

Marriage in the Anglican Diocese of Ottawa

Guidelines

Introduction

Marriage is a gift of God and a means of God's grace. It is a deeply personal relationship between two people, and yet exceedingly public in nature. It conforms to the sacramental expectations and canonical requirements of the Christian community, the Church, as well as to the laws of civil society. It effects new relationships within both the Christian and wider communities. Since it is celebrated and blessed within the life of the Church, it configures the couple in a new way to the life of the Christian community, and is a particular way of living out the baptismal covenant before God. And so, as the *Book of Common Prayer* rite of marriage states, it ". . . is not by any to be entered upon, nor taken in hand, unadvisedly, lightly, or wantonly; but reverently, discreetly, advisedly, soberly, and in the fear of God." Or, as the *Book of Alternative Services* says more succinctly, "It is a way of life that all should reverence, and none should lightly undertake."

Within both Church and society, practices and procedures around marriage continue to evolve. The Anglican Church of Canada's liturgical rites, canon law, and pastoral approaches to marriage reflect and respond to the evolving texture of marriage. Within the Canadian Church, authority on liturgical and canonical issues around marriage belongs to the General Synod. The General Synod marriage canon, Canon XXI, has undergone several revisions in recent decades. Most recently, the General Synod in 2004 authorized two significant changes to the marriage canon regarding the location of the solemnization of marriage and the process for the remarriage of divorced persons. Pastoral responsibility for enacting the revised Canon XXI belongs at the diocesan level.

Purpose

The following guidelines are intended to assist clergy of the Diocese of Ottawa who have the responsibility for preparation and solemnization of marriages. Particular tasks now devolve to incumbents or priests-in-charge, who have new responsibilities regarding place of marriage and the remarriage of divorced persons. The new process of remarriage is not intended to be a set of "rules and regulations" through which people must pass, but rather a pastoral opportunity because the Church cares about people and their married relationships.

The guidelines are also intended for any who seek to be married within the Diocese of Ottawa, setting out as clearly as possible the expectations and procedures for the celebration and blessing of marriages.

The marriage rites of the *Book of Common Prayer* and the *Book of Alternative Services* contain elements of both civil and canon law, pertaining to both the legal and sacramental status of the married couple. It is possible, however, for a couple married in a civil ceremony subsequently to come

to the church for their marriage to be blessed. Liturgical provision is made in both the *Canadian Book of Occasional Services* (1964), and the *Book of Occasional Celebrations* (1992). The following guidelines apply equally to those requesting the blessing of their civil marriages, as well as those coming to be married within the Diocese of Ottawa.

In addition, some of the aspects of the pastoral care of divorced persons seeking to marry again in the Church, described later in this document, would be useful to follow in the case of the remarriage of bereaved persons.

These guidelines do not replace the provisions of Canon XXI, nor are they a complete statement of those provisions. Every parish should possess a copy of Canon XXI, and all clergy should be familiar with it.

I. Matrimonial Officer

Within the Diocese of Ottawa, the Bishop has appointed the Diocesan Matrimonial Officer to assist clergy around questions of location of marriage and the remarriage of divorced persons. This person acts as resource person to the clergy, is the liaison with the Chancellor of the Diocese where legal questions needed to be answered, and assumes some of the functions of the Ecclesiastical Matrimonial Commission.

II. Who is eligible to marry?

Anyone who is a communicant member of an Anglican parish or any person who is in full communion with the Anglican Church of Canada or anyone who exploring a relationship with an Anglican community is eligible to be married according to the rites of the Anglican Church, subject to the following:

1. Persons seeking to be married in the Diocese of Ottawa must be eligible under the civil law of the relevant province and under the provisions of Canon XXI.
2. At least one of the parties to the solemnization of a marriage in the Anglican Church must be baptized. The case of a person or persons not baptized is dealt within Canon XXI.II.14. If neither has been baptized, the marriage cannot be solemnized.
3. Clergy are not to solemnize the marriage of any person who is in breach of the discipline of their own church, or who intends to breach that discipline by means of marrying in the Anglican Church. For example, divorced Roman Catholics who intend to remain within that community may not marry in the Anglican Church as a way of avoiding the annulment procedures required by the Roman Catholic Church. Anglican-Roman Catholic marriages are governed by the *Pastoral Guidelines for Interchurch Marriages* (1987).
4. In the Diocese of Ottawa, marriage preparation is required of all couples. Only those who have received adequate preparation and in good conscience can make the vows found in the marriage rite are eligible to marry.

