Remarriage after Divorce

The policies of the Diocese of Lexington regarding solemnization of a marriage after divorce are consistent with the canons of the Episcopal Church (the relevant sections of which are found below). They are based on two Christian doctrines:

1. that marriage is a lifelong union instituted by God which signifies the union between Christ and the Church, and
2. that God, in infinite mercy and redeeming love, creates new life in death, gives hope where there is despair and forgives our sins.

Therefore, the Church maintains its signs of God’s 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, make a covenant with one another in a mature Christian marriage.

These policies seek to assist persons in building strong and graceful commitments after the death of their prior marriages. The Church’s experience has taught that time is necessary for healing, for learning and for forgiveness. The norm is that at least one year will have elapsed between the final decree of divorce and the date of the petition. The policies also seek to assist persons in resolving issues left over from a prior marriage and in accepting responsibility for commitments, such as child support, that continue from the prior marriage. The policies deliberately discourage unions that are formed in reaction to the stresses of a prior union.

The priest submits a petition accompanied by a request from each member of the couple. Individuals who have had a previous marriage answer both questions. A member of the couple who has not been married before only answers the first question on the request form.

Remarriage after three or more previous marriages
When a person approaches the Church seeking to marry for the third or more time, the policies assume that additional professional consultation is appropriate to assist the member of the clergy in the exercise of pastoral ministry to the couple. In this case, the priest or deacon will refer them to a licensed professional counselor or a certified pastoral counselor (e.g., a licensed psychiatrist, psychologist, pastoral psychotherapist, or a pastoral counselor accredited by a professional association) – such counselor to be satisfactory to the priest or deacon – 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 judgement.

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 issues 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 lifelong union of mature intimacy. A copy of that report must be attached to the petition.
**Previous Counseling**
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.

**Forms for Clergy Use**
The petitioning priest or deacon must get the couple to complete the following forms, sign them and return them to Mission House:
- Form for the priest to complete
- Form for both members of the couple
- Declaration of intent

*Please allow the bishop 30 days in which to respond. No wedding date may be set until the petitioner has received the bishop’s approval.*

**Relevant Canons of The Episcopal Church (Revised 2010)**

**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 I.18 shall, in all cases, apply.