

Section III: Special Circumstances in Marriage Preparation

Introduction 33

Abusive Relationship 34

Addictions 35

Choosing Not To Have Children 36

Cohabitation And Premarital Sex 37

Communicable Diseases And Marriage 39

Convalidation 40

Couples Who Have Had Children Together 41

Couples With Children From Other Relationships 42

Cultural, Ethnic And Racial Diversity 43

HIV/AIDS And Marriage 44

Immaturity 45

Infertility 46

Long Distance/Absent Partner Relationship 47

Marriage Of Minors 48

Marriage Of Non-Citizens 49

Marriage of Older Persons 50

Marriage of Persons With Disabilities 51

Pregnancy 52

Pre-Nuptial Agreements 53

Previous Marriages 54

Sexual Identity 55

Introduction To Special Circumstances In Marriage Preparation

Couples approaching the Church for marriage may find themselves in circumstances affecting the quality of their lives or even the validity of marriage. This section is intended for the use of the pastoral minister, assisting exploration of these circumstances with the couple.

The *1983 Code of Canon Law* states that “all persons not prohibited by law can contract marriage” (*c.1058*) and that “before marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration” (*c.1066*). It does nevertheless, empower the local ordinary to “prohibit marriage, but only for a time for a serious cause and as long as that cause exists” (*c.1077*).

Some of the topics that follow may surface through the use of premarital instruments, such as F.O.C.C.U.S., PREPARE, etc. Such instruments can also be helpful as the pastoral minister works with the couple. At times, circumstances may call for the assistance of a counseling professional. This is not intended as an exhaustive catalogue but a catalogue of some circumstances which may be encountered.

The Dioceses of the Province of New Jersey have a *process* to provide the pastoral minister with additional assistance or resources.

Abusive Relationship

Goal: To help a couple address responsibly any pattern of abuse within their relationship.

Guideline:

The existence of abuse requires immediate attention in order to provide adequate time for the couple to address it responsibly. A referral to a professional therapist/counselor is the most prudent, pastoral response.

Discussion:

- *Abuse* is any kind of behavior that one person uses to control another through fear and intimidation. It includes emotional and psychological abuse, battering and sexual assault. Abuse cuts across racial and socio-economic backgrounds, occurring in families from every ethnic, religious and educational background. Although most cases of physical abuse are against women, men are also subject to physical abuse.

- Family of origin issues may play a significant role in recognizing abuse. Violence is a learned behavior. Those reared in a household where abuse is present and viewed as normal, are most likely to repeat this behavior. Abuse frequently manifests itself (or at least the tendency toward it) before the wedding.

- It is important for the couple to understand the impact of their family background on their relationship since they are most likely to repeat this behavior.

- The following questions may be useful to begin a discussion on this topic. Such a discussion may motivate a couple to engage the assistance of a trained counselor.

- ♦ How were stress and disagreements handled in your home in your childhood or teenage years?
- ♦ How do you handle stress/arguments with each other?
- ♦ Do you think your future spouse has a volatile temper? Have you ever been afraid?
- ♦ Do either of you feel you have the right to hurt (abuse) each other?
- ♦ Do either of you have a problem with jealousy?
- ♦ Have you ever hit each other?

Addictions

Goal: To provide pastoral guidance to couples affected by serious addictions.

Guideline:

*The existence of **active** addiction may be a reason for delaying the marriage. The purpose of such a delay would be to allow the parties to have resource to appropriate counseling and/or rehabilitative programs.*

Discussion:

- Serious addictions may include:
 - ♦ alcohol
 - ♦ drugs
 - ♦ gambling
 - ♦ sex

- Dealing with addictions of all kinds is a life-long process. There is no such thing as a **recovered** addict. Addicts are said to be in recovery or recovering. Even in the recovery phase, emphasis must be placed on continually safeguarding the recovery process.

- When couples are affected by addiction we need to keep in mind that:
 - ♦ Some addictive behaviors are medically categorized as diseases (i.e. alcoholism). The pastoral minister must see the addictive person as one in need of healing, encouragement and support.
 - ♦ The prospective spouses must understand that they will need to be supportive of their recovering partner.
 - ♦ People with addictions may have behavior patterns which challenge the relationship, such as deception and manipulation. Co-dependency is an inherent challenge to the other spouse.
 - ♦ Special attention should be given when both parties are struggling with addiction.
 - ♦ Addiction is a complicated system of delicate balances affecting addicts in all their relationships.

- The most prudent pastoral response to parties afflicted with serious addictions is to recommend to them professional counseling, rehabilitative programs and available support groups (e.g. Alcoholics Anonymous, Narcotics Anonymous, Gamblers Anonymous, Sexaholics Anonymous, Alanon and Naranon).

Choosing Not To Have Children

Goal: To help engaged persons disposed otherwise to appreciate the wisdom of the Church's teaching that marriage and married love are by nature ordered to the procreation and education of children.

Guideline:

A decision by the couple or one party to permanently exclude children affects the fundamental nature of marriage and renders the marriage invalid. Awareness of such a disposition could be just cause for delaying a wedding.

Discussion:

- There are times when one or both parties may indicate a preference not to have children or manifest an intention to delay indefinitely any consideration of having children in their marriage.

- The pastoral minister is challenged to respond with patience and sensitivity. This may be an issue lacking full agreement by both parties or on which they have shared very little with each other. The pastoral minister is to seek clarification of their precise intentions and to explore possible factors that might be influencing their expressed choice not to have children. Some possible factors may include:

- ♦ memories of an unhappy childhood/family background
- ♦ a sense of inadequacy, self-doubts about the capacity for good parenting
- ♦ anxiety over disease, addictions, abuse they may wish to spare their children
- ♦ impasse over decision regarding religious affiliations of children in a religiously mixed marriage
- ♦ the fear of pregnancy or the experience of giving birth
- ♦ the fear of eventual separation, divorce
- ♦ the equally strong commitment of both parties in their pursuit of professional careers
- ♦ an excessive individualism, preoccupation with self-fulfillment, e.g., more time, freedom, possessions, or freedom for themselves, i.e. an absence of a self-sacrificing spirit

- The pastoral minister should see this as a teachable moment and process in which the couple is invited to recon-

sider their position in light of other values, the wisdom of the Church's teaching and interpretation of divine law, as well as from human experience.

