



## Nebraska Exarchate Canonical Court (NECC)

### §1 Definition

The *Exarchate Consistory* or *Canonical Court* is the *ecclesial court* of first instance. Consistory members are appointed by the bishop (Exarch) or his designee in order to oversee moral and canonical matters pertaining to the Exarchate.

### §2 Regulations

1. The Consistory is assigned to settle charges brought against a layman or clergy of the Exarchate that is accused of acts contrary to the doctrines of the Orthodox Church and the *Canons or Guidelines of the Exarchate*.
2. Formal charges, addressed to the *Exarchate Consistory*, may be brought by any Orthodox clergy or layperson, but not by individuals or organizations outside the boundaries of the Orthodox Church.
3. When the Consistory has accepted a case, the bishop must be informed.
4. The Consistory cannot make any legal recommendation or determination, as this is privileged to secular entities (attorneys & courts). The Consistory's jurisdiction is merely ecclesiastical.
5. The Consistory is required to report to the secular authorities any known criminal activity of their case, such as child or adult abuse. Before taking on a complaint, the Consistory must inform their party or parties of this obligation.

### §3 Subjects

Both, clergy and laymen, are subject to this *Canonical Court* in the following instances:

1. In all matters concerning the declaration of invalid and illicit marriages.

2. In cases of attestation to the validity of marriages and legitimacy of birth.
3. For various misdeeds and infringements that subject any faithful or clergy to penance by the Church or to disciplinary measures up to and including excommunication from the Church.

### **§3 Final Determination**

1. The Exarchate Consistory, after hearing and reviewing of each case, makes a recommendation to the bishop (Exarch) for final determination.
2. The accused party has the right to appeal (in writing) the Consistory's decision to the Exarch directly, in which case he will review the case with the Consistory.
3. The Exarch is not bound by the Consistory's ruling. His decision is final.

### **§4 Reasons for Dissolution of Marriage**

Holy Councils of the Orthodox Church have recognized the following reasons for dissolution of a marriage that has been sanctified by the Church. Note that this does not apply to heterodox marriages, as the Orthodox Church does not recognize them.

1. Apostasy from Orthodoxy
2. Adultery and unnatural vices (perversions)
3. Incapacity for or refusal of marital cohabitation
4. Affliction by leprosy or syphilis (permanent contagious condition)
5. Unknown absence (abandonment)
6. Jail sentence with deprivation of rights (restraining order)
7. Infringement upon the life and health of spouse and/or children (abuse)
8. Incest or prostitution of spouse
9. Secular divorce and/or entering into a new marriage
10. Serious, incurable mental illness
11. Intentional desertion

#### **§4.1 Guidelines for Church Divorce Petitioners**

The *Exarchate Consistory* hears petitions for ecclesial divorce. Any petition must include the following documents:

1. Certificate of Orthodox Church marriage

2. Civil divorce papers
3. Current address(es) of both concerned parties
4. Statement of reasons (see above) for dissolution of civil marriage, incl. the presenting of evidence
5. Confirmation of statement (witnessed) by an Orthodox priest

## **§5 Reasons for Clergy Discipline**

1. Repeated or habitual violation of clergy conduct according the Exarchate *Guidelines of Clergy Conduct*.
2. Violation of the *Guidelines for Clergy Compensation and Employment*
3. Repeated or habitual violation of the *Guidelines for Clerical Attire*
4. Any violation of the *Code of Conduct for all Clergy*
5. Repeated violation of the *Liturgical Guidelines* respective to each Rite

### **§5.1 Guidelines For Filing**

The *Exarchate Consistory* hears all petitions of suspected misconduct. Any petition must include the following documents:

1. Narrative (in writing) of acts or neglect committed
2. Respective witness statements and/or precise documentation
3. Measures that failed in order to correct the situation