



**Marriage Questions and Issues  
concerning the Rite of Christian Initiation of Adults (RCIA)**

**What marriage is:**

*Can. 1055 §1.* The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.

§2. For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.

*All references to marriage below presume the Catholic Church's understanding of marriage detailed above and in the Catechism of the Catholic Church (nos. 1601-66), namely, as the permanent, faithful, and fruitful union of one man and one woman.*

Any Catechumen or Candidate, if living in a conjugal relationship must be in a presumably valid marital union according to the laws of the Catholic Church. If that person is living in a conjugal relationship that is not a presumably valid union according to the laws of the Catholic Church, the Tribunal must be contacted for direction, as soon as possible.

Thus, for all Catechumens and Candidates, any previous marriage must be reviewed and declared invalid so the current marriage, or any future marriage, can be a presumably valid marital union according to the laws of the Catholic Church.

Therefore, before making a Profession of Faith and/or completing the Sacraments of Initiation, any Catechumen or Candidate in, or intending to enter into, a marital union that is not a presumably valid marital union according to the laws of the Catholic Church, must be referred to the Tribunal so any union, current or

THE ROMAN CATHOLIC  
**ARCHDIOCESE OF ATLANTA**



anticipated, can be a presumably valid marital union according to the laws of the Catholic Church. Sacraments of Initiation (Baptism, Confirmation, and Eucharist, to include the Profession of Faith) must be delayed until any current, or anticipated, union can be recognized as a presumably valid marital union according to the laws of the Catholic Church.

**Each & every prior marriage, civil or religious, requires proof that it was invalid or has ended.**

Divorce does not count as proof!

Proofs Regarding Prior Marriages

1. Death Certificate
2. Dissolution Due to Privilege of the Faith
3. Declaration of Invalidity

### **Some Possible Scenarios in the RCIA**

- I. A person who never has been married before and who is *not* living now in a conjugal relationship may be brought into the Catholic Church and/or complete the Sacraments of Initiation. That being said, if the person wants to marry someone, that other person also must be free to marry according to the laws of the Catholic Church. If the intended is not free to marry, a process must be begun so, ultimately, the Catechumen (inclusive of the Elect here and below) or Candidate can marry the intended in the Catholic Church. Therefore, even though the Catechumen or Candidate never has been married before and is *not* living now in a conjugal relationship, if the Catechumen or Candidate wishes to marry someone, the intended also must be free to marry according to the laws of the Catholic Church before the Catechumen or Candidate is brought into the Church and/or completes the Sacraments of Initiation.

THE ROMAN CATHOLIC  
ARCHDIOCESE OF ATLANTA



- II. A person who currently is in a presumably valid marriage according to the laws of the Catholic Church may be brought into the Church and/or complete the Sacraments of Initiation. That is, neither party to the marriage must ever have been married to another person still living. If either party is a baptized Catholic, the marriage must have been celebrated under the auspices of the Catholic Church; otherwise, the marriage must be convalidated in the Catholic Church *before* the person is brought into the Church and/or completes the Sacraments of Initiation.
- III. A person who has been previously married but is not living now in a conjugal relationship, and never anticipates marrying again, might be brought into the Catholic Church and complete the Sacraments of Initiation so long as the person knows he or she will be bound to the Catholic form of marriage. However, prudence would indicate that a nullity case should be introduced for that person before bringing the person into the Catholic Church and that person's completing the Sacraments of Initiation, because the Tribunal cannot guarantee that the marriage will be declared invalid, and this person might someday wish to marry in the Church.
- IV. A person who has been previously married and is living in a conjugal relationship cannot be brought into the Catholic Church and/or complete the Sacraments of Initiation until the Tribunal process is finalized with an affirmative outcome. Therefore, both the Catechumen or Candidate as well as the current or intended spouse must be free to marry and their current relationship must be a presumably valid marital union according to the laws of the Catholic Church.
- V. What to do about two non-Catholics married outside of the Church... The short answer is NOTHING. If both parties were free to marry and are non-Catholic, their marriage is valid. When they enter the Church they do *not* need a convalidation or a sanation. They were not Catholic and did not fall under ecclesiastical law when they wed. Non-Catholics, both baptized, free to marry—they are already in a valid marriage. When one (or both) enters the Church, you should make a notation of their wedding date and place in your Confirmation records. Non-Catholics, one unbaptized, free to marry—they

THE ROMAN CATHOLIC  
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are in a valid, although non-sacramental marriage. The marriage becomes a sacrament at the time the unbaptized party is baptized. This should be entered in your baptismal record with the date of the original wedding and place.

If two Catechumens marry or a Catechumen marries a non-Catholic Christian or unbaptized person, **no dispensation needs to be granted for the Catechumen.**

For those who have been baptized, a valid marriage is also considered to be a sacrament. Although not every marriage is a sacrament, every marriage, including a marriage between two non-Catholics, whether baptized or not, is presumed to be a valid and binding union.

If a Catholic party is marrying a non-Catholic who has previously attempted marriage(s) that has ended in civil divorce, the non-Catholic must have a declaration of nullity from the prior marriage(s) before marriage in the Catholic Church.



**Canon 1060. Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven.**

- ❖ When someone petitions the Church for a declaration of nullity, the person must prove that his or her marriage was invalid.
- ❖ Civil divorce has no effect on marriage.
- ❖ The presumption is that, even after a divorce, the two people are still married until death.
- ❖ The presumption of validity of a marriage applies also to non-Catholics who marry in any manner.

