

The Special Faculties: Documents and Process

(A discussion of Special Faculties granted to the Congregation for the Clergy; the documents and the process necessary for the competent ordinary to petition for the loss of the clerical state with dispensation from the obligations arising from sacred ordination, including the obligation of celibacy, for the cleric who abandons his ministry)

**Very Rev. Daniel A. Smilanic
Episcopal Vicar for Canonical Services
Archdiocese of Chicago, Illinois**

**Deacon Daniel G. Welter
Auditor/Actuarius
Archdiocese of Chicago, Illinois**

**Hon. Francis J. Dolan (Ret.)
Canon Law Consultants, Inc.
Chicago, Illinois**

**CANON LAW SOCIETY OF AMERICA
ANNUAL CONVENTION
SACRAMENTO, CA
OCTOBER 14-17, 2013**

ARCHDIOCESE	
ORDINARY	
CONG. FOR CLERGY PROT. N. (if known)	
NAME OF CLERIC	

PERSONAL DETAILS OF THE CLERIC	Date of Birth		Age	
	Ordination		Years of ministry-	
ORIGINAL DIOCESE OF INCARDINATION				
MINISTRY IN/TRANSFER TO OTHER DIOCESE				
CONTACT ADDRESS OF THE CLERIC				
PROCURATOR/ADVOCATE				
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year(s)	Parish	Location	Appointment	
MEASURES ADOPTED BY THE DIOCESE				
Year	Measures			
12/15/05	Ordinary meets with cleric to discuss cleric's commitment to priestly ministry			
01/01/06-06/30/06	Ordinary grants cleric leave of absence for prayerful discernment of his ministry			
SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC				
All financial obligations have been negotiated with the cleric and fulfilled.				
RESPONSE/RECOURSE MADE BY THE CLERIC				
Year	Measures			
07/01/06	Cleric sends letter to Ordinary advising of his decision to leave the priesthood			

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

[DATE]

[NAME
ADDRESS
ADDRESS]

Dear Mr. [NAME]:

This letter is being sent to you to obtain clarification of the status of all those who have been ordained either to the diaconate or the priesthood and have subsequently left their ministry. It is not intended to cause you any discomfort nor is it intended to be judgmental.

It has been in excess of five years since you left your ministerial assignment in the [NAME OF DIOCESE]. Acting out of a pastoral concern, [NAME OF ORDINARY] has decided to initiate the process described in this letter. In doing so, it is his hope that you will be able to regularize your status within the Catholic community.

The Office for Canonical Services is preparing the necessary documents (i.e. *curriculum vitae*; *attestation of Ordination*; *Scrutinies prior to Ordination and other documents of formation*; *copy of civil marriage, if any*; *basis for necessity of dispensation*; *vota of Instructor and Cardinal*; *etc.*) for [NAME OF ORDINARY] to petition on your behalf for a rescript from the Holy See [granting your loss of the clerical state and dispensation from all of its obligations, including celibacy.] OR [granting your return to the lay state and dispensation from all of the obligations of sacred ordination, including celibacy.] If the rescript is granted, it will in effect remove you from the clerical state and the presbyterate of the [NAME OF DIOCESE].

The basis of this Petition for your return to the lay state is as follows:

You left your diocesan assignment and have continued in your absence for a period of longer than five consecutive years.

As part of this process, the following have been nominated to act in the matter:

Instructor: [TITLE & NAME]

Promoter of Justice: [TITLE & NAME]

Page Two

Letter to [name of cleric]

Within 21 days from service of this letter, you have the right to nominate a canonical advocate of your choosing from the approved list of the diocese of [NAME] (a copy of said list will be supplied to you upon request).

When the investigation has been completed and all necessary documents have been gathered, you will be notified. At that point, you will have an opportunity to review these documents at the Offices of the Diocese of [NAME] during the normal business hours.

The [TITLE OF ORDINARY] has delegated [TITLE – e.g. *Rev. Mr.*] [NAME – e.g. *John P. Smith*], [PRIOR EXPERIENCE – e.g. *a retired judge and permanent deacon*], to assist me and this office in processing petitions for Rescripts granting loss of the clerical state and dispensation from the obligations of sacred orders, including celibacy. I am enclosing a document entitled "Waiver of Notice". By signing and returning this document to [TITLE AND NAME – e.g. *Rev. Mr. John P. Smith*] within 21 days from service of this letter, you agree to have this matter proceed without your participation. To be clear, the process will proceed after the expiration of the 21 day period, regardless of whether or not you reply or respond.

If at any time you wish to know how your matter is progressing, please call [TITLE AND NAME – e.g. *Deacon Smith*] at the [PLACE WITHIN THE DIOCESE – e.g. *Pastoral Center*] (555-555-1234).

Yours in Christ,

[TITLE & NAME]
Instructor

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

CERTIFICATE OF NOTIFICATION

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

I, [NAME], do hereby represent that I gave notice to [NAME] of the following:

- 1) Initiation of the laicization process,
- 2) His right to select a canonical advocate of his choosing from the approved list of the Archdiocese of Chicago,
- 3) The time within which he was to respond,

via a letter from [TITLE & NAME] dated [DATE], by placing said letter in a sealed envelope with proper postage for First Class Mail, and depositing it in the U.S. Postal Box located at [ADDRESS] addressed as follows:

[NAME]
[ADDRESS]
[ADDRESS]

Dated this _____ day of _____, 2013

[NAME], [TITLE e.g. *Administrative Assistant*]
Office of Canonical Services

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

CERTIFICATE OF NOTIFICATION

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

I, [NAME], do hereby represent that I gave notice to [NAME] of the following:

- 1) Initiation of the laicization process,
- 2) His right to select a canonical advocate of his choosing from the approved list of the Archdiocese of Chicago,
- 3) The time within which he was to respond,

via a letter from [TITLE & NAME] dated [DATE], and sent in the following manner:

1) By placing said letter in a sealed envelope with proper postage for First Class Mail, and depositing it in the U.S. Postal Box located at [ADDRESS] addressed to him as follows:

[NAME]
[ADDRESS]
[ADDRESS]

And, additionally,

2) On the ____ day of _____, 2013, UNITED PARCEL SERVICE picked up at the Office for Canonical Services an identical envelope with the same address and containing a duplicate original of the same letter from [TITLE AND NAME] dated [DATE]. The tracking number assigned to this envelope is [INSERT #]

Dated this _____ day of _____, 2013

[NAME], [TITLE e.g. *Administrative Assistant*]
Office of Canonical Services

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

CERTIFICATE OF NOTIFICATION

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

I, [NAME], do hereby represent that I gave notice to [NAME] of the following:

- 1) Initiation of the laicization process,
- 2) His right to select a canonical advocate of his choosing from the approved list of the Archdiocese of Chicago,
- 3) The time within which he was to respond,

via a letter from [TITLE & NAME] dated [DATE], in an envelope addressed as follows:

[NAME]
[ADDRESS]
[ADDRESS]

and sent in the following manner:

On the day of , 2013, UNITED PARCEL SERVICE picked up at the Office for Canonical Services said envelope. The tracking number assigned to this envelope is [INSERT #].

Dated this day of , 2013

[NAME & TITLE]
Office of Canonical Services

[NAME & TITLE]
Ecclesiastical Notary

WAIVER OF NOTICE
REGARDING THE MATTER OF
[CLERIC'S TITLE & NAME]

I, [CLERIC'S NAME], the undersigned, do hereby represent and state as follows:

I have received a letter from the [TITLE & NAME OF INSTRUCTOR] of the Diocese of [PLACE]. The letter informed me that, for the reasons explained therein, a petition for my return to the lay state with dispensation from the obligations arising from sacred ordination including that of celibacy is being filed concerning my previous ordination as a priest;

I decline to file my own petition to be laicized;

I consent to have this matter proceed without any objection on my part;

I hereby waive notice of any of the further proceedings;

I request and I understand, I will be provided with a copy of the final disposition of this matter by the Holy See.

Signed this _____ day of _____, 2013

[CLERIC'S NAME]

(Signature)

ADDRESS:

QUESTIONNAIRE FOR PETITIONER

1. Please state your name, current address, telephone number, and present occupation.
2. What is the date and place of your birth?
3. Please give the name and religious affiliation of each of your parents, and their address, if they are alive,
4. What is your diocese or religious institute of incardination.
5. Please describe your religious history previous to your entrance into the seminary or religious institute, including when and where you were baptized and confirmed.
6. Give a detailed history of your family background, covering these points:
 - a. stability of parents' marriage
 - b. number of children in the family
 - c. relationship with parents while growing up
 - d. religious practices and education followed in the home
 - e. relationships with brothers and sisters while growing up
 - f. economic and social background of family
 - g. schooling up to the time of entrance into the seminary
 - h. personal social development, e.g., dating experience
7. When did you first consider becoming a priest?
 - a. Describe briefly how the thought of becoming a priest came to you.
 - b. With whom did you consult about becoming a priest?
 - c. What were their reactions?
 - d. What was the reaction of your parents when you told them you were thinking of becoming a priest?
8. When and where did you make your studies for the priesthood?
9. Was there any interruption in your course of studies?
10. When and where were you ordained to the Diaconate? Priesthood?
11. During your seminary preparation, were there any serious moral problems that could have been obstacles to your seeking or accepting ordination to the priesthood?
12. Was there ever in any way undue pressure or influence in regard to seeking or accepting ordination to the priesthood?

13. Describe the condition of your seminary during your theology course of studies: your opinion of the moral standard, regularity and quality of spiritual exercises, and the care and prudence exercised by your superiors.
14. Was the obligation of celibacy fully explained to you prior to your ordination to the diaconate?
 - a. Did you fully understand the nature of this obligation?
 - b. Did you freely assume the obligation of celibacy?
 - c. Did you have any problems with sexual adjustment before ordination?
15. Describe how your own concept of the priesthood changed and deepened during your years in the seminary.
16. Was there any hesitation in receiving orders? (If so, describe the reasons for such hesitation and outline the steps you took to deal with it.)
17. Were you interviewed or at least informed of your "call to orders" before the diaconate and priesthood? Please describe how that occurred.
18. List your assignments after ordination.
19. Did you enjoy your priestly ministry and its responsibilities and find it rewarding? Why or why not?
20. Describe ways you took initiative in responding to pastoral needs in your priestly ministry.
21. During your priesthood, how faithful were you to private spiritual exercises? (That is, eucharistic devotion, rosary, other devotions, spiritual reading, sacrament of reconciliation, spiritual direction, spirit of mortification, etc.)
22. What expectations did you bring to the priesthood that were not met?
23. In general, what failures – personal or in your priestly ministry – did you experience? How did you handle them?
24. To what extent did you share with other priests the problems and/or difficulties you experienced in priestly ministry?
25. Was there any alcoholic or chemical dependency or serious illness whose consequences might have influenced your present decision in any way?
26. What were the reasons you left the active ministry?
27. Have you applied for, and were you granted, a leave of absence by the bishop or religious superior?

