

DIOCESE OF EVANSVILLE MARRIAGE POLICY (2009 Revision)

A. Preparedness for Marriage

The Chancery, with the cooperation and support of Catholic Charities, is responsible for the implementation and evaluation of this policy with the Bishop, Vicar General, or Judicial Vicar as those with authority and power to grant any dispensations, permissions or exceptions that may be necessary in connection with this policy or preparation for marriage.

1. Couples desiring to be married in the Catholic Church are to notify a priest or deacon as soon as they have become engaged at least six months prior to the anticipated time of their wedding. If neither party has been previously married, discussion of a tentative date may take place during the initial contact with the priest or deacon, but the date may not be finalized until an assessment process is complete.
2. The assessment process is intended to be an awareness and growth-producing experience whereby the couple will have the opportunity to come to a greater realization and appreciation of the strengths and weaknesses that govern their ability to enter into and grow in a married love relationship. Approved evaluative instruments (e.g. FOCCUS) are to be used in this process. The assessment process should be completed within two months of the introductory session. At that point, a decision will be made either to finalize a date and begin preparations for the wedding or to delay setting a date for marriage. If the decision is to delay, every effort is to be made to help the couple overcome the specific circumstances that made the delay advisable.
3. All couples are required to participate in an approved diocesan marriage preparation program or its equivalent such as _____.
4. Since marriage is indissoluble, it is necessary that the ministers of the Church give each couple the time and attention needed to help them assess their readiness for marriage. If one or both of the parties are immature or there are grounds to suspect one or both parties are acting under serious pressure, the priest or deacon should exercise special caution. If the priest or deacon is convinced that marriage should be delayed, he should seek additional input from a professional counselor (e.g. Catholic Charities).
5. The approval of the bishop or his delegate is required for a priest or deacon to proceed with a marriage after the marriage has been delayed by another priest or deacon.
6. All exceptions to the diocesan policy are to be submitted in writing and will be considered on an individual basis by the bishop or his delegate.

B. Canonical Pre-Nuptial Investigation

Before witnessing a marriage, the priest or deacon must have the following documents:

1. The Pre-Nuptial Investigation Questionnaire must be administered to both the bride and the groom separately and alone.
2. A recent baptismal certificate for all Catholics with an indication that the record was checked for any notation of prior marriage or other impediments to marriage. Baptized non-Catholics are to present a certificate of baptism if such is available; otherwise, they are to present a copy of the birth certificate.
3. Documentary proof of freedom to marry for both parties:
 - a. If both parties are personally known by the priest or deacon, his statement in the file is sufficient proof of freedom to marry.
 - b. If one party is not personally known by the priest or deacon, two relatives or witnesses who have known the person for a number of years should confirm his or her freedom to marry.
4. Unless the United States Conference of Catholic Bishops issues norms on the publication of banns for marriage (which has not happened as of 2009), there is no requirement to do so (cf. canon 1067). Therefore, no dispensation is required if the banns are omitted. However, banns may be published, if desired.
5. If either party is a minor (under 18 years of age), permission in writing from the parents or guardians is necessary.
6. Some dioceses require a Testimonial Letter regarding freedom to marry from our Chancery if a subject of our diocese is being married in another diocese. As long as adequate documents are presented and everything else is in order, we do not require testimonial letters from the other Chancery for persons coming in from outside the diocese to be married here.
7. Also, if everything is in order, no prior marriages, parents' permission in writing for minors, etc., it is unnecessary to obtain a *Nihil obstat* from the Chancery. However, according to canon 1071, no one is to assist at the following marriages without the permission of the local ordinary except in case of necessity:
 - a. The marriage of transients (i.e., one who has no domicile or quasi-domicile). They require an especially thorough preparation and examination regarding their stability and freedom to marry. Domicile is acquired by residence in a parish or diocese for at least five years or by having the intention to remain there permanently. Quasi-domicile is

acquired by residence in a parish or diocese for at least three months or by having the intention to remain there for three months.

