



# ARCHDIOCESE OF MILWAUKEE CLERGY MANUAL

3501 South Lake Drive | P O Box 070912 | Milwaukee, WI 53207-0912  
414-769-3300 | [www.archmil.org](http://www.archmil.org)

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The Year of St. Joseph

Dear Brother Priests and Deacons,

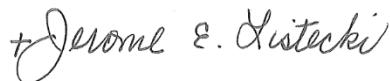
Through the work of the Council of Priests, the Deacon Senate and the Vicar for Clergy Office, I am happy to share with you this updated Clergy Manual. This Clergy Manual is provided to inform, guide, and govern. It describes the benefits, privileges, and responsibilities you have as a priest or deacon. It is important that we have a common understanding of these policies and procedures and that they are consistently applied. It has been written to help acquaint you with the policies and procedures of the Archdiocese of Milwaukee.

While the Archdiocese believes wholeheartedly in these policies and procedures, they are not written as conditions of employment and the Clergy Manual is not a contractual document with the clergy. Such statements are not binding or contractual in nature.

Policies and procedures in this Clergy Manual have evolved over time in order to meet the changing needs of both the Archdiocese and the individuals who carry out its various ministries and services. Thus, these policies and procedures are subject to change and updating. You are encouraged to discuss with the Vicar for Clergy any suggestions for clarification or improvement.

The most important part of this Clergy Manual is the spirit in which it is issued and observed. We want our priests and deacons to understand our earnest desire to minister within the Archdiocese in a fair, orderly and harmonious manner.

Sincerely yours in Christ,



Most Reverend Jerome E. Listecki  
Archbishop of Milwaukee

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## PRIEST SECTION

### Ministerial Offices

#### 1.1 CLERGY SERVICES

Clergy Services include the offices of the Vicar for Ordained and Lay Ecclesial Ministry Services (also known as the Vicar for Clergy), Priest and Lay Ecclesial Personnel and Placement, Continuing Formation of Clergy, Deacon Services, and Vicar for Senior Priests.

The Vicar for Clergy and the Director of Priest and Lay Ecclesial Personnel and Placement oversee the services provided to the priests, deacons, and lay ecclesial ministers of the Archdiocese of Milwaukee.

#### *Office of the Vicar for Clergy*

The Vicar for Clergy administers and guides the work of the department. Father serves on the Archbishop's Executive Council. He ministers to the priests, and deacons of the archdiocese by receiving and acting upon matters of their spiritual, physical, and psychological health. He is an ex-officio member of the Priest Placement Board, the Deacon Personnel Board, the St. Michael's Priest Fund Board, as well as the Priests' Pension Plan Board and the Finance Council. He participates in the Committee for Chemically Dependent Clergy and the Priest Wellness Council. He collaborates with the Director of Priest and Lay Ecclesial Personnel and Placement and supports the work of the Parish Directors in regular meetings with them. He directs the work of the Coordinator of Continuing Formation of Clergy to develop programs as needed. He regularly meets with the deans and other archdiocesan staff to determine how best to meet the needs of the priests in their ministry to the people of the archdiocese. As an ex-officio member of the Archdiocesan Council of Priests, Father collaborates with the members of the council, the Archdiocesan Pastoral Council, all parishes and institutions of the archdiocese, and archdiocesan offices and agencies, particularly those which directly affect the clergy and parish directors.

The vicar's administrative assistant cooperates with the Vicar for Clergy in ministering to all priests, collaborates with the Vicar for Senior Priests, and assists in administering the work of Clergy Services.

#### *Priest and Lay Ecclesial Personnel and Placement Office*

The Director of Priest and Lay Ecclesial Personnel and Placement facilitates the placement process of priests and parish directors and the integration and placement of international priests to parishes and agencies of the archdiocese. The Director works with the Vicar for Clergy and when the Vicar for Clergy is unavailable, the Director of Priest and Lay Ecclesial Personnel and Placement acts on his behalf as directed and when canonically appropriate.

He regularly consults with other archdiocesan staff and the deans in determining how best to meet the needs of the people of the archdiocese.

*Coordinator of Continuing Formation of Clergy*

The Coordinator of Continuing Formation of Clergy oversees and provides programs for the continuing formation of clergy; makes available information about local and national formation opportunities for clergy; oversees the implementation of and acts as a resource and guide for the archdiocesan Sabbatical and Special Studies policies; works with the Continuing Formation of Clergy Advisory Board; directs programs that the office sponsors, such as the new pastors workshop; serves on committees or boards that are related to the office's responsibilities; administers the Continuing Formation Fund, Development and Programming Fund, and Preaching Institute / Kortendick Grant Fund; and administers and interprets the Continuing Formation of Clergy Guidelines.

*Vicar for Senior Priests*

The Vicar for Senior Priests assists priests in planning for retirement; facilitates transitions in times of illness; coordinates retirement housing for priests, including independent living, assisted living facilities and nursing homes; assists priests and their families with financial questions and questions concerning health care issues; and serves as liaison for priests' families after the death of a priest. He also serves as grief minister for priests who have recently lost parents and priest friends.

*Director of Deacon Services*

Under the supervision of the Vicar for Clergy, the Director of Deacon Services ministers to the needs of deacons throughout the archdiocese. The director oversees all personnel matters pertaining to deacons, including spiritual, ministerial and personal matters.

He coordinates the work and responsibilities of the Deacon Personnel Board and assists in the process of assigning and transferring deacons. He does this in consultation with parishes where deacons are needed or are already serving.

He functions as the liaison between the Vicar for Clergy and the formation program for deacon candidates, as well as with the Archdiocesan Council of Deacons. He assists this council with such responsibilities as planning the annual deacons' assembly, publishing a quarterly newsletter, and supporting spiritual enrichment for deacons' wives.

The Director of Deacon Services represents the archdiocese at the regional and national levels regarding matters affecting deacons and assists the Vicar for Clergy in responding to inquiries regarding the diaconate.

## 1.2 VICAR FOR ORDAINED AND LAY ECCLESIAL MINISTRY (VICAR FOR CLERGY)

*I. Scope of Responsibility*

The Vicar for Ordained and Lay Ecclesial Ministry (also known as the Vicar for Clergy), representing the Archbishop, ministers to priests, deacons, and lay ecclesial ministers of the Archdiocese and is

under the supervision of the Archbishop to whom he is accountable and with whom he regularly communicates. The Vicar for Clergy collaborates, especially through consultation, with the Archdiocesan Council of Priests, the Archdiocesan Pastoral Council, all parishes and institutions of the Archdiocese, and Archdiocesan offices and agencies, particularly those which directly affect the clergy and parish directors. He is responsible for administering specific areas of the comprehensive personnel program for the clergy and parish directors as found in the *Clergy Manual* and which the Archbishop, the Council of Priests and Council of Deacons continue to develop.

## *II. Selection*

The procedure for the selection of the Vicar for Clergy is the following:

- A. A general consultation of the priests, deacons, and parish directors of the Archdiocese is conducted by the Archbishop;
- B. After the Archbishop has reviewed the list of suggested candidates and considered his choice or choices, he consults with the executive committee for the Council of Priests;
- C. The Archbishop will appoint the Vicar for Ordained and Lay Ecclesial Ministry for a period of three (3) years, once renewable including any training and / or internship. Within this period of time the Archbishop may terminate this appointment at his discretion.

## *III. Qualifications*

These qualifications characterize the Vicar for Clergy:

- A. He must be a priest who is respected by the priests, deacons, and parish directors of the Archdiocese.
- B. He must be able to listen to people and respect the confidentiality of those matters entrusted to him.
- C. He must be able to deal with people in an objective and diplomatic manner.
- D. He must be able to make sound decisions and stand by them.
- E. He must be willing to study, learn and grow in skills pertaining to personnel service; this will involve attendance at appropriate workshops and conferences.

## *IV. Specific Responsibilities*

The Vicar for Ordained and Lay Ecclesial Ministry has responsibilities in the following areas:

- A. Relationship to the Archbishop

As a vicar, he has, by office, all executive power needed to fulfill the office

(c. 479,§2).

The Vicar for Ordained and Lay Ecclesial Ministry serves on the Archbishop's Executive Council. He participates in the meetings with the Archbishop's college of consultors and also with the Deans. The deans advise the Vicar regarding personnel issues in their deaneries. Deans will receive direction from the Vicar as to how they should proceed on issues within their own deanery.

B. Relationship to the Council of Priests

The Vicar for Ordained and Lay Ecclesial Ministry is an ex-officio member of the Council of Priests and its executive committee. In this context he meets regularly with the deanery representatives to discuss pertinent deanery and diocesan issues.

C. Relationship to Priests, Deacons, and Lay Ecclesial Ministers

1. Outreach and Support

The Vicar for Ordained and Lay Ecclesial Ministry will:

- a. be available to priests, deacons, and lay ecclesial ministers to discuss any area of their ministry they wish;
- b. visit sick and senior priests, deacons, and lay ecclesial ministers;
- c. assist priests, deacons, and lay ecclesial ministers in legal areas in which they are involved;
- d. maintain regular communication with priests, especially those who are in aftercare programs and awaiting assignment;
- e. be supportive of priests, deacons, and lay ecclesial ministers in their ministry by attending clergy gatherings, parish director meetings, and visiting clergy and parish directors in their parishes.

2. Accountability

He coordinates the efforts to enhance the ministry of the clergy and parish directors and to help them be accountable to their people and to their duties.

3. Physical and Mental Health

He fosters the mental, emotional and physical health of the clergy and parish directors. He coordinates access to appropriate health care personnel and facilities for needy clergy.

4. Transitions

He collaborates with the Vicar for Senior Priests in developing a comprehensive program for retirement. He regularly reviews retirement benefits in cooperation with the Pension Board and refers priests to the St. Michael's Priest Fund as the need arises. He counsels priests about retirement, including projections for post-retirement ministry. The Vicar for Clergy and / or the Director of Priest and Lay Ecclesial Personnel and Placement will conduct an exit interview with priests who have recently retired.

#### 5. Assignments

- a. While the Archbishop approves, the Vicar for Ordained and Lay Ecclesial Ministry facilitates the release of a cleric from diocesan assignment for sick leave or personal leave according to the policies in the *Clergy Manual*. He collaborates with the Chancery Office in the processes of incardination, excardination, and laicization of priests and deacons.
- b. He implements the policy relating to compensation of priests who are in transition.

#### 6. Conflict Situations

Matters of complaint from and about priests, deacons, and lay ecclesial ministers are handled by the Vicar for Ordained and Lay Ecclesial Ministry who makes referral to appropriate bodies in accord with the *Clergy Manual* processes. In matters of allegations of sexual abuse by a priest, the matter is handled directly by the Vicar for Ordained and Lay Ecclesial Ministry in accord with Archdiocesan policy and procedures.

### D. Supervision and Management

#### 1. Operations in General

He supervises the operations and budget of Ordained and Lay Ecclesial Ministry Services and administers human resource programs for the priests and deacons.

#### 2. Logs

Maintains logs of contacts with priests, deacons and parish directors. Each log entry will be placed in the individual's file.

#### 3. Files

He maintains active priest, deacon, and lay ecclesial minister files, giving access to those files only to the Archbishop and to an individual priest, deacon, or lay ecclesial minister who requests to see his / her file in accord with the policy on confidentiality as found in the *Clergy Manual*.

### 1.3 DIRECTOR OF PRIEST & LAY ECCLESIAL PERSONNEL AND PLACEMENT

#### *I. Primary Function of this Position*

The Director of Priest and Lay Ecclesial Personnel and Placement ministers primarily to the priests and parish directors of the Archdiocese in collaboration with the Vicar for Clergy to whom he is accountable. The Director oversees the work of the Priest and Lay Ecclesial Personnel and Placement Office. The primary responsibility is to facilitate the placement process in the assignment of priests and parish directors to the parishes and agencies of the Archdiocese. The Director is the primary point of contact for all issues relating to international priests. The Director acts as a member of the parish directors' issues group. The Director is a resource member of the Administration and Structures Committee of the Archdiocesan Council of Priests.

#### *II. Major Position Responsibilities and Regular Activities*

##### A. Priest and Lay Ecclesial Personnel and Placement Office

1. The Director works closely with the Vicar in overseeing the work of the department. He performs the tasks assigned him by the Vicar. When the Vicar for Clergy is unavailable, the director acts on his behalf, as directed and when canonically appropriate.
2. The Director coordinates the day-to-day operations of the office.
  - a) Oversees the daily ordinary functioning of the office.
  - b) Maintains logs of contacts with priests relating to the priest placement process. In addition, maintains contacts with parish directors seeking extensions to contracts, inquiring about renewals, or looking ahead to possible future appointments.
  - c) Monitors the annual cycle of work in the office.
3. The Director regularly submits reports to the Priest Placement Board and the bishops, consults the Deans, and is in regular dialog with other offices of the Archdiocese of Milwaukee, determining how best to meet the needs of the people of the Archdiocese.
4. While the Director does have regular contacts with priests and parish directors, much of the Director's work revolves around more administrative and systems processes. Examples of these include: working with international priests and legal resources to secure proper immigration visas; collecting parish profiles and priest resumes; facilitates use of the Pastoral Ministry Assessment for newly ordained associates and their pastors (after one year); facilitates 9 month review process for newly appointed administrators and parish directors with their parish pastoral councils; collecting annual Priest Personnel Reports on each individual priest.
5. The Director participates in regular Archdiocesan parish planning committees and the Parish Concerns committee.

B. Priest and Parish Director Placement Board(s)

1. The Director facilitates the placement process in the assignment of priests and parish directors to the parishes and agencies of the Archdiocese in accord with current policies and procedures. (see *Clergy Manual*, Priest Placement Board)
2. Meets with parish leadership of individual parishes undergoing transition in priest and parish director assignments and listens to the needs of the parish, recording what they are looking for in a new pastor or parish director. This information is then available to interested priests and parish directors looking for open assignments.
3. Schedules meetings for the Priest Placement Board and sees that minutes are recorded. The Director ensures that there is follow-up with the priests and parish directors following the decisions made by the Board
4. Works to recruit and screen parish director candidates (working with others in the Central Offices as appropriate) and determine where and when they are available for appointment to open positions within the Archdiocese.
5. The Director presents all recommendations of the Priest Placement Board to the Archbishop for his review and approval.
6. Facilitates the process for term renewals for pastors, associate pastors, and for parish directors and assisting priests. Works with the parish council leadership and consults the deans for feedback before presenting the information to the Placement Board and the Archbishop. Also provides the Vicar for Clergy with information on pastors requesting extensions of terms, which then goes to the College of Consultors.
7. Gathers information and makes recommendations to the archbishop on priests requesting a change of status from an administrator appointment to pastor. Consults with parish council chairs and deans of the respective deaneries and forwards comments to the archbishop.

C. Coordination of International Priest Assignments and Placement:

1. Examines all legal documents relating to international priest visas and permissions to work in the United States and the Archdiocese of Milwaukee. Work with the Chancery to ensure accurate recordkeeping of all documents.
2. Works with Immigration Attorney of Catholic Charities (or other resources) in troubleshooting immigration issues for the international priests accepted into the Archdiocese of Milwaukee.
3. Helps the Vicar for Clergy in developing cultural transition and, if needed, English language training for international priests. Works with parishes where international priests are assigned to ensure a good and stable transition process.

4. Works with the priest's religious order or diocese to ensure understanding on the length of the commitment and any replacement possibilities when the priest is required to leave the country under immigration regulations.

## 1.4 VICAR OF SENIOR PRIESTS

### *I. Primary Function of this Position*

The Vicar for Senior Priests assists the diocesan priests of the archdiocese as they transition from full-time ministry to senior priest status, including retirement planning, housing options, financial and health care support, and assisting them in continuing to define their ministerial role as a Catholic priest.

### *II. Major Position Responsibilities and Regular Activities*

1. Keep senior priest information up to date, including new contact data (address, phone, email, emergency contacts, family contacts, health care providers, power of attorney for healthcare, etc.) Send out an annual update form for them to provide such information.
2. Maintain communications with the senior priests as follows:
  - a. Initiates phone contact with all senior priests periodically to see how they are doing and if they have any personal needs.
  - b. Prepare and sends a quarterly e-newsletter to all senior priests.
  - c. Visit senior priests at their home as requested or to check on them if they have special health needs or housing concerns. Documents the visit in the priest file so the Vicar for Senior Priests can review when contacts are made.
  - d. Check with other diocesan offices to make sure they are including senior priests in their communications strategies.
  - e. Attend deanery meetings and / or meet with Deans to listen to the needs of pastors and suggest senior priests that might be able to aid them in ministry.
  - f. Maintain communication with senior priests through all phases of their priestly ministry.
3. Facilitate the meetings of the Senior Priest Advisory Board and assist the committee to:
  - a. Maintain membership representative of senior priests on the committee.
  - b. Plan special events or fellowship gatherings (i.e. Christmas lunch, speakers, forum, etc.).

- c. Create agendas and maintain minutes of meetings.
4. Prepare, maintain, and be knowledgeable about available housing options for senior priests within the archdiocese. This would include knowing about living options in rectories, senior apartments, assisted living facilities, and nursing homes. Using this information, the Coordinator can make recommendations to priests on options available in their financial range.
5. Assist senior priests with health issues to assure that they are aware of treatment options and insurance coverage.
  - a. Work with the Archdiocesan Benefit Coordinator to help explain health insurance statements and billing requirements as needed.
  - b. Be aware of social services in the state and local communities that can assist priests in financial need to handle health care costs.
  - c. Participate as a member of the Archdiocesan Wellness Council for Priests and promote healthy living and wellness strategies for senior priests.
  - d. Alert the Vicar for Clergy and / or Archbishop to any serious health concerns of our senior priests.
6. Conduct periodic seminars for priests in preparation for retirement. Include information on social security, priests' pension, Medicare / health insurance, housing options, psychological aspects of aging, changing ministerial roles, and others as identified by the *Senior Priests Advisory Committee*.
7. Serve as a grief minister for senior priests who have recently lost their parent(s) and priest friends.
8. Work with the priest's family when the priest's independent living becomes questionable and they need to make decisions for a higher level of healthcare. May involve serving as a liaison between the priest's family and the priest over residential living arrangements (rectory, healthcare center, etc.) and by assisting the families after the death of a senior priest.
9. Perform other work-related duties as assigned by the Vicar for Ordained and Lay Ecclesial Ministry.

## 1.5 MINISTER TO THE PRIESTS OF THE ARCHDIOCESE OF MILWAUKEE

### *I. General Observations*

1. The Archbishop appoints the Minister after consultation with the Archdiocesan Council of Priests.

2. The task of this priest is to enhance his fellow priests' ministry to the People of God. He will need to understand clearly and live the demands of confidentiality since his activity will focus mainly on the internal forum. He has a special call to be available to those who are newly / recently ordained, those in crisis, and those in transition. His role includes being a facilitator in attempting to help priests balance the spiritual, intellectual, emotional, physical and social demands of a priest's ministry to the people. According to wishes of the priests visited, the Minister can also be available as a possible spiritual director, confessor, or brother in ministry.

## *II. Functions of the Minister*

1. The Minister will initiate contact with each Archdiocesan priest every two years and be willing to visit the priest's home or work setting, but without forcing a visit.
2. If individual priests choose to utilize the Minister as a spiritual director, those particular priests should initiate such a relationship with him.
3. One function of the Minister is to help the priest clarify and objectify his own ideas and attitudes about personal and ministerial desires, needs, and goals. This may be especially helpful to the newly / recently ordained, those who are considering a new assignment, and those approaching retirement.
4. When normal and ordinary communication appears inadequate or improperly functioning, the Minister will encourage those involved to take steps, if possible, to reopen communication. For this to happen, the Minister will be available as a facilitator between priest and priest, priest and Archbishop, or priest and someone in the Archdiocesan structure.
5. Since the relationship between the Minister and any priest is in the internal forum, no information will be shared with the Archbishop or any Archdiocesan administrator unless the priest gives written permission for the Minister to do so. It is important to clarify what characterizes the "internal forum" in this situation in regard to "mandatory reporting."
  - a. Clearly if the conversation is a formally-structured Sacrament of Reconciliation, the sacredness of the Seal of Confession does not allow anything to be shared.
  - b. In present Church circles, the rules that apply to the Seal of Confession are also understood to apply to the confidentiality of conversations between the Minister and Priests under the coverage of this position.
  - c. But from the perspective of Wisconsin civil law, the confidentiality between the Minister and a Priest, vis-à-vis the function of this position, has a bit of a different feel to it. It seems to fall under the category of counselor-client relationship in which confidentiality is honored, but a small window for mandatory reporting remains open. That opening for reporting is understood to be when the client is judged to be a danger to him / herself or to others in that present moment, but not in reference to a time in the past. The implied understanding of the Seal of Confession in priestly counseling seems to make that small window for reporting even smaller. But it must be acknowledged that at this time the

Minister to the priests will have to report to the appropriate authority if he encounters a situation in which he judges that the priest is a danger to himself or to others.

6. Approximately every three months, the Minister will report his general observations about the climate of priestly life and spirituality in the Archdiocese, priests' reactions to the Bishops and to Archdiocesan policies and programs, and the morale of priests.
7. To better promote the well-being and quality of priestly life, the Minister will network nationally with priests who in similar ways are designated as resource persons for the priests of their diocese, and with all people on the local level who serve as resource people for priestly life and ministry in the diocese.

### *III. Terms of the Office of the Minister*

1. The term of office for the Minister shall be for three (3) years. Renewal of the term can take place for an additional three years following evaluation and review by the Council of Priests and the Archbishop. As part of the review process, the Deans should be consulted so that the renewal is in accord with the wishes of the priests he serves. This should be done six months prior to the date the current appointment is to expire.
2. When there is a new candidate to be presented to the Archbishop for his approval, a wide consultation process conducted by the Priestly Life and Ministry (PLM) Committee should be conducted to secure the best possible candidate.

### *IV. Position of the Minister and Review Procedures*

1. The Minister serves at the behest of the Archbishop and the Presbyteral Council. They have a right to ask for changes in the way the Minister exercises his responsibilities toward the priests or to terminate the position for good reason.
2. At the time of the evaluation of the Minister by the Archbishop and the Presbyteral Council, the question should also be raised about continuing such a position for another three years and, if retained, whether the job description needs to be better focused. The Priestly Life and Ministry (PLM) Committee should develop the instrument for evaluating the expectations of the job performance and how they have been filled.

### *V. Practicalities*

1. The Minister will be paid according to the salary and benefit scale of the Priests of the Archdiocese. If he is a religious order priest this money will be paid to his religious community.
2. The Archdiocese will pay for office space and supplies away from the Archdiocesan central offices for the Minister.

## 1.6 VICAR GENERAL

The Archbishop of Milwaukee appoints Vicars General in order to assist in the governance of the Archdiocese. In addition to their other ministry positions, with the exception of the Vicar for Clergy, each are assigned to two or three specific deaneries which are designated as vicariates.

The Episcopal Council, consisting of the Vicars General, meet once a month with the Archbishop. The purpose of the meeting is to keep the Archbishop informed about issues and concerns in the areas assigned to their oversight and to report any additional actions needed. The Archbishop will ask various Vicars to address any matters that have come to his attention and need intervention.

The five vicariates are:

- Deaneries of Dodge / Washington and Fond du Lac / Sheboygan
- Deaneries of Ozaukee / Milwaukee NE and Milwaukee NW
- Deaneries of Milwaukee SE and Milwaukee SW
- Deaneries of Racine, Kenosha and Walworth
- Deaneries of Waukesha East and Waukesha West

A Dean is priest who serves as the Archbishop's representative in a deanery of the Archdiocese. The Dean exercises positive pastoral leadership throughout the deanery in promoting proper liturgical and sacramental life, pastoral ministry, good administration and exercise of appropriate confidentiality. When problems develop within the deanery, the Dean is empowered by the Archbishop to address the issue directly. The Vicar General assigned to the vicariate is available to the Dean to address any issues or concerns that are beyond the scope of the Dean's authority or where the actions of the Dean have not been effective.

The assigned Vicar General will meet with individual pastors on a rotating basis, meeting with each one approximately every three years. These meetings will serve to support the ministry of the pastor, challenge him to meet expected standards such as school and parish collaboration, stewardship efforts especially in relation to the CSA goals, and address any concerns the pastor has where the advice of the Vicar General would be helpful. The Vicar General will also serve as quasi-mediator if conflicts or lack of cooperation exist between or among parishes.

The Vicar General and the Dean will work collaboratively to assess the needs of the deanery especially with regard to pastoral leadership planning. The Vicar General and the Dean will meet with the Placement Board to review both imminent and long-range placement needs.

## 1.7 DEAN (Vicar Forane)

- A. Dean (also known as a Vicar Forane) is a priest who represents the Archbishop in a geographic region of the Archdiocese. The Dean exercises general supervision over the region. In conjunction with the Vicar for Clergy, he shows special care and concern for the clergy of the region. He encourages collaboration. Following the principle of subsidiarity (decisions are best made at the most appropriate level), the Dean will help to deal with matters on a local level

before they are brought to the appropriate person(s) in archdiocesan administration. The Dean also will perform specific tasks which the Archbishop delegates to him.

- B. In accord with the norm of law and his specific responsibilities to the clergy, the parishes of the region, and the Archdiocese, the Dean:
  - 1. Maintains good communication with appropriate archdiocesan staff.
  - 2. Acts in the name of the Archbishop when appropriate; e.g., installations of pastors and priest funerals within the region, shows pastoral solicitude for parishioners within a region, works with regional staff, individuals and groups towards the resolution of problems and concerns.
  - 3. Promotes and encourages inter-parish collaboration, common planning and pastoral activity within the region and among neighboring regions and has primary responsibility for initiating and dealing with issues about appropriate transfer of parishes between regions and the consequent adjustment of region lines.
  - 4. Shows concern for the welfare of the clergy in the region and is available to them when they request it or when an issue of concern is raised.
  - 5. Promotes good communication and a spirit of fraternity among the clergy in the region and convenes the clergy as necessary.
  - 6. Exercises positive pastoral leadership throughout the region in promoting proper liturgical and sacramental life, pastoral ministry, good administration and exercise of appropriate confidentiality.
- C. Authority and rights of the Dean:
  - 1. The Dean serves as the Archbishop's representative in a region of the Archdiocese. When problems develop within the region, the Dean is empowered by the Archbishop to address the issue directly.
  - 2. The position of Dean is an office in the church and is governed by the norms on office (cc. 145-199) as well as the norms on Deans / Vicars Forane (cc.553-555). All applicable rights that canon law provides will be extended to Deans.
  - 3. The Dean will be consulted by the Priest Placement Board whenever vacancies occur within his region.
- D. Appointment of Deans:
  - 1. The Dean is appointed by the Archbishop for a three-year term renewable once.

2. Any priest assigned within a designated region of the Archdiocese can make recommendations to the Archbishop regarding the appointment of a Dean to that region.
3. Any priest assigned within a designated region of the Archdiocese is eligible for appointment as Dean.

E. Issues involving religious:

(The term "religious" is used here to include members of institutes of consecrated life, both religious and secular, as well as societies of apostolic life.)

1. The role of the Dean within the region is two-fold:
  - a. a supervisory relationship with the priests of his region.
  - b. an organizational function in promoting and coordinating the common pastoral activity with his region (cc.553-555).
2. The Archbishop has a role of authority over religious within his Archdiocese regarding:
  - a. matters which entail care of souls (i.e., pastoral care).
  - b. the public exercise of divine worship.
  - c. the works of the apostolate (c.678.1)
3. Religious maintain rightful autonomy in relation to the Archbishop in matters which pertain to internal governance (c.586).

Conclusions based on these considerations:

- a. The supervisory role of the Dean in relation to the priests in his region will primarily involve archdiocesan priests. The task of the supervision of religious order priests falls primarily to their religious superiors. There may be instances in which the Dean, in consultation with the Archbishop, may need to refer matters to the major superior of a religious.
- b. In coordinating the common pastoral activity within his region, the Dean will interact with religious priests and other religious and will act as an agent of the diocesan Archbishop in this coordination. This will be particularly important in parochial matters involving parishes of his region, regardless of whether or not they are entrusted to religious.
- c. The Dean will not intervene in internal governance matters of religious.

## 1.8 SUPERVISING PRIEST

### *I. Rationale*

When a bishop entrusts the participation in the pastoral care of a parish to a parish director, he must also appoint to the same parish a priest who will supervise the pastoral care of the parish (c. 517.2). The parish director and the assisting priest, in collaboration with one another, are responsible for actually providing the full range of direct pastoral care for parishioners. It is the supervising priest's responsibility to ensure that this pastoral care is being provided in an effective and orderly fashion in accord with the rights of parishioners. The supervising priest is someone who can draw on his own experience as a pastoral leader to assist and guide the pastoral leadership being provided by the parish director.

### *II. Purpose of Position*

The purpose of this position is to ensure that proper pastoral care is being provided at a parish to which a parish director has been appointed. He is to oversee the pastoral care being provided. He is not the canonical equivalent of a pastor and, while he has the powers and faculties of a pastor, he does not assume the canonical rights and obligations of a pastor.

### *III. Accountability*

The supervising priest is ultimately accountable to the Archbishop whose responsibility it is to make such an appointment.

### *IV. Responsibilities*

1. The supervising priest and parish director will meet at the request of either party to consult on matters relating to the pastoral care of the parish. These matters may include but are not limited to administrative and sacramental issues.
2. The supervising priest will provide assistance to the parish director in developing effective parish leadership skills as needed. He will facilitate communication between the parish director and assisting priest as needed.
3. The supervising priest will meet at least annually with the parish council and other parish leadership to remain informed about the pastoral needs and condition of the parish.
4. The supervising priest will assist the Archbishop in the evaluation of the parish director and assisting priest, as requested by the Archbishop. If either is a member of a religious community, the appropriate superior will be consulted regarding issues raised in the evaluation of a professional and personal nature.
5. The supervising priest will be available for group meetings of all parish directors, supervising priests, and assisting priests with the Archbishop or his delegate to assist in the evolution of this form of pastoral care of parishes.

6. Canon 517.2 specifically states that the supervising priest is endowed with the powers and faculties of a pastor. Therefore, any *ipso iure* faculties which general or particular law concedes to a pastor, would automatically be conferred upon the supervising priest at the time of his appointment.

## 1.9 ASSISTING PRIEST

### *I. Rationale*

Members of a parish under the care of a parish director retain their right to access to the sacraments (c. 213). The diocesan bishop has a responsibility to see that the faithful have the opportunity for sacramental celebrations within the diocese (c. 387). Therefore, when a bishop appoints a parish director to a parish he will also need to appoint to the same parish a priest who will provide the sacramental and pastoral care which require priestly ministry.

### *II. Purpose of Position*

The purpose of this position is to ensure that sacramental and pastoral care which require priestly ministry are provided to a parish entrusted to a parish director. The priest who fulfills this role is understood to be assisting in the pastoral care of the parish even though he is not appointed to a full-time position within the parish.

### *III. Accountability*

Ultimate accountability for this position, as it is for the Parish Director, is the Archbishop's. Since the supervising priest is appointed specifically to supervise pastoral care, both the parish director and assisting priest are accountable to him for the quality of pastoral care being provided at the parish. The assisting priest and parish director work collaboratively with one another to provide a full scope of pastoral care to parishioners. In those areas which have been designated as the responsibility of the parish director, decision-making authority rests with him / her and the assisting priest is accountable to him / her in carrying out those decisions.

### *IV. Responsibilities*

1. The assisting priest will preside at Eucharistic celebrations on Saturday evening, Sundays, and holy days according to the schedule established by the parish director. The assisting priest will normally offer a Mass for the intention of the people of the parish (Missa pro populo) on each Sunday and holy day. The parish director is responsible to ensure the intention is offered.
2. The assisting priest will celebrate other sacraments according to a schedule mutually arranged between himself and the parish director. At the time of his appointment the assisting priest is granted general delegation to assist at all marriages within the territory of the parish. In addition, all faculties ordinarily designated to an associate pastor are also granted to the assisting priest at the time of his appointment.

3. As his schedule permits, the assisting priest may participate in meetings at which the planning takes place for liturgies at which he will preside.
4. The assisting priest may be invited to attend, as his schedule permits, parish social events and meetings in order to establish and support pastoral contacts among the people with whom he celebrates sacraments. However, he must be careful to avoid confusion over his role and that of the Parish Director.
5. The assisting priest will meet regularly with the parish director mutually to assess and plan the entire scope of pastoral care being provided.
6. The assisting priest will meet semi-annually with the supervising priest for purposes of evaluation. He will also be available for group meetings of all parish directors, supervising priests, and assisting priests with the Archbishop or his delegate to assist in the evolution of this form of pastoral care of parishes.

## 1.10 TEMPORARY ADMINISTRATOR

### *I. General Description of the Ministry*

In the Archdiocese of Milwaukee, the temporary administrator of a parish is a priest or Parish Director who steps in to care for a parish when a pastor dies, is incapacitated, has left office, is temporarily absent due to illness, is on sabbatical, etc. The priest or Parish Director is assigned by one of the Vicars General of the Archdiocese by mandate of the Archbishop at the recommendation of the Vicar for Clergy. The temporary administrator's primary ministry is to provide for the spiritual and temporal needs during the specific time that a pastor is not available to the parish.

### *II. Specific Duties of the Ministry*

- A. He is bound by the same rights and obligations as the pastor, but is not permitted to make any major changes which might adversely affect the parish or a subsequent pastor (c. 540).
- B. He is obliged to see to it that the Word of God in its entirety is proclaimed and preached in the parish.
- C. He shall provide for the sacramental needs of the people of the parish, particularly the celebration of the Eucharist on Sundays and holy days.
- D. He shall ensure that justice is proclaimed and that the human concerns needs are taken care of.
- E. He shall oversee the administration of the parish's goods and has financial responsibility for the parish. He represents the parish in all juridic affairs.

- F. He is responsible for the governance of the parish and shall meet with the lay leadership of the parish, particularly the trustees, pastoral council, finance council, and staff, as appropriate.
- G. He shall receive fitting financial remuneration from the parish under the direction of the Vicar for Ordained and Lay Ecclesial Ministry on a case-by-case basis.

### *III. Accountability*

The temporary administrator is accountable to the Archbishop through the Vicar for Clergy. His term of office is for a brief and specific time to be spelled out in his letter of appointment as deemed necessary.

## 1.11 PASTORAL TRANSITIONS MINISTER

### *I. General Description of the Ministry*

The Pastoral Transitions Minister (PTM) is a priest or deacon who is available at the discretion of the Vicar for Clergy to care for any Archdiocesan presbyteral ministry pro tem in the absence (due to illness, attendance at a sabbatical, death, etc.) of the current office holder. The PTM is assigned by one of the Vicars General of the Archdiocese of Milwaukee. He is considered a full-time employee of the Archdiocese and receives his compensation through the Vicar for Ordained and Lay Ecclesial Ministry Office. His primary role is to provide for the spiritual and temporal needs of the faithful in his care during the specific time that the current office holder is not available.

### *II. Specific Duties of the Ministry*

- A. To remain available to the Vicars General (Vicar for Ordained and Lay Ecclesial Ministry) for assignment, sometimes on short notice.
- B. To conduct himself in his temporary placement according to the position description of that placement and any specific mandates given by the Vicar.
- C. To report to the assigning Vicar on a regular basis, as agreed upon between them.
- D. To receive fitting financial remuneration according to Archdiocesan policies.

### *III. Accountability*

The Pastoral Transitions Minister is accountable to the Archbishop through the Vicar for Ordained and Lay Ecclesial Ministry. His term of office is for a brief and specific time to be delineated in his letter of appointment.

## 1.12 PASTOR / ASSOCIATE PASTOR

A full time pastor (FTP) or full time associate pastor (FTAP) in the Archdiocese of Milwaukee is a priest who is completely devoted to the service of God, in fulfillment of the office entrusted to him and is available to the needs of the parish(es) every day of the week with the exception of one day a week off, vacation days and required military service for chaplains, continuing education days and retreat days and sabbaticals as indicated in the *Clergy Manual* or for times of illness.

## 1.13 PART TIME PASTOR / PART TIME ASSOCIATE PASTOR

A part time pastor (PTP) or a part time associate pastor (PTAP) will be considered as one who is available to the parish(es) for less than the amount of time indicated above. ***This could also apply to two or more priests who would agree to share the pastoral duties at one or more parishes.***

An arrangement for a PTP / PTAP may be requested by the Archbishop and / or Vicar for Clergy, the priest or the parish(es). Any arrangements for a PTP / PTAP will always be subject to the approval of the Archbishop and / or Vicar for Clergy.

Factors in consideration for an agreement for a PTP / PTAP will include, but not be limited to:

1. The age and / or health of the priest(s)
2. The finances of the parish(es)
3. The special circumstances of the priest or the parish(es)
4. The needs of the archdiocese

### Compensation for the PTP / PTAP

The parish(es) of assignment will be expected to provide:

1. Health, Dental, Vision Insurance
2. Retreat fee
3. Continuing Education fee
4. Pension payments would be paid in full by the parish(es) and the priest

Salary may be computed by dividing the FTP / FTAP's salary in the *Clergy Manual* by one sixth and multiplying that number by the number of regular full time days each week that the PTP is available to the needs of the parish(es).

The Stipend Offset, the Professional Expense Reimbursement and the Retirement Savings Supplement shall also be computed as the salary above (one sixth the amount in the *Clergy Manual* times the number of days available each week).

The PTP / PTAP would normally be available for all weekend liturgies.

Parishes would be expected to schedule all other ordinary religious services and parish meetings to accommodate the schedule of the PTP / PTAP.

The PTP / PTAP would be expected to be available to the parish(es) for emergency anointings, funerals, or other extraordinary pastoral duties or to make sure that another priest is available to handle these duties. Compensation for these services would be the same as for help-out priests in the *Clergy Manual*.

Since each situation may be so individual and unique, it is understood that all the guidelines in this section are subject to revision as needed by the Archbishop and / or Vicar for Clergy.

## 1.14 ARCHDIOCESAN POLICY FOR MILITARY CHAPLAINCIES

The following policy governs the rights and obligations of the Archdiocese and those priests of the Archdiocese who will serve as chaplains in the military.

### *I. Principle*

The scope of priestly ministry touches a far wider area than merely the territorial boundaries of the Archdiocese. A percentage of Catholics from the Archdiocese serve in the military, either on active duty or with the reserve forces and National Guard. It is a mission responsibility of the Archdiocese to provide qualified priests to serve the Catholic population in the military services. All priests must obtain the permission of the Archbishop who in turn submits his written permission and recommendation to the Archbishop of the Archdiocese for Military Services, who provides to the specific branch of the armed forces, his endorsement of priest's application for a commission as a chaplain. The specific Chief of Chaplains Office will process the application.

### *II. Classifications and Responsibilities*

#### A. Active Duty Chaplains

These are priests on loan from dioceses and religious orders who, under temporary jurisdiction of the Archdiocese for Military Services, serve American and / or allied military personnel and their families located throughout the world on United States military installations and in deployments. Military chaplains on active duty minister under the jurisdiction of the Archdiocese for Military Services.

#### B. Reserve Forces Chaplains

These priests are engaged in diocesan or religious order assignments full time, but serving part time as members of military units on reserve status or in reserve area command pools. This role normally involves four drills per month, fifteen days of annual training and occasional seminars and special duty projects. These chaplains are subject to being called up to active duty by the President of the United States in times of national emergency. Basic officer training, advanced officer training and continuing education programs are required for promotion in the Chaplain Corps

C. Army and Air Force National Guard Chaplains

These priests have responsibilities similar to the Reserve Forces Chaplains, with the additional duty of being mobilized in time of natural disaster, civil disturbance and other state or national emergencies. Mobilization is enacted through the powers of the Office of the Governor of the State.

D. Veterans Administration Hospital Chaplains

These priests are on loan to the Veterans Administration, under the Archdiocese for Military Services. They are not in the category of being called up on active duty unless they are also commissioned in the Reserve Forces or National Guard. This category of priest does not fall under the policy or quota system of these who are serving in military chaplain positions. They more accurately fall in the category of hospital chaplains and are to be assessed against the quota of those priests who work in hospital specialized ministry.

E. Civil Air Patrol

These are priests engaged full time in diocesan or religious order work who volunteer ministry to cadet and adult personnel. They are not subject to mobilization by either state or federal agencies of the government, therefore their full time status is not subject to prolonged interruption. This category of chaplain does not influence the diocesan quota for military chaplains.

*III. Policy*

A. Diocesan Quota for Military Chaplains

1. In Time of Peace

The Archdiocese will commit itself to a provision of priests serving the needs of the active duty, reserve forces and National Guard personnel, the Veterans Administration and Civil Air Patrol Chaplains. Any request by an active priest to be released to serve the Archdiocese of the Military Services will be seriously considered.

2. In Times of War

The Archdiocese will commit itself to a percentage not to exceed three (3) percent of the total number of actively engaged priests of the Archdiocese to serve the spiritual needs of the active duty, reserve forces and National Guard personnel.

#### B. Ecclesiastical Endorsement

##### 1. Active Duty Chaplains

It is the prerogative of the Archbishop to grant permission for a priest of the Archdiocese to apply for a commission as a military chaplain. The Archbishop will monitor requests from the Archdiocese for Military Services for additional priest personnel as these needs arise; however, the number of chaplains assigned shall not exceed the quotas mentioned above. It is the Archbishop's prerogative to withdraw his permission for an Archdiocesan priest to serve in the military. This latter action should follow upon consultation with the individual chaplain and the Archdiocese for Military Services.

##### 2. Reserve Forces and National Guard Chaplains

It is the Archbishop's prerogative to grant permission to any priest from the Archdiocese to pursue the obtaining of a Reserve Forces or National Guard Officer commission in the Chaplain Corps. The Archbishop will monitor vacancies in the Reserve Forces and National Guard Units to insure adequate catholic chaplain coverage. The Archbishop may for serious reason withdraw the permission from the Archdiocesan priest to continue serving as a Reserve Forces and National Guard Chaplain. Proper care will be exercised by the Archbishop so that accruing benefits will not be arbitrarily jeopardized by endorsement being withdrawn from the chaplains concerned.

#### C. Eligibility for Ecclesiastical Endorsement

1. Applicants for Active Duty must have at least three (3) years of pastoral experience as ordained priests. Though the career system of officers in the military usually demands that the applicant must apply before his 42nd birthday, there is provision for older priests to serve in the military under a contractual or continued basis. Each case is judged on its own merits and based on supply and demand.
2. Applicants for reserved forces and National Guard Chaplaincy are eligible immediately following valid ordination up to the cut-off date determined by federal or state law.
3. In the event of mobilization, reserve forces and National Guard chaplains will be expeditiously released from diocesan duties when called to active duty military status.

#### D. Status of Active Duty Chaplains

1. These priests are on loan from diocesan or religious order assignments to serve the pastoral needs of active duty military personnel and their dependents.

2. They are eligible for all health care benefits from the United States government while serving on active duty. Subsequent to their release from active duty, they become eligible for reinstatement into civilian medical / surgical insurance policies.
3. They are under full salary and benefits from the United States government while they are on active duty. If disabled while on active duty, the government assumes full responsibility for rehabilitation and, if necessary, medical retirement benefits.
4. Concerning matters of retirement, they may opt to select themselves out of the Archdiocesan Priests' Pension Plan and fall solely under the government pension system. In this case, they must follow the proper procedure required by the Archdiocesan Pension Plan. Any lapse or re-entry into the Archdiocesan Plan would be governed by the laws and provisions laid down by the Pension Plan.
5. Those wishing to terminate their active duty status with the military are first required to consult with the Archbishop before submitting the necessary paperwork initiating the termination of their active duty status.
6. The initial military obligation for chaplains coming on active duty is three (3) years service. Subsequent to that initial obligation, they may apply for voluntary indefinite status which allows them to pursue the military chaplaincy as a career. This action is conditioned upon the needs of the military, the efficiency ratings of the chaplains and the continued permission of the Archbishop.

E. Status of Reserve Forces, National Guard and Civil Air Patrol Chaplains

1. Chaplain duties are performed in addition to regular diocesan duties as an added responsibility of priestly ministry.
2. Chaplain duties as outlined above do not preclude normal days off, vacations, spiritual retreats or continuing education opportunities. In the case of Basic Officer Training or Advanced Officer Training, these are to be looked upon as segments of continuing education, albeit in a specialized ministry.
3. Remuneration for military service performed by reserve forces and National Guard chaplains will not jeopardize the normal Archdiocesan salary structure to be received for diocesan ministry.
4. If the reserve forces, National Guard or Civil Air Patrol chaplain should desire to terminate his chaplain role, he must first consult with the Archbishop to discuss the reasons behind this desire. The chaplain role should not be assumed lightly, nor be relinquished lightly either.

F. Accountability

1. All chaplains are required to submit an informational copy of their officer evaluation reports to the Archbishop.
2. In accordance with military policy, all chaplains may request permissive temporary duty for the purpose of attending denominational meetings, clergy days, spiritual retreats and professional development. This permissive temporary duty status is an annual opportunity for all chaplains.

#### *IV. Conclusion*

Archdiocesan priests, who have faithfully served the spiritual and pastoral needs of God's people in military service, have an enormous amount of wisdom and experience to share with their civilian counterparts in the Archdiocese. As they return from perils of armed conflict and global priestly service, the Archbishop and their brother priests are urged to welcome them back home in a spirit of priestly fraternity. God's vineyard, as it is represented by the Archdiocese of Milwaukee, will be the richer for having shared a number of priestly leaders from their midst with the members of God's family throughout the world.

Upon retirement from the military, incardinated priests of the Archdiocese of Milwaukee are expected to resume ministry in the archdiocese unless exempted by the Archbishop. Those retiring from military service follow the retirement age and policy for priests of the Archdiocese of Milwaukee.

### 1.15 VICAR FOR HISPANIC MINISTRY

#### *I. Primary Function of This Position*

The Vicar for Hispanic Ministry is a pastor of a Hispanic parish who has been appointed by the Archbishop and has full administrative authority for Hispanic Ministry in the Archdiocese of Milwaukee (c. 476). The Vicar's ministry is to facilitate pastoral care to all Hispanics in the Archdiocese of Milwaukee by helping deans, priests, pastoral leaders, Archdiocesan staff and parishioners in this distinctive ethnic ministry.

The Vicar for Hispanic Ministry collaborates with the Office of Hispanic Ministry and other appropriate diocesan staff in the implementation of the Pastoral Plan for Hispanic Ministry in the Archdiocese of Milwaukee, as well as in advocacy, planning and outreach for the effective pastoral care of the Hispanic faithful within the archdiocese.

He relates to the deans in various ways, depending upon the presence of Hispanics in each deanery and their pastoral needs. He can count on the full cooperation of the deans.

He is an *ex officio* member of the Priest Placement Board.

#### *II. Major Position Responsibilities and Regular Activities*

- A. Facilitates the Pastoral Plan for Hispanic Ministry throughout the Archdiocese of Milwaukee with the assistance of those pastoral agents, diocesan personnel and parish entities already ministering in this area.
- B. Advises the Priest Placement Board and the Auxiliary Bishop concerning personnel in Hispanic Ministry and collaborates with the Vicar for Ordained and Lay Ecclesial Ministry with the review of the priests responsible for Hispanic Ministry.
- C. Collaborates with the Deans and Parish Councils to integrate Hispanic ministry into their programs.
- D. Works with candidates for priesthood, diaconate, and lay ministry regarding the needs of the Hispanic Students.
- E. Collaborates with the Vicar for Ordained and Lay Ecclesial Ministry / Director for Placement in developing and monitoring a program to mentor the international priests who serve in Hispanic ministry in the Archdiocese of Milwaukee.
- F. Maintains membership in National Hispanic Ministry associations.

### Priestly Life and Ministry

#### 2.1 GUIDELINES OF RECIPROCAL RESPONSIBILITY: ASSIGNMENT / REMUNERATION OF PRIESTS

##### *I. Principle*

The Second Vatican Council has addressed the issue of responsibility in general. The decree on the Ministry and Life of Priests outlines the responsibilities which exist between bishops and priests, among priests, and between ordained ministers and lay persons (*Presbyterorum ordinis*, [P.O.] n. 7-10).

In regard to the reciprocal responsibilities which exist between a diocese and a priest incardinated for that diocese the Council clearly showed that priestly remuneration is given in return for ministerial service and not solely on the basis of ordination, a tradition which has always been based on New Testament practice.

“Completely devoted as they are to the service of God in the fulfillment of the office entrusted to them, priests are entitled to receive a just remuneration. For ‘the laborer deserves his wages’ (Luke 10:7), and ‘the Lord commanded that they who proclaim the Gospel should get their living by the Gospel’ (1 Cor. 9:14). For this reason in so far as provision is not made from some other source for the just remuneration of priests, the faithful are bound by a real obligation of seeing to it that the necessary provision for a decent and fitting livelihood for the priest is available. This obligation arises from the fact that it is for the benefit of

the faithful that priests are working. Bishops are bound to warn the faithful of their obligation in this connection." (P.O. n. 20)

The Post-conciliar document, *Ecclesiae sanctae*, which began to implement the prescriptions of the Vatican Council, describes what just and equitable remuneration and social insurance for priests should be (*Ecclesiae sanctae*, n. 8). Here it states that a priest's recompense should be sufficient to permit him a decent sustenance and to enable him to assist the poor. In addition, provision should be made for his health insurance and retirement pension.

That priestly remuneration is a *quid pro quo* based on the principle of reciprocal responsibility is also seen from the standpoint of Church legislation (c. 281). Moreover, c. 265 forbids unattached or transient clerics. Each cleric must be incardinated into a diocese, prelature or institute of consecrated life / society of apostolic life and give service to that entity. This means that *in return* for the priestly services he renders to the people of God in the Archdiocese of Milwaukee, a priest has a right to suitable financial support which includes: salary, pension, health insurance, and certain other benefits.

Prior to his ordination, a diocesan priest answers before God that he will perpetually serve the needs of the Archdiocese under the direction of his Archbishop. During the ordination ceremony the priest promises obedience to the Archbishop and his successors.

## II. *Corollaries*

Certain corollaries derive from the reciprocal responsibility as it applies to priests of the Archdiocese of Milwaukee.

### A. An Assignment Offered To Each Priest.

In order to enable a priest to practice his ordained ministry, the Archbishop of Milwaukee ordinarily provides him with a canonical assignment from which the priest also receives adequate remuneration. However, because the welfare of people is of highest value, the Archbishop cannot grant an assignment to a priest who is not qualified or not capable.

### B. An Assignment Must Be Accepted.

In recent years placement boards and policies have enabled priests to exercise more freedom of choice regarding their assignments. This practice has been extremely beneficial not only for them but also for the people to whom they minister. However, in the final analysis, should there be no position available to the liking of a particular priest, he is not free to reject an assignment, albeit temporary, made by the Archbishop. To do so is contrary to obedience to the Archbishop and would render the Archbishop's ministry in the Archdiocese ineffective and also render harm to the people of God.

### C. There Are Various Levels of Remuneration.

Remuneration for full-time assigned priests should be on full-salary scale according to years of ordination. However, part-time assignments, residencies, certain chaplaincies, etc., do not constitute full ministerial positions because commensurate priestly services are not rendered.

D. Responsibilities of Other Dioceses.

When the need for a greater distribution of priests throughout the world moves a priest to request work outside the Archdiocese, or when personal motives cause him to request special work elsewhere, or when he is invited to serve outside the Archdiocese, his support and remuneration must be arranged along with proper canonical transfer in advance of his leaving the Archdiocese so that his remuneration will be received from his place of assignment.

*III. Definitions, Policy, and Procedures of the Archdiocese of Milwaukee:*

(Based on the above principles and corollaries.)

As noted above, priests who devote themselves to the pastoral ministry through a legitimate assignment from the Archbishop have a basic canonical right to remuneration (c. 281.1). Should a priest not have an assignment, the right to remuneration ceases at the discretion of the Vicar for Clergy.

All priests incardinated in the Archdiocese of Milwaukee also have a basic right to support regardless of whether or not he has an assignment (c. 281.2). The right to support, however, is not an absolute right. Should a priest, unassigned through his own fault, have an income and / or resources to provide adequately for his needs, the right to support from the Church diminishes.

It is the responsibility of the Vicar for Clergy to ascertain whether or not an unassigned priest has an income and / or resources that adequately provide for his needs. The Vicar for Clergy will then assess the needs of the priests and make a determination of the level of support that will be provided by the Archdiocese.

A. Release from Diocesan Assignments

The release from diocesan assignment is understood to be a leave to serve as a priest in a non-diocesan assignment. It includes the military service and Veterans Administration, teaching assignments at other seminaries or universities, assignments to further studies, and service in another diocese. A priest retains the faculties of the Archdiocese as long as he remains incardinated.

1. Military Chaplaincy (see also: Archdiocesan Policy for Military Chaplaincies)

Request for full-time leave must be made directly to the Archbishop; the Archbishop reserves the right to judge and approve individual requests. Permission of the Archdiocese for Military Services will be contingent on that of the Archbishop.

When the leave becomes effective:

- Salary is discontinued;

- Health and dental insurance premiums are to be arranged by the priest;
- All forms of benefits are discontinued;
- Participation in the St. Michael's Priest Fund and Priests' Pension Plan will be in accordance with their By-Laws.

Requests to serve as chaplain in the National Guard, in the Reserves of the Army, Navy, or Air Force and in Civil Air Patrol within the Archdiocese likewise require the permission of the Archbishop even though such service is part-time. Time spent for officially required annual training is not considered regular vacation time.

## 2. Studies

Requests to pursue advance studies full-time are made through the Placement Board or directly to the Archbishop and / or Vicar for Clergy by the individual priest or by the diocesan agency, seminary or other institution for the service of which a priest is to be prepared. The Archbishop reserves the right to judge and approve individual requests.

### i. Formal Study

When a priest is sent by the Archdiocese to formal studies, the tuition and fees, and other related educational costs are paid directly by the Vicar for Clergy Office. The Vicar for Clergy approves the payment to be made for the priest's compensation, which ordinarily includes the full compensation package as an assigned priest, except the standard Continuing Education Allowance. The priest is expected to pay room and board from the salary as qualified housing. Details relative to travel, and professional expense allowance are to be worked out with the Vicar for Clergy.

### ii. Personal Study

When a priest is not sent by the Archdiocese, compensation arrangements are set by the Vicar for Clergy on a case-by-case basis. Typically these arrangements are made according to policy as Temporary Personal Leave and only health and dental insurance is covered. Salary and all other forms of benefits are ordinarily discontinued, including the Annual Supplemental Payment.

## 3. Other Assignments

Requests for a release from a diocesan assignment to serve the Church elsewhere or in some other capacity must be made directly to the Archbishop. The Archbishop reserves the right to judge and approve individual requests.

When the release becomes effective:

- Salary is discontinued;
- Health insurance premiums will be arranged by the priest;
- All other forms of benefits ordinarily discontinued unless special circumstances exist and are approved by the Vicar for Clergy;

- Participation in the St. Michael's Priest Fund and Priests' Pension Plan will be in accordance with their By-Laws.

B. Priests in Transition

1. Returning to the diocese from: sabbatical, rehabilitation, missionary or extern service, chaplaincy, studies.
2. Awaiting Assignment
  - a. Between assignments (not yet offered an assignment)
  - b. Assignment offered and accepted, effective at a later date for personal reasons
  - c. Refused assignment, whether temporary or long term (an assignment has been offered but for some reason not accepted by the priest)
  - d. Without having refused an assignment which was offered:

When a priest is returning to the diocese from sabbatical, rehabilitation, missionary or extern service, chaplaincy, studies, or is awaiting assignment (without having refused one which was offered) ordinarily the full compensation package is approved by the Vicar for Clergy.

- e. When a temporary or long-term assignment has been offered but not accepted:

- i. First 60 days:

When a temporary or long term assignment (including that of administrator) has been offered but not accepted, the following compensation is the norm and limited to 60 days:

- 50% of the gross compensation less the stipend offset;
- Health and dental insurance;
- Retreat;
- Continuing Education Allowance;
- Annual supplemental payment;
- Professional expense allowance (an amount determined by the Vicar for Clergy).

- ii. 60 days after the refusal:

If an assignment is offered and refused, then, 60 days after the refusal, the compensation is reduced:

- Salary is discontinued;
- Housing / Food allowance (an amount determined by the Vicar for Clergy);

- Health and dental insurance are continued;
- Retreat, continuing education fee, and professional expense allowance are discontinued.

f. When a suitable assignment has not been found:

When a suitable assignment has not been found by the Placement Board, each situation is judged individually based on the particular circumstances. Ordinarily the compensation package is approved by the Vicar for Clergy.

- g. When a priest in good standing on awaiting assignment is offered an assignment as temporary administrator.
  - i. When replacing a priest until a new pastor is assigned, the priest is expected to be given the following compensation from the parish, unless other arrangements are negotiated by the Vicar for Clergy with the parish:
    - Gross compensation less pension contribution;
    - Institutional pension contribution is determined by the Vicar for Clergy if applicable;
    - Health and dental insurance;
    - Retreat;
    - Continuing education fee;
    - Annual supplemental payment;
    - Professional expense allowance;
  - ii. When replacing a priest for other circumstances, the compensation package is negotiated by the Vicar for Clergy on a case-by-case basis.

C. Authorized Leave

An authorized leave is defined as time off from official assignment within the Archdiocese with permission. Application for such leave must be made directly to the Archbishop. He reserves the right to judge and approve each individual request.

1. Leave-Medical while on assignment (short term i.e. up to 3 month / 90 days) - When there is a written recommendation from a personal physician or when a priest is known to be hospitalized, sick leave while on assignment may be granted by the Archbishop or the Vicar for Clergy.

a. Sick leave while on assignment

- i. Up to 90 days:

As long as the priest retains his assignment he remains on the payroll at his place of assignment and receives salary and benefits including payment of his insurance premiums from his place of assignment for up to 90 days.

- ii. If the short-term medical leave is anticipated to be longer than 3 months / 90 days but not more than 12 months,
  - Salary and all benefits are continued payable (up to 12 months maximum) arrangements upon agreement with Vicar for Clergy.
  - Upon the advice of the Vicar for Clergy, application is to be made for either
    - St. Michael's Priest Fund benefits, or
    - Long-Term Disability benefits

If eligible, St. Michael's Priest Fund will reimburse the place of assignment for up to 80% of the priest's salary for 6 months, renewable for another 6 months (up to the maximum 12 months.)

b) Disability

i. Long Term Disability (LTD)

If, after 90 days of sick leave, the priest remains unable to work, application may be made for Long Term Disability Benefits and / or for SMPF benefits as advised by the Vicar for Clergy. While the application(s) is in process, salary and benefits are arranged at the discretion of the Vicar for Clergy.

i. Eligible for LTD Benefits

If after the LTD application process is completed, the priest is determined to be eligible for Long Term Disability (LTD) benefits:

- The priest is required to share his copy of the LTD approval letter with the Vicar for Clergy office.
- Benefits are paid directly to the priests by the LTD insurance plan. Other benefits are arranged in accord with the Vicar for Clergy.
- Health insurance coverage is continued and modified when Medicare eligibility begins, i.e. age 65.
- While receiving LTD benefits, the priest does not apply for Pension benefits.

ii. Not Eligible for LTD benefits

If after the LTD application process is complete, the priest is determined not eligible for Long Term Disability (LTD) benefits:

- The place of assignment covers compensation and benefits for no more than an additional 3 months.
- After that time, compensation and benefits may be paid through the Vicar for Clergy office on a case-by-case basis at the discretion of the Vicar for Clergy.
- Health insurance coverage is changed when Medicare eligibility begins, i.e. age 65.

- Pension benefits are payable in full at age 68. These benefits may be available if early retirement (on or after age 65) is approved by the Archbishop. The pension payment is reduced by five percent for each full year before age 68.

iii. Permanent Disability (whether or not eligible for LTD benefits)

- Permanent disability is at any age when it is *medically* determined, when presumed permanent and when incapable of carrying out official duties. Permanent disability is determined on a case-by-case basis at the advice of the Vicar for Clergy after consultation with the Archbishop and the Archbishop's written approval. This status continues until the Vicar for Clergy recommends early or normal retirement with appropriate benefits drawn from the Priests' Pension Fund; (*see below: Senior Priest Status - Disability*)
- In all cases written recommendations(s) from a personal physician and / or related professional, for mental health evaluation, is required.
- These cases may or may not be advisable for the LTD application and process.
- If approved for less than maximum LTD benefits, the priest consults with the Vicar for Clergy to discern other options.
- The Vicar for Clergy reviews the priest's disability and financial circumstances annually until the priest is able to receive benefits from the Priests Pension Fund.
  - Application for St. Michael's Priest Fund benefits is advised.
  - Compensation and / or benefits are decided by the Vicar for Clergy on a case-by-case basis, considering the following possibilities:
    - Insurance coverage - health, dental, vision
    - Pension contributions until Priest Pension requirements for retirement are fulfilled and the priest can begin to draw the benefit from the Priest Pension Fund.
    - Housing
    - Retreat
  - The Vicar for Clergy may assist the priest in exploring other resources.

## 2. Leave-Discernment

After consultation with the Archbishop through the office of the Vicar for Clergy, a personal leave of absence from the ministry for the purpose of discernment as to one's future in the ministry may be granted for up to six months.

- a. During the leave of absence the exercise of public sacramental ministry is determined on an individual basis at the discretion of the Archbishop or Vicar for Clergy and the person seeking the leave.
- b. Regular contact between the person on leave and the Vicar for Clergy is expected for the duration of the leave.

- c. Although full salary is discontinued in order to facilitate perspective in this situation, in order to aid in the personal and spiritual freedom necessary to discern well, in dialogue with the Archbishop, the Vicar takes the following into consideration:
  - Financial assistance at the level of the monthly retirement benefit;
  - Health and dental insurance premiums;
  - Personal and institutional pension contribution;
  - Retreat fee and any fees incurred for spiritual direction and / or counseling are provided as the Archdiocese is eager to see that these services are provided. If it is determined that a residential program would be beneficial for the person on leave, one can be provided;
  - All other forms of benefits are discontinued including the annual supplemental payment.
- d. This leave of absence is renewable for another six months upon the approval of the Archbishop.

3. Leave-Personal

For personal reasons, a leave of six months is granted by the Archbishop under the following conditions:

a. Temporary Personal Leave

When the personal leave of absence becomes effective the following adjustments are made in his compensation:

- Salary is discontinued;
- Health and dental insurance premiums are paid by the Vicar for Clergy office;
- All other forms of benefits are discontinued including the annual supplemental payment.

The priest provides his own room and board. Depending on individual circumstances, an adequate monthly allowance may be arranged by the Archbishop and / or the Vicar for Clergy for the period of leave.

Participation in the St. Michael's Priest Fund will be in accordance with its By-Laws.

Diocesan faculties are withdrawn, unless continued in force by the Archbishop.

The priest will not exercise his public ministry without special authorization of the Archbishop or diocesan bishop where the priest is residing.

After a six-month period of personal leave of absence, consideration for continued personal leave of up to another six months is subject to the Archbishop's authorization. A written request to the Archbishop giving the reasons for a need for an extended personal leave is a requirement. If granted, it will be subject to the conditions stated above.

b. Leave-Permanent Personal

When the Archbishop authorizes a personal leave as permanent, the following is the norm:

- Health insurance is appropriately determined at the lay premium rate, and the individual has the option to continue on the archdiocesan health insurance policy at his own expense and for up to 18 months.
- Dental insurance is no longer available to the individual.

A priest who leaves the ministry is eligible for severance reimbursement for the Priests' Pension Plan.

4. Not Assigned

When the priest makes himself available for an assignment, but pastoral and / or legal reasons, as ascertained by the Archbishop, Vicar for Clergy and the Placement Board, prevent a suitable assignment from being found for a substantial period of time, it is not expected that this situation will change within the foreseeable future.

a. Administrative Leave

In accord with c. 1722 formal administrative leave may be invoked in the course of a penal process and by it a priest is relieved from office and / or administrative responsibility; in some instances, voluntary administrative leave may be deemed to be in the best interest of all involved according to the judgment of the priest and archdiocesan officials.

Each situation is judged individually based on the particular circumstances. Compensation is arranged with the amount determined by the Vicar for Clergy.

Depending on the situation and the circumstances, the Vicar for Clergy decides the content of the compensation package and determines the faculties on a case-by-case basis.

b. Chronic illness (see Leave-Medical)

c. Unqualified for Assignment

For a priest who, in the judgment of the Archbishop is unqualified for an assignment, and, depending on the situation and the circumstances, the Vicar for Clergy decides the faculties and the compensation package.

d. Suspension (c. 1333)

Generally, no salary or benefits are due to a priest under canonical suspension. Following the removal of his suspension, the provisions of “Priests in Transition” apply as above. A suspended cleric loses faculties.

5. Sabbatical (see also: Continuing Formation)

a. For Those in Assignment

Parish / institution pay

- 100% gross compensation
- 100% health and dental insurance premiums
- Professional expense allowance
- 33% of sacramental help-out costs

b. For Those Awaiting Assignment

Vicar of Clergy makes individual arrangements for compensation which includes:

- 100% health and dental insurance premiums
- Professional expenses allowance

c. For All on Sabbatical:

Sabbatical program expenses are covered by a grant from the Archdiocesan Sabbatical Fund and by funds drawn from the priest individual continuing formation account. (See Appendix for dollar amount details). Retirement mini-enrichment programs will be funded on a pro-rated basis. Any amount over the sabbatical allotment is the priest’s responsibility.

D. Unauthorized Leave

A priest who leaves his assignment without the express permission of the Archbishop and / or the Vicar for Clergy or who, during a period of personal leave, attempts marriage without first obtaining a rescript of laicization is considered to be on an unauthorized leave of absence.

The effects of such an unauthorized leave are:

- Faculties are withdrawn;
- The priest is forbidden to exercise any function of his priestly ministry with the exception mention in c. 976;
- Salary and health and dental insurance and all other forms of benefits cease;
- Continued participation in the St. Michael’s Priest Fund and Priests’ Pension Plan will be in accordance with their By-Laws.

E. Senior Priest Status

1. Normal Retirement

- Full monthly pension benefits are available at age 68. (See Priests' Pension Plan for other details.)
- Health, Dental and Vision insurance
- The priest may use the amount remaining in his Continuing Education account.
- No salary, housing allowance, retreat fee, or Continuing Education fee is given, unless the priest is offered a special ministry by the Archbishop and / or the Vicar for Clergy.

2. Early Retirement

- Early retirement is on or after age 65 with the approval of the Archbishop.

The pension payment is reduced by five percent for each full year before age 68. Although early retirees receive a reduced benefit initially, all future increases to retirement benefits will also apply to them on a proportional basis.

- Health, Dental and Vision Insurance
- The priest may use the amount remaining in his Continuing Education account.
- No salary, housing allowance, retreat fee, or Continuing Education fee is given.

3. Permanent Disability

Disability is at any age when it is medically determined that a member is totally and presumably permanently - physically or mentally - incapable of carrying out his official duties. This is recommended by the Vicar for Clergy following the process of Leave-Medical and disability is approved for a priest in writing by the Archbishop. (see *Leave-Medical Permanent Disability* above)

## 2.2 ARCHDIOCESAN FACULTIES FOR PRIESTS

*Archdiocesan Faculties for Priests*

**(Archdiocese of Milwaukee Chancery Office – Commentary of Diocesan Faculties for Priests in Red)**

These are the faculties which the Archbishop conveys to the priests serving within the Archdiocese. Several observations are to be made from the outset.

First, these faculties are concerned with subjects treated in the 1983 Code of Canon Law. Reference is not made, for instance, to liturgical matters not treated in the code (e.g., the faculty to celebrate a second Mass on Holy Thursday).

Second, the faculties given to priests are valid within the confines of the parish to which they are assigned, unless otherwise stated.

Third, faculties granted to pastors are understood as being given also to the “parochial administrator” (c. 540) and to the priest members of a “parish team” (c. 517,§1; cf. c. 543,§1).

Finally, the following faculties do not mention the rights and privileges which are granted by universal law itself to priests, an example of which is the faculty to preach (c. 764-765).

## Baptism and Confirmation

1. The faculty is granted to pastors and associate pastors to baptize one who has completed the fourteenth year, without previously referring the matter to the diocesan bishop. (cf. c. 863)

*Canon 863 requires that the baptism of persons fourteen years of age and older be referred to the diocesan bishop, so he himself may confer baptism if he so decides. This faculty allows pastors and parochial vicars to baptize such a person without previous recourse to the diocesan bishop.*

2. a. The faculty is granted to associate pastors to administer the sacrament of confirmation to those persons who have attained the use of reason and whom they baptize. (cf. c. 883)
- b. Pastors and associate pastors are also given the faculty to confirm those persons who have attained the use of reason and are already baptized in another church or ecclesial communion, when they are received by them into full communion with the Church.
- c. Other priests, in order to confirm those whom they baptize or receive into full communion with the Church, must obtain permission from the proper pastor or parochial vicar except in danger of death.

*Canon 883,§2 gives by law the faculty to confirm to the priest who by virtue of office or episcopal mandate baptizes an adult or admits a baptized adult into full communion with the Church. Canon 530,§1 says pastors have by office the right to baptize. Canon 866 says that when an adult is baptized, unless grave reason prevents it, the person should be immediately confirmed. Thus, pastors have the right to confirm those adults whom they baptize. The above faculty gives pastors, in addition, the mandate to confirm those baptized persons with the use of reason whom they receive into full communion with the Church. It also gives parochial vicars the mandate to confirm those with the use of reason whom they baptize or receive into full communion. Furthermore, in section c, the same faculty is given to any other priest provided he has acquired permission to confirm from the person's proper parish priest. This allows an individual catechumen or candidate to deal with the instructing priest but it also preserves the integrity of the parish and the parish priest's authority in view of the parish community. This faculty is to be exercised in accord with the norms of the Rite of Christian Initiation.*

## Eucharist

3. The faculty is granted to priests, for a good reason, to celebrate the Eucharist twice on weekdays and, if a pastoral necessity requires it, three times on Sunday and holy days of obligation. (cf. c. 905)

*Canon 905,§1 states that a priest may not celebrate the Eucharist more than once a day, except on those occasions when the law permits him to celebrate or concelebrate a number of times on the same day. Canon 905,§2 adds, moreover, that if there is a shortage of priests the*

*local ordinary may permit a priest for a just cause to celebrate two times on weekdays and, if pastoral need requires it, three times on Sundays and holy days of obligation. The above faculty grants this permission.*

*Canon 1248,§1 says the faithful fulfill their obligation of assisting at Mass on a day of precept by attending Mass either on the day itself or on the evening of the preceding day.*

*Since the obligation is fulfilled on the evening preceding the day of the precept, and since canon 905,§2 is a disciplinary law of the Church, it would appear in view of canon 87,§1 that the diocesan bishop may permit priests to celebrate Mass three times on the day preceding a day of precept, provided that third Mass that day was for the day of precept and provided the provisions of canon 87,§1 were fulfilled.*

4. The faculty is given to priests to dispense, in individual cases and for a just reason, from the Eucharistic abstinence. (cf. c. 919,§1)

*Canon 919,§1 requires that anyone receiving the Eucharist abstain for at least one hour before Holy Communion from all food and drink, except water and medicine. This faculty allows priests to dispense from this Eucharistic abstinence, in individual cases and for a just reason.*

#### Penance

5. The habitual faculty to hear confessions is granted to priests. If the Archdiocese of Milwaukee is the diocese of incardination or domicile, priests, in virtue of this faculty, may hear confessions throughout the world, unless in a particular case the local ordinary has refused. (cf. c. 967-973)

*Canon 968,§1 says that by virtue of his office and within the confines of his territory, the faculty to hear confessions is granted by the law to the local Ordinary, the pastor and those who take the place of the pastor. Canon 969,§1 says all other priests must receive the faculty to hear confessions from the local Ordinary (and religious priests are to use this faculty only with the permission, at least presumed, of their superior).*

*The faculty to hear confessions may be granted by the local Ordinary either temporarily or habitually. In the latter case, the grant must be made in writing (c. 973), as is done by means of the diocesan *pagella*.*

*Canon 967,§2 states that those who have the habitual faculty to hear confessions from the local Ordinary either of the place of incardination or of the place of domicile may exercise that faculty anywhere in the world, unless in a particular case the local Ordinary has refused, without prejudice to the provisions of canon 974,§§2 and 3.*

*Faculty number 5 gives to priests within the diocese the habitual faculty to hear confessions within the diocese. In other words, any priests to whom the above faculty is granted have the faculty to hear confessions within the confines of the diocese. If the diocese is that of the priests' incardination or domicile, they then may hear confession throughout the world, in accord with canon 967,§2.*

6. The faculty is granted to confessors to remit in the internal forum the automatic (latae sententiae) penalty established by the law for procuring a successful abortion. (cf. c. 1398) This faculty has been extended by Pope Francis to all priests who possess the faculty to absolve and may be exercised universally as long as they have confessional faculties. (Misericordia et misera, November 20, 2016.)

**Canon 1355,§2 states:** *"If it has not been reserved to the Apostolic See a latae sententiae penalty established by the law but not yet declared can be remitted by the Ordinary on behalf of his own subjects, of those who are actually within his territory, and of those who committed the crime in his territory. Any bishop has this power within the act of sacramental confession." By reason of canon 1357,§1 confessors can remit in the internal sacramental forum a non-declared excommunication or interdict, provided it is difficult for the person to remain in a state of grave sin for the time necessary for the proper superior to provide. Canon 1357,§2, however, requires that the confessor impose upon the person the obligation to have recourse within a month to the competent superior, under the pain of incurring the censure once again; such recourse can be made, of course, through the confessor.*

**Faculty number 6 gives to confessors the ability to remit the latae sententiae penalties established by the law for procuring a successful abortion. By the grant of a privilege contra legem, Pope Francis has extended the faculty to remit this penalty to all priests who have confessional faculties and declared that they may exercise this faculty universally as long as they have the faculty to absolve. By reason of this faculty, no recourse to a competent superior is required, before or after the remission of the penalty: hence, the contrast with the norm of canon 1357,§§1 and .2.**

## Marriage

7. The faculty is granted to associate pastors to assist at marriages within the boundaries of the parish to which they are assigned. (cf. c. 1111)

**Canon 1111.§1 says that the local Ordinary and the pastor, as long as they validly hold office, can delegate priests the faculty, even in a general fashion, to assist at marriages within the confines of their territory. Canon 1111,§2 requires that general delegation be in writing. This faculty gives such written general delegation to parochial vicars; the faculty is valid within the confines of the parish to which they are assigned. In light of canon 137,§3 the delegated parochial vicar can subdelegate this faculty in individual instances.**

8. Whenever the need for a dispensation is discovered after everything has been prepared for the marriage and when the marriage cannot be delayed without the probable danger of grave harm until the dispensation can be obtained from the competent authority, the faculty is granted to those priests able to assist at marriages and validations of marriages to dispense from the canonical form for marriage and from all the impediments to marriage which may be dispensed by the local ordinary. (cf. c. 1080,§§1 & 2; c. 1081)

*Canon 1080,§1 says that whenever an impediment is discovered after everything is prepared for the wedding and the marriage cannot be delayed with the probable danger of grave harm until a dispensation is obtained from the competent authority, the local Ordinary may dispense from all impediments of ecclesiastical origin except the impediment arising from sacred orders and the impediment coming from a public perpetual vow of chastity in a religious institute of pontifical right. Moreover, in occult cases, these same ecclesiastical impediments may be dispensed by a minister as defined in canon 1079,§§2 and 3. (NB. The local Ordinary is considered unable to be approached if he can be reached only by telegram or telephone cf. c. 1079,§4).*

*This faculty gives to those priests able to assist at marriages the ability to dispense from the canonical form of marriage and from all ecclesiastical impediments which may be dispensed by the local Ordinary. It is an extension of the instances mentioned in canon 1080,§§1 and 2 as it permits a dispensation from canonical form and a dispensation from non-occult ecclesiastical law impediments from which the local Ordinary can dispense.*

*Priests who use this faculty must, according to canon 1081, notify the Chancery as soon as possible, presenting the prenuptial file, and make sure that the marriage and dispensation are recorded in the marriage register.*

9. a. The faculty is granted to pastors and associate pastors and properly delegated priests, to permit the marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This permission is not to be given unless the conditions mentioned in c. 1125 are fulfilled. (cf. c. 1124)

*Canon 1124 says that without the express permission of the competent authority, marriage is prohibited between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This faculty gives the ability to permit such a "mixed marriage" to pastors and parochial vicars and properly delegated priests. Before permission is given, however, the conditions mentioned in canon 1125 concerning the affirmation and promises by the Catholic and the education of both parties concerning marriage must be fulfilled.*

*Documented proof of baptism (certificate or baptismal affidavit) of both parties is required and the date and place of baptism must be included in the prenuptial questionnaire. The promises of the Catholic are required as noted in canon 1125.*

- b. The faculty is granted to pastors and associate pastors and properly delegated priests to permit the marriage of a Catholic to a Catholic who notoriously rejects the Catholic faith. (cf. c. 1071,§§1 & 4) This permission is not to be given unless the conditions mentioned in c. 1125 are fulfilled.

*Canon 1071,§1,4º requires that the permission of the diocesan bishop be obtained for the marriage of a person who has notoriously rejected the Catholic faith. This faculty allows*

*the parish priest or delegated priest to permit such a marriage when the practicing Catholic party has made the promises.*

- c. The faculty is granted to pastors and associate pastors and properly delegated priests to permit an individual baptized non-Catholic Christian to receive the Eucharist within his / her own marriage ceremony. This permission is not to be given unless the conditions mentioned in c. 844,§4 are met. In cases involving non-Catholic Orientals, the two conditions of c. 844,§3 are required. (N.B. At no time may a priest extend a general invitation to all non-Catholics within the congregation at a marriage liturgy to receive the Eucharist).

