

Episcopal Diocese of Milwaukee

Marriage Guidelines

Civil Requirements

1. A member of the clergy **must** be authorized by the State of Wisconsin in order to perform marriages. (Check with local city, county or town offices.) This authorization must be by the Circuit or Corporation Court. Although there may be slight variations in procedure among counties and cities, it is generally required that the member of the clergy prove she/he is licensed by a recognized religious institution (generally an ordination certificate or the listing of the cleric's name in *The Episcopal Church Annual* is sufficient).
2. The local Clerk's office will see that the couple meets the laws of the state regarding marriage before issuing the license. (Check with local city, county or town office for details.)
3. Certificate of marriage is to be filled in and signed by the member of the clergy, and given to the couple.
4. The marriage license is to be completed by the member of the clergy, signed and returned to the proper clerk's office within five days of the marriage.

Canonical Requirements

1. Study Title I, Canons 18 and 19 of the general Church.
2. Compliance with all civil requirements.
3. At least one of the parties is to have been baptized.
4. Thirty days' notice to the member of the clergy is required by Section 3(a) of Title I, Canon 18.
5. Instruction and preparation must be in full compliance with Section 2 of Title I, Canon 18.
6. At least two witnesses shall be present.
7. A marriage license is required.
8. The parish register must be filled in with the data from the marriage license.
9. If the Bishop has authorized a deacon to perform a marriage, arrangements should be made to have the marriage blessed as soon as possible.

Remarriage Procedures

In addition to compliance with the civil and canonical requirements outlined above, in a case where one or both parties have been married before and the previous marriage has been annulled or dissolved by competent authority (see Title I, Canon 19, Section 2(a)), the following procedures will be followed:

Preface to the Diocesan Guidelines

The policies of the Diocese of Milwaukee for solemnization of marriage after divorce, consistent with the Canons of the Episcopal Church, are based on two Christian truths: that marriage is a lifelong union of a man and a woman, instituted of God, signifying the union between Christ and his Church; and that God, in his infinite mercy and redeeming love, creates new life in death, gives hope where there is despair, and forgives our sins. So the Church maintains its belief in the will of God for lifelong marriages that are signs of his steadfast love and at the same time, with no dilution of that belief, the Church may bless the unions of those whose prior marriages have died, and who, in faith, while accepting the consequences of their prior commitments, covenant with one another in a mature Christian marriage.

These guidelines seek to assist persons in building strong marriages after the deaths of their prior marriages. The Church's experience has taught that time is necessary for healing, for learning and for forgiveness. So the norm is that at least one year will have lapsed between the final decree of divorce and the date of petition. (If one year has not elapsed, at least 18 months of uninterrupted separation must occur before consent is granted.) The guidelines also seek to assist persons in resolving issues left from a prior marriage and in accepting responsibility for commitments, such as child support, that continue from the prior marriage. The guidelines deliberately discourage unions that are formed in reaction to the stresses of a prior union; hence the emphasis on time to heal and time to settle issues from a prior union.

When a person approaches the Church seeking to marry for the third or more time, the guidelines assume that additional professional consultation is appropriate to assist the member of the clergy in the exercise of the pastoral ministry.

These guidelines provide a minimum diocesan standard that places substantial responsibility for judgment on the member of the clergy. The guidelines assume that the local pastor is in the best position to make the subjective judgments regarding the wisdom of the proposed marriage. The guidelines seek to provide a coherent framework in which that judgment is to be made and a consistent set of standards for the Diocese of Milwaukee.

In most situations where there has been only one divorce or only one for each party, and where the member of the clergy can respond affirmatively to all questions on the Petition, Episcopal consent will be granted.

This process requires the conscientious attention of the clergy to the questions asked. The guidelines, it is hoped, will support the clergy in their ministry, simplify procedures where appropriate and maintain a diocesan-wide standard that is pastorally sensitive and theologically sound.