b. A marriage which cannot be recognized or celebrated in accord with the norm of civil law. If there are civil impediments to marriage, such as lack of minimum age or adoption, the civil law must be followed.

c. A marriage of a person who is bound by natural obligations toward another party or toward children arising from a prior union. Even though a prior marriage is declared invalid, natural obligations toward children and the other party continue to exist and may put a serious strain on a subsequent marriage. This canon requires the permission of the local ordinary in every case of the marriage of a person who has any children from a prior relationship.

d. A marriage of a person who has notoriously rejected the Catholic faith. This does not refer to those who are careless or simply neglect the practice of the faith. Rather, it refers to one who professes to believe something contrary to the Catholic faith, one who has joined a sect or group that does not profess the Catholic faith, or one who has rejected the faith but has not embraced another religion. The law presumes that those who have notoriously rejected the faith are hostile to it and would pose a danger to the believing party and/or to the Catholic nurture of children. This situation is so serious that the local ordinary is not to permit the marriage to take place unless the promises required of the partners in mixed marriages are made.

e. A marriage of a person who is bound under censure. Persons who are excommunicated or under interdict are forbidden to receive any of the sacraments. The person under censure is at the same time requesting marriage which presumes a special relationship to the Church. That person's refusal to rectify a serious situation makes marriage impossible without reconciliation to the Church.

f. A marriage of a minor child when the parents are unaware or reasonably opposed to it. A person who has not completed his or her eighteenth year is considered a minor (canon 97). If the parents of a minor party are unaware of the intended marriage, and the priest or deacon believes there are serious reasons which argue against informing the parents, the matter should be referred to the local ordinary for permission to proceed. If the parents of a minor oppose the union, the priest or deacon should thoroughly examine their reasons. If their opposition is reasonable, no one is to assist at the marriage without the permission of the local ordinary. If the priest or deacon questions the validity of parental opposition, the prudent approach would be to submit the matter to the local ordinary for permission to proceed.

g. A marriage to be entered by means of a proxy, mentioned in canon 1105. Civil law issues may also be present.

C. The Wedding Liturgy

1. Time of Wedding: the choice of the day and time for weddings is left to the judgment of the pastor. Consideration for others will compel the faithful not to schedule weddings on days or at hours that would be detrimental to the parish.

a. A wedding liturgy may licitly be celebrated on any day of the year unless it is prohibited in the liturgical books approved by the Church.

b. Ritual Masses (the liturgy for wedding Masses) are prohibited on the Sundays of Advent, Lent, and the Easter season, on solemnities, on days within the octave of Easter, on All Souls, on Ash Wednesday, and during Holy Week.

i. The "Rite for Celebrating Marriage Outside Mass" may be used on these days if marriage itself is not prohibited.

ii. If the marriage is celebrated with Mass on a Sunday or solemnity, the Mass of the day is to be used with the nuptial blessing and, where appropriate, the special final blessing. However, on Sundays in Ordinary Time, in Masses which are not parish Masses, the wedding Mass may be used without change.

c. Regardless of a celebration in or out of Mass, the specifics of the Church's liturgical season are always to be respected in the planning, decoration, and celebration of the wedding liturgy.

2. Place of Marriage

a. Marriages are to be celebrated in the parish where either of the contractants has a domicile, quasi-domicile, month-long residence, or if it concerns transients, in the parish where they actually reside. Marriages can be celebrated elsewhere with the permission of the proper ordinary or pastor of one of the spouses.

b. A marriage between Catholics or between a Catholic and a baptized non-Catholic party is to be celebrated in a parish church; with the permission of the local ordinary or the pastor, it can be celebrated in another Catholic church or oratory. (canon 1118.1)

c. The local ordinary can permit a marriage to be celebrated in another suitable place. (canon 1118.2) A pastor cannot grant this permission. For

example, the marriage may take place in a non-Catholic church or in a non-denominational chapel attached to a college.

e. In the Diocese of Evansville, permission of the local ordinary must be obtained for a wedding outside of a Catholic Church (special form available at the Chancery or online). Serious reasons are required if the marriage is to take place in a private residence. It is the policy of the Diocese of Evansville that permission is not granted for weddings in public parks, halls, etc.