- ♦ ***Authentic and Lasting Love is Life-Giving:***

In the Christian ideal of the marriage covenant, a man and woman pledge to give themselves completely and without reserve to one another. The love required for a close, committed, long term relationship, for the type of intimacy essential in a satisfying marriage, must be self-giving, unselfish, trusting, unconditional, life-giving, open and receptive to life. With that love spouses are called to the blessing of children as a gift from God.

- ♦ ***A child enriches and deepens a marriage:***

The mix of joy and sorrow, of pain and pleasure, of anxiety and relief that generally accompanies childbearing and child rearing reflects the deepest patterns of human existence. The birth of every child is something of a mystery and a miracle. The child conceived manifests and deepens the spouses' love for one another. The child is a unique reflection of the special bond between husband and wife. Children also can be a unique and precious source of companionship, consolation, support and assistance to their parents, especially in later years.

- An effective marriage preparation method to employ in this circumstance is a sponsor couple model. A sponsor couple can spend the time needed to build a relationship with the engaged couple. By sharing their own experience the sponsor couple can address in a personalistic manner, the issues behind the choice to exclude children.

- During the preparation process should the engaged party(ies) give no other indication than their choice not to have children, they should be informed that the pastoral minister will need to refer the matter to the diocesan bishop's office for further investigation on a decision to postpone the proposed wedding.

Cohabitation And Premarital Sex

Goal: To help engaged couples understand how cohabitation or premarital sex may compromise the essential characteristics of marriage.

Guideline:

The issues of cohabitation and premarital sex should be addressed in the early stages of marriage preparation.

The following principles are essential elements of a pastoral ministry to couples in this situation.

- The pastoral minister should affirm the engaged couple's decision to marry and approach the period of preparation as an opportunity for continued evangelization, catechesis, conversion and discernment.
- Two extremes are to be avoided: ignoring the issue or acting so passively as if it was of no consequence or confronting and condemning a couple.
- Cohabitation and/or premarital sex are not canonical impediments to marriage. A couple may not be denied a wedding for these reasons.
- The pastoral challenge for the minister is to invite the engaged couple to consider living separately and chastely. The couple is not to be refused marriage if they fail to separate.

Discussion:

• There are various types of cohabiting couples. Based on the reason given for cohabitation each has distinct pastoral implications:

♦ *Couples who become publicly engaged and then live together* are in a different situation than those who choose to live together and from that situation decide to marry. The pastoral minister can focus the couple's understanding of the meaning of sacrament and the commitment to permanence and stability in marriage.

♦ *For couples who began to cohabit without any*

previous commitment to each other and then decided to get married... the pastoral minister should focus on their overall readiness for marriage and for permanent lifetime commitment in addition to the treatment of commitment and sacrament.

♦ *For couples seeking marriage more for the sake of appearance, or to accommodate social or family needs...* the pastoral minister should postpone marriage preparation until further spiritual and psychological maturity exists (*Marriage Preparation and Cohabiting Couples, USCC, August 1999*).

- The pastoral minister should examine each situation case by case and according to Pope John Paul II, they ought to make "tactful and respectful contact with the couples concerned and enlighten them patiently, correct them charitably, and show them the witness of Christian family life in such a way as to smooth the path for them to regularize their situation" (*Familiaris Consortio, #81*).
- While couples need to be welcomed with the gospel values of love, understanding, and acceptance, they also need to be challenged by the gospel message of commitment and faithfulness.
- "The Church has consistently taught that human love 'demands a total and definitive gift of persons to one another' that can only be made in marriage (*Catechism of the Catholic Church, #2391*). Since cohabitation violates the Church's teaching about sexual love and marriage, church ministers must speak and teach about it" in the spirit of Christian charity (*Marriage Preparation and Cohabiting Couples*).
- Current data from sociological studies do not support the presumption that marriages following cohabitation will have a greater degree of stability.
- The pastoral minister should "encourage the couple to reflect on their situation and why they decided to cohabit and to provide insights into possible consequences, factors that may present special challenges to them or put them at risk for later marital disruption" (*Marriage Preparation and Cohabiting Couples*).
- In *Marriage Preparation and Cohabiting Couples*, it is noted that the following questions, drawn from a section of

F.O.C.C.U.S., may assist the pastoral minister by inviting the couple to reflect on their experience of living together:

- Why did you originally choose to live together? How does the commitment you wish to make now differ from the commitment you made when you decided to cohabit?
 - What are your reasons for wanting to marry at this time? Is there any reluctance to marry? Is pressure from family or around children a major reason for marriage now?
 - What have you learned from your experience of living together? How do you expect your relationship to grow and change in the future?
 - Why do you want to marry in the Catholic Church at this time? Do you understand the concerns the Church has had about your cohabiting situation?
 - What does marriage as a sacrament mean to you?
 - What are the greatest challenges you will face in making yours a lifetime and faithful marriage?
- After these discussions, the pastoral minister may ask the couple how the information gained from the preparation process has raised their understanding of Church teaching and cohabitation.
- “Even if the couple chooses not to separate, they can be encouraged to live chastely before marriage. ‘They should see in this time of testing a discovery of mutual respect, an apprenticeship in fidelity and the hope of receiving one another from God’” (*Catechism of the Catholic Church, #2350*). In this way, the couple can experience together the real spiritual joys and sorrows of human love. They can come to recognize as well the destructive influence of selfishness and sin. Through the Sacrament of Reconciliation and conversion of heart, the couple can know the uplifting power of God’s mercy.
- During marriage preparation, a couple can come to understand themselves in new ways. The ease of sexual intimacy can displace the hard work needed to develop that loving relationship between themselves which is the solid foundation for marriage.

Communicable Diseases And Marriage

Goal: To provide pastoral guidance for couples living with communicable diseases, including sexually transmitted diseases.

Guideline:

While the presence of a communicable disease is not an impediment to marriage, it is a matter of serious concern. It is essential that couples preparing to marry are open and candid with each other about the presence of disease and its implications. (Cf. "HIV/AIDS and Marriage", p. 44).

