

“Crisis Kit” For Parishes Faced with Closing or Merging

Discerning An Appropriate Response

Immediate information for parish communities deciding how to respond to a diocesan directive to close or merge. A more comprehensive resource packet containing extensive information about canonical and civil redress, biblical, theological and canonical essays about early faith communities and a parish's right to exist, the use of parish life coordinators to keep parishes open, a sample parish discernment process, a sample parish constitution, prayer, organizing and media tools is available for purchase at www.futurechurch.org.

Your Parish is Not A McDonald's Franchise

Jesus told his disciples “where two or three are gathered together in my name, there am I in the midst of them” (Mt. 18:20). From our earliest beginnings, Christians gathered together into communities to support each other in living and spreading the good news of salvation through Jesus Christ. Parish communities are the lifeblood of the Catholic Church and anything that damages their well-being is a threat to the Body of Christ.

The parish family is where Catholics come to know their true identity as Christians. Parishes are not administrative units like McDonald's or your local bank, but true churches, and as such have basic rights. Because it is the Holy Spirit who leads the church, the voice of the Spirit of Jesus, alive within the local parish community, should be sought before any decision is made to disband it.

The most fundamental right of a parish in canon law is the right to come into existence, be acknowledged and continue in existence (c. 374.1). Once a community of faith is formed and recognized it becomes a “juridic person” which by nature is perpetual unless it is legitimately suppressed or stops all activity for 100 years (c. 120.1). To be suppressed, the impossibility of continued life must be clearly demonstrated.

Priest Shortage Threatens Parish Life

Yet parish life as we have known it is changing dramatically. Dioceses throughout the U.S. and Europe are reconfiguring parishes because of the priest shortage, even as numbers of Catholics are on the increase. Presently 75% of 18,000 active diocesan priests in the U.S. are over 55 years old, but we are only ordaining about 350 men each year. If these numbers remain constant, in 20 years we will have only 11,500 diocesan priests for our 19,000 parishes. This is far too few priests to provide Eucharist and pastoral ministry to Catholics whose numbers have increased by 20 million in the last 40 years.

In the past 20 years, bishops in Cleveland, Milwaukee, Albany, Seattle, Baltimore and Los Angeles have issued pastoral documents aimed at preserving viable parish

communities rather than close or merge parishes. They chose creative solutions permitted by canon law, such as entrusting the pastoral care of several parishes to one priest, to a team of priests, or to competent lay ecclesial ministers, deacons and religious, with a nonresident priest serving as the canonical pastor.



Lately, however, some bishops are choosing to close or merge viable parish communities because of the priest shortage, even though they have active lay leadership, available lay ecclesial ministers and important outreach ministries. In some cases, in this time of clergy sex abuse lawsuits, parish assets and real estate values figured more prominently into the decision than they should have.

FutureChurch and other church reform organizations believe the problem will not be solved until we recognize all of the priestly vocations, married and celibate, male and female that God is pouring upon the Catholic Church. However, we must deal with the situation we have now. It is important to become

knowledgeable about our rights and responsibilities for keeping our parishes vibrant and vital in a time of fewer priests even as we engage institutional leadership in conversation about the need to open ordination to all those called to it.

Priest Shortage No Reason to Close Parishes

According to the well-known canon lawyer Fr. James Coriden, “A shortage of priests for pastoral leadership is not an adequate reason to suppress or combine parishes. Canon law strongly recommends liturgies of the word and group prayer in the absence of priests (c. 1248.2), clearly implying that the life and worship of the community must continue even when priestly leadership is absent.” Canons 516.2 and 517.2 say the pastoral care of a parish may be entrusted to others such as lay ministers or deacons. (See *Parish Rights and Obligations* at www.futurechurch.org)

Discernment and Obedience

At its root, the word obedience means to listen. Many Catholics believe that their main responsibility is to obey whatever directive comes from their diocese or Rome

without also attending to the Spirit's voice nudging from within. True obedience seeks to discover what God is asking of us at this time, in this place, under these circumstances. Another name for such seeking is discernment. It means that we take seriously our internal unrest, discomfort or sense that the diocese's decision to close or merge our parish is the wrong one. The pastor, parishioners and parish staff may see more clearly than diocesan officials the spiritual value and vitality of their parish community, and the harm that will come from closing it. Discernment helps us and diocesan officials discover what God wants. This being said, it is also true that discernment presumes personal detachment and seeks what God wants first rather than what we want. Therefore, it's important to be open to the painful possibility that the diocese's decision to close or merge your parish may be appropriate.

