

MARRIAGE STATUS INFORMATION SHEET

For R.C.I.A. Catechumens & Candidates

- Part of the R.C.I.A. process is investigating into the status of married couples (i.e. validity of their current marriage) so as to provide them an unencumbered entrance into the Church. It is not permissible to provide the Sacraments of Initiation to one who is living in an irregular marriage; hence, it is our pastoral responsibility to help couples regularize their marital status. The following explanations serve to help discern the status of catechumens and candidates.
- Validating or Convalidation of a marriage for a candidate should be seen as part of the joyful process of full initiation into the life of the Church.
- Helping someone through an annulment or dissolution of bond is part of the healing ministry of the Church that can be very beneficial to a candidate or catechumen.

A. Fundamentals

1. The Catholic Church presumes that most marriages, civil or religious, are valid. (See CIC, 1060)
2. Any marriage contracted with even only one Catholic party is subject to Canon Law. (See CIC, 1059)
3. Marriage celebrated by two baptized Christians, even when neither are Catholic, is considered sacramental.
4. **Ratum et Consummatum:** A marriage that has been ratified and consummated cannot be dissolved. (See CIC, 1141) A marriage is presumed to be consummated after the couple have ratified their marriage and lived with each other unless proven otherwise. (See CIC, 1061 §2) “For a just cause, the Roman Pontiff can dissolve a non-consummated marriage between baptized persons or between a baptized party and a non-baptized party at the request of both parties or of one of them, even if the other party is unwilling. (CIC, 1142)”
5. **General Standards of Validity**
 - a) First marriage for each partner.
 - b) Any prior marriages have been dissolved by death or have been annulled by a Catholic marriage tribunal.
 - c) In the case of a marriage to a Catholic, all canonical norms were followed in the celebration of the marriage.
6. **Marriages Validly Contracted Outside the Catholic Church:** The marriage of a non-Catholic person that is valid prior to a catechumen’s sacramental initiation or candidates full reception remains valid. It is neither necessary nor possible to celebrate any further marriage rite.
 - a) The sacramental bond that exists between two baptized non-Catholics remains intact when one or both of them are received into full communion.

- b) The natural bond of marriage that exists between two unbaptized persons continues (in its non-sacramental state) when one of them is baptized.
 - c) The natural bond of marriage that exists between a baptized Christian and a non-baptized person becomes a sacrament at the moment of the latter's baptism; so long as marital consent perdures at that time.
 - d) If two unbaptized persons are married and then both receive baptism their natural bond of marriage becomes sacramental marriage at the moment of baptism; so long as marital consent perdures at that time.
7. **Convalidation:** When a Catholic party fails to fulfill all of the "form" required by the Church to be married and wishes to remain married to their spouse and have their marriage become a sacrament, they need to have the marriage convalidated. In RCIA this may occur as the candidate or catechumen may be legally married to a Catholic spouse, but not sacramentally if they were married outside of the Church; for instance civilly. Thus, a convalidation of their marriage is necessary.
- a) **Radical Sanation:** If a couple needing a convalidation fear scandal or undue public humiliation would be brought on by a regular convalidation ceremony or Mass, it is possible to request from the chancery a *sanatio in radice*. A radical sanation means that the Church goes back and heals the marriage at the root, since there is typically a defect of form in such situations, the Church provides form retroactively. This would involve a dispensation from any further public rituals and the effect is a valid marriage between the parties. (See CIC, 1161-1165)
8. **Annulment:** a formal decree that a valid marriage was never a sacramental union. This in no way renders children from that marriage "illegitimate" or "conceived in sin" since the law presumes the presence of the bond until proven otherwise.
- a) **Defect of Form:** This occurs when one of the party's being Catholic, and hence bound by the law of the Church, failed to ensure that the proper Catholic form for the marriage existed or was dispensed by just authority.
 - b) **Previous Bond:** The candidate or catechumen had been validly married prior to the marriage in question without having that marriage annulled or dissolved. Thus, not first having their prior marriage annulled or dissolved all subsequent marriages are invalid since the previous first marriage bond remains.
 - c) **Defect of Consent:** This requires an intensive look into the history of the courtship and marriage, so as to determine whether or not one or both parties failed to properly consent to marriage based on some form of a reservation, fear, mental/emotional/psychological issue (See CIC, 1095 §3), immaturity, etc...
 1. Lack of ability or intention to enter a permanent relationship between one man and one woman that is ordered to procreation. (See CIC, 1096, 1099)
 2. Lack of ability or intention to be faithful to one's spouse. (See CIC, 1101 §2)
 3. Lack of freedom when entering into the marriage. (See CIC, 1098 & 1103)

4. Lack of complete commitment by placing future conditions or restrictions.
(See CIC, 1102 §1-3)

9. **Dissolution of Bond:** If the person is a catechumen, then the following possibilities may apply.

- a) **Pauline Privilege:** This privilege of the faith applies when both parties are unbaptized. The marriage is not sacramental, since for marriage to be a sacrament it presumes Baptism. This bond may be dissolved in favor of the newly baptized person entering into a sacramental marriage. (See CIC, 1143)
- b) **Petrine Privilege:** Refers to the marriage between a baptized Christian and an unbaptized person. If the marriage is consummated after the catechumen becomes baptized this privilege may not be invoked. When possible this privilege is granted by the Pope. (See CIC, 1142)

B. Situations:

1. A Divorced Person:

- a) **When a Candidate:** If the marriage was contracted between two baptized persons, even if neither or only one person was Catholic, the marriage was valid and must be annulled before this candidate can get married in the Church and before the candidate receives the rest of the Sacraments of Initiation they should have the previous matrimonial bond annulled. If the person has been divorced and “re-married” multiple times, each prior marriage needs to be annulled starting with the first marriage, chronologically.
- b) **When a Catechumen:** If this situation involves a **catechumen** and their previous spouse was also unbaptized than the Pauline Privilege applies. If the catechumen was married to a baptized Christian than the Petrine Privilege applies.

C. Particulars as they Apply to RCIA

1. Except in danger of death, candidates living in invalid marriages cannot be sacramentally initiated or received into full communion. When initiated in danger of death, candidates must understand that if they recover they will be bound by the same regulations that apply to other Catholics invalidly married. (See CIC, 865 §2, 1352)
2. Persons who are invalidly married may be admitted as catechumens if they have come to the initial faith and conversion required by the Rite of Admission. The pastor is to explain that the normalization of the marriage is an important aspect of the deepening Christian conversion.
3. Where a possible prior bond of marriage exists, it must also be made clear that there is no assurance that the tribunal process will result in a declaration of nullity.

4. Once it is clear that an irregular marriage can be legitimately convalidated, this should be done without undue delay and certainly before the celebration of the Rite of Initiation.
5. Catechumens who remain invalidly married are not to be presented for the Rite of Election, since this rite promises sacramental initiation. The only exception is in the case of one who has received an undisputed declaration of nullity from a Catholic marriage tribunal allowing for the convalidation of the marriage before the Paschal Triduum.
6. A couple that are engaged, who wish to get married but are also either both or one party currently engaged in the R.C.I.A. process, should plan to get married after the R.C.I.A. process concludes, not merely so that they may enter the Sacrament of Matrimony now fully incorporated into the Church, but so that they may more fully engage in the preparatory process that each of these spiritual journeys demand.

Note: Further questions regarding canonical questions and or their particular respect to the R.C.I.A. process should be referred to the office for R.C.I.A. at St. Paul Inside the Walls or the diocesan tribunal.