

# POLICY REGARDING MARRIAGE

DIOCESE OF CHARLESTON | OFFICE OF MATRIMONIAL CONCERNS

February 2024



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*Office of Matrimonial Concerns*



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**MARRIAGE**

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# CONTENTS

## **I Place of Celebration (Canon 1118)**

- A. Marriages of Two Catholics
- B. Marriages of a Catholic to a Baptized Non-Catholic
- C. Marriage of a Catholic to a Non-Christian
- D. For Those Traveling to be Married in this Diocese

## **II Marriages are to be Recorded**

## **III For Those Who Have a Civil Marriage or Any Marriage Outside the Church**

## **IV Marriage of Minors**

## **V Marriages Not Recognized by Civil Law**

## **VI Time of Wedding Ceremony**

## **Some General Guidelines**

# I

## PLACE OF CELEBRATION

*CANON 1118*

**“A marriage between Catholics or between a Catholic party and a non-Catholic baptized party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.”**

— *Canon 1118.1*

“The local ordinary can permit a marriage to be celebrated in another suitable place.”

— *Canon 1118.2*

“A marriage between a Catholic party and a non-baptized party can be celebrated in a Church or in another suitable place.”

— *Canon 1118.3*

## **A. MARRIAGES OF TWO CATHOLICS**

### **i. Catholic churches and Catholic chapels**

The parish church is the spiritual home of the family of God, and is considered the heart of sacramental life and ministry. Marriages between two Catholics are to take place in the parish church of one of the parties. This is the norm. They may be celebrated in another parish church with the permission of the local ordinary or pastor. In all cases, the officiant must have jurisdiction or be properly delegated.

### **ii. Catholic monastery or oratory**

In exceptional circumstances, a marriage may take place in a Catholic Monastery or oratory with permission of the local ordinary and Abbot or Abbess of the place.

### **iii. University chapel**

With permission of the local ordinary a marriage may take place at a chapel where there is a regular Catholic Sunday worshipping community and one of the parties is a member of that community e.g., St. Thomas More Center, the chapel at Coastal Carolina University, or any viable campus ministry that gathers in a building dedicated to worship.

### **iv. Non-Catholic place of worship**

Marriages will be allowed in a non-Catholic church in exceptional circumstances, e.g. when the parish currently uses the facilities of that non-Catholic church for its weekend Masses, or when the size of the Catholic Church is too small to accommodate the wedding.

In such cases, the priest should seek the necessary permission from the local ordinary in writing, and if outside of the priest's parish boundaries, delegation as well. The priest should also have the written permission of the minister of the non-Catholic Church.

The wedding should be recorded in the Catholic parish that is currently using the facilities of the non-Catholic church.

Permission from the local ordinary is required for a marriage to take place at the First Union African Baptist church on Daufuskie Island. (*Marriage to be recorded at St. Francis by the Sea*)

## **v. Wedding chapel or other secular location**

There are certain places where the ecclesial significance of a sacramental marriage is not well signified. Weddings of two Catholics are not allowed in wedding chapels or other secular locations.

## **vi. Private residence**

Only the most exceptional circumstances will be considered for a marriage to take place in a private home, e.g. where a parent of one of the parties, for reasons of health, would not be able to attend the ceremony. Permission of the ordinary is necessary and will be granted only if there is:

1. A clear indication that no scandal will arise; and
2. An assurance that an atmosphere of sacredness can be maintained.

This request must address itself in detail to those two conditions, and must provide a detailed explanation of the circumstances and reasons for the request. Permission must be requested by the pastor or administrator of the parish where the wedding would ordinarily be celebrated.

## **vii. Outdoor weddings**

There are certain places where the ecclesial significance of a sacramental marriage is not well signified. Weddings of two Catholics in gardens, parks, hotels, or any outdoor locations are not allowed.

