



MARRIAGE AND REMARRIAGE AFTER DIVORCE IN THE EPISCOPAL CHURCH AND THE DIOCESE OF WESTERN KANSAS

In the Catechism of the Book of Common Prayer “Holy Matrimony is Christian Marriage, in which the woman and man enter into a life-long union, make their vows before God and the Church, and receive the grace and blessing of God to help them fulfill their vows.”

The Episcopal Church’s general rules concerning Holy Matrimony are contained in Title I, Canon 18 of the Constitution and Canons of the Episcopal Church. Canon 1.18 is as follows: (*Italics are additional notes from the bishop*).

Sec. 1. Every Member of the Clergy of this Church shall conform to the laws of the State governing the creation of the civil status of marriage, and also to the laws of this Church governing the solemnization of Holy Matrimony.

Sec. 2. Before solemnizing a marriage the Member of the Clergy shall have ascertained:

- (a) That both parties have the right to contract a marriage according to the laws of the State.
- (b) That both parties understand that Holy Matrimony is a physical and spiritual union of a man and a woman, entered into within the community of faith, by mutual consent of heart, mind, and will, and with intent that it be lifelong.
- (c) That both parties freely and knowingly consent to such marriage, without fraud, coercion, mistake as to identity of a partner, or mental reservation.
- (d) That at least one of the parties has received Holy Baptism.
- (e) That both parties have been instructed as to the nature, meaning, and purpose of Holy Matrimony by the Member of the Clergy, or that they have both received such instruction from persons known by the Member of the Clergy to be competent and responsible.

Sec. 3. No Member of the Clergy of this Church shall solemnize any marriage unless the following procedures are complied with:

- (a) The intention of the parties to contract marriage shall have been signified to the Member of the Clergy at least thirty days before the service of solemnization; *Provided*, that for weighty cause, this requirement may be dispensed with if one of the parties is a member of the Congregation of the Member of the Clergy, or can furnish satisfactory evidence of responsibility.

In case the thirty days' notice is waived, the Member of the Clergy shall report such action in writing to the Bishop immediately.

- (b) There shall be present at least two witnesses to the solemnization of marriage.
- (c) The Member of the Clergy shall record in the proper register the date and place of the marriage, the names of the parties and their parents, the age of the parties, their residences, and their Church status; the witnesses and the Member of the Clergy shall sign the record.

(d) The Member of the Clergy shall have required that the parties sign the following declaration:

(e) "We, A.B. and C.D., 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.

(f) "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.

(g) "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 thereto."

(A copy of the Declaration of Intention is attached to these guidelines.)

Sec. 4. It shall be within the discretion of any Member of the Clergy of this Church to decline to solemnize any marriage.

The Episcopal Church's rules for the re-marriage of persons after a divorce are contained on Title I, Canon 19 of the Constitution and Canons of the Episcopal Church. A summary of Canon I,19 follows:

The Episcopal Church's Canon I.19 states that "No Member of the Clergy of this Church shall solemnize the marriage of any person who has been the husband or wife of any other person then living, not shall any member of this Church enter into a marriage when either of the contracting parties has been the husband or the wife of any other person then living, except as hereinafter provided:

- a) The Member of the Clergy shall be satisfied by appropriate evidence that the prior marriage has been annulled or dissolved by a final judgment or decree of a civil court of competent jurisdiction.
- b) The Member of the Clergy shall have instructed the parties that continuing concern must be shown for the well-being of the former spouse, and of any children of the prior marriage.
- c) The Member of the Clergy shall consult with and obtain the consent of the Bishop of the Diocese wherein the Member of the Clergy is canonically resident or the Bishop of the Diocese in which the Member of the Clergy is licensed to officiate prior to, and shall report to that Bishop, the solemnization of any marriage under this Section.
- d) If the proposed marriage is to be solemnized in a jurisdiction other than the one in which the consent has been given, the consent shall be affirmed by the Bishop of that jurisdiction.

Please send the request for the bishop's permission at least thirty days prior to the planned date of the wedding. Also, the parties to the marriage need to write letters to the bishop expressing their desire and reasons to be remarried in the Episcopal Church

Generally, request for permission to remarry while a former spouse is still alive should not take place less than a year after the dissolution of the previous marriage. A lengthy separation might shorten this time. If a priest is asking for permission to officiate at a marriage within this shortened time frame, the reasons should be mentioned in the request to the bishop.