Discerning An Appropriate Response

The importance of prayerfully evaluating the diocese's decision to close, cluster or merge a parish cannot be overstated. Hopefully, any such decision will have already invited the active involvement of parishioners and will not come as a surprise. (For a good model, see: <http://www.dioceseofcleveland.org/vibrantparishlife/>)

After prayerful evaluation and discussion with parish leadership and the parish family of the reasons given for the diocese's decision to close or merge, parishioners may:

- a. Decide the reasons given are valid and participate in reconciliation and prayerful rites of closing and/or transition to the new parish home. (See below: *Moving Forward- if merger or closure is best.*)
- b. Decide the reasons given are either questionable or overtly unjust and seek administrative and canonical appeal and/or other carefully discerned activities such as 24-hour prayer vigils, civil suits and the like. (Please see good reasons for closing a parish listed below before deciding to take this step.)

Should My Parish Close or Merge?

Some good reasons for closing parishes:

- Regularly decreasing numbers of parishioners with few newcomers despite focused attempts at evangelization and outreach. Too few parishioners in their active years to assume all the work necessary to keep parish functional.
- Little to no catechesis, apostolic outreach or social justice mission
- Intractable parish indebtedness over a lengthy period of time despite parishioner leadership in implementing plans to address the problem. Preoccupation with financial survival impedes most ministerial outreach. Parish is consuming future resources trying to maintain facilities that are too big or no longer useful for its life and work.

- All of the above, with the availability of nearby solvent, vital parishes that share similar values and apostolic goals .

Some poor reasons for closing parishes:

- No priest able to live in the parish when competent lay ecclesial ministers, deacons and parish leadership are available.
- Merging or closing based solely on size or geography without taking into consideration unique parish culture, vitality, solvency and apostolic and justice outreach.
- Value of parish real estate.

Financial Considerations

When a parish is closed or suppressed the assets are returned to the diocese. This is the least preferred option in canon law, which seeks to keep intact, wherever possible, the social, cultural and spiritual ties that nurture the faith and apostolic mission of parishioners. When a parish is merged, parish assets are given to the new entity. In this time of large lawsuits from clergy sex abuse, there is evidence that in at least one large archdiocese (Boston) the value of parish real estate appeared to weigh more heavily in the decision to close parishes than it should have. Boston took the unprecedented step of suppressing rather than merging all parishes slated for closure. (See *Doherty Study* at www.futurechurch.org)

Moving Forward- if merger or closure is best

Grief, anger, and sorrow are not uncommon emotions when a parish community accepts the painful reality that changing circumstances require their parish to close or merge. If the transition to the new faith community is to be positive, and to grieve effectively, parishioners need to honor and celebrate what has been. A powerful way to negotiate this difficult passage is to use ritual. Michael Weldon's book, *A Struggle for Holy Ground: Reconciliation and the Rites of Parish Closure* (Liturgical Press, 2004) is a treasure trove of pastoral approaches and ritual geared to helping parish communities mourn and move forward.

Moving Forward- if the parish decides to appeal
Timing is important. Once the diocese's decision to close or merge is announced, there is a limited time (30 days) for written canonical appeal. It would be wise to seek the help of a canon lawyer as early as possible. Since timing is important, several things need to be happening at once: organizing parishioners, pursuing direct appeal and mediation with diocesan officials and submitting a written appeal for administrative recourse as outlined in canons 1732-1739 (see below). Once the appeal is filed, the parish will remain open while the case is reviewed. This is especially useful information in the event that parishioners knew nothing about the possibility of losing their parish home. For a good example of a canonical appeal see www.stalbertsweymouth.org

Who May Vindicate Parish Rights? In canon law, the first person responsible for vindicating parish rights is the pastor of the parish. If the pastor cannot or will not assume this responsibility, then others entrusted with the care of the parish are responsible, including pastoral administrators, members of the parish finance committee and parish pastoral council. If none of these can or will vindicate parish rights, then parishioners assume this responsibility.

