should include the reason for such a request; i.e. parent unable to attend a church wedding due to serious illness, or a wedding between a Catholic and a non-Christian for whom a church wedding would pose a serious difficulty, or when members of the non-Christian party's family are opposed to a church wedding.
2. The parish responsible for preparing documentation is that in which the marriage would ordinarily take place, i.e. the parish of the Catholic.
3. The usual pre-matrimonial 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 or her and be agreeable to him or her and his or her ecclesiastical superiors, if necessary.
7. The priest or deacon witnessing the marriage requires canonical delegation from the territorial parish 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 or deacon witness to ensure that the usual notation is made in the proper baptismal register.

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

1. The parish priest or deacon of the Catholic party is to prepare the couple and procure the customary documentation (pre-matrimonial 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 or 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 Catholic party.
  - a. The priest or deacon 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 witnesses (best man and maid or matron of honor) in the celebration of marriage in the Catholic Church.
  - a. A Catholic, too, may be best man or maid or matron of honor at a marriage properly celebrated among non-Catholics.

2. When a Catholic with permission (mixed marriage) or proper dispensation (with an unbaptized person) 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.
  - a. A dispensation from banns is no longer necessary.
  - b. However, the freedom of the parties must be proved by sworn declaration of witnesses.
4. Priests and 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.

## Appendix VI: Inter-Ritual Marriage

### I. Eastern Rite and Latin Rite Catholics

- A. According to the Eastern Code, the couple must marry before the pastor of the groom (CCEO 831).
- B. A priest must preside (CCEO 828).
- C. Latin rite Bishops cannot dispense the Eastern Catholic even if in his territory (CCEO 835).

### II. Latin Rite Catholic and Orthodox

Ordinarily marriage takes place in the Latin rite.

- A. 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.
  - 1. This is necessary for the marriage to be recognized as valid by the Orthodox Church.
  - 2. In this case, canonical form is required for liceity, but lack of it does not invalidate the marriage (c. 1127; EGD 10).

### III. Eastern Rite Catholics and Non-Catholics

- A. The marriages must be witnessed by the Eastern rite priest.
  - 1. In rare cases, permission for a Latin rite priest to witness the marriage must be obtained from the Eastern rite ordinary through the chancery.
- B. The Latin rite priest must seek the permission of the apostolic 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.

### IV. In all the above cases, the Latin Ordinary has jurisdiction in cases where there is no Eastern rite Bishop with jurisdiction.

- A. Priests should consult the chancery when there is doubt.

## **Appendix VII: Civil Law Requirements**

- I. It is a violation of civil law for a priest or deacon to witness marriage without a civil license.
  - A. Even in the case of a validation, the couple is required to obtain a duplicate civil license.
  - B. 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.
- II. A priest or deacon is not permitted to witness a marriage of two non-Catholics, nor may he presume to witness any marriage in a merely civil capacity or for the civil effects alone.
- III. In all marriages, whoever receives the vows must sign the license.
  - A. 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.
- IV. A blood test is no longer needed in order to obtain a license.
- V. A waiting period of 72 hours between application for the license and celebration of the marriage rites is required by Texas State law. In Texas, a marriage license can be obtained 90 days before the celebration in any county.
- VI. Both parties must be at least eighteen (18) years of age.

## Appendix VIII

### TEXAS FAMILY CODE - CHAPTER 2

#### CHAPTER 2. THE MARRIAGE RELATIONSHIP

##### SUBCHAPTER A. APPLICATION FOR MARRIAGE LICENSE

###### § 2.001. MARRIAGE LICENSE.

- (a) A man and a woman desiring to enter into a ceremonial marriage must obtain a marriage license from the county clerk of any county of this state.

###### § 2.005. PROOF OF IDENTITY AND AGE.

- (a) The county clerk shall require proof of the identity and age of each applicant.
- (b) The proof must be established by a certified copy of the applicant's birth certificate or by some certificate, license, or document issued by this state or another state, the United States, or a foreign government.

###### § 2.010. AIDS INFORMATION.

Materials providing information about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) shall be prepared and provided to the clerk by the Texas Department of Health...

##### SUBCHAPTER C. CEREMONY AND RETURN OF LICENSE

§ 2.201. EXPIRATION OF LICENSE. If a marriage ceremony has not been conducted before the 31st day after the date the license is issued, the marriage license expires.

###### § 2.202. PERSONS AUTHORIZED TO CONDUCT CEREMONY.

- (a) The following persons are authorized to conduct a marriage ceremony:
  - (1) a licensed or ordained Christian minister or priest;
  - (2) a Jewish rabbi;
  - (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; and
  - (4) a ... judge ...

§ 2.206. RETURN OF LICENSE; PENALTY.

- (a) The person who conducts a marriage ceremony shall record on the license the date on which and the county in which the ceremony is performed and the person's name, subscribe the license, and return the license to the county clerk who issued it not later than the 30th day after the date the ceremony is conducted.
- (b) A person who fails to comply with this section commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

§ 2.207. MARRIAGE CONDUCTED AFTER LICENSE EXPIRED; PENALTY.

- (a) A person who is to conduct a marriage ceremony shall determine whether the license has expired from the county clerk's endorsement on the license.
- (b) A person who conducts a marriage ceremony after the marriage license has expired commits an offense. An offense under this section is a misdemeanor punishable by a fine of not less than \$200 and not more than \$500.

## **Appendix IX: Common Law Marriage in Texas**

(From Family Code, Chapter 2.E. MARRIAGE WITHOUT FORMALITIES)

### §2.401. Proof of Informal Marriage

- (a) ...the marriage of a man and woman may be proved by evidence that:
  - (1) A declaration of their marriage has been signed...
  - (2) The man and woman agreed to be married and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.
- (b) If a proceeding in which a marriage is to be proved ... is not commenced before the second anniversary of the date on which the parties separated and ceased living together, it is reputedly presumed that the parties did not enter into an agreement to be married.

### §2.402. Declaration and Registration of Informal Marriage

- (a) A declaration of informal marriage must be signed on a form prescribed by the bureau of vital statistics and provided by the county clerk.

NOTE: A common law marriage requires a court ordered divorce. The couple cannot just separate.

## Appendix X: Guidelines for the Celebration of Marriage for Persons with Disabilities

From the *Guidelines for the Celebration of the Sacraments with Persons with Disabilities* (NCCB, 1995)

34. By the sacrament of marriage, Christians signify and share in the mystery of the unity and fruitful love which exists between Christ and his Church. They help each other to attain holiness in their married life and in the rearing and education of their children (Rite of Marriage).

All persons not prohibited by law can contract marriage (c. 1058).

