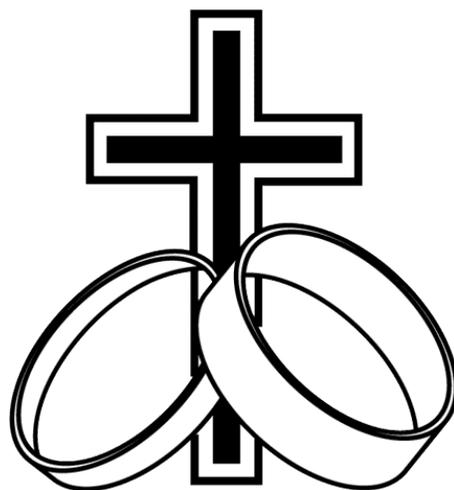


CANONICAL PROCEDURES

MARRIAGE, SACRAMENTAL RECORDS,
ASCRIPTION TO CHURCHES *SUI IURIS*



Diocese of Cleveland



CANONICAL PROCEDURES

**MARRIAGE, SACRAMENTAL RECORDS,
ASCRIPTION TO CHURCHES *SUI IURIS***

April 2014

(minor revisions September 2016)

THE TRIBUNAL OF THE DIOCESE OF CLEVELAND

1404 East Ninth Street, Seventh Floor
Cleveland, OH 44114-2555

Phone: 216-696-6525, extension 4000

Fax: 216-696-3226

Website: www.dioceseofcleveland.org/tribunal

CANONICAL PROCEDURES

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FOREWORD

Dear Priests, Deacons, and Pastoral Ministers,

Reflecting the mystery of the Holy Trinity, marriage is a “communion of love between co-equal persons, beginning with husband and wife and extending to all the members of the family. Second, just as the Trinity’s love is life-giving, a married couple’s love conceives and cares for children” (*Marriage: Love and Life in the Divine Plan*, USCCB, 2009). Our Catholic faith also recognizes that the sacrament of marriage brings about “the domestic church in which a small communion of persons draws its sustenance from the larger Church and reflects its life in unique ways” (ibid.).

The theological richness of our Catholic tradition regarding the uniqueness of the marital covenant is lived out and made manifest in the liturgical celebrations which give expression to what the Church believes. Before a man and a woman approach the day in which they, before the assembly of the Catholic community, give consent to marriage as a life-long community of life and love open to the gift of children (cf. canon 1055), the assistance of parish ministers is required to ensure that the bride and groom are properly disposed and prepared for marriage. An integral part of the preparation is the responsibility of the preparing minister to assure the community of the Church, as well as the couple, that they are entering a marital union which is canonically valid and licit as determined by universal and particular law.

The revised *Canonical Marriage Procedures* as prepared by the staff of the Tribunal of the Diocese of Cleveland replaces the previous *Chancery Procedures* and *Sacramental Recording Procedures*. Changes within the diocesan curia have placed the competence to process matrimonial permissions and dispensations in the Tribunal office. This booklet reflects that change and also updates and clarifies procedures common to the circumstances a parish minister finds while helping couples prepare to celebrate marriage. I ask that you carefully review the contents of this booklet so that you can be of assistance to couples who desire to marry in the Catholic Church.

The staff of the Tribunal of the Diocese of Cleveland is disposed to answering any and all questions regarding the content of the booklet as well as any other questions which may arise in the celebration of marriage within your parish.

With prayerful gratitude for your service to the people of God of the Church in Cleveland, I am,

Sincerely yours in Christ,

Bishop of Cleveland
February 20, 2014

INTRODUCTION

Canon 87 of the 1983 Code of Canon Law recognizes the power of the diocesan bishop to dispense the faithful from universal and particular disciplinary laws when he judges that the dispensation will contribute to their spiritual welfare. As intrinsic to the power of governance, the diocesan bishop may do so for his own subjects and for those who are presently in the territory of his diocese provided there exists a just and reasonable cause (c. 90, '1).

The Office of the Tribunal of the Diocese of Cleveland has been designated by the Bishop of Cleveland to manage requests for canonical permissions and dispensations from ecclesiastical law pertaining to the preparation and the celebration of marriage. The Bishop has delegated several priests assigned to ecclesiastical offices within the Tribunal to process requests for dispensations and permissions according to canon law and diocesan policy.

Issues involving the practice of recording and maintaining sacramental records, the procedures for convalidation and sanation of marriages, inter-ritual marriages, transfer of Church *sui iuris*, the rights of catechumens, and other issues directly and indirectly related to the celebration of marriage in the Catholic Church have been included in this publication. All procedures, policies, and forms found in this booklet specific to the Diocese of Cleveland have been reviewed and approved by Bishop Richard G. Lennon. Questions or issues regarding any information in this publication may be directed to the staff of the Tribunal.

PURPOSE OF THIS BOOKLET

The purpose of this booklet is to provide convenient and accurate reference for priests, deacons, and lay ecclesial ministers assisting individuals in preparing for marriage and other sacraments in the Catholic Church. The material within the booklet includes reference to the universal law of the Church as well as particular law and policy specific to the Diocese of Cleveland.

It was the objective of the Tribunal staff in preparing the booklet to make it user friendly. It is hoped that the format will provide easy access to needed information. Individual questions from parish ministers are always welcomed by Tribunal staff members (216-696-6525, ext. 4000 or 800-869-6525, ext. 4000).

Reverend Gary D. Yanus, J.C.D.
Judicial Vicar
February 12, 2014

I. THE PRE-NUPTIAL FILE

Typically the Pre-Nuptial File is maintained at the parish in which the wedding is celebrated. Exceptions to this rule are stated in section II of this manual, **MATRIMONIAL DISPENSATIONS AND PERMISSIONS**.

Pre-Nuptial files are considered to be part of the Church files as amplified sacramental records and as such may be used by the Diocesan Tribunal or Chancery without formal release by the couple.

Pre-Nuptial files are never released to the couple or anyone other than the Diocesan Tribunal or Chancery.

A. *Information For Marriage Form*

This form is to be completed for all marriages including convalidations and sanations. It is especially important to determine the Church *sui iuris* of the Catholic party or parties (e.g., Byzantine, Latin, Melkite, Ukrainian, Maronite, etc.).

1. Spiritual and Personal Assessment Sections

The preparing minister is to write a brief assessment in each of the sections. These statements may prove helpful in any subsequent evaluation of the couple.

2. Canonical Assessment Section

The preparing minister must determine that the parties are free to marry in the Catholic Church (cc. 1066, 1114). The Canonical Assessment Section addresses the following points:

- a.) Previous marriages and proofs of their freedom to marry such as a certificate confirming the invalidity of a previous marriage or death certificate of a previous spouse;
- b.) Other impediments;
- c.) Identification of dispensations or permissions needed.

The preparing minister must answer each question, using the space provided for any necessary explanations or clarifications.

3. Marriage Outside of Proper Parish

Since it is a special function of the pastor of the bride or groom to witness the marriage, permission **must be obtained** if the wedding is to take place elsewhere (cc. 530, 4°, 1115). If the marriage is to take place outside the proper parish of both the bride and the

groom, the officiant must obtain permission for the marriage from one of the proper pastors.

Permission for a marriage outside the proper parish is to be recorded on the *Information For Marriage Form*.

4. Delegation of Catholic Priest or Deacon

An essential component of the Catholic form of marriage is the proper delegation of the officiating Catholic priest or deacon. If a deacon or a priest other than the pastor or parochial vicar of the parish in which the wedding will take place is to officiate, he must have specific and expressed delegation from the pastor in order to assist validly at that marriage (c. 1111, '2). While such delegation can be given orally, the grant of delegation is to be recorded on the front of the *Information For Marriage Form*. It is the responsibility of the pastor of the parish in which the marriage is to take place to ensure the proper delegation is granted.

5. Declaration of Matrimonial Consent

The preparing minister or officiant must explore the meaning of the declaration with the couple. The declaration must be signed by the couple before the wedding, usually at the last preparation session with the preparing minister. Applications for a permission or dispensation may be submitted before these signatures are obtained.

6. Recording the Marriage

The officiant is to record the civil and ecclesiastical notifications of the marriage on the back of the *Information For Marriage Form*.

7. Rescript

The lower half of the last page of the *Information For Marriage Form* serves as the rescript. When a dispensation or permission has been granted, the Tribunal will complete and notarize this section and return the pre-nuptial file to the preparing minister who submitted it. The rescript is valid for six months from the date of issuance. The Tribunal must be notified if the rescript is not used.

B. Other Documents

The following documents are to be filed with the *Information For Marriage Form*.

1. Sacramental Records

- a.) Catholics must present a recently issued (within six months of the current date) baptismal certificate or proof of profession of faith so that any previous marriages, declarations of invalidity, or any impediments noted in the baptismal register would appear on the certificate. If notations concerning First Communion and Confirmation do not appear on the baptismal certificate, please verify this information by contacting the appropriate parishes.
- b.) For baptized non-Catholics, a recently issued baptismal certificate is preferable, but the original certificate or a photocopy will suffice with *visum*.
- c.) Once the baptismal information has been recorded on the *Information For Marriage Form*, the original certificates are to be retained in the pre-nuptial file. In the case of the baptized non-Catholic, a photocopy of the baptismal certificate notarized with the parish seal is to be retained in the pre-nuptial file. The original should be returned to the non-Catholic party.

2. Prepare/Enrich Customized Couple Assessment

While the *Prepare/Enrich (P/E)* assessment is a required and valuable instrument, it should assist and not replace personal instruction during preparation of the couple. The assessment consists of two reports.

