

## POLICY 2.7.1 Requirements for Marriage

### SUMMARY

1. There are requirements under civil and canon law for the valid celebration of marriage.
2. Parish priests are responsible for ensuring the civil and canonical requirements are met by the parties to the marriage.
3. The parties to the marriage are responsible for providing essential documents and information to the parish priest to ensure the marriage is valid and licit.

### FORMS

N/A

### RELATED POLICIES

Policy 2.7.2 The Place and Time for the Celebration of Marriage  
 Policy 2.7.3 Marriage Forms

*Replaces former Policy 2.7.1 – Marriage Guide Supplement*

Marriage is both a personal decision and a public contract. In Canada, the solemnization of marriage is regulated by provincial governments. In the Catholic Church, the validity and liceity of marriage are defined in the *Code of Canon Law*.

This policy provides guidance and direction to clergy and engaged couples as they work to ensure all necessary requirements of civil and canon law are met when celebrating the marriage. The information is drawn largely from *Canonical and Pastoral Guide for Parishes*, Canadian Edition, 2006, Chapter VI, a copy of which is available in all parishes of the Archdiocese of Grouard-McLennan.

### **1. Requirements for Marriage**

#### **a. in Alberta**

In the province of Alberta, the solemnization of marriage is governed by provincial legislation, the *Marriage Act* and the *Marriage Act Regulation*.

Members of clergy must have government authorization to solemnize marriages in Alberta. This authorization is obtained by registering with Vital Statistics, which then issues a Registration of Clergy Certificate. The Office of the Chancellor in the Archdiocese makes the application for members of clergy who serve here. The registration is permanent and valid until the member of clergy leaves Alberta. The Office of the Chancellor is responsible for reporting changes to clergy registration information to Vital Statistics.

The parties to the marriage are responsible for obtaining a two-part Alberta Registration of Marriage and Marriage License. They provide the original document to the member of clergy who will preside at the marriage.

**Required:** a valid, two-part Alberta Registration of Marriage and Marriage License

### b. in other provinces

The parties to the marriage are solely responsible for ensuring that they fulfill the legal requirements for marriage in the province where the marriage is to be solemnized.

### c. outside of Canada

The parties to the marriage are solely responsible for ensuring that they fulfill the legal requirements for marriage in the jurisdiction where the marriage is to be solemnized.

## 2. Requirements for Catholic Marriage

### a. Pre-nuptial inquiry

The *Code of Canon Law* requires that pastors of souls ensure the personal preparation of people for entering marriage (can. 1063 §2) and determine that nothing stands in the way of its licit and valid celebration (can. 1066). These two responsibilities take at least six months to complete, and much longer if there are obstacles to the licit and valid celebration of marriage.

Engaged couples should not make any firm decisions about the wedding until after the first meeting with the parish priest.

- i. **For marriages to be celebrated in the Archdiocese:** Engaged couples are required to meet with the parish priest where they intend to marry at least six months before the intended wedding. If the location of the marriage is not the same as the location of residence, the parish priest of the location of residence is responsible for the personal preparation and examination of the parties to the marriage.
- ii. **For marriages to be celebrated in Canada:** Engaged couples are required to meet with the parish priest of the parish where they reside at least six months before the intended wedding. At that meeting, the couple will provide the parish priest with contact details for the pastor of the parish where they intend to marry, and any other pertinent information about the planned wedding.
- iii. **For marriages to be celebrated outside of Canada:** Engaged couples are required to meet with the parish priest of the parish where they reside at least eight months before the intended wedding. At that meeting, the couple will provide the parish priest with contact details for the Office of the Chancellor in the diocese of the location where they intend to marry, and any other pertinent information about the planned wedding.

