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# **MATRIMONY**

## **I. INTRODUCTION**

Married Christians, by virtue of the sacrament of matrimony, signify and share in the mystery of that unity and fruitful love which exists between Christ and his Church; they help each other to attain to holiness in their married life and in the rearing and education of their children, and they have their own special gift among the people of God (c. 1055; Second Vatican Council, *Gaudium et Spes*, §48).

Marriage arises in the covenant of marriage, or irrevocable consent, which each partner freely bestows on and accepts from each other. This intimate union and the good of the children impose total fidelity on each of them and argue for an unbreakable oneness between them. Christ the Lord raised the union to the dignity of a sacrament so that it might more clearly recall and more easily reflect his own unbreakable union with his Church (cc. 1057, 1061, 1134).

Christian couples, therefore, nourish and develop their marriage by undivided affection, with wells up from the fountain of divine love, while, in a merging of human and divine love, they remain faithful in body and in mind, in good times as in bad (cc. 1096 §1, 1101 §1, 1134).

By their very nature, the institution of matrimony and wedded love are ordained for the procreation and education of children and find in them their ultimate crown. Therefore, married Christians, while not considering the other purposes of marriage of less account, should be steadfast and ready to cooperate with the love of the Creator and savior, who through them will constantly enrich and enlarge his own family (cc. 1055 §1, 1061 §1).

Marriage comes into existence through the freely given consent of the parties. This consent must be a free act of the will. A marriage is considered sacramental when it involves two baptized people (cc. 1057 §1-2, 1055 §2, 1102 §1, 1095).

## **II. MARRIAGE PREPARATION**

**MR 1. Pastors hold primary responsibility for ensuring proper formation of couples for marriage.** Pastors may seek assistance from parochial vicars, deacons or trained laypersons (c. 519).

**MR 2. The sacrament of marriage may not be refused to those who are properly disposed, who ask under suitable situations, and who are not prohibited to marry by civil or canon law (cc. 843 §1, 1058).**

**MR 3. Every parish and faith community in the Diocese of Alexandria is to ensure that marriage preparation take place (c. 1063).**

**MR 4. Preparation shall include:**

- **A minimum four-month preparation period (c. 1064);**
- **A process for determining the couple's readiness for marriage (c. 1063);**
- **Discussing and completing pre-marital documents and assessment tools (e.g., FOCCUS, Prepare Enrich, etc.);**
- **Resolving marriage impediments [if any] (cc. 1073-1082);**
- **Catechesis regarding the Sacrament of Marriage (c. 1063);**
- **Discussing the theology of a Catholic marriage (c. 1063);**
- **Planning the wedding in accordance to the Rite of Marriage of the Catholic Church (cc. 1115-1116);**
- **Respect for cultural and family traditions (c. 1118; CCC §§1204–1206).**

**MR 5. All couples preparing to be married in the Diocese of Alexandria are to receive a minimum of twelve hours of preparation for the Sacrament (Pope John Paul II, *Letter to Families*, §16).**

5.a. These hours may include time spent with the parish preparation program, time spent attending an engaged encounter weekend, and time spent with an appointed therapist (cc. 1063, 1064).

5.b. It is the pastor's responsibility to ensure that "the couple receive appropriate education and pastoral preparation through participation in a marriage preparation program approved by the diocesan bishop." (c. 528 §1; USCCB, *Decree of Promulgation*, Norm 1)

5.c. Marriage preparation will be parish-based whenever possible. Couples preparing for marriage within the parish have a greater opportunity to develop stronger ties with a local faith community. In a parish setting, an understanding of the community and societal dimensions of marriage will emerge and a couple can be invited into full participation in parish life (c. 1063; Pope John Paul II, *Letter to Families*, §16).

5.d. When, due to special circumstances such as the lack of trained catechists, couples cannot be prepared through a parish program in their home parish, they are to be encouraged to attend a preparation program in a neighboring parish, and/or to participate in regional programs for marriage preparation [e.g., Engaged Encounter] (c. 1063).

### III. PERMISSIONS AND DISPENSATIONS

MR 6. A marriage follows proper Catholic form when the couple contracts marriage before a properly delegated priest or deacon and two witnesses (see CIC, c. 1108). This norm may be relaxed for just and sensible reasons through permission or dispensation by the appropriate authority. This involves:

- Marriages between Catholics and baptized non-Catholics. Permission for mixed religion (c. 1124) may be granted by the Tribunal of the Diocese of Alexandria;
- Marriages between Catholics and non-baptized individuals (cc. 1086, 1124). A dispensation from disparity of cult may be granted by the Tribunal of the Diocese of Alexandria;
- Marriages between a Catholic and non-Catholic witnessed by a rabbi or a non-Catholic minister or priest. A dispensation from canonical form is sought from and may be granted by the Bishop or his delegate (e.g., Tribunal). The requirement is that such dispensations are granted for serious reasons (e.g., pastoral necessity).

