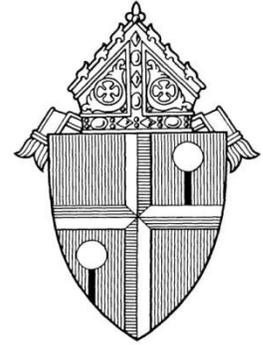


# THE OFFICE FOR CANONICAL AFFAIRS

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## Norms for the Preparation for and Celebration of Marriage

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## I. Introduction

1. **Signs of the Times:** “Preparation for marriage, for married and family life, is of great importance for the good of the Church. In fact, the sacrament of marriage has great value for the whole Christian community and, in the first place, for the spouses whose decision is such that it cannot be improvised or made hastily. In the past, this preparation could count on the support of society which recognized the values and benefits of marriage.... At least in the communities that were truly evangelized, the Church’s support was solid, unitary and compact. In general, separations and marriage failures were rare, and divorce was considered a social ‘plague.’ Today ... we are witnessing an accentuated deterioration of the family and a certain corrosion of the values of marriage. In many nations, especially economically developed ones, the number of marriages has decreased. Marriage is usually contracted at a later age and the number of divorces and separations is increasing, even during the first years of married life. All this inevitably leads to a pastoral concern that comes up repeatedly: Are the persons contracting marriage really prepared for it? The problem of preparation for the sacrament of marriage and the life that follows emerges as a great pastoral need, first for the sake of the spouses, for the whole Christian community and for society” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 1).
2. “Because of the present circumstances ... the Church’s concern has become more urgent with regard to marriage preparation. ... The number of persons is increasing who ignore or reject the riches of marriage with a form of mistrust that goes so far as to doubt or reject its goods and values. Today we see with alarm the spread of a ‘culture’ or a mentality that has lost heart with regard to the family as a necessary value for spouses, children and society. Some attitudes and some measures envisaged in laws do not help the family based on marriage and even deny its rights. As a matter of fact, a secularized atmosphere has been spreading in different parts of the world which especially affects young people and subjects them to the pressure of a secularized environment in which one ends up losing the meaning of God and consequently the deep meaning of spousal love and the family as well” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 11).
3. “Permissive laws contribute toward aggravating the situation with all their force in forging a mentality that harms families with regard to divorce, abortion and sexual freedom. Many means of communication spread and help strengthen a climate of permissiveness and form what seems to be a cultural fabric that impedes young people from their normal growth in the Christian faith, their ties with the Church, and their discovery of the sacramental value of marriage and the requirements derived from its celebration. It is true that education for marriage has always been necessary, but a Christian culture made its formulation and assimilation easier. Today this is sometimes more arduous and more urgent” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 13).
4. Recognizing these great challenges, the Diocese of Honolulu has prepared these norms, which are being promulgated as particular law, to assist clergy and parish staff to better prepare couples for marriage. For additional information on marriage, go to USCCB’s marriage web site: <http://foryourmarriage.org>
5. **Consent Brings Marriage into Existence:** The marital covenant is a type of contract (Tobit 7:12-15). It is brought about by the consent of the parties. “Matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage” (canon 1057, §2). The internal consent of the mind is expressed during the marriage ceremony in the exchange of consent (the vows). The self-giving that is a part of marital consent is a donation of oneself to one’s spouse.

6. Consent takes two steps:
  - *First step: The intellect* — For consent to be valid, the intellect must be correctly formed about the essential elements and properties of marriage (see ## 9-14 below). The intellect also must gather sufficient information about oneself and about a possible spouse. The intellect weighs the pros and cons about marriage to this person at this time and arrives at a well-considered evaluation and judgment.
  - *Second step: The will* — The will is informed by the data and judgment of the intellect. To be valid, the will makes a free decision to marry this person at this time, not coerced by any familial, social, or psychological pressures.
  
7. Although consent brings marriage into being, the formation of the bond is not something that the couple or the priest or deacon does. It is something that God does. God is the third party in the marriage contract. The presence of God makes the marriage contract a covenant.
  
8. Feelings of love usually motivate a person to choose marriage. Feelings of love make marital life easier. However, love in marriage is not primarily an emotion but a commitment to a pattern of behavior which includes caring, understanding, self-revelation, forgiveness, and sacrifice (John 15:12-13; 1 Corinthians 13:4-8). In this way, love is primarily giving, not receiving.
  
9. **Theological Overview of Marriage** – *Marriage is a Partnership of the Whole of Life*: God created man and woman to be of mutual service and assistance to one another in marriage. As a partnership of the whole of life, marriage is rooted in the equality and complementarity of man and woman. The heterosexual friendship that is a communion of persons is for the mutual good of the spouses themselves. This union of husband and wife aims at a deep personal unity that goes beyond mere physical unity. “Married love is an eminently human love because it is an affection between two persons rooted in the will and it embraces the good of the whole person; it can enrich the sentiments of the spirit and their physical expression with a unique dignity and ennoble them as the special elements and signs of the friendship proper to marriage. The Lord, wishing to bestow special gifts of grace and divine love on it, has restored, perfected, and elevated it. A love like that, bringing together the human and divine, leads the partners to a free and mutual giving of self, experienced in tenderness and action, and permeates their whole lives; besides, this love is actually developed and increased by the exercise of it. This is a far cry from mere erotic attraction, which is pursued in selfishness and soon fades away in wretchedness” (Vatican II, *Gaudium et Spes* 49).
  
10. *Marriage is for the Procreation and Education of Children*: Marriage and the family are at the service of life in the procreation and education of children. In giving life and raising children, parents share in the creative and nurturing work of God himself in obedience to his command to be fruitful and multiply (Genesis 1:26-31). “By its very nature the institution of marriage and married love is ordered to the procreation and education of the offspring and it is in them that it finds its crowning glory.... Children are the supreme gift of marriage and contribute greatly to the good of the parents themselves” (Vatican II, *Gaudium et Spes* 48). As the principal educators of their children, parents are responsible to see to the physical, social, cultural, moral and religious formation of their offspring. To this end, the home is meant to be a school of human virtues and charity. (See ##22, 125-126, 135 below for specific obligations of raising children in the faith.)
  
11. Those who are sterile (but not impotent) due to age or some other cause are not impeded from marriage. Their marriage can radiate a fruitfulness of character, hospitality, and sacrifice.

12. *Marriage is Indissoluble*: The commitment that is a part of marital love is definitive and irrevocable. Although Moses allowed divorce because of the people's hardness of heart, Jesus restored God's original intent by making marriage a perpetual union until death (Mark 10:2-12). The indissolubility of marriage gives the parties the trust and freedom needed to give themselves to each other completely. The couple is bound to remain true to each other both in good times and in bad. A consummated, sacramental marriage can be dissolved by no human power and by no cause except death. (A declaration of nullity, on the other hand, states that a valid marriage never took place.)
13. *Marriage Requires Complete Fidelity*: In a unique way, conjugal acts express the total giving and receiving of each other. Sexual intimacy outside marriage expresses a total commitment to another person that does not exist and is, therefore, a lie (1 Corinthians 6:13-20). The unity that is a part of marriage requires complete fidelity, including physical and emotional exclusivity. Fidelity also requires the avoidance of places where one might be tempted to be unfaithful. The use of pornography or Internet sites of an impure or romantic nature are also violations of the obligation of fidelity.
14. *Marriage between Baptized Persons is a Sacrament*: The Church understands Jesus' teaching on marriage as elevating marriage from a natural institution to the dignity of a sacrament. As a result, a marriage between two baptized persons is a sacrament. The love between husband and wife is intended to reflect the love between Christ and the Church (2 Corinthians 11:2; Ephesians 5:25-33; Revelation 21:2, 9). Marriage as a sacrament confers the grace needed to achieve holiness. Marriage as a sacrament enables the couple to represent Christ to their children. The home is meant to be a domestic church in which the faith is taught by word and example and lived in communion with one another. Christian marital love is also meant to be a sign of Christ's love in the world and an inspiration to other married couples. The family, as a domestic church, should radiate gospel values and a concern for justice to all of society.
15. For Catholics of the Latin Church, the priest or deacon does not marry the couple, the couple marries each other; the parties themselves are the ministers of the sacrament, while the priest or deacon receives the consent on behalf of the Church. (For Eastern Catholics and Orthodox Christians, the emphasis is placed on the blessing of the priest as the sacramental moment.)

## II. Goals of Preparation during Engagement

16. **Joy:** Hospitality should be a hallmark of marriage preparation. A warm, caring, positive, and joyful attitude should be evidenced by all involved from the beginning.
17. **The Natural Law Right to Marry:** “All persons who are not prohibited by law can contract marriage” (canon 1058). Canon and civil law regulate the exercise of the human right to marry. “Before a marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration” (canon 1066). Furthermore, pastors have the obligation to make sure that those seeking marriage are suitably prepared (canon 843, §2).
18. **Length of Preparation:** At the beginning of the engagement period, a couple should contact the parish to begin preparation for marriage, ordinarily at least a year in advance of the marriage (NCCB, *Faithful to Each Other Forever*, p. 62). However, a minimum of six months is usually needed for adequate proximate and immediate preparation for marriage. Exceptions are granted only at the discretion of the pastor who must carefully weigh the circumstances.
19. **Parish Registration:** Couples should not be denied the right to begin marriage preparation purely because neither party is formally registered with the parish, provided that at least one of the parties lives within the parish's boundaries. Parish registration of at least one of the parties may be requested at the beginning of the marriage preparation process.
20. **Marrying an Immigrant:** “If an American citizen is marrying an alien, the alien is admitted to the United States on a special K-1 visa, which is valid for ninety days. The marriage must be celebrated before the ninety-day period has expired. Obviously, the period of immediate preparation will be foreshortened under these circumstances. However, the couple’s willingness to fulfill all of the necessary requirements in a brief period of time is, itself, an indication of their readiness to marry” (NCCB, *Faithful to Each Other Forever*, p. 62). The priest, deacon, or parish minister should also be certain that the parties truly intend a marital relationship and that they are not simulating marriage for the sake of obtaining American citizenship for the immigrant.
21. **Preparation Topics – Marital Partnership:** Marital preparation must include adequate instruction on the nature of the marital relationship as a partnership of the whole of life based on a heterosexual friendship of equality and complementarity. This is to include instruction on the unity, fidelity, indissolubility, and perpetuity of marriage. Practical discussions should include one’s acceptance of the obligations of marriage, job and career issues, household and family roles, financial issues, and where one will live, both in the short and long term. Specific practical information is to be given concerning financial matters and budgeting. Red flags in this area would include obstinacy in refusing to accept Church teachings regarding the marital obligations and low levels of agreement on topics for discussion.
22. **Sexuality and Children:** Marital preparation must include instruction on the correct concept of responsible parenthood. This should include the Church’s teachings on the dignity and ends of conjugal acts, on the proper education of children, on the scientific basis of natural methods for the regulation of fertility (Natural Family Planning), and on the virtue of chastity necessary to practice periodic continence. Discussion should cover questions of companionship and affection, childbearing and family planning, child rearing issues, including the manner of parenting, the values and discipline to be imparted, and role responsibilities as parents. Red flags in this area would be refusal to have children, the deferment of children, lack of knowledge about issues of sexuality, and extreme discomfort with issues of sexuality. This topic is to be adapted to the circumstances in the case of older couples.