Location of wedding	In the Archdiocese	In Canada	Outside of Canada
Time of first meeting	At least 6 months prior	At least 6 months prior	At least 8 months prior
Responsible priest	Parish of residence	Parish of residence	Parish of residence
Required information	---	Contact details for parish of wedding	Contact details for diocese of wedding

- iv. **Eastern Catholic Churches:** The parish priest who prepares the couple for marriage, and the parish priest of the parish where the marriage is celebrated, if different, is responsible for ensuring that a marriage where one or both parties belongs to an Eastern Catholic Church meets the requirements of the Eastern canon law. Priests are strongly encouraged

to consult with the Vicar General of the Archdiocese in these circumstances as they prepare the marriage record.

#### **b. Baptism**

One party to the marriage must be a baptized and believing Roman Catholic. It is highly desirable that this person also have been confirmed, but confirmation can be arranged during the time leading up to the marriage celebration. The Catholic party or parties must provide a recently issued baptism certificate from the parish of baptism, for this purpose and to meet the requirement of proof of freedom to marry (see 2.d), below.)

If the other party has been baptized in another Christian church, proof of baptism is needed to ensure accuracy of the marriage record. Proof of baptism may be a baptism certificate. If that is not possible, a sworn statement by a parent or other suitable witness is to be provided to the parish priest (Marriage Form 4).

**Required:** *Catholics* – a baptism certificate issued in the last six months.  
*Other Christian baptism* – a copy or original baptism certificate.

#### **c. Intention of the parties (Bride and Groom)**

Both the bride and the groom must state the intention to contract a marriage according to the teachings of the Catholic Church: an *indissoluble* marriage between one man and one woman, where parties are *faithful* to one another and which respects the *good of the spouses* and the *generation of children*.

**Required:** Marriage Form 1, Statement during the first or second interview with the parish priest or his delegate.

#### **d. Maturity of the parties**

Both parties must have the capacity to consent to contract a Catholic marriage. Most often, the civil law age of consent is considered proof of this capacity. The age of consent in Alberta is 18 years; marriage can be contracted by a person who is 16 or 17 years of age, with the consent of each guardian. No one under 16 years of age can marry in Alberta.

**Required:** Catholic baptism certificate or birth certificate of both parties

The parish priest or his delegate must also assess the maturity and psychological health of both the bride and groom to ensure the validity of each one's matrimonial consent.

**Required:** Individual interview of Bride and Groom by parish priest or his delegate (Marriage Form 2)

#### **e. Freedom to Marry**

Both parties to the marriage must be free to marry, according to civil and to canon law.

**Required:** *Catholics* – a baptism certificate issued in the last six months that shows no previous marriage or a declaration of nullity for a marriage record.

*Other* – a sworn statement by a parent or two witnesses stating the party has never been married before (Marriage Form 3).

**If one or both parties has been previously married, see f) No impediments, below.**

#### **f. No impediments to the marriage**

[For a full list and discussion of impediments, see *Canonical and Pastoral Guide for Parishes*, Canadian Edition, 2006, Chapter VI, 17-23.]

##### **i. Disparity of Worship**

Dispensation is required for a marriage between a Catholic and a person who is not baptized in any Christian church. The statements made by the parties regarding their intention to marry as taught by the Catholic Church are usually sufficient for the application for a dispensation.

##### **ii. Previous Marriage**

As stated above, the Catholic Church teaches that a validly contracted marriage is indissoluble. This teaching applies to all marriage, not only the Catholic sacrament. Therefore, it is impossible for a dispensation to be granted for the impediment of a previous marital bond. The previous bond can be dissolved by the death of one party or it can be declared null. A declaration of nullity (commonly called an annulment) from a Catholic Church Tribunal does not dissolve the bond. Rather, the Tribunal rules that the previous marriage was not valid at the time it was contracted.

**Required:** a divorce certificate and a Declaration of Nullity OR a death certificate for each previous marriage.

##### **g. Marriage Preparation Course**

The Archdiocese requires all couples preparing for marriage in the Church to take a comprehensive pre-marital course, such as Engaged Encounter, the Liguori series, “A Decision to Love”, or some other Church-recognized curriculum.

### **3. The Marriage Record**

#### **a. Contents**

The required documents from 2.b - g are included in the canonical marriage record. Also included are the grant of permission or dispensation (Marriage Form 5), Testimonial Letter, and any other pertinent documents or information.

