



# MARRIAGE POLICY

Diocese of Great Falls-Billings

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## **VISION STATEMENT**

In the sacrament of Christian Marriage, God calls couples to be a sign of enduring love for the community of faith and for the world; therefore we have developed this policy to assist those who are preparing couples for marriage.

Christian marriage has three essential qualities: permanence, faithfulness, and openness to life. The New Testament affirms marriage as a prophetic symbol of God's faithful love. In Ephesians 5:21-33, the marriage relationship is described in terms of a covenant in which mutual submission, love, and care are essential qualities to that relationship. This vision of Christian marriage was reaffirmed by the Second Vatican Council when the nature of the marriage relationship was described as an intimate partnership of life and love for the couple.

This Marriage Preparation Policy grows out of a profound concern for the couple to be married, for the sacrament of Christian marriage, and for the good of society. The purpose of this policy is both to affirm the couple who comes for preparation and also to challenge them to grow in their relationship, their spirituality, and their faith.

## **OBJECTIVES OF MARRIAGE PREPARATION**

1. To support couples in their efforts to prepare for healthy and holy married and family lives.
2. To help couples deepen their understanding of the nature of marriage as a sacred union in the order of creation and as a sacrament in the new covenant of grace.
3. To assist couples in understanding the need for the development of their life of faith.
4. To aid couples in discovering their strengths and growth areas.
5. To share with couples the normal struggles involved in growing together sexually, leading them to an awareness of: a) their sexual activity as expressions of love in the creation of life; and deepening the marital commitment; b) the morally acceptable means of spacing the birth of children in accord with Church teaching, that is, the various and effective methods of Natural Family Planning; and c) the morally unacceptable use of contraceptives and related characteristics of a "contraceptive mentality" prevalent in today's society.
6. To assist couples in developing their interpersonal communication skills.
7. To strengthen ties between couples and the Church, or in some situations where there are no ties, to build bridges.



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8. To create among engaged couples a sense that people of faith are interested in them, thereby encouraging them to take an active part in the life of the Church.
9. To detect any prospective serious problems which might sabotage and eventually destroy a couple's relationship and, when appropriate, to encourage couples to seek professional or other assistance in the resolution of these issues.
10. To help couples in the planning of a liturgical celebration. (cf. Appendix C)

### **MARRIAGE NORMS**

Every baptized Catholic, who is free to marry and mature enough to accept the obligations of marriage has a right to marry in the Church. Anyone who has been baptized a Catholic and has not formally rejected the Church is required to observe the laws of the Church regarding the Catholic form of marriage.

Canon 1063 of the 1983 Code of Canon Law states:

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 a Christian spirit and makes progress toward perfection. This assistance is especially to be furnished through:

- 1° preaching, catechesis adapted to minors, youths and adults, and even the use of the media of social communications so that through these means the Christian faithful may be instructed concerning the meaning of Christian marriage and the duty of Christian spouses and parents;
- 2° personal preparation for entering marriage so that through such preparation the parties may be predisposed toward the holiness and duties of their new state;
- 3° a fruitful liturgical celebration of marriage clarifying that the spouses signify and share in that mystery of unity and of fruitful love that exists between Christ and the Church;
- 4° assistance furnished to those already married so that, while faithfully maintaining and protecting the conjugal covenant, they may day by day come to lead holier and fuller lives in their families.



## I. LENGTH OF PREPARATION FOR MARRIAGE

Normally a couple begins the marriage preparation process six (6) months prior to their wedding date, with formal preparation normally completed by the couple thirty (30) days prior to the date of the wedding celebration. For serious pastoral reasons, the pastor may reduce the preparation time to a minimum of 4 months. Any reduction beyond 4 months must be approved by the Bishop. In special cases, it may be necessary to extend the period of preparation. (cf. Section V)

## II. ROLE OF THE ECCLESIAL COMMUNITY

1. Pastors are encouraged to promote programs in which married couples help engaged couples as part of their marriage preparation.
2. The priest witnessing the marriage must ensure that the preparation of the couple has taken place and the prenuptial investigation has been completed. (cf. Canon 1114 and Appendix A: Guidelines on the Prenuptial Investigation)
3. If someone other than the priest who is to witness the marriage has conducted the pre-marital preparation and investigation, that person(s) is to notify the priest witnessing the marriage of the results as soon as possible in writing. (c. 1070)
3. The priest witnessing the marriage is neither the pastor nor the parochial vicar of the parish in which the wedding takes place, he must be delegated by the pastor or parochial vicar of the parish. This delegation is required for the marriage to be valid. (c. 1111 §2)

## III. THE DISCERNMENT PROCESS

The discernment process is for the purpose of assisting the couple to prepare for a sacramental marriage and includes the following:

1. Initial interview with the priest/deacon/pastoral minister and with the explanation of the purpose and goals of the policies for marriage appropriate to the couple.
2. Administration, evaluation, and feedback of an established (standard) pre-marital inventory. (i.e. FOCCUS, REFOCCUS)



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3. Participation in a formal marriage preparation program such as Engaged Encounter or a parish preparation program. The program should include sharing on the sacraments, theology, vocation and covenant relationship of marriage, appropriate subsequent instruction and dialogue regarding individual, couple and family spirituality, the Church's teaching on natural family planning, as well as interfaith instruction when couples are preparing for an ecumenical marriage.
4. In addition to the programming noted above (3), whenever and wherever possible, engaged couples are to be introduced to Natural Family Planning in the light of the matrimonial covenant and the sacramentality of marriage. (NFP training itself is available through local instructors and on-line.)
5. Although the announcement of marriage banns are no longer mandated by canon law, a public announcement/recognition of those who are preparing to receive the sacrament of marriage would be appropriate and is encouraged.
6. Completion of the necessary diocesan pre-nuptial forms with the priest/deacon/pastoral minister. (cf. Appendix A: Guidelines on the Pre-Nuptial Investigation)
7. Liturgical preparation for the wedding. (cf. Appendix C)
8. For special cases, refer to Section V.

#### IV. **PROCESS FOR DELAY IN MARRIAGE**

If serious difficulties become evident during the course of marriage preparation, a couple may decide or the pastor may recommend to the couple that the proposed marriage should be postponed. Canon 1077 (1) states: In a special case the local ordinary can prohibit marriage for his own subjects residing anywhere and for all actually present in his own territory but only for a time, for a grave cause, and for as long as the cause continues. A serious cause for delaying a marriage includes:

1. Non-practice of the Catholic Faith by the Catholic party (parties) with no intention of returning to the practice of the faith;
2. Substantial lack of appreciation of the spiritual and sacramental aspects of marriage;



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3. Substantial evidence of the lack of readiness for marriage due to age, some external pressure, immaturity, or instability (e.g., emotional illness, inability to hold a job, etc.).
4. Refusal of both parties to take part in the Marriage Preparation program or to participate in a pre-marital assessment, evaluation or counseling as deemed necessary for the proper preparation for the reception of the sacrament.
5. Lack of time for sufficient pre-marriage assessment, evaluation, and counseling.
6. Lack of fulfillment of obligations toward a former spouse or toward children born of that union. (c 1071 3°)

In these cases, the pastor must make known such a decision to the couple as soon as possible after the initial interview. At the same time, he must notify the Bishop, in writing, of his decision. The couple is to be informed that they have the right to appeal the priest's decision to the Bishop.

The decision to delay requires that assistance be given to the couple in order that the reasons for the delay may be alleviated. If necessary, appropriate counseling is to be recommended should the marriage plans terminate.

### V. SPECIAL CASES

#### A. ECUMENICAL AND INTERFAITH MARRIAGE

1. The Pastor may permit couples to prepare for marriage through programs and counseling done at a non-Catholic Church. Duplication of efforts is to be avoided in fulfilling the requirements of the Catholic Church, but the Catholic pastor must ensure that couples are instructed about Catholic teaching regarding the sacramentality of marriage; marriage as a covenant; and the essential qualities of marriage: permanence, faithfulness, and openness to life.
2. In order for the appropriate permission or dispensation to be granted, a Catholic who wishes to enter a marriage with a baptized non-Catholic or a non-baptized person, must be instructed about his/her obligation to do all in his/her power to remove dangers of falling away from the faith and to do all in his/her power to have all the children baptized and brought up in the Catholic Church. The Catholic must agree to these "promises" orally or in writing; and the non-Catholic is to be informed of these promises and the obligations of the Catholic spouse.



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3. At times circumstances may dictate that a dispensation from the canonical form of marriage would be appropriate. These would include:
  - The need to avoid family alienation
  - To recognize significant relationship/friendship with non-Catholic Minister
  - To permit marriage in a church or other place of particular importance to the non-Catholic.
4. To request a dispensation from Canonical Form see Appendix A (F).