Prepare/Enrich Facilitator Report

The *P/E Facilitator Report* must not be shown to the couple. It should be recognized for what it is: a representation of the couple's relationship at the time they took the assessment. The preparing minister is to review the assessment with the couple and write summary observations on the *Personal Assessment* section of the *Information For Marriage Form*. The *P/E Facilitator Report* is to be maintained in the pre-nuptial file.

Prepare/Enrich Customized Couple Report

The *Couple Report* is to be given to the couple. The preparing minister is to review the instrument with the parties.

3. Death of a Former Spouse

An official death certificate is required. Using the official death certificate, record the date of death, state, county, and registration number on the *Information for Marriage Form*. Information from a parish death register or a newspaper death notice is also acceptable. If proper documentation of death is not accessible, contact the Tribunal for guidance.

When the preparing minister has verified proof of death of the former spouse(s) and no dispensation or permission is required, there is no need to send the pre-nuptial file to the Tribunal. Contact the Tribunal if there are any questions.

4. Declaration of Invalidity

A photocopy of a tribunal document is not acceptable. An authentic document from the Tribunal of the Diocese of Cleveland has the blue seal of the Cleveland Tribunal. The name of this document issued by the Diocese of Cleveland is, *Confirmation of Invalidity of Marriage*. While the document from another diocesan tribunal may have a different name, its content and use, as stated below, remains the same.

When the preparing minister has seen an authentic copy of the document issued by a tribunal which proves the invalidity of the marriage, the preparing minister is to record the name of the diocesan tribunal which issued the declaration of invalidity, and the protocol number of the declaration (e.g., Cleveland # 0987-1998 Smith-Jones). A photocopy of the *Confirmation of Invalidity of Marriage* with the parish seal applied must be kept in the pre-nuptial file. The original is to be returned to the party.

5. Caution (a.k.a Prohibition)

When an invalidity of marriage case reveals serious concerns regarding an individual's capacity or readiness for marriage, the judge may place a caution (sometimes referred to as a "prohibition") on a new marriage involving that party.

The caution is placed at the bottom of the declaration of invalidity of the Cleveland Tribunal. It reads:

"No arrangements for another marriage or convalidation should be made until the priest/deacon preparing the parties for marriage consults with this Tribunal."

When the baptismal register is updated with the details of a declaration of invalidity, the presence of a caution/prohibition is indicated by the words "CONSULT TRIBUNAL". When no caution has been placed on a future marriage, there is no need to submit the pre-nuptial file to the Tribunal.

If the decree of invalidity has been issued with a caution, the preparing minister must consult with the Tribunal judge who placed the caution (or in his/her absence, another Tribunal official) before arrangements for another marriage or a convalidation can be made. Tribunal personnel may only discuss the nature of the prohibition with the person who acted as the procurator of the person on whom the caution has been placed. When the prohibition must be discussed with someone who is not the original procurator, a release form, available from the Tribunal, allowing the sharing of the nature of the caution, must be signed by the person on whom the prohibition was placed. When received by the Tribunal the judge may discuss the case with the person named in the release.

The judge will indicate to the minister the necessary steps to be taken in order for the caution to be lifted.

If the caution was issued by another diocesan tribunal, that tribunal must be contacted.

NO WEDDING DATE CAN BE PROMISED OR SET UNTIL THE TRIBUNAL REMOVES THE CAUTION ON FUTURE MARRIAGES.

6. Natural Obligations From a Previous Marriage

A person may have ongoing obligations (e.g., spousal/child support) toward a former spouse or children from a prior marriage. The preparing minister must inquire how these obligations are being met, and indicate proof of fulfillment of the same in the space provided. Justice requires the fulfillment of these obligations before a subsequent marriage can be permitted. Therefore, the permission of the Ordinary is required before such a person can marry (c.1071 '1 3°). The relevant sections of the *Information for Marriage* and *Application for Matrimonial Dispensation/Permission* must to be completed.

II. MATRIMONIAL DISPENSATIONS AND PERMISSIONS

Some marriages require a dispensation or a permission in order to be celebrated in accordance with universal and/or diocesan law.

A. *Dispensations*

For those marriages which require a dispensation, two separate forms, the *Information for Marriage Form* and *Application For Matrimonial Dispensation or Permission Form*, must be completed and submitted to the Tribunal Office.

A dispensation is needed:

- For a diriment impediment (cc. 1083-1094)
- When the Catholic party desires to be released from the canonical form of marriage (c. 1127)

1. **Diriment Impediments to Marriage**

A diriment impediment absolutely prohibits and prevents the contracting of marriage. An attempt to contract marriage without a dispensation from a diriment impediment is invalid (c. 1073).

Impediments of ecclesiastical law can be dispensed. Dispensation from Holy Orders, the public vow of chastity, and crime are reserved to the Holy See. Impediments of divine law—impotence, prior bond of marriage, and the closest degrees of consanguinity—cannot be dispensed.

There are twelve diriment impediments to marriage. Please consult a canonical commentary for a fuller understanding of impediments and their dispensation.

a. Age

A man under sixteen and a woman under fourteen years of age cannot enter a valid marriage (c. 1083, ‘ 1).

In Ohio, the age for marriage without the consent of the parents is eighteen for the male and sixteen for the female. Applicants less than eighteen years of age must have pre-marriage counseling before the license can be issued. Please refer to section 3103.01 of the Ohio Revised Code. Also see *Diocesan Policy on Teenage Marriages*.

b. Impotence

Antecedent and perpetual inability to have intercourse, whether on the part of the man or woman, whether absolute (with anyone) or relative (only with this one individual), of its very nature invalidates marriage (c. 1084, ‘ 1)

If the impediment of impotence is doubtful, the marriage is not to be prevented (c.1084, ‘2).

Sterility neither invalidates marriage nor renders it illicit (c.1084, ‘ 3).

No dispensation is possible for this impediment. If the pastoral minister believes that this impediment may exist in a particular case, please contact the Tribunal.

c. Prior Marriage

One who is still bound by the bond of a prior marriage invalidly attempts another marriage (c. 1085, ‘ 1).

The invalidity or dissolution of a prior marriage must be canonically established before another marriage can be celebrated (c. 1085, ‘ 2).

d. Disparity of Worship

Marriage between two persons, one of who is baptized in the Catholic Church or has been received into it and the other who is non-baptized, is invalid (c.1086, ‘ 1).

The impediment of Disparity of Worship is not to be dispensed unless all of the conditions mentioned in cc. 1125 and 1126 are fulfilled, namely:

- i. That the pre-nuptial declaration and promise has been made by the Catholic party;
- ii. The other party is aware of the Catholic party's declaration and promise;
- iii. The couple has been instructed on the essential ends and properties of marriage (c. 1086, ‘ 2).

MARRIAGE WITHIN MASS IS NOT PERMITTED BETWEEN A BAPTIZED PERSON AND A NON-BAPTIZED PERSON (See Rite of Marriage).

e. Sacred Orders

Those who have been ordained deacon, priest, or bishop invalidly attempt marriage (c. 1087). When a priest or deacon who has been dispensed by the Holy See from the obligations of sacred orders approaches a preparing minister to make arrangements for a marriage, the Tribunal must be contacted for specific instructions.

f. Public Perpetual Vow of Chastity

Persons who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage (c. 1088). One who has been released from the vow of chastity must present a rescript to that effect. Contact the Tribunal for verification of the rescript.

g. Abduction

A man who abducts or detains a woman for the purpose of marriage cannot validly marry her, as long as the woman remains in the power of her abductor. The impediment ceases when the abducted woman, separated from the abductor and placed in a safe place, consents to have him for her husband (c. 1089).

h. Crime

One who causes the death of one's own spouse or the spouse of an intended partner, or who conspires with that person to kill the spouse of one of them, invalidly attempts marriage (c. 1090).

i. Consanguinity

Regarding blood relatives, marriage is invalid in the direct line between all ancestors and descendants, (e.g. grandmother, mother, daughter) whether they are related legitimately or naturally (c. 1091 '1).

In the collateral line, marriage is invalid up to and including the fourth degree (e.g., first cousins, uncle-grandniece, aunt-grandnephew) (c.1091 '2).

If there exists any doubt whether the parties are related through consanguinity in any degree of the direct line or in the second degree of the collateral line (i.e., brother-sister), marriage is never permitted (c. 1091 '4).

No Ohio marriage license will be issued to persons nearer of kin than second cousins (Ohio Revised Code 3101.01).

j. Affinity

In a valid marriage, affinity arises from the in-law relationship between one spouse and the blood relations of the other spouse (c. 109). Affinity in the direct line in any degree invalidates matrimony (c. 1092). Affinity includes direct descendants or ancestors of the spouse, including stepchildren, mother/father-in-law.

k. Public Propriety

Those who have lived together in an invalid marriage or in public concubinage may not, in the future, marry one another's blood relatives in the first degree of the direct line. Thus, a man cannot validly marry the mother or the daughter of a woman he was living with as his mistress or pseudo-wife (c. 1093).

l. Adoption

All who are related in the direct line or in the second degree of the collateral line (brothers and sisters) through a legal relationship arising from adoption invalidly attempt marriage (c. 1094).

2. Dispensation from the Canonical Form of Marriage

Catholics are required to be married using the marriage rite of the Catholic Church witnessed by a properly delegated Catholic priest or deacon and in the company of two witnesses. Failure to follow certain formalities will result in an invalid marriage by the Catholic Church.