28. What efforts were made to resolve the conflict while on leave prior to asking for laicization? Have you sought professional counselling or therapy? What advice have you received?
29. What are your immediate and long-term plans? Are there plans for or has there been a marriage?
30. What work have you been engaged in since receiving a leave of absence? Do you plan to work/live in an area where you are known as a priest?
31. What will be the effect on your neighbors and co-workers if you receive the dispensation?
32. Are you morally certain you cannot continue to function as a priest? Please explain.
33. Give the names of witnesses you are in a position to testify about your character and intent prior to or subsequent to your ordination.
34. Do you wish to add, correct, or modify any portion of your testimony?
35. Do you swear before God that your answers are wholly true?

Please conclude your testimony by including the following statement, and sign and date your testimony:

I solemnly swear before God and the Church that my responses to the above questions are true and complete.

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

DECLARATION OF CLERIC'S IRREVERSIBLE ABANDONMENT OF MINISTRY

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

In accordance with *Art. 2, §1* and *Art. 3* of the Procedural Norms of Special Faculty III, it is represented as follows:

I am the [TITLE OF ORDINARY].

[NAME OF DIOCESE] is the diocese of incardination of [CLERIC'S TITLE & NAME].

I have personal knowledge of the facts in this matter. I have reviewed and carefully verified all the facts in this matter, insofar as possible.

The cleric, [NAME], persists in the voluntary and illicit absence from ministry and has persisted in his abandonment of ministry for a period of more than five consecutive years.

Having completed the relevant investigation, I have arrived at this determination, with moral certainty, from the cleric's own words and writings, as well as from well-founded public knowledge and from the cleric's own life style.

Dated this _____ day of _____, 2013

**[NAME OF ORDINARY]
[TITLE] OF [PLACE]**

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

DECLARATION OF IMPOSSIBILITY/EXTREME DIFFICULTY

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

Having reviewed the facts and circumstances in this matter, and the lack of cooperation by the cleric, [NAME]; and

Recognizing that [DESCRIPTION OF IMPOSSIBILITY/EXTREME DIFFICULTY – e.g. *there are in excess of 200 similar situations, spanning a 40-year period, that are pending in the Diocese of Wherever*]; and

Due to lack of competent personnel available to prosecute such matters through the ordinary process; and

Being mindful that the irregular status of the cleric continues to be a source of confusion and potential scandal for the faithful;

--THEREFORE I DECLARE--

That to apply the ordinary means of the law to resolve this matter would be extremely difficult, if not impossible; and

That the return of this cleric to the lay state with dispensation from the obligations arising from sacred ordination including that of celibacy at the earliest opportunity is necessary for the good of the Church and the integrity of the priesthood.

Dated this _____ day of _____, 2013

**[NAME OF ORDINARY]
[TITLE] OF [PLACE]**

**[TITLE & NAME]
Ecclesiastical Notary**

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

DECREE OF THE ORDINARY OPENING THE PROCEDURE

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

- 1) The cleric, [NAME], has been informed of the matter of the petition seeking his loss of the clerical state and dispensation from the obligations arising from sacred ordination including that of celibacy, and informed of his right to nominate a canonical advocate of his choosing (*Procedural Norms of Special Faculty III, Documents Required for Instruction, Note A*). The cleric has not responded or replied.
- 2) The basis for this petition is:

He has abandoned his priestly ministry by his own choice for a period of longer than five consecutive years and he chooses to persist in this illegitimate status.
- 3) I hereby decree that a process be initiated to return Reverend [NAME] to the lay state.
- 4) I appoint [TITLE & NAME] as Instructor and [TITLE & NAME] as Notary. These appointments will cease upon completion of this case.

Dated this _____ of _____, 2013

[NAME OF ORDINARY]
[TITLE] of [PLACE]

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

DECREE OF APPOINTMENT OF THE PROMOTER OF JUSTICE

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

The following is the stably appointed Promoter of Justice for the Tribunal of the [PLACE – E.G., *Archdiocese of Chicago*] who shall act in these proceedings:

[TITLE & NAME]

as appointed by Decree dated the [DATE OF STABLE APPOINTMENT - e.g., *4th day of April 2003*].

Dated this _____ day of _____, 2013

[NAME OF ORDINARY]

[TITLE] of [PLACE]

[TITLE & NAME]

Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office for Canonical Service
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

PASTORAL ATTEMPTS BY THE ORDINARY TO HAVE CLERIC DESIST FROM HIS CONTUMACY AND FROM HIS VOLUNTARY AND ILLICIT ABSENCE FROM MINISTRY

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

- 1) I have notified the cleric, [NAME], of these proceedings by a letter sent to him on [DATE], via [must use either public postal services or some other secure means – e.g. *United States Postal Service* (“USPS”) or *United Parcel Service* (“UPS”)] UPS confirmed that the letter was delivered.
- 2) The cleric has had no contact with the Diocese concerning his status as a cleric since abandoning his ministry in [DATE]. --OR-- [Cleric has executed a “Waiver of Notice” wherein he has consented to have this matter proceed without any objection on his part.]
- 3) It is apparent that the cleric does not desire to voluntarily petition for a return to the lay state with a dispensation from the obligations of holy orders including the obligation of celibacy, to participate in this process, or respond to the petition.
- 4) It would be impossible or extremely difficult to proceed applying ordinary means and any alternative penalty would be ineffective.

Dated this _____ day of _____, 2013

[TITLE & NAME]

Instructor

ARCHDIOCESE OF CHICAGO

Office for Canonical Service
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

PASTORAL ATTEMPTS BY THE ORDINARY TO HAVE CLERIC DESIST FROM HIS CONTUMACY AND FROM HIS VOLUNTARY AND ILLICIT ABSENCE FROM MINISTRY

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

- 1) In [MONTH YEAR – e.g. *April 2006*], [TITLE & NAME OF ORDINARY – e.g. Archbishop Whomever] and Rev. [CLERIC'S NAME] met to discuss his decision to leave the priesthood. In a letter dated [DATE], Rev. [NAME] expressed his gratitude for the Archbishop's time, effort and "fraternal approach" and, also, for having allowed him a six-month leave of absence to think and pray over his decision; however, he reaffirmed his intention to leave the priesthood.
- 2) Since leaving his priestly ministry in [DATE – e.g. *October 2006*], the cleric last had contact with the Archdiocese in [DATE – e.g. *February 2008*.] There has been no further contact with the Diocese of [PLACE] by the cleric concerning his status as a cleric.
- 3) I have notified the cleric of these proceedings by a letter sent to him on [DATE], via United Parcel Service ("UPS"). UPS confirmed that the letter was delivered.
- 4) It is apparent that the cleric does not desire to voluntarily petition for a return to the lay state with a dispensation from the obligations of holy orders including the obligation of celibacy, to participate in this process or respond to the petition.
- 5) It would be impossible or extremely difficult to proceed applying ordinary means and any alternative penalty would be ineffective.

Dated this _____ day of _____, 2013

[TITLE & NAME]
Instructor

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

DECREE PUBLISHING THE ACTS OF THE CASE

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

In accord with the Circular Letter of the Congregation for the Clergy granting the Special Faculties (Prot. N. 2009 0556) that requires the "...notification of any of the acts..." (§8, Art.4); and

Further, in accord with the *procedural guidelines* to be employed in the instruction of the petitions (Congregation for the Clergy, Prot. N. 2010 0823) that state the cleric must be notified any procedural acts (Special Faculty III, "Documents Required, 7"); and

Considering that the petition has been fully instructed,

I DECREE

that all the materials gathered
in support of this petition (the Acts)
are to be made known to the subject of the petition,
[CLERIC'S TITLE & NAME], and his advocate.

Therefore, it is hereby directed that the cleric in the above-titled matter, [NAME], be notified that the Acts are available for study at the Chancery Office of the diocese of [PLACE] or at the Chancery Office of a diocese more convenient to him. The cleric has 14 days from date of delivery of this decree to make arrangements to study the Acts.

Dated this _____ day of _____, 2013

[TITLE & NAME]
Instructor

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

[DATE]

[NAME]
[ADDRESS]
[ADDRESS]

Dear Mr. [NAME]:

After reviewing the materials that have been gathered in the petition for return to the lay state with dispensation from the obligations of the clerical state including the obligation of celibacy, I have determined that the matter is sufficiently instructed to warrant moving the petition forward.

Accordingly, you now have the following options:

- To submit a statement or add to any statement you have already given,
- To make arrangements to come to the Canonical Services office (with your advocate, if applicable) during normal working hours, to review the materials gathered in this matter and discussing, in an informed manner, your position regarding this petition.

If you wish to submit any statement and/or make arrangements for review of the materials that have been gathered in this matter, please contact [TITLE & NAME – e.g. *Deacon John P. Smith*], in writing, at the address listed above. If no written correspondence is received from you within 14 days from date of delivery of this letter and the enclosed Decree, it will be presumed that you have nothing further to submit and do not wish to review the materials. You will be notified when a decision has been made.

Yours in Christ,

[TITLE & NAME]
Instructor

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

CERTIFICATE OF NOTIFICATION OF PUBLICATION

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

I, [NAME], do hereby represent that I gave notice to [NAME] of the following:

- 1) Decree Publishing the Acts of the Case, and
- 2) Letter advising of his right to review materials that have been gathered in the Petition for his return to the lay state with dispensation from the obligations of the clerical state, including the obligation of celibacy,

by placing said documents in a sealed envelope with proper postage for Certified Mail, Return Receipt Requested, and depositing it with the U.S. Postal Service which gave it an Article Number of

The said envelope was addressed as follows:

Mr. [NAME]
[ADDRESS]
[ADDRESS]

Dated this _____ day of _____, 2013

[NAME & TITLE - e.g.
Mary Jones, Administrative Assistant
Office of Canonical Services]

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Office of the Chancellor



Post Office Box 1979
Chicago, Illinois 60690-1979

WITNESS AFFIDAVIT

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

[NAME], states and avers as follows:

I am the Chancellor for the diocese of [PLACE], appointed [DATE].

As part of my responsibilities as Chancellor, I maintain a file for all clerics ordained and/or incardinated into the Archdiocese of Chicago.

I have reviewed the file of [NAME] which indicates the following:

He was ordained a priest on [DATE]. He declared his intention to voluntarily abandon his priestly ministry via a letter to [NAME OF ORDINARY] on [DATE]. On [DATE], he entered into an Exit Agreement with the Diocese of [PLACE]. In this Agreement it is specifically acknowledged, *inter alia*, that, he wishes to leave his priestly ministry and that he "...shall promptly and conscientiously petition the Holy See for laicization and dispensation of his priestly obligations." From the date of the Exit Agreement to the present he has taken no action concerning his return to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy.

Furthermore, there has been no record of any request for reinstatement as a priest by [CLERIC'S NAME] in the diocese of [PLACE] since his [DATE] declaration of intent to abandon his priestly ministry.

Signed and sworn to the _____ day of _____, 2013.

[NAME]
Chancellor
Diocese of [PLACE]

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO



WITNESS AFFIDAVIT

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

Reverend (NAME) states and avers as follows:

I am a priest of the diocese of [PLACE] and was ordained on [DATE].

