



Bringing Your Marriage Into the Church

CONVALIDATION OF CIVIL MARRIAGES

By Msgr. Joseph M. Champlin

There are many people attending Catholic parishes or in Catholic families whose marriage is somehow not fully recognized by the Church. Catholic Church law ordinarily requires baptized Roman Catholics to marry before a priest or deacon. Unless they requested and received a “dispensation from canonical form,” Catholics who exchange marriage vows in the presence of only ministers from other religious traditions or authorized civic officials are not considered validly married in the eyes of the Catholic Church.

Later, those couples may seek to have their union officially recognized by the Church. In technical Church terms, this is known as convalidation of a marriage.

In 1981, Pope John Paul II issued an apostolic



exhortation called *On the Family*. Among other items in this groundbreaking document, he outlined practical suggestions for pastors and pastoral leaders when dealing with couples not married “in the Church.”

The pope cautioned that each situation should be examined case by case. He instructed pastors and pastoral leaders to make “tactful and respectful contact with the couples concerned and enlighten them patiently, correct them charitably and show them the witness of Christian family life in such a way as to smooth the path for them to regularize their situation.”

The following are stories of two couples whose marriages were recognized by the Church. (Their names and details have been changed for sake of privacy.) I will explain why they did not marry before a priest or deacon, what led them later to seek a convalidation and how that occurs.

A change of plans

Tony and Maria began dating when he was a senior in college and she was a senior in high school. When Maria finished her education, they became engaged and started to plan their wedding. Both are from large Italian families. Their planned nuptials would reflect the extensive and involved traditions of that ethnic culture.

But some factors began to complicate matters. Tony, an incredibly energetic and successful businessperson, was spending the entire workweek in a city several hundred miles from home. As a result, he and Maria had only brief moments together on weekends.

In addition, Tony's mother suffered a severe heart attack, leaving her in a very weakened condition. Her family was concerned about the added stress she would endure planning a massive Italian wedding.

Another problem was the fact that Tony's employer provided only one week annually for vacation: the seven days between Christmas and the New Year. Maria and Tony went to Florida for that week. While they were there, they

decided to elope and eliminate the challenge of planning a big wedding. They obtained a wedding license and immediately married at the city clerk's office, with only the necessary legal witnesses present.

When Tony called his parents to tell them of this unexpected development, his father hung up but later called back with his blessing. Maria's parents, on the other hand, expressed their delight with the marriage.

For nearly 10 years following these nuptials, Tony and Maria faithfully attended Mass. He also served as a lector, and they both frequently socialized with their parish priest.

When a new pastor came to the parish, Tony and Maria invited him to bless their elegantly restored house. A few weeks earlier, the priest had asked them to join a couple-to-couple marriage-preparation team.

After the priest blessed the house, the couple awkwardly told him that they were uneasy to join the marriage-preparation team because of their elopement. Then Tony and Maria expressed their desire to have their marriage recognized by the Church.

A simple remedy

Originally, Maria and Tony married in a swift civil ceremony not because of any burdensome Church restrictions but because of other factors. Their wish to have their marriage convalidated a decade later surfaced because of several reasons: a visit from their parish priest, their uncomfortable feeling in preparing others for marriage when they had not yet been married in the Church and their decision to start a family.

The remedy of their situation was relatively simple. Both obtained baptismal records and completed a standard marriage-investigation prenuptial form. The actual exchange of vows before a priest took place at the main altar after a Saturday night Mass, with only members of their immediate family attending. Maria and Tony dressed in the same outfits they had worn for the Florida ceremony.

With considerable abbreviation and adaptation, the priest used the basic *Rite for Celebrating Marriage Outside Mass*. The service took about 10 minutes. Afterward, the family celebrated at a local restaurant.

Several years later, Tony and Maria are the parents of three young boys, actively



Getting Ready for Convalidation

Many couples need to get their house in order before they can convalidate their marriage. Here are some common questions and answers.

Q Why is a Church tribunal decision necessary?

A In simplest terms, if a Catholic wishes to marry in the Church when there has been a previous marriage, then one of the partners in the earlier union must have died or the Church must have issued a declaration of nullity (frequently called an annulment) of the previous marriage.

The Catholic Church views all marriages with respect. It presumes that they are true and valid. Thus, it considers the marriage, for example, of two Protestant, Jewish or even nonbelieving persons to be binding in the eyes of God. These unions are covered by the words of Christ about divorce.

Consequently, a tribunal process is required to establish that an essential ingredient in the relationship was missing from the start of the previous marriage.

Q What is the procedure if the previous marriage for a Catholic person was outside the Church?