Canonical form must be observed when at least one of the parties is a baptized Catholic or was received into the Church through a profession of faith. The form consists of marriage before a delegated Catholic priest or deacon and two witnesses according to the Catholic ritual of marriage (c. 1108).

With proper dispensation and for a just cause, a Catholic may be married before a minister in a non-Catholic church and have the marriage recognized as valid by the Catholic Church. In a marriage of mixed religion, that is, a marriage between a Catholic and a non-Catholic Christian or the marriage of a Catholic and a non-baptized person, the local ordinary of the Catholic party can dispense from the canonical form if there are serious difficulties with its observance. For validity, however, there must be some public form of celebrating the marriage (c. 1127). A dispensation from form for two Catholics can only be granted by the Holy See and only for a very serious reason.

A marriage between a baptized man and baptized woman must take place in sacred space even though form may have been dispensed. Outdoor weddings are not permitted for sacramental marriage.

B. Permissions

For those marriages which require permission, two separate forms, the *Information for Marriage Form* and *Application For Matrimonial Dispensation or Permission Form* must be completed and submitted to the Tribunal Office. The proper documents must be included with the application.

Permission from the Bishop or his proper delegate is needed for a marriage:

- In the Eastern rite of the bride instead of the Latin rite of the groom
- In the Latin rite of the bride instead of the Eastern rite of the groom
- Of mixed religion (Catholic with a baptized non-Catholic) (c. 1124)
- By a Catholic priest or deacon celebrating the Catholic form of marriage in a Protestant church (c. 1118)
- Of a Catholic and a non-practicing Catholic (e.g., one who is baptized in the Catholic Church but never catechized)
- Of transients who have no fixed residence (c. 1071)
- Whenever the civil law on marriage would be violated (c. 1071) (e.g., a girl under age sixteen and a boy under age eighteen or relatives closer than second cousins)
- Of a person who is bound by natural obligations toward another party or toward children, arising from a prior union (c. 1071, 3°)
- Of a Catholic and a person who has notoriously rejected the Catholic faith (i.e., one who consciously and publicly has rejected the Catholic faith [c. 1071])
- Of a person who is bound by an ecclesiastical censure (c. 1071)
- Of a person under eighteen years of age when the parents are unaware of the marriage or are reasonably opposed to it (c. 1071)
- Of a marriage to be entered by means of a proxy (c. 1071)

See also **Natural Obligations From a Previous Marriage** in section one of this booklet.

C. The Application Form

The dispensation or permission is valid for six months from the date of issue. Both the *Information For Marriage Form* and *Application For Matrimonial Dispensation or Permission Form* are to be submitted to the Tribunal Office **no more than six months and no less than six weeks** before the wedding.

1. General Information

- a. The proposed date of the marriage or convalidation, the parish where the records will be filed, and religious information about the parties, are to be recorded on the application.

- b. If there is any doubt as to the fact or validity of the baptism of a non-Catholic person, "Permission to marry a baptized non-Catholic and dispensation from the impediment of Disparity of Worship ad cautelam" is to be requested. The baptism of the Catholic party must always be certain and verified.
- c. A dispensation from an ecclesiastical law may not be granted without a just and reasonable cause. The same holds true for granting the permission for a marriage of mixed religion (cc. 90, 1125). The preparing minister must, therefore, provide reasons why the dispensation and/or permission should be granted

2. The Pre-nuptial Declaration and Promise

- a. The Catholic party must make this declaration and promise whenever the other party in the marriage is not Catholic or is a non-practicing Catholic. The Catholic party is always required, without exception, to make this declaration and promise. For an explanation of the meaning of the promises please consult Guidelines for Interfaith Marriages of the Diocese of Cleveland (1997).
- b. The preparing minister must sign and date the pre-nuptial declaration and promise in the space provided. The signature of the preparing minister certifies that:
 1. The couple has received appropriate premarital instruction;
 2. The Catholic party has made the required declaration and promise;
 3. The non-Catholic has been informed of the declaration and promise of the Catholic party (c. 1125).

3. Dispensation from Canonical Form

Please provide all information requested in this section, especially the name of the officiating minister. As with any dispensation petition, the preparing minister must provide the reasons for the request.

D. Granting Dispensations and Permissions

Submitting a request for a dispensation/permission, even though there may be some reservations, signifies that the preparing minister endorses the proposed marriage. The following steps are to be followed when applying for a dispensation or permissions:

1. The preparing minister submitting the request must sign the *Application for Matrimonial Dispensation or Permission* in the designated area.
2. The Tribunal will return the *Information For Marriage Form*, and any other documents to the preparing minister. These must be retained in the pre-nuptial file.

3. The Tribunal will complete and notarize the rescript (the lower half of the last page of the *Information For Marriage Form*). The *Application for Matrimonial Dispensation or Permission* remains on permanent record in the Diocesan archives.
4. When applying for a dispensation/permission, the preparing minister must submit the applicable documents:
 - The Catholic party's baptismal certificate, with notations, issued within six months of the request;
 - A copy of the baptismal certificate of the non-Catholic party, if available;
 - A copy of the civil marriage record is necessary for convalidation in the Church;
 - The *Confirmation of Invalidity of Marriage* for all previous marriages of the bride/groom;
 - A death certificate for former spouse of bride or groom;
 - The canonical reason for the dispensation and/or permission;
 - The precise date of the marriage or convalidation;
 - The completed *Information For Marriage Form*;
 - Complete information regarding the place and officiant of the marriage outside the canonical form.

E. Pre-nuptial File Retention

Typically the pre-nuptial file is retained in the Catholic parish of celebration.

When a dispensation from canonical form is granted, the parish from which the request was made retains the pre-nuptial file.

When marriage is celebrated according to the canonical form outside a parish church, the territorial parish in which the celebration occurred retains the pre-nuptial file.

F. Marriages Outside the Diocese of Cleveland and Arrangements for Parties Living Outside The Diocese of Cleveland.

1. Communication is conducted through the administrative offices of the two dioceses. The *nihil obstat* of both dioceses is required. Pre-nuptial files will be sent to the church of celebration outside the Diocese of Cleveland through the Tribunal of the Diocese of Cleveland. Pre-nuptial files received from outside the Diocese of Cleveland will be sent by the Tribunal to the church of celebration within the Diocese of Cleveland.
2. The request for dispensations/permissions will be forwarded by the Tribunal of the Diocese of Cleveland to the ordinary of the Catholic party when the Catholic party has domicile outside the State of Ohio. The dispensations/permissions will be granted through the Tribunal of the Diocese of Cleveland when the Catholic party has domicile within the State of Ohio or is actually present in the State of Ohio at the time the dispensation/permission is granted.
3. Pre-nuptial files that need to be forwarded outside the continental United States must be sent to the office of the Tribunal of the Diocese of Cleveland **no later than two months** before the proposed date of marriage. The parties are solely responsible for the documents and proper procedures required by the place of marriage.
4. Parishes will be billed for forwarding pre-nuptial files that need to be sent by special means, overnight express, or same-day delivery. In order to ensure efficient and reliable communication of wedding files for weddings that are celebrated outside the United States, the Tribunal employs the services of a certified, bonded, courier. The Tribunal requires that a fee of one-hundred dollars (\$100) in the form of a parish check made payable to the Tribunal of the Diocese of Cleveland be sent with the wedding files that need to be transferred to international locations.
5. A priest or deacon from outside the State of Ohio must have a letter of suitability from his Ordinary. The letter must be sent to the attention of the Secretary and Vicar For Clergy and Religious of the Diocese of Cleveland. The office of the Secretary and Vicar For Clergy and Religious of the Diocese of Cleveland will send a letter of suitability to the pastor of the church where the marriage is to be celebrated and to the diocese or religious community of the minister who is to officiate. The priest or deacon must also apply to the State of Ohio for a license to officiate at a wedding. See the website named below for the form and instructions.
<http://www.sos.state.oh.us/sos/recordsIndexes/MinisterLicense/licensing.aspx>
6. Any priest or deacon who is to officiate at a ceremony outside of the Diocese of Cleveland must request a letter of suitability from the Secretary and Vicar For Clergy and Religious of the Diocese of Cleveland at least two weeks in advance of the need for the document. The office requires two weeks to fulfill a request for the letter.

III. THE CATHOLIC MARRIAGE CEREMONY: Valid Assistance by a Priest or Deacon

A. Territorial Parishes

1. By universal law, pastors validly assist at all marriages, not only of their own subjects but also of non-subjects, but only within the limits of their own territory, provided that at least one of the parties is of the Latin rite (c. 1109). Diocesan faculties give this faculty also to parochial vicars.
2. By universal law the pastor may delegate an individual priest or deacon to assist at a specific, determined marriage celebrated within the territory of the parish (c. 1111). Diocesan faculties give this faculty also to parochial vicars. Other clergy must have the faculty to grant this delegation.
3. Delegation is required in cases of weddings in chapels of institutions within the territory of a given parish, and for Catholic weddings by a priest or deacon in a Protestant church within the territory of a given parish.
4. A pastor may grant general delegation to a priest or deacon to assist validly at marriages within the limits of his parish territory. If such general delegation is given, it must be given in writing (c. 1111). The pastor must send a copy of this grant of general delegation to the Chancery, while also retaining a copy in the parish files.

B. Personal/Non-Territorial Parishes

By universal law **pastors** and **parochial vicars** of **personal or non-territorial parishes** are authorized to assist at marriages involving at least one of their subjects, i.e., a registered member of the non-territorial parish (c. 1110). Other clergy must check their faculties to ensure they are properly delegated.