III. What form of marriage preparation is required?

As a beginning, the couple must meet with the priest whom they are asking to preside at their wedding to discuss their proposed marriage and matters surrounding the solemnizing of their marriage. An outline of what that discussion should contain is found in Schedule E to Canon XXI contained in Appendix 1 of these Guidelines.

The marriage preparation program of the Diocese of Ottawa is our standard for such preparation. The priest should provide the couple with contact information for the diocesan program. Only in special cases should the priest provide preparation in place of the diocesan program. Couples may be directed to an authorized program of another church or faith tradition if arrangements are made to provide additional Anglican content.

The parties to the proposed marriage, after due consideration, shall be asked to sign the Declaration in Schedule A+, Diocese of Ottawa, contained in Appendix 2 of these Guidelines.

IV. Licence or Banns

Regarding the publication of banns, marriages must conform to the laws of the province in which they are to be solemnized. In Quebec, the posting of banns constitutes a legal license to marry. In Ontario, it is still possible to establish license to marry by the publication of banns but this is now a complicated process and is not encouraged. Upon request, banns may be read in the churches of both parties in addition to the obtaining of the license.

The publication of banns cannot be done for the remarriage of divorced persons.

Where the marriage will be performed under a provincial marriage licence, the couple shall obtain the licence from the provincial authority and provide it to the priest prior to the day of the wedding.

V. Where may a marriage be celebrated?

Normally in the Anglican tradition, and in the Diocese of Ottawa, the celebration and blessing of Christian marriage is to be performed inside the church building. Being married in a church building is a visible way of demonstrating that the couple will have the support and encouragement of the larger Christian family. As well, the space is appropriate to the holiness of the celebration.

In 2004, Canon XXI was amended to provide for the solemnization of marriages outside of a church building. The Canon now says:

The body of the church is the appropriate place for the solemnization of a marriage but a marriage may be solemnized in another location if the incumbent, after consultation with the bishop, is satisfied that the solemnity and public nature of the occasion will be preserved and that the service will be conducted with dignity in godly and decent order. (Canon XXI.II.12.c.)

Clergy are under no obligation to perform marriages outside the church building. A decision to do so is made within the following guidelines based on Canon XXI and the direction of the Bishop of Ottawa.

V.1. Authority

In the Diocese of Ottawa, the Bishop delegates the decision to solemnize a marriage outside a church building to incumbents or priests-in-charge. However, when the couple requests the marriage be solemnized at a location outside the Diocese of Ottawa, the incumbent must obtain the permission of the Bishop of that diocese as well as the approval of the Bishop of Ottawa. Any priest from another diocese must likewise seek the permission of the Bishop of Ottawa to perform a marriage within the Diocese of Ottawa. When necessary, the Diocesan Matrimonial Officer may be consulted.

V.2. Reasons for weddings outside the church building

There should be an appropriate reason to hold a wedding outside of the church building. Such reasons may include:

- a) illness of one party to the wedding, in which case the wedding would take place in the location in which that party is resident (hospital, nursing home, home);
- b) there is no church in reasonable proximity to the couple's community;
- c) the couple's church is inaccessible for the wedding or
- d) the church is too small to hold the wedding party and their guests.

V.3. Suitability of Location

The priest must be satisfied that, as Canon XXI provides, the "solemnity and public nature of the occasion will be preserved and that the service will be conducted with dignity in godly and decent order" in the location proposed.

Among the aspects to be considered are:

- a) whether the location is appropriate to the nature of Christian marriage;
- b) that dignity and decent order will be able to be maintained;
- c) that the location will permit the public nature of the wedding to be observed;
- d) that there is no alcohol served prior to or during the wedding at the location;
- e) that if the location is out of doors, provision has been made for another location in the event of inclement weather.

The location should not be so distant from the priest's parish that it impairs his or her pastoral care of the community.