Discussion:

- Marriage is an intimate sharing. Intimacy is an expression of trust. Trust is a sign of love. A prospective spouse should be entrusted with a person's life story, including their medical history and current state of health. This honest communication is an expression of respect and trust. It is part of the total sharing of covenantal love in marriage.
- As the intimacy of marriage includes physical intimacy, notably sexual intimacy, the presence of a communicable disease is a matter of concern. A sexually transmitted disease may be passed to one's spouse and could lead to infertility and other problems. As appropriate, couples should seek information and guidance from health care professionals and/or counseling professionals who may be able to offer couples assistance.
- A couple living with a communicable disease may be better informed about the disease and its effects than the pastoral minister. It is not the pastoral minister's responsibility to be a physician or a counsel (unless professionally qualified). Rather, it is to encourage the couple to embrace openly the totality of their lives as they prepare for Christian marriage.

Convalidation

Goal: To help a couple recognize the wise and prudent reasons for convalidating their marriage.

Guideline:

When approached by a couple requesting the convalidation of their marriage, the pastoral minister should endeavor to balance affirmation of the couple's desire to regularize their marital status, with concern for the integrity of the new marriage to be celebrated.

Discussion:

- It is common to hear convalidation defined as having one's marriage "blessed by the Church," but this is a misunderstanding. The effect of a convalidation is to establish a canonical marriage where there was previously only a civil marriage.

- There are various reasons why a couple might seek the convalidation of their union. It is hoped that a request is born of the couple's or the Catholic party's desire to return to the active practice of the Faith. Their initiative may arise because an impediment to a valid marriage has now been removed. Currently, even many who consider themselves practicing Catholics are unfamiliar with the Church's teaching on marriage and they ask that their marriage be convalidated simply because they have only recently become aware of its irregular status.

- It is not uncommon for a convalidation to be sought for reasons that may jeopardize the valid celebration of the new marriage. For example, a husband or wife may seek a marriage in the church to remedy a troubled relationship. This is to be addressed adequately, lest the convalidated marriage result in separation.

- The pastoral minister should be especially careful to:

- ♦ *Inquire about the couple's motivation for wanting to regularize their marriage at the present time. The following are some questions touching on the validity of marriage which the pastoral minister should explore with the couple prior to scheduling the convalidation:*

- ♦ Is the couple making the request freely, or are

they being pressured by parents or others to be married in the Church?

- ♦ Do the parties consider their relationship to be a loving and fulfilling one, or is the couple experiencing serious problems which they believe can somehow be resolved through a religious ceremony?

- ♦ Explain to the couple that for the validity of the marriage now coming into being, both parties must make a new act of consent (cc. 1156-1160).

- ♦ Canon 1157 requires that at the exchange of vows for convalidation there must be a new act of the will consenting to marriage. The renewing parties must be aware that their prior ceremony of marriage was invalid from the beginning. Thus the pastoral minister must make it clear to the parties that their new act of consent will bring marriage into being. It would be counterproductive to tone down the language by suggesting that convalidation is simply the blessing of a marriage.

- ♦ Should the pastoral minister find the parties unable or unwilling to acknowledge the invalidity of their earlier marriage ceremony, the pastoral minister should bring the matter to the attention of the appropriate diocesan official. If it is clear that their naturally sufficient marriage consent perdures, the proper diocesan bishop could be asked to grant a radical sanation (c. 1161).

- In order to avoid endangering the Church's competence to also preside over marriages on behalf of the civil authority, the pastoral minister should inform the couple that New Jersey law requires a "Remarriage License" issued by the appropriate municipal official at the time of the convalidation.

Couples Who Have Had Children Together

Goal: To help a couple address the impact of parenthood on their relationship and to recognize their responsibilities as parents.

Guideline:

The birth of a child is not, of itself, sufficient reason to marry. A couple who has had a child together has a right to the benefits a complete marriage preparation process provides.

Discussion:

• Unmarried parents approaching the Church for marriage should receive an especially warm welcome, as they may have some anxiety about approaching the Church in their situation. In a culture which all too often disposes of human life through the tragedy of abortion, this couple has chosen to respect life and accept God's gift of human life in less than ideal circumstances. The pastoral minister should commend their courage and respect for human life.

• Some couples may have been in a committed relationship for some time. Others may approach having never considered marriage until the birth of their child. Still others, under external pressure to marry, may have had a child without any intention to marry. While marriage may seem to be "the right thing" with respect to familial or societal norms, it may be the worst thing in the lives of three (or more) people who will be principally and immediately affected by such a decision. The presence of children in the lives of a couple should not obscure the need to focus on the relationship of the parties to each other as a couple. A couple may be easily distracted by the dynamics of their children's relationship to themselves as parents.

• This couple, like all parents, should be the best parents they can be. They should be helped to recognize and assume the obligations of parenthood as best they can. Since the birth of their children may not have been planned, they may benefit from the guidance and advice of a mentor couple from the parish. For the sake of their children and themselves, the couple needs to direct their attention toward the good of their family, apart from familial or societal pressures to marry.

• Since marriage will affect not only the parties, but also their children, the children (as age and other considerations allow) should be included in every stage of the marriage preparation process.

• The pastoral minister needs to be sensitive to the additional difficulty this couple may have attending to all of the requirements of the marriage preparation process in a timely manner.

Couples With Children From Other Relationships

Goal: To help both parties address in a constructive manner the impact of bringing their own children into this marriage.

Guideline:

It is essential that engaged couples are urged to consider the impact their own children will have on their time, their mutual support, and other resources in marriage. Additional time for marriage preparation may be required.

Discussion:

• The children that couples may bring into marriage have had diverse experiences that will affect the tone and extent of the marriage preparation process: The children may be from a relationship that was:

- ♦ Loving, perhaps marital
- ♦ Unsustained through divorce or abandonment
- ♦ Ended by the death of a spouse
- ♦ Abusive
- ♦ Adoptive

• The children of either or both parties bring gifts as well as needs to their relationship as a couple. A child is a gift: divine and wondrous. However, a child presents many needs which must be addressed through responsible parenting. An infant child is totally dependent, requiring constant attention. An older child requires a considerable amount of a parent's time and attention as a priority. The parties should appreciate both the gifts and needs presented by children they are bringing into marriage.

