

**Clergy Guidelines, Questionnaire and Application  
For Obtaining a Marital Judgment  
And Consent of the Bishop to Solemnize a Marriage  
Under Title I, Canon 19, Sections 1 – 4  
of  
The Constitution and Canons of The Episcopal Church**

The Canons of this Church stipulate that no clergy – Priest or Bishop – shall officiate at the marriage of any divorced person without a judgment from the Bishop. Such judgment is a Pastoral judgment by the Ecclesiastical Authority of the Diocese who considers the marital status of an individual in the eyes of the Church.

The phrase “in the eyes of the Church” refers to the way the Church sees marriage, as opposed to the way the secular world sees marriage. It means the way the Church, in the person of the Bishop, interprets the divorced person’s marital status as that individual prepares to enter into another committed and faithful relationship. The judgment by the Bishop includes the recognition of the nullity or termination of a previous marriage, but such recognition is secondary to the Bishop’s pastoral and sacramental concerns.

**Please make copies of the application (pp 6-11) as needed.**

**+ PLEASE NOTE +**

**PART I: APPLICATION is to be completed by THE PRIEST ONLY  
- NOT A MEMBER OF THE COUPLE.**

**In addition to required demographical information, there are  
sensitive questions that must be addressed  
between the priest and the bishop.**

## For Discussion between Priest and Couple

**The pastoral and sacramental concerns of the Bishop are listed below.**

Each of the questions must be answered by the priest and applicant in the Questionnaire and Application for Consent, or in a separate letter.

**1. In the judgment of the priest, has there been a reasonable amount of time for healing between the time of the broken relationship and the new one?**

While this may be difficult to assess, particularly with regard to lingering pain, anger and frustration with court settlements, an evaluation must be made of the effect of time on the divorced person(s) and their ability to go on with their lives.

**2. What evidence of caring is present in the behavior of the divorced person toward his or her children and the former spouse, and toward the prospective spouse and his or her children?**

This concern is a larger development of Title I, Canon 19, Sec. 3(b) and reflects the full scope of responsibility all parties have to the well-being of others.

**3. What is the level of integrity in communication between the prospective partners and with the priest?**

This integrity of communication is particularly important as a divorced spouse reflects upon his or her own part in the breakdown of the previous marriage. Integrity of communication is also important in any discussion of the place of the Church, in particular, the place of The Episcopal Church, in the life of this couple.

**4. What is the level of commitment to the Church of each of the partners in this relationship?**

We are concerned here for the value of the Church in married life, and the potential of the married couple to become active, contributive participants in parish life.

**5. If either partner in the prospective marriage is a divorced Roman Catholic, what is the intention of the new partnership for Church life?**

All Episcopal priests and Bishops have had the experience of being asked to marry couples where one partner is clearly and avowedly Roman Catholic. They may be seeking marriage in The Episcopal Church to avoid meeting the standards of the Roman Catholic communion, or they may have been inactive in the Roman Catholic Church, or they may have some disagreements with the doctrine and discipline of that communion.

We are reminded that The Episcopal Church is also the one, holy, catholic and apostolic Church with an historic Episcopate, which understands marriage at the hands of an ordained priest to be a true, valid and efficacious sacrament before God and the whole Church. Any Roman Catholic, regardless of upbringing, family ties and other sensitivities, who desires to be married again, but in The Episcopal Church, must become an Episcopalian before he or she receives the blessing of the Church upon their marriage.

If, however, the other partner is Episcopalian and marriage in the Church is otherwise appropriate for that other partner, and the Roman Catholic wishes to remain true to that branch of the Church, other pastoral considerations may take preference. At a minimum, the Roman Catholic should be requested to consult with his/her – or at least **some** Roman priest to insure that he/she understands the full implications of being remarried in The Episcopal Church without having utilized the Roman process for annulment. If the Roman is active in his/her church at all, the Episcopal priest involved may want to consider consultation with the appropriate Roman priest.

## Further Considerations

A. Past conversation on the guidelines for application to the Bishop for Episcopal Judgment and Consent have resulted in a variety of suggestions and ideas, and many of them have been incorporated into this body of material. The following suggestion needs special emphasis.