23. *Readiness to Marry*: “Proximate preparation should certainly ascertain whether the engaged have the basic elements of a psychological, pedagogical, legal and medical nature for marriage and family life.... Young people should also be helped to become aware of any psychological and/or emotional shortcomings they may have, especially the inability to open up to others, and any forms of selfishness that can take away from the total commitment of their self-giving. This help will also aid in discovering the potential and the need for human and Christian growth in their life” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 35-36). Consideration and discussion should focus on the person’s motives to marry, individual behavior, mannerisms, and personality traits, alcohol and drug issues, moodiness, depression, excessive dissatisfaction, anger and temper, authenticity and mutuality in self-disclosure, independence and dependence, and overall maturity. Red flags in this area can include possible alcohol or drug abuse, presence of inappropriate temper and anger, psychological factors, possible impairment of freedom (e.g., premarital pregnancy, pressure to marry), inappropriate expressions of affection, excessive idealization of the other party, and poor self image. Professional counseling may be advised in certain cases.
24. *Religious and Moral Formation*: Issues of religious faith and practice are to be treated. (See ##27-34 below on evangelization and also Section VIII. “Mixed Marriages and Disparity of Cult Marriages” if applicable.) “The persons in charge of marriage preparation should also be concerned with giving solid formation to the moral conscience of the engaged so that they will be prepared for the free and definitive choice of marriage which is expressed in the mutually exchanged consent before the Church in the marriage covenant” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 36). Issues to be discussed include one’s religion, philosophy, values, and involvement and support of the Church. Red flag issues include low levels of agreement, obstinacy in attitude toward greater religious practice, and the presence of anti-Christian values.
25. *Communication and Problem-Solving Skills*: Practical instruction is to be given on the development of communication and problem-solving skills. “The engaged should be helped beforehand to learn how to preserve and cultivate married love later, interpersonal, marital communication, the virtues and difficulties of conjugal life, and how to overcome the inevitable conjugal ‘crises”” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 46). Tensions over wedding plans should also be addressed as appropriate. Problems discussing emotional issues or strong beliefs, inappropriate anger, and avoidance of issues are red flags indicating deficiencies in communication and problem solving skills.
26. *Suitability of Match as Partners*: The following should be topics for discussion between the parties: family, educational, cultural, social and ethnic background; lifestyle expectations, social preferences, and community involvement; relationships with extended family (in-laws) and friends; interests, hobbies, and leisure activities; and personality match (flexibility, control, humor, organization, spontaneity, neatness, etc.). Low levels of agreement are red flags indicating problems in this area.
27. **Evangelization**: Marriage preparation is important because, as a vocation in the Church, it is the road to holiness that most of the baptized will follow. Furthermore, because marriage is a vocation, preparation for marriage should be seen as an opportunity for evangelization.
28. In the event that one or both of the individuals are not active in the practice of the Catholic faith, special attention is to be made to encourage them to become active. The time of marriage provides the priest, deacon, or parish minister with a valuable opportunity to discuss with the couple the place of God, the Lord Jesus, and the Catholic Church in their lives. Often

marriage preparation can be an opportunity to correct misunderstandings, be reconciled with the Church, or to begin a more fervent practice of the faith.

29. *Catechesis in the Faith*: Opportunities for catechesis are to be available to couples preparing for marriage to compensate for gaps in knowledge of the faith. “The importance of this preparation involves a process of evangelization which is both maturation and deepening in the faith. If the faith is weak or almost nonexistent, it must be revived. Thorough, patient instruction that arouses and nourishes the ardor of a living faith cannot be excluded. Especially where the environment has become paganized, it will be particularly advisable to offer a ‘journey of faith, which is similar to the catechumenate’ (Pope John Paul II, *Familiaris Consortio* 66), and a presentation of the fundamental Christian truths that may help acquire or strengthen the maturity of the faith of the persons contracting marriage” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 2).
30. *Prayer Experiences*: Marital preparation is to include opportunities for prayer, as well as teaching on methods and the importance of prayer for marital life. The family is meant to be a domestic church. Therefore, the couple, as leaders of the family, must be experienced in prayer in order to be leaders in prayer.
31. *Reception of the Sacraments*: The reception of the sacraments of confirmation, penance and the Most Holy Eucharist are meant to facilitate a valid, worthy, and fruitful reception of the sacrament of marriage.
32. It is appropriate for all Catholic brides and grooms to prepare themselves for the celebration of their marriage by receiving the sacrament of penance (*Catechism of the Catholic Church* 1622). Those preparing the couple for marriage are to give suitable catechesis to prepare the parties for this sacrament, especially if the parties have little or no experience with receiving this sacrament. An opportunity for confession should be given after the rehearsal or at another time.
33. Confirmation should be conferred before marriage if it can be done without grave inconvenience (canon 1065, §2). For baptized Catholics who have not received the sacraments of confirmation or first Holy Communion, the use of the Rite of Christian Initiation of Adults is appropriate, with the amount of catechesis adapted to the needs of the person.
34. A person, however, should not be rushed into reception of the sacrament of confirmation and first Holy Communion without adequate preparation (canon 889, §2). The reception of these sacraments also should not be approached merely as legalistic steps to fulfill as a preparation for marriage. In cases of more limited time frames before marriage, it may be better to defer reception of the sacraments of confirmation and first Holy Communion so that the preparation for their fruitful celebration is not shortchanged.

### III. Components of Preparation

35. **Meetings with the Priest, Deacon, or Parish Minister:** Three to five individual meetings should take place with the priest, deacon, or parish minister with the following goals:
- To become acquainted with the priest or deacon who will be assisting at the marriage
  - To complete canonical paperwork (see ##79-103 below)
  - For instruction on the essential elements, essential properties, and sacramental nature of marriage (see ##5-15 above)
  - To discuss the couple's motives for marrying and the quality of the relationship (see ##21-26 above and #37 below)
  - To discuss spiritual matters (see ##27-34 above)
  - To encourage learning about Natural Family Planning and provide information on classes
  - To treat special circumstances (see ##40-56, 116-135 below)
  - To be catechized on and plan the liturgical celebration (see ##136-160 below)

36. **Scheduling the Date:** The premarital investigation form is to be completed with each party individually and under oath (see #79 below). **This must take place before the priest or deacon officially schedules the wedding in the parish calendar. In the case of prior marital bonds, no marriage date may be set until proofs of nullity or dissolution are finalized for all prior marriages.**

In situations where a formal declaration of marital nullity is required for a prior marriage, a new marriage is never to be scheduled or even "penciled in" the parish calendar. Marriage preparation procedures are to be halted while a formal cause is pending before the Tribunal. Any impression that an affirmative decision is automatic is to be avoided as it fosters a divorce mentality that is so prevalent in modern society. Halting preparation while a Tribunal cause is pending also avoids unnecessary discord in those circumstances when a negative decision is given and a wedding has already been scheduled.

37. **Premarital Inventory:** Completion of one of the following premarital inventories is recommended, with the result discussed with the priest, deacon, or parish minister:

- FOCCUS – <http://www.foccusinc.com>
- PMI Profile – <http://www.intercompub.com>
- PREPARE-ENRICH – <https://www.prepare-enrich.com>

Caution must be exercised, however, with the use of such instruments. The questions might not be understood the same for those coming from differing cultural backgrounds or who speak English as a second language. They cannot be viewed as pass/fail tests.

38. **Engaged Encounter Weekend:** Participation in an Engaged Encounter Weekend or an equivalent program is required. This program is to treat the six topics set out above (see ##21-26 above). The Engaged Encounter Weekend is held several times per year on O`ahu and periodically on the islands of Kaua`i, Māui, and Hawai`i. With couples for whom the cost of the weekend would be prohibitive, the parish may assist with the cost of participating in the Engaged Encounter Weekend. Should an equivalent program be chosen, permission is required from the director of canonical affairs, and it must be demonstrated that the equivalent program treats the same six topics set out above (see ##21-26 above).

39. **Language Barriers:** With couples who have difficulty understanding or speaking English, the priest, deacon or parish minister may request the help of another priest, deacon, married couple, or religious sister or brother who is fluent in the couple's language. Individual clerics assigned to various ethnic ministries may be able to provide assistance in marriage preparation. The vicar for clergy may be consulted for contacts.