Guidelines for Petitioning for Consent to Solemnize Marriages after Divorce or Annulment

1. The member of the clergy seeking the Bishop's consent to solemnize such a marriage petitions the Bishop using the Diocesan Petition. (The Petition is in addition to, and not a substitute for, the requirements of the Canons.)

No date for marriage should be firmly set and none announced until consent has been received. No petition will be considered unless all final decrees of divorce have been issued.

The Bishop must be notified immediately following the solemnization of such a marriage.

2. Where one or both parties have been divorced (or his or her marriage(s) annulled) more than once, the member of the clergy is expected to refer the couple to a licensed professional counselor or a certified pastoral counselor (e.g., a licensed psychiatrist, psychologist, or a pastoral counselor accredited by a professional association), such counselor to be satisfactory to the member of the clergy, for consultation at the expense of the couple. The consultation is to be considered a source of an additional opinion to support the member of the clergy in the exercise of pastoral judgment.

After such consultation and counseling as the professional counselor may require, the member of the clergy should receive a written statement from the counselor, together with a release from the couple authorizing release of the statement. The counselor's statement should express his or her opinion that whatever issues were involved in the dissolution of the former marriages appear to be sufficiently resolved and that, in the counselor's opinion, the couple has a reasonable chance to establish a lifetime union of mature intimacy. A copy of that report must be attached to the Petition.

In situations where the person married more than once received professional counseling at the time of or subsequent to the dissolution of the former marriages, a statement from that counselor to the effect that the person involved has adequately resolved the issues related to the former marriages and is prepared for a lifelong commitment may be sufficient.

3. Holy Matrimony is entered into within the community of faith and the liturgy for the Celebration and Blessing of a Marriage emphasizes the congregation's responsibility in upholding the couple in their marriage. It is a reasonable expectation, therefore, that the couple, or at least one party with the support of the other, intends to live out their marriage in the community of faith as members of some congregation. The officiate is most appropriately a member of the clergy of that congregation or one who is acting on behalf of and with the consent of the couple's pastor. Pastoral concerns may make it appropriate for another member of the clergy to submit the Petition.

4. When all questions in the Petition are answered “Yes,” consent will be routinely granted.

All Petitions are to be submitted to the Bishop of Milwaukee, 804 E. Juneau Ave., Milwaukee, WI 53202. When any answers on the Petition are checked “No,” the Petition must be accompanied by a thorough letter from the member of the clergy submitting the petition explaining the circumstances.

Explanatory letters should also be sent with any Petition when the circumstances are such that the member of the clergy considers a more thorough consultation to be necessary or useful.

When questions 1-15 on the Petition are answered “Yes,” and question 16 is not applicable, the Petition may be submitted without any additional documents or letters.

5. These guidelines, and those on the Petition, are in addition to the rubrics of the Book of Common Prayer and the provisions of Title I, Canons 18 and 19 of the Canons of the National Church.
6. The Petition offers guidelines. There may be circumstances, outlined in accompanying explanatory letters, where sound pastoral judgment requires an adjustment in the guidelines. For example, while one year is a reasonable length of time between a final decree of divorce and the submission of the Petition, there may be situations where a couple has been separated but not divorced for a substantial period of time, allowing the time necessary for healing, and those circumstances should be explained in the letter accompanying the Petition. Clergy should not submit a request for a shortening of the time period until a final decree has been issued regarding the prior marriage, and unless a minimum of 18 months have passed since actual separation from the previous marriage. Letters requesting exception to the “one year” guideline should address specific reasons for the exception. These unusual circumstances will be considered by the Bishop, but it is expected that in most circumstances the guidelines will be followed. Clergy are asked to maintain these standards and to request exceptions only in unusual circumstances, and only if the 18 months’ uninterrupted separation has occurred.
7. A member of the clergy or a parish may maintain additional standards consistent with these guidelines and the canons, e.g., required number of counseling sessions, membership status in the parish prior to marriage, required personal statements reflecting on the former marriages to be submitted to the member of the clergy. These guidelines, the Prayer Book, and the Canons provide a minimum standard for the Diocese of Milwaukee.