



MARRIAGE PREPARATION POLICIES

Roman Catholic Diocese of Charlotte

September 15, 2009



DECREE OF PROMULGATION

The Catechism of the Catholic Church reminds us that quality preparation for the celebration of marriage is of prime importance. Careful preparation is essential so that the consent of the spouses to the covenant of marriage “may be a free and responsible act and so that the marriage covenant may have solid and lasting human and Christian foundations” (CCC 1632).

Preparation for marriage occurs in the home through the example and teaching of parents and family. Preparation for marriage also occurs in the Christian community as a whole as pastors of souls and the parish family transmit human and Christian values for marriage and family.

To promote the fruitful celebration of marriage in the diocese, I am pleased to promulgate these Marriage Preparation Policies for the Diocese of Charlotte. These policies are considered normative throughout the diocese beginning September 15, 2009.

Given at the Chancery of the Diocese of Charlotte, August 17, 2009.

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TABLE OF CONTENTS

DECREE OF PROMULGATION

INTRODUCTION

- (4) I. PREAMBLE
- (6) II. RESPONSIBILITIES OF THE PRIEST/DEACON
- (8) III. DATE AND PLACE OF THE WEDDING
- (11) IV. THE ORDINARY PROCESS FOR MARRIAGE PREPARATION
- (14) V. DELAY OF MARRIAGE
- (16) VI. INTERDENOMINATIONAL AND INTERFAITH MARRIAGES
- (18) VII. MARRIAGE PREPARATION FOR THE PREVIOUSLY MARRIED
- (20) VIII. MARRIAGE OF MINORS
- (22) IX. PREGNANCY BEFORE MARRIAGE
- (23) X. VALIDATION OF CIVIL UNIONS
- (24) XI. SPECIAL PASTORAL CONSIDERATIONS
- (26) XII. EXCEPTIONS TO POLICIES AND DECISIONS
- (27) XIII. EFFECTIVE DATE
- (28) APPENDIX I - DISPENSATIONS
AND PERMISSIONS FOR MARRIAGE
- (32) APPENDIX II - PERMISSIONS
- (33) APPENDIX III - LIVING TOGETHER: QUESTIONS AND
ANSWERS REGARDING COHABITATION AND THE CHURCH'S
MORAL TEACHING, A PASTORAL LETTER OF THE BISHOPS
OF PENNSYLVANIA (USED WITH PERMISSION).

INTRODUCTION

“The matrimonial covenant, by which a man and woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of offspring; this covenant between baptized persons has been raised by Christ the Lord to the dignity of a sacrament” (canon 1055, §1).

The following policies are presented with the hope of inviting couples preparing for marriage to deepen their understanding of marriage as a sacrament. As representatives of the Church, we share in their joy by welcoming them, while recognizing that they approach marriage from a broad spectrum of experiences, motivations, levels of understanding, and ideals. Ministering to engaged couples offers a unique opportunity to evangelize them and share with them the experience and wisdom of the Church regarding marriage.

Ministry to engaged couples involves the entire the parish community, including married couples and others, sharing the ideals of Christian marriage under the guidance of a priest/deacon.

I. PREAMBLE

Sacred Scripture and the teachings of the Church recognize marriage as a union of one man and one woman, the most basic unit of human society. Through the marriage covenant, man and woman are “no longer two, but one flesh.” The meaning of this oneness is experienced in the intimate union of their persons and their actions. This union of marriage calls forth from spouses the mutual and complete giving of self, fidelity, permanence, and openness to children.

The sacrament of marriage consecrates spouses to each other and strengthens them for the life they will share. The Church exhorts spouses to see in their union a reflection of the covenant between Christ and his Church.

Christian marriage is a life-long process of growth and faithful commitment to a continuing, supportive relationship in which each partner helps the other develop as fully as possible: “Christian spouses have a special sacrament by which they are fortified and receive a kind of consecration in the duties and dignity of their state. By virtue of this sacrament, as spouses fulfill their conjugal and family obligations, they are penetrated with the spirit of Christ ... Thus they increasingly advance their own perfection, as well as their mutual sanctification, and hence contribute jointly to the glory of God” (Constitution on the Church in the Modern World: Second Vatican Council, No. 48).

Because of changing values in secular society, our Popes and other Church leaders have encouraged a deeper exploration of the theology of marriage and human sexuality. They have fostered a greater awareness of the sac-

ramentality and spirituality of Christian marriage, as well as of the human relationship existing between the partners.

Today's society is plagued with attitudes that are destructive to the Christian dignity of marriage. Many Catholics seem unaware that the sacrament of marriage, though guaranteeing a couple Christ's presence in their marriage and the power of God's grace, does not force their cooperation with that grace, nor does it remove them from negative forces at work in our culture.

These considerations make clear the Church's serious responsibility to assist couples to enter a marriage that promises to be grace-filled, permanent, faithful, exclusive, and fruitful. Marriage is a God-given right that arises from the very nature of the human person. Exercising this right, particularly in Christ, requires a basic appreciation of marriage and a clear willingness to live out its obligations on the part of both partners. Openness to a reasonable period of preparation for the sacrament is an indication of readiness.

Ideally, preparation for the vocation of marriage begins in the home as children witness the reality of the sacramental marriage of their parents. Since this ideal family preparation is not available to all children, various marriage preparation programs should be offered to high school youth, collegians, and young adults. Marriage enrichment programs for married couples can strengthen the sacrament already entered into. Parishes need to recognize their responsibility to constantly nurture marriages, so that families become small communities of Christian love that reach out and influence the larger community.

II. RESPONSIBILITIES OF THE PRIEST/DEACON

The Church has a pastoral duty to help those who desire to marry in making a prayerful and mature judgment concerning their readiness for so solemn a commitment. In particular, the priest/deacon who will witness the marriage is responsible for helping the couple determine their readiness for marriage.

