



## Process for Taking Recourse Against a Decree

# CANONICAL APPEAL RESOURCE



FutureChurch has designed these resources to provide Catholics with tools to defend their parish homes. Catholics who learn that their parish is merging or closing are often devastated by the news and want to know what they can do to protect their parish home. FutureChurch's resources have been available for over ten years and our work has contributed to a highly significant change in Vatican policy.

The project provides educational and organizing resources to faith communities discerning an appropriate response to diocesan decisions to close or merge their vibrant, solvent, and apostolically effective parish. It also educates about effective diocesan processes inviting parishioner involvement in deciding the future of their parish.

## WHO CAN MAKE AN APPEAL

**1. The parishioners are the ones to appeal.** Preferably, parish council officers or other “pillars of the parish,” are the best ones to appeal. However, anyone can take recourse against the DECREE issued by the (Arch)bishop. The pastor should Not appeal. The pastor is not the parish. In addition, the bishop can silence the pastor since the pastor has taken an “oath of obedience to the bishop”. It is important to keep a safety wall between the group appealing and the pastor.

**All recourse letters and other correspondence should be courteous and respectful.**

**a)** While a small group of parishioners (3 to 7 people) should work together they are not to send any recourse letters for this process as a group. The Congregation for the Clergy no longer accepts recourse letters from groups such as “Friends of St. [name of parish]” or “Committee to Save St.[name] Church”. Only individuals in their own name can take recourse. The same person(s) need to sign the recourse letters throughout the whole process. The full mailing address of each signer of the letter is to be included with the name of the signer. The signer(s) of the recourse letters do not need to write the letters.

**b)** Recourse can be sent by one person. Having more people sign the document does not make the recourse stronger. While a group may work together to organize recourse documents, one individual can be the signer for all recourse documents.

**2. Should the bishop not provide a copy of the DECREE to the parishioners; the parishioners must attempt to get the DECREE. An announcement made to the people by the pastor or a simple notice in the bulletin is not the DECREE.**

- a. Send a letter to the bishop requesting a copy of the DECREE to be sent to you by return mail.
- b. Send a letter to the pastor requesting a copy of the DECREE to be sent to you by return mail.

**Should no DECREE be mailed to you by return mail [3 days]:**

c. Send a letter to the Apostolic Nuncio informing him of the problem. Simply inform him that your right to have a copy of the DECREE was not honored by the bishop. As a consequence your right to take recourse against the DECREE is not possible. Add that you have no idea how to resolve this serious problem. Quote the following canon from the Code of Canon Law.

**Can. 1737 §1. A person who claims to have been aggrieved by a decree can make recourse for any just reason to the hierarchical superior of the one who issued the decree. [Do not be confused when reading the whole canon. The reference to 15 useful days found further in the canon relates to the recourse being sent to the Congregation for the Clergy. The 10 useful days to send recourse to the bishop is found in another canon.]**

d. Include in the letter to the Apostolic Nuncio a copy of the letter sent to the bishop and to the pastor. Also include any copy of the pastor's announcement or any notice in the weekly bulletin announcing the bishop's plans. While these are not the DECREE, it shows that the bishop is making a change to the parish and/or the church building.

**3. When time is short FAX your documents and follow with overnight mail/signature required.**

Archbishop Christophe Pierre Apostolic Nuncio

FAX 1-202-337-4036

3339 Massachusetts Avenue N.W. Washington, DC, USA 20008-3610

Also send the same documents by registered overnight mail signature required.

Archbishop Lazzaro You Heung sik, Prefect Congregation for the Clergy

FAX: 1 (202) 337 4036

Palazzo delle Congregazioni Piazza pio XII,3

00193 Roma italia Apostolic Nuncio

Also send the same documents by registered overnight mail signature required.

#### **4. The bishop will issue two DECREES.**

- a. One DECREE suppresses the parish and subsequently merges the parish with other parishes to form a new parish. Sometimes the bishop will simply suppress a parish. If this is the case, the DECREE will clearly state that the individual parishioners are to register in any parish of their choice.
- b. Another DECREE relegates to secular use (deconsecrate the sacred space) the church building.

A separate recourse is to be written for each separate decree. Sometimes these two decrees are issued at the same time. In other instances the decrees are separated by several months.

Sometimes the change in status of the parish and the church building are found in one DECREE. In this case recourse is to be taken against both acts in one recourse letter. Clearly argue each act in a specific way with its own arguments.