The local ordinary should make the necessary provisions to ensure the inclusion of persons with disabilities in marriage preparation programs. Through this preparation all couples may become predisposed toward holiness and to the duties of their new state. In developing diocesan policies, the local ordinary should consult with men and women of proven experience and skill in understanding the emotional, physical, spiritual, and psychological needs of persons with disabilities. (c. 1063, n.2 and 1064) The inclusion of persons with disabilities in sponsoring couple programs is an especially effective way of supporting both the needs and the gifts of couples preparing for marriage.

For matrimonial consent to be valid it is necessary that the contracting parties possess a sufficient use of reason; that they be free of any grave lack of discretion affecting their judgment about the rights and duties to which they are committing themselves; and that they be capable of assuming the essential obligations of the married state (c. 1095). It is also necessary that the parties understand that marriage is a permanent union and is ordered to the good of the spouses, and the procreation and education of children (c. 109v7). Pastors and other clergy are to decide cases on an individual basis and in light of pastoral judgment based upon consultation with diocesan personnel involved with disability issues, and canonical, medical, and other experts. Medical and canonical opinions should be sought in determining the presence of any impediments to marriage. It should be noted, however, that paraplegia in itself does not always imply impotence, or the permanence of such a condition, and it is not in itself an impediment. In case of doubt with regard to impotence, marriage may not be impeded (c. 1084, § 2).

Catholics who are deaf are to be offered the opportunity to express their matrimonial consent in sign language, if sign language is their primary means of communication (c. 1104, §2). Marriage may also be contracted through a sign language interpreter whose trustworthiness has been certified by the pastor (c. 1106).

Pastoral care for married persons extends throughout the married couple's lives. By their care and example, the entire ecclesial community bears witness to the fact that the matrimonial state may be maintained in a Christian spirit and make progress toward perfection. Special care is to be taken to include parishioners with disabilities in parish

programs aimed at assisting and nourishing married couples in leading holier and fuller lives within their families (c. 1063, § 4).

## **Appendix XI: Information Concerning Annulments for Persons Seeking Remarriage**

*In his preaching, Jesus unequivocally taught the original meaning of the union of man and woman as the Creator willed it from the beginning: permission given by Moses to divorce one's wife was a concession to the hardness of hearts. The matrimonial union of a man and woman is indissoluble; God himself has determined it: 'what therefore God has joined together, let no man put asunder' (CCC<sup>2</sup> 1614).*

For a fuller explanation on the teachings of marriage, consult the *Catechism of the Catholic Church* 1600-1666. The Catholic Church is trying to be faithful to the words of Jesus Christ about marriage, divorce and remarriage (Mk 10:2-12; Lk 16:18; Mt 5:31-32; 19:1-12).

- I. Any couple who is asking for marriage in the Catholic Church must be asked if either party was married previously.
  - A. The Catholic Church presumes all marriages of any type: religious, civil, common law, etc. to be valid.
    1. Those that occur in the Catholic Church
    2. Those that occur in a Protestant church
    3. Those that occur in a Jewish synagogue or any type of non-Christian house of worship
    4. Those that occur in a non-church or non-religious place, witnessed by a Justice of the Peace, state official, or by any type of minister
    5. Common law marriage
- II. If the previous spouse(s) is still living and that marriage(s) has not been granted a decree of nullity by the Catholic Church, then a petition for a declaration of nullity must be processed for each and every failed marriage.
  - a. The Catholic Church does not recognize an annulment granted by the civil government or any "annulment" granted by another church.
- III. There is never a guarantee that affirmative decision for nullity will be given.
- IV. Following the recommendation given by Pope Francis' Motu Proprio *Mitis Iudex Dominus Iesus*, Bishop Joe S. Vásquez has eliminated all fees in First Instance for all annulment processes.

<sup>2</sup> *Catechism of the Catholic Church*

V. Absence of Canonical Form

Example: At least one spouse from a previous marriage is a Catholic. Did the marriage ceremony occur in a Catholic Church witnessed by a Catholic Bishop, priest or deacon?

- A. If it did not, the annulment petition will be an absence of canonical form, provided all the following is true also:
1. The marriage ceremony did not occur in a Catholic church.
  2. The marriage ceremony did not occur in an Orthodox church.
  3. The marriage ceremony did occur in a non-Catholic place, the vows were received by a non-Catholic minister, and there was no dispensation from canonical form granted from the Catholic Bishop to allow for such a marriage ceremony.
  4. The marriage was never convalidated in the Catholic Church.
- B. If the above information is true, the petitioner is to submit the following:
1. A certified copy of the civil marriage license and a certified copy of the complete, final divorce decree signed and dated by the judge
  2. If one or both spouses is Catholic, a copy of a recently issued (six (6) months or less) baptismal certificate with all sacramental notations listed on the back
  3. The lack of canonical form process is completed by the pastor of the parish.

4. However, if the person with an absence of canonical form process is marrying someone in a diocese other than the Diocese of Austin, a decree must be issued by the tribunal.
  - a. After the pastor has granted the decree in the parish, a formal decree from the tribunal of the Diocese of Austin must be requested.

#### VI. Prior Bond or Ligamen Petition

Example: Person A (petitioner) wishes to be free to enter a Catholic marriage. However, Person A (petitioner) was married and divorced from Person B (respondent). Person B had been previously married to Person C (the First spouse). It was the first marriage for Person B and Person C, and Person C is still alive; the marriage of Person B and Person C is presumed valid. Therefore, the marriage of Person A and Person B is invalid because of the marriage of Person B and Person C.

- A. Person A (the petitioner) is to submit the following:
  1. A completed Prior Bond/Ligamen Petition form.
  2. The marriage license for the marriage of Person A and Person B.
  3. The divorce decree which is signed and dated by the judge for the marriage of Person A and Person B.
  4. The marriage license for the marriage of Person B and Person C.
  5. The divorce decree which is signed and dated by the judge for the marriage of Person B and Person C.
  
- B. As with all petitions, the allegations must be substantiated through acceptable means. The cooperation of Person B is necessary in this process. Therefore, the following must be established from the testimony of both Person B whose testimony will be obtained by the tribunal:
  1. That the marriage of Person B and Person C was the first marriage for both
  2. That neither Person B nor Person C was baptized Catholic
  3. That both Person B and Person C are still alive
  4. That the Catholic Church did not grant a decree of nullity for the marriage of Person B and Person C

- C. The above states the simplest requirements to the process. However, the Prior Bond/Ligamen Petition can be complicated. Following are some problems which will delay the processing of a prior Bond/Ligamen petition or which will require Person A (the petitioner) to file a formal Church application for nullity:
1. A petition is lacking the required current address of Person B
  2. Lack of cooperation from Person B.
  3. Missing documents. Although a marriage license and divorce decree are usually public records which can be obtained at the county courthouse where they are recorded, Person A may not know where the documents are recorded.
  4. Person B has more than one previous marriage.
  5. Person C was previously married.
  6. Person C was a baptized Catholic. If Person C is a baptized Catholic and did not marry Person B by the Catholic Church, then the marriage of Person B and Person C would not be considered valid. Thus, the marriage between Person A and B is presumed valid.
  7. Person C was no longer living at the time that Person B married Person A.