### **B. REMARRIAGE**

1. All persons bound by a previous bond of marriage are not free to contract a Catholic marriage before the invalidity or dissolution of the previous bond has been established lawfully and with certainty. All potential marriage cases should be referred to the Tribunal.
  - a) Informal or documentary cases, which in most instances involve a lack of canonical form or a previous bond case, usually take up to one month to process after the Tribunal has received the completed forms and proper documentation. Forms can be downloaded from the diocesan website or obtained from the Tribunal. A suggested tax-deductible contribution for documentary cases is \$150. A person's ability or inability to pay the fee has no bearing upon the outcome of the case.
  - b) Formal petitions for a declaration of invalidity must be submitted to the Tribunal with the assistance of someone trained in Tribunal practice. These cases usually involve from 8 to 15 months before completion. Petition packets may be downloaded from the diocesan website or requested from the Tribunal. Applicants are charged a filing fee of \$25 when the case is submitted, and a suggested tax-deductible contribution of \$1000 on completion—the latter being half of the actual cost of processing a case. Petitioners may request to donate a lesser amount, make payments of their own choosing, or ask for a total waiver. A person's ability or inability to pay the fee has no bearing upon the outcome of the case.
  - c) Instructions and forms for Favor of the Faith and Pauline Privilege cases are available on-line or from the Tribunal. Suggested tax-deductible donations for Rome cases are \$500 (\$440 is sent to Rome) and for Pauline cases \$350.



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- d) A couple is not free to set a date for a future marriage in the Church until they have received final notification of a declaration of invalidity. Any restrictions or other conditions must be fulfilled before a date for marriage is set.
  - e) Only persons who have completed the Training Program sponsored by the Tribunal may officially serve to assist those seeking declarations of invalidity.
  - f) Contact the Tribunal before proceeding with the marriage of an Eastern Rite Catholic.
2. The preparation for remarriage should follow the time lines of Section I under Marriage Norms and also include the following:
- a) addressing grief issues and closure of first marriage,
  - b) counseling relative to any prohibition for remarriage specified on the declaration of invalidity,
  - c) step-parenting and blended family issues where appropriate including ensuring that the fulfillment of obligations toward former spouse or toward children of the previous union are being met.

### **C. VALIDATION OF MARRIAGE**

The two types of convalidation of a marriage are 1) renewal of consent or 2) radical sanation (canons 1156-1165).

#### CONVALIDATION

*Canon 1160 requires for the convalidation of a marriage invalid because of a defect of form that the marriage be contracted anew according to the canonical form. An act of consent that is both materially and formally distinct from the original consent can only be a new act of the will. It is highly unlikely, if not psychologically impossible, that a person will elicit such a new act of the will unless he or she is aware that the marriage may be invalid. Since neither ignorance nor error prevents invalidating laws from having their effect (c.15§1), many non-Catholics in invalid marriages with Catholics and non-practicing or ill-informed Catholics do not in fact, and perhaps cannot, effect the simple convalidation of their marriages. If that is the situation then a radical sanation is recommended.*

1. The preparation for a validation should normally follow the time line of section I under Marriage Norms.





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2. Couples who are already married outside the Church must participate in one or more of the following:

- a) an approved pre-marriage program,
- b) an approved marriage enrichment program,
- c) marital counseling and evaluation.

### RADICAL SANATION

*A Sanatio in Radice is a canonical procedure to recognize a naturally valid consent as also valid in the canonical forum. It is a pastoral tool to assist persons married without the canonical form of marriage to return to the sacraments by recognizing the validity of their marital consent, without having to have it renewed according to the required canonical form. It is granted by the bishop or his delegate. The application and required documentation are to be sent to the Tribunal. Sanatio petition forms are available on the diocesan website. The following four conditions must be present in order for the sanatio to be granted.*

1. The couple must now be free to marry. This is true even if previously they were not free to marry (i.e., one had been married before, but now the former spouse has died or that marriage has been annulled or dissolved by the Church).
2. One party to the marriage must be absolutely unwilling to express a new marital consent in the proper canonical form; and/or, one or both parties does not recognize the present marriage as invalid and therefore requiring a new consent for its validity (i.e., they believe they are in a valid marriage but they need the blessing of the Church to receive the sacraments).
3. It must be clear (even if only from the fact of continued marital life) that they did consent to marriage when they first began this marital union, and that this consent continues to this day.
4. A pastoral reason should be evident for the granting of the sanatio, in the judgment of the priest/advocate who presents the case.

### D. ETHNIC AND RACIAL DIFFERENCES

Appropriate attention and consideration should be given to the couple entering into a marriage where ethnic and racial differences exist.





## **E. NEWLY MARRIED**

The parish is encouraged to have a program of outreach to couples married up to five (5) years. Canon 1063 4° states:

Can. 1063 - Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection. This assistance must be offered especially by:

- 4° help offered to those who are married, so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family.

## **F. PERSONS WITH DISABILITIES**

When a person with mental, social, physical, or emotional disabilities request marriage, appropriate sensitivity must be shown to their situation, their right to marry, and their ability to carry out the responsibilities of marriage.