## **B. MARRIAGES OF A CATHOLIC TO A BAPTIZED NON-CATHOLIC**

Because of the small Catholic population in this diocese, some Catholics wish to marry someone of another faith. These inter-faith marriages can often be occasions of growth for couples. The richness of varying faith heritages should not be minimized or ignored.

In a mixed marriage it is normally stipulated that the ceremony take place outside of the Eucharistic liturgy. (*Ecumenical directory*, 159)

### **i. Parish church of the Catholic party**

A marriage celebrated between a Catholic and a baptized non-Catholic is to be celebrated in the parish church of the Catholic party. The local ordinary or Catholic pastor of the bride or the groom could give permission for it to be celebrated in another Catholic Church.

### **ii. Catholic monastery or oratory**

In exceptional circumstances, a marriage may take place in a Catholic Monastery or oratory with permission of the local ordinary and Abbot or Abbess of the place. The Catholic form of marriage with a priest or deacon officiating is the only possible liturgical ritual permitted.

### **iii. University chapel**

With permission of the local ordinary a marriage may take place at a chapel where there is a regular Catholic Sunday worshipping community and one of the parties is a member of that community e.g., St. Thomas More Center, the chapel at Coastal Carolina University, or any viable campus ministry that gathers in a building dedicated to worship.

Furthermore, if the Catholic priest or deacon is officiating, the Catholic form of marriage must be used. If the non-Catholic minister is officiating a dispensation from canonical form is required.

#### **iv. In a non-Catholic place of worship**

In order to have the wedding in the church of the non-Catholic party, and for a non-Catholic minister to officiate, a dispensation from canonical form must be granted by the local ordinary of the Catholic party. This dispensation can be requested by the parish priest of the Catholic party. In such situations, the wedding would be recognized as creating a valid, sacramental marriage, even though it did not take place in a Catholic church.

The non-Catholic minister would preside over the ceremony and receive the vows. The Catholic priest or deacon who is present is allowed to say a prayer or a blessing, but is not permitted to officiate at the vows.

Please note that permission for mixed religion in writing should also be included in the records.

#### **v. In a wedding chapel or other secular location**

Permission will not be given for marriage to be celebrated in a non-denominational wedding chapel.

#### **vi. Private residence**

Only the most exceptional circumstances will be considered for a marriage to take place in a private home, e.g. where a parent of one of the parties, for reasons of health, would not be able to attend the ceremony. Permission of the ordinary is necessary and will be granted only if there is:

1. A clear indication that no scandal will arise; and
2. An assurance that an atmosphere of sacredness can be maintained.

This request must address itself in detail to those two conditions, and must provide an explanation of the circumstances and reasons for the request.

#### **vii. Outdoor weddings**

There are certain places where the ecclesial significance of a sacramental marriage is not well signified. Outdoor weddings are not allowed in the Diocese of Charleston, even with a dispensation from canonical form.



## **C. MARRIAGE OF A CATHOLIC TO A NON-CHRISTIAN**

### **i. Catholic parish church**

When officially witnessed by the Catholic priest or deacon, a marriage between a Catholic and a non-Christian should also take place in the parish Church of the Catholic party with a proper diocesan dispensation from Disparity of cult, when officially witnessed by the Catholic priest or deacon. Such marriages are not sacramental though they are valid and sacred.

### **ii. Catholic monastery or oratory**

In exceptional circumstances, a marriage may take place in a Catholic monastery or oratory with permission of the local ordinary and Abbot or Abbess of the place. The Catholic form of marriage must be used and only a Catholic Priest or Deacon may officiate.

### **iii. University chapel**

With permission of the local ordinary a marriage may take place at a chapel where there is a regular Sunday worshipping community and one of the parties is a member of that community, e.g. St. Thomas More Center, the chapel at Coastal Carolina University, or any viable campus ministry that gathers in a building dedicated to worship.

If the Catholic priest or deacon is officiating the Catholic form of marriage must be used. If a non-Catholic minister is officiating a dispensation from canonical form is required in addition to the required dispensation for Disparity of Cult.