VII. A Formal Case applies to all other marriages that are presumed to be valid

Examples include any marriage that occurred in the Catholic Church or two non-Catholics who were married. All marriages must be investigated.

- A. It must be determined if the Diocese of Austin is competent to process this case. Refer to Canon 1672 of the Code of Canon Law and/or with the tribunal.
- B. This is a very detailed process involving the petitioner submitting an extensive narrative of one's growing-up years, information about the courtship, marriage and divorce, etc.
- C. The petitioner must submit the names and current addresses of three or four witness are knowledgeable of the relationship between the petitioner and the respondent (former spouse) prior to and throughout this marriage.

- D. The respondent must be contacted by mail by the tribunal.
1. The respondent has the right to be involved fully by giving a similar narrative and by providing witnesses, just as the petitioner did.
  2. Some respondents elect to participate and others do not. But the case will continue regardless of the respondent's level of participation.
  3. A certified copy of the civil marriage license and a certified copy of complete, final divorce decree signed and dated by the judge must be submitted.
  4. If one or both of the parties is Catholic, a copy of a recently issued baptismal certificate with all sacramental notations listed on the back is to be submitted.
  5. A copy of the church marriage certificate must be submitted when the marriage occurred in the Catholic Church.

E. Decision and Appeals

1. If an affirmative decision (a declaration that the marriage in question was invalid) is given by the Austin Tribunal, there are two courses the case may take.
  - a. If there is no appeal (by the respondent or Defender of the Bond) against the Austin Tribunal decision, the Tribunal will issue a decree declaring the parties free to marry.
  - b. If there is an appeal, the case goes to the Metropolitan Court of the Archdiocese of Galveston-Houston for a full appellate hearing, or to the Tribunal of the Roman Rota at the Vatican. In this case the petitioner or respondent may offer additional evidence and arguments in the appeal.
2. If a negative decision (a declaration that the marriage in question was valid) is given: the case will not be acted upon further, unless the petitioner appeals to the Court of Appeals at the Metropolitan Tribunal of Galveston-Houston or at the Roman Rota at the Vatican.

VIII. Privilege Cases

- A. There are two types of privilege cases. Non-baptism is always the issue.
1. The validity of a marriage is not challenged, but the petitioner asks for dissolution on the basis that one or both parties in a marriage were not baptized.

B. There are three common misconceptions with privilege cases:

1. They are "easy" cases to process
2. Nothing needs to be done at all
3. Petitioner's word alone is enough

All of which are not true.

C. In both the Pauline and Petrine Privilege cases, there are certain conditions and numerous requirements that must be met.

1. Because of the difficulties that arise in these cases, contact the tribunal before even attempting a Pauline or Petrine Privilege so that the tribunal can evaluate and determine if the basic elements are met in order to proceed with the processing of the case.

#### IX. Pauline Privilege

Example: Both parties were not baptized at the time of the marriage. The former spouse (the respondent) must not desire baptism. The person petitioning must have been or be willing to become baptized.

A. The following are some of the minimal conditions and requirements that must be met:

1. The cooperation of the former spouse (the respondent) is absolutely necessary.
  - a. The tribunal obtains the testimony of the former spouse (the respondent).
2. That the non-baptism of both parties has been established.
  - a. Therefore, it is required to provide the names and addresses of at least two family members of both parties (the petitioner and the respondent).
  - b. The cooperation of the family members of both parties is absolutely necessary.
  - c. The tribunal obtains the testimony of all the family members.
4. The petitioner and the petitioner's prospective or present spouse was not the cause of the breakup of the marriage.

5. The petitioner must sincerely seek to be baptized.
6. The former spouse (the respondent) does not intend to be baptized and does not wish to be reconciled with the petitioner.
7. That the petitioner has a prospective or present spouse who is canonically free to marry.

X. Petrine Privilege (Privilege of the Faith)

Example: At least one of the parties is not a baptized person. The person petitioning does not have to convert in all cases.

- A. Invoking the power of the keys entrusted to him as successor of St. Peter (to bind and to loose), the Holy Father is able to dissolve such a marriage in favor of the faith of the Catholic party.
- B. Thus, this case must be sent to Rome for the decision.
  1. Rome states in its directives that, if there are grounds for nullity, an amendment "may" be more readily granted. Because of this stipulation and other difficulties that arise in processing of these cases, a Petrine Privilege is normally processed as a formal case on the diocesan level.
- C. The following are some of the minimal conditions and requirements that must be met:
  1. That the non-baptism (before and throughout the course of the marriage) of at least one of the parties to the marriage has been established.
    - a. Therefore, it is required to provide the names and addresses of at least three family members of the person who has not been baptized.
    - b. The cooperation of the family members is absolutely necessary.
    - c. The tribunal will obtain the testimony of the family members.
  2. That the petitioner and the petitioner's prospective or present spouse was not the cause of the breakup of the marriage.
  3. That the petitioner has a prospective or present spouse who is canonically free to marry.
  4. That all attempts at reconciliation have failed.

5. That no scandal results from the granting of the dissolution.
6. That the promises (*cautiones*) are signed by both the petitioner and the prospective or present spouse.
  - a. The promises are that both parties are willing to baptize and educate the children of the new marriage in the Catholic faith and that the non-Catholic party allows the Catholic party to practice the Catholic faith.

## Appendix XII: Suggested Guidelines for Music in the Wedding Liturgy

### I. Participation

Since the family and friends come to witness and celebrate the commitment of the couple to each other, to pray with and for the couple, and to offer love and support, their involvement in the liturgy is essential to the celebration. Couples often plan their wedding with the assumption that all the singing will be done by a soloist. While a soloist may perform a worthwhile role, congregational singing of hymns, songs, and acclamations reinforces the communal dimension of the sacrament.

### II. Congregational Singing

- A. The use of processional and recessional marches does not preclude the use of congregational singing at the beginning and end of the wedding liturgy.
- B. It is possible, and often quite effective, to sing an opening hymn when the procession is in place or a closing hymn just before the procession leaves the sanctuary area.
- C. A song of praise after Communion is also suitable.

