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Implications of ‘same-sex marriage’¹ for the Church:

A Resource Guide for Bishops

Bishops Plenary Meeting, May 2015

Parish

1. *Should the Church offer baptism to children where their parents are in a ‘same-sex marriage’?*

Baptism is a very great good. The presumption should always be in favour of baptism and children should not be punished for the decisions of their parents. Pastoral sensitivity to parents and discussion about intentions in respect to the upbringing of children would resolve the issue. The sacraments should never be used for public demonstrations of dissent from Catholic teaching. Such baptisms should not take place during Mass.

2. *How would the presence of same sex parents affect the provision of first communion and confirmation to their children?*

The children should be the first priority in these issues and should not be refused the sacraments. It is important that the parents are made aware of the implications of Catholic schooling and sacramental preparation. In particular, they should be made aware of the possibility of ensuing tension owing to the conflict between their own living situation and the Catholic education and formation of their children, who may thereby be put in a difficult position. The couple will need to understand and appreciate these potential challenges before making an informed decision as to whether or not they want their children to receive these sacraments.

3. *In the event of a change to Commonwealth law, would Catholic priests continue to hold licences as marriage celebrants or would they withdraw from involvement in civil marriage?*

It is not a matter of the Church withdrawing from the State system, but of the State recognising the validity of Church marriages. If the State broadens the concept of marriage,

¹ Although the language of ‘same-sex marriage’ is used throughout this Resource Guide, we do not consider that same-sex relationships can ever amount to marriage. The meaning of marriage is confined to that relationship between a man and a woman which is entered into voluntarily for life, to the exclusion of all others, and is open to the procreation of children.

this is no reason for the Church to withdraw its true marriages from the wider pool of 'State-marriages'. This assumes there is no obligation on priests to perform 'same-sex-marriages'.

4. *Would functions associated with 'same-sex marriages' be allowed on Church property?*

Church property should not be used for purposes that would promote scandal or opposition to the Church's teaching.

5. *What approach would the Church take to a Catholic priest who officiated at a 'same-sex marriage'?*

A priest is only a civil celebrant of marriage when conducting a marriage according to the rites of the Catholic Church. Officiating at a 'same-sex marriage' would therefore be illegal for a priest in civil law. It would also be treated as any other serious breach of Canon Law.

6. *How should a parish priest regard a member of the parish who is a partner in a 'same-sex marriage'?*

If the law is changed to legalise 'same-sex marriages', and a couple publically 'marry', a pastorally sensitive conversation would be needed, and one outcome might be a request that the couple not receive communion, though ideally this is a conclusion they might be led to draw for themselves. They should be encouraged to take part in the life of the Church in other appropriate ways.

Schools

7. *Will school enrolments take account of whether a child has parents in a same-sex relationship? In areas of high demand for Catholic schooling, children are often listed in order of a range of criteria. Would their parents' marital status be one of these criteria?*

Act on general principles and criteria that apply to all people rather than invoking "special principles" for people in same sex relationships. The practice of faith within the family of the enrollee should be a crucial criterion in relation to all school admissions. The approach should be to emphasise the positive characteristics of a Catholic school, including the clear presentation of Catholic teaching on sexuality, such that parents are led to ask themselves whether this is the right school for their child.

8. *Where children with same-sex 'married' parents are enrolled in a Catholic school, how will schools handle school events where both parents may wish to attend? Would the presence of both parents present a difficulty to schools that wish to model Christian marriage?*

Would it be apparent the same-sex parents were in a 'marriage' or would they appear to be friends?

This will vary from case to case. The pastoral imperative is to help the couple think through this kind of tension *before* they enrol their child. Wise couples will realise that it may not be good for their child or them to be subjected to the tensions that might arise.

9. *To what extent will schools give recognition to 'same-sex marriages'? For example, in relation to guardianship of the children?*

This is a legal issue. When it comes to guardianship, for example, the school would need to follow the civil law.

