

GUIDEBOOK FOR MARRIAGE PREPARATION  
IN  
THE DIOCESE OF COVINGTON

I. WHAT IS NEEDED IN THE PRENUPTIAL FILE?

A. For a first wedding (first wedding for both parties):

Completed prenuptial papers provided by the diocese;

1. Baptismal Certificate(s)

Certificate is valid only if issued within the past six months. When requesting a baptismal certificate from another parish, always request a copy of the certificate with any and all notations. Consult section II if unable to find a baptismal certificate.

2. Confirmation Certificate(s) of Catholic Party (Parties)

This is necessary only if the date and place of Confirmation is not listed as a notation on the baptismal certificate. Consult section II if there is no record of confirmation.

3. Proof that the couple has completed one of the diocesan marriage preparation programs.

4. Proof that the couple has completed the diocesan requirement of attending an approved NFP course.

5. A record of any dispensation or permission given by the bishop, his delegates, or by those with the authority to do so.

6. Proof of freedom to marry of both parties (cf. section VI).

7. Any explanatory notes or observations which the one preparing the couple thinks should be kept.

B. For any “second wedding” see section VIII.

II. BAPTISMAL AND CONFIRMATION INFORMATION

A. Baptism

If the Catholic party does not remember where he/she was baptized or if a baptismal record cannot be found, there are several things that can be done.

1. Obtain a Confirmation certificate.

2. Obtain sworn testimony from witnesses of the baptism such as the parents or godparents or close relatives of the party. This testimony should indicate that the

party was baptized, where, and approximately when. You may use the proof of baptism affidavit form found on the diocesan website for this purpose.

3. In the case of refugees, none of the above mentioned options may be of help. In such a case, a sworn statement from the party testifying to the fact, place, and approximate date of Baptism would be acceptable.
4. People should be baptized conditionally only when they cannot remember whether or not they have been baptized, and no record of baptism can be located, and no witnesses to a baptism can be contacted, or when there is real doubt about the validity of the Baptism conferred.

#### B. Confirmation

1. If the person remembers being confirmed but a record of that Confirmation cannot be found, steps similar to the ones mentioned above can be used.
2. If the person has not been confirmed, which often is the case, then the matter is more serious. Catholics should be confirmed before they are married. "If they can do so without serious inconvenience, Catholics who have not as yet received the sacrament of confirmation are to receive it before being admitted to marriage" (c. 1065).

### III. WHO HAS JURISDICTION TO ASSIST AT MARRIAGES?

- A. The Pope, anywhere in the world.
- B. The bishop in his diocese.
- C. The pastor (and parochial vicar in this diocese) of the Catholic party (if both parties are Catholic, then the pastor or parochial vicar of either parish has jurisdiction).

It should be noted that a person gains his or her status as a parishioner in canon law by:

1. Having a domicile or at least quasi-domicile (see below for explanation of the terms "domicile" and "quasi-domicile") in a territorial parish;

NOTE: Whether or not the person is registered in the parish makes no difference in law.

2. Meeting the requirements set for membership in a personal parish.
3. Explanation of domicile and quasi domicile

a. Domicile – One obtains domicile in a parish or a diocese by establishing a residence there with the intention of remaining there permanently unless called away or by actually living in a place for five complete years.

b. Quasi-domicile – One obtains quasi-domicile by moving to a place and establishing a residence there with the intention of remaining there for at least three months unless called away, or by actually remaining in a place for three complete months.

4. Who has jurisdiction in cases of “non-canonical parishioners”?

It often happens that a Catholic son or daughter moves to the territory of another parish or diocese, but continues to participate in the sacraments at the parish of his or her parents. Since one becomes a parishioner of a territorial parish by having a domicile or quasi-domicile within the territorial limits of that parish, these sons or daughters are not, in law, parishioners of the parish of the parents. If a person in this position would request to be married in the parish church of his or her parents, the pastor of that parish would have to request permission from the canonical pastor of the party concerned in order to have a licit celebration.