The priest/deacon must take into consideration not only the personal attitude of the couple, but also the various spiritual, psychological, and familial factors impacting those preparing for marriage.

Weddings should be an integral part of the community life of a parish; therefore, priests and deacons normally witness the marriages of their own parishioners. However, a Catholic pastor from outside the parish who is a close friend of the couple or a relative of one party may preside at a wedding with special delegation of the priest/deacon whose right it is to officiate in that parish, or from the Ordinary (cf. canon 1111). It is always preferable that such delegation be granted in writing.

If a priest/deacon is to witness the marriage of someone who is not his parishioner, it is his responsibility to obtain the permission of the party's pastor as required by canon law (cf. canons 530; 1115). No priest/deacon may preside at the wedding of persons not of his own parish without permission from the pastor whose right it is to officiate or from the Ordinary.

All deacons with canonical faculties of the diocese, whether they are permanent or transitional, may witness marriages. A deacon would not normally

witness marriage vows within a nuptial Mass, unless there is pastoral reason suggesting otherwise. When a deacon witnesses a marriage outside of Mass, he does so with all the blessings that the ritual permits him to impart. All that is said in these regulations about the responsibilities of priests preparing couples for marriage applies with equal force to deacons, even when the couple being prepared by the deacon will be married at Mass by a priest.

The pastoral value of the work of preparing couples for marriage can hardly be over-estimated. The priest/deacon in charge of preparing a couple for marriage has the serious moral responsibility of providing personal pastoral care by meeting with the couple and assisting them to understand and appreciate the many aspects of marriage: psychological, social, liturgical, sacramental, and spiritual. The Gospel message of self-donation and self-sacrificing love should echo through and inform everything he shares and teaches concerning marriage 'in Christ.' This grace-filled teaching moment must not be lost.

Should personal differences arise between the priest/deacon and the couple, the couple may request, or the priest/deacon should suggest, that they confer with another priest/deacon. The priest/deacon working with the couple is to facilitate the necessary clergy contacts.

III. DATE AND PLACE OF THE WEDDING

A couple planning to marry in the Catholic Church should contact a priest/deacon in the local parish well in advance of the wedding date. The Church requires prior notification of 6 months in order to provide enough time for spiritual preparation as well as time to prepare the liturgy and complete the necessary documents. If a priest/deacon feels strongly that a couple is not ready to celebrate marriage, he must let the couple know this as soon as possible (see section V). The right of the parties to marry should always be taken into account (canon 1058).

At the first meeting with the couple, the priest/deacon should explain the various requirements for marriage preparation (e.g., premarital assessment questionnaire, instruction in Natural Family Planning, and completion of necessary documentation) and determine future meetings with the couple. All of this should be placed in the context of assistance for the couple as they prepare for marriage and continue their journey of faith.

GENERAL OBSERVATIONS

Marriage between two baptized persons is a sacrament (canon 1055, §2). Requiring marriage to be celebrated in a sacred place, that is, a church building, emphasizes the sacramental covenant into which the bride and groom enter. As indicated in the following sections, marriage should normally be celebrated in a parish church (canon 1118, §1).

In the Diocese of Charlotte, the Bishop will not give permission for marriage to take place in the chapel of a Religious House.

The Bishop will not give permission for marriage to take place out-of-doors (e.g., in backyards, in parks, on a mountain top) even in the case of a marriage celebrated with dispensation from canonical form.

In exceptional circumstances, the Bishop will grant permission for a Catholic priest/deacon to officiate at a marriage in a non-Catholic church or chapel. Since the Bishop does not wish to encourage this, only the most exceptional circumstances will be considered (e.g., where the parent of one of the parties, for reasons of health, would not be able to attend the ceremony). Permission will be granted only if there is: 1) a clear indication that no scandal will arise; and 2) an assurance that an atmosphere of sacredness will be maintained.

It is permissible for a marriage to take place in a college chapel. Such permission will normally be given only when at least one of the parties is a student, an alumnus/a or a faculty/staff member of the college in question. In the case of Belmont Abbey College, permission will also be given if at least one of the parties is a relative of one of the monks or has a long, continuous or significant relationship with the monastic community. Additionally, when such permission is given, the priest/deacon is reminded that he must obtain the delegation of the proper pastor in whose parish the college is located.

When a marriage is to be celebrated outside the Diocese and the marriage involves parties who have their domicile within the Diocese of Charlotte and whose marriage preparation is completed in the Diocese, the priest/deacon responsible for the preparation is to forward the entire marriage file to the Charlotte chancery along with the requisite letter from the pastor of the Catholic party giving permission for the marriage to be celebrated outside of his parish. The Charlotte chancery will then forward the marriage file with the required *nihil obstat* to the chancery of the diocese where the marriage is to take place.

Marriage between Catholics

If both parties are Catholic, the wedding will ordinarily take place in the parish church of the bride or the groom (canons 1115; 1118, §1). The exchange of vows normally takes place during the celebration of the Mass.

Marriage between a Catholic and a baptized non-Catholic Christian

A marriage between a Catholic and a baptized non-Catholic Christian requires permission for a Marriage of Mixed Religion. In the case of a marriage between a Catholic and a baptized non-Catholic Christian, the wedding is normally celebrated in the parish church of the Catholic party (canon 1118, §1). With the permission of the local ordinary, the priest/deacon can officiate at the marriage in a non-Catholic church, but only in the exception-

al circumstances noted above (canon 1118, §2). If for a good reason the couple desires a non-Catholic minister to witness their exchange of vows, a dispensation from canonical form must be requested from the bishop (canon 1127, §2), the promises required of the Catholic party having been given beforehand (canon 1125).