### III. Suitability of Text

The suitability of texts sung at the wedding is an important consideration. The Christian concept of “love” is characterized by commitment and fidelity, and supported by the love of Christ. Popular love songs often stress the couple only and exclude God and the Church. While they may say good things, they often don’t say enough about the origin of love and God’s role in a Christian marriage. The following principles may be used to judge the appropriateness of any text.

#### A. Suitable Texts

- 1. Speak explicitly of the Christian, religious dimension of love
- 2. Express trust in, thanksgiving to, or praise of God
- 3. Support the action of the liturgy (e.g., a communion song at communion)

#### B. Unsuitable Texts

- 1. Explicitly or implicitly deny the Christian dimension of love (e.g., texts that imply that “my life has no meaning without you” or “life isn’t worth living without you”) fail to mention God

2. Only faintly allude to the Christian dimension of love
- C. These principles would exclude many popular love songs. They would more appropriately be performed at the wedding reception and should not be considered for use before, during, or after the wedding liturgy. Discuss with your parish musician how the assembly may best participate in your wedding liturgy as well as his or her suggestions for suitable music selections.
- D. Suggested Resources for Music and Liturgy Preparation
1. *Celebrating Marriage - Preparing the Wedding Liturgy: A Workbook for Engaged Couples* by Paul Covino, 1994, Oregon Catholic Press – [www.ocp.org](http://www.ocp.org) This helpful resource contains suggestions for preparing the Liturgy for the Wedding, samples of music selections, sample prayers of intercession, suggested formats for Worship Aid, seating arrangement and much more.
  2. *Gift and Promise/Don Y Promesa-Customs and Traditions in Hispanic Rites of Marriage* prepared by the Instituto de Liturgia Hispana, 1997, Oregon Catholic Press [www.ocp.org](http://www.ocp.org)
  3. *Our Catholic Wedding-NHS-Video* from Liturgy Training Publications, Chicago, IL [www.ltp.org](http://www.ltp.org)
  4. *Planning the Catholic Wedding Ceremony, I Do and Beyond* by Rev. Charles, M. Wible., 2003, Cathedral Foundation Press, P.O. Box 777, Baltimore, MD 21230
  5. *Together for Life: A Preparation for Marriage and for the Ceremony* by Joseph M. Champlin, 1970, Ave Maria Press, Notre Dame, Indiana 46556. This booklet contains scripture readings, comments for couples and the texts for the Marriage Rite.
  6. *Together for Life: A Preparation for Marriage and for the Ceremony - Special Edition for Marriage Outside Mass* by Joseph M. Champlin, 1970, Ave Maria Press, Notre Dame, Indiana 46556. This booklet contains Scripture readings, comments for couples and the texts for the Marriage Rite.
  7. *United As One Volume I and II*, 1993, Oregon Catholic Press.
  8. *Handbook of Church Music for Weddings*, By Mary Beth Kunde-Anderson and David Anderson, 1992, LTP.

9. *When Love is Found: A Wedding Liturgy Preparation Resource for Couples, Music Ministers and Pastors.* By David Haas, 1993, GIA Publications Inc.
- F. Many of the Catholic music hymnals have suggestions for suitable songs for the Sacrament of Marriage. Ask the musician to play them for you. Read the texts yourselves and make decisions that will enhance the celebration of this sacrament for you and for all who participate. For further information on planning the Wedding Liturgy, contact Diocese of Austin Worship Office.

## Appendix XIII: Catechesis for Marriage

*Pastors of souls are obliged to see to it that their own ecclesial community furnishes the Christian faithful assistance so that the matrimonial state is maintained in the Christian spirit and makes progress toward perfection (c. 1063).*

### I. Background Statements

- A. Valid and meaningful reception of any sacrament requires preparation.
- B. Catechesis for sacramental marriage should begin in childhood.
  - 1. However, we can no longer assume that the teachings of the Church and the values that flow from these are being "caught" by Catholic youth.
  - 2. In addition, anti-Christian values are pervasive in the media and in the experience of most persons. Thus, those preparing for marriage are already deeply influenced by purely secular (and often negative) values.
- C. Complete preparation for the sacrament of marriage could be divided into a) remote preparation, b) proximate preparation, and c) immediate preparation. This manual confines itself to immediate preparation.

### II. The Ministers of Marriage Preparation

- A. See above (c. 1063). It is the "ecclesial community," under the guidance of the pastor, who should provide immediate marriage preparation.
- B. The following "key elements" should be communicated in both the instruction by the priest, deacon, and the lay ministers (sponsor couples, Engaged Encounter team members, etc.) involved in the marriage preparation process.
  - 1. However, it is the specific responsibility of the priest or deacon who witnesses the marriage to see that such catechesis is complete.

### III. Key Elements of Catechesis in Marriage Preparation

#### A. The context of marriage today, i.e. the reason the Church insists on lengthy marriage preparation (Paul VI, *Gaudium et Spes* (1965)<sup>3</sup>, Article 47)

1. Marriage as an institution is in transition and often under attack.
  - a. There are significant social changes in areas which affect marriage: longer life span, increased expectations for intimacy in marriage, improved status of women, negative economic realities, and lack of extended family support. Thus, lifelong marriage is more difficult and more preparation is needed, particularly for those persons with negative experiences of marriage in their family of origin.

#### B. Marriage as a covenant of irrevocable personal consent (GS 48)

1. The Church invites a couple to "a special kind of marrying," a covenant between two persons that is made for life. The Church sees this permanent commitment not just as an ideal, but as a sacred pledge that is made possible because, as Christians, we "marry in the Lord." That is, God is the author of matrimony, and thus "the existence of the sacred bond no longer depends on human decisions alone" (GS 48).
2. The marital covenant is patterned after God's covenant with each of us through Jesus. As such, it is a commitment to a particular person, fashioned according to the needs of that person. Unlike a contract, a covenant cannot be broken and its terms are open-ended. The demands of marriage will change as each person changes. Thus a covenant will require much humility and forgiveness — of self, of the other. Christ's unconditional love for us is the model for marital love. The grace of the Holy Spirit is always available to the prayerful couple, even in the most severe trials.

#### C. The promise to form an intimate partnership based on love, from which partnership new life flows (GS 48, 49)

1. In the documents on marriage since Vatican II, there is no mention of "primary and secondary ends" of marriage.
  - a. The natural ordering of marriage and conjugal love is procreation, so love and fruitfulness are two parts of a whole picture.

<sup>3</sup> Hereafter GS

- b. The promise one makes is to form a partnership that includes all of life, so that while the two become one flesh in love, there exists also a joyful openness to the gift of children.