NOTE: Whether or not the person is registered in the parish makes no difference in law.

5. The wedding is to take place in the parish church of either of the Catholic parties. For information concerning the place for weddings when a dispensation from canonical form is to be granted, see Section V.

Canon law gives the local pastor the authority to allow the celebration of a wedding in another Catholic church or oratory within the territory of his parish. For a marriage according to Catholic form between Catholics or between a Catholic and a baptized non-Catholic, only the bishop or vicar general can give permission for the wedding to be celebrated outside of a Catholic church or oratory. For a marriage between a Catholic and an unbaptized person, the wedding may be celebrated according to canonical form in a Catholic church or some other suitable place at the discretion of the pastor.

IV. WHO HAS AND WHO NEEDS TO OBTAIN DELEGATION TO ASSIST AT MARRIAGES?

- A. In the Diocese of Covington, the following can validly assist at weddings without requesting delegation:

1. The bishop and his vicar(s) general;
  2. A pastor or parochial vicar within the limits of the parish;
  3. Any priest officially assigned to a residence in the parish rectory (residents, retired priests assigned to live in a rectory, etc.);
  4. Deacons who are assigned to a parish within the limits of that parish.
- B. For **validity**, the following **must** request delegation from the bishop, the vicar general, or the pastor of the parish in which the wedding will take place,:
1. Any priest or deacon from outside the diocese;
  2. Any priest who is not officially assigned to the parish in which the wedding will take place;
  3. Any deacon, when the wedding will take place outside the parish to which he is assigned.
- C. General vs. Specific Delegation

Delegation can be given verbally by someone who has the power to give it in specific cases. General delegation must be given in writing.

## V. PERMISSIONS AND DISPENSATIONS

Please address all requests for dispensations and permissions to:

**Diocese of Covington  
Office of the Chancellor  
1125 Madison Avenue  
Covington, KY 41011-3115**

### A. Permissions:

1. When both parties are Catholic, the permission of either party's territorial pastor is sufficient for liceity.
2. When only one party is Catholic, the permission of the Catholic party's territorial pastor is required for liceity.
3. In the following cases, the Bishop's permission ( in cases of necessity a Vicar General or the Judicial Vicar in cases a-g) to assist at the wedding must be obtained:

- a. When one of the parties has obligations arising from a previous marriage which are not being met, (e.g. child support, visitation rights, etc.);
- b. When neither of the Catholic parties has a domicile or quasi-domicile recognized by law;
- c. When the marriage is not going to be recognized by civil law;
- d. When either of the parties has notoriously abandoned the Catholic faith;
- e. When either party is bound by any ecclesiastical censure (suspension, excommunication, interdict, etc.);
- f. When either party is a minor (under 18) and the parents are either unaware of or opposed to the wedding;
- g. When the wedding is going to be conducted by proxy;
- h. When a Catholic wedding is to be celebrated outside of a Catholic church or oratory

## B. Dispensations

### 1. Reserved to the Holy See:

In the following cases, your request for a dispensation would have to be forwarded to the Holy See:

- a. When either party is in sacred orders or has taken a public perpetual vow of chastity in a religious institute of pontifical right;
- b. When either party has incurred the impediment of *crimen*;

NOTE: *Crimen* exists in law only when there is conjugicide, i.e., when a spouse has been killed in order to clear the way for a new marriage.

### 2. Reserved to the local ordinary:

In the following cases, requests for dispensation can be handled by the bishop of the diocese of residence of the Catholic party or his delegates or the bishop of the diocese in which the wedding is to take place.