When the priest is asked to preside in what would generally be considered within the bounds of another parish, she or he shall first obtain the permission of the other parish's incumbent.

These guidelines apply to the celebration of marriage within the boundaries of the Diocese of Ottawa. If, however, clergy of the Diocese of Ottawa are asked to preside at the celebration of a marriage in another Diocese, that celebration of marriage shall follow the norms of that other Diocese. The incumbent must obtain permission in writing from the Bishop of Ottawa, the local Bishop and the local incumbent **prior** to agreeing to celebrate the marriage of the couple. The priest solemnizing the marriage also must hold or obtain the appropriate provincial licence to preside at the celebration of marriage in that location.

V.4. Details of the Celebration

It should be clear to those in attendance that the ceremony is a Christian celebration of marriage. In arranging the details of the service, the priest must ensure that all the elements of a Christian service are met. She or he must ensure that there is a representative Christian community gathered and be satisfied the following requirements are met:

- a) the couple must obtain a valid marriage licence;
- b) one of the authorized liturgies of the Anglican Church of Canada must be used;
- c) hymns or anthems sung at the service shall be those only which may be found in Holy Scripture, in the *Book of Common Prayer*, *Book of Alternative Services* or *Common Praise*, or in texts approved by ecclesiastical authority; and
- d) the presiding clergy must vest.

V.5. Registration of the Marriage

Weddings which take place outside a church building will be registered in the parish marriage register of the priest who is solemnizing the marriage or in the register of the parish on whose behalf the marriage is being celebrated. A notation will be made in the register to indicate the actual physical location of the marriage.

V.6. Expenses

Reasonable expenses associated with traveling to a location other than the priest's parish church to perform a marriage may be charged. These expenses are in addition to the customary payment to the priest for presiding at the celebration of marriage.

All expenses (accommodation, meals, and travel) are to be paid to the officiating clergy along with the customary fees, honoraria, and donations to the church.

It may also be necessary to charge for replacement clergy who are required to deal with non-deferrable services (Sunday service, funeral etc.).

Where the priest will be absent from the parish for some time, consideration could also be given to reimbursing the parish for the lost clergy time.

VI. What are the requirements for the remarriage of divorced persons?

The Ecclesiastical Matrimonial Commission is no longer a canonical requirement for remarriage in the Diocese of Ottawa. The Bishop has delegated the episcopal responsibility for the process to the incumbent or priest-in-charge of the parish, in consultation with the Diocesan Matrimonial Officer where the matter is not straightforward.

The priest will advise the couple that while the Canon requires at least sixty days notice from the time they ask the priest to solemnize their marriage, the time needed may be longer for those who are remarrying.

It is the expectation of the Bishop of Ottawa that clergy will exercise the same pastoral care and attention that were required in preparing the application to the Ecclesiastical Matrimonial Commission. Compliance with civil and canon law must be ensured. Final documents only are to be accepted. These are the Decree Absolute or Certificate of Divorce, which must be obtained from the applicants before it is used to apply for a marriage licence. The Decree Nisi and divorce judgments are not sufficient.

The Chancellor of the Diocese, through the Diocesan Matrimonial Officer, must be consulted if it is necessary to determine the validity of a marriage under Canon XXI.III and in the case of **all non-Canadian divorces**.

Please note the questions provided in the guidelines below, which should be raised and discussed in the interviews with the couple seeking to be remarried in the Church. Note that Canon XXI applies not only to those who have previously been married, but also to those who have cohabited in a **common law or *de facto* marriage**.

The Diocesan Matrimonial Officer is a coordinating and resource person and may be consulted in any case which is not straightforward. The Matrimonial Officer will forward all questions of validity and nullity of a previous marriage to the Diocesan Chancellor. While, with one exception, the decision to proceed with the remarriage of divorced persons is to be made by the incumbent, the incumbent must consult the Matrimonial Officer in matters of the validity or nullity of a marriage and should consult that officer in any other case of doubt. (See Appendix 3 for form.)

The exception concerns the situation where either applicant has entered into two or more marriages that have been dissolved. The Matrimonial Officer must be informed **before** the marriage service of every proposal to proceed in such a situation (see Canon XXI.IV.29.b). Within one month of being notified by the incumbent, the Matrimonial Officer will contact the incumbent to confirm or reject the recommendation of the incumbent or to request further information, in which latter case the decision to proceed with the wedding will be delayed. If the recommendation of the incumbent is rejected, the marriage may not proceed.

The incumbent will keep annual statistical information regarding the number of second, third or more marriages celebrated. This information will be submitted to the Diocese with other statistical information on the incumbent's parish. The Matrimonial Officer will maintain statistical information on a diocesan level.

VII. Guidelines for Discerning Whether to Proceed with the Marriage of Divorced or Repartnered Persons Seeking Remarriage in the Church

Canon XXI states:

If either party has been previously married or has cohabited in a common law or de facto marriage, it is important that there be specific questions about the past relationships, the reasons for the breakdown of any past relationships, the effect of any continuing obligations, financial or otherwise, to a former partner or children of a previous marriage or relationship, potential problems related to access to or custody of such children, and the potential integration of such children into a new family unit.” (Canon XXI, Schedule E.8)

As with any potential marriage, investigation is to be made into the couple’s desire to be married according to the Church’s rite of the Celebration and Blessing of a Marriage. The interview is also intended to be a deeply pastoral engagement with the couple, and part of the process of healing from the wounds arising from breakdowns of previous marriages or relationships.

VI.1. Marriage and Faith

Ask the couple the following questions regarding the place of faith in their lives:

- a) Why do they seek a Christian marriage, within the Anglican tradition?
- b) What is their experience of the Church prior to this interview?
- c) Do they intend to live out the new married relationship within the context of the Christian community?
- d) What was their experience of their first wedding?
- e) What was the experience of their first marriage(s)?
- f) In what ways was the Christian community helpful in their first marriage?
- g) What did they experience from the Christian community during and after the breakdown of an earlier marriage or common law or *de facto* marriage?

VI.2. Details Related to Past Marriages/relationships

- a) Obtain the relevant factual information from each person:
 - Full names
 - Marital Status
 - Dates of birth
 - Address
 - Proposed date and place of marriage.
- b) Obtain information about previous marriage or marriages, common law or *de facto* marriage:
 - Date, place and officiant
 - Marital status at the time of the previous marriage
 - Date of permanent separation
 - Date of the Decree Absolute, Certificate of Divorce or the details of a non-Canadian divorce
 - Copies of the document(s) related to non-Canadian divorce.

- c) Discuss with the divorced applicant or applicants their understanding of the circumstances that led to the break down of the previous marriage(s) or relationships, including their attempts to seek help and healing.
- d) Ask the applicants about their vision for their proposed marriage.
 - How long have they known one another?
 - What have they learned from their experience and knowledge of the *previous* marriage(s) that they see as helpful to this new relationship?
 - What factors lead them to expect that the proposed marriage will be stable?
- e) Determine their financial responsibilities (if any) to their former spouse(s) and how these are being fulfilled.
- f) Ask the applicants about any children born to their previous marriage or marriages, or relationships:
 - The names and ages of any children.
 - The parenting arrangement with former spouse(s) including care, maintenance, education and advancement of minor, disabled or otherwise dependent children of any previous marriage.
 - The potential affects on separation and/or custody agreement, including child support.
 - The child or children's attitudes to the proposed marriage.
 - The current relationships between the couple and one another's child or children.
 - How the couple sees each of these children relating to them in their married life.
 - Taking into account any foreseeable challenges and opportunities, how do they anticipate developing and sustaining their new family life?

Canon XXI states:

Permission to remarry according to the rites of this Church, notwithstanding the marriage or marriages of either or both applicants to another person or persons now living, should be based on a reasonable belief that the applicants understand the nature of Christian marriage as stated in this Canon and intend to enter into such a marriage, and reasonable hope that they will continue in that relationship during their joint lives. (Canon XXI.IV.27)

If the incumbent is satisfied that these criteria are met and that there are no civil or canonical impediments, she or he may decide to proceed with the solemnization of the proposed marriage.

The applicants are to sign the Declaration in Schedule A+, found in Appendix 2 of these Guidelines.

