

Diocese of San Diego

CANONICAL ASPECTS OF MARRIAGE

§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.

Code of Canon Law, canon 1055.

Regarding All Marriages

1. The premarital investigation is to be completed by the priest, deacon or parish minister preparing the couple for marriage.
2. A Catholic must submit a recent baptismal certificate, dated within the past six months, which should include the dates of first communion and confirmation, if possible. A non-Catholic baptized person must provide a baptismal certificate or verification of baptism.
3. Canon 1065 stipulates that “Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience.”
4. A person who has been previously married must verify freedom to marry as the result of a canonical process or the death of a previous spouse.
5. In cases where the maturity or psychological readiness of the couple is seriously questioned, consultation with a qualified person is recommended.
6. Any impediment to marriage must be addressed.
7. After the wedding, places of baptism or reception into full communion must be notified of the marriage.
8. All documents, including pertinent correspondence, should be retained in the marriage file, together with a copy of the civil marriage license.

Regarding Interreligious Marriages *(in addition to above listed requirements)*

1. Permission must be obtained for a Catholic to marry a non-Catholic baptized Christian (canon 1124). If a Catholic wishes to marry a person who is not baptized, a dispensation from the impediment of disparity of worship must be obtained from the competent authority. In the Diocese of San Diego, priests and deacons with diocesan faculties can grant these permissions or dispensations if the provisions of canon 1125 have been fulfilled.
2. Canon 1125 requires the Catholic party practicing his/her faith to remove any danger to that faith, and to do all in his/her power to see to the Catholic baptism and education of any children born of the marriage. At an appropriate time before the wedding, the other party is to be informed of this promise by the Catholic party, which may be made orally or in writing before the priest or deacon. No formal statement is required of the non-Catholic party, but there should be a mutual understanding of this issue to prevent any disharmony.
3. Even in interreligious marriages, the canonical form of the celebration of marriage requires for validity that a Catholic priest or deacon, with the faculty to officiate at the marriage, receive the vows, and that there be two witnesses.

Regarding Dispensation from Canonical Form

Marriages to be officiated by a non-Catholic minister or civil magistrate require a dispensation from canonical form. For the marriage of two Catholics, this dispensation is reserved to the Holy See. For the marriage of a Catholic and a non-Catholic, baptized or not, the local ordinary of the Catholic party may grant the dispensation.

Regarding the Place for the Celebration of Marriage

1. According to Canon 1118, marriage between two Catholics, or between a Catholic and a baptized non-Catholic, is to be celebrated in a parish church. Pastors by law and priests and deacons with San Diego diocesan faculties can permit the marriage of a Catholic and a baptized non-Catholic to be celebrated outside the parish church, but only in another Catholic church or oratory.
2. For marriage between two Catholics or between a Catholic and a baptized non-Catholic outside of a Catholic church or chapel, permission of the local ordinary is required. Canon law allows the marriage of a Catholic and a non-baptized person to be celebrated in a suitable place outside of a Catholic church or chapel.

Regarding Marriages Where One of the Parties is Under Eighteen Years of Age

The canonical age required for marriage is 16 for men and 14 for women. However, California law requires consent of the Superior Court for any wedding in which either party is not yet 18.