Marriage between a Catholic and Person who is not baptized

Marriages between a Catholic and a non-Christian are non-sacramental. The preferred location of the marriage is the parish church of the Catholic party if this does not create an undue burden. Otherwise, permission may be given for the marriage to take place in an appropriate place.

A marriage between a Catholic and a person who is not baptized requires a dispensation from Disparity of Worship. An explanation is found in Appendix I.

IV. THE ORDINARY PROCESS FOR MARRIAGE PREPARATION

BEGINNING THE PROCESS OF MARRIAGE PREPARATION

A couple desiring to be married in the Church is required to notify the priest/deacon a minimum of six (6) months prior to the proposed wedding date. This period of time allows the couple the opportunity to have individual sessions with the priest/deacon, complete a premarital assessment questionnaire (e.g., FOCCUS, PREPARE), attend a program of instruction, take part in premarital counseling (if needed), attend an introductory session on Natural Family Planning, and plan the liturgy and other details of the wedding ceremony.

During an early interview, the priest/deacon completes necessary paperwork in preparation for the couple's celebration of marriage and ensures that the couple does not have any impediment to contracting sacramental marriage. A listing of the impediments to marriage may be found in the Appendix I. In those cases where an impediment appears to exist, the priest/deacon exercises special pastoral care and sensitivity in guiding the couple to understand the Church's teaching on marriage. Where the impediment involves a previous bond of marriage, the priest/deacon will help the party with the prior bond to initiate annulment proceedings (see Article VII). Generally, a couple should not continue with the marriage preparation process nor be encouraged to attend a parish or diocesan preparation program until the impediment has been removed.

ASSESSING A COUPLE'S READINESS FOR MARRIAGE

The following steps will ordinarily be completed as part of assessing a couple's readiness for marriage:

1. Approximately six (6) months prior to the proposed wedding date, an initial interview is held between the priest/deacon and the couple. During this interview, the priest/deacon discusses with the couple their reasons for marriage and helps assess their readiness.
2. At least three (3) months prior to the proposed wedding date, a premarital assessment questionnaire is completed and the results are reviewed with the couple.

A Note about Premarital Assessments

Premarital assessment questionnaires such as FOCCUS or PREPARE are utilized to assist couples in discussing key marital topics. They are not in themselves adequate for determining whether or not a given individual is ready for marriage and therefore should be read with caution. Determining a person's readiness for marriage involves a variety of factors and considerations.

When the couple has completed the initial interview with the priest/deacon and a premarital assessment questionnaire, the priest/deacon will have the minimal basis for assessing the marital capacity of the couple. A decision by the priest/deacon will then be made to proceed or delay the celebration of the Sacrament (see Article V). If the decision to proceed is made, the priest/deacon must ensure that the couple has made arrangements to attend the required program of instruction and any other additional instruction that is needed.

Sacrament of Confirmation

Catholics who have not yet received the sacrament of Confirmation are to receive it before being admitted to marriage, if this can be done without grave inconvenience (canon 1065, §1). Moreover, so that the sacrament of marriage may be fruitfully received, the engaged couple should approach the sacraments of penance and the most holy Eucharist prior to their wedding (canon 1065, §2).

PROGRAMS OF INSTRUCTION

Participation in a marriage preparation program and attendance at a class/presentation in Natural Family Planning are requirements for all couples entering matrimony in the Church. Each couple contemplating marriage in the Church must participate in at least one of the following preparation programs:

- a. Parish designed program
- b. Catholic Engaged Encounter Weekend
- c. Diocesan marriage preparation workshop

It should be noted that the marriage preparation program and presentation in Natural Family Planning are separate from the interviews and instructional sessions the couple has with clergy. Information on the diocesan marriage preparation programs and instruction in Natural Family Planning can be obtained from the Family Life Office.

Completion by the couple of an approved program of instruction should occur at least three (3) months prior to the proposed wedding date.

PREPARATION OF COUPLES TO BE MARRIED OUTSIDE OF THE DIOCESE

It is frequently the case that a couple residing within the local Church is to be married in a parish outside of the Diocese. Although the wedding officiant in another Diocese is ultimately responsible for ensuring that the proper forms are completed and dispensations/permissions are secured (as needed), the priest/deacon from the Diocese of Charlotte offers the couple the same marriage preparation assistance as is afforded to couples marrying within the local parish.

PREPARATION OF UNREGISTERED CATHOLICS

The entire process of marriage preparation is an opportunity for the priest/deacon to invite the couple to renew their communion with the Church and to live out their marital vocation. This is especially the case with highly mobile young adults who many times are not registered members of any local parish. While parish registration and participation in the life of the parish are strongly encouraged and nurtured by the priest/deacon, the lack of formal parish registration may not be used to exclude a couple from marriage preparation assistance at the local parish whether the marriage is to take place at the local parish or in another parish outside of the Diocese. These policies assume that either of the parties has a domicile, quasi-domicile, or month-long residence within the boundaries of the local parish (cf. canon 1115).

V. DELAY OF MARRIAGE

Couples today may approach the Church with deficiencies in their practice and understanding of the faith; these may call into question their understanding of marriage as a life-long commitment. Such couples should be the recipients of special solicitude on the part of pastors and all involved in preparing them for marriage. A priest/deacon may have to ask difficult questions of such couples, but first he must be clear and convincing that he is in no way rejecting them, and only has their best long-term interests at heart.

If the priest/deacon determines that there is sufficient pastoral reason to suggest the delay of the wedding, the couple must be informed immediately of the delay. Procedures to help the couple prepare for marriage would then be discussed. A priest/deacon may not lightly refuse to witness the marriage of a parishioner who is free to marry. For a just cause, however, the priest/deacon may recommend that the marriage be delayed (e.g., due to a refusal to participate in the programs of preparation or requisite premarital counseling).