[NAME OF CLERIC] was a seminary classmate and was also ordained as a priest on [DATE].

On [DATE], [NAME OF CLERIC] [declared his intention to voluntarily abandon his priestly ministry] --OR--[left his priestly ministry].

[NAME OF CLERIC] has been engaged in secular employment and has lived a secular lifestyle since his departure from priestly ministry.

To the best of my knowledge, [NAME OF CLERIC] has no intention of returning to priestly ministry.

Signed and sworn to this _____ day of _____, 2013

Reverend (NAME)

**[TITLE & NAME]
Ecclesiastical Notary**

WITNESS QUESTIONNAIRE

Please indicate your name and address, the nature of your relationship with the petitioner, and how long you have known him.

A. Insofar as you are able, describe the petitioner's background in relation to:

1. The educational, social, economic, and religious aspects of the family.
2. The relationship of the petitioner to his parents and siblings.
3. The ways the family served as an influence during the time of his priestly formation and subsequent priestly ministry.

B. Insofar as you are able, describe the petitioner prior to his ordination:

1. Was there anything said or done that caused you to doubt the future success of his priestly ministry?
2. Was there any unusual or abnormal behavior on his part during this time, such as excessive use of alcohol and/or the use of other drugs, periods of depression, jealousy, frequent arguments? Explain.
3. Did he exhibit signs of irresponsible or impulsive behavior, unusual fears, over-reactions or under-reactions in emotional situations? Explain.
4. Were there incidents of extreme selfishness or thoughtlessness with regard to others' feelings? Explain.

C. Insofar as you are able, describe the petitioner at the time of his ordination:

1. How would you describe his motivation for ordination?
2. Was he settled and at peace with the decision?
3. Did he exhibit enthusiasm about the event?
4. Comment on your estimation of his basic maturity, goals, system of values at the time of ordination.
5. Were there any unpleasant or negative situations that might have influenced him to be ordained at this time?
6. Are you aware of any pressure he may have been under to accept ordination?

D. Insofar as you are able, describe the petitioner after his ordination:

1. Did he enjoy his priestly ministry and find it rewarding?
2. What expectations did he bring to the priesthood that were not met?
3. Was he able to meet the needs of the people to whom he was sent to minister?
4. In what ways did he take initiative in responding to pastoral needs in his priestly ministry?
5. Was he able to cope with his responsibilities in the priesthood?
6. Did he get along with his co-workers, clerical and lay? Did he show consideration and sensitivity to others in the rectory?
7. In situations of conflict, could he compromise with others to resolve differences?
8. Did he exhibit anger in an appropriate manner, or did he hold it in, act out in aggressive behavior, or seek revenge?
9. Did those to whom he ministered perceive him as a spiritual priest?
10. Were his personal values and private life consistent with his priestly obligations?

E. Following the onset of difficulties with his vocation:

1. How early in his priestly ministry did serious problems arise?
2. What were these problems and how were they resolved?
3. Did he have any problems with celibacy? Please explain.
4. Do you believe that he was capable of a life-long commitment to the priesthood?
5. Can you provide examples illustrating where he might have failed to fulfill or been unable to fulfill his priestly responsibilities?

F. Are there any other comments you would like to add?

G. *At the end of your testimony, please include the following statement:*

I promise before God that in the foregoing testimony I have told the truth, the whole truth, and nothing but the truth. I promise also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

Then sign and date your testimony.

**WITNESS AFFIDAVIT CONCERNING
JOHN SMITH'S PETITION FOR
DISPENSATION FROM THE CLERICAL STATE**

**Rev. [NAME]
1234 Main Street
Anytown, IL.10000
555-555-5555**

I was a classmate of Joe's beginning with 1st year Quigley in 1969. I was ordained in 1981 and Joe was ordained a year or two later. During this time we had a friendly relationship that centered on sports. After ordination we went golfing a few times. After Joe left the priesthood I saw him occasionally at a mutual friend's home.

During our seminary days I stopped by his home once. It was a middle class home similar to the one I grew up in. The family seemed friendly and close. Outside of sports we didn't have much in common. I did not detect any unusual behavior on his part. There was a lot of drinking going on at the time so Joe's activity was not unusual. He was a bit impulsive and sometimes kind of wild but nothing excessive.

He took an extended diaconate and seemed normal with his decision. He was happy on his ordination day. In retrospect, I think Joe was unsettled and immature at time of ordination.

Over the past thirty years I have run into him two or three times. Each encounter was brief, no more than a few minutes each. After ordination he seemed to become cynical and negative about the priesthood. He was negative about most things religious. There was one incident involving a friend of mine who came to him for marriage. He was so hostile that she came to me to get married in my parish. This is my only knowledge of his priestly ministry.

I believe it was during his 1st assignment that he met his wife. She was a teacher who taught in his parish school. He left and they got married. At this time we were out of touch and I only found out about his marriage through a mutual friend. Actually the information came from a former teacher at the school who was a good friend of the bride. At the time I didn't give the marriage much hope. Since Joe took an extended diaconate and then got ordained and then got married, he seemed unstable to me. I believe I was wrong since I think he is still married to the same woman.

I promise before God that in the foregoing testimony I have told the truth, the whole truth, and nothing but the truth. I promise also that I will keep secret the questions proposed to me and the answers which I have given. So help me God and His Holy Gospels.

Dated this _____ day of _____, 2013

Rev. [NAME]

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

DECREE CLOSING THE CASE

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

The appointed time having elapsed, the date of publication and all material that has been gathered in the Petition for return to the lay state with dispensation from the obligations of the clerical state, including the obligation of celibacy, having been taken into account, and

The rights of the cleric having been observed in accord with the Circular Letter of the Congregation for the Clergy granting the Special Faculties (Prot. N. 2009 0556) and the *procedural guidelines* to be employed in the instruction of the petitions (Congregation for the Clergy, Prot. N. 2010 0823) and in accord with all applicable provisions of the code of Canon law,

I, [TITLE & NAME], Instructor, in accordance with *Art. 5* of the Procedural Norms of Special Faculty III and the norms of law (c.1599), decree that this matter be closed and concluded according to applicable *procedural guidelines* to be employed in the instruction of these petitions (Congregation for the Clergy, Prot. N. 2010 0823).

Dated this _____ day of _____, 2013.

[TITLE & NAME]
Instructor

[TITLE & NAME]
Ecclesiastical Notary

ARCHDIOCESE OF CHICAGO

Very Rev. Daniel A. Smilanic, JCD
Vicar for Canonical Services



VOTUM OF PROMOTER OF JUSTICE

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

Rev. [NAME] was born in Chicago, Illinois, on [DATE]. He is presently [00] years old. He successfully completed the required studies and formation for the priesthood and was ordained a priest on [DATE]. His priestly ministry included service in several parishes as associate pastor and pastor. At his request, he pursued Post-Graduate studies at the Gregorian University's Institute of Spirituality in Rome. He offered his resignation as Pastor which was accepted effective [DATE]. He declared his intention to voluntarily abandon his priestly ministry on [DATE]. He has persisted in his abandonment of priestly ministry to this date.

When Fr. [NAME] [declared his intention to voluntarily abandon his priestly ministry OR left his priestly ministry] he entered into an Exit Agreement with the diocese of [PLACE]. In this Agreement, he agreed, *inter alia*, that he would "...promptly and conscientiously petition the Holy See for laicization and dispensation of his priestly obligations." From the date of the Exit Agreement to the present he has taken no action concerning his return to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy.

In accordance with special faculties recently granted by the Supreme Pontiff to the Congregation for the Clergy, Fr. [NAME] was sent a letter by [TITLE & NAME] dated [DATE], advising him of the initiation of this process and inviting his participation. He was invited to give a response within 21 days. No response or reply was ever received.

A second letter was sent to Fr. [NAME] on [DATE], explaining that the instruction of the matter had been completed and that the process was to be undertaken to petition for his return to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy. He was invited to give a response within 14 days. No response or reply was made by him to that letter.

Having carefully examined his file, I am convinced that the norms of law have been observed and that the rights of Rev. [NAME] have been protected.

Dated this _____ day of _____, 2013

[TITLE & NAME]
Promoter of Justice

ARCHDIOCESE OF CHICAGO

Office of Auxiliary Bishop Emeritus
Most Rev. Raymond E. Goedert



VOTUM OF INSTRUCTOR

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

Rev. [NAME], who is [00] years old, was ordained as a priest for the Diocese of [PLACE] on [DATE]. In his active ministry he had a number of assignments; Associate Pastor of St. Joseph's [YEAR - YEAR e.g. (1988-1992)]; In [YEAR - e.g. 1992], pursuant to his request to pursue an STD Degree in the area of spiritual theology he was assigned to Post-Graduate Studies at the Gregorian University's Institute of Spirituality, Rome; In [DATE - e.g. January 1994], he returned to St. Joseph's and continued in his assignment there as Associate Pastor until [DATE - e.g. August 2000]; Pastor of St. Albert the Great [DATE - e.g. (2000 - 2006)].

On [DATE], Fr. [NAME] offered his resignation as Pastor of St. Albert the Great Parish, which was accepted on [DATE], by [TITLE & NAME OF ORDINARY].

On [DATE], Fr. [NAME] declared his intention to voluntarily abandon his priestly ministry via a letter to [TITLE & NAME OF ORDINARY]. On that same date, and with benefit of legal counsel of his own choosing, he entered into an Exit Agreement with the Diocese of [PLACE]. In this Agreement Fr. [NAME] agreed, *inter alia*, that he "...shall promptly and conscientiously petition the Holy See for laicization and dispensation of his priestly obligations." From the date of the Exit Agreement to the present he has taken no action concerning his return to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy.

Pursuant to special faculties recently granted by the Supreme Pontiff to the Congregation for the Clergy, Rev. [NAME] was sent a letter from me dated [DATE], wherein he was requested to clarify his status as a cleric. No response or reply was made to that request.

Subsequent to the initial letter, and after the investigation was completed, another letter was sent to this cleric by me on [DATE]. In that letter, he was, again, given the opportunity to review the file, submit additional testimony or submit written correspondence concerning his position regarding the Petition for dispensation from the obligations of the clerical state including the obligation of celibacy. No response or reply was made by him to that letter.

It is respectfully suggested you recommend to the Holy Father, through the Congregation for the Clergy, that Fr. [NAME] be returned to the lay state.

Votum of Instructor

[TITLE & NAME]

Page Two

The investigation in this matter demonstrates that this cleric has illicitly and freely abandoned the ministry by his own choice for a period of longer than five consecutive years and chooses to persist in this illegitimate status.

It is clear from my investigation, the attempts to contact Fr. [NAME] and his lack of response, that he does not intend to return to priestly ministry and by the secular lifestyle he has continued to pursue since his abandonment in [YEAR], he has placed himself in a position that renders him unable to minister in the Church.