MR 7. Additional permission is required of the Bishop or his delegate (e.g., Tribunal) for a number of issues concerning marriage (c. 1071 §1). These include:

- A marriage of transients (c. 1071 §1, 1<sup>o</sup>);
- A marriages which cannot be recognized or celebrated according to the norm of civil law (c. 1071 §1, 2<sup>o</sup>);
- A marriage of a person “who is bound by natural obligations toward another party or children arising from a previous union” (c.; 1071 §1 3<sup>o</sup>).
- A marriage of a person who has notoriously rejected the Catholic faith (c. 1071 §1, 4<sup>o</sup>);
- A marriage of a person who is under a censure (c. 1071 §1, 5<sup>o</sup>);
- A marriage of a minor child when the parents are unaware or reasonably opposed (c. 1071 §1, 6<sup>o</sup>);
- A marriage to be entered into through a proxy, as mentioned in canon 1105 (c. 1071 §1, 7<sup>o</sup>, c. 1105).

**MR 8. If a Catholic party contracts marriage with a non-Catholic party of an Eastern Rite (e.g., Greek Orthodox), the presence of a sacred minister and other requirements of the law are required for validity; for liceity, the canonical form of the celebration must be observed (c. 1127 §1; CCEO, c. 834).**

**MR 9. A marriage between a Latin Catholic and an Eastern Catholic is to follow the norms of both the Code of Canon Law and the Code of Canons of the Eastern Churches (Pope John Paul II, Apostolic Letter *Orientale Lumen*, §21).**

**MR 10. Dispensations, permissions, the signature of the priest with the faculty to grant permission or dispensation, and the date on which the dispensation or permission was granted, are to be recorded on the marriage envelope (as well as in the marriage register) and all appropriate documentation must be included. The marriage envelope is a confidential, permanent record (cc. 1082, 1121–1123)**

**MR 11. When preparing a couple for a marriage involving two faith traditions, the priest must at least discuss the following issues with the couple: the Catholic's participation in his/her faith, the purpose of a Catholic marriage (good of the spouses and procreation and education of children), and the obligation of the Catholic party to raise his/her child Catholic (cc. 1063, 1125 1<sup>o</sup>-3<sup>o</sup>).**

An underlying issue for preparation is the couple's understanding and acceptance of shared faith values as an important dimension of married life. A discussion of the couple's respect for each other as well as for each other's faith tradition is crucial.

#### **IV. PLACE OF CELEBRATION**

**MR 12. Catholic weddings are to be celebrated in a parish church (c. 1118 §1).**

**MR 13. Marriages between a Catholic and a baptized non-Catholic may be celebrated in a church or other suitable place. The Bishop has reserved to himself the interpretation of “suitable” and thus, permission must be requested from him. Permission from the Bishop or his delegate must be sought for a marriage outside the proper ecclesiastical setting (c. 1118 §2).**

A wedding between a Catholic and a non-baptized person may take place in a suitable setting since the church, temple or synagogue may not be acceptable to one of the party and his/her family. Priests are to assist the couple in requesting permission for weddings outside the proper ecclesiastical setting.

MR 14. With permission (and/or dispensation from form if necessary) of the Bishop, pastors may allow weddings between baptized non-Catholics in Catholic churches before a non-Catholic minister (cc. 1127 §2, 1205-1243). The following three conditions must be met:

- There is a serious need;
- Ecumenical hospitality seems to recommend it; and
- The marriage to be celebrated would be considered valid by the Catholic Church.

**MR 15. No couple should be denied a Catholic wedding because of financial burdens (cc. 848, 1181, 1264).**

Many parishes have a set donation to offset the expenses that are incurred during the use of the facility and any additional fees for services (e.g., choir, organist, caterer, etc.). It is recommended that parishes list services and expenses in their local marriage guidelines.

