

# Church Laws and Attitudes Toward Marriage

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Officials  
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Jesus said, "what God has joined, let no man put asunder." The Catholic Church has accepted over the years a very literal interpretation of His words. Furthermore, when we see the reality of marriage, as described by Sacred Scripture, namely, "The two shall become one flesh," we see marriage as a permanent union that can be ended only by the death of one of the partners. Experience, too, has borne out this type of thinking. Every young couple about to be married plans on spending the rest of their life with the partner. Indeed, often young people will say how they could not imagine living without the partner they love so much. Church Law and teaching, therefore, reflect this basic philosophy.

For baptized persons, the Catholic Church sees marriage as an even more wonderful event, namely, a sacrament. When two baptized persons pledge themselves to each other in marriage for life, they receive the sacrament of marriage,

sanctifying grace, and the guarantee of God's blessings and helps throughout their married life. For Catholics, the Church feels that there are certain acceptable ways for celebrating this sacrament. Therefore, when a Catholic is to be married, and the marriage is to be recognized, the marriage must take place before a priest and two witnesses. This is called the form of marriage. In recent years, the Church has permitted a dispensation from form allowing another, usually a Protestant minister, to be viewed as the official Church witness to the sacrament. These cases are still rather rare but they are possible. It is encouraging to see the desire on the part of prospective brides and grooms to have God as a part of their marriage and to celebrate their marriage in a sacramental way, seeing God as a real partner in their loving relationship.

Occasionally, a Catholic is married without the benefits of a priest present or a dispensation form, and, in cases like this, the Church does not recognize the marriage. It is possible later to have the couple go to a Catholic priest and discuss

having the marriage recognized by the Church and it is certainly advised so that the benefits of the sacrament can truly be a part of their marriage. However, grace does build on nature and if the marriage seems to be in trouble, the blessing of the Church is not going to guarantee a solution to all problems. Our priests are well trained in giving advice to persons in this type of situation and every priest has had a great deal of experience along these lines.

For those who are not Catholics, the Church recognizes their marriages as true and valid ones; if they are recognized by the particular state in which the couple lives. This means that a marriage of two Protestants before a Protestant minister and also a marriage of two Protestants before a Justice of the Peace is recognized by us. That means that should the marriage fail and one of the partners wishes to marry another, we would say he or she is not free to marry because the marriage is recognized by God and lasting until death.

As I mentioned previously, once a couple have entered a true and valid marriage, they

are not allowed to marry again even after a civil divorce as long as the partner still lives. However, the question is what is a true and valid marriage, what has truly God joined? Because of changes in Church thought, especially since the Vatican Council, because of advances in the behavioral sciences enabling us to understand human nature better, because of new changes in Church Law regarding procedures of Church Tribunals, a Church Annulment of a marriage is much more common today than in the past. Annulments are still an exception to the rule and certainly not possible in every case, but when there were serious difficulties from the beginning of a marriage, or the marriage was very short, an annulment should be considered. This procedure is possible for any marriage, even those of non-Catholics, and again the priests of the parishes are well trained in assisting people wishing to investigate the possibility of a Church annulment. No annulment procedure is begun until the marriage is certainly ended by civil divorce and there are no civil effects to Church annulment process.

Divorce is always a sad

experience for the partners, for children and for families. When it does occur, the Rochester Diocese is fortunate to have the outstanding Divorced and Separated groups that are so helpful to so many. There are also many programs that help prevent marriage failures, such as an outstanding Pre-Cana program, marriage

enrichment programs and good priests and sisters who are willing to give of their time to enrich marriages and to assist those in trouble. Continued effort is needed at marriage enrichment since the family is indeed the basis of society and the more happy and successful families we can have, the better will be our society in our diocese.

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## State Rules for Marriage License

A couple who intend to be married in New York State must apply in person for a marriage license to any town or city clerk in the state. They must be at least 18 years old to freely apply for a marriage license.

Each applicant must present a State Pre-Marital Blood Test Form, duly signed by the physician and applicant. Physician's statement must show date specimen was taken, names and addresses of physician and applicant, name and address of the laboratory processing the test, but the results must not be shown.

Serological tests may be made in any laboratory approved and directly operated by the Department of Health in any state or the District of Columbia. Also acceptable are laboratories of the U.S. Army, Navy or public health service. Privately or municipally operated laboratories are not acceptable.

Blood test expires 30 days

from taking of specimen. License must be obtained during these 30 days.

In case of pregnancy, neither party is required to have blood tests. Instead, the bride must have a letter from (and signed by) a physician giving her expected date of confinement. In this case, without blood tests, a couple must wait 10 days after issuance of license before they may be married.

Both parties must appear in person when applying for marriage license.

A marriage license is valid 60 days from date of issuance. Marriage may take place 24 hours after issuance, providing blood tests are at least 10 days old. The waiting period for blood tests is 10 days, instead of just three days. This law became effective on Sept. 1, 1972. License may be obtained before blood tests are 10 days old, but ceremony cannot be

performed until blood tests are 10 days old.

All applicants must present proof of age. Males 16-17 and females 16-17 must have consent of both parents. Parents must appear in person or sign a notarized statement of consent. If signed outside of New York State, this consent form must also bear the seal of the County Clerk. If parents are divorced, only the parent having legal custody, or court appointed legal guardian must sign.

Girls 14-15 years of age must be granted a court order of consent, as well as parent's consent.

License issued in New York State may be used anywhere in the state. A license may be obtained in one city and the ceremony be performed in another. There is no residency requirement.

If divorced, a certified copy of the final decree of divorce

## Engaged Encounter Helps Couples to Grow

The Rochester Engaged Encounter project is five years old this year. It is a marriage preparation program whose goal is to help engaged couples build a strong relationship before marriage and to come to the realization of marriage as a vocation and a sacrament.

The motto, "A wedding is a day, a marriage is a lifetime," expresses the idea that the weekend focuses on the couple's relationship and commitment, and not the wedding plans or arrangements. The weekend does not feature group discussion, but allows for private reflection and dialogue between each couple. Many couples are choosing the weekend as an alternative to Pre-Cana, because of this

private dialogue that is personally relevant, rather than spend discussion time in a group on a topic they may already have explored.

The atmosphere of a weekend away from the bustle of plans, where other couples are also working to grow closer, can bring about a deeper communication even in a couple who have known each other a long time. The premise of the Engaged Encounter weekend is that working and successful marriage is the result of continuous hard work and the "decision to love" that is involved in being truly open with each other. One couple wrote, "The most significant thing that happened to us this weekend was that people other than ourselves believe in

the decision to love attitude."

Although Engaged Encounter is a Catholic weekend, all couples are welcome. The weekend begins Friday, 8 p.m. to Sunday, 4 p.m. Rooms and meals are provided for \$60. Those who cannot afford the full cost will be sponsored.

1980 weekends are: Feb. 8-10; March, 7-9; April 25-27; May, 9-11; May 30-June 1; June 27-29; July 18-20; Aug. 15-17, Oct. 3-5, Nov. 7-9. Reservations and further information contact Rick and Bobbie Diehl, 254-8582.

Love is the fulfilling of the law.

Romans 13:10

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