The right to marry is both natural and divine (canon 1058). Hence, the procedure of delay may be recommended only for a serious reason. In this very delicate matter, when it appears the couple is about to enter an ill-advised marriage, the priest/deacon should never suggest marriage out of the Church, but only that the marriage be delayed. Out of pastoral concern for the couple, the priest/deacon may postpone or refuse to witness a marriage which shows little hope of success, both for the good of the couple and the

good of the larger Church. Courage and a willingness to suffer misunderstanding are part of the pastoral ministry.

The Right to Appeal

If a priest/deacon refuses to witness the marriage of a couple, he must inform the couple of his reasons and inform them that they have a right to have recourse to the Vicar General and provide them with the necessary information to make such an appeal. In reviewing the case, the Vicar General may consult the priest/deacon, the instructors in the marriage preparation program, and those who have conducted the premarital counseling and evaluation. In every case, the question shall be referred to the Vicar General for a decision. Upon examining the reasons for delay, the Vicar General may concur with the delay or present the case to another priest/deacon. The parties always retain the right of appeal to the Bishop.

It is to be noted that no priest/deacon is obligated to witness a marriage against his conscience. No priest/deacon may witness the marriage of a couple after a priest/deacon has decided they should not marry, unless the Bishop or his official delegate has given the necessary approval.

VI. INTERDENOMINATIONAL AND INTERFAITH MARRIAGES

On a national average, at least 40% of Catholics marry a Christian belonging to another denomination (interdenominational marriage). The majority of marriages in the Diocese of Charlotte are interdenominational. These marriages have their own unique set of strengths and weaknesses. The term “interdenominational and interfaith marriages” is used here to refer to all marriages in which the parties hold different religious persuasions and affiliations. It includes those couples where a partner holds no faith conviction at all.

Neither partner should enter marriage with the expectation of drawing the other away from his or her religious convictions. Such an attitude can easily result in the unhappiness and alienation of either or both partners.

The priest/deacon preparing an interdenominational/interfaith couple for marriage normally holds additional interviews with them. The purpose of these extra interviews includes:

- a. Deepening both parties' awareness of the influence of religious convictions and values in their lives;
- b. Helping the couple to see that being of different faith traditions will have a significant impact on their relationship;
- c. Exploring the areas of agreement and disagreement between their faith traditions;
- d. Appreciating the practical problems that will arise because

of their different faith traditions;

- e. Helping the couple reflect on the common beliefs they share, and encouraging them to develop a faith life together.

Sufficient instruction must be given in order for the couple to understand the Catholic partner's obligation to continue the practice of the faith and to do everything possible to share that faith with their children by having them baptized and reared as Catholics. It should be made clear that these obligations flow from the nature of being a baptized Catholic and from divine law and are not simply obligations of Church law.

The couple should be encouraged to meet with the non-Catholic minister, rabbi or religious cleric. The priest/deacon would do well to inform the other minister, rabbi, or cleric of the Catholic Church's policies and procedures regarding marriage preparation.

Rite of Marriage

While recognizing the right of Catholics to request the celebration of a nuptial Mass for their weddings, it is recommended that when a marriage occurs between a Catholic and baptized non-Catholic, Chapter II of the Rite of Marriage be utilized, and that when a marriage occurs between a Catholic and a non-baptized person, Chapter III of the Rite of Marriage be utilized.

VII. MARRIAGE PREPARATION FOR THE PREVIOUSLY MARRIED

With increasing frequency, couples are coming to the Church for marriage after one or both parties have been in a marriage which has ended in divorce. Even though a divorced person may have received a declaration from the Church that he or she is free to marry, the priest/deacon must still satisfy himself that difficulties which appeared in a previous marriage will not exist in the proposed one. From time to time, the official decree promulgating the Definitive Sentence of Nullity contains a restriction restraining one or the other party from entering a new union. In such instances, the restriction must be strictly observed.

Marriage Preparation and Decree of Nullity

While pastoral ministers, especially pastors of souls, are encouraged to offer counsel and guidance to those seeking marriage after divorce, marriage preparation in the strict sense may not commence until a declaration of nullity is obtained.

Given that the Church has issued a Decree of Nullity, the following guidelines are set forth:

- a) When the previously married party has not yet entered a second union, preparation for marriage is to be conducted according to these policies. When it is deemed necessary and beneficial, both parties should also participate in premarital counseling and evaluation. In some cases, such counseling and evaluation is required in the very decree of nullity.

b) The Decree of Nullity must be obtained by the priest/deacon and filed with the pre-nuptial investigation.

c) When the couple has lived in a civil marriage which has continued over some years and shown signs of stability, the priest/deacon may use his pastoral judgment in providing the preparation for marriage which seems most suited to the needs of the couple, such as a marriage enrichment program, weekend encounter, or retreat for married couples.

When the previously married person's union ended by the death of the other partner, care must be taken in preparing the widowed party for a second marriage. The pastoral minister should give consideration to the ages of the couple, the length of the previous marriage, the grief process that must take place before the widowed person is emotionally prepared for a second marriage, and the effect of the second marriage on children of the first marriage. A copy of the death certificate should be obtained and filed with the prenuptial investigation.

VIII. MARRIAGE OF MINORS

Generally, the marriages of persons less than 18 years of age are to be discouraged. If either party is not yet 18 years old, consideration for marriage in the Church will be given only after consultation with the parents and, if the priest/deacon considers it necessary, consultation with a counselor or another priest/deacon.

Both parents and priest/deacon should make every attempt possible to dissuade minors from entering marriage (canon 1072). In some cases, the young couple will agree to delay without beginning the preparation program. The time needed for the complete preparation is seen as one of the best ways to help the young couple understand their decision.