*Canon 844, especially sections 3, 4, and 5 of the canon. This faculty is restricted to the occasion of marriage where it can be presumed that the priest will have an opportunity to discuss at some length the genuineness of the request of the other Christian. Regarding the phrase “provided they manifest Catholic faith in these sacraments” in section 4, you are asked to confer the instruction “On Admitting Other Christians to Eucharistic Communion in the Catholic Church,” Secretariat for Promoting Christian Unity, June 1, 1972, part II nos. 2-3. That citation illustrates the ecclesial understanding of the Eucharist.*

*Whenever a pastor, parochial vicar, or properly delegated priest uses one of these three faculties granting a permission, he is required to note the particular permission on the Dispensation / Permission Form (FORM A) along with the other data requested on the form and is to forward only that form to the Chancery. (The pastor or parochial vicar may freely consult the Chancery if any questions or problems arise in an individual case).*

- d. The faculty is granted to pastors and associate pastors and properly delegated priests to permit the use of the Order for Celebrating Marriage Within Mass when a Catholic is marrying a baptized non-Catholic Christian. (Order of Celebrating Matrimony n. 36)

*The Order for Celebrating Marriage, n. 36 states that a local ordinary may allow the use of the Rite for Celebrating Marriage within Mass when one of the parties is a baptized non-Catholic. This faculty delegates the pastor, associate pastor or the delegated priest to make the determination that the celebration of the rite within the Mass is appropriate on a case by case basis without the need for recourse to a local ordinary.*

## Funerals

- 10. The faculty is granted to pastors, associate pastors, administrators, and parish directors assigned to a parish, to allow church funeral rites for an unbaptized child, if the parents had intended to have the child baptized. (cf. c. 1183,§2)

*Canon 1183,§2 states that the local Ordinary may allow church funeral rites to be celebrated for children whose parents had intended to have them baptized but who died before baptism. This faculty gives the ability to permit such funerals to the pastor, the parochial vicar assigned to a parish.*

11. The faculty is granted to pastors and associate pastors assigned to a parish to allow church funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available. (cf. c. 1183,§3)

*Canon 1183,§3 says that, in accordance with the prudent judgment of the local Ordinary and provided the deceased's own minister is unavailable, a baptized person belonging to a non-Catholic church or ecclesial community may be given church funeral rites, unless it is clear that such is against his or her wishes. This faculty gives the ability to allow such funerals to pastors and parochial vicars assigned to a parish, who must first make a prudent judgment concerning the matter.*

#### Days of Penance and Obligation

12. The faculty is given to associate pastors assigned to a parish to dispense, in individual cases and for a just reason, from the obligation of observing a day of precept or a day of penance, or to commute the obligation into other pious works. This faculty may be exercised on behalf of a parishioner and a person visiting within the boundaries of the parish. (cf. c. 1245)

*Canon 1245 gives the pastor the ability, for a just cause and according to the prescriptions of the diocesan bishop, to dispense from the obligation of observing a day of precept or a day of penance, or to commute the obligation into some other work. This power can be exercised on behalf of the pastor's parishioners and those visiting within the confines of the parish (cf. c. 91). This faculty gives to parochial vicars assigned to a parish the same ability to dispense or commute. This power can be exercised on behalf of parishioners and persons visiting within the confines of the parish to which the parochial vicars are assigned.*

Please feel free to call the Chancery any time if you have any questions regarding the application of the Diocesan Faculties for Priests.

### 2.3 RETREAT POLICY FOR PRIESTS AND DEACONS

The teachings of Vatican II state that, “as a help toward faithful fulfillment of their ministry, ... priests (deacons) should be glad to take time for spiritual retreat” (Presbyterorum ordinis, n. 18). This same principle is found in the Code of Canon Law: “In holiness.... In order to pursue this perfection, they are... bound to make a retreat according to the prescriptions of particular law” (c. 276,§1; §2 4<sup>o</sup>)

As particular law in the Archdiocese of Milwaukee, priests and deacons are expected to make an annual retreat usually for five days. The days of retreat are not counted as vacation days (cf. C. 533,§2). The cost is borne by the parish or institution in which the priest / deacon is ministering at an amount annually determined by the Archbishop after consulting the Archdiocesan Council of Priests and the Archdiocesan Council of Deacons. Anything over and above that amount is borne by the priest / deacon.

The retreat fee is set annually by the Vicar for Clergy in consultation with local retreat facilities.

## 2.4 CONTINUING FORMATION GUIDELINES FOR DIOCESAN PRIESTS

### *I. Introduction*

In the Archdiocese of Milwaukee, the Office of Continuing Formation of Clergy is especially charged with directing and overseeing activities and programs that will foster the lifelong formation of priests and deacons. It works in close collaboration with the Office of Evangelization and Catechesis and other Archdiocesan offices that deal with ongoing formation. There are occasions when this office and other offices and agencies of the Archdiocese co-sponsor programs for the clergy. The office will also have information on a variety of resources and formational programs available in the larger community sponsored by various groups, agencies and organizations. Retreats are scheduled by the Office (See Retreat Policy for Priests and Deacons) and are also available in the wider community. The Office publicizes and encourages clergy to take advantage of all these opportunities.

The directions and guidelines the Archdiocese of Milwaukee follows for continuing formation are found in Pastores Dabo Vobis (I Will Give You Shepherds), the Directory on the Ministry and Life of Priests, The Basic Plan for the Ongoing Formation of Priests, Guide to the Ongoing Formation for Priests.

Pope John Paul II gives a rationale for continuing formation in PDV, #70 as he quotes St. Paul, “I remind you to rekindle the gift of God that is within you” (2 Timothy 1:6).

“The words of Saint Paul to Timothy can appropriately be applied to the ongoing formation to which all priests are called by virtue of the ‘gift of God’ which they all received at their ordination.... It is in this perspective that the meaning of ongoing formation emerges. Permanent formation is necessary in order to discern and follow this constant call or will of God.” (PDV,70)

The Basic Plan adds that it is God’s grace that transforms us and we are called then to “make ourselves available to God’s work of transformation. And that making ready a place for the Lord to dwell in us and transform us we call formation.... God invites them (priests) to transformation across their lifetime, and their formation is marked by constant elements at every stage of life” (p.7).

In light of their ordination priests live out who they are throughout their whole life. “Ongoing formation helps the priest to be and act as a priest in the spirit and style of Jesus the Good Shepherd” (PDV, 73).

“Permanent or ongoing formation, precisely because it is ‘permanent,’ should always be a part of the priest’s life. In every phase and condition of his life, at every level of responsibility he has in the Church, he is undergoing formation” (PDV, 76).

“Certainly there are also purely human reasons which call for the priest to engage in ongoing formation. This formation is demanded by his own continuing personal growth. Every life is a

constant path toward maturity, a maturity which cannot be attained except by constant formation.... There is no profession, job or work which does not require constant updating, if it is to remain current and effective. The need to 'keep pace' with the path of history is another human reason justifying ongoing formation....

"The aim of ongoing formation must be that of promoting a general and integral process of constant growth, deepening each of the aspects of formation - human, spiritual intellectual and pastoral - as well as ensuring their active and harmonious integration...(PDV, 70-71).

"Fuller development is first of all required in the human aspect of priestly formation. Through his daily contact with people, his sharing in their daily lives, the priest needs to develop and sharpen his human sensitivity so as to understand more clearly their needs, respond to their demands, perceive their unvoiced questions, and share the hopes and expectations, the joys and burdens which are part of life: thus he will be able to meet and enter into dialogue with all people. ... The formation of the priest in its spiritual dimension is required by the new Gospel life to which he has been called in a specific way by the Holy Spirit, poured out in the Sacrament of Orders.... The intellectual dimension of formation likewise needs to be continually fostered through the priest's entire life, especially by a commitment to study and a serious and disciplined familiarity with modern culture.... The pastoral aspect of ongoing formation... impels the priest and stimulates him to become ever better acquainted with the real situation of the men and women to whom he is sent, to discern the call of the Spirit in the historical circumstances in which he finds himself, and to seek the most suitable methods and the most useful forms for carrying out his ministry today" (PDV,72).

#### A. Responsibility

"Ongoing formation is a right-duty of the priest and imparting it is a right-duty of the Church. This is established in universal law (canon 279)" (Directory, 72).

"Individual priests are responsible for their ongoing formation. Their responsibility is linked to their commitment at ordination to serve well the people of God through their ministry and through their own personal faith commitment" (The Basic Plan, pp. 35-36).

"Ongoing formation...belongs to individuals as their own responsibility to foster their own integration. At the same time, ongoing formation is ecclesial and social... It unfolds in a context of the community of faith as well as the more defined community of the presbyterate with its bishop. Although formation has to do with an individual's growth, the community they serve – the Church – benefits greatly from the growth of its priests" (The Basic Plan, p.12).

#### B. Description

As it applies to all who serve in ministry, continuing formation can generally be described as an unfolding and deepening process which integrates human, intellectual, spiritual, and pastoral development, as mentioned above in the introduction. Such development is fostered by participation in organized programs, seminars and institutes, personal study and reflection, retreats, support groups, and human relationships - all in an integrated and holistic fashion. All

of these are means of developing one's own life in terms of who we are and what we do as a priest in relationship to the people we serve.

### C. Accountability

"The best-laid plans for ongoing formation will amount to very little if they are not accompanied by a spirit and structure of accountability. Priests are answerable to the Church, to their people, and to themselves and their own sense of integrity, as they grow in their humanity, discipleship, and priestly ministry." (The Basic Plan, p.37).

Each year, priests are asked and expected to complete the "Continuing Formation Report". In this report they indicate how they have utilized their continuing formation time and money. As a part of their annual / periodic self-evaluation process and evaluation after beginning of a new assignment priests should reflect on future formational goals and try to have a plan in place for what they want to do in the coming year(s).

## *II. Guiding Policies*

### A. Time Given for Continuing Formation

As The Basic Plan (p. 36) encourages, all priests actively engaged in a pastoral assignment within the Archdiocese are entitled to and expected to utilize fifty-two hours (or ten days) of released time for continuing formation each year. This time is in addition to retreat and vacation to which all priests are entitled and expected to take.

### B. Funds Available for Continuing Formation

The parish / institution to which the priest is assigned makes an annual contribution to the priest's individual account which is maintained by the Office of Continuing Formation of Clergy. A separate retreat allowance is provided by the parish / institution. The amount of the annual contribution and retreat allowance is determined by the Archbishop after consultation with the Archdiocesan Council of Priests. In addition, the parish / institution pays for the cost of a substitute, when one is necessary for coverage during the priest's days away at formation programs or retreats.

Exceptions:

1. **Military / Hospital Chaplains:** They are covered by the particular plan of the institution that employs them, therefore all Archdiocesan priests who are serving as military chaplains and some who serve as health care chaplains are exempt from the Archdiocesan plan for continuing formation.
2. **Senior Priests:** Archdiocesan priests who have retired are encouraged to continue to participate in continuing formation. All programs that are sponsored or co-sponsored by the Continuing Formation Office of Clergy are available to them gratis if they request this assistance. Financial help is also available for the Priests Spring Assembly. Senior priests

who continue to serve in ministry in the Archdiocese are able to apply for sabbaticals under the same policy as active priests.

C. Reimbursement of Continuing Formation Expense

Reimbursement for formational efforts is made by the Coordinator of Continuing Formation of Clergy to the individual priest upon his presentation and approval of paid receipts that pertain in some way to stated formational goals. The location, nature and date(s) of each program attended should accompany each request for reimbursement. Reimbursement cannot be made without adequate proof of expenses incurred.

D. Implementation

1. The Archdiocesan Coordinator of Continuing Formation of Clergy is appointed by the Archbishop. His responsibilities include:
  - a. Overseeing and providing programs for the continuing formation of clergy;
  - b. Making available information about local and national educational opportunities for clergy;
  - c. Overseeing the continued implementation of the Archdiocesan Sabbatical Policies;
  - d. Acting as a resource and guide in all sabbatical planning;
  - e. Working with the Continuing Formation of Clergy Advisory Board;
  - f. Directing programs that the Office sponsors, such as mentoring new priests and new pastors;
  - g. Serving on Committees or Boards that are related to the Offices' responsibilities, such as the Priestly Life and Ministry Committee of the Priest Council, Spring Assembly Committee, and Wellness Council;
  - h. Administering the Continuing Formation Fund, Development and Programming Fund, and Preaching Institute / Kortendick Grant Funds and preparing an annual budget;
  - i. Administering and interpreting the guidelines.
2. Continuing Formation of Clergy Advisory Board
  - a. Functions of the Board
    - i. The Board will assist the Coordinator of Continuing Formation of Clergy in an advisory and consultative manner.
    - ii. Board shall assist the Coordinator in setting priorities and developing programs and evaluating them.
    - iii. The Board will advise the Coordinator on acceptance of applicants for sabbaticals and special study programs. The Director will then consult with the Vicar for Clergy before official acceptance is given.
    - iv. The Board shall annually review operation of the Continuing Formation Fund.
  - b. Membership will be composed of eight members representing priests, deacons, and laity.

- i. Four members of the Board will be priests. They shall be appointed by the Archbishop in consultation with the Vicar for Clergy and the Coordinator of Continuing Formation of Clergy.
- ii. Two members of the Board will be deacons. They shall be appointed by the Archbishop in consultation with the Vicar for Clergy, the Coordinator of Continuing Formation of Clergy, and the President of the Archdiocesan Council of Deacons.
- iii. The remaining members shall be a Religious who is served by this Office, and a wife of a deacon. They shall be appointed by the Archbishop in consultation with the Coordinator of Continuing Formation of Clergy.

c. Term of Office

The term of office shall be for three years, with the possibility of a consecutive term.

d. Meetings

The Board will meet on a regular basis. The Director will serve as the chair of the meetings. In his absence, the meeting will be chaired by a member designated by the Director.

*III. General Formational Programs (UPDATED 12/19/2024; 09/12/2024)*

- A. The Basic Plan (pp. 41-89) discusses formation at the different ages in one's ministry. It considers the various events; their tasks and challenges; and spiritual concerns: temptations, graces, discernment; and programmatic responses. The ages or stages that are significant times for formation are the first years of priesthood, changes of assignment, first pastorate, midlife, and the time of being senior / retired clergy. It also discusses (pp. 93-103) the ongoing formation of the presbyterate as a group / communion.
- B. A variety of options may be utilized in fulfilling the fifty-two hours (or ten days) per year and in seeking reimbursement from one's individual continuing formation account in the Continuing Formation Fund: academic courses, seminars or conferences, single or multiple day workshops, talks, specially designed programs or personal study, teleconferences, and study tours. Further aids to personal, theological, spiritual, and pastoral growth include the use of books, professional journals, CDs and DVDs, online seminars, courses and presentations, etc. *See table below.*

Priest Electronics Reimbursements	
Reimbursement %	Items
100%	Formation apps and software
0%	Computers (desktop, laptop, tablets, smartphones, recorders)
0%	Peripherals (keyboards, mice, cases, monitors, printers, scanners, DVD±RW)
0%	Consumables (toner, ink, paper)
0%	Office software
0%	Service support and maintenance plans and repairs

***Senior Priests will follow the Deacon Electronics Reimbursement Policy***

***\* The above unreimbursed expenses may be submitted as professional expenses.***

C. Areas within which continuing professional growth should be pursued include all those which pertain to priestly and parish ministry. This includes such subjects as Preaching, Liturgy, Sacred Scripture, Systematic and Sacramental Theology, Christian Ethics, Spiritual Theology and Direction, Administration, Behavioral Sciences, Catechetics, Counseling, Languages, etc. In selecting programs, priority should be given to one's personal continuing formation goals as well as to the needs of the parish / institution and the Archdiocese.

#### *IV. Special Formation Programs*

##### A. Sabbaticals

###### 1. Description

A sabbatical is a continuing formation effort for an extended time (usually three months) during which a priest will be relieved of the responsibilities of his assignment in order to pursue a specific program or a combination of different elements which fit the particular personal and ministerial needs of the priest.

A sabbatical is distinguished from:

- a vacation which is used for rest, relaxation, and recreation;
- a retreat which is oriented toward spiritual renewal;
- sick leave which is intended for the recovery of physical health;
- pursuit of a graduate degree program for the purpose of specific professional development or meeting of approved criteria for assignment.

###### 2. Eligibility

Priests ordained ten years or more and who are actively serving in the Archdiocese (including senior priests who serve in ministry in the Archdiocese) are eligible for a sabbatical; as priests approach their tenth anniversary, they are highly encouraged to begin planning for a first sabbatical. Priests recently incardinated into the Archdiocese of Milwaukee are eligible for a sabbatical after five years in an Archdiocesan assignment (including service prior to incardination), providing that they have been ordained ten years or more, and that it has been at least seven years since any previous sabbatical. Every seven years thereafter priests are able to apply for another sabbatical.

###### 3. Types of Sabbaticals

- a. There is a wide range of sabbatical options. There are self-contained and structured programs. Some sabbaticals focus more on theological updating and an educational focus. Some may center on spirituality and others may center on development of additional pastoral skills. Some sabbaticals provide a different cultural / world context. These and other possibilities reflect the varied needs and interests of priests. There are brochures and a resource book available in the Continuing Formation of Clergy Office that list and describe briefly a number of sabbatical programs which are available in the

Continuing Formation of Clergy Office. For someone who is considering a sabbatical, it would be helpful to become acquainted with these resources.

- b. Special individualized programs can be worked out with the Director of Continuing Formation. A sabbatical of this kind may be one that focuses on a particular area of ministry or a specific area that the priest may want to explore for his professional growth. Those pursuing individualized programs must present a detailed plan (including measurable goals) prior to the sabbatical. This plan is to be presented to the Director or to a mutually agreed upon sabbatical mentor / supervisor.
- c. Retirement mini-enrichment programs for senior priests who continue to minister in the Archdiocese are sabbatical-like opportunities that are shorter than the usual 12 week sabbatical time. Senior priests who wish to go on this type of a program will receive funding on a pro-rated basis on the length of the program in comparison to the normal sabbatical grant (i.e. a one month program will receive one-third of the amount and a 7-week program will receive one-half of the amount).

4. Procedures for Application

- a. Statement of Intention

When a priest decides that he wants to take a sabbatical, he needs to communicate his request in writing to the Coordinator of Continuing Formation of Clergy. The intended program and date of his requested sabbatical should also be given. This does not presume approval at this time but it places the request on a priority listing. When a sabbatical is approved, a Sabbatical Checklist Form will be sent and must be followed and completed as it indicates. Because many sabbatical programs have limited registration and allotted positions, normally the request should be made at least one year in advance of the sabbatical program. For each academic year, applications for first sabbaticals to be taken in that year will be given priority up until 18 months prior to that year; after that time, applications will be accepted for approval from those who have had a previous sabbatical.

Priests are encouraged to take a sabbatical during the course of their assignments, but not in the first year of a new assignment due to logistical concerns. However, priests in special circumstances can be considered on an individual basis for exceptions to this norm. Senior priests follow these same procedures.

- b. Granting of Approval

Application will be evaluated and approved by the Director in consultation with the Advisory Board and the Vicar for Clergy. Upon receiving approval to take a sabbatical, the priest follows the steps on the Sabbatical Checklist Form.

- c. Finalization of Plans

The priest must make sure all documentation is submitted to the Coordinator of Continuing Formation of Clergy before funding for the sabbatical takes place.

d. Canceling a Sabbatical

Out of consideration for those waiting their turn for a sabbatical, a priest who cancels his approved sabbatical less than one year prior to the beginning of that sabbatical may not re-apply for a period of three years. Exceptions to this norm (e.g. in case of illness) may be granted by the Director in consultation with the Advisory Board and the Vicar for Clergy.

e. Further Sabbaticals

A further sabbatical request can only be made after seven years from the previous sabbatical.

5. Number of Sabbaticals

The number of the sabbaticals granted each year is determined by the availability of funds and helpout / assisting personnel.

6. Personnel Replacement

The priest is to inform the Priest Personnel Office of his approved sabbatical plans. The Priest Personnel Office has a list of helpouts who are available, but it is up to the priest to obtain a helpout. The Vicar for Clergy makes the appointment of a temporary administrator who might or might not be the helpout, for the duration of the sabbatical.

7. Coverage of Sabbatical Expenses

- a. The costs of the sabbatical are shared by the priest, the employing institution, and the Sabbatical Fund. Sabbatical costs consist of two categories: sabbatical program expense (includes tuition, room and board, and travel) and sacramental helpout expense.
- b. Sabbatical program expenses are covered by a grant from the Archdiocesan Sabbatical Fund and by funds drawn from the priest's individual continuing formation account. The Maximum Sabbatical Fund grant amount for the current year 2021-2022 is \$11,000. Any increase to this amount will be reviewed by the Continuing Formation Advisory Board. The minimum amount to be drawn from the individual continuing formation account is currently \$1,000 but can be up to \$3,000 by borrowing from up to two future years for Continuing Formation Funds with approval by the Director of Continuing Formation.

The priest / parish director is personally responsible for any program expenses above and beyond this combined current amount of \$11,000; these additional expenses may be reimbursed through the Professional Reimbursement Allowance. Retirement mini-

enrichment programs will be funded on a pro-rated basis as described in 3.c. above. Any amount over the sabbatical allotment is the priest's responsibility.

- c. Sacramental helpout expense is to be shared equally by the priest, the employing institution, and the Sabbatical Fund. For priests in non-parochial assignments who turn over their stipends and stole fees to their employer, the helpout fees foregone during the sabbatical will likewise be shared equally by the priest, the employing institution, and the Sabbatical Fund. The priest's portion of this expense is treated as a salary reduction. Mileage costs for the helpout are to be paid by the employing institution and if living expenses are needed for the helpout, the priest must make arrangements for that. The Sabbatical Fund portion will be paid in a lump sum to the employing institution at the conclusion of the priest's sabbatical after an expense sheet and written sabbatical evaluation are submitted and approved.
- d. For those awaiting assignment, individual arrangements are made with the Vicar for Clergy.

#### 8. Follow-up

- a. A sabbatical leave is given with the condition that the priest intends to continue to function actively in the Archdiocese of Milwaukee following the conclusion of his sabbatical.
- b. Prior to his sabbatical leave, if the term of office of the priest's assignment has not expired or been terminated, it is presumed that he will return to that assignment. Normally a priest will not take a sabbatical in the first year after the beginning of a new assignment.
- c. After his return, the priest is expected to do a reflection on his sabbatical experience with the Director and / or those who went on sabbatical during the similar time period. Included in this sharing will be some planning for future continuing formational experiences during the next three years.

#### B. Advanced Study Program

##### 1. Description

The Advanced Study Program is an organized program of studies often leading to a graduate academic degree in a field related to Church ministry and pursued over a number of years of formal education.

2. Parameters of this study program
  - a. The priest is not released from his parochial responsibilities, but pursues the course of studies on a part-time basis.
  - b. The advanced degree is not intended to prepare for extra-parochial ministry but is designed to enhance the priest's current ministerial role.
  - c. The academic nature of the program may require more financial resources than the normal annual continuing education subsidy.

- d. The academic nature of the program may require more continuing education time than normally granted (e.g., 6 weeks of summer school).

3. Responsibilities

- a. The priest will discuss his continuing formation plan with the parish council or appropriate board at his current assignment.
- b. After this dialogue, he submits his plan to the Coordinator of Continuing Formation of Clergy.
  - i. If the plan requires no additional funding, the Director informs the Vicar for Clergy about this advanced study program and files the plan in that priest's file.
  - ii. Priests are encouraged to seek outside grants for this type of program.
  - iii. If the plan requires additional funds, the Director presents the plan to the Continuing Formation of Clergy Advisory Board for discussion.
- c. It is the responsibility of the priest to secure temporary helpout for his parochial assignment so that there will be no interruption of services to the people.
- d. The Continuing Formation Fund will only pay the tuition for courses that are successfully completed. The financial loss that accrues from the withdrawal from academic courses is the responsibility of the priest.

C. Special Study Leave

1. Description

A special study leave is an opportunity quite exceptional in nature in which a parish priest engages in academic work in a specific area, often leading to a degree or certification in that area. It is a prearranged period of time during which a priest may be released from some or all responsibilities related to his assignment to pursue a specific educational effort. This educational effort is normally one begun while the priest is fully engaged in and will return to parochial responsibilities for the purpose of personal update and growth. It is not meant to anticipate a position in specialized ministry, but may be intended to enhance current skills such as in multicultural ministry.

2. Procedure

- a. A priest applies in writing to the Coordinator of Continuing Formation of Clergy detailing the program he wishes to complete, the goals he hopes to achieve, the credits already received and the financial subsidy needed in addition to his individual Continuing Formation Account.
- b. His application is reviewed by the Continuing Formation of Clergy Advisory Board which makes a recommendation to the Vicar for Clergy.

- c. If permission is received from the Vicar for Clergy, the priest makes formal application to the academic institution.
  - d. The priest makes his own arrangements for salary, room and board, helpout remuneration and other particulars with his parish / institution.
3. It is to be noted that a special study leave is given with the condition that the priest intends to function actively in the Archdiocese following the conclusion of his leave. It is also understood that he is not preparing for some extra-parochial ministry but will return to his assignment if his term of office has not expired, or that he will accept a future assignment from the Priest Personnel Board or Archbishop if his term has expired.
4. Grants for such special study leaves are determined on an individual basis upon the Coordinator's consultation with the Vicar for Clergy and the Continuing Formation of Clergy Advisory Board. Normally these applications must be made six months to a year prior to the start of the special program requested.

#### *V. Continuing Formation Fund*

- A. The Continuing Formation Fund is made up of:
  1. Individual Accounts

These accounts contain the contributions for priests, from parishes / institutions invested into the Fixed Income Account of the Archdiocese. The principal is used to reimburse priests, for continuing formation efforts which qualify.

2. Sabbatical Account

This account is used to fund priests' sabbaticals as well as part of the interest earned on the Continuing Formation Fund, as specified in A.5.b. At the direction of the Archbishop it may also contain funds from the bination / trination stipends turned over by priests to the Chancery.

3. Priests' Special Study Account

This account is used to fund advanced and special studies for priests. Its source of income comes from money remaining in individual accounts when a priest dies, is removed from ministry, or has not used their funds for over three years and has no approved plan for their use.

4. Deacon Special Studies Account

This account is used to fund special study programs for deacons. Its source of income is the interest earned on the fund as specified in A.5.a., individual deacon accounts unused for three years, and monies remaining in the accounts of deacons who have died or been removed from ministry.

## 5. Fund Interest

Interest earned on the Continuing Formation Fund will be apportioned as follows:

- a. Deacon Special Studies: The proportion of the interest equal to the proportion of the amounts attributable to Deacons contained in all accounts of the fund will be deposited to the Deacon Special Studies Account.
- b. Sabbatical Account: One half of the interest of the fund remaining after the deposit to the Deacon Special Studies Account.
- c. Program and Development Fund: One half of the interest of the fund remaining after the deposit to the Deacon Special Studies Account.

### B. Besides this Fund there are other funds controlled by the Continuing Formation Office

#### 1. Programming and Development Fund

This fund covers costs for researching, developing, and offering programs for continuing formation that are not covered by individual accounts or the Archdiocesan subsidy to the Office. It is funded by 50% of the previous yearly increase to the Sabbatical Fund. It is controlled and administered by the Director and Advisory Board.

#### 2. Preaching Institute and Kortendick Grant Fund

This fund was transferred to the Office by the Archbishop when the Seminary Preaching Institute was dissolved. It is now administered by the Continuing Formation of Clergy Office. The Fund is used for programs that promote quality preaching.

### C. A priest's individual account can be handled in various ways:

1. The annual contribution may be completely spent each year.
2. A plan may be submitted whereby funds could accumulate for up to five years (three in one's current account and requesting two years in advance) for a specific educational program, e.g., scripture study trip to the Holy Land. In such a case, the priest is to submit his plan in writing to the Coordinator of Continuing Formation of Clergy for approval. Specified amounts for such a program are then "reserved" for that program.
3. In a given year a priest may request up to a two year advance from the fund to subsidize a special program of longer duration or for sabbatical expenses. In that case, funds will not be available to him for the next two years.
4. If funds are not used annually and a written plan is not submitted, funds may accumulate for three years. Monies not used after three years will be transferred to the Priest's Special Studies Fund.

D. The Office of Continuing Formation of Clergy will provide each priest with a complete account of the Fund annually. This will include total contributions, reimbursements, sabbatical expenses and current balance for the Fund. At that time each priest will also receive a statement of the status of his individual account.

- E. Only priests serving a contributing parish / institution may draw from their Individual Accounts. Senior priests may use their remaining funds for approved formation experiences.
- F. Upon the death or removal from ministry of a priest, his remaining funds shall be transferred to the Priests' Special Studies Account.
- G. The procedures for utilizing the Fund are:
  - 1. After a priest has engaged in a continuing formation effort that qualifies, he is to send paid receipts or other evidence of participation to the Coordinator of Continuing Formation of Clergy. The Director interprets these guidelines in determining whether an expense qualifies. Once the request is approved, the information is sent to the Archdiocesan Finance Office for reimbursement to the individual.
  - 2. Programs sponsored or endorsed by the Continuing Formation of Clergy Office qualify for automatic reimbursement. These programs may be directly charged to an individual's account without the need for exchange of money. Programs sponsored by other Archdiocesan offices may also utilize this method.
  - 3. Normally, the Continuing Formation of Clergy Office does not make direct payments to vendors from an individual's account, e.g. registration for a convention, tuition payment, book purchases, invoices, etc. unless the payment is a substantial amount and is approved.

#### *VI. Entitlements*

- A. On an annual basis each priest is entitled to fifty-two hours (or ten days) of continuing formation time as well as the usage of monies that are contributed by the parish / institution on an annual basis. Also, if money is placed in a reserved account, a priest may use such monies for special programs. A priest is also entitled to his annual vacation, retreat and other continuing formation opportunities that may precede or follow his sabbatical.
- B. Exceptions to these policies

At times exceptions can be made. If the matter has to do with personnel, the exception will be made by the Vicar for Clergy. If the exception has to do with the implementation of the policy and the program to be approved, the exception will be made by the Coordinator of Continuing Formation of Clergy.

#### 2.5 VACATION POLICY

The following policy governs paid vacations for priests of the archdiocese. While religious priests are governed by the policies of their respective communities, this archdiocesan policy establishes the financial obligations of the parish or institution to which a religious is assigned in the archdiocese with respect to paid vacation time.

1. The paid vacation of the priests of the Archdiocese of Milwaukee is one month, (4 weeks including only 3 weekends) either continuous or interrupted.
2. The custom of one day off each week is to be retained and each priest is encouraged to conscientiously take this time.
3. The annual vacation time does not include continuing education or retreat time, authorized sabbaticals, and required military duty for chaplains.
4. Pilgrimages and extended trips are considered vacation, even when the priest directs a tour as a chaplain. When the priest wishes to vacation beyond one month, permission can be obtained from the Vicar for Clergy for additional time. (It is understood that time over and above one month will not be financially reimbursed).
5. Each priest is to provide his own substitute and the parish or institution to which he is assigned is to pay the substitute, unless the priest has contract provisions to the contrary (e.g., a high school teacher, a hospital chaplain, etc.).
6. Priests are expected to communicate and negotiate their vacation time and day off amicably with persons with whom they work.
7. Priests who are assigned to a parish or special ministry position in a part-time status shall receive vacation on a pro-rated basis. (Example: a priest serving half-time would receive two weeks of vacation, including one and a half weekends).

## 2.6 RESIDENCY POLICY

### *I. Policy*

A priest serving in any parish or ministry to enhance his effectiveness as a minister and for his own well-being may choose to live together with other priests or may choose to live alone.

### *II. Conditions*

When choosing his residence the priest must satisfy the following conditions:

#### A. Pastoral Responsibility

Since the Catholic community has long expected and prized the availability of its parish priest, the priest is responsible for making certain that his people are well served, regardless of his place(s) of residence.

Since mutual respect and good communication have long been the goal of priests working together within a cluster of parishes, they must coordinate their shared responsibilities to provide effective ministry for their people regardless of their place(s) of residence.

B. Financial Arrangement

Since financial accountability and proper stewardship of parish resources are expected of the priest in the contemporary Church, the priest must be forthright in presenting an adequate, but suitable, financial arrangement for housing in accord with the compensation plan for priests of the Archdiocese of Milwaukee.

*III. Guidelines*

The following guidelines pertain to priests when choosing their residence:

- A. The living arrangement must promote the ministry of the priest(s) involved.
- B. The living arrangement must provide an atmosphere that enhances the spiritual growth of the priest(s).
- C. The pastoral assignment always takes precedence over the living arrangement. Thus, a change of the pastoral assignment could be reason for a change in residence.
- D. The priest(s) should be aware of the inconvenience, but the necessity, of returning to the place of ministry when emergency requests arise.
- E. In planning future parish construction, this policy and these guidelines should be taken into consideration.
- F. The practice for newly-ordained priests is that they are to live in a rectory with another priest(s) for up to three years. Exceptions can be granted by the vicar for clergy.

N.B. Whenever a priest transfers residence, he must personally bear the cost of the move out of his own pocket.

## 2.7 HOUSING FOR SENIOR PRIESTS OF THE ARCHDIOCESE OF MILWAUKEE

Should a senior priest require either assisted living or nursing care due to declining health, he or his Power of Attorney for Healthcare may immediately notify the Vicar for Senior Priests, who can take steps to help identify an appropriate facility for the priest. The Vicar for Clergy will also be informed of these plans.

### Financial Responsibility

A senior priest's own funds will be utilized first for payment in any facility. (This could include the priest's pension, social security and personal savings.) If his income does not meet the necessary financial requirements, the archdiocese will make every effort to cover any unmet bills. The Vicar for Senior Priests can help with researching funds for this need.

If a priest should enter a nursing home for long term care, Title 19 funds will help subsidize any outstanding responsibility.

## 2.8 CONCELEBRATED MASS

199. Concelebration, by which the unity of the Priesthood, of the Sacrifice, and also of the whole People of God is appropriately expressed, is prescribed by the rite itself for the Ordination of a Bishop and of Priests, at the Blessing of an Abbot, and at the Chrism Mass.

It is recommended, moreover, unless the good of the Christian faithful requires or suggests otherwise, at:

- a) the Evening Mass of the Lord's Supper;
- b) the Mass during Councils, gatherings of Bishops, and Synods;
- c) the Conventional Mass and the principal Mass in churches and oratories;
- d) Masses at any kind of gathering of Priests, either secular or religious.[100]

Every Priest, however, is allowed to celebrate the Eucharist individually, though not at the same time as a concelebration is taking place in the same church or oratory. However, on Holy Thursday, and for the Mass of the Easter Vigil, it is not permitted to celebrate Mass individually.

200. Visiting Priests should be gladly admitted to concelebration of the Eucharist, provided their Priestly standing has been ascertained.

201. When there is a large number of Priests, concelebration may take place even several times on the same day, where necessity or pastoral advantage commend it. However, this must be done at different times or in distinct sacred places.[101]

202. It is for the Bishop, in accordance with the norm of law, to regulate the discipline for concelebration in all churches and oratories of his diocese.

203. To be held in particularly high regard is that concelebration in which the Priests of any given diocese concelebrate with their own Bishop at a stational Mass, especially on the more solemn days of the liturgical year, at the Ordination Mass of a new Bishop of the diocese or of his Coadjutor or Auxiliary, at the Chrism Mass, at the Evening Mass of the Lord's Supper, at celebrations of the Founder Saint of a local Church or the Patron of the diocese, on anniversaries of the Bishop, and, lastly, on the occasion of a Synod or a pastoral visitation.

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[100] Cf. Second Ecumenical Council of the Vatican, Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, no. 57; Code of Canon Law, can. 902.

[101] Cf. Sacred Congregation of Rites, Instruction, *Eucharisticum mysterium*, May 25, 1967, no. 47: *Acta Apostolicae Sedis* 59 (1967), p. 566.

In the same way, concelebration is recommended whenever Priests gather together with their own Bishop whether on the occasion of a retreat or at any other gathering. In these cases the sign of the unity of the Priesthood and also of the Church inherent in every concelebration is made more clearly manifest.**[102]**

204. For a particular reason, having to do either with the significance of the rite or of the festivity, the faculty is given to celebrate or concelebrate more than once on the same day in the following cases:

- a) a Priest who has celebrated or concelebrated the Chrism Mass on Thursday of Holy Week may also celebrate or concelebrate the Evening Mass of the Lord's Supper;
- b) a Priest who has celebrated or concelebrated the Mass of the Easter Vigil may celebrate or concelebrate Mass during the day on Easter Sunday;
- c) on the Nativity of the Lord (Christmas Day), all Priests may celebrate or concelebrate three Masses, provided the Masses are celebrated at their proper times of day;
- d) on the Commemoration of All the Faithful Departed (All Souls' Day), all Priests may celebrate or concelebrate three Masses, provided that the celebrations take place at different times, and with due regard for what has been laid down regarding the application of second and third Masses;**[103]**
- e) a Priest who concelebrates with the Bishop or his delegate at a Synod or pastoral visitation, or concelebrates on the occasion of a gathering of Priests, may celebrate Mass again for the benefit of the faithful. This holds also, with due regard for the prescriptions of law, for groups of religious.

205. A concelebrated Mass, whatever its form, is arranged in accordance with the norms commonly in force (cf. nos. 112-198), observing or adapting however what is set out below.

206. No one is ever to join a concelebration or to be admitted as a concelebrant once the Mass has already begun.

207. In the sanctuary there should be prepared:

- a) seats and texts for the concelebrating Priests;
- b) on the credence table: a chalice of sufficient size or else several chalices.

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**[102]** Cf. Sacred Congregation of Rites, Instruction, *Eucharisticum mysterium*, May 25, 1967, no. 47: *Acta Apostolicae Sedis* 59 (1967), p. 565.

**[103]** Cf. Benedict XV, Apostolic Constitution, *In cruentum altaris sacrificium*, August 10, 1915: *Acta Apostolicae Sedis* 7 (1915), pp. 401-404.

208. If a Deacon is not present, the functions proper to him are to be carried out by some of the concelebrants.

If other ministers are also absent, their proper parts may be entrusted to other suitable faithful laypeople; otherwise, they are carried out by some of the concelebrants.

209. The concelebrants put on in the vesting room, or other suitable place, the sacred vestments they customarily wear when celebrating Mass individually. However, should a just cause arise (e.g., a more considerable number of concelebrants or a lack of vestments), concelebrants other than the principal celebrant may omit the chasuble and simply wear the stole over the alb.

### **The Introductory Rites**

210. When everything has been properly arranged, the procession moves as usual through the church to the altar. The concelebrating Priests walk ahead of the principal celebrant.

211. On arriving at the altar, the concelebrants and the principal celebrant, after making a profound bow, venerate the altar with a kiss, then go to their designated seats. As for the principal celebrant, if appropriate, he incenses the cross and the altar and then goes to the chair.

### **The Liturgy of the Word**

212. During the Liturgy of the Word, the concelebrants remain at their places, sitting or standing whenever the principal celebrant does.

When the Alleluia is begun, all rise, except for a Bishop, who puts incense into the thurible without saying anything and blesses the Deacon or, in the absence of a Deacon, the concelebrant who is to proclaim the Gospel. However, in a concelebration where a Priest presides, the concelebrant who in the absence of a Deacon proclaims the Gospel neither requests nor receives the blessing of the principal celebrant.

213. The Homily is usually given by the principal celebrant or by one of the concelebrants.

### **The Liturgy of the Eucharist**

214. The Preparation of the Gifts (cf. nos. 139-146) is carried out by the principal celebrant, while the other concelebrants remain at their places.

215. After the Prayer over the Offerings has been said by the principal celebrant, the concelebrants approach the altar and stand around it, but in such a way that they do not obstruct the execution of the rites and that the sacred action may be seen clearly by the faithful. Nor should they obstruct the Deacon whenever he needs to approach the altar by reason of his ministry.

The Deacon exercises his ministry near the altar, assisting whenever necessary with the chalice and the Missal. However, in so far as possible, he stands back slightly, behind the concelebrating Priests standing around the principal celebrant.

**The Manner of Pronouncing the Eucharistic Prayer**

216. The Preface is sung or said by the principal Priest Celebrant alone; but the Sanctus (Holy, Holy, Holy) is sung or recited by all the concelebrants, together with the people and the choir.

217. After the Sanctus (Holy, Holy, Holy), the concelebrating Priests continue the Eucharistic Prayer in the way described below. Only the principal celebrant makes the gestures, unless other indications are given.

218. The parts pronounced by all the concelebrants together and especially the words of Consecration, which all are obliged to say, are to be recited in such a manner that the concelebrants speak them in a low voice and that the principal celebrant's voice is heard clearly. In this way the words can be more easily understood by the people.

It is a praiseworthy practice for the parts that are to be said by all the concelebrants together and for which musical notation is provided in the Missal to be sung.

**Eucharistic Prayer I, or the Roman Canon**

219. In Eucharistic Prayer I, or the Roman Canon, the Te igitur (To you, therefore, most merciful Father) is said by the principal celebrant alone, with hands extended.

220. It is appropriate that the commemoration (Memento) of the living and the Communicantes (In communion with those) be assigned to one or other of the concelebrating Priests, who then pronounces these prayers alone, with hands extended, and in a loud voice.

221. The Hanc igitur (Therefore, Lord, we pray) is said once again by the principal celebrant alone, with hands extended.

222. From the Quam oblationem (Be pleased, O God, we pray) up to and including the Supplices (In humble prayer we ask you, almighty God), the principal celebrant alone makes the gestures, while all the concelebrants pronounce everything together, in this manner:

- a) the Quam oblationem (Be pleased, O God, we pray) with hands extended toward the offerings;
- b) the Qui pridie (On the day before he was to suffer) and the Simili modo (In a similar way) with hands joined;
- c) the words of the Lord, with each extending his right hand toward the bread and toward the chalice, if this seems appropriate; and at the elevation looking toward them and after this bowing profoundly;
- d) the Unde et memores (Therefore, O Lord, as we celebrate the memorial) and the Supra quae (Be pleased to look upon) with hands extended;

- e) for the Supplices (In humble prayer we ask you, almighty God) up to and including the words through this participation at the altar, bowing with hands joined; then standing upright and crossing themselves at the words may be filled with every grace and heavenly blessing.

223. It is appropriate that the commemoration (Memento) of the dead and the Nobis quoque peccatoribus (To us, also, your servants) be assigned to one or other of the concelebrants, who pronounces them alone, with hands extended, and in a loud voice.

224. At the words To us, also, your servants, who though sinners, of the Nobis quoque peccatoribus, all the concelebrants strike their breast.

225. The Per quem haec omnia (Through whom you continue) is said by the principal celebrant alone.

### **Eucharistic Prayer II**

226. In Eucharistic Prayer II, the part You are indeed Holy, O Lord is pronounced by the principal celebrant alone, with hands extended.

227. In the parts from Make holy, therefore, these gifts to the end of Humbly we pray, all the concelebrants pronounce everything together as follows:

- a) the part Make holy, therefore, these gifts, with hands extended toward the offerings;
- b) the parts At the time he was betrayed and In a similar way with hands joined;
- c) the words of the Lord, with each extending his right hand toward the bread and toward the chalice, if this seems appropriate; and at the elevation looking toward them and after this bowing profoundly;
- d) the parts Therefore, as we celebrate and Humbly we pray with hands extended.

228. It is appropriate that the intercessions for the living, Remember, Lord, your Church, and for the dead, Remember also our brothers and sisters, be assigned to one or other of the concelebrants, who pronounces them alone, with hands extended, and in a loud voice.

### **Eucharistic Prayer III**

229. In Eucharistic Prayer III, the part You are indeed Holy, O Lord is pronounced by the principal celebrant alone, with hands extended.

230. In the parts from Therefore, O Lord, we humbly implore you to the end of Look, we pray upon the oblation, all the concelebrants pronounce everything together as follows:

- a) the part Therefore, O Lord, we humbly implore you with hands extended toward the offerings;

- b) the parts For on the night he was betrayed and In a similar way with hands joined;
- c) the words of the Lord, with each extending his right hand toward the bread and toward the chalice, if this seems appropriate; and at the elevation looking toward them and after this bowing profoundly;
- d) the parts Therefore, O Lord, as we celebrate the memorial and Look, we pray, upon the oblation with hands extended.

231. It is appropriate that the intercessions May he make of us an eternal offering to you, and May this Sacrifice of our reconciliation, and To our departed brothers and sisters be assigned to one or other of the concelebrants, who pronounces them alone, with hands extended, and in a loud voice.

#### **Eucharistic Prayer IV**

232. In Eucharistic Prayer IV, the part We give you praise, Father most holy up to and including the words he might sanctify creation to the full is pronounced by the principal celebrant alone, with hands extended.

233. In the parts from Therefore, O Lord, we pray to the end of Look, O Lord, upon the Sacrifice, all the concelebrants pronounce everything together as follows:

- a) the part Therefore, O Lord, we pray with hands extended toward the offerings;
- b) the parts For when the hour had come and In a similar way with hands joined;
- c) the words of the Lord, with each extending his right hand toward the bread and toward the chalice, if this seems appropriate; and at the elevation looking toward them and after this bowing profoundly;
- d) the parts Therefore, O Lord, as we now celebrate and Look, O Lord, upon the Sacrifice with hands extended.

234. It is appropriate that the intercessions Therefore, Lord, remember now and To all of us, your children be assigned to one or other of the concelebrants, who pronounces them alone, with hands extended, and in a loud voice.

235. As for other Eucharistic Prayers approved by the Apostolic See, the norms laid down for each one are to be observed.

236. The concluding doxology of the Eucharistic Prayer is pronounced solely by the principal Priest Celebrant or together, if this is desired, with the other concelebrants, but not by the faithful.

#### **The Communion Rite**

237. Then the principal celebrant, with hands joined, says the introduction to the Lord's Prayer. Next, with hands extended, he says the Lord's Prayer itself together with the other concelebrants, who also pray with hands extended, and together with the people.

238. The *Libera nos* (Deliver us) is said by the principal celebrant alone, with hands extended. All the concelebrants, together with the people, pronounce the concluding acclamation *For the kingdom*.

239. After the Deacon or, in the absence of a Deacon, one of the concelebrants, has given the instruction *Let us offer each other the sign of peace, all give one another the Sign of Peace*. Those concelebrants nearer the principal celebrant receive the Sign of Peace from him before the Deacon does.

240. During the *Agnus Dei* (Lamb of God), the Deacons or some of the concelebrants may help the principal celebrant to break the hosts for the Communion of both the concelebrants and the people.

241. After the commingling, the principal celebrant alone, with hands joined, quietly says either the prayer *Domine Iesu Christe, Fili Dei vivi* (Lord Jesus Christ, Son of the living God) or the prayer *Perceptio Corporis et Sanguinis tui* (May the receiving of your Body and Blood).

242. Once the prayer for Communion has been said, the principal celebrant genuflects and steps back a little. Then one after another the concelebrants come to the middle of the altar, genuflect, and reverently take the Body of Christ from the altar. Then holding it in their right hand, with the left hand placed underneath, they return to their places. However, the concelebrants may remain in their places and take the Body of Christ from the paten held for them by the principal celebrant or held by one or more of the concelebrants passing in front of them, or they may do so by handing the paten one to another, and so to the last of them.

243. Then the principal celebrant takes a host consecrated in the same Mass, holds it slightly raised above the paten or the chalice, and, facing the people, says the *Ecce Agnus Dei* (Behold the Lamb of God). With the concelebrants and the people he continues, saying the *Domine, non sum dignus* (Lord, I am not worthy).

244. Then the principal celebrant, facing the altar, says quietly, *Corpus Christi custodiat me in vitam aeternam* (May the Body of Christ keep me safe for eternal life), and reverently receives the Body of Christ. The concelebrants do likewise, giving themselves Communion. After them the Deacon receives the Body and Blood of the Lord from the principal celebrant.

245. The Blood of the Lord may be consumed either by drinking from the chalice directly, or by intinction, or by means of a tube or a spoon.

246. If Communion is consumed by drinking directly from the chalice, one of these procedures may be followed:

- a) The principal celebrant, standing at the middle of the altar, takes the chalice and says quietly, *Sanguis Christi custodiat me in vitam aeternam* (May the Blood of Christ keep me

safe for eternal life). He consumes a little of the Blood of Christ and hands the chalice to the Deacon or a concelebrant. He then distributes Communion to the faithful (cf. nos. 160-162). The concelebrants approach the altar one after another or, if two chalices are used, two by two. They genuflect, partake of the Blood of Christ, wipe the rim of the chalice, and return to their seats.

- b) The principal celebrant consumes the Blood of the Lord standing as usual at the middle of the altar.

The concelebrants, however, may partake of the Blood of the Lord while remaining in their places and drinking from the chalice presented to them by the Deacon or by one of the concelebrants, or even passed from one to the other. The chalice is always wiped either by the one who drinks from it or by the one who presents it. After each has communicated, he returns to his seat.

247. The Deacon reverently drinks at the altar all of the Blood of Christ that remains, assisted, if the case requires, by some of the concelebrants. He then carries the chalice to the credence table and there he or a duly instituted acolyte purifies it, wipes it, and arranges it as usual (cf. no. 183).

248. The Communion of the concelebrants may also be arranged in such a way that each communicates from the Body of the Lord at the altar and, immediately afterwards, from the Blood of the Lord.

In this case the principal celebrant receives Communion under both kinds in the usual way (cf. no. 158), observing, however, the rite chosen in each particular instance for Communion from the chalice; and the other concelebrants should do the same.

After the principal celebrant's Communion, the chalice is placed at the side of the altar on another corporal. The concelebrants approach the middle of the altar one by one, genuflect, and communicate from the Body of the Lord; then they move to the side of the altar and partake of the Blood of the Lord, following the rite chosen for Communion from the chalice, as has been remarked above.

The Communion of the Deacon and the purification of the chalice take place as described above.

249. If the concelebrants' Communion is by intinction, the principal celebrant partakes of the Body and Blood of the Lord in the usual way, but making sure that enough of the precious Blood remains in the chalice for the Communion of the concelebrants. Then the Deacon, or one of the concelebrants, arranges the chalice together with the paten containing particles of the host, if appropriate, either in the center of the altar or at the side on another corporal.

The concelebrants approach the altar one by one, genuflect, and take a particle, intinct it partly into the chalice, and, holding a purifier under their mouth, consume the intincted particle. They then return to their places as at the beginning of Mass.

The Deacon also receives Communion by intinction and to the concelebrant's words, *Corpus et Sanguis Christi* (The Body and Blood of Christ) replies, *Amen*. Moreover, the Deacon consumes at

the altar all that remains of the Precious Blood, assisted, if the case requires, by some of the concelebrants. He carries the chalice to the credence table and there he or a duly instituted acolyte purifies it, wipes it, and arranges it as usual.

### **The Concluding Rites**

250. Everything else until the end of Mass is done by the principal celebrant in the usual way (cf. nos. 166-168), with the other concelebrants remaining at their seats.

251. Before leaving the altar, the concelebrants make a profound bow to the altar. For his part the principal celebrant, along with the Deacon, venerates the altar as usual with a kiss.

## **2.9 COLLABORATION AND PARISH MINISTRY**

*“The community of believers were of one heart and one mind. None of them ever claimed anything as their own; rather everything was held in common.” (Acts 4:32)*

### *I. Introduction*

Today most parishes and Catholic institutions are facing a new set of challenges and are coming to realize that to carry out the mission of Jesus Christ here on earth requires changes in thinking and approach. There is a need to realize a more universal vision of Church which recognizes a common mission that all parishes and Catholic institutions share. There is also a need to view the time, talent, and treasure that God provides as shared resources to be stewarded wisely in the mission and ministry of the Church. It is through the right use and the sharing of these resources that we can grow in love of God and love of neighbor.

In answering the call to be responsible stewards, we are responding to an invitation and an opportunity for growth and renewed service. Those responses may be prompted by internal changes in our parishes that come about because of changing demographics in parish membership or neighborhood, limited financial resources, inadequate or aging buildings, and fewer ordained priests.

On the parish level, it is the pastor / parish director who, under the direct authority of the archbishop, is responsible to him for the complete use and sharing of the parish resources. Others share in the responsibility with the pastor / parish director according to their specific roles. All must work together.

### *II. Collaboration: Working Together to Promote Christ’s Mission*

In the archdiocese, the term “collaboration” is defined as “the willing cooperation of two or more entities to work together on common projects to promote Christ’s missionary call to make disciples (Matthew 28: 16-20).” This collaboration focuses on the full mission field, that is, those both inside and outside of the parish walls.

The definition of collaboration expressed above speaks to the spirit and intention of all parish ministry. It is collaborative in nature, collaborative within and among parishes, and collaborative for the mission of making disciples.

Collaboration is a response to a call to use gifts and resources wisely for the sake of Christ's mission. All are called, not only to work collaboratively within the parish, but also to work in this manner with neighboring parishes and institutions.

Collaboration cannot be forced or faked. Parish leaders must be convinced of the value and importance of collaboration, and become ambassadors to others within the parish community. Consultative groups like the Pastoral and Finance Councils should act as supporters and advocates of collaborative activity.

### *III.a Collaboration: Specific Models to Promote Christ's Mission*

Collaboration for the sake of mission can take shape through a number of different models. The mission should drive and define the model, so that the mission of Christ is unleashed in its most powerful and life-giving fashion. No collaborative model should be pursued solely for the sake of administrative or organizational efficiency.

Forms of collaboration will continue to evolve as guided by the Holy Spirit in light of changing realities. As of today, these are the current models of collaboration being implemented to further the mission of Jesus Christ in the Archdiocese of Milwaukee:

1. **INTER-PARISH COLLABORATION** – In this model, the mission is advanced by separate parishes with separate pastors / parish directors making the intentional commitment to share some programming, facilities, and, perhaps, some staffing. This model may also include the common support of a Catholic School.
2. **PARISH CLUSTERING** – In this model, the mission is advanced by separate parishes working together under the leadership of a single pastor / parish director. This model includes various levels of shared programming, facilities, and staff. A shared Pastoral Council may even be formed to better pursue a common mission. This model may also include the common support of a Catholic School.
3. **PARISH MERGER** – In this model, the mission is advanced when two or more parishes dissolve their separate parish corporations, and become one new parish under the leadership of a single pastor / parish director. The parish may operate at a new site or at multiple sites. Ideally, a parish merger happens organically after collaboration or clustering over a longer period of time.

A sign of leadership in the Church today is to see the need for collaboration in all its forms, and pursue the missionary fruits that arise from it. The normal process for collaborative models should begin at the grass roots level, and proceed from the common desire to serve the mission of Jesus Christ through His Church. However collaboration clustering and mergers may at times be mandated by the Archbishop for the well-being of all parishes involved.

*III.b Collaboration: Developing Enriching Relationships through Companion Parishes*

Another opportunity for parish leaders to practice the art of collaboration is to seek out a “Companion Parish.” Companion Parishes come together when one parish seeks a relationship with another parish for mutual growth, cultural awareness, and understanding.

This relationship should involve some kind of exchange between parishes which centers on the Eucharist. The word “companion” in Latin is translated to mean “the one with whom one eats bread.” The Companion Parish relationship builds communion through shared worship, joint ministries, common projects, and even long-term commitments.

To explore the Companion Parish concept, Pastor and Parish Directors should contact the Office of Missionary Planning and Leadership.

*IV. Collaboration: Support for Mission from Archdiocesan Staff*

Archdiocesan staff is here to assist parish leadership in becoming more mission-focused and exploring new opportunities for collaboration. It is important that every parish, or group of parishes, work to establish a strategic plan for mission.

A strategic planning process is available to help chart a new course through vision and mission statements; assess your starting point through demographic, culture, ministry, SWOT, and gap analysis tools; and move intentionally toward a new missionary focus through SMART goals and leadership coaching.

Archdiocesan staff and resources are also available to parishes who want to explore or embark upon some new type of collaboration. This assistance includes coaching on leadership roles, change management, project management, communication, and building parishioner ownership. For those parishes wishing to pursue a Parish Merger, a detailed manual is available through the Office of Missionary Planning and Leadership.

The role of the archbishop is to care for the common good of the archdiocese. He works through the various offices of the archdiocese to provide service and support to parishes and Catholic institutions. Because of certain realities, he may feel the need to initiate a collaborative model, and ask the parishes concerned to reflect on it together.

At times, in fact, he may decide to be more proactive in pursuing a collaborative effort if he feels it is for the best life of the parishes and the local Church. The Archbishop approves plans for collaboration among parishes in order to strengthen parish life, to ensure that all the faithful in the diocese are served, and to use the resources of the diocese in the best possible way.

## 2.10 PROCESS FOR EXCARDINATION / INCARDINATION OF A PRIEST

The following charts clarify the process for priests who wish to be incardinated in the Archdiocese of Milwaukee. (cf. Canons: 267, 268, 269.1, 269.2, 269.3, 270, 691 and 693)

### *I. Diocesan Priests*

#### **Diocesan Priests**

#### **PHASE I**

#### **APPLICATION PROCESS**

<p>3,a) Vicar for Clergy consults with Archbishop who accepts request</p> <hr/> <p>4) Priest's name forwarded to Placement Board for assignment consideration</p> <hr/> <p>5) Vicar for Clergy notifies Chancery regarding need for faculties</p> <hr/> <p>7,a) Endorsement documents received and no problems</p> <hr/> <p>9,a) Chancery prepares faculty documents with copies to Vicar for Clergy and Placement Board</p> <hr/> <p>10) Letter from Vicar for Clergy to priest (copy to proper bishop) accepting priest for ministry and initiating formal probation period</p> <hr/> <p>11) Placement Board prepares assignment</p> <hr/> <p>PROCEED TO PHASE II</p>	<p>1) Letter from priest with request for service in diocese /potential incardination</p> <hr/> <p>2) Letter from priest's own bishop authorizing ministry outside his own diocese</p> <hr/> <p>6) Chancery requests letter of endorsement from proper bishop using Tri-Conference formula and the priest's curriculum vitae</p> <hr/> <p>8) Information referred to Vicar for Clergy for decision</p> <hr/>	<p>3,b) Vicar for Clergy consults with Arch-bishop who declines request _____ PROCESS ENDS</p> <hr/> <p>7,b) Endorsement documents refused or problems evident</p> <hr/> <p>9,b) PROCESS ENDS</p>
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**Diocesan Priests****PHASE II****FORMAL PROBATIONARY PERIOD**

(Up to 3 years and usually two assignments)

12) College of Consultors informed of start of probationary period _____		
13) Personal contacts between Vicar for Clergy and priest to discuss ministry, process, etc. _____		
14) Vicar for Clergy discusses priest's life and ministry with pastor, staff, etc. for informal assessment _____	15) Evaluation of incardination potential made by Vicar for Clergy _____	
16,a) Priest is given positive assessment for _____		16,b) Priest is given negative assessment for incardination _____
PROCEED TO PHASE III		PROCESS ENDS

**Diocesan Priests****PHASE III**  
**EXCARDINATION/INCARDINATION**

<p>17) Priest writes letter to his proper bishop requesting excardination _____ AND 18) Priest writes letter to Archbishop requesting incardination _____</p> <p>19) Archbishop requests confidential report and assessment from proper bishop _____</p> <p>21,a) Decision is made to proceed with incardination _____</p> <p>22,a) Proper bishop informed of willingness to incardinate _____</p> <p>23) Letter of excardination received from proper bishop _____</p> <p>24) Priest signs oath of service _____</p> <p>25) Decree of incardination prepared _____</p> <p>26) Decree of incardination signed by Archbishop (official date of incardination) _____</p> <p>27) Copy of incardination decree, letter of request for personnel file and transfer of pension funds sent to former bishop _____</p> <p>28) Copy of incardination decree sent to priest _____</p> <p>29) Incardination announced in Chancery Newsletter</p>	<p>20) Archbishop takes matter before College of Consultors, sharing with them assessment information, Vicar for Clergy's report(s),etc. and receives their input _____</p> <p>21,b) Decision is made that additional preliminary conditions be met _____</p> <p>22,b) Conditions met; return to step 21. _____</p>	<p>21,c) Decision is made not to incardinate _____ PROCESS ENDS - PROPER BISHOP INFORMED</p>
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*II. Priests of Religious Institute / Society*

**Priests of Religious Institute / Society**  
**PHASE I**  
**APPLICATION PROCESS**

<p>3,a) Vicar for Clergy consults with Archbishop who accepts request _____</p> <p>4) Vicar for Clergy forwards priest's name to Placement Board for assignment consideration _____</p> <p>5) Vicar for Clergy notifies Chancery regarding need for faculties _____</p> <p>7,a) Endorsement document received and no problems _____</p> <p>9,a) Chancery prepares faculty documents with copies to Vicar for Clergy and Placement Board _____</p> <p>10) Letter from Vicar for Clergy to priest (copy to proper major superior) accepting priest for ministry and initiating formal probation _____</p> <p>11) Placement Board prepares assignment PROCEED TO PHASE II</p>	<p>1) Letter from priest with request for period of service in diocese/potential incardination _____</p> <p>2) Letter of approval from priest's major superior with permission for him to seek ministry in diocese _____</p> <p>6) Chancery requests letter of endorsement from major superior using Tri-Conference formula and the priest's curriculum vitae _____</p> <p>8) Information referred to Vicar for Clergy for decision _____</p>	<p>3,b) Vicar for Clergy consults with Arch-bishop who declines request _____ PROCESS ENDS</p> <p>7,b) Endorsement documents refused or problems evident _____</p> <p>9,b) PROCESS ENDS _____</p>
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**Exlausterated Priest****PHASE II****FORMAL PROBATIONARY PERIOD**

(Up to 5 years and usually two assignments)

<p>12) College of Consultors informed of start of probationary period</p> <hr/> <p>13) Personal contacts between Vicar for Clergy and priest to discuss ministry, process, etc.</p> <hr/> <p>14) Vicar for Clergy discusses priests' life and ministry with pastor, staff, etc. for informal assessment</p> <hr/> <p>16,a) Priest is given positive assessment for incardination</p> <hr/> <p>PROCEED TO PHASE III-A or PHASE III-B</p>	<p>15) Evaluation of incardination potential made by Vicar for Clergy</p> <hr/>	<p>16,b) Priest is given negative assessment for incardination PROCESS ENDS</p>
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DURING FORMAL PROBATIONARY PERIOD THE OFFICIAL STATUS OF THE PRIEST IN RELATION TO HIS RELIGIOUS INSTITUTE / SOCIETY SHOULD BE REVIEWED PERIODICALLY (SEE END OF THIS DOCUMENT)

## A. Exlastrated Priest

**Phase III-A**  
**EXCARDINATION / INCARDINATION**

<p>18,a) Confidential report received revealing no problems _____</p> <p>20,a) Archbishop makes decision to proceed with incardination _____</p> <p>21,a) Decision communicated to priest/major superior _____</p> <p>22,a) Priest applies for indult of departure from institute/society _____</p> <p>23) Archbishop's letter indicating definitive incardination accompanies petition _____</p> <p>24) Indult of departure with dispensation from vows received _____</p> <p>25) Priest signs oath of service _____</p> <p>26) Archbishop issues decree of incardination immediately _____</p> <p>27) Copies of incardination decree and request for personnel file sent to major superior _____</p> <p>28) Copy of incardination decree sent to priest _____</p> <p>29) Incardination announced in Chancery Newsletter _____</p> <p>30) Pension repayment arranged _____</p>	<p>17) Archbishop requests confidential report and assessment from major superior _____</p> <p>19) Archbishop takes matter before College of Consultors, sharing with them assessment information, Vicar for Clergy's report, own assessment, etc. and receives their input _____</p> <p>20,b) Archbishop makes decision that other preliminary conditions be met _____</p> <p>21,b) Decision communicated to priest/major superior _____</p> <p>22,b) Conditions met; return to Step 19. _____</p>	<p>18,b) Confidential report received some problems evident _____</p> <p>20,c) Archbishop makes decision not to incardinate</p> <p><b>PROCESS ENDS; DECISION COMMUNICATED TO PRIEST AND MAJOR SUPERIOR; PRIEST RETURNS TO COMMUNITY.</b></p>
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## B. Priest with Indult of Departure Accepted Experimentally

**Phase III-B**  
EXCARDINATION / INCARDINATION

	17) Archbishop takes matter to College of Consultors, sharing with them assessment information, major superior's report, etc. and receives their input _____	
18,a) Archbishop decides to proceed with incardination _____	18,b) Archbishop decides that other conditions are to be met _____	18,c) Archbishop decides not to proceed with the incardination
19,a) Decision communicated to priest/major superior _____	19,b) Decision communicated to priest/major superior _____	PROCESS ENDS; DECISION IS COMMUNICATED TO PRIEST/MAJOR SUPERIOR; PRIEST RETURNS IMMEDIATELY TO COMMUNITY.
20) Priest signs oath of service _____		
21,a) Archbishop issues decree of incardination; indult of departure takes effect immediately _____	21,b) Conditions met; return to Step 17.	
22) Copies of incardination decree, request for personnel file sent to major superior _____		
23) Copy of incardination decree sent to priest _____		
24) Incardination announced in Chancery Newsletter _____		
25) Pension repayment arranged _____		

## AT SOME POINT IN THE PROCESS THE FOLLOWING STEPS ARE TAKEN

<p>A,1) Exclaustration from community in place (copy of decree on file with diocese)</p> <p>B,1) Decision made to seek departure from institute/society</p> <p>C) See A,2) and A,2,a)/A,2,b) above</p>	<p>A) Determination is made of priest's current status in relation to religious institute/society</p> <p>A,2,a) Archbishop agrees to act as benevolent bishop and accepts the priest experimentally (up to 5 years probation)</p> <p>B,2) Decision made to return to institute/society</p> <p>PROCESS FOR INCARDINATION CEASES.</p>	<p>A,2) Petition for definitive departure in process</p>	<p>A,2,b) Archbishop agrees to accept definitively upon issuance of indult of departure*</p>
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\* Such a case might arise with a priest who has been serving in the diocese for a period of time and whose life and ministry are already known to the Archbishop and Vicar for Clergy. In this case there is no "formal probationary period." Assessment, consultation, etc. needs to take place prior to the Archbishop's issuing a letter indicating his willingness to accept the priest definitively because the incardination occurs automatically with the issuance of the indult of departure.

## 2.12 ADVANCE DIRECTIVES AND POWERS OF ATTORNEY (HEALTH & FINANCE)

### *I. Advance Directive and Power of Attorney for Healthcare*

Most of us overlook the necessity of advance planning in the event of a major illness or catastrophic event. We say, "We're too young" or "I'm not sick."

As priests and deacons, it's essential that we make our wishes known and that the choices we make truly reflect the best in Catholic theology and teachings. Our family or other designee needs to know what we want them to do in the event of illness or accident.

You are encouraged to log on to one of the local Catholic Hospital home pages and search the site for "Advance Directives and Power of Attorney for Health Care." You will be guided to the latest information necessary in making your intentions clear to your loved ones. The most recent forms can be found at these sites. Please complete them and file them with your family and health care professional. If you wish, leave a copy with the Vicar for Clergy who will file it until needed.

Here is a link <https://www.wisconsincatholic.org/parish-resources/#health-care-end-of-life-planning> to materials from the Wisconsin Catholic Conference:

- A. The Introductory Letter to the CATHOLIC ADDENDUM from the Bishops - March 2014
- B. The Form: CATHOLIC ADDENDUM TO WISCONSIN POWER OF ATTORNEY FOR HEALTH CARE.  
(This form is designed for use by Catholics with the Wisconsin Power of Attorney for Health Care document. It is not intended for use without a valid Power of Attorney for Health Care. Please read the accompanying introductory letter for more information.)

This link also provides access to the WISCONSIN DEPARTMENT OF HEALTH SERVICES ADVANCE PLANNING RESOURCES (Oct. 2013) for forms for Advance Directives.

### *II. Power of Attorney for Finances*

It is recommended that each priest, through consultation and the professional assistance of his personal attorney, formally designate someone as his Power of Attorney for Finances in the event of some unforeseen circumstances that require this assistance in the future. These are filed with your will and / or family members. To assist the priests in time of urgent need, it is very helpful for the Chancery and / or the Vicar for Clergy to have the name(s) and updated contact information of this designation.

## Administrative Procedures

### 3.1 STATUTES OF THE COUNCIL OF PRIESTS OF THE ARCHDIOCESE OF MILWAUKEE

#### *ARTICLE I. NAME*

The name of this organization is the Council of Priests of the Archdiocese of Milwaukee (ACP).

#### *ARTICLE II. PURPOSE*

The purpose of this organization is to assist the Archbishop of Milwaukee in his pastoral governance of the archdiocese.

It is concerned with matters pertaining to the presbyterate of the archdiocese as well as the broad range of issues affecting the archdiocese and the Church nationally and internationally. It collaborates with the Archbishop's other advisory and consultative groups as he may direct or as is helpful to the council's purpose.

#### *ARTICLE III. MEMBERSHIP*

3.1 All diocesan priests incardinated in the archdiocese, all other secular priests, as well as all priest members of institutes of consecrated life and societies of apostolic life assigned within the archdiocese, are eligible to participate in the Council of Priests.

#### 3.2 EX OFFICIO MEMBERS

The Auxiliary Bishop(s) and the Vicar for Clergy serve as ex officio members of the Council. The Moderator of the Curia, as a Vicar General, also serves as ex officio member of the full council at the directive of the Archbishop. Although not an ex officio member, the Chancellor of the Archdiocese attends meetings and serves as a resource to the Council.

#### 3.3 ELECTION OF REGIONAL REPRESENTATIVES

One priest within each of the designated geographical regions, i.e. deaneries of the archdiocese, is elected to the Council of Priests by the diocesan / secular priests assigned to parish work, religious priests assigned to parish work, extra-parochial diocesan priests working in the deanery, diocesan retired (senior) priests, and priests on sick leave living in the deanery. Priests must be in good standing to be eligible to vote or to be elected.

#### 3.4 APPOINTED MEMBERS

The Archbishop may appoint priests to the Council of Priests so that there is a true representation of priests on the council. The total number of appointed members may not exceed the number of those elected.

#### 3.5 ELECTIONS

Elections are conducted according to policies and procedures established by the Council of Priests Administration and Structures Committee.

See Appendix for the Procedures for the Archdiocesan Council of Priests.

### 3.6 TERM OF OFFICE AND VACANCY

#### Elected Members

- a. The term of office of elected members is three (3) years which may be renewed twice. At the end of the term, and following consultation with the elected member, the term may be renewed, or a new election in the respective deanery is required.

The 3-year term of office ordinarily begins with election date, i.e. the first of August / September and ends June 30.

- b. An elected member would cease from office by any one of the following reasons:
  - 1. resignation accepted by the Archbishop,
  - 2. expiration of term of office,
  - 3. transfer from the deanery which he represents,
  - 4. removal by the Archbishop for a just cause,
  - 5. illness or death.
- c. In the event that the elected member ceases from office,
  - the Archbishop may select a priest replacement to serve the term to completion, or
  - a deanery election shall be conducted to complete the term, or
  - the deanery may select a deanery priest as “pro tem” for less than one year, according to policies and procedures established by the Council of Priests Administration and Structures Committee. However, as soon as possible, an election shall be conducted.
- d. In the event that an elected member plans to take a sabbatical or intends to be away for other reasons for a significant period of time, the deanery will designate a priest ‘pro tem.’
- e. In addition, an elected member may appoint a substitute priest from his region on an as-needed basis to represent the elected member at a specific ACP meeting. This substitute priest enjoys an active voice (may vote and join in a consensus process), and may participate fully in the meeting.
- f. A term of office concludes June 30.

#### Appointed Members

- g. The term of office for appointed members is three (3) years which may be renewed once.

Appointed members are designated by the Archbishop to serve on the Council of Priests, and their term of office is based on their appointment letter signed by the Archbishop which includes the term date.

Some appointed members of the ACP Full Council are members of the College of Consultors. Following the completion of an initial 5-year term as a consultor, attendance at the ACP meetings becomes optional.

Ex officio members remain members as long as they remain in office.

#### Orientation

- h. Orientation sessions for new members of the council will be conducted by a representative of the executive committee or the secretary of the council.

### *ARTICLE IV. OFFICERS*

#### 4.1 The officers of the Council of Priests are members of the executive committee (see 6.1).

##### 4.2 PRESIDENT

The Archbishop of Milwaukee is the ex-officio president of the Council of Priests.

##### 4.3 MODERATOR

- a. The moderator is chosen from the members of the Council of Priests, according to the policies and procedures established by the Council of Priests Administration and Structures Committee.
- b. At the direction of the Archbishop, the moderator conducts council meetings.
- c. The term of office of the moderator is one year. The moderator may serve two consecutive terms.
- d. The moderator also serves as the ACP representative on the Archdiocesan Pastoral Council.

##### 4.4 COMMITTEE CHAIRPERSONS

- a. The moderator recruits chairpersons for the standing committees which are affirmed by the council.
- b. The term of office of all chairpersons is coextensive with the term of the moderator and expires when a new moderator is chosen. An exception to this rule exists for the co-chairpersons of the Spring Assembly of Priests Committee, as their terms are related to the calendar for the Assembly.

- c. If for some acceptable reason a chairperson ceases before his term expires, the moderator, upon consultation with the Archbishop, recruits another chairperson from the council members, to complete the term.

#### *ARTICLE V. MEETINGS OF THE FULL COUNCIL*

- 5.1 Generally the Full Council meets no less than five times a year. Extraordinary meetings of the Full Council may be called.
- 5.2 Meetings are called by the Archbishop or the executive committee.
- 5.3 In accord with the norm of law, the council of priests can never act without the Archbishop.

#### *ARTICLE VI. EXECUTIVE COMMITTEE*

- 6.1 The executive committee of the Council of Priests consists of the Archbishop, the Auxiliary Bishop(s), the moderator, chairpersons of all standing committees, and the Vicar for Clergy. The Chancellor of the Archdiocese serves as a resource to the executive committee.
- 6.2 The executive committee meets no less than five times each year.
- 6.3 The meetings of the executive committee are called by the Archbishop or the moderator. A simple majority is required for the meetings to take place.
- 6.4 At the direction of the Archbishop, the executive committee prepares the agenda for all Full Council meetings. Sources for the agenda are:
  - a. The Archbishop
  - b. The Auxiliary Bishop(s)
  - c. The deaneries
  - d. The committees of the council
  - e. The executive committee
  - f. Any individual priest
  - g. Offices of the diocesan curia
- 6.5 The participation of the co-chairpersons of the Spring Assembly of Priests Committee (SAP) in the meetings of the executive committee may be limited to necessary consultations or reports.

#### *ARTICLE VII. COUNCIL OF PRIESTS COMMITTEES*

Any diocesan priest incardinated in the archdiocese and all other secular priests as well as any priest members of institutes of consecrated life and societies of apostolic life assigned within the archdiocese may serve on council committees.

##### **7.1 STANDING COMMITTEES**

The Council of Priests has four standing committees:

- a. Administration and Structures Committee (ASC)
- b. Social Justice Committee (SJC)
- c. Priestly Life and Ministry Committee (PLM)
- d. Spring Assembly of Priests Committee (SAP)

Elected members are expected to be core members of a standing committee.

Appointed members are encouraged but not required to do committee work.

## 7.2 AD HOC COMMITTEES

The Archbishop or the executive committee may establish ad hoc committees for special purposes. Unless their commission is renewed by the Archbishop or the executive committee, ad hoc committees shall disband upon completion of assigned tasks or at the expiration of the term of the moderator. Ad Hoc committees should make reports regularly to the executive committee.

## *ARTICLE VIII. DECISIONS*

Decisions of the Council of Priests are made by consensus. When the Archbishop or moderator deems the process of consensus not feasible, decisions are made by a majority vote of the members present. On canonical matters requiring the consultation of the Council of Priests, a separate record of that consultation shall be made and filed with the Chancery Office.

Unless the Archbishop or moderator determine otherwise, all procedural matters are generally governed by Robert's Rules of Order.

## *ARTICLE IX. FINANCIAL SUPPORT*

The Archdiocese will financially support the Council of Priests including, if deemed important by the Archbishop in consultation with the Council, its involvement in national and international organizations related to the work of the presbyteral council. The priests of the archdiocese will finance their membership in other special organizations which they consider important to their work.

## *ARTICLE X. SUPPORT SERVICES*

The work of the Archdiocesan Council of Priests is supported by the archdiocesan Office for Ordained and Lay Ecclesial Ministry.

## *ARTICLE XI. AMENDMENTS*

Any proposed amendment of these statutes may be submitted to the executive committee. Upon approval by the Archbishop and the executive committee, the proposed amendment must be made known to all priests in the archdiocese. After a minimum span of two months, the council must

make its recommendation to the Archbishop, and he must approve the proposed amendment before it becomes part of these statutes.

### 3.2 ARCHDIOCESAN COUNCIL OF PRIESTS - PROCEDURES (SEE FORMS FOR TYPES OF MOTIONS)

#### *I. Selection of a Moderator and Committee Chairs*

1. Names of those willing to serve as Moderator and Committee chairs should be solicited at the second last council meeting of the year. This can be done with an agenda item asking those who might be interested in these positions to think about it and then give their names to the current moderator or secretary to the Council.
2. It is the prerogative of the Archbishop to approve the final slate of candidates.
3. An outline of the responsibilities of the various positions should be sent to those who make up the slate of candidates.
4. At the last council meeting the usual process of discernment should be used to determine the moderator. The Vicar for Clergy navigates the process.
5. Once the moderator is discerned, he shall select the committee chairs from the slate of candidates, and he shall notify them shortly after the council meeting and before the first fall meeting of the executive committee. He should also notify the candidates not selected and express gratitude for their willingness to serve.
6. At the last council meeting or shortly thereafter, all the councilors should be asked for their preference regarding the standing committee on which they will serve. It is expected that all of the Council's elected members serve on one of the standing committees. They should then be notified in a timely manner as to their assignments so that they will be ready to attend the next scheduled meeting of the respective committee.
7. The selection of the co-chairpersons of the Spring Assembly of Priests Committee (SAP) are separate from this process and related to the nature and purpose of the Assembly and its calendar – although their appointment is facilitated and affirmed by the Council.