#### **5. Always begin the recourse letter the same way:**

##### **a. Recourse against merging the parish:**

I, Mr/Ms. [your name and full address], U.S.A., as an individual and in my own name, as a parishioner of St. [ ] Parish in the Diocese of [name of diocese and state], U.S.A., am initiating formal recourse against the DECREE dated [month-day-year] of Most Reverend[bishop's name], Bishop of [diocese name] regarding the merger of [name the parishes being merged and their addresses].

##### **b. Recourse against relegating the church building to secular use:**

I, Mr/Ms. [your name and full address], U.S.A., as an individual and in my own name, as a parishioner of St. [ ] Parish in the Diocese of [name of diocese and state], U.S.A., am initiating formal recourse against the DECREE dated [month-day-year] of Most Reverend[bishop's name], Bishop of [diocese name] regarding the relegation to secular use St. [name of church] Church, [address of church].

#### **6. Always end the recourse letter the same way:**

- a. The people sending the recourse should sign their name, provide their mailing address, and give their role in the parish, title in the parish. For those who are not in any leadership role or do not have a formal ministry can sign FAITHFUL MEMBER OF THE PARISH. All subsequent letters should be signed by the same people. *The Congregation for the Clergy has denied recourse in the past when different names appear on subsequent recourse letters and other correspondence.*

**7. All mailings are to be sent to FedEx or UPS; overnight registered mail with signature required.** Do not use the US Postal service as it is not dependable. You need to have proof of date sent and delivered within the required 10 days. Print any tracking information available by way of email or on the web.

## **STEP ONE: RECOURSE TO THE BISHOP**

**1. Once you have a copy of the DECREE, you then have 10 useful/work days, [days the chancery office is open] to begin recourse to the bishop.** If the bishop delays making the DECREE available to the parishioners then the 10 useful/work days begins from the day you get a copy of the DECREE. Be sure to enclose copies of all correspondence used to get the DECREE.] In the recourse letter be sure to give the date the DECREE was issued and the date you received a copy of the DECREE.

## 2. The initial 10 day recourse letter must communicate the following:

- a] Ask the bishop to rescind his decision (to suppress and merge the parish/to relegate the church to secular use) as stated in the DECREE [quote the DECREE]
- b] Briefly give counter arguments to statements used in the DECREE. [see letters below]
- c] state clearly what you want for your parish/church building [see letters below]

**Be sure to always date any letter you write.**

## SAMPLE RECOURSE LETTER ADDRESSING A MERGER OF PARISHES

January 20, 2023

The Most Reverend  
(Arch)bishop of  
[mailing address]

Your Excellency,

I, Mr. [name, mailing address], U.S.A., as an individual and in my own name as a parishioner of St. [name] Parish in the (Arch)diocese of [diocese, state] U.S.A., [I, Ms. [name, mailing address], U.S.A., as an individual and in my own name as a parishioner of St. [name] Parish in the (Arch)diocese of [diocese, state], U.S.A. [add any further names following the formula found above] am initiating formal recourse against the DECREE of Most Reverend [name of bishop] dated [month-day-year], regarding the current condition of St. [name] Parish and the pastoral needs of the people of the parish.

On [month-day-year] your Excellency issued a DECREE that St. [name] Parish of [city, state] is to be extinguished and its people unified into the new parish which will be erected in [name of place cited in the decree] which will take effect on [month-day-year cited in the decree].

In accordance with the provisions of canon law, we respectfully ask you to rescind your decision as stated and recorded on [month-day-year] in the DECREE with respect to St. [name] Parish of [city] being extinguished.

**[List each reason for changing the status of the parish given in the DECREE and give a counter reason why the parish should remain a juridic person in the law. The following are some samples of how that might be done.]**

- Our congregations may be of smaller numbers compared with other parishes in the [name of] Deanery within the (Arch)diocese of [name], but that by itself is not a flaw: what counts is the fact that we have built and maintained our parish as a Catholic faith community, and we are self-sustaining, seeing to the necessary upkeep and repairs, and making a contribution to the needs of the (Arch)diocese of [name];
- We are currently utilizing a linkage arrangement with St. [name] Parish in [city], St. [name] Parish in [city], and St. [name] Parish in [city], sharing one pastor ministering to our four parishes and we have been satisfied with this approach in maintaining one mass at each parish. Sharing this one pastor provides efficiencies in travel for our parishioners; many of whom are elderly or otherwise would not have reasonable resources to travel to another parish.

We request that our parish remain a juridic person in the law and continue to be linked with the other parishes because:

- The current linkage approach with the four parishes in northern [name] County has allowed the parishes to share one pastor and other resources while maintaining one mass at each parish. This has provided efficiencies while ensuring that the parish community is kept intact with a central symbol of the Catholic faith as a cornerstone in our faith community;
- We are willing to come up with solutions to further partner or share resources and as leaders within our parishes we are equipped to involve and represent our parishioners and communities to produce a viable and sustainable outcome that will be beneficial to our rich rural culture.

Your Excellency, our families and ancestors bonded together as a community in faith with hard work, money, talent, and a love of God to build our parish as the heart of each community. Although many years have passed since their love built these parishes, their direct descendants along with newcomers in faith have continued their legacy with the parish as the life blood of our rural homes. Our parishes are a symbol for all to see and respect and this symbol touches every individual that lives, visits, and even passes through our towns. People of all faiths and beliefs have a respect for those symbols and understand the deep love of God that formed them. To eliminate our parish from the rural landscape would tear out the heart of the community and remove the Catholic character that has fostered a culture of faith for generations. In the changing, fast-paced United States society where Wal-Marts, chain restaurants, and depersonalization have removed the uniqueness of local communities we will not stand idly by while our parishes become another example of cultural and faith elimination. There is an opportunity now to preserve our unique communities, to continue to build and enhance what our ancestors have built and what our current parishioners maintain, and to provide our children and grandchildren a lifeline to the God loving spirit that their ancestors had to remain grounded in our Catholic faith.

In brief, we are looking for solutions all aimed at maintaining and building upon the Catholic faith community and parish at St. [name] Parish in [city]. We hope to maintain our parish while continuing to foster the strength of our Catholic faith within our communities.

We each remain faithful Catholics,

Signature [name of signer]  
[address of signer]

Signature [name of signer]  
[address of signer]

Signature [name of signer]  
[address of signer]

## SAMPLE RECOURSE LETTER ADDRESSING THE RELEGATION OF A CHURCH BUILDING TO SECULAR USE

January 20, 2023

The Most Reverend  
(Arch)bishop of  
[mailing address]

Your Excellency,

I, Mr. [name, mailing address], U.S.A., as an individual and in my own name as a parishioner of St. [name] Parish in the (Arch)diocese of [diocese, state] U.S.A, [I, Ms. [name, mailing address], U.S.A. , as an individual and in my own name as a parishioner of St. [name] Parish in the (Arch)diocese of [diocese, state], US.A. [add any further names following the formula found above] am initiating formal recourse against the DECREE of Most Reverend [name of bishop] dated [month-day-year], regarding the current condition of St. [name] Church building and the subsequent use of St. [name] Church building.

On [month-day-year] your Excellency issued a DECREE that St. [name] Church building [city, state] is to be relegated to secular use which is to take effect on [month-day-year].

In accordance with the provisions of canon law, we respectfully ask you to rescind your decision as stated and recorded in the DECREE on [month-day-year] with respect to St. [name] Church of [city] being relegated to secular use and thus no longer being a sacred space in the law. We would like to remind you that the Congregation for Clergy in Rome and the Apostolic Signatura in Rome are not giving blanket permission for churches to be relegated to secular state. We respectfully ask you to keep our St. [name] Church building open and used for weekly liturgical services and other devotions as is currently the practice.

We would like to settle this situation at the local level but if we cannot, we will have no other option than to take recourse to the Congregation of Clergy in Rome. Should we do that there is every reason to believe that St. [name] Church will not be closed.

Once recourse has been filed at the Congregation for the Clergy no further plans can be made or changes made regarding the building, stained glass windows, moveable goods, art objects, selling of the property or building or anything else that would adversely affect the physical buildings and land.