D. The sacramentality of marriage (GS 48)

1. The two persons entering marriage are ministers of the sacrament to one another.
2. Marriage as a sacrament means that the couple, through their living of covenantal love, embodies (enfleshes) the love of Christ.
3. The particular call and vocation of a sacramentally married couple is to be a community of life and love, to be sacraments for one another, for their family, and also for others.
4. The family is thus "the domestic church."

E. Marriage as a journey of faithfulness for the whole of life (GS 48)

1. Marriage is a journey together as lifelong companions. The goals of marriage are unity and service, goals always in process, never finally achieved. The journey requires a continuing faithfulness of spirit, heart, and body, in which emotional intimacy always underlies true sexual intimacy.
2. Faithfulness means a commitment to the spouse, who is special and primary, while not excluding the other goods of life: children, church, friends, work, and recreation. Marriage is a continuing decision to behave lovingly toward one's spouse, to seek to know his or her needs and to share honestly one's own, and to honor and accept one another.
3. Such a journey requires change, growth, and development of persons and of the marriage. It requires that the couple involve themselves with others in the church community who are living the values and supporting the ideals of Christian marriage.
4. Staying married can also require special help from the Church and other Christian professionals when a couple is in trouble. Lifelong marriage today is difficult, and couples should seek help as needed to keep their marriage alive and growing. Skills and work in the areas of communication and conflict resolution are particularly important to a developing marriage.

- F. Call to responsible parenthood (GS 50, 51).
1. The couple's sexual relationship is very important to the marriage as a way of mutual self-giving and a more complete expression of one's love.
    - a. Church teaching holds that the sexual act must remain open to new life, that our bodies are temples of the Holy Spirit and cannot morally be altered or manipulated by artificial contraception.
      - i. Further, some contraceptives function some or most of the time after conception occurs and thus abort new life.
  2. How a couple plans a family is their decision in mutual dialogue and prayer. However, this decision must be made in light of the teachings of the Church and with as much information as possible about natural family planning, an effective form of family planning approved by the Church and respectful of the inherent goodness and wisdom of God's creativity. The Church's teaching in these matters is not always understood or accepted, but we ask couples to pray be open to new insights all as we seek to follow Christ.

## **Appendix XIV: Sexual Intimacy and Marital Life, Historical Development and Church Teaching**

- I. Sacred Scripture: Gn 2:24 (second account of Creation) "Two become one flesh" - Divine law; Gn 1:28 (first account of Creation) "Be fruitful and multiply." Beginning of the development of the indissoluble connection between the unitive and procreative aspects of marriage – Natural Law.
  
- II. Fourth Century, St. Augustine: Sex is only for procreation: if you don't want a child, abstain from sex.
  - A. He believed there was only one end to marriage: children.
  - B. Love of the couple was not mentioned an essential element of marriage.
  - C. Many marriages were arranged, and the woman had no rights in marriage. (Medicine at this time had no concept of the fertility cycle of the woman ... saw the sperm, had no idea about ovum.)
  - D. Hence, it was believed that man had everything necessary for procreation; the woman provided the environment for the baby to develop.
  
- III. Council of Trent (Session 24, 1563): Defined marriage as being for children (res et sacramentum).
  
- IV. French Revolution and the Industrial Revolution, 18th & 19th centuries:
  - A. Movement from an agricultural society to an industrial society
  - B. The size of families begins to shrink; no longer a need for a large number of children because of
    - 1. Fewer farms, less labor needed
    - 2. Fewer children dying young
  
- V. 1850s: Science determined the infertility cycle of the woman. This opened new questions in regard to procreation being the only end of marriage, since now it is known that nature provides infertile periods.
  
- VI. 1860s: Charles Goodyear develops vulcanized rubber in 1839 and, by the 1860s, rubber condoms are mass produced. Artificial contraception was widely available.

- VII. First encyclical (by Pope Leo, 1880) on Christian Marriage, *Arcanum* (Hidden Wisdom of God): Two primary teachings of the encyclical:
- A. The primary end of marriage is the begetting of children.
  - B. The secondary end of marriage is an indissoluble, faithful union.
    - 1. This secondary end was added in recognition that some women are infertile. Sex = "an act which, of itself is ordered toward procreation."
  - C. Responsible parenthood = to have only the number of children you can love, educate and support.
- VIII. 1920s: After World War I the divorce and separation rates began to grow. Medicine developed non-oral contraceptive devices (intrauterine) and sterilization surgery.
- IX. 1930 - Pope Pius XI issued the encyclical *Casti Connubii* (Chaste Wedlock) on 30th anniversary of *Arcanum*. It reiterated the teaching of *Arcanum* and condemned abortion, sterilization, and artificial contraception.
- X. 1930s and 1940s: Medical science developed rapidly in area of non-oral contraception and sterilization surgery. Science also began to understand the menstrual cycle of the woman and how it affected procreation.
- XI. Pope Pius XII's "Address to Midwives," 1951
- A. He called for periodic continence to balance the two ends of marriage: interpersonal rapport and generative role.
  - B. He approves the use of the Ogino-Knaus method of "regulating" - not "controlling" - procreation.
    - 1. Use of the menstrual cycle to determine ovulation (Rhythm Method) based on a 28-day cycle.
    - 2. Here the intention (motivation) of the couple will determine the morality of the act of having sex during infertile periods.
      - a. It is licit if it is to postpone children for moral reasons; it is illicit for immoral reasons.
- XII. 1952: Pope Pius XII condemned "*amplexus reservatus*" (interrupted sex).
- XIII. 1953: Oral contraceptive developed (hormonal pill).

- XIV. 1958: Pope Pius XII condemned sterilization as an anti-conception technique and birth control pills (anovulants) as a direct sterilization.
- XV. March 1963: Pope John XXIII establishes a commission to look at the issue of contraception because of the rapid development and use of artificial forms of contraceptives.
- XVI. 1965 - Publication of *Gaudium et Spes*, (Joy & Hope) 50-52. Defined marriage as "union of life and love, ordered toward the procreation and education of offspring."
- A. The sex act of marriage must respect the "unitive" and "procreative" significance of marriage; these two must be kept together in every act of marital sexual intimacy.
- XVII. April 1967: Pope Paul VI received the report of the special commission established by Pope John XXIII. Actually two reports were given: a majority report (some allowance for contraception) and a minority report (no allowance).
- XVIII. July 1968 - Pope Paul VI issued the encyclical, *Humanae Vitae* (Of Human Life), "On the Regulation of Birth."
- A. Part I
1. Married couple co-creates with God the gift of new life. It is a source of great joy and, at times, presents difficulties.
  2. Speaks of changes that have taken place recently that impact transmission of life. They are:
    - a. Increases in population
    - b. Working and housing conditions, economy as a whole,
    - c. Dignity of women, love they deserve in marriage and their valued place in society
    - d. Man's progress in dominating nature in trying to control body, mind, emotions, social aspects and transmission of life
  3. So-called Principle of Totality, where one views openness of transmitting life from perspective of totality of married years rather than each act of intercourse. Declared wrong.
  4. Because these issues deal with the Gospel and the natural law, the magisterium of the church must answer them.