#### **Discernment process for the final selection of the moderator:**

- A. Read a scripture passage with an appropriate message about gifts present in the community (e.g., Ephesians 4:11-12, I Corinthians 12:4-11).
- B. Each person prays silently for guidance concerning the following two questions:
  - Are you willing to serve as moderator?
  - Which of these candidates is the best individual to hold this office?
- C. The names of the nominees are written on a chalkboard for all to see. There is a short break. At this time, any person nominated may withdraw his name.

- D. Each one of the nominees is asked to respond to one or both of the following questions:
  - What direction do you see the Spirit moving in the Archdiocese in the near future?
  - What should this council have as its focus during the coming year?
 Each nominee will have 3 minutes to respond.
- E. After listening to responses, each council member writes on a piece of paper the name of the individual he would like to see become moderator. The ballots are counted. If a simple majority is not attained on the first ballot, the top two nominees participate in a run-off election until a moderator is determined. If three are tied for first place or two for second place, then three nominees participate in a run-off election.
- F. An appropriate Scripture reading highlighting the grace of God's choice (e.g., John 15:16-17): followed by a prayer offered by one or more of the council members.
- G. The second term of the moderator may be by affirmation of the council members.

## *II. Deanery Representative*

After consultation with the members of the executive committee, discretion should be accorded to the Archbishop to request the extension of terms of existing Deanery Representatives or call for an extraordinary election of Deanery Representatives to preserve the appropriate stability or rotation of Council membership.

### **Procedure for the Election of Deanery Representatives to the Council of Priests**

#### **ELIGIBLE TO VOTE AND TO BE VOTED FOR IN THE DEANERY:**

- Diocesan / secular priests assigned to parishes in the deanery
- Religious order priests assigned to parishes in the deanery
- Diocesan priests assigned to extra-parochial ministry in the deanery
- Diocesan retired (senior) priests living in the deanery, or choosing the deanery, if ministry related
- Priests on official sick-leave in the deanery

Elections are facilitated by the secretary to the Council of Priests assisted by the moderator and / or Vicar for Clergy to determine eligibility.

Because the 3-year term of office ends June 30, election process typically occurs July-August. Timing of the process is to allow all priests newly assigned to deaneries to participate in the election process, and opportunity for availability of the moderator and / or Archbishop for consultation if needed.

Advance notice to the dean of the deanery regarding the election results is given by the moderator (or secretary).

In the event that an elected member ceases from office (see Statutes 3.6), the moderator directs the secretary in the process.

1. A mailing (e-mail or surface mail) will be sent to all eligible priests of the deanery (see Statutes 3.3) seeking nominations. There will be a 10 day nominating period.
  - a. This shall be done within a reasonable time frame, typically 30 days of the vacancy.
  - b. There is no limit to the number of candidates that can be nominated.
2. After the nomination period, the secretary contacts the individuals nominated to verify acceptance of the nomination before an election ballot is sent either by e mail or surface mail within 10 days. (If the nominees cannot be reached within a reasonable timeframe, the moderator is consulted before proceeding with the election ballot.)
3. There will be a 10 day voting period.
4. The elected representative shall be the priest receiving the majority of votes cast.
  - a. In the event of a tie, the moderator is consulted before concluding the election. He may decide the tie after consulting the priests involved, or he may determine through a coin toss.
5. This procedure shall be used for all elections of the Deanery Representatives whenever and however a vacancy occurs (see Statutes 3.6).
6. Official letters to the elected Deanery Representatives are to be completed by the secretary of the Council and signed by the Archbishop and include the specific term dates.

Responsibilities of the deanery representative:

1. Schedule and convene at least five deanery meetings per year within the designated time range according to the given cycle calendar.
2. Establish agendas for those meetings, and chair them.
3. Be responsible that the minutes taken at deanery meetings are recorded and sent to all priests living within the deanery, as well as to the secretary for the Archdiocesan Council of Priests.
4. Raise deanery concerns at Council of Priests meetings and Council of Priests concerns at deanery meetings.
5. Represent the sense or consensus of opinion of the deanery at Council of Priests meetings and make other appropriate reports.
6. Participate as a core member on a Council standing committee – and consider participation on ad hoc committees if the need arises.

Deanery Meetings

Deanery meetings should be scheduled after the executive committee meeting, but before the full council meeting. This timing will allow for feedback on consultations and resolutions from the executive committee and feedback to the full council regarding deanery concerns and issues.

Time ranges for these meetings are established by the secretary for the Archdiocesan Council of Priests in consultation with the moderator. The deanery representative is responsible for the minutes of the meeting and the submission of the report to the secretary in a timely manner (although, ideally, a volunteer from among the deanery members should be recruited for assistance in taking notes of the meeting).

Parish directors and / or extern priests not appointed to parish work are not part of the Council of Priests, but they may be invited to participate in the deanery meetings and discussions at the prerogative of the deanery representative. They do not enjoy any voice in election procedures.

### *III. Appointed Members of the Archdiocesan Council of Priests (ACP)*

The term of office for appointed members is three (3) years which may be renewed once.

These members are appointed by the Archbishop specifically to serve on the Council of Priests. Their term of office is to be included in their appointment letter signed by the Archbishop.

If these members are simultaneously members of the College of Consultors, any term distinction between their positions is to also be clarified in the appointment letters.

### *IV. Standing Committees of the Council of Priests*

#### A. Description:

1. Administration and Structures Committee (ASC): This committee has a supportive, enabling role which is manifested in its concern with technique, procedure and strategy rather than programs. Thus, issues submitted to the council that deal with financial management, development, planning and communications as these affect the archdiocese generally, or archdiocesan agencies or organizations, or temporalities for priests in particular, are topics this committee addresses. If the executive committee refers such an issue to this committee, the executive committee also suggests the archdiocesan department which can provide insights into resolution of the issue presented. This committee also looks internally as to how the council functions.
2. Priestly Life and Ministry Committee (PLM): This committee deals with the multiple issues in the life and ministry of priests, including ongoing formation and education, personnel matters, spirituality, and those issues which contribute to the development of the liturgical and sacramental life of the archdiocese.
3. Social Justice Committee (SJC): This committee works with issues of human need, social concerns and justice as they affect the people of the archdiocese and beyond and on issues

of education in its broadest sense, including adult education, vocational direction, marriage and family life, i.e., the developing of mature Christian life within the archdiocese.

4. Spring Assembly of Priests Committee (SAP): This committee envisions, plans and implements the annual convocation of priests under the direction of the presbyteral council. Duties include the recommendation / recruitment of speakers, selection of a site, registration process, management of finances and financial aid, development of a schedule, solicitation of volunteers and evaluation of the proceedings. A “Lead” co-chairperson supervises the Assembly with the assistance of a co-chairperson with right of succession. Co-chairpersons need not come from the membership of the Council. The selection of the co-chairpersons is directed by the Council via the executive committee – to whom they report on matters of the selection of topics and speakers and policies of the Assembly. Such reporting may take place in a limited number of discussions with the executive committee and may not necessarily encompass its entire schedule of meetings.

B. Selection of a Standing Committee Chairperson and term of office (see Statutes 4.4)

C. Scheduling

Committee meetings should be held after the full council meeting but prior to the executive committee meeting. Such timing provides the opportunity for a timely consideration by the executive committee of resolutions developed by the committee. Committee chairs are requested to prepare a schedule of meetings for their committees for the coming year which fits this time period. Time ranges for these meetings are established by the secretary for the Archdiocesan Council of Priests in consultation with the moderator.

D. Relationship of the Council of Priests Standing Committees to the Archdiocesan Offices / Agencies / Organizations:

The Offices / Agencies / Organizations of the Archdiocese may serve as a resource to the Standing Committees of the Council. The level of involvement and financial allocation by these Offices / Agencies / Organizations are subject to the discretion of the Archbishop.

*V. Discussion flow between Council of Priest Standing Committees, the Executive Committee, the Deaneries and the Full Council*

A. Standing Committees

1. To executive committee: from the committee chairperson through the secretary for the Archdiocesan Council of Priests to executive committee.
2. To full council: through the meeting notes, or as a resolution if the executive committee recommends to deaneries for discussion, and then to full council.

B. Deaneries

1. To executive committee: through the deanery representative to the secretary for the Archdiocesan Council of Priests before an executive committee meeting.
2. To full council: executive committee meeting notes and resolutions should be sent to deanery representatives before the deanery meetings.
3. Deanery reports should be sent to the secretary for the Archdiocesan Council of Priests as soon as possible after deanery meetings. The secretary collates deanery reports to send to members before full council meetings. Deanery representatives may verbally expand on or call attention to deanery business at the full council meeting.
4. Responsibilities in procedure for transfer of parishes between deaneries and formation of new deanery lines.

The major criterion for the transfer of parishes from one deanery to another or the redrawing of deanery lines is that the change must be of benefit to the growth and development of the Church at the local level, not solely the wishes of the local priests or parish directors.

#### Procedure

- The pastor / administrator / parish director and parish council request information about how to change deaneries from the deanery representative or from the archdiocesan office charged with overseeing parish planning.
- The pastor / administrator / parish director and parish council seek consensus for a move of the parish to another deanery.
- A written request stating the desired transfer along with the reasons for the transfer based on the criterion should be presented to the representative of the deanery.
- The deanery representative should consult with the archdiocesan office to get input on the proposed move in light of the overall good of the deaneries affected.
- The deanery representative will make a recommendation to the Archbishop based on the parish request, staff input and personal assessment.
- The Archbishop may seek consultation with the Archdiocesan Pastoral Council and the Archdiocesan Council of Priests.
- The Archbishop approves or rejects the change.
- The delegate provides appropriate notice to archdiocesan departments. At least 60 days should elapse between this notice and when it officially takes place. Maps and lists should be changed within a year.
- A similar process should be extended to include merging of entire deaneries or parts of deaneries, or dissolution of an entire deanery through multiple merging.

#### *VI. Motions Taken by the Full Council*

- A. Criteria for acceptance of issues:
  1. Archdiocesan in dimension;
  2. Related to total ecclesial mission of the archdiocese and the larger Church;
  3. Pastoral in concern, as it affects the lives of the faithful;
  4. Related to pastoral ministry of priests.

## B. A Description of the Types of Motions

A RESOLUTION - A proposal that the council take certain action or that it expresses itself as holding certain views.

A COMMENDATION – A proposal that the council formally acknowledge and commend an individual or group as an expression of appreciation, support or congratulations

A PROPOSAL - A statement which identifies an issue to determine the worthiness and / or nature of consideration by the Council

A COUNSEL – A proposal which is an expression of concern but stipulates no particular action taken by the Council

1. Introduction: Any member has the right to introduce any type of resolution.

- a. If the resolution has relevance to any of the committees, it is expected that either the committee be consulted, or that the committee present the resolution.
- b. If resolutions are to be placed on the agenda, they must be approved by the executive committee, otherwise they must be introduced as new business.
- c. If they are approved by the executive committee, they will be mailed with the council agenda.
- d. Resolutions not in the hands of the members at least ten days before the council meeting may not be introduced without a waiver of the council (majority vote).

2. Procedures

- a. All issue proposals and issue resolutions follow the format of the Issue Proposal and Issue Resolution forms available from the secretary for the Council of Priests. The heading will include the year the month the business is introduced, and a brief title.
- b. The moderator will call upon the author to speak to the resolution; every member has the right to seek clarification, to speak for or against the resolution, to suggest amendment(s), suggest sending it back to committee, or use any other proper parliamentary procedure.
- c. Any person who is not a member of the council may speak for or against a proposal with the concurrence of the council by majority vote.
- d. Members may vote affirmatively, negatively, or may abstain, but consensus is the normal way of acceptance or rejection.
- e. The secretary for the Council of Priests will file all amendments on the copy delivered to the Archbishop and recorded in the council files.
- f. Implementation procedure and funds involved for the resolution should be suggested by the author.
- g. The Archbishop is responsible for the implementation, unless he states otherwise.

*VII. Abbreviations*

ExC - Executive Committee

ASC - Administration and Structures Committee

PLM - Priestly Life and Ministry Committee

SJC - Social Justice Committee

SAP - Spring Assembly of Priests Committee

### 3.3 PRIEST PLACEMENT BOARD

#### *I. Priest Placement Board*

The Priest Placement Board is currently made up of 10 members, 5 elected priests (regional), three special appointments by the Archbishop (1 Urban ministry priest representative, one Hispanic priest representative, one Lay woman representative and 2 ex officio members (Vicar and Director). The Director serves as chair of the Board.

The Primary responsibility of the Priest Placement Board is to recommend diocesan priest appointments to the Archbishop. The Vicar and the Dean will work collaboratively to assess the needs of the deanery especially with regard to pastoral leadership planning. The Vicar and the Dean will meet with the Placement Board member and / or the Board to review both imminent and long-range placement needs.

##### A. Election Procedures

The Archdiocese of Milwaukee is divided into five vicariates. One priest from each vicariate sits on the Priest Placement Board.

Primary elections surface two nominees from each vicariate. All diocesan priests in active ministry within a vicariate are eligible for nomination. All diocesan priests in active ministry throughout the Archdiocese vote in the final elections.

Elections are conducted by the Priest Personnel Office.

##### B. Term of Office

The Term of Office for these elected Board members is one term of three years. The maximum number of successive terms that may be served is two.

A Board member who accepts a change of assignment outside the region he was elected to represent may complete his term on the Board or exercise his right to resign from his position on the Board.

In the event of a vacancy, the term shall be completed by that priest who received the next highest number of votes.

##### C. Specific Responsibilities of Board Members

1. The Board member consults with those deaneries in the vicariate they are elected to represent regarding assignment matters. The Board member may consult with the deans and vicar general in his region.

2. The Board member conducts interviews with the priests in his region who have requested reassignment and may conduct parish consultations when the Director is unable to do so.
3. The Board member attends his priest deanery meetings to respond to concerns and assist the deaneries in the transition process.
4. Placement Board members are expected to attend all Board meetings.

## *II. Responsibilities of the Board*

- A. Assess Qualifications of Priests and Needs of Parishes and Institutions
  1. The Board reviews the priests' qualifications, interests and preferences by:
    - a. Studying the annual questionnaire returned by priests;
    - b. Reviewing a priest's past ministry experience as well as satisfaction in ministry. This information is provided by the priest himself in the course of the transition interview conducted by a Board member;
    - c. Consulting the Seminary administration regarding newly ordained priests and conducting interviews with the same.
  2. The Director or a Board Member conducts consultations in parishes with vacant pastorates and institutions which are expecting a change in pastoral leadership.
  3. The primary responsibility of the Priest Placement Board is to recommend diocesan priest personnel appointments to the Archbishop.
- B. The Priest Placement Board also:
  1. Makes contact with those priests reassigned in the last year;
  2. Communicates with those parishes and deaneries which are experiencing a change of personnel; consults with parishes and deaneries about reductions of priest personnel;
  3. Consults with the various archdiocesan offices (i.e. Planning and Councils, Parish Finances, Inter-Cultural Ministry, Schools) for assistance in learning about parish and cluster situations that could affect placements;
  4. Implements those personnel actions which the Archbishop deems suitable and necessary. The Archbishop is ultimately responsible for the pastoral needs of parishes and institutions in the Archdiocese;
  5. Receives and responds to grievances from or about priests and makes appropriate referrals which are coordinated with the Vicar for Clergy / Director.

6. Implements current and future personnel policies.
7. Makes recommendations to the Archbishop for the annual Vatican II Service in the Priesthood awards.

### *III. Placement Procedures*

#### A. Vacancies

Vacancies occur when there is an opening in a position which canonically or theologically can only be filled by an ordained priest or which the Archbishop determines can best be filled at the present time by an ordained priest.

The Board may also request that a new position be created at a parish or institution or that, working with the Planning office, one or more parishes share a pastor / administrator.

All diocesan priests in active ministry receive an annual questionnaire from the Board in the fall of the year. This questionnaire asks the priest to indicate his intentions whether to remain in his current assignment, request a new assignment, seek a renewal of term, an extension of term or to seek the Archbishop's permission to retire.

Once a priest indicates that he wishes to leave his current assignment, his position will be open listed as vacant. Factors such as the number of priests available for placement and the Archdiocesan or local planning efforts may affect whether or not a particular position is open listed.

#### B. Open Listing

Vacancies that result from a priest indicating he will leave his assignment on the fall questionnaire will be announced via email to all diocesan priests in active ministry. Additionally, vacancies that occur outside of the normal cycle of priest placement will be announced via e-mail and in the CATHOLIC HERALD. The Board shall make no recommendation to the Archbishop until the position has been open listed but may begin reviewing the qualifications of personnel beforehand.

1. The Archbishop shall reserve some positions for direct appointment because of personal and / or administrative reasons. These shall be open listed with the designation "Special Appointment."
2. Information on any open listed position is available to all interested priests. Priests may apply for open listed positions by contacting the Priest Personnel Office.
3. Positions will be open listed for diocesan or religious order clergy or both.

#### C. Assignment Procedures

## 1. Information Gathering

The normal cycle for priest placement runs from September through June.

Priests will indicate on the annual questionnaire their willingness to be invited (called) to a new assignment in the next twelve months. This information is to be kept in confidence. Priests assigned to the same parish or institution shall inform each other of an openness to a new assignment.

Those priests whose term of office is drawing to a close may request an extension or a change of assignment on or near the date of their term's completion. All requests for an extension of term are to be submitted in writing to the Archbishop. The decision as to whether or not an extension will be granted is made by the Archbishop after consulting with his College of Consultors.

All priests who indicate a willingness to change their assignment will be interviewed by those Board members who represent their region.

Parishes who will be receiving a new pastor will be asked to complete a parish profile report detailing the status of the life and ministries of their parish.

Consultations will be conducted by the Director with the pastoral staff and parish council members of those parishes in which the pastorate is vacant.

During the annual cycle of priest placement, the Director will offer a Transitions Workshop for all priests seeking new assignments, or will meet with priests individually. The following information is made available to priests interested in a new assignment:

- Notes from the parish consultation;
- The parish profile compiled by the parish staff with input from the parish council;
- A multi-year summary of the parish's *Status Animarum* reports.
- Parish financial information supplied by the archdiocesan Parish Finance office.

In addition to this information, priests who are seeking a new assignment are strongly encouraged to visit parishes and meet with the outgoing pastor / administrator.

## 2. Recommendations

In preparing to make recommendations to the Archbishop, the Board shall consider:

- a. The needs of the parish / institution and the local deanery as stated in the consultative reports submitted to the Priest Personnel Office;
- b. The interviews, ongoing formation and past assignment experiences of those priests who have stated an interest in reassignment, or have responded to the open listing.

The Board will ascertain from the priests in transition which parishes they would be willing to serve and which they would prefer not to serve. The Board then uses this information, along with the notes from the priest's interview and the parish data to make recommendations to the Archbishop for the placement of priests. Every effort will be made to accommodate a priest's preferences for a new assignment. If the Board believes a priest might be better suited for an assignment that he did not list as a preference, the Director will contact the priest to ascertain his willingness to look at another assignment.

While any priest of the Archdiocese may apply for any open listed position, those priests who have open listed their positions will be given priority in receiving pastoral appointments.

If the Archbishop approves the recommendation, the priest is contacted and asked to accept the appointment. If he declines, the Board will determine whether or not there are enough priests available in order to select another priest from the list of qualified candidates and submit his name to the Archbishop.

After accepting the appointment, the Board and priest establish a date on which his reassignment is effective. This date should reflect consideration for the needs of those he serves in his current assignment. Ordinarily, a period of four to six weeks is allowed before a transfer is effective. During the normal cycle of the priest placement process, the effective date for transfers is the third Tuesday of June.

Upon establishing the effective date, the priest shall inform the parish or institution he serves of his decision to accept a new assignment.

If it has been determined that the vacancy created by this appointment is to be filled by a priest, the Board will immediately begin the selection process described above.

### 3. Appointments

When appointments are finalized, the Priest Placement Office shall:

- a. Prepare the appointment letter for the Archbishop's signature. A copy of this letter is sent immediately to the Chancery, and the Vicar for Ordained and Lay Ecclesial Ministry office;
- b. Send letters of notification to those priests and administrators of the parishes and institutions from and to which a priest has been reassigned;
- c. Notify the dean of the respective deanery;
- d. Publish the appointment in the official column of the CATHOLIC HERALD.

### 4. Additional Procedures for Special Cases

a. Incompatibility

In some cases, priests serving together will request transfer for themselves or for a priest with whom they serve. The Board will not act on these requests until the priest requesting the transfer discusses this with the priest(s) with whom he serves. A letter shall be sent to the Board, signed by all priests assigned to the parish / institution, requesting the change.

b. Assignments of Newly-Ordained Priests

The Board will determine these assignments as early as possible before ordination to the priesthood. Pastors may request a newly ordained be assigned to the parish, but may not select the individual priest. Parishes in which there will be a change of priest personnel will be considered for placement. If necessary, the Board will request the opening of new positions in the parishes.

c. Non-administrative Assignments

Priests requesting non-administrative assignments after serving as pastor will be given every consideration by the Board. The Board will encourage parishes to respond to the needs of priests age 65 or older and priests who are in fragile health who request additional personal time.

D. Skills and Qualities of Priests

Priests bring to their ministry a variety of personal gifts and learned skills.

1. Priests shall be assigned to a parish or institution where they will be the most effective and from which they will derive a sense of personal satisfaction in ministry.
2. Assignments shall be considered formative, providing opportunities for personal growth.
3. Priests bear a serious responsibility for their own ongoing formation. Those who aspire to positions of pastoral leadership shall prepare themselves by attending courses, workshops, etc. which will enable them to minister effectively.

E. Confidentiality of Board Matters

1. Strict Confidentiality

The Board shall keep in confidence:

- a. All matters discussed at Board meetings - This confidentiality prevails even after a member leaves the Board.
- b. Those matters concerning the personal struggles and difficulties of a priest;

- c. The names of applicants for priest positions which are shared only with the Vicar for Ordained and Lay Ecclesial Ministry and the Archbishop;
- d. The content of any Priest Placement Information filed in the Priest Placement Office - Board members have access to these files.
- e. All addresses and phone numbers of those priests who are on leave of absence, awaiting assignment or sick leave, unless the Office has been authorized to release that information.

2. Limited Confidentiality

- a. Transfers to new positions will not be made known until announced publicly at the parish / institution.
- b. Priests may tell no one of their transfer until the above takes place. They are obligated, however, to share this information in confidence with those priests with whom they serve.

3. Public Knowledge

- a. Term of office dates;
- b. Content of parish profile reports;
- c. Content of Status Animarum reports;
- d. Any reports requested of a deanery by the Board;
- e. Addresses, phone numbers of parishes and institutions to which personnel are assigned;
- f. Past assignments of personnel.

### 3.4 GUIDELINES FOR THE DISTRIBUTION OF PRIESTS

#### *I. Assignment to Parishes*

The assignment of priests to parishes is the first priority of the Archdiocese.

A. In past and current practice, priests who serve as pastors are assigned in the following ways:

- 1. Pastoral responsibility for one parish;
- 2. Pastoral responsibility for two or more parishes;

3. Two or more priests ministering together to serve 3 or more parishes.
- B. The criteria used to determine whether or not a parish would receive an Associate Pastor are as follows:
  1. General criteria
    - a. The availability of a priest for placement as an associate pastor.
    - b. The number of registered parishioners in the parish. Generally, to receive an associate pastor, a parish should have a minimum of 5,000 registered parishioners. Special consideration will be given to parishes with fewer registered parishioners when the pastor is in fragile health, there is a special need on the part of the parish or the associate pastor, or if two or more parishes are sharing priests.
    - c. The projected growth in the area of the parish.
    - d. The amount and intensity of sacramental work and / or the presence of a parochial school in the parish.
    - e. Extra sacramental duties, such as Nursing Homes, Hospitals, Prisons, etc., in the parish vicinity.
    - f. A good history of collaboration with the surrounding parishes.
    - g. A demonstrated sense of planning in the parish.
    - h. The fragile health of the current pastor.
    - i. That the current pastor is able and willing to work with an associate.
    - j. The parish should have a good functioning vocations committee or it should have shown good vocations recruitment in the past.
    - k. A special need in the parish or Archdiocese, such as the time period when parishes merge, etc.
  2. If the associate were to be a newly ordained:
    - a. That he could live in community with other priests in the area or in a rectory on the parish site;
    - b. That the pastor has the skills and inclination to mentor a newly-ordained priest.

- C. Some priests assigned to special ministry positions have accepted the role of Shared Pastor or of Assisting Priest or Supervising Priest in parishes staffed with a Parish Director.

## *II. Assignments to Other Needs*

There are institutions and ministries, other than parishes, that reflect the mission of the Archdiocese. Such institutions are served by necessary ministers in their own right, but require the distinctively Catholic dimension which enhances the development of faith, e.g., chaplains for correctional, health care and / or educational institutions.

- A. The presence of diocesan priests in educational institutions such as high schools, colleges and universities, in hospitals and other health care facilities, and in prison and jail ministries can no longer be assured given the continued decline in numbers. While the archdiocese recognizes the importance of these ministries, it will become increasingly difficult to assign priests to them.
- B. The Archdiocesan Church has administrative needs, such as Vicar General and Judicial Vicar, which according to the requirements of canon law must be filled by priests. (Confer c. 478 and c. 1420)
- C. The Archdiocese is committed to the needs of the world Church and to a just redistribution of priests. Examples of this commitment include: staffing of La Sagrada Familia Parish in the Dominican Republic and the loan of Archdiocesan priests to other dioceses and Church agencies.

## *III. Realities and Criteria in Planning*

### A. Realities

Projections show that the number of diocesan priests available for placement may continue to decline in the years ahead. The following accommodations have been made over the past several years and will continue to be made in order to provide pastoral leadership to our parishes:

1. Parishes once served by several priests are now served by fewer priests;
2. More parishes share a pastor with another parish or agency;
3. Religious order priests and international priests are serving in positions that were once filled by diocesan priests;
4. More parishes may be served by Parish Directors;
5. Priests in several special ministry positions have been replaced by non-ordained personnel.

### B. Criteria

To plan for the distribution of priest personnel, several criteria are proposed. These criteria will assist the Priest Placement Board in implementing existing priest personnel policies in light of the declining number of priests.

1. The assignment of priests at large parishes will take into consideration:
  - a. The presence of deacons and the status of their faculties, and non-ordained salaried professional staff;

- b. The presence of trained and functioning lay volunteer ministers in the areas of administration, liturgy, education, social concerns, etc.;
  - c. The availability of priests in special ministry positions and religious order priests for weekend helpout;
  - d. The ability of remaining priest staff to handle increased responsibilities.
2. The designation of parishes with Parish Directors will take into consideration:
  - a. Proximity of parishes to one another;
  - b. Proximity of parish to a priest who could serve as an Assisting Priest;
  - c. Trained and functioning lay ministers to include, if possible, professional salaried staff.
3. Reduction of Archdiocesan priests in special ministry positions is influenced by the following factors:
  - a. Canon law requires that certain positions be staffed by a priest;
  - b. A priest's presence may bring certain advantages to the position (e.g. Catholic school, hospitals, seminary);
  - c. Availability of religious order priests and deacons to accept certain positions.
4. The above criteria cannot be applied to all parishes and institutions. The Archdiocese will attempt to maintain and, in some instances, increase the number of diocesan priests in:
  - a. Parishes which reflect the Archdiocesan Church's commitment to the poor;
  - b. Rural areas where priest numbers are already low;
  - c. Parishes that require a bilingual priest, particularly in those parishes that are experiencing a growth in Hispanic or Asian populations;
  - d. Parishes located in areas of future growth.
5. Before effecting any changes in the numbers of priests who serve a parish, the Archdiocese will provide, when possible:
  - a. Proper time for priests and parishioners to prepare;
  - b. Consultations with parishes, institutions, the Dean, and priests of the deanery to determine future courses of action;
  - c. Support and guidance through the Office of the Vicar for Ordained and Lay Ecclesial Ministry for priests who accept increased responsibility.
6. Priests also bear some obligations in preparing parishes and institutions for reduction of priests:
  - a. By providing honest, accurate, and documented communication to the parish or institution and the Archdiocese, e.g., parish council minutes, parish bulletin and Status Animarum Report;
  - b. By entering into active dialogue with neighboring parishes, exploring collaborative styles of service and encouraging the local priest deanery to assess deanery needs and plan for the future;
  - c. By exercising a collaborative style of leadership that encourages growth of ministries among the baptized;
  - d. By a willingness to serve broader needs of the Archdiocesan Church and, if necessary, by accepting reassignment.

7. The faith and commitment of the men and women of this Archdiocese has long been evident. The present and future needs will challenge all people of the Archdiocese to focus on the following:
  - a. The increased understanding of their role as agents of peace and unity in a parish, especially during times of transition;
  - b. The support of and participation in lay ministry;
  - c. Cooperation with pastoral leadership to assess current and future needs of the parish;
  - d. Increased understanding and support of the needs of the diocesan and world Church.

#### *IV. Short-term and Long-term Transitions and Time Away*

Parishes and institutions served by priests need to be aware of the following situations and provide the necessary support and understanding.

##### A. Transitions

As a priest's life tasks unfold, he may experience transitions that require the support and understanding of the Archdiocese. Such situations may include but are not limited to:

1. Recognition of accomplishment and need for a new challenge;
2. A stressful assignment;
3. The presence and / or care of elderly parents;
4. The need for continuing formation through a sabbatical;
5. The desire to pursue graduate studies;
6. The request for temporary or permanent release from diocesan assignment;
7. Authorized health leave.

##### B. Time Away

1. Policies in the *Clergy Manual* give guidelines to priests and the institutions they serve for time away for a weekly day off, vacation, retreat, continuing formation and sabbaticals. The wise use of this time away affects not only the well-being of the priest but also the quality of the ministry he offers.
2. Many priests find it difficult to be absent from their parishes or institutions for extended periods of time. In planning for time away from their assignment priests should:
  - a. Notify the parish of their absence and give the name of the institution or parish that can be contacted for response to emergencies;
  - b. Emphasize, in one-priest parishes, desire for coverage on weekends only, and work with neighboring parishes and institutions to obtain that coverage. The Priest Personnel Office also maintains a list of priests available for help out;
  - c. Work with the priest's deanery to establish procedures for coverage of parishes and institutions when priests are away. This coverage would include use of Word and Communion services to replace the celebration of the Mass when a priest is not available for weekday services. In those weekend exceptional situations, when a priest is not available for weekend celebrations of the Eucharist, parishioners are to be sent to neighboring parishes for weekend Mass.

### C. Retirement

Respect should be given to the desires of senior priests who request resignation from administrative responsibilities or retirement at the age of 68 or beyond. They should not be expected to remain in positions contrary to their will or to the detriment of their health.

1. Senior priests who request release from administrative responsibilities will be given every consideration by the Priest Placement Board.
2. Senior priests may choose to live in residence at a parish in order to be available for liturgical services or any other parish activities they wish to be involved in. Many pastors and parishes would welcome the presence of a senior priest.
3. Senior priests who wish to maintain a regular relationship with a parish may want to inquire about the possibility of serving as an Assisting Priest in conjunction with a Parish Director. Another option open to them would be to serve on a limited, part-time basis with a pastor / administrator.

## 3.5 TERM OF OFFICE

### *I. Rationale*

- A. Historically in the pastoral office the Church has protected two main values affecting the good of souls by enjoining on it the right and privilege of stability (c. 522).
  1. From the standpoint of the parish, the people were enabled to get to know their pastor well in his lifetime there.
  2. From the standpoint of the priest, the pastor's material sustenance was realized.
- B. Experience has shown a number of variables:
  1. Since pastors normally consider being transferred an odious matter, the Bishop is stymied in many instances when his priests refuse to accept transfers voluntarily.
  2. Pastors today find administration a real burden encroaching steadily on their time for spiritual ministry. In those instances where a pastor sees his role as one of prestige rather than service along gospel lines, there is a lack of challenge and growth leading to intellectual and spiritual stagnation.
  3. Parishioners frequently desire a change in pastoral leadership, e.g. for the sake of new homiletic styles, administrative ideas, etc. Many times these people instinctively know a change would produce growth in the priest as well as in them and the parish family.

The Fathers of the Second Vatican Council have moved away from the traditional values inherent in pastoral stability in favor of the need for the local bishop to be able to make the best possible appointment of his priests. Thus Christus Dominus (30) states:

... In order to allot the sacred ministries more suitably and more equitably among his priests, the bishop must have the requisite liberty in making appointments to ministries and benefices. All rights and privileges which in any way restrict that liberty should accordingly be abrogated.

And in Christus Dominus (31):

Each pastor should enjoy that security of tenure in his parish which the good of souls requires.

Concurrent with and immediately following Vatican Council II, a number of legislative changes were made to strengthen the bishop's right and obligation to make the best possible appointments according to his discretionary judgment. These included procedures affecting incardination / excardination, transfer / removal from office, retirement, and others of a related nature. All of these added up to what was called, in the Directory on the Pastoral Ministry of Bishops, the principle of "placing the right people in the right places."

In this context, term of office becomes feasible. Although not directly specified by the Council, the concept of term of office for pastors has been an attempt to provide the bishop with an additional means of making good appointments by enhancing his freedom in this regard, a value highly emphasized in Christus Dominus. Term of office has become a post-conciliar development which some hoped would answer pressing needs existing in certain dioceses. The church recognizes and approves of this concept and has incorporated it into the revised code of Canon Law (c. 522).

## *II. Positive Values of Term of Office*

- A. It can prevent a long-term appointment that can lead to an overly comfortable situation in which the priest is oblivious to the needs of present times. It can happen that permanent term of office may block new creative ideas and programs from influencing a parish through a change in administration.
- B. It can bring a greater degree of stability to parishes which have been traditional "stepping-stones" to other pastorate by insuring the presence of the same person for at least six years and, possibly, 12.
- C. The "routine" of term of office can make it easier for an individual to evaluate his performance and sharpen it.
- D. It can promote a better relationship among the clergy of all ages by a more general sharing of the roles of authority, thus strengthening the "communion."
- E. It can make it easier for the bishop to deal with problematic transfers and, at the same time, it is a face-saving device for both bishop and pastor.

F. It can, in addition:

1. Provide stimulation and job satisfaction;
2. Lessen the administrative burdens of the pastorate;
3. Give associates a varied experience;
4. Prevent personal stagnation;
5. Alleviate the need to retire completely.

*III. Policy*

A. Appointments

1. A pastor is appointed for a term of six (6) years. Following evaluation and the recommendation of the Placement Board, he may opt for a renewal (second term in the same assignment of 6 years). The maximum time in any one pastorate is usually 12 years.
2. An administrator, by the very definition in Canon Law, is not given a term of office.
3. An associate pastor is appointed for a term of one (1), three (3) or six (6) years.
4. A newly ordained priest is appointed for a term of three (3) years. Following evaluation and the recommendation of the Placement Board he may opt for a renewal of three (3) more years.
5. A priest in specialized work is appointed for a term of six (6) years, not including time spent in preparation for the office. Following evaluation and the recommendation of the Placement Board, he may opt twice for renewals of six (6) years each. The maximum time in any one specialized ministry assignment is usually 18 years.

B. The criteria for approval or non-approval of a renewal of office are:

1. The preference and choice of an individual priest;
2. The health, well-being and formation needs of the individual priest;
3. The changing leadership needs of a specific faith community;
4. The needs of the Archdiocese and the mission of the Church.

C. The process for determining the renewal or non-renewal is as follows:

1. The Placement Office contacts the priest whose term is about to expire to determine the desire to apply for a renewal of his term of office. If he wishes to apply for a renewal, he is then asked to return a personal evaluation of the effectiveness of his leadership in the parish.
2. The Placement Office contacts the Parish Council and the staff for their recommendations regarding the renewal or non-renewal.
3. The Vicar for Clergy and the Director of Priest and Lay Ecclesial Personnel and Placement review the evaluations and make a recommendation to the Placement Board. If they concur, a recommendation for renewal is made to the Archbishop.

**D. Exceptions**

The Archbishop may make whatever exceptions to the above policy he deems necessary in individual instances according to his prudential judgment.

1. When a priest wishes to remain in office beyond the allowed term(s), he contacts the Archbishop, not the Priest Placement Office.
2. The following may serve as reasons why the Archbishop would not call for the notification of an expiration of term(s).
  - a. The needs of the parish in light of other priest or staff changes in the parish;
  - b. The priest is within one or two years of retirement;
  - c. Special / major events or projects in the parish;
  - d. Needs of collaborative projects / models.

### **3.6 PRIESTS' PERMANENT FILES**

#### *I. Summary and Scope of This Policy*

**A. Summary**

Items are retained in a priest's permanent file for various reasons, including preservation of historical material, good order in the Archdiocese, and the retention of materials necessary for ministry, the life of the Church and the common good.

**B. Parameters**

1. For purposes of this document, the term "priests" means bishops, and priests, incardinated in the Archdiocese; also the same who are excardinated, resigned, laicized or on "leave of

absence"; files are also maintained on such priests who are religious or non-incardinated if they minister or have ministered in the Archdiocese or have some other significant connection with the Archdiocese.

2. The only priests' files that are the concern of these guidelines are those that belong to the Archdiocesan Archives, and are maintained at the Chancery Office and the Vicar for Clergy Office and Priest Personnel Office.
3. There are two levels of files that are subject to these policies in which items concerning priests may be kept.
  - a. General Information
  - b. Confidential Information

C. Principles that will govern the interpretation and implementation of this policy include:

1. Confidentiality of the files
2. A priest's right of privacy
3. Protection of the common good and the rights of others
4. Necessity of retaining vital information, but avoidance of retaining unnecessary information, and
5. Consistency of implementation and interpretation

D. The Chancellor is ordinarily delegated by the Archbishop to have primary responsibility for maintenance of priest's files. The Vicar for Clergy Office is also delegated by the Archbishop to assist the Chancellor in fulfilling this responsibility.

## *II. Possible Contents of the Files*

The priest's permanent file may contain a variety of items, which include, but are not limited to the items delineated below. If there is an item that does not fit into a category below, it is placed in the most appropriate file according to its purpose. If there remains a doubt as to whether an item should be placed in confidential or general information file, then the doubt is to be resolved in favor of filing in the confidential file.

### A. General Information (Chancery Office)

This file contains general information concerning a priest's curriculum vitae, appointments, and the like. The primary location of this information is in the Chancery. Some general information may be located in the priest's file in the Vicar for Clergy Office.

- Academic Records
- Records of Ordination
- Letters of Assignment / Appointment
- Official Correspondence
- Special Awards or Letters of Achievement
- Power of attorney for health care and / or other matters
- Funeral Directives
- Will
- Photographs

- Post Graduate Degrees
- Letters of Commendation
- Historical items, including newspaper articles and other items of significance

#### B. Confidential Information (Vicar for Clergy Office)

This file contains matters that affect a priest's right of privacy. Confidential information is primarily located in the priest's file in the Vicar for Clergy Office. Some confidential information may be located in the Chancery, including:

- Signed letters of complaint affecting ministry and the life of the Church
- Signed letters and correspondence of a sensitive nature
- Summary notes of correspondence, or conversations, between Archdiocesan official(s) and the priest himself, or with other persons concerning the priest, and filed with the priest's awareness
- Biographical information
- Other material maintained at the request of the priest
- Log items by Vicar for Clergy or other diocesan officials

At the Vicar for Clergy's discretion, the Office of the Vicar for Clergy may maintain a separate file for personal and confidential notes, which may include such things as:

- Confidential reports of doctors, therapists, hospitals, or other therapeutic agencies
- Aftercare agreement between priest and psychiatric hospital / treatment center

It is understood that, while civil law on privacy rights may apply to some materials in these files (e.g. medical records), others may be open to subpoena.

#### C. Priest Placement Information

The Priest Placement Office maintains a standard set of placement files. This information is available to the Priest Placement Board. The kind of information maintained in these files includes:

- A log of the priest's contacts with the Placement Office concerning his assignment
- A resume of his training and experience (assignments)
- The letter of application for a priest's current assignment
- The most recent return of the annual priest personnel report
- A copy of the letters of appointment
- A report from the 9 month transition review
- The review from the parish council when a pastor has asked for a second term of office

#### D. Items Not To Be Retained in Priests' Permanent Files

- Anonymous letters shall not be inserted in the Priest's Permanent File. The priest may be informed of its contents, if deemed appropriate, but the letter is not to be filed.
- Narrative and progress reports from professionals and treatment centers are ordinarily read by the appropriate Archdiocesan official(s) and returned to the person or organization that

sent the report; if the report includes a brief statement of a professional indicating, in summary form, the diagnosis and prognosis, that may be retained, as noted above.

### *III. Permanence of Priests' Files*

#### A. Files of Deceased Priests

1. General information shall be transferred to the General Archives of the Archdiocese.
2. Confidential information, if any, shall be reviewed together by the Chancellor and Vicar for Clergy, or their assistants, in order to determine what shall be retained in the confidential file or destroyed.

#### B. Files of Resigned, Laicized and Excardinated Priests

1. If laicization is initiated and completed, the permanent file is placed in the Archives, after review by the Chancellor in order to delete any unnecessary information.
2. After resignation or excardination, the Chancellor shall use discretion to determine what is to be retained in the file.

### *IV. Access*

#### A. The Archbishop, the Auxiliary Bishop, the Chancellor, the Vicar for Clergy, and the Vice Chancellor all have ordinary access to the priests' files, i.e., they can at any time have access to the files.

#### B. The Archbishop may authorize other individuals to have limited access to a specified file or files in writing. This authorization shall be only for a limited time period.

#### C. By way of general principle, the individual priest has access to the material present in any file bearing his name and held by the Chancellor and by the Vicar for Clergy.

##### 1. Exceptions to the Priest's Accessibility to His File

- a. If the priest is or has been in treatment and the therapeutic agency requests that its report be kept confidential.
  - i. Such material will not be available to the priest in the future without the agency's authorization.
  - ii. The report, however will be available to be used with discretion for the good of the Church and the good of the individual
- b. The file may contain material accepted prior to July, 1982 when the confidentiality was assumed. Names associated with such material will not be disclosed, but the substance will be shared with the priest. The priest is permitted to enter into his file a written response to that material. Anonymous material will have been destroyed.

## 2. Procedures for the Priest's Access to His File

- a. The priest must request the Vicar for Clergy or Chancellor for access to his file.
- b. The Chancellor and the Vicar for Clergy shall first review the confidential file to determine whether there is any matter that cannot be reviewed by the priest, for example information that another provided on the condition of strict confidentiality.
- c. The priest should make an appointment with the Chancellor or the Vicar for Clergy who will be present when the priest reviews his file.
- d. Upon examination of his file by the priest, he is permitted to enter into his file a written response to any specific allegation or statement.
- e. Should a conflict arise regarding access to those files, the case may be submitted to Due Process.

E. If a priest's permanent file or part of the contents thereof is subpoenaed, then the matter is to be referred to the Chancellor or Vicar for Clergy for handling.

F. If an individual or entity not described above wishes access to records or to have copies of specific information released, that may be done only upon the following conditions

1. a written request from the person or entity seeking the information
2. a signed permission from the priest involved and
3. the permission of the Chancellor or the Vicar for Clergy

If the amount of information is substantial, then the Chancellor may add a further requirement of the expenses of photocopying, handling and mailing.

## 3.7 HANDLING OF COMPLAINTS AGAINST CLERGY

### *I. Assumptions*

- A. Complaints submitted to the Chancery or the Office of the Vicar for Clergy are submitted for one primary reason: to effect a change for the better on the part of the priest and / or the Church community.
- B. These Archdiocesan agencies will operate generally under the principle of subsidiarity; that is, complaints will be accepted, ordinarily, only if the complaints were taken to the person(s) involved without success and there is no other intermediary.

- C. All complaints referring to sexual abuse and sexual exploitation will be handled in accord with the Archdiocese of Milwaukee Policies, Procedures and Protocols on Clergy Sexual Abuse as reviewed and revised periodically.
- D. All complaints regarding financial misconduct are referred to the Finance Office. Complaints of this nature do not have to be taken to the person(s) involved first. Complaints made directly to the Archdiocese may be made anonymously. Under the provisions of the Sarbanes-Oxley Act, whistle-blower protection must include an assurance of anonymity. In addition, the USCCB recommends that dioceses include similar reporting processes in their best practices.
- E. All complaints referring to alcohol / chemical abuse are referred to the Vicar for Clergy.
- F. The archdiocesan whistleblower policy is applicable to complaints against clergy.

*II. Processing of Complaints*

- A. Phone Calls of Complaint
  - 1. Except in the cases of financial misconduct, no anonymous statement or report will be filed.
  - 2. Ordinarily the caller is encouraged to handle the complaint at the local level and to personally direct the complaint to the priest it concerns.
  - 3. It is generally recommended, if necessary, that a letter be sent to the priest and copied to the Vicar for Clergy.
  - 4. The call is appropriately logged in the office which receives it as needed.
  - 5. Phone calls of complaints of sexual abuse, exploitation, and harassment will be handled according to the Archdiocesan protocol for sexual misconduct.
  - 6. In an effort to achieve transparency and accountability, the Archdiocese of Milwaukee has partnered with Convergent, a third-party company, to administer an online service to report financial misconduct. Parishioners, employees, volunteers, vendors and other individuals can confidentially report concerns about possible financial misconduct. This system will be used to log and distribute information regarding complaints made directly to the Archdiocese in this manner. Persons who choose to report anonymously will not be asked to identify themselves.
- B. Written communications of Complaint
  - 1. Ordinarily, confidentiality is not the primary value and the complainant is to be so notified with a request to allow the matter to be shared completely.
  - 2. If the complainant refuses to allow his / her name to be divulged, the substance of the matter is brought to the attention of the priest by the Vicar for Clergy with a view of his taking appropriate action.

3. If the priest denies the substance of the complaint and the complainant continues to refuse to allow his / her name to be divulged, the matter is dropped and no record of this is entered into the file.
4. If the complainant does allow his / her name to be divulged:
  - a. the matter is brought to the attention of the priest by the Archbishop, the Auxiliary Bishop, the Chancellor, the Vicar for Clergy,
  - b. a record of the matter is then entered into the priest's file. The priest is permitted to enter into the file a written response to that matter.
5. No anonymous statements or reports will be filed.
6. Written complaints of sexual abuse by clergy and other Church personnel will be handled according to the Archdiocesan protocol for sexual misconduct.
7. For the reporting of misconduct, the archdiocese uses Convergent. (<https://www.archmil.org/report-misconduct>). This system will be used to log and distribute information regarding complaints that are made directly to the Archdiocese in this manner. Persons who choose to report anonymously will not be asked to identify themselves.

### 3.8 ADDICTIONS AND ASSISTANCE FOR CLERGY

The challenge for clergy today is to remain healthy and happy in the performance of his ministerial functions. The *Clergy Manual* and other aids and opportunities offer some guidelines to assist clergy in maintaining good health, happiness and ministerial satisfaction. These areas include the spiritual, physical, intellectual, financial, interpersonal and emotional. Besides the ministerial functions, clergy need to keep these important areas in proper balance.

The stresses and challenges of ministry can be intense causing an imbalance in life. Such imbalance can lead to less than healthy behaviors including overwork, process addictions (like gambling, compulsive eating, overspending and pornography), mental health issues, or substance abuse.

#### **Substance Abuse and Process Addictions**

Substance abuse and process addictions are very prevalent in our society and clergy are not exempt from falling into them. There are people and organizations that can assist through Alcoholics Anonymous or other support avenues in our archdiocese. Abuse and addiction refer to any compulsive behavior that has negative consequences and interfere with the desire for a balanced life.

#### **Assistance**

The Archbishop, through the Vicar for Clergy offers the clergy support and guidance in difficult times through the assistance of spiritual directors, counselors and other professionals and treatment centers that can assist the clergy should symptoms arise. By referring clergy to a professional, the Vicar for Clergy can help the clergy deal with addictions, anger or related difficulties such as post-traumatic stress, obsessive compulsive behavior, panic, isolation, workaholism or aging. Assistance can be offered for anxiety, depression, grief, guilt, relationships, celibacy, burnout or spiritual crisis. Any of these can cause a loss in priestly focus and dissatisfaction and ineffectual ministry.

### **Resource Lists Available**

The Vicar for Clergy periodically updates various lists of resources. These are available for any clergy who wishes. These lists include spiritual directors, psychotherapists, psychologists, priest support groups, (also, as needed, contact persons re: "anonymous" support groups). The Minister to Priests is able to assist for purpose of intervention and / or support as needed.

## **3.9 CRIMINAL BACKGROUND CHECK PROCEDURES FOR DEACONS AND PRIESTS (UPDATED 07/01/2024)**

*The Charter for the Protection of Children and Young People* requires the filing of a criminal background check for all employees. This background check is to be updated for every individual every five years.

The Vicar for Clergy office manages this requirement by updating all deacons and priests in the same 5-year cycle, most recently in the calendar year of 2024.

### **All Archdiocesan Bishops, Priests and Deacons**

Every five (5) years the Vicar for Clergy's Office, Director of Deacon Services, Director of Priest Placement, and Safe Environment Office work together to conduct criminal background checks on all bishops, priests, and deacons serving in the Archdiocese of Milwaukee. Criminal background check reports are filed in the Vicar for Clergy's office for priests and bishops and the Director for Deacon Services office respectively.

### **Extern Priests from other dioceses assigned to parishes**

Although the diocese of incardination is primarily responsible, the Archdiocese of Milwaukee performs the periodic checks while the priest serves in any parishes / institutions of the Archdiocese of Milwaukee. The criminal background check is ordinarily done by the Director for Priest Placement. The reports of the results are filed in the Vicar's office.

### **Religious Order Priests**

For Religious Order Priests serving in parishes / institutions of the Archdiocese of Milwaukee, authorization to do this check allows the Religious Order Priest some options in order to satisfy the background check requirement.

He may choose to:

- authorize his Religious Order / Community to update the Criminal Background Check information and send the results to the Vicar for Clergy, or
- authorize the Archdiocese of Milwaukee to do this update,
- and he may also authorize the archdiocese to send a copy to the Religious Order / Community.

To allow for varying 5-year cycle years, Religious Orders are permitted to submit the most recent background check results (within a 5-year period) and are advised to submit future updated results for the order's priests who serve in archdiocesan assignments.

### 3.10 CODE OF ETHICAL STANDARDS (UPDATED 03/21/2023)

All clergy are expected to view and sign the acknowledgement for the Code of Ethical Standards of the Archdiocese of Milwaukee. To view a copy of the Code of Ethical Standards, click [here](#).

### 3.11 MANDATORY REPORTING RESPONSIBILITIES (UPDATED 03/21/2023)

To view the most current Mandatory Reporting Responsibilities, click [here](#).

3.12 PROMISE TO PROTECT / PLEDGE TO HEAL – POLICIES, PROCEDURES AND PROTOCOLS



ARCHDIOCESE OF MILWAUKEE

## Promise to Protect Pledge to Heal

*Policies, Procedures, and Protocols  
for  
Clergy Sexual Abuse of Minors:  
Prevention and Response*

Revised: April 2013

## *Introduction*

Under the direction of the Archbishop of Milwaukee, the Archdiocese of Milwaukee is committed to protecting children and to helping victims / survivors of clergy sexual abuse. We are sorry for the pain of the victims / survivors of clergy sexual abuse and we owe them far more than an apology. We acknowledge that all victims / survivors of clergy sexual abuse must be found and treated with the utmost care. We want all who have been victimized to come forward with the confidence that they will be heard and helped, and that abusers will be held accountable. We are also sorry for the pain and mistrust this issue has caused so many people in the wider church community and society at large. The guiding principle behind all policies, procedures, and protocols must be the prudent protection of children, not just the punishment of offenders. The policies, procedures, and protocols must also be marked by justice and contain due process for all involved.

## *Foundational Policies*

**GENERAL PRINCIPLE:** There is a sacred relationship that exists between the Church and its members, whether they be adult or child. Sexual abuse, sexual misconduct, sexual assault, and / or sexual exploitation, when it occurs within the context of the Church, creates a tragic reality which misrepresents the Good News to those who have been victimized. Each and every instance of sexual violation of those who are the most vulnerable among us is a matter of the gravest concern and calls for an organized Archdiocesan response so that healing may occur and the safety of the community can be assured.

**REPORTING ABUSE:** Reports of clergy sexual abuse of a minor can be made to the Sexual Abuse Prevention & Response Victim Assistance Coordinator (414-758-2232). To make a formal report outside of the Archdiocese, contact can be made at the Healing Center (414-671-4325). Individuals are also encouraged to contact directly civil authorities with reports of sexual abuse.

**ASSISTANCE:** Out of pastoral concern for the victim / survivor of clergy sexual abuse, referrals for therapy will be offered, even prior to the conclusion of any formal investigation and finding of fact. Assistance with costs of therapy will be provided by the Archdiocese.

**REPORTING TO AUTHORITIES:** Every report of clergy sexual abuse of a minor, regardless of when the offense occurred, will be taken seriously. When an allegation is made against a cleric who is still alive, whether currently in ministry or not, all such reports will be handed over promptly to the district attorney of the county in which the alleged offense took place. The Archdiocese commits itself to a policy of cooperation with the civil officials who are charged with handling these matters.

**INVESTIGATIONS:** If the civil authorities cannot proceed with criminal action for any reason and the case is returned to the Archdiocese, there will be a thorough investigation of allegations using an established process which includes the Diocesan Review Board and an independent investigator. In accordance with the provisions of canon 1722, the cleric will be removed from any current ministry assignment or exercise of ministry and prohibited from any public exercise of ministry while the investigation is underway. The investigator will take whatever steps are needed to arrive at a compilation of facts in the case. The Archdiocese commits itself to full cooperation in this independent investigative process. The Diocesan Review Board is charged with making

recommendations to the Archbishop regarding the substantiation of the allegation and suitability for ministry.

**FINAL DISPOSITION:** In every case, upon conviction, plea of guilty, or determination by the Diocesan Review Board process that there is a preponderance of evidence that a cleric has sexually abused a minor, the Diocesan Review Board will make its recommendation to the Archbishop. If the allegation is substantiated, exercising his episcopal authority, the Archbishop will permanently remove the cleric from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.

**NOTE**

\* For purposes of these policies, procedures and protocols, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1º the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2º the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop / eparch, with the advice of the review board, to determine the gravity of the alleged act.

*Procedures and Protocols for Implementation of the Charter*

**ARCHDIOCESE OF MILWAUKEE  
PROCEDURES TO IMPLEMENT THE USCCB  
CHARTER FOR THE PROTECTION OF CHILDREN  
AND YOUNG PEOPLE**

Under the direction of the Archbishop of Milwaukee, the Archdiocese of Milwaukee is committed to helping victims / survivors of clergy sexual abuse and to protecting children. We are sorry for the pain of the victims / survivors of clergy sexual abuse and we owe them far more than an apology. We acknowledge that all victims / survivors of clergy sexual abuse must be found and treated with the utmost care. We want all who have been victimized to come forward with the confidence that they will be heard and helped, and that abusers will be held accountable. We are also sorry for the pain and mistrust this issue has caused so many people. The guiding principle behind all policies, procedures, and protocols must be the prudent protection of children, not just the punishment of offenders. The policies, procedures, and protocols must also be marked by justice and contain due process for all involved.

Using the USCCB Charter for the Protection of Children and Youth as a guide, the Archdiocese commits itself to the following procedures.

**CHARTER ARTICLE I**

*Dioceses / eparchies are to reach out to victims / survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese / eparchy is to continue its outreach to every person who has been the victim of sexual abuse as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese / eparchy.*

*Through pastoral outreach to victims and their families, the diocesan / eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”*

*We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses / eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.*

**VICTIM / SURVIVOR OUTREACH**

Procedure for provision of counseling and spiritual direction:

- Upon receipt of a report of clergy sexual abuse of a minor, the Archdiocese immediately offers to provide counseling referrals and financial assistance for therapy for the victim / survivor and / or their family regardless of when the sexual abuse occurred.
- An independent evaluator with expertise in mental health treatment, reviews treatment plans to ensure that individuals receive quality therapy that meets their specific needs.
- Sexual Abuse Prevention and Response Services Office staff assist victims / survivors in connecting with available service providers. Support groups, in collaboration with local sexual assault agencies, are available. Additional support groups through Catholic Charities are available.
- A network of spiritual directors who work confidentially with victims / survivors is available. Sexual Abuse Prevention and Response Services Office staff can make such referrals.
- The Archdiocese provides the opportunity for mediation to address the spiritual, emotional and restorative justice needs of victim / survivors.
- The Archbishop is committed to personal and active contact with victims / survivors.
- The director of the Sexual Abuse Prevention and Response Services Office is primarily responsible to meet with and provide assistance to victims / survivors.

## **CHARTER ARTICLE II**

*Dioceses / eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses / eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principle languages in which the liturgy is celebrated in the diocese / eparchy and be the subject of public announcements at least annually.*

*Dioceses / eparchies are also to have a review board that functions as a confidential consultative body to the bishop / eparch. The majority of its members are to be lay persons not in the employ of the diocese / eparchy (see Norm 5 in Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006). This board is to advise the diocesan / eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to review diocesan / eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.*

## **RESPONDING TO ALLEGATIONS**

Procedures on Assistance and Pastoral Care:

The Sexual Abuse Prevention and Response Services Office, staffed by a full-time professional, has several functions:

- 1) The director assists persons in making a report of sexual abuse and makes appropriate referrals to help restore the victim / survivor to wholeness. The director's primary purpose is to provide compassionate help to the victim / survivor of sexual abuse, but does not function as either a therapist or an agent of the Church in verifying the truthfulness of the allegation(s).

All reports of sexual abuse, when the alleged offender is still alive, are forwarded to civil authorities by the Chancellor. If civil authorities do not take action, processes of independent investigation and review by the Diocesan Review Board occur, so that all priests and deacons with substantiated allegations of sexual abuse are permanently removed from ministry, in compliance with the Charter and in observance of proper canonical procedures.

- 2) The office oversees implementation of a Safe Environment Program, as mandated by the United States Conference of Catholic Bishops (USCCB), in all parishes and schools. All paid personnel and volunteers who interact regularly with children must undergo mandatory safe guarding and awareness training to recognize the dynamics of childhood sexual abuse and reporting responsibilities. Age-appropriate education to teach children to recognize, resist and report abuse will occur in all classrooms.
- 3) The director provides consultation to parish and school personnel in specific situations about how to report all instances of suspected abuse of children.
- 4) A community advisory board composed of representatives from various social services agencies and experts in the area of sexual abuse assists this office in its mission.
- 5) Sexual Abuse Prevention and Response Victim Assistance Coordinator can be reached at 414-758-2232 or by e-mail at [saprs@archmil.org](mailto:saprs@archmil.org). To make a formal report outside of the Archdiocese staff, contact the Healing Center of Milwaukee at 414-671-4325.

#### Establishment of Diocesan Review Board:

Archbishop Dolan appointed the Diocesan Review Board in January 2003. The board has the mandate of cooperating with civil authorities in assessing allegations of sexual abuse of minors, providing counsel regarding suitability for ministry, and reviewing all archdiocesan policies to ensure that they meet or exceed the requirements of the Charter. The Board consists of up to seven members with additional members to be added upon recommendation of the Board. The Board members will be respected members of the community and have expertise in the areas of psychology, law, and / or public policy. The board will include an experienced pastor. Members will be appointed for renewable five-year terms. The Promoter of Justice and the Vicar for Clergy will be invited to attend all meetings of the board.

#### Diocesan Review Board Procedures and Policies

- Policy decisions are to be committed to writing.
- Meeting summaries will be prepared and give an outline of the meetings, procedures decided upon, etc.
- Meeting summaries will be provided to the Board for approval and forwarded to the Archbishop.
- Meetings of the Board are not considered public meetings and no announcement of meetings or reports to the general public or media will be made unless the Archbishop elects to do so through his Communications Office.

- The Chair of the Board will act as spokesperson as needed, but will not discuss the content of meetings or recommendations made to the Archbishop.
- Any Communication policy will be issued by the Archbishop through the archdiocesan communications vehicles.
- If at any meeting of the Board a quorum is not present, the members present will not make any recommendations on substantiation of an allegation nor suitability for ministry.
- The Board may direct investigators to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance.
- The Board does not meet personally with either the person making the allegation or the accused.
- Both parties are invited by the investigator to submit written statements directly to the Board. They are also provided a written report of their respective portion of the investigation interview(s).
- Regardless of the number of investigators used by the Board for substantiation, out of sensitivity to the alleged victim / survivor and alleged perpetrator, whichever investigator begins the substantiation process in a given case will see it to conclusion unless there are some insurmountable obstacles in doing so.
- As the investigation comes to a close, both parties will be notified by the investigator that the report is ready to be sent to the Board. Each party will have 10 days within which to submit any supplemental information to the investigator. This supplemental report must clearly identify what new information is available that would help to establish the truth in the matter.

The Diocesan Review Board will exercise its responsibility by reviewing the report, directing the investigator to any new area(s) of inquiry if needed, and arriving at its conclusion about whether or not the allegation has been substantiated and whether or not the cleric is suitable for ministry. The results of the investigation, along with the recommendation of the Review Board, should be committed to writing and sent to each of the parties to a case. If either party is aggrieved about the findings of an investigation and the recommendation of the Diocesan Review Board, that person may request a reconsideration of the case. Such request for reconsideration must be filed in writing with the Chair of the Review Board within 30 calendar days of notification of the findings. The request must include indication of what new information is available that would help arrive at truth in the matter. There will be only one possible reconsideration in a case.

Once the investigation, board review, and results of any decision about reconsideration are completed the final recommendations of the Review Board will be sent to the Archbishop for his decision.

#### Availability of policies, procedures, and resources:

- Archdiocesan procedures for reporting abuse have been posted on the Archdiocesan web site.
- A list of community programs that provide free services to sexual abuse survivors has been produced and distributed to every parish and school in the Archdiocese. Additional copies are available from the Sexual Abuse Prevention and Response Victim Assistance Coordinator (414-758-2232 or by e-mail at [saprs@archmil.org](mailto:saprs@archmil.org))

- Parishes and schools have received information for distribution to parishioners and school families.
- Bulletin announcements are provided for parish use.

### CHARTER ARTICLE III

*Dioceses will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim-survivor and noted in the text of the agreement.*

### CONFIDENTIALITY AGREEMENTS

Procedure for Confidentiality Agreements:

- If some serious and substantial reason for privacy is presented by a victim / survivor, the Archdiocese would agree to a confidentiality provision.
- An annual reporting of out-of-court settlements dealing with clergy sexual abuse will be published by the Archdiocese, along with Archdiocesan annual audited financial reports.
- Updated information on the financial impact of clergy sexual abuse cases on the Archdiocese will be publicly distributed.
- In the mediation process, victims / survivors are informed that the Archdiocese will not reveal any confidential information but that the individual is not bound to any confidentiality.

### CHARTER ARTICLE IV

*Dioceses / eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses / eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.*

*Dioceses / eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.*

*In every instance, dioceses / eparchies are to advise victims of their right to make a report to public authorities and support this right.*

### REPORTING ALLEGATIONS

Procedure on Reporting Allegations of Abuse to Authorities:

- Allegations of clergy sexual abuse of a current minor received by the Archdiocese are immediately reported to law enforcement or Child Protective Services. A list of contact information for Child Protective Services in each of the ten counties of the Archdiocese of Milwaukee is found in the Appendix to this document.
- Allegations of clergy sexual abuse of a minor received by the Archdiocese from an alleged victim who is no longer a minor are immediately reported to the district attorney unless the accused cleric is deceased.
- Church personnel are required to be knowledgeable of the State of Wisconsin Child Abuse regulations and know the proper reporting requirements. Church personnel are also to comply with all mandatory reporting requirements. If the information was received under

the seal of the confessional, no reporting can occur, but the priest will encourage the victim / survivor or perpetrator to contact someone outside the Sacrament of Reconciliation.

- The Archdiocese fully cooperates with civil authorities conducting investigations.
- People reporting an incident of clergy sexual abuse will be informed that all reports received are turned over to civil authorities, unless the offender is deceased.
- Individuals are also encouraged to contact civil authorities directly with reports of sexual abuse.

#### **CHARTER ARTICLE V**

*We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."*

*Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (Motu proprio, Sacramentorum sanctitatis tutela, AAS, 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.*

*Diocesan / eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.*

*The diocesan / eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below shall not continue in ministry.*

*A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.*

*In fulfilling this article, dioceses / eparchies are to follow the requirements of the universal law of the Church and of the Essential Norms approved for the United States.*

#### **INVESTIGATING AND PENALTY PROCESS**

Procedures:

- The Archdiocese is committed to observing all applicable civil law and canonical norms and to respecting the rights of all involved.
- The Archdiocese will remove the cleric from any current assignment and exercise of ministry in any case where the district attorney pursues a criminal investigation. If a district attorney determines that no criminal investigation will be pursued, an independent investigator will be hired by the Archdiocese to conduct an investigation.

- In accordance with the provisions of canon 1722, the cleric will be removed from any current ministry assignment or exercise of ministry and prohibited from any public exercise of ministry while the investigation is being conducted. The Vicar for Clergy will be the primary contact for the accused during the investigation process. At his initial meeting, he will provide the accused with a written summary of the accusation including the name of the accuser(s), unless the Vicar judges that it is important not to include that information temporarily. The Vicar for Clergy will direct the accused to have no contact with the accuser or family and the accused will sign a document to that effect. The Vicar will maintain a checklist for each step that is taken and will share this information with the accused, having him sign and date it. The Vicar will maintain regular contact with the accused during the investigation stage.
- Alleged offenders will continue to receive necessary medical, psychological, and spiritual treatment.
- Prevention education, boundary education, and continuing formation in healthy human sexuality are part of both the Clergy Wellness Program and the Continuing Education Program for Clergy. Ongoing mandatory education should include information about warning signs of potential abuse and behaviors that should raise concerns.
- Prevention education, boundary education, and continuing formation in healthy human sexuality will continue to be part of the formation curriculum at Saint Francis Seminary.
- When a cleric is placed on temporary leave from his assignment during an investigation, no public disclosure of the reason for his leave is given by the Archdiocese.
- If an accusation proves unsubstantiated, a cleric will be restored to the exercise of ministry. Both the accused and those with and to whom he ministers are to be provided with support services by archdiocesan personnel.
- Accused clerics are informed of their canonical rights and encouraged to seek both canonical and civil representation. The Vicar for Clergy will provide a list of canonical rights to the accused and will have him sign that he has read the document. The Vicar for Clergy will later ensure that these rights are fully understood as the investigation proceeds. Any questions about participation in clerical events or other matters should be directed to the Vicar for Clergy.
- The Vicar for Clergy will provide the accused with a written statement on what financial and other support will be given by the Archdiocese. The Vicar for Clergy will ensure that appropriate housing is available to the accused during the investigation.
- In every case, upon conviction, plea of guilty, or determination by the Diocesan Review Board process that there is a preponderance of evidence that a cleric has sexually abused a minor, the Diocesan Review Board will submit its findings and make its recommendation to the Archbishop. If the allegation is substantiated, exercising his episcopal authority, the Archbishop will permanently remove the cleric from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.
- Regardless of age or infirmity of the cleric, the Archbishop will refer every case to the Congregation for the Doctrine of the Faith (CDF) as required by the U.S. Bishops' Conference Norms. The accused will be informed by the Vicar for Clergy when this referral has taken place. Any cleric with a substantiated case of abuse of a minor will be permanently prohibited from the exercise of ministry even if not dismissed from the clerical state by CDF

processes. Clerics with a single, substantiated incident of sexual abuse of a minor are restricted from any public ministry, including saying Mass in public.

- Any cleric with a substantiated case of abuse of a minor will be permanently prohibited from the exercise of ministry, even if not dismissed from the clerical state by CDF processes. Involuntary laicization can be sought by the Archbishop. He will do so in cases where there are multiple, substantiated or admitted cases of sexual abuse of minors, where there is limited sense of remorse, and / or where there has been grave scandal.
- Information about canonical procedures is available on the archdiocesan website: <http://www.archmil.org/ArchMil/Resources/TRIB/Tribunalbrochure.pdf>
- Ongoing study and review of oversight protocols and safety plans for those with substantiated cases, but not laicized, will continue.
- The appropriate practice for the burial of a cleric, after there have been substantiated allegations, should be determined on an individual basis. Consideration should be given victim / survivor impact, as well as to the needs of the cleric's family and the common good of the Church community.

## CHARTER ARTICLE VI

There are to be clear and well-publicized diocesan / eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the church in positions of trust who have regular contact with children and young people.

## DIOCESAN STANDARDS FOR MINISTERIAL BEHAVIOR

Protocol on Ethical Standards:

- The Code of Ethical Standards is given to all clergy and church personnel and is available on the Archdiocesan web site.
- All church personnel and all volunteers who have regular contact with minors are required to document that they have read, understand, and agree to abide by the Code of Ethical Standards.
- A summary of the Code dealing with reporting misconduct has been sent to every archdiocesan parish school and religious education program for distribution to families.
- The Code will be reviewed by the Diocesan Review Board on an annual basis to determine the need for revision.
- Education programs on the Code will be included in parish, school, and seminary workshops.

## CHARTER ARTICLE VII

*Dioceses / eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.*

## COMMUNICATION POLICY

Communication Policy for Allegations of Sexual Abuse by Clergy or Other Church Personnel: The Archdiocese of Milwaukee recognizes the importance of disseminating full and accurate information to the public regarding sexual abuse of minors by clergy. The Archdiocese of Milwaukee is committed to sharing information openly and willingly about sexual abuse of minors by clergy

in the Archdiocese. The communication policy for the Archdiocese of Milwaukee in matters dealing with sexual abuse of minors by clergy is as follows:

1. The Archbishop of Milwaukee is the official spokesperson for the Archdiocese of Milwaukee. The Communications Director serves as the main media contact and serves as spokesperson for the Archbishop and the Archdiocese on issues involving sexual abuse of a minor by clergy, when appropriate. This follows the larger archdiocesan media relations policy already in place.
2. The Communications Director administers the media policy. No contact or response to media should be initiated through any other archdiocesan office. If media representatives initiate contact with archdiocesan staff, the inquiry should be referred to the Communication Director.
3. All media inquiries will receive a response. No media outlet or representative will be ignored.
4. The Archdiocese of Milwaukee is committed to candor and openness in its communication about sexual abuse of minors by clergy. Exceptions to this policy include matters under litigation, matters currently being investigated by civil authorities, unsubstantiated allegations and information which a victim / survivor has asked the Archdiocese to keep private.
5. All policies for reporting clergy sexual abuse will be written and communicated in multiple formats, including print and electronic. Policies and policy updates are distributed to all parish and school locations. Reminders about the policies in place are sent periodically throughout the calendar year.
6. Annual updates about the Archdiocese of Milwaukee's compliance with the "Charter for the Protection of Children and Young People" are widely communicated to the faithful of southeastern Wisconsin.
7. Information about how to report sexual abuse and agencies for contact by victims / survivors of sexual abuse – both within the Church structure and external social service agencies – is updated annually and distributed to parishes, schools and Catholic institutions, and posted on the archdiocesan web site.
8. Annual financial data is compiled as part of the overall archdiocesan annual financial report and disseminated to parishes, schools, and the faithful through a variety of communications media, including posting on the archdiocesan web site.
9. When an allegation of sexual abuse of a minor is received about an archdiocesan cleric, the following communication policy is in place:
  - a) Allegations of clergy sexual abuse of a current minor received by the Archdiocese are immediately reported to law enforcement or Child Protective Services. A list of contact information for Child Protective Services in each of the ten counties of the Archdiocese of Milwaukee is found in the Appendix to this document.
  - b) Allegations of clergy sexual abuse of a minor received by the Archdiocese from an alleged victim who is no longer a minor are immediately reported to the district attorney unless the accused offender is deceased. When a case is sent to the district attorney, no public statement is made by the Archdiocese until the district attorney has decided on a course of action. The Archdiocese does not comment on specific cases or allegations, but rather reiterates that our policy of reporting all allegations to civil authorities is being followed.

- c) If criminal charges are filed against a cleric by a district attorney, this information is communicated to the parish (if the cleric was assigned) at all weekend Masses and is provided to the media in written form. An electronic communication is sent to all clergy and the statement is also placed on the archdiocesan web site.
- d) If the district attorney does not pursue the case, but the Archdiocese finds the report credible, the allegation proceeds to an independent investigation and the cleric is placed on temporary leave from his assignment.
- e) After the investigation, the case is referred to the Diocesan Review Board for its recommendation to the Archbishop. "Preponderance of evidence" (i.e., that it is more likely than not that the incident(s) occurred) is the standard used to determine whether the allegation is substantiated. They also make a recommendation regarding the cleric's suitability for ministry. Following the Archbishop's decision to remove a cleric from ministry, full disclosure is provided to the parish (if assigned), to all clergy, to other parishes where the cleric served, if appropriate, and to the media.
- f) To ensure accurate and complete information, the Vicar for Clergy, Victim's Assistance Coordinator and Chancellor review data and statements before public release.

10. When the name of an accused cleric becomes public, either because of criminal charges being filed by the district attorney or after substantiation by the independent investigation, the following information will be released to the public and media, when available:

- a) Name, year of birth, ordination date and list of appointments.
- b) When a case of sexual abuse of a minor has been substantiated and ministry has been restricted or the cleric has been laicized, notice is posted to the website and local law enforcement officials and pastors in the area where the cleric resides are notified.

Note: Articles VIII, IX, X, & XI are being implemented by the U.S. Conference of Catholic Bishops with full endorsement and cooperation of the Bishops of the Archdiocese of Milwaukee.

## **CHARTER ARTICLE VIII**

### **COMMITTEE FOR THE PROTECTION OF CHILDREN AND YOUTH**

*By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee for the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.*

*The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.*

## **CHARTER ARTICLE IX**

### **USCCB OFFICE FOR CHILD AND YOUTH PROTECTION**

*The Office for Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee for the Protection of Children and Young People and be a resource for dioceses /*

*eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese / eparchy.*

*The Office is to produce an annual public report on the progress made in implementing and maintaining the standards in this Charter. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee for the Protection of Children and Young People. This public report is to include the names of those dioceses / eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter.*

*As a member of the Conference staff, the Executive Director of the Office is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee for the Protection of Children and Young People and the National Review Board with regular reports of the Office’s activities.*

#### **CHARTER ARTICLE X**

*The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.*

*The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Office of Child and Youth Protection on the implementation of this Charter in each diocese / eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.*

*The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate’s diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board’s purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.*

*The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee for the Protection of Children and Young People will meet jointly several times a year.*

*The Board will review the work of the Office of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.*

*The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.*

## **CHARTER ARTICLE XI**

### **INFORMING THE HOLY SEE**

*The President of the Conference is to inform the Holy See of this revised Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the Charter.*

## **CHARTER ARTICLE XII**

*Dioceses / eparchies are to maintain “safe environment” programs which the diocesan / eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses / eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.*

## **SAFE ENVIRONMENT PROGRAMS**

### **Safe Environment Procedures:**

- The Archdiocese has implemented a safe environment and awareness training program that addresses issues of safe environment. All priests and deacons, as well as diocesan, parish and school staff, and all volunteers who have regular contact with minors are required to participate in training and education sessions. Certain personnel will also be required to do advance training which will be available electronically. All pastors, administrators, parish directors are required to certify that these trainings have occurred.
- All schools and religious education programs are required to implement the program “Safeguarding All of God’s Family.”
- Reporting protocols for reporting suspected instances of child and sexual abuse are outlined and principals and teachers are trained on these protocols.
- Annually, the month of April will be designated as a special time for parent programs, parish awareness, preaching and teaching about prevention of sexual abuse. The Archdiocese will provide appropriate materials as prepared and recommended by the Community Advisory Board.
- The Sexual Abuse Prevention and Response Services Office coordinates education and training for seminarians and all who are in formation at Saint Francis Seminary.
- A special component in the Catholic Scouting program addresses the issues of sexual abuse.
- Religious education directors and youth ministry directors are included in programs to ensure they are as informed as school principals with regard to recognizing sexual abuse.

## **CHARTER ARTICLE XIII**

*Dioceses / eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese / eparchy and of all diocesan / eparchial and parish / school or other paid personnel and volunteers whose duties include ongoing,*

*unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation [Fifth Edition]*, 2006, no. 39).*

### **BACKGROUND CHECKS**

Procedures for Background Checks:

- The Archdiocese requires that all Church personnel undergo criminal background checks as part of their employment at a parish or school or in any special ministry of the Archdiocese.
- Background checks are also required for all who are in formation at Saint Francis Seminary.
- For men studying for the priesthood or diaconate, in-depth personal interviews are conducted and extensive background checks, and federal and state criminal background checks, and psychological testing are required.

### **CHARTER ARTICLE XIV**

*Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (Cf. Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, adopted by the USCCB, the Conference of Major Superiors of Men (CMSM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)*

### **CLERICAL TRANSFERS**

Procedures for Transfer of Clergy:

- The Archdiocese of Milwaukee requires that the diocesan bishop or major superior of every diocesan or religious order cleric serving in the Archdiocese complete the Tri-Conference document attesting to fitness for ministry. These are to be kept on file in the Chancery office.