The Bishop of Cleveland has given pastors and parochial vicars of personal or non-territorial parishes the additional faculty to assist validly at the marriages of any Latin Catholics who come to them to be married in the Catholic Church, even if neither person is a registered member of the personal parish. This delegation applies to marriages in the parish church as well as any other permanent chapel located on the parish property. **Pastors** and **parochial vicars** of **personal parishes** are also authorized to sub-delegate this faculty, on an individual basis, to any priest or deacon in good standing who may be asked to witness a marriage at the personal parish under the above circumstances.

C. Officiating Clergy

Ordinarily, it is the responsibility of the priest or deacon who is to officiate at the wedding to prepare the couple, complete the paper work, and obtain any needed delegation, permissions, or dispensations. Occasionally, exceptional circumstances may require that another priest or deacon handle the marriage preparation and its canonical requirements. Please refer to the Marriage Policy of the Diocese of Cleveland for more detailed treatment regarding responsibility for preparation.

It is the pastor's responsibility to ensure the officiant of a marriage in his parish has the proper credentials (letter of suitability, state license) and has been properly delegated.

1. Deacons

Deacons, with the delegation of the pastor in each instance, and with the observance of the civil and canonical requirements may assist at marriages. General delegation for a deacon may be granted by the pastor in a letter sent to the Chancery. A copy is also to be maintained in the parish records. The delegation survives the change of pastor and remains in place until withdrawn by the Bishop or the current pastor. A deacon may never assist (i.e. receive the vows) at a wedding where a party is Eastern Christian, whether Catholic or Orthodox.

2. Visiting Clergy

When a priest or deacon of the Diocese of Cleveland witnesses a marriage in a parish outside of the territory of his own assigned parish, he must obtain delegation from the pastor of that parish.*

When a priest or deacon from outside of the Diocese of Cleveland is to officiate at a wedding within the Diocese of Cleveland, a letter of suitability for ministry from the diocese of the visiting priest or deacon must be sent to the Secretary and Vicar for Clergy and Religious of the Diocese of Cleveland.*

3. Visiting Clergy from Other States

In addition to the canonical requirements, Catholic priests and deacons coming to Ohio to witness a marriage must also fulfill the civil requirements of the State of Ohio by obtaining a license to solemnize marriages.*

*** Note:** Please see the previous section of this booklet entitled: **Marriages Outside the Diocese of Cleveland and Arrangements for Parties Living Outside The Diocese of Cleveland.**

IV. RECORDING MARRIAGES

A. *The Parish Marriage Register*

1. Marriages Celebrated According to Canonical Form

The **territorial parish** maintains records of all marriages celebrated according to the Catholic canonical form within its boundaries, with the exception of marriages celebrated in personal parishes.

The **personal parish** maintains records of all marriages celebrated according to the Catholic form in the personal parish.

2. Marriages of Parishioners of Newly-Formed Parishes Lacking a Church Building or of Parishes Whose Church Building is Temporarily Not Usable

An exception exists for newly formed parishes without a church building or parishes whose church building is not usable, e.g., being remodeled, damaged, etc. (hereafter “originating parish”). The pastor of the originating parish is responsible for the marriage records of his parishioners which take place in other Catholic churches before the church is constructed or when the church is not usable. The territorial parish in which these marriages occur will keep a simple listing of these weddings in their parish marriage register, recording only the names of the couple, the date of marriage, and the name of the priest or deacon who performed the ceremony. Additionally, a notation that the complete marriage file and record is available in the marriage register of the originating parish is placed in the “Remarks” column of the marriage register of the territorial parish.

Note: The pastor of the originating parish must still obtain delegation from the territorial pastor for marriages of his parishioners taking place in these other Catholic churches.

3. Marriages Dispensed from the Canonical Form

The pre-nuptial files for marriages that have received a dispensation from the Catholic canonical form of marriage are filed and recorded in the marriage register of the parish which applied for the dispensation.

If the marriage preparation is carried out by a priest or deacon not assigned to parish ministry or by a visitor, the marriage is recorded in the parish of the Catholic party. The pre-nuptial file is kept at the parish of the Catholic party (c. 1121, ‘ 3).

After the marriage has been witnessed, it is the responsibility of the preparing minister who submitted the request for the dispensation to see that a record of the marriage is sent to the Tribunal using the form accompanying the dispensation rescript.

B. Notification to Parish of Baptism

The pastor of the place where the wedding was celebrated is responsible for notifying the pastor of the church of baptism of the Catholic parties of the fact of the marriage, which is to be recorded in the baptismal register (c. 1122). Form M-C cards are available from the Tribunal for this purpose.

C. Other Notifications

Whenever a marriage is convalidated, declared invalid, or is legitimately dissolved other than by death, this fact is to be noted in the marriage and baptismal registers, along with the date of the dissolution and the protocol number of the official document (c. 1123). If a caution has been placed upon a declaration of invalidity, this information is to be recorded in the baptismal and marriage registers. The Tribunal will send out all notifications with appropriate instructions.

V. INTERFAITH MARRIAGES

For information regarding the marriage of a Catholic to a Christian or a non-baptized person, please refer to Guidelines for Interfaith Marriages of the Diocese of Cleveland (1997).

VI. CONVALIDATIONS AND SANATIONS

A. *Convalidations*

A convalidation is a nuptial ceremony in the Catholic Church in which the parties are currently in a lawful civil union. A convalidation requires the same premarital preparation and same documentation as any other marriage in the Church. The preparing minister must request the parties provide a certified copy of the Marriage Record and the Marriage License Application. These documents can be obtained from the courthouse of the county that issued the marriage license. These documents are to be used by the preparing minister to verify that the couple is in a lawful civil union and free to marry in the Catholic Church. The preparing minister will record the date, officiant, and place of the previous attempted marriage, in the Canonical Assessments section of the *Information For Marriage Form*. The copy of the civil marriage record must be placed in the pre-nuptial file.

B. *Sanations*

Apart from a defect in marital consent, a marriage can be invalid because of a diriment impediment or lack of canonical form or a combination of these factors. A sanation is an act of competent ecclesiastical authority which removes any obstacles impeding the consent of the parties from having its natural effect. The competent authority for the sanation of the marriage between a Catholic and non-Catholic is the diocesan bishop. The marriage of two Catholics must be sanated by the Holy See. In the case of a Catholic and a non-practicing Catholic, contact the Tribunal.

The sanation of an invalid marriage is its convalidation without the renewal of consent. It involves the dispensation from an impediment if there was one and from canonical form if it had not been observed. The effects of the marriage are considered to exist retroactively from the moment the marriage was initially attempted.

A sanation cannot be granted unless the parties intend to persevere in conjugal life.

A sanation is indicated when there is an invalid marriage and both persons are free to marry, but one of them does not see the need to renew matrimonial consent according to the Catholic canonical form of marriage, or is even opposed to doing so. Thus, when one party considers the *de facto* marriage to be valid without any further renewal of matrimonial consent, a sanation, rather than a convalidation, may be the appropriate course of action.

The minister may wish to explore the possibility of a sanation instead of a convalidation when one of the parties is a non-Catholic.

A sanation can be granted even when one or both parties are unaware of the invalidity of their marriage and of the proposed sanation. Such a situation could occur when a priest or deacon fails to obtain delegation or a dispensation from a diriment impediment. In such cases, it is advisable to request a sanation rather than to ask the couple to renew consent through another marriage ceremony.

The procedure for requesting a sanation is as follows:

The preparing minister must create a pre-nuptial file—the same as for any couple seeking marriage in the Catholic Church—and submit it to the Tribunal. Additionally, the minister must write a letter to the Tribunal and include the following information:

1. Date and place of the original marriage
2. Present status of couple - The priest must investigate:
 - a. Whether the original consent of both parties to the marriage still perdures and
 - b. Whether it is probable that both parties intend to persevere in conjugal life.
3. Pre-nuptial Declaration and Promise - the Catholic party must make the pre-nuptial declaration and promise.
4. Previous Marriages - Completing the Canonical Assessments section of the Information For Marriage Form will give all necessary information regarding any previous marriages and how they have been resolved (date of death and certificate number; Tribunal case number of decree of invalidity).
5. Information regarding any other impediments
6. The date the petition was forwarded, the signature of the person submitting the request, and the name of the parish

Please send the petition to the Tribunal.

When a sanation is granted, the Tribunal will send a rescript to the preparing minister who made the request. The preparing minister must ensure all of the following tasks are completed:

1. Enter the names, date, officiant, sanation protocol number, and place into the parish marriage register,
2. File the rescript with the marriage papers,
3. Notify the parish of baptism of the Catholic parties.

VII. MARRIAGES INVOLVING AN EASTERN CATHOLIC

The marriage of two Catholics of different Churches, *sui iuris*, according to the Code of Canons of the Eastern Churches, is to be celebrated before the pastor of the groom, unless particular law determines otherwise or a just cause intervenes (CCEO, c. 831, '2). If the groom is a member of an Eastern Catholic church, the Latin preparing minister should explore with the couple the possibility of approaching the proper pastor of the groom for marital preparation and celebration of the marriage. If a just cause is present, the marriage may be celebrated in the Latin Church of the bride. When requesting permission for the marriage from the Tribunal, the just cause must be explained.

A deacon may never assist (i.e. receive the vows) at a wedding where a party is Eastern Christian, whether Catholic or Orthodox.

When neither of the parties is Latin Catholic, the preparing minister must send the request for any permission, dispensation or delegation for a Latin priest to officiate to the Tribunal, which will contact the appropriate Eastern Catholic Church.