When parents are opposed to the marriage, their reasons should be made quite clear to the priest/deacon and must be given the utmost consideration by him. The priest/deacon should make every effort to help parents clearly understand the pastoral nature of his decision to delay or proceed with the marriage.

Ordinarily, permission is not given for marriage in the Church for anyone under the age of 17 since few persons this young possess the maturity necessary to fulfill the obligations that flow from marriage itself. Once again, the responsibility in determining the rare exception to this policy rests ultimately with the interviewing priest/deacon.

Immigrants

The Diocese of Charlotte has experienced a high rate of immigration. In some cultures, marriage by minors is common and encouraged. While recognizing this reality, the priest/deacon should be hesitant to agree to such marriages. Cultural factors must be considered as well as the requirements of civil law.

IX. PREGNANCY BEFORE MARRIAGE

When pregnancy occurs outside of marriage, it is often a time of stress for the parties involved and for their families. The Church views such situations with compassion and concern. However, marriage should not automatically be presumed to be the appropriate solution in these cases. The priest/deacon may offer counsel regarding other morally acceptable alternatives. The priest/deacon may not suggest or recommend marriage outside the Church. The fact of pregnancy does not diminish the need for preparation. Indeed, it is even more vital to observe these procedures if the decision to proceed with marriage in the Church has been made. If the parties were not engaged prior to the pregnancy, pastoral counseling should be offered before consideration is given to the request for marriage in the Church. In those cases where a priest/deacon witnesses the marriage of a couple, and has serious reservations, this is to be noted in the pre-marriage record and maintained with the marriage file.

X. VALIDATION OF CIVIL UNIONS

When a couple, having attempted marriage outside the Church, desires that their union be validated, the priest/deacon who arranges for the validation must provide the couple with the adequate preparation for marriage. Among other concerns, the priest/deacon is to determine the motives that bring the couple to the Church for validation. The priest/deacon should inquire whether the marriage is having any major problems. A validation is not an automatic cure for a troubled marriage. He also should strive to lead the couple to a proper appreciation of the theological and spiritual dimensions of Christian marriage and to an understanding of the implications of marriage as a covenant relationship.

Guidelines that apply to the validation of invalid marriages are:

- a) When the couple has been civilly married for only one or complete two years, it is recommended that they participate in a premarital assessment instrument appropriate to their situation and participate in a marriage preparation program.
- b) When the couple has been civilly married a number of years and the marriage has given evidence of being a true community of life and love, the priest/deacon will determine the adequate preparation for the validation of the marriage.

XI. SPECIAL PASTORAL CONSIDERATIONS

A. COHABITATION AND SEXUAL ACTIVITY BEFORE MARRIAGE

In society today, many people see no problem with cohabitation (“living together”) and having sexual relations before marriage. While this may be so, these views and practices can never be reconciled with what God expects of us. Additionally, countless studies have shown that couples who live together before marriage have higher rates of divorce and a poorer quality of marriage relationship than those who do not.

The period of engagement is meant to be a time of grace and growth in which the couple sincerely and maturely prepares for their marital union. Therefore, it is urged that all couples who are living together prior to marriage separate. Catholics should seek to be reconciled to God and the Church by going to confession and by going to Mass and Holy Communion regularly.

Priests/deacons who are preparing cohabiting couples for marriage should help them understand that living chastely during the months of engagement will teach them many things about themselves and help them to grow in the virtues of generous love, sacrificial giving, self-restraint, and good communication. These virtues are essential for a good and lasting marriage.

Resources that may be helpful in addressing the issues of cohabitation and premarital sexual activity are included in Appendix III.

B. POST-ABORTION COUNSELING

During the course of preparation, the priest/deacon may discover that one or both parties have been involved with an abortion. When such is the case, the priest/deacon should recommend sacramental reconciliation along with pastoral and psychological counseling. Programs such as Rachel's Vineyard can also be very helpful to aid in post-abortion healing. Information on Rachel's Vineyard can be obtained from the Family Life Office.

XII. EXCEPTIONS TO POLICIES AND DECISIONS

These policies are applicable in all cases of marriage preparation in the Diocese of Charlotte. Because we live in a complex society, it is recognized that situations may arise that fall beyond the requirements of these policies. In those cases, priests/deacons are free to use prudent pastoral judgment in applying exceptions to the stated norms, except in cases reserved to the Bishop or in those cases where such an exception would be in conflict with Church law.

XIII. EFFECTIVE DATE

These policies and procedures will become effective in the Diocese of Charlotte on September 15, 2009. These policies are reviewed regularly and revisions made and implemented as the need arises. When such revisions are made, they will be given appropriate publicity. While these policies are in force, priests/deacons are invited to submit proposed revisions to the Chancery Office for future reference.

APPENDIX I

DISPENSATIONS AND PERMISSIONS FOR MARRIAGE

Marriage of mixed religion (canon 1124) – When marriage is to be celebrated between a baptized Catholic and baptized, non-Catholic, permission is to be requested from the bishop.

Disparity of Worship (Cult) (canon 1086, §1) – When marriage is to be celebrated between a baptized Catholic and a person who is not baptized, this dispensation is required for validity.

Disparity of Worship (Cult) Ad cautelam – When the baptismal status of the non-Catholic party is uncertain, this dispensation is to be requested for validity.

Dispensation from Canonical Form – If there are grave difficulties in the way of observing the canonical form, the local Ordinary of the Catholic party has the right to dispense from it in individual cases. For validity, however, some public form of celebration is required (canon 1127, §2). Moreover, it should be noted that outside of the danger of death, the local ordinary does not have the authority to grant a dispensation from canonical form when marriage is celebrated between two Catholics (cf. AAS 77 [1985] 771).