#### IV. Special Circumstances and Possible Delays

40. **Special Circumstances – Fornication:** The time of engagement is meant to be a time of intense spiritual preparation and growth in holiness. One should prepare to receive the sacrament of marriage through the practice of virtues and the elimination of vices. In particular, this engagement period should be an important time for training in the virtue of chastity (*Catechism of the Catholic Church* 2350). Married life will present times when continence will have to be practiced, such as in relation to the practice of Natural Family Planning, during times of sickness, or during times of necessary separation. Therefore, the practice of self-discipline and chastity during the engagement period is of particular importance as a preparation for marriage.
41. “Unfortunately, for many, this period which is intended for human and Christian maturation, can be disturbed by an irresponsible use of sexuality which does not help spousal love to mature” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 17). Sexual activity before marriage is often a sign of more serious underlying problems which should be addressed, such as poor formation of conscience, greater than average needs for acceptance and fears of rejection, hedonism, narcissism, or poor self-image.
42. Acts of fornication involve dangers to valid marital consent. “Sexuality affects all aspects of the human person in the unity of body and soul. It especially concerns affectivity, the capacity to love and to procreate, and in a more general way the aptitude for forming bonds of communion with others.... Chastity includes an apprenticeship in self-mastery which is a training in human freedom” (*Catechism of the Catholic Church* 2332, 2339). Those who violate the virtue of chastity through acts of fornication suffer from a self-imposed loss of human freedom. Yet such freedom is necessary for the adequate exercise of marital discretion.
43. “Sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is not something simply biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and woman commit themselves totally to one another until death” (Pope John Paul II, *Familiaris Consortio* 11). Acts of sexual intimacy outside of marriage can easily result in a sense of commitment in the fornicators’ intellects that does not exist in fact. This sense of commitment can impair a person’s judgment and freedom.
44. **Cohabitation:** Couples who cohabit prior to marriage can greatly impair their discretion in marrying. Cohabitation often results in internal pressure on the parties to marry. Occasionally added to this is pressure to marry put on the parties by family and friends or even by one party on the other as a result of the cohabitation. The guilt frequently associated with living in a state of grave sin often limits a person’s use of the critical faculty of judgment and results in a limitation of one’s freedom, making marriage to a particular person seem inevitable.
45. The reasons for cohabitation should be examined with the parties. Cohabitation may be an indication of the parties’ inadequate formation in the faith, rejection of the Church’s teachings on sexuality and marriage, fear or disbelief in commitment, or excessive individualism. Other motives, such as economic concerns, the desire to test the relationship, or social pressure, should also be discussed. Information should be provided to couples who cohabit about the high rate of divorce and other problems among those who cohabit prior to marriage (see USCC, *Marriage Preparation and Cohabiting Couples*, Part 1, questions 4-5; NCCB, *Faithful to Each Other Forever*, pp. 71-77).

46. Two extremes are to be avoided: One, immediately confronting the cohabiting couple and condemning their behavior. Two, ignoring the cohabitation aspect of the relationship (*Faithful to Each Other Forever*, p. 74). In most cases, parties cohabiting prior to marriage are to be encouraged to separate. An exception to this would be in cases where the couple already has children. "Since cohabitation is not in itself a canonical impediment to marriage, the couple may not be refused marriage solely on the basis of cohabitation" (USCC, *Marriage Preparation and Cohabiting Couples*, Part 2, question 5). If the couple refuses to separate or if the couple already has children, they should be counseled to arrange for separate sleeping accommodations. In such a case, they are to be informed of the danger of leaving themselves in a situation of temptation to sin. Also, they are to be informed of the scandal that they give to others in cohabiting and in appearing to be living in the state of grave sin.
47. The motives for seeking marriage at the present time can be a good indication of the approach to take with cohabiting couples. "For couples who have seriously planned marriage, and who decided to live together for practical reasons such as finance or convenience, the pastoral minister can focus on their understanding of the meaning of sacrament and the commitment to permanence and stability in marriage. For couples whose cohabitation seems more casual, and for whom no previous commitment seems to have been made, in addition to the treatment of commitment and sacrament, special attention is given to overall readiness for marriage and for permanent lifetime commitment. For couples whose reasons for seeking marriage are more for the sake of appearance, or to accommodate social or family needs, and little evidence is presented to indicate either spiritual or psychological maturity for marriage, a postponement of further marriage preparation, at least at this time, can be considered" (USCC, *Marriage Preparation and Cohabiting Couples*, Part 2, question 3).
48. *Premarital Pregnancy*: Giving life to children is central to marriage. The conception of a child reflects the fruitfulness of a couple's conjugal love. In a sense, the permanent bond of their love is reflected in the child. The conception of an illegitimate child can easily result in a sense of commitment in the parents' intellects that does not yet exist in fact. Such errors in knowledge can easily result in errors in evaluation of a relationship and in the freedom of choice of a spouse.
49. When pregnancy occurs outside of marriage, it is a time of stress and turmoil for the parties involved and their families. The need for basic support for oneself and one's child, the desire to "do the right thing," fears of social stigma, etc., can wreak havoc on a person's discretionary judgment and the necessary freedom to choose marriage. The process of discretion that should take place while dating is often severely truncated when a premarital pregnancy occurs. Marriage should not automatically be presumed to be the appropriate solution.
50. The possibility of adoption should be suggested to a couple. Help from Catholic Charities and other organizations should be made available to the parties to deal with practical necessities. It may be advisable to defer marriage until after the birth of the child. Generally speaking, marriage should only be given serious consideration if the couple had planned to marry prior to the pregnancy. The fact of the pregnancy does not diminish the need for marriage preparation. On the contrary, a pregnancy makes the need for adequate marriage preparation all the more necessary.
51. *Multiple Prior Invalid Marriages*: Parties with multiple prior invalid marriages are to be given special consideration. The problems of the prior marriages and the causes of the breakup should be discussed as part of the preparation for the new marriage. This can be valuable as a learning experience for both parties. In the case of declarations of nullity given on the basis of a defect of consent, psychological counseling may be necessary or advisable. Special

instruction on the essential elements and essential properties of marriage may also be necessary (see ##5-14 above). Circumstances may specifically suggest the need for psychological counseling, such as cases where a party accepts very little or no share of the blame for the failure of a prior marriage and instead puts all or almost all of the blame on the other party.

52. All declarations of nullity are to be examined for a possible prohibition (*vetitum*) or warning (*monitum*). The fulfillment of certain conditions may be required or advisable before a couple contracts a new marriage. Consult the Diocesan Tribunal regarding such stipulations.
53. **Delay of Marriage:** “The couple themselves are the person to determine their readiness, not the clergy or delegated parish ministers. Bride and groom minister the sacrament to one another; because of their natural right to marry, they should be the ones to judge their readiness to receive this gift” (NCCB, *Faithful to Each Other Forever*, p.63).
54. “In fact, the faith of the person asking the Church for marriage can exist in different degrees, and it is the primary duty of pastors to bring about a rediscovery of this faith and to nourish it and bring it to maturity. But pastors must also understand the reasons that lead the Church also to admit to the celebration of marriage those who are imperfectly disposed.... Nevertheless, it must not be forgotten that these engaged couples, by virtue of their baptism, are already really sharers in Christ’s marriage covenant with the Church, and that, by their right intention, they have accepted God’s plan regarding marriage and therefore at least implicitly consent to what the Church intends to do when she celebrates marriage. Thus, the fact that motives of a social nature also enter into the request is not enough to justify refusal on the part of pastors.... However, when in spite of all efforts, engaged couples show that they reject explicitly and formally what the Church intends to do when the marriage of baptized persons is celebrated, the pastor of souls cannot admit them to the celebration of marriage. In spite of his reluctance to do so, he has the duty to take note of the situation and to make it clear to those concerned that, in these circumstances, it is not the Church that is placing an obstacle in the way of the celebration that they are asking for, but themselves” (Pope John Paul II, *Familiaris Consortio* 68).
55. A delay in marriage plans may be appropriate in the following circumstances:
  - If one or both are lacking in minimal maturity needed for marriage as evidenced by alcoholism, drug use, anti-social or abusive behavior, grave psychological factors, or a substantial lack of appreciation of the seriousness of marital obligations
  - If one or both refuses to participate in a marital preparation program without a justifiable reason
  - If there is substantial and undue pressure to marry (e.g., social or family pressure, due to premarital pregnancy, pressure by one party on the other)
  - If there is a complete refusal to practice the Catholic faith by both parties (if both are Catholic) or by the Catholic party (if only one is Catholic)
  - If one or both parties refuse to accept the essential elements and properties of marriage (e.g., to commit to perpetuity, to be open to having children)
56. Such a refusal of admission to marriage by the priest or deacon is to be given in the form of a delay based on meeting certain conditions. The reasons for the delay and the conditions are to be communicated clearly to the couple and sent in writing to the director of canonical affairs. It should be explicitly stated that the parties themselves are responsible for the delay. Any couple to whom a delay in marriage is being proposed beyond the usual minimum six-month period necessary for marriage preparation is to be informed of their right to take recourse against the delay to the director of canonical affairs.

## V. Church for the Celebration of Marriage

57. Marriages may take place in the parish church where either of the contracting parties has a domicile, quasi-domicile, or month-long residence, or in the case of transients, in the parish where they actually reside (canons 1115 and 1118). In the Diocese of Honolulu, a marriage may also take place in a parish church where one is registered and actively participates, even if one does not live within the territory of the parish.
58. For parishes that only have provisional worship structures, the parish church is understood as the usual place for the celebration of Mass.
59. For a marriage to take place in another Catholic church or oratory other than the parish of the bride or groom (e.g., for convenience of family), one must receive the written permission of one of the parties' proper pastor (canons 1115 and 1118). (An oratory is a church building that is not a parish church.)
60. *Sacramental Marriages between Two Catholics:* Outside of danger of death, sacramental marriages between two Catholics celebrated by a priest or deacon in the Diocese of Honolulu are to take place in a Catholic church or oratory (cf. canon 1118). This requirement reflects the fact that marriage is a vocation and a public celebration of the ecclesial community.
61. *Sacramental Mixed Marriages:* In the case of a sacramental marriage between a Catholic and a baptized non-Catholic, permission to celebrate the marriage in a non-Catholic church building may be sought if there are objections of conscience by non-Catholics to entering a Catholic church building. In such a case, the Catholic party must write a letter to the director of canonical affairs of the Diocese of Honolulu stating the reasons for this request. The priest or deacon celebrating the wedding must also agree to this, and the couple needs to make arrangements with the non-Catholic Christian minister to use his building. The place must be within the territory of the parish or delegation needs to be received from the local parish's pastor (or another priest or deacon assigned to the parish with general delegation) and the marriage should then be recorded in that same territorial parish. (For dispensations from canonical form, see ##73-77 below.)
62. *Natural Marriages:* Natural marriages between a Catholic and a non-baptized person ordinarily are to be celebrated in a Catholic church or oratory. If objections of conscience arise by non-Catholics to entering a Catholic church building, permission must be sought to celebrate the marriage in a non-Catholic religious building or in another suitable place. If possible, the ceremony should be celebrated in a chapel-like arrangement or in a room apart from the place where the meal or reception will take place. In such a case, the Catholic party must write a letter to the director of canonical affairs of the Diocese of Honolulu stating the reasons for this request, the name and address of the proposed place, and a complete description of the indoor setting that is proposed for the marriage. The priest or deacon celebrating the wedding must also agree to this. The place must be within the territory of the parish or delegation needs to be received from the local parish's pastor (or another priest or deacon assigned to the parish with general delegation) and the marriage should then be recorded in that same territorial parish. (For dispensations from canonical form, see ##73-77 below.)

