



**COMPETENCE:
THE CHURCH'S GPS
(GLOBAL PETITIONING
SYSTEM)**

As mentioned in a previous issue, the power of governance in the Church is limited by territorial boundaries. Thus, a diocesan bishop's authority is limited to his diocese. This territorial boundary also applies to the various diocesan offices that assist the bishop in the exercise of his ministry, including the tribunal office.

In administrative matters, such as granting marriage dispensations, the way that the boundary applies is pretty straight forward: the bishop can only grant dispensations for those who reside within or are physically present within the boundaries of his diocese. The way that the boundary applies in judicial matters, such as marriage nullity cases, is a bit more complicated. In this issue, I will discuss the concept of judicial competence and how it affects where to petition for a declaration of nullity.

A marriage nullity case begins when the tribunal office receives a formal request, or petition, from a person, the petitioner, seeking to have his or her marriage declared null. Among the first things that we check when we receive a petition is whether our tribunal has the competence, or legal authority, to process the case. The law ordinarily grants our tribunal competence in a particular case if one or more of the following situations apply: either party has domicile or quasi-domicile in our diocese; the marriage in question was celebrated in our diocese; or most of the proofs will be collected in our diocese.

One out of three ain't bad

The parties in a case are the petitioner and his or her ex-spouse, the respondent. Domicile is simply the legal term for residence. So, if either the petitioner or the respondent resides permanently (domicile) or temporarily (quasi-domicile) in our diocese, we can process the case.

Canon 1057 §1 states: "The consent of the parties, legitimately manifested between persons qualified by law, makes marriage." Therefore, a marriage is "celebrated" when the parties exchange consent at the wedding, even if only in a

purely civil ceremony with no real celebration at all. If the wedding took place in our diocese, we can process the case.

The proofs of a case generally refer to witness testimony, so, if most of the witnesses live in our diocese, we can process the case. This might happen, for example, when the petitioner was born in our diocese but moved away and got married somewhere else while most of his or her family and friends who will serve as witnesses still live in our diocese.

If none of the three situations above apply in a case, then our tribunal is not competent to process it, and the petitioner must contact another tribunal that is. Being able to explain this fact to others is important for pastoral ministers, especially those serving near the diocesan border, who help people seeking a declaration of nullity. Directing such persons to the proper tribunal at the very beginning saves time and effort and makes a difficult process less burdensome. That's it for competence. Until next time, keep the faith, love God's people, and always honor the code!

