



**ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS**  
**CLERGY BULLETIN**

**April 18, 2012**

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**THE SACRAMENT OF MATRIMONY**

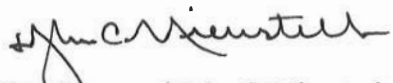
Reverend and dear Fathers,

In 1971, my predecessor, the Most Reverend Leo C. Byrne, issued a policy on Marriage, Interfaith Marriage, and Dispensations from the Form of Marriage. This policy, since it predated the promulgation of the 1983 *Code of Canon Law*, has largely become irrelevant today. Therefore, it has become necessary to provide an update to this policy.

What is stated here does not represent new procedures or regulations for this Archdiocese as, in fact, these norms have been the practice for many years. However, with the promulgation of this Clergy Bulletin, the previous policy is abrogated and the following becomes particular law for the Archdiocese of Saint Paul and Minneapolis, effective May 1, 2012.

Failure to adhere to these provisions could result in the invalidity of marriages contracted between the faithful, while members of the clergy or Archdiocesan or parish/institution staff who disregard these norms may be charged with misdemeanor offences according to the laws of the State of Minnesota and may also be subject to the imposition of canonical penalties.

Given at Saint Paul, Minnesota, this 18<sup>th</sup> day of April, in the year of Our Lord 2012. All things to the contrary notwithstanding.

  
The Most Reverend John C. Nienstedt  
Archbishop of Saint Paul and Minneapolis

  
Jennifer Haselberger  
Chancellor for Canonical Affairs

### The Nature of Christian Marriage:

Marriage is a covenant by which one man and one woman establish between themselves a partnership of the whole of life. It is ordered by its nature to the good of the spouses and to the procreation and education of offspring, with the essential properties of unity and indissolubility. Marriage between the baptized has been raised by Christ the Lord to the dignity of a sacrament.

According to canon 1059 of the *Code of Canon Law*, even if only one party is Catholic, the marriage of Catholics is governed not only by divine law but also by canon law, without prejudice to the competence of civil authority concerning the merely civil effects of the same marriage.

### Preparation for Christian Marriage:

Preparation for Christian marriage is as specified in the 2006 Clergy Bulletin 'Common Marriage Preparation Procedure', and the 2000 complementary legislation for canon 1067 – 'The Investigation of Freedom to Marry'.

In order to ensure the freedom of the parties to enter into Catholic marriage, a baptismal certificate dated within the past six months must be submitted by each Catholic party to the marriage.

### The Time and Place of Marriage:

According to canon 1115 of the *Code of Canon Law*, Catholic marriages are to be celebrated in the parish where one of the contracting parties has his or her residence. With the permission of the proper ordinary or proper pastor, marriages can be celebrated elsewhere.

Pastors should ensure that adequate opportunities are available to their parishioners for scheduling weddings in parish churches. Pastors may, however, refuse to celebrate marriages on Saturday evenings, Sundays, and other Holy Days, when doing so would conflict with the regular administration of the sacraments. The policy should, however, be consistent and apply to all couples, and the requirements of the *General Instruction on the Roman Missal* regarding the use of ritual Masses must be followed.

Under limited circumstances, a marriage may be witnessed by a Catholic priest or deacon in a chapel not designated as a parish church when all of the following conditions are met:

1. Permission for the marriage to take place in the chapel must be obtained from the proper pastor, normally the pastor of the bride or, in an interfaith marriage, of the Catholic party.

2. A letter requesting the necessary permissions and delegation for the officiating priest or deacon must be submitted to the Chancery prior to the scheduling of a marriage date or the printing of the invitations. The letter of request should include the name and location of the chapel and the relationship to the institution, and should be accompanied by the marriage paperwork and the letters of permission specified in numbers 4 and 5. No commitments should be made until the approval of the Chancery has been obtained. At least one of the parties to the marriage must have a direct relationship with the institution where the chapel is located, e.g., students, recent alumni, faculty members, military service members assigned to the location, etc.
3. The chapel was not formerly a Catholic place of worship that has been relegated to secular use.
4. Marriage preparation and the completion of the marriage paperwork is the responsibility of the priest or deacon witnessing the marriage.
5. Written approval for the use of the chapel must be obtained from the head of the institution where the chapel is located. The responsibility for seeking this approval belongs to the couple seeking marriage.
6. Following the ceremony, the fact of the marriage is to be recorded by the officiating priest in the matrimonial register of the territorial parish in which the marriage is performed.
7. The marriage papers are to be filed in the parish files where the marriage is recorded. It is the responsibility of the priest or deacon who witnesses the marriage to see that the parish of baptism of the Catholic party or parties is notified of the fact of the marriage.