### **iv. Non-Catholic place of worship**

In order to have the wedding in a non-Catholic place of worship, a dispensation from canonical form must be granted, along with a dispensation for disparity of cult. The Catholic priest or deacon who is present is allowed to say a prayer, or a blessing, but is not permitted to officiate at the vows.

## v. Wedding chapel or other secular location

In order to have the wedding in a wedding chapel or other secular location, a dispensation from canonical form must be granted, along with a dispensation for disparity of cult. The Catholic priest or deacon who is present is allowed to say a prayer or a blessing, but is not permitted to officiate at the vows.

## vi. Private residence

Only the most exceptional circumstances will be considered for a marriage to take place in a private home, e.g. where a parent of one of the parties, for reasons of health, would not be able to attend the ceremony. Permission of the ordinary is necessary and will be granted only if there is:

1. A clear indication that no scandal will arise; and
2. An assurance that an atmosphere of sacredness can be maintained.

This request must address itself in detail to those two conditions, and must provide an explanation of the circumstances and reasons for the request.

## vii. Outdoor weddings

There are certain places where the ecclesial significance of a sacred marriage is not well signified. Outdoor weddings are not allowed, even with a dispensation from canonical form.

# **D. FOR THOSE TRAVELING TO BE MARRIED IN THE DIOCESE OF CHARLESTON**

The marriage policy of the Diocese of Charleston applies to everyone married within this diocese. Those who travel to South Carolina and the Diocese of Charleston from other (arch)dioceses to be married here are bound by the same policy.

# II

## MARRIAGES ARE TO BE RECORDED

- A. In the Catholic parish where the wedding takes place;
- B. In the Catholic parish of the Catholic party, when a dispensation from canonical form was granted.

# III

## FOR THOSE WHO HAVE A CIVIL MARRIAGE OR ANY MARRIAGE OUTSIDE THE CHURCH

In the case of a couple who have married civilly or in any form not recognized by the Church, a Church marriage is permitted after the couple has completed the proper preparation. It is the actual new exchange of consent that forms a sacramental or a sacred marriage, not simply the renewal of the consent previously exchanged in another setting. It is a commitment and an exchange of vows in the sight of the Catholic community. It calls for a full and complete preparation, but one that takes into consideration the different needs for a couple in this circumstance.

The care given to a couple who are seeking to have their unrecognized marriage validated, and who are otherwise canonically free to marry in the church, will emphasize an appreciation of the new valid dimensions, in most cases sacramental dimensions, which their relationship will be assuming.

If the unrecognized marriage has taken place only recently, the priest/deacon will want to determine the motivations of the couple to get married in the church at this time. Possible concerns to address are whether the couple married 'outside of the church' because another priest for good reason wanted to delay their marriage, or if there is pressure from the family to get married in the church now. The exact course the priest/deacon or minister who will be preparing this couple for marriage will be determined by the couple's needs and experience. Their present marital relationship will need to be assessed and a determination made about the reasons why they desire to have their union validated.

# IV

## MARRIAGE OF MINORS

“Except in case of necessity, no one is to assist at the following marriages without the permission of the local ordinary: a marriage of a minor child when the parents are unaware of it or are reasonably opposed to it.” (*Canon 1071.6*)

“A person who has not completed his or her eighteenth year is considered a minor. (*Canon 97.1*) If one or both parties are under this age, the case must be referred to the local ordinary.

Marriages of the young have always posed special problems for ecclesiastical and civil legislators. Prior to the 1917 Code the ages for validity were fourteen and twelve for males and females respectively. The ages were raised to sixteen and fourteen in the 1917 Code. While marriages above the minimum age were considered valid, the 1917 Code strongly discouraged the marriages of minors.

Such marriages are still discouraged in the 1983 Code because of the presumption that minors lack the emotional stability and maturity to handle the difficulties of married life. In contemporary society many of the traditional familial and societal supports for marriage have disappeared. While minors may be legally and socially emancipated at an earlier age, experience shows that many lack the inner strengths which enable married persons to make the needed sacrifices and adjustments.