Steps for Defending Parish Rights. In his book, *The Parish in Catholic Tradition: History, Theology and Canon Law*, Fr. James A. Coriden lists four lines of action that those responsible for defending parish rights can pursue:

Step One: Encouragement and Awareness. Those representing the parish and all who care about its welfare must be fully engaged in any and all studies, plans or reviews involving its future well being.

Step Two: Direct Appeal, Conciliation or Mediation. Once an action has been taken that is perceived to be contrary to the rights of the parish community and will harm or adversely affect it, the first step is to represent the interests of the parish, in person, directly and in a low-key way. For example, appropriate parish leadership could seek a personal meeting with the bishop to show the evidence and present the parish's point of view. That failing, mutually agreed upon people with mediation and arbitration gifts could be engaged to seek just resolution of differences. Some dioceses have mediation and due process offices. Canon law places a high premium on exhausting all other effective means of resolving differences before pursuing canonical litigation.

Step Three: Administrative Recourse. Canons 1732-1739 outline the procedures for appealing an administrative decision either to the person who made it or to that person's hierarchical superior. (It would be wise to seek the help of a canon lawyer as early as possible in the process).

a. appeal in writing to the person who made the decision that is perceived to be harmful to the community. An example could be the decision to close or merge a vital, solvent and apostolically fruitful parish solely because there is no priest available to live on the premises or because of the value of parish real estate.

b. appeal in writing to the hierarchical superior of the one who took the action. For example, parish representatives may write to the diocesan bishop about an action taken by the pastor or to the Congregation for the Clergy in Rome for an action taken by the bishop. This may be taken "for any just reason" (c. 1737).

c. appeal to the *Apostolic Signatura*. The *Signatura* has authority to review administrative decisions. (c. 1445.2) Such appeals are made either directly to Rome or through the Apostolic Nuncio in Washington at 3339 Massachusetts Ave, N.W. Washington D.C. 20008. Names and addresses for appropriate Roman Curia officials are listed in the Official Catholic Directory, published by P.J. Kenedy & Sons, New York.

Step Four: Ecclesiastical Courts. Every diocese has an ecclesiastical court. While most of the docket is filled with marriage cases, canon law (cc. 221, 1491, 1400.1 and 2,) prescribes that these courts are open to a wider range of rights claims. The diocesan courts have rarely been used for this purpose, but one may consider submitting a petition in this venue as well. (cc. 1502-1504)

Organizing Parishioners

Once discernment and dialogue with as many invested parishioners and community leaders as possible has taken place, and you are clear that the Holy Spirit is calling you to resist closing, you will need to:

- directly appeal and seek mediation with the diocese.
- write your letter of canonical appeal within 30 days of the date the diocese announced the closing.
- carefully discern civil redress (see below) and develop an action plan.

Helpful considerations:

There is strength in numbers. Continually look for people who are invested in your plan and mission such as community organizations, community businesses, local members of progressive reform groups, past members of the parish, and parish communities who have had or are having a similar experience.

Maintain constant communication. Develop a way to share updates quickly such as through a phone tree, e-mail list, and/or website (for examples of parishes who have used a website to communicate their message, go to Where to Get Immediate Support and Advice). Consider communication with the public through bumper stickers, t-shirts, billboards, etc.

Take fiscal action. Immediately begin collecting money, set up a checking or escrow account and consider incorporating as a non-profit organization. Incorporation creates a separate legal existence that is not under the control of a diocese or the Vatican. Plan fundraisers (also a good media event).

Organize your message. Make sure everyone understands and can articulate the key points of your message to the public and to the diocese. (See media tips.)