**[List each reason for relegating the church building to secular use given in the decree and give a counter reason why the church should remain a sacred space in the law. The following are some topics that might be helpful to make your argument.]**



***The (Arch)bishop must observe the following procedures in order to lawfully and validly relegate a church building to secular use as found in canon 1222§2. He must:***

**a. Determine if there is a grave reason to close a church.**

The bishop cannot use the reason that the church building is no longer needed as a result of a merger. A parish can have two or more worship sites/churches. [give factual data showing that the church building is fit to be used for worship. If needed, get the building inspected by a licensed professional. Note especially the roof, tuck-pointing, windows, foundation, furnace, air-conditioning, accessibility. Proof of good stewardship of the building and property should be possible by the expenditures reported in past finance reports. Check how many masses will be needed per weekend in order to serve the influx of new parish members. Check if the parking lot is able to hold enough cars as required by civil law for the number of people the building can seat. This could be one parking space for four people. This is not to be considered a complete list of issues to be considered.]

**b. Consult the Presbyteral Council for his action to be valid.**

[The mind of the church is not to have this group of priests simply rubber stamp the bishop's pre-determined decision at a meeting where dozens of church buildings slated to be closed are presented by the bishop.]

**c. Have the consent of those who legitimately claim rights for themselves in the church for his act to be valid.**

[Those who could lawfully claim rights for themselves in the church would in every case be the juridic person or persons who own the church property. For example, when a parish owns the church building and the land on which it was built, the Bishop would have to obtain the consent of the Pastor (canons 515, §3; 532) to implement canon 1222§2. In some circumstances the bishop, Vicar General, pastor, and two lay trustees must vote to suppress the juridic person in the law. A physical person might also be able to claim rights, e.g., a major donor to the church whose donation was accepted on the condition [restricted gifting and naming rights] that the church would continue in use as a sacred place for a certain period (canon 1284, §1,3°).]

**d. Determine that the good of souls would not be harmed.**

[Here distance and the lack of transportation to a distant church building can be cited. Be sure to use street maps and show the new expanded territory formed by the merger of the numerous former parishes. Use bus route maps to show how difficult it will be for people to get to mass at the church of the new merged parish. If in a rural area estimate how far people will have to travel round trip, note the road conditions in your area that would be problematic in winter weather. If in an urban area note how difficult it will be for the poor, the elderly, the homebound, those who do not own a car as a result of the lack of adequate public transportation system. Show how the bus routes will not allow the people to even get to the church in question. Finally, while one mega parish may look good on paper, the number of hospitals, nursing homes, the homebound, and children in parochial schools now within the mega boundary are far too numerous for quality spiritual ministry to be possible by one priest. Usually, the mega parish cannot be served by the pastor who once serviced a former stand alone parish. The total number of masses on the weekend at the mega parish church is often the same as at the pre-merged church sites. Therefore the merger does not really

provide better use of the pastor. Not only will the good of souls of the laity be harmed but the good of the souls of the pastors will be harmed. An aging priest force cannot adequately do the work alone in a mega parish.]

**e. Determine that the proposed use of the place -will not be unbecoming (bring scandal to the public eye) which judgment should be made in keeping with cultural and local circumstances.**

[Real examples of “unbecoming use” are: A former church used by a salvage company as a storage space. A former church and other buildings on the property used as a prison site. In many places church buildings stand empty for years after the restructuring of the diocese. The issue of civil property laws should be considered when church buildings relegated to secular use remain vacant and unsold. The question can also be asked if empty and abandoned former church buildings are appropriate when canon law requires good stewardship of diocesan property. Remember that canon law can only protect the actual church building. In some instances the bishop sold every part of the former parish compound (rectory, school, parish hall, ball field, parking lot) only allowing the church to remain unsold.]

**f. The Apostolic Signatura has publicized its preference for keeping church buildings open.**

Usually permission for such closure is now being denied. More recently, the Congregation for the Clergy has also done this. When recourse is sent by parishioners against the plans by a bishop to relegate a church to secular but not unbecoming use, the hierarchical court typically informs the bishop of this fact rather quickly which precludes a formal hearing. The authority of the Bishop to suppress and merge parishes continues to be upheld. The permission to relegate the churches to secular but not unbecoming use has generally been denied. As a result, the Churches remain open for worship and devotional services; now called worship sites or some other name. The Apostolic Signatura intends that regular worship take place in the Church and the people be afforded access for devotional services. The Church retains its original name. The plan by the Bishop to sell the churches was now impossible. The plan to make money from the sale of these buildings became instead a responsibility to spend money to maintain them into perpetuity.

**Canon 1222§1** If a church cannot be used in any way for divine worship and there is no possibility of repairing it, the diocesan bishop can relegate it to secular but not unbecoming use.

**Canon 1222§2** Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to secular but not unbecoming use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.

