

## Irregularities/Impediments to Orders

Certain situations or conditions may constitute an impediment to orders. Impediments that are perpetual are termed irregularities. These may be past sins or delicts, and if so they make one irregular for holy orders even though the Sacrament of Reconciliation may have granted forgiveness: forgiveness of the sin does not include dispensation from the irregularity.

In addition, irregularities may impede one for orders even though the cause may have occurred prior to baptism or even reception into the Church. The sin may be forgiven but the irregularity may still hold.

To be accepted for ordination requires that any irregularities be *dispensed*. This is in effect a request that the Church accept the individual for ordination despite the irregularity. Different irregularities have different requirements for dispensation; some may be dispensed by the local ordinary (i.e., the Archbishop) while other dispensations may be reserved to the Holy See.

As with any request, the Church is under no obligation to dispense an irregularity, and may advisedly opt not to do so, especially if the nature of the irregularity is widely known and proceeding to ordination would give scandal. On the other hand, the Church is oriented to mercy, and many irregularities, especially those that are occult (“hidden,” that is, not publicly known) are dispensed in a very simple and timely process.

The table below lists the norms that we follow. Noted with each is an explanation of what comprises the irregularity and what the requirements are for dispensation.

### Canonical Perpetual Impediments (Irregularities)

**Insanity or other psychic defect due to which, after consultation with experts, he is judged unqualified to fulfill the ministry properly. (Canon 1041, 1<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

This can be broadly interpreted, but should not become an occasion of injustice. Consulted experts need not be professionals in psychiatry or psychology, but should take these disciplines into account. Judgement should not be arbitrary and, while necessarily subjective, must be based on objective data. A psychic illness may be only temporary, or may be addressed with treatment, and this must be taken into account.

**Past or present Apostasy. (Canon 1041, 2<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Post-baptismal total repudiation of the Christian Faith. This could be incurred if, for example, one has been baptized, then repudiated the faith, and later re-joined the Church.

**Past or present heresy. (Canon 1041, 2<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Post-baptismal denial of some truth which must be believed with divine and Catholic Faith, or an obstinate doubt concerning the same. This would not include simple doubt, but requires a declaration of being, and intending to continue to be, at odds with Church teaching concerning a matter of divine and Catholic faith.

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**Canonical Perpetual Impediments (continued)**

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**Past or present Schism.  
(Canon 1041, 2<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Post-baptismal refusal or withdrawal of submission to the Roman Pontiff or communion with the members of the Church subject to him, e.g., being received into an Orthodox Church or Protestant community.

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**Attempted marriage, even merely civil, while impeded due to an existing matrimonial bond.  
(Canon 1041, 3<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Attempting marriage while bound by a marriage bond that has not been declared null, whether the attempt was in or outside the Church.

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**Attempted marriage, even merely civil, while impeded due to sacred orders received (including sub-diaconate prior to 1972).  
(Canon 1041, 3<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Attempting marriage while bound by being ordained in any degree: deacon, priest, bishop.

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**Attempted marriage, even merely civil, while bound by a public perpetual vow of chastity.  
(Canon 1041, 3<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Attempting marriage after having made final vows in a religious or other institute of consecrated life.

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**Attempted marriage, even merely civil, with a woman bound by an existing matrimonial bond.  
(Canon 1041, 3<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Getting married to a woman who is bound by a marriage bond that has not been declared null.

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**Attempted marriage, even merely civil, with a woman bound by a public perpetual vow of chastity.  
(Canon 1041, 3<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, or if the delict is public; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Attempting marriage to a woman who has made final vows in a religious or other institute of consecrated life.

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**Has committed voluntary homicide.  
(Canon 1041, 4<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, whether the delict is public or occult; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Directly and actively responsible in the death of another.

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**Has procured an effective abortion.  
(Canon 1041, 4<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular, whether the delict is public or occult; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

Directly and actively involved in an abortion which resulted in the death of an unborn child.

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## Canonical Perpetual Impediments (continued)

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**Has positively cooperated in a voluntary homicide.**  
**(Canon 1041, 4<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

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**Has positively cooperated in procuring an effective abortion.**  
**(Canon 1041, 4<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

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**Has seriously and maliciously mutilated himself.**  
**(Canon 1041, 5<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

The definition of mutilation is not made in Canon law. Most usually this impediment is cited in cases of sterilization or vasectomy; it is less clear if the sterilization has been successfully reversed.

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**Has seriously and maliciously mutilated another person.**  
**(Canon 1041, 5<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

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**Has attempted suicide.**  
**(Canon 1041, 5<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

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**Has performed an act of orders reserved to those who are in the order of episcopacy or presbyterate.**  
**(Canon 1041, 6<sup>o</sup>)**

*Dispensation is reserved to the Holy See if the fact has been brought to any court, ecclesial or secular; otherwise can be dispensed by the local Ordinary (i.e., the Archbishop) (Canon 1047).*

This covers simulation, the attempt to preside at a sacrament reserved to a priest (presbyter) or bishop (episcopus) such as an attempt to confect the Eucharist as at a Mass, or presiding at a Rite of Confirmation.

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## Simple Impediments

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**A neophyte**  
**(Canon 1042, 3<sup>o</sup>)**

*Can be dispensed by the local Ordinary (i.e., the local Archbishop)*

A newly baptized person or a recent recipient into the Catholic Church will not be considered until five years have passed. In the Archdiocese of Portland, we have used this as a guideline for admission to formation, not simply for ordination.

