

I wish to address the situation of those who are divorced and remarried. Is there a way for such persons to marry in the Church? In many cases the answer is yes. To marry in the Church a man and a woman must be free to marry. Among other things that means that they cannot have a prior marriage bond with someone else. In some cases, a person has a previous marriage that was invalid. For example, consider a man who was baptized Catholic. In his first marriage he failed to observe canonical form (which requires that he marry in a Catholic Church before two witnesses and an authorized minister of the Catholic Church such as a priest or deacon with proper faculties from the bishop). We can also assume that this man did not request and receive a dispensation from canonical form. Perhaps he married a woman in a Lutheran church or at the county courthouse. This would be a pretty black-and-white example of an invalid marriage. However, the facts of the case still need to be documented, presented to the Bishop's chancery office, and a formal **declaration of invalidity due to lack of form** must be made.

This is usually a fairly simple process. The man would need to simply make an appointment with a priest at the parish. The priest would need to collect some documents: a newly issued baptismal certificate that proves that the man is, in fact, a baptized Catholic, a copy of the civil marriage record from the County where the marriage took place, and a copy of the divorce decree. In addition, the priest would need to have a simple witness affidavit signed by two other people testifying that the man and his first wife never had their marriage "validated," meaning that they never exchanged vows before a Catholic priest or deacon. There is also a small \$100 processing fee that the Diocese requests. Once the necessary documents are gathered together the priest will send them on to the Diocese. If everything is in order then the man should receive the declaration of invalidity usually within a month's time if not sooner. This declaration of invalidity is evidence that the man is now free to contract marriage in the Church. It is important to remember that this is a Church document. It has no bearing in terms of civil law. It is also important to remember that a declaration of invalidity has no bearing on the status of any children who might have been born from the union. In other words, a declaration of invalidity does not make one's children "illegitimate." Historically, "illegitimacy" was more of a civil law concept that had to do with inheritance rights. This process has no bearing on the value or status of one's children.

Perhaps a Catholic man has a previous marriage but he did observe canonical form. In such cases, the Church presumes that a marriage is valid. Such a man would need to consider the formal marriage trial process (also commonly referred to as an "annulment"). I will address this process in next week's bulletin. In short, the formal marriage trial process investigates a marriage in order to see if there was something essential to a valid marriage that was lacking at the time that consent was exchanged. For example, did one or both parties not intend to be married for life? Did one or both parties not intend to be open to life? Was there a lack of freedom in the decision to marry? Did one of the spouses conceal something important from the other before the marriage? Was there insufficient maturity? Were there psychological issues that would have prevented someone from being capable of entering into a lifelong union of love?

Perhaps a Catholic woman is married to a non-Catholic man (e.g. baptized Presbyterian) who was married before. Recall the fact that only those who are baptized Catholic are subject to the Catholic Church's Canon Law. Therefore, when two non-Catholics marry in any way it is presumed to be a valid marriage. That man would need to go through the formal marriage process (annulment) in order to see if he is free to marry in the Catholic Church. This process is also available to those who are not baptized.

Please remember, we here at St. Mary parish are here to help you. God bless!