• When a party brings his or her own children into a relationship leading to marriage, the couple relationship is different. The child is present to the relationship. The couple relationship needs to be nurtured, as does the child. The parties will need to find a balanced approach which respects both their couple relationship and provides for the child's proper care and nurture.

• Each party needs to be attentive to their relationship with the child, whether their own or their partner's child. The party without a child should not merely be an addition to

the family structure. The party who brings the child into the relationship should not be the sole authority figure and nurturer. Each party will relate to the child in their own way. They should be attentive to each other's strengths and weaknesses as they relate to the child.

• Frequently, the dynamics of the couple relationship and the parties' relationship to the children are interwoven. It is important that concerns about the child or the desire to provide emotional support for the single parent, should not distract the couple from the issues essential to their own relationship.

• Each party needs to be respectful of the child's relationship with his/her non-custodial parent and extended family. They are part of the child's life, with the opportunity to offer support. The parties should respect the child's freedom to associate and share love with everyone in his/her family, without prejudice.

• When both parties bring a child into a relationship leading to marriage, special attention should be given to the children's relationship to each other. As the relationship of their parents progresses toward marriage, they deepen what they already share in common. The parties should receive the children's concerns and feelings openly, taking care to avoid defensiveness while affirming their important place in the family they may form.

• The complicated role of step-parenting deserves special attention. The role of the parent and the step-parent needs to be clearly defined: the responsibilities and expectations regarding the children need to be clarified and agreed upon. While parties can benefit from advice and guidance from experienced step-parents and counselors, they will have to apply this knowledge creatively in their own family. Responsible step-parenting requires a secure spousal relationship, as the strength of the spousal relationship contributes to the child's sense of stability. A person shows love for the child by showing love for the child's parent.

Cultural, Ethnic And Racial Diversity

Goal: To encourage the couple to openly and honestly share their thoughts and feelings about how cultural, ethnic, and/or racial diversity will be lived out in marriage.

Guideline:

Cultural, ethnic and racial differences contributing to a couple's interpersonal relationship as well as their relationship with family of origin and in-laws are worthy of the couple's attention and reflection.

Discussion:

- All peoples have customs, traditions and role expectations. While the practices of some are indeed foreign to others, they are not without significance and value. Customs and traditions are to be respected, so long as they do not detract from the essentials of marriage (permanence of marriage and fidelity) and the real stability of the relationship. The parties need to be open and honest about their differences and what they are. These differences may affect other important issues such as parenting and raising children, role expectations of the spouses, and extended family obligations.
- Distinctive expressions will highlight differences, but with good will they can give rise to respect and enriched welcome and sharing. Some customs and traditions may be part of the wedding liturgy. Other customs and traditions may enrich family life throughout marriage, contributing to the distinctiveness of the family they create.
- Couples with cultural, ethnic or racial differences very likely have shared some of their thoughts with each other before approaching the church for marriage. They have personal experience dealing with these differences. The pastoral minister should support the couple's journey to embrace diversity in marriage.
- Social pressures and prejudices may greatly impact couples as they prepare for and as they live out their marriage. They should be encouraged to focus on the love and commit-

ment they share. They should be encouraged to focus on their faith in God who transcends cultural, ethnic and racial differences.

- The pastoral minister must not discourage marriage solely because of cultural, ethnic or racial differences.

HIV/AIDS And Marriage

Goal: To assist a couple affected by HIV*/AIDS** to deal responsibly with its implications for marriage.

Guidelines:

It is essential that persons who are living with HIV/AIDS be open and candid with their prospective spouse about their HIV/AIDS status.

The pastoral minister should encourage the couple to take a substantial period of time to explore the personal and social ramifications of HIV/AIDS for marriage in the light of Catholic moral teaching and the human challenges a couple will face. To do so realistically, they will need the support of counseling and spiritual direction.

The pastoral minister is bound by civil law as well as in certain circumstances by ecclesiastical law to guard the confidentiality of what is shared by either of the parties.

Discussion:

• An appreciation of moral principles required for all engaged couples takes on a greater urgency for those couples dealing with the reality of HIV infection. The pastoral minister needs to be able to articulate the principles with utmost compassion, pastoral sensitivity and confidentiality. A pastoral minister must balance diverse interests such as Church teaching, each party's needs, the concerns of their families and the possibility of children.

• Sexual intercourse when one or both parties is/are HIV infected could place the other partner or any child that would be conceived in serious danger to life and health. While HIV/AIDS is not a canonical impediment to marriage, it has serious implications for the natural right to marry and for the decisions that a man and a woman must make. The Church has, at times and for grave reasons, accepted the validity of a marriage in which the couple freely agrees to abstain from sexual relations throughout their marriage.

• Living with HIV/AIDS begins with accepting the reality of the virus. Accepting this reality includes informing trusted friends and loved ones when appropriate. In justice, a person living with HIV/AIDS must inform a prospective spouse. The pastoral minister may be of great help to the person and the couple dealing with HIV/AIDS. Pastoral ministers must remember that to disclose another person's HIV/AIDS status without a person's permission is unlawful. If a pastoral minister were aware that a person is HIV infected but refuses to inform their prospective spouse, perhaps the pastoral minister can do no more than state that he cannot continue the process of marriage preparation. If the other party inquires as to why, the pastoral minister may say that it appears the couple does not actually know one another sufficiently.

• Along with the moral dilemma, there are a multitude of spiritual, psychological, social and economic challenges that should be explored: the agony of a devastating illness, mounting health care costs and the possibility of an early death. It may be advisable for the couple to seek consultation with medical experts as well as psychological counseling.

• The couple and the pastoral minister will need to discern through prayer and reflection whether or not the couple wishes to proceed with the marriage. Such a discernment process will take note of factors that may be interfering with a responsible decision: a long-standing relationship, mutual sympathy, expectations of families and friends, possible embarrassment about canceling the wedding, fears about one's health, the health of one's partner and the health of potential children. Amid such pressing concerns, it is crucial that each party decide freely and be confident about the course they choose.