### **CHARTER ARTICLE XV**

*To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee for the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan / eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese / eparchy.*

### **IMPLEMENTATION WITH RELIGIOUS COMMUNITIES**

Procedures for Religious Communities:

- The Archdiocese of Milwaukee requires that the major superior of every religious order cleric serving in the Archdiocese complete the Tri-Conference document attesting to fitness for ministry.
- The Archdiocese requires that this document be updated and filed for every religious order member serving in the Archdiocese every five years.

- A copy of the religious community's policy on response to sexual abuse is required to be on file with the Archdiocese before any of its members can minister within the Archdiocese.
- The superior of each religious congregation must provide the Archdiocese with written documentation of any allegations made against an individual and that no credible allegations exist against any individual seeking to minister within the Archdiocese. The Archdiocese reserves the right to ban, on investigation, any individual who seeks to minister within the Archdiocese.
- If the Archdiocese receives a report of allegations of sexual abuse by order priests or religious, the Archdiocese will immediately report the incident to the district attorney and / or law enforcement and inform the religious superior.
- The Archbishop will continue regular meetings with major superiors.

#### **CHARTER ARTICLE XVI**

*Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.*

Research Procedures:

- The Archdiocese pledges its continued cooperation with valid, scientific research such as institutional research, medical research, research conducted by colleges / universities, and research endorsed by the U.S. Conference of Catholic Bishops.

#### **CHARTER ARTICLE XVII**

*We commit ourselves to work individually in our dioceses / eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in Pastores Dabo Vobis, the Program of Priestly Formation, the Basic Plan for the Ongoing Formation of Priests, and the results of the Apostolic Visitation. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.*

#### **FORMATION**

Procedures for Initial and Ongoing Formation on Chastity:

- The board of directors of Saint Francis Seminary maintain rigorous policies and protocols of the formation program in the area of screening, testing, and preparation of candidates in the areas of sexual abuse prevention and celibacy.
- Participation in priest support groups is encouraged by the Archbishop, Bishop, and Vicar for Clergy. Priest support groups meet on a regular basis and allow priests to discuss the challenges they face and the support they receive in their vocation and in their ministry assignment.
- The Archdiocese promotes the spiritual, physical and psychological health of priests by providing programs planned and implemented by the Clergy Wellness Council in conjunction with local healthcare providers. A Wellness Day for priests is sponsored each year.

## APPENDIX

**Milwaukee County**

BUREAU OF MILWAUKEE CHILD WELFARE  
 To report Child Abuse/Neglect: 414-220-SAFE (7233)  
 After hours number: 414-220-SAFE (7233)

**Administrative Office and Access**

1555 N. River Center Drive, Suite 220  
 Milwaukee, WI 53212  
 Phone (414) 220-7000  
 Fax (414) 220-7062 (administrative)  
 Director: Arlene Happach

**Waukesha County**

WAUKESHA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 500 Riverview Avenue  
 Waukesha, WI 53188  
 Office Hours: 262-548-7212  
 After Hours: 262-547-3388  
 FAX: 262-548-7656

**Racine County**

RACINE COUNTY HUMAN SERVICES DEPARTMENT  
 1717 Taylor Avenue  
 Racine, WI 53403  
 Office Hours: 262-638-7720  
 After Hours: 262-638-7720  
 FAX: 262-638-6369

**Kenosha County**

KENOSHA COUNTY DEPARTMENT OF HUMAN SERVICES  
 8600 Sheridan Road Ste 200  
 Kenosha, WI 53143-6512  
 Office Hours: 262-605-6582  
 After Hours: 262-657-7188  
 FAX: 262-605-6570

**Walworth County**

WALWORTH COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 W4051 Hwy NN  
 P.O. Box 1005  
 Elkhorn, WI 53121  
 Office Hours: 262-741-3200  
 1-800-365-1587  
 After Hours: 262-741-3200  
 1-800-365-1587  
 FAX: 262-741-3217  
 TTY: 262-741-3255

**Dodge County**

DODGE COUNTY HUMAN SERVICES AND HEALTH DEPARTMENT  
 County Office Building  
 143 E. Center Street  
 Juneau, WI 53039  
 Office Hours: 920-386-3750  
 After Hours: 920-887-6713  
 FAX: 920-386-3533

**Washington County**

WASHINGTON COUNTY HUMAN SERVICES DEPARTMENT  
 333 East Washington Street, Suite 3100  
 PO Box 2003  
 West Bend, WI 53095  
 Office Hours: 262-335-4610 or 800-616-0446  
 Hotline: 262-335-4888  
 After Hours Hotline: 262-365-6565  
 FAX: 262-335-4709

**Ozaukee County**

OZAUKEE COUNTY DEPARTMENT OF HUMAN SERVICES  
 121 West Main Street  
 P.O. Box 994  
 Port Washington, WI 53074-0994  
 Office Hours: 262-238-8200  
 After Hours: 262-238-8436  
 FAX: 262-284-8103

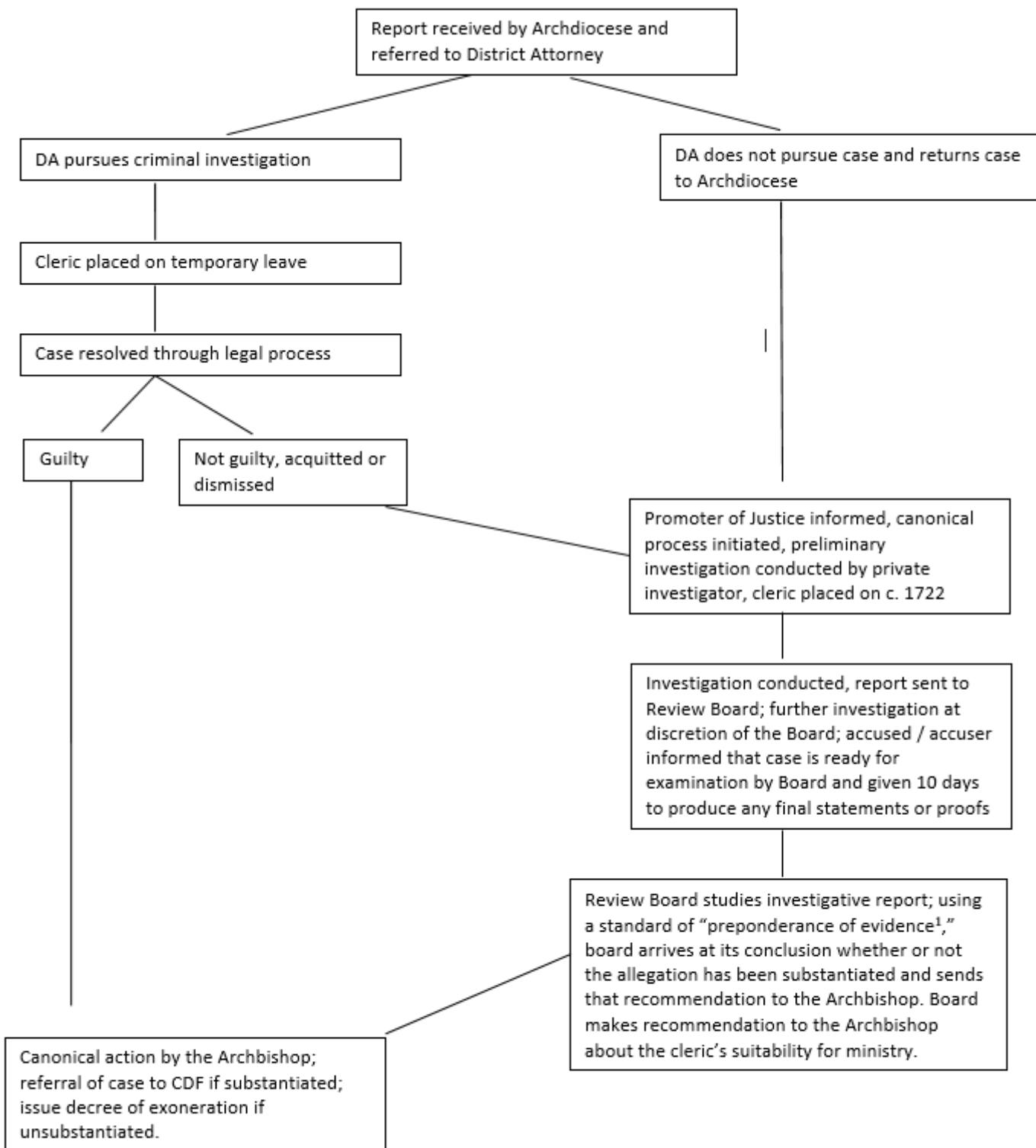
**Sheboygan County**

SHEBOYGAN COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT  
 1011 North 8th Street  
 Sheboygan, WI 53081  
 Office Hours: 920-459-6418  
 After Hours: 920-459-3111  
 FAX: 920-459-4009

**Fond du Lac County**

FOND DU LAC COUNTY DEPARTMENT OF SOCIAL SERVICES  
 87 Vincent Street  
 P.O. Box 1196  
 Fond du Lac, WI 54936-1196  
 Office Hours: 920-929-3400  
 Toll Free: 1-800-525-3187  
 After Hours: 920-906-5555  
 FAX: 920-929-3447

## How the Archdiocese of Milwaukee Handles Reports of Clergy Sexual Abuse



<sup>1</sup>Preponderance of evidence is defined as: Is it more likely than not that the incident occurred? The standard of moral certainty is required in any subsequent canonical process.

### 3.13 JUDICIAL BY-PASS FOR A PREGNANT MINOR

#### Appropriate Response to Requests to Assist in the “Judicial Bypass” Provision of Wisconsin’s Parental Consent Law

Wisconsin’s law requiring that minors who wish to obtain an abortion must first have the consent of at least one parent or adult family member took effect on July 1, 1992. While litigation may delay the actual implementation of the law, key provisions of the law affect members of the clergy, and they should be aware of them.

In addition to consent by a parent or family member, the law also contains a provision allowing a member of the clergy to petition a court for a “judicial bypass” of this consent requirement. This section of the law further provides that a member of the clergy may file the petition on her behalf and perform other acts intended to help her obtain the judicial consent necessary to proceed with the abortion itself.

Since it is very possible that a pregnant minor may come to a priest or deacon for advice, perhaps even assistance, on how to proceed with a judicial bypass, certain facts need to be considered.

A necessary first step is to know the specifics of the law in this regard. The following provisions of Wisconsin Statutes § 48.375 et seq are of special concern for members of the clergy:

1. **Definition of Clergyman** § 48.375 uses the definition contained in section 765.002 (1) of the Wisconsin Statutes, as follows:

“(1) ... ‘clergyman’ in this chapter means spiritual adviser of any religion, whether the adviser is termed priest, rabbi, minister of the gospel, pastor, reverend or any other official designation.”
2. **Role in Petitioning the Court on Behalf of the Minor** Section 48.257 as created in § 48.375 allows a member of the clergy to file a petition with a circuit court on the minor’s behalf. Section 48.375(7) further provides that the clergyman may appear on the juvenile’s behalf (with or without the juvenile present) at the initial appearance in the judge’s chamber. This appearance must be held no later than the day after the petition is filed.
3. **Clergyman’s Affidavit** Section 48.375(7) (bm) requires that any member of the clergy who files a petition on the minor’s behalf must also submit an affidavit stating:
  - a. that the member of the clergy has met personally with the minor and has explored the alternative choices available to the minor for managing the pregnancy, including carrying the child to term, placing the infant for adoption, placing the child with another family member, or having an abortion;
  - b. that the member of the clergy has discussed the possibility of involving one of the minor’s parents in the decision involving the pregnancy;
  - c. whether or not in the opinion of the minor that abortion is in the minor’s best interest.

The law allows the judge to make a decision on the minor's petition based solely on the information in the clergyman's affidavit or to interview the minor before deciding on the petition.

4. **Appeals** The law also allows the clergyman to appeal the judge's decision (at the minor's request) if the petition is denied.

## ISSUES TO CONSIDER

**Definition of "Clergyman"** Although the canonical definition of clergy applies only to priests and deacons, the statutory definition may be interpreted more broadly to include many lay people engaged in pastoral positions. What follows should generally apply to them as well.

**Participation in the Bypass** As the provisions in § 48.375 make clear, a petition to a court for a bypass would, if granted, enable the minor to obtain an abortion. Accordingly, any assistance with such petitions filed with this intent would constitute an act of positive cooperation in the procurement of an abortion, an act clearly prohibited by Church teaching and Canon 1044.1, n.3. Such cooperation may lead to excommunication pursuant to Canon 1398 and would render a person unable to further exercise their orders. Similarly, assisting a minor in filing an appeal to overturn a judge's decision not to bypass the parental consent requirement would also constitute positive cooperation.

Although lay pastoral ministers do not have orders as such, their positive cooperation should be viewed as inconsistent with their position in the Catholic community and grounds for excommunication and / or imposition of an ecclesiastical penalty such as a possible loss of office pursuant to the provisions of Canon 193.

Accordingly, neither Catholic clergy nor lay pastoral personnel should participate in this petition process. Further, they should make this clear to a minor or anyone else who requests such participation.

### Response to Inquiries from Minors or Those Acting on Their Behalf

In responding to such inquiries, the following should be kept in mind:

First and foremost, it is imperative that the response to any inquiry be pastoral, sensitive, and compassionate to the young woman involved. Minors, especially adolescents, facing an unplanned or crisis pregnancy are often unaware of considerations beyond the facts of their own predicament, even to the point of failing to realize how much love and support they can receive from their families and the Church. An affirmation of their own goodness and the desire of loved ones and others, especially the Church, to help them must be communicated in every instance.

Second, it is important that they understand the implications of the teaching of the Church for themselves and for those who are not pregnant. Even if they are aware that Church teaching does

not permit them to have an abortion, they may not realize that this prohibition extends to others they may call upon to assist them in making that choice.

### 3.14 SEXUAL EXPLOITATION BY THERAPIST - FELONY

According to Wisconsin Statute §940.22, originally enacted April 30, 1986, and as amended, any person who intentionally has sexual contact with a patient or client during an ongoing therapist / patient relationship is guilty of a Class F Felony. Wisconsin Statute §940.22(2) explicitly includes members of the clergy among those designated as therapists. Consent on the part of the patient and / or counselee is not an issue and does not absolve the counselor from legal prosecution for his / her actions.

Wisconsin Statute §940.22(2) mandates that other counselors or psychotherapists, when informed by a client that intentional sexual contact has occurred with those individuals listed as therapists in the statute, inform the individual of his / her rights to report the behavior to the District Attorney's office or to the appropriate State regulatory body. The language of the governing statute reads as follows:

If a therapist has reasonable cause to suspect that a patient or client he or she has seen in the course of professional duties is a victim of sexual contact by another therapist or a person who holds himself or herself out to be a therapist in violation of sub. (2), as soon thereafter as practicable the therapist shall ask the patient or client if he or she wants the therapist to make a report under this subsection. The therapist shall explain that the report need not identify the patient or client as the victim. If the patient or client wants the therapist to make the report, the patient or client shall provide the therapist with a written consent to the report and shall specify whether the patient's or client's identity will be included in the report.

Note that the person being counseled is required to receive notice from the therapist of the right to report the abuse; the person's identity need not be released; and the need to have the person consent in writing to have the therapist make a report.

The therapist is obligated under the statute to assist with this reporting if the individual wishes to pursue his / her civil rights in this manner. Therapists who intentionally fail to advise their counselee and report as required may be found guilty of a Class A misdemeanor.

Since Wisconsin Statute §940.22 specifically lists clergy as therapists and since claimants may describe pastoral counseling as therapy, members of the clergy are hereby instructed regarding the serious moral and legal implications of any violation of their pastoral responsibilities in this regard. Members of the clergy are bound by the mandatory reporting section of the statute when authorized by individuals reporting sexual contact by another therapist as defined in the law.

Further information on the specifics of this law, or the mandatory requirements, contained therein may be obtained from the Coordinator for the Archdiocesan Response to Sexual Abuse.

### 3.15 CREDIT REPORT CHECK

The Archdiocese of Milwaukee expects personnel, including clergy, who hold positions that are involved in the administration of finances and budgets to request a Consumer Credit Report in addition to a criminal records check.

**Who will be asked to provide a credit report for review?**

All priests (pastor, associate pastor, in solidum team member, administrator) are required to submit a credit report for review.

**Who will review the credit report?**

Diocesan priests will submit their credit reports to Director of Priest & Lay Ecclesial Personnel and Placement for review. Religious order priests will request a letter from their major superior affirming in writing that there have been no financial irregularities in the priest's background. This letter will be forwarded to Director of Priest & Lay Ecclesial Personnel and Placement as well.

**How frequently is a credit report needed?**

For priests, the credit report is submitted upon announcement of their appointment.

For anyone already in a position before July 1, 2012, the credit report is required coincident with their five year criminal background check.

**How does one request a credit report?**

All credit reporting agencies are required to provide a free credit report annually upon request. The persons impacted must request a current (within the past six months) credit report for this purpose.

Here is a website that will direct you how to request your annual free credit report from one or all of the three credit reporting agencies:

<https://www.annualcreditreport.com/cra/index.jsp>

### 3.16 INTERNATIONAL PRIESTS

**POLICIES AND PROCEDURES  
GOVERNING THE MINISTRY OF INTERNATIONAL PRIESTS  
IN THE ARCHDIOCESE OF MILWAUKEE**

*I. Policies*

- A. The Archdiocese of Milwaukee will follow the Guidelines for Receiving Pastoral Ministers in the United States, prepared by the Office for Pastoral Care of Migrants and Refugees and approved by the Administrative Committee of the National Conference of Bishops in November 1999, and revised and updated in October, 2014.

- B. International priests in the Archdiocese of Milwaukee are of four different categories, parallel to the USA immigration laws: visitors (tourist visa), students (F-1 visa status), priests with an Archdiocesan appointment (religious worker R-1 status) and priests who are incardinated into or may be considered for incardinated status into the Archdiocese (permanent resident status).
- C. Visitor priests are welcome in the Archdiocese. They may function as priests only if they have a recent *celebret* from their proper diocesan bishop or religious superior.
  - 1. The international priest must contact the Chancery Office to inform us of his presence.
  - 2. The host pastor or institution may invite him to preside at Eucharist, Anointings, Baptisms, Reconciliation or Weddings of family and friends.
  - 3. He may be present in the Archdiocese only for the duration of his tourist status or during the time that his I-94 card is valid.
  - 4. If his visit is for the purpose of making a mission appeal, arrangements should be made through the World Mission Ministries.
- D. Student priests may receive faculties to preside at sacraments only if they provide the Chancery Office with designated documents.
  - 1. The educational institution the student priest attends takes care of the immigration matters necessary for an F-1 status.
  - 2. The Archdiocese of Milwaukee, either through the Director of Priest Personnel or through one of its parishes, may offer to find available rectory space that could be used by the student.
  - 3. Student priests may not receive a salary, stipends or wages from a parish providing room and board in accordance with the USA immigration laws.
  - 4. Students priests are responsible for obtaining their own insurance (health, automobile, etc.)
  - 5. The student priest may not receive an appointment to a ministerial position.
  - 6. Students can receive a one-year practical training period with a work permit. The Archdiocese of Milwaukee will work with the educational institution if requested to seek the appropriate apostolate.
  - 7. Upon completion of his studies, he is expected to return to his diocese or religious house.
  - 8. Student priests will not be given religious worker status upon the completion of their studies.
- E. Religious Worker priests are here at the invitation of the Archbishop of Milwaukee and with the permission of their proper diocesan bishop or religious superior.
  - 1. The Archbishop and / or appropriate Archdiocesan offices or officials will develop an ongoing relationship with certain international bishops or religious orders for the purpose of developing a mutual relationship supportive of seeking suitable religious worker priests.
  - 2. Religious Worker priests are invited to the Archdiocese on the basis of spiritual needs and the Archdiocesan Parish / Pastoral Plan.
  - 3. The priest is invited after there is a clear understanding of a specific placement.
  - 4. They may minister up to five years and then must return to their diocese or religious house. Exceptions to this rule will be considered on a case-by-case basis.
  - 5. A priority of the Archdiocese of Milwaukee is to invite religious worker priests to minister to immigrant Catholics in the Archdiocese who are of the same ethnic group.
  - 6. Religious worker priests may also be invited to serve in non-ethnic parishes or ministries.

7. The Archdiocese of Milwaukee will create and maintain a program of local orientation, support and mentoring for international worker priests. The Archdiocese of Milwaukee will use already existing programs for cross-cultural orientation.
8. Individual institutions in the Archdiocese of Milwaukee, such as parishes, may not be the sponsors for the priest's Religious Worker visa status. (However, see # II, A., 1. below.)
9. The Archdiocese of Milwaukee commits itself to taking care of, mentoring and supporting the international priests working here. Working with the international priests, the Director of Priest Personnel will create and / or identify programs and resources that will assist with the issues and concerns of international priests.
10. International diocesan priests are required to sign the necessary documents naming two persons to have medical power of attorney. One of these will be the Vicar for Clergy of the Archdiocese of Milwaukee. International religious order priests are required to sign the necessary documents naming two persons to have medical power of attorney. These will be local clergy in their religious order. If there are none present in the Archdiocese of Milwaukee, the Vicar for Clergy for the Archdiocese of Milwaukee will be so named.

F. Incardinated or Incardinating Priests may have R-1 or "Green Card" visa status. The Archdiocese of Milwaukee wishes them to minister in and / or for the Archdiocese for their lifetime.

1. Incardinated or incardinating priests may either be international students who have been trained under the auspices of the Archdiocese of Milwaukee and then ordained for the Archdiocese or they may be ordained priests whose local ordinary or religious superior has released them to become incardinated here.
2. All of the policies under item I. E. above also apply.

## *II. Procedures*

### A. Visiting priests

1. Any priest asked by parishioners to write a letter of invitation for the visa application of an international priest friend or relative should be very clear that family or friends, not the parish or Archdiocese will be responsible for his support and housing during his stay.
2. Visiting priests cannot expect to collect money for their parishes or projects without prior permission from the pastor of the hosting family or friends. This is not to take the place of the regular mission appeal organized through the World Mission Ministries.

### B. Student priests

1. A student priest may seek room and board either through the request of his local ordinary or religious superior or through the International Student Department of the educational institution he is attending.
2. The Director of Priest Personnel will work with the school to assist in finding appropriate housing.

3. Student priests are allowed to preside at Eucharist but may not collect Mass stipends or stole fees.
4. Before he receives a *pagella* of faculties, the student priest must present these documents to the Director of Priest Personnel:
  - Letter of permission from his diocesan bishop or religious superior authorizing that he is pursuing a degree at an institution of higher learning.
  - Testimonial of suitability for ministry using the prescribed form for the Archdiocese of Milwaukee.
  - His written statement about his reason(s) for being here.
  - A facsimile of his valid passport.
  - A facsimile of his visa and the accompanying INS status stamp.
  - A facsimile of his driver's license.
  - A facsimile of his national ID (if it exists).
  - A facsimile of a rescript granting bi-ritual faculties if applicable.

C. Religious Worker priests

1. Before he is invited to seek a visa to come to the USA, the following documents must be provided to the Director of Priest Personnel by the priest or his local ordinary or religious superior:
  - Letter of permission from his local ordinary or religious superior to minister as a priest in the USA.
  - Testimonial of suitability for ministry using the prescribed form for the Archdiocese of Milwaukee.
  - A copy of his *curriculum vitae* or résumé (a format will be provided to the priest by the Director of Priest Personnel).
  - His written statement about his reason(s) for being here (a format will be provided to the priest by the Priest Personnel Office).
  - A facsimile of his valid passport.
  - A facsimile of national ID card (if any).
  - A facsimile of a rescript granting bi-ritual faculties if applicable.
2. A priest will be invited to minister here only if he already speaks English sufficiently well to be understood or he is willing to enroll in an ESL program. The cost of tuition for any such ESL program will be paid for by the priest once he starts his assignment and is receiving a full salary.
  - TOEFL or similar test used to determine this.
  - An exception may be made for a real pastoral need by the Vicar for Clergy.
3. Upon his arrival in the Archdiocese of Milwaukee, the priest will submit these forms to the Director of Priest Personnel:
  - A facsimile of his visa and the accompanying INS status stamp
  - A facsimile of his driver's license
  - A facsimile of his social security card if applicable

- A medical power of attorney document naming the Vicar for Clergy of the Archdiocese of Milwaukee or a local religious superior as the designated authority.
- 4. All initial fees pertaining to the receiving of an R1 visa will be paid for by the Archdiocese. The Director of Priest Personnel assists in the process and signs all the applications for R1 visas, working with appropriate legal counsel. After the priest is here in legal status, the priest himself (or his diocese or religious order) is responsible for any fees associated with maintaining his legal status or extending his stay.
- 5. While he is here in the USA, the priest himself is responsible for keeping his immigration documents current.
- 6. The priest will be subject to the norms of the *Clergy Manual*.
- 7. The priest's remuneration will be the same as priests of the Archdiocese.

D. Incardinating or Incardinated priests

- 1. The Archdiocese of Milwaukee will support the priest in seeking permanent residence status or citizenship.
- 2. All of the policies in item II. C. also apply.

*III. Requirements for Religious Worker priests and Incardinating Priests*

A. Qualifications of the Nominee

- 1. He must be physically healthy and active, psychologically and spiritually mature.
- 2. He must have a minimum of two years experience in pastoral ministry as a priest.
- 3. He must be ready and willing to minister in a new cultural environment.
- 4. He must be able to live and work with people of diverse ethnic cultural and socioeconomic backgrounds.
- 5. He must speak English and be able to be understood.
- 6. He must be able to work in a collaborative manner with fellow priests, deacons and laity and especially with women in parish work.

B. Participation in these formation programs

- 1. The priest must participate in these programs:

- a. initial orientation to the Archdiocese of Milwaukee including familiarization with the Code of Ethical Standards for Church Leaders.
- b. acculturation program specified by the Director of Priest Personnel.
- c. accent reduction program (if requested by the Director of Priest Personnel)
- d. preaching mentoring and presiding appraisal program.
- e. ongoing mentoring by a priest assigned by the Vicar for Clergy.

2. The cost of these programs is paid for out of the priest's continuing education benefit.

C. Men who are born outside of the United States and who prepare for ordination through St. Francis Seminary are governed by the guidelines and procedures proper to the formation and educational programs of St. Francis Seminary.

#### *IV. Formation for the parishes and the diocesan clergy*

- A. An orientation program for leadership and parishioners receiving an international priest will be provided by the Archdiocese prior to the arrival of the international priest.
- B. An orientation program for the priests of the deanery and / or parishes collaborating with the parish to which the international priest is assigned will be provided by the Archdiocese.
- C. Development of a parish support team to help the priest with preaching and ministering in an American setting.

#### 3.17 APOSTLESHP OF THE SEA

Apostleship of the Sea of the United States of America (AOS-USA) is the professional association of Catholic Maritime Ministers, Cruise Ship Priests, Mariners and all those who support the **ministry to the People of the Sea**.

In most major ports around the world, the diocese assigns a chaplain (a priest, deacon, religious, or lay ecclesial minister) to serve mariners aboard ship and ashore.

Priests of the Archdiocese of Milwaukee, both active and retired, are encouraged to participate in this ministry as an important form of evangelization.

The AOS was established to provide for the specific pastoral needs of mariners and all who travel by water. Chaplains provide the Catholic Mass, Confession, Anointing of the Sick, and the Sacraments of the Church and Pastoral Care. In addition, AOS ministries also work to ensure a safe work environment, just contracts, a genuine welcome and safe haven while in port, spiritual renewal, communication with loved ones back home, and recreational possibilities.

For more information on this ministry or to become involved, see the organization's web site:  
<http://www-aos-usa.org>

### 3.18 PURGATORIAL SOCIETY

In the Archdiocese of Milwaukee, all its priests in fraternal charity celebrate the Holy Eucharist for the intention of recently deceased members of the Presbyterate. This has been assisted over the years through the Priests' Purgatorial Society whose membership consists of all priests either ordained for or incardinated into the Archdiocese of Milwaukee. This membership is asked to do the following in fraternal charity:

1. Each priest is to personally celebrate one Mass for the intention of the deceased priest or cause the Mass to be celebrated by the sending out of a stipend intention. This obligation can be fulfilled through concelebration.
2. The name of the deceased priest is to be included in the Universal Prayer of each parish in the Archdiocese the week the death notice is received, especially including the weekend and holy day Masses, unless instructed otherwise.
3. Attendance at the funeral for a priest is highly encouraged as an act of fraternal charity. However attendance alone does not meet the obligation of the Society mentioned in item one above.

If a member wishes that a notice of the death of his father or mother be sent to the priests of the Archdiocese so that the deceased may be remembered by attendance at the funeral or in prayer at the celebration of the Eucharist, the Chancellor, as Secretary of the Society, must be notified. There is no charge for the printing and mailing of these notices.

### 3.19 DUE PROCESS OFFICE

#### **Archdiocese of Milwaukee**

The Due Process Office of the Metropolitan Tribunal is that office in the Archdiocese of Milwaukee which seeks to assist members of the faith community resolve disputes through formal and informal means, in light of canonical equity and procedures, when other avenues of dispute resolution have failed.

Though we are a community of faith trying to live up to the example set forth in the Gospels, we are also human, and disputes will arise from time to time. It is important to resolve these disputes in a manner consistent with our faith. Scripture urges us to settle our disagreements within the Church community, taking care that our efforts are imbued with a spirit of love and forgiveness. (Luke 6:27).

The due process procedures of the archdiocese are based on the presumption that parties to a dispute desire a settlement in equitable fashion and are willing to work towards an amicable settlement. The process attempts to protect the interests of all parties involved, aiming at the resolution of the grievance.

### **Competence**

Canon 221 of the Code of Canon Law holds that all the faithful have the right to initiate a grievance against any individual, group, or agency in the church who allegedly violates their rights. However, there must be an allegation that a right as recognized in the Code of Canon Law, teachings, or magisterium of the Church has been violated.

However, the jurisdiction of the Due Process Office has limitations.

#### **A. Time**

A petition to the Due Process Office must be made within 45 days of the date of receipt of the result of the last previous attempt at resolving the conflict. (In other words, 45 days from the end of the last required step before approaching the Due Process Office). If there is a valid reason why this deadline cannot be adhered to, recourse to the Judicial Vicar of the Archdiocese should be made which explains this reason.

#### **B. Subject Matter**

The Due Process Office cannot accept cases regarding the validity of marriage or sacred orders, the imposition of penalties by penal or contentious process or those matters requiring a special process according to the Code of Canon Law. It also cannot handle internal matters of religious institutes, communities or their members.

#### **C. Personal Jurisdiction**

The due process office can only hear complaints where the parties are under the authority of the Archbishop of Milwaukee.

In instances where the parties have already undergone significant informal and formal mediation, the Due Process Office is not the proper forum to pursue a dispute. If procedures are in place for dispute resolution and have been fully complied with, without successful resolution, then any appeal should be made directly to the Administrative Tribunal. The Due Process Office reserves the right to refer any case to the Administrative Tribunal when it is clear that any further efforts at mediation will be fruitless.

The Archdiocesan Personnel and Placement Office, as well as each parish, should have procedures for initial attempts at resolving disputes. If an acceptable resolution cannot be reached at these levels and mediation has been fully attempted, recourse may be taken to the Archdiocesan Due Process Office.

The Due Process Office also works cooperatively with the Vicar for Clergy. The Due Process Office respects the competence of that office to moderate any issues that may arise within their jurisdiction. In matters of allegations of sexual abuse by a priest, the matter is handled in accord with Archdiocesan Policies, Procedures and Protocols for these issues. The Due Process Office has no competency to handle these cases.

### **Due Process Personnel**

The Archbishop has the ultimate authority to settle all disputes and conflicts of rights which arise within his jurisdiction. The Due Process Office in conjunction with the Court of Equity is the usual agency through which the Archbishop normally exercises this responsibility. The Archbishop may, however, settle a matter by his own decree.

The Judicial Vicar oversees the Due Process Office and has ultimate authority to decide all aspects of a case, with recourse only to the Archbishop. Complaints should be initially addressed in writing to the Judicial Vicar. The Tribunal Chancellor is stably delegated to receive these complaints and to initiate the gathering of information as the Due Process Coordinator.

The Due Process Coordinator shall review all petitions and, in conjunction with the Judicial Vicar, shall determine whether such petitions fall within the competence of the office. The coordinator shall also be responsible for all record keeping and for direct communication with the parties.

### **Handling Grievances at the Parish Level**

Since many disputes arise from the internal workings of a parish each parish should establish an internal procedure for handling grievances and resolving conflicts. If this has not already been done at a particular parish, the Archdiocesan Personnel and Placement Office can help establish these procedures.

Often, a grievance or conflict in the parish cannot effectively be handled by the Parish Pastoral Council itself because of the size, nature and function of this group. Each Parish Pastoral Council has the responsibility to establish and make known a group who will initially hear the grievance and offer help in finding a resolution. Ideally, this will be accomplished through a Human Resources Committee of the Parish Finance Council. A Human Resources Committee should consist of persons expert in relevant fields.

The Due Process Office can also review grievances that might arise at other institutions under the jurisdiction of the Archbishop of Milwaukee.

The following guidelines should be observed:

1. Following the principle of subsidiarity, matters should be dealt with at the most appropriate level. Accordingly, there should first be an effort to resolve grievances and conflicts by the two persons or groups directly involved.

2. If the initial effort has been unsuccessful, the matter may be resolved through the informal mediation of another qualified, impartial person.
3. The next step would be submission of the grievance to the appropriate body. For grievances within a parish, a dispute relating to the school should be submitted to the school committee or its equivalent in practice; one involving liturgy to the liturgy committee or its equivalent. For those grievances involving parish personnel and contractual concerns, a separate grievance panel should be established by the parish. This panel should be established in advance, and be available on a stand-by basis, to avoid accusations of bias in selection of panel members. This panel's decisions would be made on an advisory basis to the pastor.
4. The pastor, administrator, or parish director, has ultimate authority at the parish level. Any dispute which cannot be resolved through other means should be brought to the attention of the pastor, administrator, or parish director.
5. If the grievance cannot be resolved at the parish level, recourse can be taken to the Due Process Office.

#### *Due Process Procedures*

##### I. Starting the Process

- A. A person seeking recourse from the Due Process Office is known as the "petitioner," and the person, group, or institution with whom that person is in conflict is known as the "respondent." Recourse to the Due Process Office is called a "petition."
- B. Within 45 days of the failure of the last effort at mediation, the petitioner shall submit a petition to the Due Process Office. This petition shall specify the complaint, the appropriate respondent, and what attempts have been made to settle the dispute. The petitioner should also indicate what remedy is sought.
- C. The Due Process Coordinator shall review all petitions and, in conjunction with the Judicial Vicar, determine if the stated grounds for pursuing the dispute are sufficient, and determine if the Due Process Office has jurisdiction to hear the matter. If the petition is not specific or complete, the petitioner will be notified of any defect. (Note: The Judicial Vicar may delegate another canonist to assume his place in any given case).
- D. If the Judicial Vicar finds the facts as stated sufficient to begin due process proceedings, the petitioner shall be invited to the tribunal to meet with the Judicial Vicar or the Due Process Coordinator as well as another staff member of the Metropolitan Tribunal who shall assist as an auditor in the instruction of the matter. The purpose of this interview is to gather details about the case and the efforts made up to that point to resolve the dispute.
- E. The Judicial Vicar or Due Process Coordinator shall then contact the respondent and inform that person or group that a petition has been filed, along with the name of the petitioner. The respondent will be asked to appear before the Judicial Vicar or Due Process Coordinator, along

with an auditor, to respond to the allegations and present any additional facts. At the conclusion of the interview the respondent will be asked if they are willing to participate in due process procedures.

F. If the respondent refuses to cooperate with these due process proceedings or refuses to answer correspondence from this office, the petitioner must decide whether to withdraw the due process petition or to petition the Court of Equity. If such a petition is accepted by the Court of Equity, the respondent can be compelled to cooperate since the Archbishop has vested his authority in that body.

## II. Mediation Procedures

1. The Judicial Vicar must be satisfied that the petitioner has made reasonable efforts to communicate with the respondent and resolve the dispute before a case will be accepted by the Due Process Office. Once the Judicial Vicar is satisfied that such direct efforts have been attempted and have failed, and that further mediation efforts might be useful, the petition shall be accepted.
2. As outlined previously, the Judicial Vicar or the Due Process Coordinator shall meet individually with each of the parties. The Judicial Vicar or the Due Process Coordinator shall meet with both parties in an effort at informal mediation in an attempt to help the parties find areas of agreement and grounds for compromise. Such meetings shall continue as long as they are necessary and productive.
3. If the dispute is resolved by agreement, the Judicial Vicar shall draft a summary statement of the dispute and its resolution for the parties' approval and signatures. A copy of this signed agreement shall be kept in the files of the Due Process Office.
4. The Due Process Office does not have the power to force the parties to adopt a solution. The Judicial Vicar shall have the right, however, to declare that one or both parties is not cooperating in good faith.
5. If the respondent fails to cooperate the petitioner may choose between withdrawing the due process petition or filing a petition with the Court of Equity.
6. If efforts at mediation fail, either party may petition the Court of Equity for the Archdiocese of Milwaukee. If the case is accepted by the Court of Equity, both parties will choose advocates, a judge will be assigned, and full oral argumentation will take place. The Court of Equity has the power to force the non-petitioning party to cooperate (so long as they are under the jurisdiction of the Archbishop of Milwaukee), as well as the power to enforce its decisions. However, since this is an adversarial procedure involving significant time and expense, all efforts should be made to settle a matter before bringing it to the Court of Equity.

## Final Awards, Appeals

If warranted, the Due Process Office shall issue a “due process report” at the conclusion of a case. This report will set forth the facts and allegations of the case as well as the final disposition in the Due Process Office. This report will ordinarily be published to the parties, the Archbishop, Vicar(s) General, and any other relevant Archdiocesan personnel. The Archbishop of Milwaukee retains the right to intervene in the matter in confirmation of the findings of the due process report or to establish another course of action.

The Due Process Office does not have the power to order any person or group to take action, to cease action, or to award damages because of a violation of rights. The Due Process Office shall instead attempt to assure that all reasonable steps have been taken to mediate a dispute. However, the Due Process Office may direct a case to the Court of Equity which does have these powers. Any recourse against a decision by the Due Process Office should be directed to the Court of Equity.

Any questions about the process as well as petitions, should be directed to:

Due Process Office  
Archdiocese of Milwaukee  
3501 S. Lake Drive  
P.O. Box 070912  
Milwaukee, WI 53207-0912  
(414) 769-3300

### 3.20 ARCHDIOCESAN COURT OF EQUITY

#### ARCHDIOCESE OF MILWAUKEE

In cases where the Due Process Office is unable to bring a resolution to a dispute, either party may petition the Archdiocesan Court of Equity to hear a case. The purpose of this information is to explain how to present a case to the Archdiocesan Court of Equity of the Archdiocese of Milwaukee, and to describe the process that follows if the case is accepted. This information should be helpful to all parties, including the party who has not asked for the review. However, this information is not meant to replace those official sources which govern the process. Parties involved in an actual case before the Archdiocesan Court of Equity are advised to consult Book VII of the Code of Canon Law and the published norms of the Archdiocesan Court of Equity, which are available upon request in the Metropolitan Tribunal

#### WHAT IS AN ARCHDIOCESAN COURT OF EQUITY?

In 1993, the Archdiocese of Milwaukee, along with the Archdiocese of St. Paul / Minneapolis, was chosen for a special pilot project sponsored by the Canon Law Society of America. These two archdioceses were chosen to implement administrative tribunals. The administrative tribunal for the Archdiocese of Milwaukee came into existence and began operations on September 5, 1995. Eventually, at the direction of the Apostolic Signatura, this body's purview was somewhat narrowed, and the name changed to the Archdiocesan Court of Equity. The jurisdiction and role of the Archdiocesan Court of Equity has been confirmed by each subsequent Archbishop of Milwaukee.

## WHAT KIND OF CASES CAN BE HEARD BY AN ARCHDIOCESAN COURT OF EQUITY?

The purpose of this Archdiocesan Court of Equity is to handle disputes between an individual or defined group and a church administrator or administrative body. Grievances must contend that a right, recognized by the Church, has been harmed through an administrative act, decision, or a failure to act on the part of the same. Cases involving criminal penalties, marital status, the removal of pastors, the validity of the sacraments, the internal affairs of religious orders, or matters otherwise reserved to other ecclesiastical processes in the Church may not be heard. Administrative acts of bishops are not subject to the Tribunal's authority.

No case is considered until it has been demonstrated that all reasonable efforts at conciliation have failed, and all appropriate administrative remedies have been exhausted. This means that an individual, in a documentable way, must first go through the normal hierarchical recourse process and within that process, request to have the action in question rescinded or modified. If this initial effort is unsuccessful, in most cases an attempt will have to be made to mediate or conciliate the dispute through the appropriate office of oversight at the Archdiocesan level.

Examples of cases that might be appropriate would be: employment disputes between an individual and a parish (or other Archdiocesan institution), disputes between two parishes, or disputes between a pastor and parish leadership bodies (i.e. the parish pastoral council or finance council). This list is not meant to be exhaustive. The goal of this project is to further local efforts to provide justice to those who feel wronged by an institution of the Church, without making them go outside of the Church for a resolution.

### *Frequently Asked Questions about the Archdiocesan Court of Equity:*

#### HOW LONG DOES THE PETITIONER HAVE TO PETITION THE TRIBUNAL?

Normally a petition to the Archdiocesan Court of Equity must be made within fifteen (15) days of the receipt of a final response. (Either to the request to revoke the action or from the end of any conciliation proceeding). Exceptions to this time limit can be made by the Judicial Vicar for good cause.

#### HOW IS A CASE PRESENTED?

Within fifteen (15) days from the day in which a negative response has been received from the appropriate body or from the conclusion of efforts in the Due Process Office or other conciliation procedure, a **petition** must be submitted to the Archdiocesan Court of Equity through the Judicial Vicar. The Tribunal Chancellor is stably delegated to receive these petitions and initiate instruction of the matter. The petition must state the names of all parties to the dispute, the basic facts of the dispute, and the issue or issues involved in the dispute, according to the understanding of the petitioner. The Judicial Vicar then determines whether there is sufficient basis to go ahead with the case.

#### WHAT HAPPENS ONCE THE CASE IS ACCEPTED?

After a case is accepted, the Judicial Vicar shall determine whether there exists a grave enough allegation to suspend the contested action pending the resolution of the dispute by the Archdiocesan Court of Equity. Each side is asked to choose an advocate. A judge (or panel of judges) is assigned by the Judicial Vicar. The petitioner, with the assistance of an advocate, is asked to produce a *libellus*, a document which, more precisely than the original petition, sets forth the facts of the case, the right(s) alleged to have been violated by the respondent, the proofs which will be used to prove the allegations, and what relief the petitioner is seeking. The respondent is afforded an opportunity to reply to the allegations of the libellus and set forth what proofs he / she will use.

Upon consideration of this information, the judge will issue a joinder of issue, a document which specifies the terms and scope of the controversy to be addressed. The judge then sets a date for the hearing to be held, usually within 30 days.

#### WHAT IS AN ADVOCATE?

An advocate is someone trained and experienced in canon law and in the rights and obligations of the Christian faithful. All advocates hold either a degree in canon law or have significant experience in this area. Each party is asked to select an advocate from a list maintained by the Archdiocesan Court of Equity. In special circumstances parties may ask to have another person who is appropriately trained act as their advocate. This advocate must then be approved by the Judicial Vicar. All advocates must have reached the age of majority, be of good reputation, and be demonstrably knowledgeable in the rights and obligations of the Christian faithful.

#### WHO IS THE JUDGE?

Proceedings in the Archdiocesan Court of Equity are ordinarily conducted before a single judge, although the law does provide for a panel of three judges. Unless grave concern exists, the Judicial Vicar will serve as the sole judge or will appoint the sole judge or the panel of judges. All judges are approved by the Archbishop. All judges shall be of unimpaired reputation, known for their good character, prudence, and learning, educated in canon law, and knowledgeable of and sensitive to the rights of all persons in the Church.

#### WHO IS THE PROMOTER OF JUSTICE?

Each case shall have the participation of a promoter of justice. The promoter of justice shall attempt to ensure that the truth emerges from these proceedings and that all parties' procedural rights are upheld. The promoter of justice is to be appointed by the Archbishop, must have an unimpaired reputation, be educated in canon law, knowledgeable about the rights and obligations of the Christian faithful and be proven in prudence and the zeal for justice.

#### WHAT HAPPENS AT THE HEARING?

The hearing itself is governed by the oral contentious process, which is found in the Code of Canon Law, canons 1657-1670. However, in order to expedite matters, and with due regard for the

demands of justice, the judge in a particular case may deviate from any procedural norms which do not affect validity. The hearing shall gather all the parties, their advocates, and the witnesses together, testimony will be heard and the judge will issue a decision. Unlike an effort at mediation, the hearing does not attempt to find common ground between the parties, but rather attempts to find the “truth.”

#### WHAT KIND OF EVIDENCE IS USED?

At the hearing, documents that are relevant may be introduced by any party. All parties to the dispute may be called to testify orally. In addition, each party may ask that the judge call other people who have knowledge of the case to appear at the hearing and give testimony.

#### WILL THE PARTIES NEED TO HAVE WITNESSES TO TESTIFY ON THEIR BEHALF?

In general, a case may be proven by three methods: A. Documentary proof, B. Testimony of the parties themselves, and C. Testimony of outside witnesses. While it is not absolutely essential to have testimony from outside witnesses, such testimony will probably be necessary to prove the majority of cases.

#### WHAT CAN BE AWARDED BY THE JUDGE?

If a party is found to have been wronged, two different types of restorative relief can be awarded by the judge: either monetary relief or an order to rescind the administrative action so that the violation of rights will cease. In general, it is more direct to win an award of money, which upon payment will end the matter. However, in cases where money is not a sufficient remedy, the judge may require the respondent to act, or cease to act, in such a way that the petitioner's rights are restored.

#### WHAT IS THE STANDARD OF PROOF?

The petitioner must prove that his / her right(s), as guaranteed by the Code of Canon Law or the teachings and magisterium of the Church, have been violated or are threatened to be violated. This must be proven to a “moral certitude.” In the absence of moral certitude that a recognized right has been violated, no award can be made to the petitioner.

#### CAN RE COURSE AGAINST A DECISION OF THE ARCHDIOCESAN COURT OF EQUITY BE FILED?

Within fifteen days after receiving the published sentence, either party may take recourse against the decisions of the Archdiocesan Court of Equity to the Archbishop.

#### HOW DOES THE ARCHDIOCESAN COURT OF EQUITY DIFFER FROM A CIVIL COURT?

There are numerous differences between a hearing in the Archdiocesan Court of Equity and a civil trial. Although both processes result in a winner and a loser, the standard of proof in the Archdiocesan Court of Equity is much higher; petitioners must prove their case to a “moral certitude,” not merely demonstrate it with the “preponderance of evidence.” In the Archdiocesan

Court of Equity the judge takes a much more active role in questioning the witnesses and moving the proceedings along than in a civil trial. There is also no jury, the judge makes all decisions. Finally, there is no analog to the promoter of justice in the civil system. The promoter's only job is to help establish the truth, not to advocate directly the position of either party.

#### WHAT IS THE RESULT OF A HEARING?

After the hearing, the judge will compose a sentence, setting forth the facts of the case, listing the question or questions that were to be established in the joinder of the issue, and stating a decision as to whether the petitioner's rights were violated as well as the canonical grounds and / or Church teaching on which this matter was decided.

#### IS THERE A FEE?

There is no standard or set fee to petition the Archdiocesan Court of Equity, and if the petition is accepted, there is no pre-determined fee for any of the expenses of a hearing. However, each party is expected to compensate his / her own advocate at the generally accepted rate at the time. The expenses of witnesses and the costs of producing proofs shall be paid by the respective parties. However, it is the policy of the Tribunal that economic means shall not dictate access to justice. If any party feels unable to meet these expenses, he / she should request a copy of the payment policy of the Archdiocesan Court of Equity to determine if other arrangements may be worked out. It remains within the purview of the judge to assess fees to the parties at the conclusion of the case.

#### WILL THIS MATTER REMAIN CONFIDENTIAL?

The fact that a case has been filed with the Tribunal, as well as the names of the parties, shall be a matter of public record. A notice shall be sent to all interested parties when a case is accepted for review by the Archdiocesan Court of Equity.

Notification of appropriate and interested offices and / or persons might result from the instruction of the case. Normally the facts and documents of a case shall be a matter of public record, under the provisions of Canon 1598. However, in a particular case the judge or Judicial Vicar may choose to seal the records, either at the request of one of the parties or at the judge's own initiative. General information which can be divulged without identifying any of the specific parties may be shared with such professional bodies as the Canon Law Society of America, (CLSA), for study and research purposes, as well as to develop a body of jurisprudence.

#### HOW CAN THIS JUDGEMENT BE ENFORCED?

The Archdiocesan Court of Equity has authority that extends over all people and institutions to which the Archbishop's authority extends. In this limited scope, the Archbishop has delegated his authority to the Archdiocesan Court of Equity. Recourse can be taken directly to the Archbishop at any point in the proceedings.

### 3.21 PENAL TRIALS ACCORDING TO THE CANON LAW OF THE ROMAN CATHOLIC CHURCH

#### **How do penal trials fit in with the Policies, Procedures and Protocols for Clergy Sexual Abuse of Minors: Prevention and Response?**

Once an accusation of sexual abuse of a minor by an archdiocesan cleric is received, if the accused is still alive, the report is forwarded to the proper District Attorney. Unless there is a danger to public safety, the accused cleric is not informed of the accusation or removed from ministry lest there be any interference with a criminal investigation.

If the District Attorney does not proceed with a criminal investigation or charges, the cleric is informed of the accusation and informed of his rights. He is removed from ministry at that time under the provisions of canon 1722 with the Promoter of Justice being informed. The report of the accusation is handed over to an independent investigator, appointed by the Archbishop, who undertakes a thorough investigation of the case. This investigation serves as the canonically required preliminary investigation (cc. 1717).

The results of the investigation are turned over to the Diocesan Review Board which serves as an advisory body to the Archbishop. The Review Board may direct that additional investigation takes place or may consider the results sufficient for their purposes. The Review Board discusses the investigative report and recommends their conclusions to the Archbishop. They may recommend that the accusation is to be considered unsubstantiated or substantiated.

The standard upon which they make their recommendation is a preponderance of evidence, that is, more likely than not to have occurred. This is not the same standard to be used at the conclusion of a penal trial which calls for moral certainty.

If the Review Board recommends that the accusation is to be considered unsubstantiated, the Archbishop will remove restrictions on ministry and return to the cleric to ministry. If the Review Board recommends that the accusation is to be considered substantiated and the Archbishop accepts this recommendation, he refers to case to the Congregation for the Doctrine of the Faith (CDF).

What are the various options available to the Archbishop in his request to the CDF regarding an accused cleric?

#### **What are the various options available to the Archbishop in his request to the CDF regarding an accused cleric?**

There are five options that can be exercised when dealing with the status of a cleric against whom there is a substantiated report of sexual abuse of a minor:

1. The cleric may accept responsibility for his actions and voluntarily petition the Holy Father for a dispensation from the obligations arising from Holy Orders including that of celibacy, ("laicization").

2. The Archbishop may request that the Holy Father act with his immediate and universal executive authority to dismiss the cleric from the clerical state (*ex officio* dismissal). The pope's decision is not subject to appeal or review.
3. The Archbishop may request that the Holy See impose a penalty on the cleric using an administrative penal process (described in canon 1720 of the Code of Canon Law) without going through a church trial. Or he may ask that he be delegated to conduct such a process. If the Archbishop is delegated and decides that the penalty is to be dismissal from the clerical state, he needs approval from the CDF; if he decides on a lesser penalty, he can decree it on his own authority. The accused cleric may appeal this action.
4. The Archbishop may request authorization, or be directed, to conduct a penal trial of the accused cleric by the archdiocesan tribunal. These are church trials, as opposed to civil trials that may carry jail terms or other penalties. The decisions and penalties of the archdiocesan court can be appealed by the cleric to the CDF. The diocesan Promoter of Justice can also appeal the local decision, for example, if he believes a conviction was warranted for a cleric who was not found guilty.
5. In cases where a cleric known to have abused a minor cannot be prosecuted under church law for technical reasons, a disciplinary action can still be imposed on him -- such as limiting or removing him from direct ministry or, after consulting with psychological experts, declaring him impeded from the exercise of ministry.

#### **Who might face a trial in the Tribunal of the Archdiocese of Milwaukee?**

When dealing with an allegation of sexual abuse of a minor by a cleric, it is important to note that only those clerics (ordained priests or deacons) who are incardinated in the Archdiocese of Milwaukee will be put on trial here. Clerics from other dioceses, or those who are members of institutes of consecrated life or societies of apostolic life, would face appropriate processes in other venues.

In cases where an allegation is directed at a lay employee of a Church institution, judicial review of the accusation(s) is solely the purview of secular courts, whether in a criminal or civil trial.

#### **What are the basic rights of a person who has been victimized and the Church's responsibility to respond to this injury?**

*(Adapted from "Guide to the Implementation of the U.S. Bishop's Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" by the Canon Law Society of America)*

##### ***The Right to be Heard***

A number of principles in Church law address the right of individuals to bring their needs and concerns to the attention of the Church and to receive appropriate assistance in safeguarding the public good. Certainly one who has been victimized by a cleric first and foremost has the right to file a report with the civil authorities.

Canon law provides an individual with the right to bring an allegation of this nature to the attention of Church authorities for the express purpose of initiating a process that will lead to healing, reconciliation, a just resolution of the harm which has been suffered, and to prevent any further harm from occurring. The *Charter for the Protection of Children and Young People* and *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* specifically address allegations of abuse perpetrated by the clergy.

The first obligation of a diocesan bishop within the context of a preliminary investigation of an allegation of the sexual abuse of a minor by a cleric is to determine whether a crime may have been committed. Once this is determined, actions in civil or canon law may be taken to address the injuries suffered by the victim and the community as a whole. A penal trial is one of a number of ways by which the Church can work to determine facts, restore justice and healing for victims and prospectively protect the larger community.

Outside of a penal trial, canon law provides various approaches by which the diocesan bishop can address the needs of individual victims through canonical methods, but also including the use of processes such as mediation.

#### ***The Rights of Reputation and Privacy***

Throughout any contact with the diocese during formal or informal processes, those making allegations and those accused have a right to expect that their reputation and privacy will be respected. The principle of confidentiality in canon law derives from the ancient understanding that all are entitled to a good reputation. Canon law also states that “no one is permitted to harm illegitimately the good reputation which a person possesses or to injure the right to protect his or her own privacy.” Confidentiality is viewed as essential to affirming and protecting any person’s legitimate reputation, whether alleged victim or accused.

Those bringing allegations to the attention of Church authorities have the right to expect that their names will not be made public to the greater Church community, whether their allegation leads to a canonical trial or not. This includes any reference by the accused to his friends or colleagues. Indeed, the accused, who himself enjoys the same right and expectation of privacy, must clearly understand that he is required to respect the accuser’s right in this regard and must limit any communication of information regarding them only to those who might be assisting him with a particular canonical process. Any persons involved with the investigation of the accusations must also be admonished to refrain from speaking to any unauthorized persons about the case for the protection of all the parties involved.

#### **Who is involved in a Church trial?**

The outcome of a penal trial rests largely on the testimony of affected parties and witnesses. The parties to the canonical trial are specifically:

- 1) the accused cleric as a defendant, with his own canonical advocate who, within the norms of law, assures that his rights are protected and that proper procedures are accorded him;
- 2) the Promoter of Justice as the prosecutor;

- 3) a panel of three ecclesiastical judges;
- 4) a notary (an official recorder of the information).

In canon law, the process places the burden of proving an allegation on the Promoter of Justice not on the person who made the report of abuse. But, that person will be the most conclusive source of information and testimony. That party, as well as any witnesses who might need to be deposed, will offer their testimony in a very safe, preferably neutral, setting. Those present during the depositions and trial are strictly limited and those testifying will likely never have to confront, or be confronted by, the accused cleric.

### **What is meant by evidence?**

Witnesses are important for the kind of objective evaluation that a penal trial demands. The process works best when specific information and details can be gathered to establish the facts in a case. The best witnesses are those who can provide facts regarding events and circumstances central to the case.

Witnesses are not aggressively cross-examined in order to obtain facts. They may be asked to offer a deposition, or, in certain circumstances, asked to fill out a written questionnaire detailing their knowledge of the circumstances in the case. Any other information that might be helpful in proving a case, such as statements from therapists, counselors, or other professionals can also be offered into evidence if the Promoter of Justice sees it as useful, and the judges approve. If this is to be done, a waiver of confidentiality for the therapist, counselor, or other professional will be obtained from the appropriate witness. (Any interaction bound by the seal of confession will be excluded.)

### **Who are the judges in these cases?**

The three ecclesiastical judges assigned to each trial are persons qualified by training and practice in canon law, and are appointed on a case by case basis by the Archbishop. The judges need not all come from within the territory of the Archdiocese of Milwaukee, although to best assist the progress of the trial it is likely that at least one judge will be a local resident. The judges are asked to evaluate impartially all the evidence that has been gathered to determine if it is sufficient to prove with moral certitude (see description below) that a delict, that is to say a canonical crime, was committed by the accused cleric. The judges' decision is based on the evidence gathered plus the weighing of the observations of the advocate and the promoter of justice.

### **Who is the Promoter of Justice?**

It is the responsibility of the Promoter of Justice to safeguard the public good within the Church. This is done by initiating, on behalf of the Church in general or specific injured parties, various legal procedures that might result in determinations of guilt or innocence and to seek the application of penalties. While not serving as an advocate for the person who made the allegation of abuse, the Promoter of Justice will rely first and foremost on the testimony of such individuals in the process of safeguarding the public good and making a case against an accused cleric.

### **Who else might be involved in a penal trial?**

While judges, the promoter of justice, and an advocate for the accused are stable and consistent throughout a trial, at certain times notaries (record keepers), experts and auditors (professionals appointed by the judges to assist in the gathering of information) might be used. All personnel who are involved in a canonical trial are bound to a very strict obligation of confidentiality in order to protect the right to privacy of all parties.

### **How does the Tribunal arrive at its decision?**

Once the trial has begun it does not cease unless the Promoter of Justice formally withdraws the case, or other circumstances (such as the death of the accused cleric) render the need for the process moot.

The judges ask for depositions from all appropriate witnesses. Statements are taken from each, separately and for the record. Then the testimony of witnesses in written form and other supporting evidence is gathered. Supporting evidence often takes the form of public documents gathered in secular civil or criminal procedures; police reports; properly released medical or mental health reports; or third-party accounts, such as news articles that provide background, or substantiating information.

When the evidence gathered is deemed sufficient, the Promoter of Justice prepares for the judges a brief, or report, that summarizes the evidence and recommends a decision and a penalty. The advocate for the accused cleric also prepares a brief in response to the document prepared by the Promoter of Justice. In certain cases, the judges may consult outside experts for authoritative opinions about details or situations contained in the testimony. The judges study the collected testimony, documents, and the briefs filed and together they write a decision. The decision is based on canon law and the facts of the case and explains the decision and how its conclusion is in keeping with canon law and the testimony and evidence at hand. The standard required for a judge to determine that a delict (canonical crime) has been committed is referred to as "moral certitude."

When completed, the written decision is provided to the Archbishop of Milwaukee; the Promoter of Justice; the advocate for the cleric on trial; and a copy is sent to the CDF. At that time and at the discretion of the Judges, the outcome of the decision can be communicated to appropriately involved or interested parties by either the judges themselves, the Promoter of Justice, or other personnel of the Archdiocese of Milwaukee. If this is to be done, it is appropriate that reasonable attempts be made to make such notification prior to any notification of the trial's outcome to the general public.

### **What happens after an affirmative decision?**

An affirmative decision means that the judges find, with moral certitude, that the allegations put forth by the Promoter of Justice are proven. Some might say that it is a verdict of guilty. Because of the gravity of the crimes that are at issue here, and the significance of a case where the penalty might be a dismissal from the clerical state, an initial affirmative decision finding moral certitude that a delict (canonical crime) has been committed and imposing a penalty, must be transmitted to

the CDF for their final indication that the penalty can be applied. Only after this final review would it be reasonable to call a case “closed.” The timeline for this review cannot be predicted.

**Can the Church prosecute a case that was not pursued by civil authorities or where the accused was found “not guilty” in a secular court?**

As in secular criminal law, the Church does have a statute of limitations for prosecuting canonical crimes. In our system of laws this period to act is referred to as the time of prescription. If someone has been approached by the Tribunal to provide testimony in this type of case it means that because of the gravity of the accusation, the Holy Father, through the CDF, has derogated, that is to say overridden, that law about prescription specifically so that a trial could be held.

Generally, American civil law has no way to override the restrictions of a statute of limitations. Furthermore, as alluded to above in explaining moral certitude, the rules of evidence in Church law are different than those in American civil and criminal law. Taken together, these two significant areas of difference mean that the outcome of a trial under canon law might have different results than a criminal or civil trial in a secular court.

### 3.22 FUNERAL ARRANGEMENTS FOR PRIESTS – A GUIDE FOR FAMILY AND FRIENDS (SEE FORMS FOR FUNERAL / BURIAL FORM)

**Q. How are the priest’s wishes concerning his funeral / burial plans known?**

A. All priests of the Archdiocese are encouraged to maintain current funeral and burial instructions. These are kept in the Chancery Office.

**Q. Who at the Archdiocese should be contacted with news of a priest’s death?**

A. The Chancery Office will assist the family through the funeral planning process and handle notification to the Archbishop and fellow priests. Calling the Chancery Office (Chancellor – 414-769-3341; Administrative Assistant – 414-769-3339) as soon as possible will help facilitate the planning process.

**Q. Are there any guidelines for advance funeral planning?**

A. Each year, usually in February, the Chancery Office provides priests with a Funeral Planning Form. It is available as an electronic file which can be completed on the computer and printed out. Print versions are also available. Priests are asked to send their completed forms, sealed and dated, to the Chancery Office for filing in their personnel records. These plans can be accessed and used to assist the family at the time of death. The Form provides an opportunity for the priest to assist in the planning of his funeral by selection of readings and hymns.

**Q. Where is the funeral Mass to be celebrated?**

A. The Funeral Planning Form allows a priest to designate the parish church where he would request the funeral Mass be celebrated. Usually it will be a parish where he was assigned at one time or his family parish. At the time of death, the Chancery Office can assist the family in making the appropriate contacts.

**Q. Who presides at the funeral Mass for a priest?**

A. The Archbishop of Milwaukee is ordinarily the principal celebrant at a priest's funeral. If he is unable to preside, an Auxiliary Bishop will usually take his place. If none of the bishops is available, the Vicar General / Vicar for Clergy will preside. Contacting the Chancery Office as soon as possible after the death, can assist the family in knowing when the Archbishop will be available and guiding their choice of a date and time.

**Q. Who preaches at a priest's funeral?**

A. Among the various parts of the Funeral Planning Guide there is a place to note the choice of a homilist. If no one is designated, the family, in consultation with the Chancery Office if desired, may select a priest and request that he preach the homily.

**Q. How are other priests notified of the death and funeral arrangements?**

A. The Chancery Office prepares and sends a death notice to all the priests in the Archdiocese. The death notice includes a biographical summary of the priest's ministry and assignments. A copy can be provided to the funeral director at the family's request to assist in preparation of a death notice in the newspaper. In the communication from the Chancery, priest classmates and friends are invited to concelebrate.

**Q. How should the priest be attired for the Vigil and Visitation?**

A. Ordinarily the priest is vested in Mass vestments. If the funeral director needs assistance in this process, the Chancery Office can make arrangements for a priest to assist in vesting. If no vestments are available, the Chancery can assist the family in locating suitable ones.

**Q. Do priests have last wills and testaments?**

A. Priests are requested to draw up a will and keep a sealed, updated copy in their personnel file in the Chancery. When a priest dies, the will is opened to determine who has been designated as the personal representative for the estate. This person should be involved in any decisions about the disposition of the priest's personal effects. Ordinarily, a priest's personal effects are not disturbed until the personal representative for the estate authorizes such action. Priests should consider making an inventory of their personal possessions, especially noting what may be in their use but is not their possession, such as rectory or household furnishings.

**Q. Who is responsible for a priest's funeral expenses?**

A. As part of their advance funeral planning, priests should make sure that they have made arrangements for such expenses. The location of any insurance policies, bank accounts, etc. should be made known to a family member or other trusted person. There is a place on the Funeral Planning Guide to note where a safety deposit box may be located.

**Q. Where else might a priest go for assistance in advance planning for his funeral?**

A. The Archdiocese of Milwaukee Catholic Cemeteries staff members are ready and eager to provide service and assistance in advance planning. Their main office is located at: 7301 W. Nash Street, Milwaukee, WI 53216, 414-438-4430.

The Catholic Cemeteries offer special assistance to priests.

### 3.23 FITNESS FOR MINISTRY BOARD (SEE "FORMS' FOR REPORTING)



#### ARCHDIOCESE OF MILWAUKEE FITNESS FOR MINISTRY OVERSIGHT BOARD

##### I. GUIDING PRINCIPLES

Those who minister within parishes, organizations, and institutions of the Church founded by Jesus Christ have the responsibility to exemplify Gospel teachings, values, and mandates in their lives, and in their actions. They must be aware of the responsibilities that accompany their work, knowing that God's goodness and graces support them in their ministries. (Code of Ethical Standards, Archdiocese of Milwaukee)

Church ministers must be committed to establishing and maintaining a professional work environment, which is free from intimidation and harassment. Harassment can occur as the result of a single severe incident, or a pattern of conduct which results in the creation of a hostile, offensive, or intimidating work environment. Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following: a. physical or mental abuse; b. racial insults; c. derogatory ethnic slurs, d. sexual advances or unwelcome touching; e. sexual comments or sexual jokes; f. requests for sexual favors used as a condition of employment, or affecting any personnel decision such as hiring, promotion, compensation, or termination. (Code of Ethical Standards, Archdiocese of Milwaukee)  
All ministerial relationships within a church-related setting require that the highest ethical standards of conduct be maintained at all times and in all relevant areas. These include personal and professional interactions, program leadership, protection of privacy, and response to misconduct. (Code of Ethical Standards, Archdiocese of Milwaukee)

Church ministers must recognize that there is power inherent in their roles that may afford influence over another. They must be sensitive to that relative power and never use it inappropriately. Church ministers must protect the interests of those with lesser power. Sexualized interactions with persons who are served, or with whom one works, are never part of the ministerial role, and may incur reporting requirements for misconduct. Church ministers who have made a commitment to celibacy are called to witness this charism in all relationships. Likewise, those who have made a marital commitment are called to witness to this fidelity in all their relationships. (Code of Ethical Standards, Archdiocese of Milwaukee)

## II. REPORTING MISCONDUCT

**Please refer to the full Code of Ethical Standards and the Mandatory Reporting requirements when any misconduct involves a minor.**

Anyone who observes or experiences violations of the Guiding Principles stated above has a right and responsibility to report such misconduct. If an individual believes that such violations are criminal offenses, they should make the report to civil authorities. Other reports about clergy misconduct are directed to the Vicar for Clergy. Reports about misconduct by lay ministers are directed to the Director of Priest and Lay Ecclesial Personnel and Placement. Anyone who, in good faith, reports a violation of these ethical standards or who participates in good faith in any resulting investigation or proceeding shall not suffer harassment, retaliation, or adverse consequence. The archdiocese or parish will take disciplinary action (up to and including termination) against an employee who in its assessment and in violation of this policy has engaged in retaliatory conduct against a good faith reporter.

## III. INVESTIGATING REPORTS OF MISCONDUCT

If civil authorities do not take up an investigation into the misconduct, there will be a thorough investigation of allegations using an established process, including the Fitness for Ministry Oversight Board and, if needed, an independent investigator. The investigator, if needed, will take whatever steps are necessary to arrive at a compilation of facts in the case. The Archdiocese commits itself to full cooperation in this independent investigative process. If there is sufficient evidence or an admission, the independent investigator may not be needed. The Fitness for Ministry Oversight Board is charged with making recommendations to the Archbishop regarding the substantiation of the allegation and suitability for ministry. If, during the investigation and review, it is determined that a canonical delict has occurred, proper canonical procedures will be observed including informing the Promoter of Justice.

## IV. FITNESS FOR MINISTRY OVERSIGHT BOARD

The Fitness for Ministry Oversight Board consists of six members with additional members to be added upon recommendation of the Board. The Board members will be respected members of the community and have expertise in the areas of psychology, law, and / or public policy as well as ministerial experience. The board will include an experienced pastor. Members will be appointed for renewable five-year terms. The Director of the Office for Lay Ministry will serve as an *ex officio*, non-voting member of the Board. The Vicar for Clergy and / or the Director of Priest and Lay Ecclesial Personnel and Placement and will be invited to attend meetings of the Board as necessary.

## V. BOARD MEETINGS

The Fitness for Ministry Oversight Board will be convened whenever there is a report of misconduct by clergy or a lay minister. Meetings of the Board are not considered public meetings and no announcement of meetings or reports to the general public or media will be made unless the Archbishop elects to do so through his Communications Office. The Chair of the Board will act as spokesperson as needed, but will not discuss the content of meetings or recommendations made to the Archbishop. Any Communication policy will be issued by the Archbishop through the archdiocesan communications vehicles. If at any meeting of the Board a quorum (a majority of the members) is not present, the members present will not make any recommendations on substantiation of an allegation nor suitability for ministry. The Board may direct investigators to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance. The Board does not meet personally with either the person making the allegation or the accused.

## VI. ACTIONS OF THE BOARD

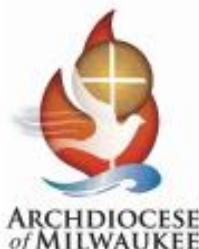
The Fitness for Ministry Oversight Board will exercise its responsibility by reviewing the initial report and making a recommendation about pursuing an investigation. The Board will review the investigative report if an investigator was engaged, directing the investigator to any new area(s) of inquiry if needed, reviewing any documentary evidence or admission by the accused and arriving at its conclusion about whether or not the allegation has been substantiated and whether or not the accused is suitable for ministry. The Board will send its written report to the Archbishop for his decision and action. The results of the investigation, along with the recommendation of the Board and the decision of the Archbishop, will be committed to writing and sent to each of the parties in a case.

Twice a year, the Fitness for Ministry Oversight Board will conduct reviews of the Archdiocese of Milwaukee's compliance with all Safe Environment and Charter for the Protection of Children and Young People requirements. The results of these reviews will be reported to the Archbishop, the Diocesan Review Board and the Safe Environment Coordinator.

3.24 SOCIAL MEDIA & DIGITAL COMMUNICATION POLICY



SOCIAL MEDIA  
& DIGITAL COMMUNICATION  
*Policy*



2020

## Social Media &amp; Digital Communication Policy

**Parish/School Use of Social Media and Digital Communication****Policy Compliance**

This policy applies to all clergy, youth ministers, school and parish employees, social media administrators, coaches and volunteers who are employed by, acting as a representative of, or affiliated with an Archdiocese of Milwaukee parish, school or affiliated organization.

It must be understood that, at all times, activities on behalf of the Church in the Archdiocese of Milwaukee on social media or through the use of digital communication must mirror God's love and the teachings of the Church. Online or offline, there must always be respect for human dignity.

Using social media or digital communication on behalf of the Church or in the Church's name should be seen as an educational and evangelizing tool to invite people into a deeper relationship with Jesus Christ through the promotion of school and ministerial programs. Although digital communication and social media are important tools, it is vital that this form of communication should not replace face-to-face interactions in ministry.

*Who to Contact with Questions*

**Clergy, teachers, catechists, principals, coaches, DREs , youth ministers and volunteers:**  
Safe Environment Office  
(414) 769-3449

**School development or marketing:**  
Schools Marketing Office  
(414) 769-3453

**Social media or website administrators:**  
Communications Office  
(414) 769-3435

**Unacceptable Use of Social Media**

Every parish and/or school personnel that manages or contributes to social media sites should be made aware of and abide by this Social Media and Digital Communication Policy of the Archdiocese of Milwaukee.

Social media on parish and school related pages must NOT be used for:

- Selling of goods or services for personal benefit
- Defaming the character of any individual or institution
- Divulging any personal information about children, vulnerable adults or any person that would jeopardize their safety or well-being in anyway
- Personal attacks of any kind
- Distribution or to obtain inappropriate or illegal content
- Any other use deemed inappropriate by site administrators

It is discouraged that any staff, parent, student, etc., create a social media page on behalf of the archdiocese, school or parish without prior school or parish permission or without parish or school personnel assigned as an administrator to such a page. Unauthorized sites may be referred to the Electronic Service Provider for possible actions such as removal or deletion of the account.

Any adult using a social networking site who ministers to children or youth should set very strict privacy account settings.

**Social Media Administrator Responsibilities**

Every parish and/or school should have at least two (2) social media site administrators.

All appropriate individuals at the parish and/or school (e.g., pastor, principal) must be aware of, and give approval for, using a social media site for parish and/or school programs.

Examples of Sites that Require Administrators \*(This list is not all inclusive)



Before You Post on Social Media

**PERMISSION**

Do you have the proper consent form(s) signed, giving you permission to post photos of minors? Make sure parents/guardians have signed the consent form(s).

**CATHOLIC FAITH**

Keep content focused on education, information and expression of our Catholic faith.

**KEEP INFORMATION PRIVATE**

Do not give out detailed information about students. Last names and addresses are examples of what to keep private.

**MONITOR**

After you post content, keep watch. Monitor comments to ensure that replies and comments are appropriate, keeping things positive and everyone safe.

*Social Media Administrator Responsibilities/Guidelines*

- Two administrators must be appointed. (Must be adults, over the age of 21.)
- Real names must be used. (An administrator of a site must NOT use a pseudonym.)
- Set privacy settings to the most secure setting available.
- All information posted to the site must be true and verifiable.
- Monitor on a regular basis all content, comments, interactions and posts on social media for acceptable use.
- Know your friends, fans and followers for your social media site. If you allow “followers” on your social media site, be sure to familiarize yourself with who they are.
- Delete posts contrary to Church teachings or in violation of the Code of Ethical Standard for Church Leaders.

The adult supervisor(s) of the site should always remain in control of the conversations and comments. Inappropriate material or content that details inappropriate behavior should be addressed and removed from the site. For social media apps or groups for ministry, pay close attention to the site's security and allow only those who are approved participants access to the site.

All interactions on social media need to remain transparent. Transparency means anything the administrator(s) of a social media site posts or communicates is visible to anyone who has access to that site.

Social media posts and comments by followers or friends must mirror God's love and the teachings of the Church. Once something is posted on a social media site or online, it becomes available to all and may be impossible to completely remove from the internet.

Schools, parishes, parents, friends and followers must exercise caution with regard to exaggeration, vulgar or inflammatory language, copyrighted materials and derogatory remarks or characterizations. Posts or comments made by social media followers that seek to undermine the Church's teachings should be deleted by social media administrators, with a private message sent explaining how the comment does not align with Church teachings, and questions or concerns may be addressed by calling the school or parish. Administrators should keep in mind that questions regarding Church teachings on social media can serve as an opportunity for evangelization and respectful dialogue. Nevertheless, if a social media follower continues to leave inappropriate comments, it is advised that the school or parish block the user from the social media site. **Comments or content posted on social media that is criminal or poses a potential safety concern must be reported to law enforcement immediately.**

**Ministry Note**

Adults who wish to use a social media site on behalf of a school or parish in order to connect with the youth to whom they minister should use a closed or private social media group account that youth and their parent(s) and/or guardian(s) may join, as long as they have the permission of the school or parish first, as well as a school or parish staff person as part of the group. Youth and their parent(s) and/or guardian(s) should then be invited to join a group rather than requesting to “friend” an adult on his/her personal account. Parent(s) and/or guardian(s) must have full access to the site and monitor it frequently.

It is encouraged that adults who connect with youth to whom they minister create a separate social media account/profile to create a line of privacy and maintain healthy boundaries with youth. Individual personal profiles on social media sites should not be used for ministry or work-related projects.

**The Archdiocese of Milwaukee recommends that clergy, parish/school employees, parish/school volunteers or lay leaders NOT accept friend requests from minors.**

**Photos, Videos and Audio Recordings**

The child’s representative (principal, teacher, DRE, youth minister, etc.) has the responsibility of respecting the wishes of the parent(s) and/or guardian(s) regarding their child’s image or likeness being used in any form of marketing, social media or digital communication. The parish or school must make every effort to protect the digital footprint of a child. **The safeguarding standard is to ONLY post or share photos, videos or audio recordings of minors in groups of two (2) or more children.**

**Representation of Minors in Groups of Two (2) or More**

Sharing photos, videos or audio recordings of children on a parish or school’s website, social media platform, parish bulletin or other form of publication is an effective way to update parents, share event results or celebrate accomplishments.

Posting, publishing or otherwise making public the photos, videos or audio recordings of minors is only permissible when ALL of the following requirements are met:

- Parental/guardian permission has been obtained via signed *General Consent Form for Child Photo, Video and Audio Use*
- The image has been reviewed and approved by at least two (2) school/parish staff or designated adult volunteer
- The images are posted after the activity is completed so location information of a minor is not available
- Minors are not identified by name, but rather by group (e.g., soccer team, 4th grade class, etc.)
- All other archdiocesan guidelines represented in this policy are met

**Representation of Individual Minors**

In the occasional instance when a school or parish wishes to share a photo, video or audio recording of a single child for marketing or promotional purposes, please make sure ALL of the following requirements are met:

- Parental/guardian permission has been obtained via signed *General Consent Form for Child Photo, Video and Audio Use*
- The image has been reviewed and approved by at least two (2) school or parish staff/designated adult volunteer
- The parent/guardian is provided the image for her or him to review and approve the picture prior to posting or publishing it

Sample language is provided below.

