TCMP — Texas Catholic Marriage Project

A Father's Religious Responsibilities Do Not End at the Visitation Schedule

Catholic formation, parental authority, and children's opportunity to share religious life with both parents

CONFIDENTIAL — DRAFT FOR REVIEW

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A divorce decree may allow each parent to direct a child's moral and religious training during that parent's periods of possession. But does the order provide a meaningful opportunity to fulfill the responsibilities that provision recognizes?

For Catholic parents, religious formation involves sustained teaching, personal example, prayer, worship, sacramental preparation, and educational involvement. These responsibilities require time, participation, and a continuing relationship with the child.

A religious-training provision must therefore be considered alongside the rest of the order. Possession restrictions, residence provisions, and exclusive decision-making powers can affect whether a parent's retained authority has practical effect.

Parenthood carries continuing responsibilities

Catholic teaching places responsibility for children's religious formation upon both parents.

Canon 1136 recognizes parents' grave obligation and primary right to provide, within their ability, for their children's physical, social, cultural, moral, and religious education. Separation does not extinguish that responsibility. Canon 1154 requires suitable provision for children's support and education after spouses separate.

These provisions do not prescribe a particular civil custody arrangement. They establish that the parental responsibility continues.

A Catholic father's educational role also remains personal. A mother, school, or parish can provide valuable instruction, but their contribution does not make his participation dispensable.

In Familiaris Consortio, Saint John Paul II connects fatherhood with active educational responsibility and Christian example. He also explains that parents' educational role cannot be entirely delegated or usurped.

Sources: Code of Canon Law, canons 1136 and 1154; Familiaris Consortio, sections 25 and 36.

Religious formation happens through shared life

The Catechism of the Catholic Church identifies parents as their children's first educators. Their work includes cultivating a home marked by forgiveness, respect, fidelity, service, and virtue.

Children encounter the faith through ordinary family experiences: praying together, attending Mass, discussing moral choices, preparing for the sacraments, and observing how a parent treats other people. Family catechesis accompanies and enriches instruction received elsewhere.

Canon law gives these responsibilities concrete expression:

• Teaching and example: Parents have a foremost responsibility to form their children in faith and Christian living.

• Sacramental preparation: Parents share responsibilities with pastors for preparation for First Confession, First Communion, and Confirmation.

• Catholic education: Parents must provide suitable Catholic education and arrange appropriate formation outside school when necessary.

• Cooperation with educators: Parents are expected to work closely with those teaching their children.

Formation also requires respect for children as persons. Parents should cultivate sound judgment and responsible freedom. As children become adults, parental guidance must respect their independent choices concerning vocation and state of life.

The obligation calls for faithful participation and reasonable effort within the parent's ability and circumstances. It does not guarantee a child's eventual religious choices.

Sources: Catechism, paragraphs 2221–2230; Code of Canon Law, canons 774 § 2, 793 § 1, 796 § 2, 798, 890, and 913 –914.

When a retained right becomes difficult to exercise

Consider a parenting order that preserves each parent's authority over religious training during possession, while granting one parent exclusive educational authority and unrestricted authority to designate the children's primary residence.

The provisions may appear distinct on paper. In family life, their effects can overlap.

Possession determines opportunities for participation

Prayer, instruction, worship, and example develop through repeated interaction. A father may retain religious-training authority yet have limited opportunities to attend recurring parish instruction, participate in sacramental preparation, or worship regularly with his children.

The inquiry should identify the actual activity affected. When does it occur? How does the order restrict participation? Could a workable adjustment preserve the activity while addressing the children's needs?

The existence of a religious-training clause does not answer those questions.

Residence can affect continuity

A substantial relocation can make regular participation in a child's religious life more difficult. Distance may interfere with shared worship, parish involvement, and cooperation with religious educators.

An unrestricted residence provision alone does not prove that a relocation occurred or caused harm. Its significance depends on what happened and how it affected the parent and children.

Educational decisions can overlap with religious formation

School selection can affect religious instruction, sacramental preparation, and a parent's cooperation with educators. Exclusive educational authority therefore warrants examination alongside separately retained religious-training authority.

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The religious-training clause does not automatically permit a father to override every school decision. Equally, exclusive educational authority should not be assumed to extinguish every religious activity he retains authority to undertake.

The concrete question is whether a particular decision prevents or substantially restricts an identifiable activity.

Other exclusive powers require a factual connection

Authority over legal representation, passports, or particular treatment decisions may also become relevant. Their significance depends on a demonstrated connection to religious formation or exercise.

A careful analysis explains that connection rather than assuming every exclusive grant creates a religious burden.

The legal inquiry must address the actual interference

Parental direction of children's religious upbringing implicates constitutional protections for parental liberty and religious exercise. Determining whether a particular order violates those protections requires examining the restriction, the governing legal standard, and the supporting evidence.

Four questions provide a disciplined starting point:

1. What protected liberty or religious activity is involved? Identify the parental authority and practice with precision.

2. What does the court's order restrict? Explain the governmental interference and its practical effects.

3. What legal standard and justification apply? Identify the governing doctrine and the justification offered for the restriction.

4. Does the restriction withstand examination? Consider the evidence, scope, procedures, and alternatives relevant under that standard.

Neither a retained religious-training clause nor a general reference to the child's best interests, standing alone, completes this inquiry. Likewise, a custody restriction does not automatically establish a constitutional violation. The conclusion must follow from the particular burden and applicable law.

Canon law helps explain a Catholic parent's responsibilities and why specific activities matter. Civil courts must resolve civil rights and legal burdens without deciding Catholic doctrine or treating canon law as controlling custody law.

Legal authorities: U.S. Constitution, First and Fourteenth Amendments; Texas Constitution, article I, sections 6 and 19; Wisconsin v. Yoder, 406 U.S. 205, 213–14 (1972); Prince v. Massachusetts, 321 U.S. 158, 165–67 (1944).

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Keep the children's opportunity at the center

Catholic law recognizes the faithful's right to Christian education. Children's religious formation concerns their own development as well as their parents' responsibilities.

The practical question includes whether children have a meaningful opportunity to receive their father's guidance, observe his example, worship with him, and participate with him in the life of the Church.

An examination confined to which adult holds a particular power can overlook those experiences. A child-centered inquiry considers how the order's provisions work together and what opportunities they preserve or foreclose.

TCMP's position is that courts should examine whether an order as a whole preserves a practical opportunity for each parent to carry out protected religious activities, subject to restrictions justified under the governing law and evidence.

A father's religious responsibilities continue after separation. The opportunity to fulfill them must be considered in the actual conditions of his children's lives.

Source: Code of Canon Law, canon 217.

Primary sources

Code of Canon Law: https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html

Catechism of the Catholic Church — Duties of Family Members: https://www.vatican.va/content/catechism/en/part_three/section_two/chapter_two/article_4/iii_the_duties_of_family_members.html

Saint John Paul II, Familiaris Consortio: https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html

This article presents Catholic teaching and TCMP's public-policy position. It provides general information, not legal advice concerning a particular case.

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