#### **b. Permissions and Dispensations (Marriage Form 5)**

If a permission or dispensation is required, the documents and forms of the canonical marriage record and the completed Marriage Form 5 are submitted by the parish priest or his delegate to the Office of the Chancellor of the Archdiocese.

##### **i. Permission** of the Archbishop or his delegate is required for a marriage

- between a baptized Catholic to a baptized non-Catholic
- between people where at least one party had previous marriage(s)
- where at least one party is at least 16 years of age but not yet 18 years of age.

##### **ii. Dispensation** of the Archbishop or his delegate is required for a marriage

- between a baptized Catholic and an unbaptized person
- between people who have specified family ties (consanguinity and affinity)
- that is solemnized without meeting all elements of canonical form of marriage

When the permission or dispensation is granted, the signed and sealed form and the documents are:

- sent to the parish of marriage, if it is in the Archdiocese
- sent to the appropriate diocesan office, if the marriage is outside of the Archdiocese. The diocesan office will in turn forward the record to the parish of marriage.

**c. Retaining the marriage record**

The marriage record is filed in the parish of marriage. The contents of the marriage record determines the responsibility for ensuring it is physically in the parish of marriage before the marriage is celebrated.

	Responsible for Record of Marriage		
	Priest of preparation	Archdiocese of G-M	Other diocese
Collect documents and forms	X		
Marriage outside Archdiocese		X	X
Permission or Dispensation requested		X	

The priest who prepares the couple for marriage is responsible for ensuring completeness of the marriage record. If the marriage will take place in another parish in the Archdiocese, with no special circumstances, he is responsible for forwarding the record to the parish of marriage.

The priest who prepares the couple for marriage is responsible for forwarding the record to the Office of the Chancellor of the Archdiocese of Grouard-McLennan if:

- there is a request for Permission or Dispensation
- the marriage will take place in a parish outside of the Archdiocese of Grouard-McLennan

The Office of the Chancellor is responsible for:

- forwarding the documents to the parish of marriage, in the Archdiocese, in the case of a request for Permission or Dispensation;
- forwarding the documents to the appropriate office in the diocese of marriage, if the parish of marriage is outside of the Archdiocese. That diocese is responsible for forwarding the marriage record to the parish of marriage.

**d. Marriage Registration**

**i. Requirements of Civil and Canon Law**

**Immediately following the ceremony**

- the newly married couple and the witnesses to the marriage complete and sign where required on the Registration of Marriage form
- the priest, or deacon, who presided at the ceremony completes the Officiant's Certification section of the Registration of Marriage form, detaches the Marriage License below, for filing with the marriage record
- the priest, or deacon, who presided at the ceremony provides the newly married couple with a signed proof of marriage document (a Marriage Certificate)

- the priest, or deacon, who presided at the ceremony inscribes the marriage in the parish register, including all witness signatures

**No more than 48 hours after the ceremony**

- the priest, or deacon, who presided at the ceremony returns the original Registration of Marriage form to Vital Statistics (within 48 hours of the marriage ceremony)
- the priest, or deacon, who presided at the ceremony files the Marriage License with the marriage record.

**ii. Baptism Record of Catholic Parties**

The priest, or deacon, who presided at the ceremony is responsible for completing Marriage Form 7 and forwarding it to the parish of baptism of the Catholic party or parties to the marriage, if applicable

**4. Marriage Convalidation**

All of the above requirements apply in situations where civilly married people seek a convalidation of the marriage in the Church, except that the couple must also submit an original marriage certificate issued by the relevant government authority rather than a Registration of Marriage and Marriage License (see 1.a, above).

**5. Marriages to be Celebrated Outside of Canada**

All of the above requirements apply in situations where the couple intends to marry outside of Canada.

The couple is responsible for providing to the parish priest and the Office of the Chancellor information about the requirements and contact details for the diocese of the marriage. The couple is also responsible for any courier costs related to sending the marriage documents to the diocese of the marriage.