## VI. Canonical Form

63. **Requirements:** The canonical form of marriage for those baptized or received into the Catholic Church requires, for validity, a priest or deacon with the faculty to assist at the marriage and two additional witnesses (canons 1108 and 1117).
64. The priest or deacon who assists at the marriage must be the one who asks for and receives the consent of the parties in the name of the Church. This function cannot be divided between more than one person. In the case of a mixed or disparity of cult marriage, there may not be a duplicate non-Catholic religious ceremony either before or after the Catholic ceremony or jointly with the Catholic ceremony (canon 1127, §3, *Ecumenical Directory* 156). The Catholic priest or deacon must be the sole witness to the marriage. A dispensation from canonical form must be sought if a non-Catholic minister is to be the sole witness (see ##73-77 below).
65. The two additional witnesses, usually the best man and maid/matron of honor, must possess the use of reason and be capable of understanding the events they are witnessing. Those who lack the use of sufficient reason even because of a temporary cause, such as due to alcohol or drug intoxication, may not function as witnesses at a marriage (see #157 below). There is no requirement regarding the religious affiliation or practice of the witnesses.
66. The intention behind the requirement of canonical form is to protect the faith of the Catholic party and to have the children raised as Catholics. The requirement of canonical form also reflects the facts that marriage is not a private function but a public event of the Church and that married couples have a public status in the Church. Furthermore, the requirement of being married in the Church helps guarantee that the couple will receive suitable marital preparation.
67. **Faculty to Assist at Marriage:** *The Code of Canon Law* grants to pastors the faculty to assist at marriages within the boundaries of the parish to which they are assigned (canon 1109). Parochial vicars and deacons assigned to a parish are granted this general faculty by the diocesan faculties (canon 1111), which can be exercised with at least the presumed permission of the pastor (canon 1114). The chaplain at Chaminade University is also granted this general faculty for people connected to the academic institution, provided that the wedding takes place in the campus oratory.
68. In addition to their own military archdiocesan faculties, military chaplains who seek faculties from the Diocese of Honolulu are also granted the general faculty to assist at marriages for those who are not their own subjects, provided that the marriage takes place in a military base chapel. (A proper pastor of one of the parties must also give permission for this.)
69. Priests and deacons with a general delegation to assist at marriages may subdelegate the faculty to assist at marriage to another priest or deacon for a single marriage. Pastors and the Chaminade chaplain may subdelegate the general faculty to another priest or deacon, provided that this general subdelegation is put in writing.
70. Before a priest or deacon with general delegation subdelegates another priest or deacon to assist at a marriage, he must be certain that the parties are free to marry and are suitably prepared (canon 1113).
71. For validity, at least one of the contracting parties must be a Catholic of the Latin Church (canon 1109). If both parties are Eastern Catholics or, in mixed marriages, when the Catholic party is an Eastern Catholic, delegation must be received from the competent Eastern

hierarchy. The priest or deacon is to consult the Office of Canonical Affairs in such circumstances.

72. All clergy are prohibited from assisting at the marriage of two non-Catholics or at a marriage involving one or two Catholics which is not canonically valid. Furthermore, the law of the state of Hawai'i prohibits clergy from celebrating anything but a religious ceremony. Under no circumstances is any Catholic priest or deacon to officiate at or bless a civil union ceremony.
73. **Dispensation from Canonical Form:** If grave difficulties hinder the observance of canonical form in cases of a mixed marriage or disparity of cult marriage, the Catholic party can be dispensed from the obligation of canonical form, after consulting with a local ordinary of the place where the marriage will take place if different (canon 1127, §2). In the Diocese of Honolulu, the director of canonical affairs is delegated to grant these dispensations. Outside of danger of death, a dispensation from canonical form for two Catholics can only be granted by the Apostolic See.
74. "Among these reasons for dispensation may be considered the maintaining of family harmony, obtaining parental consent to the marriage, the recognition of the particular religious commitment of the non-Catholic partner or his/her blood relationship with a minister of another Church or ecclesial community.... The obligation imposed by some Churches or ecclesial communities for the observance of their own form of marriage is not a motive for automatic dispensation from the Catholic canonical form" (*Ecumenical Directory* 154-155).
75. Even when a couple is dispensed from canonical form, they still are to participate in all of the usual marriage preparation requirements.
76. Due to a desire to underscore the religious nature of the marital covenant, in the Diocese of Honolulu, dispensations from canonical form are granted provided that the marriage ceremony is going to take place in a non-Catholic church or religious building and will be witnessed by the non-Catholic's minister or religious leader (see NCCB, *Statement on Mixed Marriages* 11).
77. "With the previous authorization of the local ordinary, and if invited to do so, a Catholic priest or deacon may attend or participate in some way in the celebration of mixed marriages, in situations where the dispensation from canonical form has been granted. In these cases, there may be only one ceremony in which the presiding person receives the marriage vows. At the invitation of this celebrant, the Catholic priest or deacon may offer other appropriate prayers, read from the Scriptures, give a brief exhortation and bless the couple" (*Ecumenical Directory* 157). In the Diocese of Honolulu, the director of canonical affairs is delegated to grant these permissions.
78. **Dispensation from Canonical Form in Danger of Death:** *The Code of Canon Law* grants to clergy for marriages at which they are able to assist, in danger of death and if a local ordinary cannot be approached, the faculty to dispense from the requirement of canonical form (canon 1079). For such a dispensation granted, the Office of Canonical Affairs is to be notified immediately in writing (canon 1081). Outside of danger of death, a dispensation from canonical form for two Catholics can only be granted by the Apostolic See.

## VI. Required Paperwork

79. **Premarital Investigation Form:** The premarital investigation is to be conducted by the priest, deacon, or parish minister with each party separately and under oath, invoking the Divine Name to witness to the truth (canons 1067 and 1199, §1). With non-Catholics, the wording of the oath may be modified to respect his or her freedom of conscience.

80. **Proof of Baptism – For Catholics:** A baptismal certificate is required of all Catholics. It must be a new certificate (not a photocopy) issued within the past year. (An affidavit of the fact of Catholic baptism by a parent or other witness can be used when it is impossible to obtain a baptismal certificate.)

*For Non-Catholics:* For validly baptized non-Catholics, proof of baptism may take the form of, in order of preference, a baptismal certificate, a page copied from a sacramental register, an affidavit of the fact of baptism by a parent or other witness, or some other reliable proof.

81. **Affidavits of Freedom to Marry:** An affidavit regarding each party's freedom to marry is to be completed by a parent or other person who has known the party to be married since he or she was at least 16 years of age.

82. **Prior Marriages:** "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" (canon 1060). The presumption of validity of a marriage applies to all marriages, including marriages involving non-Catholics.

83. A certificate of death, a declaration of nullity, or proof of dissolution (Pauline or Petrine privilege) is required for all previous marriages or attempted marriages, civil and religious. For Catholics with a prior attempted marriage outside of the Church, the lack of canonical form must be proven through the documentary process and established by declaration of the diocesan Tribunal.

84. *Rite of Christian Initiation of Adults:* Unless they never intend to marry again, potential catechumens and those seeking to complete their initiation into Catholic Church who have prior marital bonds should complete the process for a declaration of marital nullity prior to the celebration of the Rite of Acceptance into the Order of Catechumens or the Rite of Welcoming the Candidates. In cases where a declaration of marital nullity is needed, the person should be advised early in the process that initiation may need to be delayed.

85. **Marriage Paperwork Sent to or Received from Other Dioceses:** Premarital investigations and related paperwork are to be funneled through the diocesan curias of both dioceses when paperwork is completed in the Diocese of Honolulu for a couple to be married outside the diocese, or when paperwork is completed elsewhere for a couple to be married in the Diocese of Honolulu (see Appendix). In the Diocese of Honolulu, this is handled by the Office of Canonical Affairs. In addition to the documents listed above, a letter of permission from one of the parties' proper pastor must be included along with proof of completion of marriage preparation requirements. (Photocopies of all original documents mailed should be kept by the parish sending the documents out until it is certain that they have arrived at the parish where the wedding will take place.)

86. **Paperwork within the Diocese:** Premarital investigations conducted in one parish in the Diocese of Honolulu for a marriage to be celebrated in another parish in the Diocese of Honolulu may be mailed or hand delivered directly between the parishes. (Photocopies of all

original documents mailed should be kept by the parish sending the documents out until it is certain that they have arrived at the parish where the wedding will take place.)

87. **Banns of Marriage:** The publication of banns is not required. In modern society, especially in transient dioceses such as Honolulu, publishing banns is not an effective means of determining people's freedom to marry.
88. **Paperwork for Marriages in Danger of Death:** "In danger of death and if other proofs cannot be obtained, the affirmation of the contracting parties, even sworn if the case warrants it, that they are baptized and are prevented by no impediment is sufficient unless there are indications to the contrary" (canon 1068).
89. **Occasions When Permission is Needed to Marry:** Certain marriages are prohibited and require permission from a local ordinary. In the Diocese of Honolulu, the director of canonical affairs is delegated to grant these permissions.
90. *Prior Natural Obligations:* Permission from a local ordinary is necessary in the case of a marriage of a person who is bound by natural obligations toward another party or children (canon 1071, §1, 3°). The natural obligations can be due to former spouses from invalid unions, to persons with whom one cohabited outside of marriage, and to children. Evidence of fulfillment of such obligations must be provided before a person may be permitted to contract marriage.
91. *Notorious Rejection of the Catholic Faith:* Permission from a local ordinary is necessary in the case of a marriage of a person who has notoriously rejected the Catholic faith (canon 1071, §1, 4°). One who notoriously rejects the Catholic faith is more than just a lapsed Catholic. The person's rejection of the Catholic faith must be publicly known in order to meet the definition of notorious. The conditions for a Catholic to marry a non-Catholic must be met before the permission may be granted (canon 1071, §2; see ###123-128 below).
92. *Minors:* Permission from a local ordinary is necessary in the case of a marriage of a minor child when the parents are unaware or reasonably opposed (canon 1071, 6°). "Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region" (canon 1072).
93. "The young couple should understand that marriage is a lifelong relationship and that the Church and her ministers do not mean to create difficulties, but rather to assure that their nuptial union will be lasting or possibly to protect them from irreparable mistakes. They should endeavor to establish a dialogue with the parents in order to ascertain the strength of the commitment. Young people frequently enter marriage as an escape from other circumstances of their lives. Efforts thus should be made to dissuade the youthful couple from marriage, at least at this time" (NCCB, *Faithful to Each Other Forever*, p. 48).
94. In the Diocese of Honolulu, before proceeding to the marriage of anyone below the age of 18, at least four written statements of readiness to marry (maturity) are to be received from the following possible sources:
- Parents or guardians
  - Teachers, professors, or guidance counselors
  - Psychologists or medical doctors
- The adult writing the statement must have had an opportunity to discuss the marriage being considered with the minor. This interview should be viewed as part of the marriage preparation

process. These statements are to be submitted to the Office of Canonical Affairs in conjunction with the petition for permission to marry.