The pastor may not proceed with the marriage if the parents of the minor party are unaware of the intended marriage. In such cases he should see

that they are informed and then ask their opinion of the situation. If the minor has a serious reason for not consulting his or her parents, the pastor must carefully weigh all the circumstances before deciding not to consult them.

If the parents oppose the union, the pastor should thoroughly examine their reasons. If their opposition appears to be reasonable, the canon is clear. If the pastor questions the validity of parental opposition, the prudent approach requires that he submit the matter to the local ordinary since this may raise a question of a doubt of fact of the maturity required for a valid marriage.

If resources are available, the parties to the marriage should be referred for pre-marital counseling. A competent counselor will be able to help them to clarify their motivation to marry and discover their strengths and weaknesses. If the couple is truly immature and unprepared, expert counseling should help them to discover this themselves. (*Code Commentary, Canon 1071*). Also, in certain cases genetic counseling may be required prior to permission to marry.

# MARRIAGES NOT RECOGNIZED BY CIVIL LAW

Except in cases of necessity, a Catholic minister is not to assist, without the permission of the local ordinary, at a marriage that cannot be recognized or celebrated according to the norm of civil law. (*Canon 1071.1*). Most states have a law requiring the parties, before the solemnization of the marriage, to produce a license signed and sealed according to that state's law.

Penalties for the one officiating at the marriage contrary to the law range from a misdemeanor (*New Mexico*) to class C Infraction (*Indiana*) to a Class 4 felony (*e.g. Illinois*).

In South Carolina it is considered a misdemeanor punishable by a fine or no more than 30 days in jail. (*Domestic Relations Law, Section 20-1-219*). In the State of South Carolina marriage by proxy is not permitted.

For a grave and urgent cause, the code authorizes the local ordinary to permit a marriage to be celebrated in secret. (*Canons 1130-1133*) After the appropriate investigations, this marriage is celebrated in the external forum, in the presence of an authorized priest or deacon and two witnesses, but is not published. It is recorded in the secret archives of the diocese.

Everyone is bound by the secrecy until the obligation ceases. (*Canon 1132*) Permission for a marriage to be celebrated in secret will not be granted if it is part of lying or deceiving legitimate civil authority.

# VI

## TIME OF WEDDING CEREMONY

Care must be taken when the couple and parish priest/deacon/parish minister are discussing the proposed time of the ceremony that this not be in conflict with other previously scheduled parish activities.

Occasionally, couples wish to have their wedding solemnized on a Sunday. Marriages are generally prohibited on Sundays, as well as on Good Friday, Holy Saturday, and Holy Days of Obligation, in order to ensure that priests, who already have a very busy Sunday and Holy Day schedule, will not be given the responsibility of endeavoring to witness a marriage on that day.

The celebration of weddings on Sundays and Holy Days of obligation are therefore not permitted except with the permission of the chancery for specific cases, upon the request of the pastor, who must support the request (*validation of a civil marriage may be an exception with the support of the pastor*).

Couples may wish to have evening wedding ceremonies. Care must be taken that the sacred character of marriage is fostered in such ceremonies rather than secular social values. If a wedding is scheduled during weekdays (*Monday – Friday*), it should not be scheduled later than 7:00 p.m.



# SOME GENERAL GUIDELINES

1. Ordinarily nuptial Masses are to be celebrated only between two Catholics.
2. Mixed marriages and interfaith marriages ordinarily should be celebrated within a ceremony, not a Mass.
3. Deacons should not receive the vows at a nuptial Mass. The Celebrant of the Mass should be the officiant.
4. In the Eastern Catholic church, the law requires that marriages be celebrated in the church of the groom unless particular law determines otherwise or a just cause excuses (Canon 831.2, from the Code of Canons of the Eastern Churches).
5. Dispensation from canonical form for a wedding between two Catholics can only be granted by the Holy See.
6. Note that the usual preparation period for marriage in the Church is six months.

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