Such cases are:

1. A marriage in the Latin Church of two Eastern Catholics; or
2. A marriage in the Latin Church of an Eastern Catholic and a non-Catholic Christian or non-baptized person.

VIII. MISCELLANEOUS TOPICS

A. Time and Place of Weddings According to Catholic Form

Each parish should establish and publish regulations regarding the time for marriages after considering the parish liturgical and pastoral schedule.

In keeping with the sacred character of the sacrament of matrimony, marriages are to be celebrated in the parish church. With permission of the Bishop or the pastor it may be celebrated in another church or oratory (c. 1118 ‘1). The Bishop may permit marriages to be celebrated in another sacred place, i.e., one set aside specifically for divine worship (c. 1118 ‘2).

Catholic chapels may be used only with the permission of those who administer the chapel, and with due regard for the parochial ministry of the pastor of the territorial parish in which the chapel is located (c. 559). For validity, the pastor of the territorial parish in which the Catholic chapel is located must delegate the priest or deacon who will officiate. Registration of the marriage and the pre-nuptial file are to be kept in the territorial parish where the wedding took place.

A non-sacramental marriage (a marriage in which one party is Catholic and one party is non-baptized) marriage may take place in a suitable place (c. 1118 ‘3). For validity, the pastor of the territorial parish in which the place of marriage is located must delegate the priest or deacon who will officiate. The marriage is to be registered in the sacramental records and the pre-nuptial file is to be kept in the territorial parish in which the wedding took place.

1. Weddings During Lent

The season of Lent is not a “closed time” for marriages in Church law. The penitential nature of this season, however, strongly suggests that weddings be discouraged. The pastor or parochial vicar, nevertheless, may decide to schedule a wedding due to pastoral circumstances or some compelling reason.

2. Weddings on Sundays, Other Solemnities, or Restricted Days

See the Ordo for the Province of Ohio and the liturgical directions given by the Office for Worship. (See www.dioceseofcleveland.org/worship).

B. Witnesses for Marriage: Best Man and Maid of Honor

Catholics, members of other Christian churches or ecclesial communities, and non-Christians may be witnesses (e.g., best man and maid of honor) at the celebration of marriage in a Catholic church. Catholics may also be witnesses at marriages between non-Catholics which are validly contracted in either a religious or civil ceremony. It is inappropriate for a Catholic to serve as a witness to a wedding involving at least one Catholic when the marriage cannot be contracted validly.

C. Banns

The banns, whose canonical purpose is to determine the freedom of the parties to marry, are to be published in the parishes in which the Catholic parties reside. In practice, however, the publication of the banns has become the way of announcing to the parish the news of an upcoming marriage.

Banns are to be published for all weddings of two Catholics and for mixed marriages. Publication should normally take place on three successive Sundays. Banns are not usually published for a convalidation

D. Testimonial Letters Regarding the Freedom To Marry

When a priest from another diocese requests affidavits of a person's freedom to marry, a priest from the Diocese of Cleveland may respond by means of a letter after speaking to the affiants (usually parents or relatives) and inquiring as to that individual's freedom to marry and whether they know of any canonical impediments.

The testimonial letter should be signed by the priest of the Diocese of Cleveland, impressed with the parish seal, and forwarded directly to the priest seeking the information. While there is no strict need to send this document through the Tribunal, some dioceses require the *visum* of the Chancery. In the Diocese of Cleveland, the Tribunal will comply with this procedure if specifically requested.

If a diocese requests a specific form, the priest must obtain that form from the requesting diocese.

E. Ecclesial Permission for Separation and Divorce

The decision to divorce or separate is a serious matter which should be taken only after careful deliberation. Couples contemplating civil separation or divorce may seek ecclesiastical permission from the local ordinary (c. 1153).

There are no longer ecclesiastical penalties for failure to obtain ecclesiastical permission to separate or seek a divorce or civil dissolution. Those who do so without permission are not excommunicated and, if properly disposed after sacramental confession and absolution, may participate in the sacramental life of the Church.

If presented with this type of request, contact the Tribunal for guidance.

F. Marriage of Persons with Developmental Disabilities

Preparing ministers are to contact Catholic Charities Disability Services and Ministries for consultation and assistance in preparing such couples for marriage. Disability Ministries should be contacted in ample time so that suitable arrangements can be made.

G. Marriages of Priests and Deacons Dispensed from the Obligations of Sacred Orders

When a dispensed priest or deacon approaches a preparing minister to make arrangements for a marriage, the preparing minister is to contact the Tribunal for specific instructions.

H. Public Perpetual Vow of Chastity

Persons who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage (c. 1088). One who has been released from the vow of chastity must present a rescript to that effect. Contact the Tribunal for verification.

IX. BROTHER/SISTER PERMISSIONS

Before considering the brother/sister permission, all attempts to establish a party's freedom to marry must be exhausted.

In the Apostolic Exhortation *Familiaris Consortio*, Pope John Paul II indicated that should a couple be living in an irregular marriage and believe the first marriage to be **invalid**, and they are now unable to separate, they may participate in the sacraments if they are willing to live a life of continence, that is, by abstinence from the acts proper to married couples (*Familiaris Consortio*, 84).

The priest must determine that:

1. Convalidation of the marriage is impossible;
2. Separation of the parties would be extremely difficult;
3. No scandal will result from the use of this arrangement; and
4. Danger of incontinence is removed (e.g., advanced age, illness, serious operation, etc.).

The brother/sister permission is granted for the sole purpose of reception of the Eucharist and other sacraments. It does not allow the parties to act in other official capacities, e.g. Godparent, Christian witness, Extraordinary Minister of Holy Communion, Lector, and Confirmation sponsor.

A priest applying for brother/sister permission on behalf of a couple should submit a letter to the Bishop describing the facts of the case and the reason for requesting this permission. The letter should contain the following:

- Name, address, age, religion, and baptismal status of both parties;
- Previous marriage(s) of either or both parties;
- Reasons for the impossibility of separation;
- Reasons for extreme difficulty of establishing the invalidity of the marriage in the external forum;
- An indication that both parties agree that if their petition is granted, they will not attempt to live as husband and wife; and that if this promise is violated, they will explain the situation to their confessor and follow his direction; and that they will take all precautions to preclude scandal from the use of the permission;
- No possibility of scandal if the permission is given.

When the permission is granted, a rescript will be sent to the priest who made the request. The parties celebrate the sacrament of reconciliation. The rescript is to be kept in the parish archives.

X. CATECHUMENS PREPARING FOR MARRIAGE

In marriages involving catechumens, the proper form of marriage is the Rite for Celebrating Marriage Between a Catholic and a Non-baptized Person. The rite used is for marriages involving two catechumens, a catechumen and a non-baptized person, a catechumen and a baptized non-Catholic, and a catechumen and a Catholic.

It is not permitted to celebrate such marriages at the Eucharistic liturgy. The nuptial blessing of the ritual may be used, but all references to Eucharistic sharing are to be omitted (NCCB Statutes 10).

Note that while catechumens have the prerogative to marry in a Catholic ceremony, they are not obliged to do so, except when they are marrying a Catholic. The marriages of two catechumens or of a catechumen and a non-Catholic are canonically valid irrespective of the form used. The marriage must have been valid according to the civil law that was in effect where the marriage took place, the parties must have exchanged valid consent, and the parties must not have been bound by an impediment of the divine law.

When a catechumen marries a Catholic, the Catholic party must request a dispensation from disparity of worship.

While persons currently in an invalid marriage may become catechumens, they cannot complete the process by receiving the sacraments of initiation until a dissolution or declaration of invalidity of the previous marriage has been obtained. The catechumen who had been in an irregular union then becomes canonically free to celebrate the Rite of election and to proceed toward the sacraments of initiation.

If the catechumen's present spouse was Catholic at the time of the wedding and the marriage was not celebrated according to Catholic form, it is necessary to have the marriage convalidated or sanated. After notification of the declaration of invalidity or the dissolution, if applicable, proper preparation must be completed. The convalidation must occur before the initiation of the catechumen. Only that part of the marriage ritual needs to be observed which pertains to the essence of marriage, namely the consent of the parties and the asking for consent and receiving of it in the name of the Church by the properly delegated priest or deacon before two witnesses.

The marriage between a catechumen and a baptized non-Catholic is not a sacrament. Only baptized persons validly receive a sacrament, and both parties to a marriage must be baptized for it to be a sacramental marriage. When the catechumen, already married to a baptized person, is baptized, that marriage becomes a sacrament at the moment of baptism. Consent is not exchanged after the baptism, because it is presumed to be a valid marriage from the beginning, and the original consent is presumed to perdure. A new wedding ceremony would be confusing and suggest that the couple had not been validly married.

For a fuller treatment of these questions, see John Huels, The Catechumenate and the Law, (Liturgy Training Publications, 1994), pp. 57-63.

XI. CANDIDATES FOR RECEPTION INTO FULL COMMUNION WITH THE CATHOLIC CHURCH

A candidate for reception into full communion with the Catholic Church who is in an invalid marriage must resolve this prior to making a profession of faith and receiving the sacraments of Confirmation and Eucharist. If the invalidity is due to a prior marriage, a dissolution or declaration of invalidity of the previous marriage must be obtained. The candidate can then be accepted for the Call to Continuing Conversion and proceed toward reception into full communion.

If the candidate's present spouse is Catholic, and they did not observe Catholic form, it is necessary to have the marriage convalidated or sanated.

If the candidate's present spouse is not Catholic, no action needs to be taken after a declaration of invalidity.