NB: With the permission and dispensations listed above, the requirements of canon 1125 must be fulfilled, namely: 1) the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith,

and is to make a sincere promise or do all in his or her power in order that all children be baptized and brought up in the Catholic Church; 2) The non-Catholic party is to be informed in good time of these promises to be made by the Catholic party, so that it is certain that he or she is truly aware of the promises and of the obligation of the Catholic party; 3) Both parties are to be instructed about the purposes and essential properties of marriage, which are not to be excluded by either contractant.

Permission to change place (canon 1118) – In general, marriages are to take place in the parish church. A pastor may give permission to celebrate a wedding in another Catholic church or oratory in his parish. The local ordinary must give permission for the marriage to be celebrated in any other location.

DELEGATION

For the validity of the marriage, the priest/deacon who witnesses marriage needs to have authority to do so by office or delegation. Therefore, when a marriage will be celebrated by a priest/deacon not assigned to the parish where the marriage is taking place, delegation must be granted to the priest/deacon. The fact that the delegation was granted should be noted in the marriage file (canon 1108, §1).

OTHER IMPEDIMENTS

A diriment impediment renders a person incapable of validly contracting marriage (canon 1073). The local ordinary can dispense his own subjects wherever they are residing, and all who are actually present in his territory, from all impediments of ecclesiastical law, except for those whose dispensation is reserved to the Apostolic See (canon 1078, §1). Impediments whose dispensation is reserved to the Apostolic See are impediment arising from the reception of sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right, and the impediment of crime mentioned in canon 1090 (canon 1078, §2, 1 & 2').

Age – A man cannot validly enter marriage before the completion of his sixteenth year of age, nor a woman before the completion of her fourteenth year of age (canon 1083, §1).

Impotence – Marriage is invalidated by antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or the woman, whether absolute or relative (canon 1084, §1). If the impediment of impotence is doubtful, whether the doubt be one of law or fact, the mar-

riage is not to be prevented nor, while the doubt persists, be declared null (canon 1084, §2).

Previous Bond – A person obliged by the bond of a previous marriage, even if not consummated, invalidly attempts marriage (canon 1085, §1). It is not lawful to contract another marriage before the nullity or the dissolution of the previous one has been established lawfully and with certainty (canon 1085, §2).

Sacred Orders – Those who are in sacred orders, invalidly attempt marriage (canon 1087).

Public Vow of Chastity – Those who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage (canon 1088).

Abduction – No marriage can exist between a man and woman who has been abducted, or at least detained, with a view to contracting marriage with her, unless the woman, after she has been separated from her abductor and established in safe and free place, chooses marriage of her own accord (canon 1089).

Crime – One who, with a view to entering marriage with a particular person, has killed that person's spouse, or his or her own spouse, invalidly attempts this marriage (canon 1090, §1). They also invalidly attempt marriage with each other who, by mutual physical or moral action, brought about the death of either's spouse (canon 1090, §2).

Consanguinity – Marriage is invalid between those related by consanguinity in all degrees of the direct line, whether ascending or descending, legitimate or natural (canon 1091, §1). In the collateral line it is invalid up to the fourth degree inclusive (canon 1091, §2). Dispensations can be given, but dispensation is never granted in the direct line or in the second degree of the collateral line (brothers and sisters).

Affinity – Affinity in any degree of the direct line invalidates marriage (canon 1092). Affinity arises from a valid marriage and it exists between the man and the blood relations of the woman, and likewise between the woman and the blood relations of the man (canon 109, §1). Since only the direct line is prohibited, a man whose wife died could not contract marriage with his wife's mother, but he could contract marriage with his wife's sister.

Public Propriety – The impediment of public propriety arises when a couple live together after an invalid marriage or from a notorious or public concubinage. It invalidates marriage in the first degree of the direct line between the man and those related by consanguinity to the woman, and vice versa (canon 1093).

Adoption – Those who are really related by reason of adoption cannot validly marry each other if their relationship is in the direct line or in the second degree of the collateral line (canon 1094).

APPENDIX II

PERMISSIONS

The permission of the local ordinary is required before witnessing these marriages:

Transients – marriage between persons who neither have a domicile nor a quasi-domicile in the Diocese (canon 1071, §1, 1°).

Non-Civil – marriage between persons whose marriage cannot be recognized or celebrated according to the norm of civil law (canon 1071, §1, 2°).

Natural Obligations – marriage between persons one or both of whom is bound by natural obligations toward another party or children arising from a previous union (canon 1071, §1, 3°).

Notorious Rejection – marriage between persons one or both of whom has notoriously rejected the Catholic faith (canon 1071, §1, 4°).

Censure – marriage between persons one or both of whom is under censure (excommunication, interdict, etc.) (canon 1071, §1, 5°).

Minor Child – marriage between minors whose parents are unaware of the marriage or reasonably opposed to the marriage (canon 1071, §1, 6°).

Proxy – marriage between persons in which one party is represented by a proxy as mentioned in canon 1105 (canon 1071, §1, 7°).

APPENDIX III

LIVING TOGETHER

Questions and Answers Regarding Cohabitation and the Church's Moral Teaching

*(Statement of the Bishops of Pennsylvania) **

1. What is cohabitation?

“Cohabitation” is commonly referred to as “living together.” It describes the relationship of a man and woman who are sexually active and share a household, though they are not married.

2. Why is cohabitation such a concern for the Church?

As you work with your priest during this time of preparation for marriage, you will speak with him about many issues. But the Church is particularly concerned about cohabitation because the practice is so common today and because, in the long run, it is causing great unhappiness for families in the Church. This is true, above all, because - even though society may approve of the practice - cohabitation simply cannot be squared with God's plan for marriage. This may be why most couples who live together before marriage find married life difficult to sustain for very long.