It is respectfully suggested that, pursuant to Special Faculty III, the most appropriate and just resolution in this matter is that Rev. [NAME] be returned to the lay state and be dispensed from the obligations of sacred orders, including the obligation of celibacy, for the good of the Church, the priesthood and the individual.

Dated this _____ day of _____, 2013

[TITLE & NAME]

Instructor

ARCHDIOCESE OF CHICAGO

Office of Auxiliary Bishop Emeritus
Most Rev. Raymond E. Goedert



TRANSFER OF ACTS TO THE COMPETENT ORDINARY

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

I, [TITLE & NAME], Instructor in this matter, do hereby represent that this date, I
hereby transfer all the Acts of the procedure herein to the competent Ordinary,
[NAME OF ORDINARY], [TITLE] of [PLACE].

Dated this _____ day of _____, 2013

[TITLE & NAME]
Instructor

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



VOTUM OF ARCHBISHOP

REGARDING THE MATTER OF

[CLERIC'S TITLE & NAME]

Rev. [NAME] is [00] years old and was ordained as a priest for the Archdiocese of [PLACE] on [DATE]. He was assigned to St. Joseph's Parish in [PLACE – e.g. *Evergreen*] as Associate Pastor in [YEAR]. In [YEAR], he requested permission to pursue an STD Degree in the area of spiritual theology. Accordingly, he was assigned to Post-Graduate Studies at the Gregorian University's Institute of Spirituality in Rome. In [MONTH YEAR e.g. *January 1994*], he returned to St. Joseph's Parish and continued in his assignment there as Associate Pastor until [MONTH YEAR]. In [MONTH YEAR], he was then assigned as Pastor of St. Albert the Great Parish in [PLACE - e.g. *Southfield*].

In late [YEAR], during his tenure as pastor, Fr. [NAME] sent me a letter wherein he expressed great doubts about his vocation. Thereafter, I met with Fr. [NAME] at my residence on two occasions during which time we discussed his vocational concerns. As a result of these meetings he was granted permission to seek a six-month leave of absence for prayerful discernment concerning his vocation. Additionally, he was informed that he could meet with the Judicial Vicar, Rev. [NAME], to discuss the canonical process for laicization and dispensation from the obligations of the clerical state. After meeting with the Co-Vicar for Priests, Rev. [NAME], Fr. [NAME] sought and was granted a leave of absence from [MONTH YEAR] to [MONTH YEAR].

On [DATE], Fr. [NAME] offered his resignation as Pastor of St. Albert the Great Parish. On [DATE], it was accepted in my name by the Vicar for Priests, Rev. [NAME].

On [DATE], he declared in writing his intention to voluntarily abandon his priestly ministry. On that same date, and with benefit of civil counsel of his own choosing, he entered into an Exit Agreement with the Diocese of [PLACE]. In this Agreement it is specifically acknowledged *inter alia*, that he agrees to "...promptly and conscientiously petition the Holy See for laicization and dispensation of his priestly obligations."

From the date of the Exit Agreement to the present Fr. [NAME] has taken no action concerning his return to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy.

Votum of Archbishop

[NAME]

Page Two

At my direction, this cleric was contacted by letter dated [DATE], and was invited to participate in this petition to seek his return to the lay state and for dispensation from the obligations of sacred ordination, including the obligation of celibacy. No response or reply was made to that request. At the conclusion of the investigation, he was, again, contacted by letter dated [DATE], and given the opportunity to review the Acts and to submit any statement concerning this petition. No response or reply was received from him.

Fr. [NAME] has been voluntarily absent from ministry since [MONTH YEAR], a period of longer than five consecutive years. He has engaged in a secular occupation to support himself.

It is clear from the foregoing that this cleric has illicitly and freely abandoned priestly ministry by his own choice since [YEAR] and chooses to persist in this illegitimate status.

I believe that the most appropriate and just resolution of this matter is the return of Rev. [NAME] to the lay state and his dispensation from the obligations of sacred orders, including the obligation of celibacy.

In accordance with the Special Faculties granted by the Supreme Pontiff to the Congregation for the Clergy, I respectfully request that my recommendation be presented to the Holy Father for the good of the Church, the priesthood and the individual.

Dated this _____ day of _____, 2013

[NAME]
Archbishop of [PLACE]

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



[DATE]

His Excellency
Archbishop Beniamino Stella
Prefect, Congregation for the Clergy
Piazza Pio XII, 3
00193 Rome
ITALY

Your Excellency:

In accordance with provisions of the Circular Letters issued April 18, 2009, and March 17, 2010, by your Congregation concerning special faculties granted to the Congregation on January 30, 2009, I am referring to you the case of Reverend [NAME], a priest of the Diocese of [PLACE], who has abandoned his ministry.

Reverend [NAME] has voluntarily and continuously abandoned his ministry as a priest in the Diocese of [PLACE] since 2006, a period of longer than five consecutive years.

I am requesting a Rescript[whereby Fr. [NAME's] loss of the clerical state is declared and he is dispensed from the obligations of sacred orders, including celibacy.] OR [of loss of the clerical state for Fr. [NAME], with the related dispensation from the obligations arising from holy orders, including that of celibacy. This request is being made for the good of the Church, the priesthood and the individual.

Reverend [NAME] has been given notice of this petition and has declined to participate in this process.

Your Excellency, I am grateful to you and to the members of your Congregation who have been of such great assistance in addressing these distressing situations. You and your good work have a special place in my daily prayers; please keep me and the needs of the Diocese of [PLACE] in yours.

Fraternally yours in Christ,

[NAME]
Archbishop of [PLACE]

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

CERTIFICATE AUTHENTICATING THE ACTS

PETITION FOR DECLARATION OF LOSS OF THE CLERICAL STATE REGARDING THE MATTER OF

REVEREND [NAME] A PRIEST WHO VOLUNTARILY ABANDONED HIS MINISTRY

By means of my signature, I certify that the acts of the above-captioned matter contained herein are either original writings or exact duplicates of original writings and form the authentic Acts of the matter to be transmitted to the Congregation for the Clergy.

Given at [CITY, STATE]

This _____ of _____, 2013

**[TITLE & NAME]
Ecclesiastical Notary**

INDEX

**Regarding the Matter of
[NAME]
(A priest of the Archdiocese of Chicago who voluntarily abandoned his ministry)
CONCERNING**

**A petition for the loss of the clerical state with dispensation
from the obligations arising from sacred ordination,
including the obligation of celibacy**

<u>ITEM</u>		<u>PAGE(S)</u>
01)	<i>Petitio</i> of Ordinary.....	00
02)	Curriculum Vitae of Cleric.....	00
03)	Votum of Archbishop.....	00-00
04)	Attestation of Ordination.....	00
05)	Correspondence with Cleric:	
	Letter dated [DATE].....	00-00
	Certificate of Notification.....	00
	Receipt of Delivery.....	
06)	Declaration of Irreversible Abandonment of Ministry.....	00
07)	Declaration of Impossibility of Ordinary Process.....	00
08)	Decree Opening Procedure.....	00
09)	Appointment of Promoter of Justice.....	00
10)	Pastoral Attempts to have Cleric Desist from Voluntary Absence.....	00
11)	Decree Publishing Acts.....	00
	Letter to Cleric dated [DATE].....	00
	Certificate of Notification.....	00
	Receipt of Attempted Delivery.....	00
12)	Witness Affidavits.....	00-00
13)	Decree Closing Case.....	00
14)	Votum of Promoter of Justice.....	00-00
15)	Votum of Instructor.....	00-00
16)	Transfer of Acts to Ordinary.....	00
17)	Documentation:	
	Cleric's Letter to Archbishop [NAME] dated [DATE].....	00
	Archbishop [NAME's] Letter to Cleric dated [DATE].....	00
	Statement of Resignation as Pastor [DATE].....	00
	Acceptance of Resignation as Pastor dated [DATE].....	00
	Cleric's letter declaring his intention to leave his priestly ministry dated [DATE]....	00
	Exit Agreement dated [DATE].....	00-00
18)	Scrutinia from Seminary.....	00-00
19)	Certificate Authenticating Acts.....	00



CONGREGATIO
PRO CLERICIS

From the Vatican, 11 August 2012

Prot. N. 20122625/F

Your Eminence

This Congregation has received your letter regarding the request for dismissal from the clerical state, with the related dispensation from the obligations arising from ordination, including that of celibacy, with regard to Rev _____, which Your Eminence sent on account of his incardination in your Archdiocese.

The Dicastery hastens to inform Your Eminence that the case has been accepted and will be treated according to the times and methods that pertain to it. The Congregation will, moreover, ensure that the Decision is notified to Your Eminence when an outcome has been reached.

Your Eminence is courteously asked to transmit to the interested party the notice, specifically addressed to him and herewith attached in the original, to the effect that the procedural acts have been received, and to copy the receipt of delivery to this Dicastery.

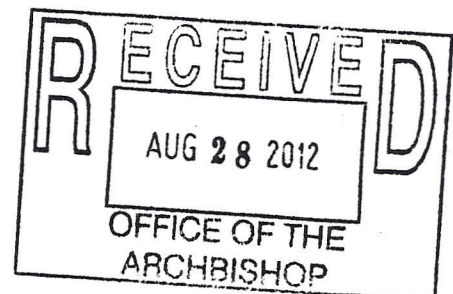
In union of prayer and right intentions for the true good of the clergy and of the Church, I avail of the opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ,


Mauro Card. Piacenza
Prefect

His Eminence
Francis E. Cardinal George, O.M.I.
Archbishop of Chicago
155 E. Superior Street
P.O. Box 1979
Chicago, IL 60690
THE UNITED STATES OF AMERICA

(Enclosure)





CONGREGATIO
PRO CLERICIS

Romae, die 11 augusti 2012

N. 20122625/F

Reverendissime Domine,

Die 6 iulii anni 2012 huc rite pervenerunt acta processus administrativi, contra Te institutus a tuo Ordinario dioecetano.

Eadem acta sub N. 20122625/F in tabulario Dicasterii persignata sunt.

Conceditur terminum quindecim dierum ad tuam communicandam voluntatem hic deducendi defensiones, observationes, memoriae vel probationes.

Utrumque ac iuxta proportionata tempora, de eorumdem pertratactione nuntium habebis.

Quo par est obsequio, me profiteor

addictissimus in Domino

Mons. Antonius Neri
Subsecretarius

Reverendissimo Domino
Sac.

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

[DATE]

[NAME]
[ADDRESS]
[ADDRESS]

**RE: Reverend [NAME]
Prot. N. 12345678/F**

Dear [NAME]:

Pursuant to the request of the Congregation for the Clergy, please find enclosed a letter addressed to you regarding the matter referenced above.

The letter indicates the procedural acts have been received by the Congregation for your dismissal from the clerical state with the related dispensation from the obligations arising from ordination, including that of celibacy.

The Congregation wishes to inform you that you have 15 days from receipt of this notice to provide any appropriate response. You should send any written response to the address shown in the Congregation's letter. A copy of any response to the Congregation for Clergy should also be sent to [TITLE & NAME e.g. – *Deacon John P. Smith*].

