



*Diocese of Erie
Office of Matrimonial Concerns and the Tribunal*

Concerning Issues: Dispensation from the Canonical Form of Marriage

*Volume 1, Issue 5
May 2014*

Who Can Grant the Dispensation

Marriages that involve at least one Catholic party are only valid when celebrated before a local ordinary, pastor, or a properly delegated priest or deacon and before two witnesses (Canon 1108). Under certain circumstances, the requirement for this canonical form can be dispensed.

In the case of a marriage between two Catholics only the Holy See can grant the dispensation from canonical form. There are two exceptions to this: (1) in danger of death situations and (2) when one of the parties was baptized in the Catholic Church but later defected from it and joined another church or ecclesial community. In this latter case, the local ordinary of the still Catholic party can grant the dispensation.

In addition, when the Catholic party to a mixed marriage is an Eastern Catholic, the dispensation from canonical form can only be granted by the Holy See. In the United States, the Nuncio has the faculty to grant these dispensations, but they are not granted routinely.

If a Catholic marries an Eastern non-Catholic (Orthodox) in the presence of the Eastern non-Catholic priest, the marriage is valid but illicit if a dispensation from canonical form is not obtained.

When a marriage requires a dispensation from the disparity of cult or a permission for mixed religion, the dispensation from canonical form can only be granted by a local ordinary of the Catholic party. This is the most common situation.

What Must be Observed When a Dispensation From Form is Granted

For validity, a marriage celebrated after a dispensation from canonical form has been granted must involve some public form of celebration (c. 1127 §2). In the Diocese of Erie it is the practice that the dispensation will not be granted unless the projected wedding is to be celebrated in a place of worship of some religious entity, except in the case of Catholic-Jewish weddings. In these situations the dispensation is sometimes granted for the wedding to take place in a reception hall even with a civil authority as the official witness.

When a dispensation from canonical form is granted, the couple is given permission to marry validly without the presence of an authorized priest or deacon. However, the person who officiates must be civilly authorized to witness marriages. If a priest or deacon is present at the celebration of the marriage for which a dispensation from form has been granted, he can simply sit in the congregation or he can play whatever ministerial role the host minister invites him to perform. However, he may not in any way participate in a Eucharistic or communion service presided over by the non-Catholic minister. Some dioceses make the presence of a priest or deacon a condition for the granting of the dispensation from canonical form; other dioceses forbid the presence of a priest or deacon at the wedding ceremony. When such conditions are attached to the dispensation, the validity of the marriage hinges on their fulfillment.

When a dispensation from canonical form is granted, the requesting priest or deacon is required to verify the celebration of the marriage and inform the chancery which granted the dispensation, the parish of the domicile of the Catholic party, and the church of baptism of the Catholic party. M-C forms are to be used for all three of these notifications. The marriage is recorded and the pre-nuptial file is archived in the parish of the Catholic party from which the request for the dispensation from form emanated. The request for the dispensation from canonical form is located on the last page of the M-A Form. Please allow sufficient time for the prenuptial file to arrive and the request to be processed: at least four to six weeks before the date of the wedding is preferred.



Well Done, Good and Faithful Servant

Patricia Wierbinski, an Administrative Assistant in the Office of Matrimonial Concerns and the Tribunal, is retiring on June 6, 2014. Pat's friendly voice was the first thing most people heard when calling the office. Her common sense wisdom, positive attitude, and genuine kindness will be sorely missed. Pat has been compiling a "bucket list" for years of what she wants to do when she retires. She and Bill, her husband of 44 years, (both baseball fans) plan to spend the summer touring as many ball parks as possible. Pat also wants to spend more time enjoying her three grown children and their families, especially her five grandchildren. We hope she isn't too busy to come back and visit.

Often Asked Canonical Question

What is the difference between a dispensation from canonical form and a permission for a marriage in a non-Catholic church?

In the case of the permission for the celebration of a marriage in a non-Catholic church, the priest or the deacon is still the official witness. Unlike cases which involve a dispensation from canonical form, these marriages are recorded in and the prenuptial file archived in the territorial parish where the actual celebration occurs. Besides permission from the local ordinary to witness a marriage in a non-Catholic Church, the priest or deacon must be delegated by the pastor of the territorial parish where the non-Catholic church or chapel is located (even if one or both of the parties to the marriage belong to the priest's own parish).

Special thanks to Father John Beal for providing most of the information in this month's newsletter.