3. Sacramental Preparation

a. If they can do so without grave inconvenience, Catholics who have not yet received the sacrament of confirmation are to receive it before being admitted to marriage. (canon 1065.1)

b. To receive the sacrament of marriage fruitfully, spouses are urged especially to approach the sacraments of penance and of the Most Holy Eucharist. (canon 1065.2)

4. Liturgical Rite: Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of marriage. (canon 1119)

5. Canonical Form of Marriage

Canon. 1108.1 - Only those marriages are valid which are contracted before the local ordinary, pastor or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in canon law.

2 - The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of consent of the contracting parties, and receives it in the name of the Church.

Canon 1117 - The form established above must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it and has not defected from it by a formal act without prejudice to the prescripts of canon 1127.2.

a. The local ordinary by virtue of his office assists validly at marriages anywhere in the diocese not only of one of his subjects, but also of those who are not his subject provided that one of them is of the Latin rite. (canon 1109)

b. A duly appointed pastor, by virtue of his office, assists validly at marriages anywhere in the boundaries of the parish to which he is assigned not only of one of his subjects but also of those who are not his subjects provided that one of them is of the Latin rite. (canon 1109)

c. All assistants (associate pastors or parochial vicars) assigned to serve in a particular parish are given general delegation to marriages performed within the territorial limits of the parish to which they are assigned. This faculty (general delegation) is automatically included with the appointment to serve as an assistant (parochial vicar), but it may be exercised only within the confines of the parish to which one is assigned.

d. Deacons assigned to serve in a particular parish may be given general delegation in writing by the local ordinary for marriages performed within the territorial limits of the parish to which they are assigned. In the Diocese of Evansville, it is the intention of the local ordinary that this general delegation be included with the appointment of a deacon to a particular parish. Witnessing marriages is to be done in accord with the wishes of the pastor.

e. The faculty is granted to parochial vicars who have general delegation to grant to other priests and deacons, in individual instances, the faculty to assist at marriages within the boundaries of the parish to which the parochial vicars are assigned. (This faculty grants them the power to subdelegate but only in individual instances for a specific marriage, and always in accord with the wishes of the pastor.) Subdelegated power can never be further subdelegated.

f. A priest or deacon must obtain written delegation to assist at a marriage whenever the marriage is taking place outside of his own parish boundaries. Priests who are not pastors or associate pastors, and deacons who are not assigned to a specific parish must obtain written delegation for every marriage.

g. The proper person to grant delegation is the pastor of the place in which the marriage is being celebrated. An associate pastor may grant subdelegation in a particular case as long as this is not done against the wishes of the pastor. In his letter of appointment, the sacramental minister must be given faculties to assist at marriages or confirmation aside from the danger of death; this is required for the validity of the sacraments being conferred.

6. Priest or Deacon as Official Witness

a. According to Canon 1066: Before marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration. In *Familiaris Consortio*, it is reaffirmed that it is strictly forbidden for "any pastor for whatever reason or pretext even of a pastoral nature to perform ceremonies of any kind for divorced people who remarry." Therefore, a Catholic priest or deacon may not officiate at a marriage unless the nullity or dissolution of all prior marriages has been established.

b. While any religious minister recognized by the State can officiate at any marriage within the State to fulfill the civil requirements for marriage, a Catholic priest or deacon has competence to act only as an ordained Catholic minister. Therefore, a Catholic priest or deacon may never officiate at any marriage that is unable to be recognized as a valid marriage according to the law of the Catholic Church.