• Regardless of the decision to marry or not to marry, the couple has a right to continued love, care and support from the Church. Those involved in the discernment process have a duty to minister to the parties whether they cancel their wedding plans or decide to marry.

* HIV- human immunodeficiency virus

** AIDS – acquired immune deficiency syndrome

Immaturity

Goals: To help the engaged couple appreciate the responsibilities and implications of marriage on their lives and as a couple.

Guideline:

The Church presumes the maturity of the engaged couple as well as the maturity of their decision to marry. If the couple expresses doubt or manifests immaturity, the couple should be assisted through personal sharing, use of instruments such as F.O.C.C.U.S., PREPARE, etc., and in some cases professional counseling.

Discussion:

- The capacity to assume responsibility in life in a mature way is a critical factor for the growth and stability in a marriage relationship. We must not presume a correlation of maturity and age. Younger adults may be remarkably mature. Older adults may be immature.
- A couple must move beyond an overly simplistic view of marriage and reflect more realistically and concretely on what the marriage vocation and its responsibilities will mean for them.
- Marriage is a process of two becoming one; a partnership involving day-to-day commitment, hard work, communication, compromise and cooperation with God's grace.
- Each marriage is unique and will require the couple to deal with their own specific challenges and difficulties in a manner that is positive and constructive.
- Some indications of immaturity may become apparent to the pastoral minister. For example:
 - ♦ the couples' lack of respect toward one another
 - ♦ indifference or hostility to the marriage preparation process
 - ♦ failure to appreciate the practical importance of basics, such as: reliable employment and proper use of financial resources
 - ♦ lack of common sense
 - ♦ tendency to overlook or rationalize inappropriate behavior in the future spouse

• Discussion may be enabled by using the following questions:

- ♦ Have I chosen to marry of my own free will?
- ♦ Do friends and relatives consider me reliable?
- ♦ Do friends and relatives consider me honest?
- ♦ Am I known to handle responsibility well? Do I blame others?
- ♦ Am I known to handle changes well?
- ♦ Am I willing to put my future spouse's needs ahead of my own?
- ♦ Am I willing to put my children's needs ahead of my own?
- ♦ Do I have a steady job? Where do I see myself in ten years?
- ♦ What is the difference between a church marriage and a civil marriage?
- ♦ Do I have difficulty making judgments?
- ♦ Do I have difficulty controlling my actions?
- ♦ Do I relate well to others, especially my future spouse?

Infertility

Goal: To provide pastoral guidance for couples aware of their infertility before marriage.

Guideline:

While infertility is not an impediment to marriage, it should be discussed with openness and candor. The pastoral minister while being supportive to the couple, should also help them to see their condition in light of the Church's spirituality and moral teaching.

Discussion:

- Infertility is to be distinguished from impotence. While impotence is the inability to have sexual intercourse, infertility is the inability (or diminished ability) of a couple to conceive a child. Either or both persons may have a condition that makes the couple infertile. Physical conditions associated with infertility may be due to age or of natural origin, e.g., low sperm count; they may also be result of illness, injury or surgery, i.e., hysterectomy, vasectomy. At times, couples believed to be infertile do actually conceive. Couples may wish to receive medical intervention to correct a physiological problem associated with infertility.

- Infertility cannot only be disappointing and discouraging but in some instances quite devastating. The parties should share the feelings associated with infertility. An experienced counselor may be of help to a couple dealing with such concerns. The pastoral minister can help the couple to realize they may freely choose to enter marriage even if they are probably unable to conceive children of their own. The realization that a child is a gift from God and not an object to which a man and a woman have a natural or civil right may help a couple avoid morally questionable technologies for conception or other outside interventions.

- A commendable alternative for an infertile couple is adoption. It takes heroic love for a couple to embrace an adopted child as their own.

- Couples are specially challenged to be life-giving in other ways. Assisted by prayer, support, communication, and counseling, couples without children can have life-giving marriages.

Long Distance/Absent Partner Relationship

Goals: To clarify at the outset of preparation, the various responsibilities of the pastoral minister and the couple in conducting a long distance/absent partner marriage preparation process.

To facilitate communication between the parish proposed as the site of the marriage celebration and the parish or parishes where the parties actually live.

To realistically determine an arrangement for the most effective preparation.

Guideline:

If the couple first approaches the parish of the proposed site of their marriage celebration, the pastoral minister there will facilitate the couple's contact with their own local pastor(s) to obtain the permission(s) that are required to be married outside of their proper parish(es).

If a couple first approaches the parish where one or both of them are living but proposes marriage at another church, the pastoral minister should show a willingness to work with his parishioner(s) but explain he can facilitate their request but not guarantee that the marriage can take place at the other location.

Determine with the couple and other pastor(s) the most effective means for a quality marriage preparation experience.

Discussion:

• Long distance relationships present special challenges to the opportunity for mutual dialogue and interaction that are key components to a marriage preparation process.

• There are two kinds of "long distance" relationships. First, the intended spouse may be separated from one another, e.g. Military service. Second, both of the intended spouses may live in proximity to one another but are far removed from the parish church where they propose to marry. There may also be intermixed variations of these situations, e.g.

the groom may reside in New York, the bride in Boston and the intended parish of marriage is in Philadelphia, the hometown for both parties.

• The couple should make special efforts to share with each other their expectations and take the time necessary to do so. A first step should be administration of a premarital inventory (F.O.C.C.U.S.) that might point out areas of concern and help to direct the couple's attention to working on those matters.

• Given modern transportation, the couple should be encouraged to join one another when possible for at least some aspects of the marriage preparation experience such as a Pre-Cana, Engaged Encounter or periodic meetings with a mentoring couple.

• Once it is determined which particular priest or deacon at one location will undertake responsibility to work with the couple, he should write to the pastor of the parish where the marriage will be celebrated to clarify their mutual expectations.

• The Province of New Jersey does not require that documentation for marriages from outside of a diocese be transmitted through respective Chancery Offices. However, requests from other dioceses are to be honored.

• Since each diocese may have their own prenuptial investigation form, it might be helpful, if the local pastor of the parish in which the marriage takes place and is recorded, mailed the prenuptial investigation form used locally to the (out-of-area) pastoral minister witnessing the marriage.