The two paragraphs for Canon 1222 require grave cause for relegating a church to secular but not unbecoming use. The possibility envisioned in canon 1222§2 must rise at least to the level of the



causes in canon 1222§1. The grave cause is the physical destruction of the building by fire, flood, earthquake, tornado, hurricane or other natural disaster. The sacred character of a place for Divine worship requires that it remain a holy place, and not sold to the highest bidder.

**[continue the letter with the following concluding paragraphs]**

The above facts have serious implications should you decide to close and lock St. [name] Church building. The Presbyteral Council would be wise to have paid attention to these implications when they gave their counsel to you. It would be prudent for all to take into consideration the preference of the hierarchical courts and the consequences of their directives concerning closing churches. More than likely these courts will be consistent in their directives should they be asked to evaluate decisions made concerning St. [name] Church.

Again, we prefer to settle this at the local level. We pray our church, St. [name], be left in a consecrated state and continue to be a place used for weekly worship in order to keep and bring families/individuals to the Catholic faith.

We each remain faithful Catholics,

Signature  
[name of signer]  
[address of signer]

Signature  
[name of signer]  
[address of signer]

Signature  
[name of signer]  
[address of signer]

**3. Jurisprudence on the question of church closings is developing rapidly.** The topic received considerable attention during the recent US bishops' ad limina visits to the Holy See. Both the Congregation for Clergy and the Apostolic Signatura now make a clear distinction between the legitimate reasons to merge parishes and legitimate reasons to close a church.

**No longer considered legitimate reasons for closing a church are:**

- 1. The shortage of priests**
- 2. The church is in close proximity to another church**
- 3. The church is no longer considered necessary for worship when a parish is suppressed or merged.**
- 4. The maintenance for a building no longer needed as a church for Divine worship is a financial burden to the parish.**

The Holy See recognizes the possibility for a parish to have more than one church, and in certain instances for a church to exist apart from a parish. And finally, while worship may not be celebrated on a weekly basis within a church, the edifice is to be maintained for the good of the faithful.

Recognition of the permanence conferred by dedication of a space to sacred use, once called "consecration" and now called "dedication" trumps the merely utilitarian values of cost-savings and need. The Holy See now requires a bishop demonstrate substantially grave reasons to overturn the act which permanently handed that space over to Divine worship.

In general, the hierarchical courts have indicated that a Bishop cannot suppress Churches. In Rome's eyes, it is not correct for a bishop to suppress or merge a parish and then merely indicate the church building is no

longer suitable for public worship as a result of the suppression/merger.

**4. The initial 10 day recourse letter should quote the exact language of the DECREE from the bishop that specifically affects your parish/church.**

For example the DECREE might read:

"I now present my decisions regarding consolidation as they affect St. Mary Parish, St. Joseph Parish, and Holy Savior Parishes:

- Holy Savior Parish will continue.
- St. Mary and St. Joseph Parishes will merge into one parish with the worship site to be determined in further discussion with Bishop [name].

**Be sure to make clear what you are taking recourse against in the Bishop's DECREE.**

You also need to state clearly what you want instead. This could be

- a. Clustering or partnering the parishes: with the juridic person of each parish continuing
- b. Remaining a stand-alone parish as a juridic person
- c. Church building remains a sacred space and used for regular worship

## **STEP TWO: RECOURSE TO THE CONGREGATION FOR THE CLERGY, VATICAN CITY**

**1. THE PRIMARY PURPOSE OF ANY APPEAL TO ROME IS TWO FOLD.**

- a. THE BISHOP SHOULD FOLLOW THE PROCEDURES IN CANON LAW
- b. THE REASONS GIVEN IN THE BISHOP'S DECREE FOR MERGER OF THE PARISH OR RELEGATION OF THE CHURCH BUILDING TO SECULAR USE SHOULD BE BASED UPON FACTUAL DATA.
  - i. RECOURSE IS THE WAY FOR THE PEOPLE TO PRESENT DATA AND FACTS THAT SHOULD HAVE BEEN USED BY THE BISHOP WHEN MAKING THE DECISION TO RECONFIGURE THE DIOCESE.
  - ii. AN APPEAL BY THE PEOPLE IS THE ONLY WAY TO GET THIS FACTUAL DATA TO THE HIERARCHICAL SUPERIOR OF THE BISHOP.
  - iii. AN APPEAL IS THE ONLY WAY TO GET THE FACTS ON PAPER AND IN FILES IN THE OFFICES OF THOSE WHO CAN POSSIBLY PROTECT THE PEOPLE OF THE DIOCESE.