B. Part II

1. The issue of regulation of births must be viewed from total human life (physical, emotional, spiritual, and social), not just sexual.
2. Marriage is a sacrament.
  - a. God unites man and woman in an indissoluble bond of faithful love whereby couple co-creates with God the gift of new life.
  - b. Conjugal love is first significance of marriage (does not speak of 'ends') with all other aspects of marriage (including children) stemming from conjugal love.
3. Elements of marital love:
  - a. Fully human (not just emotional), an act of the free will
  - b. Total (complete sharing of the couple)
  - c. Faithful and exclusive
  - d. Creative of life (open to children)
4. Responsible Parenthood: Stay faithful to God in how live marriage. Recognize duties to God, couple themselves, family and human society.
5. Calls sexual activity "honorable and good." Use laws of nature to regulate births but must not impair sex's natural capacity to procreate new life (only natural means).
6. Reaffirms the absolute connectedness of the unitive and procreative significance of marriage.
7. Must be faithful to God's design that acts of sexual intimacy cannot be separated from openness to procreation.
  - a. This is in respect of the laws of nature. Just as man does not have unlimited dominion over his body in general, he does not have it over his sexual faculties.

8. Unlawful ways of regulating life:
  - a. Abortion
  - b. Sterilization (permanent or temporary).

Can't call contraceptive intercourse a lesser moral evil. It is never morally lawful to do an evil that good may come of it. Condemns the 'practice' not 'users' of artificial contraception.
9. Medical treatments permissible for curing diseases even if they reduce fertility, as long as infertility is not directly intended.
10. Lawful recourse to the infertile period for sexual intimacy when a couple wants to reasonably space births of their children. Unlawful if the couple uses means that directly exclude conception.
11. Grave consequences of artificial birth control
  - a. Marital infidelity (weakens the moral standard)
  - b. Reverence due a woman
  - c. Public authorities impose birth control
12. The Church must preserve the true human values: Protect the whole moral law, both natural and evangelical. The Church did not invent these – it is only the guardian and interpreter.

C: Part III

1. The Church understands the struggles of human life and must teach the greatest values.
2. Though teachings may be difficult, people are called to follow the divine law.
3. Couples are to recognize the blessing of family life and how they must use reason and free will to be sexually responsible. Periodic continence is a self-discipline that has a salutary effect:
  - a. Helps husband and wife develop full personalities and spiritual blessings
  - b. Brings family life tranquility and peace
  - c. Helps solve difficulties of other kinds

- d. Fosters in couples thoughtfulness and loving consideration
- e. Helps repel excessive self-love
- f. Arouses a consciousness of their responsibilities
- g. Confers on parents more effective influence in the education of their children

D. Appeals

- 1. Teachers and Media
- 2. Governments
- 3. Sciences
- 4. Husbands and Wives (visible sign of the holiness of God)
- 5. Family Apostolate
- 6. Physicians and Nurses
- 7. Priests
- 8. Compassion for those who can't live up to the Church's value
- 9. Bishops
- 10. Final Appeal to all to strive to follow the law of Christ

E. Value of Natural Means of Regulating Births

- 1. Respects God's law and desire for couple in marriage
- 2. Eliminates worries regarding abortion (some pills are abortifacients)
- 3. Has no physical risks (especially for the woman)
- 4. Encourages increased marital communication
- 5. Allows for other forms of marital intimacy
- 6. Counteracts the contraceptive attitude, which can lead to degradation of sex act and could lead to sex outside of marriage and lowering of moral standards
- 7. Can be taught in poor countries where artificial forms are hard to procure

- XIX. 1970s,1980s: Scientific development of Natural Family Planning.
- A. Very effective means of regulating births through use of the natural cycle of the woman.
  - B. When used properly, more effective than forms of artificial contraception (except sterilization).
  - C. Uses daily observation of changes in the woman's body to identify fertile period (ovulation).
  - D. Three main forms of NFP are Creighton Method, Billings Method and the Sympto-thermal Method. They address cervical mucus, cervical placement and temperature.
- XX. 1981 – St. John Paul II, Apostolic Exhortation, *Familiaris Consortio*:
- A. Affirms *Humanae Vitae*
  - B. Calls for support of "domestic church" (family)
  - C. Calls parents "ministers" of the Church in the caring for children
  - D. Calls for Natural Family Planning as means to be responsible parents (use of ovulation methods, not menstruation, in determining fertile period of woman)
- XXI. 1979-1984 St. John Paul II's Theology of the Body.
- XXII. 1995 - Encyclical Letter of St. John Paul II, *Evangelium Vitae* (The Gospel of Life).
- XXIII. 2016 – Post-Synodal Apostolic Exhortation of Pope Francis, *Amoris Lætitia* (The Joy of Love).

## Appendix XV: Parental Evaluation Session for Parents of Teenagers

- I. Upon initial contact with the parents, the priest should explain to them that he is truly concerned about the welfare and marriage plans of the couple. To help him in working with the couple to facilitate a prudent decision concerning marriage, he needs some information concerning the couple from the parents, who know their son or daughter best.
- II. After the above initial introductory comments, the priest or deacon then explains to the parents that one of the ways to get a good overall picture of the situation from their point of view is by their filling out a brief questionnaire on their own feelings concerning the marriage and their perception of the couple's plans for marriage. (See the following page for the questionnaire.)
- III. After answering any questions the parents may have concerning the questionnaire, the priest or deacon gives them the questionnaire to be filled out. Each should fill out a questionnaire independently, without any discussion between them. This should take approximately fifteen (15) minutes.
- IV. When the parents have finished filling out the questionnaire, the priest or deacon should discuss their answers with them for the remainder of the session. Special attention should be paid to:
  - A. The parents' attitudes toward marriage itself
  - B. The parents' attitudes toward their son's or daughter's readiness for marriage
  - C. The parents' attitudes toward their future son-in-law's or daughter-in-law's readiness for marriage
- V. At the conclusion of the session, the priest or deacon should thank the parents for meeting with him. He should then explain that the next step will be for him to meet with the couple to discuss further their plans for marriage, given the input from the parents and the data received in the pre-marital inventory.