7. Other Required Witnesses: In addition to the Church's official witness, two other witnesses must be present for valid canonical form. (canon 1108) They must have the use of reason and be capable of comprehending what is happening in the exchange of consent; preference is to be given to those who are fourteen or older. They may be of the same or of different sexes. They need not be Catholic or even baptized. Therefore, non-Catholics may act as official witnesses (bridesmaid or best man) at a Catholic marriage. Catholics may fulfill these functions at a marriage which is licitly and validly celebrated between persons of other faiths, but not for a baptized Catholic who is being married outside the Church.

8. Marriage of Cohabiting Couples

a. Policy: The weddings of unmarried couples who live together but decline to stop cohabiting before a Catholic wedding should be simple ceremonies similar to that used in the convalidation of civil marriage.

b. Commentary: If after initial talks, a couple decides to continue cohabiting throughout the marriage preparation period, it should be conveyed to them that from a societal perspective, they are choosing to appear as husband and wife to the community. Therefore, their wedding liturgy should reflect this choice and be kept simple, more like a convalidation of a civil ceremony than the solemn celebration of the beginning of conjugal life.

D. Guidelines for Mixed Marriage

Canon 1124 - Without express permission of the competent authority, a marriage is prohibited between two baptized persons, of whom one is baptized in the Catholic Church or received into it after baptism and has not defected from it by a

formal act and the other of whom is enrolled in a church or ecclesial community not in full communion with the Catholic Church.

Canon 1125 - The local ordinary can grant a permission of this kind if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:

- 1) the Catholic party declares that he or she is prepared to remove dangers of defecting from the faith and makes a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;
- 2) the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;
- 3) both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.

Canon 1126 - It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made, and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them.

2. Instructions

The couple should be instructed concerning the sanctity, obligations, and rights of marriage, especially regarding the ends and essential properties of marriage. The priest should also present the basic beliefs and practices of the Catholic faith, taking into account the disposition of the non-Catholic.

3. Promises

- a. The Catholic party must sincerely make the promise and sign his or her name as indicated on the application for a dispensation or permission.
- b. The party who is not a Catholic is not required to make any promise, but he or she must be informed of the promise made by the Catholic.
- c. The priest or deacon who submits an application for a dispensation or permission is to certify that the declaration and promise have been made

by the Catholic party and that the other party has been informed of the promise and its meaning.

d. Although caution should be exercised if the non-Catholic is opposed to the Catholic party's keeping the promise, the ultimate concern for the priest or deacon in recommending the dispensation is the resolve of the Catholic. If, however, the priest or deacon has reason to doubt the resolve of the Catholic, he may not recommend the request for the dispensation or permission.

4. Dispensations or Permission for Mixed Marriages

a. A just cause is required to grant a permission or dispensation from the law prohibiting mixed marriages. Some examples of a just cause are:

- 1) A well-founded hope of conversion of the non-Catholic.
- 2) The spiritual welfare of the Catholic; for example, if there is danger of an attempted marriage outside the Church or danger of apostasy if the request is denied.
- 3) The welfare of children.
- 4) Pregnancy.
- 5) Convalidation of an attempted marriage.
- 6) The promise of marriage is already known or preparations are underway.
- 7) The difficulty of finding another suitable person.
- 8) The reputation and good name of the parties.
- 9) The age of the parties.

b. The Bishop and Vicar General grant dispensations for marriage in virtue of their office. The Judicial Vicar has general delegation to grant dispensations when the Bishop or Vicar General is not readily available.

According to special faculties granted in the "Position Description for Deans", in case of need and the inability of a minister of marriage to reach the Bishop, the Vicar General, or the Judicial Vicar, the Dean is delegated to dispense from the impediment of Disparity of Worship, or for validity, to dispense from the obligation to observe Canonical Form, and to grant

permission for a marriage with a baptized person who is not a Catholic, provided all of the required conditions have been met. As soon as possible after granting a dispensation or permission, the Dean is to send a written report to the Chancery indicating precisely the dispensations or permissions that were granted on a particular date so that they may be properly recorded in the diocesan archives. The petition for a dispensation or permission which has the required promises of the Catholic party is to be filed at the Chancery. In the case of a dispensation from Canonical Form, a complete record of the marriage must be filed at the Chancery.