95. The state of Hawai'i also stipulates the following: "To marry, males and females must be at least 16 years of age. Males and females under 18 must have written consent from both parents, legal guardians or family court. Males and females at age 15, may marry with the written consent of both parents or legal guardian and the written approval of the judge of the family court" (Department of Health).
96. *Mixed Marriages*: Regarding permissions for mixed marriages, see Section VIII. "Mixed Marriages and Disparity of Cult Marriages" (##116-135 below).
97. *Other Permissions*: Permission from a local ordinary is necessary in the case of (canon 1071, §1):
- A marriage of transients (1°)
  - A marriage which cannot be recognized or celebrated according to the norm of civil law (2°)
  - A marriage of a person who is under an excommunication or other censure (5°)
  - A marriage to be entered into through a proxy (7°)
- In such cases, the Office of Canonical Affairs is to be consulted.
98. **Impediments**: Impediments are invalidating prohibitions to marriage (canon 1073). Impediments purely of ecclesiastical origin can be dispensed under certain conditions. Impediments of divine law cannot be dispensed. In the Diocese of Honolulu, the director of canonical affairs is delegated to grant the dispensations which can be granted by a local ordinary.
99. The following are matrimonial impediments:
- *Insufficient age: 16 for men, 14 for women* (canon 1083) — Ecclesiastical law if puberty has been reached: dispensed by a local ordinary. Divine law before puberty: cannot be dispensed. See ##92-95 on the permission for marriage of minors above.
  - *Impotence* (canon 1084) — Divine law: cannot be dispensed
  - *Prior bond of marriage* (canon 1085) — Divine law: cannot be dispensed; declarations of nullity or dissolution or certificates of death are required for all prior marriages
  - *Disparity of cult* (lack of valid baptism) (canon 1086) — Ecclesiastical law: dispensed by a local ordinary (see Section VIII. "Mixed Marriages and Disparity of Cult Marriages," ##116-135 below)
  - *Sacred orders* (canon 1087) — Ecclesiastical law: dispensed by the Apostolic See
  - *Public perpetual vow of chastity in a religious institute* (canon 1088) — Ecclesiastical law: dispensed by the Apostolic See if the religious institute is of pontifical right, by a local ordinary if of diocesan right
  - *Abduction of woman by man for purpose of marriage* (canon 1089) — Ecclesiastical law: dispensed by a local ordinary
  - *Crime of murder or conspiracy to murder of spouse* (canon 1090) — Ecclesiastical law: dispensed by the Apostolic See
  - *Consanguinity* (canon 1091): in the direct line (ancestor-descendant) and second degree collateral (brother-sister) — Divine law: cannot be dispensed. In the third (niece-uncle, nephew-aunt) and fourth (first cousins) degrees collateral — Ecclesiastical law: dispensed by a local ordinary. In Hawai'i, state law permits the marriage of first cousins but not those related in the third degree.

- *Affinity in the direct line* (e.g., wife's mother or daughter) (canon 1092) — Ecclesiastical law: dispensed by a local ordinary
  - *Public impropriety* (arising from an invalid marriage after common life has been established or from notorious and public concubinage for first degree of the direct line; i.e., partner's parent or child) (canon 1093) — Ecclesiastical law: dispensed by a local ordinary
  - *Adoptive parents or siblings* (canon 1094) — Ecclesiastical law: dispensed by a local ordinary
100. *Dispensations in Danger of Death or When Everything is Prepared: The Code of Canon Law* grants the faculty to clergy for marriages at which they are able to assist, in danger of death and if a local ordinary cannot be approached, to dispense from any ecclesiastical law impediment except the holy order of the presbyterate (canon 1079). Under the same conditions, the law also grants this faculty to confessors, but only if occult and in the internal forum.
101. *The Code of Canon Law* grants the faculty to clergy for marriages at which they are able to assist, if an impediment is discovered after everything for the wedding is prepared, and if there is probable danger of grave harm in postponing the wedding, and if a local ordinary cannot be approached, the faculty to dispense from any impediment that can be dispensed by a local ordinary (and also crime), but only if occult (canon 1080). Under the same conditions, the law also grants this faculty to confessors, but only if occult and in the internal forum.
102. An impediment is occult when it is not provable through written documents or the testimony of witnesses (canon 1074).
103. For a dispensation granted in virtue of canons 1079-1080, the Office of Canonical Affairs is to be notified immediately in writing, unless it involves an occult impediment granted by a confessor in the internal forum (canon 1081).

## VII. Validations/Convalidations

104. A validation or convalidation is the procedure for making valid a marriage that was not recognized or invalid because of a lack of canonical form, a defect of canonical form, an impediment, or a defect of consent. In the case of any validation or convalidation, it must be certain that the parties intend to persevere in conjugal life.
105. **Lack of Canonical Form Marriages:** A marriage is inefficacious due to a lack of canonical of form in situations where a Catholic has married outside of the Catholic Church in a non-Catholic religious or civil ceremony but without a dispensation from canonical form. Such situations require validation in the Catholic Church.
106. Although such couples are not free to receive Holy Communion, such couples are not considered to be living in concubinage: "Their situation cannot of course be likened to that of people simply living together without any bond at all, because in the present case there is at least a certain commitment to a properly defined and probably stable form of life.... By seeking public recognition of their bond on the part of the State, such couples show that they are ready to accept not only its advantages but also its obligations" (Pope John Paul II, *Familiaris Consortio* 82).
107. The amount of marriage preparation should take into account the circumstances. For couples married outside of the Catholic Church for a short period of time, the usual marriage preparation programs would be appropriate. For couples married outside of the Catholic Church for longer periods of time who have demonstrated a stability of commitment, participation in a Marriage Encounter program might be a more suitable alternative to premarital programs. Special assessment tools are available for validations (e.g., REFOCCUS).
108. In addition to all of the usual canonical marriage paperwork, a copy of the couple's civil marriage certificate is also required. However, a new civil marriage license and civil authorization for the cleric to officiate at the validation or convalidation is not required.
109. A validation ordinarily requires a new rite of marriage being celebrated according to the canonical form. The parties should not be told that it is a mere "blessing" of a marriage. The parties should understand that, in the eyes of the Catholic Church, the marriage in the Church is the true marriage.
110. **Radical Sanations:** In cases where one party refuses to participate in a validation ceremony, a request can be made for a radical sanation (canon 1161). A radical sanation can also be pastorally helpful in the case of a marriage involving a spouse who expresses a firm belief that his or her marriage is already valid, as may frequently be the case involving non-Catholic spouses.
111. A radical sanation is a convalidation of a marriage without a ceremony. With a radical sanation, a decree is issued that accepts the original consent of a civil marriage. As a result, the marriage becomes retroactively valid, back to the moment of the original consent. It is necessary that the parties still intend to remain married and have never withdrawn their original consent. The director of canonical affairs is delegated to grant radical sanations.
112. In certain circumstances, it is not possible for a radical sanation to be granted. The most common situation is if one party had a prior valid marriage which overlaps the time of the second marriage.

113. For a radical sanation, the priest or deacon should send to the Office for Canonical Affairs the following:
- The complete pre-nuptial paperwork (i.e., prenuptial investigation, authentic recent baptism certificates, affidavits of freedom to marry, dispensation/permission form, etc.).
  - A signed statement by one of the parties to the marriage or the priest or deacon as to the reason for the sanation.
114. **Convalidations of Invalid Marriages in Other Circumstances:** Marriages may be invalid and need to be convalidated for the following reasons:
- There was defect of canonical form (e.g., the priest or deacon was not validly delegated to assist at the marriage, or two witnesses in addition to the priest or deacon were not present at the ceremony).
  - An impediment existed at the time of the marriage which was not discovered or dispensed.
  - There was a defect in the consent of one or both parties.
- Consult the Office of Canonical Affairs for how to proceed in such cases.
115. **Rite of Christian Initiation of Adults:** Potential catechumens and those seeking to complete their initiation into Catholic Church that are invalidly married should have their marriages validated or convalidated prior to the celebration of the Rite of Acceptance into the Order of Catechumens or the Rite of Welcoming the Candidates. In cases where a declaration of marital nullity is needed, the person should be advised early in the process that initiation may need to be delayed.

## VIII. Mixed Marriages and Disparity of Cult Marriages

116. **Preference that Catholics Marry Other Catholics:** The preference of the Catholic Church remains that Catholics marry other Catholics. “In all marriages, the primary concern of the Church is to uphold the strength and stability of the indissoluble marital union and the family life that flows from it. The perfect union of persons and full sharing of life, which constitutes the married state, are more easily assured when both partners belong to the same faith community. In addition, practical experience and the observations obtained in various dialogues between representatives of Churches and ecclesial communities indicate that mixed marriages frequently present difficulties for the couple themselves, and for the children born to them, in maintaining their Christian faith and commitment and for the harmony of family life. For all these reasons, marriage between persons of the same [Church or] ecclesial community remains the objective to be recommended and encouraged” (*Ecumenical Directory* 144).
117. Mixed marriage poses “an obstacle to the full spiritual communion of the parties” (Pope Paul VI, *Matrimonia Mixta*). Despite their sharing a common faith in Christ, the scriptures, and other elements of the Christian heritage, spouses in mixed marriages bring with them the tragically divided state of the Church of Christ. The different ways in which their respective communities understand and live out the common Christian heritage can be a source of tensions and misunderstandings within their marriage. Mixed marriage is frequently a significant factor in the decision of a Catholic to join another Christian church or in the lapse from religious practice altogether.
118. **Mixed Marriages:** A mixed marriage is a marriage between a Catholic and a baptized non-Catholic. Such marriages require the permission of a local ordinary to take place (canon 1124). In the Diocese of Honolulu, the director of canonical affairs is delegated to grant such permissions.
119. In addition to the Eastern Churches and the Polish National Catholic Church, ecclesial communities with valid baptism include the Aglipayans/Philippines Independent Church under the De Los Reyes faction using a Trinitarian formula (after 1947), African Methodist Episcopal, Amish/Mennonites, Anglican, Assembly of God, Baptist, Evangelical United Brethren, Church of the Brethren/Dunkers, Church of God, Congregational, Disciples of Christ/Disciples and Christians, Door of Faith Church, Episcopalian, Evangelical United Brethren, Evangelical, Lutheran, Methodist, Liberal Catholic, Old Catholic, Old Roman Catholic, Church of the Nazarene, Presbyterian, Reformed, Seventh Day Adventist, and United Church of Christ. Whether other ecclesial communities have valid baptism or not can be determined by examining the norms, rituals, and customs of that community. Dedication ceremonies of infants do not entail a valid baptism. If necessary, consult the Office of Canonical Affairs.
120. **Disparity of Cult Marriages:** A disparity of cult marriage is a marriage between a Catholic and a non-baptized person, including catechumens. Such marriages are impeded and require, for validity, a dispensation by a local ordinary. In the Diocese of Honolulu, the director of canonical affairs is delegated to grant these dispensations.
121. Since marriage is a sacrament only between two baptized people, a marriage between a baptized Catholic and a non-baptized person is considered a natural marriage. If the non-baptized person receives baptism after the marriage has taken place, the marriage automatically becomes a sacrament.
122. A person baptized only in the Mormon religion (Church of Jesus Christ of Latter Day Saints) is not validly baptized. Therefore, a marriage between a Catholic and a Mormon is a disparity of