A The Church requires that a baptized Roman Catholic marry before one of its representatives, usually a priest or deacon, unless special permission was granted otherwise. When a Catholic does not observe this requirement and marries out of the Church (for example, before a justice of the peace) and eventually divorces, the tribunal process involves two steps.

The first step requires securing the Catholic's baptismal record, a copy of an official document indicating the location of the marriage and the name of the person who performed the ceremony, as well as the divorce decree.

The second step involves completing a relatively brief form that seeks the above information and asks a few additional questions about circumstances concerning the celebration of the marriage.

This form and the supporting documents showing who witnessed the wedding are sent to the diocesan tribunal, which ordinarily processes that application in a few days and returns to the petitioner a declaration of nullity based on what is called a "lack of canonical form."

The individual is now free to pursue a subsequent marriage within the Church or to have the Church convalidate a civil marriage which has already taken place.

Q What is the procedure if the previous marriage was a Catholic wedding or a non-Catholic wedding with special permission to be married before someone other than an ordained Catholic clergyman?

A The tribunal process in these circumstances is termed a "formal case." It is more complex than the "lack of form" case mentioned above because it examines what happened in the marriage. The procedure takes longer (six months to a year or more, depending on the diocese).

In this type of case, the Church researches not merely the location of a wedding, but also the relationship between spouses before and during the marriage. In the United States, a person may start this process only after obtaining a divorce under civil law. The petitioning individual then works through an extensive, printed inquiry that

participate at Sunday Mass, generously donate to charities and fulfill leadership roles in parish activities.

Needing an annulment

Aaron and Kelly also had their marriage convalidated. Aaron was a young Jewish man who saw his first marriage crumble almost as soon as it started. Divorced after about one year, he found employment in the athletic department of a major university.

On the campus, he became friends with Kelly, a young Catholic woman who was a student cheerleader. After her graduation, they started dating seriously. Eventually, she became pregnant.

When Kelly was expecting their second child, they decided to marry. In a relatively small ceremony with only family and a few close friends present, Aaron and Kelly married before a justice of the peace.

Kelly's Catholic mother, troubled by these events, kept urging the couple to have their babies



baptized and their marriage convalidated by the Church. The Baptisms were not a problem. But because of Aaron's previous marriage, convalidating the marriage became a challenge. Eventually, Aaron spoke with a parish priest and began the tribunal process, a procedure which usually requires up to a year for completion (see box below).

The desire to convalidate an existing marriage is the main reason why people petition for a "declaration of nullity," more commonly known as an annulment.

Aaron's encounters with the parish priest who initiated the tribunal process were basically positive experiences. When an affirmative decision was received, Aaron and Kelly set the date for a large Church wedding and reception. They selected the date of their earlier wedding ceremony. Their two children were part of the Church celebration.

Some people expressed confusion and asked, "Aren't they already married?" But most in

explores the childhood of both persons, their courtship, the early years of the marriage and what the petitioner considers the major cause of the marital breakup.

The petitioner will need to secure official documents: proof of Baptism, if pertinent; a marriage record and the divorce decree. In addition, names and addresses must be provided of the former spouse or spouses as well as several witnesses who can share their observations and experiences of the courtship and marriage.

The petitioner's ex-spouse is known as "the respondent" and has the right to give testimony.

Once all the materials have been assembled, the diocesan tribunal examines the case. Usually, the petitioner is interviewed, and the counsel of a psychologist or therapist can be requested. The initial judgment is then sent to a different tribunal for confirmation.

If both tribunals agree that there are sufficient grounds for nullity, the diocesan tribunal communicates a declaration of nullity to the petitioner. Respondents who are interested and who have cooperated in the process are also notified about the declaration of nullity.

Sometimes cases receive a negative response and petitions are rejected. But a majority of formal cases in the United States receive positive judgments and declarations of nullity are granted.

Q Does a declaration of nullity make the children illegitimate?

ANo. The parents, now divorced, presumably once obtained a civil license and entered upon a legal marriage. Children from that union are, therefore, their legitimate offspring.

Legitimate, in this sense, means "legal." The civil divorce and the Church process do not alter this situation; they do not change the parents' responsibility toward the children. In fact, during tribunal procedures the Church reminds petitioners of their moral obligation to provide for the proper upbringing of their children.

Q Are there particular grounds for nullity in failed marriages?

AIn technical language, the most common reasons are "severe insufficiency" or "inadequacy of judgment" (also known as a grave lack of due discretion, because of some factor such as young age or pressure to marry in haste). Other reasons include

psychological incapacity and the absence of a proper intention to have children, be faithful or remain together until death.