**A marriage between a Latin Catholic and an Eastern Catholic is to follow the norms of both the Code of Canon Law and the Code of Canons of the Eastern Churches.**

Canonical Form of Marriage (c. 1108)

- Catholics are required to get married by a Catholic priest or deacon.
- This applies even if only one of the two getting married is Catholic.
- A dispensation is possible when a Catholic is marrying a non-Catholic.
- If a Catholic (or two Catholics) get married outside of the Catholic Church with no dispensation from canonical form, the marriage is invalid.



### **Non-Catholics Are Not Bound to Canonical Form**

- ❖ The Catholic Church considers all marriages between two non-Catholics to be valid and true marriages, no matter how they were married (in another religion or in a civil ceremony).
- ❖ If a married couple, both not Catholic, enters the RCIA program and they have no prior marriages, their marriage is valid and needs no validation. There was no requirement that they get married in the Catholic Church.

When a Catechumen marries a Catholic, the Catholic party is required by Church law to request a dispensation (disparity of cult). *CIC*, Canon 1124.

1. If two Catechumens marry or a Catechumen marries a non-Catholic Christian or unbaptized person, **no dispensation needs to be granted for the Catechumen**. However, the prenuptial questionnaire should still be completed and filed with other parish marriage records. It should be noted on the prenuptial questionnaire that the marriage involved a Catechumen. Where there is doubt about the proper procedure, consult the Tribunal.
2. The same kind of pastoral care should be provided for Catechumens preparing for marriage as for baptized Christians who marry in the Church.
3. The marriage should be celebrated at a Liturgy of the Word, not at the Eucharistic Liturgy.
4. The marriage should be properly recorded in the parish marriage record book and in the parish book of Catechumens.

### **Convalidation of Marriages**



### *Simple Convalidation*

Convalidation of an irregular marriage of a Catechumen (a non-baptized person seeking to be fully initiated into the Catholic Church) or a Candidate (an already baptized Christian seeking to be received into full communion with the Catholic Church or a baptized, uncatechized Catholic seeking Confirmation and Eucharist) should be completed **before** the Sacraments of Initiation are celebrated. One cannot enter the full sacramental life of the Church unless one is completely free to receive the sacraments. It is pastorally advisable to convalidate the marriage as early in the process as possible. Freedom to marry must be established before a convalidation.

### *Radical Sanation*

If one party of the marriage does not want to be subjected to a convalidation ceremony, it is usually possible to obtain a *radical sanation* from the Tribunal, provided that both parties intend to remain faithful to the marriage bond. Ordinarily, the sanation involves a dispensation from any further public rite, and it effects a valid marriage between the parties (canons 1161-1165).

- “Radical sanation” involves an invalid marriage and its convalidation without the public renewal of matrimonial consent. The sanation may include, for example, a dispensation from an impediment, if one existed, or from canonical form, if it was not observed. The sanation generally requires no action on the part of the couple except the consent to enter into a valid marriage.

A sanation may not be requested if matrimonial consent is lacking in either or both of the parties (see CIC, c. 1162 §2).

- Freedom to marry must be established prior to a radical sanation.

## PERMISSIONS AND DISPENSATIONS

THE ROMAN CATHOLIC

# ARCHDIOCESE OF ATLANTA



A marriage follows proper Catholic form when the couple contracts marriage before a properly delegated priest or deacon and two witnesses (see CIC, c. 1108). This norm may be relaxed for just and sensible reasons through permission or dispensation by the appropriate authority. This involves:

- Marriages between Catholics and baptized non-Catholics. Permission for mixed religion may be granted by the Archbishop or his delegate;
- Marriages between Catholics and non-baptized individuals. A dispensation from disparity of cult may be granted by the Archbishop or his delegate;
- Marriages between a Catholic and non-Catholic witnessed by a rabbi or a non-Catholic minister or priest. A dispensation from canonical form is sought from and may be granted by the Archbishop or his delegate.

Those who minister to people in the process of Christian initiation should always refer annulment cases to the Tribunal.

Clergy, RCIA directors and coordinators should take care **not** to make promises or predictions concerning the time frame or outcome of the annulment process.





*Fulfilling Restrictions Imposed on a Declaration of Nullity*

Sometimes the judge who wrote the decision for an invalidity case will impose a restriction on one or both parties. This is not a punishment; rather it is to help ensure a happy outcome in a possible future marriage. If there is a restriction, it is notated in the final letter. There are two types of restrictions: a **monitum** and a **vetitum**. Both types of restrictions need to be addressed prior to attempting another marriage.

A **monitum** can be lifted by the party's priest or deacon during the time of marriage preparation. It usually involves clarifying one of the goods of marriage: permanence, fidelity, openness to children, partnership. These are serious issues impacting consent, and the pastor must make sure the party has an understanding of the Sacrament of Marriage and its goods.

On the other hand, a **vetitum** involves outside counseling for problems such as substance abuse, pornography, anger management, or past abuse (physical, emotional, sexual). This restriction can only be lifted by the Tribunal after documentation has been provided that successful counseling has been completed. Every application to remove a **vetitum** is referred to our staff psychologist.

The Metropolitan Tribunal  
is here to serve you in your Ministry.  
If you are unsure or uncertain about anything,  
it is always best to call us for guidance.  
Please do not hesitate to contact us  
with any questions or concerns.

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THE ROMAN CATHOLIC  
ARCHDIOCESE OF ATLANTA



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