## **G. OLDER COUPLES**

Older persons requesting marriage should proceed through the marriage preparation process of this policy as adapted to their specific situation. (cf. Section B-2)

## **H. COHABITATION**

(cf. Appendix B: Cohabitation)

## **I. PREGNANCY**

1. When the fact of pregnancy is a factor in the decision to marry, caution should be used and serious consideration be given to delay marriage until after the birth of the child and ideally after an appropriate evaluation. In preparation for marriage, when there is a pregnancy, the age and maturity of the couple needs to be considered, as well as the timing of the couple's decision to marry. Particular attention should also be paid to parental and familial pressures and concerns.



2. When a teenager is pregnant and wants to get married, professional counseling is strongly recommended for the couple before the marriage can take place.

### **J. TEENAGE MARRIAGES**

The situation of the teenage couple provides special challenges. The Church requires permission from the Bishop if the parents are reasonably opposed to the marriage of an individual under 18. State law requires judicial permission for those under 18.

Statistics indicate a disproportionately high rate of divorce when couples marry prior to age 20, especially when pregnancy is involved. Thus, when either party is younger than 20, careful pre-marital counseling is necessary.

In addition to the usual pre-marital preparation, when either of the parties is under age 20, the pastor is to take special care to ensure the maturity of each individual, and of the couple and their readiness to marry. The couple must understand they are committing themselves to each other for the rest of their lives. Realistically, it may be necessary to encourage the couple to wait a few years before entering marriage in the Church.

Pregnancy cannot be the primary reason for marrying.

The six month preparation period will not be shortened when either or both parties is younger than 20, and a longer preparation period is recommended.

### **K. HEALTH**

1. Care is taken to inquire into the use or abuse of chemicals such as alcohol and drugs or the presence of other addictions in individuals requesting marriage.
2. When there is reasonable evidence of an active chemically dependent person, marriage does 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.
3. If the assessment indicates treatment is required, a decision to delay marriage is implemented.



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4. If one of the individuals requesting marriage should possess a physical disability or suffer from a physical illness which could seriously affect the marital relationship, both parties are encouraged to seek professional counseling concerning all the ramifications of the impairment.

### **L. HISTORY OF PSYCHOLOGICAL OR EMOTIONAL PROBLEMS**

Where there is a history of psychological or emotional difficulties in one or both parties, marriage preparation should include a professional evaluation regarding the parties' ability to marry.

### **M. ABSENT PARTNERS/MILITARY COUPLES**

1. When these couples request marriage the pastor should assist them in marriage preparation and/or refer them to appropriate help in their respective locations. The couple should have at least one meeting with the pastor who assists them in marriage preparation, helping them to find adequate programs or counseling in their respective location. Frequently other dioceses offer an introduction to NFP; where this is possible, it is highly recommended. An Engaged Encounter is a viable option for couples who are unable to be together for an extended parish preparation program. On-line classes are available through *Catholic Marriage Preparation, Inc.* based in Colorado. ([www.CatholicMarriagePrep.com](http://www.CatholicMarriagePrep.com) 719-471-9702 or toll-free 1-866-425-7193)
2. The priest or deacon witnessing the marriage must have knowledge that the couple has completed a marriage preparation program prior to the wedding.

### **N. COURTSHIP VIOLENCE AND FAMILY VIOLENCE**

When there is reasonable evidence of physical, sexual, or psychological violence, marriage shall not take place until a professional evaluation is obtained and an assessment can confirm that sufficient discretion and the capability of assuming the essential obligations of matrimony are present.

### **O. MARRIAGE LITURGY**

The pastor assists the couple in understanding various options and choices approved by the diocese regarding music, readings, and ritual of the Catholic Church in accordance with the Diocesan guidelines that help the couple understand that the Catholic marriage liturgy is inclusive, involving the whole assembly, and should reflect good liturgical practices. (cf. Appendix C)



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### **P. CELEBRATION OF A MARRIAGE OUTSIDE A PARISH CHURCH**

1. The celebration of sacramental graced moments in the life of the Christian community **should ordinarily take place in the parish church**. Baptisms, marriages, the sacrament of confirmation, are examples of the critical moments in the life of the Christian community that call for a celebration with the Christian community in the parish church setting.
2. Canon 1118 states:
  - §1. 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 the pastor.
  - §2. The local ordinary can permit marriage to be celebrated in some other suitable place.
  - §3. Marriage between a Catholic party and a non-baptized party can be celebrated in a church or another suitable place.
3. Particular Law for the Diocese of Great Falls-Billings is that the only “suitable place” for all Catholic weddings is to be a church or oratory.

Promulgated by Bishop Michael W. Warfel – July 1, 2009