

PREVIOUS and/or INVALID MARRIAGES and the RCIA

"The duration of this period [the Catechumenate] depends upon the progress of the individual, and can vary from **one to three years.**" (*Diocese of Beaumont - RCIA Guidelines, p. 5*)

"In the Diocese of Beaumont, the suggested time for completing the process of the Rite of Christian Initiation of Adults is **one year or more.**" (*Diocese of Beaumont - RCIA Guidelines, p. 6*)

"When an individual first comes to the parish it is important to inquire into the marital status of the inquirer, and if married or engaged, that of his or her spouse, fiancé, or fiancée. This can be determined by using the initial interview questionnaire [Initial Application]. Early in this period a person who has been divorced and re-married should be directed to discuss the situation with the pastor or another person who knows the marriage laws of the Church, so that if a canonical procedure is necessary the process can begin as soon as possible. Because some Tribunal procedures can be lengthy, the individual must be advised that his or her initiation into the Catholic faith cannot occur until and unless the Tribunal process is completed and an affirmative decision received. If a Tribunal process is necessary, in the Diocese of Beaumont, it must be granted **before an individual celebrates the Rite of Election or the Rite of Calling the Candidate to Continuing Conversion** and enters the period of Purification and Enlightenment." (*Diocese of Beaumont - RCIA Guidelines, p. 7*)

ADDRESSING IRREGULAR MARITAL SITUATIONS OF APPLICANTS FOR THE RCIA

Principle 1: A marriage is presumed to be valid until proven otherwise. (Valid means that the mandated requirements applicable to the couple are fulfilled; the act is legally effective.)

Principle 2: A valid marriage is indissoluble; that is, it cannot be dissolved by the subsequent withdrawal of consent of the parties or by the intervention of external authorities.

Principle 3: A valid marriage between two baptized persons is also a sacrament.

Irregular marital situations: **1)** the applicant for the RCIA was previously married, divorced, and is now re-married - and the previous spouse is still alive; **2)** the applicant is married to a person who was previously married and divorced and whose previous spouse is still alive; **3)** the applicant is in a first marriage with a Catholic (who was also free to marry), but they were married outside the Catholic Church.

Determining whether an irregular marital situation exists for an applicant:

EARLY in the inquiry process, the marital status of every applicant must be scrutinized to determine if there are any irregularities that would prevent the applicant from celebrating the Rite of Election or the Rite of Calling to Continuing Conversion. The attached "Initial Application" form (Rev. 8/2009) is essential to clarifying the marital status so the pastor can consult with the Tribunal and then meet with the applicant for further discussion about next steps. Depending on the complexity of the matter, a longer procedure to remedy the situation may be necessary (e.g. declaration of invalidity of the previous marriage(s) [commonly known as an "annulment"] or dissolution in favor of the faith). Thus, the catechumen/candidate may have to wait for another year before celebrating the Rite of Election or the Rite of Calling to Continuing Conversion. It is imperative that any irregular marital situation be addressed

EARLY and that the applicant know clearly the Tribunal procedures that lay ahead and whether the applicant can proceed to the Rite of Election *or* the Rite of Calling to Continuing Conversion or whether he/she will have to wait until the next year.

VERY IMPORTANT: Do not pressure the Tribunal to expedite any case in order that the applicant can go through the Rite of Election *or* the Rite of Calling to Continuing Conversion in the first year of the RCIA. Tribunal procedures have specific time requirements, and they are also affected by factors outside the Tribunal's control.

Also, do not give the applicant a premature or false hope that the Tribunal process will be completed in time for the Rite of Election *or* the Rite of Calling to Continuing Conversion OR that the annulment petition will receive an affirmative decision. Creating unrealistic expectations and hopes for the applicant can result in great disappointment and frustration for the applicant and his/her family.

ARTICULATING A WELCOMING CONTEXT FOR AN APPLICANT IN AN IRREGULAR MARRIAGE:

(A model - adjust to the specific circumstances of the applicant)

"Every person is unique, and each one has a unique history and set of circumstances when he/she approaches the Church for Christian Initiation or full communion. Each person's process of conversion is unique, and the internal change of heart and deepening spiritual growth is different from any other person. The readiness of each individual to take the significant steps in the RCIA process depends on many factors--intellectual, physical, emotional, spiritual, historical, and ecclesiastical."

"The RCIA is ordinarily a process of one to three years, depending on the situation of each person. Your previous marriage(s) is/are part of your unique history; thus, for you the process will incorporate some additional steps and take a longer period of time. These additional steps to address your previous marriage(s) are not simply 'hoops to jump through', nor are they a penalty for past failures. They are part of YOUR unique journey toward Christian initiation (OR full communion)."

"When you meet with our pastor, he will review your marital history and current status and clarify which Tribunal procedure is necessary to remedy your current irregular marital situation so you will be free to take the next significant steps in the RCIA process. The full completion of the Tribunal procedures may take 8 mos. to one year, and our pastor can help you begin these procedures. Please do not set your hopes on celebrating the Rite of Election and being baptized this year (OR celebrating the Rite of Calling to Continuing Conversion and being received into full communion this year)." REPEAT: "These additional steps to address your previous marriage(s) are not simply 'hoops to jump through', nor are they a penalty for past failures. They are part of YOUR unique journey toward Christian initiation (OR full communion). You have a longer opportunity to study and learn about the Catholic faith and to grow in your relationship with the Lord Jesus while the Tribunal is processing your case(s)."