If the candidate was granted a Pauline Privilege or a Petrine Privilege (also known as a Favor of the Faith), the parties must exchange consent. A sanation cannot be used.

XII. TRANSFER OF CHURCH *sui iuris* (“Change of Rite”)

The *Code of Canon Law* (c. 112) and the *Code of Canons of the Eastern Churches* (CCEO c. 32) permit that at the time of marriage or anytime during the marriage, a Latin wife or husband may transfer to the Eastern Church *sui iuris* of his/her spouse and that an Eastern Catholic wife may transfer to the Latin Church of her husband. When the marriage ends, a spouse who has changed Church *sui iuris* is free to return to his/her Church *sui iuris* of baptism.

When any change in Church is done, notification of the change should be sent to the person's church of baptism so that the change may be noted in the baptismal register.

In the case of an Eastern Catholic husband or an unmarried person over the age of fourteen, the process for a formal change of Church is required. The process for that change is given below.

No person is to be forced, induced, or persuaded in any way to transfer to another Church *sui iuris* (CCEO c. 31). Such action may be punished with a just penalty (CCEO c. 1465).

Note that any Eastern Christian who is received into the Catholic Church through a profession of faith is automatically ascribed to the corresponding Eastern Catholic Church *sui iuris* and can only become a member of the Latin Church through one of the ways of transfer listed above.

The following documents are needed for consideration of a transfer of Church *sui iuris*:

1. A letter addressed to the Bishop from the pastor/priest on behalf of the petitioner(s) stating the pastoral reasons for the request.
2. Letter from the petitioner(s) requesting the transfer must include:
 - a. Petitioner's request to change stating the pastoral reasons for the request;
 - b. Name(s) and phone number;
 - c. Individual letters for each adult, including the names of all children under the age of fourteen;
 - d. Individual letters for any child over the age of fourteen.
3. Recent Baptismal Certificates (originals dated within 6 months) for petitioner(s) and for all children who are seeking transfer of Church *sui iuris*.
4. All documents are to be included in the letter addressed and sent to the Bishop of Cleveland.

Appendix I. SACRAMENTAL RECORDS

General Considerations

A. Identification for Parish Ledgers

1. Identify parish with complete name and founding date
2. Indicate Location
3. Indicate date of first record on title page
4. When book is completed, indicate date of last record

B. Standard Procedures and Routines for Record-Keeping

1. Record information in the sacramental registers on at least a weekly basis. Set up a regularly scheduled time to complete these entries.
2. Maintain one location (file, drawer, etc) for information that is collected for future recording in the sacramental register (e.g. preliminary forms for baptismal data). Make certain all staff who handle sacramental data (e.g. clergy, pastoral ministers, secretarial staff) are aware where the information is to be placed.
3. Use an indelible black pen for recording. Do not use felt-tip pens or fine-line markers.
4. For maximum legibility, print.
5. Verify information for accuracy before recording.
6. If this task is delegated, the pastor remains responsible for monitoring the accurateness of the registers.
7. Sacramental records are historical records. Occasionally requests have been made to change records, especially regarding a sponsor or godparents for baptism. Changes to records may only be made under specific conditions as described in these guidelines.

C. Information regarding Baptismal Registers (see Appendix II for special cases)

1. Family information and dates: Care should be taken that the information on the birth certificate or certified final adoption papers (names, date of birth, etc.) matches the information recorded in the baptismal register.
 - a. Complete name (first, middle, last) of person being baptized. For women, their maiden name is always used for the baptism entry as well as all other sacramental registers.
 - b. Parents' complete names (family name, first name of both parents, mother's maiden name). For adoptions, only the adoptive parents are listed as well as the fact of the adoption.
 - c. Date of birth and place of birth of person being baptized.
 - d. Complete names of sponsors/godparents. A validly baptized Christian may serve as a Christian witness to the baptism, but only with a Catholic godparent. If there are two godparents, one of each gender must be selected. Since the baptismal record is a historical record, it lists the godparents who served as witnesses to the baptism. The fact that they were the witnesses cannot be altered, even if subsequent events indicate that the godparents are not capable of fulfilling their spiritual responsibilities. Future requests to change the names of godparents in the record must never be accepted.
 - e. If one of the parents is ascribed to an Eastern Church *sui iuris* and the other is a Latin Catholic, the parents must be asked to which church they want their child ascribed. Their decision must be recorded in the notation section. If there is no indication, the child is automatically ascribed to the church of the father.
 - f. Place name and page number in appropriate section of index
2. Rite of Christian Initiation of Adults
 - a. If the individual has not been validly baptized, the entry for baptism is made as described above. For women, their maiden name is always used for the baptism entry as well as all other sacramental registers. If there has been a legal name change an original, certified court document must be presented. See C.6. for specific instructions for this type of entry.
 - b. If the individual has been validly baptized in another denomination, gather information listed in sections 1a. through 1e. above, along with date and place (church, location) of original baptism. This is the only sacramental record in which baptism information from a non-Catholic Church is entered.

- c. Record the complete name of the candidate, the date of reception in the Catholic Church, along with sponsor(s) and clergy who officiated. The name on the baptismal register should match the name on the birth certificate. For women, their maiden name is always used for the baptism entry as well as all other sacramental registers. If there has been a legal name change an original, certified court document must be presented. See C.6. for specific instructions for this type of entry. If a parish has a profession of faith register, this information can be recorded in it as well as in the baptism register.
- d. If the candidate is married, record information re: name of spouse, date and place of wedding in appropriate section of record under comments
- e. In the case of adults who have been received into full communion and have children below the age of seven who have been validly baptized in another denomination, the children enter the Church through the reception of their parent(s). Information regarding their baptismal data should be noted in the baptismal register (and profession of faith register, if used) - along with the note “received into the Church with (parent name) on (given date)”. This record will function as proof that they are Catholic. They must be issued a certificate with an explanation to the parents that this is the certificate to be presented when a baptismal certificate is requested in the future.
- f. In the case of adults who have been received into full communion and have children over the age of seven but under the age of fourteen who have been validly baptized in another denomination, the children enter the Church through the reception of their parent(s) but they must make their own profession of faith. Information regarding their baptismal data should be noted in the baptismal register (and profession of faith register, if used) - along with the date of reception in the Catholic Church, name(s) of sponsor(s) and clergy who officiated. They must be issued a certificate with an explanation to the parents that this is the certificate to be presented when a baptismal certificate is requested in the future.
- g. Children over the age of fourteen are treated as any other adult.
- h. Orthodox Christians who are received into full communion with the Catholic Church are ascribed to the corresponding Eastern Church. Call the Tribunal to receive assistance with these cases.

3. An individual's baptismal record maintains his/her canonical status in the Church. All Catholics must have an entry in a baptismal register. The following information changes an individual's canonical status and must be added to the baptismal record.
 - a. Date and place (church name, city, state) of confirmation should be placed on record when it is received from church where the person was confirmed.
 - b. Name of spouse, date of marriage, church, city, state where marriage took place; information on any dispensation should be included.
 - c. Information on ordination to diaconate or presbyterate including date, place, diocese or religious order is to be noted.
 - d. Information on solemn vows in a religious community regarding date, place and religious order is to be noted.
 - e. Information regarding annulments of any valid marriage (case number, date, Tribunal) along with any prohibition or warning is to be recorded.

4. Information regarding transfers between Churches *sui iuris*:

If a woman belonging to an Eastern Church *sui iuris* marries a man belonging to the Latin Church, she may transfer to the Latin Church by virtue of marriage. When the woman indicates she desires to transfer to her husband's Church, a notation must be made in the marriage record. Notice should also be sent to the party's church of baptism. **Only an Eastern woman may transfer to the Latin Church by virtue of marriage. Eastern law does not allow the man to transfer to the Latin Church, but Latin law allows a Latin man to transfer to an Eastern Church by virtue of marriage.**

In cases other than transferring by marriage, if a subject of an Eastern Church *sui iuris* desires to transfer to the Latin Church, he/she must submit a request to transfer. There are some record-keeping considerations when a Catholic belonging to an Eastern Church *sui iuris* (e.g. Byzantine-Ruthenian, Maronite, etc.) transfers to the Latin Church.

- a. Once the appropriate permissions from both the Eastern and Latin Bishops have been received, a rescript is issued by the Chancery indicating that the transfer to another Church *sui iuris* will take place once certain conditions have been met.

- b. These conditions are: the petitioner must publicly declare his/her intention to assume membership in the new Church *sui iuris*. The party must make this declaration before the pastor, associate pastor, or a priest delegated by either of them or the Chancery. The declaration must be made before two witnesses and within the jurisdiction of the priest receiving the declaration. To be valid, this declaration must be made within six months of the date of the rescript.
- c. After the priest receives the declaration from the individual, he must note in the baptismal records of the Latin parish that the individual has transferred to the Latin Church. The complete name of the person, the place and date of the baptism, the names of the godparents, the names of the witnesses to the declaration, and the priest who received the declaration, and the date the party made the public declaration should be noted in the records.
- d. Notice of the transfer with pertinent information should be sent to the church of baptism directly or through the Chancery.
- e. If such a notice of transfer is received, the date and place of transfer along with the rescript number should be noted on the party's baptismal record. The priest should then inform the sender of the notice that the information has been added to the person's baptismal record.