If you have any questions, please contact [TITLE & NAME e.g. – Deacon John P. Smith] in the Office for Canonical Services at (312) 534-8283.

Your prompt attention to this matter is appreciated.

Sincerely yours,

[NAME]
[TITLE] of [PLACE]

Enclosure

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

[DATE]

His Excellency
Archbishop Beniamino Stella
Prefect, Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII, 3
00193 Roma
EUROPE

**RE: Reverend [NAME]
Prot. N. 12345678/F**

Your Excellency:

At the direction of your esteemed Congregation, I have transmitted the notice from the Congregation to the interested party in the matter referenced above. Documentation of delivery is attached herewith.

I am grateful for your assistance and for the work of your Congregation in resolving these unfortunate situations. You are in my daily prayers; please keep me and the needs of the Archdiocese in yours.

Fraternally yours in Christ,

[NAME]
[TITLE] of [PLACE]

Enclosure

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

[DATE]

His Excellency
Archbishop Beniamino Stella
Prefect, Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII, 3
00193 Roma
EUROPE

**RE: Reverend [NAME]
Prot. N. 12345678/F**

Your Excellency:

Please be advised that pursuant to your request the notice to the referenced cleric dated 20 April 2012, sent to us by your Dicastery, was forwarded on 18 June 2012 through United Parcel Service. The records of United Parcel Service indicate delivery of the notice on 19 June, 2012.

A copy of the notice, cover letter and documentation of delivery are enclosed herewith. The cleric has not responded to the notice from the Dicastery in any manner. Based upon the foregoing, I believe this matter is now fully instructed and respectfully request that the petition be forwarded to the Holy Father for determination.

I continue to be grateful for the efforts made by you and the members of your Dicastery in addressing these difficult situations. You are included in my prayers; please keep me and the needs of the Archdiocese of Chicago in yours.

Fraternally yours in Christ,

[NAME]
[TITLE] of [PLACE]

Enclosures



CONGREGATIO
PRO CLERICIS

From the Vatican, 30 August 2013

Prot. N. 20132349/F

Your Eminence,

This Congregation has received your letter regarding the request for loss of the clerical state, with the related dispensation from the obligations arising from ordination, including that of celibacy, with regard to Rev _____ which Your Eminence sent on account of his incardination in your Archdiocese.

The Dicastery hastens to inform Your Eminence that the case has been accepted and will be treated according to the times and methods that pertain to it. The Congregation will, moreover, ensure that the Decision is notified to Your Eminence when an outcome has been reached.

Your Eminence is courteously asked to transmit to the interested party the notice, specifically addressed to him and herewith attached in the original, to the effect that the procedural acts have been received, and to copy the receipt of delivery to this Dicastery.

To place this request in some context, the Congregation would, however, welcome further information concerning the manner in which the cleric exercised the sacred ministry, perhaps with supporting statements from his Pastors, and whether the reasons for abandonment have since received any illumination.

In union of prayer and right intentions for the true good of the clergy and of the Church, I avail of the opportunity to renew my sentiments of esteem and with every best wish, I remain,

Yours Sincerely in Christ


Mauro Card. Piacenza
Prefect

His Eminence
Francis E. Cardinal George, O.M.I.
Archbishop of Chicago
155 E. Superior Street
P.O. Box 1979
Chicago, IL 60690
THE UNITED STATES OF AMERICA

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



SUPPLEMENTAL VOTUM OF ARCHBISHOP

REGARDING THE MATTER OF

[NAME]

Prot. N. 12345678/F

[NAME] is [00] years old and was ordained as a priest for the Archdiocese of Chicago on [DATE]. He was assigned to St. Anne's Parish in [PLACE] as a resident in [MONTH YEAR] with facilities of Associate Pastor. This assignment was for a period of one year to enable him to complete the work on his Licentiate in Sacred Liturgy. He was then assigned as Associate Pastor of St. Andrew Parish (PLACE) from [YEAR-YEAR], and then as Pastor from [YEAR-YEAR]. In 2000 he was granted a sabbatical. After finishing his sabbatical, he returned to St. Andrew as Pastor. He, again, went on sabbatical in April of 2005.

On June 2, 2005, Fr. [NAME] met with Rev. [NAME], Vicar for Priests. At that time, Father [NAME] was on sabbatical which was to terminate on July 1, 2005 (he had been on sabbatical in 2000). Father [NAME] told Father [NAME] that since his 2000 sabbatical he had engaged in much prayer and discernment about his future in priestly ministry.

In the above meeting, Father [NAME] gave the following reasons for his decision to leave his priestly ministry:

- 1) He could not accept the institutional church's stand in refusing to allow women to be ordained priests; he has great difficulty accepting the rationale the church uses in supporting this fact, namely, that only men can be priests because they exemplify the image of Christ,
- 2) He is not in agreement with the manner in which the church has and continues to treat gay and lesbian persons,
- 3) He has been struggling for the last two years with extreme loneliness. Now the need for intimacy has become stronger and more significant.

Fr. [NAME] stated that a further leave of absence would not be productive because he has been in honest discernment with a spiritual director since 2000. He emphasized that this decision was not made in haste. The Vicar for Priests concluded, with deep sadness, that considering the long period of [NAME's] discernment, he should be returned to the lay state and dispensed from the obligations of sacred ordination, including the obligation of celibacy.

SUPPLEMENTAL VOTUM OF ARCHBISHOP

[NAME]

Page Two

On [DATE], the cleric submitted his letter to me wherein he declared his intention to leave his priestly ministry. In that letter he wrote: "I simply cannot fit anymore into the model of the priesthood. I realize that I must be true to myself for whatever time and purpose the Lord grants me for the remainder of my life." On [DATE], in a reply letter to Father [NAME], I acknowledged his declaration of intent to leave his priestly ministry.

Prior to entering the seminary, [NAME] was a successful accountant. He was a highly respected Associate Pastor and Pastor at St. Andrew's. It is obvious he did not take lightly his ordination or his discernment to leave the priesthood.

[NAME] consulted with a spiritual director for three years to assist him in the discernment process. His decision appears to have been prayerfully considered.

Based upon the foregoing, as well as the materials previously submitted in this matter, I continue to believe that for the good of the Church, the priesthood and the individual, the most appropriate and just resolution in this matter is the return of [NAME] to the lay state with dispensation from the obligations of sacred orders, including the obligation of celibacy.

Dated this _____ day of _____, 2013

[NAME]
Archbishop of [PLACE]

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

[DATE]

His Excellency
Archbishop Beniamino Stella
Prefect, Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII, 3
00193 Roma
EUROPE

RE: Reverend [NAME]
Prot. N. 12345678/F

Your Excellency:

Pursuant to the request of your esteemed Congregation, I enclose herewith my Supplemental Votum regarding the matter referenced above.

With the enclosed material, I believe this matter is properly instructed and is ready for determination.

I am grateful for your assistance and for the work of your Congregation in resolving these unfortunate situations. You are in my daily prayers; please keep me and the needs of the Archdiocese in yours.

Fraternally yours in Christ,

[NAME]
[TITLE] of [PLACE]

Enclosure



CONGREGATIO
PRO CLERICIS

From the Vatican, 19 April 2013

Prot. N. 20121162/F

Your Eminence,

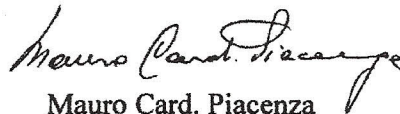
In response to the request presented to this Congregation, I transmit the enclosed Document of loss of the clerical state, together with the related dispensation from priestly obligations, including celibacy, concerning [redacted] born on 5 December 1946, with a current address at [redacted] (USA), formerly a cleric of Your Eminence's ecclesiastical circumscription. The Document was issued on 6 April 2013 by a Supreme Decision admitting of no possibility of appeal and subject to no recourse of any type whatsoever.

Your Eminence is courteously requested to notify the said Act in the following manner: the document should be read to the priest, following which he should append his signature to the two authentic copies of same. One copy of the signed document is to be returned to this Congregation along with a brief account of the notification having taken place. Should the interested party so request it, the Chancery of Your Eminence's Archdiocese may issue a description of the contents of the document, which is to be prepared and signed by the Reverend Chancellor.

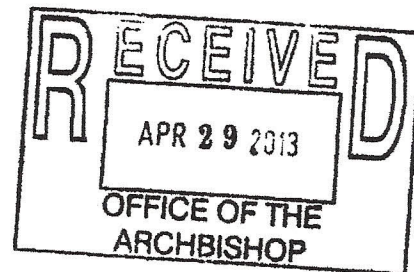
When it can be shown that the interested party is unreachable, he refuses to accept the summons or to present himself, the notification will be considered to have occurred by the transmission to this Dicastery of a copy of the summons to appear, sent by the usual means to the cleric at his last known address, together with an attestation of the failure of the interested party to present himself at the session established for the notification of the Act.

I avail myself of the opportunity to express my sentiments of profound esteem and with every best wish, I remain,

Yours Sincerely in Christ


Mauro Card. Piacenza
Prefect

His Eminence
Francis E. Cardinal GEORGE, O.M.I.,
Archbishop of Chicago,
155 E. Superior Street,
P.O. Box 1979,
Chicago, IL 60690,
THE UNITED STATES OF AMERICA.



(Enclosures)

Congregazione per il Clero - 00120 Città del Vaticano - Tel. 06/69884151 - Fax: 06/69884845



CONGREGATIO PRO CLERICIS

Prot. N. 20121162/F

Chicagiensis
(v.d. Chicago, U.S.A.)

**Amissionis et dispensationis a sacro coelibatu
et ab omnibus oneribus sacrae Ordinationi conexas**

D.nus

Em.mus D.nus Francis E. George, Archiepiscopus Chicagiensis, humiliter petit declarationem amissionis status clericalis et dispensationem a sacro coelibatu et ab omnibus oneribus sacrae Ordinationi conexas pro D.no [] idem dioecesi addictus.

Die 6 m. Aprilis a. 2013

Perfecta instructione, praemissis praemittendis, *praeces acceptae sunt* et amissionem status clericalis dicto presbytero concessa est, suprema atque inappellabili decisione nullique recursui obnoxia.

Eidem presbytero etiam dispensationem concedit a sacro coelibatu et ab omnibus oneribus sacrae Ordinationi conexas iuxta sequentes rationes:

1. Amissio ac dispensatio vim habent ab ipso momento praefatae decisionis.
2. Amissionis ac dispensationis rescriptum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia amissionis ac dispensationis adnotetur in Libris baptizatorum paroeciae natalis praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriore apparatu.
5. Auctoritas ecclesiastica, cui spectat Rescriptum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:
 - a) *presbyter eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;*
 - b) *exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris paroecialis fungi;*

c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;

d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non aequivalentibus nullam theologiam disciplinam tradere potest;

e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri fidelibus scandalum praebeat.

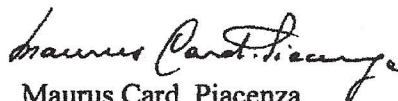
7. Ad notificationem amissionis et dispensationis, praesens actum legatur presbytero per notarium aut ecclesiasticum actuarium, et ab utroque subsignetur.