The Church does not invent laws. It passes on and interprets what God has revealed through the ages. No one in the Church has the right to change

what Jesus has taught. To do so would be to deprive people of saving truths that were meant for all time. Our Christian faith teaches that a sexual relationship belongs only in marriage. Sex outside of marriage shows disrespect for the sacrament of marriage, the sacredness of sex, and human dignity.

3. We have good reasons for living together before our wedding. Why can't the Church just accept that?

The Church cares for you as a parent cares for a beloved son or daughter. Knowing that cohabitation increases a couples' chance of marital failure, the Church wants to protect you and preserve your happiness. Besides, most couples don't really evaluate the reasons they give to justify their decision. Think about it:

"It's more convenient for us."

"Convenience" is a good thing, but it's not the basis for making a decision that will affect your entire life. Married life is sometimes inconvenient and even demanding. Cohabitation for convenience is poor preparation for that kind of commitment. Research bears this out. Studies show that those who live together before marriage tend to prefer "change," "experimentation" and open-ended lifestyles - all of which could lead to instability in marriage. One study, conducted by researchers at the University of Chicago and the University of Michigan, concluded that couples who cohabit tend to experience superficial communication and uncommitted decision-making once they are married. Cohabitation for convenience does not allow for the careful thought and adequate "space" necessary for making wise life decisions.

"We're trying to save money for the wedding, so living together is more economical."

Sure, you might save the price of monthly rent, but you're sacrificing something more valuable. Engagement is more than just time to plan the party. It is a time for deeper discussion and more thorough reflection, which are best carried out in a detached way. Couples who are living together do not have the luxury of such detachment. So whatever expenses you save, you'll likely pay more in the end. Dr. Joyce Brothers said it well in an article on cohabitation: "short-term savings are less important than investing in a lifetime relationship."

"Because of the high divorce rate, we want to see if things work out first."

Studies consistently show that couples who live together score significantly lower in both marital communications and overall

satisfaction. On the surface, a trial run at marriage may seem to make sense, allowing one to screen out less compatible mates. But it doesn't work out that way. Couples who live together before marriage actually have a 50% greater chance of divorce than those who don't. And about 60% of couples who cohabit break up without marrying. Living together before marriage is different from living together in marriage, because there is no binding commitment to support the relationship.

“We need to get to know one another first. Later we'll start having kids.”

Cohabitation is actually the worst way to get to know another person, because it shortcuts the true development of lasting friendship. Those who live together before marriage often report an over-reliance on sexual expression and less emphasis on conversation and other ways of communication that ultimately lead to a more fulfilling sexual union after marriage. Traditionally, the process of dating or “courtship” has led couples to a deeper appreciation of one another through conversation, shared ideals and dreams, and a mutual understanding of one another's values.

“The Church is just outdated and out of touch with its thinking in this matter. Birth control made those old rules obsolete.”

That's just not true. In the early days of the Church, living together outside of marriage was common among the non-Christians in the Roman Empire - as was the use of artificial contraception. But these practices were devastating for individuals, families, and society. Women were treated as disposable objects, mere toys for sexual pleasure to be discarded when passions waned. The Christian vision of marriage and family led to happiness and fulfillment for individuals and families - and a great renewal of culture and society. Far from being outmoded, then as now, the Church's teaching is revolutionary - and it works!

4. Why does the Church interfere in the sex lives of couples? It's really just a private matter between us.

Sex is intensely private and personal, but it also has deep moral and social dimensions. Sex works as a primary bonding agent in families and the family is the building block of society. Sexual rights and wrongs influence the health and happiness of individuals, families and neighborhoods. That's why sexual behavior has always been the subject of many civil laws. The Church, of course, wishes to safeguard the family and society. But, more than that, the Church wishes to safeguard your relationship with your future

spouse and with God. Sex is the act that seals and renews the couple's marriage covenant before God. Sexual sins, then, are not just between a man and a woman, but between the couple and God. And that's the Church's responsibility. Sex is not simply a private matter. If it's between you and God, it's between you and the Church. You need to ask yourself: "When do I stop being a Christian? When I close the bedroom door? When does my relationship with God cease to matter?"

5. But, really, how does what we do with our own bodies affect our relationship with each other and our spiritual relationship with God?

The gift of your body in sexual intercourse is a profound symbol of the giving of your whole self. In making love, the husband and wife are saying to one another in "body language" what they said to each other at the altar on their wedding day: "I am yours, for life!" God created sex to be physically pleasurable and emotionally fulfilling. But it is even greater than all that. It is, above all, the deepest sign of the complete gift of self that a husband and wife pledge to each other. This mutual gift empowers the couple to become co-creators with God in giving life to a new person, a baby. According to God's design, the gift of sexual union has two primary purposes: strengthening married love and sharing that love with children.

The only "place" where this total self-giving between a man and a woman is to take place is in marriage. It is the only "place" where children can be raised with the secure, committed love of a mother and a father. So sexual intimacy belongs only in marriage. Outside of marriage, sex is a lie. The action says: "I give you my whole self" - but the man and woman are really holding back their commitment, their fertility, and their relationship with God. Before giving your body to another person, you need to give your whole life, and you need to receive your spouse's whole life in return - and that can only happen in marriage.

6. Why can't I just follow my conscience if I believe living together is okay?

People can be wrong in matters of conscience, and people often are. Where our self-interest is concerned, our capacity for self-deception is huge. Here, as in everything we do, we need an objective standard to tell us if our conscience is properly formed and able to make right judgments. Morality is not a matter of opinion or "gut feeling." Conscience is God's voice, speaking the truth deep within your heart. It's unlikely - if not impossible - that God would contradict His own commandments just for your convenience or desires. You are acting in good conscience when you choose to do what God intends. The choice to live together outside a marriage is always wrong and sinful.

7. Why does the Church claim that living together is a scandal to others? Many of our family and friends are doing the same thing.

