



Roman Catholic Diocese of Portland

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Department of Canonical Services

GUIDE FOR COMPLETING THE PRE-MARITAL INVESTIGATION (PMI) FORM

This guide is intended to be used as a reference when completing the PMI Form. It seeks to elaborate upon selected issues arising from the PMI Form and is not a comprehensive resource for marriage preparation in the Diocese of Portland. Many marriage preparation resources are available to clergy and parish staff, including the 2010 Diocesan Marriage Norms and "Telling Anew the Story of Marriage: Marriage Preparation Guidelines in the Diocese of Portland, Maine". As always, the Department of Canonical Services is happy to respond to any questions that may result from this Guide or the PMI form. Please remember when completing the PMI form that only ordained clergy may complete the form, and each party must be interviewed individually.

For the sake of clarity, these guidelines are numbered according to the numbering on the PMI form.

3. "Have you ever willfully rejected the Catholic Faith?"

This question is based on canon 1071 4° which requires that priests and deacons obtain the permission of the local ordinary before assisting at the marriage of "a person who has notoriously rejected the Catholic faith." The law likens such a situation to a mixed marriage and requires that the mixed marriage promise and declaration be made (by the practicing Catholic) before permission may be granted. Ideally, before being admitted to marriage, the Catholic who has notoriously rejected the Faith will acknowledge and affirm his or her openness to the practice of the Faith by his or her spouse and children.

Insofar as permission would be required for marriage, rejection of the Catholic Faith must be notorious (public knowledge) and willful. For example, those who through no fault of their own were not raised in the Faith may never have had intentions to renounce their religion. This is especially true if an individual was unaware of his or her Catholic baptism. Moreover, failing to attend Mass or receive the sacraments is not necessarily a sign that a person rejected the Catholic Faith. Even if a person willfully chose to stop practicing his or her faith, his or her reason for doing so must be examined. A person who stopped attending Mass because he or she "didn't get anything out of it" most likely did not reject the Faith, whereas someone who stopped attending because of serious objections to the fundamental teachings of the Church, the reality of the sacraments, or the truth of Scripture, probably did reject the Faith. In general, it would be expected that a person who notoriously rejected the Faith would not hesitate in responding

affirmatively to the question. In a case of doubt, the interviewer can record the response as a negative, so that the right to marry may not be unduly restricted.

If an individual answers affirmatively, stating that he or she did willfully reject the Catholic Faith, please contact the Department of Canonical Services. Nevertheless, in other situations, clerics are invited to consult with the Department of Canonical Services if in their prudent judgment the hostility of non-practicing Catholic makes it advisable for the mixed marriage promise and declaration to be made.

7. “Are you aware of any physical or mental disorder preventing you from having sexual relations?”

Perpetual and antecedent impotence is an impediment to marriage. It is considered a diriment impediment founded in the natural law and, as such, cannot be dispensed. With the Diocese of Portland’s aging population, this impediment is being found more commonly among parties seeking marriage. In order to validly contract marriage, a party must be physically capable of performing a complete conjugal act. Note that sterility, the inability to conceive, is a separate matter and is not invalidating. Impotence can be either organic; that is, the result of the absence, malformation, or underdevelopment of the genital organs, or it can be functional; resulting from a psychological problem. Importantly, if impotence is only doubtful, the wedding may proceed. There are cases when a party is certain that they are impotent due to medical issues. If a party discloses impotence, please feel free to contact the Department of Canonical Services.

Questions have arisen about cases where parties attempted civil marriage and wish to convalidate the marriage but one or both parties has since become impotent. In these cases, convalidation is not possible. As the parties are not capable of having sexual relations, they would be able to participate in the full sacramental life of the Church in most circumstances. At times parties may express hesitation as they are not validly married and are upset that they cannot be validly married. These cases are opportunities to catechize and educate the parties about the nature of marriage. Parties may need to be counseled as to their unique circumstances and encouraged to take an active role in their faith.

8. “Have you ever suffered from and/or been treated for a psychological or emotional illness?”

In the Diocese of Portland, psychological grounds form the basis of the vast majority of declarations of nullity. The two most common grounds are a grave lack of due discretion (canon 1095§2) and a lack of due competence to assume and fulfill the essential obligations of matrimony (canon 1095§3). The Tribunal sees many cases where people who suffer from mental illnesses such as clinical depression, bipolar disorder, borderline personality disorder, and a range of personality disorders are unable to sufficiently understand the rights and obligations of marriage, or to live out the marital commitment. Therefore, the

importance of discerning the presence of psychological or emotional issues that could impede marital consent should not be understated. When a couple responds affirmatively to this question, it is necessary to gather more information regarding the specific psychological or emotional illnesses. The history of the psychological and emotional illness should include information such as: the age of onset, whether a formal diagnosis was made, what the prognosis is, and whether treatment is ongoing and successful. If possible, a professional evaluation should be obtained. The purpose of obtaining this information is to assist clergy and the Department of Canonical Services in evaluating whether a party's illness negatively impacts his or her ability to understand and maturely evaluate the decision to marry. Also, the party's capability to sustain a lifelong, faithful partnership would be considered as well.