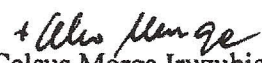
8. Tempore congruo et proportionato, Ordinarius competens exemplar alterum restituere debet rite subsignatum a presbytero ad fidem receptionis et acceptionis eiusdem amissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Rescripti. Inde breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

9. Huius Rescripti attestationem, si presbyter ad hoc instantiam praebeat, Cancellarius competentis curiae redigat et subsignet, ac instanti tradat pro sua utilitate.


Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 19 m. Aprilis a. 2013


Maurus Card. Piacenza
Praefectus


✠ Celsus Morga Iruzubieta
Archiep. tit. Albensis maritimus
Secretarius

Dies notificationis 22 July. 2013


Subsignatio Presbyteri in signum acceptionis

Subsignatio Ordinarii

Sigillum Curiae et subsignatio Cancellarii

Congregation for the Clergy

Prot. N. _____
Chicago

Loss of [the clerical state] and dispensation from sacred celibacy
and all the obligations connected with sacred ordination

Mr. _____

His Eminence Francis E. George, Archbishop of Chicago, humbly petitions the declaration of loss of the clerical state and the dispensation from sacred celibacy and from all the obligations connected with sacred ordination for Mr. _____ belonging to the same [arch]diocese.¹

DATE _____

The instruction has been completed and everything required has been done, the petition is accepted and the loss of the clerical state is granted to the aforementioned priest by a supreme and unappealable decision that is not subject to recourse.

The dispensation from sacred celibacy and from all the obligations connected to holy orders is also granted to the same priest according to the following reasons:

1. The loss and dispensation take effect from the moment of mentioned decision.
2. The competent Ordinary of the place will inform the priest of the rescript of the loss and dispensation; these two can never be separated. In addition to this, the rescript includes the absolution of censures insofar as this is necessary.
3. Annotation of the loss and dispensation will be made in the baptismal register of the parish of the same priest.
4. With regard to the canonical celebration of marriage, if this is to take place, the norms laid down in the *Code of Canon Law* are to be applied; the ordinary should see to it that such arrangements are carried out with caution and without outward display.
5. The ecclesiastical authority whose responsibility it is to communicate the rescript to the petitioner should earnestly exhort him to participate in the life of the People of God in a manner which is in harmony with his new condition in life, that he give good example, and thus show himself to be an upright son

of the Church. But at the same time, he should take note of those things which follow:

- a) The dispensed priest is also relieved of all rights proper to the clerical state, and dignities and ecclesiastical offices connected with the clerical state; he is no longer bound by the other obligations of the clerical state;
- b) he remains excluded from the exercise of the sacred ministry, with the exceptions mentioned in canons 976 and 986, '2 of the Code of Canon Law, and therefore may not give a homily. Nor is he able to exercise a supervisory office in the pastoral sphere, or perform the function of parochial administrator;
- c) he likewise cannot perform any function in seminaries and equivalent institutions. In other institutions of higher studies, which depend in any manner whatsoever upon ecclesiastical

¹This case was proposed to the Congregation as an application of the third of the special faculties granted in 2009.

authority, he cannot exercise a supervisory position or a teaching post;

d) in other institutions of higher studies which do not depend upon ecclesiastical authority, he cannot teach any theological discipline;

e) in institutions of lower studies which depend upon ecclesiastical authority, he cannot discharge a supervisory position or teacher. A dispensed priest is bound by the same law concerning teaching religion in institutions of this type which do not depend on ecclesiastical authority;

6. The Ordinary will see to it, insofar as possible, that the new condition of the priest is not an occasion of scandal to the faithful.

7. Concerning the notification of the loss [of the clerical state] and dispensation, the present document will be read to the priest by a notary or ecclesiastical actuary, and will be signed by both.

8. At a proper and opportune time, the competent ordinary must send a copy of the rescript signed by the priest recognizing his reception and acceptance of this rescript and also of the restrictions. If this is not done, the whole effect of the rescript remains. Then he will send to the Congregation a report of the notification and provide a prudent explanation if there was admiration of the faithful.

9. The Chancellor of the competent curia will draw up and sign a receipt of this rescript if the priest so desires and give it to him for his use.

All contrary provisions notwithstanding.

From the office of the Congregation, on the 12th day of June, 2012

Maurus Card. Pienza, Prefect

α Celsus Morga Iruzubieta

Titular Archbishop of Alba Maritima, Secretary

Date of notification _____

Signature of Priest as a sign of acceptance

Signature of the Ordinary

Seal and signature of the Chancellor

ARCHDIOCESE OF CHICAGO

Office for Canonical Services
835 North Rush Street
Chicago, IL 60611-2030



(312) 534-8283
Fax: (312) 534-8314

[DATE]

[NAME]
[ADDRESS]
[ADDRESS]

**RE: [CLERIC'S NAME]
Prot. N. 12345678/F**

Dear Mr. [CLERIC'S LAST NAME]:

Please be advised that a document concerning the matter of your loss of the clerical state, together with the related dispensation from priestly obligations, including celibacy, has been received from the Congregation for the Clergy.

This document was issued on [DATE], pursuant to a Supreme Decision of the Holy Father. This Supreme Decision allows for no possibility of appeal or any type of recourse whatsoever. A copy of the document as well as an unofficial English translation is enclosed herewith.

It is respectfully requested that you contact me within 30 days of receipt of this letter to arrange for an opportunity to meet regarding the materials enclosed.

Should you have any questions, I am available at your convenience during normal business hours.

Thank you for your consideration in this matter.

Very truly yours,

**[NAME]
[TITLE]**

Enclosures

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

[DATE]

His Excellency
Archbishop Beniamino Stella
Prefect, Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII, 3
00193 Roma
EUROPE

RE: Reverend [NAME]
Prot. N. 12345678/F

Your Excellency:

Pursuant to the request of your esteemed Congregation, I enclose herewith.....

[SEE: CFC Letter to Ordinary with Rescript attached, specifically &2 & &3]

I am grateful for your assistance and for the work of your Congregation in resolving these unfortunate situations. You are in my daily prayers; please keep me and the needs of the Archdiocese in yours.

Fraternally yours in Christ,

[NAME]
[TITLE] of [PLACE]

Enclosure



CONGREGATIO
PRO CLERICIS

From the Vatican, 16 February 2013

Prot. N. 20122625/F

Chicagiensis
(v.d. Chicago, U.S.A.)

Amissionis et dispensationis a sacro coelibatu
et ab omnibus oneribus sacrae Ordinationi conexas

D.nus

The *taxa* for this Rescript are \$ 400 US Dollars which should be paid by cheque, made payable to the Congregation for the Clergy and sent to the aforementioned Congregation at 00120 Vatican City State.

Alternatively, payment can be made by bank transfer to:

DEUTSCHE BANK TRUST COMPANY AMERICAS

60 WALL STREET, NEW YORK, N.Y. 10005, U.S.A.,

SWIFT CODE: BKTRUS33XXX

ABA routing number: 021001033

Account number: **04023-904**

In favour of the **Istituto per le Opere di Religione** (SWIFT CODE: IOPRVAVXXXX)

Beneficiary: The **Congregation for the Clergy** (Account N. 27357008)

Please specify the number of the Rescript (Prot. No. 20122625) in the transaction.

*+ Almo per se
reg.*

ARCHDIOCESE OF CHICAGO

Office of Canonical Services
835 N. Rush Street
Chicago IL 60611-2030

V. Rev. Daniel A. Smilanic JCD
Vicar for Canonical Services
(312) 534-8206



PO Box 1979
Chicago IL 60690-1979
FAX: (312) 534-8314

email: dsmilanic@archchicago.org

July 24, 2013

Rev. Joseph
Pastor,
St. _____ Catholic Church

Chicago, IL

COPY

Laicization:

Protocol number: Clergy 20121162/F

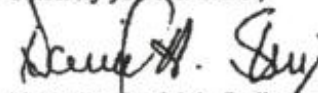
According to our records, _____ received baptism at St. _____ Catholic Church in Chicago, Illinois on _____. He was born on _____ his parents were _____. Having made the requisite promise of celibacy, in _____ he was ordained a Deacon and on _____ he was ordained a Priest for the Archdiocese of Chicago. His ordinations should have been noted in the entry that records his baptism; normally these notations are made in the annotations column (*adnotationes*). A notation concerning his promise of celibacy may also have been made.

On April 6, 2013, he was laicized: he has been returned to the lay state. By that same action, he was released from all the obligations of Holy Orders, including that of celibacy. The Rescript, that informed us of this, has been cosigned by him.

In accord with Canons 535, §2 and 1054, I ask that in the entry that records his baptism, you note his laicization and his release from all the corresponding obligations, including that of celibacy. Please include the protocol number in your notation.

I ask that the notation in the entry that records his baptism be made AS SOON AS POSSIBLE. I also ask that you sign the attestation at the bottom of this letter and return this letter to me in the enclosed envelope.

Sincerely yours in Christ,


Very Rev. Daniel A. Smilanic.



I attest that I have noted in the Baptismal Register of St. _____ Catholic Church in Chicago, Illinois the laicization of _____ at the entry that recorded his reception of baptism.

Signature:

Date:



CONGREGATIO
PRO CLERICIS

From the Vatican, 2 September 2013

Prot. N. 20132352/F

Your Eminence,

This Congregation has received your letter regarding the request for loss of the clerical state, with the related dispensation from the obligations arising from ordination, including that of celibacy, with regard to Rev _____ on account of his incardination in your Archdiocese.

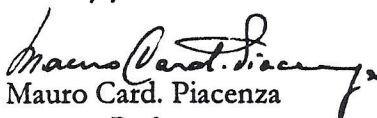
From an examination of the case, the initial willingness of the cleric to petition for a Dispensation from the obligations arising from sacred ordination, including that of celibacy, becomes apparent, although the Dicastery understands that his failure to reply to the various communications sent to him concerning the current procedure provides a motivation for pursuing this route.

Having attentively studied the acts of the matter, and since dispensation is to be preferred whenever possible for the resolution of such unfortunate cases, the Dicastery would courteously request Your Eminence to make a further approach to the cleric with a view to encouraging him to resume the procedure for requesting from the Holy Father a Dispensation from the obligations of his state. Of course, it would be necessary to complete the instruction of such a petition, although many of the elements have already been gathered. In order to facilitate the procedure, please find attached the list of all the documents necessary for the instruction of the case, which can proceed only when this Dicastery shall be in possession of the complete documentation of the instruction.

Naturally, if this final attempt to engage the cleric in seeking Dispensation from the obligations of his state does not meet with success, this Congregation will proceed with the original request received from Your Eminence.