- a. Age (when the boy has not completed his 16<sup>th</sup> year or the girl her 14<sup>th</sup> year);
- b. Disparity of Cult (Catholic and non-baptized person);
- c. Affinity (when, for example, a man would want to marry anyone related to his deceased wife by blood in the direct line);
- d. Consanguinity (when, for example, a man wishes to marry a blood relative). This is never given in any degree of the direct line or up to the second degree of the collateral line. It is rarely and only for the most serious reasons given in cases involving what we usually call “first cousins.” It would almost never be given in any case for which the state would not issue a license;
- e. Public Propriety. This impediment arises from “common law” marriages or by invalid marriages. It extends to all those related by blood to the “spouse” in the first degree of the direct line. For example, a man could not marry his common law spouse’s mother or daughter after he ends his relationship with his common law spouse;
- f. Adoption (when, for example, a boy is adopted, he cannot later marry his adopted mother or grandmother or any of the natural children of his adopted parents);
- g. Canonical Form (When the non-Catholic party wants to have the wedding before a non-Catholic minister);

### 3. Sufficient Reasons for Permissions/Dispensations

- a. FOR MIXED RELIGION AND DISPARITY OF CULT.
  - 1. Probable danger of an invalid marriage;
  - 2. Well founded hope of conversion of non-Catholic;
  - 3. The plans for the marriage have already been made public;
  - 4. Legitimization of offspring;
  - 5. The children of a previous marriage will be educated in the Catholic faith;

6. Removal of grave scandal (the couple is already living together);
  7. The wedding is so close that it simply cannot be called off without grave embarrassment and the alienation of the Catholic party;
- b. FOR CANONICAL FORM.
1. The non-Catholic has a close relationship with the non-Catholic minister and would very much like to have that minister preside at the wedding;
  2. The non-Catholic has a very strong and long standing attachment to his/her church and insists that the wedding take place there;
  3. The family of the non-Catholic is very much opposed to the idea of having a wedding in a Catholic Church and the best way to achieve family harmony seems to be to allow the wedding in the non-Catholic church.
  4. IMPORTANT: The person assisting at the wedding must ask for and receive the consent of **both** parties.

#### VI. PROOF OF FREEDOM TO MARRY

- A. Banns of marriage can be announced in the traditional way;
- B. The Affidavits for Freedom to Marry can be obtained;
- C. The priest or deacon who is preparing the couple for the wedding can check the line on the prenuptial form that would indicate that he or she has known both parties for a long time.

If one of the parties has been previously married, see section VIII.

#### VII. NOTIFICATIONS, RECORD KEEPING, FILING OF PAPERS

##### A. Notifications:

1. When the wedding involves two Catholics, or if it takes place in a Catholic ceremony, the following are to be sent official notification of the wedding:
  - a. parish(es) of both Catholic party (parties)
  - b. church of baptism of Catholic party (parties)
2. When the wedding takes place in a non-Catholic ceremony with a dispensation from canonical form, the following must be sent official notification of the wedding:

- a. parish of Catholic party
- b. church of baptism of Catholic party
- c. office that issued the dispensation

B. Recording, Filing of Papers

1. When the wedding takes place in a Catholic church, the papers are filed and the marriage recorded at the Church where the wedding took place. If that is a mission church at which records are not kept, the papers are filed in the “mother parish.”
2. When the wedding takes place after a dispensation from canonical form, the papers are filed and the wedding is recorded in the parish of the proper pastor of the Catholic party. Notification of the wedding is sent to the office that granted the dispensation and this office will also keep a record of where the papers have been filed.

VIII. SPECIAL PROCEDURES FOR “SECOND WEDDINGS”

This section applies to any case in which at least one of the parties has had a previous wedding of any kind.