Marriage Of Minors

Goal: To inform a couple, and to the extent necessary their parents, of the particular demands marriage places on minors and to help them to decide whether their maturity is sufficient for them to make such a commitment realistically.

Guideline:

Marriage preparation in which one or both of the parties is under age 18 requires that the couple be assisted in evaluating their own personal maturity and the quality of their relationship with one another as well as affording them opportunity to appreciate realistically the dangers of marrying too early and factors that lead to the high failure rate for youthful marriage in America today.

In every instance, a proposed marriage in which one of the parties is under age 18 requires the pastoral minister to refer the couple's situation to the diocesan Common Policy process. If parents are unaware of, or reasonably opposed to, the marriage of a minor child, the pastoral minister needs the permission of the diocesan bishop before he may witness a marriage (c. 1071 § 1, 7).*

Discussion:

• To marry even a young man or woman must possess a sufficient emotional and intellectual maturity and life experience to establish that partnership of the whole of life which the Church understands a valid marriage to be. The Church has a deep concern for the couple and their well being. Hasty decisions are to be avoided. The pastoral minister will find it helpful to meet not only with a couple but also with the parents.

• If a parent reasonably objects to the proposed marriage, the pastoral minister is to advise everyone that no marriage date may be scheduled without further consultation. A pre-marital inventory such as F.O.C.C.U.S. should be utilized. Even in the circumstance of the parents being in agreement that a young couple ought to marry, a minor or minor couple must have the opportunity to meet with a professional coun-

sel who would be able to assess their situation.

• If everyone including the pastoral minister is in agreement that a couple may marry, the pastoral minister, nevertheless, must review the couple's situation and his recommendations about it through the diocesan process before going ahead with the marriage.

• In the worldwide law of the Catholic Church, a minimum age for validly entering a marriage is established as age 14 for a woman and age 16 for a man (c. 1083). But the circumstances of American society in this millennium demonstrate that many young people in their 20's struggle still with unfinished adolescent issues and may hardly find themselves prepared for making a lifetime commitment.*

• The maturity needed for marriage has many dimensions: sexual, moral, familial, social, developmental, personal and financial. One who possesses a minimally sufficient level of maturity is not to be excluded from marrying just because the person is under age 18. Yet marriage is a partnership, and both parties must really enjoy at least such a minimal level of maturity. The fact that young people assert that they are capable of marrying and insist that they must be married does not relieve the Church of the right and obligation to seek the advice of professionals in making its own judgment in any individual case. If there is actual evidence of immaturity, a local ordinary can prohibit witnessing a particular marriage until the young couple demonstrates that they have, indeed, developed the necessary maturity (c. 1077)

• The *New Jersey State Law* requires that a minor (under age 18) who wishes to marry obtain their parents' consent before two witnesses in the presence of a marriage license officer. For anyone under age 16, moreover, written approval of such consent is needed from a Superior Court judge in the Chancery Division, Family Part. (There are exceptions to these norms in regard to incompetent parents or guardians and if a young man has been arrested for having had sexual intercourse resulting in a single woman being pregnant.)

* c. 1072, Pastors...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.

Marriage Of Non-Citizens

Goal: To inform a couple, when one or both are non-citizens, of the particular immigration issues they must confront as they prepare for marriage.

Guideline:

A person does not have to be a U.S. citizen or Legal Permanent Resident to obtain a marriage license in the state of New Jersey. Thus, undocumented persons may marry in New Jersey. Proof of domicile in the state is generally required.

If a U.S. citizen wants to marry an alien residing outside the U.S., a special temporary Visa must be obtained that specifically allows the person to enter the U.S. to marry. This is called a K Visa and is generally valid for 90 days, during which the marriage must take place.

A new K-3 Visa is also available for the spouse of a U.S. citizen. The K-3 Visa is a speedy mechanism that allows the non-citizen spouse living abroad to join the U.S. citizen spouse and obtain immigration status in the United States.

Discussion:

- More and more newcomers are making their home in New Jersey. As a result, Catholic parishes will be confronted with legal and social issues facing immigrants. It is important to recognize the legal and immigration ramifications of marriage.
- As discussed above, a non-citizen residing overseas requires a Visa for entry to marry a U.S. citizen (K or fiance Visa).
- After a U.S. citizen or Lawful Permanent Resident (LPR) marries an alien, various petitions/applications should be filed. Since this is an extremely technical field of law, legal assistance should be obtained.
- Generally, legal issues should be referred to the appropriate professionals in the Diocesan Immigration Program.

Marriage Of Older Persons

Goal: To offer a pastoral marriage preparation appropriate to the unique needs of older persons.
(In the event of a second marriage, see section on “Previous Marriage”.)

Guideline:

Age does not automatically assure readiness for marriage. Older couples (forties and older) have particular marriage preparation needs which may or may not be apparent to them. The marriage preparation process should be adapted to the age and maturity of the couple as well as help them to integrate their past experiences and assess their future together in terms of the vocation of marriage.

Discussion:

- Merging two lives is not easy but is facilitated when there is a common faith. The couple needs to discuss the differences in the ways they perceive and practice their faith, and more so for those who worship in different denominations.
- Some of the issues which may be unique to older couples and which merit discussion are: previous relationships, especially for the widowed; finances; transition from a single lifestyle to a marriage partnership, obligations to family members and their faith and religious practice.
- Especially if there had been a previous long and good marriage by one or both of the individuals, they should keep in mind that this relationship is unique and that their marriage partnership will require its own adjustments and commitment.
- Financial issues can be very challenging and should be realistically addressed. For example: Are both parties economically secure? Issues of what’s “yours” “mine” and “ours” must be addressed. What expectations do children or other family members have regarding financial obligations? How will future health care costs be met? How will their marriage affect insurance coverage, pension and social security benefits? How will they manage budgeting in their new life together?
- Many details of an older person’s life are already shaped if not somewhat rigidly fixed. A change to a new lifestyle in a marriage requires flexibility of both partners.
- Has the couple assured the family members of their continuing love and communicated with them about their wedding plans and their new life together?

Marriage Of Persons With Disabilities

Goals: To encourage the couple to share openly and honestly their thoughts and feelings about the challenges presented to them by their disabilities.