### The Canonical Form of Marriage

According to canon 1108, when the marriage to be celebrated involves at least one Catholic party, it is required for validity that the marriage be celebrated in the presence of an authorized minister of the Church with at least two witnesses in attendance<sup>1</sup>. The authorized minister is the local ordinary, the pastor of the parish in which the marriage is to be celebrated, or another priest or deacon delegated to serve as the authorized minister by either of the above. In addition, the State of Minnesota requires that the credentials of ordination of the authorized minister are registered with a county prior to the marriage taking place.

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<sup>1</sup> When a Catholic marries an Eastern non-Catholic (Orthodox), the canonical form of marriage must be observed for liceity only. Provided that neither party is bound by an impediment, a marriage involving a Catholic party celebrated in the presence of a non-Catholic Eastern priest who observes the norms of his church, including by imparting the sacred blessing, would be considered valid by the Catholic Church.

The sole function of the attending witnesses is to attest to the fact that the marriage was legitimately celebrated. Therefore, there are no specific canonical requirements for witnesses for Catholic marriages. However, the State of Minnesota requires that witnesses to a marriage are at least sixteen years of age.

The use of lay ministers as authorized ministers of marriage is prohibited in the Archdiocese of Saint Paul and Minneapolis.

### Dispensations from Canonical Form

According to canon 1127, §2, where there are serious difficulties in observing the Catholic canonical form in a marriage between a Catholic and a non-Catholic Christian or between a Catholic and an unbaptized person, the local ordinary of the Catholic party, with the consent of the ordinary of the place where the marriage is to occur (if different), may dispense the Catholic from the observance of the canonical form for a just pastoral cause.

The conditions for seeking a dispensation from the canonical form of marriage from the Archbishop of Saint Paul and Minneapolis are as follows:

1. The marriage may not take place out-of-doors or in private homes, halls, in commercial wedding chapels; in clerical or religious chapels, e.g., seminary or convent chapels (c. 1109 § 2); or in any Catholic chapel, church or facility.
2. In the case of a marriage between a Catholic and a non-Catholic Christian, a dispensation may be granted in order for the marriage to take place in the church of the non-Catholic party.
3. In the case of a marriage between a Catholic and an unbaptized person, a dispensation may be granted to permit the marriage to take place in another suitable location outside of the churches of both parties, noting the restrictions outlined in #1. This accommodation is reserved for cases in which there is unwillingness on the part of the unbaptized party or his or her family to celebrate the marriage in a Catholic church or chapel.
4. The officiant of the marriage will not be a Catholic priest or deacon, and no Catholic priest or deacon will participate in the ceremony as an official witness.
5. The Catholic party must express a genuine commitment to continue the practice of the Catholic faith.

When seeking a dispensation from the canonical form of marriage, the Catholic party should confer with his or her parish priest or chaplain, and the required pre-nuptial and

petition forms should be completed and sent by the priest or chaplain to the local Chancery.

If the marriage is to take place outside of the local diocese, the local Chancery will send a letter of consultation to the Chancery of the diocese where the wedding is to take place. A favorable response is required prior to the dispensation being granted.

The (local) Chancery records the granting of the dispensation and returns the papers to the local parish or chaplaincy from whence the process was begun. Following the ceremony, the priest or chaplain of the Catholic party is responsible for informing the parish of baptism of the Catholic party that the marriage has occurred. In addition, it is the priest or chaplain's responsibility to notify the pastor of the parish in whose territory the marriage ceremony took place of the fact of the marriage so that he may record it in the marriage register of his parish.