“*Parish/School Name*” would like to use this photograph/video/audio recording of “*minor’s name*” for marketing or promotional purposes by “*how the image will be used*.” Please let us know if you do not wish us to use this image for these purposes by contacting “*name of school/parish contact person*” by “*this date*.” If you do not notify the school or parish by this date, it may not be possible to remove this image from circulation.”

- The minor’s last name is not published. Last initial is acceptable if needed.
- Personally identifiable information is not published.

Personal identifiable information includes, but is not limited to, a minor's full name, home address, email, telephone number, photograph, video recording, audio recording, creative work or any other form of content that would allow someone to identify or contact the minor or individual.

The parent has the right to review the photo, video or audio recording the school or parish is requesting to use prior to the publication and distribution. It is not permissible to "tag" a photo on social media with a minor's identity or information.

An individual student in a photo may seem like a good idea to promote the school or religious education program, but it can easily be very harmful if it offers too much information. Once posted, a predator now knows where to find the child after school, interests that the child has and can gain more information through accessing the parent's Facebook page.

### Photo, Video and Audio Recording Consent Forms

Verifiable consent from a parent or guardian must be on file at the school or parish prior to photographing, videotaping, recording, copying or distributing any image or likeness of a minor.

#### General Consent Form for Child Photo, Video and Audio Use

Parent(s) and/or guardian(s) must authorize consent for their child to be featured in photos, video or audio recording for use for promotional, marketing, or educational purposes by the parish/school.

Parent(s) and/or guardian(s) only need to sign this form once per year, but can rescind this consent at any time. The form must be kept on file at the school or parish by the onsite safe environment coordinator or school administrator.

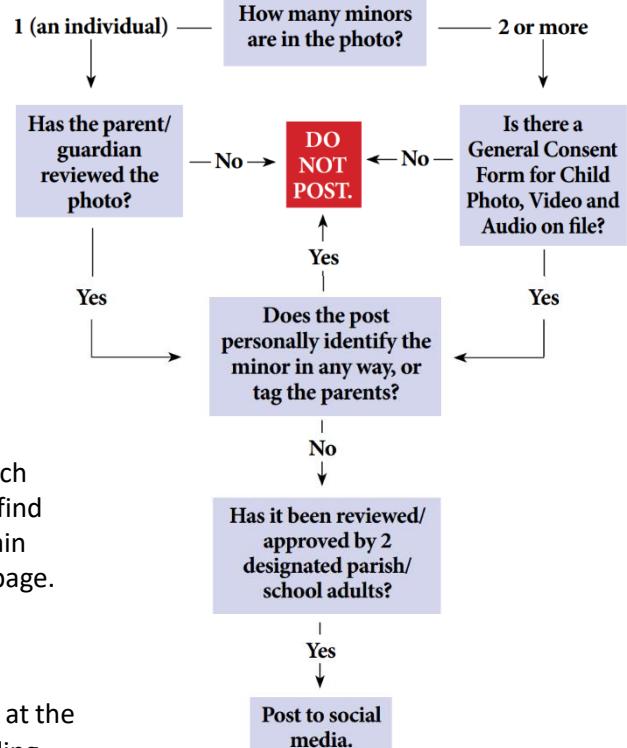
#### Photos, Videos or Audio Recordings on Field Trips

Many times, parent chaperones will take photographs or video of children other than their own on a field trip.

Opt-out language has been added to the *Parent/Guardian Permission Slip for Field Trip and Indemnity Agreement* to allow a parent to opt-out of photographs or videos being posted by a chaperone or staff for that specific field trip. All images posted or published by an adult acting on behalf of the parish/school should adhere to the Archdiocese of Milwaukee Social Media and Digital Communication Policy guidelines. It is recommended that all images be posted or published by the classroom teacher or supervisor to the official website or school social media account so that student privacy and parent wishes are respected for all students.

Photographs, videos, social media statuses and tagging should not be done in advance or in real time on social media sites. For example, if a chaperone posts "Going to the Milwaukee County Zoo with the kindergarten class today," the location of the kindergarten class has just been made available to anyone with access to that chaperone's social media account.

#### Choosing Acceptable Photos



## Social Media &amp; Digital Communication Policy

**Digital and Electronic Communication with Minors**

It is advisory for the protection and accountability of all individuals that digital (social media) and electronic communication (email and text) always be transparent. At least two (2) adults should always be included on any electronic communications that involve minors. That may mean that a parent/guardian is included, as well as another parish and/or school employee. It is highly encouraged that parishes/schools utilize app-based group communication systems instead of standard SMS texting. This provides additional security and transparency.

The school and/or parish representative (principal, teacher, coach, DRE, youth minister, etc.) has the responsibility of respecting the wishes of the parent(s) and/or guardian(s) with regard to their child's level of participation in the use of digital communication such as email, text, social media sites or apps where there is communication with an adult on behalf of the ministry of a church or school. This includes the right of the parent(s) and/or guardian(s) to be aware of the content and modes of non-public communications between adults (teachers, catechists, coaches, etc.) and their child.

Digital or electronic communications between an adult and a minor must be accessible to all minors and parent(s) and/or guardian(s) who consist of a particular group. For example, if a coach chooses to communicate with her team and parents via WhatsApp, and one team member's parent has chosen to receive communication via text instead of the designated app, then the coach must make sure equivalent communication is sent to that team member and her parents so all members receive the same information and no one is excluded from the communications.

Remember that relationships between adults and minors are never that of a friendship or a peer relationship. Interaction on social media sites or through digital and electronic communication should be used strictly for the purpose of educational or ministerial communication.

*Parent/Guardian Opt-Out of Digital Communications Form***Ministry Note**

We recommend schools/parishes that utilize learning management systems have security settings that do not allow an adult user to alter prior messages sent.

The school and/or parish representative (principal, teacher, coach, DRE, youth minister, etc.) must make parent(s) and/or guardian(s) aware of a parish's and/or school's anticipated use of digital communications. This can take the form of a written letter or an email stating the intended purpose of the site or communication device, as well as how the parent(s) and/or guardian(s) can access the site.

Parent(s) and/or guardian(s) who do not wish to have their child receive any digital communication from an individual/ parish/school must opt-out on the *Parent/Guardian Opt-Out of Digital Communications Form*. The parent(s) and/or guardian(s) must indicate on the form how they will receive digital communication from the individual/parish/school.

**Archiving Conversations**

Parent(s) and/or guardian(s) have the right to review any non-public social or digital communication between their child and an adult employee or volunteer, including but not limited to, a teacher, coach, catechist, pastor, etc.

All employees or volunteers must be aware that all communication between themselves and any unrelated minor is subject to review.

**Ministry Note**

Should a parent/guardian request to review a group communication, other minors' communications in the group should be redacted.

## Mandatory Reporting

A copy of the Archdiocese of Milwaukee's Mandatory Reporting Policy can be accessed on the Safeguarding All of God's Family page at [www.archmil.org/MandatoryReporting](http://www.archmil.org/MandatoryReporting). For the Spanish version please visit [www.archmil.org/MandatoryReporting-Spanish](http://www.archmil.org/MandatoryReporting-Spanish).

Mandatory reporting laws apply to all school employees and clergy. Archdiocesan policy also requires all parish employees and volunteers to report.

### Ministry Note

Any communication involving a member of the clergy, employee or volunteer to or from a minor must be stored, with the ability to be retrieved and provided upon request to a parent, law enforcement agency, supervisor, principal, Vicar for Clergy or the Archdiocese of Milwaukee Safe Environment Office. We recommend these communications be kept until the minor reaches 18 years of age.

## When to Report Abuse

Laws regarding mandated reporting of suspected abuse/neglect/exploitation of minors/potential threats of violence apply in the virtual world and digital communications as much as they do in the physical world.

Mandatory reporting laws apply not only if there is an occurrence between an adult and a minor, but also applies when there is unlawful or suspicious behavior between two or more minors (e.g., harassment, cyberbullying, sending and/or receiving pornographic images), or a threat of violence to a school or parish or person.

If an action or behavior occurs off-campus or off-site, and the opinion is that it has done or has the potential to do harm or adversely affect or jeopardize the safety of others, action must be taken.

## How to Report Abuse

If abuse, neglect, criminal activity or exploitation of minors is occurring or there is suspicion that it is occurring, contact a local law enforcement department immediately. Any instance of abuse involving a person currently under 18 years of age (a minor) should immediately be reported to the civil authorities.

If a report of sexual abuse of minors involving church or school personnel is made to local law enforcement, notification should also be made to the victim assistance coordinator who is available to support abuse survivors. A formal complaint of abuse can be made to the archdiocese by calling the victim assistance coordinator at 414-758-2232.

An alternative way to make a formal report of sexual abuse by church or school personnel for those not wanting to contact the archdiocese is available 24 hours a day/7 days a week through the Aurora Health Care Healing Center by visiting [www.aurorahealthcare.org/healing-advocacy-services](http://www.aurorahealthcare.org/healing-advocacy-services) or calling 414-219-5555.

### Threats of Violence

Wisconsin 2017 Act 143 states that any serious and imminent threat of violence in or targeted at a school that threatens the health and safety of a student, school employee or the public MUST be reported to law enforcement authorities immediately via the emergency number. This includes statements made by an adult or a minor, internet or social media postings involving a threat of violence or harm to a person or institution, or any correspondence that indicates a threat such as emails, texts, phone calls, letters, or graffiti.

## Policy Non-Compliance or Violation

When reported in good faith, someone reporting suspected activity is protected from civil and criminal liability according to Wisconsin State Statutes 48.981(4) and 175.32(4). Mandated reporters that fail to report abuse or threats of violence are subject to a fine of \$1,000 and up to six (6) months in jail according to Wisconsin State Statutes 48.981(6) and 175.32(5).

## Children's Online Privacy Protection Act

Be aware of the Children's Online Privacy Protection Act. This federal legislation oversees how websites interact with children under the age of 13. You can find out more at [www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule](http://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule).

## Temporalities

### 4.1 PRIESTS' COMPENSATION PROGRAM (SEE FORMS FOR COMPENSATION)

#### **PRIESTS' COMPENSATION PROGRAM ARCHDIOCESE OF MILWAUKEE**

##### **HISTORICAL SURVEY OF PRIESTS COMPENSATION SINCE 1982**

In the 1982-83 fiscal year the priests of the Archdiocese initiated two methods of compensation identified as Plan A and Plan B. Both plans were intended to provide more just and equitable compensation for priests based on the number of years of ordination rather than on the ministry assignment. The two plans were set up to provide a graduated scale of remuneration based upon the number of years in ordained ministry. Each scale was to be adjusted annually on basis of a cost of living formula. A priest who chose Plan A received a base salary and was free to retain his stipends and stole fees as supplement income. A priest who chose Plan B received a higher salary but relinquished his stipends and stole fees to the institution that provided his salary.

In 1987 the Priest Council commissioned an ad hoc committee to study the system of priests' compensation. The committee was commissioned to develop a compensation system more responsive to the contemporary needs of priests. After a survey of the priests of the Archdiocese and the creation of two proposals that received mixed reviews, the National Association of Church Personnel Administrators (NACPA) was called upon in 1990 to recommend a priest compensation system to the Priest Council.

On November 26, 1990 the Archdiocesan Council of Priests accepted the NACPA recommendations for priests' compensation. The NACPA report suggested the establishment of a pilot program for the 1991-92 fiscal year and the initiation of the compensation plan for all diocesan priests in the 1992-93 fiscal year. The Archbishop established a committee to implement the pilot program and directed the Priest Council Temporalities Committee to study a number of related issues and concerns.

In 1994, again on the recommendation of the Council of Priests, the Archbishop approved several revisions in the compensation plan. Implementation of those revisions was scheduled for 1996 and rescheduled for July 1, 1997.

In 2003 NACPA advised the Archdiocese that our plan could no longer be updated in the manner that it have been done in the past, and that the Archdiocese should determine a new method of determining priests' compensation increases. Thus, data from NACPA for FY 2004-2005 concluded that program which was in effect for 13 years.

Beginning with the FY 2005-2006, the following four factors are used to determine the rate of adjustment to the priests' compensation: (1) World at Work (Midwest - projections); (2) William Mercer (Midwest projections); (3) MRA (Wisconsin Wage and Salary - projections); and (4) Archdiocese of Milwaukee Parish Personnel Survey Report (weighted average for all full-time positions - historical.) Each factor is weighted at 25%.

In previous years, this scale was divided into components entitled "salary," "housing and food," and "stipend, stole and helpout fee offset." Under this plan, those divisions are by election of the priest.

In 2009, a fifth factor was added to the formula to give greater weight to church related data. This factor was United States diocesan central office projections provided by the National Association of Church Personnel Administrators (NACPA).

## INTRODUCTION

The Priests' Compensation Program effective July 1, 1997 includes certain options available to priests. To assist priests in determining their compensation, and to assist the parish or employer in structuring the appropriate payments, the following instructions and related form are provided. The form is to be completed by the priest as part of the budget process for the subsequent fiscal year. **In order to satisfy Internal Revenue Service requirements, the form must be filed with the parish or employer before July 1 each year. Any time a priest changes assignment a new form must be completed before that assignment begins.**

## GENERAL CLARIFICATIONS REGARDING SALARY COMPENSATION MATTERS

*See annual specifics in the Appendix - Priest Compensation Summary Sheet*

### For All Priests

In order to facilitate the bookkeeping regarding salaries and other benefits this arrangement is to be followed:

If a priest's appointment is to be effective before the 15<sup>th</sup> of the month, the new place of assignment pays for the entire month;

If on or after the 15<sup>th</sup> of the month, the former place of assignment pays for the entire month.

### **The Employer's Contribution to the Priests' Pension Plan**

The parish or institution where the priest is assigned on or effective **July 1** is responsible for the entire annual contribution for the employer's share to the pension plan, even if the priest leaves the parish for any reason prior to the end of the fiscal year.

### **The Long Term Disability Coverage (billed separately to parishes / institutions)**

The parish or institution where a priest is formally assigned as of **October 1** is responsible for the payment of this sum, even if the priest leaves the parish for any reason prior to the end of the coverage year.

### **The Annual Supplemental Payment**

The parish or institution where a priest is formally assigned as of **January 1** is responsible for the payment of this sum regardless of how long he has been in that assignment.

### For Newly Ordained Priests

Newly ordained priests are typically assigned to parishes the third Tuesday in June. Guidance is given to their pastors regarding compensation for the balance of that month.

**For Priests Serving Two or More Parishes**

The responsibility of compensation is usually shared by the parishes served. Formula is applied on a case-by-case basis. The Vicar for Clergy resolves disagreements.

**For Priests in Specialized Ministry**

Priests in special ministries who choose the stipend offset must consult with the Vicar for Clergy. The Vicar for Clergy is responsible to determine to what office or agency the stipends, stole fees and help-out income will be credited. This consultation with the Vicar for Clergy will also include discussion of expectations with regard to help-out ministry.

**For Priests in Other Situations**

(cf. *Clergy Manual*, "Guidelines for Reciprocal Responsibility: Assignment / Remuneration of Priests")

**For Extern Priests (Religious Order Priests (Religious Order Priests and Priests from Other Dioceses)**

The amount paid to an extern priest and to a Religious Order for the service of their Priest should be at the same salary scale level as a diocesan priest in the same ministry and receive the same professional expense reimbursement, reimbursement for continuing education, the annual retreat allowance, and health and dental premium payments. These are all provided by the institution served.

For special instructions regarding retirement contributions, (see next page, *Clergy Manual*, page III,3) "For Extern Priests (Religious Order Priests from Other Dioceses) Assigned to Parishes."

**OTHER COMPENSATION MATTERS**

**I. Contribution to Pension Plan**

*See annual specifics in the Appendix - Priest Compensation Summary Sheet*

**A. For All Priests of the Archdiocese of Milwaukee:**

1. In keeping with the salary reduction agreement, mandatory payments to the Pension Plan are calculated in accord with the uniform reduction scale based on years of service for all priests.
2. These pension payments are a personal contribution from each priest; it is an injustice for a parish or other paying unit to contribute this amount from monies other than from those withheld from a priest's monthly salary. The payment in any other manner would result in serious tax ramifications.
3. An annual statement is sent to each priest to remind him of how much he owes to the pension plan; care should be taken that the paying unit does not double pay. The priest's portion of his pension is deducted from his pay, pre-tax, by the employing entity and remitted accordingly. If the priest changes assignments, the new employing entity will withhold his pension contribution and remit it accordingly.

4. All parishes or employing units are assessed annually for the employer's share of the pension plan, which is equal to the priest's share, and which is distinct from the priests' personal contribution through salary reduction. The parish or institution where the priest is assigned on or effective July 1 is responsible for the entire annual contribution for the employer's share to the pension plan, even if the priest leave the parish for any reason prior to the end of the fiscal year.

**B. For Extern Priests (Religious Priests and Priests from Other Dioceses) Assigned to Parishes**  
*(The Archdiocesan Priest Pension Plan is for Archdiocesan priests only. However, a similar "retirement contribution" for Religious Order priests or priests from other dioceses serving in assignments in the Archdiocese of Milwaukee shall be offered to the religious order or diocese.)*

1. Full-time Extern Priests serving as pastors or associate pastors in parishes within the Archdiocese are eligible for retirement contributions from parish funds. (Financial arrangements are determined on a case-by-case basis according to the Vicar for Clergy for any Extern Priest in a part-time archdiocesan assignment.)
2. Each parish staffed by a full-time Extern Priest will be responsible for an annual retirement contribution base on the statement mailed to the parish. The contribution is determined by the Archdiocese and is the equivalent to that provided for Diocesan Priests.
3. On behalf of Religious Order Priests, this retirement contribution shall be forwarded by the parish to the provincial headquarters of the respective religious community. A list of the priests and the amount contributed for each should accompany the contribution.
4. Priests who are working in the Archdiocese of Milwaukee and incardinated in another diocese should consult the Vicar for Clergy about any options for retirement planning and savings. For these extern priests, the retirement contribution shall be offered to that diocese's priest retirement plan.

**II. Continuing Formation Allowance**

*See annual specifics in the Appendix - Priest Compensation Summary Sheet*

The annual continuing formation allowance for priests assigned to parishes, institutions or agencies of the Archdiocese is listed on the Compensation of Priests Summary Sheet, issued annually. The parish / institution where the priest is assigned on or effective July 1 of each year is responsible for payment of this amount.

**III. Retreat Allowance**

*See annual specifics in the Appendix - Priest Compensation Summary Sheet*

A retreat allowance, as listed on the Compensation of Priests Summary Sheet, issued annually, is to be provided for each priest assigned to a parish, institution or agency of the Archdiocese for his annual retreat. The check is made payable to the retreat house where the retreat will be

made; in the case of the scheduled Archdiocesan retreats, the check is made to "Redemptorist Retreat Center." If a priest has chosen to make a private retreat at another retreat house, this same amount is provided by his place of assignment for this cost. If the annual allowance exceeds the cost of the retreat, the priest does not receive the difference. Additional costs are covered by the priest, possibly from this professional expense reimbursement monies.

#### IV. Stipends and Stole Fees (UPDATED 07/01/2024)

##### A. For All Priests

1. A Mass stipend is \$20.00.  
The maximum stole fee for a:  
Wedding is \$100.00  
Funeral is \$75.00  
Quinceanera is \$100.00  
Baptism is \$10.00
2. Offerings should not be requested for copies of church records (baptisms, death, etc.); if given voluntarily, they are contributions to the parish.
3. All bination / trination stipends and stipends from multiples Mass intentions beyond the initial stipend are to be sent to the Chancery for the Continuing Education Fund for Priests; it is unjust to use them for any other purpose.
4. It is the personal responsibility of the priest celebrant to send the 2<sup>nd</sup> and 3<sup>rd</sup> stipends to the Chancery. N.B. Even when a priest receives the "stipend offset" compensation all of his bination / trination stipends are to be sent to the Chancery.
5. The pro-populo Mass (no stipends permitted) on Sundays and Holy Days is required as a personal responsibility of pastors, team administrators and temporary administrators. If a priest is assigned as pastor and / or administrator to more than one parish only one pro-populo Mass is required.
6. Senior priests, priests awaiting assignment, help-out priests, priests on sick leave, and priests from outside the diocese receive the customary stipends and stole fees.

##### B. For Priests Who Choose Stipend Offset Compensation (\$6,000)

1. These priests must willingly sign over stipends, stole fees and help-out income received on the occasion of Masses, baptisms, weddings, quinceañeras and funeral to the parish or other paying institution.
2. Priests salaried by the Archdiocese are to send in the offerings for stipends and stole fees and help-out income periodically by check made out to the office designated by the Vicar for Clergy.

3. Separate stipend accounts must continue to be kept in parishes: a check made payable to the general account is drawn on the stipend account after Masses are celebrated.

#### V. Help-out Compensation

The following scale for daily and weekend help-out remuneration has been approved for the Archdiocese.

1. Remuneration for each weekday Mass:  
\$50.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.
2. Remuneration for each weekend and Holy Day Mass:  
\$70.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.
3. Remuneration for all other services (sacrament of reconciliation, funeral vigil, etc.):  
\$40.00 plus the IRS maximum allowed cents per mile travel expense.

Note: The IRS maximum rate may change mid-year. Following is the link to the current IRS rate:

Website for IRS Standard Mileage Rates: <https://www.irs.gov/tax-professionals/standard-mileage-rates>.

4. The parish or institution that receives the help-out service is to pay the help-out income (fee). All help-out income is to be sent or given directly to the priest celebrant who has the personal responsibility of handling it in accord with his salary plan. Therefore, a priests receiving the Stipend Offset Compensation will turn his help-out compensation over to his paying unit except the travel expense reimbursement. Senior priests and those awaiting assignment or on sick leave along with those active priests who are not receiving the Stipend Offset Compensation will retain their help-out compensation.

In either case, bination / trination stipends and stipends from multiple Mass intentions must be handled as indicated above.

5. A help-out priest presiding at a pro-populo Mass is to be paid \$20.00 in addition to the assigned help-out fee and mileage expense.
6. For assisting priests, usually working with parish directors:
  - Help-out compensation for Mass and services are followed as listed above.
  - Retreat allowance is provided by the parish as listed above.
  - A continuing education allowance in the amount of \$500.00 is to be provided to the priest's account through the billing effective July 1. (This amount is shared if there is more than one priest assisting the parish.)

- A professional expense allowance in the amount of \$500.00 is to be documented in the usual way. (This amount is shared if there is more than one priest assisting the parish.)
- Anointing of the sick, Communion calls, or other pastoral visits outside the usual Mass times are compensated at the rate of \$30.00 per diem plus IRS mileage.

Fees exempt for the assisting priests:

- Sacraments celebrated at, before or after Mass, with the exception of regularly scheduled Reconciliation celebrated before Mass.

## VI. Professional Expense Reimbursement Fund

*See annual specifics in the Appendix - Priests Compensation Summary Sheet*

*See Appendix "Priests' Compensation Forms and Instructions" for a report form and list of professional expenses (Worksheet #3). An annual electronic version is available through the Archdiocesan Finance Office - contact [parishfinance@archmil.org](mailto:parishfinance@archmil.org) for assistance.*

The amount of this fund for the fiscal year is listed on the Compensation of Priests Summary Sheet, and is published annually. The purpose of this fund is to reimburse priests for professional ministerial expenses incurred. These can include expenses such as mileage for business use of automobile as well as other business expenses such as books, clerical clothing, vestments, professional dues, stationery, business gifts, etc.

The priests must account to the parish / institution for these expenses by supplying receipts or other certification of the expenditure before being reimbursed. (Priests will not receive professional expenses in the form of a monthly advance.)

Proper documentation of business expenses is required to satisfy Internal Revenue Service requirements. This includes notation of who was involved, when and where the expense occurred, what the expense was and how it relates to the mission of the parish or ministry. For business mileage, a log must be maintained indicating the date, miles, points of departure and destination and a description of the business purpose.

Examples of business / ministry documentation are:

- Mileage from parish office to St. Mary in Milwaukee to attend a deanery meeting
- Meal for self and potential RCIA candidate to discuss the process
- Airfare to attend grief counseling workshop in Atlanta
- Marriage preparation workbooks
- Membership dues for National Association of Military Chaplains
- Toner and paper for office printer

In response to the experience of some priests in multiple assignments, that their professional expense allowance is consumed by mileage charges thus leaving little if any money for non-travel expenses, the following adjustment to the professional expense allowance for priests is authorized. Every priest who holds multiple assignments (more than one parish or a parish and an institutional assignment) must have available for non-travel related expenses at least 25% of

the professional expense reimbursement amount. This means that if travel expenses exceed 75% of the amount designated by the Archdiocese for professional reimbursements, the parish(es) / institution would need to provide additional funding for the purpose of compensating the priest for all legitimate travel and non-travel expenses up to an additional 25% of the amount designated for professional reimbursements. Authorization of this additional funding will be on a case-by-case basis and requires WRITTEN approval of the Vicar for Clergy.

## VII. Annual Supplemental Payment

*See annual specifics in the appendix - Priest Compensation Summary Sheet*

For more information see Appendix "Priests' Compensation Forms and Instructions for Priest Compensation Record, Line (5)" regarding the Annual Supplemental Payment

## 4.2 HEALTH, DENTAL, AND VISION INSURANCE

### Health Insurance

- The St. Raphael Health Plan (SRHP) is available to all parishes to join as a Participating Employer. The SRHP is advised by the Catholic Mutual Benefits Practice Group and the SRHP Advisory Committee. The SRHP is designed as a partially self-insured program to generate the most cost-effective benefits coverage over time.
- Premium costs for each plan are updated annually and made available to all parishes / institutions prior to the open enrollment period.
- The open enrollment period is that period of time wherein someone may change insurance plans. Ordinarily open enrollment extends from mid-April through late May, prior to the July 1 plan year commencement. An informational email is sent to each participating parish at the beginning of open enrollment. All the enrollment information is made available to the parish Benefits Coordinator.
- Priests may enroll in the SRHP if the parish is a member, or any other plans offered by the parish / institution he serves. The parish / institution being served by the individual priest pays the premium for the health insurance coverage.
- Everyone is urged to check with their physician(s) to determine their continued participation with the SRHP network. This is a United HealthCare network.

### Dental Insurance

- Dental insurance for priests has been the policy of the Archdiocese of Milwaukee since August 1981. Religious order priests are not affected by this policy.

- Dental insurance carriers are reviewed annually along with the SRHP health insurance plan. Updated information is provided to the benefit coordinator at the parish / institution by mid-April for enrollment concurrent with the health insurance.
- The dental premium is paid by the parish / institution to which the priest is assigned. It is the priest's responsibility to consult the appropriate person at parish / institution to complete the dental insurance application and ensure that it is submitted to the Benefit Administrator. This should be done at the time the priest is assigned or during open enrollment.
- The Archdiocese of Milwaukee currently pays the dental insurance premiums for the senior priests not serving in active ministry.

### **Vision Insurance**

- It is the priest's responsibility to consult the appropriate person at parish / institution to complete the vision insurance application and ensure that it is submitted to the Benefit Administrator. This should be done at the time the priest is assigned or during open enrollment.
- The Archdiocese of Milwaukee currently pays the vision insurance premiums for the senior priests not serving in active ministry.

### **Health / Dental / Vision Application Procedures**

#### **Active Priests**

- As the priest is assigned to a new parish / institution, it is his responsibility to consult the appropriate person at the parish / institution to complete the insurance application for that particular group and ensure that it is submitted to the Benefit Administrator. This application process must be done in a timely manner (within 30 days of assignment) in order to avoid any lapse in coverage.

#### **Priests in Active Ministry, at least 65 years old and participating in Social Security**

- Eligible priests should apply for Medicare Part A at the time of their 65th birthday.
- It is not advisable to sign up for Medicare Part B so long as the priest is employed, even part-time, since medical costs are typically covered by the primary insurance coverage. As long as employment continues, even part-time, the normal group health insurance is the primary payer of claims and Medicare Part A would then become the secondary payer.
- The priest is personally responsible for any balance due for costs associated with claims not covered by either insurance or Medicare.
- For more information, call Social Security 1-800-772-1213, visit your local Social Security office or go to <http://www.medicare.gov>.

#### **Senior Priests – Retired, at least 65 years old and participating in Social Security**

- This applies only to priests who have not opted out of social security.

- The priest must enroll in Medicare Part A when he reaches age 65. There is usually no premium cost to the enrollee.
- The priest must enroll in Medicare Part B when he retires and pay the Medicare Part B monthly premium. This is automatically deducted from the monthly social security benefit. Failure to pay the monthly Part B premium will automatically discontinue his participation in the Medicare comprehensive plan and leave him without Part B or Medicare comprehensive coverage.
- Within 60 days prior to retirement, the priest should enroll in the Archdiocesan Medicare comprehensive plan.
- The Archdiocese pays the health insurance premium for the Medicare replacement coverage. The priests continue to pay their individual Medicare Part B premiums.
- Medicare eligible senior priests currently have access to a Health Reimbursement Arrangement (HRA) to help offset the out of pocket costs relating to health care. \$1,000 per eligible priest is available each plan year.

Dental and Vision enrollment will be facilitated between the Benefit Administrator at the Archdiocese of Milwaukee and the Benefit Coordinator at the retiring priest's parish / institution.

**Priests Not Participating in Social Security – Retired and 65 years old or older**

- Those who do not participate in the Social Security Program are not eligible for Medicare, therefore must remain on a regular, non-Medicare health plan. In this case, the Archdiocese designates the insurance plan for the coverage for these priests.
- Health Insurance will be paid by the Archdiocese of Milwaukee.
- Dental and Vision Insurance will be paid by the Archdiocese of Milwaukee.

**Priests Not Participating in Social Security – Retired or Disabled and not yet 65 years old**

- Those who do not participate in the Social Security Program and those who are disabled but not yet 65 years of age are not eligible for Medicare Part A. In these cases, the Archdiocese designates the insurance plan for the coverage of these priests and permits coverage under other plans only by exception, based on the cost of the premium. These priests therefore have full coverage for health insurance, including drug coverage.
- The Archdiocese pays the health insurance premium. However, at the end of the year, the priest is to reimburse the Archdiocese for the amount in excess of the premium amount it pays for those priests who are on Social Security. It is expected that priests not on Social Security will have made adequate investments during their active ministry years to be able to meet these premium costs.

**General Health, Dental and Vision Insurance Contacts**

Questions regarding any of our health, dental and vision plans can be referred to:  
Archdiocese of Milwaukee Benefit Administrator at (414) 769-3423.

**4.3 SOCIAL SECURITY TAX (SELF-EMPLOYMENT TAX) OF NEWLY-ORDAINED PRIESTS**

NOTE: In tax law, a priest who is not subject to the vow of poverty is considered self-employed, even though he may have the technical status of an employee for income tax purposes.

The following applies to the Social Security coverage of newly-ordained diocesan priests.

1. Priests not subject to the vow of poverty are automatically covered for Social Security and are therefore subject to the self-employment tax. Social Security tax (self-employment tax) payments are made at the same time, and in conjunction with income tax payments. The two taxes are paid as one amount. An individual who files a "Declaration of Estimated Income" should include his estimated Social Security tax also.
2. Newly-Ordained may apply for an exemption from self-employment tax by filing I.R.S. Form 4361 Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders and Christian Science Practitioners. This is an irrevocable decision which precludes benefits under Social Security, Medicare, and associated coverages. This form must be filed by the date the tax return is due, including extensions, by the second tax year in which the priest had at least \$400 of net earnings from self-employment for services performed as a priest.

Due to the financial implications for the Archdiocese at the time of a priest's retirement, all priests are expected to participate in the Social Security program.

The Vicar for Clergy must be consulted before filing a Form 4361.

The Archbishop must be informed before a priest may file a Form 4361.

3. Tax Rate: Current self-employment tax rate may be obtained from any local Social Security or I.R.S. Office.

N.B. Self-employment earnings for Social Security tax purposes include W-2 wages, plus the nontaxable housing allowance, plus the net income from 1040 Schedule C, minus unreimbursed employee business expenses.

Sources: I.R.S. Publication 517.

#### 4.4 PARTICIPANTS' INDEMNITY PLAN

**PARTICIPANTS' INDEMNITY PLAN  
ARCHDIOCESE OF MILWAUKEE**

Effective May 15, 1982, the Archdiocese of Milwaukee initiated a Participants' Protected Self-Insurance Program. In 2018, the program was replaced by the Participants' Indemnity Plan. The Plan provides the participants with the most cost effective and comprehensive insurance coverage available.

The Plan is administered for the group by:

Catholic Mutual Relief Society  
P.O. Box 178  
Menomonee Falls, Wisconsin 53052  
Phone: (262) 255-6906  
Fax: (262) 255-7276

Following is a summary of the coverages and limitations, but is not intended to detail all the provisions contained therein. The [Plan Summary Document and other information](#) is found on the archmil website. Specific extensions, conditions, and limitations are shown on the certificate on file at the Chancery Office.

### **What is the Participants' Indemnity Plan?**

The Participants' Indemnity Plan ("PIP") is a comprehensive insurance plan providing uniform coverage for all participating parishes or agencies organized within the Archdiocese of Milwaukee. It consists of a self-insured portion and an excess coverage portion.

The self-insurance portion consists of a fund owned and supported by the participants. Subject to certain limitations, all claims of the participating parishes or agencies will normally be paid from the Self-Insurance Loss Fund.

Excess coverage comes into play when claims exceed the self-insurance loss fund limits. Coverage is then provided through the purchase of catastrophic coverage, also known as excess coverage.

### **How is it funded?**

The payments made by the participating parishes or agencies provide the funding for the Self-Insurance Loss Fund, the protection purchased from commercial insurance companies, and the administration of the entire program by Catholic Mutual Relief Society.

**SAVINGS:** In the Participants' Indemnity Plan, the savings remain in the program if the claims are less than the funding of the Self-Insurance Annual Loss Fund. These savings then are used to offset the normal cost increases of the excess insurance coverage from commercial companies and, if feasible, to reduce the necessary payments from the participating parishes or agencies to maintain the program.

The cost of any insurance program depends on the claims to paid. To assist all participating parishes or agencies in keeping claims to a minimum, Catholic Mutual provides on-site inspection and safety services. Reports will be submitted to indicate remedial measures necessary to correct any

deficiencies at these facilities. All locations benefit when each location promptly corrects improper, hazardous, and unsafe conditions.

**The Plan has unique coverage provisions which apply to Archdiocesan priests.**

The Participants' Indemnity Plan contains personal property and liability coverage for Archdiocesan priests on assignment for the Archdiocese of Milwaukee and / or retired and living on Archdiocesan property. The limit for personal property coverage is \$25,000 with a \$250.00 per occurrence deductible and the limit for personal liability coverage is \$300,000 with no deductible. The coverage also applies to any senior priest who lives on the parish property. This liability coverage responds to claims against a priest that are not related to priestly duties. Automobile liability coverage is not included. Claims involving priest's personal property or personal liability should be reported to the local Catholic Mutual Group office.

Specific questions about coverages and limitations under the Plan can be directed to the Catholic Mutual Field Office.

**For more information contact:**

Catholic Mutual Relief Society  
P.O. Box 178  
Menomonee Falls, Wisconsin 53052  
Phone: (262) 255-6906  
Fax: (262) 255-7276

#### 4.5 INVENTORY OF PROPERTY – PRIEST / PARISH

Canon law expresses an expectation about clarity of ownership by administrators of church property. It is ideal that a full inventory of parish property be maintained and regularly updated in accord with Canon 1283, §2. Property at parishes should be categorized as either the priest's personal property or else the property of the parish.

Parishes, e.g. finance office / trustees, are to maintain and annually update a list of parish-owned property.

Similarly, pastors / associate pastors / administrators / parish directors are to carefully maintain an inventory of their personal furnishings, appliances, vestments, vessels, office equipment and any other tangible property (not including clothing). This list is to be updated, and annually signed by one of the parish trustees. Items not contained on this list are considered parish property and the priest / parish director (or the family estate) has no right to items that are not contained on this "Personal Property" inventory list.

In lieu of written forms, a video format with audio descriptions of property for this inventory is an acceptable option.

In accord with canonical norms, one copy of the parish inventory, whether in written or video format, is to be maintained in the parish files and one submitted to the chancery for filing.

*Items to include are works of art, items of significant cultural value, movable items of sufficient monetary value including these items: televisions, VCR / CD players, computers, printers, etc. Include a photocopy of appraisal for items that are unique. Video, digital discs or photographs can be attached to supplement any worksheets.*

*SAMPLE FORM(S) follow for this purpose.*

## *SAMPLE FORM*

## INVENTORY OF PARISH PROPERTY

PARISH:

DATE:

Page \_\_\_\_\_ of \_\_\_\_\_

Pastor / Associate / Administrator / Parish Director Signature

Date

Trustee / Treasure Signature

Date

**SAMPLE FORM**

## **INVENTORY OF PERSONAL PROPERTY OF:**

Page \_\_\_\_\_ of \_\_\_\_\_

Pastor / Associate / Administrator / Parish Director Signature

Date

Trustee / Treasure Signature

Date

## 4.6 ST. MICHAEL'S PRIEST FUND TRUST AGREEMENT

**TRUST AGREEMENT**  
**creating the**  
**ST. MICHAEL'S PRIEST FUND TRUST**

THIS TRUST AGREEMENT is made and entered into as of June 4, 2018 by and between The Most Reverend Jerome E. Listecki, Archbishop of Milwaukee, Inc., in his official capacity as President of St. Michael's Priest Fund of the Archdiocese of Milwaukee, Inc., as Grantor, and The Most Reverend Jerome E. Listecki, Archbishop of Milwaukee in his official capacity as Archbishop, and the persons identified on Schedule A as Trustees, as follows:

**RECITALS**

**WHEREAS**, the Grantor desires to establish a charitable trust for the specific purpose of supporting active, disabled and retired incardinated priests of the Archdiocese of Milwaukee; and

**WHEREAS**, the Archbishop, in his official capacity as Archbishop, and the persons identified on Schedule A is each willing to serve as the Trustee for the Trust as hereinafter provided;

**NOW, THEREFORE**, in consideration of the foregoing premises and the mutual promises contained herein, the parties hereto agree as follows:

**1. INTRODUCTION.**

**1 Definitions.** When used herein with initial capital letters, the following words have the following meanings:

**1.1.1 Archbishop.** The person duly appointed as the Archbishop of Milwaukee, according to the norm of the Code of Canon Law, or if the See of the Archdiocese of Milwaukee is impeded or vacant, that person to whom belongs the governance of the Archdiocese, in accordance with the provisions of the Code of Canon Law.

**1.1.2 Board of Trustees.** The persons from time to time acting as Trustees hereunder appointed in accordance with the terms hereof.

**1.1.3 Chair.** The person serving as Chair of the Board of Trustees. The Chair shall be the Archbishop, ex officio.

**1.1.4 Charitable Organization.** An organization that is (i) described in Section 170(c)(2) of the Internal Revenue Code and (ii) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

**1.1.5 Code of Canon Law.** The body of ecclesiastical laws promulgated for the Latin Rite Church by the Supreme Pontiff of the Roman Catholic Church.

**1.1.6 Donors**. Persons who make contributions to the Trust from time to time. The initial Donor is the Grantor as President of the St. Michael's Priest Fund of the Archdiocese of Milwaukee, Inc., a Wisconsin not-for-profit corporation, in his role as President of that corporation and not in his canonical role as Archbishop of the Archdiocese of Milwaukee.

**1.1.7 Fund**. The assets (including principal and income) held hereunder in this Trust by the Trustees for the restricted purposes set forth herein. The Fund initially shall be comprised of the gift made by the Grantor, but shall include gifts made by other Donors.

**1.1.8 Grantor**. The Most Reverend Jerome E. Listecki, as President of St. Michael's Priest Fund of the Archdiocese of Milwaukee, Inc., a Wisconsin not-for-profit corporation, who has made the initial contribution described on Schedule B attached hereto, to establish the initial corpus of the Trust hereby created.

**1.1.9 Internal Revenue Code**. The Internal Revenue Code of 1986, including applicable regulations for specified sections of the Internal Revenue Code. Any reference in this Trust Agreement to a section of the Internal Revenue Code, including the applicable Treasury Regulations, shall be considered also to mean and refer to any subsequent amendment or replacement of that section or regulation.

**1.1.10 Investment Manager**. The person or persons, other than the Trustee, appointed as permitted hereunder to manage all or a portion of the Fund.

**1.1.11 Trust Agreement**. This written document creating the Trust, and as the same may be amended from time to time.

**1.1.12 Trustees**. The Trustees originally named hereunder and their successors in trust, and the additional Trustees appointed as provided herein and serving from time to time, who together constitute the Board of Trustees.

**1.2 Rules of Interpretation and Governing Law**. Whenever appropriate, words used herein in the singular may be read in the plural, or words used herein in the plural may be read in the singular; the masculine may include the feminine; and the words "hereof," "herein" or "hereunder" or other similar compounds of the word "here" shall mean and refer to this entire Trust Agreement and not to any particular paragraph or section of this Trust Agreement unless the context clearly indicates to the contrary. The titles given to the various sections of this Trust Agreement are inserted for convenience of reference only and are not part of this Trust Agreement, and they shall not be considered in determining the purpose, meaning or intent of any provision hereof. Any reference in this Trust Agreement to a statute or regulation shall be considered also to mean and refer to any subsequent amendment or replacement of that statute or regulation. This instrument has been executed and delivered in the State of Wisconsin and shall be governed, enforced and interpreted in accordance with the laws of the State of Wisconsin and the Internal Revenue Code provisions applicable to tax-exempt organizations. In addition, the Trustees shall administer the trust in a manner consistent with the Code of Canon Law.

**1.3 Restricted Charitable Purpose.** This Trust is organized and shall be operated exclusively for religious, charitable and educational purposes, and no part of the net earnings thereof shall inure to the benefit of any private shareholder or individual. The Trust shall be subject to and operated in conformance with the rules, regulations and standards established and permitted under Sections 170(c)(2) and 501(c)(3) of the Internal Revenue Code. The Trust shall be operated and conducted in conformance with the Code of Canon Law and the laws, theology, philosophy, teachings and doctrines of the Roman Catholic Church. Within the framework and limitations of the foregoing, this Trust is organized and shall be operated to receive any real property, tangible or intangible personal property, including money by gift, grant, devise or bequest from any individual, foundation, corporation or other entity, either private or public, or governmental instrumentality, in order to carry out the needs of the Archdiocese of Milwaukee in supporting active, disabled, retired and impoverished priests, to provide proper management of resources, and to provide not only for the current incardinated priests of the Archdiocese of Milwaukee, but also to plan and to provide for such future needs of priests who are incardinated into the Archdiocese of Milwaukee in the future.

## **2. TRUST FUND.**

**2.1 Fund Established; Restricted Purpose; Distributions.** The Fund shall be established upon the initial contribution hereto by the Grantor of the assets listed on Schedule B. The Fund shall be held by the Trustees in trust and dealt with in accordance with the provisions of this Trust Agreement. At no time shall any part of the corpus or income of the Fund be used for or diverted to purposes other than (i) providing financial support to the Archdiocese of Milwaukee to allow it to support disabled, retired and impoverished priests in the Archdiocese of Milwaukee, or (ii) for payment of the reasonable expenses of administering and enlarging the Fund, which shall be payable out of the Fund. Subject to the foregoing, the Trustees may make such distributions from the corpus or income of the Fund to the Archdiocese of Milwaukee as they determine advisable for the restricted purposes described herein.

**2.2 Priority for Distributions.** The Fund shall have the following three Priorities:

**2.2.1 First Priority: Short-Term Disability.** The First Priority of the Fund is to provide support to active priests who are suffering a short-term disability.

**2.2.2 Second Priority: Retiree Health Care Costs.** The Second Priority of the Fund is to assist retired priests of the Archdiocese of Milwaukee to cover their health care costs, both by providing insurance coverage as well as to pay uninsured costs (for example, deductibles, co-pays, etc.).

**2.2.3 Third Priority: Impoverished Priests.** The Third Priority of the Fund is to assist priests of the Archdiocese of Milwaukee who are receiving Medical Assistance or other governmental or other benefits.

**2.2.4 Guidelines.** The Trustees attach as Schedule C By-Laws as amended and adopted on January 1, 2014, and intend to use those By-Laws (which have no legal effect on the Trust) as guidelines for managing and disbursing the Trust.

**2.3 Management and Investment of Fund.** The Fund in the hands of the Trustees, together with all additional contributions made thereto and all net income thereof, shall be controlled, managed, invested, reinvested and ultimately paid and distributed for the use and benefit of supporting disabled, retired and impoverished priests in the Archdiocese of Milwaukee by the Trustees with all the powers, rights and discretion generally possessed by trustees, and with all the additional powers, rights and discretion conferred upon the Trustees under this Trust Agreement.

**2.4 Other Trust Powers.** Except to the extent that the Trustees are subject to the authorized and properly given investment directions of an Investment Manager (and in extension, but not in limitation, of the rights, powers and discretions conferred upon the Trustees herein), the Trustees shall have and may exercise from time to time in the administration of the Fund, without order or license of any court, all of the powers of Trustees under Wisconsin Statutes Sections 701.0815 and 701.0816, together with any one or more or all of the following rights, powers and discretions:

**2.4.1 Investments.** To invest and reinvest the assets of the Fund in any securities or properties which they deem for the best interest of the Fund consistent with their duties as fiduciaries, without limitation by any statute, rule of law or regulation of any governmental body prescribing or limiting the portion of the Fund which may be invested in any one property or kind, type or class of investment (subject, however, to any applicable provisions of the Internal Revenue Code and Regulations thereunder as they may relate to investments by Charitable Organizations). Specifically and without limiting the generality of the foregoing, the Trustees may invest and reinvest principal and accumulate income of the Fund in any real or personal property; preferred or common stocks of any kind or class of any corporation, including but not limited to investment and small business investment companies of all types; voting trust certificates; interests in investment trusts; shares of mutual funds; interests in any limited or general partnership or other business enterprise, however organized and whatever purpose; group or individual annuity contracts (which may involve investment in the issuer's general account or any of its separate accounts); interests in common or collective trusts, variable interest notes or any other type of collective fund maintained by a bank or similar institution; bonds, notes and debentures, secured or unsecured; mortgages, leases or other interests in real or personal property; interests in mineral, gas, oil or timber properties or other wasting assets; call options; put options; commodity or financial futures contracts; foreign currency; interest-bearing certificates or accounts in a bank or similar financial institution provided such certificates, accounts or instruments bear a reasonable rate of interest; or conditional sales contracts. Except as otherwise expressly provided herein, the investment of assets by the Trustees shall be governed by and subject to the prudent investor act of the Wisconsin Statutes as in effect from time to time.

**2.4.2 Power of Sale.** To sell, exchange or otherwise dispose of any asset of whatsoever character, real or personal, at any time held by the Trustees in trust hereunder.

**2.4.3 Segregation, Etc.** To segregate any part or portion of the Fund for the purpose of administration or distribution thereof and to hold the Fund uninvested whenever and for so long as the same is likely to be required for the payment in cash of distributions normally expected to be made in the near future, or whenever, and for as long as, market conditions are uncertain, or for any other reason which requires such action or makes such action advisable.

**2.4.4 Uninvested Cash.** To temporarily hold uninvested reasonable amounts of cash whenever it is deemed advisable to do so to facilitate disbursements or for other operational reasons, and to deposit the same, with or without interest.

**2.4.5 Holding Title.** To register any investment held in the Fund in the name of the Trustee, without trust designation, or in the name of a nominee or nominees, and to hold any investment in bearer form, but the records of the Trustees shall at all times show that all such investments are part of the Fund.

**2.4.6 Servants and Agents.** To retain and employ such attorneys, custodians, consultants, accountants and agents as may be necessary or desirable, in the opinion of the Trustees, in the administration of the Fund, and to pay them such reasonable compensation for their services as an expense of administration of the Fund, including, but not by way of limitation, power to employ and retain counsel upon any matter of doubt as to the meaning of or interpretation to be placed upon the Trust Agreement or any provisions thereof with reference to any question arising in the administration of the Fund or pertaining to the distribution thereof or pertaining to the rights and liabilities of the Trustees hereunder. The Trustees, in any such event, may act in reliance upon the advice, opinions, records, statements and computations of any attorneys and agents and on the records, statements and computations of any servants so selected by them in good faith. Without limiting the generality of the foregoing, the Trustees specifically are authorized but not required, to engage the Archdiocese of Milwaukee Catholic Community Foundation, Inc. as its agent to manage assets of the Fund, notwithstanding that one or more of the Trustees may be affiliated with such agent in a fiduciary capacity.

**2.4.7 Claims.** To institute, prosecute and maintain, or to defend, any proceeding at law or in equity concerning the Fund or the assets thereof or any claims thereto, at the sole cost and expense of the Fund. The Trustees shall be under no duty or obligation to institute, prosecute, maintain or defend any suit, action or other legal proceeding unless it shall be indemnified to its satisfaction against all expenses and liabilities which it may sustain or anticipate by reason thereof.

**2.4.8 Reorganizations, Etc.** To institute, participate and join in any plan of reorganization, readjustment, merger or consolidation with respect to the issuer of any securities held by the Trustees hereunder, and to use any other means of protecting and dealing with any of the assets of the Fund which it believes reasonably necessary or proper and, in general, to exercise each and every other power or right with respect to each asset or investment held by it hereunder as individuals generally have and enjoy with respect to their own assets and investment, including power to vote upon any securities or other

assets having voting power which he may hold from time to time and to give proxies with respect thereto, with or without power of substitution or revocation, and to deposit assets or investments with any protective committee, or with trustees or depositaries designated by any such committee or by any such trustees or any court. An Investment Manager serving hereunder shall have such powers and rights with respect to Fund assets for which it has investment responsibility. Neither the Trustees nor the Investment Manager, as the case may be, shall vote or take similar actions with respect to any security in which they may have an interest, direct or indirect. In such case, the Trustees or Investment Manager shall retain an independent fiduciary to vote or take such similar action, as applicable. In all other cases, such powers and rights shall be exercised solely by the Trustees.

**2.4.9 Determination of Intent.** In any matter of doubt affecting the meaning, purpose or intent of any provision of this Trust Agreement, which directly affects their duties, to determine such meaning, purpose or intent.

**2.4.10 Releases, Etc.** To collect, receive, receipt and give quittance for all payments that may be or become due and payable on account of any asset in trust hereunder which has not, by act of the Trustees taken pursuant thereto, been made payable to others; and payment thereof by the company issuing the same, or by the party obligated thereon, as the case may be, when made to the Trustees hereunder or to any person or persons designated by the Trustees, shall acquit, release and discharge such company or obligated party from any and all liability on account thereof.

**2.4.11 Options.** To grant options for the sale or other disposition of Fund assets; to purchase options for the acquisition of assets of any type; and to buy and sell (including short sales) call options, put options and futures contracts.

**2.4.12 Borrowing.** To borrow such sum or sums from time to time as the Trustees consider necessary or desirable and in the best interest of the Fund, and for that purpose to mortgage or pledge any part of the Fund, subject to the provisions of section 3.7.3, below.

**2.4.13 Withhold Payment.** To retain any funds or property subject to any dispute without liability for payment of interest, and to withhold payment or delivery thereof until final adjudication of the dispute by a court of competent jurisdiction.

**2.4.14 Lend Securities.** To engage in the lending of securities.

**2.4.15 General.** To have and to exercise such other and additional powers as may be advisable for the effective and economical administration of the Fund as the Trustees may determine in their discretion.

**2.5 Limitation on Certain Investments; Exculpation.** In the case of the Trustees and / or any Investment Manager acting hereunder, such persons shall observe and follow (and shall incur no liability in so doing) the Social Responsibility Guidelines set forth in both the USCCB Socially Responsible Investment Guidelines and the Archdiocese of Milwaukee Investment

Guidelines, as those guidelines are promulgated from time to time, notwithstanding the provisions of any law now or hereafter in effect relating to prudent investing.

**2.6 Custodian.** The Trustees may designate one or more banks or trust companies to act as custodian of the assets of the Fund, in which event the Trustees and custodian shall enter into a written agreement with terms and provisions acceptable to the Trustees and the following shall apply:

**2.6.1 Appointment.** The Trustees shall enter into an agreement with the bank or trust company so named employing it as agent of the Trustees and a custodian of the Fund delegating to the custodian substantially similar powers, rights and duties otherwise reserved to the Trustees in regard to the retention and administration of the Fund, it being intended that, the conditions and limitations otherwise applicable to the Trustees shall be applicable to the custodian, but only with respect to the portion of the Fund in its custody, and the custodian shall have responsibility for the holding and safekeeping of those assets of the Fund, and shall maintain the records and accounts, and shall submit to the appropriate party or parties the periodic reports, otherwise required of the Trustees as to the Fund.

**2.6.2 Resignation; Termination.** The provisions of such agreement shall include the right reserved to the custodian to resign as such at any time by giving prior written notice to the Trustees and the right reserved to the Trustees to terminate the employment of the custodian by giving prior written notice to the custodian.

**2.6.3 Compensation.** The custodian shall be entitled to reasonable compensation for its duties as such as may be agreed upon from time to time between the custodian and the Trustees, which compensation shall be payable out of the Fund.

**2.6.4 Agent for Trustees.** At the Trustees' discretion, the Trustees shall transfer to the custodian assets of the Fund and, until its appointment as custodian ends and all assets held by the custodian have been returned to the possession of the Trustees, the custodian shall hold and be responsible for the retention and administration of the assets of the Fund as agent of the Trustees.

**2.7 Limitation on Use of Fund.** The Fund hereunder shall at all times be a trust fund separate and apart from the assets of the Archdiocese of Milwaukee. Further, the Archdiocese of Milwaukee may not contribute assets to the Fund other than assets received from donors and designated for the support of active, disabled, retired and / or impoverished priests of the Archdiocese of Milwaukee. This limitation does not preclude the Trustees from providing support to the Archdiocese of Milwaukee for the restricted purposes set forth in this Trust Agreement. In no event shall any part of the corpus or income of the Fund be used for, or diverted to, purposes other than for the support of active, disabled, retired and / or impoverished priests incardinated in the Archdiocese of Milwaukee (except as specifically provided herein).

### **3. CONCERNING THE TRUSTEES.**

**3.1 Number, Appointment, Resignation, and Removal; Vacancies.** The initial Trustees and their successors shall constitute the Board of Trustees. Only individuals who are incardinated priests of the Archdiocese of Milwaukee may serve as Trustee. Any Trustee may resign at any time by written notice to the other Trustees then in office. Any Trustee may be removed at any time, with or without cause, by majority vote of the other Trustees provided the Chair consents.

**3.1.1 Number.** The Board of Trustees shall consist of not less than seven (7) persons. The Chair shall serve as a Trustee *ex officio*, and the remaining six (6) persons shall be appointed as provided in section 3.1.2, below.

**3.1.2 Appointment.** The initial Board of Trustees shall consist of the Chair and the persons identified on Schedule A. On an annual basis, the Board of Trustees shall submit candidates to be appointed commencing July 1 of the year or such other date as specified, subject to the Chair's appointment, to serve a term of three (3) years or until his successor is duly appointed and qualified. A Trustee is not limited in the number of terms he can serve. For clarification purposes, the Chair does not serve a term as Trustee, but rather is a Trustee *ex officio*, indefinitely.

**3.1.3 Resignation.** Any Trustee may resign at any time, either by oral tender of resignation at any meeting of the Board of Trustees, or by giving written notice thereof to the Chair. Such resignation shall take effect at the time specified in the notice. Acceptance of such resignation shall not be necessary to make it effective.

**3.1.4 Vacancies.** Any vacancy in the office of Trustee shall be filled by such person as nominated by a majority of the members of the Board of Trustees and appointed by the Chair.

**3.2 Office of Vice Chair.** The Chair may appoint a member of the Board of Trustees to serve as Vice Chair. The members of the Board of Trustee may nominate one of their members to serve as Vice Chair. The Vice Chair's duties shall consist of conducting meetings of the Trustees in the Chair's absence, and calling special meetings of the Board of Trustees. The Vice Chair shall serve a term of one-year and may be appointed an unlimited number of terms as long as he is a member of the Board of Trustees. The Vice Chair shall also have such powers and duties, if any, as the Chair may delegate, for such period as the Chair prescribes.

**3.3 Quorum and Manner of Acting.** Except as otherwise provided in this Trust Agreement, the majority of the total number of Trustees shall be required to constitute a quorum for the transaction of business at any meeting of the Board of Trustees. The act of a majority of the Trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees, except as otherwise provided with respect to actions requiring the Chair's consent.

**3.4 Written Action Without a Meeting.** Except as otherwise provided with respect to actions requiring the Chair's consent, any action required that is permitted to be taken at a meeting of the Board of Trustees may be taken by written action if a consent in writing setting forth the action to be so taken shall be signed by at least two-thirds (2/3) of the Trustees then in

office. The written action is effective when signed by the required number of Trustees, unless a different effective time is provided in the written action. A Trustee who does not sign a consent of written action has no liability for action or actions thereby taken.

**3.5 Attendance By Electronic Communications.** A conference among Trustees by means of communications through which the Trustees simultaneously hear each other during the conference is a Board of Trustees meeting, if the same notice is given of the conference as would be required for a meeting, and if the number of Trustees participating in the conference is a quorum. Participation in a meeting by this means is personal presence at the meeting. A Trustee may participate in a Board of Trustees meeting by any means of communication through which a Trustee, other Trustees participating, and all Trustees physically present at the meeting may simultaneously hear each other during the meeting. Participation in a meeting by this means is personal presence at the meeting.

**3.6 Actions Requiring Chair's Consent.** The following actions taken by the Trustees can only be taken with the consent of the Chair:

**3.6.1** Appointment of Trustees as nominated by the Board of Trustees.

**3.6.2** Confirmation of Trust Policies and Procedures, as recommended by the Board of Trustees.

**3.6.3** Appointment of Vice Chair as nominated by the board of Trustees

**3.7 Actions Requiring Unanimous Consent of All Trustees.** The following actions can only be taken by unanimous consent of all then members of the Board of Trustees, including the Chair:

**3.7.1** Amending this Trust Agreement.

**3.7.2** Terminating this Trust and distributing the assets of the Trust to a Charitable Organization as provided in section 5.2.

**3.7.3** Borrowing on behalf of the Trust.

**3.7.4** Lending any part of the Trust's assets; provided that purchase of a federally-insured certificate of deposit from a bank and / or of an investment-grade bond shall not be considered to be the lending of part of the Trust's assets.

**3.8 Actions Requiring Majority Consent of Trustees.** The following actions can be taken by a majority of the Trustees even if the Chair does not consent:

**3.8.1** Determining the amount and frequency of distributions from the Trust to the Archdiocese to support disabled, retired and / or impoverished priests.

**3.8.2** Selection of advisors to the Trustees.

**3.8.3** Nomination of a member of the Board of Trustees to serve as Vice Chair, subject to appointment by the Chair.

**3.8.4** Recommendation of Policies and Procedures to be adopted by the Chair.

**3.8.5** Conducting elections by the incardinated priests of the Archdiocese to nominate members of the Board of Trustees, subject to appointment by the Chair.

**3.9 Dealings with Trustees.**

**3.9.1 No Duty to Inquire.** No person, firm or corporation dealing with the Trustees shall be required to take cognizance of the provisions of this Trust Agreement or be required to make inquiry as to the authority of the Trustees to do any act which the Trustees shall do hereunder. No person, firm or corporation dealing with the Trustees shall be required to see to the faithful performance by the Trustees of its duties hereunder. Any such person, firm or corporation shall be entitled to assume conclusively that the Trustees are properly authorized to do any act that it shall do hereunder. Any such person, firm or corporation shall be under no liability to any other person for any act done hereunder pursuant to the written direction of the Trustees.

**3.9.2 Assumed Authority.** Any such person, firm or corporation may conclusively assume that the Trustees have full power and authority to receive any money or property becoming due and payable to the Trustees. No such person shall be bound to inquire as to the disposition or application of any money or property paid to the Trustees or paid in accordance with the written directions of the Trustees.

**3.9.3 Payments by Trustees.** The Trustees shall not be obligated or accountable for any payment, allocation or distribution made by the Trustees in good faith.

**3.9.4 Liability of Trustees.** Except as otherwise provided by law, no Trustee shall be liable to the Trust, or any person asserting rights on behalf of the Trust, its creditors, or any other person, for damages, settlements, fees, fines, penalties or other monetary liabilities arising from a breach of, or failure to perform, any duty resulting solely from his or her status as a Trustee, unless the person asserting liability proves that the breach or failure to perform constitutes (a) a willful failure to deal fairly with the Trust in connection with a matter in which the Trustee has a material conflict of interest, (b) a violation of criminal law, unless the Trustee had reasonable cause to believe his or her conduct was lawful or no reasonable cause to believe his or her conduct was unlawful, (c) a transaction from which the Trustee derived an improper personal profit or benefit, or (d) willful misconduct.

**3.9.5 Indemnity of Trustees.** The Trust shall indemnify a Trustee, to the extent he or she has been successful on the merits or otherwise in the defense of any threatened, pending or completed civil, criminal, administrative or investigative action, suit, arbitration or other proceeding, whether formal or informal, which involves foreign, federal, state or local law and which is brought by or in the right of the trust or by any other person, for all

reasonable expenses, including fees, costs, charges, disbursements and attorney fees, incurred in the proceeding, provided the Trustee was a party because he or she is a Trustee of the Trust, and in all other cases, the Trust shall indemnify a Trustee against liability, including judgments, settlements, penalties, assessment, forfeitures, fines, including any excise tax assessed with respect to an employee benefit plan, and reasonable expenses, incurred by the Trustee in the proceeding, provided the Trustee was a party because he or she is a Trustee of the Trust, unless the liability was incurred because the Trustee breached or failed to perform a duty he or she owes to the Trust and the breach or failure to perform constitutes (a) a willful failure to deal fairly with the Trust in connection with the matter in which the Trustee has a material conflict of interest, (b) a violation of criminal law, unless the Trustee had reasonable cause to believe that his or her conduct was lawful or no reasonable cause to believe that his or her conduct was unlawful, (c) a transaction from which the Trustee derived an improper personal profit or benefit, or (d) willful misconduct. No indemnification is required under this section to the extent the Trustee has previously received indemnification, reimbursement or allowance of expenses from any person, including the Trust, in connection with the same proceeding.

**3.9.6 Maintenance of Insurance.** The Trust may, by its Trustees, purchase and maintain insurance on behalf of any Trustee against liability asserted against and incurred by the person in his or her capacity as a Trustee, or arising from his or her status as a Trustee, regardless of whether the Trust is required or authorized to indemnify the person against the same liability.

**3.9.7 Conflict of Interest Policy.** Within a reasonable time after being constituted, the initial Board of Trustees shall consider and adopt a conflict of interest policy designed to preserve the tax-exempt status and integrity of the Trust. Such policy shall supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

**3.10 Compensation of Trustees.** The Trustees shall serve without compensation hereunder, but shall be entitled to be paid from or be reimbursed from the Trust for their reasonable expenses, fees, costs and other charges incurred by them or payable by them on account of services rendered in administering the Trust.

**3.11 Accountings by Trustees.** The Trustees shall render an accounting with respect to the administration of the Trust on an annual basis which shall be available for inspection at the office of the Trustees upon reasonable notice by any Donor or other person entitled by law to inspect the same.

### **3.12 Investment Managers.**

**3.12.1 Appointment and Qualifications.** The Board of Trustees shall have the power to appoint and may from time to time appoint one or more Investment Managers to direct the investment of, or to assume complete investment responsibility over, all or any portion of the Fund. An Investment Manager may be any person or firm which is either (1) registered as an investment adviser under the Investment Advisers Act of 1940, (2) a bank, (3) an

insurance company which is qualified to perform the services of an Investment Manager under the laws of more than one state, or (4) a charitable organization whose assets are commingled for investment purposes and which is exempt under the Philanthropy Protection Act of 1995 from the registration requirements of Federal and State Securities Laws (such as, but not limited to, the Archdiocese of Milwaukee Catholic Community Foundation, Inc.).

**3.12.2 Investment Objective**. The Board of Trustees with the advice of the Investment Manager or Managers shall determine the general investment characteristics and objectives of the Fund.

**3.12.3 Removal**. The Board of Trustees may remove any such Investment Manager and shall have the power to appoint a successor or successors from time to time in succession to any Investment Manager who shall be removed, resign or otherwise cease to serve hereunder.

**3.12.4 Relation to Other Fiduciaries**. The Trustees acting in good faith, may rely on investment directions given to the Trustees with respect to the designated portion of the Fund, and, provided they have acted in good faith, the Trustees shall be released, indemnified, and held harmless from all liability (including legal and other professional fees) for any loss arising out of or on account of any action taken or not taken by them pursuant to the directions of such Investment Manager. This section shall survive the termination of this Trust Agreement.

**3.12.5 Fees and Expenses**. The fees and expenses of any Investment Manager, as agreed upon from time to time between the Investment Manager and the Board of Trustees, shall be charged to and paid from the Fund as determined by the Board of Trustees in good faith.

#### **4. PROTECTIVE PROVISIONS.**

**4.1 No Voluntary Assignment**. This Trust Agreement is intended for the protection and benefit of beneficiaries hereof, and no interest hereunder shall be susceptible of pledge, assignment, anticipation, hypothecation or other voluntary alienation.

**4.2 Involuntary Alienation**. No beneficial interest in the fund herein shall be subject to attachment, garnishment, execution following Judgment, or other legal process while in the possession or control of the Trustees.

#### **5. AMENDMENT AND TERMINATION.**

**5.1 Amendment**. The Trustees reserve the power to amend this Trust Agreement in order to further the tax-exempt charitable purposes described herein. Any such Amendment shall be approved by the unanimous consent of the Board of Trustees. The Trustees may from time to time amend any of the provisions hereof to facilitate the more effective and efficient administration of the trust provided that: (a) any such amendment shall be requested by the

unanimous consent of the Board of Trustees; (b) any such amendment is agreed to by the Chair; (c) no such amendment adversely affects the tax-exempt charitable status of the Trust; and (d) no such amendment is contrary to the Code of Canon Law. In all other respects, this Trust Agreement shall be irrevocable and not subject to amendment or revocation.

**5.2 Termination.** If for any reason the Trust terminates, the remaining assets hereof shall be distributed to one or more Catholic Charitable Organizations as designated by the Trustees having public charity status under the Internal Revenue Code and which carry out a purpose which, in the discretion of the Board of Trustees, including the Chair, is consistent with the restricted purpose for which the Trust was established. This Trust may be dissolved in accordance with the laws of the State of Wisconsin and in a manner which is consistent with the applicable norms of the Code of Canon Law, pursuant to a plan of dissolution as adopted by the unanimous vote of the Trustees, including the Chair. In the event of termination and dissolution, the assets may be distributed to a successor trust with established purposes and powers not inconsistent with the purposes and powers established under this Trust Agreement. In no event shall any of the remaining assets of the Trust be distributed to any organization that does not qualify as a tax exempt organization under Section 501 (c)(3) of the Internal Revenue Code.

## **6. GENERAL MATTERS.**

### **6.1 Limitation on Authority.**

**6.1.1 Fiduciaries Generally.** No action taken by any fiduciary hereunder shall be the responsibility of any other fiduciary and no fiduciary shall have the duty to question whether any other fiduciary is fulfilling all of the responsibility imposed upon such other fiduciary by this Trust Agreement.

**6.1.2 Trustees.** The duties, responsibilities and obligations of the Trustees shall be those set forth in this Trust Agreement.

**6.2 Determinations, Rules and Regulations.** The Trustees shall make such determinations, rules or regulations as may be required from time to time in the administration of this Trust. The Trustees and other interested parties may act and rely upon all information reported to them hereunder and need not inquire into the accuracy thereof, nor be charged with any notice to the contrary.

**ST. MICHAEL'S PRIEST FUND TRUST****Schedule A****Initial Members of Board of Trustees and Their Initial Terms**

<b>Name of Trustee</b>	<b>Initial Term Through</b>
Michael Barrett	June 30, 2022
Peter Drenzek	June 30, 2022
Mark Brandl	June 30, 2023
Steve Stradinger	June 30, 2023
Alan Jurkus	June 30, 2024
Kevin Kowalske	June 30, 2024

**ST. MICHAEL'S PRIEST FUND TRUST****Schedule B**

Assets received from St. Michael's Priest Fund of the Archdiocese of Milwaukee, Inc., currently held in account numbers 63 73-0706 and 8069-4965 at Wells Fargo Advisors, Inc.

**ST. MICHAEL'S PRIEST FUND TRUST****Schedule C****Guidelines for Distributions****Section I. Classification of Beneficiaries.**

CLASS A: A priest who is totally disabled and has lost his salaried position after six (6) months. The Trust will provide funds (supplementing other benefits as described in the Clergy Manual, including, but not limited to, income derived from the Archdiocesan Long-Term Disability Plan) to equal 80% of his salary for a period up to six (6) months. At the determination of the Board of Trustees (the "Board"), an extension up to an additional six (6) months may be granted.

CLASS B: A priest who is partially disabled and has some income from limited ministry. The Trust will provide up to 40% of his salary (supplementing other benefits if applicable) up to six (6) months. At the determination of the Board, an extension up to an additional six (6) months may be granted.

CLASS C: A priest who becomes 'indigent' (as determined by the Board) and is in need of supplemental income. The Board shall review such requests on a case by case basis and act upon each individual.

CLASS D: Other Benefits - A priest who is presently involved in some form of rehabilitation care. At the determination of the Board, the Trust will pay for some additional time in such rehab care and / or facility, provided however, that such benefit will be limited to five (5) days per priest and not exceed fifty (50) days total in a calendar year.

NB-In all the above classifications - the amounts given is open to future change by the Board. All beneficiaries are subject to a review by the Board every six (6) months.

No benefits shall be paid for Temporary Partial Disability. The period of convalescence, which permits the performance of some work, though only of directive kind, shall constitute temporary partial disability.

Priests drawing benefit under Temporary Total Disability are limited to 26 weeks' indemnity for any one year, beginning with the time of their total disability. The Board is empowered to extend the period of total disability in exceptional cases.

**Section 2. Rules of the Fund.**

- (a) Priests must make application for benefits in writing, using the regular application blank, and send same to the Secretary or Vicar for Clergy, who shall submit the same to the Board.
- (b) The application must be signed by another priest in good standing with the Archdiocese of Milwaukee.
- (c) The claimant must submit sufficient proof of his condition of disability.
- (d) The application must be filed in a timely manner determined by the Board. Any application filed later than thirty days of the determination of disability shall be rejected as untimely.
- (e) All applications must be passed on by the Board.
- (f) Benefits shall not be paid to any beneficiaries in arrears.

4.7 PRIEST'S LONG-TERM DISABILITY (LTD) COVERAGE



**The Archdiocese of Milwaukee,  
Administrator - Priest LTD Plan**

**Your Group Long Term Disability Plan**

Policy No. 551767 155

Underwritten by Unum Life Insurance Company of America

11/8/2012

## CERTIFICATE OF COVERAGE

Unum Life Insurance Company of America (referred to as Unum) welcomes you as a client.

This is your certificate of coverage as long as you are eligible for coverage and you become insured. You will want to read it carefully and keep it in a safe place.

Unum has written your certificate of coverage in plain English. However, a few terms and provisions are written as required by insurance law. If you have any questions about any of the terms and provisions, please consult Unum's claims paying office. Unum will assist you in any way to help you understand your benefits.

If the terms and provisions of the certificate of coverage (issued to you) are different from the policy (issued to the policyholder), the policy will govern. Your coverage may be cancelled or changed in whole or in part under the terms and provisions of the policy.

The policy is delivered in and is governed by the laws of the governing jurisdiction. When making a benefit determination under the policy, Unum has discretionary authority to determine your eligibility for benefits and to interpret the terms and provisions of the policy.

For purposes of effective dates and ending dates under the group policy, all days begin at 12:01 a.m. and end at 12:00 midnight at the Policyholder's address.

Unum Life Insurance Company of America  
2211 Congress Street  
Portland, Maine 04122

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## BENEFITS AT A GLANCE

### LONG TERM DISABILITY PLAN

This long term disability plan provides financial protection for you by paying a portion of your income while you are disabled. The amount you receive is based on the amount you earned before your disability began. In some cases, you can receive disability payments even if you work while you are disabled.

#### EMPLOYER'S ORIGINAL PLAN

**EFFECTIVE DATE:** October 1, 2012

**POLICY NUMBER:** 551767 155

#### ELIGIBLE GROUP(S):

Priests who are employees of the Archdiocese of Milwaukee, Inc., and priests who service in eligible Catholic entities and / or agencies within the Archdiocese of Milwaukee in active employment in the United States with the Employer

#### MINIMUM HOURS REQUIREMENT:

Employees must be working at least 30 hours per week.

#### WAITING PERIOD:

For employees in an eligible group on or before October 1, 2012: None

For employees entering an eligible group after October 1, 2012: None

#### WHO PAYS FOR THE COVERAGE:

Your Employer pays the cost of your coverage.

#### ELIMINATION PERIOD:

90 days

Benefits begin the day after the elimination period is completed.

#### MONTHLY BENEFIT:

60% of monthly earnings to a maximum benefit of \$3,250 per month.

Your payment may be reduced by deductible sources of income and disability earnings.

Some disabilities may not be covered or may have limited coverage under this plan.

#### MAXIMUM PERIOD OF PAYMENT:

<u>Age at Disability</u>	<u>Maximum Period of Payment</u>
Age 61 or younger	To age 68 or 6 years 6 months, if longer
Age 62	6 years 6 months
Age 63	6 years
Age 64	5 years 6 months
Age 65	5 years
Age 66	4 years 9 months
Age 67	4 years 6 months
Age 68	4 years 3 months
Age 69 or older	4 years

No premium payments are required for your coverage while you are receiving payments under this plan.

B@G-LTD-1 (10/1/2012)

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**REHABILITATION AND RETURN TO WORK ASSISTANCE BENEFIT:**

10% of your gross disability payment to a maximum benefit of \$1,000 per month.

In addition, we will make monthly payments to you for 3 months following the date your disability ends if we determine you are no longer disabled while:

- you are participating in the Rehabilitation and Return to Work Assistance program; and
- you are not able to find employment.

**DEPENDENT CARE EXPENSE BENEFIT:**

While you are participating in Unum's Rehabilitation and Return to Work Assistance program, you may receive payments to cover certain dependent care expenses limited to the following amounts:

Dependent Care Expense Benefit Amount: \$350 per month, per dependent

Dependent Care Expense Maximum Benefit Amount: \$1,000 per month for all eligible dependent care expenses combined

**TOTAL BENEFIT CAP:**

The total benefit payable to you on a monthly basis (including all benefits provided under this plan) will not exceed 100% of your monthly earnings. However, if you are participating in Unum's Rehabilitation and Return to Work Assistance program, the total benefit payable to you on a monthly basis (including all benefits provided under this plan) will not exceed 110% of your monthly earnings.

**OTHER FEATURES:**

Continuity of Coverage

Minimum Benefit

Pre-Existing: 3/12

Survivor Benefit

Work Life Assistance Program

**The above items are only highlights of this plan. For a full description of your coverage, continue reading your certificate of coverage section.**

The plan includes enrollment, risk management and other support services related to your Employer's Benefit Program.

## CLAIM INFORMATION

### LONG TERM DISABILITY

#### **WHEN DO YOU NOTIFY UNUM OF A CLAIM?**

We encourage you to notify us of your claim as soon as possible, so that a claim decision can be made in a timely manner. Written notice of a claim should be sent within 30 days after the date your disability begins. However, you must send Unum written proof of your claim no later than 90 days after your elimination period. If it is not possible to give proof within 90 days, it must be given no later than 1 year after the time proof is otherwise required except in the absence of legal capacity.

The claim form is available from your Employer, or you can request a claim form from us. If you do not receive the form from Unum within 15 days of your request, send Unum written proof of claim without waiting for the form.

You must notify us immediately when you return to work in any capacity.

#### **HOW DO YOU FILE A CLAIM?**

You and your Employer must fill out your own sections of the claim form and then give it to your attending physician. Your physician should fill out his or her section of the form and send it directly to Unum.

#### **WHAT INFORMATION IS NEEDED AS PROOF OF YOUR CLAIM?**

Your proof of claim, provided at your expense, must show:

- that you are under the **regular care of a physician**;
- the appropriate documentation of your monthly earnings;
- the date your disability began;
- the cause of your disability;
- the extent of your disability, including restrictions and limitations preventing you from performing your regular occupation; and
- the name and address of any hospital or institution where you received treatment, including all attending physicians.

We may request that you send proof of continuing disability indicating that you are under the regular care of a physician. This proof, provided at your expense, must be received within 45 days of a request by us.

In some cases, you will be required to give Unum authorization to obtain additional medical information and to provide non-medical information as part of your proof of claim, or proof of continuing disability. Unum will deny your claim, or stop sending you payments, if the appropriate information is not submitted.

#### **TO WHOM WILL UNUM MAKE PAYMENTS?**

Unum will make payments to you.

**WHAT HAPPENS IF UNUM OVERPAYS YOUR CLAIM?**

Unum has the right to recover any overpayments due to:

- fraud;
- any error Unum makes in processing a claim; and
- your receipt of deductible sources of income.

You must reimburse us in full. We will determine the method by which the repayment is to be made.

Unum will not recover more money than the amount we paid you.

## GENERAL PROVISIONS

### **WHAT IS THE CERTIFICATE OF COVERAGE?**

This certificate of coverage is a written statement prepared by Unum and may include attachments. It tells you:

- the coverage for which you may be entitled;
- to whom Unum will make a payment; and
- the limitations, exclusions and requirements that apply within a plan.