Recourse in Civil Law

The law concerning ownership of parish assets appears to be unsettled in many jurisdictions. Some recent cases indicate that the courts may not always feel bound to

follow statements by Church authorities about canon law in monetary and property matters. A claim might exist that the parish, not the diocese, owns the parish assets. This would mean that the parish, not the diocese decides whether or not to sell its building and to whom to give the assets. The bishop still ultimately decides whether to close the parish. You might also have a claim that the bishop holds the parish “in trust” for the parishioners, who built and paid for the parish. If the diocese will not benefit financially from the closure, your parish may be less likely to close.

Laws and causes of action differ in many states. There is no guarantee that legal redress is a wise course of action. Civil litigation is expensive. According to attorney Sharon Harrington who spearheaded civil suits for Boston's *Council of Parishes*, lawyer's fees could easily reach \$100,000. She advises sharing lawyers with other viable parishes faced with closure or merger. Lawsuits provide time. First amendment issues may be raised, appeals will be brought, potentially adding years of delay. This simultaneously provides an avenue for publicity and press coverage. With that kind of delay, the incentive for the diocese to keep fighting to close the church lessens. (More extensive information on civil redress is available in the *Save Our Parish Community Resource Packet*).

Organizing a Prayer Vigil or Service

If you file canonical appeal within 30 days of the announced closure, your parish should stay open until the appeal is decided, up to and including the appeal to the *Apostolic Signatura*. You may not need to organize a 24-hour vigil. However, experience in Boston revealed that some parishes were able to delay closing simply by being prepared to vigil if necessary. Archdiocesan officials did not like the media generated by vigilling parishioners. Decide in advance how many people you will need to keep the vigil going 24 hours a day for at least two weeks. (See “Organizing Parishioners.”) Here are tips gleaned from the experience of parishioners in Boston:

Keep your community prayer times simple and consistent. Call upon respected parishioners to lead prayer. The same prayer at the same time each day (the rosary, a special prayer your parish has already come to know and love, a created prayer for the vigil) can add unity to the prayer sessions. Some groups have found inspiration in Jeremiah 29:11-14 (*Yes, I know what plans I have in mind for you, Yahweh declares, plans for peace, not for disaster, to give you a future and a hope.*)

Keep or create an environment for prayer by having some of the following: reflective background music before the service begins, group singing, a prayer table with sacred objects as a focal point, dimmed lights, prayer cards.

Stay true to your intention to pray. This is not the time to discuss or make statements about what is happening in the Church or with your parish process. Some discussion may be necessary but it should be held in

the narthex or someplace that doesn't disturb the prayer of others.

Feed each other actively, in all ways. Have a sense of hospitality and welcoming that will encourage members to come back and work for your mission.

Keep all prayer people and vigil members informed. Communication is crucial! Once again, see “How to Organize for Action.”

The Vibrant Parish Life initiative of the Diocese of Cleveland has several prayer services that could be adapted for use. They can be found in Vibrant Parish Life resource manual downloadable off the Diocese of Cleveland website www.dioceseofcleveland.org/vibrantparishlife/.

Media tips

1. It is important to define your message. Select three or four key points you want the media to publicize and stick with them. Some examples:

- a. St. _____ parish has active parishioners, is financially stable and has an important mission that will be compromised by closing.
- b. St. _____ parishioners were not appropriately consulted about the decision to close or merge.
- c. St. _____ parish has been thriving under the pastoral leadership of Ms. Mary Smith, our pastoral administrator. We don't understand why this needs to change.
- d. St. _____ parishioners respect the diocese but we want the diocese to respect us too. We invite diocesan officials to come and see through our eyes the great harm that will result to our neighborhood by closing this vital parish

2. Select people who have the gifts to speak to the media and coach them in how to stick to the three or four main points. Do not allow TV or radio media folks to derail you from your main message. You do not have to answer inflammatory questions. Instead, deflect the question and repeat your own message.

3. It is important to frame your message in such a way that it makes clear your desire to be in appropriate and respectful communication with the legitimate diocesan leadership even as you uphold the right of your parish to continue in existence. (See d. above)

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