## **V. TIME OF CELEBRATION**

**MR 16. Because marriage is one of the seven sacraments of the Catholic Church, Catholic couples entering this covenant should celebrate their marriage during Mass to show the loving connection between them and the loving relationship they share with God (c.1055 §1).**

There are times when a marriage would not take place during Mass. The Rite for Celebrating Marriage Outside Mass or the Rite for Celebrating Marriage Between a Catholic and an Unbaptized Person is to be used as appropriate.

**MR 17. Weddings can be celebrated on any day of the week. However, they may not be celebrated on Good Friday or Holy Saturday. Weddings during Lent are not recommended (c. 1108 §1; see *Rite of Marriage*, Introduction §11).**

Parishes should print time and place restrictions regarding marriages in their parish guidelines and bulletins.



## **VI. PARTICIPANTS IN THE CELEBRATION**

**MR 18. Marriages are to be contracted before a properly delegated priest or deacon.**

18.a. A minister from the non-Catholic tradition and a priest may not co-officiate at the same ceremony. Two religious ceremonies involving separate traditions are not allowed (see CIC, c. 1127).

18.b. The Ecumenical Directory provides suggestions regarding the involvement of the minister and priest in the preparation and celebration of inter-religious marriages.

**MR 19. Visiting Catholic priests presiding at a wedding in the Diocese of Alexandria must receive a positive testimonial from their local Ordinary before pastors may grant them the proper delegation to witness the marriage.**

**MR 20. Two witnesses are required for the proper form of marriage.**

Witnesses are to have achieved the use of reason and need to be able to understand what is happening. There is no requirement regarding religion or gender for witnesses. However, if the wedding takes place during a Mass is involved, pastors are to take this into consideration.

**MR 21. If the wedding takes place during the Mass the reader must be a Catholic. If the wedding takes place outside of Mass, the reader may be a baptized non-Catholic.**

## **VII. RECEPTION OF CONFIRMATION, PENANCE AND EUCHARIST**

**MR 22. Catholics are to receive Confirmation prior to marriage, unless grave inconvenience prevents the reception of the sacrament (see CIC, c. 1065, §1).**

22.a. Readiness for marriage presumes that the Catholic party has received the sacrament of Confirmation. Preparation for Confirmation is to begin as part of the marriage preparation process in order that Confirmation may be conferred prior to marriage whenever possible.

22.b. Deans may organize deanery preparation classes for Confirmation in such cases.

**MR 23. Pastors must seek delegation from the Bishop for such situations (c. 884 §1).**

**MR 24. Catholics are urged to celebrate the sacraments of penance and Eucharist prior to receiving the sacrament of marriage (see CIC, c. 1065, §2).**

## **VIII. PERSONS WITH DISABILITIES**

A great deal of care and sensitivity should be present in working on marriage preparation with a person or couple with disabilities. One of the most important aspects of determining the readiness for marriage of a person with disabilities is to explore their support systems—that is, their parents/legal guardians, caregivers, counselors, and/or extended family members. Assistance may be sought from qualified professionals in this field as well as appropriate counselors.

Depending on the type of disability, issues such as age and use of reason are to be considered in determining readiness for marriage, along with the person's or couple's ability to understand matrimonial consent within the context of their particular situation.

## **IX. AGE OF MARRIAGE**

**MR 25. Pastors are to urge young couples not to marry before the age of 18 (see CIC, c. 1072). A priest or deacon may have serious doubts about the young couple's readiness for marriage due to their age and maturity. In such cases, the sacrament may be delayed (see CIC, c. 1077 §1).**

25.a. Universal law and the practice of Church teachings in other cultures acknowledge the validity of marriages among youth. Marriage between a man after he has completed his sixteenth year, and a woman after she has completed her fourteenth year are allowed in the Catholic Church (see CIC, c. 1083, §1); however, local civil state statutes regarding the age of marriage are to be followed (see CIC, c. 22).

25.b. In the State of Louisiana both applicants must be 18 years of age or older. As of August 1, 2019, 17-year-olds can marry under specific conditions due to a law signed by Gov. John Bel Edwards. They must obtain both parental consent and judicial approval. Additionally, they cannot marry someone who is three or more years older than them. This means a 17-year-old could marry someone no older than 20. The law also sets a minimum marriage age of 16, prohibiting anyone under 16 from marrying. Upon marriage, a 17-year-old is fully emancipated, and this status remains even if the marriage ends. These requirements aim to protect minors while addressing concerns like teen pregnancy, though critics argue it still allows young teens to marry. For further details, consult Louisiana Revised Statutes, Art. 90.1.

