

# Concerning Issues: Jurisdiction and Delegation

## Jurisdictional Issues

Roman Catholics who have a domicile or a quasi-domicile in the Diocese of Erie are subject to the jurisdiction and the norms of the Bishop of Erie. Catholic travelers or visitors to the diocese are not bound by the particular norms of the Diocese of Erie but of their own home dioceses. Non-Catholics are bound by divine and natural law, as it is interpreted by the Catholic Church, but are not bound by ecclesiastical law unless they desire to marry a Catholic.

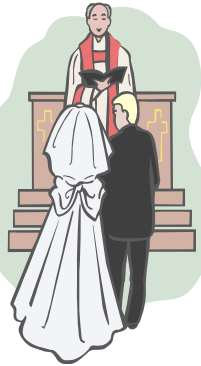
## Weddings of Non-Parishioners

If neither party is a member of the parish where a wedding is to be held, in order to have a licit celebration, permission should be requested from the proper pastor of the Catholic party. For example, if a Catholic son or daughter has moved away but wants to be married in their parents' parish church, he or she should obtain permission from his or her current pastor.

The couple should be prepared according to the marriage guidelines of the diocese where the Catholic has a domicile. The chancery of the Catholic party's domicile reviews the pre-nuptial file and grants any permissions and/or dispensations. It is then forwarded to the Diocese of Erie for the *nihil obstat* after which it will be sent to the church of the wedding.

## College Campus Weddings

Since the parish church is the preferred location for Catholic weddings (c. 1118), weddings on a college campus are only permitted if one of the parties is a current student, a member of the faculty or staff, or has graduated within the last five years (*Policy for Weddings and Baptisms in the Diocese of Erie* issued July 22, 1992). When requesting permission for a wedding in a college chapel, the priest or deacon should include which of these three reasons apply. Also, the priest or deacon who will be witnessing the marriage must be expressly delegated by the pastor of the territorial parish where the campus chapel is located. The marriage is to be recorded and the pre-nuptial file archived in that parish.



## Delegation to Witness Marriages

In the Diocese of Erie, pastors by virtue of their office and within the confines of their parish, may assist validly at marriages not only of their subjects but also of those who are not their subjects provided that one of them is of the Latin rite. (c. 1109).

Parochial Vicars and priests assigned to residence in a parish, by virtue of their appointment, may assist validly at marriages within the confines of the parish.

As long as they hold office, pastors can delegate priests and deacons the faculty of assisting at marriages within the confines of their parish. In the absence of the pastor, parochial vicars and priests assigned to residence in a parish can subdelegate the faculty of assisting at marriage within the confines but only for an individual case.

Deacons must be delegated by the pastor of their parish of assignment **in each instance** in order to assist validly at marriages.

To be valid, the delegation of the faculty to assist at marriages must be given to specific persons. Since the validity of the marriage hinges on whether the priest or deacon was properly delegated, a written record of the delegation should be retained with the pre-nuptial file.

The Diocesan Bishop and Vicars General by virtue of their office may validly assist at marriages within the boundaries of the diocese. Regional Episcopal Vicars may validly assist at marriages within the boundaries of their vicariate. In emergency situations when delegation for valid assistance is necessary and the proper pastor unavailable to grant it, the Vicars General and regional Vicars have the faculty to delegate the priest/deacon to celebrate the marriage.

## Marriages Involving Eastern Rite Catholics

A marriage between a Latin Catholic and an Eastern Catholic is subject to the law of both churches. The Latin canon law binds the Latin party; the Eastern law binds the Eastern party.

In marriages of Catholics belonging to different ritual Churches, the Latin code permits the marriage in the church of either party, but the Eastern code prefers that the wedding takes place in the church of the groom, "unless a just cause excuses." Therefore, if the groom is a member of any Eastern Church *sui iuris*, the couple should be referred to the proper Eastern Catholic priest. If the couple insists that the marriage be celebrated in the Latin Rite, the well-established custom of celebrating the wedding in the bride's church suffices as "the just cause" and no permission is needed.

Occasionally, an Eastern Catholic wishes to marry a non-Catholic or another Eastern Catholic in a Latin Rite parish. Where Eastern Catholics do not have their own hierarchy, Latin pastors may validly assist at their marriages. However, in the United States, the only Eastern Church without its own hierarchy is the Coptic Church. Therefore, jurisdiction for weddings involving almost all Eastern Catholics (*i.e.* no Latin Catholic party) belongs exclusively to the Eastern Catholic's proper hierarchs. In these cases, priests should contact either the Chancery or the Office of Matrimonial Concerns for assistance with obtaining dispensations, permissions, and delegation.

## Often Asked Canonical Question

*What constitutes a domicile and a quasi-domicile?*

One obtains domicile in a parish or a diocese by establishing residence there with the intention of remaining there permanently unless called away, or by actually living in a place for five complete years (Canon 102 §1). One obtains quasi-domicile by establishing a residence in a place with the intention of remaining there for at least three months unless called away, or by actually remaining in a place for three complete months (Canon 102 §2). Thus, "snow birds" who live in Erie but go to Miami from January 1 to April 15 have a domicile in Erie and a quasi-domicile in Miami. College students generally retain their domicile where their parents, or custodial parent, have a domicile and acquire a quasi-domicile where their college residence is. Military personnel fall under the personal authority of the Military Archdiocese and also have a domicile in the territorial diocese where they are currently living.