Guidelines:

Issues associated with the presence of a disability are matters which the couple must share with one another and are worthy of the pastoral minister's attention and support.

Discussion:

- Respecting the God-given gifts and talents of every person should be the main focus of the marriage preparation process not he disability.
- Some disabilities are the result of a genetic condition. Couples presented with such a situation will need to openly share their thoughts and feelings about the children they may bring into the world.
- Some disabilities are the result of injury or illness. Pastoral ministers should be open to the couple's desire to share their thoughts and feelings about how this has contributed or may affect their relationship.
- The pastoral minister should make the couple aware of any resources available in the community. Some additional resources may be available for both the couple and the pastoral minister (e.g. Catholic Charities).

Pregnancy

Goal: To ascertain the parties' freedom, maturity and commitment when there is a premarital pregnancy.

Guideline:

A pregnancy should not diminish the pastoral minister's focus of assisting the couple to assess their freedom and readiness for a commitment to the covenantal life of marriage. This value is of paramount importance. Sufficient time must be spent in preparation. A sense of urgency based on familial or societal norms should not accelerate/reduce a wedding celebration.

In light of our Church's consistent witness to the sanctity of human life, the couple's choice to embrace the pregnancy should be affirmed by the pastoral minister.

A couple is to be referred to a professional counselor for evaluation or at least the situation of the couples is to be referred by the pastoral minister through the diocesan common policy process. A premarital inventory such as F.O.C.C.U.S. is always to be utilized in cases of pregnancy.

Discussion:

- The decision to marry must be freely made by the parties, i.e., without external pressure from any third party, e.g., parents and other family members.
- The pastoral minister should assist the parties in appreciating the effect of the pregnancy on their relationship and on their plans to marry.
- The pastoral minister should ask each of the parties when they first began to think about marrying this person and when it first became a topic of their discussions. It is important for the pastoral minister to know whether the couple was planning to marry in the Church before the pregnancy. If they were already planning to marry, it is important to know if the pregnancy is a factor prompting them to marry at this time.
- If a couple is experiencing external pressure to marry soon, the parties may benefit from the pastoral minister's special attention to practical considerations that are part of every

mature decision to marry: stable employment, current financial obligations, expectations of lifestyle changes, and compatibility of the parties (including their ability to solve problems together and work together toward common goals).

- The pastoral minister has the responsibility to teach the couple that the Church does not automatically expect them to marry because of pregnancy. In justice, they are entitled to all of the usual pastoral care required in marriage preparation.
- Pregnancy can influence the parties' sense of commitment. The pastoral minister should help inquire whether a couple is committed toward marriage or toward the child? What will they do if the pregnancy is not carried to full term? Has the topic of adoption been part of their discussions?
- Amidst the complicated considerations of commitment, there is one commitment that is clear: this couple has committed themselves to respect life and allow this child, God willing, to be born. They have not aborted a human life. The pastoral minister should take note of their courageous decision. The Church has an obligation to offer pastoral care and support to this couple whether or not they marry.

Pre-Nuptial Agreements

Goal: To provide couples with a practical understanding of marriage as a covenant relationship which is a partnership of the whole life.

Guideline:

A pre-nuptial agreement as described below is foreign to the Church's understanding of covenant. A pre-nuptial agreement that severely limits the complete commitment of the spouses to each other must be referred for consultation with the diocesan process.

Discussion:

- A covenant is a relationship based on an enduring committed love, expressed in marriage: a partnership of the whole of life. Whole of life is understood in two ways. Firstly, it is a lifelong partnership, “*as long as we both shall live,*” as expressed in the wedding ceremony. Secondly, it is a comprehensive sharing of both spiritual and temporal goods.
- A pre-nuptial agreement is understood as any agreement on terms related to a possible divorce made prior to marriage. Commonly, pre-nuptial agreements provide for the division of property when a couple divorces. A pre-nuptial agreement mitigates the enduring commitment of covenant love. It distorts the partnership of the whole of life.
- Let it be clear that this discussion applies only to pre-nuptial agreements as described above. It does not apply to wills. A will provides for the management of one's estate upon death.
- A couple considering a pre-nuptial agreement may be in need of education regarding the Church's understanding of covenant love and partnership of the whole of life. A couple cannot be reasonably expected to fulfill the promise of marriage if the parties do not understand the basic premises that marriage endures until death.
- It is important for the pastoral minister to realize that couples who desire a pre-nuptial agreement often understand such agreements to be reasonable and responsible arrangements. The pastoral minister's challenge is to demonstrate that the only reasonable and responsible way to enter marriage is with an appreciation of covenant love and

partnership of the whole of life.

- There may be some pre-nuptial considerations, however, which are not contrary to the indissolubility of marriage because they do not relate to the consent of the couple to marry one another in a conditional way.

Previous Marriages

Goal: To provide guidance and pastoral care to couples who have had previous marriages and now wish to marry in the Catholic Church.

Guidelines:

The pastoral minister must first determine the couple's freedom to marry in the Catholic church and then, should assist the couple in the marriage preparation process. The minister should be mindful of how the particular circumstances of a previous marriage may effect the couple's new life together.

Discussion:

- At the initial meeting with the couple the pastoral minister should determine that both parties are free to marry in the Church. If the spouse from a previous marriage is deceased a certificate of death is required. A decree from the Catholic Church establishing the freedom to marry, such as a church annulment, is necessary for any marriage where the previous spouse is still living. No wedding date may be set until an annulment is granted and any conditions contained in the decree of nullity are met.
- As the couple prepares for marriage they should be aware of how a previous marriage may effect their new relationship. A time for grieving or healing may still be necessary due to the feelings of loss or anger associated with a prior marriage. Idealized memories of a deceased spouse or comparisons arising from another marriage may affect the new bond the couple seeks to share. Such feelings need to be identified and discussed. The pastoral minister should encourage and facilitate honest sharing and should assist the couple in taking advantage of the resources and opportunities that may be available to them.
- The pastoral minister should avoid the tendency to presume that persons marrying a second (or third) time do not require a great deal of marriage preparation since the institution of marriage is familiar to them. Marriage preparation is not just about the institution of marriage; it is about the particular couple preparing for marriage together. A new relationship presents new challenges.
- Remarriage preparation programs and the use of sponsor couples with similar circumstances can be most helpful in

responding to the needs of those who seek remarriage in the Catholic Church.