**2. There is a second step that you will want to begin working on immediately after you send the recourse letter to the bishop and have ready to mail.** The second phase of recourse is taken to The Congregation for the Clergy which is the hierarchical superior of the bishop and can overturn the bishop's administrative act (decree).

- a. Should the bishop not contact you within 30 days, canon law says that the silence is the answer "NO" from the bishop regarding your request of him to rescind the DECREE. After the 30th day you then have 15 useful/work days to file recourse against the bishop's DECREE at the Congregation for the Clergy at the Vatican.
- b. Should the bishop contact you before the 30th day with a written "NO" regarding your request of him to rescind the DECREE; you then have 15 useful/work days from the receipt of that letter from the bishop to file recourse against the bishop's DECREE at the Congregation for the Clergy at the Vatican.

**3. You will send recourse to the Congregation of the Clergy, Vatican City via the office of the Apostolic Nuncio in Washington, D.C.** This step would take place for both the suppression/merger of your parish as well as the relegation of the church building to secular use. Each decree will have its own recourse document sent to the Congregation for the Clergy, Vatican City by way of the diplomatic pouch of the Apostolic Nuncio in Washington, D.C.

Formal recourse to the Congregation for the Clergy requires the following documents be included:

- a. Formal document filing recourse at the Congregation for the Clergy
- b. Copy of the DECREE
- c. Copy of the recourse letter you sent to the Bishop
- d. Copy of the Bishop's written response to you, if one was sent
- e. Any exhibits, other documents pertinent to the recourse

**4. The formal recourse to the Congregation for the Clergy would be based upon the recourse letter sent to the bishop.** The recourse to the Congregation for the Clergy would expand on the issues listed in the recourse letter to the bishop. If you find you do not have the time to send in a recourse document with extensive research and exhibits to argue your case to the Vatican; be sure to send in a summary document to file the recourse within the 15 useful/work days. Be sure to inform the Congregation for the Clergy that further pertinent documents will be sent in subsequent mailings.

It is essential that you get this letter to the Congregation for the Clergy within the required time. Otherwise they will not accept your attempted recourse. There is nothing more you can do should you miss the deadline.

**5. Mailing to file the formal recourse at the Congregation for the Clergy, Vatican City. Prepare the following:**

FedEx Overnight Envelope Requiring Signature to:

Archbishop Christophe Pierre  
Apostolic Nuncio  
3339 Massachusetts Avenue N.W.  
Washington, DC, USA 20008-3610  
Contents of the FedEx envelope:

A. Envelope addressed, but not sealed to:

His Excellency Archbishop Lazzaro You Heung sik  
Prefect Congregation for the Clergy Palazzo delle Congregazioni  
Piazza Pio XII,3  
00193 Roma italia

- i. Congregation for the Clergy recourse letter with Cc. to Pierre
- ii. Decree
- iii. Copy of Recourse Letter to (Arch)bishop
- iv. Copy of Letter from the (Arch)bishop-if he responded
- v. Any pertinent letters, documents, correspondence

B. Envelope addressed, but not sealed to:

Most Reverend Christophe Pierre  
Archbishop Apostolic Nuncio  
3339 Massachusetts Avenue  
N.W. Washington, DC, USA 20008-3610

- i. Cover letter to Archbishop Pierre
- ii. Congregation for the Clergy appeal letter to Archbishop Lazzaro You Heung sik
- iii. Decree
- iv. Copy of Recourse Letter to (Arch)bishop
- v. Copy of Letter from the (Arch)bishop-if he responded
- vi. Any pertinent letters, documents, correspondence

**6. The office of the Apostolic Nuncio for the U.S.A. has been consistently professional and has forwarded mailings to the various offices of Vatican City in a timely manner.** However, that has not always been the case in other countries.

Should there be a problem with the Nuncio not responding to your request to send the recourse to the Vatican by way of the diplomatic pouch you can also complain directly to the Congregation for the Clergy of this. You have a right to take recourse. You should be afforded the help needed to do so. In the past, when a Nuncio has not cooperated, the Congregation for the Clergy has required that the Nuncio forward documents and letters in a timely manner. Because of the time sensitive nature of 15 working days it would be good to FAX your complaint about the Nuncio to the Congregation for the Clergy, Vatican City. FAX: 011 06 69 88 48 45 Also send the same documents by registered mail signature required.