Three specialists in Church law answer questions in the Marriage Issues Conversation Corner at www.OnceCatholic.org.

You can order copies of *Catholic Update* "10 Questions About Annulment" (C1002), also by Msgr. Joseph M. Champlin, at www.AmericanCatholic.org or by calling 1-800-488-0488.



How Convalidation Works: 7 Steps Toward Blessing

To obtain the Church's blessing of a marriage that was not Catholic can be relatively easy. Follow these basic steps:

- 1 Contact the local parish for an appointment with the pastor or his delegate to discuss the situation and determine what must be done.
- 2 Obtain a new copy of the baptismal record for the Catholic party (or for each person, if both are Roman Catholic). Make that request to the parish where the person was baptized, indicating the name of the individual (as well as the names of the parents), date of birth and approximate date of the Baptism. Since this is a standard procedure for Catholic parishes, the copy should be forthcoming almost immediately.
- 3 If necessary, seek a Church declaration of nullity. (See "Getting Ready for Convalidation.") A favorable decision is needed before a convalidation can be scheduled.
- 4 Complete the necessary paperwork (marriage investigation, inquiry form or premarital document) with the pastor or his delegate.
- 5 Determine the date, time and most suitable type of service.
- 6 Celebrate the Sacrament of Reconciliation before the convalidation ceremony. Quite often, people who were not married in the

Church have not been to Confession for a long time. They may not remember how to confess or may be uneasy because of their long absence from this sacrament. The form and words are not important for Confession; it is what is in the heart that counts.

Two booklets of mine that could make this step easier and more meaningful for you are *Why Go to Confession? Questions and Answers About Sacramental Reconciliation* and *Meeting the Merciful Christ: How to Go to Confession* (St. Anthony Messenger Press).

To reduce any uneasiness about going to Confession, I recommend the following: After entering the confessional and hearing the priest say a short prayer, say, "Father, I haven't been to Confession in a long time. I was not married in the Church, but we will be having our marriage blessed in the next few days. I am not exactly sure when I confessed the last time and don't remember very well how to do this. But I am sorry. I want to make a new start. Would you help me?"

No doubt the priest will be delighted to assist and send the forgiven person away with a heart as light as a feather.

- 7 Plan a joyful get-together that will follow the liturgical blessing to celebrate the Church's recognition of the marriage.

attendance either did not know of the previous nuptials or seemed delighted with this solemn ceremony.

A personal invitation

One parish priest who often encounters couples whose marriages are not recognized by the Church is Father Tom Zedar. He shepherds San Antonio Roman Catholic Church in Port Charlotte, on the west coast of Florida, a large flock of nearly 2,000 households. Although most parishioners are older, there are many young families, including parents seeking to have their children baptized.

Father Zedar personally interviews those fathers and mothers about Baptism. One of the questions he asks the parents is, "Were you married in the Catholic Church?"

When couples respond negatively, he offers them an opportunity to have their marriage convalidated by the Church. Each year, about six couples accept his invitation.

Their reasons for not marrying before a Catholic priest or deacon vary. Many couples judged either that it was impossible to wed in the Church because of their circumstances or that the tribunal process would be too costly or lengthy. Other couples indicated that they simply were in a hurry or felt stressed by various

factors. Marriage in the Catholic Church seemed to be an additional complication.

Some couples commented that they had not been active and practicing Catholics when they married outside the Church. A Church marriage was not, therefore, a significant priority for them. Some dreaded a scolding by a priest because they had not been practicing their religion.

For any couple who completes the necessary preparations for convalidation, Father Zedar tailors the celebration to the couple's wishes. Most people opt for a simple ceremony.

Regardless of why couples marry outside the Church and later seek a Church

wedding, the benefits of convalidation are enormous: peace of heart, oneness with the Church, reception of the Sacrament of Matrimony and God's special blessing upon the marriage. ■

Msgr. Joseph M. Champlin, an author and speaker, is rector of the Cathedral of the Immaculate Conception in Syracuse, New York. His most recent books are The Mystery and Meaning of the Mass (The Crossroad Publishing Company), Should We Marry? (Ave Maria Press) and Slow Down: Five-minute Meditations to De-stress Your Days (Sorin Books).

This Update is an adaptation of an article that appeared in the February 2004 issue of St. Anthony Messenger.

NEXT: How to Pick a Bible: What Catholics Should Know (by Ronald D. Witherup)

UPDATE

Question Box

- 1) Why is the Church so concerned about sacramental marriage?
- 2) Why aren't children of nullified marriages considered illegitimate?
- 3) Why should a person celebrate the sacrament of Reconciliation before a convalidation ceremony?

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