### **WHEN ARE YOU ELIGIBLE FOR COVERAGE?**

If you are working for your Employer in an eligible group, the date you are eligible for coverage is the later of:

- the plan effective date; or
- the day after you complete your **waiting period**.

### **WHEN DOES YOUR COVERAGE BEGIN?**

When your Employer pays 100% of the cost of your coverage under a plan, you will be covered at 12:01 a.m. on the date you are eligible for coverage.

When you and your Employer share the cost of your coverage under a plan or when you pay 100% of the cost yourself, you will be covered at 12:01 a.m. on the latest of:

- the date you are eligible for coverage, if you apply for insurance on or before that date;
- the date you apply for insurance, if you apply within 31 days after your eligibility date; or
- the date Unum approves your application, if **evidence of insurability** is required.

Evidence of insurability is required if you:

- are a late applicant, which means you apply for coverage more than 31 days after the date you are eligible for coverage; or
- voluntarily cancelled your coverage and are reapplying.

An evidence of insurability form can be obtained from your Employer.

### **WHAT IF YOU ARE ABSENT FROM WORK ON THE DATE YOUR COVERAGE WOULD NORMALLY BEGIN?**

If you are absent from work due to injury, sickness, temporary layoff or leave of absence, your coverage will begin on the date you return to **active employment**.

### **ONCE YOUR COVERAGE BEGINS, WHAT HAPPENS IF YOU ARE TEMPORARILY NOT WORKING?**

If you are on a temporary layoff, and if premium is paid, you will be covered for up to 90 days following the date your temporary layoff begins.

If you are on a **leave of absence**, and if premium is paid, you will be covered for up to 90 days following the date your leave of absence begins.

#### **WHEN WILL CHANGES TO YOUR COVERAGE TAKE EFFECT?**

Once your coverage begins, any increased or additional coverage will take effect immediately if you are in active employment or if you are on a covered layoff or leave of absence. If you are not in active employment due to injury or sickness, any increased or additional coverage will begin on the date you return to active employment.

Any decrease in coverage will take effect immediately but will not affect a **payable** claim that occurs prior to the decrease.

#### **WHEN DOES YOUR COVERAGE END?**

Your coverage under the policy or a plan ends on the earliest of:

- the date the policy or a plan is cancelled;
- the date you no longer are in an eligible group;
- the date your eligible group is no longer covered;
- the last day you are in active employment except as provided under the covered layoff or leave of absence provision; or
- the date your Employer no longer is a participating member of the Affiliated Catholic Employers Trust of Nebraska.

Unum will provide coverage for a payable claim which occurs while you are covered under the policy or plan.

#### **WHAT ARE THE TIME LIMITS FOR LEGAL PROCEEDINGS?**

You can start legal action regarding your claim 60 days after proof of claim has been given and up to 3 years from the time proof of claim is required, unless otherwise provided under federal law.

#### **HOW CAN STATEMENTS MADE IN YOUR APPLICATION FOR THIS COVERAGE BE USED?**

Unum considers any statements you, your Employer or the Affiliated Catholic Employers Trust of Nebraska makes in a signed application for coverage or an evidence of insurability form a representation and not a warranty. If any of the statements you, your Employer or the Affiliated Catholic Employers Trust of Nebraska makes are not complete and/or not true at the time they are made, we can:

- reduce or deny any claim; or
- cancel your coverage from the original effective date.

We will use only statements made in a signed application as a basis for doing this.

If the Employer or the Affiliated Catholic Employers Trust of Nebraska gives us information about you that is incorrect, we will:

- use the facts to decide whether you have coverage under the plan and in what amounts; and
- make a fair adjustment of the premium.

**HOW WILL UNUM HANDLE INSURANCE FRAUD?**

Unum wants to ensure you, your Employer and the Affiliated Catholic Employers Trust of Nebraska do not incur additional insurance costs as a result of the undermining effects of insurance fraud. Unum promises to focus on all means necessary to support fraud detection, investigation, and prosecution.

It is a crime if you knowingly, and with intent to injure, defraud or deceive Unum, or provide any information, including filing a claim, that contains any false, incomplete or misleading information. These actions, as well as submission of materially false information, will result in denial of your claim, and are subject to prosecution and punishment to the full extent under state and / or federal law. Unum will pursue all appropriate legal remedies in the event of insurance fraud.

**DOES THE POLICY REPLACE OR AFFECT ANY WORKERS' COMPENSATION OR STATE DISABILITY INSURANCE?**

The policy does not replace or affect the requirements for coverage by any workers' compensation or state disability insurance.

**DOES YOUR EMPLOYER ACT AS YOUR AGENT OR UNUM'S AGENT?**

For purposes of the policy, your Employer acts on its own behalf or as your agent. Under no circumstances will your Employer be deemed the agent of Unum.

**DOES THE POLICYHOLDER ACT AS YOUR AGENT OR UNUM'S AGENT?**

For purposes of the Policy and Summary of Benefits, the Policyholder acts on its own behalf or as your agent. Under no circumstances will the Policyholder be deemed the agent of Unum.

## LONG TERM DISABILITY BENEFIT INFORMATION

### **HOW DOES UNUM DEFINE DISABILITY?**

You are disabled when Unum determines that:

- you are **limited** from performing the material and **substantial duties** of your **regular occupation** due to your **sickness or injury**; and
- you have a 20% or more loss in your **indexed monthly earnings** due to the same sickness or injury.

You must be under the regular care of a physician in order to be considered disabled.

The loss of a professional or occupational license or certification does not, in itself, constitute disability.

We may require you to be examined by a physician, other medical practitioner and / or vocational expert of our choice. Unum will pay for this examination. We can require an examination as often as it is reasonable to do so. We may also require you to be interviewed by an authorized Unum Representative.

### **HOW LONG MUST YOU BE DISABLED BEFORE YOU ARE ELIGIBLE TO RECEIVE BENEFITS?**

You must be continuously disabled through your **elimination period**. Unum will treat your disability as continuous if your disability stops for 30 days or less during the elimination period. The days that you are not disabled will not count toward your elimination period.

Your elimination period is 90 days.

You are not required to have a 20% or more loss in your indexed monthly earnings due to the same injury or sickness to be considered disabled during the elimination period.

### **CAN YOU SATISFY YOUR ELIMINATION PERIOD IF YOU ARE WORKING?**

Yes. If you are working while you are disabled, the days you are disabled will count toward your elimination period.

### **WHEN WILL YOU BEGIN TO RECEIVE PAYMENTS?**

You will begin to receive payments when we approve your claim, providing the elimination period has been met and you are disabled. We will send you a payment monthly for any period for which Unum is liable.

### **HOW MUCH WILL UNUM PAY YOU IF YOU ARE DISABLED?**

We will follow this process to figure your payment:

1. Multiply your monthly earnings by 60%.
2. The maximum **monthly benefit** is \$3,250.
3. Compare the answer from Item 1 with the maximum monthly benefit. The lesser of these two amounts is your **gross disability payment**.
4. Subtract from your gross disability payment any **deductible sources of income**.

The amount figured in Item 4 is your **monthly payment**.

#### **WILL UNUM EVER PAY MORE THAN 100% OF MONTHLY EARNINGS?**

The total benefit payable to you on a monthly basis (including all benefits provided under this plan) will not exceed 100% of your monthly earnings. However, if you are participating in Unum's Rehabilitation and Return to Work Assistance program, the total benefit payable to you on a monthly basis (including all benefits provided under this plan) will not exceed 110% of your monthly earnings.

#### **WHAT ARE YOUR MONTHLY EARNINGS?**

"Monthly Earnings" means your gross monthly income from your Employer, not including shift differential, in effect just prior to your date of disability. It includes your total income before taxes. It is prior to any deductions made for pre-tax contributions to a qualified deferred compensation plan, Section 125 plan or flexible spending account. It does not include income received from commissions, bonuses, overtime pay or any other extra compensation or income received from sources other than your Employer.

#### **WHAT WILL WE USE FOR MONTHLY EARNINGS IF YOU BECOME DISABLED DURING A COVERED LEAVE OF ABSENCE?**

If you become disabled while you are on a covered leave of absence, we will use your monthly earnings from your Employer in effect just prior to the date your absence begins.

#### **HOW MUCH WILL UNUM PAY YOU IF YOU ARE DISABLED AND WORKING?**

We will send you the monthly payment if you are disabled and your monthly **disability earnings**, if any, are less than 20% of your indexed monthly earnings, due to the same sickness or injury.

If you are disabled and your monthly disability earnings are from 20% through 80% of your indexed monthly earnings, due to the same sickness or injury, Unum will figure your payment as follows:

During the first 12 months of payments, while working, your monthly payment will not be reduced as long as disability earnings plus the gross disability payment does not exceed 100% of indexed monthly earnings.

1. Add your monthly disability earnings to your gross disability payment.
2. Compare the answer in Item 1 to your indexed monthly earnings.

If the answer from Item 1 is less than or equal to 100% of your indexed monthly earnings, Unum will not further reduce your monthly payment.

If the answer from Item 1 is more than 100% of your indexed monthly earnings, Unum will subtract the amount over 100% from your monthly payment.

After 12 months of payments, while working, you will receive payments based on the percentage of income you are losing due to your disability.

1. Subtract your disability earnings from your indexed monthly earnings.
2. Divide the answer in Item 1 by your indexed monthly earnings. This is your percentage of lost earnings.
3. Multiply your monthly payment by the answer in Item 2.

This is the amount Unum will pay you each month.

Unum may require you to send proof of your monthly disability earnings at least quarterly. We will adjust your payment based on your quarterly disability earnings.

As part of your proof of disability earnings, we can require that you send us appropriate financial records which we believe are necessary to substantiate your income.

After the elimination period, if you are disabled for less than 1 month, we will send you 1/30 of your payment for each day of disability.

### **HOW CAN WE PROTECT YOU IF YOUR DISABILITY EARNINGS FLUCTUATE?**

If your disability earnings routinely fluctuate widely from month to month, Unum may average your disability earnings over the most recent 3 months to determine if your claim should continue.

If Unum averages your disability earnings, we will not terminate your claim unless the average of your disability earnings from the last 3 months exceeds 80% of indexed monthly earnings.

We will not pay you for any month during which disability earnings exceed 80% of indexed monthly earnings.

### **WHAT ARE DEDUCTIBLE SOURCES OF INCOME?**

Unum will subtract from your gross disability payment the following deductible sources of income:

1. The amount that you receive or are entitled to receive under:
  - a workers' compensation law.
  - an occupational disease law.
  - any other **act** or **law** with similar intent.
2. The amount that you receive or are entitled to receive as disability income payments under any:
  - state compulsory benefit **act** or **law**.
  - other group insurance plan.

3. The amount that you, your spouse and your children receive or are entitled to receive as disability payments because of your disability under:
  - the United States Social Security Act.
  - the Canada Pension **Plan**.
  - the Quebec Pension Plan.
  - any similar plan or act.
4. The amount that you receive as retirement payments or the amount your spouse and children receive as retirement payments because you are receiving retirement payments under:
  - the United States Social Security Act.
  - the Canada Pension Plan.
  - the Quebec Pension Plan.
  - any similar plan or act.
5. The amount that you:
  - receive as disability payments under your Employer's **retirement plan**.
  - voluntarily elect to receive as retirement payments under your Employer's retirement plan.
  - receive as retirement payments when you reach the later of age 62 or normal retirement age, as defined in your Employer's retirement plan.

Disability payments under a retirement plan will be those benefits which are paid due to disability and do not reduce the retirement benefit which would have been paid if the disability had not occurred.

Retirement payments will be those benefits which are based on your Employer's contribution to the retirement plan. Disability benefits which reduce the retirement benefit under the plan will also be considered as a retirement benefit.

Regardless of how the retirement funds from the retirement plan are distributed, Unum will consider your and your Employer's contributions to be distributed simultaneously throughout your lifetime.

Amounts received do not include amounts rolled over or transferred to any eligible retirement plan. Unum will use the definition of eligible retirement plan as defined in Section 402 of the Internal Revenue Code including any future amendments which affect the definition.

6. The amount that you receive under Title 46, United States Code Section 688 (The Jones Act).

With the exception of retirement payments, Unum will only subtract deductible sources of income which are payable as a result of the same disability.

We will not reduce your payment by your Social Security retirement income if your disability begins after age 65 and you were already receiving Social Security retirement payments.

**WHAT ARE NOT DEDUCTIBLE SOURCES OF INCOME?**

Unum will not subtract from your gross disability payment income you receive from, but not limited to, the following:

- 401(k) plans
- profit sharing plans
- thrift plans
- tax sheltered annuities
- stock ownership plans
- non-qualified plans of deferred compensation
- pension plans for partners
- military pension and disability income plans
- credit disability insurance
- franchise disability income plans
- a retirement plan from another Employer
- individual retirement accounts (IRA)
- individual disability income plans
- no fault motor vehicle plans
- **salary continuation or accumulated sick leave plans**

**WHAT IF SUBTRACTING DEDUCTIBLE SOURCES OF INCOME RESULTS IN A ZERO BENEFIT? (Minimum Benefit)**

The minimum monthly payment is the greater of:

- \$100; or
- 10% of your gross disability payment.

Unum may apply this amount toward an outstanding overpayment.

**WHAT HAPPENS WHEN YOU RECEIVE A COST OF LIVING INCREASE FROM DEDUCTIBLE SOURCES OF INCOME?**

Once Unum has subtracted any deductible source of income from your gross disability payment, Unum will not further reduce your payment due to a cost of living increase from that source.

**WHAT IF UNUM DETERMINES YOU MAY QUALIFY FOR DEDUCTIBLE INCOME BENEFITS?**

When we determine that you may qualify for benefits under Item(s) 1, 2 and 3 in the deductible sources of income section, we will estimate your entitlement to these benefits. We can reduce your payment by the estimated amounts if such benefits:

- have not been awarded; and
- have not been denied; or
- have been denied and the denial is being appealed.

Your Long Term Disability payment will NOT be reduced by the estimated amount if you:

- apply for the disability payments under Item(s) 1, 2 and 3 in the deductible sources of income section and appeal your denial to all administrative levels Unum feels are necessary; and
- sign Unum's payment option form. This form states that you promise to pay us any overpayment caused by an award.

If your payment has been reduced by an estimated amount, your payment will be adjusted when we receive proof:

- of the amount awarded; or
- that benefits have been denied and all appeals Unum feels are necessary have been completed. In this case, a lump sum refund of the estimated amount will be made to you.

If you receive a lump sum payment from any deductible sources of income, the lump sum will be pro-rated on a monthly basis over the time period for which the sum was given. If no time period is stated, we will use a reasonable one.

#### **HOW LONG WILL UNUM CONTINUE TO SEND YOU PAYMENTS?**

Unum will send you a payment each month up to the **maximum period of payment**. Your maximum period of payment is based on your age at disability as follows:

<u>Age at Disability</u>	<u>Maximum Period of Payment</u>
Age 61 or younger	To age 68 or 6 years 6 months, if longer
Age 62	6 years 6 months
Age 63	6 years
Age 64	5 years 6 months
Age 65	5 years
Age 66	4 years 9 months
Age 67	4 years 6 months
Age 68	4 years 3 months
Age 69 or older	4 years

#### **WHEN WILL PAYMENTS STOP?**

We will stop sending you payments and your claim will end on the earliest of the following:

- when you are able to work in your regular occupation on a **part-time basis** but you do not;
- if you are working and your monthly disability earnings exceed 80% of your indexed monthly earnings, the date your earnings exceed 80%;
- the end of the maximum period of payment;
- the date you are no longer disabled under the terms of the plan, unless you are eligible to receive benefits under Unum's Rehabilitation and Return to Work Assistance program;
- the date you fail to submit proof of continuing disability;
- after 12 months of payments if you are considered to reside outside the United States or Canada. You will be considered to reside outside these countries when you have been outside the United States or Canada for a total period of 6 months or more during any 12 consecutive months of benefits;
- the date you die.

### **WHAT DISABILITIES HAVE A LIMITED PAY PERIOD UNDER YOUR PLAN?**

The lifetime cumulative maximum benefit period for all disabilities due to **mental illness** is 24 months. Only 24 months of benefits will be paid even if the disabilities:

- are not continuous; and / or
- are not related.

Unum will continue to send you payments beyond the 24 month period if you meet one or both of these conditions:

1. If you are confined to a **hospital or institution** at the end of the 24 month period, Unum will continue to send you payments during your confinement. If you are still disabled when you are discharged, Unum will send you payments for a recovery period of up to 90 days.

If you become reconfined at any time during the recovery period and remain confined for at least 14 days in a row, Unum will send payments during that additional confinement and for one additional recovery period up to 90 more days.

2. In addition to Item 1, if, after the 24 month period for which you have received payments, you continue to be disabled and subsequently become confined to a hospital or institution for at least 14 days in a row, Unum will send payments during the length of the reconfinement.

Unum will not pay beyond the limited pay period as indicated above, or the maximum period of payment, whichever occurs first.

Unum will not apply the mental illness limitation to dementia if it is a result of:

- stroke;
- trauma;
- viral infection;
- Alzheimer's disease; or
- other conditions not listed which are not usually treated by a mental health provider or other qualified provider using psychotherapy, psychotropic drugs, or other similar methods of treatment.

### **WHAT DISABILITIES ARE NOT COVERED UNDER YOUR PLAN?**

Your plan does not cover any disabilities caused by, contributed to by, or resulting from your:

- intentionally self-inflicted injuries.
- active participation in a riot.
- loss of a professional license, occupational license or certification.
- commission of a crime for which you have been convicted.
- pre-existing condition.

Your plan will not cover a disability due to war, declared or undeclared, or any act of war.

Unum will not pay a benefit for any period of disability during which you are incarcerated.

**WHAT IS A PRE-EXISTING CONDITION?**

You have a pre-existing condition if:

- you received medical treatment, consultation, care or services including diagnostic measures, or took prescribed drugs or medicines in the 3 months just prior to your effective date of coverage; and
- the disability begins in the first 12 months after your effective date of coverage.

**WHAT HAPPENS IF YOU RETURN TO WORK FULL TIME WITH THE POLICYHOLDER AND YOUR DISABILITY OCCURS AGAIN?**

If you have a recurrent disability, Unum will treat your disability as part of your prior claim and you will not have to complete another elimination period if:

- you were continuously insured under the plan for the period between the end of your prior claim and your recurrent disability; and
- your recurrent disability occurs within 6 months from the end of your prior claim.

Your recurrent disability will be subject to the same terms of the plan as your prior claim and will be treated as a continuation of that disability.

Any disability which occurs after 6 months from the date your prior claim ended will be treated as a new claim. The new claim will be subject to all of the policy provisions, including the elimination period.

If you become entitled to payments under any other group long term disability plan, you will not be eligible for payments under the Unum plan.

## LONG TERM DISABILITY OTHER BENEFIT FEATURES

### **WHAT BENEFITS WILL BE PROVIDED TO YOU OR YOUR FAMILY IF YOU DIE OR ARE TERMINALLY ILL? (Survivor Benefit)**

When Unum receives proof that you have died, we will pay your **eligible survivor** a lump sum benefit equal to 3 months of your gross disability payment if, on the date of your death:

- your disability had continued for 180 or more consecutive days; and
- you were receiving or were entitled to receive payments under the plan.

If you have no eligible survivors, payment will be made to your estate, unless there is none. In this case, no payment will be made.

However, we will first apply the survivor benefit to any overpayment which may exist on your claim.

You may receive your 3 month survivor benefit prior to your death if you have been diagnosed as terminally ill.

We will pay you a lump sum amount equal to 3 months of your gross disability payment if:

- you have been diagnosed with a terminal illness or condition;
- your life expectancy has been reduced to less than 12 months; and
- you are receiving monthly payments.

Your right to exercise this option and receive payment is subject to the following:

- you must make this election in writing to Unum; and
- your physician must certify in writing that you have a terminal illness or condition and your life expectancy has been reduced to less than 12 months.

This benefit is available to you on a voluntary basis and will only be payable once.

If you elect to receive this benefit prior to your death, no 3 month survivor benefit will be payable upon your death.

### **WHAT IF YOU ARE NOT IN ACTIVE EMPLOYMENT WHEN YOUR EMPLOYER CHANGES INSURANCE CARRIERS TO UNUM? (Continuity of Coverage)**

When the plan becomes effective, Unum will provide coverage for you if:

- you are not in active employment because of a sickness or injury; and
- you were covered by the prior policy.

Your coverage is subject to payment of premium.

Your payment will be limited to the amount that would have been paid by the prior carrier. Unum will reduce your payment by any amount for which your prior carrier is liable.

**WHAT IF YOU HAVE A DISABILITY DUE TO A PRE-EXISTING CONDITION WHEN YOUR EMPLOYER CHANGES INSURANCE CARRIERS TO UNUM? (Continuity of Coverage)**

Unum may send a payment if your disability results from a pre-existing condition if, you were:

- in active employment and insured under the plan on its effective date; and
- insured by the prior policy at the time of change.

In order to receive a payment you must satisfy the pre-existing condition provision under:

1. the Unum plan; or
2. the prior carrier's plan, if benefits would have been paid had that policy remained in force.

If you do not satisfy Item 1 or 2 above, Unum will not make any payments.

If you satisfy Item 1, we will determine your payments according to the Unum plan provisions.

If you only satisfy Item 2, we will administer your claim according to the Unum plan provisions. However, your payment will be the lesser of:

- a. the monthly benefit that would have been payable under the terms of the prior plan if it had remained inforce; or
- b. the monthly payment under the Unum plan.

Your benefits will end on the earlier of the following dates:

1. the end of the maximum benefit period under the plan; or
2. the date benefits would have ended under the prior plan if it had remained in force.

**HOW CAN UNUM'S REHABILITATION AND RETURN TO WORK ASSISTANCE PROGRAM HELP YOU RETURN TO WORK?**

Unum has a vocational Rehabilitation and Return to Work Assistance program available to assist you in returning to work. We will determine whether you are eligible for this program, at our sole discretion. In order to be eligible for rehabilitation services and benefits, you must be medically able to engage in a return to work program.

Your claim file will be reviewed by one of Unum's rehabilitation professionals to determine if a rehabilitation program might help you return to gainful employment. As your file is reviewed, medical and vocational information will be analyzed to determine an appropriate return to work program.

We will make the final determination of your eligibility for participation in the program.

We will provide you with a written Rehabilitation and Return to Work Assistance plan developed specifically for you.

The rehabilitation program may include at our sole discretion, but is not limited to, the following services and benefits:

- coordination with your Employer to assist you to return to work;
- adaptive equipment or job accommodations to allow you to work;
- vocational evaluation to determine how your disability may impact your employment options;
- job placement services;
- resume preparation;
- job seeking skills training; or
- education and retraining expenses for a new occupation.

**WHAT ADDITIONAL BENEFITS WILL UNUM PAY WHILE YOU PARTICIPATE IN A REHABILITATION AND RETURN TO WORK ASSISTANCE PROGRAM?**

We will pay an additional disability benefit of 10% of your gross disability payment to a maximum benefit of \$1,000 per month.

This benefit is not subject to policy provisions which would otherwise increase or reduce the benefit amount such as Deductible Sources of Income. However, the Total Benefit Cap will apply.

In addition, we will make monthly payments to you for 3 months following the date your disability ends if we determine you are no longer disabled while:

- you are participating in the Rehabilitation and Return to Work Assistance program; and
- you are not able to find employment.

This benefit payment may be paid in a lump sum.

**WHEN WILL REHABILITATION AND RETURN TO WORK ASSISTANCE BENEFITS END?**

Benefits for the Rehabilitation and Return to Work Assistance program will end on the earliest of the following dates:

- the date Unum determines that you are no longer eligible to participate in Unum's Rehabilitation and Return to Work Assistance program; or
- any other date on which monthly payments would stop in accordance with this plan.

**WHAT ADDITIONAL BENEFIT IS AVAILABLE FOR DEPENDENT CARE EXPENSES TO ENABLE YOU TO PARTICIPATE IN UNUM'S REHABILITATION AND RETURN TO WORK ASSISTANCE PROGRAM?**

While you are participating in Unum's Rehabilitation and Return to Work Assistance program, we will pay a Dependent Care Expense Benefit when you are disabled and you:

1. are incurring expenses to provide care for a child under the age of 15; and/or

2. start incurring expenses to provide care for a child age 15 or older or a family member who needs personal care assistance.

The payment of the Dependent Care Expense Benefit will begin immediately after you start Unum's Rehabilitation and Return to Work Assistance program.

Our payment of the Dependent Care Expense Benefit will:

1. be \$350 per month, per **dependent**; and
2. not exceed \$1,000 per month for all dependent care expenses combined.

To receive this benefit, you must provide satisfactory proof that you are incurring expenses that entitle you to the Dependent Care Expense Benefit.

Dependent Care Expense Benefits will end on the earlier of the following:

1. the date you are no longer incurring expenses for your dependent;
2. the date you no longer participate in Unum's Rehabilitation and Return to Work Assistance program; or
3. any other date payments would stop in accordance with this plan.

## OTHER SERVICES

These services are also available from us as part of your Unum Long Term Disability plan.

### ***IS THERE A WORK LIFE ASSISTANCE PROGRAM AVAILABLE WITH THE PLAN?***

We do provide you and your dependents access to a work life assistance program designed to assist you with problems of daily living.

You can call and request assistance for virtually any personal or professional issue, from helping find a day care or transportation for an elderly parent, to researching possible colleges for a child, to helping to deal with the stress of the workplace. This work life program is available for everyday issues as well as crisis support.

This service is also available to your Employer.

This program can be accessed by a 1-800 telephone number available 24 hours a day, 7 days a week or online through a website.

Information about this program can be obtained through your plan administrator.

### ***HOW CAN UNUM HELP YOUR EMPLOYER IDENTIFY AND PROVIDE WORKSITE MODIFICATION?***

A worksite modification might be what is needed to allow you to perform the material and substantial duties of your regular occupation with your Employer. One of our designated professionals will assist you and your Employer to identify a modification we agree is likely to help you remain at work or return to work. This agreement will be in writing and must be signed by you, your Employer and Unum.

When this occurs, Unum will reimburse your Employer for the cost of the modification, up to the greater of:

- \$1,000; or
- the equivalent of 2 months of your monthly benefit.

This benefit is available to you on a one time only basis.

### ***HOW CAN UNUM'S SOCIAL SECURITY CLAIMANT ADVOCACY PROGRAM ASSIST YOU WITH OBTAINING SOCIAL SECURITY DISABILITY BENEFITS?***

In order to be eligible for assistance from Unum's Social Security claimant advocacy program, you must be receiving monthly payments from us. Unum can provide expert advice regarding your claim and assist you with your application or appeal.

Receiving Social Security benefits may enable:

- you to receive Medicare after 24 months of disability payments;
- you to protect your retirement benefits; and
- your family to be eligible for Social Security benefits.

We can assist you in obtaining Social Security disability benefits by:

- helping you find appropriate legal representation;
- obtaining medical and vocational evidence; and
- reimbursing pre-approved case management expenses.

## GLOSSARY

**ACTIVE EMPLOYMENT** means you are working for your Employer for earnings that are paid regularly and that you are performing the material and substantial duties of your regular occupation. You must be working at least the minimum number of hours as described under Eligible Group(s) in each plan.

Your work site must be:

- your Employer's usual place of business;
- an alternative work site at the direction of your Employer, including your home; or
- a location to which your job requires you to travel.

Normal vacation is considered active employment.

Temporary and seasonal workers are excluded from coverage.

**DEDUCTIBLE SOURCES OF INCOME** means income from deductible sources listed in the plan which you receive or are entitled to receive while you are disabled. This income will be subtracted from your gross disability payment.

**DEPENDENT** means:

- your child(ren) under the age of 15; and
- your child(ren) age 15 or over or a family member who requires personal care assistance.

**DISABILITY EARNINGS** means the earnings which you receive while you are disabled and working, plus the earnings you could receive if you were working to your **maximum capacity**.

**ELIMINATION PERIOD** means a period of continuous disability which must be satisfied before you are eligible to receive benefits from Unum.

**EMPLOYEE** means a person who is in active employment in the United States with the Employer.

**EMPLOYER** means the participating member in the Affiliated Catholic Employers Trust of Nebraska, named on the first page of this Summary of Benefits and in all amendments.

**EVIDENCE OF INSURABILITY** means a statement of your medical history which Unum will use to determine if you are approved for coverage. Evidence of insurability will be at Unum's expense.

**GRACE PERIOD** means the period of time following the premium due date during which premium payment may be made.

**GROSS DISABILITY PAYMENT** means the benefit amount before Unum subtracts deductible sources of income and disability earnings.

**HOSPITAL OR INSTITUTION** means an accredited facility licensed to provide care and treatment for the condition causing your disability.

**INDEXED MONTHLY EARNINGS** means your monthly earnings adjusted on each anniversary of benefit payments by the lesser of 10% or the current annual percentage increase in the Consumer Price Index. Your indexed monthly earnings may increase or remain the same, but will never decrease.

The Consumer Price Index (CPI-U) is published by the U.S. Department of Labor. Unum reserves the right to use some other similar measurement if the Department of Labor changes or stops publishing the CPI-U.

Indexing is only used as a factor in the determination of the percentage of lost earnings while you are disabled and working.

**INJURY** means a bodily injury that is the direct result of an accident and not related to any other cause. Disability must begin while you are covered under the plan.

**INSURED** means any person covered under a plan.

**LAW, PLAN OR ACT** means the original enactments of the law, plan or act and all amendments.

**LAYOFF or LEAVE OF ABSENCE** means you are temporarily absent from active employment for a period of time that has been agreed to in advance in writing by your Employer.

Your normal vacation time or any period of disability is not considered a temporary layoff or leave of absence.

**LIMITED** means what you cannot or are unable to do.

**MATERIAL AND SUBSTANTIAL DUTIES** means duties that:

- are normally required for the performance of your regular occupation; and
- cannot be reasonably omitted or modified.

**MAXIMUM CAPACITY** means, based on your restrictions and limitations, the greatest extent of work you are able to do in your regular occupation, that is reasonably available.

**MAXIMUM PERIOD OF PAYMENT** means the longest period of time Unum will make payments to you for any one period of disability.

**MENTAL ILLNESS** means a psychiatric or psychological condition classified in the Diagnostic and Statistical Manual of Mental Health Disorders (DSM), published by the American Psychiatric Association, most current as of the start of a disability. Such disorders include, but are not limited to, psychotic, emotional or behavioral disorders, or disorders relatable to stress. If the DSM is discontinued or replaced, these disorders will be those classified in the diagnostic manual then used by the American Psychiatric Association as of the start of a disability.

**MONTHLY BENEFIT** means the total benefit amount for which an employee is insured under this plan subject to the maximum benefit.

**MONTHLY EARNINGS** means your gross monthly income from your Employer as defined in the plan.

**MONTHLY PAYMENT** means your payment after any deductible sources of income have been subtracted from your gross disability payment.

**PART-TIME BASIS** means the ability to work and earn between 20% and 80% of your indexed monthly earnings.

**PAYABLE CLAIM** means a claim for which Unum is liable under the terms of the policy.

**PHYSICIAN** means:

- a person performing tasks that are within the limits of his or her medical license; and
- a person who is licensed to practice medicine and prescribe and administer drugs or to perform surgery; or
- a person with a doctoral degree in Psychology (Ph.D. or Psy.D.) whose primary practice is treating patients; or
- a person who is a legally qualified medical practitioner according to the laws and regulations of the governing jurisdiction.

Unum will not recognize you, or your spouse, children, parents or siblings as a physician for a claim that you send to us.

**PLAN** means a line of coverage under the policy.

**POLICYHOLDER** (referred to as "The Trust") means the Affiliated Catholic Employer's Trust of Nebraska, named on the first page of the Policy and in all amendments. It includes any participating members named in this Summary of Benefits.

**PRE-EXISTING CONDITION** means a condition for which you received medical treatment, consultation, care or services including diagnostic measures, or took prescribed drugs or medicines for your condition during the given period of time as stated in the plan.

**RECURRENT DISABILITY** means a disability which is:

- caused by a worsening in your condition; and
- due to the same cause(s) as your prior disability for which Unum made a Long Term Disability payment.

**REGULAR CARE** means:

- you personally visit a physician as frequently as is medically required, according to generally accepted medical standards, to effectively manage and treat your disabling condition(s); and
- you are receiving the most appropriate treatment and care which conforms with generally accepted medical standards, for your disabling condition(s) by a physician whose specialty or experience is the most appropriate for your disabling condition(s), according to generally accepted medical standards.

**REGULAR OCCUPATION** means the occupation you are routinely performing when your disability begins. Unum will look at your occupation as it is normally performed in the national economy, instead of how the work tasks are performed for a specific employer or at a specific location.

**RETIREMENT PLAN** means a defined contribution plan or defined benefit plan. These are plans which provide retirement benefits to employees and are not funded entirely by employee contributions. Retirement Plan includes but is not limited to any plan which is part of any federal, state, county, municipal or association retirement system.

**SALARY CONTINUATION OR ACCUMULATED SICK LEAVE** means continued payments to you by your Employer of all or part of your monthly earnings, after you become disabled as defined by the Policy. This continued payment must be part of an established plan maintained by your Employer for the benefit of all employees covered under the Policy. Salary continuation or accumulated sick leave does not include compensation paid to you by your Employer for work you actually perform after your disability begins. Such compensation is considered disability earnings, and would be taken into account in calculating your monthly payment.

**SICKNESS** means an illness or disease. Disability must begin while you are covered under the plan.

**SURVIVOR, ELIGIBLE** means your spouse, if living; otherwise your children under age 25 equally.

**WAITING PERIOD** means the continuous period of time (shown in each plan) that you must be in active employment in an eligible group before you are eligible for coverage under a plan.

**WE, US** and **OUR** means Unum Life Insurance Company of America.

**YOU** means an employee who is eligible for Unum coverage.

## Additional Claim and Appeal Information

The following items constitute the Plan: the additional information contained in this document, the policy, including your certificate of coverage, and any additional summary plan description information provided by the Plan Administrator. Benefit determinations are controlled exclusively by the policy, your certificate of coverage, and the information in this document.

### HOW TO FILE A CLAIM

If you wish to file a claim for benefits, you should follow the claim procedures described in your insurance certificate. To complete your claim filing, Unum must receive the claim information it requests from you (or your authorized representative), your attending physician and your Employer. If you or your authorized representative has any questions about what to do, you or your authorized representative should contact Unum directly.

### CLAIMS PROCEDURES

Unum will give you notice of the decision no later than 45 days after the claim is filed. This time period may be extended twice by 30 days if Unum both determines that such an extension is necessary due to matters beyond the control of the Plan and notifies you of the circumstances requiring the extension of time and the date by which Unum expects to render a decision. If such an extension is necessary due to your failure to submit the information necessary to decide the claim, the notice of extension will specifically describe the required information, and you will be afforded at least 45 days within which to provide the specified information. If you deliver the requested information within the time specified, any 30 day extension period will begin after you have provided that information. If you fail to deliver the requested information within the time specified, Unum may decide your claim without that information.

If your claim for benefits is wholly or partially denied, the notice of adverse benefit determination under the Plan will:

- state the specific reason(s) for the determination;
- reference specific Plan provision(s) on which the determination is based;
- describe additional material or information necessary to complete the claim and why such information is necessary;
- describe Plan procedures and time limits for appealing the determination, and your right to obtain information about those procedures and the right to bring a lawsuit following an adverse determination from Unum on appeal; and
- disclose any internal rule, guidelines, protocol or similar criterion relied on in making the adverse determination (or state that such information will be provided free of charge upon request).

Notice of the determination may be provided in written or electronic form. Electronic notices will be provided in a form that complies with any applicable legal requirements.

## APPEAL PROCEDURES

You have 180 days from the receipt of notice of an adverse benefit determination to file an appeal. Requests for appeals should be sent to the address specified in the claim denial. A decision on review will be made not later than 45 days following receipt of the written request for review. If Unum determines that special circumstances require an extension of time for a decision on review, the review period may be extended by an additional 45 days (90 days in total). Unum will notify you in writing if an additional 45 day extension is needed.

If an extension is necessary due to your failure to submit the information necessary to decide the appeal, the notice of extension will specifically describe the required information, and you will be afforded at least 45 days to provide the specified information. If you deliver the requested information within the time specified, the 45 day extension of the appeal period will begin after you have provided that information. If you fail to deliver the requested information within the time specified, Unum may decide your appeal without that information.

You will have the opportunity to submit written comments, documents, or other information in support of your appeal. You will have access to all relevant documents in accordance with applicable laws and regulations. The review of the adverse benefit determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

The review will be conducted by Unum and will be made by a person different from the person who made the initial determination and such person will not be the original decision maker's subordinate. In the case of a claim denied on the grounds of a medical judgment, Unum will consult with a health professional with appropriate training and experience. The health care professional who is consulted on appeal will not be the individual who was consulted during the initial determination or a subordinate. If the advice of a medical or vocational expert was obtained by the Plan in connection with the denial of your claim, Unum will provide you with the names of each such expert, regardless of whether the advice was relied upon.

A notice that your request on appeal is denied will contain the following information:

- the specific reason(s) for the determination;
- a reference to the specific Plan provision(s) on which the determination is based;
- a statement disclosing any internal rule, guidelines, protocol or similar criterion relied on in making the adverse determination (or a statement that such information will be provided free of charge upon request);
- a statement describing your right to bring a lawsuit if you disagree with the decision;
- the statement that you are entitled to receive upon request, and without charge, reasonable access to or copies of all documents, records or other information relevant to the determination; and

- the statement that "You or your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your State insurance regulatory agency".

Notice of the determination may be provided in written or electronic form. Electronic notices will be provided in a form that complies with any applicable legal requirements.

Unless there are special circumstances, this administrative appeal process must be completed before you begin any legal action regarding your claim.

## **OTHER RIGHTS**

Unum, for itself and as claims fiduciary for the Plan, is entitled to legal and equitable relief to enforce its right to recover any benefit overpayments caused by your receipt of deductible sources of income from a third party. This right of recovery is enforceable even if the amount you receive from the third party is less than the actual loss suffered by you but will not exceed the benefits paid you under the policy. Unum and the Plan have an equitable lien over such sources of income until any benefit overpayments have been recovered in full.

## **DISCRETIONARY ACTS**

The Plan, acting through the Plan Administrator, delegates to Unum and its affiliate Unum Group discretionary authority to make benefit determinations under the Plan. Unum and Unum Group may act directly or through their employees and agents or further delegate their authority through contracts, letters or other documentation or procedures to other affiliates, persons or entities. Benefit determinations include determining eligibility for benefits and the amount of any benefits, resolving factual disputes, and interpreting and enforcing the provisions of the Plan. All benefit determinations must be reasonable and based on the terms of the Plan and the facts and circumstances of each claim.

Once you are deemed to have exhausted your appeal rights under the Plan, you have the right to seek court review of any benefit determinations with which you disagree. The court will determine the standard of review it will apply in evaluating those decisions.

## 4.8 PRIESTS' PENSION PLAN

### *I. General Information*

The Archdiocese of Milwaukee Priests' Pension Plan ("Plan") was established in accord with the mandate from the Second Vatican Council, that all dioceses provide for the retirement needs of their priests. This Plan became effective July 1, 1973.

The Plan is a formal trust fund providing guaranteed benefits, based upon sound actuarial assumptions, funding techniques and investment practices. It meets the requirements, and conforms to standards set forth for the legal protection of retirement funds and is a qualified defined benefit plan.

An actuarial firm is hired to analyze the future commitments under the Plan and make recommendations to the Priests' Pension Board as to the amount of monthly increase, if any, the Plan can sustain without jeopardizing the retirement needs of future generations of priests.

Custody of investments and issuing of monthly pension checks is currently assigned to US Bank Trust Co.

This Plan is not intended to meet all the needs of a senior priest. Diocesan priests need to provide additional income for their retirement years through such sources as Social Security, annuities and other saving plans.

Specific provisions which govern administration of the Archdiocese of Milwaukee Priests' Pension Plan are defined in the Plan document. Following is a brief summary of the Plan.

### *II. Membership*

Any persons incardinated into priestly service on or after July 1, 1973 into the Archdiocese of Milwaukee are required to be members of the Plan. (cf. Plan Article II, 2.01.g and Plan Article III, 3.02)

At the time a priest is incardinated into the Archdiocese of Milwaukee from another diocese or from a religious community, he shall have a one-time **irrevocable** election to (i) become a Member of this Plan or (ii) continue as a participant in his prior plan and waive membership in this Plan.

Deacons do not belong to the Priests' Pension Plan.

Religious Order priests working in the Archdiocese are not members of the Plan. If a Religious Order priest works for the Archdiocese in an official capacity, his Religious Order may receive pension contributions equivalent to those made on behalf of diocesan priests. These payments are to be paid into his respective community's retirement program.

### *III. Payments*

The designated contribution amount is based on ordination date. The priest himself and his employing institution pay into the Fund according to a formula established by the Archdiocese. Changes in the designated contribution amounts take place through a resolution of the Board of Directors of the Archdiocese.

Each individual priest is required to make contributions to the Fund to ensure sufficient funds and benefits for years to come; this contribution holds each priest personally accountable for his own retirement.

Payment by the employing institution is to be made to the Plan upon billing. The priest's portion, which is a matter of justice, comes from a pre-tax reduction in his salary. It should be paid by the employing institution and not paid directly by the priest.

#### *IV. Retirement*

Normal Retirement is at age 68. Full monthly benefits are available whether or not the priest retires on his 68th birthday. Application for benefits is made through the Vicar for Clergy Office.

Early Retirement is on or after age 65 with the approval of the Archbishop. The pension payment is reduced by five percent for each full year before age 68. Although early retirees receive a reduced benefit initially, all future increases to retirement benefits will also apply to them on a proportional basis.

Disability Retirement has been replaced by Priest Long Term Disability Insurance Coverage. (See Section III "Priest Long Term-Disability (LTD) Coverage" for information on LTD insurance coverage).

#### *V. Benefits*

Pension benefits begin the month following the benefit effective date and are paid on the 27th of each month.

Please see "Miscellaneous Financial Details" in the Appendix for current benefit details. The Priest Pension Board recommends the amount of monthly benefits. Future increments in monthly benefits are always dependent upon the performance of investments.

However, for those ordained after July 1, 2006, full pension benefits are provided only to priests who have served the Archdiocese for at least 30 years and are pro-rated for priests who have served the Archdiocese for fewer than 30 years. Pension benefits may be subject to certain other restrictions.

If a priest leaves the ministry (cf. Plan Article IV 4.02), there are two options available to him.

- Option 1 is reimbursement of all personal contributions made by him to the Plan plus interest as provided under the current Plan document.
- Option 2 provides a reduced benefit for life beginning at age 68 and is available to priests who had participated in the Plan ten or more years.

The priest who leaves the ministry must elect one of these options in writing within 6 months after termination of his official assignment. If no election is made, he will only be entitled to his personal contribution plus interest (per option one above).

#### *VI. Income Tax / Social Security*

As allowed under Internal Revenue Code 107, the Plan provides that up to 100% of the pension benefit may be designated as rental or housing allowance and therefore is not taxable (cf. Plan Article VI 6.04.) The amount that is excluded from income may not exceed the amount actually used to rent or provide a home. (For example, if your gross annual pension totaled \$15,900 but your actual rent or cost of providing housing was only \$9,000, then only \$9,000 would be excluded from taxable income. The balance of \$6,900 would be included as income on line 4b [IRAs, Pensions & Annuities taxable amount] on federal form 1040.) Included in the cost of providing a home are such household expenses as utilities, maintenance, repairs and similar expenses directly related to providing a home.

The monthly contribution to the pension plan is a pre-tax salary reduction and is not reported to, nor taxable by, the Internal Revenue Service until benefits are received after retirement. The priest reports and pays taxes only on his reduced salary.

#### *VII. Amendments to the Plan*

By virtue of his office, the Archbishop can make amendments to the Pension Plan which do not cause any part of the Trust Fund to be used for, or diverted to, any purpose other than the exclusive benefit of members included in the Plan. Amendments are recommended by the Pension Board.

#### *VIII. Pension Board*

The Priests' Pension Board consists of six members recommended by the Executive Committee of the Council of Priests. They are appointed by the Archbishop. The Archbishop may appoint a person to serve as an ex-officio member of the Pension Board; currently, the Vicar for Clergy serves in this capacity.

The Board administers the Plan in all respects, except the responsibility for the investment and custody of the funds accumulated under the Plan. The Archdiocesan Investment Committee, a subcommittee of the Archdiocesan Finance Council, oversees the investment of the Plan funds.

As of this printing, the most recent Priests' Pension Plan Document is restated effective July 1, 2022.

A copy of the Archdiocese of Milwaukee Priests' Pension Plan document is available through the Finance Office at (414) 769-3325 or 414-769-3326.

## 4.9 HELPOUT COMPENSATION (UPDATED 1/7/2025)

The following scale for **2025** daily and weekend help-out remuneration has been approved for the Archdiocese.

Remuneration for each weekday Mass:

- \$50.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.

Remuneration for each weekend and Holy Day Mass:

- \$70.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.

Remuneration for all other services

- Sacrament of reconciliation
  - \$40.00 plus the IRS maximum allowed cents per mile travel expense.
- Funeral vigil, etc.
  - \$40.00 plus the IRS maximum allowed cents per mile travel expense.
- Funeral
  - Maximum stole fee is \$75 – plus mileage.
- Wedding
  - Maximum stole fee is \$100 – plus mileage.
- Quinceanera
  - Maximum stole fee is \$100 – plus mileage.
- Baptism
  - Maximum stole fee is \$10 whether within Mass or outside of Mass – plus mileage.

For calendar year 2025, the IRS maximum is \$0.70 per mile.

Note. The IRS maximum rate may change mid-year. Following is a link to the current IRS rate Website for IRS Standard Mileage Rates <https://www.irs.gov/tax-professionals/standard-mileage-rates>

### **Stipends and Stole fees**

The maximum amount for stipends and stole fees is established by the bishops of the Province of Wisconsin (c 1264, 2°). The wedding offering is set at a maximum of \$100.00 and funeral offering at a maximum of \$75.00. When some parishes indicated a desire to implement an additional fee for the use of parish facilities for weddings and funerals, particular law set the maximum amount at \$100.00. The Chancery Office has received an increased number of calls in the last year regarding the amount being requested for sacramental celebrations especially for weddings and funerals. Usually the fees are not broken out by category so it is difficult to explain to inquirers why the fees are so high. Please review your fee schedules to ensure that you are not exceeding the maximum amounts permitted.

### **For Assisting Priests, usual working with Parish Directors:**

- Help-out compensation for Mass and Services are as listed above.
- Retreat Fee is provided by the parish as listed above.

- A Continuing Education stipend in the amount of \$500 is to be provided for the priest. (This fee is shared if there is more than one priest assisting the parish.)
- Anointing of the sick, Communion calls, reconciliation or other pastoral visits outside the usual Mass times are compensated at a rate of \$30 per diem plus IRS mileage.

**Fees Exempt for the Assisting Priest**

Sacraments celebrated at, before or after Mass.+

#### 4.10 MISCELLANEOUS FINANCIAL DETAILS

**Priests' Pension Benefits (c.f. Priest' Pension Plan - General Information) (UPDATED 07/01/2024)**

Effective July 1, 2024 full pension benefits is \$1,890 / month.

**Priest Long Term Disability (LTD) Insurance (billed separately)**

The parish or institution where a priest is formally assigned as of October 1 is responsible for the full annual cost regardless of the end date of the priest's assignment. Refer to the Priest Compensation Summary Sheet for current year estimates.

## DEACON SECTION

### Ministerial Offices

#### 5.1 ORDINATION / ASSIGNMENT / REMUNERATION FOR DEACONS (SEE FORMS FOR DEACON COVENANTS)

##### *I. Principle*

The following procedures are based upon current practice and upon the 2004 National Directory for the formation, Life and Ministry of Permanent Deacons in the United States (N. 41, 42, 44, 46).

“The deacon exercises his ministry within a specific pastoral context - the communion and mission of the diocesan church. He is in direct relationship with the diocesan bishop with whom he is in communion and under whose authority he exercises his ministry. In making his promise of respect and obedience to his bishop, the deacon takes as his model Christ, who became the servant of his Father. The diocesan bishop also enters into a relationship with the deacon since the deacon is his collaborator in the service of God’s People.

“The bishop appoints the deacon to a specific assignment normally by means of an official letter of appointment. The principal criteria for the assignment are the pastoral needs of the diocesan church and the personal qualifications of the deacon, as these have been discerned in his previous experience and the course of his formation. The assignment also acknowledges the deacon’s family and occupational responsibilities.

“The assignment of a deacon to a specific ministry, the delineation of his duties and responsibilities, and the designation of his immediate supervisor or pastoral supervisor, who must be a priest, should always be clearly stated in the letter of appointment signed by the diocesan bishop. This document should make as explicit as possible the implicit expectations of the participants, thereby establishing a clear line of mutual responsibility and accountability among them.

“Although the wife of a married deacon has already given her permission before her husband’s ordination to the demands of diaconal ministry, nevertheless she should be “kept duly informed of [her husband’s] activities in order to arrive at an harmonious balance between family, professional and ecclesial responsibilities.”

The Archbishop, assisted by the Vicar of Clergy, or his designee, are responsible for supervising the ministerial life of deacons.

Both married and single deacons are to take care of their own needs and their family's needs from the income derived from their civil professions. Expenses incurred by deacons in the exercise of their ministry may be recompensed by the agency, institution, parish, or diocese for which the ministry is undertaken.

Should a deacon, after his ordination, move to another diocese, the procedure for excardination and incardination are the same as the March 1995 Protocol coming from the Bishops' Committee on the Diaconate. "A deacon who moves from one diocese to another will ordinarily be admitted by the bishop into the diaconal ministry for his new diocese, at least after a period of time sufficient for the new diocese to become acquainted with the deacon and for him to become acquainted with the new diocese and with the order of deacons already at work there. If the new diocese has not implemented the diaconate, the deacon will not exercise his ministry without the permission of the bishop."

## *II. Corollaries*

Certain corollaries derived from the current practices as they apply to deacons of the Archdiocese of Milwaukee.

### A. An Assignment Offered To Each Deacon.

In order to enable a deacon to exercise his ministry, the Archbishop of Milwaukee ordinarily provides him with an assignment depending upon the needs of the Archdiocese, parish or agency, as well as from the qualifications and ministerial gifts of the deacon.

### B. An Assignment Must Be Accepted.

Because the gift on ministry is essentially for the Church, the deacon has the obligation to accept an assignment from the Archbishop, the primary pastor of the local Church. The deacon will be given sufficient options from which to accept an assignment according to his ministerial gifts, goals, family status and employment. The Deacon Personnel Board, in keeping with its knowledge of the needs and desires of the Archdiocese, recommends an assignment which is endorsed by the Vicar for Clergy, ratified by the Archbishop, and offered to the deacon. To reject all assignment options provided him is contrary to obedience to the Archbishop and would impede service to the people of God.

### C. Remuneration

In the Archdiocese of Milwaukee, deacons are not compensated for their ministry. They may, however, accept the usual stole fees for celebration of the sacraments according to the Archdiocesan norm. If offered by the parish to which a deacon is assigned, reimbursement for expenses incurred in ministry (mileage, vestments, etc.) may be accepted. By reason of the covenant made between the parish and the deacon, the annual assessment for continuing formation is to be paid by the parish for the deacon directly to the Archdiocese. In the event that a deacon is employed by a parish, institution, or agency because of his expertise in that

position, he is paid an agreed upon salary. If the deacon has an outreach service to another parish or institution, good stewardship suggests that it would be appropriate for them to share in the payment of the deacon's continuing formation, to work out the details, and to annotate this on the covenant. The annual continuing formation allowance for deacons with a covenant with a parish of the Archdiocese parallels the priest's plan.

A stipend that parallels the priest's plan is to be provided for each deacon assigned to a parish, institution or agency of the Archdiocese for his annual retreat. The check is made payable to the retreat house where the retreat will be made; in the case of the scheduled Archdiocesan Council of Deacons retreat, the check is made to "Archdiocesan Council of Deacons." If a deacon has chosen to make a private retreat at another retreat house, this same amount is provided by his place of assignment for this cost. Additional costs are covered by the deacon.

The Continuing Formation allowance and annual retreat amounts are listed in the Priests' Compensation Summary Sheet, issued annually.

The covenant for the senior deacon is to include these benefits as follows:

Retreat - the deacon's annual retreat will be paid by the parish with which he is covenanted and in the amount that parallels the priest's plan.

Continuing formation will continue to be required. The parish is responsible if the deacon is assigned to it on July 1 of the given year. The amount of the contribution is determined by the archbishop.

Retired deacons are encouraged to go on an annual retreat. The deacon's last parish of assignment by the archbishop will be responsible for the retired deacon's annual retreat in the amount that parallels the priest's plan.

#### D. Relationships with Other Dioceses

When a deacon moves to another diocese because of work or health or other reasons, he informs the Vicar for Clergy and requests a letter of recommendation before contacting the Deacon Office or Chancery of that new diocese to seek permission to minister as a deacon in the new diocese. He must abide by the rules in that diocese and minister under the guidance of the priest where he ministers as a deacon. If the move proves to be permanent, the deacon is to follow the procedure in the March 1995 Protocol coming from the Bishops' Committee on the Diaconate and seek incardination / excardination.

#### *III. Policy of the Archdiocese of Milwaukee*

Based upon the above principles and corollaries)

##### A. Procedure for Assignments

###### 1. First Assignment

For the first assignment after diaconal ordination, after due discussion between the deacon and his pastor / supervisor / agency director, the deacon's spouse, personnel board representative, and Coordinator of Deacon Services and with the recommendations of the Vicar of Clergy, the Archbishop assigns the deacon to a place of diaconal ministry. The Archbishop has the prerogative of appointing a deacon to a parish, agency and / or other ministry within the Archdiocese of Milwaukee. The first covenant is limited to one year.

## 2. Renewal of Assignment

This assignment is reviewed regularly according to the terms of the covenant with the possibility of renewal. At the end of the first year after due discussion between the deacon and his pastor / supervisor / agency director, the deacon's spouse, personnel board representative and Coordinator of Deacon Services and with the approval of the Coordinator of Deacon Services, the deacon may continue at his current assignment. A renewed covenant may have a term of one, two, or a maximum of three years.

## 3. Change of Assignment

In the situation in which a deacon anticipates the termination of his diaconal ministry in one place and the beginning of a new ministry. Normally this takes place at the time of covenant review or renewal.

- a. A deacon seeking a new place of diaconal ministry must first inform the Vicar for Clergy and / or the Director of Deacon Services. They will assist the deacon in finding a new assignment.
- b. A deacon is not to leave a place of ministry without the full knowledge of his pastor / supervisor / agency director, the Director of Deacon Services, and an amicable agreement as to the termination of his diaconal ministry in a given place.
- c. After due discussion between the deacon and his proposed pastor / supervisor / agency director, the deacon's spouse and with the recommendation of the Director of Deacon Services, the Archbishop assigns the deacon to a new place of diaconal ministry.
- d. Continuing education contribution will be paid by the parish or institution of the new assignment. For contributions made for continuing education and retreat, guidelines given by the Office of Continuing Formation of Clergy are to be followed.

## 4. Provisional Assignment

A provisional assignment is an interim assignment of a deacon who waits for a pastor, a parish council or a site to be determined for a newly-formed parish resulting from the merger of the deacon's parish with other existing parishes.

### B. Procedure for Release from Diocesan Assignment

## 1. Non-Diocesan Assignment

A deacon can be released from diocesan assignment to continue to serve as a deacon. This includes such ministries as chaplaincies in some other part of the state, work in a national office, or service in another diocese because of a change in residence. A deacon retains the faculties of the Archdiocese as long as he remains incardinated unless revoked by the Archbishop or the Vicar for Clergy or restricted by the local bishop where the deacon is residing. All requests for such release from the diocesan assignment must be made directly to the Archbishop through the Vicar for Clergy.

- a. Special Studies or Training - If special studies or training due to one's diaconal ministry is required, release from assignment must be sought directly from the Vicar for Clergy. The Archbishop reserves the right to judge and approve individual requests.
- b. Other Assignment - Requests for a release from the diocesan assignment to serve the Church elsewhere or in some other capacity must be sought directly from the Archbishop through the Vicar for Clergy and the Director of Deacon Services.

## 2. Authorized Leave of Absence

An authorized leave of absence is defined as time off from official assignment within the Archdiocese with permission.

- a. Sick Leave - With the written recommendation of a personal physician, sick leave may be granted by the Archbishop through the Vicar for Clergy for a period up to six months. After six months, a continued sick leave is subject to the following conditions:
  - i. Renewed written recommendation of the attending physician;
  - ii. Periodic report of progress by the attending physician made to the Archbishop or Vicar for Clergy.
- b. Personal Leave - For personal reasons, a leave of absence of up to six months may be granted by the Archbishop through the Vicar for Clergy under the following conditions:
  - i. Diocesan faculties are withdrawn, unless continued in force by the Archbishop through the Vicar for Clergy.
  - ii. The deacon will not exercise his liturgical ministry in public without special authorization of the Archbishop or local bishop. Works of love and justice may be continued, but on his personal initiative rather than as an official representative of the church.

After a six-month period of personal leave of absence, an extension of the leave requires written request to the Archbishop through the Vicar for Clergy stating the reasons. If granted, it will be subject to the above conditions.

- c. Awaiting Assignment - This category refers to the situation in which a deacon, who no longer has ties of ministry with his former assignment, is negotiating for an assignment and is either unable or unwilling to accept a temporary assignment.

During this time, a deacon retains his faculties, but may not minister as a deacon without the explicit permission of a local pastor.

- d. Covenant Pending - This status is designated for a deacon who is in the midst of negotiating a new covenant with a parish following the termination of his previous assignment.
  - i. This status has a duration of no more than six months.
  - ii. During this time, the deacon may minister in the parish where the covenant is pending. It is presumed that the deacon is engaged in ongoing dialogue with the pastor and parish staff to identify the areas of ministry that will be his.
  - iii. This "trial" time may be shortened as needed at the mutual agreement of pastor and deacon.

### 3. Unauthorized Leave of Absence

A deacon who leaves his assignment without express permission of the Archbishop or the Vicar for Clergy is considered to be on an unauthorized leave of absence. The effects of the unauthorized leave are:

- a. Diocesan faculties are withdrawn.
- b. The deacon is forbidden to exercise the liturgical functions of his diaconal ministry.
- c. The deacon is expected to continue to fulfill all the obligations of other baptized and confirmed members of the Church.

### 4. Senior Deacon Status

- a. A deacon may quest "senior deacon" status in writing to the Archbishop through the Vicar for Clergy, or his designee. Senior deacon status will be considered for the following reasons:
  - i. The deacon will have served in active, ordained ministry for at least ten (10) years.
  - ii. The deacon needs to reduce his covenanted hours due to medical, family, or employment, or other suitable reasons.

- iii. The deacon has attained the age of seventy (70) years, and has completed ten (10) years of active, covenanted ministry.
- b. A deacon, having been granted “senior deacon” status will continue to be required to have a covenant with a parish and / or institution. The covenant has to be renewed every 1, 2, or 3 years.
- c. Senior Deacon Covenant and terms will incorporate the below listed items.
  - i. Name, place of assignment, and approximate number of total hours of ministry per month.
  - ii. Hours and ministry to be provided in each of the three categories of a normal covenant: Service to the Word, Service to the Altar, Service of Charity.
  - iii. The deacon will belong to and participate in regular district meetings.
  - iv. He will have and meet regularly with a spiritual director.
  - v. Reimbursement - the deacon’s annual retreat will be paid for by the parish he is covenanted with and in the amount to parallel the priest’s retreat fee.
  - vi. Continuing formation will be continued to be required. The annual number of hours is reduced to ten (10). The deacon’s assigned parish would pay his annual contribution for continuing formation to the Archdiocesan Continuing Formation Fund. The parish is responsible if the deacon is assigned to it on July 1 of the given year. The amount of the contribution is \$400 per year, unless changed by the Ordinary. The deacon’s wife, if applicable and involved in his ministry, may use up to 50% of the annual fee for her continuing formation.
  - vii. Termination of the covenant is with the approval of the Vicar for Clergy, or his designee. A termination notice should be given to the pastor, parish director and the parish council president sixty (60) days prior to the expiration date.
  - viii. The covenant requires the same signatures as a normal covenant.

## 5. Retirement

Respect is given to the desires of a senior deacon for retirement at the age of 70. He is not expected to remain in positions contrary to his will or the detriment of his health.

- a. Upon considering retirement from active ministry, the deacon should consult with the Vicar for Clergy or his designee to discuss his plans for the future.
- b. Retired deacons are released from all of their diaconal responsibilities. Retired deacons have no covenants.

- c. Retired deacons are encouraged to continue praying the Liturgy of the Hours and attending Mass frequently keeping the Ordinary and the Archdiocese in their prayers as their prayers are powerful.
- d. Retired deacons may retain their diaconal faculties within the Archdiocese of Milwaukee.
- e. Deacons who have retired from active / covenanted ministry are encouraged to go on an annual retreat for their continued spiritual growth and well-being. The deacon's last parish of assignment by the Ordinary will be responsible for the retired deacon's annual retreat in the amount to parallel the priest's retreat fee.

#### C. Procedure for a Deacon Who Cannot Be Given an Assignment

According to the judgment of the Archbishop or Vicar for Clergy, a deacon may be considered unqualified for an assignment and may be suspended from the exercise of his ministry for those reasons stipulated in Canon Law. Procedures for suspension will follow according to the Code of Canon Law. No reimbursement for continuing formation benefits is available to a deacon under canonical suspension. Following the removal of his suspension, a deacon may seek an assignment from the Archbishop through the Vicar for Clergy.

### 5.2 DEACON MINISTRIES AND FACULTIES

In virtue of his ordination, a deacon in the Archdiocese of Milwaukee is entrusted with the following ministries:

- 1. to administer baptism solemnly;
- 2. to be the custodian and dispenser of the Eucharist;
  - a. administer Holy Communion at Mass,
  - b. conduct rite of administration of Holy Communion outside of Mass,
  - c. conduct rite of administration of Viaticum and Holy Communion to the sick;
- 3. to proclaim the Gospel and to function as deacon during the liturgy;
- 4. to preach during the Liturgy of the Word. This presumes at least the tacit permission of the local pastor and faculties granted by the Archbishop or his designee.
- 5. to witness marriages. This presumes the written permission of the local pastor and additionally the written delegation when the permission of the marriage occurs outside the deacon's

assigned parish. Permission must be obtained for both extra and intra Missam marriages. The deacon must have the faculty granted by the Archbishop or his designee.

6. to function as celebrant at Benediction of the Blessed Sacrament;
7. to function as celebrant at wakes and burial services;
8. to administer those blessings and sacramental expressly conceded to the deacon by rite and / or law.

Faculties to preach the Word of God and to witness marriages are granted at the time of ordination. Deacons ordained prior to 2005 must take the designated courses to obtain the faculty to preach and / or witness marriage.

It is understood that the deacon will exercise his diaconal ministry within the Archdiocese of Milwaukee under the direction and supervision of the pastor / parish director of the parish to which he is assigned. The ministry is not to be exercised outside of said assignment except with the express permission of the pastor / parish director. When functioning outside of the Archdiocese of Milwaukee, permission is required by the Ordinary of that diocese.

The above-mentioned ministries may be exercised until revocation or departure from the jurisdiction of the Archdiocese of Milwaukee.

### 5.3 RETREAT POLICY FOR PRIESTS AND DEACONS

The teachings of Vatican II state that, “as a help toward faithful fulfillment of their ministry, ... priests (deacons) should be glad to take time for spiritual retreat” (Presbyterorum ordinis, n. 18). This same principle is found in the Code of Canon Law: “In holiness.... In order to pursue this perfection, they are... bound to make a retreat according to the prescriptions of particular law” (c. 276,§1; §2 4º)

As particular law in the Archdiocese of Milwaukee, priests and deacons are expected to make an annual retreat usually for five days. The days of retreat are not counted as vacation days (cf. C. 533,§2). The cost is borne by the parish or institution in which the priest / deacon is ministering at an amount annually determined by the Archbishop after consulting the Archdiocesan Council of Priests and the Archdiocesan Council of Deacons. Anything over and above that amount is borne by the priest / deacon.

The retreat fee is set annually by the Vicar for Clergy in consultation with local retreat facilities.

### 5.4 REINTEGRATION OF DEACONS

The Archdiocese of Milwaukee, through the Office of the Vicar for Clergy, has instituted a program for the reintegration of deacons into Archdiocesan ministry. All deacons who fit the definition of

needing to be reintegrated into the Archdiocese will be required to complete this program. The deacon will be recommended for the program by the Vicar for Clergy, the Director of Deacon Services or the Deacon Personnel Board with the approval of the Vicar for Clergy.

#### I. Definition of a Deacon Participant

This program would be for any deacon who:

- A. for various reasons has been out of the mainstream of ministering as a deacon for a minimum of six months, if the Vicar for Clergy, the Director of Deacon Services or the Deacon Personnel Board deems it desirable.
- B. is considering or is in process of being incardinated into the Archdiocese.

The deacon may be assessed through a personal interview by the Vicar for Clergy, the Director of Deacon Services or by the Deacon Personnel Board with support from various references from past pastoral assignments and pastors. This assessment will assist in determining to what extent the deacon has a need for the program. The deacon who has been on sick leave should have his medical release on file with the Deacon Services Office.

The deacon's wife will be highly encouraged to complete the program along with her husband.

#### II. Reintegration Program Description

The Archdiocese will require a deacon who is identified according to the above criteria, to complete the following course within six months and with a minimum of 8 required hours:

##### A. The Diaconate

There would be a review of the ministry and the role of the deacon, along with the role of wife, family and job. A review of the booklet titled: National Directory for the Formation, Life and Ministry of Permanent Deacons in the United States, 2004 would also be read and discussed. Other reading may be recommended.

##### B. The Commitment

A review of Archdiocesan policies found in the Clergy Manual, which include covering the following topics:

1. accountability to the Archbishop and to the Vicar for Clergy;
2. the process one follows for assignment, parish involvement, the covenant, and continuing information, as outlined in the Clergy Manual;
3. membership and participation in the Archdiocesan Council of Deacons and local district participation.

##### C. The Spiritual and Liturgical Role of the Deacon

A review of the spiritual life requirements and liturgical styles of the deacon, along with an opportunity for videotaping of the deacon assisting at a Eucharistic Liturgy and other liturgical ceremonies (i.e., Baptism, funeral vigils, etc.) and the presentation of a short homily if the deacon has preaching faculties.

D. Various topics, based on individual need, would include:

1. the procedures for incardination;
2. the culture of the Archdiocese of Milwaukee, special needs, and other individual and Archdiocesan concerns;
3. special faculties update with deacons who previously had the faculty to preach or to witness marriages, or both;
4. chaplaincy requirements if coming from another diocese (only when Archdiocesan requirements are different).

### III. Conclusion of the Reintegration Program

The deacon will be given a reassessment interview, at which time the program staff and the Deacon Personnel Board will offer a recommendation to the Vicar for Clergy. With the approval of the Vicar for Clergy, the deacon will be allowed to return to full-time active ministry.

### IV. Deacon Mentor Program

The deacon entering the Reintegration Program would be assigned to another deacon who would be a mentor and / or instructor to this deacon. Mentors are those who have been designated as exemplary deacons in their ministry and commitment. If only one deacon is participating in the program, the mentor assumes the role of instructor. If there were a group of deacons in this program all at one time, the instruction will come from a designated instructor, directed by the Office of Deacon Services. It is hoped that the deacon being reintegrated will benefit from his association with the mentor as well as acquire a deeper commitment to the diaconate. At the same time it is hoped that the deacon will possess a greater understanding of his role as an ordained minister within the Archdiocese of Milwaukee.

Mentors will be chosen and assigned by the Director of Deacon Services in consultation with the Vicar for Clergy and the Deacon Personnel Board members as needed.

## 5.5 GUIDELINES FOR DEACONS MOVING INTO THE ARCHDIOCESE OF MILWAUKEE

When a deacon ordained for service in another diocese moves in the territory of the Archdiocese of Milwaukee, he is to contact the Office of the Vicar for Clergy in Milwaukee as soon as possible with information regarding his new address and telephone number. He also is to provide documentation regarding his ordination, a letter of recommendation from the appropriate authority of the diocese in which he is incardinated, a letter of suitability, and a letter from the same authority releasing him for service in the Archdiocese of Milwaukee.

Such a deacon is to establish a residence for himself (and his family, if appropriate) at a parish, and to explore the needs of that new community in order to see where his gifts might be of genuine service to the parish. After approximately three to six months of getting to know the parish and

discussing the potential of ministry with the pastoral leadership, the deacon may request approval of the Director of Deacon Services to proceed with formal covenant negotiations. The Personnel Board then may recommend an assignment based on the experience of a six-month probationary period. Upon the approval of the Vicar for Clergy, the deacon, while not incardinated in the Archdiocese of Milwaukee, may be given an assignment by the Archbishop.

If the deacon desires formal incardination after three years in his assignment, he is to request the written endorsement of the pastor of the parish to which he is assigned. Accompanying this letter should be his own personal letter to the Archbishop of Milwaukee requesting incardination. With the Archbishop's approval, the Office of the Vicar for Clergy will work with the deacon's bishop of incardination and with the Chancery of the Archdiocese of Milwaukee to complete the canonical requirements for incardination.

**Deacons****PHASE I**  
**APPLICATION PROCESS**

	<p>1) Deacon establishes domicile in Archdiocese and affiliates with a specific parish _____</p> <p>2) Deacon and parish leadership determine need for deacon's services at the parish _____</p> <p>3) Letter from deacon with request for service in diocese/potential incardination _____</p> <p>4) Letter from deacon's own bishop authorizing ministry outside his own diocese _____</p> <p>5,a) Vicar for Clergy consults with Archbishop who accepts request _____</p> <p>6) Deacon's name forwarded to Placement Board for assignment consideration _____</p> <p>7) Vicar for Clergy notifies Chancery regarding need to assess faculties/ministries _____</p> <p>8) Chancery requests letter of endorsement from proper bishop using Tri-Conference formula _____</p> <p>9,a) Endorsement documents received; no problems _____</p> <p>10) Information referred to Vicar for Clergy for decision _____</p> <p>11,a) Chancery prepares faculty/ministries documents; copies to Vicar for Clergy/Placement Board _____</p> <p>12) Letter from Vicar for Clergy to deacon (copy to proper bishop) accepting deacon and initiating formal probation period _____</p> <p>PROCEED TO PHASE II</p>	
		<p>5,b) Vicar for Clergy consults with Archbishop who declines request _____</p> <p>PROCESS ENDS</p> <p>9,b) Endorsement documents refused or problems evident _____</p> <p>11,b) PROCESS ENDS</p>

**Deacons**

**PHASE II**  
**FORMAL PROBATIONARY**  
**PERIOD**

(Up to 3 years after formal assignment)

<p>17,a) Deacon is given positive assessment for incardination</p> <hr/> <p>PROCEED TO PHASE III</p>	<p>13) College of Consultors informed of start of probationary period _____</p> <p>14) Personal contacts between Vicar for Clergy and deacon to discuss ministry, process, etc.</p> <hr/> <p>15) Vicar for Clergy discusses deacon's life and ministry with pastor, staff, spouse etc. for informal assessment _____</p> <p>16) Evaluation of incardination potential made by Vicar for Clergy _____</p>	<p>17,b) Deacon is given negative assessment for incardination</p> <hr/> <p>PROCESS ENDS</p>
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**Deacons****PHASE III**  
**EXCARDINATION/INCARDINATION**

<p>19) Deacon writes letter to his proper bishop requesting excardination _____ AND 20) Deacon writes letter to Archbishop requesting incardination; spouse's concurrence affirmed _____</p> <p>21) Archbishop requests confidential report/assessment from proper bishop (letter by Chancery) _____</p> <p>23,a) Decision is made to proceed with incardination _____</p> <p>24,a) Proper bishop informed of willingness to incardinate (letter prepared by Chancery) _____</p> <p>25) Letter of excardination received from proper bishop _____</p> <p>26) Deacon signs Oath of Service (document prepared by Chancery) _____</p> <p>27) Decree of incardination prepared (by Chancery) _____</p> <p>28) Decree of incardination signed by Archbishop (official date of incardination) _____</p> <p>29) Copy of incardination decree, letter of request for personnel file sent to former bishop (by Chancery) _____</p> <p>30) Incardination Decree sent to deacon (by Chancery) _____</p> <p>30) Incardination announced in Chancery Newsletter _____</p>	<p>22) Archbishop takes matter before College of Consultors, sharing with them assessment, Vicar for Clergy's report(s),etc. and receives their input _____</p> <p>23,b) Decision is made that additional preliminary conditions be met _____</p> <p>24,b) Conditions met; return to step 22 _____</p>	<p>23,c) Decision is made not to incardinate _____ PROCESS ENDS PROPER BISHOP INFORMED</p>
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## 5.6 DEACONS: TITLE AND ATTIRE

### *I. Policy of Proper Title and Address of Deacons (UPDATED 09/12/2024)*

#### I. Rationale

“A number of practical concerns have emerged regarding diaconal ministry. Because of the diverse responses that exist throughout the United States, the United States Conference of Catholic Bishops has published the following *particular law* to provide a more harmonious approach.” (National Directory for the Formation, Ministry, and Life of Permanent Deacons in the United States, 2004, 2<sup>nd</sup> edition, 2021, n. 92, 94)

#### II. Policy

“While various forms of address have emerged with regard to deacons, the congregation for the Clergy has determined that in all forms of address for permanent deacons, the appropriate title is “Deacon.” (National Directory for the Formation, Life and Ministry of Permanent Deacons in the United States, 2004, 2<sup>nd</sup> edition, 2021, n. 93)

The correct title for a deacon is “Deacon.” When addressing correspondence to a deacon, the following is appropriate:

Deacon John A. Smith  
or  
John A. Smith, Deacon

When addressing correspondence to a married deacon and his wife, this should read:

Deacon and Mrs. John A. Smith

The greeting of the letter should be:

Dear Deacon Smith  
or  
Dear Deacon and Mrs. Smith  
or  
Dear Deacon John and Emily

The title “Reverend Mister” is inappropriate and should not be used.

### *II. Policy of Proper Attire for Deacons (UPDATED 09/12/2024)*

#### I. Rationale

"The Code of Canon Law does not oblige permanent deacons to wear an ecclesial garb. Further, because they are prominent and active in secular professions and society, the United States Conference of Catholic Bishops specifies that permanent deacons should resemble the lay faithful in dress and matters of lifestyle. Each diocesan bishop should, however, determine and promulgate any exceptions to this law, as well as specify the appropriate clerical attire if it is worn." (National Directory for the Formation, Life and Ministry of Permanent Deacons in the United States, 2004, 2<sup>nd</sup> edition, 2021, n. 94)

## II. Policy

The appropriate attire for a deacon is his usual everyday dress. The deacon is authorized to wear clerical garb, "Roman Collar", at his discretion when involved in ministry. Black or grey shirts are suggested. He is to wear the "archdiocesan deacon's pin" on the pocket or on the lapel of a sport coat being worn over the shirt. The shirt may have an embroidered deacon's cross on the shirt pocket.

A cross or a deacon's cross on the chain, or leather or string or other hanging holder, are not to be worn when wearing the clerical garb.

When serving in a liturgical role, a deacon shall vest as prescribed by the rubrics.

## 5.7 CONTINUING FORMATION GUIDELINES FOR DIOCESAN DEACONS

### I. *Introduction*

In the Archdiocese of Milwaukee, the Office of Continuing Formation of Clergy is especially charged with directing and overseeing activities and programs that will foster the lifelong formation of deacons. It works in close collaboration with the Office of Evangelization & Catechesis and other Archdiocesan offices that deal with ongoing formation. There are occasions when this office and other offices and agencies of the Archdiocese co-sponsor programs for the clergy. Also, in the larger community there are a variety of resources and formational programs that are sponsored by various groups, agencies and organizations that our office seeks to keep people informed of. Retreats are scheduled by the Office (*see Retreat Policy for Priests and Deacons*) and are also available in the wider community. The Office publicizes and encourages clergy to take advantage of all these opportunities.

The directions and guidelines the Archdiocese of Milwaukee follows for continuing formation are found in Pastores Dabo Vobis (I Will Give You Shepherds), the Directory on the Ministry and Life of Priests, The Basic Plan for the Ongoing Formation of Priests.

Pope John Paul II gives a rationale for continuing formation in PDV, #70 as he quotes St. Paul, "I remind you to rekindle the gift of God that is within you" (2 Timothy 1:6).

"The words of Saint Paul to Timothy can appropriately be applied to the ongoing formation to which all priests are called by virtue of the 'gift of God' which they all received at their

ordination.... It is in this perspective that the meaning of ongoing formation emerges. Permanent formation is necessary in order to discern and follow this constant call or will of God." (PDV,70)

The Basic Plan adds that it is God's grace that transforms us and we are called then to "make ourselves available to God's work of transformation. And that making ready a place for the Lord to dwell in us and transform us we call formation.... God invites them (priests) to transformation across their lifetime, and their formation is marked by constant elements at every stage of life" (p.7).

In light of their ordination priests live out who they are throughout their whole life. "Ongoing formation helps the priest to be and act as a priest in the spirit and style of Jesus the Good Shepherd" (PDV, 73).

"Permanent or ongoing formation, precisely because it is 'permanent,' should always be a part of the priest's life. In every phase and condition of his life, at every level of responsibility he has in the Church, he is undergoing formation" (PDV, 76).