ARTICULATING A WELCOMING CONTEXT FOR A DIVORCED APPLICANT NOT CURRENTLY RE-MARRIED:

(A model - adjust to the specific circumstances of the applicant)

"Every person is unique, and each one has a unique history and set of circumstances when he/she approaches the Church for Christian Initiation or full communion. Each person's process of conversion is unique, and the internal change of heart and deepening spiritual growth is different from any other person. The readiness of each individual to take the

significant steps in the RCIA process depends on many factors--intellectual, physical, emotional, spiritual, historical, and ecclesiastical."

"The RCIA is ordinarily a process of one to three years, depending on the situation of each person. Your previous marriage(s) is/are part of your unique history that will have to be resolved if you ever wish to re-marry in the Church. For now, the fact that you are not re-married means that there is no obstacle to your proceeding in the RCIA toward the Rite of Election (OR the Rite of Calling to Continuing Conversion). *However, you must understand clearly that once you become an Elect (OR become a Candidate), you will not be free to re-marry in the Church until and unless your previous marriage(s) is resolved through a Tribunal procedure (which may take 8 mos. to one year) and an affirmative decision is rendered.* If you wish, you may begin that Tribunal procedure now with the assistance of our pastor, or you can wait until later if you have no plans to re-marry. We want you to proceed in the RCIA with a clear understanding of your unique situation."

If the divorced applicant is engaged, then also add the following:

"If you have already scheduled your wedding to take place in the near future, then your re-marriage will create an irregular marital situation that will delay your proceeding toward the Rite of Election (OR the Rite of Calling to Continuing Conversion). The Tribunal procedures will have to be completed first, thus, delaying the Rite of Election (OR the Rite of Calling to Continuing Conversion) until next year at the earliest. In addition, if your intended spouse was previously married, he/she will have to initiate a Tribunal procedure, since that previous marriage has an effect also on your status."

"These additional steps to address your previous marriage(s) (or that of your intended spouse) are not simply 'hoops to jump through', nor are they a penalty for past failures. They are part of YOUR unique journey toward Christian initiation (OR full communion). You will have a longer opportunity to study and learn about the Catholic faith and to grow in your relationship with the Lord Jesus while the Tribunal is processing your case(s)."

EXAMPLES OF IRREGULAR MARITAL SITUATIONS THAT MUST BE RESOLVED BEFORE CELEBRATING THE RITE OF ELECTION OR RITE OF CALLING TO CONTINUING CONVERSION:

1. Unbaptized applicant for the RCIA was married to another unbaptized person (civilly, common law, or in a non-Catholic church) and they divorced. Applicant is *currently re-married* to a non-Catholic. The previous marriage is presumed to be a valid marriage, and the 2nd marriage became irregular due to prior bond.

Possible Tribunal Procedure: formal annulment process

2. Unbaptized applicant was married to another unbaptized person (civilly, common law, or in a non-Catholic church) and they divorced. Applicant is now re-married to a Catholic (outside the Catholic Church). The previous marriage of the applicant is presumed to be a valid marriage, and the 2nd marriage became irregular due to prior bond *and* to lack of canonical form for the Catholic.

a) Possible Tribunal Procedures: a) formal annulment process or, b) the Pauline Privilege; followed by

b) convalidation of the present marriage (IF the present marriage is stable) after the usual marriage preparation

3. Baptized Baptist applicant's first marriage was to a divorced Methodist in the Baptist Church. They are still married. The previous marriage of the Methodist spouse is presumed to be a valid marriage, and the previous non-Catholic spouse is still living; thus, the 2nd marriage to the Baptist applicant became irregular due to prior bond.

Possible Tribunal Procedure: The Methodist spouse must initiate the formal annulment process.

4. A baptized Methodist applicant is currently married to a Catholic (both free to marry), but they were married by a Justice of the Peace. Thus, they are in an invalid marriage because Catholics are to be married before a Catholic priest or deacon and 2 witnesses.

Remedy: Convalidation of the marriage (IF the marriage is stable) after the usual marriage preparation and a permission for a mixed marriage

5. Unbaptized applicant is currently married (outside the Church) to a Catholic who was previously married by a Justice of the Peace.

a) Tribunal Procedure: Lack of Canonical Form documentary process for the Catholic's first marriage (short process); followed by

b) convalidation of the present marriage (IF the present marriage is stable) after the usual marriage preparation and a dispensation from disparity of cult

TRIBUNAL RESOURCES TO EXPLAIN ANNULMENTS:

Refer the applicant to the diocesan website (www.dioceseofbmt.org); click on "Ministry Offices" then "Tribunal". Scroll down to *Resources*. The document "Process for Formal Declaration of Nullity" explains the procedures in the Diocese of Beaumont. The other resources provide additional information to help the applicant understand important concepts and principles. **Tribunal Phone number: 409/924-4319.**

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