

Diocesan Tribunal... Its Duties

By **ROGER GORMAN**
Editor, the Daily Record

"There's more concern in the public press and in the Legislature for the conclusion of a marriage than there is for entrance into the matrimonial bond."

Speaking was Msgr. Gerard Krieg, vicar judicial of the Rochester Roman Catholic Diocese. "And," said Msgr. Krieg, "marriage seems to be the thing to do these days, especially for our youth, because it's so easy to get married."

The expert in Roman Catholic Church law, who holds a license in canon law from Catholic University, heads the diocese Tribunal or court of judgment from his spacious offices on the third floor of the Roman Catholic Diocese chancery at 50 Chestnut St.

His assistant, Rev. John Lynch, agreed that people in this day and age are marrying too young. Both priests are native Rochesterians and graduates of St. Bernard's Seminary.

The two priests, who are the "lawyers" for the Diocese, handle any and all cases that require a judicial decision of the church. Most of their work involves divorces, separations and adjudicating the validity of a marriage from the viewpoint of the church.

Father Lynch said that of some 300 persons interviewed in a year, about half of them can be helped.

Marriage problems and divorce cases, however, are not

the only matters handled by the Tribunal, which is composed of a dozen "judges" who sit in on formal cases. The "judges" incidentally are priests from all cities and parishes of the diocese.

The Tribunal also helps to settle disputes or suits involving parish boundaries, the validity of a priest's ordination, among other matters.

Most of the marital cases are referred to the Tribunal by parish pastors or the Catholic Family Center, a Red Feather agency, and many of the marriages have been dissolved through the civil courts or are in that process when they reach Msgr. Krieg's office.

The Tribunal operates under two branches — Judicial and Administrative. It requires the services of a full-time secretary and a part-time secretary.

In matrimonial matters, Msgr. Krieg and Father Lynch set out to establish the validity of the marriage or seek an active dissolution of the marital bond. "It's up to us to establish the validity of the bond," they said.

The determining factors, they said, include limitation in consent to a separation, any prior marriage, the baptismal status, and the religious affiliation of both spouses.

Among factors considered as grounds for a separation are existence of a prior valid bond; any thing that would affect consent such as grave fear; the imposition of force that would invalidate consent; and an adverse mental or emotional capacity on the part of either spouse.



Father Lynch and Msgr. Krieg in their office.

Grounds for divorce in the eyes of the Church include presumed death of a spouse, insanity and a case of a girl 14 or under and a boy 16 or under.

Msgr. Krieg also related the case of a young girl who was married by a justice of the peace whose competence was open to question. The Tribunal investigated and nullified the marriage bond.

It appears, then, that many, too many of the marital cases before the Tribunal involve

youngsters and they consequently are of great concern to Msgr. Krieg and Father Lynch.

Why are our youngsters having these problems?

Father Lynch gives these reasons:

- Too many forced marriages.
- The immaturity of the young spouses.
- The rampant materialism in America which leads to selfishness.

• Mixed marriages which result in additional problems.

"The practical atheism of our American society has led to the degradation of society," Father Lynch said.

"Without God, society is losing its values," he said, "and in marriage the most important thing to remember is the law of form — the consent to BE a husband or wife."

Msgr. Krieg agreed. "We all may go through a period of a resentment of formal religion as so many of our youngsters are doing. As these youngsters grow older they'll learn to see the value of and learn the importance of the formal religion," he said.

And, Msgr. Krieg reiterated his earlier observation:

"It's so easy today to get married; it's the thing to do" seems to be the feeling of our younger generation."

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