cult marriage. Also, denominations that baptize only “in the name of Jesus” do not validly baptize. The communities that do not generally have valid baptism include the Aglipayans/Independent Church of Filipino Christians under the Fonacier faction using a Unitarian formula, Apostolic Church, Bohemian Free Thinkers, Christadelphians, Christian and Missionary Alliance, Christian Community (Rudolph Steiner), Christian Scientists, Church of Divine Science, Jehovah's Witnesses, New Church of Mr. Emmanuel Swedenborg (Church of the New Jerusalem in the U.S.), Pentecostals, Peoples Church of Chicago, Quakers/Society of Friends, Salvation Army, Universalists and Unitarians. If necessary, consult the Office of Canonical Affairs.

123. **Conditions and the Promises:** For the permission for a mixed marriage to be granted or for a dispensation from the impediment of disparity of cult, there must be a just and reasonable cause (canon 1125), such as the spiritual good of the faithful.
124. The following conditions must be met to permit a mixed marriage or dispense from disparity of cult (canon 1125):
- The Catholic party must promise to remove dangers of defecting from the Catholic faith.
  - The Catholic party must promise to do all in his or her power to baptize and raise all offspring in the Catholic Church.
  - The non-Catholic party must be informed of the promises that the Catholic party must make; however, no formal written or oral promise is required of the non-Catholic party.
  - Both parties must be instructed on the purposes and properties of marriage, which neither of the parties is to exclude. “[This instruction] is in addition to the customary marriage preparation program and should be done on a direct and individual basis” (NCCB, *Faithful to Each Other Forever*, p. 81).
125. The Catholic party is to be made aware of the following obligations regarding children:
- That they are to be baptized within the first weeks after birth (canon 867, §1)
  - That they are to be prepared for and receive the sacrament of penance before first Holy Communion (canon 914)
  - That they are to be prepared for and receive the sacraments of confirmation and first Holy Communion at the appropriate times (canons 890 and 914)
  - That they are to receive catechesis in the Catholic faith throughout their youth
126. It is not permissible to agree in advance to raise some children as Catholics and others as members of another Church or ecclesial community, or to raise the children in both communities (or neither community), or to allow them to choose for themselves when they are of age. Canon 1366 threatens penal sanctions for Catholic parents who willingly allow their children to be baptized or raised in a non-Catholic religion (see also *Ecumenical Directory* 151).
127. The following are the words that the Catholic is to promise in the presence of a priest or deacon either orally or in writing: “I reaffirm my faith in Jesus Christ and, with God’s help, intend to continue living that faith in the Catholic Church. I promise to do all in my power to share the faith I have received with our children by having them baptized and reared as Catholics” (NCCB, *Statement on Mixed Marriages* 5).
128. The priest or deacon is to certify that the Catholic has made the declaration and promise and that the non-Catholic has been informed of this requirement. This is done in the following words: “The required promise and declaration have been made by the Catholic in my

presence. The non-Catholic has been informed of this requirement so that it is certain that he /she is aware of the promise and obligation on the part of the Catholic” (NCCB, *Statement on Mixed Marriages* 9).

129. **Hope of Conversion:** A possible reason for mixed marriage permission or dispensation from disparity of cult is the hope of reception into full Communion or conversion of the non-Catholic. This is not a requirement before marriage. An adult should only become a member of the Catholic Church by his or her free choice. However, preparation for marriage presents a unique opportunity for clergy or parish ministers to offer information about Rite of Christian Initiation of Adult programs and to give the non-Catholic party a positive experience of the Catholic Church.
130. **Treatment of Religious Differences in Marital Preparation:** The question of religious differences, the difficulties that such differences entail, and the obligations of the Catholic party are to be addressed early enough in the marriage preparation process to allow a thorough airing of the concerns and possible objections of both parties. The priest, deacon, or parish minister responsible for marriage preparation should draw the couple into a candid discussion of the religious issues in their marriage, possible sources of tension, and strategies for dealing with conflicts. As an indication of preparedness, the parties should recognize the potential problems arising from differences of religion that have already surfaced during the courtship or are reasonably foreseeable.
131. “In preparing the necessary marriage preparation programs, the priest or deacon, and those who assist him, should stress the positive aspects of what the couple share together as Christians in the life of grace, in faith, hope and love, along with the other interior gifts of the Holy Spirit. Each party, while continuing to be faithful to his or her Christian commitment and to the practice of it, should seek to foster all that can lead to unity and harmony, without minimizing real differences and while avoiding an attitude of religious indifference” (*Ecumenical Directory* 148).
132. “In the interest of greater understanding and unity, both parties should learn more about their partner’s religious convictions and the teaching and religious practices of the Church or ecclesial community to which he or she belongs. To help them live the Christian inheritance they have in common, they should be reminded that prayer together is essential for their spiritual harmony and that reading and study of the Sacred Scriptures are especially important. In the period of preparation, the couple’s effort to understand their individual religious and ecclesial traditions, and serious consideration of the differences that exist, can lead to greater honesty, charity and understanding of these realities and also of the marriage itself” (*Ecumenical Directory* 149).
133. An anti-Catholic attitude on the part of the non-Catholic or his or her family, lack of respect for the Catholic’s religious convictions or practice, and differences of attitude about the frequency of religious practice or church support are issues that should be resolved prior to the marriage.
134. Since in disparity of cult marriages the spouses do not share a common Christian faith, their religious differences and the tensions arising from them are likely to be more acute. This must be acknowledged and fully treated early in the marriage preparation process.
135. If the non-Catholic is indifferent to religious matters, the Catholic should be aware of how difficult it will be to maintain religious observance and see to the religious formation of children without the support of his or her spouse.

## IX. Liturgical Celebration

136. **Catechesis on the Marriage Liturgy:** “The immediate preparation for the sacrament of marriage must find suitable occasions to introduce the engaged couple to the rite of marriage. As well as deepening the Christian doctrine on marriage and the family with particular attention to moral duties, in this preparation the engaged should be guided to take an informed and active part in the marriage celebration, and understand the meaning of the liturgical actions and texts” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 52). Catechesis on the marriage liturgy appropriately takes place when the ceremony is being planned. Catechesis on the liturgy can also be included during the rehearsal for all present.
137. **Simplicity of Style:** “Care should be taken that the details of the marriage celebration are characterized by a restrained, simple and authentic style. The festive tone should not be disturbed by excessive display” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 71).
138. **Special Seasons and Days:** Marriages celebrated during Advent or Lent are to take into account the penitential nature of the season and be marked by simplicity and austerity of decoration (*Rite of Marriage* 11). The Introduction to the Rite of Marriage should be consulted regarding the choice of liturgical texts. Marriages may not be celebrated on Good Friday or Holy Saturday. On Holy Thursday, marriage may only be celebrated outside Mass.
139. **Music:** Music used at a marriage ceremony must be suited for use in a religious ceremony. That is, it must have lyrics that express a Christian view of life and love that is positive and joyful. Moreover, it is to go beyond the human love of one person for another and express God’s love for his people. Secular music, show tunes and music from movies, plays or television shows may not be used. Couples can be encouraged to use such music at their reception.
140. Liturgically, the music is to fit the part of the ceremony for which it will be used. Singing by all present in the assembly is encouraged. Liturgical music should not be done as a performance. “The liturgy is a prayer for all present, not a theatrical production” (NCCB Committee on the Liturgy, *Music in Catholic Worship* 82). Certain parts of the Mass, if sung, are to be sung by the entire assembly, not as solos. These include the Alleluia before the Gospel, the Eucharistic Acclamations (the Holy, Holy, the Memorial Acclamation, and the Great Amen), the Lord’s Prayer, and the Lamb of God.
141. **Lectors and Choice of Readings:** “The proclamation of the Word of God is to be made by suitable and prepared lectors. They can be chosen from among those present, especially witnesses, family members, friends, but it does not seem appropriate for the bride and groom to be lectors. In fact, they are the primary receivers of the proclaimed Word of God. However, the choice of readings can be made in accord with the engaged couple during the phase of immediate preparation. In this way they will more easily bear the Word of God in mind so as to put it into practice” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 68).
142. “The reading of Scripture during a Eucharistic celebration in the Catholic Church is to be done by members of that Church. On exceptional occasions and for a just cause, the bishop of the diocese may permit a member of another Church or ecclesial community to take on the task of reader” (*Ecumenical Directory* 133). In the Diocese of Honolulu, the director of canonical affairs is delegated to grant permission for baptized non-Catholics to read at Mass. Baptized non-Catholics may always function as readers when marriage is celebrated outside Mass.