In the union of prayer and the intention to provide for the true good of clerics and of the Church, I avail of the opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ


Mauro Card. Piacenza
Prefect

His Eminence
Francis E. Cardinal George, O.M.I.
Archbishop of Chicago
155 E. Superior Street
P.O. Box 1979
Chicago, IL 60690
THE UNITED STATES OF AMERICA

(Enclosure)

Congregazione per il Clero - 00120 Città del Vaticano - Tel. 06/69884151 - FAX: 06/69884845



CONGREGATIO
PRO CLERICIS

**REQUESTS FOR DISPENSATION FROM THE OBLIGATIONS OF HOLY ORDERS
AND VOWS, WITH LOSS OF THE CLERICAL STATE,
FOR PRIESTS WHO ARE UNDER 40 YEARS OF AGE.**

1. While the Congregation for the Clergy is competent to deal with requests for dispensation from the obligations of Holy Orders and Vows, which also always includes dismissal from the clerical state as an inseparable element, the same Congregation does not normally present such requests from priests who are under 40 years of age unless there are **demonstrable exceptional circumstances** present in a particular case.
2. In fact, the cover letter introducing the "Normae substantiales et procedurales" from the Congregation for the Doctrine of the Faith, dated 14th October 1980 and still in force, does not exclude the possibility that exceptional circumstances may arise in requests from priests under 40 years of age, when the instruction of the process has brought to light a **physiopsychological situation of the petitioner, that either pre-existed, or was contemporaneous with, his Ordination**, and presents itself in such a manner that it could be the valid basis for the granting of the dispensation.
3. The Dicastery has been authorized by the Holy Father to consider **exceptional cases**, in a Special Commission. The facts of these cases must **"go beyond the ordinary reasons for defection, with the added elements that the situation may have caused grave scandal, or, if the problems were already present before Ordination but had not been taken into serious consideration by those entrusted with formation."**
4. In instructing the processes of priests under 40 years of age, Ordinaries of Particular Churches and Reverend Superiors General of Institutes of Consecrated Life and Societies of Apostolic Life, are to ensure that the Acts presented to the Congregation **clearly demonstrate the presence of exceptional circumstances previous to Ordination** in such cases which would then allow the Dicastery to proceed to present these special petitions to the Holy Father.



CONGREGATIO
PRO CLERICIS

**DOCUMENTS NECESSARY
FOR THE INSTRUCTION OF A CASE FOR DISPENSATION FROM THE OBLIGATIONS
OF HOLY ORDERS**

1. The **letter of the priest** addressed to the Holy Father in a spirit of penitence and humility, summarizing the principal reasons that have led him to leave the priesthood and any others for which he considers it impossible to return to the sacred ministry.

The request is to be **addressed to the Holy Father and personally signed** by the Petitioner. It should be a clearly stated petition for a dispensation from celibacy and reduction to the lay state. This letter is to be submitted to the Ordinary together with a "Curriculum Vitae".

2. A "**Curriculum Vitae**" of the Petitioner that serves as the "libellus" whereby the case is introduced and in which is contained a detailed description of the reasons for the defection, and, if pertinent, why the situation is irreversible. Also included should be significant dates, i.e., of birth, progress in the steps of formation and ordination, and the years and places where ministry was carried out.

3. A statement of every **pastoral attempt** made by the Ordinary of the Diocese or Religious Superiors to **dissuade the Petitioner** from making the request, along with all the measures taken to assist him in overcoming the crisis and taking up the ministry again.

4. A document that demonstrates that the Petitioner has been suspended from the **exercise of the sacred ministry**, once the Ordinary has reviewed the "Curriculum" and decided to accept the formal request of the Petitioner for a dispensation - thereby avoiding all possible scandal and protecting his reputation.

5. A **Decree nominating the Instructor** of the case and an **ecclesiastical Notary**, including the explicit statement of the obligation to proceed according to the "Substantial and Procedural Norms" promulgated by the Congregation for the Doctrine of the Faith (A.A.S. 14 October 1980, pp. 1132-1137).

6. The **Interrogation of the Petitioner** under oath, by the Instructor in the presence of the Notary, with prepared and pertinent questions concerning, above all, the time of formation prior to Ordination, with a deeper inquiry into the reasons given by the Petitioner in the "Curriculum" for the crisis, the defection, and the irreversibility of his choice.

7. The **interrogations or depositions of witnesses**, either those indicated by the Petitioner or chosen by the Instructor: i.e., parents and relatives of the Petitioner, Superiors and companions from the time of formation, present Superiors and priest confreres.

8. Any **testimony that might be obtained from physicians, psychologists, psychiatrists** who were visited during the time of formation or later.

9. A copy of the "**Scrutinia**" (i.e. all documents specified in Canon 1051) of those responsible for his admission to Holy Orders as well as other documents from the archives of the house of formation.

10. The **personal Vote of the Instructor about the merit of the case as a whole**, explaining whether it is recommended or it is deemed inadvisable that a dispensation be granted and why this is the case. To be taken into consideration are: not only the reasons set forth in the Instruction, as well as the personal well being of the Petitioner, but also the universal good of the Church, of the Diocese or Religious Institute as a whole, and of the souls formerly entrusted to the ministry of the Petitioner.

11. The **personal Vote of the Bishop or the Religious Superior** who arranged that the case be instructed - to be **formulated upon the merit** of the case as presented in the Acts prepared by the Instructor, stating **whether or not it is deemed opportune** to grant the dispensation. *An explicit statement must be included regarding the assurance that no scandal will be taken if the dispensation is given.*

12. A personal Vote from the **Bishop of the place where the Petitioner now lives** regarding the **assurance that no scandal will be taken** if the dispensation is given.

13. An **official copy** of: certificates of attempted civil marriage or **declarations of nullity of Matrimony**, or civil divorce for the Petitioner and the woman.

N.B. THREE COPIES of the Acts of the case, should be sent to the Congregation for the Clergy. They are to be bound together in an orderly manner, with all the **pages numbered in sequence and authenticated by the Notary**. Please see to it that, for the legibility of the entire documentation, **photocopies are well made** and pages which have been **handwritten in an illegible way are accompanied by a typewritten transcription**.

Enclosure 1: THE APPLICATION OF SPECIAL FACULTIES I AND II

SPECIAL FACULTY I:

The Special Faculty to treat and present to the Holy Father, for His approval in forma specifica and His decision, cases of dismissal from the clerical state in poenam with dispensation from the obligations consequent to ordination, including that of celibacy, of clerics who have attempted marriage, even if only civilly, and who, having been admonished, have not withdrawn from this state, therefore persisting in an irregular and scandalous life (Cf. can. 1394, §1); and of clerics guilty of grave sins against the 6th Commandment (Cf. can. 1395, §§1-2).

SPECIAL FACULTY II:

The Special Faculty to intervene in accord with c. 1399 CIC, either by taking direct action in a case or by confirming the decisions of Ordinaries, were the competent Ordinary so to request, due to the special gravity of the violation of law and the need or urgency to avoid an objective scandal. This is granted along with the derogation from the prescriptions of canons 1317, 1319, 1342, §2 and 1349 CIC, with respect to the application of perpetual penalties, to be applied to deacons only for grave reasons and to priests for the gravest reasons, always requiring that such cases are presented to the Holy Father for His approval in forma specifica and for His decision.

PROCEDURES REQUIRED BY CAN. 1720 CIC

After the "Previous Investigation" of canons 1717-1719 then the administrative procedure in question may begin (Cf. cc. 35-38, 1342, 1720 CIC), which in this instance can only be carried out by a priest (Cf. Can. 483, §2 CIC). The procedure followed must ensure:

1. that the accused is notified of the accusations brought against him and the proofs presented. He must be afforded the opportunity to defend himself, unless, having been legitimately notified, he has chosen to absent himself from the proceedings. The cleric in question must also be informed of his right to appoint canonical counsel of his choosing;
2. that all the proofs and other elements collected as well as the defence of the accused, be carefully examined with the assistance of two assessors (Cf. cc. 1424 and 1720, 2° CIC),
3. that the *Petition* be issued in accord with the provisions of cc. 1342 – 1350 CIC, if no doubts remain concerning the delict committed, and that the criminal action is not extinguished by prescription, in the sense of cc. 1313 and 1362 – 1363 CIC. This Decree, issued according to the norms of cc. 35 – 58, must be a demonstrably justified decision, stating, even if only in a summary fashion, the reasons in law and in fact upon which the *Petition* is based.
4. the competent Ordinary will forward to the Holy See all of the acts along with his *votum* and the *Petition* mentioned in n.3° above;
5. if, in the opinion of the Holy See, a supplementary instruction is required, this will be communicated to the competent Ordinary and the materials necessary for the completion of the instruction will be indicated,
6. the Decree of dismissal from the clerical state, along with the dispensation from the obligations arising from sacred Ordination, including celibacy, will be sent to the competent Ordinary, who will provide for its notification to the party concerned.

DOCUMENTS REQUIRED FOR THE INSTRUCTION OF A PROCEDURE FOR THE FIRST AND SECOND SPECIAL FACULTIES

1. The cleric's *curriculum vitae* and an *attestation* as to his Ordination.
2. Copy of the Scrutinies prior to sacred Ordination and other documentation relevant to the formation of the candidate and, if applicable, a copy of his civil marriage document.
3. Documentation illustrating the impossibility or the extreme difficulty of applying the ordinary means, either of the nature of a Dispensation or a penalty, the previous application of the provisions foreseen by the Code (Cf. cc. 1339; 1340; 1347, §1; 1331 – 1333, CIC) and the pastoral attempts made by the Ordinary to have the cleric desist from his contumacy.
4. Decree of the Ordinary opening the procedure ex can. 1720, CIC, containing the following elements: reference to either the lack of necessity for or the conclusion of the *investigatio praevia* (Cf. cc. 1717 – 1719, CIC); the precise formulation of the charges brought against the cleric; the appointment of two Assessors ex can. 1720, 2°, CIC; the appointment of an Instructor; the appointment of a Notary.
5. Procedural Documents:
 - a) the interrogatory of the cleric (cf. c. 1728, §2 CIC);
 - b) (accompanied by or replaced by) a properly authenticated statement of the cleric himself demonstrating his awareness of the controversy and the proofs brought against him, as well as his stated intention to persist in his illicit conduct, and (if applicable) that he has no intention of seeking dispensation from the obligations arising from sacred Ordination, including celibacy (cf. c. 1728, §2 CIC);
 - c) where it is not possible to obtain the documents required in a) or b), a document must be provided showing that the whereabouts of the cleric are unknown and the details of the attempts made to trace him, or indicating that he has refused the citation to appear or to make the statement required by b) above (Cf. cc. 1509 – 1511, CIC);
 - d) the interrogatory and declarations of witnesses, of the accusers or of the offended parties, as well as copies of the act whereby they were cited to appear and of the means whereby this was notified to them.
 - e) any other pertinent documents or statements from experts.
6. Act of Conclusion of the Instruction.
7. The personal *votum* of the Instructor outlining the course of the instruction process and the document indicating transfer of all the acts of the procedure to the competent Ordinary.
8. Decree of the Ordinary convoking the session for the *consideration of the proofs* (Cf. c. 1720, 2°, CIC), along with the citation of the Assessors to same.
9. Minutes of the Meeting for the consideration of the proofs, signed by the Ordinary and the two Assessors, which must detail the discussion and evaluation of each single charge and indicate the individual opinion of each Assessor regarding the issues involved.
10. The Personal *Votum* of the Ordinary, responsible for the instruction of the case, in which he details the course of events during the session for the consideration of the proofs. This *votum* would also include the *fattispecie* and the arguments in law and in fact pertaining to each individual charge.
11. The *Petitio* of the Ordinary of Incardination of the cleric requesting the Holy See to accept the case in hand as coming under the provisions of either Special Faculty I or II, depending on its specificity. The Ordinary then forwards the acts to the Congregation for the Clergy.