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Pastoral Marriage Preparation, Wisconsin  
Catholic Conference*

## **Appendix XVI: Questionnaire for Parents of Teenagers Who Intend to Marry**

As a parent you know much about your son's or daughter's interests, abilities, and feelings. To what degree do you think that he/she has the following qualities?

Please circle the appropriate answer.

1. The ability to provide for the material needs of a family.  
HIGH          MEDIUM          LOW
2. The ability to establish lasting relationships with others.  
HIGH          MEDIUM          LOW
3. The ability to give up certain personal pleasures in order to help other persons.  
HIGH          MEDIUM          LOW
4. The ability to work out a household budget and stick to it.  
HIGH          MEDIUM          LOW
5. The ability to forgive mistakes and re-establish a relationship after a serious disagreement.  
HIGH          MEDIUM          LOW
6. A personal religious conviction.  
HIGH          MEDIUM          LOW
7. Respect for the religious convictions of other people.  
HIGH          MEDIUM          LOW
8. A readiness to observe the major commandments of the church to which he/she belongs.  
HIGH          MEDIUM          LOW
9. A readiness to forgo playing time with friends in order to help at home with chores of household or business.  
HIGH          MEDIUM          LOW

Please respond to the following questions as honestly as you can and circle the appropriate answer.

10. How would you characterize your son/daughter's general behavior at home?

VERY COOPERATIVE      COOPERATIVE      POOR

11. What do you think of your child's attitude toward his/her father in general?

VERY COOPERATIVE      COOPERATIVE      POOR

12. How would you describe your child's attitude toward his/her mother?

VERY COOPERATIVE      COOPERATIVE      POOR

13. How would you describe your child's attitude toward his/her sisters?

VERY COOPERATIVE      COOPERATIVE      POOR

14. How would you describe your child's attitude toward his/her brothers?

VERY COOPERATIVE      COOPERATIVE      POOR

15. Does your son/daughter get angry easily?

YES      NO      UNCERTAIN

16. Does he/she have many close friends?

YES      NO      UNCERTAIN

17. Does your child seem to adapt easily to new situations?

YES      NO      UNCERTAIN

18. Did he/she do reasonably well in school?

YES      NO      UNCERTAIN

19. Does his/her anger usually last a long time?

YES      NO      UNCERTAIN

20. Does your child make serious efforts to find a job?

YES      NO      UNCERTAIN

21. Does he/she seem to find it difficult to make up after a disagreement?  
YES NO UNCERTAIN
22. Do you think that it will be advisable for him/her to leave home at this time?  
YES NO UNCERTAIN
23. Does your child really seem to miss a close friend when the friend moves away?  
YES NO UNCERTAIN
24. Do you think that he/she has a really good understanding of the meaning of a lifetime commitment of marriage?  
YES NO UNCERTAIN
25. Does he/she seem to find it easy to hold a job for a long time?  
YES NO UNCERTAIN
26. Does he/she seem to find it easy to establish new friendships?  
YES NO UNCERTAIN
27. Does he/she seem to find it difficult to leave home?  
YES NO UNCERTAIN
28. Do you think the person your son/daughter plans to marry is the right person for him/her?  
YES NO UNCERTAIN
29. Does your son/daughter object to going to Mass on Sundays?  
YES NO UNCERTAIN
30. Do you think that your new son-/daughter-in-law will feel really at home with your family?  
YES NO UNCERTAIN
31. Do you encourage the marriage of your son/daughter at the present time?  
YES NO UNCERTAIN
32. Does your child seem to be rather dependent on his/her mother/father?  
YES NO UNCERTAIN
33. Do you think that he/she is able to take care of a wife/husband (and children)?  
YES NO UNCERTAIN
34. Do you think the person your child plans to marry is ready for marriage?  
YES NO UNCERTAIN

35. Would you rather see your son/daughter marry someone else?

YES            NO            UNCERTAIN

(if applicable)

36. Do you think that they would have planned to marry soon if the girl were not pregnant?

YES            NO            UNCERTAIN

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## Appendix XVII: Cohabitation and the Sacrament of Marriage

Many of the couples who come for marriage preparation in the Catholic Church are in a cohabitating relationship. Cohabitation means living together in a sexual relationship without marriage. Living together in this way involves varying degrees of physical and emotional interaction.

Couples who live together before marriage actually face a higher risk of divorce than those who do not – up to 85% higher (Kline et al., 2004; Bumpass & Sweet, 1995; Hall & Zhao, 1995; Bracher, Santow, Morgan & Russell, 1993; DeMaris & Rao, 1992). There are a number of reasons for this. Research from the Center for Marital and Family Studies at the University of Denver (Stanley et al., 2004) indicates that individuals who live together before marriage often get caught up in a sort of “relationship inertia” in which getting married is just the next logical thing to do. They are less likely to make a conscious, intentional decision to commit to their partner for life. Some may even feel pressure to marry or face the end of the relationship. There is also some evidence that cohabiting couples do not view their relationship the same way that married couples do. Women tend to perceive cohabitation as a step before marriage; men are more likely to see cohabitation as a step before making a commitment.

The following pastoral suggestions are offered to priests, deacons, and pastoral ministers who prepare couples for marriage. They are intended to provide general guidance only since each couple’s pastoral needs and circumstances are unique.

In *Familiaris Consortio*, Pope John Paul II stated that cohabitation, “presents the Church with arduous pastoral problems, by the reason of the serious consequences deriving from them, both religious and moral...and social...The pastors and the ecclesial community should take care to become acquainted with such situations and their actual causes, case by case. They should make tactful and respectful contact with the couples concerned and enlighten them patiently, correct them charitably and show them the witness of Christian family life in such a way as to smooth the path for them to regularize their situation” (381).

### I. Guidelines for Working with Cohabiting Couples

#### A. Two extremes that need to be avoided

1. Immediately confronting the couple and condemning their behavior
2. Ignoring the cohabitation aspect of the relationship.

Cohabitation should be discussed early in the marriage preparation process. However, there should be a clear indication that the couple is cohabitating. Some tip-offs are: giving the same address or phone number, comments of parents or friends, or a shared checking account. Some pre-marital inventory programs can assist in identifying cohabitation in that they now include discussion questions for cohabitating couples.