- A. When one of the parties is a widow or widower, all that is necessary is that the death certificate of the spouse who has died is obtained and kept in the prenuptial file. A funeral certificate from the church where the funeral took place is also acceptable.
- B. When, for example, the groom has already been through a wedding and the woman who was the bride in that wedding is still alive, then the diriment impediment of *ligamen* (prior bond) exists. In the Diocese of Covington, all such cases must be referred to the Tribunal. This includes what are commonly called “Total Lack of Form” cases, i.e., cases involving a Catholic whose previous “marriage” was outside the Church.
- C. When a judicial investigation and decision is going to have to be made by the Tribunal:
  1. When a couple comes to the parish to arrange for a wedding and it is discovered that there has been a previous wedding and the spouse from that wedding is still alive, no date may be scheduled for a wedding celebration until the matter has been fully settled by the Tribunal.

Therefore, do not give the couple a date for the wedding. The Tribunal cannot assure the couple at the outset that an affirmative decision will be given in a marriage case and can give the couple no assurance of even an approximate date when a decision will be reached.

2. If an annulment is granted, the petitioner will receive a letter from the Tribunal informing him/her of this. The petitioner is instructed to show this to the parish priest/ deacon. **This is not the official decree of nullity!** The one preparing the petitioner for marriage must obtain from the Tribunal an official decree of nullity. The reason for this is that the decree might very well contain conditions that must be met before any marriage for the petitioner can be allowed. Even if it does not contain such conditions, it may contain information that the judge wished to share with the parish priest or other minister in order to help prepare the petitioner for marriage.
3. The official decree should be kept in the prenuptial file. If any *vetitum* or *monitum* has been attached to the decree by the judge at the Tribunal, the one preparing the petitioner for marriage must place some note in the prenuptial file explaining how the *vetitum* or *monitum* was addressed. If the *vetitum* includes a clause requiring the person preparing the couple for marriage to come to the Tribunal and read the acts of the case and discuss the matter with the judge in the case, then a record of that meeting should be kept in the prenuptial file.

#### D. The Significance of the *Vetitum*

When a judge in the Tribunal attaches a *vetitum* to a decision, it is done with the authority of the bishop. If a wedding is celebrated without the terms of the *vetitum* being met, the celebration is illicit.

#### E. The Significance of the *Monitum*

When a judge attaches a *monitum* to a decision, it is done with the authority of the bishop. If a wedding is celebrated without the terms of the *monitum* being met, the celebration is illicit.

#### F. The Matter of Obligations Arising From a Previous Marriage

The bishop's permission must be obtained before any marriage can be celebrated for a person who has natural obligations arising from a previous "marriage". This would refer to child support, alimony, debts, visitation rights, etc. This is a matter of simple justice. The Church recognizes that it would be a scandal to allow a man, for example, to celebrate a wedding in a Catholic ceremony when he was neglecting his duties to his children from a previous union. The bishop has given all his priests the necessary permission they need in these cases, but only on the condition that the person is living up to the natural obligations mentioned above. Therefore, some note should be placed in the prenuptial file indicating how the one preparing the party for marriage obtained proof that the party was living up to the obligations from the previous marriage.

## IX. THE NUPTIAL MASS AND SUNDAY OBLIGATION

When a wedding takes place within the context of the Eucharist, even if the Nuptial Mass is used, participation in such a liturgy fulfills the Sunday Obligation of those participating, as long as the liturgy takes place within the times prescribed by the local bishop for the fulfillment of the Sunday Obligation.

In the Diocese of Covington, therefore, participation in the Eucharistic Liturgy, even a Nuptial Mass, after 4:00 PM on Saturday and before midnight on Sunday fulfills one's Sunday Obligation.

## X. SUMMARY OF DUTIES

### A. Recording and Notification

The Code gives to the "pastor or the one who takes his place" the duty to make sure that the canonical celebration of a wedding be recorded in the official marriage register and that notifications of the marriage are sent to the places and persons required by law.

### B. Compilation of the Prenuptial File

This is the responsibility of the one who is preparing the couple for marriage, whether that be the pastor, the parochial vicar, or a deacon. If someone other than the pastor who is to assist at the marriage conducts the prenuptial investigation, he must notify the pastor as soon as possible through an authentic document (i.e., signed, dated, and sealed with the parish seal).