143. “The responsorial psalm should be sung and would be very appropriate for a soloist alternating with the congregation which sings a simple response” (NCCB, *Faithful to Each Other Forever*, p. 121).
144. **Non-Catholic Ministers Present at Mixed Marriages:** “Upon request of the couple, the local ordinary may permit the Catholic priest to invite the minister of the party of the other Church or ecclesial community to participate in the celebration of the marriage, to read from the Scriptures, give a brief exhortation and bless the couple” (*Ecumenical Directory* 158). In the Diocese of Honolulu, the director of canonical affairs is delegated to grant these permissions. (See also #61 above.)
145. **Homily:** “The homily, which is obligatory, will have as its center the presentation of the ‘great mystery’ being celebrated before God, the Church and society.... Beginning with the proclaimed texts of the Word of God and/or the liturgical prayers, light should focus on the sacrament, hence the consequences for the life of the spouses and their families should be illustrated. Superfluous personal references to the spouses should be avoided” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 69). The homily must be given by a priest or deacon (canon 767, §1).
146. **Prayer of the Faithful:** “The well-prepared prayer of the faithful should be neither too long nor lacking in concrete content” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 70).
147. **Eucharistic Context:** “The celebration of marriage between two Catholic faithful normally takes place during Holy Mass because of the connection of all the sacraments with the Paschal mystery of Christ. In the Eucharist the memorial of the New Covenant is realized, the New Covenant in which Christ has united himself for ever to the Church, his beloved bride for whom he gave himself up. It is therefore fitting that the spouses should seal their consent to give themselves to each other through the offering of their own lives by uniting it to the offering of Christ for his Church made present in the Eucharistic sacrifice, and by receiving the Eucharist so that, communicating in the same Body and the same Blood of Christ, they may form but ‘one body’ in Christ” (*Catechism of the Catholic Church* 1621).
148. The ideal is that the marriage of two Catholics is celebrated during Mass. However, any one of the following circumstances may suggest the celebration of marriage outside Mass, even when both parties are Catholic:
- If a party to the marriage has not yet received first Holy Communion
  - If a party to the marriage does not practice his or her faith
  - If a large number of those attending the marriage ceremony are not Catholic
149. Mixed marriages are celebrated outside Mass out of sensitivity to the non-Catholic party and the likely presence of many non-Catholic guests, who ordinarily would not be permitted to receive Holy Communion (*Rite of Marriage* 39-54). “That could serve to stress the split that exists between their own and their families’ religious beliefs and practices rather than highlight the harmony of their love” (NCCB, *Faithful to Each Other Forever*, p. 85). If suitable, and with the permission of the diocesan bishop, “the rite for celebrating marriage within Mass may be used, except that, according to the general law, communion is not given to the non-Catholic” (*Rite of Marriage* 8; see also *Ecumenical Directory* 159). The usual norms for Eucharistic sharing apply to marriages. (See *Ecumenical Directory* 125, 129-132 and section on the reception of Holy Communion ## 153-155 below.) In the Diocese of Honolulu, permission to celebrate a mixed marriage within Mass can be given by priests with the general faculty to assist at marriages without needing to take recourse to the bishop.

150. Disparity of cult marriages are never celebrated within Mass (*Rite of Marriage* 8, 55-66).
151. *Sunday Mass Obligation:* The wedding Mass fulfills the Sunday obligation to attend Mass if celebrated after 4:00 p.m. on Saturday or anytime on Sunday. If a wedding is celebrated at Mass on a Sunday or solemnity, however, the readings of the Sunday or solemnity must be used. The availability of times on Saturday evening or Sunday for weddings is left to the discretion of the pastor. At the discretion of the pastor and the couple, the wedding may be celebrated at one of the scheduled parish Masses. Priests must keep in mind that they are prohibited from celebrating more than three Masses on a Sunday or other holy day of obligation. If the wedding is celebrated on a Sunday or holy day of obligation outside Mass, Catholic guests are to be advised in advance that the wedding does not include Mass or fulfill their Mass obligation.
152. *Presentation of the Gifts:* "If the rite takes place during the celebration of Mass, the gifts may be brought to the altar by the spouses themselves" (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 70).
153. *Reception of Holy Communion:* Catholics who are free from grave sin may receive Holy Communion at a Catholic wedding Mass (canon 844, §1). The fact of being at a Catholic marriage ceremony alone is insufficient reason for non-Catholics to be permitted to receive Holy Communion. "It would, therefore, be inappropriate for a priest or deacon, during the course of a nuptial Mass, to invite all participants or even to welcome simply anyone who is Christian to receive Holy Communion" (NCCB, *Faithful to Each Other Forever*, p. 82).
154. Members of separated Eastern Churches or the Polish National Catholic Church may receive Holy Communion at a Catholic marriage, if they seek this on their own and are properly disposed (canon 844, §3). Holy Communion is not offered to them because this may entail for them a violation of their own religious laws or individual conscience. They may receive the sacrament of penance in advance if they are in the state of grave sin in order to be properly disposed.
155. Permission of the diocesan bishop is necessary for other baptized Christians (Anglicans or members other ecclesial communities) to receive Holy Communion at a marriage ceremony (canon 844, §4). This is to be done on a case-by-case basis. The following requirements all must be met:
- There must be an inability to approach one's own minister.
  - The person must ask on one's own.
  - There must be a manifestation of Catholic faith in the Most Holy Eucharist.
  - The person must be properly disposed. They may receive the sacrament of penance in advance if they are in the state of grave sin in order to be properly disposed.
156. *Both Species:* "As may be pastorally appropriate, Holy Communion can be given under both species" (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 70).
157. **Sober and Alert:** Any member of a wedding party who is intoxicated by alcohol or drugs may not participate in the ceremony. If the best man or maid/matron of honor is intoxicated, he or she may not function as a witness. If the bride or groom is intoxicated, the marriage ceremony may not proceed.
158. **Cultural Adaptations:** "Preparation for marriage leads to married life, through the celebration of the sacrament, which is the culmination of the journey of preparation which the spouses

have made and the source and origin of their married life. Therefore, the celebration cannot be reduced only to a ceremony, the product of culture and sociological conditioning. Nevertheless, praiseworthy customs that belong to various peoples or ethnic groups can be brought into the celebration, provided that they express above all the coming together of the ecclesial assembly as a sign of the faith of the Church, which recognizes in the sacrament the presence of the Risen Lord uniting the spouses to the Love of the Trinity” (Pontifical Council for the Family, *Preparation for the Sacrament of Marriage* 60).

159. **Parish Policies:** Policies concerning the following are left to the determination of the pastor:
  - The times and days available for weddings and rehearsals
  - The manner for choosing prayers and music
  - Flowers, aisle runners, ribbons, candelabras, and other decorations
  - The use of a wedding candle
  - The manner of the entrance procession and the seating of the wedding party
  - The participation of children in the ceremony
  - The preparation of booklets for the assembly
  - The appropriateness of cultural customs
  - The use of cameras and camcorders
  - Reception lines at the church
  - The use of confetti, balloons, bubbles, etc., by attendees
  - Offerings for the altar servers
  
160. **Hazards:** The use of rice or birdseed or other items that may create hazards may not be used.
  
161. **Anniversary Celebrations:** The Church encourages validly married couples to receive blessings on anniversaries and other special times in their married life (see *Book of Blessings* 90-134). However, priests and deacons should inquire to make sure that the couple is in a valid marriage. Otherwise, this can result in the couple believing that they have had their marriage validated/convalidated (see ##104-114 above).
  
162. **Same sex unions:** Under no circumstances is a Catholic priest or deacon to officiate at or bless a civil union ceremony or any other type of same-sex union of any kind or under any pretext.

## XI. Offerings and Fees

163. **Offerings:** “It is for the meeting of the bishops of a province to set a limit on the offerings on the occasion of the administration of sacraments” (canon 1264, 2°). “A suggestion that determination be made by each ordinary was rejected on the ground that fees and defined offerings should be uniform, at least within a province.... It would appear to be invalid as a violation of canon 1264, however, for an individual diocesan bishop or for a province of bishops to attempt to enact contrary legislation (Robert T. Kennedy, *New Commentary on the Code of Canon Law*, pp. 1466-1467). Consequently, a suggested freewill offering is all that is canonically permissible. This offering goes into the parish account.
164. “The minister is to seek nothing for the administration of the sacraments beyond the offerings defined by competent authority, always taking care that the needy are not deprived of the assistance of the sacraments because of poverty” (canon 848).
165. “Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridical person [the pastor], even a private one, are presumed given to the juridic person itself [the parish]” (canon 1267, §1). “Although another person has performed a certain function, that person is to put the offerings received from the Christian faithful on that occasion in the parochial account, unless in the case of voluntary offerings the contrary intention of the donor is certain. The diocesan bishop, after having heard the presbyteral council, is competent to establish prescripts which provide for the allocation of these offerings and the remuneration of clerics fulfilling the same function” (canon 531). “The prescripts of canon 531 are to be observed in regards to offerings which the Christian faithful give to a [parochial] vicar on the occasion of the performance of pastoral ministry” (canon 551). Therefore, the presumption is that all offerings given on the occasion of a wedding belong to the parish.
166. Only when a couple gives an additional separate offering with an express indication that they intend it as a personal gift to the priest or deacon may the cleric keep such a gift. Such an express indication of such a second offering might be the priest's name on the envelope or a check written out to the priest. Such a second offering may not be requested or suggested. Such gifts are still taxable income according to the IRS since they are received on the occasion of ministerial service.
167. **Fees:** If a parish requires a maintenance staff person to be present for weddings, or if a parish uses a wedding coordinator to meet with the couple to plan the ceremony, carry out the rehearsal, and organize the ceremony, fees may be requested as payment. Fees for musicians may be set by the pastor or negotiated between the couple and the musicians with the approval of the pastor. These fees are taxable income to the recipients.

## Canonical Record and Civil Requirements

168. **Canonical Record:** The pastor is ultimately responsible to make sure that all marriages celebrated in his parish church are recorded in the sacramental register for marriage (canon 1121). The marriage is also to be recorded in the baptismal register of the church of baptism for each Catholic party, and the pastor is responsible for notification to the proper churches (canon 1122). The pastor is also ultimately responsible for the recording of marriages celebrated with a dispensation from canonical form and of notifying the Office of Canonical Affairs after the marriage has taken place (canon 1121, §3). Any dispensations from impediments and permissions are also to be recorded in the sacramental register for marriage (canon 1081). No one is required to sign the register. Entries should be legible since they need to be deciphered decades in the future.
169. Marriage certificates may be signed by the pastor, parochial vicar, or deacon assigned to the parish.
170. Parish registration may be updated after the marriage, provided that the couple intends to remain living in the parish.
171. **Civil Requirements – *Authorization to Officiate at Weddings in Hawai`i*:** Clergy must be licensed by the state of Hawai`i to officiate at marriages. To apply for a license, go to the Department of Health website: <https://marriage.ehawaii.gov/emrs/public/registration.html>
172. ***Marriage License for the Couple:*** In Hawai`i, no blood tests, waiting period, or residence or citizenship is required to obtain a marriage license. Licenses are issued by the Department of Health, expire in 30 days, and are good anywhere in the state of Hawai`i. For the steps required to apply for a marriage license, go to: <https://marriage.ehawaii.gov>
173. The marriage license must be presented to the priest or deacon at least 24 hours before the rehearsal. This allows time to remedy any problems with the license, as getting the license at the rehearsal may be too late. The priest or deacon who officiates at the marriage is responsible for registering the marriage online.