25.c. Young couples seeking marriage bring to the preparation process their own set of pastoral challenges that need to be addressed, including maturity and reasons for pastoral challenges that need to be addressed. Each couple should demonstrate their ability to handle issues of adult marriage and to understand marriage in the context of the local culture.

25.d. Should questions about the psychological maturity of the couple arise, it is recommended that they be referred to counseling or for psychological assessments. A pastor or his delegate responsible for preparing the couple is encouraged to work with the couple's counselor in preparing them for marriage.

25.e. Likewise, it is recommended that the parents of the couple be consulted and included in the preparation process (see USCCB, *Faithful to Each Other Forever*).

## **X. COHABITATION**

**MR 26. Pastors must work with couples who cohabit and in a pastoral manner help the couple find a way to live separately prior to the celebration of the sacrament.**

26.a. *The Catechism of the Catholic Church* states that sexual intercourse between unmarried persons “is gravely contrary to the dignity of persons and of human sexuality which is naturally ordered to the good of spouses and the generation and education of the children.” (CCC, 2353)

26.b. The pastor is to review with the couple the challenges involved with cohabitating and consent. A couple’s freedom to marry may be at risk, as well as the success of the marriage. Pastors are encouraged to review the social and psychological problems that can arise from such a situation and to prepare the couple for the holiness and duties of their pending marital state.

26.c. Discussing cohabitation in a pastoral manner should help the engaged couple understand the Church’s teaching about chastity. Like all engaged couples, couples who are living together should be encouraged to abstain from sexual intercourse.

26.d. If possible, the parish community is to be ready to assist engaged couples who are cohabitating to find separate living accommodations during their time of preparation for marriage.

26.e. For additional information and assistance pastors should refer to the USCCB document *Marriage Preparation and Cohabiting Couples*, August, 1999.

**MR 27. The Catholic Church makes no provision for witnessing or recognizing the union between two individuals of the same sex.**

The Church affirms homosexual persons and respects their human dignity, opposing all forms of violence and prejudice against any of God’s children. However, the Catholic Church does not recognize same sex unions between two individuals of the same gender. Even if civil statutes or other ecclesial communities permit same-sex unions, the Church continues to assert its doctrine that marriage is a union between a man and a woman (see CIC, c.1055).

## **XI. PREGNANCY**

MR 28. If pregnancy occurs prior to marriage, a serious examination of the couple's understanding of the gravity and permanence of the martial bond is to take place (USCCB, *Faithful to Each Other Forever*).

It is recommended that the couple or an individual be referred to a counselor in order to determine readiness for marriage. Should the priest or deacon have doubts about the couple's readiness for marriage, he is to document his reservations about the couple's readiness in the marriage preparation documentation before proceeding with the marriage. In such cases the wedding may be delayed, but the sacrament cannot be denied.

## **XII. PREVIOUS MARRIAGE(S)**

**MR 29. When individuals or couples who have been previously married and divorced approach the Church to request permission to attempt marriage again, proper resolution of the prior marriage must be determined through the appropriate judicial or administrative process (e.g.: annulment, lack of form, etc.).**

29.a. When a previous marriage has ended through death, issues of grief and loss are to be explored during marriage preparation. When a previous marriage has ended through divorce, these issues are to be explored, as well as the sacramentality and indissolubility of marriage.

29.b. Age is not an immediate indicator of readiness for a subsequent marriage.

29.c. When a marriage occurs between individuals who have children, the issue of a blended family must be discussed during the preparation process. If they are mature enough to take part, children are to be included in the discussion. Other issues to take into account are:

- the length of time since the previous marriage and the current preparation;
- how the previous marriage ended;
- who has primary responsibility and custody of the children;
- the age of the children;
- the attitude of the children toward the planned marriage;
- and the faith tradition of each family and the former spouse(s).

**MR 30. Once an individual, Catholic or not, decides to remarry, the Church must review the previous bond in order to determine freedom to marry (see CIC, c. 1085, §2).**

Priests, deacons, or marriage advocates may assist individuals with prior bonds or may refer them to the Tribunal. Anyone is free to contact the Tribunal directly for assistance, at which time an advocate may be assigned.