5. Information regarding an adoption

- a. Occasionally, a parish will receive information or be informed that an adoption has taken place or paternity has been established and a request that surnames and parents' names be changed. Before the parish adds information (and suppresses the original name, parents' name), **IT IS VITAL THAT THE PARISH SEE VALID DOCUMENTATION**. We cannot add or suppress identifying data on records based on an oral request.
- b. The proof we need would be a court statement stating that the guardians have received permanent custody of the child; a court statement usually one or two pages indicating that the adoption has been completed or finalized; or a new birth certificate issued by state.
- c. To add information regarding an adoption once the appropriate documents have been received:
 1. Add the new name to appropriate part of the index along with the page number of the original record. Do not cross out or otherwise obliterate the original index entry.
 2. On the original record – place parentheses around the original surname (e.g.

Black is changed to Brown) and, if applicable, around the original first name (e.g. James is changed to Thomas) – place parentheses around the original parent(s)’ name(s) and write the adoptive name above it (e.g. parentheses are placed around James Black’s name and Thomas Brown is written above it).

3. In comments column--note date of adoption and court and jurisdiction which sanctioned it along with case number (usually found on top corner of court document).
 4. If the adoptive parents do not want to have the godparents’ names reported, we cannot remove or replace them because the baptismal record is a historic record documenting the fact of baptism and the godparents were the witnesses of that baptism. The parents can designate others to serve in the role of the godparents, but they are not recorded in the register.
- d. To issue the baptismal record after a legal adoption, use the following format:
On a piece of parish stationery, write the following:

To Whom It May Concern:

Thomas Brown, the son of John Brown and Katherine (nee) Kelly, was born on 12 October 1990 in Stow, Ohio and baptized on 3 January 1991 in St. John Church, Stow by Fr. (name). Thomas Brown was confirmed on 8 May 2001 in St. Ann Church, Munroe Falls.

Given this day

Pastor’s Signature and Name
Parish Seal

6. Name Changes

- a. One occasionally encounters a situation where the baptized individual has legally changed his or her given name/surname and requests that this information be added to the baptismal and/or other sacramental records.

It is permissible to do this provided that the party brings the original certified court document from the Probate Court indicating that the name change has been granted. An entry for the new name would be made in the register along with the page number of the original entry. The new name would be added to the record with parentheses placed around the original name. A notation regarding the date of the change and the appropriate Probate Court docket/case number noted. Place name in index.

- b. When the record is issued, it would be issued under the new name, but a notation on the reverse side should indicate that there was a name change.

7. Issuing a Record:

- a. Indicating notations or lack thereof: It is required to note on a baptismal record, those notations from the remarks column that indicate information regarding the canonical status of the person, such as confirmation, matrimonial status, reception of orders, etc. Some indication such as “None” written on the reverse side or a line drawn through the various notations columns should be done to show that the record has no other information on it. LEAVING THE REVERSE SIDE BLANK IS NOT SUFFICIENT.
- b. An official parish seal that leaves a raised imprint should be used over the signature of the person signing the record when a certificate is issued.
- c. Letter format of baptismal records: Instead of using a standard certificate, one may use a letter format that will attest to name, date of birth, date of baptism, and celebrant along with the appropriate sacramental notations, if there are some sensitivities around identifying parents, godparents, etc.

8. Conditional baptism

In some cases an individual does not recall if he/she was validly baptized and/or the fact of valid baptism cannot be proven by witnesses. Under these circumstances, it would be appropriate to baptize conditionally. Conditional baptism is conducted in a private ceremony after a complete explanation is provided to the individual or, in the case of a child, to the parents. The entry in the baptismal register is the same as described in section C.1. A note explaining the conditional nature of the baptism must be added to the notation section of the record.

9. Baptismal records which cannot be found

In some cases, a Catholic can prove through witnesses that he/she was baptized, but no record can be located or the church of baptism is not known. Since an individual's canonical status is maintained in his/her baptismal record, every person must have a record which may be referenced to record events noted above. A diligent search must be conducted to locate or determine the church of baptism. The Archives must be called upon for assistance. If the search is unsuccessful, a baptismal record must be created. The Tribunal will provide directions for establishing the record.

D. Considerations for First Communion Records

1. Canonical requirements - name of child/adult and date of reception
2. What is helpful -- date and place of baptism (church name and location) and parent's names. Note that the baptism information is that which pertains to Catholic baptism or reception into the Catholic Church. Before receiving first communion, a record showing reception into the Latin Catholic Church by baptism or profession of faith must be provided. If the person does not have such a document, it is necessary to ascertain how they were received into the Latin Church. If the child was baptized in an Eastern Church *sui iuris*, they are likely to have received communion at that time and would not be entered into the sacramental register of a Latin Church.
3. First communion information does not have to be annotated in the baptismal register nor should it be sent to the church of baptism.

E. Considerations for Confirmation Records

1. Canonical requirements - name of child/adult and date of reception; name of sponsor; name of confirming bishop
2. Confirmation name usually is included
3. Date and place of baptism (church name and location) is very helpful. Note that the baptism information is that which pertains to baptism or reception into the Catholic Church. Before being confirmed, a record showing reception into the Latin Catholic Church by baptism or profession of faith must be provided. If the person does not have such a document, it is necessary to ascertain how they were received into the Latin Church. If the child was baptized in an Eastern Church *sui iuris*, they are likely to have been chrismated (confirmed) at that time and cannot be confirmed again.
4. Notice of confirmation - Information pertaining to the confirmation including the child's name, date of confirmation, name and location of church where sacrament is received must be forwarded to church of baptism for annotation of their record. It is the Catholic Church in which the person was baptized or made a profession of faith that is notified of confirmation.

F. Considerations for Marriage Records

1. Canonical requirements - The record must include:
 - a. The complete names of both parties who marry;
 - b. Date of marriage;
 - c. Complete names of witnesses;
 - d. Name of official church witness (bishop, priest, deacon);
 - e. Information re: date of dispensations or permissions (dispensation or permission number, the name of the Diocese granting that dispensation or permission), church name and location of baptism/profession of faith for the Catholic parties in the marriage; the indication as to baptismal status of non-Catholic party, and the proper delegation of the cleric, if applicable;
 - f. Some register formats also provide space for the names of the parents of the couple who are marrying.
2. A notice of marriage must be sent to the church(es) of baptism/profession of faith of the Catholic spouse(s). This notice includes the full names of the couple, the date and place of the marriage (church name and location), and the pertinent date of baptism/profession of faith. Once the annotation is made, the church of baptism/profession of faith should return this card to the church where the marriage took place. This notification is retained in the pre-nuptial file of the couple.
3. Marriage Pre-Nuptial Files

By our practice in the Cleveland Diocese, we maintain sacramental records and forms regarding marriage information, dispensations and sacramental records in the pre-nuptial files. Affidavits (if needed) regarding freedom to marry should be maintained. If this is a second or subsequent marriage, we maintain nullity decrees and death certificates of prior spouses. Return notifications from the churches of baptism/profession of faith are also placed in these files.

It is never permissible to allow these files to leave the parish. If they should be needed by the Chancery, you will receive an official request. If they are needed by the Tribunal, the parish will receive a request directly from the Tribunal. The parish will receive two copies of the request letter. One copy is to be returned with the file to the Tribunal. The other copy is to be retained in the parish files so location of the pre-nuptial is verified. Under no circumstances are these files to be released to other parishes, individuals, or the parties to the marriage.

4. Marriages from newly-formed parishes lacking a church building or of parishes where the church building is temporarily not usable:

A record-keeping exception exists for newly-formed parishes without a church building or parishes where the church building is not usable, e.g., being remodeled, damaged, etc. (hereafter “originating parish”). The pastor of the originating parish is responsible for the marriage records of his parishioners which take place in other Catholic churches before the church is constructed or when the church is not usable. Records are kept at the originating parish.

The territorial parish in which these marriages occur will keep a simple listing of these weddings in their parish marriage register, recording only the names of the couple, the date of marriage, and the names of the priest or deacon who performed the ceremony. Additionally, a notation that the complete marriage file and record is available in the marriage register of the originating parish is placed in the “remarks” column of the marriage register of the territorial parish.

Note: The pastor of the originating parish must still obtain delegation from the territorial pastor for marriages of his parishioners taking place in these other Catholic churches.

G. Consideration for Death Records

1. Canonical requirements are vague. The canons make reference to the name of person and date (presumably this is the date of church service).
2. Information not required but extremely helpful - actual date of death; place of burial (cemetery, location)

Revised February 2014

Appendix II. SPECIAL CASES REGARDING BAPTISM

I. Emergency Baptism

When baptism occurs in an emergency situation, either at home or in an institution such as a hospital, the fact of the baptism is to be recorded in the register of the territorial parish in which the baptism took place (c. 877). Notification is sent to the parish of the parents of the baptized (in the case of infant baptism) or the parish in which the individual resides (in case of adult baptism), and a notation of this parish is made in the record. The territorial parish where the emergency baptism occurred does not issue a certificate nor does it maintain the canonical status of the person.

Upon receiving this notification, the parish of the parents or the individual is to make an entry as outlined for ordinary baptism with a clear notation of the territorial parish in which the sacrament was conferred. If rites are supplied at the parish, the date of the completion of the celebration and the words “rites supplied” are to be listed in the notations column. After making the proper entry into the baptismal register, this parish is to provide a baptismal certificate to the parents or individual. All subsequent required notations (confirmation, marriage, etc.) are to be made to this record. All subsequent requests for a current baptismal certificate are to come from this parish.

II. Single Parents

The name of the mother is to be entered in the register if there is public proof of her maternity (e.g., the birth certificate), or if she states this in writing or before two witnesses (c. 877).

The name of the father is to be inserted only if there is public proof (e.g., the birth certificate), or by his own sworn declaration before the pastor and two witnesses.

