



FREQUENTLY ASKED QUESTIONS ABOUT THE SACRAMENT OF MARRIAGE AND FAITHFULNESS TO CHRIST

FAQ: Why do pastoral ministers want to know about my marriage?

Pastoral ministers of the Church will inquire about a marriage you have entered into and perhaps left by divorce for the following reasons:

- Catholics hold to the belief that certain characteristics are essential to the Church's communion with Christ. These three characteristics involve a unity of mind and heart about: (1) the doctrine of the Faith expressed in the Nicene Creed and taught by the Church as necessary to be held by all Christians; (2) the seven Sacraments instituted by Christ; and (3) the Holy Spirit's guarantee to guide the successor of Peter --our Pope-- and the successors of the Apostles --our Bishops-- in the governance of the Church.
- Visible fidelity to these essential characteristics is seen as the proper disposition of a Catholic to receive the Holy Eucharist and other Sacraments worthily.
- One of the most strongly worded doctrines given to the Apostles by Jesus can be found in the Gospels when our Lord speaks about the desire of God that spouses be faithful in marriage until death. Jesus is clear that divorce is prohibited and to remarry another after divorces is sinful. The only exception Jesus allows is if the marriage is "unlawful."
- From the earliest centuries, the Church has held that the marriage of the baptized is a sacrament. The indissolubility of the marriage is an ordinance of the natural law established by God in Creation and was raised by Christ himself to a doctrine of our faith.
- The Church seeks to help all married couples express fidelity to Jesus' teaching about the indissolubility of marriage and the prohibition of divorce. This help is given through clear articulation in our teaching that Marriage is a Sacrament and ordinance of Christ. The Church offers careful preparation for each marriage, meaningful spiritual celebrations of marriage, and pastoral assistance to married couples to enrich and strengthen the bond formed on their wedding day. The Church tries to encourage couples to express mutual love and virtuously live their marriage vows so as to consecrate the whole of marriage and family life to Christ.
- The Church's pastors and other ministers seek to help spouses who experience conflict, even serious conflict, to reconcile and resolve these conflicts in Christian Charity and for their perseverance in marriage.
- At the same time, the Church has taught from its early days that in accord with scripture an unlawful marriage does not bind the parties to persevere. So, if a marriage has been proven to be unlawful, the Church, exercising the apostolic authority granted to it by Christ, can declare such a marriage is null and free the parties to remarry within the communion of the Church.



- Because of the sanctity of marriage and its importance to the life of the Church and society, the Church reserved the authority to declare marriages null to the Pope until the Second Vatican Council. After the Council, as part of a larger decentralization of authority, diocesan bishops were permitted to exercise the apostolic authority to declare unlawful marriages null through the local Marriage Tribunal. The Marriage Tribunal is a group of priests and others experts in Church law who are empowered to investigate marriages and determine with moral certitude that a marriage either: (A) meets the standard for a lawful marriage in the Church and thus is indissoluble by any earthly authority; or (B) the marriage is not lawful and thus can be declared null and the parties freed from any bond that marriage has before God.

It is for these reasons that Church ministers inquire about prior marriages that ended in divorce and marriages not performed lawfully according to Church Law. It is also why Church ministers may inform returning Catholics or those wishing to be Catholic that it is necessary to ask the Marriage Tribunal to resolve prior marriages that ended in divorce or make present marriages lawful before you can be admitted to the sacraments or readmitted to full communion with the Church.

FAQ: What is the definition of marriage the Church uses to determine if a marriage is lawful?

Definition: The Church understands that a lawful marriage is constituted by the mutual consent of the parties. For a marriage to be lawful: (1) parties must consent with all necessary knowledge, freedom, and the positive act of the will to marriage as the Church defines marriage; and (2) parties must know the person to be married and exercise all due discretion of judgment in order to freely exchange with this person the rights and duties that are essential to marriage.

The Church defines marriage as that partnership of the whole of life between a man and a woman. By its nature, marriage is ordered to the good of the spouses and to the procreation and education of children. Marriage is raised to be a sacrament by Christ between baptized persons. The essential properties of all marriages are unity and indissolubility. In the marriage of two baptized persons, the sacramental bond brings to the marriage covenant a special firmness.

FAQ: How does the Marriage Tribunal determine whether my marriage is lawful?

All marriages are presumed to be lawful. If a party believes that his or her marriage is unlawful, they may petition the Tribunal for a declaration of nullity and freedom to remarry if the parties determined that the differences in the marriage are irreconcilable and the parties separated are definitively divorced for a period of over one year.

Marriages can be declared null for several specific reasons: (1) failure of the parties to consent to marriage with knowledge, judgment and complete freedom; (2) the presence of impediments to the marriage that did not cease and were not dispensed by Church authority before the marriage; or (3) the failure to have a properly delegated Sacred Minister follow the



prescribed canonical form of marriage when at least one party is bound by the law of the Catholic Church.

FAQ: How do I petition to nullify my marriage in order to receive freedom to marry in the Church?

To petition for a decree of nullity and freedom to marry in the Church, you must:

- Fill out an information form. This form will ask for basic information about the marriage to be investigated, including contact information for the ex-spouse.
- Provide baptism, marriage and divorce papers
- Submit written testimony that provides the tribunal with detailed information on the marriage to be investigated
- If able, pay the fee the tribunal requests for the process.

For more information, please see the attached brochure, contact your parish priest, or call the Marriage Tribunal at 727-344-1611.