Sexual Identity

Goal: To help the engaged couple appreciate the significance of sexual identity in general, and sexual orientation in particular when considering marriage.

Guideline:

We presume that a man and a woman asking to marry understand themselves as heterosexual man and a heterosexual woman. When either person expresses doubt or conflict about sexual identity or sexual orientation, careful attention must be given to both parties. If the couple has not dealt with this topic, further assistance by a counseling professional is strongly recommended.

Discussion:

In the course of the marriage preparation process, issues concerning a person's sexual identity may arise (e.g. in the findings of the premarital inventory, F.O.C.C.U.S.). These issues may be related to sexual orientation: homosexuality, bisexuality or other aspects of sexual identity. The following principles will help the pastoral minister to reflect with the couple on these issues with pastoral sensitivity.

- Human beings are blessed with profound and mysterious gifts. Among these are rationality, spirituality, personality, and sexuality. We synthesize all these gifts as we grow in self-understanding. We call this self-understanding our identity.
- Everyone, man and woman, should acknowledge and accept his or her sexual identity. Physical, moral and spiritual difference and complementarity are oriented towards the goods of marriage and the flourishing of family life. The harmony of the couple and society depends in part on the way in which the complementarity, needs, and mutual support between the sexes are lived out.
- Sexuality affects all aspects of the human person in the unity of the person's 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. Creating the human race in his own image, God who is love, inscribed in the humanity of man and woman the vocation, and thus the capacity and responsibility, of love and communion.

- Sexuality, by means of which man and woman give themselves totally to one another is proper and exclusive to spouses, not simply biological, it 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.
- Chastity means the successful integration of sexuality within the person and thus the inner unity of a human person's bodily and spiritual being.
- All components of one's identity are important considerations when deciding to marry. Sexual identity is of particular importance as it can, of its very nature, seriously disrupt the partnership of married life and love. It can even contribute to a defect of consent. (*c. Canon 1055*)
- If the couple has already addressed this topic, it is important to discuss with the pastoral minister their reasons for marrying and the conflict they may face. Neither the desire nor the physical ability to have children lessens the importance of this discussion.
- Other complex issues of sexual identity should be referred to the diocese for the appropriate course of pastoral care.

Selected Bibliography and Reference Material

Documents of the Second Vatican Council

Flannery, Austin: Vatican Council II, The Conciliar and Post Conciliar Documents, Northport, NY, Costello Publishing Col., 1992

- Pastoral Constitution on the Church in the Modern World, *Gaudium Et Spes*, 1965
- On the Apostolate of Lay People, *Apostolicam Actuositatem*, 1965
- Declaration on the Relation of the Church to Non-Christian Religions, *Nostra Aetate*, 1965
- Decree on Religious Liberty, *Dignitatis Humanae*, 1965

Vatican Documents

- Marriages between Roman Catholics and Orthodox Christians, *Crescens Matrimoniorum*, 1967
- Of Human Life, *Humanae Vitae*, Pope Paul VI, 1968
- Apostolic Letter on Mixed Marriages, *Matrimonia Mixta*, 1970
- Declaration on Certain Questions Concerning Sexual Ethics, *Persona Humana*, Congregation for the Doctrine of Faith, 1975
- The Role of the Christian Family in the Modern World, *Familiaris Consortio*, Pope John Paul II, 1981
- On the Pastoral Care of Homosexual Persons, Congregation for the Doctrine of Faith, 1986
- Instruction on Bioethics, Respect for Human Life, *Donum Vitae*, Congregation for the Doctrine of Faith, 1987
- Directory For the Application of Principles and Norms on Ecumenism, Pontifical Council for Promoting Christian Unity, 1993
- Letter to Families, Pope John Paul II, 1994
- The Truth and Meaning of Human Sexuality, The Pontifical Council for the Family, 1995
- The Gospel of Life, *Evangelium Vitae*, Pope John Paul II, 1995
- Preparation for the Sacrament of Marriage, The Pontifical Council for the Family, 1996
- Pope John Paul II, The Theology of the Body, Human Love in the Divine Plan, Boston, MA, Pauline Books and Media, 1997
- Family, Marriage and “De Facto Unions”, The Pontifical Council for the Family, 2001

- The Natural Dimension of Marriage, Pope John Paul II to Roman Rota, 2001

Other Ecclesial Documents

- Catechism of the Catholic Church
- Code of Canon Law
- Code of Canons of the Eastern Churches
- The Roman Ritual, the Book of Blessings
- The Rite of Marriage

The United States Conference of Catholic Bishops

- Brothers and Sisters to Us, 1979
- A Family Perspective in Church and Society, 1987
- Faithful to Each Other Forever, 1988
- Go and Make Disciples – A National Plan and Strategy for Catholic Evangelization, 1992
- When I Call for Help: A Pastoral Response to Domestic Violence Against Women, 1992
- Always Our Children, 1997
- Marriage Preparation and Cohabiting Couples, 1999

Ecumenical Documents

- A Christian Declaration on Marriage, Origins, Nov. 23, 2000, Vol. 20: No. 24, p. 338

Other Resources

- Healy, James, Living Together and the Christian Commitment, Allen, Texas, 1993, 1999
- Kippley, John F., Marriage is for Keeps, Cincinnati, Ohio, 1993
- Family Life Office, FOCCUS (Facilitating Open Couple Communication, Understanding and Study), Omaha, Nebraska, 1985, 2nd Ed, 1997
- Olson, David, David Fournier, Joan Druckman: PRE-PARE (Premarital Personal and Relationship Evaluation), Minneapolis, MN, Life Innovations, Inc., 1980
- Champlin, Joseph, Together for Life, Notre Dame, IN, Ave Maria Press, Inc. 1970, 1988, 1997
- Michigan Catholic Conference, Provincial Guidelines for Marriage Preparation, 1993
- Wisconsin Catholic Conference, Pastoral Guidelines for Marriage Preparation, 1994