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## Simple Impediments (continued)

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**Age at ordination below 25 (if unmarried) or below 35 (if married). (Canon 1035, §2)**

*Can be dispensed by the local Ordinary (i.e., the local Archbishop) if the candidate is not more than one year younger than the minimum age. Greater divergence from the minimum age is reserved to the Apostolic See. (Canon 1031, §4)*

In the Archdiocese of Portland, men have been ordained to the diaconate who are above the maximum age (65 is the USCCB guideline) but are able and fit. Dispensation below the age 35 would not normally be considered for a permanent deacon.

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## Archdiocese of Portland Norms

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**Required to be in a stable marriage of at least five years. (Archdiocese of Portland in Oregon Norm)**

*Can be dispensed by the local Ordinary (i.e., the Archbishop)*

This is recommended and widely followed in many dioceses. However, we in the Archdiocese of Portland in Oregon have used this as a guideline for admission to formation, not simply for ordination. In addition, we have considered some other factors, such as recent membership in an Eastern Church not in union with Rome, or even in particular situations employment stability, as parallel considerations in recommending delay.

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**If bound to a lay ecclesial association or a religious order, Archbishop's approval required. (Archdiocese of Portland in Oregon Norm)**

*Can be dispensed by the local Ordinary (i.e., the Archbishop)*

This pertains to associations of the faithful, as well as those associated with religious orders (e.g., third-order oblates). The consideration here is twofold: does your membership or participation preclude or affect your ability to serve as a deacon, and also what religious superiors, if any, would need to assent to your pursuing the diaconate.

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## Timing of Delicts in Determining Irregularity

Unless the definition of the irregularity uses the term "post-baptism," then any cause, *even if prior to baptism or joining the church*, will invoke the irregularity.

# Dispensation Procedures

There are two ways of requesting dispensation: via the external forum or via the internal forum.

## Dispensation in the External Forum

One who is conscious of laboring under an irregularity is free to make a direct approach to the authority who has the faculty to dispense. For some irregularities this can be the local Ordinary, i.e., the Archbishop. In the case of an irregularity reserved to the Apostolic See, one would write to the dicastery competent to deal with that particular delict. In the case of an irregularity reserved to the local Ordinary, one would write to the Archbishop or the priest delegated by him to handle the matter. Even in cases where the local Ordinary can dispense, one always has the right to approach the Apostolic See directly.

Being in the external forum, the relevant authority might want to carry out an investigation, which could take some time. The authority might also use the information gained to decide not to admit the candidate to Holy Orders. One cannot appeal such a decision as ordination is not a right.

If the cause of the irregularity is notorious or if it has already been brought before an ecclesial or civil judicial forum, it can only be dealt with in the external forum. If it is an occult or hidden irregularity, there is another option: the internal forum.

## **Dispensation in the Internal Forum**

An act that makes one irregular could be something secret and therefore it is best that it be resolved in the internal forum, thereby protecting the sanctity of one's conscience and one's good name. If a person becomes aware of his irregularity through a conversation with a priest, he can ask for a dispensation. If he has not already confessed the sin, he can request the dispensation at the same time as confessing the sin and receiving absolution. This is the sacramental internal forum protected by the seal of confession. He might, however, have already confessed the sin on a previous occasion when he had no intention of applying to be considered for Holy Orders and no knowledge that the commission of that particular sin rendered him irregular for ordination. In this case, he uses the non-sacramental internal forum which is also protected by secrecy.

The one who is conscious of laboring under an irregularity approaches a confessor or spiritual director and asks this confessor or spiritual director to make recourse on his behalf to the appropriate authority: the Apostolic Penitentiary in the case of an irregularity reserved to the Apostolic See; the local Ordinary or the priest delegated by him to deal with these matters in the case of an irregularity not reserved to the Apostolic See. Even if the diocesan Bishop has the faculty to dispense from an irregularity, one always has the right to make recourse to the Apostolic Penitentiary should one prefer. Indeed, there are many reasons that might commend such a recourse. We will presume that recourse is being made to the Apostolic Penitentiary.

In requesting the dispensation from an irregularity, the confessor or spiritual director of the one who is irregular writes a letter—preferably typed—to the Apostolic Penitentiary. The request should omit any mention of the name of the irregular person and any reference that could identify him. It could use a fictitious name such as Romanus, Titus, Petrus, Augustus... The request should explain clearly what brought about the irregularity and should include the confessor's or spiritual director's judgment concerning the person's suitability to receive the sacrament of Holy Orders.

Because of the delicate nature of the matters being dealt with, the recourse cannot be sent using electronic means such as email or fax. It is sufficient to use the following address: Apostolic Penitentiary, 00120 Vatican City State.

The request for a dispensation from an irregularity for a candidate for Orders is usually sent as soon as the candidate has been approved for ordination. Such approval is a sign of the candidate's suitability, to which reference in the request should be made. The Apostolic Penitentiary examines these requests speedily so that the confessor or spiritual director of the candidate will have the response in hand within a few days. When the confessor/spiritual director has heard back from the Apostolic Penitentiary, he communicates the dispensation to the candidate.

## **An Important Point to Remember!**

The baptized faithful enjoy a number of rights within the Church: the right to a good name, the right to receive the sacraments (barring excommunication), etc. Holy Orders, it must be remembered, is not a right: no one has the right to Holy Orders! Rather, the individual proposes himself for orders based on a calling he has received, and his discernment of that call. This call is verified by the Church, who does her own discernment of that call.