Non-Parishioners

Occasionally Episcopalians go to some priest other than their own rector or vicar to seek remarriage after a divorce. It is essential in such cases for the priests to consult one another before one of them agrees to officiate at a wedding.

Non-Episcopalians

Sometimes the unchurched or those who are part of another Christian tradition will come to an Episcopal priest to be remarried in the Episcopal Church. Please remember that it is often a desire, perhaps subconscious, to connect with God when people come to church. Please treat these people with the same respect and seriousness that members of our own tradition are treated. Our priests are free, of course to decline to officiate at any such marriage. In any such proposed remarriage, the permission from the bishop is necessary.

Any questions should be addressed to the Bishop of Western Kansas. Also, clergy should see a copy of final divorce decree to make sure they are signed and have been filed with appropriate court.

One final note. Regardless of whether the marriage is performed in a church, outside in a park, the backyard, or wherever, all Canons still apply.

Attached is a check-list for your use; a sample information form a Declaration of Intent. Again, if you have any questions do not hesitate to call the Bishop.

Date _____

The Rt. Rev. Michael P. Milliken
Diocese of Western Kansas
2 Hyde Park Drive
Hutchinson, Kansas 67502



Dear Bishop,

This is to request your permission for me to Celebrate the Sacrament of Holy Matrimony under Title 1, Canon 19, of the Canons of the Episcopal Church in the United States of America, for the re-marriage of _____ and _____. I propose that the wedding take place on _____. I was first contacted about this re-marriage on _____. I have witnessed the legal documents of divorce and it will have been one year since the parties originally separated.

I have met with this couple _____ times.

Do you believe that issues from the previous marriage(s) have been dealt with adequately?
Explain _____

Was there professional help sought to deal with any issues? yes ___ no ___

Were there any children from the previous marriage(s)? yes ___ no ___

If yes, are you satisfied that the children are adequately cared and provided for? yes ___ no ___

Note if needed: _____

Do you believe that the couple knows the difference between marriage at the Church and marriage in the Church? yes ___ no ___

Has the couple signed their Declaration of Intent? yes ___ no ___

What kind of commitment has the couple made to their family's life with the Church?

I will do celebrate this marriage if approved. yes ___ no ___

Signed _____

Date of application _____

(To be completed by clergyperson and received by the Bishop no later than 30 days before the date set for the marriage. Attach written requests from petitioners. Note that all marriages performed under a Godly Judgment must be reported to the Bishop no later than 30 days after the ceremony.)



The Episcopal Diocese of Western Kansas Marriage Information Form

Date of Application: _____

Groom's Full Name: _____

Address: _____

Phone& E-mail _____ Occupation: _____

Age: _____ Date of Birth: _____ # of Previous Marriages: _____

Baptized: _____ Confirmed: _____ Communicant: _____

Father's Name: _____

Mother's Full Maiden Name: _____

Parent's Address: _____

Bride's Full Name: _____

Address: _____

Phone& E-mail _____ Occupation: _____

Age: _____ Date of Birth: _____ # of Previous Marriages: _____

Baptized: _____ Confirmed: _____ Communicant: _____

Father's Name: _____

Mother's Full Maiden Name: _____

Parent's Address: _____

Date & Time of Wedding: _____

Date & Time of Rehearsal: _____

Maid/Matron of Honor: _____ Best Man: _____

Holy Communion? _____ Music: _____

Address after the Wedding: _____

Florist: _____ Phone: _____

NOTES:



The Episcopal Diocese of Western Kansas

Declaration of Intention

In the Name of the Father, and of the Son, and of the Holy Spirit,

We

(Full Name of Groom)

and

(Full Name of Bride)

desiring to receive the blessing of Holy Matrimony in the Church, do solemnly declare we hold marriage to be a life long union of husband and wife as it is set forth in the liturgical forms authorized by this Church. We believe it is for the purpose of mutual fellowship, encouragement, and understanding, for the procreation (if it may be) of children, and their physical and spiritual nurture, and for the safeguarding and benefit of society, 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 thereto.

(Signed: Bride)

(Signed: Groom)

Date of Application: _____