Professional counselors can play a very helpful role in the preparation of previously married persons for a new marriage. Along with this material, there is this fully developed rationale for inviting professional counselors into the preparation progress. This rationale, which follows, clearly stated in a letter to the Bishop following our general discussion of guidelines in December, 1994, is reproduced with permission.

In preparing someone for marriage, a priest deals with three basic questions: First, **Does the couple know what a Christian marriage is?** This may lead to some teaching about sacraments, and questions such as: Are they open to God's grace? Are they presently opening themselves to that grace individually and together, through worship, prayer, reflection together on Scripture, etc.? Where do they presently experience God? Do they expect their marriage to lead them to deeper knowledge of and commitment to God? In what ways do they want and expect their marriage to be "a sign of Christ's love to this sinful and broken world"? Even when they have not considered such questions and have no ready answers, raising the questions with them can help them reflect on the nature of Christian marriage.

Second, **Do they intend such a marriage?** The Declaration of Intention is one way of asking that, as well as the questions in the previous paragraph. This often involves some judgment on the priest's part, but it usually does not require very subtle discrimination.

Third, **Are they capable of contracting such a marriage?** This is, we believe, the most difficult one. It is difficult to make a judgment about this, and a judgment in the negative is usually very difficult for the couple to accept. There are so many circumstances which stand in the way of covenanting such a marriage, and many of them are outside the expertise of the priest.

If there was a previous marriage, the priest can ask about the circumstances of the breakup of that marriage, looking for clues that there is a behavioral pattern which would inhibit a new relationship. One can ask about the present relationship with the former spouse, and about how the intended spouse views that relationship. One can talk with them about the five areas which are most often presented as issues in marriage counseling, and see how they react and how they talk about them with each other. And one can look for the gifts they bring to the relationship, and how they complement one another in their strengths.

But the skills and training of the average priest are limited in this area. This is where professional counselors can be helpful. They have assessment tools available to them, they understand the pathologies possible in relationships, and they have a role which may allow them to say to the couple things which the priest, because of family relationships, may find it awkward to say. They can ask the hard questions, and say the hard things.

When such a referral is undertaken, the priest clearly specified what is being requested from the counselor. A signed *Release of Information* form should be sent to the counselor along with the referral so that the counselor can confer with the priest about problem areas or request more information. Sample copies of such forms are attached to this letter.

We recommend the regular use of professional counselors in the preparation of couples for marriage, routinely where there was a previous marriage, and optionally for a first marriage. To make this a routine part of preparation will remove any stigma of "having to go to a counselor".

## B. Use of the Healing Sacrament: Reconciliation of a Penitent

In cases where the divorced party seems to be experiencing guilt related in any way to the breakup of the previous marriage and family, the priest should consider discussion and recommendation of the sacrament of Reconciliation of a Penitent (Confession and Absolution), Book of Common Prayer, p. 447.

## For the Priest Only

### The Bishop's Guidelines

(These guidelines are to be followed for any marital judgment or consent given by the Bishop of this Diocese.)

1. A waiting period of six months is required between the date of the final divorce decree of the most recent marriage and an application for a new marriage. An exception is made where evidence of one or more years of legal separation exists.

Note: The issue here is not time. The issue is psychological closure and emotional healing and distance. Other factors to be considered are evidence that a divorced spouse has remarried, and/or evidence that obtaining the final divorce decree was mired in litigation and other complexities. Exceptions to this requirement may be granted for weighty cause.

2. At least sixty (60) days are required between the initial visit to the priest (to make application for a judgment) and the proposed wedding date.

Note: This allows ample time for fact-gathering, obtaining copies of divorce decrees, required premarital counseling, and obtaining the Bishop's consent.

3. In this diocese, the Bishop will not accept an application for judgment and consent made less than thirty (30) days prior to the proposed wedding date. This time span is not a requirement of the Canons, but gives the Bishop time to investigate details and make judgment in writing.

4. In case of serial marriages (more than one divorce), the couple may also be required to visit with the Bishop in the Bishop's office. In cases of third marriages, it should be determined whether a marital judgment was obtained prior to the second marriage. If not, Part II must be completed and submitted for **all** marriages. (Please see the strong recommendation regarding the use of professional marriage counselors.)

5. Canon 18 (Of the Solemnization of Holy Matrimony), Section 2(d), provides that, "at least one of the parties has received Holy Baptism". That is interpreted as meaning that any baptized Christian may be married in The Episcopal Church. However, Canon 19, relating to *remarriage*, provides (in part) that "Any member of *this church* . . . may apply to the Bishop . . . for a judgment as to his or her marital status . . ." This seems to indicate that at least one of the parties in the proposed marriage must be an active, contributing member of The Episcopal Church and, if possible, of the parish church in which the couple plans to be married.

Note: This is a serious matter! The question out of which this guideline develops in this: Are priests willing to engage in the application process and counsel couples who wish to be married in the Church, without at least one of the parties being an active member of The Episcopal Church? For the couple, this is a question of commitment to Jesus Christ and the Church. For the priest, this is a question of the stewardship of his or her time.

6. It is expected that divorced Roman Catholics, who intend to remain Roman Catholics, talk with their own priest about a marriage in the Roman Catholic Church, and hear specifically how that communion views an upcoming marriage that takes place outside the Roman Catholic fold. If neither partner is an Episcopalian, the priest must give this serious consideration before he or she commits to solemnizing the marriage. The concern here is for the distinction between the Church as a venerable institution which is being used for social purposes and image, and the Church as a historic community of faith which sacramentally and spiritually nurtures and sustains a couple throughout their permanent Christian marriage.

7. No marital judgment will be considered which does not:

- (1) State the date and place of the proposed wedding;
- (2) Include a Declaration of Intention signed by both parties and initialed by the priest;
- (3) Include a copy of the final divorce decree(s).

Note: The final divorce decree(s) may be lengthy. The Bishop is interested in the date, place and signatory, commitments to children and, most assuredly, behavioral circumstances that play a part in the breakdown of marriage. If the courts have sealed the divorce decree, so that it is not available, the Bishop will meet privately with the divorced persons.

8. In cases where the couple legally resides in another diocese but wishes to be married in a church in this diocese, they must obtain a marital judgment from the Bishop of the diocese in which they reside. That Bishop will then advise the Bishop of this diocese and the local priest will be informed.

**Note:** The following pages are the application to the Bishop. He will need the information in Part I, Part II and all enclosures required as supportive material. Please copy the forms you need. This marital judgment packet is designed to provide explanation and forms. It is a tool to assist you in seeking information and offering to the Bishop a clear picture by which he may make a judgment.

**+ PLEASE NOTE +**

PART I: APPLICATION is to be completed by  
**THE PRIEST ONLY - NOT A MEMBER OF THE COUPLE.**

In addition to required demographical information,  
there are sensitive questions that must be addressed between the priest and the bishop.

**PART I. APPLICATION**

**To the Bishop for a Marital Judgment and Permission  
to Marry a Person or Persons Previously Married**

(To be completed **by the priest** and forwarded to the Bishop with requested  
enclosures, clarifying letters and questionnaires by couple in Part II.)

Names of Persons who desire to be married: (use asterisk if previously married)	_____
	_____
Priest Presenting Application:	_____
Parish Church:	_____
Address:	_____
Office Telephone:	_____
Date of Application:	_____
Date of Proposed Marriage:	_____

**GENERAL INFORMATION**

Groom-to-be: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Office) \_\_\_\_\_

Age: \_\_\_\_\_

Marriage Status: Never married ( )      Widower ( )  
   Legally Divorced ( )      Number of Divorces ( )

Has he been baptized? (Details) \_\_\_\_\_  
\_\_\_\_\_

If he is an Episcopalian, has he been confirmed or received into an Episcopal church?  
(Yes \_\_\_\_ No \_\_\_\_) Does he worship regularly? (Yes \_\_\_\_ No \_\_\_\_)

Comments: \_\_\_\_\_

Is he an active member of another denomination in the Christian faith or another religion? (Latter Day Saints and Unitarians belong to sects.)

