

INSTRUCTION

ON THE PREPARATION FOR CONVALIDATION

IN

THE DIOCESE OF PORTLAND

Convalidation is an excellent opportunity to draw separated Catholics back into the life and sacraments of the Church.¹ Unfortunately, some misunderstandings and pastoral oversights have prevented convalidation from being a truly effective ministry. In view of this, it is necessary to offer this instruction, which will clarify the nature of convalidation and address associated pastoral concerns, so that convalidation can best serve those seeking it.

Convalidation is an act by which an invalid marriage is rendered valid. Convalidation is ***not*** a blessing, or an affirmation of the consent to a civil marriage. It is a distinct marriage and involves a new act of consent. Couples who seek convalidation deserve to receive what they request: a marriage that is valid in the eyes of the Church. Often when couples are not informed that the civil marriage is invalid, they believe that the consent from the civil marriage is sufficient. If this is the case when a couple exchanges consent to a new marriage in canonical form, the consent is invalid. The result, then, is a disservice to the couple. Informing couples of the invalidity of their civil marriage is only the first step in preparing couples for convalidation.

Couples seeking convalidation must be properly prepared for the new marriages they will contract. Due to their special circumstances, however, the ordinary program for marriage preparation must be adapted. Although couples in invalid marriages have chosen to circumscribe the law of the Church, it must be remembered that their situation cannot be equated to the situation of those cohabitating. As Pope John Paul II noted:

Their situation cannot of course be likened to that of people simply living together without any bond at all, because in the present case there is at least a certain commitment to a properly defined and probably stable state of life, even though the possibility of a future divorce is often present in the minds of those entering a civil marriage. By seeking public recognition of their bond on the part of the State, such couples show that they are ready to accept not only its advantages but also its obligations. Nevertheless, not even this situation is acceptable to the Church. (Apostolic exhortation *Familiaris consortio* 82.)

The Church binds Catholics to a prescribed form because Catholics are called to live marriage in a way that transcends the natural or civil requirements of marriage. Through the liturgical celebration of marriage and the necessary preparation that precedes it, Catholics are challenged to embrace the fullness of marriage. Consequently, marrying

outside of the Church is always problematic and may indicate a fundamental misunderstanding of the nature and purpose of marriage.

Marriage preparation ministers must be careful in admitting such couples to liturgical celebrations of marriage. Indeed, such ministers should determine couples' reason for marrying "outside the Church". The fact that couples may desire a church marriage does not demonstrate necessarily that they have the sufficient knowledge or understanding of the significance of the commitment that a valid marriage entails. Therefore, marriage preparation ministers should take care to catechize couples, if necessary.

In addition, those preparing couples for convalidation should carefully consider couples' motivations for seeking convalidation. Convalidation should only be sought when a couple sincerely seeks a marriage that is valid in the eyes of the Church. In the best cases, this decision is the result of a conversion experience or a reconciliation process, which aims at resuming life in the Church. It is often the unfortunate case, however, that couples seek convalidation only to ease family tensions or social pressures or to heal a troubled relationship.

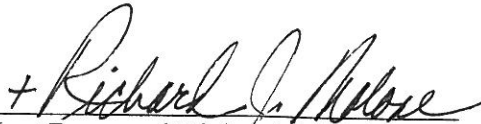
The convalidation of a troubled, broken, or failing marriage poses additional problems. First of all, convalidation should never be seen as a panacea for such marriages. Secondly, even if couples genuinely desire to enter more fully into the sacramental life of the Church, priests and deacons should exercise caution before presiding at the convalidations of troubled marriages. Sufficient care should be taken to ascertain that the parties are capable of contracting a valid marriage. It should never be presumed that the fact that a couple has maintained common life indicates adequate knowledge of the rights and obligations of marriage. Any pertinent issues in the civil marriage, such as emotional problems, infidelity, addictions, etc., should be properly addressed prior to convalidation.

The validity and harmony of convalidated marriages depends upon effective preparation, which the above cautions and exhortations strive to promote. With this in mind, the following norms must be observed, effective immediately in the Diocese of Portland:


- 1) When preparing individuals for a convalidation, marriage preparation ministers must inform the parties of the invalidity of their civil marriage. This notice must be explicit and given to both parties, regardless of religion.
- 2) A marriage which is null because of an absence of form must be contracted anew in canonical form in order to become valid (see c. 1108). The form of marriage is said to be totally lacking or absent when the marriage ceremony did not have the semblance of canonical form of marriage (i.e. marrying "outside the Church" in a civil ceremony without a dispensation).

- 3) A marriage which is invalid because of a defect of form must also be contracted anew in canonical form in order to become valid (see c. 1160). A defect of form arises when canonical form was ostensibly followed but an essential element of canonical form was missing nevertheless (e. g. improper delegation of the official witness). Such an invalidating defect may occur even though the parties married in good faith according to the laws of the Church. If a just reason, such as public scandal, precludes convalidation, sanation may be petitioned, provided the consent of the parties perdures (see c. 1163).

Given at Portland, Maine, on the first day of July in the year of our Lord, 2010.


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Seal


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¹ Although recent scholarship and jurisprudence on convalidation has questioned the appropriateness of using the term "convalidation" to apply to the marriage of a couple who had been previously married to one another civilly, since this term is the commonly accepted term in this Diocese, this Instruction continues to use this term with the understanding that a more suitable term may eventually be used in the future.