#### Other Dispensations and Permissions

The *nihil obstat* from the Archbishop of Saint Paul and Minneapolis or his delegate is required in the following circumstances:

1. When one or both parties do not have domicile or quasi-domicile in this Archdiocese, or when the preparation for marriage takes place outside of this Archdiocese. Catholics preparing for marriage are obliged to follow the particular law of their diocese of residence in regards to marriage preparation and other requirements.
2. When one or both parties to the marriage are under twenty years of age. The State of Minnesota requires that the parties to a marriage are at least eighteen years of age in order to marry without the consent of his or her parents or legal guardian. If one or both parties to the marriage are between sixteen and eighteen years old, the consent of the parent(s) or guardian must be given on behalf of those under eighteen, in writing, and before a notary public. In addition, consent for the marriage must be obtained from Juvenile Court. The marriage of someone under sixteen years of age is not permitted in the State of Minnesota.
3. When either party to the marriage has received a declaration of invalidity for a previous marriage or has had a previous marriage declared invalid due to a lack of canonical form or the impediment of a prior bond of marriage<sup>2</sup>.
4. When the proposed marriage is a validation of a prior marriage ceremony.

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<sup>2</sup> Under ordinary circumstances, a divorced person may not remarry within three months after the divorce decree is filed inasmuch as the right of appeal extends ninety days from the date of the filing of the decree by the Clerk of Court.

5. When the proposed marriage cannot be legally celebrated according to the laws of the State of Minnesota.
6. When the marriage involves a person who has notoriously rejected the Catholic faith.
7. When the marriage ceremony will involve a proxy.
8. When a prohibition exists barring one or both parties from licitly contracting marriage or receiving sacraments in the Catholic Church.
9. When permission for mixed religion is required. In order to receive this permission, the 'Declaration and Promises of the Catholic Party', found on the Application for Dispensations and Permissions, must be completed.
10. When an impediment exists that requires a dispensation from the local ordinary or the Holy See. An impediment is a circumstance that disqualifies the individual or the couple from contracting a valid and licit marriage in the Catholic Church.
11. The following are impediments to marriage for which dispensations may be sought from the Archbishop of the Archdiocese of Saint Paul and Minneapolis.
  - a. The impediment of disparity of worship (a Catholic seeking to marry an individual who is not baptized or whose baptism is in question, c. 1086). In order to receive this dispensation, the 'Declaration and Promises of the Catholic Party', found on the Application for Dispensations and Permissions, must be completed.
  - b. The impediment of consanguinity in the 4<sup>th</sup> degree of the collateral line (c. 1091).
  - c. The impediment of affinity (in the direct line only, c. 1092).
  - d. The impediment of abduction (c. 1089).

Applications for these dispensations should be submitted to the Archbishop's delegate, using the 'Application for Dispensations and Permissions'.

### Same-Sex Civil Unions and Same-Sex Civil Marriages:

Recognizing the authority and the obligation of the Catholic Church to affirm authentic teaching on marriage, and to preserve and foster the sacrament of marriage, and further recognizing that equating same-sex unions with the sacrament of marriage is irreconcilable with the nature and definition of sacramental marriage as expressed in divine law and the positive ecclesiastical law of the Catholic Church, the following policy is enacted for members of the Catholic faithful under the moral authority of the Archbishop of Saint Paul and Minneapolis, and for the property and facilities of the Catholic Church and affiliated entities within the boundaries of the Archdiocese of Saint Paul and Minneapolis.

1. No priest or deacon incardinated in the Archdiocese of Saint Paul and Minneapolis or who has received the faculties of the Archdiocese, or any person employed by the Archdiocese or its parishes and institutions, may officiate or act as a witness to the civil solemnization or celebration of a same-sex marriage or civil unions.
2. No Catholic facility or property, including but not limited to parishes, missions, chapels, social or meeting halls, schools and universities, hospitals, care facilities, or charitable institutions, or any place that has been dedicated, consecrated, or used for Catholic worship may be used for the solemnization or consecration of same-sex marriages or civil unions.
3. No items that have been dedicated, consecrated, blessed, or used for the celebration of Catholic liturgy or sacred worship, including but not limited to sacred vessels, vestments, liturgical furnishings, and liturgical books, may be used for the solemnization or consecration of same-sex marriages or civil unions.

### The Civil Marriage of a Catholic

The same provisions apply to marriages in which at least one party to the marriage is Catholic and the marriage is contracted outside of a Catholic Church without a dispensation from canonical form. This includes civil marriages involving Catholics which cannot be contracted canonically because of impediments such as a prior bond of marriage.