10. *Would schools employ people in 'same-sex marriages', or continue to employ those who subsequently enter into a 'same-sex marriage'?*

People are employed in our schools on the understanding that they will teach and give public witness to Catholic ethics. No one who has attempted a 'same-sex marriage' should be employed in our schools.

11. *Would school property be available for wedding receptions or functions associated with 'same-sex marriages'?*

No. See answer to (4) above.

12. *How will school curricula approach the question of 'same-sex marriage' in the context of Catholic Church teaching on marriage and sexuality?*

Major work remains to be done on curricula and pedagogies for communicating the Church's teaching on sexuality and marriage in general. The professional development of teachers is central to this endeavour.

13. *How will schools deal with resources like books and audio-visual material that promote 'same-sex marriage'?*

Material with this focus should not be used; better materials are available. Where otherwise good material is favourable to 'same-sex marriage' the teacher must be ready and able to criticise it.

14. *How will schools respond to Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) clubs in schools?*

The formation of such clubs in Catholic schools is not permitted.

15. *How will schools respond to same-sex couples on school boards or P&F committees?*

Schools will respond with prudence and sensitivity. Appointment to boards should be a deliberative process in which issues of tension in relation to ethos and values emerge early and are wisely resolved. With regard to elected P&F membership a low key approach is best, unless there is blatant scandal or public opposition to Church teaching.

Marriage

16. *How would the Church view Catholics who are marriage celebrants conducting 'same-sex marriages'?*

This is likely to constitute formal co-operation in wrongdoing. Questions of personal guilt and public scandal should be assessed by the usual standards.

17. *How will Catholic marriage counselling and marriage preparation services respond to requests from same-sex couples to participate?*

Regarding marriage preparation services: Marriage preparation courses are preparing couples for Catholic marriage under the auspices of the Church, so it follows that they should not include same-sex couples.

Regarding marriage counselling services: In accordance with professional non-directive counselling, it may be possible to counsel a couple who are having difficulties in their relationship, notwithstanding that one disagreed with their standing as a 'couple'. The usual principles regarding witness and scandal would apply.

Social Services

18. *How should Catholic social service agencies approach possible government contractual requirements to recognise 'same-sex marriages' in:*

a. Employment of staff and staff conditions

Prior to employment the issue is to be considered is witness to Catholic teachings and the possibility of scandal. It is important to think through the issues before contracts are signed. Once staff are employed, the law would apply.

b. Adoption of children

Normally not, but possibly where one parent is a biological parent.

c. Foster care of children

Catholic agencies should not employ same-sex couples as foster parents.

d. Social housing where the housing is managed and/or owned by the Church

Providing housing to a same-sex couple is not necessarily formal cooperation with 'same-sex marriage'. One is trying to provide housing for those in need. The Church entity / agency may provide housing as needed without inquiring into the spiritual, moral or legal standing of the residents.

19. *Would Agency property be made available for wedding receptions or functions associated with 'same-sex marriages'?*

No. See answer to (4) above.

20. *Should there be restrictions on education programs on marriage and parenting?*

As already stated, Catholic programmes for marriage preparation are preparing couples for Catholic marriage and should not be open to same-sex couples. Parenting programmes would raise more complex issues, calling for prudence, e.g. programmes for families in crisis or parent-help-lines etc. should be available to all who need them (unless major issues of scandal arise).

Health

21. *How should Catholic aged care providers react to same-sex couples seeking aged care?*

Note: the Catholic Health Australia Bioethics Forum is considering a paper on aged care access for LGBTI couples.

See the document "Same-Sex Attracted People: A CHA Guide on Care Provision by Catholic Health and Aged Care Services", Catholic Health Australia, May 2014.

22. *Will 'same-sex marriage' be recognised by Catholic health agencies as a relationship that allows partner A to make decisions for partner B in the event partner B is incompetent and requires medical treatment?*

If the law recognises them, then yes. This can already occur where the partners are recognised as the "carer" of the other party, or as a de-facto partner.

23. *Would facilities in hospitals or aged care facilities be made available for wedding receptions or functions associated with 'same-sex marriages'?*

No. See answer to (4) above.