## **Procedure for Couples from Other Dioceses Requesting Marriage in the Diocese of Honolulu**

1. **Marriage Preparation:** Contact your local parish to arrange for your marriage preparation. This ordinarily includes meetings with a priest or deacon, completion of required paperwork, the use of a premarital inventory (such as FOCCUS or PMI) which will be discussed with the priest or deacon, and participation in an Engaged Encounter Weekend or other similar program offered in your own diocese.
2. **Contact Information:** Contact a priest or deacon assigned to a parish in Hawai'i where you wish the marriage to take place. If he agrees to celebrate the wedding, send to him the name, address, phone number(s), and e-mail address for the following:
  - Bride
  - Groom
  - A relative or friend in Hawai'i as a local contact, if there is one
  - The priest or deacon preparing you for marriage

**Cautionary note on fraudulent clergy:** Beware of individuals who pass themselves as legitimate Catholic priests but who, in fact, are not. Sometimes referrals to such individuals are made by secular wedding coordinators. Make sure that the priest you are dealing with is in full communion with the pope and the bishop of Honolulu. Weddings celebrated by fraudulent clergy are invalid.

3. **Letter of Permission:** Once your priest or deacon has established your freedom to marry, he should write to the priest or deacon who will be celebrating your marriage here in Hawai'i. The letter should state the following:
  - That the pastor of one of the parties (the Catholic party if only one party is Catholic) gives permission for the marriage to take place at the parish in Hawai'i
  - That both parties are free to marry in the Catholic Church
  - That he will be preparing the couple for marriage
4. **Canonical Paperwork:** At least three months in advance of the date of the wedding, your priest or deacon is to forward the following authentic documents to the diocesan curia of his diocese, which is then to mail the authentic documents (not photocopies or faxes) to the **Office of Canonical Affairs, 6301 Pali Hwy., Kāne`ohe, HI 96744 USA:**
  - Premarital Investigation Form – as used in your diocese, along with the rescript for any required dispensation or permission (this will be handled by your priest or deacon)
  - Proof of Baptism:
    - For Catholics, a baptismal certificate – it must be a new certificate (not a photocopy or fax) issued within the past year.
    - For non-Catholics, proof of baptism may take the form of, in order of preference, a baptismal certificate, a page copied from a sacramental register, an affidavit of the fact of baptism by a parent or other witness, or some other reliable proof.
  - Affidavits of Freedom to Marry – an affidavit regarding each party's freedom to marry is to be completed by a parent or other person who has known the party to be married since he or she was at least 16 years of age.
  - A certificate of death, a declaration of nullity, or proof of dissolution (Pauline or Petrine privilege) is required for all previous marriages or attempted marriages, civil and religious. (For Catholics with a prior attempted marriage outside of the Church, the lack of canonical form must be established by a Tribunal declaration.)

- Certificate of participation at an Engaged Encounter Weekend or similar program
- A copy of the letter referred to in #3

The Office of Canonical Affairs of the Diocese of Honolulu will then review and approve the authentic documents and forward them to the priest or deacon here in Hawai`i who will be celebrating your wedding.

Photocopies of all authentic documents mailed should be kept by the parish sending the documents out until it is certain that they have arrived at the parish where the wedding will take place.

5. **Liturgy Planning:** Plans regarding music, choice of readings, and other details of the ceremony need to be arranged with the priest, deacon, or staff of the parish where the marriage will take place. Marriages where only one party is Catholic are celebrated with a full ceremony but ordinarily outside Mass.
6. **Church of Wedding:** Marriages are to take place inside a Catholic church or oratory. This requirement reflects the fact that marriage is a religious vocation and a public celebration of the Church community.

*Exceptions in the case of a marriage between a Catholic and a baptized non-Catholic:* Permission to celebrate the marriage in a non-Catholic church building may be sought if there are objections of conscience by non-Catholics to entering a Catholic church building. In such a case, the Catholic party must write a letter to the director of canonical affairs of the Diocese of Honolulu stating the reasons for this request. The priest or deacon celebrating the wedding must also agree to this, and the couple needs to make arrangements with the non-Catholic Christian minister to use his building.

*Exceptions in the case of a marriage between a Catholic and a non-baptized person:* If objections of conscience arise by non-Catholics to entering a Catholic church building, permission may be sought to celebrate the marriage in a non-Catholic religious building or in another suitable place. If possible, the ceremony should be celebrated in a chapel-like arrangement or in a room apart from the place where the meal or reception will take place. In such a case, the Catholic party must write a letter to the director of canonical affairs of the Diocese of Honolulu (6301 Pali Hwy., Kāne`ohe, HI 96744) stating the reasons for this request, the name and address of the proposed place, and a complete description of the indoor setting that is proposed for the marriage. The priest or deacon celebrating the wedding must also agree to this.

7. **Marriage License for the Couple:** In Hawai`i, no blood tests, waiting period, or residence or citizenship is required to obtain a marriage license. Licenses are issued by the Department of Health, expire in 30 days, and are good anywhere in the state of Hawai`i. For the steps required to apply for a marriage license, go to: <https://marriage.ehawaii.gov>
8. The marriage license must be presented to the priest or deacon at least 24 hours before the rehearsal. The priest or deacon who officiates at the marriage is responsible for registering the marriage online.
9. **Arrival in Hawai`i:** Plan on arriving a few days before your scheduled wedding to meet with the priest or deacon who will be officiating at your wedding. The marriage license may be given to the priest or deacon at this time.

## Procedure for Clergy from Other Dioceses Requesting to Officiate at a Marriage in the Diocese of Honolulu

1. **Canonical Requirements:** The visiting priest or deacon should contact the pastor in Hawai'i where the wedding will take place to make initial arrangements to officiate at the wedding.
2. A letter of good standing from the Ordinary of the visiting priest or deacon must be sent to the **Office of Clergy, 1184 Bishop St., Honolulu, HI 96813 USA**. The Office of Clergy will then forward a copy of the letter to the pastor of the parish where the wedding will take place. This letter must:
  - be on letterhead of the diocese or religious institute of the visiting priest or deacon (no photocopies or faxes are acceptable)
  - include the visiting priest or deacon's full name and address
  - state that the priest or deacon is in good standing
  - contain information regarding the specific wedding that he will be celebrating, including the names of the couple, the date of the wedding, and the name and place of the church
3. The visiting priest or deacon should ask the pastor for delegation to assist at the marriage. (He can also get this delegation from a parochial vicar or deacon assigned to the parish.) The delegation should be noted by the pastor (or other priest or deacon) in the marriage paperwork. The marriage is to be recorded in the church where the wedding takes place, and the paperwork is to be filed there.
4. **Civil Requirements:** The priest or deacon must apply for a temporary license to perform weddings on the Hawai'i Department of Health website:  
<https://marriage.ehawaii.gov/emrs/public/registration.html>  
**Important: It is the responsibility of the visiting priest or deacon to secure the temporary license to perform weddings!**
5. The officiating priest or deacon is to receive the couple's civil marriage license at least 24 hours before the rehearsal. He must then report the marriage within three days according to the exact procedures established by the Hawai'i Department of Health:  
<https://marriage.ehawaii.gov/emrs/public/performer-guidelines.html>

## Sources

Vatican Council II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 1966.

*The Rite of Marriage*, 1969.

Pope Paul VI, Apostolic Letter Determining Norms for Mixed Marriages *Matrimonia Mixta*, 1970.

Pope John Paul II, Apostolic Exhortation on the Role of the Christian Family in the Modern World *Familiaris Consortio*, 1981.

*Code of Canon Law*, 1983.

Pontifical Council for Promoting Christian Unity, *Directory for the Application of the Principles and Norms of Ecumenism*, 1993.

*Catechism of the Catholic Church*, 1994.

Pontifical Council for the Family, *Preparation for the Sacrament of Marriage*, 1996.

Pontifical Council for the Family, *Enchiridion on the Family, A Compendium of Church Teaching on Family and Life Issues from Vatican II to the Present*, 2004.

National Conference of Catholic Bishops, *Statement on the Implementation of the Apostolic Letter on Mixed Marriages*, 1971.

National Conference of Catholic Bishops, *Faithful to Each Other Forever*, 1989.

United States Catholic Conference, *Marriage Preparation and Cohabiting Couples*, 1999.

Canon Law Society of America, *New Commentary on the Code of Canon Law*, 2000.

Aaron T. Beck, *Love is Never Enough: How Couples Can Overcome Misunderstandings, Resolve Conflicts, and Solve Relationship Problems Through Cognitive Therapy*, 1989.

*On Parish Letterhead*

## Sample Letter of Permission for Parishioners to Be Married At Another Parish

Date

Reverend Pastor  
Name of Parish  
Address of Parish  
City State/Zip/Country

Dear Father \_\_\_\_\_:

At the request of the parties, in accord with canon 1115 of the *Code of Canon Law*, I hereby give permission for \_\_\_\_\_, a Latin (Roman) Catholic, and \_\_\_\_\_ [specify religion], at least one whom have a domicile in my parish, to celebrate marriage in your parish.

I have met with the couple and have completed the Prenuptial Investigation. Therefore, I can state that they both are free to marry in the Catholic Church. As a result, you should be able to schedule the date of the wedding. We are in the process of compiling the rest of the premarital paperwork, which will be forwarded well in advance of the marriage ceremony. I will keep a photocopy of the paperwork until I am certain that the authentic documents have reached your office.

Please be assured that I will provide for the marriage preparation of the couple and I will also include proof of preparation with the rest of the premarital paperwork.

The couple is aware that they are to plan the details of the ceremony with your parish [and that they need to contact the State of Hawaii Department of Health for a marriage license]. [**Or:** This marriage is a validation. A copy of their civil marriage certificate will be provided with the rest of the paperwork.] I understand that the marriage will then be recorded in your parish's marriage register and that you will issue them an ecclesiastical marriage certificate and notify the church(es) of baptism.

Sincerely in Christ,

Rev. \_\_\_\_\_  
Pastor (or authorized parochial vicar/deacon/delegate)

cc: Copy to couple

*Copy and paste this letter onto your parish's letterhead.*