Comments: \_\_\_\_\_

Is he presently employed? (Comments) \_\_\_\_\_

**Bride-to-be:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Office) \_\_\_\_\_

Age: \_\_\_\_\_

Marriage Status:      Never Married ( )      Widow ( )  
                                 Legally Divorced ( )      Number of Divorces ( )

Has she been baptized? (Details) \_\_\_\_\_

If she is an Episcopalian, has she been confirmed or received into an Episcopal Church?  
(Yes \_\_\_\_ No \_\_\_\_) Does she worship regularly? (Yes \_\_\_\_ No \_\_\_\_)

Comments: \_\_\_\_\_

Is she an active member of another denomination in the Christian faith or another religion? (Latter Day Saints and Unitarians belong to sects.) Comments: \_\_\_\_\_

Is she presently employed? Comments: \_\_\_\_\_

How long has the couple known each other? \_\_\_\_\_

What were the circumstances of the couple's meeting? \_\_\_\_\_

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Give the proposed date and place of this marriage. \_\_\_\_\_

Do you yourself support this marriage? \_\_\_\_\_

Provide any support needed from the bishop at this time (Explain) \_\_\_\_\_

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Enclosures:

- (1) A signed Declaration of Intention, initialed by the priest.
- (2) A personal letter from the priest setting forth some brief development of issues suggested on page 2.



**PART II. For previously married person(s) only.**

**Information Regarding a Previous Marriage**

(A personal questionnaire for each individual previously married. Persons legally divorced more than once must complete a questionnaire for each former marriage.)

Full Name:	_____				
Address:	_____ _____				
Age:	_____	Date of Birth:	_____	Place of Birth:	_____
(This information concerns marriage no. _____)					

1. Name of previous spouse \_\_\_\_\_
2. Location or address of previous spouse \_\_\_\_\_  
\_\_\_\_\_
3. Date and place of previous marriage \_\_\_\_\_  
\_\_\_\_\_
4. Civil or religious service? \_\_\_\_\_
5. Officiant at marriage \_\_\_\_\_
6. When did you cease living with this person? (Details, including reference to a legal separation, if there was one.)  
\_\_\_\_\_  
\_\_\_\_\_
7. Did you seek professional help in order to save the previous marriage?  
\_\_\_\_\_
8. Were children born of this marriage? Yes ( ) No ( )
9. Who has legal custody? \_\_\_\_\_
- 10: Names and ages of children: \_\_\_\_\_  
\_\_\_\_\_

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11. Are you up-to-date on all obligations to your former spouse (if applicable) and on child support (if applicable)? Yes ( ) No ( ) Not applicable ( )

12. In a brief statement, share what you believe to be the primary cause of the breakdown of the marriage. In reflecting on this new marriage, have there been areas of growth and deeper understanding of marriage?

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I herewith request the Bishop's Judgment in this matter and permission to be married by a Priest of The Episcopal Church.

Signed: \_\_\_\_\_  
(Signature of divorced applicant)

Date: \_\_\_\_\_

You are free to add information that you believe would be helpful to the Bishop.

TITLE 1, CANON 18, Sec. 3.(d) of the Constitution and Canons of The Episcopal Church requires that all persons contemplating marriage in The Episcopal Church, who have begun marriage counseling, sign the following Declaration of Intention.

We, \_\_\_\_\_ and

\_\_\_\_\_,

*Desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare that we hold marriage to be a lifelong union of husband and wife as it is set forth in the Book of Common Prayer.*

*We believe that the union of husband and wife, in heart, body, and mind, is intended by God for their mutual joy; for the help and comfort given one another in prosperity and adversity; and when it is God's will, for the procreation of children and their nurture in the knowledge and love of the Lord.*

*And we do engage ourselves, so far as in us lies, to make our utmost effort to establish this relationship and to seek God's help hereto.*

\_\_\_\_\_  
Signature of Groom

\_\_\_\_\_  
Signature of Bride (Maiden Name)

Dated \_\_\_\_\_ A.D. \_\_\_\_\_

Priest's initials \_\_\_\_\_