Just because everyone does something doesn't make it right or any less serious. A couple's choice to live together is not simply made in isolation. It affects everyone in relationship with these two people - parents, brothers, sisters, friends, and even other members of the parish. A cohabiting couple implicitly communicates that there is nothing wrong breaking God's law. This can be especially misleading to young children - nieces, nephews, and children of friends - who are impressionable and whose moral reasoning is immature.

8. What is the best way to prepare ourselves spiritually for our upcoming marriage?

"A wedding is for a day, but a marriage is for a lifetime." That can be a long and happy time, but only with good preparation. The best way to get ready for marriage is to practice your faith. Catholics do this by faithful attendance at weekly Sunday Mass, by going to the Sacrament of Penance (confession), by prayer, and by practicing works of charity. If you haven't been attending Mass regularly, your parish priest will want to see you back. If it's been a long time since your last confession, your priest will help you. Confession is a necessary step if you have already been cohabiting. During the days of preparation, you are strongly encouraged to pray together as a couple, read Scripture, and lead a virtuous life. For guidance, look to other couples with strong Christian values.

9. Why should we need to separate now? It's just an arbitrary rule of the Church.

The Church's teaching on cohabitation is not an "arbitrary" rule. Living together before marriage is a sin because it violates God's commandments and the law of the Church. St. Paul lists this sin - technically called "fornication" - among the sins (whether within or outside cohabitation) that can keep a person from reaching heaven (see 1 Corinthians 6:9). Cohabitation works against the heart's deepest desires and greatly increases the chances of a failed marriage.

If you are honest with yourself, every practical consideration will tell you that separating before marriage is the right thing to do. It is a decision to turn away from sin and to follow Christ and His teaching. That is always the right decision. But it's a good decision for other important reasons, too:

- it will strengthen your marriage
- it will deepen your friendship
- it will foster deeper intimacy and communion
- it will build up your problem-solving and communications skills
- it will give your marriage a greater chance for success

You may think you are unique and that your passion for each other will never wane. But that's what most couples think. No one goes into marriage planning for a breakup; yet a majority of couples today do break up. You want to be one of the exceptional couples who not only succeed in marriage, but also live together in happiness and fulfillment.

Some couples who are living together think that separation before marriage is artificial or meaningless. Some fear that halting sexual activity will be harmful to the relationship. But this is rarely the case. Sometimes in marriage, too, a sexual relationship will have to be suspended for a time due to illness, military service, business travel, or the good of a spouse. Relationships not only survive this, but actually grow stronger. God rewards such sacrifices with graces for a good relationship. Abstaining from sex will also enable you to rely on other means of communication, which ultimately will empower you to get to know each other in a deeper, lasting way.

10. What good will following the Church's teachings do for us anyway?

Catholic teaching in this matter brings rich blessings to those couples who willingly accept it. The Good News of Jesus frees you to enjoy intimacy even more:

- by appreciating your spouse as a person, not an object
- by living in a stable, secure, permanent, and faithful relationship
- by expressing true, committed love rather than simply satisfying a physical urge

Married life has a special place in God's plan. Like everything good, it requires sacrifices. But they're small compared to the rewards. Seek first the Kingdom of God; everything else you desire will be given to you - and more!

QUESTIONS FOR REFLECTION AND PRAYER:

- 1. As an engaged couple, why did you choose to cohabit before marriage?**
- 2. What have the two of you learned from your experience of living together? What have you learned about yourselves as a couple and as individuals?**
- 3. What is the driving force behind your decision to marry at this time? What has changed in the relationship and made you wish to marry and have your marriage blessed in this Church?**
- 4. Was there a previous reluctance or hesitation to marry? If so, why? Have those issues been completely resolved?**

5. Why are you seeking marriage in the Catholic Church?**6. What does marriage as a sacrament mean to the two of you?****7. How do you see your faith and love for each other as an intimate part of your marriage?****8. How do you want your marriage to be open to life?**

“At the beginning, the Creator made them male and female and declared for this reason a man shall leave his father and mother and cleave to his wife. And the two shall become as one. Thus, they are no longer two but one flesh. Therefore, let no man separate what God has joined.”

- Matthew 19:4-6

“The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws . . . God himself is the author of marriage.”

- The Church in the Modern World, Vatican II, 48

“The conjugal covenant of marriage opens the spouses to a lasting communion of love and life, and it is brought to completion in a full and specific way with the procreation of children. The communion of spouses gives rise to the community of the family.”

- Letter to Families, Pope John Paul II, 7

“Sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses . . . is realized in a truly human way only if it is an integral part of the love by which a man and woman commit themselves totally to one another until death . . . That total physical self-giving would be a lie if it were not the sign and fruit of a total personal self-giving.”

- Familiaris Consortio, Pope John Paul II, 11

“The spouses’ union achieves the twofold end of marriage: the good of the spouses themselves and the transmission of life. These two meanings or values of marriage cannot be separated without altering the couple’s spiritual life and compromising the goods of marriage and the future of the family. The conjugal love of man and woman thus stands under the twofold obligation of fidelity and fecundity.”

- Catechism of the Catholic Church, 2363

“The very preparation for Christian marriage is itself a journey of faith. It is a special opportunity for the engaged to rediscover and deepen the faith

received in Baptism and nourished by their Christian upbringing. In this way they come to recognize and freely accept their vocation to follow Christ and to serve the Kingdom of God in the married state.”

- Pope John Paul II, *The Role of the Christian Family in the Modern World*

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Diocesan marriage forms are located at www.charlottediocese.org.

For more information on diocesan-sponsored marriage preparation programs or instruction in Natural Family Planning, please contact:

Family Life Office

Catholic Social Services

1123 South Church Street

Charlotte, North Carolina 28203-4003

(704) 370-3228