**7. Fundamentally the recourse letter to the Congregation for the Clergy should look very similar to the recourse letter sent to the bishop (see sample above).** You should use the same arguments you used

with the bishop. Should time be short to get this to the Congregation for the Clergy within the 15 working days, then rewrite the recourse letter originally sent to the bishop. This first mailing is fundamentally for you to file the recourse within the lawful time. You can develop your full data and proofs to argue your recourse and send that information at a later time and as an additional document. It would be best to get any additional facts, data, and documents to the Congregation for the Clergy within 30 calendar days of sending the original recourse letter to the Vatican.

## **SAMPLE RECOURSE LETTER TO THE CONGREGATION FOR THE CLERGY FOR SUPPRESSION/MERGER AS WELL AS RELEGATION OF CHURCH BUILDING TO SECULAR USE**

**[The following may not be your argument. But you can see how an argument can be developed. This recourse letter is about the church building rather than the parish. Do not confuse the two in your specific recourse document. This specific recourse letter highlights the actions by some bishops who place a church building in a type of “limbo” after the parish is suppressed and merged but before the relegation of the church building to secular use takes place. A new merged parish can have more than one church building that is used for worship. The term “worship site” is used by different bishop in different ways. Some bishops provide for regular weekend masses. Other bishops only allow the church building to be used for weddings, funerals, and special holy days. And in other cases the bishops only allow one mass a year, the date being at the discretion of the bishop.]**

[date] 2023

His Excellency Archbishop Lazzaro You Heung sik, Prefect  
Congregation for the Clergy  
Palazzo delle Congregazioni Piazza Pio XII, 3  
00193 Roma Italia

Your Excellency:

I, Mr. [your name and full address], U.S.A., as an individual and in my own name, as a parishioner of St. [name] Parish in the Diocese of [name of diocese, state], U.S.A., am initiating formal recourse against the DECREE dated [month-day-year] of Most Reverend[name of bishop], (Arch)bishop of [name of diocese] regarding the merger of [name the parishes being merged and their addresses].

[State in a few sentences what you take recourse against quoting the DECREE itself].

As a result, the procedural requirement regarding the content of the DECREE has not been met. The absence of the complete decision of the Bishop gravely impacts our use of St. [name] Catholic Church building. Since this change is not in the DECREE and the Bishop has not provided the required explanation as to why he made the changes, we are subsequently unable to take recourse against the Bishop's decision. Thus the right to take recourse when a person considers himself harmed is impossible.

Following the publication of the [month-day] 2023 DECREE, I sent a formal letter to Bishop [name], of the Diocese of[name of diocese], U.S.A. with the reasons his decisions adversely affected our use of our beloved St. [name] Church building. The bishop responded by letter dated [month-day] 2023 and I received it on [month-day] 2023. The bishop did not comment on anything in my letter to him regarding his Decree of [month-day] 2023. I take that silence as being the bishop's answer of “NO” as specified in the Code of Canon

# CANONICAL APPEAL GUIDE



Law. I now, within the prescribed fifteen (15) days allowed in the law, bring recourse to your esteemed office.

In an informal document used by the diocesan planning committee is being used to change the use of our St. [name] Church building. That document that is not a DECREE states: "After [month-day], 2023, St. [name] Church building will be designated a church for occasional use. Regularly scheduled Masses will no longer be celebrated at St.[name]; however, permission may be granted for occasions such as weddings or funerals of former members"

The above mentioned change is not in the Decree. The procedural requirement regarding the content of the DECREE has not been met. The absence of the complete decision of the Bishop in his DECREE gravely impacts our use of our church building. Since this change is not in the DECREE and the Bishop has not provided the required explanation as to why he made the changes, we are subsequently unable to take recourse against the Bishop's decision. Thus the right to take recourse when a person considers himself harmed is impossible.

We respectfully ask your esteemed office to instruct our Bishop to correct this error in his DECREE.

I place myself at your mercy and ask you to act with justice for those parishioners formerly of the parish of St. [name] by directing Bishop [name] to write a new DECREE that meets the procedures required in the Code of Canon Law: including the absent information and reasons for the decision regarding the use of St. [name] Church buildings. [ Or that the bishop allow the our parish to continue in a cluster relationship with the three other parishes. This would allow the full use of our St. [name] Church building.

Further data and other information to present this case more clearly will follow in subsequent mailings.

I thank you for your consideration of my request. Be assured of my prayers for you and for your work for the Church. Asking Your Excellency's blessing, I am, yours respectfully in Christ,

Signature(s)

[ name] of each signer

[full address] of each signer

Copy: Letter to Most Reverend Christopher Pierre Archbishop, [date], 2023.[note: Archbishop Vigano was the Nuncio in 2013. Now Archbishop Pierre is the US Nuncio]

Enclosures:

1. Copy of the DECREE for St. [name] parish, [date], 2023,
2. Letter to Bishop[his name], from [your name] [date], 2023
3. Letter from Bishop [his name], [date], 2023, received[date], 2023
4. Other pertinent correspondence [specify]



# **SAMPLE COVER LETTER TO THE APOSTOLIC NUNCIO TO SEND THE RECOURSE LETTER TO THE CONGREGATION FOR THE CLERGY BY WAY OF THE DIPLOMATIC POUCH**

**Be sure to include a second copy of the recourse letter for the Nuncio's file.**

[date] March 2023

Most Reverend Christophe Pierre  
Archbishop Apostolic Nuncio  
3339 Massachusetts Avenue  
N.W. Washington, DC, USA 20008-3610

Your Excellency:

I, Mr. [your name and your address], as an individual and in my own name, as a parishioner of St. [name] Parish, [full address of parish], [state], in the Diocese of [diocese, state], U.S.A., am beginning formal recourse against the DECREE dated [month-day-year] for our parish given by the Most Reverend [name of bishop], Bishop of [name of diocese].

I ask Your Excellency to forward our enclosed correspondence to the Congregation for the Clergy in the diplomatic pouch. I have included a copy for your file.

I thank you for your consideration of my request. Be assured of my prayers for you and for your work for the Church.

Asking Your Excellency's blessing, I am, yours respectfully in Christ,

Signature(s)

[name] for each signer

[full address] for each signer

Enclosure:

Letter to his Excellency Lazzaro You Heung sik (Was Eminence Beniamino Cardinal Stells ) [month-day], 2023

## **8. Other Items of importance:**

a. Pastors are not the ones to lead this process but they can help behind the scenes and even can allocate money to help pay for any costs of the appeal. This could include paying for paper, mailing costs, professional fees, etc. Other parishes that do not have the support of the pastor when making an appeal can have fund raisers from the larger parish membership as their way of support.

b. Everything written or put into print will be seen by the Vatican. It is vitally important that every letter be extremely polite. This is no place to vent anger, rage, or foul language.

**c. In addition, have each group decide who will speak to the press. Everyone else in the group**

**and in the parish is to stay silent.** While the press may seem helpful, they are always looking for sensational news for example: the parish fighting with the bishop. This will undermine your appeal to the Vatican.

**d. While church sit-ins may be enticing, they are not effective.** The Vatican frowns on civil disobedience. In addition, to substitute a sit-in for a formal appeal undermines everything. The bishop will take over the church, the parish etc. While the group may get on CNN, this action is not helpful.

e. The only way to get truth to the Congregation for the Clergy is to send a well developed petition to the Vatican. The facts in those documents have the best chance to influence the Vatican.

## A Canon Lawyer's Observations about Why Most Appeals are Denied

My experience has been that cases have been turned down for the following reasons:

1. The people only send an "isn't it awful letter" with no data, and no required documents.
2. The people made a mistake in their appeal, arguing the wrong issue (parish instead of church building or visa versa).
3. The Congregation for the Clergy alerted the bishop of any mistakes he made in the DECREE and/or in the process and thus the DECREE was corrected and thus the bishop could then continue to implement his original decision.
4. The argument proposed by the people did not meet the criteria in canon law.

It often helps the argument if it can be shown that a bishop's decision for reconfiguration will be impacted by civil law, or he will be breaking civil law. There is much more of a chance that the people might get an affirmative decision when a bishop cannot fix a civil law issue and as a result will be forced to change his original decision for reconfiguration.

The above directions and explanations concerning recourse were developed by Kate Kuentler, P.H.J.C., J.C.D., a canon lawyer, who helps the laity file recourse against a DECREE.

## **We Love the Church...We're Working to Make it Better**

To get more information please write or call:

Deborah Rose or Russ Petrus

Co-Directors

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