Nota Bene: The acts must be authenticated by the Notary, ordered and bound, numbered, paginated and indexed; three copies are to be sent to the Congregation for the Clergy, and these should not contain illegible hand written documents. In such cases, these documents must be typewritten. Photocopies must be legible or reproduced in typewritten form.

Enclosure 2: THE APPLICATION OF SPECIAL FACULTY III

SPECIAL FACULTY III

The Special Faculty to handle cases of clerics, who having freely abandoned the ministry for a period of more than five consecutive years and who, after careful verification of the facts, insofar as this is possible, persist in such freely chosen and illicit absence from the ministry, taking this situation into account, to declare then their dismissal from the clerical state, with dispensation from the obligations consequent to ordination, including that of celibacy.

PROCEDURAL NORMS

- Art. 1* The Ordinary of Incardination may request a Rescript of the Holy See whereby dismissal from the clerical state is declared, along with the related dispensations from the obligations consequent to ordination, including that of celibacy, for a cleric who has abandoned ministry for a period of longer than five consecutive years, and who after careful verification of the facts, insofar as this is possible, persists in the voluntary and illicit absence from ministry.
- Art. 2* §1 The competent Ordinary is that of the incardination of the cleric.
- §2 The competent Ordinary can entrust the instruction of such procedures either in a stable manner, or on a cases by case basis, to a suitable priest from his own or another Diocese.
- §3 In this procedure the Promoter of Justice, who has a duty to protect the public good, must always be involved in the process.
- Art. 3* The declaration mentioned in Art. 1 can be obtained only after the competent Ordinary, having completed the relevant investigation, has reached moral certainty regarding the irreversible abandonment from ministry on the part of the cleric, from either the declaration of the cleric himself, and/or from the depositions of witnesses, from well founded public knowledge or other indications.
- Art. 4* The notification of any of the acts must be made through the postal service or by other secure means.
- Art. 5* The instructor, having completed the instruction, should transmit all of the acts to the competent Ordinary with his appropriate summary, expressing his *votum* according to the objective facts of the situation.
- Art. 6* The competent Ordinary should forward to the Holy See all of the acts together with his own *votum* and the observations of the Promoter of Justice.
- Art. 7* If, in the judgement of the Holy See, supplementary instruction is required, this will be indicated to the competent Ordinary, with directions as to how to complete the "Acts."
- Art. 8:* The Rescript of dismissal from the clerical state, with the related dispensation from the obligations arising from Holy Orders, including that of celibacy, is forwarded from the Holy See to the competent Ordinary, who will provide for its notification and publication.

DOCUMENTS REQUIRED FOR THE INSTRUCTION OF THE THIRD SPECIAL FACULTY

1. **The cleric's *curriculum vitae* and attestation** as to his Ordination.
2. **Copy of the Scrutinies prior to sacred Ordination and other documentation** relevant to the formation of the candidate as well as a copy of the civil marriage document, if applicable.
3. **Documentation illustrating the impossibility or the extreme difficulty of applying the ordinary means, either of the nature of a Dispensation or a penalty, the previous application of the provisions foreseen by the Code (Cf. cc. 1339; 1340; 1347, §1; 1331 – 1333, CIC) and the pastoral attempts made by the Ordinary to have the cleric desist from his voluntary and illicit absence from ministry.**
4. **Decree of the Ordinary appointing the Instructor and the Notary** (Cf. art. 2, §2).
5. **Decree of Appointment of the Promoter of Justice**, or the act citing the stably appointed Promoter of Justice of the Ordinary's Tribunal to act in the proceedings (Cf. cc. 1430 and 1436, §2, CIC; art 2, §3).
6. **Procedural Documents** (Cf. art. 3):
 - a) **the interrogatory of the cleric** (Cf. art. 3);
 - b) (accompanied by or replaced by) a **properly authenticated statement of the cleric himself** demonstrating his awareness of the object of the controversy and the proofs brought against him, along with his stated intention to persist in his illicit and voluntary absence from ministry, which has already surpassed five years, and (if applicable) that he has no intention of seeking dispensation from the obligations arising from sacred Ordination, including celibacy (cfr. Art.3);
 - c) **where it is not possible to obtain the documents required in a) or b),** a document must be provided showing that the whereabouts of the cleric are unknown and detail of the attempts made to trace him, or indicating that he has refused the citation to appear or to make the statement required by b) above (Cf. cc. 1509 – 1511, CIC; art. 3);
 - d) **the interrogatory or the depositions of witnesses, as well as copies of the act whereby they were cited to appear and of the means whereby this was notified to them.**
 - e) **any other pertinent documents or statements from experts.**
7. Documents which illustrate that **the notification** of any procedural acts has been executed by means of the postal service or some other secure means (Cf. art. 4);
8. **Act of Conclusion of the Instruction.**
9. **The personal *votum* of the Instructor** outlining the course of the instruction process (art.5) and the **document indicating transfer of all the acts of the procedure** to the competent Ordinary.
10. **The *Votum* of the Promoter of Justice** (Cf. art. 6).
11. **The Personal *Votum* of the Ordinary, (cf.art.6)** responsible for the instruction of the case indicating his evaluation of the proofs presented. This *votum* would also include the *fattispecie* and the arguments in law and in fact pertaining to each individual charge.
12. **The *Petitio* of the Ordinary requesting** the Holy See to accept the case in hand for consideration under the Third Special Faculty (cfr. Art.1). At this point, the Ordinary should provide for the forwarding of the acts to the Congregation for the Clergy (cfr. Art.6).

Nota Bene:

- A) **The cleric in question** must be informed of his right to nominate an advocate of his choosing and **all those who take part in the process must be priests.**
- B) **The acts** must be authenticated by the Notary, ordered and bound, numbered, paginated and indexed; three copies are to be sent to the Congregation for the Clergy, and these should not contain illegible hand written documents. In such cases, these documents must be typewritten. Photocopies must be legible or reproduced in typewritten form.

Very Rev. Daniel A. Smilanic

Fr. Dan Smilanic was born in 1947, and in 1973 was ordained a priest for the Archdiocese of Chicago. After 11 years in pastoral work, he was sent to Rome to study Canon Law. He received a Doctorate in Canon Law with a specialization in Jurisprudence from the Gregorian University. The title of his doctoral thesis is: The Publication of the Acts of the Case: Canon 1598, §1, Doctrine and Jurisprudence. He has worked in the Tribunal of the Archdiocese of Chicago, and is presently the Adjutant Judicial Vicar. From 2003 to 2009 he was the Cardinal's Delegate to the Independent Review Board of the Archdiocese of Chicago, and he remains the Promoter of Justice in penal cases. As of July 1, 2009 he became the Vicar for Canonical Services for the Archdiocese. He teaches Canon Law at the archdiocesan seminary, St. Mary of the Lake in Mundelein, Illinois, and he has taught Canon Law in the Pastoral Ministries program at St. Mary University in Winona, Minnesota. He has worked nationally on Canon Law issues, and in October of 2008 he became President of the Canon Law Society of America. Dealing with various canonical issues, he has edited a book, written articles, given talks and consulted in various situations. He was a member of the USCCB-CLSA Visitation Committee to a diocesan Tribunal and he has served as an Assessor in several penal administrative actions (Canon 1720). In different penal judicial trials, he has served as a Judge, as an Advocate and as the Promoter of Justice. His areas of particular interest and experience are: judicial and quasi-judicial processes in Canon Law, the jurisprudence of curial offices and advocacy. He lives in a large parish in a suburb immediately adjacent to Chicago and continues to involve himself in pastoral ministry when it is possible.

Deacon Daniel G. Welter

Deacon Daniel G. Welter is a deacon of the Archdiocese of Chicago, a retired State of Illinois Judge and a licensed civil attorney.

He received his Juris Doctorate from IIT/Chicago-Kent College of Law in 1976 and a Graduate Diploma in Canonical Studies from St. Mary's University in 2009. He was ordained as a deacon in 1991.

From 1977 through 1986, Welter was an Assistant Corporation Counsel for the City of Chicago, serving as Chief Assistant Corporation Counsel for Municipal Prosecutions from 1981 to 1986. In 1986, he was appointed as a Judge on the Circuit Court of Cook County, Illinois, hearing both criminal and civil matters. He is also certified as an arbitrator and mediator.

Since 2008, Deacon Welter has served as an Auditor/Actuarius in the Office for Canonical Services in the Archdiocese of Chicago. He coordinates all phases of contentious trial involving grave delicts as well as the instruction of petitions for dismissal from the clerical state in cases subject to the Special Faculties granted to the Congregation for the Clergy.

Deacon/Judge Welter serves on the Boards of Advisors for the Lawyers Assistance Program of Illinois, Catholic Charities of Chicago and St. Joseph College Seminary. He is also the Associate Chaplain for the Catholic Lawyers Guild of Chicago, a member of the Archdiocesan Commission on Mental Illness and chairs the Deacon Personnel Board for the Archdiocese of Chicago.

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HONRABLE FRANCIS J. DOLAN (Ret.)

Frank Dolan is a civil attorney and a retired state of Illinois judge. He received his Juris Doctorate from DePaul University, Chicago, Illinois in 1972. He earned a Graduate Diploma in Canon Law (Church Governance) in March of 2012, from Saint Paul University, Ottawa, Canada.

He is the principal of Canon Law Consultants, Inc. In this practice he provides service as a consultant to dioceses, religious communities and institutions in the Catholic Church. Currently, he is a consultant to the Archdiocese of Chicago primarily in matters relating to Special Faculty Laicization.

In addition to his canonical consulting practice, he offers services as an arbitrator and mediator in both public and private conflicts. In this regard, he has served as the Director of Mediation Services for a major medical center in Chicago where, as an outside consultant, he participated in the continuing development and supervision of a mediation program to resolve major medical malpractice claims asserted against the healthcare provider. He currently serves as an independent hearing officer for the Chicago Public Schools, the third largest school system in the U.S., in matters relating to its compliance with state law.

While on the bench, Judge Dolan created multiple electronic templates which he used extensively, and in real time, to study both trial dynamics and jury participation in the 328 civil jury trials over which he presided to verdict. One of his articles published in the *Journal of Empirical Legal Studies*, Cornell Law School, dealing with the adverse effects on racial composition in six versus 12 person juries, has been cited in briefs filed in the U.S. Supreme Court. He brings this experience and enthusiasm for the use of appropriate templates to promote efficient instruction in Special Faculty Laicization matters.

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