If no public proof is available, the name of the father or the mother is not recorded and the phrase “father unknown” or “mother unknown” is to be placed in the record. In these cases, supporting documentation is to be kept in the permanent files of the parish archives and include appropriate cross-references.

III. Guidelines regarding presentation by parties other than married, male/female adoptive parents

Occasionally, parties present a child for baptism, but are not a married, male/female couple. The child may have been adopted by a “second parent” (adoption of a child by a second parent in the home who is not married to the legal parent of the child). The second parent could be a person who is in a same-sex relationship with the legal parent. The second parent

could also be another adult, such as a brother, sister, etc., who is not in a same-sex relationship with the legal parent.

The following information is a review of the canonical and pastoral aspects of such situations, as well as directions for handling baptisms under such circumstances.

1. Canon law regarding baptism:

For an infant to be baptized licitly, the parents, or at least one of them, or the person who legitimately takes their place, must consent to the baptism. There must be a founded hope that the child will be raised according to the Catholic faith, and only if such hope is entirely lacking is the baptism to be delayed (c. 868).

Children who have been adopted according to the norm of civil law are considered the children of the person or persons who adopted them (c. 110).

2. Civil law regarding adopted children:

Ohio:

Ohio law states that the following persons may adopt in Ohio:

- A married couple together (including “same-sex marriage”), at least one of whom is an adult;
- An unmarried adult;
- The unmarried minor parent of the person to be adopted;
- A married adult without the other spouse joining as a petitioner if:
 - The other spouse is already a parent of the person to be adopted and supports the adoption;
 - The petitioner and his/her spouse are legally separated in Ohio;
 - The other spouse has been inexplicably absent for a prolonged period and it is impossible to obtain that spouse’s consent (Ohio Revised Code 31 07.03).

Other states:

Laws in other states vary widely. Some states allow for same-sex couples to adopt children together. Some states allow for second-parent adoptions, which could result in two individuals of the same sex (who are not living as a “couple”) to adopt a child.

3. Same-sex couples or second-parent adoptions presenting a child for baptism:

If a child is presented for baptism by adults who are not the natural parents, a certified copy of a court document that names the party or parties as the child’s adoptive parents must be presented. The priest/deacon must make a copy of the document, indicating that they have seen the original, certified document. The normal canonical requirements for

allowing baptism must be followed (c. 868). Care must be taken to adapt the baptismal liturgy to the circumstances.

4. The recording of baptismal information is to be done according to the instructions in section C-5. In addition, when recording the names of the adoptive parents, when neither party is a natural parent, it is to be noted that “X and Y are recognized under civil law as the adoptive parents.” If one parent is the natural parent and the other parent is an adoptive parent, it is to be noted that “Y is recognized under civil law as the adoptive parent.”

The USCCB complementary norm states that baptismal certificates issued after a finalized adoption should mention only the names of the adoptive parents, omitting any mention of the fact of the adoption. Strict observance of this norm is not possible in the case of same-sex adoptive parents, since the fact of adoption cannot be concealed. When issuing a baptismal certificate for cases where both adoptive parents are of the same sex, the certificate is to read that the child is “in the adoptive care of X and Y” in place of the “child of X and Y.” If one parent is the natural parent and the other is an adoptive parent, the certificate is to read “the child of X, who is also in the adoptive care of Y.”

5. Baptism when there is danger of death:

With respect to any situation in which a child is presented for baptism, it must always be remembered that any child is baptized licitly when there is an imminent danger of death (c. 868 §2).

6. Baptism is not prohibited during the season of Lent.

GLOSSARY

AFFINITY. Affinity is a relationship that derives from a valid marriage. It exists between the man and the blood relatives of the woman, and between the woman and the blood relatives of the man (c. 109).

ATTEMPTED MARRIAGE. A person is bound by a valid bond of marriage until the death of his/her spouse or until the bond is declared invalid or dissolved by the Church. A person obliged by a previous marriage invalidly attempts a second marriage.

CANON LAW. Canon law encompasses all the laws of the Catholic Church, divine and ecclesiastical, universal and particular. Examples are the *Code of Canon Law*, *Code of Canons of the Eastern Churches*, liturgical laws, laws promulgated by the diocesan bishop, etc.

CANONICAL FORM. Canonical form is the celebration of a marriage of at least one Catholic party, in the presence of two witnesses and a properly delegated cleric.

CAUTION. When the judge(s) in a case of invalidity has/have serious concerns regarding an individual's capacity or readiness for marriage, the judge(s) may place a caution/prohibition on one or both parties. No arrangements are to be made for another marriage until the pastoral minister or priest who is preparing the person for marriage consults with the judge.

CHURCH (*sui iuris*). Each of the twenty-three churches that form the Catholic Church is considered a church (*sui iuris*). They have their own hierarchy and law, as well as maintain union with the Pope. Examples include Latin, Byzantine, Melkite, Ukrainian, Romanian, etc.

CONSANGUINITY. Consanguinity is a relationship by blood (c. 108).

CONSENT (MARITAL). The act of self-giving and accepting, of embracing marriage as a partnership of the whole of life ordered toward the procreation and education of children and the good of both spouses. Consent makes marriage.

CONSUMMATION. Consummation is the willing and mutual act of sexual intercourse performed in a human manner after the exchange of valid consent.

CONTINENCE, Abstaining from sexual activity.

CONVALIDATION. The celebration of the sacrament of matrimony for two parties who are already in a lawful civil union. The consent given must be a new act of the will (cc. 1156-1160).

DECLARATION OF INVALIDITY OF MARRIAGE. A declaration of invalidity is a judgment by a Catholic Tribunal that a marriage was invalid from the beginning.

DELEGATION FOR MARRIAGE. The sacred minister must be properly delegated to witness a marriage. Pastors have the faculty to witness marriages only in their assigned parishes. Deacons assigned to the parish require delegation by the pastor. Visiting priests and deacons must be delegated by the pastor.

DIRIMENT IMPEDIMENT. A diriment impediment is a fact, state, or condition that results in an invalid marriage (c. 1073).

DISPARITY OF WORSHIP. Disparity of worship is an impediment to marriage between a Catholic and a non-baptized person. The Catholic must obtain a dispensation from this impediment before he/she can contract a valid marriage (c. 1086).

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

DISSOLUTION. A dissolution does not challenge the validity of a marriage bond but canonically terminates it in specific situations in favor of the practice of the Catholic faith.

DIVINE LAW. Divine law is the law of God that is binding on all individuals.

DIVINE NATURAL LAW. Divine natural law includes laws and principles that are knowable by human reason which come from God and are binding on all individuals. It cannot be restricted or conditioned by the Church.

DIVINE POSITIVE LAW. Divine positive laws are laws of God that are specifically revealed in scripture and tradition. They are declared as truths of faith by the teaching office of the Church. It cannot be restricted or conditioned by the Church.

DOMICILE. Domicile is the permanent residence of an individual.

ECCLESIASTICAL LAW. An ecclesiastical law is a human law made by the Church. It can be changed by the Church and binds only Catholics and others through association. It can be dispensed by the competent ecclesiastical authority (c. 11).

FACULTY FOR MARRIAGE. The cleric who is the official witness of a marriage must have the authority to act. This authority comes through his office or by delegation.

IMPEDIMENT. See *Diriment Impediment*.

INCONTINENCE. Not abstaining from sexual activity.

LEGAL RELATIONSHIP. A legal relationship arises through legal adoption and is an impediment to a valid marriage in the direct line or in the second degree of the collateral line.

LICEITY. An act that has followed the prescription of the law. Generally refers to a requirement that is not necessary for the validity of an act.

MIXED MARRIAGE. A mixed marriage is marriage between a Catholic and a baptized, non-Catholic (c. 1124).

OFFICIANT. The properly delegated priest or deacon who serves as the official Catholic witness of the marriage vows.

ORTHODOX CHURCHES. The Orthodox Churches have valid sacraments and apostolic succession but are not under the leadership of the pope. For validity, they require that their members receive a nuptial blessing from an Orthodox priest. Since 25 March 1967, marriages of Latin Catholics to Orthodox Christians which were celebrated by Orthodox priests are valid even if permission was not given by the Latin bishop.

PERMISSION. The approval of the Diocesan Bishop or his delegate is required for specific situations requiring special pastoral care during marriage preparation.

PRIOR BOND (*ligamen*). If one party is bound by a previous valid marriage, he/she may not contract another marriage. The prior bond is an impediment to the second marriage (c. 1085).

PRE-NUPTIAL FILE. Compilation of all documents and information required for the celebration of marriage.

PREPARE/ENRICH. A marriage instrument designed to help ministers when working to prepare engaged couples for marriage. The instrument can also be used in the evaluation of existing marriages.

PROHIBITION. (see **Caution.**)

QUASI-DOMICILE. Quasi-domicile is the temporary residence of at least three months of an individual.

RESCRIPT. An administrative act given in writing by a competent executive authority by which there is granted to someone requesting it a privilege, dispensation, or other favor.

SACRED SPACE. A publicly recognized place set aside for Christian worship and prayer.

SANATION. A radical sanation is an act by the competent ecclesiastical authority by which an invalid marriage is made valid retroactively without the renewal of consent (c. 1161).

TRIBUNAL. The tribunal is a court established by the Catholic Church to decide issues presented to it; most of the work of the diocesan tribunal involves cases that examine the validity of marriages.

VALIDITY. Some laws are so serious that they must be observed for an action to produce the effects described in the law. If marriage consent is valid, the result is a marital bond that is permanent, faithful, indissoluble, and open to the procreation and education of children.

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