B. Objectives in doing marriage preparation with cohabitating couples

1. The goal of all marriage preparation is the same and that is to create a clear awareness of the essential characteristics of Christian marriage: unity; fidelity; indissolubility; fruitfulness; the priority of the sacramental grace that unites couples to the love of Christ; and the willingness to carry out the mission proper to families in the educational, social, and ecclesial areas.
2. Pastors or their delegates invite the couple to reflect on their experience of living together and its implications for sacramental marriage. The following questions from the FOCCUS instrument may be helpful:
  - a. Why did you originally choose to live together? How does the commitment you wish to make now differ from that which you made when you decided to cohabit?
  - b. How do your family and community feel about your living together? How do these feelings affect you?
  - c. What are the reasons for wanting to marry at this time? Is there any reluctance to marry? Is pressure from family or around children a major reason for marrying now?
  - d. What have you learned from your experience of living together?
  - e. How do you expect your relationship to grow and change in the future? Does either of you expect marriage to be free from times of discontent?
  - f. Why do you want to marry in the Catholic Church at this time? Do you understand the concerns that the Church has had about your cohabitation situation?
  - g. What does marriage and sacrament mean to you?
  - h. What do you think will be the largest barriers to a lifelong marriage for you? How do you think you will be especially changed by the vow of faithfulness?

C. Distinctions made among cohabitating couples

1. Couples who have seriously planned for marriage, and who have decided to live together for practical reasons such as finances:

1. The pastoral ministry can focus on their understanding of the meaning of sacrament and the commitment to permanence.
2. Couples whose cohabitation seems more casual, and for whom no previous commitment seems to have been made:
  - A. In addition to the treatment of commitment and sacrament, special attention is given to overall readiness for marriage and for permanent lifetime commitment.
3. Couples whose reasons for seeking marriage are more for the sake of appearance, to accommodate social or family needs, little evidence is presented to indicate either spiritual or psychosocial maturity for marriage:
  - A. A postponement of further marriage preparation, at least at this time, can be considered.

D. The decision to separate prior to the marriage

1. Many diocesan marriage preparation policies suggest that pastoral ministers encourage cohabitating couples to separate.
  - a. Even if the couple chooses not to separate, they can be encouraged to live chastely before marriage. “They should see in this time of testing a discovery of mutual respect, an apprenticeship in fidelity and the hope of receiving one another from God” (CCC 2350).
  - b. The priest or delegate asks the couple to consider chastity and separate living, giving the couple time to reflect on their decision to marry.
2. Some couples are not normally asked to separate, i.e., those with children or those experiencing financial problems. A change in living arrangements can pose practical problems.

E. Denying or delaying the marriage

1. Cohabitation is not in itself a canonical impediment to marriage; therefore, the couple may not be refused the marriage solely on the basis of cohabitation.
  - a. Marriage preparation may continue even if the couple refuses to separate. Pastoral ministers can be assured that to assist couples in regularizing their situation is not to approve cohabitation.

2. Postponement of the wedding might be in order. In these cases additional time might be needed to address the issues raised by cohabitation.
  - a. This additional time may be used to evaluate the couple's attitudes and understanding of the Church's teachings on marriage and sexuality.
3. Since couples have the natural and canonical right to marriage, any delay beyond the normal waiting period for all couples is a serious matter.
  - a. Care must be taken to ensure that delay is not used as a punishment for a couple's continued cohabitation.

F. Celebrating the sacrament of reconciliation

Celebration of the sacrament of reconciliation is properly encouraged as part of marriage preparation for the Catholic parties. It is appropriate for the couple to prepare themselves for marriage by celebrating reconciliation. However, absolute moral rectitude is not demanded for sacraments to be celebrated.

G. The Wedding ceremony

1. The Code of Canon Law gives no special consideration for marriages of cohabitating couples.
  - a. The general norm states that the pastor and the ecclesial community are to see that the couple has a "fruitful liturgical celebration of marriage clarifying that the spouses signify and share in the mystery of unity and of fruitful love that exists between Christ and the Church" (c.1063, § 3).
  - b. The Catechism states, "Since marriage establishes the couple in a public state of life in the Church, it is fitting that its celebration be public, in the framework of a liturgical celebration, before the priest or a witness authorized by the Church, the witnesses, and the assembly of the faithful" (1663).
2. A pastoral concern is that a simple celebration hinders the couple's ability to understand the communal dimensions of the sacrament. Having a wedding with only the immediate family and witnesses simply underscores their impression that marriage is a private event.

3. Marriage preparation for cohabitating couples should not begin with or be based upon a decision about the kind and size of the wedding ceremony that will be allowed.

#### H. Conclusion

When cohabitating couples approach the church for marriage, pastoral ministers need to recognize that this a teachable moment. Here is a unique opportunity to help couples understand the Catholic vision of marriage. By supporting the couple's plans for the future rather than chastising them for the past, the pastoral minister can draw the couple more deeply into the church community and the practice of their faith. Treated with sensitivity and respect, couples can be helped to understand and live the vocation of Christian marriage.

## Appendix XVIII: Bibliography

Available from USCCB 1-800-235-8722 ([www.nccbuscc.org](http://www.nccbuscc.org))

Faithful to Each Other Forever: A Catholic Handbook of Pastoral Help for Marriage Preparation

On the Family (Familiaris Consortio)

Sons & Daughters of Light: A Pastoral Plan for Ministry with Young Adults

### Available through the Internet

"Marriage Preparation and Cohabiting Couples: An Information Report on New Realities and Pastoral Practices"  
[www.nccbuscc.org/laity/marriage/cohabiting.htm](http://www.nccbuscc.org/laity/marriage/cohabiting.htm)

"Matrimony and the New Evangelization Preparation for the Sacrament of Marriage"  
[www.vatican.va/roma](http://www.vatican.va/roma)

The National Marriage Project (732) 932-2722. [marriage.rutgers.edu](http://marriage.rutgers.edu)

The State of Our Unions: The Social Health of Marriage in America  
[www.marriagepreparation.com](http://www.marriagepreparation.com)

Should We Live Together: What Young Adults Need to Know about Cohabitation before Marriage  
[www.marriagepreparation.com](http://www.marriagepreparation.com)

Sponsor Couple Program, For Better and For Ever, Father Robert Ruhnke  
[www.marriagepreparation.com](http://www.marriagepreparation.com)

### Available from other sources

Preparing Cohabiting: Couples for Marriage, (A 60-Minute Video with Study Guide)  
Sr. Barbara Markey  
FOCCUS, Inc.  
Family Life Office  
3214 North 60th Street  
Omaha, NE 68104  
(402) 551-9003 Fax (402) 551-3050

Living Together & Christian Commitment (Includes booklet for cohabiting couples, booklet for marriage preparation ministers, and audiotape.)

Dr. James Healy. Center for Family Ministry

402 S. Independence Blvd.

Romeoville, IL 60446-2264

(815) 838-5334 Fax: (815) 834-4045

Unitas: Preparing for Sacramental Marriage. Couple's Workbook and Leader's Guide

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