5. Canonical Form and Liturgical Rite

a. According to canon 1127.1, the canonical form as stated in canon 1108 is to be observed in a mixed marriage. If a Catholic party contracts marriage with a non-Catholic of an Eastern rite, the canonical form of the celebration must be observed for liceity only; for validity, however, the presence of a sacred minister is required along with the observance of the other requirements of law.

b. If grave difficulties hinder the observance of canonical form, the local ordinary of the Catholic party has the right to dispense from form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity. (canon 1127.2)

1) In cases where a dispensation from canonical form has been granted, the prenuptial investigation and preparation must take place, and a dispensation from disparity of worship or permission for a mixed marriage must be obtained from the local ordinary of the Catholic party.

2) It is presumed that the non-Catholic minister will officiate according to his own ritual. A priest need not be present. The priest, if invited to do so, may give additional prayers, blessings, or words of exhortation, and he may assist by reading the scriptures/preaching, but it must be clear that the priest is functioning in a subordinate role.

3) It is the local ordinary of the Catholic party who has the right to dispense from canonical form in individual cases. If the celebration of marriage is to take place in another diocese, the local ordinary of the Catholic party must consult the ordinary of the place where the marriage is to be celebrated before dispensing from form.

4) If a dispensation from the canonical form is granted, in order to avoid scandal or unnecessary questioning, the following statement

(or similar words) might be enclosed with the wedding invitations sent to Catholics: "Permission for (name of Catholic) to be married in (name of non-Catholic church) has been granted by the Bishop of the Diocese of Evansville."

5) The priest or deacon who requests the dispensation from form has the responsibility of seeing to it that the marriage is recorded:

- a) In the Chancery of the diocese of the Catholic party;
- b) In the marriage records of the parish from which application for dispensation was made. The complete Pre-Nuptial Investigation file should be kept at this parish.
- c) At the place of baptism in the baptismal register of the Catholic party.

c. Canon 1127.3 - It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the canonical celebration. It also forbids having a religious celebration in which the Catholic who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.

d. When the non-Catholic desires the presence of his or her minister at the wedding in a Catholic church with canonical form, the priest should extend an invitation to the minister. He is to be invited to sit in the sanctuary if he so wishes. After the completion of the marriage liturgy, or at the conclusion of the Mass, the priest may invite the minister to offer his congratulations and encouragement to the couple, to pray for them, and to give them his blessing. If the marriage is celebrated without a Mass, the minister may be invited to assist in the liturgy by reading the scriptures.

e. According to canon 1118, marriage between Catholics or between a Catholic and a baptized non-Catholic is to be celebrated in a parish church. It can be celebrated in another Catholic church or oratory with the permission of the local ordinary or pastor. According to the Rite of Marriage, Introduction No. 8, in a marriage between a Catholic and a baptized person who is not a Catholic, the "Rite for Celebrating Marriage outside Mass" shall be observed. If the marriage is to take place in the Diocese of Evansville, all priests of the diocese may decide, without recourse to the Chancery, the appropriateness of having a particular mixed marriage take place within Mass, using the "Rite for Celebrating

Marriage during Mass", except that Communion is not given to the non-Catholic spouse and to other non-Catholics who are present. Sensitivity to the non-Catholic party and to other non-Catholics invited to the wedding may strongly urge that Mass be omitted and that the "Rite for Celebrating Marriage outside Mass" be used so as not to compromise the Holy Eucharist.

f. A marriage between a Catholic and a non-baptized party can be celebrated in a church or another suitable place. The "Rite for Celebrating Marriage Between a Catholic and an Unbaptized Person" from the Rite of Marriage is to be used. It is clearly a rite for celebration of marriage outside Mass. It is to be noted that the permission to have a mixed marriage with Mass applies only to marriages of a Catholic with a baptized non-Catholic and does not extend to marriages of a Catholic with an unbaptized person.