APPENDIX 1

Canon XXI, *Schedule E* **Marriage Preparation** (2004 Version)

It is suggested that the incumbent or designate in discussing marriage preparation with the parties to a marriage, in addition to recommending strongly to the parties that they avail themselves of a marriage preparation course or program, review with the parties the following special issues:

1. The attitudes and expectations of the parties as to how they will deal with financial planning including budgeting, sharing of incomes and expenses.
2. The attitudes and expectations of the parties as to how they will deal with any potential religious differences.
3. The attitudes and expectations of the parties as to how their families including parents and siblings will react to the marriage and how supportive they will be.
4. The attitudes and expectations of the parties towards lifestyle including interests and friends in which there may be common interests and differences.
5. The attitudes and expectations of the parties towards work sharing in the home relationship and management of the household.
6. The attitudes and expectations of the parties as to their understanding of the importance of communication between partners in a marriage.
7. The attitudes and expectations of the parties in regard to sexual relations.
8. If either party has been previously married or has cohabited in a common law or *de facto* marriage, it is important that there be special discussions about the past relationships, the reasons for the breakdown of any past relationships, the effect of any continuing obligations, financial or otherwise, to a former partner or children of a previous marriage or relationship, potential problems related to access to or custody of such children, and the potential integration of such children into a new family unit.
9. Their views regarding number of children, rearing and education of same and potential career conflicts.
10. The solemnity of the marriage covenant which the parties are making in the sight of God.

APPENDIX 2

Anglican Diocese of Ottawa
Schedule A+
Declaration

We, _____ and _____ hereby declare that we intend to enter into marriage which we acknowledge to be a union established by God's grace and in faithful love, to the exclusion of all others on either side, for better or worse, until we are separated by death.

We undertake to prepare ourselves for the exchange of vows at our wedding, recognizing that by this mutual exchange our union in marriage will be established.

We intend to strive thereafter to fulfill the purposes of marriage: the mutual fellowship, support, and comfort of one another, the procreation (if it may be) and the nurture of children, and the creation of a relationship in which sexuality may serve personal fulfillment in a community of faithful love.

We understand that this covenant of marriage will be made in the sight of God and in the presence of witnesses and of an authorized minister. We look to our faith and to our faith community for support throughout our marriage.

(signature)

(signature)

(date)

witness: _____
Priest

Appendix 3
Anglican Diocese of Ottawa
Enquiry to Matrimonial Officer

Priest _____ Parish _____

Address _____

Telephone Number _____ E-mail _____

Query/Nature of Issue requiring advice

Full Names of Couple seeking to marry

Name _____ Name _____

Address _____ Address _____

Date of Proposed Marriage Ceremony _____

Documents Provided: _____

Date _____ Incumbent _____

(signature)

[In submitting a query to the Matrimonial Officer, the incumbent should append a report on the couple's responses to the questions listed in the section of the Marriage Guidelines entitled *Guidelines for Discerning whether to Proceed with the Marriage of Divorced or Repartnered Persons Seeking Remarriage in the Church*, along with copies of the divorce papers and other documents or information that may be relevant to the matter. Complete details on reverse.]

Details of Couple's previous marriages/relationships/divorces as relevant

Individual Seeking to Marry according to the Rites of the Anglican Church:

Name _____

Address _____

Date of Birth _____

Religious Affiliation _____

1. Previous Marriage/relationship

Name of Partner _____

Date and Place of Marriage/Commencement of prior relationship _____

Date of Permanent Separation _____

Date of Divorce _____
Please attach a copy of Certificate of Divorce

2. Previous Marriage/relationship

Name of Partner _____

Date and Place of Marriage/Commencement of prior relationship _____

Date of Permanent Separation _____

Date of Divorce _____
Please attach a copy of Certificate of Divorce

Individual Seeking to Marry according to the Rites of the Anglican Church:

Name _____

Address _____

Date of Birth _____

Religious Affiliation _____

1. Previous Marriage/relationship

Name of Partner _____

Date and Place of Marriage/Commencement of prior relationship _____

Date of Permanent Separation _____

Date of Divorce _____
Please attach a copy of Certificate of Divorce

2. Previous Marriage/relationship

Name of Partner _____

Date and Place of Marriage/ Commencement of prior relationship _____

Date of Permanent Separation _____

Date of Divorce _____
Please attach a copy of Certificate of Divorce