Prudent pastoral judgment is crucial in discerning whether a psychological or emotional illness may pose a serious problem. There may be cases where it is not necessary to consult the Department of Canonical Services. For example, a party may respond affirmatively, but upon further questioning it may be clear that the illness is minor, no longer present, or already well managed. However, it is important not to underestimate the impact that common disorders such as depression can have on a party's ability to validly consent to a marriage. Though an illness may be well managed prior to a marriage, parties should have considered how certain future events may affect the illness. For example, a woman who has bipolar disorder may experience great difficulty during pregnancy and the post-partum period. A veteran who suffers Post Traumatic Stress Disorder may be triggered by stressful events. The parties should discuss their ability to manage an illness during changing and challenging circumstances.

As a rule, the Department of Canonical Services should be consulted if a party answers affirmatively to this question unless, as described above, it is evident that the mental or emotional illness is not a serious negative factor. Even if the presence of a psychological or emotional illness does not impede valid matrimonial consent, it may present serious difficulties in the marriage. Therefore, it is always wise to use this question as a means to help a couple better understand and care for themselves and their spouse, in sickness and in health.

9b. "Do you understand the obligations of marriage and therefore intend to be faithful to your spouse unconditionally, that is, under any and all circumstances?"

"The intimate union, as a mutual self-gift of two persons, and the good of children demand total fidelity from the spouses and require an unbreakable unity between them" (GS, n. 48). Thus, the law requires for validity that spouses have intent and capacity, at the time of consent, to give and receive the exclusive and perpetual right to conjugal acts performed in a human manner. Couples preparing for marriage must realize that they cannot reserve to themselves the right to commit adultery in the marriage. In rare cases some couples will have their own agreement to have a so-called "open" marriage, or certain circumstances wherein

infidelity is permissible. This is entirely unacceptable and will result in an invalid marriage. In other cases one of the parties will have a history of infidelity or compulsive pornography use, and one or both of the parties is concerned about their ability to remain faithful. If this situation arises, please contact the Department of Canonical Services. It is often advisable to require counseling and a professional evaluation that the party is capable of fidelity in these cases.

While the majority of couples entering marriage will profess to understand that fidelity is an obligation of marriage, they may not be aware that this obligation is *unconditional*. That is to say that the obligation of fidelity cannot be revoked, even if one party commits adultery in the marriage, and even if a party abandons the marriage. Some couples erroneously believe that if one party is unfaithful, the right and obligation of fidelity is revoked, and they are free to pursue a new sexual relationship, especially through divorce and remarriage. Moral failings regarding fidelity may occur, but they do not in themselves sever the marital bond. This is why couples must be carefully instructed that the obligation of fidelity endures “under any and all circumstances.” If a party believes that the obligation of fidelity is conditional, they may contract invalidly.

9c. “Do you understand the obligations of marriage and therefore intend to grant your spouse the right to sexual intercourse with an openness to the possibility of conception?”

According to the law and teaching of the Church, marriage is by its nature ordered “to the good of the spouses and the procreation and education of offspring” (c. 1055 §1). Thus, through the question listed above, the PMI touches upon the procreative end of marriage. In interpreting the question and helping couples understand it, it is important to remember that this question principally seeks to verify that the couple will validly consent to marriage. It should be noted that openness to children does not mean that the couple must agree to have a certain number of children or be capable of having children.

For the validity of the marriage, it is required that each party accepts that the other has the right to a sexual relationship, in which neither party **willfully** excludes procreation. While there may be legitimate reasons and moral means (i.e. NFP) to avoid or postpone pregnancy, the couple does not have the right to create, **prior to the wedding**, an **irrevocable** agreement that would restrict or eliminate the possibility of conception from their sexual relationship. The fact that such an agreement may be mutual does not mean that it will not invalidate the marriage. A person who is truly open to children must acknowledge that each party has the right to change his or her mind about such an agreement at any time. Furthermore, neither party can enter marriage believing that he or she *alone* has the right to make decisions to limit procreation. Finally, if a couple agrees to limit or postpone children, they must be open to accepting a child should a pregnancy occur, despite their efforts to avoid it.

Indeed, openness to children encompasses the obligation to raise and care for children, born and unborn. This is a fundamental duty of parents and cannot be

separated from being open to the act of conception. Consequently, engaged couples must accept the mutual duty to provide for the total growth and well-being of potential children.

Given the widespread misunderstanding and/or non-acceptance of the Church's teaching on procreation, if either spouse-to-be answers negatively to question 9c, it is hoped that, first and foremost, this will be an opportunity for catechesis and fruitful dialogue. While this question does not directly address the serious moral issues surrounding the use of contraception and other means of avoiding pregnancy, couples who are using contraception or other immoral means of avoiding pregnancy misunderstand the Church's teaching on openness to children. It is important to determine if this misunderstanding reaches the point of withholding full matrimonial consent. If the couple persists in refusing to modify their attitude toward children, after all other efforts have been exhausted, the local ordinary should be consulted about the possibility of prohibiting the marriage.