

Appendix 31: The Bank Signatory Authority for Parishes

All checks drawn on parish funds in parish checking accounts must bear the actual signature of the pastor or parochial administrator of the parish, except as noted in the fourth paragraph of this appendix. While it seems that some pastors or parochial administrators in the Diocese have permitted business managers, and perhaps other staff persons, to sign parish checks, this practice is not in accord with Canon law and constitutes improper delegation.

First, the execution of any draft or check drawn on a parish account is the transfer or alienation of Church property. Second, alienation of Church property is a "juridic act" as described by Canon Law, and for such an act to be valid, "it is required that it be placed by a person capable of placing it" (Canon 124).

Canon Law provides that the diocesan bishop represents his diocese in all juridic matters (Canon 393) and the power to alienate Church property is delegated by the Holy Sec to the diocesan bishop as part of his executive power of governance (Canons 135, 931, 1292). Church Law allows the diocesan bishop to subdelegate certain powers of governance, such as the alienation of property, to pastors or parochial administrators (Canon 137). However, the power to delegate is limited to the one who delegates and further, no sub-delegated power can be delegated again unless expressly granted by the one empowered to delegate (Canons 129, 1437). Thus, no pastor or parochial administrator may delegate any other person in his parish to sign parish checks, not even an associate pastor.

The pastor or parochial administrator must ensure that the Vicar General/Moderator of the Curia of the Diocese is identified at the bank as the back-up signer on all parish accounts. Thus, if a case of real necessity arises, Diocesan Vicar General/Moderator of the Curia will be able to fulfill the pastor or parochial administrator's duty of check signing. In affirming these principles for the Diocese of Bismarck, it has been directed that all checks properly drawn on parish accounts are to be signed by the pastor or parochial administrator, and no mechanical method of reproducing a signature is to be employed. There shall be no requirement of two signatures on parish checks.

The corollary of this directive is that in executing such checks, the pastor or parochial administrator is to possess actual knowledge of the purpose of the check and the sufficiency of funds available to cover the amount of the check. Not only is this legally required from a civil law standpoint, it is also required due to the juridic nature of the authority being subdelegated by the diocesan bishop. Specifically, this subdelegation of power concerning check writing goes beyond the issue of whose name is on a check to the larger issue of the pastor's or parochial administrator's responsibility of ensuring the proper administration of Church property.