"Certainly there are also purely human reasons which call for the priest to engage in ongoing formation. This formation is demanded by his own continuing personal growth. Every life is a constant path toward maturity, a maturity which cannot be attained except by constant formation.... There is no profession, job or work which does not require constant updating, if it is to remain current and effective. The need to 'keep pace' with the path of history is another human reason justifying ongoing formation....

"The aim of ongoing formation must be that of promoting a general and integral process of constant growth, deepening each of the aspects of formation - human, spiritual intellectual and pastoral - as well as ensuring their active and harmonious integration...(PDV, 70-71).

"Fuller development is first of all required in the human aspect of priestly formation. Through his daily contact with people, his sharing in their daily lives, the priest needs to develop and sharpen his human sensitivity so as to understand more clearly their needs, respond to their demands, perceive their unvoiced questions, and share the hopes and expectations, the joys and burdens which are part of life: thus he will be able to meet and enter into dialogue with all people. ... The formation of the priest in its spiritual dimension is required by the new Gospel life to which he has been called in a specific way by the Holy Spirit, poured out in the Sacrament of Orders.... The intellectual dimension of formation likewise needs to be continually fostered through the priest's entire life, especially by a commitment to study and a serious and disciplined familiarity with modern culture.... The pastoral aspect of ongoing formation... impels the priest and stimulates him to become ever better acquainted with the real situation of the men and women to whom he is sent, to discern the call of the Spirit in the historical circumstances in which he finds himself, and to seek the most suitable methods and the most useful forms for carrying out his ministry today" (PDV,72).

#### A. Responsibility

"Ongoing formation is a right-duty of the priest / deacon and imparting it is a right-duty of the Church. This is established in universal law (canon 279)" (Directory, 72).

"Individual priests / deacons are responsible for their ongoing formation. Their responsibility is linked to their commitment at ordination to serve well the people of God through their ministry and through their own personal faith commitment" (The Basic Plan, pp. 35-36).

"Ongoing formation...belongs to individuals as their own responsibility to foster their own integration. At the same time, ongoing formation is ecclesial and social... It unfolds in a context of the community of faith as well as the more defined community of the presbyterate with its bishop. Although formation has to do with an individual's growth, the community they serve – the Church – benefits greatly from the growth of its priests" (The Basic Plan, p.12).

#### B. Description

As it applies to all who serve in ministry, continuing formation can generally be described as an unfolding and deepening process which integrates human, intellectual, spiritual, and pastoral development, as mentioned above in the introduction. Such development is fostered by participation in organized programs, seminars and institutes, personal study and reflection, retreats, support groups, and human relationships - all in an integrated and holistic fashion. All of these are means of developing one's own life in terms of who we are and what we do as a priest in relationship to the people we serve.

#### C. Accountability

"The best-laid plans for ongoing formation will amount to very little if they are not accompanied by a spirit and structure of accountability. Priests / deacons are answerable to the Church, to their people, and to themselves and their own sense of integrity, as they grow in their humanity, discipleship, and priestly ministry." (The Basic Plan, p.37).

Each year, deacons are asked and expected to complete the "Continuing Formation Report." In this report they indicate how they have utilized their continuing formation time and money. As a part of their annual / periodic self-evaluation process and evaluation deacons should reflect on future formational goals and try to have a plan in place for what they want to do in the coming year(s).

### *II. Guiding Policies*

#### A. Time Given for Continuing Formation

As The Basic Plan (p. 36) encourages, all priests /deacons actively engaged in a pastoral assignment within the Archdiocese are entitled to and expected to utilize time for continuing formation each year. This time is in addition to retreat and vacation to which all priests / deacons are entitled and expected to take.

#### B. Funds Available for Continuing Formation

The parish / institution to which the deacon is assigned makes an annual contribution to the deacon's individual account which is maintained by the Office of Continuing Formation of Clergy. A separate retreat allowance is provided by the parish / institution. The amount of the annual contribution and retreat allowance is determined by the Archbishop after consultation with the Archdiocesan Deacon Senate.

C. Reimbursement of Continuing Formation Expense

Reimbursement for formational efforts is made by the Coordinator of Continuing Formation of Clergy to the individual deacon upon his presentation and approval of paid receipts that pertain in some way to stated formational goals. The location, nature and date(s) of each program attended should accompany each request for reimbursement. Reimbursement cannot be made without adequate proof of expenses incurred.

D. Implementation

1. The Archdiocesan Coordinator of Continuing Formation of Clergy is appointed by the Archbishop. His responsibilities include:

- a. Overseeing and providing programs for the continuing formation of clergy;
- b. Making available information about local and national educational opportunities for clergy;
- c. Overseeing the continued implementation of the Archdiocesan Sabbatical Policies;
- d. Acting as a resource and guide in all sabbatical planning;
- e. Working with the Continuing Formation of Clergy Advisory Board;
- f. Directing programs that the Office sponsors, such as mentoring new priests and new pastors;
- g. Serving on Committees or Boards that are related to the Offices' responsibilities, such as the Faith and Priestly Life and Sacramental Ministry Committee of the Priest Council, Spring Assembly Committee, and Wellness Council;
- h. Administering the Continuing Formation Fund, Development and Programming Fund, and Preaching Institute / Kortendick Grant Funds and preparing an annual budget;
- i. Administering and interpreting the guidelines.

2. Continuing Formation of Clergy Advisory Board

- a. Functions of the Board
  - i. The Board will assist the Coordinator of Continuing Formation of Clergy in an advisory and consultative manner.
  - ii. Board shall assist the Coordinator in setting priorities and developing programs and evaluating them.
  - iii. The Board will advise the Coordinator on acceptance of applicants for sabbaticals and special study programs. The Coordinator will then consult with the Vicar for Clergy before official acceptance is given.
  - iv. The Board shall annually review operation of the Continuing Formation Fund.

- b. Membership will be composed of eight members representing priests, deacons, and laity.
  - i. Four members of the Board will be priests. They shall be appointed by the Archbishop in consultation with the Vicar for Clergy and the Coordinator of Continuing Formation of Clergy.
  - ii. Two members of the Board will be deacons. They shall be appointed by the Archbishop in consultation with the Vicar for Clergy, the Coordinator of Continuing Formation of Clergy, and the President of the Archdiocesan Council of Deacons.
  - iii. The remaining members shall be a Religious who is served by this Office, and a wife of a deacon. They shall be appointed by the Archbishop in consultation with the Coordinator of Continuing Formation of Clergy.
- c. Term of Office

The term of office shall be for three years, with the possibility of a consecutive term.

- d. Meetings

The Board will meet at least four times a year. The Coordinator will serve as the chair of the meetings. In his absence, the meeting will be chaired by a member designated by the Director.

### *III. General Formational Programs (UPDATED 09/12/2024)*

- A. The Basic Plan (pp. 41-89) discusses formation at the different ages in one's ministry. It considers the various events; their tasks and challenges; and spiritual concerns: temptations, graces, discernment; and programmatic responses. The ages or stages that are significant times for formation are the first years of diaconate, changes of assignment, first pastorate, midlife, and the time of being senior / retired clergy. It also discusses (pp. 93-103) the ongoing formation of the presbyterate deaconate as a group / communion.
- B. A variety of options may be utilized in fulfilling the continuing formation expectation and in seeking reimbursement from one's individual continuing formation account in the Continuing Formation Fund: academic courses, seminars or conferences, single or multiple day workshops, talks, specially designed programs or personal study, teleconferences, and study tours. Further aids to personal, theological, spiritual, and pastoral growth include the use of books, professional journals, CDs and DVDs, online seminars, courses and presentations, etc. (See table below)

Deacon Electronics Reimbursements		
Reimbursement %	Items	Frequency
100%	Formation apps and software	Annual
50%	Computers (desktop, laptop, tablets, smartphones, recorders)	5 years
50%	Peripherals (keyboards, mice, cases, monitors, printers, scanners, DVD±RW)	5 years

50%	Consumables (toner, ink, paper)	As needed
50%	Office software	Annual Subscription
0%	Service support and maintenance plans and repairs	

C. Areas within which continuing professional growth should be pursued include all those which pertain to priestly and parish ministry. This includes such subjects as Preaching, Liturgy, Sacred Scripture, Systematic and Sacramental Theology, Christian Ethics, Spiritual Theology and Direction, Administration, Behavioral Sciences, Catechetics, Counseling, Languages, etc. In selecting programs, priority should be given to one's personal continuing formation goals as well as to the needs of the parish / institution and the Archdiocese.

#### *IV. Special Formation Programs*

##### A. Special Study Leave

###### 1. Description

A special study is an opportunity quite exceptional in nature in which a parish priest / deacon engages in academic work in a specific area, often leading to a degree or certification in that area. It is a prearranged period of time during which a priest / deacon may be released from some or all responsibilities related to his assignment to pursue a specific educational effort. This educational effort is normally one begun while the priest / deacon is fully engaged in and will return to parochial responsibilities for the purpose of personal update and growth. It is not meant to anticipate a position in specialized ministry, but may be intended to enhance current skills such as in multicultural ministry.

###### 2. Procedure

- a. A priest / deacon applies in writing to the Coordinator of Continuing Formation of Clergy detailing the program he wishes to complete, the goals he hopes to achieve, the credits already received and the financial subsidy needed in addition to his individual Continuing Formation Account.
- b. His application is reviewed by the Continuing Formation of Clergy Advisory Board which makes a recommendation to the Vicar for Clergy.
- c. If permission is received from the Vicar for Clergy, the priest / deacon makes formal application to the academic institution.
- d. The priest / deacon makes his own arrangements for room and board, helpout remuneration and other particulars with his parish / institution.

3. It is to be noted that a special study leave is given with the condition that the priest / deacon intends to function actively in the Archdiocese following the conclusion of his leave. It is also understood that he is not preparing for some extra-parochial ministry but will return to his assignment if his term of office has not expired, or that he will accept a future

assignment from the Priest and / or Deacon Personnel Board or Archbishop if his term has expired.

4. Grants for such special study leaves are determined on an individual basis upon the Coordinator's consultation with the Vicar for Clergy and the Continuing Formation of Clergy Advisory Board. Normally these applications must be made six months to a year prior to the start of the special program requested.

#### *V. Continuing Formation Fund*

- A. The Continuing Formation Fund is made up of:
  1. Individual Accounts

These accounts contain the contributions for priests / deacons, from parishes / institutions invested into the Fixed Income Account of the Archdiocese. The principal is used to reimburse priests, for continuing formation efforts which qualify.

2. Sabbatical Account

This account is used to fund priests' sabbaticals as well as part of the interest earned on the Continuing Formation Fund, as specified in A.5.b. At the direction of the Archbishop it may also contain funds from the bination / trination stipends turned over by priests to the Chancery.

3. Priests' Special Study Account

This account is used to fund advanced and special studies for priests. Its source of income comes from money remaining in individual accounts when a priest dies, is removed from ministry, or has not used their funds for over three years and has no approved plan for their use.

4. Deacon Special Studies Account

This account is used to fund special study programs for deacons. Its source of income is the interest earned on the fund as specified in A.5.a., individual deacon accounts unused for three years, and monies remaining in the accounts of deacons who have died or been removed from ministry.

5. Fund Interest

Interest earned on the Continuing Formation Fund will be apportioned as follows:

- a. Deacon Special Studies: The proportion of the interest equal to the proportion of the amounts attributable to Deacons contained in all accounts of the fund will be deposited to the Deacon Special Studies Account.
- b. Sabbatical Account: One half of the interest of the fund remaining after the deposit to the Deacon Special Studies Account.

- c. Program and Development Fund: One half of the interest of the fund remaining after the deposit to the Deacon Special Studies Account.
- B. Besides this Fund there are other funds controlled by the Continuing Formation Office
  - 1. Programming and Development Fund  
This fund covers costs for researching, developing, and offering programs for continuing formation that are not covered by individual accounts or the Archdiocesan subsidy to the Office. It is funded by 50% of the previous yearly increase to the Sabbatical Fund. It is controlled and administered by the Director and Advisory Board.
  - 2. Preaching Institute and Kortendick Grant Fund  
This fund was transferred to the Office by the Archbishop when the Seminary Preaching Institute was dissolved. It is now administered by the Continuing Formation of Clergy Office. The Fund is used for programs that promote quality preaching.
- C. A priest's / deacon's individual account can be handled in various ways:
  - 1. The annual contribution may be completely spent each year.
  - 2. A plan may be submitted whereby funds could accumulate for up to five years (three in one's current account and requesting two years in advance) for a specific educational program, e.g., scripture study trip to the Holy Land. In such a case, the priest is to submit his plan in writing to the Coordinator of Continuing Formation of Clergy for approval. Specified amounts for such a program are then "reserved" for that program.
  - 3. In a given year a priest may request up to a two year advance from the fund to subsidize a special program of longer duration or for sabbatical expenses. In that case, funds will not be available to him for the next two years.
  - 4. If funds are not used annually and a written plan is not submitted, funds may accumulate for three years. Monies not used after three years will be transferred to the Priest's / Deacon's Special Studies Fund.
- D. The Office of Continuing Formation of Clergy will provide each priest / deacon with a complete account of the Fund annually. This will include total contributions, reimbursements, sabbatical expenses and current balance for the Fund. At that time each priest /deacon will also receive a statement of the status of his individual account.
- E. Only priests / deacons serving a contributing parish / institution may draw from their Individual Accounts. Senior priests / retired deacons may use their remaining funds for approved formational experiences.
- F. Upon the death or removal from ministry of a priest / deacon, his remaining funds shall be transferred to the Priests' / Deacons' Special Studies Account.
- G. The procedures for utilizing the Fund are:

1. After a priest / deacon has engaged in a continuing formation effort that qualifies, he is to send paid receipts or other evidence of participation to the Coordinator of Continuing Formation of Clergy. The Coordinator interprets these guidelines in determining whether an expense qualifies. Once the request is approved, the information is sent to the Archdiocesan Finance Office for reimbursement to the individual.
2. Programs sponsored or endorsed by the Continuing Formation of Clergy Office qualify for automatic reimbursement. These programs may be directly charged to an individual's account without the need for exchange of money. Programs sponsored by other Archdiocesan offices may also utilize this method.
3. Normally, the Continuing Formation of Clergy Office does not make direct payments to vendors from an individual's account, e.g. registration for a convention, tuition payment, book purchases, invoices, etc. unless the payment is a substantial amount and is approved.

#### *VI. Entitlements*

- A. On an annual basis each priest / deacon is entitled to continuing formation time as well as the usage of monies that are contributed by the parish / institution on an annual basis. Also, if money is placed in a reserved account, a priest / deacon may use such monies for special programs. A priest is also entitled to his annual vacation, retreat and other continuing formation opportunities that may precede or follow his sabbatical.
- B. Exceptions to these policies

At times exceptions can be made. If the matter has to do with personnel, the exception will be made by the Vicar for Clergy. If the exception has to do with the implementation of the policy and the program to be approved, the exception will be made by the Coordinator of Continuing Formation of Clergy.

## 5.8 GUIDELINES FOR DEACON WITH MARITAL DIFFICULTIES

#### *I. Preamble*

The National Conference of Catholic Bishops, in addressing the unique relationship between marriage and orders, emphasized the importance and primacy of marriage for a man who is to be ordained a deacon. "In particular the deacon and his wife must be a living example of fidelity and indissolubility in Christian marriage before a world which is in dire need of such signs. By facing in a spirit of faith the challenges of married life and the demands of daily living, they strengthen the family life not only of the Church community but of the whole of society. They also show how the obligations of family life, work and ministry can be harmonized in the service of the Church's mission. Deacons and their wives and children can be a great encouragement to others who are working to promote family life." (National Directory for the Formation, Life and Ministry of Permanent Deacons in the United States, 2004)

The tensions and stresses which may lead to a separation or divorce in the general population are also present among members of the Order of Deacons. Because of the deacon's dual commitment to marriage and orders, it is important that deacons and their wives be models of Christian marriage and discipline in living out their marriage and family responsibilities. These couples will stand as beacons of what the Church believes and expects from the faithful. A lifestyle in keeping with the Gospel and Church discipline is, therefore, a requirement for those participating in official ministry. Yet, it is recognized that this dual commitment itself can heighten these normal stresses.

As the primary shepherd who seeks to promote the well-being of all the people of his Archdiocese, the Archbishop has particular care for those in the Order of Deacons who seek to live the dual commitment of marriage and orders.

## *II. Principles*

- A. Because of the commitment made at the time of the reception of the sacrament of marriage, a deacon must give primary attention to his marriage and family life. This commitment will ordinarily take precedence over the commitments of diaconal service. For this reason, the preservation of the marriage and the family unit is of utmost concern to all involved with the diaconate.
- B. In support of the deacon's responsibilities to marriage and family life, the Archdiocese recognizes the priority that a deacon must maintain, namely, first to his marriage and family, second to his employment, and third to diaconal ministry. Therefore, if the deacon experiences serious conflict or tension in his efforts to honor his primary commitment to matrimony, the Archdiocese will not place continued demands on him until the conflict or tension has been resolved.
- C. A deacon who is experiencing difficulty in his marriage and family life should be aware of the concern of the Archdiocese for him and for his family. The deacon in this situation should seek out those services that have been provided for him.
- D. The wife of a deacon enjoys a unique relationship with the Church through her marriage to one of its ordained ministers. She merits the Church's careful concern for her husband's primary obligations in the sacrament of matrimony, and has a right to its understanding and support in her efforts to maintain the primacy of the marital commitment they share.
- E. Special programs of marriage enrichment and support can be helpful in enabling deacons and their wives understand their responsibilities and to reduce the tensions and stresses that can lead to marital conflict.
- F. The Vicar for Clergy, or his designee, is the primary Archdiocese resource in addressing problem situations and will have available to him the professional advice of competent personnel. Each deacon is directly accountable to the Vicar for Clergy, or his designee, and in times of stress should inform him of serious difficulties.

*III. Policies and Procedures*

## A. Alternatives in Bringing Matter to Vicar for Clergy Attention

1. A deacon who recognizes that problems are arising which adversely affect the peace and stability of his marriage, has the responsibility to seek a meeting, preferably together with his wife, with the pastor of his assigned parish and with the Vicar for Clergy, or his designee, to discuss the matter.
2. In the event that the wife of a deacon recognizes that problems exist which threaten the peace and stability of their marriage, she should exercise her right to bring the matter to the attention of the Vicar for Clergy, or his designee.
3. In the event that problems affecting the peace and stability of a deacon's marriage are brought to the attention of the Vicar for Clergy, or his designee, by a responsible person other than the deacon or the wife of the deacon, the Vicar for Clergy, or his designee, has the responsibility to initiate discussion with the deacon, preferably together with his wife, to determine if further intervention by the Vicar for Clergy Office is appropriate.

B. If through an initial interview the Vicar for Clergy, or his designee, believes the couple is in need of professional counseling, he will direct them to a marriage counselor, preferably one who has some familiarity with the diaconate as well as with the Church's viewpoint on marriage.

C. The cost of an initial assessment will be borne by the Vicar for Clergy Office. After the initial assessment, further counseling will be at the deacon's expense through his primary insurance carrier. Only after the deacon's insurance has been exhausted will the Archdiocese consider sharing the expense of counseling by paying a portion of the expenses not to exceed half. Every effort will be made to provide a list of marriage counselors from whom the couple may choose, but the choice need not be restricted to this list.

D. After the initial interview with a counselor, the deacon and his wife will meet again with the Vicar for Clergy, or his designee, and advise him what further steps are planned. The result of this interview will determine the action to be recommended to the Archbishop by the Vicar for Clergy. This could take the form of a temporary personal leave for six months, after which the parties would meet again.

E. If it is determined that a longer period is necessary to reconcile differences, or that the differences are irreconcilable, a recommendation to the Archbishop may be made by the Vicar for Clergy that the deacon be placed on inactive status for whatever period seems feasible, not to exceed two years.

F. The Vicar for Clergy will notify the deacon's pastor (and whomever else should be notified) of the deacon's change in status.

- G. The Vicar for Clergy, or his designee, will maintain regular contact with the deacon and his wife during a period of inactivity, to indicate the concern of the Archdiocese and to provide support to the couple.
- H. If separation and / or divorce are determined to be the only reasonable solution to the difficulties, the deacon is required to seek permission for this from the Archbishop who is the only one who can grant the permission to proceed with civil divorce.
- I. When the situation is resolved, the Vicar for Clergy, or his designee, after meeting with the deacon and his wife, and after any other appropriate consultation, will consider:
  1. whether the deacon's return to active ministry would be helpful or detrimental to the marriage and / or the good of the Church;
  2. whether the deacon could function effectively in his current assignment or if reassignment is advisable in the case of separation, divorce or annulment;
  3. whether an extension of the period of inactive status is appropriate;
  4. whether, as a last resort, dispensation from the diaconate should be sought.
- J. In the event that the deacon is adjudged as responsible for severely grave marital difficulties such as abuse, infidelity, pathology, criminality, etc., the Vicar for Clergy will recommend to the Archbishop inactive status or dispensation.
- K. If the situation has deteriorated to the point of embarrassment or scandal to the deacon, his family or parish community prior to the Vicar for Clergy being advised of it, then the Vicar for Clergy will immediately recommend whatever action is deemed appropriate in conformity with the above procedures.
- L. When a deacon divorces he must fulfill all financial and parental responsibilities as required by the civil court, and must live a celibate life in accordance with his sacramental promises made in diaconal ordination.
- M. Deacons are obliged to lead a holy life and to observe the standard discipline of all the faithful in accordance with canon 210.
- N. Attempting a civil marriage following divorce removes a deacon from his assignment and he incurs automatic suspension (cc. 1087 and 1394). As a result of this, permission to exercise the ministry of diaconate is withdrawn, and any faculties the deacon has received are withdrawn as well.

### Administrative Procedures

## 6.1 CLERGY SERVICES

Clergy Services include the offices of the Vicar for Ordained and Lay Ecclesial Ministry Services (also known as the Vicar for Clergy), Priest and Lay Ecclesial Personnel and Placement, Continuing Formation of Clergy, Deacon Services, and Vicar for Senior Priests.

The Vicar for Clergy and the Director of Priest and Lay Ecclesial Personnel and Placement oversee the services provided to the priests, deacons, and lay ecclesial ministers of the Archdiocese of Milwaukee.

### *Office of the Vicar for Clergy*

The Vicar for Clergy administers and guides the work of the department. Father serves on the Archbishop's Executive Council. He ministers to the priests, and deacons of the archdiocese by receiving and acting upon matters of their spiritual, physical, and psychological health. He is an ex-officio member of the Priest Placement Board, the Deacon Personnel Board, the St. Michael's Priest Fund Board, as well as the Priests' Pension Plan Board and the Finance Council. He participates in the Committee for Chemically Dependent Clergy. He collaborates with the Director of Priest and Lay Ecclesial Personnel and Placement and supports the work of the Parish Directors in regular meetings with them. He directs the work of the Coordinator of Continuing Formation of Clergy to develop programs as needed. He regularly meets with the deans and other archdiocesan staff to determine how best to meet the needs of the priests in their ministry to the people of the archdiocese. As an ex-officio member of the Archdiocesan Council of Priests, Father collaborates with the members of the council, the Archdiocesan Pastoral Council, all parishes and institutions of the archdiocese, and archdiocesan offices and agencies, particularly those which directly affect the clergy and parish directors.

The vicar's administrative assistant cooperates with the Vicar for Clergy in ministering to all priests, collaborates with the Vicar for Senior Priests, and assists in administering the work of Clergy Services.

### *Priest and Lay Ecclesial Personnel and Placement Office*

The Director of Priest and Lay Ecclesial Personnel and Placement facilitates the placement process of priests and parish directors and the integration and placement of international priests to parishes and agencies of the archdiocese. The Director works with the Vicar for Clergy and when the Vicar for Clergy is unavailable, the Director of Priest and Lay Ecclesial Personnel and Placement acts on his behalf as directed and when canonically appropriate.

He regularly consults with other archdiocesan staff and the deans in determining how best to meet the needs of the people of the archdiocese. An administrative assistant supports the director in the work of this office.

### *Coordinator of Continuing Formation of Clergy*

The Coordinator of Continuing Formation of Clergy oversees and provides programs for the continuing formation of clergy; makes available information about local and national formation

opportunities for clergy; oversees the implementation of and acts as a resource and guide for the archdiocesan Sabbatical and Special Studies policies; works with the Continuing Formation of Clergy Advisory Board; directs programs that the office sponsors, such as the new pastors workshop; serves on committees or boards that are related to the office's responsibilities; administers the Continuing Formation Fund, Development and Programming Fund, and Preaching Institute / Kortendick Grant Fund; and administers and interprets the Continuing Formation of Clergy Guidelines.

#### *Vicar for Senior Priests*

The Vicar for Senior Priests assists priests in planning for retirement; facilitates transitions in times of illness; coordinates retirement housing for priests, including independent living, assisted living facilities and nursing homes; assists priests and their families with financial questions and questions concerning health care issues; and serves as liaison for priests' families after the death of a priest. He also serves as grief minister for priests who have recently lost parents.

#### *Director of Deacon Services*

Under the supervision of the Vicar for Clergy, the Director of Deacon Services ministers to the needs of deacons throughout the archdiocese. The director oversees all personnel matters pertaining to deacons, including spiritual, ministerial and personal matters.

He coordinates the work and responsibilities of the Deacon Personnel Board and assists in the process of assigning and transferring deacons. He does this in consultation with parishes where deacons are needed or are already serving.

He functions as the liaison between the Vicar for Clergy and the formation program for deacon candidates, as well as with the Archdiocesan Council of Deacons. He assists this council with such responsibilities as planning the annual deacons' assembly, publishing a quarterly newsletter, and supporting spiritual enrichment for deacons' wives.

The Director of Deacon Services represents the archdiocese at the regional and national levels regarding matters affecting deacons and assists the Vicar for Clergy in responding to inquiries regarding the diaconate.

## 6.2 ARCHDIOCESAN DEACON PERSONNEL BOARD STRUCTURE AND PLACEMENT POLICIES

#### Preface and Rationale

The Deacon Council of the Archdiocese of Milwaukee requested the establishment of the Deacon Personnel Board on May 19, 1986. The Board assists the Archbishop in the assignment and purposeful facilitation of diaconal ministry by acting as a catalyst between the needs of the Archdiocese and the skills, both existing and potential, of deacons.

The Deacon Personnel Board has been established because the Archdiocese needs deacons in a variety of designated ministries, and the deacons need a vehicle by which they will be placed into

parishes. Deacons are ordained for service in the Archdiocese, under the direction of the Archbishop and his delegates. The Deacon Personnel Board exists to be the working hand of the Vicar for Clergy, using the Spirit to guide its decisions in recommending diaconal assignments to the Archbishop. The Director of Deacon Services will assist the Vicar for Clergy and serve as his delegate.

#### *I. Structure*

##### A. Composition

1. The Deacon Personnel Board will consist of elected members. The Vicar for Clergy also sits on the Board as a non-voting ex-officio member. The Director of Deacon Services attends meetings as the administrative liaison for the Vicar for Clergy.
2. The Board will consist of: one elected deacon as a representative from each of the Deacon / District groupings that meet on a regular basis. A diversity of age is also desired in the election.

##### B. Election Procedures

1. Each of the district groupings described above shall nominate candidates from among those active deacons assigned within their grouping.
2. Only those deacons of a given district grouping, determined by assignment, shall vote for a representative from that grouping.
3. Elections shall be conducted by the Deacon Services Office.
4. One third (1/3) of the elected deacon members or two (2) members of the Board will be elected each year. The process for nominations and voting are conducted through the Deacon Services Office.

##### C. Term of Office

1. The term of office for all members will be three (3) years. A Board member may be elected for two (2) consecutive terms.
2. If the Board does not obtain the appropriate number of elected members, or if a member resigns his term of office on the Board, it would be the duty of the President of the Deacon Senate to appoint a deacon who would accept the duties of the Board, within sixty (60) days of the date of being informed of the resignation. This person would serve on the Board at the President's discretion for the remainder of the unexpired term of office or until the next year's election.

3. The President of the Deacon Personnel Board is elected from the members of the Board for a one (1)-year term and may serve two (2) consecutive terms. The President serves as meeting chairperson of the Board.

#### D. Responsibilities of Board Members

1. Because each Board member represents a grouping of districts, he should be in regular communication with the deacons of that grouping to ensure that the pastoral needs of that grouping are represented.
2. The Board member will usually be the contact person for deacons from his district grouping whose personnel matters are being handled by the Board.
3. The Board member will attend all meetings of the Board unless excused by the President. Three unexcused absences in one term will be sufficient reason to request a member's resignation.

### *II. Purpose and Procedures*

#### A. Purpose

The purpose of the Board is to aid the Director of Deacon Services and all deacons in the following matter:

1. Changing a covenant within one's assignment.
2. Changing one's assignment from one parish or institution to another.
3. Searching for a deacon to fill a position (new or established) in a parish or cluster of parishes within the Archdiocese of Milwaukee.
4. Assisting a deacon candidate, his wife (if applicable) and the pastor of the parish(es) he will be assigned to upon ordination to prepare, review, and explain the "covenant."
5. Meet with a newly-ordained deacon, his wife (if applicable) and his pastor prior to renewal of the first covenant to critique the first year and resolve any problems, misunderstandings, etc.
6. To consult and advise the Vicar for Clergy / Director of Deacon Services in matters of a deacon not in compliance with responsibilities and expectations including but not limited to: expired covenant, repeated failure to file Annual Formation Report, absence of annual retreat, absence of a spiritual director, lack of participation in District gatherings, and any other matter that is not in accord with the diaconal call, covenant, and role.

#### B. Procedures

1. A deacon requesting a change in assignment, or a parish requesting a deacon, will contact the Board member or Director of Deacon Services.
2. The Director of Deacon Services will discuss the matter with the deacon, and his wife if necessary.
3. Based on the discussion with the Director of Deacon Services, one of two courses of action will be followed:
  - a. The deacon will continue in the present assignment until the end of the current covenant, unless there are extenuating circumstances as determined by the Director of Deacon Services. The Director will notify the board of the circumstances as soon as practical. A strategy will be developed to solve any difficulties or problems the deacon has been having in his present assignment.
  - b. The deacon will be informed by the Director that a Board member will contact him to assist him in the reassignment process, along with the Director of Deacon Services.
4. The Director of Deacon Services or the Board member will contact the President of the Personnel Board to update him about a deacon's reassignment.
5. At the next meeting of the board, the Director will advise the board of any reassignments, pending reassignments, and of any assistance required of the deacon's board member.
6. When the Director / board member has received sufficient information, he will present the case before the Board. The Board will offer advice and counsel concerning the assignment of the deacon, offer alternatives that would be in the best interest of the deacon and the Archdiocese.
7. With the alternatives and decisions offered, the Director / board member may meet with the deacon in a personal interview. The deacon will meet with the leadership of the parish only after an initial contact by the Director of Deacon Services. The deacon may request the assistance of the Board member at the meeting.
8. When the deacon has decided on an assignment, he will serve in the ministry for a term not to exceed six (6) months before signing a covenant. At the discretion of the deacon, the Board member may attend the covenant signing, or may conclude that the covenant meeting will be completed efficiently without the Board member present. The new covenant may only be for a one (1)-year period.
9. When the covenant is returned to the Deacon Services Office, formal written notification of the assignment will come from the Archbishop and will be published.
10. The Board member should contact the deacon six (6) months after reassignment to see how the placement is functioning. The board member will make himself available to help resolve any issues or questions that may have surfaced during this time.

*III. Policy of Confidentiality*

All members of the Board are bound to confidentiality regarding personnel and evaluation matters discussed at Board meetings. This confidentiality prevails even after a member leaves the Deacon Personnel Board.

**6.3 DEACONS' PERMANENT FILES***I. Summary and Scope of This Policy***A. Summary**

Items are retained in a clergy permanent file for various reasons, including preservation of historical materials, good order in the Archdiocese, and the retention of materials necessary for ministry, the life of the Church and the common good.

**B. Parameters**

1. For purposes of this document, the term “clergy” refers to the Permanent Deacons incardinated in the Archdiocese; also the same who are excardinated, resigned, laicized or on “leave of absence”; files are also maintained on such clergy who are religious or non-incardinated if they minister or have ministered in the Archdiocese.
2. The only deacons’ files that are the concern of these guidelines are those that belong to the Archdiocesan Archives, and are maintained at the Chancery Office, the Vicar for Clergy Office, and the Deacon Services Office.
3. There are two levels of files that are subject to these policies in which items concerning deacons may be kept.
  - a. General Information
  - b. Confidential Information

**C. Principals that will govern the interpretation and implementation of this policy include:**

1. Confidentiality of the files
2. A deacon’s right to privacy
3. Protection of the common good and the rights of others
4. Necessity of retaining vital information, but avoidance of retaining unnecessary information.
5. Consistency of implementation and interpretation

- D. The Chancellor is ordinarily delegated by the Archbishop to have primary responsibility for maintenance of deacons’ files. The Director of Deacon Services is also delegated by the Archbishop to assist the Chancellor in fulfilling his / her responsibility.

*II. Possible Contents of the Files*

The deacon permanent file may contain a variety of items, which include, but are not limited to the items delineated below. If there is an item that does not fit into a category below, it is placed in the most appropriate file according to purpose. If there remains a doubt as to whether an item should be placed in a confidential or general information file, then the doubt is to be resolved in favor of filing in the confidential file.

A. General Information (Chancery and Deacon Services)

This file contains general information concerning a deacon such as appointments and so forth.

B. Confidential Information (Chancery and Deacon Services)

This file contains matters that affect a deacon's right of privacy. This file includes but is not limited to signed letter of complaint affecting the ministry and / or life of a deacon.

*III. Permanence of Deacons' Files*

A. Files of Deceased Deacons

1. General information shall be transferred to the General Archives of the Archdiocese.
2. Confidential information, if any, shall be reviewed by the Chancellor, his / her assistant(s), in order to determine what shall be retained in the confidential file or destroyed.

B. Files of Resigned, Laicized, and Excardinated Deacons

1. If laicization is initiated and completed, the permanent file is placed in the Archives, after review by the Chancellor in order to delete any unnecessary information.
2. After resignation or excardination, the Chancellor shall use discretion to determine what is to be retained in the file.

*IV. Access*

A. The Archbishop, the Auxiliary Bishop, the Chancellor, the Vicar for Clergy, the Vice Chancellor and the Director of Deacon Services all have ordinary access to the deacons' files, i.e., they can have access at any time to the files.

B. The Archbishop may authorize other individuals to have limited access to a specified file or files in writing. This authorization is for a limited time period.

C. By way of general principal. The individual deacon has access to the material present in any file bearing his name and held by the Chancellor or by the Director of Deacon Services.

1. Exceptions to the Deacon's Accessibility to His File

- a. If a deacon is or has been in treatment and the therapeutic agency requests that its report be kept confidential.

- i. Such material will not be available to the deacon in the future without the agency's authorization
- ii. The report, however, will be available to be used with discretion for the good of the Church and the good of the individual.

- b. The file may contain material accepted prior to 1982 when the confidentiality was assumed. Names associated with such material will not be disclosed, but the substance will be shared with the deacon. The deacon is permitted to enter into his file a written response to that material. Anonymous material will have been destroyed.

2. Procedures for the Deacon's Access to His File

- a. The deacon may request the Chancellor, the Vicar for Clergy, or the Director of Deacon Services for access to his file
- b. The Chancellor, the Vicar for Clergy, or the Director of Deacon Services shall first review the confidential file to determine whether there is any matter that cannot be reviewed by the deacon, for example information that another deacon provided on the condition of strict confidentiality.
- c. The deacon should make an appointment with the Chancellor or the Vicar for Clergy, or the Director of Deacon Services who will be present when the deacon reviews his file.
- d. Upon examination of his file the deacon is permitted to enter into his file a written response to any specific allegation or statement.
- e. Should a conflict arise regarding access to those files, the case may be submitted to Due Process.

D. If a deacon's permanent file or part of the contents thereof is subpoenaed, then the matter is to be referred to the Chancellor or the Vicar for Clergy for handling.

E. If an individual or entity not described above wishes access to records or to have copies of specific information released, that may be done only upon the following conditions.

- 1. A written request from a person or entity seeking the information
- 2. A signed permission from the deacon involved and
- 3. The permission of the Chancellor or the Vicar for Clergy

If the amount of information is substantial, then the Chancellor may add a further requirement of expenses for photocopying, handling and mailing.

#### 6.4 CRIMINAL BACKGROUND CHECK PROCEDURES FOR DEACONS AND PRIESTS (UPDATED 07/01/2024)

*The Charter for the Protection of Children and Young People* requires the filing of a criminal background check for all employees. This background check is to be updated for every individual every five years.

The Vicar for Clergy office manages this requirement by updating all deacons and priests in the same 5-year cycle, most recently in the calendar year of 2024.

#### **All Archdiocesan Bishops, Priests and Deacons**

Every five (5) years the Vicar for Clergy's Office, Director of Deacon Services, Director of Priest Placement, and Safe Environment Office work together to conduct criminal background checks on all bishops, priests, and deacons serving in the Archdiocese of Milwaukee. Criminal background check reports are filed in the Vicar for Clergy's office for priests and bishops and the Director for Deacon Services office respectively.

#### **Extern Priests from other dioceses assigned to parishes**

Although the diocese of incardination is primarily responsible, the Archdiocese of Milwaukee performs the periodic checks while the priest serves in any parishes / institutions of the Archdiocese of Milwaukee. The criminal background check is ordinarily done by the Director for Priest Placement. The reports of the results are filed in the Vicar for Clergy's office.

#### **Religious Order Priests**

For Religious Order Priests serving in parishes / institutions of the Archdiocese of Milwaukee, authorization to do this check allows the Religious Order Priest some options in order to satisfy the background check requirement.

He may choose to:

- authorize his Religious Order / Community to update the Criminal Background Check information and send the results to the Vicar for Clergy, or
- authorize the Archdiocese of Milwaukee to do this update,
- and he may also authorize the archdiocese to send a copy to the Religious Order / Community.

To allow for varying 5-year cycle years, Religious Orders are permitted to submit the most recent background check results (within a 5-year period) and are advised to submit future updated results for the order's priests who serve in archdiocesan assignments.

## 6.5 CODE OF ETHICAL STANDARDS (UPDATED 03/21/2023)

All clergy are expected to view and sign the acknowledgement for the Code of Ethical Standards of the Archdiocese of Milwaukee. To view a copy of the Code of Ethical Standards, click [here](#).

## 6.6 MANDATORY REPORTING RESPONSIBILITIES (UPDATED 03/21/2023)

To view the most current Mandatory Reporting Responsibilities, click [here](#).

6.7 PROMISE TO PROTECT / PLEDGE TO HEAL – POLICIES, PROCEDURES AND PROTOCOLS



ARCHDIOCESE OF MILWAUKEE

**Promise to Protect  
Pledge to Heal**

*Policies, Procedures, and Protocols  
for  
Clergy Sexual Abuse of Minors:  
Prevention and Response*

Revised: April 2013

*Introduction*

Under the direction of the Archbishop of Milwaukee, the Archdiocese of Milwaukee is committed to protecting children and to helping victims / survivors of clergy sexual abuse. We are sorry for the pain of the victims / survivors of clergy sexual abuse and we owe them far more than an apology. We acknowledge that all victims / survivors of clergy sexual abuse must be found and treated with the utmost care. We want all who have been victimized to come forward with the confidence that they will be heard and helped, and that abusers will be held accountable. We are also sorry for the pain and mistrust this issue has caused so many people in the wider church community and society at large. The guiding principle behind all policies, procedures, and protocols must be the prudent protection of children, not just the punishment of offenders. The policies, procedures, and protocols must also be marked by justice and contain due process for all involved.

*Foundational Policies*

**GENERAL PRINCIPLE:** There is a sacred relationship that exists between the Church and its members, whether they be adult or child. Sexual abuse, sexual misconduct, sexual assault, and / or sexual exploitation, when it occurs within the context of the Church, creates a tragic reality which misrepresents the Good News to those who have been victimized. Each and every instance of sexual violation of those who are the most vulnerable among us is a matter of the gravest concern and calls for an organized Archdiocesan response so that healing may occur and the safety of the community can be assured.

**REPORTING ABUSE:** Reports of clergy sexual abuse of a minor can be made to the Sexual Abuse Prevention and Response Victim Assistance Coordinator (414-758-2232). To make a formal report outside of the Archdiocese, contact can be made at the Healing Center (414-671-4325). Individuals are also encouraged to contact directly civil authorities with reports of sexual abuse.

**ASSISTANCE:** Out of pastoral concern for the victim / survivor of clergy sexual abuse, referrals for therapy will be offered, even prior to the conclusion of any formal investigation and finding of fact. Assistance with costs of therapy will be provided by the Archdiocese.

**REPORTING TO AUTHORITIES:** Every report of clergy sexual abuse of a minor, regardless of when the offense occurred, will be taken seriously. When an allegation is made against a cleric who is still alive, whether currently in ministry or not, all such reports will be handed over promptly to the district attorney of the county in which the alleged offense took place. The Archdiocese commits itself to a policy of cooperation with the civil officials who are charged with handling these matters.

**INVESTIGATIONS:** If the civil authorities cannot proceed with criminal action for any reason and the case is returned to the Archdiocese, there will be a thorough investigation of allegations using an established process which includes the Diocesan Review Board and an independent investigator. In accordance with the provisions of canon 1722, the cleric will be removed from any current ministry assignment or exercise of ministry and prohibited from any public exercise of ministry while the investigation is underway. The investigator will take whatever steps are needed to arrive at a compilation of facts in the case. The Archdiocese commits itself to full cooperation in this independent investigative process. The Diocesan Review Board is charged with making

recommendations to the Archbishop regarding the substantiation of the allegation and suitability for ministry.

**FINAL DISPOSITION:** In every case, upon conviction, plea of guilty, or determination by the Diocesan Review Board process that there is a preponderance of evidence that a cleric has sexually abused a minor, the Diocesan Review Board will make its recommendation to the Archbishop. If the allegation is substantiated, exercising his episcopal authority, the Archbishop will permanently remove the cleric from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.

#### NOTE

\* For purposes of these policies, procedures and protocols, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1º the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2º the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes. If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop / eparch, with the advice of the review board, to determine the gravity of the alleged act.

*Procedures and Protocols for Implementation of the Charter*

**ARCHDIOCESE OF MILWAUKEE  
PROCEDURES TO IMPLEMENT THE USCCB  
CHARTER FOR THE PROTECTION OF CHILDREN  
AND YOUNG PEOPLE**

Under the direction of the Archbishop of Milwaukee, the Archdiocese of Milwaukee is committed to helping victims / survivors of clergy sexual abuse and to protecting children. We are sorry for the pain of the victims / survivors of clergy sexual abuse and we owe them far more than an apology. We acknowledge that all victims / survivors of clergy sexual abuse must be found and treated with the utmost care. We want all who have been victimized to come forward with the confidence that they will be heard and helped, and that abusers will be held accountable. We are also sorry for the pain and mistrust this issue has caused so many people. The guiding principle behind all policies, procedures, and protocols must be the prudent protection of children, not just the punishment of offenders. The policies, procedures, and protocols must also be marked by justice and contain due process for all involved.

Using the USCCB Charter for the Protection of Children and Youth as a guide, the Archdiocese commits itself to the following procedures.

**CHARTER ARTICLE I**

*Dioceses / eparchies are to reach out to victims / survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese / eparchy is to continue its outreach to every person who has been the victim of sexual abuse as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese / eparchy.*

*Through pastoral outreach to victims and their families, the diocesan / eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”*

*We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses / eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.*

**VICTIM / SURVIVOR OUTREACH**

Procedure for provision of counseling and spiritual direction:

- Upon receipt of a report of clergy sexual abuse of a minor, the Archdiocese immediately offers to provide counseling referrals and financial assistance for therapy for the victim / survivor and / or their family regardless of when the sexual abuse occurred.
- An independent evaluator with expertise in mental health treatment, reviews treatment plans to ensure that individuals receive quality therapy that meets their specific needs.
- Sexual Abuse Prevention and Response Services Office staff assist victims / survivors in connecting with available service providers. Support groups, in collaboration with local sexual assault agencies, are available. Additional support groups through Catholic Charities are available.
- A network of spiritual directors who work confidentially with victims / survivors is available. Sexual Abuse Prevention and Response Services Office staff can make such referrals.
- The Archdiocese provides the opportunity for mediation to address the spiritual, emotional and restorative justice needs of victim / survivors.
- The Archbishop is committed to personal and active contact with victims / survivors.
- The director of the Sexual Abuse Prevention and Response Services Office is primarily responsible to meet with and provide assistance to victims / survivors.

## CHARTER ARTICLE II

*Dioceses / eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses / eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principle languages in which the liturgy is celebrated in the diocese / eparchy and be the subject of public announcements at least annually.*

*Dioceses / eparchies are also to have a review board that functions as a confidential consultative body to the bishop / eparch. The majority of its members are to be lay persons not in the employ of the diocese / eparchy (see Norm 5 in Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006). This board is to advise the diocesan / eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to review diocesan / eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.*

## RESPONDING TO ALLEGATIONS

Procedures on Assistance and Pastoral Care:

The Sexual Abuse Prevention and Response Services Office, staffed by a full-time professional, has several functions:

- 1) The director assists persons in making a report of sexual abuse and makes appropriate referrals to help restore the victim / survivor to wholeness. The director's primary purpose is to provide compassionate help to the victim / survivor of sexual abuse, but does not function as either a therapist or an agent of the Church in verifying the truthfulness of the allegation(s).

All reports of sexual abuse, when the alleged offender is still alive, are forwarded to civil authorities by the Chancellor. If civil authorities do not take action, processes of independent investigation and review by the Diocesan Review Board occur, so that all priests and deacons with substantiated allegations of sexual abuse are permanently removed from ministry, in compliance with the Charter and in observance of proper canonical procedures.

- 2) The office oversees implementation of a Safe Environment Program, as mandated by the United States Conference of Catholic Bishops (USCCB), in all parishes and schools. All paid personnel and volunteers who interact regularly with children must undergo mandatory safe guarding and awareness training to recognize the dynamics of childhood sexual abuse and reporting responsibilities. Age-appropriate education to teach children to recognize, resist and report abuse will occur in all classrooms.
- 3) The director provides consultation to parish and school personnel in specific situations about how to report all instances of suspected abuse of children.
- 4) A community advisory board composed of representatives from various social services agencies and experts in the area of sexual abuse assists this office in its mission.
- 5) Sexual Abuse Prevention and Response Victim Assistance Coordinator can be reached at 414-758-2232 or by e-mail at [saprs@archmil.org](mailto:saprs@archmil.org). To make a formal report outside of the Archdiocese staff, contact the Healing Center of Milwaukee at 414-671-4325

#### Establishment of Diocesan Review Board:

Archbishop Dolan appointed the Diocesan Review Board in January 2003. The board has the mandate of cooperating with civil authorities in assessing allegations of sexual abuse of minors, providing counsel regarding suitability for ministry, and reviewing all archdiocesan policies to ensure that they meet or exceed the requirements of the Charter. The Board consists of up to seven members with additional members to be added upon recommendation of the Board. The Board members will be respected members of the community and have expertise in the areas of psychology, law, and / or public policy. The board will include an experienced pastor. Members will be appointed for renewable five-year terms. The Promoter of Justice and the Vicar for Clergy will be invited to attend all meetings of the board.

#### Diocesan Review Board Procedures and Policies

- Policy decisions are to be committed to writing.
- Meeting summaries will be prepared and give an outline of the meetings, procedures decided upon, etc.
- Meeting summaries will be provided to the Board for approval and forwarded to the Archbishop.
- Meetings of the Board are not considered public meetings and no announcement of meetings or reports to the general public or media will be made unless the Archbishop elects to do so through his Communications Office.
- The Chair of the Board will act as spokesperson as needed, but will not discuss the content of meetings or recommendations made to the Archbishop.
- Any Communication policy will be issued by the Archbishop through the archdiocesan communications vehicles.
- If at any meeting of the Board a quorum is not present, the members present will not make any recommendations on substantiation of an allegation nor suitability for ministry.

- The Board may direct investigators to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance.
- The Board does not meet personally with either the person making the allegation or the accused.
- Both parties are invited by the investigator to submit written statements directly to the Board. They are also provided a written report of their respective portion of the investigation interview(s).
- Regardless of the number of investigators used by the Board for substantiation, out of sensitivity to the alleged victim / survivor and alleged perpetrator, whichever investigator begins the substantiation process in a given case will see it to conclusion unless there are some insurmountable obstacles in doing so.
- As the investigation comes to a close, both parties will be notified by the investigator that the report is ready to be sent to the Board. Each party will have 10 days within which to submit any supplemental information to the investigator. This supplemental report must clearly identify what new information is available that would help to establish the truth in the matter.

The Diocesan Review Board will exercise its responsibility by reviewing the report, directing the investigator to any new area(s) of inquiry if needed, and arriving at its conclusion about whether or not the allegation has been substantiated and whether or not the cleric is suitable for ministry. The results of the investigation, along with the recommendation of the Review Board, should be committed to writing and sent to each of the parties to a case. If either party is aggrieved about the findings of an investigation and the recommendation of the Diocesan Review Board, that person may request a reconsideration of the case. Such request for reconsideration must be filed in writing with the Chair of the Review Board within 30 calendar days of notification of the findings. The request must include indication of what new information is available that would help arrive at truth in the matter. There will be only one possible reconsideration in a case.

Once the investigation, board review, and results of any decision about reconsideration are completed the final recommendations of the Review Board will be sent to the Archbishop for his decision.

Availability of policies, procedures, and resources:

- Archdiocesan procedures for reporting abuse have been posted on the Archdiocesan web site.
- A list of community programs that provide free services to sexual abuse survivors has been produced and distributed to every parish and school in the Archdiocese. Additional copies are available from the Sexual Abuse Prevention and Response Victim Assistance Coordinator (414-758-2232 or by e-mail at [saprs@archmil.org](mailto:saprs@archmil.org))
- Parishes and schools have received information for distribution to parishioners and school families.
- Bulletin announcements are provided for parish use.

### CHARTER ARTICLE III

*Dioceses will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim-survivor and noted in the text of the agreement.*

### CONFIDENTIALITY AGREEMENTS

Procedure for Confidentiality Agreements:

- If some serious and substantial reason for privacy is presented by a victim / survivor, the Archdiocese would agree to a confidentiality provision.
- An annual reporting of out-of-court settlements dealing with clergy sexual abuse will be published by the Archdiocese, along with Archdiocesan annual audited financial reports.
- Updated information on the financial impact of clergy sexual abuse cases on the Archdiocese will be publicly distributed.
- In the mediation process, victims / survivors are informed that the Archdiocese will not reveal any confidential information but that the individual is not bound to any confidentiality.

#### **CHARTER ARTICLE IV**

*Dioceses / eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses / eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.*

*Dioceses / eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.*

*In every instance, dioceses / eparchies are to advise victims of their right to make a report to public authorities and support this right.*

#### **REPORTING ALLEGATIONS**

Procedure on Reporting Allegations of Abuse to Authorities:

- Allegations of clergy sexual abuse of a current minor received by the Archdiocese are immediately reported to law enforcement or Child Protective Services. A list of contact information for Child Protective Services in each of the ten counties of the Archdiocese of Milwaukee is found in the Appendix to this document.
- Allegations of clergy sexual abuse of a minor received by the Archdiocese from an alleged victim who is no longer a minor are immediately reported to the district attorney unless the accused cleric is deceased.
- Church personnel are required to be knowledgeable of the State of Wisconsin Child Abuse regulations and know the proper reporting requirements. Church personnel are also to comply with all mandatory reporting requirements. If the information was received under the seal of the confessional, no reporting can occur, but the priest will encourage the victim / survivor or perpetrator to contact someone outside the Sacrament of Reconciliation.
- The Archdiocese fully cooperates with civil authorities conducting investigations.
- People reporting an incident of clergy sexual abuse will be informed that all reports received are turned over to civil authorities, unless the offender is deceased.
- Individuals are also encouraged to contact civil authorities directly with reports of sexual abuse.

#### **CHARTER ARTICLE V**

*We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."*

*Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (Motu proprio, *Sacramentorum sanctitatis tutela*, AAS, 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.*

*Diocesan / eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.*

*The diocesan / eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below shall not continue in ministry.*

*A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.*

*In fulfilling this article, dioceses / eparchies are to follow the requirements of the universal law of the Church and of the Essential Norms approved for the United States.*

## **INVESTIGATING AND PENALTY PROCESS**

### Procedures:

- The Archdiocese is committed to observing all applicable civil law and canonical norms and to respecting the rights of all involved.
- The Archdiocese will remove the cleric from any current assignment and exercise of ministry in any case where the district attorney pursues a criminal investigation. If a district attorney determines that no criminal investigation will be pursued, an independent investigator will be hired by the Archdiocese to conduct an investigation.
- In accordance with the provisions of canon 1722, the cleric will be removed from any current ministry assignment or exercise of ministry and prohibited from any public exercise of ministry while the investigation is being conducted. The Vicar for Clergy will be the primary contact for the accused during the investigation process. At his initial meeting, he will provide the accused with a written summary of the accusation including the name of the accuser(s), unless the Vicar judges that it is important not to include that information temporarily. The Vicar for Clergy will direct the accused to have no contact with the accuser or family and the accused will sign a document to that effect. The Vicar will maintain a checklist for each step that is taken and will share this information with the accused, having him sign and date it. The Vicar will maintain regular contact with the accused during the investigation stage.
- Alleged offenders will continue to receive necessary medical, psychological, and spiritual treatment.

- Prevention education, boundary education, and continuing formation in healthy human sexuality are part of both the Clergy Wellness Program and the Continuing Education Program for Clergy. Ongoing mandatory education should include information about warning signs of potential abuse and behaviors that should raise concerns.
- Prevention education, boundary education, and continuing formation in healthy human sexuality will continue to be part of the formation curriculum at Saint Francis Seminary.
- When a cleric is placed on temporary leave from his assignment during an investigation, no public disclosure of the reason for his leave is given by the Archdiocese.
- If an accusation proves unsubstantiated, a cleric will be restored to the exercise of ministry. Both the accused and those with and to whom he ministers are to be provided with support services by archdiocesan personnel.
- Accused clerics are informed of their canonical rights and encouraged to seek both canonical and civil representation. The Vicar for Clergy will provide a list of canonical rights to the accused and will have him sign that he has read the document. The Vicar for Clergy will later ensure that these rights are fully understood as the investigation proceeds. Any questions about participation in clerical events or other matters should be directed to the Vicar for Clergy.
- The Vicar for Clergy will provide the accused with a written statement on what financial and other support will be given by the Archdiocese. The Vicar for Clergy will ensure that appropriate housing is available to the accused during the investigation.
- In every case, upon conviction, plea of guilty, or determination by the Diocesan Review Board process that there is a preponderance of evidence that a cleric has sexually abused a minor, the Diocesan Review Board will submit its findings and make its recommendation to the Archbishop. If the allegation is substantiated, exercising his episcopal authority, the Archbishop will permanently remove the cleric from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.
- Regardless of age or infirmity of the cleric, the Archbishop will refer every case to the Congregation for the Doctrine of the Faith (CDF) as required by the U.S. Bishops' Conference Norms. The accused will be informed by the Vicar for Clergy when this referral has taken place. Any cleric with a substantiated case of abuse of a minor will be permanently prohibited from the exercise of ministry even if not dismissed from the clerical state by CDF processes. Clerics with a single, substantiated incident of sexual abuse of a minor are restricted from any public ministry, including saying Mass in public.
- Any cleric with a substantiated case of abuse of a minor will be permanently prohibited from the exercise of ministry, even if not dismissed from the clerical state by CDF processes. Involuntary laicization can be sought by the Archbishop. He will do so in cases where there are multiple, substantiated or admitted cases of sexual abuse of minors, where there is limited sense of remorse, and / or where there has been grave scandal.
- Information about canonical procedures is available on the archdiocesan website: <http://www.archmil.org/ArchMil/Resources/TRIB/Tribunalbrochure.pdf>
- Ongoing study and review of oversight protocols and safety plans for those with substantiated cases, but not laicized, will continue.
- The appropriate practice for the burial of a cleric, after there have been substantiated allegations, should be determined on an individual basis. Consideration should be given victim / survivor impact, as well as to the needs of the cleric's family and the common good of the Church community.

**CHARTER ARTICLE VI**

There are to be clear and well-publicized diocesan / eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the church in positions of trust who have regular contact with children and young people.

**DIOCESAN STANDARDS FOR MINISTERIAL BEHAVIOR**

Protocol on Ethical Standards:

- The Code of Ethical Standards is given to all clergy and church personnel and is available on the Archdiocesan web site.
- All church personnel and all volunteers who have regular contact with minors are required to document that they have read, understand, and agree to abide by the Code of Ethical Standards.
- A summary of the Code dealing with reporting misconduct has been sent to every archdiocesan parish school and religious education program for distribution to families.
- The Code will be reviewed by the Diocesan Review Board on an annual basis to determine the need for revision.
- Education programs on the Code will be included in parish, school, and seminary workshops.

**CHARTER ARTICLE VII**

*Dioceses / eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.*

**COMMUNICATION POLICY**

Communication Policy for Allegations of Sexual Abuse by Clergy or Other Church Personnel:

The Archdiocese of Milwaukee recognizes the importance of disseminating full and accurate information to the public regarding sexual abuse of minors by clergy. The Archdiocese of Milwaukee is committed to sharing information openly and willingly about sexual abuse of minors by clergy in the Archdiocese. The communication policy for the Archdiocese of Milwaukee in matters dealing with sexual abuse of minors by clergy is as follows:

1. The Archbishop of Milwaukee is the official spokesperson for the Archdiocese of Milwaukee. The Communications Director serves as the main media contact and serves as spokesperson for the Archbishop and the Archdiocese on issues involving sexual abuse of a minor by clergy, when appropriate. This follows the larger archdiocesan media relations policy already in place.
2. The Communications Director administers the media policy. No contact or response to media should be initiated through any other archdiocesan office. If media representatives initiate contact with archdiocesan staff, the inquiry should be referred to the Communication Director.
3. All media inquiries will receive a response. No media outlet or representative will be ignored.
4. The Archdiocese of Milwaukee is committed to candor and openness in its communication about sexual abuse of minors by clergy. Exceptions to this policy include matters under litigation, matters currently being investigated by civil authorities, unsubstantiated allegations and information which a victim / survivor has asked the Archdiocese to keep private.
5. All policies for reporting clergy sexual abuse will be written and communicated in multiple formats, including print and electronic. Policies and policy updates are distributed to all parish

and school locations. Reminders about the policies in place are sent periodically throughout the calendar year.

6. Annual updates about the Archdiocese of Milwaukee's compliance with the "Charter for the Protection of Children and Young People" are widely communicated to the faithful of southeastern Wisconsin.
7. Information about how to report sexual abuse and agencies for contact by victims / survivors of sexual abuse – both within the Church structure and external social service agencies – is updated annually and distributed to parishes, schools and Catholic institutions, and posted on the archdiocesan web site.
8. Annual financial data is compiled as part of the overall archdiocesan annual financial report and disseminated to parishes, schools, and the faithful through a variety of communications media, including posting on the archdiocesan web site.
9. When an allegation of sexual abuse of a minor is received about an archdiocesan cleric, the following communication policy is in place:
  - a) Allegations of clergy sexual abuse of a current minor received by the Archdiocese are immediately reported to law enforcement or Child Protective Services. A list of contact information for Child Protective Services in each of the ten counties of the Archdiocese of Milwaukee is found in the Appendix to this document.
  - b) Allegations of clergy sexual abuse of a minor received by the Archdiocese from an alleged victim who is no longer a minor are immediately reported to the district attorney unless the accused offender is deceased. When a case is sent to the district attorney, no public statement is made by the Archdiocese until the district attorney has decided on a course of action. The Archdiocese does not comment on specific cases or allegations, but rather reiterates that our policy of reporting all allegations to civil authorities is being followed.
  - c) If criminal charges are filed against a cleric by a district attorney, this information is communicated to the parish (if the cleric was assigned) at all weekend Masses and is provided to the media in written form. An electronic communication is sent to all clergy and the statement is also placed on the archdiocesan web site.
  - d) If the district attorney does not pursue the case, but the Archdiocese finds the report credible, the allegation proceeds to an independent investigation and the cleric is placed on temporary leave from his assignment.
  - e) After the investigation, the case is referred to the Diocesan Review Board for its recommendation to the Archbishop. "Preponderance of evidence" (i.e., that it is more likely than not that the incident(s) occurred) is the standard used to determine whether the allegation is substantiated. They also make a recommendation regarding the cleric's suitability for ministry. Following the Archbishop's decision to remove a cleric from ministry, full disclosure is provided to the parish (if assigned), to all clergy, to other parishes where the cleric served, if appropriate, and to the media.
  - f) To ensure accurate and complete information, the Vicar for Clergy, Victim's Assistance Coordinator and Chancellor review data and statements before public release.
10. When the name of an accused cleric becomes public, either because of criminal charges being filed by the district attorney or after substantiation by the independent investigation, the following information will be released to the public and media, when available:
  - a) Name, year of birth, ordination date and list of appointments.

- b) When a case of sexual abuse of a minor has been substantiated and ministry has been restricted or the cleric has been laicized, notice is posted to the website and local law enforcement officials and pastors in the area where the cleric resides are notified.

Note: Articles VIII, IX, X, & XI are being implemented by the U.S. Conference of Catholic Bishops with full endorsement and cooperation of the Bishops of the Archdiocese of Milwaukee.

## **CHARTER ARTICLE VIII**

### **COMMITTEE FOR THE PROTECTION OF CHILDREN AND YOUTH**

*By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee for the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.*

*The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.*

## **CHARTER ARTICLE IX**

### **USCCB OFFICE FOR CHILD AND YOUTH PROTECTION**

*The Office for Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee for the Protection of Children and Young People and be a resource for dioceses / eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese / eparchy.*

*The Office is to produce an annual public report on the progress made in implementing and maintaining the standards in this Charter. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee for the Protection of Children and Young People. This public report is to include the names of those dioceses / eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter.*

*As a member of the Conference staff, the Executive Director of the Office is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee for the Protection of Children and Young People and the National Review Board with regular reports of the Office’s activities.*

## **CHARTER ARTICLE X**

*The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.*

*The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of*

*the Office of Child and Youth Protection on the implementation of this Charter in each diocese / eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.*

*The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.*

*The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee for the Protection of Children and Young People will meet jointly several times a year.*

*The Board will review the work of the Office of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.*

*The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.*

## **CHARTER ARTICLE XI**

### **INFORMING THE HOLY SEE**

*The President of the Conference is to inform the Holy See of this revised Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the Charter.*

## **CHARTER ARTICLE XII**

*Dioceses / eparchies are to maintain "safe environment" programs which the diocesan / eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses / eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.*

## **SAFE ENVIRONMENT PROGRAMS**

### **Safe Environment Procedures:**

- The Archdiocese has implemented a safe environment and awareness training program that addresses issues of safe environment. All priests and deacons, as well as diocesan, parish and

school staff, and all volunteers who have regular contact with minors are required to participate in training and education sessions. Certain personnel will also be required to do advance training which will be available electronically. All pastors, administrators, parish directors are required to certify that these trainings have occurred.

- All schools and religious education programs are required to implement the program “Safeguarding All of God’s Family.”
- Reporting protocols for reporting suspected instances of child and sexual abuse are outlined and principals and teachers are trained on these protocols.
- Annually, the month of April will be designated as a special time for parent programs, parish awareness, preaching and teaching about prevention of sexual abuse. The Archdiocese will provide appropriate materials as prepared and recommended by the Community Advisory Board.
- The Sexual Abuse Prevention and Response Services Office coordinates education and training for seminarians and all who are in formation at Saint Francis Seminary.
- A special component in the Catholic Scouting program addresses the issues of sexual abuse.
- Religious education directors and youth ministry directors are included in programs to ensure they are as informed as school principals with regard to recognizing sexual abuse.

### **CHARTER ARTICLE XIII**

*Dioceses / eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese / eparchy and of all diocesan / eparchial and parish / school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation [Fifth Edition], 2006, no. 39).*

### **BACKGROUND CHECKS**

Procedures for Background Checks:

- The Archdiocese requires that all Church personnel undergo criminal background checks as part of their employment at a parish or school or in any special ministry of the Archdiocese.
- Background checks are also required for all who are in formation at Saint Francis Seminary.
- For men studying for the priesthood or diaconate, in-depth personal interviews are conducted and extensive background checks, and federal and state criminal background checks, and psychological testing are required.

### **CHARTER ARTICLE XIV**

*Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (Cf. Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, adopted by the USCCB, the Conference of Major Superiors of Men (CMSM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)*

### **CLERICAL TRANSFERS**

Procedures for Transfer of Clergy:

- The Archdiocese of Milwaukee requires that the diocesan bishop or major superior of every diocesan or religious order cleric serving in the Archdiocese complete the Tri-Conference document attesting to fitness for ministry. These are to be kept on file in the Chancery office.

## CHARTER ARTICLE XV

*To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee for the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan / eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese / eparchy.*

## IMPLEMENTATION WITH RELIGIOUS COMMUNITIES

Procedures for Religious Communities:

- The Archdiocese of Milwaukee requires that the major superior of every religious order cleric serving in the Archdiocese complete the Tri-Conference document attesting to fitness for ministry.
- The Archdiocese requires that this document be updated and filed for every religious order member serving in the Archdiocese every five years.
- A copy of the religious community's policy on response to sexual abuse is required to be on file with the Archdiocese before any of its members can minister within the Archdiocese.
- The superior of each religious congregation must provide the Archdiocese with written documentation of any allegations made against an individual and that no credible allegations exist against any individual seeking to minister within the Archdiocese. The Archdiocese reserves the right to ban, on investigation, any individual who seeks to minister within the Archdiocese.
- If the Archdiocese receives a report of allegations of sexual abuse by order priests or religious, the Archdiocese will immediately report the incident to the district attorney and / or law enforcement and inform the religious superior.
- The Archbishop will continue regular meetings with major superiors.

## CHARTER ARTICLE XVI

*Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.*

Research Procedures:

- The Archdiocese pledges its continued cooperation with valid, scientific research such as institutional research, medical research, research conducted by colleges / universities, and research endorsed by the U.S. Conference of Catholic Bishops.

## CHARTER ARTICLE XVII

*We commit ourselves to work individually in our dioceses / eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in*

*Pastores Dabo Vobis, the Program of Priestly Formation, the Basic Plan for the Ongoing Formation of Priests, and the results of the Apostolic Visitation. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.*

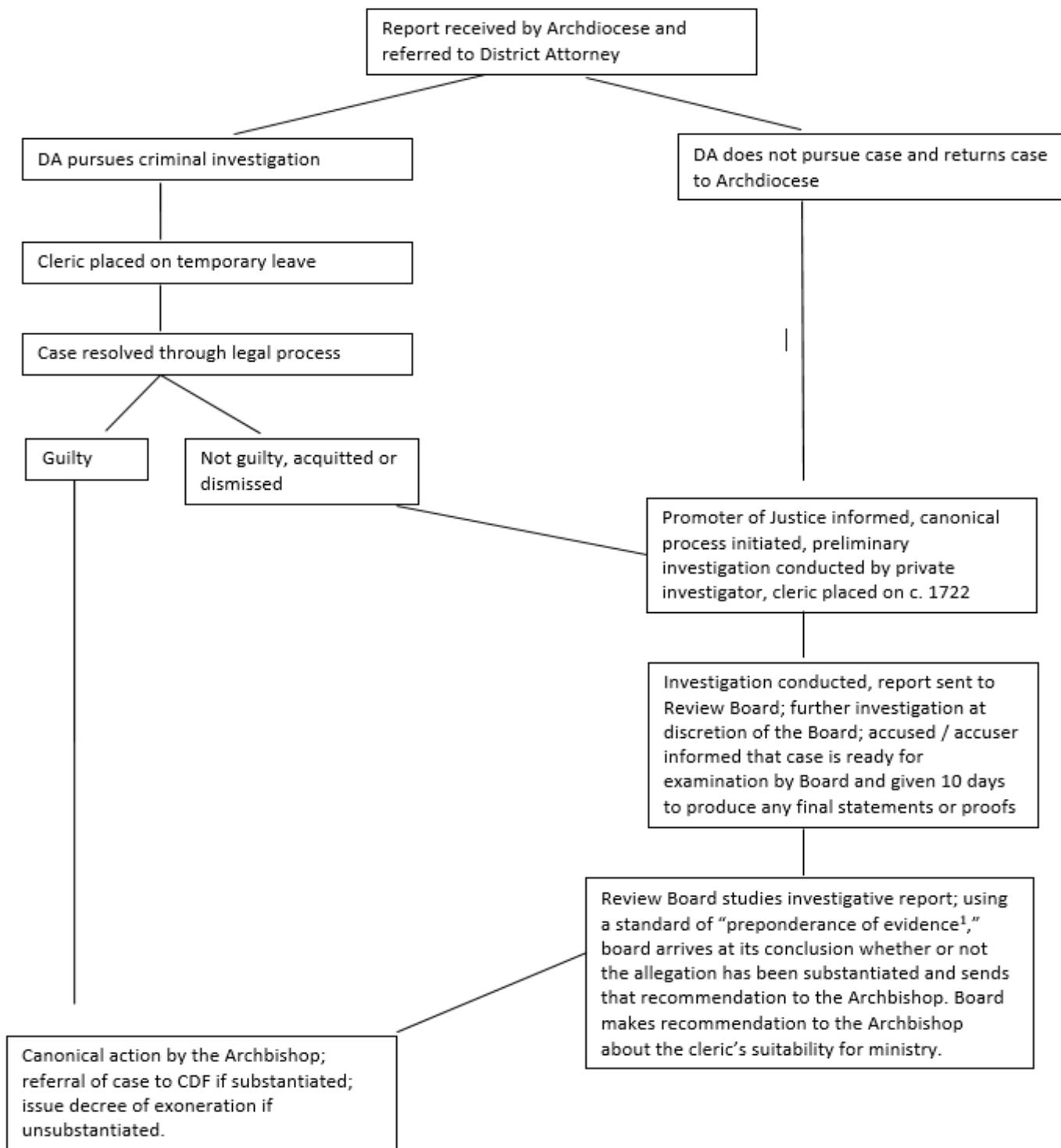
## **FORMATION**

Procedures for Initial and Ongoing Formation on Chastity:

- The board of directors of Saint Francis Seminary maintain rigorous policies and protocols of the formation program in the area of screening, testing, and preparation of candidates in the areas of sexual abuse prevention and celibacy.
- Participation in priest support groups is encouraged by the Archbishop, Bishop, and Vicar for Clergy. Priest support groups meet on a regular basis and allow priests to discuss the challenges they face and the support they receive in their vocation and in their ministry assignment.
- The Archdiocese promotes the spiritual, physical and psychological health of priests by providing programs planned and implemented by the Clergy Wellness Council in conjunction with local healthcare providers. A Wellness Day for priests is sponsored each year.

<b>APPENDIX</b>	
<p><b>Milwaukee County</b>          BUREAU OF MILWAUKEE CHILD WELFARE          To report Child Abuse / Neglect: 414-220-SAFE (7233)          After hours number: 414-220-SAFE (7233)</p>	<p><b>Dodge County</b>          DODGE COUNTY HUMAN SERVICES AND HEALTH DEPARTMENT          County Office Building          143 E. Center Street          Juneau, WI 53039          Office Hours: 920-386-3750          After Hours: 920-887-6713          FAX: 920-386-3533</p>
<p><b>Administrative Office and Access</b>          1555 N. River Center Drive, Suite 220          Milwaukee, WI 53212          Phone (414) 220-7000          Fax (414) 220-7062 (administrative)          Director: Arlene Happach</p>	<p><b>Washington County</b>          WASHINGTON COUNTY HUMAN SERVICES DEPARTMENT          333 East Washington Street, Suite 3100          PO Box 2003          West Bend, WI 53095          Office Hours: 262-335-4610 or 800-616-0446          Hotline: 262-335-4888          After Hours Hotline: 262-365-6565          FAX: 262-335-4709</p>
<p><b>Waukesha County</b>          WAUKESHA COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES          500 Riverview Avenue          Waukesha, WI 53188          Office Hours: 262-548-7212          After Hours: 262-547-3388          FAX: 262-548-7656</p>	<p><b>Ozaukee County</b>          OZAUKEE COUNTY DEPARTMENT OF HUMAN SERVICES          121 West Main Street          P.O. Box 994          Port Washington, WI 53074-0994          Office Hours: 262-238-8200          After Hours: 262-238-8436          FAX: 262-284-8103</p>
<p><b>Racine County</b>          RACINE COUNTY HUMAN SERVICES DEPARTMENT          1717 Taylor Avenue          Racine, WI 53403          Office Hours: 262-638-7720          After Hours: 262-638-7720          FAX: 262-638-6369</p>	<p><b>Sheboygan County</b>          SHEBOYGAN COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT          1011 North 8th Street          Sheboygan, WI 53081          Office Hours: 920-459-6418          After Hours: 920-459-3111          FAX: 920-459-4009</p>
<p><b>Kenosha County</b>          KENOSHA COUNTY DEPARTMENT OF HUMAN SERVICES          8600 Sheridan Road Ste 200          Kenosha, WI 53143-6512          Office Hours: 262-605-6582          After Hours: 262-657-7188          FAX: 262-605-6570</p>	<p><b>Fond du Lac County</b>          FOND DU LAC COUNTY DEPARTMENT OF SOCIAL SERVICES          87 Vincent Street          P.O. Box 1196          Fond du Lac, WI 54936-1196          Office Hours: 920-929-3400          Toll Free: 1-800-525-3187          After Hours: 920-906-5555          FAX: 920-929-3447</p>
<p><b>Walworth County</b>          WALWORTH COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES          W4051 Hwy NN          P.O. Box 1005          Elkhorn, WI 53121          Office Hours: 262-741-3200          1-800-365-1587          After Hours: 262-741-3200          1-800-365-1587          FAX: 262-741-3217          TTY: 262-741-3255</p>	

## How the Archdiocese of Milwaukee Handles Reports of Clergy Sexual Abuse



<sup>1</sup>preponderance of evidence is defined as: Is it more likely than not that the incident occurred? The standard of moral certainty is required in any subsequent canonical process.

December 2006

## 6.8 JUDICIAL BY-PASS FOR A PREGNANT MINOR

### Appropriate Response to Requests to Assist in the “Judicial Bypass” Provision of Wisconsin’s Parental Consent Law

Wisconsin’s law requiring that minors who wish to obtain an abortion must first have the consent of at least one parent or adult family member took effect on July 1, 1992. While litigation may delay the actual implementation of the law, key provisions of the law affect members of the clergy, and they should be aware of them.

In addition to consent by a parent or family member, the law also contains a provision allowing a member of the clergy to petition a court for a “judicial bypass” of this consent requirement. This section of the law further provides that a member of the clergy may file the petition on her behalf and perform other acts intended to help her obtain the judicial consent necessary to proceed with the abortion itself.

Since it is very possible that a pregnant minor may come to a priest or deacon for advice, perhaps even assistance, on how to proceed with a judicial bypass, certain facts need to be considered.

A necessary first step is to know the specifics of the law in this regard. The following provisions of Wisconsin Statutes § 48.375 et seq are of special concern for members of the clergy:

1. **Definition of Clergyman** § 48.375 uses the definition contained in section 765.002 (1) of the Wisconsin Statutes, as follows:

“(1) ... ‘clergyman’ in this chapter means spiritual adviser of any religion, whether the adviser is termed priest, rabbi, minister of the gospel, pastor, reverend or any other official designation.”
2. **Role in Petitioning the Court on Behalf of the Minor** Section 48.257 as created in § 48.375 allows a member of the clergy to file a petition with a circuit court on the minor’s behalf. Section 48.375(7) further provides that the clergyman may appear on the juvenile’s behalf (with or without the juvenile present) at the initial appearance in the judge’s chamber. This appearance must be held no later than the day after the petition is filed.
3. **Clergyman’s Affidavit** Section 48.375(7) (bm) requires that any member of the clergy who files a petition on the minor’s behalf must also submit an affidavit stating:
  - a. that the member of the clergy has met personally with the minor and has explored the alternative choices available to the minor for managing the pregnancy, including carrying the child to term, placing the infant for adoption, placing the child with another family member, or having an abortion;
  - b. that the member of the clergy has discussed the possibility of involving one of the minor’s parents in the decision involving the pregnancy;
  - c. whether or not in the opinion of the minor that abortion is in the minor’s best interest.

The law allows the judge to make a decision on the minor's petition based solely on the information in the clergyman's affidavit or to interview the minor before deciding on the petition.

4. **Appeals** The law also allows the clergyman to appeal the judge's decision (at the minor's request) if the petition is denied.

## ISSUES TO CONSIDER

**Definition of "Clergyman"** Although the canonical definition of clergy applies only to priests and deacons, the statutory definition may be interpreted more broadly to include many lay people engaged in pastoral positions. What follows should generally apply to them as well.

**Participation in the Bypass** As the provisions in § 48.375 make clear, a petition to a court for a bypass would, if granted, enable the minor to obtain an abortion. Accordingly, any assistance with such petitions filed with this intent would constitute an act of positive cooperation in the procurement of an abortion, an act clearly prohibited by Church teaching and Canon 1044.1, n.3. Such cooperation may lead to excommunication pursuant to Canon 1398 and would render a person unable to further exercise their orders. Similarly, assisting a minor in filing an appeal to overturn a judge's decision not to bypass the parental consent requirement would also constitute positive cooperation.

