

Help Sheet Explaining Impediments

Prior marriage: If either party has been married before and the marriage(s) ended in divorce, the Office of the Tribunal must be contacted in order to determine what must be done to secure freedom to marry, if possible. **All marriages “count.”** *Sample question to ask: Have you ever been married at all in any manner? For instance, by a judge at the courthouse or in another church?*

Age: By universal law, the man must be at least 16 and the woman at least 14. Per diocesan custom, the parties must be at least 20; if not, parental permission is required, via Form D of the Pre-Nuptial Forms.

Disparity of Cult: Two parties, one of which is Catholic and the other non-baptized cannot validly marry without a dispensation. If the person is not sure whether he/she was baptized and canonical proof is unavailable, a dispensation “*ad cautelam*” is to be requested.

Sacred Orders: A man who has been ordained as a priest cannot validly marry without a dispensation. A permanent deacon who has been married and widowed must receive a dispensation from the Holy See in order to marry again. *Sample question to ask: Were you ever ordained as a priest, temporary deacon, or permanent deacon?*

Perpetual vow of chastity: A woman or man who has taken a public perpetual vow of chastity cannot validly marry without a dispensation. *Sample question to ask: Did you ever enter a religious order and take perpetual vows in it?*

Abduction: When one party has been abducted and presented for marriage, these parties cannot validly marry without a dispensation. A person who was kidnapped and held captive by another in order to make the kidnappee consent to marriage cannot validly marry the kidnapper, unless the two are separated from the captor and the other is safe and freely consents in private. *Sample questions to ask: Did the person whom you wish to marry kidnap you in order to make you consent to marriage? Are you being forced into this marriage against your will?*

Crime: A person who has brought about the death of his/her own spouse in order to marry another cannot validly marry without a dispensation from the Holy See. A person who has brought about the death of one who is married to the one whom he/she wants to marry cannot validly marry the survivor. Obviously, this would only apply if one or both parties had been previously married, and the former spouse is deceased. *Sample question to ask: Did you or your fiancé kill your former spouse in order that the two of you can marry?*

Consanguinity: Parties who are too closely related by blood cannot marry validly (i.e., father-daughter-granddaughter). Parties who are related as first cousins cannot marry validly according to North Dakota civil law. Depending on the closeness a dispensation may be possible. *Sample question to ask: Do you have any knowledge that you and your fiancé are related in some way by blood?*

Affinity: Parties who are too closely related by marriage cannot marry validly without a dispensation (i.e., a woman cannot marry her husband’s brother). *Sample question to ask: Do you have any knowledge that you and your fiancé are related in some way by marriage?*

Public Propriety: Parties who are too closely related through cohabitation cannot validly marry (e.g. a man who has publicly lived with his current fiancée’s mother or daughter, or a woman who has publicly lived with her current fiancé’s father or son) without a dispensation. *Sample question to ask: Were you in a previous relationship with a member of your fiancé’s family which would cause public scandal if the two of you marry?*

Adoption: Parties who are too closely related by adoption cannot validly marry without a dispensation. Thus, an adoptee cannot validly marry his/her adopted mother/father, adopted grandmother/grandfather or adopted sister/brother. *Sample question to ask: Are you related to your fiancé by adoption?*

Spiritual Relationship: This impediment concerns only those in the Eastern Rites. An Eastern Catholic cannot validly marry his/her godparent, godson, or goddaughter, or the parent of the godson or goddaughter without a dispensation from the Eastern Catholic’s own Eparch. *Sample question to ask: Do you have a relationship by baptism with your fiancé?*

If you have any questions, please contact the Chancery.