g. In special circumstances, mixed marriages may be held in churches other than Catholic:

i. If there are sufficient reasons for making an exception to the general norm, an application to the Chancery may be made for permission for a priest to officiate at a wedding outside a Catholic church.

ii. Permission for a priest to officiate in a non-Catholic church is not allowed by Bishop Gettelfinger since he believes that, for ecumenical reasons, we may not reciprocate and grant permission for a minister to officiate in a Catholic church, so we should not expect other ecclesial communities to do so for Catholics.

iii. If the church or chapel is outside the parish boundaries of the priest or deacon, he must obtain delegation from the pastor of the place, and the marriage should be recorded there as well as at the place of baptism of the Catholic party.

iv. Notification of the marriage should also be sent to the Chancery.

E. Impediments to Marriage

Canon 1073 - A diriment impediment renders a person incapable of contracting marriage validly.

Canon 1078.1 - The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of

ecclesiastical law except those whose dispensation is reserved to the Apostolic See [Deans may dispense in certain circumstances. (cf. Position Description for Deans, p. 1)]

1. Lack of Age

Canon 1083.1 - A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age cannot enter a valid marriage.

2 - The conference of bishops is free to establish a higher age for the licit celebration of marriage.

2. Impotence

Canon 1084.1 - Antecedent and perpetual impotence to have intercourse, whether on the part of the man or the woman, whether absolute or relative, nullifies marriage by its very nature.

.2 - If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null.

.3 - Sterility neither prohibits nor nullifies marriage, without prejudice to the prescript of canon 1098. (Canon 1098 refers to a case in which the person is deceived by malice concerning a quality which can gravely disturb the partnership of conjugal life.)

3. Prior Marriage Bond

Canon 1085.1 - A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.

.2 - Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or dissolution of the prior marriage is established legitimately and certainly.

4. Disparity of Worship

Canon 1086.1 - A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it and has not defected from it by a formal act and the other of whom is not baptized, is invalid.

.2 - A person is not to be dispensed from this impediment unless the conditions mentioned in canons 1125 and 1126 have been fulfilled. (cf. Mixed marriages.)

5. Sacred Orders

Canon 1087 - Those in sacred orders invalidly attempt marriage.

6. Public Perpetual Vow of Chastity

Canon 1088 - Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

7. Abduction

Canon 1089 - No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.

8. Crime

Canon 1090.1 - Anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse invalidly attempts this marriage.

.2 - Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together.

9. Consanguinity

Canon 1092.1 - In the direct line of consanguinity, marriage is invalid between all ancestors and descendants, both legitimate and natural.

.2 - In the collateral line marriage is invalid up to and including the fourth degree.

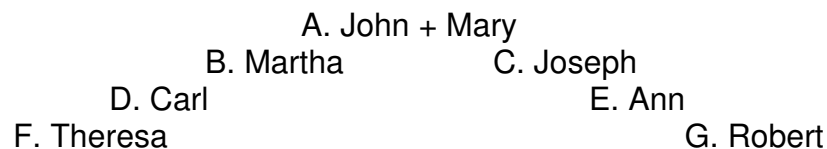
.3 - The impediment of consanguinity is not multiplied.

.4 - A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line.

a. According to canon 108, consanguinity (blood relationship) is computed through lines and degrees. "Lines" refer to generations, either "direct", as father to son or grandmother to granddaughter, or "collateral", as brother to sister or aunt to nephew or first cousin to first cousin. A "degree" represents one generation.

b. According to canon 108, in the direct line, there are as many degrees as there are generations or persons, not counting the common ancestor. A great-grandmother is related to her descendant in the third degree of the direct line; there are three persons involved, excluding the common ancestor.

c. According to canon 108, in the collateral line, there are as many degrees as there are persons in both the lines together, not counting the common ancestor.



