

THE EPISCOPAL CHURCH IN THE DIOCESE OF NEW JERSEY



Application for Episcopal Consent to Solemnization of Marriage after Divorce

Date of proposed marriage: _____

Place of proposed marriage: _____

Priest who will officiate: _____

Name of Parish: _____

Mailing Address: _____

A Word from the Bishop

You are applying for permission to be married in the Episcopal Church after having been divorced. The Church has certain steps that need to be followed for this to happen. They are intended to be far more than a legal procedure.

The Church is concerned for you, a concern being expressed now through both the parish and the diocese. The Church is concerned that you be supported by the Christian community to enable you to have a good marriage. It is concerned that in your marriage you will support each other and strengthen each other to grow. The Church is concerned that for this to happen you grow in the knowledge and love of God as well as in the knowledge and love of each other.

Your parish priest is engaged now in conversations with you to help you express the experiences and the hopes that you bring to marriage. He or she will continue to help you find and use the help of God in your life together.

It is my hope that as your new life together unfolds, the people and clergy of the Church will uphold you and encourage you and always make you welcome in the community of faith, and that you will find this community a source of strength and opportunity through which you can uphold others.

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The Rt. Rev. George E. Councill
XI Bishop of New Jersey

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To be answered by both parties as applicable. Please print.

A. Names of parties to proposed marriage:

Man: _____

Mailing
Address: _____

Telephone: _____

Marital Status (check one):

Single__ Widowed__ Divorced__

Date of birth: _____

Church affiliation: _____

Date of divorce/annulment: _____

Court: _____

File No. _____

Number of proposed marriage _____

Woman: _____

Mailing
Address: _____

Telephone: _____

Marital Status (check one):

Single__ Widowed__ Divorced__

Date of birth: _____

Church affiliation: _____

Date of divorce/annulment: _____

Court: _____

File No. _____

Number of proposed marriage _____

B. Has any priest of the Episcopal Church declined to endorse your request for remarriage? _____

C. Are you prepared and willing to sign the Declaration of Intention in Canon 18, Sec. 3(d)? _____

Signature of Man

Signature of Woman

Signature of Officiating Priest and Title (rector, vicar, etc.)

Date of Application

Bishop's Decision: _____

Date: _____

(This part will be kept on file in the Bishop's Office.)

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D. Why do you wish to be married in the Church?

E. What is your intention concerning participation in the community of faith?

F. What are the positive factors for this proposed marriage?

G. How are you expressing “continuing concern...for the well-being of the former spouse, and of any children of the former marriage” Canon 19, Sec. 3(b)?

(In order to protect confidentiality, this part will be destroyed when the Bishop has made a decision on the Application for Consent.)

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COMMENTS (A separate sheet may be used.)

CANON 18: Of the Solemnization of Holy Matrimony

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:

"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. 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. 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."

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

CANON 19: Of Regulations Respecting Holy Matrimony: Concerning Preservation of Marriage, Dissolution of Marriage, and Remarriage

Sec. 1. When marital unity is imperiled by dissension, it shall be the duty, if possible, of either or both parties, before taking legal action, to lay the matter before a Member of the Clergy; it shall be the duty of such Member of the Clergy to act first to protect and promote the physical and emotional safety of those involved and only then, if it be possible, to labor that the parties may be reconciled.

Sec. 2 (a) Any member of this Church whose marriage has been annulled or dissolved by a civil court may apply to the Bishop or Ecclesiastical Authority of the Diocese in which such person is legally or canonically resident for a judgment as to his or her marital status in the eyes of the Church. Such judgment may be a recognition of the nullity, or of the termination of the said marriage; *Provided*, that no such judgment shall be construed as affecting in any way the legitimacy of children or the civil validity of the former relationship.

(b) Every judgment rendered under this Section shall be in writing and shall be made a matter of permanent record in the Archives of the Diocese.

Sec. 3. 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, nor 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.

Sec. 4. All provisions of Canon 1.18 shall, in all cases, apply.