**MR 31. The wedding ceremony may not be scheduled until freedom to marry for both parties has been established. The person responsible for conducting the marriage preparation is to ensure that documents establishing the freedom to marry of both parties are to be included in the file.**



### **XIII. CONVALIDATION OF CIVIL MARRIAGES**

**MR 32. Simple convalidation involving an invalid marriage due to an impediment requires that the impediment cease or be dispensed. Renewal of consent is required in these marriages and may in certain circumstances involve a new act of the will (see CIC, c. 1156, §2 and 1157).**

**MR 33. Simple convalidation involving an invalid marriage due to defect of consent requires new consent. Whether the consent is obtained through a public or a private act will depend upon the circumstances (see CIC, c. 1159).**

33.a. In countries without a common law tradition, a civil ceremony is required prior to the church ceremony. Couples are to approach the Church immediately after the civil ceremony for a convalidation of the union. Some form of preparation should take place before the marriage is convalidated.

33.b. There are two types of convalidation: simple convalidation, whereby a priest or deacon witnesses the new consent of the couple, or a radical sanation, whereby a priest or deacon requests a “healing” of the civil union by the Bishop through the Tribunal of the Diocese of Alexandria (see CIC, c. 1156-1165).

33.c. “Radical sanation” involves an invalid marriage and its convalidation without the public renewal of matrimonial consent. The *sanatio* may include, for example, a dispensation from an impediment, if one existed, or from canonical form, if it was not observed. The *sanatio* generally requires no action on the part of the couple except to enter into a valid marriage.

33.d. Freedom to marry must be established prior to simple convalidations and radical sanations.

**MR 34. A *sanatio* may not be requested if matrimonial consent is lacking in either or both of the parties (see CIC, c. 1162 §2).**

#### **XIV. DELAY OF MARRIAGE**

**MR 35. A wedding may be delayed for a grave cause (see CIC, c. 1077, §1).**

35.a. Reasons for delay may include:

- maturity and age of the couple;
- ability to consent;
- mental illness;
- substance abuse;
- existence of an impediment;
- existence of a previous bond or obligation;
- restrictions imposed by the Tribunal due to problems that existed in the previous union (*vetitum* or *monitum*).

35.b. Decisions regarding the delay of marriage are serious. In such cases, consultation may be necessary with other pastoral ministers in the parish, yet the pastor is responsible for the final decision. Nonetheless, the pastor may not refuse the sacrament if the couple fulfills the requirements of the Church.

**MR 36. Marriage may not be denied or delayed due to lack of funds or inability to pay fees.**

## **XV. PARISH REGISTRATION**

**MR 37. If neither party is registered in a parish, the couple has the right to assistance from the parish within whose geographic boundaries the Catholic party resides. Parishes may not invoke lack of registration in the parish as a reason for delay of marriage.**

37.a. When a couple approaches a parish seeking the Sacrament of Marriage in good faith and demonstrates a willingness to cooperate with the preparation process, the priest and other parish leadership are to assist the couple with compassion and in a timely fashion. This is especially important when the couple is not active in the Church, or when neither party is registered in that parish.

37.b. Ideally, Catholic parties should be registered in a parish and approach their pastor. If one or both Catholic parties are already registered in another parish or are members of a household registered elsewhere, they should be encouraged to approach that parish instead.

## **XVI. DOCUMENTATION AND PARISH REGISTERS**

**MR 38. Documentation regarding marriages and marriage preparation is to be kept in what is known as the “marriage envelope” and is considered confidential. Access to these records is limited; unauthorized persons may not review the contents of the marriage envelope. The envelope contains information regarding:**

- **Date and place of marriage;**
- **Dispensations and/or permissions;**
- **Documentation regarding readiness for marriage;**
- **Freedom to marry form;**
- **The “promises” form;**
- **Current (issued within six months) copies of baptismal certificates (with notations);**
- **Appropriate civil documents (e.g., death certificates, marriage certificates, marriage licenses, etc.);**
- **The clergy must note carefully the beginning and ending dates on the marriage license in which the actual marriage celebration may take place legally according to Louisiana State civil law;**
- **And any other documentation deemed appropriate by the pastor.**

38.a. After a marriage has been celebrated, the pastor of the place of celebration, should, as soon as possible, note the following in the marriage register: the names of the spouses, the officiant and the witnesses, the place and date of the marriage celebration.

38.b. Simple convalidations and sanations are to be noted in the marriage register, and the date of the convalidation or *sanatio* is listed as the date of marriage. The civil union is to be listed in the notations column.

**MR 39. Notification of the celebration of the sacrament of marriage must be sent to the Catholic church of baptism.**

**MR 40. Clergy who preside at weddings must make sure that the paperwork for the State of Louisiana is filed promptly. Failure to do so may result in the cleric losing his right to celebrate marriages in the State of Louisiana.**