

**Diocese of San Diego**

**DIRECTION FOR PRIESTS AND DEACONS REGARDING MARRIAGE**

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**MARRIAGE BETWEEN TWO CATHOLICS**

**Investigation/Preparation**

- Baptismal certificates, dated within 6 months of the wedding, are required.
- It must be verified that there are no impediments to marriage.
- If a party is not yet confirmed, he/she should be, if possible, before the marriage.
- There should be adequate marriage preparation in accord with diocesan guidelines.

**Place of Marriage**

- The marriage may take place in the parish church of either party.
- The pastor, or any priest or deacon with faculties of the Diocese of San Diego, of the parish of each Catholic party must give permission or a *nihil obstat* (best when written) for the marriage to take place in another Catholic church or chapel in the diocese.
- Diocesan permission must be requested for the marriage to take place in other than a Catholic church or chapel in the diocese.
- If the marriage is to be celebrated outside the Diocese of San Diego, the marriage file is to be forwarded to our chancery (at least a month before the wedding date), and the Diocese of San Diego will send it to the diocese where the marriage will take place.

**Celebration**

- The marriage may be celebrated within Mass or without Mass.

**Official Witness**

- If a priest or deacon without the faculties of the Diocese of San Diego is to officiate at the wedding he must be delegated to do so (best in writing) by the pastor, or a priest or deacon with diocesan faculties, assigned to the parish where the marriage is to be recorded.
- A dispensation from canonical form for two Catholics to marry before a non-Catholic minister or civil magistrate is reserved to the Apostolic See.

## **Recording and Notification**

- The marriage is to be recorded in the parish within whose boundaries it takes place whether it is celebrated in the parish church itself or in another location (e.g., a Catholic chapel, a non-Catholic church or chapel, a hotel or outdoors).
- Notification of the marriage is to be sent to the parishes where the parties were baptized or received into the full communion of the Catholic Church.

## **MARRIAGE BETWEEN A CATHOLIC AND A BAPTIZED NON-CATHOLIC**

### **Investigation/Preparation**

- A baptismal certificate, dated within 6 months of the wedding, is required for the Catholic party and a baptismal certificate/verification of baptism is required for the non-Catholic party.
- It must be verified that there are no impediments to marriage.
- If not yet confirmed, the Catholic party should be, if possible, before the marriage.
- There should be adequate marriage preparation in accord with diocesan guidelines.

### **Permission Required**

- Permission for a Marriage of Mixed Religion is to be granted and any priest or deacon with faculties of the Diocese of San Diego may do so.

### **Place of Marriage**

- The marriage may take place in the parish church of the Catholic party.
- The pastor, or any priest or deacon with faculties of the Diocese of San Diego, of the parish of the Catholic party must give permission or a *nihil obstat* (best when written) for the marriage to take place in another Catholic church or chapel in the diocese.
- Diocesan permission must be requested for the marriage to take place in other than a Catholic church or chapel in the diocese.
- If the marriage is to be celebrated outside the Diocese of San Diego, the marriage file is to be forwarded to our chancery (at least a month before the wedding date), and the Diocese of San Diego will send it to the diocese where the marriage will take place.

### **Celebration**

- It is recommended that the marriage rite be celebrated without Mass. However, priests and deacons with the faculties of the Diocese of San Diego have the authority to grant permission for the marriage to take place within Mass, only when this would be pastorally appropriate. According to canon law, communion is not to be given to the non-Catholic unless he or she is a member of an Eastern Church (cf. no. 8 in the *Rite of Marriage* and canon 844).

### **Official Witness**

- If a priest or deacon without the faculties of the Diocese of San Diego is to officiate at the wedding he must be delegated to do so (best in writing) by the pastor, or a priest or deacon with diocesan faculties, assigned to the parish where the marriage is to be recorded.

- A dispensation from canonical form must be requested from the diocese of the Catholic party for the marriage to be celebrated before a non-Catholic minister or civil magistrate.

### **Recording and Notification**

- For a marriage celebrated according to canonical form, that is, with a priest or deacon officiating, the marriage is recorded in the parish within whose boundaries it takes place whether it is celebrated in the parish church itself or in another location (e.g., a Catholic chapel, a non-Catholic church or chapel, a hotel or outdoors).
- For a marriage celebrated with a dispensation from canonical form, the marriage is to be recorded in the parish and the chancery of the Catholic party.
- Notification of the marriage is to be sent to the parish where the Catholic party was baptized or received into the full communion of the Catholic Church.

## **MARRIAGE BETWEEN A CATHOLIC AND A NON-BAPTIZED PERSON**

### **Investigation/Preparation**

- A baptismal certificate, dated within 6 months of the wedding, is required for the Catholic party.
- It must be verified that there are no impediments, other than Disparity of Cult, to marriage.
- If not yet confirmed, the Catholic party should be, if possible, before the marriage.
- There should be adequate marriage preparation in accord with diocesan guidelines.

### **Dispensation Required**

- Dispensation from the Impediment of Disparity of Cult is to be granted and any priest or deacon with faculties of the Diocese of San Diego may do so.

### **Place of Marriage**

- The marriage may take place in the parish church of the Catholic party.
- The pastor, or any priest or deacon with faculties of the Diocese of San Diego, of the parish of the Catholic party must give permission or a *nihil obstat* (best when written) for the marriage to take place in another Catholic church or chapel in the diocese.
- Canon law allows the marriage to be celebrated in a suitable place other than a Catholic church or chapel, and consequently, diocesan permission is not necessary.
- If the marriage is to be celebrated outside the Diocese of San Diego, the marriage file is to be forwarded to our chancery (at least a month before the wedding date), and the Diocese of San Diego will send it to the diocese where the marriage will take place.

### **Celebration**

- Marriage cannot be celebrated within Mass.

### **Official Witness**

- If a priest or deacon without the faculties of the Diocese of San Diego is to officiate at the wedding he must be delegated to do so (best in writing) by the pastor, or a priest or deacon with diocesan faculties, assigned to the parish where the marriage is being recorded.
- A dispensation from canonical form must be requested from the diocese of the Catholic party for the marriage to be celebrated before a non-Catholic minister or civil magistrate.

## **Recording and Notification**

- For a marriage celebrated according to canonical form, that is, with a priest or deacon officiating, the marriage is recorded in the parish within whose boundaries it takes place whether it is celebrated in the parish church itself or in another location (e.g., a Catholic chapel, a non-Catholic church or chapel, a hotel or outdoors).
- For a marriage celebrated with a dispensation from canonical form, the marriage is to be recorded in the parish and the chancery of the Catholic party.
- Notification of the marriage is to be sent to the parish where the Catholic party was baptized or received into the full communion of the Catholic Church.

## **IMPEDIMENTS TO MARRIAGE**

### **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 into a valid 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.”

Note: This impediment cannot be dispensed.

### **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.”

### **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.”

### **5. Sacred Orders**

Canon 1087: “Those in sacred orders invalidly attempt marriage.”

### **6. 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 (Blood Relationship)**

Canon 1091: “§1. In the direct line of consanguinity marriage is invalid between all ancestor and descendants, both legitimate and natural. §2. In the collateral line marriage is invalid up to and including the fourth degree.”

Note: The local ordinary can dispense from the impediment in the third (e.g., uncle-niece) and fourth degrees (first cousins) of the collateral line.

## **10. Affinity (Marital Relationship)**

Canon 1092: “Affinity in the direct line in any degree invalidates a marriage.”

Affinity arises from a *valid* marriage between the man and the blood relatives of the woman and between the woman and the blood relatives of the man. Thus, a man is related to his wife’s mother in the first degree of the direct line.

## **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.”