Although lay pastoral ministers do not have orders as such, their positive cooperation should be viewed as inconsistent with their position in the Catholic community and grounds for excommunication and / or imposition of an ecclesiastical penalty such as a possible loss of office pursuant to the provisions of Canon 193.

Accordingly, neither Catholic clergy nor lay pastoral personnel should participate in this petition process. Further, they should make this clear to a minor or anyone else who requests such participation.

### Response to Inquiries from Minors or Those Acting on Their Behalf

In responding to such inquiries, the following should be kept in mind:

First and foremost, it is imperative that the response to any inquiry be pastoral, sensitive, and compassionate to the young woman involved. Minors, especially adolescents, facing an unplanned or crisis pregnancy are often unaware of considerations beyond the facts of their own predicament, even to the point of failing to realize how much love and support they can receive from their families and the Church. An affirmation of their own goodness and the desire of loved ones and others, especially the Church, to help them must be communicated in every instance.

Second, it is important that they understand the implications of the teaching of the Church for themselves and for those who are not pregnant. Even if they are aware that Church teaching does not permit them to have an abortion, they may not realize that this prohibition extends to others they may call upon to assist them in making that choice.

## 6.9 SEXUAL EXPLOITATION BY THERAPIST – FELONY

According to Wisconsin Statute §940.22, originally enacted April 30, 1986, and as amended, any person who intentionally has sexual contact with a patient or client during an ongoing therapist / patient relationship is guilty of a Class F Felony. Wisconsin Statute §940.22(2) explicitly includes members of the clergy among those designated as therapists. Consent on the part of the patient and / or counselee is not an issue and does not absolve the counselor from legal prosecution for his / her actions.

Wisconsin Statute §940.22(2) mandates that other counselors or psychotherapists, when informed by a client that intentional sexual contact has occurred with those individuals listed as therapists in the statute, inform the individual of his / her rights to report the behavior to the District Attorney's office or to the appropriate State regulatory body. The language of the governing statute reads as follows:

If a therapist has reasonable cause to suspect that a patient or client he or she has seen in the course of professional duties is a victim of sexual contact by another therapist or a person who holds himself or herself out to be a therapist in violation of sub. (2), as soon thereafter as practicable the therapist shall ask the patient or client if he or she wants the therapist to make a report under this subsection. The therapist shall explain that the report need not identify the patient or client as the victim. If the patient or client wants the therapist to make the report, the patient or client shall provide the therapist with a written consent to the report and shall specify whether the patient's or client's identity will be included in the report.

Note that the person being counseled is required to receive notice from the therapist of the right to report the abuse; the person's identity need not be released; and the need to have the person consent in writing to have the therapist make a report.

The therapist is obligated under the statute to assist with this reporting if the individual wishes to pursue his / her civil rights in this manner. Therapists who intentionally fail to advise their counselee and report as required may be found guilty of a Class A misdemeanor.

Since Wisconsin Statute §940.22 specifically lists clergy as therapists and since claimants may describe pastoral counseling as therapy, members of the clergy are hereby instructed regarding the serious moral and legal implications of any violation of their pastoral responsibilities in this regard. Members of the clergy are bound by the mandatory reporting section of the statute when authorized by individuals reporting sexual contact by another therapist as defined in the law.

Further information on the specifics of this law, or the mandatory requirements, contained therein may be obtained from the Coordinator for the Archdiocesan Response to Sexual Abuse.

## 6.10 DUE PROCESS OFFICE

**Archdiocese of Milwaukee**

The Due Process Office of the Metropolitan Tribunal is that office in the Archdiocese of Milwaukee which seeks to assist members of the faith community resolve disputes through formal and informal means, in light of canonical equity and procedures, when other avenues of dispute resolution have failed.

Though we are a community of faith trying to live up to the example set forth in the Gospels, we are also human, and disputes will arise from time to time. It is important to resolve these disputes in a manner consistent with our faith. Scripture urges us to settle our disagreements within the Church community, taking care that our efforts are imbued with a spirit of love and forgiveness. (Luke 6:27).

The due process procedures of the archdiocese are based on the presumption that parties to a dispute desire a settlement in equitable fashion and are willing to work towards an amicable settlement. The process attempts to protect the interests of all parties involved, aiming at the resolution of the grievance.

### **Competence**

Canon 221 of the Code of Canon Law holds that all the faithful have the right to initiate a grievance against any individual, group, or agency in the church who allegedly violates their rights. However, there must be an allegation that a right as recognized in the Code of Canon Law, teachings, or magisterium of the Church has been violated.

However, the jurisdiction of the Due Process Office has limitations.

#### **A. Time**

A petition to the Due Process Office must be made within 45 days of the date of receipt of the result of the last previous attempt at resolving the conflict. (In other words, 45 days from the end of the last required step before approaching the Due Process Office). If there is a valid reason why this deadline cannot be adhered to, recourse to the Judicial Vicar of the Archdiocese should be made which explains this reason.

#### **B. Subject Matter**

The Due Process Office cannot accept cases regarding the validity of marriage or sacred orders, the imposition of penalties by penal or contentious process or those matters requiring a special process according to the Code of Canon Law. It also cannot handle internal matters of religious institutes, communities or their members.

#### **C. Personal Jurisdiction**

The due process office can only hear complaints where the parties are under the authority of the Archbishop of Milwaukee.

In instances where the parties have already undergone significant informal and formal mediation, the Due Process Office is not the proper forum to pursue a dispute. If procedures are in place for dispute resolution and have been fully complied with, without successful resolution, then any appeal should be made directly to the Administrative Tribunal. The Due Process Office reserves the right to refer any case to the Administrative Tribunal when it is clear that any further efforts at mediation will be fruitless.

The Archdiocesan Personnel and Placement Office, as well as each parish, should have procedures for initial attempts at resolving disputes. If an acceptable resolution cannot be reached at these levels and mediation has been fully attempted, recourse may be taken to the Archdiocesan Due Process Office.

The Due Process Office also works cooperatively with the Vicar for Clergy. The Due Process Office respects the competence of that office to moderate any issues that may arise within their jurisdiction. In matters of allegations of sexual abuse by a priest, the matter is handled in accord with Archdiocesan Policies, Procedures and Protocols for these issues. The Due Process Office has no competency to handle these cases.

### **Due Process Personnel**

The Archbishop has the ultimate authority to settle all disputes and conflicts of rights which arise within his jurisdiction. The Due Process Office in conjunction with the Court of Equity is the usual agency through which the Archbishop normally exercises this responsibility. The Archbishop may, however, settle a matter by his own decree.

The Judicial Vicar oversees the Due Process Office and has ultimate authority to decide all aspects of a case, with recourse only to the Archbishop. Complaints should be initially addressed in writing to the Judicial Vicar. The Tribunal Chancellor is stably delegated to receive these complaints and to initiate the gathering of information as the Due Process Coordinator.

The Due Process Coordinator shall review all petitions and, in conjunction with the Judicial Vicar, shall determine whether such petitions fall within the competence of the office. The coordinator shall also be responsible for all record keeping and for direct communication with the parties.

### **Handling Grievances at the Parish Level**

Since many disputes arise from the internal workings of a parish each parish should establish an internal procedure for handling grievances and resolving conflicts. If this has not already been done at a particular parish, the Archdiocesan Personnel and Placement Office can help establish these procedures.

Often, a grievance or conflict in the parish cannot effectively be handled by the Parish Pastoral Council itself because of the size, nature and function of this group. Each Parish Pastoral Council has the responsibility to establish and make known a group who will initially hear the grievance and offer help in finding a resolution. Ideally, this will be accomplished through a Human Resources

Committee of the Parish Finance Council. A Human Resources Committee should consist of persons expert in relevant fields.

The Due Process Office can also review grievances that might arise at other institutions under the jurisdiction of the Archbishop of Milwaukee.

The following guidelines should be observed:

1. Following the principle of subsidiarity, matters should be dealt with at the most appropriate level. Accordingly, there should first be an effort to resolve grievances and conflicts by the two persons or groups directly involved.
2. If the initial effort has been unsuccessful, the matter may be resolved through the informal mediation of another qualified, impartial person.
3. The next step would be submission of the grievance to the appropriate body. For grievances within a parish, a dispute relating to the school should be submitted to the school committee or its equivalent in practice; one involving liturgy to the liturgy committee or its equivalent. For those grievances involving parish personnel and contractual concerns, a separate grievance panel should be established by the parish. This panel should be established in advance, and be available on a stand-by basis, to avoid accusations of bias in selection of panel members. This panel's decisions would be made on an advisory basis to the pastor.
4. The pastor, administrator, or parish director, has ultimate authority at the parish level. Any dispute which cannot be resolved through other means should be brought to the attention of the pastor, administrator, or parish director.
5. If the grievance cannot be resolved at the parish level, recourse can be taken to the Due Process Office.

#### *Due Process Procedures*

##### I. Starting the Process

- A. A person seeking recourse from the Due Process Office is known as the "petitioner," and the person, group, or institution with whom that person is in conflict is known as the "respondent." Recourse to the Due Process Office is called a "petition."
- B. Within 45 days of the failure of the last effort at mediation, the petitioner shall submit a petition to the Due Process Office. This petition shall specify the complaint, the appropriate respondent, and what attempts have been made to settle the dispute. The petitioner should also indicate what remedy is sought.
- C. The Due Process Coordinator shall review all petitions and, in conjunction with the Judicial Vicar, determine if the stated grounds for pursuing the dispute are sufficient, and determine if the Due Process Office has jurisdiction to hear the matter. If the petition is not specific or complete, the

petitioner will be notified of any defect. (Note: The Judicial Vicar may delegate another canonist to assume his place in any given case).

- D. If the Judicial Vicar finds the facts as stated sufficient to begin due process proceedings, the petitioner shall be invited to the tribunal to meet with the Judicial Vicar or the Due Process Coordinator as well as another staff member of the Metropolitan Tribunal who shall assist as an auditor in the instruction of the matter. The purpose of this interview is to gather details about the case and the efforts made up to that point to resolve the dispute.
- E. The Judicial Vicar or Due Process Coordinator shall then contact the respondent and inform that person or group that a petition has been filed, along with the name of the petitioner. The respondent will be asked to appear before the Judicial Vicar or Due Process Coordinator, along with an auditor, to respond to the allegations and present any additional facts. At the conclusion of the interview the respondent will be asked if they are willing to participate in due process procedures.
- F. If the respondent refuses to cooperate with these due process proceedings or refuses to answer correspondence from this office, the petitioner must decide whether to withdraw the due process petition or to petition the Court of Equity. If such a petition is accepted by the Court of Equity, the respondent can be compelled to cooperate since the Archbishop has vested his authority in that body.

## II. Mediation Procedures

- 1. The Judicial Vicar must be satisfied that the petitioner has made reasonable efforts to communicate with the respondent and resolve the dispute before a case will be accepted by the Due Process Office. Once the Judicial Vicar is satisfied that such direct efforts have been attempted and have failed, and that further mediation efforts might be useful, the petition shall be accepted.
- 2. As outlined previously, the Judicial Vicar or the Due Process Coordinator shall meet individually with each of the parties. The Judicial Vicar or the Due Process Coordinator shall meet with both parties in an effort at informal mediation in an attempt to help the parties find areas of agreement and grounds for compromise. Such meetings shall continue as long as they are necessary and productive.
- 3. If the dispute is resolved by agreement, the Judicial Vicar shall draft a summary statement of the dispute and its resolution for the parties' approval and signatures. A copy of this signed agreement shall be kept in the files of the Due Process Office.
- 4. The Due Process Office does not have the power to force the parties to adopt a solution. The Judicial Vicar shall have the right, however, to declare that one or both parties is not cooperating in good faith.
- 5. If the respondent fails to cooperate the petitioner may choose between withdrawing the due process petition or filing a petition with the Court of Equity.

6. If efforts at mediation fail, either party may petition the Court of Equity for the Archdiocese of Milwaukee. If the case is accepted by the Court of Equity, both parties will choose advocates, a judge will be assigned, and full oral argumentation will take place. The Court of Equity has the power to force the non-petitioning party to cooperate (so long as they are under the jurisdiction of the Archbishop of Milwaukee), as well as the power to enforce its decisions. However, since this is an adversarial procedure involving significant time and expense, all efforts should be made to settle a matter before bringing it to the Court of Equity.

### **Final Awards, Appeals**

If warranted, the Due Process Office shall issue a “due process report” at the conclusion of a case. This report will set forth the facts and allegations of the case as well as the final disposition in the Due Process Office. This report will ordinarily be published to the parties, the Archbishop, Vicar(s) General, and any other relevant Archdiocesan personnel. The Archbishop of Milwaukee retains the right to intervene in the matter in confirmation of the findings of the due process report or to establish another course of action.

The Due Process Office does not have the power to order any person or group to take action, to cease action, or to award damages because of a violation of rights. The Due Process Office shall instead attempt to assure that all reasonable steps have been taken to mediate a dispute. However, the Due Process Office may direct a case to the Court of Equity which does have these powers. Any recourse against a decision by the Due Process Office should be directed to the Court of Equity.

Any questions about the process as well as petitions, should be directed to:

Due Process Office  
Archdiocese of Milwaukee  
3501 S. Lake Drive  
P.O. Box 070912  
Milwaukee, WI 53207-0912  
(414) 769-3300

## **6.11 ARCHDIOCESAN COURT OF EQUITY**

### **ARCHDIOCESE OF MILWAUKEE**

In cases where the Due Process Office is unable to bring a resolution to a dispute, either party may petition the Archdiocesan Court of Equity to hear a case. The purpose of this information is to explain how to present a case to the Archdiocesan Court of Equity of the Archdiocese of Milwaukee, and to describe the process that follows if the case is accepted. This information should be helpful to all parties, including the party who has not asked for the review. However, this information is not meant to replace those official sources which govern the process. Parties involved in an actual case before the Archdiocesan Court of Equity are advised to consult Book VII of the Code of Canon Law

and the published norms of the Archdiocesan Court of Equity, which are available upon request in the Metropolitan Tribunal

#### WHAT IS AN ARCHDIOCESAN COURT OF EQUITY?

In 1993, the Archdiocese of Milwaukee, along with the Archdiocese of St. Paul / Minneapolis, was chosen for a special pilot project sponsored by the Canon Law Society of America. These two archdioceses were chosen to implement administrative tribunals. The administrative tribunal for the Archdiocese of Milwaukee came into existence and began operations on September 5, 1995. Eventually, at the direction of the Apostolic Signatura, this body's purview was somewhat narrowed, and the name changed to the Archdiocesan Court of Equity. The jurisdiction and role of the Archdiocesan Court of Equity has been confirmed by each subsequent Archbishop of Milwaukee.

#### WHAT KIND OF CASES CAN BE HEARD BY AN ARCHDIOCESAN COURT OF EQUITY?

The purpose of this Archdiocesan Court of Equity is to handle disputes between an individual or defined group and a church administrator or administrative body. Grievances must contend that a right, recognized by the Church, has been harmed through an administrative act, decision, or a failure to act on the part of the same. Cases involving criminal penalties, marital status, the removal of pastors, the validity of the sacraments, the internal affairs of religious orders, or matters otherwise reserved to other ecclesiastical processes in the Church may not be heard. Administrative acts of bishops are not subject to the Tribunal's authority.

No case is considered until it has been demonstrated that all reasonable efforts at conciliation have failed, and all appropriate administrative remedies have been exhausted. This means that an individual, in a documentable way, must first go through the normal hierarchical recourse process and within that process, request to have the action in question rescinded or modified. If this initial effort is unsuccessful, in most cases an attempt will have to be made to mediate or conciliate the dispute through the appropriate office of oversight at the Archdiocesan level.

Examples of cases that might be appropriate would be: employment disputes between an individual and a parish (or other Archdiocesan institution), disputes between two parishes, or disputes between a pastor and parish leadership bodies (i.e. the parish pastoral council or finance council). This list is not meant to be exhaustive. The goal of this project is to further local efforts to provide justice to those who feel wronged by an institution of the Church, without making them go outside of the Church for a resolution.

#### *Frequently Asked Questions about the Archdiocesan Court of Equity:*

#### HOW LONG DOES THE PETITIONER HAVE TO PETITION THE TRIBUNAL?

Normally a petition to the Archdiocesan Court of Equity must be made within fifteen (15) days of the receipt of a final response. (Either to the request to revoke the action or from the end of any conciliation proceeding). Exceptions to this time limit can be made by the Judicial Vicar for good cause.

## HOW IS A CASE PRESENTED?

Within fifteen (15) days from the day in which a negative response has been received from the appropriate body or from the conclusion of efforts in the Due Process Office or other conciliation procedure, a **petition** must be submitted to the Archdiocesan Court of Equity through the Judicial Vicar. The Tribunal Chancellor is stably delegated to receive these petitions and initiate instruction of the matter. The petition must state the names of all parties to the dispute, the basic facts of the dispute, and the issue or issues involved in the dispute, according to the understanding of the petitioner. The Judicial Vicar then determines whether there is sufficient basis to go ahead with the case.

## WHAT HAPPENS ONCE THE CASE IS ACCEPTED?

After a case is accepted, the Judicial Vicar shall determine whether there exists a grave enough allegation to suspend the contested action pending the resolution of the dispute by the Archdiocesan Court of Equity. Each side is asked to choose an advocate. A judge (or panel of judges) is assigned by the Judicial Vicar. The petitioner, with the assistance of an advocate, is asked to produce a *libellus*, a document which, more precisely than the original petition, sets forth the facts of the case, the right(s) alleged to have been violated by the respondent, the proofs which will be used to prove the allegations, and what relief the petitioner is seeking. The respondent is afforded an opportunity to reply to the allegations of the libellus and set forth what proofs he / she will use.

Upon consideration of this information, the judge will issue a joinder of issue, a document which specifies the terms and scope of the controversy to be addressed. The judge then sets a date for the hearing to be held, usually within 30 days.

## WHAT IS AN ADVOCATE?

An advocate is someone trained and experienced in canon law and in the rights and obligations of the Christian faithful. All advocates hold either a degree in canon law or have significant experience in this area. Each party is asked to select an advocate from a list maintained by the Archdiocesan Court of Equity. In special circumstances parties may ask to have another person who is appropriately trained act as their advocate. This advocate must then be approved by the Judicial Vicar. All advocates must have reached the age of majority, be of good reputation, and be demonstrably knowledgeable in the rights and obligations of the Christian faithful.

## WHO IS THE JUDGE?

Proceedings in the Archdiocesan Court of Equity are ordinarily conducted before a single judge, although the law does provide for a panel of three judges. Unless grave concern exists, the Judicial Vicar will serve as the sole judge or will appoint the sole judge or the panel of judges. All judges are approved by the Archbishop. All judges shall be of unimpaired reputation, known for their good character, prudence, and learning, educated in canon law, and knowledgeable of and sensitive to the rights of all persons in the Church.

## WHO IS THE PROMOTER OF JUSTICE?

Each case shall have the participation of a promoter of justice. The promoter of justice shall attempt to ensure that the truth emerges from these proceedings and that all parties' procedural rights are upheld. The promoter of justice is to be appointed by the Archbishop, must have an unimpaired reputation, be educated in canon law, knowledgeable about the rights and obligations of the Christian faithful and be proven in prudence and the zeal for justice.

#### WHAT HAPPENS AT THE HEARING?

The hearing itself is governed by the oral contentious process, which is found in the Code of Canon Law, canons 1657-1670. However, in order to expedite matters, and with due regard for the demands of justice, the judge in a particular case may deviate from any procedural norms which do not affect validity. The hearing shall gather all the parties, their advocates, and the witnesses together, testimony will be heard and the judge will issue a decision. Unlike an effort at mediation, the hearing does not attempt to find common ground between the parties, but rather attempts to find the "truth."

#### WHAT KIND OF EVIDENCE IS USED?

At the hearing, documents that are relevant may be introduced by any party. All parties to the dispute may be called to testify orally. In addition, each party may ask that the judge call other people who have knowledge of the case to appear at the hearing and give testimony.

#### WILL THE PARTIES NEED TO HAVE WITNESSES TO TESTIFY ON THEIR BEHALF?

In general, a case may be proven by three methods: A. Documentary proof, B. Testimony of the parties themselves, and C. Testimony of outside witnesses. While it is not absolutely essential to have testimony from outside witnesses, such testimony will probably be necessary to prove the majority of cases.

#### WHAT CAN BE AWARDED BY THE JUDGE?

If a party is found to have been wronged, two different types of restorative relief can be awarded by the judge: either monetary relief or an order to rescind the administrative action so that the violation of rights will cease. In general, it is more direct to win an award of money, which upon payment will end the matter. However, in cases where money is not a sufficient remedy, the judge may require the respondent to act, or cease to act, in such a way that the petitioner's rights are restored.

#### WHAT IS THE STANDARD OF PROOF?

The petitioner must prove that his / her right(s), as guaranteed by the Code of Canon Law or the teachings and magisterium of the Church, have been violated or are threatened to be violated. This must be proven to a "moral certitude." In the absence of moral certitude that a recognized right has been violated, no award can be made to the petitioner.

#### CAN RE COURSE AGAINST A DECISION OF THE ARCHDIOCESAN COURT OF EQUITY BE FILED?

Within fifteen days after receiving the published sentence, either party may take recourse against the decisions of the Archdiocesan Court of Equity to the Archbishop.

#### HOW DOES THE ARCHDIOCESAN COURT OF EQUITY DIFFER FROM A CIVIL COURT?

There are numerous differences between a hearing in the Archdiocesan Court of Equity and a civil trial. Although both processes result in a winner and a loser, the standard of proof in the Archdiocesan Court of Equity is much higher; petitioners must prove their case to a “moral certitude,” not merely demonstrate it with the “preponderance of evidence.” In the Archdiocesan Court of Equity the judge takes a much more active role in questioning the witnesses and moving the proceedings along than in a civil trial. There is also no jury, the judge makes all decisions. Finally, there is no analog to the promoter of justice in the civil system. The promoter’s only job is to help establish the truth, not to advocate directly the position of either party.

#### WHAT IS THE RESULT OF A HEARING?

After the hearing, the judge will compose a sentence, setting forth the facts of the case, listing the question or questions that were to be established in the joinder of the issue, and stating a decision as to whether the petitioner’s rights were violated as well as the canonical grounds and / or Church teaching on which this matter was decided.

#### IS THERE A FEE?

There is no standard or set fee to petition the Archdiocesan Court of Equity, and if the petition is accepted, there is no pre-determined fee for any of the expenses of a hearing. However, each party is expected to compensate his / her own advocate at the generally accepted rate at the time. The expenses of witnesses and the costs of producing proofs shall be paid by the respective parties. However, it is the policy of the Tribunal that economic means shall not dictate access to justice. If any party feels unable to meet these expenses, he / she should request a copy of the payment policy of the Archdiocesan Court of Equity to determine if other arrangements may be worked out. It remains within the purview of the judge to assess fees to the parties at the conclusion of the case.

#### WILL THIS MATTER REMAIN CONFIDENTIAL?

The fact that a case has been filed with the Tribunal, as well as the names of the parties, shall be a matter of public record. A notice shall be sent to all interested parties when a case is accepted for review by the Archdiocesan Court of Equity.

Notification of appropriate and interested offices and / or persons might result from the instruction of the case. Normally the facts and documents of a case shall be a matter of public record, under the provisions of Canon 1598. However, in a particular case the judge or Judicial Vicar may choose to seal the records, either at the request of one of the parties or at the judge’s own initiative. General information which can be divulged without identifying any of the specific parties may be shared with such professional bodies as the Canon Law Society of America, (CLSA), for study and research purposes, as well as to develop a body of jurisprudence.

## HOW CAN THIS JUDGEMENT BE ENFORCED?

The Archdiocesan Court of Equity has authority that extends over all people and institutions to which the Archbishop's authority extends. In this limited scope, the Archbishop has delegated his authority to the Archdiocesan Court of Equity. Recourse can be taken directly to the Archbishop at any point in the proceedings.

## 6.12 PENAL TRIALS ACCORDING TO THE CANON LAW OF THE ROMAN CATHOLIC CHURCH

### **How do penal trials fit in with the Policies, Procedures and Protocols for Clergy Sexual Abuse of Minors: Prevention and Response?**

Once an accusation of sexual abuse of a minor by an archdiocesan cleric is received, if the accused is still alive, the report is forwarded to the proper District Attorney. Unless there is a danger to public safety, the accused cleric is not informed of the accusation or removed from ministry lest there be any interference with a criminal investigation.

If the District Attorney does not proceed with a criminal investigation or charges, the cleric is informed of the accusation and informed of his rights. He is removed from ministry at that time under the provisions of canon 1722 with the Promoter of Justice being informed. The report of the accusation is handed over to an independent investigator, appointed by the Archbishop, who undertakes a thorough investigation of the case. This investigation serves as the canonically required preliminary investigation (cc. 1717).

The results of the investigation are turned over to the Diocesan Review Board which serves as an advisory body to the Archbishop. The Review Board may direct that additional investigation takes place or may consider the results sufficient for their purposes. The Review Board discusses the investigative report and recommends their conclusions to the Archbishop. They may recommend that the accusation is to be considered unsubstantiated or substantiated.

The standard upon which they make their recommendation is a preponderance of evidence, that is, more likely than not to have occurred. This is not the same standard to be used at the conclusion of a penal trial which calls for moral certainty.

If the Review Board recommends that the accusation is to be considered unsubstantiated, the Archbishop will remove restrictions on ministry and return to the cleric to ministry. If the Review Board recommends that the accusation is to be considered substantiated and the Archbishop accepts this recommendation, he refers the case to the Congregation for the Doctrine of the Faith (CDF). What are the various options available to the Archbishop in his request to the CDF regarding an accused cleric?

**What are the various options available to the Archbishop in his request to the CDF regarding an accused cleric?**

There are five options that can be exercised when dealing with the status of a cleric against whom there is a substantiated report of sexual abuse of a minor:

1. The cleric may accept responsibility for his actions and voluntarily petition the Holy Father for a dispensation from the obligations arising from Holy Orders including that of celibacy, ("laicization").
2. The Archbishop may request that the Holy Father act with his immediate and universal executive authority to dismiss the cleric from the clerical state (*ex officio* dismissal). The pope's decision is not subject to appeal or review.
3. The Archbishop may request that the Holy See impose a penalty on the cleric using an administrative penal process (described in canon 1720 of the Code of Canon Law) without going through a church trial. Or he may ask that he be delegated to conduct such a process. If the Archbishop is delegated and decides that the penalty is to be dismissal from the clerical state, he needs approval from the CDF; if he decides on a lesser penalty, he can decree it on his own authority. The accused cleric may appeal this action.
4. The Archbishop may request authorization, or be directed, to conduct a penal trial of the accused cleric by the archdiocesan tribunal. These are church trials, as opposed to civil trials that may carry jail terms or other penalties. The decisions and penalties of the archdiocesan court can be appealed by the cleric to the CDF. The diocesan Promoter of Justice can also appeal the local decision, for example, if he believes a conviction was warranted for a cleric who was not found guilty.
5. In cases where a cleric known to have abused a minor cannot be prosecuted under church law for technical reasons, a disciplinary action can still be imposed on him -- such as limiting or removing him from direct ministry or, after consulting with psychological experts, declaring him impeded from the exercise of ministry.

#### **Who might face a trial in the Tribunal of the Archdiocese of Milwaukee?**

When dealing with an allegation of sexual abuse of a minor by a cleric, it is important to note that only those clerics (ordained priests or deacons) who are incardinated in the Archdiocese of Milwaukee will be put on trial here. Clerics from other dioceses, or those who are members of institutes of consecrated life or societies of apostolic life, would face appropriate processes in other venues.

In cases where an allegation is directed at a lay employee of a Church institution, judicial review of the accusation(s) is solely the purview of secular courts, whether in a criminal or civil trial.

#### **What are the basic rights of a person who has been victimized and the Church's responsibility to respond to this injury?**

*(Adapted from "Guide to the Implementation of the U.S. Bishop's Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" by the Canon Law Society of America)*

##### ***The Right to be Heard***

A number of principles in Church law address the right of individuals to bring their needs and concerns to the attention of the Church and to receive appropriate assistance in safeguarding the public good. Certainly one who has been victimized by a cleric first and foremost has the right to file a report with the civil authorities.

Canon law provides an individual with the right to bring an allegation of this nature to the attention of Church authorities for the express purpose of initiating a process that will lead to healing, reconciliation, a just resolution of the harm which has been suffered, and to prevent any further harm from occurring. The *Charter for the Protection of Children and Young People* and *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* specifically address allegations of abuse perpetrated by the clergy.

The first obligation of a diocesan bishop within the context of a preliminary investigation of an allegation of the sexual abuse of a minor by a cleric is to determine whether a crime may have been committed. Once this is determined, actions in civil or canon law may be taken to address the injuries suffered by the victim and the community as a whole. A penal trial is one of a number of ways by which the Church can work to determine facts, restore justice and healing for victims and prospectively protect the larger community.

Outside of a penal trial, canon law provides various approaches by which the diocesan bishop can address the needs of individual victims through canonical methods, but also including the use of processes such as mediation.

#### ***The Rights of Reputation and Privacy***

Throughout any contact with the diocese during formal or informal processes, those making allegations and those accused have a right to expect that their reputation and privacy will be respected. The principle of confidentiality in canon law derives from the ancient understanding that all are entitled to a good reputation. Canon law also states that “no one is permitted to harm illegitimately the good reputation which a person possesses or to injure the right to protect his or her own privacy.” Confidentiality is viewed as essential to affirming and protecting any person’s legitimate reputation, whether alleged victim or accused.

Those bringing allegations to the attention of Church authorities have the right to expect that their names will not be made public to the greater Church community, whether their allegation leads to a canonical trial or not. This includes any reference by the accused to his friends or colleagues. Indeed, the accused, who himself enjoys the same right and expectation of privacy, must clearly understand that he is required to respect the accuser’s right in this regard and must limit any communication of information regarding them only to those who might be assisting him with a particular canonical process. Any persons involved with the investigation of the accusations must also be admonished to refrain from speaking to any unauthorized persons about the case for the protection of all the parties involved.

#### **Who is involved in a Church trial?**

The outcome of a penal trial rests largely on the testimony of affected parties and witnesses. The parties to the canonical trial are specifically:

- 1) the accused cleric as a defendant, with his own canonical advocate who, within the norms of law, assures that his rights are protected and that proper procedures are accorded him;
- 2) the Promoter of Justice as the prosecutor;
- 3) a panel of three ecclesiastical judges;
- 4) a notary (an official recorder of the information).

In canon law, the process places the burden of proving an allegation on the Promoter of Justice not on the person who made the report of abuse. But, that person will be the most conclusive source of information and testimony. That party, as well as any witnesses who might need to be deposed, will offer their testimony in a very safe, preferably neutral, setting. Those present during the depositions and trial are strictly limited and those testifying will likely never have to confront, or be confronted by, the accused cleric.

### **What is meant by evidence?**

Witnesses are important for the kind of objective evaluation that a penal trial demands. The process works best when specific information and details can be gathered to establish the facts in a case. The best witnesses are those who can provide facts regarding events and circumstances central to the case.

Witnesses are not aggressively cross-examined in order to obtain facts. They may be asked to offer a deposition, or, in certain circumstances, asked to fill out a written questionnaire detailing their knowledge of the circumstances in the case. Any other information that might be helpful in proving a case, such as statements from therapists, counselors, or other professionals can also be offered into evidence if the Promoter of Justice sees it as useful, and the judges approve. If this is to be done, a waiver of confidentiality for the therapist, counselor, or other professional will be obtained from the appropriate witness. (Any interaction bound by the seal of confession will be excluded.)

### **Who are the judges in these cases?**

The three ecclesiastical judges assigned to each trial are persons qualified by training and practice in canon law, and are appointed on a case by case basis by the Archbishop. The judges need not all come from within the territory of the Archdiocese of Milwaukee, although to best assist the progress of the trial it is likely that at least one judge will be a local resident. The judges are asked to evaluate impartially all the evidence that has been gathered to determine if it is sufficient to prove with moral certitude (see description below) that a delict, that is to say a canonical crime, was committed by the accused cleric. The judges' decision is based on the evidence gathered plus the weighing of the observations of the advocate and the promoter of justice.

### **Who is the Promoter of Justice?**

It is the responsibility of the Promoter of Justice to safeguard the public good within the Church. This is done by initiating, on behalf of the Church in general or specific injured parties, various legal

procedures that might result in determinations of guilt or innocence and to seek the application of penalties. While not serving as an advocate for the person who made the allegation of abuse, the Promoter of Justice will rely first and foremost on the testimony of such individuals in the process of safeguarding the public good and making a case against an accused cleric.

### **Who else might be involved in a penal trial?**

While judges, the promoter of justice, and an advocate for the accused are stable and consistent throughout a trial, at certain times notaries (record keepers), experts and auditors (professionals appointed by the judges to assist in the gathering of information) might be used. All personnel who are involved in a canonical trial are bound to a very strict obligation of confidentiality in order to protect the right to privacy of all parties.

### **How does the Tribunal arrive at its decision?**

Once the trial has begun it does not cease unless the Promoter of Justice formally withdraws the case, or other circumstances (such as the death of the accused cleric) render the need for the process moot.

The judges ask for depositions from all appropriate witnesses. Statements are taken from each, separately and for the record. Then the testimony of witnesses in written form and other supporting evidence is gathered. Supporting evidence often takes the form of public documents gathered in secular civil or criminal procedures; police reports; properly released medical or mental health reports; or third-party accounts, such as news articles that provide background, or substantiating information.

When the evidence gathered is deemed sufficient, the Promoter of Justice prepares for the judges a brief, or report, that summarizes the evidence and recommends a decision and a penalty. The advocate for the accused cleric also prepares a brief in response to the document prepared by the Promoter of Justice. In certain cases, the judges may consult outside experts for authoritative opinions about details or situations contained in the testimony. The judges study the collected testimony, documents, and the briefs filed and together they write a decision. The decision is based on canon law and the facts of the case and explains the decision and how its conclusion is in keeping with canon law and the testimony and evidence at hand. The standard required for a judge to determine that a delict (canonical crime) has been committed is referred to as "moral certitude."

When completed, the written decision is provided to the Archbishop of Milwaukee; the Promoter of Justice; the advocate for the cleric on trial; and a copy is sent to the CDF. At that time and at the discretion of the Judges, the outcome of the decision can be communicated to appropriately involved or interested parties by either the judges themselves, the Promoter of Justice, or other personnel of the Archdiocese of Milwaukee. If this is to be done, it is appropriate that reasonable attempts be made to make such notification prior to any notification of the trial's outcome to the general public.

### **What happens after an affirmative decision?**

An affirmative decision means that the judges find, with moral certitude, that the allegations put forth by the Promoter of Justice are proven. Some might say that it is a verdict of guilty. Because of the gravity of the crimes that are at issue here, and the significance of a case where the penalty might be a dismissal from the clerical state, an initial affirmative decision finding moral certitude that a delict (canonical crime) has been committed and imposing a penalty, must be transmitted to the CDF for their final indication that the penalty can be applied. Only after this final review would it be reasonable to call a case "closed." The timeline for this review cannot be predicted.

**Can the Church prosecute a case that was not pursued by civil authorities or where the accused was found "not guilty" in a secular court?**

As in secular criminal law, the Church does have a statute of limitations for prosecuting canonical crimes. In our system of laws this period to act is referred to as the time of prescription. If someone has been approached by the Tribunal to provide testimony in this type of case it means that because of the gravity of the accusation, the Holy Father, through the CDF, has derogated, that is to say overridden, that law about prescription specifically so that a trial could be held.

Generally, American civil law has no way to override the restrictions of a statute of limitations. Furthermore, as alluded to above in explaining moral certitude, the rules of evidence in Church law are different than those in American civil and criminal law. Taken together, these two significant areas of difference mean that the outcome of a trial under canon law might have different results than a criminal or civil trial in a secular court.

## 6.13 GUIDELINES AND SUGGESTED PROTOCOLS FOR A DEACON'S FUNERAL (SEE FORMS SECTION FOR FUNERAL / BURIAL FORM)

### *Guidelines for Funerals of Deacons*

1. All deacons of the Archdiocese are encouraged to maintain current funeral and burial instructions, using the form provided by the Deacon Services Office.
2. When a deacon dies, the surviving family or the pastor / administrator of the parish where the deacon was assigned should notify the Deacon Services Office (414-769-3409). Assistance in making arrangements for the funeral will be offered in whatever manner may be needed.
3. Families of deacons are encouraged to dress the deceased in his alb and stole. The dalmatic is allowed if the deacon owned one. The clothing preference should be stated in the Funeral and Burial Instructions submitted to the Deacon Services Office.

If a deacon chooses to be buried in a business suit, the stole may be laid across the casket. The stole should not be worn over the business suit.

4. The deacon chosen to be the representative in assisting the family in funeral and burial preparation may serve as the deacon at the Funeral Liturgy. This deacon will assist in the capacity designated to a deacon by liturgical guidelines.

5. All deacons who are able are encouraged to attend the Vigil and the Funeral Liturgy of a brother deacon. When they attend the Funeral Liturgy, deacons are encouraged to be vested in alb and stole and to sit as a group, and may do so with their wives, if they, too, are present. Vested deacons, wives and widows will process in and out of church. At the time of the recessional they will lead the casket or remains out of the church forming an honor guard to the waiting hearse or gravesite.
6. According to liturgical guidelines, as well as to parish and family preferences, some deacons (e.g., classmates) may be asked to assist in distributing the Eucharist to the congregation. These deacons will be expected to be vested in alb and stole.
7. The Director of Deacon Services will prepare a notice or obituary for publication and distribution to the Archbishop, Bishops, Vicar for Clergy, Chancellor and all deacons, widows of deacons, priests and parish directors.
8. The deceased deacon's family and pastor will be provided a copy of the "Suggested Protocols for a Deacon's Funeral."

*Suggested Protocols for a Deacon's Funeral*

***"Receive the Gospel of Christ, whose herald you have become. Believe what you read, teach what you believe, and practice what you teach."***

*Protocols for a Deacon's Funeral* has been drafted to assist families and pastors at a time of intense grief and loss. It is also a time of almost instantaneous decision making when there are just too many often critical choices to make. *The following is not intended to be a document detailing things that must be done. Rather, they are suggestions provided to assist the grieving family, the already overburdened pastor, and the Diaconal Community.*

- I. As soon as a deacon passes someone should notify the Deacon Services Office as soon as possible. The Director, or his designee, will immediately start the process of notifications that are required, i.e. Archbishop, Auxiliary Bishop(s), Vicar for Clergy, Moderator of the Curia, Chancellor of the Archdiocese, Catholic Herald, etc. He will also notify the Deacon Community as well as prepare the Archdiocesan obituary and distribute same.
- II. The Director, or his designee, will contact the family to offer whatever support he can and which they request. One item will be a copy of his protocol or suggestions from it. He will work with the family if needed in planning the funeral and with any other related needs. He will make the initial call to any and all deacons whom the family would like to have directly involved in the Mass.
- III. The Director, or his designee, will contact the pastor or parish director of the deacon's assigned parish to offer assistance. He will offer to e-mail a copy of this document to the pastor or parish director immediately. He will also go through the following items with the pastor or parish director over the telephone at the time of the call. He will offer the pastor or parish director any assistance he is able to because of the nature of this unique funeral service.

**IV. Suggested Procedures for the Family:**

- a. Let the family know that it is a good idea to have one or more of the deacon's classmates assisting as deacon(s) of the funeral Mass.
- b. Let them know sometimes the family likes to have a deacon(s) as one or more of the pallbearers.
- c. Let the family know that because of the deacon's close relationship to the Gospels, that the Book of the Gospels should be used and placed on the casket on top of the pall. They can be instructed that the Deacon of the Word at the Mass will come to the casket and pick up the Book of the Gospels for the Gospel proclamation after he receives the blessing from the presider. After the Gospel proclamation, the deacon will return the Book of the Gospels to the casket. The Book of the Gospels remains in this place of honor until the end of the Mass and is removed just prior to the removal of the pall for the recessional procession.
- d. Advise the family that if needed the attending deacons will be happy to assist with the distribution of the Eucharist at Communion time.
- e. The Deacon of the Word will lead the Prayers of the Faithful unless the family would prefer children or grandchildren of the deceased deacon.

**V. Suggested protocols for the Pastor or Parish Director:**

- a. The Director, or his designee, will contact, and will remain in contact as needed, with the pastor or parish director as needed. He will let the pastor or parish director know if the Archbishop will be attending and vesting for the Mass. Or, who will be attending and participating in the Mass representing the archbishop, e.g. auxiliary bishop, vicar for clergy, associate director for Deacon Services, or other designated person. He will also remind the pastor or parish director that parking spaces(s) may need to be reserved for the archbishop. He will also, if need be, assist the archbishop or his designee in greeting the family, vesting, etc.
- b. He will let the pastor or parish director know what is needed and normally done by the Diaconal Community for a deacon's funeral.
  1. A room separate from the place where the Mass will be held yet close to that location needs to be reserved. It needs to be large enough to hold a good number of deacons, their vestments and coats, etc. The room should be one that can be secured to prevent the loss of personal items of the deacon participants.
  2. A number of pews will need to be reserved. The suggested number will be dependent upon the time of day the Mass is held. Another consideration might be the deceased's involvement or visibility within the Diaconal Community. Note: In the past there have been 25 deacons, wives and widows. At other times there have been 100 deacons, wives and widows. Flexibility is the key.

3. The attending deacons, after vesting and shortly before the beginning of the Mass, will line up in a column of twos. Their wives, if applicable, and / or widows of deacons, will also join the vested deacons for the procession into the church.
4. The diaconal assembly will follow the cross and candles (if used) into the church preceding the casket and family members. If the casket is already in the church in its place in front of the altar, the diaconal procession will follow the cross and candles (if used) into the church before any con-celebrants, the Deacons of the Mass, the Deacon of the Word carrying the Book of the Gospels, and then the principal celebrant.

Each pair of two members of the Deacon Community will stop before the sanctuary, bow, and then proceed directly into a pew reserved for their use.

5. The pastor or parish director needs to know that the Book of the Gospels will be used for the Mass. He / she will also be advised that the Book of the Gospels will be placed on the casket after the pall is placed on it. If the deceased deacon's parish does not possess a Book of the Gospels, the Deacon Services Office should be notified and it will provide a Book of the Gospels.
6. He / she will need to know that the Deacon of the Word will go to the casket to obtain the Book of the Gospels after receiving the blessing. The Deacon of the Word will proclaim the Gospel of the Mass from the Book of the Gospels. After proclaiming the Gospel the Deacon of the Word will return the Book of the Gospels to its place on the pall covering the casket. He will then return to his seat. If the Deacon of the Word is also the homilist, he will return the Book of the Gospels to its place on the pall covering the casket after the homily. He does so after the homily as he may want to refer to it and / or use it as a part of, or symbol of, the deceased deacon's ministry.
7. The Deacon of the Word will lead the Prayers of the Faithful unless the family would prefer children or grandchildren of the deceased deacon.
8. The Deacon of the Eucharist will prepare the altar. The Deacon of the Word may assist with this. The Deacon of the Eucharist will then receive the gifts from the family's designees. If the presider is close to the deacon and his family, he may go with the Deacon of the Eucharist to receive the gifts.
9. The Deacon(s) of the Mass will assist with the distribution of the Eucharist under both species. As ordinary ministers of the Eucharist it is preferable that they do so because of their diaconal and clerical relationship to the Eucharist.

(As required by canon 910, and the Papal documents *Redemptionis Sacramentum* and *Ecclesiae de Mysterio*, ordinary minister of Holy Communion [bishops, priests, deacons] must be used rather than lay ministers whenever there are sufficient numbers of ordinary ministers present. This would especially pertain to funeral of deacons when the diaconal

community assembles for the funeral liturgy. Communion stations can be assigned to the deacons prior to Mass.)

10. At the end of the Mass as the pall bearers are called to come to the casket by the funeral home representatives, the seated Deacon Community members will leave their pews and proceed in twos to the main aisle behind the casket, on the end opposite the sanctuary. In twos they will face the altar and bow. They will then proceed out or to the rear of the main aisle. As the cross bearer leads the recessional procession out to the waiting hearse, the Deacon Community will form an honor guard on both sides of the aisle, or out through the nave / lobby area, and to the waiting casket if weather permits). They will remain in their places within the honor guard until the casket is placed into the hearse.
11. The pastor or parish director will have to have designated someone to unlock the room where the deacons vested so they can change out of their vestments and regain any personal property.
12. The presider should use the funeral Mass prayers specifically for a deacon (Roman Missal, Catholic Book edition, page 1252, see below). There are separate funeral masses for a pope, diocesan bishop, priest, deacon, religious.
13. Casket should be placed in the same position deceased occupied in the worshipping assembly: for clerics, head at altar steps with feet pointing toward the assembly.

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#### 1252 MASSES FOR THE DEAD

##### 4. FOR A DEACON

**COLLECT**      Grant, we pray, O merciful God,  
                   a share in eternal happiness  
                   to the soul of N., your servant and Deacon,  
                   on whom you bestowed the gift  
                   of ministering in your Church.  
                   Through our Lord Jesus Christ, your Son,  
                   who lives and reigns with you  
                   in the unity of the Holy Spirit,  
                   one God, for ever and ever.

**PRAYER OVER  
THE OFFERINGS**      Be gracious, O Lord, to N., your servant and Deacon,  
                   for whose salvation we offer you this sacrifice,  
                   that, as in the flesh he ministered to Christ your Son,  
                   so he may rise up with your faithful servants  
                   to everlasting glory.  
                   Through Christ our Lord.

**PRAYER AFTER**      Replenished with these sacred gifts,

**COMMUNION**    **we humbly entreat you, O Lord,  
graciously to grant through this sacrifice  
that N., your servant and Deacon,  
whom you called to be among those  
who serve your Church,  
once freed from the bonds of death,  
may receive a share with those who have ministered well,  
and enter into your joy.  
Through Christ our Lord.**

Approved by the Archdiocesan Office of Deacon Services, December 15, 2011

Revised by the Archdiocesan Office of Deacon Services, August 13, 2013

## FORMS

(Referenced in "general section")

Deacon Covenants

## 7.1 DEACON COVENANT FORM



**DEACON SERVICES**  
 3501 South Lake Drive, P.O. Box 070912  
 Milwaukee, WI 53207-0912  
 (414) 769-3409 • deaconservices@archmil.org

**COVENANT FOR DIACONAL MINISTRY**

Guided by the Holy Spirit and after prayerful consideration, I, \_\_\_\_\_ a deacon of the Archdiocese of Milwaukee, in obedience to the Archbishop whose mission I share and in consultation with the people whose signatures appear below, have agreed to the following:

Recognizing the tri-fold ministry of the deacon as **service of the word, service of the altar, and service of charity**, I will commit myself each month to approximately \_\_\_\_\_ hours of diaconal ministry in the following manner through \_\_\_\_\_ Parish(es):

Parish Name / City

**A. Service to the Word (RCIA, baptism preparation, etc.)**

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

**B. Service of the Altar (Proclaim Gospel, preach homily, wedding/funeral service etc.)**

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

**C. Service of Charity (Hospitals, nursing homes, prison/jail, etc.)**

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

#### **D. Commitment to the Archdiocese**

I will maintain regular contact with the other deacons in District # \_\_\_\_\_ of the Archdiocesan Council of Deacons and will, to the best of my ability, participate in the functions of the district. I will also attend the annual assembly of deacons sponsored by the Council and the Vicar for Clergy.

I will attend a retreat annually by either attending the annual retreat sponsored by the Deacon Council or one of my own choosing.

I will have, and meet regularly with, a spiritual director.

#### **E. Faculties**

The faculties granted me by the Archbishop are those faculties granted to deacons in the Archdiocese of Milwaukee. The additional faculties of:

- Preaching occasionally at Sunday and Holy Day Eucharistic celebrations

(Date granted: \_\_\_\_\_)

- Witnessing marriages

(Date granted: \_\_\_\_\_)

This/these faculties will be used with the permission of the pastor/parish director.

#### **F. Reimbursement**

In those cases where there is mutual agreement, the parish agrees to reimburse me for expenses incurred in the exercise of my ministry in the following manner:

1. Annual Retreat — The parish is responsible for up to \$440.00 per year for the deacon's retreat.

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

## G. Continuing Formation

During the term of this covenant, the following continuing formation goals have been agreed upon as being beneficial both to me as a deacon and to the parish(es) that I serve:

1. \_\_\_\_\_
2. \_\_\_\_\_

The parish to which I am assigned on July 1 of a given year will pay my continuing formation, through the annual contribution to the Archdiocesan Continuing Education Fund. This annual contribution will be used for continuing formation. If my wife actively shares in my ministry and participates in the same continuing formation program with me, her portion of the fee may be paid from my account up to the annual maximum allowed.

Payment of the contribution is due upon receipt of the statement at the start of the fiscal year, and is payable to the Archdiocese of Milwaukee, c/o Continuing Formation for Clergy, 3501 South Lake Drive, PO Box 070912, Milwaukee, WI 53207.

For fiscal year 20 \_\_\_\_ to 20 \_\_\_\_, the annual contribution will be \$1,000.00.

## H. Renewal/Termination

### 1. Term of Covenant

- a. A new Covenant has a term of one year.
- b. A renewed Covenant may have a term of one, two, or a maximum of three years.

This is a (new, renewed) Covenant for the period of \_\_\_\_\_ year(s) which will commence on, \_\_\_\_\_, 20\_\_\_\_ and will conclude on, \_\_\_\_\_, 20\_\_\_\_\_.

### 2. Termination

With the prior permission of the Vicar for Clergy, a notice of termination of this covenant must be given in writing to the pastor/parish director no less than sixty (60) days prior to the expiration date. This covenant may be revised if changes in the family or employment circumstances significantly affect the ability of the deacon to provide the above services.

We enter this Covenant in good faith, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deacon

\_\_\_\_\_  
Wife (if applicable)

\_\_\_\_\_  
Pastor/Parish Director

\_\_\_\_\_  
Agency Director (if applicable)

\_\_\_\_\_  
Pastoral Council Chair

\_\_\_\_\_  
Vicar for Clergy

\_\_\_\_\_  
Parish(es)

\_\_\_\_\_  
Coordinator, Deacon Services

## Deacon Faculties

In virtue of his ordination, a deacon in the Archdiocese of Milwaukee receives the following faculties:

1. to administer baptism solemnly;
2. to be the custodian and dispenser of the Eucharist;
  - a) administer Holy Communion at Mass,
  - b) conduct rite of administration of Holy Communion outside of Mass,
  - c) conduct rite for administration of Viaticum and Holy Communion to the sick;
3. to proclaim the Gospel and to assist as deacon during the Eucharistic Liturgy;
4. to preside at Benediction of the Blessed Sacrament;
5. to preside at wakes and burial services;
6. to administer those blessings and sacramentals expressly conceded to the deacon by rite and/or law.

Faculties to preach the Word of God and/or witness marriages are not granted by this decree.

It is understood that the deacon will exercise his diaconal ministry under the direction and supervision of the pastor/parish director of the parish to which he is assigned. The ministry is not to be exercised outside of said assignment except with the expressed permission of local priest personnel.

The above mentioned faculties remain in effect until revocation or departure from the jurisdiction of the Archdiocese of Milwaukee.

## 7.2 SENIOR DEACON COVENANT FORM



**DEACON SERVICES**  
 3501 South Lake Drive, P.O. Box 070912  
 Milwaukee, WI 53207-0912  
 (414) 769-3409 • [deaconservices@archmil.org](mailto:deaconservices@archmil.org)

## Covenant for Senior Diaconal Ministry

Guided by the Holy Spirit and after prayerful consideration, I, \_\_\_\_\_ a deacon of the Archdiocese of Milwaukee, in obedience to the Archbishop whose mission I share and in consultation with the people whose signatures appear below, have agreed to the following:

Recognizing the tri-fold ministry of the deacon as **service of the word, service of the altar, and service of charity**, I will commit myself each month to approximately \_\_\_\_\_ hours of diaconal ministry in the following manner through \_\_\_\_\_ Parish(es):

Parish Name / City

### A. Service to the Word (RCIA, baptism preparation, etc.)

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

### B. Service of the Altar (Proclaim Gospel, preach homily, wedding/funeral service etc.)

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

### C. Service of Charity (Hospitals, nursing homes, prison/jail, etc.)

1. _____	( _____ hours)
2. _____	( _____ hours)
3. _____	( _____ hours)
4. _____	( _____ hours)
5. _____	( _____ hours)

#### **D. Commitment to the Archdiocese**

I will maintain regular contact with the other deacons in District # \_\_\_\_\_ of the Archdiocesan Council of Deacons and will, to the best of my ability, participate in the functions of the district. I will also attend the annual assembly of deacons sponsored by the Council and the Vicar for Clergy.

I will attend a retreat annually by either attending the annual retreat sponsored by the Deacon Council or one of my own choosing.

I will have, and meet regularly with, a spiritual director.

#### **E. Faculties**

The faculties granted me by the Archbishop are those faculties granted to deacons in the Archdiocese of Milwaukee. The additional faculties of:

- Preaching occasionally at Sunday and Holy Day Eucharistic celebrations

(Date granted: \_\_\_\_\_)

- Witnessing marriages

(Date granted: \_\_\_\_\_)

This/these faculties will be used with the permission of the pastor/parish director.

#### **F. Reimbursement**

In those cases where there is mutual agreement, the parish agrees to reimburse me for expenses incurred in the exercise of my ministry in the following manner:

1. Annual Retreat — The parish is responsible for up to \$440.00 per year for the deacon's retreat.

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

## G. Continuing Formation

During the term of this covenant, the following continuing formation goals have been agreed upon as being beneficial both to me as a deacon and to the parish(es) that I serve:

1. \_\_\_\_\_
2. \_\_\_\_\_

The parish to which I am assigned on July 1 of a given year will pay my continuing formation, through the annual contribution to the Archdiocesan Continuing Education Fund. This annual contribution will be used for continuing formation. If my wife actively shares in my ministry and participates in the same continuing formation program with me, her portion of the fee may be paid from my account up to the annual maximum allowed.

Payment of the contribution is due upon receipt of the statement at the start of the fiscal year, and is payable to the Archdiocese of Milwaukee, c/o Continuing Formation for Clergy, 3501 South Lake Drive, PO Box 070912, Milwaukee, WI 53207.

For fiscal year 20\_\_\_\_ to 20\_\_\_\_, the annual contribution will be \$400.00.

## H. Renewal/Termination

### 3. Term of Covenant

- a. A new Covenant has a term of one year.
- b. A renewed Covenant may have a term of one, two, or a maximum of three years.

This is a (new, renewed) Covenant for the period of \_\_\_\_\_ year(s) which will commence on, \_\_\_\_\_, 20\_\_\_\_ and will conclude on, \_\_\_\_\_, 20\_\_\_\_

### 4. Termination

With the prior permission of the Vicar for Clergy, a notice of termination of this covenant must be given in writing to the pastor/parish director no less than sixty (60) days prior to the expiration date. This covenant may be revised if changes in the family or employment circumstances significantly affect the ability of the deacon to provide the above services.

We enter this Covenant in good faith, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deacon

\_\_\_\_\_  
Wife (if applicable)

\_\_\_\_\_  
Pastor/Parish Director

\_\_\_\_\_  
Agency Director (if applicable)

\_\_\_\_\_  
Pastoral Council Chair

\_\_\_\_\_  
Vicar for Clergy

\_\_\_\_\_  
Parish(es)

\_\_\_\_\_  
Coordinator, Deacon Services

## Deacon Faculties

In virtue of his ordination, a deacon in the Archdiocese of Milwaukee receives the following faculties:

1. to administer baptism solemnly;
2. to be the custodian and dispenser of the Eucharist;
  - a) administer Holy Communion at Mass,
  - b) conduct rite of administration of Holy Communion outside of Mass,
  - c) conduct rite for administration of Viaticum and Holy Communion to the sick;
3. to proclaim the Gospel and to assist as deacon during the Eucharistic Liturgy;
4. to preside at Benediction of the Blessed Sacrament;
5. to preside at wakes and burial services;
6. to administer those blessings and sacramentals expressly conceded to the deacon by rite and/or law.

Faculties to preach the Word of God and/or witness marriages are not granted by this decree.

It is understood that the deacon will exercise his diaconal ministry under the direction and supervision of the pastor/parish director of the parish to which he is assigned. The ministry is not to be exercised outside of said assignment except with the expressed permission of local priest personnel.

The above mentioned faculties remain in effect until revocation or departure from the jurisdiction of the Archdiocese of Milwaukee.

Funeral Planning

## 7.3 FUNERAL AND BURIAL INSTRUCTION FORM FOR PRIESTS AND DEACONS

*I. Funeral and Burial Instruction Form for Priests*

**Archdiocese of Milwaukee  
Chancery Office  
3501 South Lake Drive, PO Box 070912  
Milwaukee, WI 53207-0912**

**Funeral and Burial Instructions For****Reverend** \_\_\_\_\_**EMERGENCY CONTACT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

The following instruction for your funeral and burial is a courtesy toward those responsible upon the event of your death. The completed form should be sealed in an envelope and mailed to the Chancery Office, PO Box 070912 (3501 South Lake Drive), Milwaukee, WI 53207-0912. You may request its return at any time. Copies can also be given to next of kin, the funeral director and personal representative.

**Statistical**

(Last Name) \_\_\_\_\_

(First) \_\_\_\_\_

(Middle) \_\_\_\_\_

1. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_

2. Social Security No: \_\_\_\_\_

3. Military Information: Service No: \_\_\_\_\_

Place of entrance and discharge: \_\_\_\_\_

Rank and branch of service: \_\_\_\_\_

Years of Service: from: \_\_\_\_\_ to: \_\_\_\_\_

**Legal**

1. Name and address of suggested Attorney:

\_\_\_\_\_

2. Have you made out a will? Yes \_\_\_\_\_ No \_\_\_\_\_

Location of signed Last Will: \_\_\_\_\_

3. Name of Personal Representative(s): \_\_\_\_\_

4. Location of Safe Deposit Box: \_\_\_\_\_

5. Have you signed a statement in accord with the Uniform Anatomical Gift Act? \_\_\_\_\_

(N.B. It is customary to file a priest's Will in a sealed envelope at the Chancery Office. It is kept in the priest's personal file until requested or death.)

Funeral Liturgy

1. Church of Funeral Liturgy: \_\_\_\_\_
2. Scripture Reading(s): \_\_\_\_\_
3. Homilist: 1<sup>st</sup> Choice: \_\_\_\_\_  
2<sup>nd</sup> Choice: \_\_\_\_\_
4. Special Music: \_\_\_\_\_
5. Deacon(s) for the Mass: \_\_\_\_\_

(Additional liturgical directives should be listed on a separate sheet.)

Burial

Name and address of Funeral Home or Mortuary: \_\_\_\_\_  
Have you made arrangements with this firm? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Mausoleum or Cemetery of Burial: \_\_\_\_\_
2. Have you purchased a gravesite or crypt? Yes \_\_\_\_\_ No \_\_\_\_\_  
If "yes," location: \_\_\_\_\_ Other: \_\_\_\_\_

Newspapers which should contain death notice: \_\_\_\_\_

1. Key Persons to be Notified (those who have to do with your funeral and burial):  

<u>Name and Relationship</u>	<u>Address</u>	<u>Telephone Number</u>

2. Names of surviving parents, brothers, sisters:  

<u>Name and Relationship</u>	<u>Address</u>	<u>Telephone Number</u>

(Additional information and instructions regarding funeral and burial can be included on a separate sheet.)

Complete form and address mailing envelope to:

**Archdiocese of Milwaukee, Chancery Office**  
 PO Box 070912  
 Milwaukee, WI 53207-0912

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*II. Funeral and Burial Instruction Form for Deacons*

Archdiocese of Milwaukee

Date. \_\_\_\_\_

Funeral and Burial Instructions For:

Deacon \_\_\_\_\_

The following instructions for your funeral and burial are a courtesy toward those responsible for arrangements on the occasion of your death. The completed form should be mailed to the Permanent Deacon Services Office, PO Box 07912, Milwaukee, WI 53207-0912. A copy will be returned to you to verify receipt. Copies can also be given to next of kin, a funeral director and / or personal representative. It will be helpful if a family member or personal representative is instructed to notify the Permanent Deacon Services Office of your death.

Statistical

1. \_\_\_\_\_  
(Last Name) (First) (Middle)
2. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_
3. Wife: \_\_\_\_\_  
(First Name) (Middle and Maiden Names)
4. Children:  
\_\_\_\_\_  
(Whole Name) (Spouse)  
\_\_\_\_\_  
(Whole Name) (Spouse)  
\_\_\_\_\_  
(Whole Name) (Spouse)  
\_\_\_\_\_  
(Whole Name) (Spouse)  
\_\_\_\_\_  
(Whole Name) (Spouse)

Number of Grandchildren: \_\_\_\_\_ Great Grandchildren: \_\_\_\_\_

## 5. SACRAMENTAL HISTORY:

Baptism: \_\_\_\_\_  
 (Church) \_\_\_\_\_ (Date)

Confirmation: \_\_\_\_\_  
 (Church) \_\_\_\_\_ (Date)

Matrimony: \_\_\_\_\_  
 (Church) \_\_\_\_\_ (Date)

Ordination \_\_\_\_\_  
 (Church) \_\_\_\_\_ (Date)

## 6. Ministry: (Begin with most recent assignment)

(Assignment)	(From)	(To)
_____	_____	_____
(Assignment)	(From)	(To)
_____	_____	_____
(Assignment)	(From)	(To)
_____	_____	_____
(Assignment)	(From)	(To)
_____	_____	_____

## 7. Employment: (Begin with current or most recent)

(Company)	(Position)	(From)	(To)
_____	_____	_____	_____
(Company)	(Position)	(From)	(To)
_____	_____	_____	_____

## 8. Fraternal and Service Organizations

(Name)	(Position)	(From)	(To)
_____	_____	_____	_____
(Name)	(Position)	(From)	(To)
_____	_____	_____	_____

9. Military service: Service Number\_\_\_\_\_

Place of Entrance and Discharge: \_\_\_\_\_

Rank and Branch of Service\_\_\_\_\_

Years of Service: (From)\_\_\_\_\_ (To)\_\_\_\_\_

LEGAL:

1. Name of Personal Representative(s)\_\_\_\_\_

\_\_\_\_\_

2. Location of Safe Deposit Box: (Optional)\_\_\_\_\_

\_\_\_\_\_

3. Have you signed a statement in accord with the Uniform Anatomical Gift Act?

Yes\_\_\_\_\_ No\_\_\_\_\_

(If yes, attach a copy)

4. Have you signed a Living Will?

Yes\_\_\_\_\_ No\_\_\_\_\_

(If yes, attach a copy)

FUNERAL LITURGY:

1. Choice of Presider:\_\_\_\_\_

2. Permanent Deacon(s) at the Liturgy:\_\_\_\_\_

3. Church of Funeral Liturgy:\_\_\_\_\_

4. Scripture Readings:\_\_\_\_\_

\_\_\_\_\_

5. Homilist: 1<sup>st</sup> Choice\_\_\_\_\_

2<sup>nd</sup> Choice\_\_\_\_\_

6. Special Music: \_\_\_\_\_

## BURIAL:

1. Name and address of Funeral Home or Mortuary: \_\_\_\_\_  
 \_\_\_\_\_

Have you made arrangements with this firm? Yes \_\_\_\_\_ No \_\_\_\_\_

2. Mausoleum or Cemetery of Burial: \_\_\_\_\_

Have you purchased a grave site or crypt? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", give location of grave site or crypt: \_\_\_\_\_

3. Burial Clothing:  Alb and Stole  Business Suit:

## OTHER:

1. Newspapers which should contain death notice \_\_\_\_\_  
 \_\_\_\_\_

2. Key persons to be notified (Who have something to do with your funeral and burial):

<u>Name and Relationship</u>	<u>Address</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names of Surviving Parents, Brothers and Sisters:

<u>Name and Relationship</u>	<u>Address</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____

3. Please provide a current photo (Black and White preferred).  
 (Additional information and instructions regarding funeral and burial may be included on a separate sheet.)

Signature of Deacon \_\_\_\_\_

Signature of Spouse / Witness \_\_\_\_\_

## Archdiocesan Council of Priests (ACP) – Types of Motions

## 7.4 ISSUE PROPOSAL FORM

## Archdiocesan Council of Priests

3501 South Lake Drive, P.O. Box 070912

Milwaukee, WI 53207-0912

(414) 769-3484 or (800) 769-9373, Ext. 484

FAX: (414) 769-3430

## ISSUE PROPOSAL

**(For office use)**

Please type or print legibly and use the other side, if necessary, for any part of numbers 1-3.

1. State the issue in one clear, brief sentence:

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2. Specify the recommended response:

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### 3. Rationale for above proposed issue:

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Is this a district proposal for district implementation?  Yes  No

This proposal needs discussion and / or resolution by the Full Council to be considered as advice to the Archbishop for the whole archdiocese.

Received in ACP Office

Signature of Dean or ACP Committee Chair

## 7.5 ISSUE RESOLUTION FORM

**Archdiocesan Council of Priests**  
3501 South Lake Drive, P.O. Box 070912  
Milwaukee, WI 53207-0912  
(414) 769-3484 or (800) 769-9373, Ext. 484  
FAX: (414) 769-3408

## **ISSUE RESOLUTION**

**(For office use)**

1. WHEREAS\*

---

Digitized by srujanika@gmail.com

---

2. BE IT RESOLVED

---

Digitized by srujanika@gmail.com

---

Digitized by srujanika@gmail.com

### 3. SUGGESTED IMPLEMENTATION:

---

Digitized by srujanika@gmail.com

---

Digitized by srujanika@gmail.com

#### 4. SUGGESTED TIMELINE:

---

Digitized by srujanika@gmail.com

---

Digitized by srujanika@gmail.com

## 5. HOPED FOR OUTCOMES:

---

Digitized by srujanika@gmail.com

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Digitized by srujanika@gmail.com

## 6. PROBABLE COST / BUDGETARY IMPACT:

---

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Signature of ACP Committee Chair

Address                      City                      Zip

Date                    Telephone                    Dear

Received in ACP Office \_\_\_\_\_

**ISSUE RESOLUTION** (continued)**Executive Committee Action:** Date \_\_\_\_\_

Accepted       Amended       Referred Back       Rejected

Reason: \_\_\_\_\_

Sent back to committee. Reason: \_\_\_\_\_

Send to deaneries for discussion; feedback to be given to full council

Place on Full Council agenda

**Full Council Action:** Date \_\_\_\_\_

Accepted       Amended       Referred Back       Rejected

Reason: \_\_\_\_\_

**Archbishop's Action:**

Refer back. Suggestion: \_\_\_\_\_

Accepted. Department(s) referred for implementation: \_\_\_\_\_

\_\_\_\_\_  
Signature of Archbishop\_\_\_\_\_  
Date**Follow-up Action:**

Sent to: \_\_\_\_\_ for \_\_\_\_\_

## 7.6 COMMENDATION FORM

**Archdiocesan Council of Priests**  
3501 South Lake Drive, P.O. Box 070912  
Milwaukee, WI 53207-0912  
(414) 769-3484 or (800) 769-9373, Ext. 484  
FAX: (414) 769-3430

## **COMMENDATION - COUNCIL OF PRIESTS**

**(For office use)**

1. WHEREAS

\_\_\_\_\_

\_\_\_\_\_

## 2. BE IT RESOLVED

---

www.ijerpi.org | 10

### 3. SUGGESTED IMPLEMENTATION:

---

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#### 4. SUGGESTED TIMELINE:

\_\_\_\_\_  
\_\_\_\_\_

#### 4. HOPED FOR OUTCOMES:

---

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#### 4. PROBABLE COST / BUDGETARY IMPACT:

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**Signature of Dean or ACP Committee Chair**

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Address                      City                      Zip

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Date	Telephone	District
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Received in ACP Office \_\_\_\_\_

**COMMENDATION RESOLUTION** (continued)**Executive Committee Action:** Date \_\_\_\_\_

Accepted       Amended       Referred Back       Rejected

Reason: \_\_\_\_\_

Sent back to committee. Reason: \_\_\_\_\_

Send to deaneries for discussion; feedback to be given to full council

Place on Full Council agenda

**Full Council Action:** Date \_\_\_\_\_

Accepted       Amended       Referred Back       Rejected

Reason: \_\_\_\_\_

**Archbishop's Action:**

Refer back. Suggestion: \_\_\_\_\_

Accepted. Department(s) referred for implementation: \_\_\_\_\_

\_\_\_\_\_  
Signature of Archbishop\_\_\_\_\_  
Date**Follow-up Action:**

Sent to: \_\_\_\_\_ for \_\_\_\_\_

Priest Financial Form

## 7.7 FORM TO REQUEST BENEFITS FROM ST. MICHAEL'S PRIEST FUND

**ST. MICHAEL'S PRIEST FUND TRUST**

P.O. Box 070912, Milwaukee, WI 53207-0912

**Request for Benefits**

In accordance with the provisions of the SMPF Trust – I ...

Name

Date of Birth

Address

Phone

Ministry Assignment

E-mail

Apply (check one of the following) for *Classification of Benefit*

- CLASS A:** A priest who is totally disabled and has lost his salaried position after six (6) months. The Trust will provide funds (supplementing other benefits as described in the Clergy Manual, including, but not limited to, income derived from the Archdiocesan Long-Term Disability Plan) to equal 80% of his salary for a period up to six (6) months. At the determination of the Board of Trustees (the "Board"), an extension up to an additional six (6) months may be granted.
- CLASS B:** A priest who is partially disabled and has some income from limited ministry. The Trust will provide up to 40% of his salary (supplementing other benefits if applicable) up to six (6) months. At the determination of the Board, an extension up to an additional six (6) months may be granted.
- CLASS C:** A priest who becomes 'indigent' (as determined by the Board) and is in need of supplemental income. The Board shall review such requests on a case by case basis and act upon each individual.
- CLASS D:** Other Benefits – A priest who is presently involved in some form of rehabilitation care. At the determination of the Board, the Trust will pay for some additional time in such rehab care and / or facility, provided however, that such benefit will be limited to five (5) days per priest and not exceed fifty (50) days total in a calendar year.

Date disability incurred: \_\_\_\_\_

Nature and cause of disability \_\_\_\_\_

I understand that (a) all benefit payments shall be made in accordance with the provisions of the SMPF Trust and (b) that this request is to be countersigned by either the Archbishop, Auxiliary Bishop, or Vicar for Clergy.

Signature of Applicant

Date

Archbishop/Auxiliary Bishop/Vicar for Clergy/Priest in Good Standing

Date

Submitted to the Board of SMPF Trust on \_\_\_\_\_

Action: \_\_\_\_\_

2018

## 7.8 PRIESTS' COMPENSATION FORMS WITH INSTRUCTIONS

## *Priest's Professional Expense Record*

Sample Mileage Log

Priest Name: Name here

A mileage log should accompany each professional expense reimbursement request. This is a sample form only. Similar formats are acceptable. In order to meet IRS requirements, the following items must be documented. Any mileage of a personal nature must be excluded or deducted from the amount submitted for reimbursement. Mileage for daily commute is not deductible. See the "List of Allowable Professional Expenses" for further information.

Sample Expense Log

Priest Name: Name here

An expense log should accompany each professional expense reimbursement request. This is a sample form only. Similar formats are acceptable. In order to meet IRS requirements, the following items must be documented. Any expenses of a personal nature must be included or deducted from the amount submitted for reimbursement. Original receipts should be submitted; copies should be kept. See the "List of Allowable Professional Expenses" for further information.

Enter data in yellow highlighted areas.

Professional Expense Reimbursement Report

Name: Name here  
Employer: St. Sample

July 1 through July 31  
unless otherwise noted

Enter current fiscal year annual professional expense allowance

Enter additional fiscal year professional expense allowance from salary reduction

Total annual professional expense allowance

Line 1: Mileage Reimbursement (attach mileage log)

Line 2: Other Professional Expenses (attach detailed receipts)

Line 3: TOTAL Reimbursement Request (Lines 1 and 2)

Line 4: Unused allowance from previous report N/A

Line 5: Reimbursement Request for this report (Line 3 or 4)

Line 6: Unused funds to carry forward to next report

Signature

Date

*Allowable Professional Expenses with Explanations***ALLOWABLE PROFESSIONAL EXPENSES WITH EXPLANATIONS**

1. Automobile mileage (for business) - *mileage supported by a log that lists date, destination, purpose, number of miles. Cannot include miles to and from work, but can include miles from work to a second destination (like a hospital, nursing home, conference, or other church business).*
2. Books – professional library – *books related to ministry, church history, or related subjects. Generally not fiction or other unrelated topics.*
3. Cleaning, maintenance of clerical garb, etc.—*dry cleaning expenses for vestments, alterations. Does not include dry cleaning for other items of personal clothing.*
4. Clerical garb, stoles – *does not include clothing suitable for “street use.”*
5. Continuing Education (beyond the allowance) – *cost of seminars or class work directly related to continuing formation or professional development.*
6. Convention expenses – meals and entertainment for business – *meals on day of event or preceding/following days if travel is involved. Cost of personal expenses (movies, internet access) while at a convention would not be allowed unless directly related to the conduct of some business.*
7. Dues to professional groups.
8. Equipment repairs – *repairs of computer or related hardware, phones, copiers or other equipment used in the course of business.*
9. Gifts associated with employment (\$25 per person, per year) – *must be a de minimis amount, consistently applied to all staff members, not personal in nature.*
10. License fees/certification – *professional licenses or affiliations with professional organizations that could be reasonably construed to have a business purpose or provide a benefit to the parish or archdiocese.*
11. Postage (for business) – *postage for business correspondence only.*
12. Stationery and supplies – *a reasonable supply of personalized stationery and note cards, calling/business cards to be used for parish correspondence.*
13. Subscriptions (professional journals) – *does not include general news or financial magazines.*
14. Telephone (business calls) – *cell phone usage is limited to business calls only. No plan or minutes available should be greater than what is reasonably expected to be used during the course of business. Abuse of a phone paid for by the parish would be grounds for converting the phone to a personal expense and reimbursing only those calls that can be proven to be business in nature.*
15. Meals and entertainment – *must be ministry-related; include all itemized receipts*
16. Travel expenses other than automobile mileage -- *parking, car rental, hotel, taxi, bus, train or airplane travel for business purposes only. Trips that combine both business and non-business purposes must be examined to determine the business portion only.*
17. Electronic devices (i.e., computer, scanner, printer, cell phone, etc.) – *only business-related expenses are reimbursable.*

**EXAMPLES OF PERSONAL EXPENSES (NOT REIMBURSABLE)**

1. Commuting between residence and first business/ministry appointment and from last business/ministry appointment to residence
2. Books or periodicals for personal reading or entertainment
3. Purchase and expenses related to non-clerical garb, i.e., clothing suitable for “street use”
4. Health or social club memberships
5. Personal postage, stationery, supplies, subscriptions, telephone, cell phone, internet or cable television
6. Automobile related expenses such as lease/loan payments, insurance premiums or vehicle maintenance.
7. Church contributions – *not allowable professional expenses; consult your tax advisor for more specific information*

*Helpout Compensation (UPDATED 01/07/2025)*

## Helpout Compensation

The following scale for **2025** daily and weekend help-out remuneration has been approved for the Archdiocese.

Remuneration for each weekday Mass:

- \$50.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.

Remuneration for each weekend and Holy Day Mass:

- \$70.00 plus Mass stipend of \$20.00 plus the IRS maximum allowed cents per mile travel expense.

Remuneration for all other services

- Sacrament of reconciliation
  - \$40.00 plus the IRS maximum allowed cents per mile travel expense.
- Funeral vigil, etc.
  - \$40.00 plus the IRS maximum allowed cents per mile travel expense.
- Funeral
  - Maximum stole fee is \$75 – plus mileage.
- Wedding
  - Maximum stole fee is \$100 – plus mileage.
- Quinceañera
  - Maximum stole fee is \$100 – plus mileage.
- Baptism
  - Maximum stole fee is \$10 whether within Mass or outside of Mass – plus mileage.

For calendar year 2025, the IRS maximum is \$0.70 per mile.

Note. The IRS maximum rate may change mid-year. Following is a link to the current IRS rate Website for IRS Standard Mileage Rates <https://www.irs.gov/tax-professionals/standard-mileage-rates>

### Stipends and Stole fees

The maximum amount for stipends and stole fees is established by the bishops of the Province of Wisconsin (c 1264, 2°). The wedding offering is set at a maximum of \$100.00 and funeral offering at a maximum of \$75.00. When some parishes indicated a desire to implement an additional fee for the use of parish facilities for weddings and funerals, particular law set the maximum amount at \$100.00. The Chancery Office has received an increased number of calls in the last year regarding the amount being requested for sacramental celebrations especially for weddings and funerals. Usually the fees are not broken out by category so it is difficult to explain to inquirers why the fees are so high. Please review your fee schedules to ensure that you are not exceeding the maximum amounts permitted.

## 7.9 FITNESS FOR MINISTRY REPORTING FORM



### ARCHDIOCESE OF MILWAUKEE FITNESS FOR MINISTRY REPORTING FORM

Name of person making the report (Optional): \_\_\_\_\_

Contact information for person making the report (Optional): Phone - \_\_\_\_\_  
E-mail address- \_\_\_\_\_

Person accused of violating the Code of Ethical Standards: \_\_\_\_\_

Parish / School / Archdiocesan institution: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s) of incident(s): \_\_\_\_\_

Location(s) where incident(s) occurred: \_\_\_\_\_

Person against whom alleged incident occurred: \_\_\_\_\_

Description of incident(s):

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Date Report Filed: \_\_\_\_\_

If this report involves clergy it will be sent to the Vicar for Clergy. If this report involves a lay employee it will sent to the Director of Priest and Lay Ecclesial Personnel and Placement.