John and Mary are the common ancestors. Martha and Joseph are sister and brother and are related in the second degree of the collateral line. Carl and Ann are first cousins and are related in the fourth degree of the collateral line. Theresa and Robert are second cousins and are related in the sixth degree of the collateral line. There and Joseph, Martha and Robert, as well as Carl and Ann are related in the fourth degree of the collateral line and a dispensation would be needed if they were to marry one another. A dispensation is not needed for second cousins or anything beyond the fourth degree of the collateral line. Theresa, Carl, Martha, and John are all related in the direct line; Robert, Ann, Joseph, and Mary are all related in the direct line. There is no dispensation granted in the direct line.

10. Affinity

Canon 1092 - Affinity in the direct line in any degree invalidates a marriage.

According to canon 109, affinity arises from a valid marriage, even if not consummated, and exists between a man and the blood relatives of the woman and between the woman and the blood relatives of the man. It is so computed that those who are blood relatives of the man are related in the same line and degree by affinity to the woman and vice versa.

Using the diagram given above, if a man by the name of William married Theresa, he would be related in the first degree of the direct line of affinity to Carl and Carl's wife, in the second degree of the direct line of affinity to Martha and Martha's husband, and in the third degree of the direct line of affinity to John and Mary. Affinity is limited to the direct line. There is no impediment in the collateral line. Therefore, if Theresa died, William could marry her sister, her cousin, her aunt, etc., with no need of any dispensation.

11. Public Propriety

Canon 1093 - The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice versa.

12. Adoption

Canon 1094 - Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly.

F. Permission for Separation or Divorce

Canon 1151 - Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them.

Canons 1152 and 1153 list the grounds and process for separation. While adultery is a cause for separation, the Church strongly urges the other party to not refuse forgiveness so as to maintain conjugal life. Grave mental or physical danger to the other spouse or offspring are also grounds for separation either by decree of the local ordinary or even on his or her own authority if there is danger in delay.

Because of the indissoluble nature of marriage and the seriousness of the moral obligations arising out of this covenant, Catholics are required to submit their case to the Church when separation is contemplated. The procedural norms on marital separation are given in canons 1692-1696.

Canon 1692.1 - Unless other provision is legitimately made in particular places, a decree of the diocesan bishop or a judicial sentence can decide the personal separation of baptized spouses according to the norm of the following canons.

.2 - Where an ecclesiastical decision has no civil effects, or if a civil sentence is not contrary to divine law, the bishop of the diocese of the residence of the spouses, after having weighed the special circumstances, can grant permission to approach the civil forum.

.3 - If a case concerns only the merely civil effects of marriage, the judge, after having observed the prescript of .2 is to try to defer the case to the civil forum from the start.

Marital separation is far from a simple matter and is not to be taken lightly. Before a separation or divorce is enacted, all possible avenues of counseling should be explored. In order to be effective, it is necessary that this help be sought before the situation reaches a crisis stage.

Since an ecclesiastical decree has no civil effect in the United States, the terms of separation and divorce must be settled in civil courts. Before approaching the civil courts, a Catholic should establish contact with a priest or the Marriage Counseling Bureau at Catholic Charities to ensure that all possible avenues of reconciliation have been explored. If the decision to approach the civil courts is arrived at in good faith with the approval or permission of the parish priest or counselor, a Catholic who acts on such a decision remains a Catholic in good standing so long as he or she does not attempt a new marriage outside the Church. If the other party has already filed suit before the civil courts, the one who has not yet filed has every right to defend himself or herself and to argue for his or her rights before the civil courts. Spouses who divorce are not deprived of the sacraments unless he or she enters a subsequent marriage without a Declaration of Nullity. The divorced are neither excommunicated nor prohibited from receiving the sacraments or fully participating in the Church's life but must be in the state of grace like all Catholics are called to be. However, they are prohibited from a subsequent marriage since the marriage bond perdures even though a common life has been definitely terminated by a civil divorce.

N.B. This is not an exhaustive list of canon law regarding marriage. If you have any questions, please contact one of the canon lawyers who will be happy to assist you.