



HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

**DECREE REDUCING THE CHURCH OF ST. JOSEPH, SCIO AND ITS ASSOCIATED
PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

St. Joseph church was the first Catholic church in Allegany County. Built by Irish immigrants in 1846, the original church was erected on land deeded to Bishop John Joseph Hughes of New York by Mr. Hugh Riley. At that time, the community of this part of Allegany County was ministered to by priests from the Rochester area. Once the Diocese of Buffalo was established in 1847, Bishop Timon visited this in 1848 to offer Mass for the feast of St. Valentine. Ministry at the church was then taken over by the Franciscan Friars when they arrived in 1855.

Although St. Joseph church is the oldest in the county, it was never given a resident pastor. The community in Scio benefited from the ministry of neighboring parishes and was officially a mission of Belmont in 1880. The Rev. George Dunbar, Pastor of Belmont, built a new church in Scio. This was consecrated by Bishop Stephen Ryan on 19 August 1878.

That church was destroyed by a fire on 16 December 1904. While a new church was being built, the Catholic faithful of Scio were welcomed by the local Seventh Day Adventist congregation to use their worship space for weekend Masses. The current church was completed in 1906 and dedicated by Bishop Colton on 16 September of that year.

A study conducted as part of the Journey in Faith and Grace determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of certain churches as independent parishes. Consequently, it was decreed that St. Joseph would be merged with St. Mary Parish (Belmont) and Sacred Heart Parish (Angelica) to form Holy Family of Jesus, Mary, and Joseph Parish, Belmont on 14 July 2007.

For many years, St. Joseph church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Allegany County. The church has known the ministry of many wonderful Pastors and lay leaders. In September of 2022, Holy Family of Jesus, Mary, and Joseph Parish was united to a cluster of neighboring parish communities to form Family #1 in the diocesan Road to Renewal.

Holy Family of Jesus, Mary, and Joseph Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Additionally, Holy Family of Jesus, Mary, and Joseph has been decreed to merge into Immaculate Conception Parish, Wellsville on 18 November 2024. The effective date for that merger is 29 January 2025. Due to the fact that Immaculate Conception Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of St. Joseph church.

THE LAW

Canon 1212 remarks, “Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.” A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, “Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.” Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of “a sacred building designated for divine worship to which the faithful have the right of entry” (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, “To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation” (“Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the

Alienation of the Same” *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

THE ARGUMENT

In assessing the ongoing pastoral care of those who have traditionally attended St. Joseph church, it is necessary to point out that, from the front door of St. Joseph church, Sacred Heart church (Diocese of Erie) church is 15.7 miles away and St. Mary church (Holy Family of Jesus, Mary, and Joseph Parish) is 5.1 miles away. These are not unreasonable distances for a rural environment typical of this part of the diocese. In fact, the vast majority of the individuals who worship at St. Joseph church arrive by automobile. The distance to either of the abovementioned churches will not add more than fifteen minutes for those who have until now been worshipping at St. Joseph church.

On 30 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on Holy Family of Jesus, Mary, and Joseph Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. It was also noted at this meeting that this plan was presented to the diocese as a whole and the faithful, in conjunction with their pastors, were given the opportunity to comment on the propositions. Family #1 did not offer resistance or propose an alternative plan regarding the suggested closing of St. Joseph church. Thus, the 43rd *Regula Iuris* of Pope Boniface VIII, “Who keeps silent seems to consent,” can be reasonably applied to the current situation. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided nearly unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land deeded by Mr. Hugh Riley in 1843 is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of Holy Family of Jesus, Mary, and Joseph Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Joseph church to profane but not sordid use following the norm of canon 1222 §2.

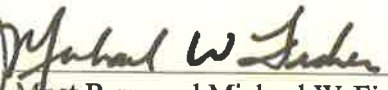
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St. Joseph, located at 3931 Cottage Bridge Road, Scio, New York 14880, be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).

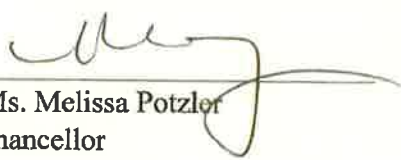
This decree is to be effective on Thursday 20 March 2025.

This decree is to be communicated to the Rev. James W. Hartwell, the Pastor of Holy Family of Jesus, Mary, and Joseph Parish, Belmont (c. 532) and both the churches within that territory (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been legitimately harmed by this decree, may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 15th day of January 2025.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor