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# SECOND SYNOD OF THE BISMARCK DIOCESE

## INTRODUCTION

“The law of God entrusted to the Church is taught to the faithful as the way of life and truth. The faithful therefore have the right to be instructed in the divine saving precepts that purify judgment and, with grace, heal wounded human reason. They have the duty of observing the constitutions and decrees conveyed by the legitimate authority of the Church. Even if they concern disciplinary matters these determinations call for docility in charity” (*Catechism of the Catholic Church*, n. 2037).

## CHAPTER I

### GENERAL STATUTES

**1** The Statutes of this Synod constitute the particular law of the Bismarck Diocese and bind all the members of the Christian faithful of the Latin Church, namely the laity, the religious and the clergy of this jurisdiction.<sup>1</sup>

**2** All previous diocesan laws, whether enacted in or outside of a synod, are hereby abrogated, unless they are incorporated in the prescripts of this Synod.<sup>2</sup>

**3** All local customs or practices that are contrary to the Statutes of this Synod are now suppressed.<sup>3</sup>

**4** The directives and instructions that are set forth in the Appendices have the same force of law as the Synodal Statutes.<sup>4</sup>

**5** This synodal legislation supplements and presupposes the legal prescripts that are contained in the universal law of the Church as set forth in the *Code of Canon Law* and other documents of the Holy See.<sup>5</sup>

**6** The Bishop of Bismarck is the sole legislator in this Synod and he alone is able to give an authentic interpretation to the Statutes.<sup>6</sup>

**7** §1. Extra-synodal legislation will be promulgated by official letters or in *The Dakota Catholic Action*.

§2. Any changes or updates to synodal or extra-synodal legislation will be kept current both at the Diocesan Chancery and on the diocesan website.

**8** Pastors shall duly instruct the laity in the laws which apply to them.

**9** Dispensation from any point of diocesan law is to be obtained only from the Diocesan Bishop, his delegate, or one of the other local ordinaries (vicars general or episcopal vicars).<sup>7</sup> Any such dispensation, except in cases of emergency, is to be received in writing.

**10 §1.** Extern priests, when giving service in the Diocese, are subject to these Statutes.<sup>8</sup>

**§2.** The invitation and acceptance of extern priests into the Bismarck Diocese is the responsibility of the Diocesan Bishop and is to follow the appropriate diocesan procedure. (Appendix 1)

**11 §1.** All priests exercising their ministry in the Diocese should have a copy of the Synodal Statutes, and it is their duty to know them and the Appendices thoroughly.

**§2.** A copy of the Synodal Statutes is to be kept in the archives of every parish and religious institution in the Diocese.

**12** Whenever the Statutes indicate that the permission of the Diocesan Bishop is required, or that recourse is to be made to him, it is understood that such petitions are to be made in writing.

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<sup>1</sup> See “clergy” and “laity” in the Glossary. **Can. 12 §3.** Laws established for a particular territory bind those for whom they were issued as well as those who have a domicile or quasi-domicile there and who at the same time are actually residing there, without prejudice to the prescript of can. 13. **Can. 13 §1.** Particular laws are not presumed to be personal but territorial unless it is otherwise evident. **§2.** Travelers are not bound: **1°** by the particular laws of their own territory as long as they are absent from it unless either the transgression of those laws causes harm in their own territory or the laws are personal; **2°** by the laws of the territory in which they are present, with the exception of those laws which provide for public order, which determine the formalities of acts, or which regard immovable goods located in the territory. **§3.** Transients are bound by both universal and particular laws which are in force in the place where they are present.

<sup>2</sup> See “abrogate” and “prescript” in the Glossary.

<sup>3</sup> See “custom” and “suppress” in the Glossary.

<sup>4</sup> See “directive” and “instruction” in the Glossary.

<sup>5</sup> Unless otherwise clearly stated, all references to canons (can./cann.) correspond to those found in the *Code of Canon Law* of 1983.

<sup>6</sup> **Can. 16 §1.** The legislator authentically interprets laws as does the one to whom the same legislator has entrusted the power of authentically interpreting. **§2.** An authentic interpretation put forth in the form of law has the same force as the law itself and must be promulgated. If it only declares the words of the law which are certain in themselves, it is retroactive; if it restricts or extends the law, or if it explains a doubtful law, it is not retroactive. **§3.** An interpretation in the form of a judicial sentence or of an administrative act in a particular matter, however, does not have the force of law and only binds the persons for whom and affects the matters for which it was given.

<sup>7</sup> See “dispensation” in the Glossary. **Can. 88** A local ordinary is able to dispense from diocesan laws and, whenever he judges that it contributes to the good of the faithful, from laws issued by a plenary or provincial council or by the conference of bishops. (Please note: episcopal vicars are limited in the exercise of executive power to those who are specifically within their area of competence, whether personal or territorial.)

<sup>8</sup> See “extern” in the Glossary.

## CHAPTER II

### THE PEOPLE OF GOD

“A diocese is a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium, so that, adhering to its pastor and gathered by him in the Holy Spirit through the Gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative” (can. 369).

#### SECTION I: DIOCESAN ORGANIZATION

**13 §1.** The Bismarck Diocese is established and organized in accord with the norms of the *Code of Canon Law*. Therefore, the Diocesan Bishop possesses all the ordinary, proper, and immediate power required for the exercise of his pastoral office. Furthermore, he governs the Diocese that is entrusted to him with legislative, executive, and judicial power, in accordance with the law.

**§2.** The following persons participate in the Diocesan Bishop’s pastoral power of governance of the particular Church:

- 1° Vicar(s) General, who exercises ordinary administrative powers;
- 2° Judicial Vicar, who exercises ordinary judicial power;
- 3° Chancellor, who may exercise delegated administrative power.<sup>1</sup>

**§3.** In accordance with the norms of canon law, the Diocesan Bishop has appointed the following persons to assist in the administration of the Diocese:

- 1° Moderator of Curia;<sup>2</sup>
- 2° Episcopal Vicar(s).<sup>3</sup>

**14 §1.** In accordance with the requirement of canon law, the Diocesan Bishop has established and maintained the following bodies:

- 1° Diocesan Finance Council;<sup>4</sup>
- 2° Presbyteral Council;<sup>5</sup> (Appendix 2)
- 3° College of Diocesan Consultors.<sup>6</sup>

**§2.** In accordance with the norms of canon law, the Diocesan Bishop has established for this particular Church the following bodies:

- 1° Diocesan Pastoral Council;<sup>7</sup> (Appendix 3)
- 2° Priest Personnel Board. (Appendix 4)

**§3.** In the Statutes of this Synod, the term “parish” is understood to mean those parishes located within the territory of the Bismarck Diocese. Their pastoral and temporal care is entrusted to pastors, or those equivalent in law, under the authority of the Bishop of Bismarck.<sup>8</sup>

**§4.** In the Statutes of this Synod, the term “parish” is understood to be the parish Public Juridic Person (PJP)<sup>9</sup>, distinct from its trustee corporation. The parish PJP is responsible for the day-to-day operation of the parish and its trustee corporation is responsible for owning stable patrimony in support of the parish for the religious purposes for which it was established.

**§5.** In the Bismarck Diocese each parish must have a pastoral council and finance council, and both have an advisory function only.<sup>10</sup> With the express written permission of the

Diocesan Bishop, a parish cluster may have a shared pastoral council, or combine the pastoral councils for that cluster. However, every individual parish is to have its own finance council, which also has an advisory function for the corresponding trustee corporation.

**15 §1.** All diocesan entities identified by the name “board” or “commission” have only one function: the function is consultative, or advisory.

**§2.** All newly established diocesan consultative entities are to be named with the title “commission,” unless otherwise specifically named in the *Code of Canon Law*, so as to clearly indicate their consultative function. Those diocesan entities already carrying the name “board,” or other similar title, as of the promulgation of these Statues may retain the use of the name.<sup>11</sup>

## SECTION II: CLERICS IN GENERAL

“This priesthood is ministerial. ‘That office...which the Lord committed to the pastors of his people, is in the strict sense of the term a service.’ It is entirely related to Christ and to men. It depends entirely on Christ and on his unique priesthood; it has been instituted for the good of men and the communion of the Church. The sacrament of Holy Orders communicates a ‘sacred power’ which is none other than that of Christ. The exercise of this authority must therefore be measured against the model of Christ, who by love made himself the least and the servant of all. ‘The Lord said clearly that concern for his flock was proof of love for him’” (*Catechism of the Catholic Church*, n. 1551).

**16** The clergy should be ever mindful of the fact that both their interior life and exterior conduct should be exemplary among the people of God, furnishing to all an example of prayer, virtue and good deeds.<sup>12</sup>

**17 §1.** The clergy shall not neglect to use the means of personal sanctification as stated in the *Code of Canon Law*, especially, the faithful fulfillment of pastoral duties, the spiritual nourishment of Scripture and the Holy Eucharist, the Liturgy of the Hours, an annual retreat, mental prayer, frequent reception of the Sacrament of Penance, and devotion to the Virgin Mother of God.<sup>13</sup>

**§2.** Permanent deacons are required to include as part of their daily prayer those parts of the Liturgy of the Hours known as Morning and Evening Prayer. Permanent deacons are obliged to pray for the universal Church. Whenever possible, they should lead these prayers with the community to whom they have been assigned to minister.<sup>14</sup>

**§3.** Every member of the clergy is encouraged to devote one day each month away from his ordinary duties for special consideration of his spiritual life. This day does not count as the weekly day off nor is it counted toward the days allowed for vacation or retreat. This day is not cumulative, such that if it is not taken one month it does not carry over to the next.

**18** All clergy should cultivate the greatest love toward the Blessed Sacrament. By their example, let them instill and nurture a similar love in the People of God.

**19 §1.** All diocesan priests, active and retired, shall make an annual retreat for a minimum of five days and a maximum of eight days at a time and place designated by the Diocesan Bishop, or his delegate. All active deacons shall make an annual retreat for at least three days

at a time and place designated by the Diocesan Bishop, or his delegate. No priest or active deacon may be exempted therefrom without the express permission of the Diocesan Bishop or his delegate, and only for a particular case and just reason.<sup>15</sup>

§2. All retreatants must attend every exercise unless legitimately impeded or expressly excused by the presiding officer.

§3. For active diocesan priests, the fee for the priests' retreat, according to the amount determined by the Office of Continuing Education, is to be paid by the parish or the institution to which the priest is assigned. For retired diocesan priests and retired deacons, the retreat fee is to be paid by the Diocese. For active deacons, retreat expenses are to be worked out in collaboration with the Office of the Permanent Diaconate and the proper pastor.

**20** All clergy are to maintain a constant interest in the studies proper to their office, through regular study of theological disciplines and Magisterial teaching.<sup>16</sup>

**21** §1. Clergy conferences shall be held at least twice each year at a time and place to be determined by the Diocesan Bishop. All priests engaged in pastoral work, both diocesan and religious, are obliged to attend unless they are legitimately impeded or they have been excused in advance, for a sufficient reason, by the Diocesan Bishop. All deacons are encouraged to attend, if possible.

§2. The fee for the clergy conferences, according to the amount determined by the Office of Continuing Education, is to be provided by the parish or the institution to which the priest is assigned. For retired priests, if they so desire to attend, the fee is to be paid by the Diocese. For active deacons, the fee is the responsibility of the deacon himself, in collaboration with his proper pastor. For retired deacons, the fee is to be paid by the deacon himself.

**22** In addition to the conferences mentioned in Statute 21, for the first five years after ordination or after their arrival in the Diocese each priest is required to attend conferences and other exercises as specified by the Diocesan Bishop.

**23** §1. In accord with the prescripts of can. 284, and without prejudice to the provisions of can. 288, clerics are to dress in conformity with their sacred calling.

§2. In liturgical rites, priests shall wear the vesture prescribed in the proper liturgical books. Outside liturgical functions, a black suit and Roman collar are the usual attire for priests and transitional deacons, especially while fulfilling pastoral duties. The omission of a black suit coat when carrying out normal daily duties is permitted by local custom. The use of the cassock is at the discretion of the aforementioned clerics.<sup>17</sup>

§3. In the case of religious clerics, the determinations of their proper institutes or societies are to be observed with regard to wearing the religious habit.

§4. Deacons are to wear the prescribed liturgical vesture when they fulfill their service at the altar and in other liturgical rites. In the Bismarck Diocese, permanent deacons may wear a gray clerical shirt when exercising public ministry. (Appendix 5)

**24** §1. Priests who intend to be absent from their place of duty are to provide contact information to the appropriate parish or institution personnel. The Chancery and Episcopal Vicar for Clergy is to be notified if the absence extends beyond three days.

§2. No priest of the Bismarck Diocese who is charged with the care of souls may leave

his place of duty unless he has first made arrangements so that calls for priestly ministrations will be taken care of during his absence.

**§3.** During the penitential seasons of Advent and Lent, no priest of this Diocese is to be absent from his assigned duties except for his weekly day off without the express written permission of the Diocesan Bishop.

**25 §1.** All priests in active ministry in the Bismarck Diocese are allowed no more than thirty days of vacation each fiscal year including four weekends.

**§2.** This vacation may be taken at any time during the year, except during the penitential seasons of Advent and Lent, and provided the priest does not have any other assigned obligations during these same periods of time.

**§3.** All priests should provide contact information with the appropriate parish or institution personnel as to where they may be reached during the vacation period. The Chancery and Episcopal Vicar for Clergy are also to be notified.<sup>18</sup>

**§4.** If a substitute priest is necessary during this period, he is to be remunerated from parish funds.

**§5.** In addition to what is stated in this Statute and when circumstances permit, all priests in active ministry are allowed to be absent one day each week from their assignment. Apart from what is granted in Statute 17 §3, absences beyond one day are to be counted as vacation days, unless the Diocesan Bishop has determined otherwise; pilgrimages are counted as vacation days.

**§6.** Each priest working within the diocese (i.e. with a formal assignment by the Diocesan Bishop) is eligible for a one or two-month sabbatical every five years. The sabbatical is to be in a formal and established program, the cost of which is borne by the parish or institution(s) to which he is assigned. Application for sabbaticals is made with the Episcopal Vicar for Clergy and then submitted to the Diocesan Bishop or his delegate for his approval. (See Appendix 40)

**26 §1.** The recreation of clerics shall at all times conform to the spirit of their sacred vocation. The clergy shall exercise the utmost prudence in their lifestyles so as to foster simplicity of life and to avoid entirely even the appearances of too much attachment to things of this world.

**§2.** The attention of the clergy is called to the particular directives given in can. 285 §§ 1 and 2, which state that clerics are to refrain completely from those things unbecoming to their state, while avoiding those things which, although not unbecoming, are nevertheless foreign to the clerical state.

**§3.** Priests should refrain from excessive visiting in the homes of the laity for recreational purposes so as to be available to all the faithful for whom they have been appointed to give priestly service.

**§4.** The attention of the clergy is also called to the special directives given in can. 277 §2, which states that “clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.”

**27 §1.** Priests are not allowed to endorse promissory notes on behalf of any parish or trustee corporation, diocesan institution, or other individual, even with their own personal property as collateral, or to give bond or surety on behalf of the same.<sup>19</sup>

**§2.** Priests are forbidden to loan money from parish or trustee corporation funds.

**§3.** Priests are forbidden to solicit any funds for any cause without the express written permission of the Diocesan Bishop or his delegate.

**28 §1.** Canonical penalties may be imposed on clerics who conduct business or trade without the permission of the Diocesan Bishop, in accord with can. 286.<sup>20</sup>

**§2.** Long-term investment of personal funds is not forbidden provided that such investments are prudently based on sound advice, follow Catholic moral principles, and are directed toward a worthy end, such as retirement planning.

**29 §1.** Clerics are forbidden to write the last will and testament of a lay person, except in case of urgent necessity; and they shall not accept the office of executor for the will of a lay person, blood relatives excepted, without the written permission of the Diocesan Bishop.<sup>21</sup>

**§2.** Priests shall exercise great prudence in giving counsel to lay persons concerning the disposition of an estate by gift or will, avoiding even the appearance of undue influence.

**30 §1.** Within six months of his ordination or incardination into the Diocese, every diocesan priest must deposit a copy of his last will and testament in the Diocesan Chancery and in a form that is valid before civil law, making proper disposition of his material goods. The same applies for a copy of his health care directive. (Appendix 6)

**§2.** It is understood that these documents are to be presented in a sealed envelope that shall not be opened until the appropriate times, and it is further understood that the priest retains the right to change these documents at any time, but that, in such a case, he is to deposit a copy of the new documents in the Diocesan Chancery.

**§3.** The last will and testament of a priest shall contain special instructions for the proper care of unfulfilled Mass obligations, and it shall provide that his sacred vessels and vestments are to pass to persons or ecclesiastical institutions which will safeguard them from profane use.

**§4.** Every diocesan priest shall also deposit in the Diocesan Chancery a copy of his funeral arrangements. It shall include the determination of the place for the vigil, the funeral and burial, and all matters related to the liturgical rites. (Appendix 7)

**§5.** The clergy are urged to remember in their charity the needs of the Church, both in the Bismarck Diocese and elsewhere, when they arrange for the final disposition of their worldly possessions in their last wills and testaments.

**31 §1.** Priests are strictly forbidden to institute civil or criminal action in civil courts against any person or organization without the written permission of the Diocesan Bishop.

**§2.** A priest who is called before a civil court as a defendant, as witness, or as juror, is to report immediately the fact and circumstances to the Diocesan Chancery.

**32** Clerics, both diocesan and religious, shall not accept membership in any purely secular club or organization, the objectives of which conflict in any way with the mission of the Church or with their vocation.

**33** The clergy are urged to fulfill generously their community and civic responsibilities, but they are directed to abstain from any partisan political activity, nor shall they allow such activity to take place on ecclesiastical property or under the auspices of any ecclesiastical organization.<sup>22</sup>

**34** The clergy are to be most conscientious and prompt in paying all personal and parish debts.

**35** §1. Lay persons are not permitted to reside in any rectory, even if they are relatives, unless the Diocesan Bishop has granted written permission in each case.

§2. It is the Diocesan Bishop's right to decide, in individual cases, whether the employment or retention of a housekeeper or any other employee may be the cause of scandal or otherwise undesirable, and, if he deems it advisable, to forbid such employment or retention.

§3. The priestly living and working environment of the rectory is to be safeguarded and respected by all. (Appendix 8)

**36** Membership and benefits in regard to the Priest Benefit Association of the Bismarck Diocese are to be in accordance with the regulations of the Association. (Appendix 9)

**37** §1. Priests are earnestly exhorted to be one in heart and mind, united in unfeigned charity and eager to promote the honor of their fellow priests.

§2. Priests should be especially careful in the presence of the laity never to speak uncharitably about other priests or criticize the actions of their superiors.

### **SECTION III: VICARS FORANE (DEANS)**

“A vicar forane, who is also called a dean, an archpriest, or by some other title, is a priest who is placed in charge of a vicariate forane” (can. 553 §1).

**38** The Bismarck Diocese is divided into distinct territorial districts known as deaneries.

**39** §1. The office of dean is conferred by special appointment of the Diocesan Bishop, for a period of five years which the Diocesan Bishop may renew. Upon request of the Diocesan Bishop, the priests of the deanery may submit two candidates for his consideration.<sup>23</sup>

§2. Deans have all the rights and obligations that are specified in cann. 553-555, in these Synodal Statutes, and in their letters of appointment.

**40** The dean, by virtue of his appointment, enjoys precedence over all priests of his district, and shall have the title “Very Reverend,” unless he has one of higher honor.

**41** §1. It is the right and duty of the dean to preside at all deanery meetings, unless illness or other necessity prevents him. In such a case, the assistant dean, appointed by the Diocesan Bishop, shall act in his place.

§2. The dean shall see that regular meetings are conducted according to the schedule as outlined by the Presbyteral Council. It is the duty of the dean to make sure that complete and timely reports be given to the Presbyteral Council.

**42** The right and obligation of a dean to maintain vigilance over the affairs of his deanery is specified in detail in can. 555. He is to report to the Diocesan Bishop any well-founded concerns that scandal might arise from a particular situation. Priests have a responsibility to report any such concerns to the proper dean.

**43 §1.** The dean is assigned the responsibility specified in can. 958 §2 of inspecting, at least once a year, the register that is maintained in each parish of his deanery for recording Mass obligations. The annual report of the dean to the Diocesan Bishop shall include the fact and findings of this inspection.

**§2.** It is understood that the proper religious superiors will fulfill this obligation in churches belonging to religious congregations or religious orders.

**44 §1.** The dean shall inform the Diocesan Bishop immediately of the serious illness or death of any priest in his district.

**§2.** He has, moreover, the duty to see that during the illness or after the death of a pastor, the books, documents, sacred vessels, and other objects belonging to the parish or trustee corporation are not lost or taken away. He will also see that the priest's personal property, in so far as possible, is properly safeguarded.

**§3.** After the death of a pastor, the following provisions will prevail unless otherwise specified by the Diocesan Bishop:

**1°** in the event that the parish has no parochial vicar, the dean will take charge with the faculties of a parochial administrator;

**2°** if the parish has only one parochial vicar, he shall enjoy the faculties of a parochial administrator until the Diocesan Bishop makes some other provision;

**3°** if there are several parochial vicars in the parish, the most senior by ordination is to assume the aforementioned responsibilities.

#### SECTION IV: PASTORS

“The pastor (*parochus*) is the proper pastor (*pastor*) of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share, so that for that same community he carries out the functions of teaching, sanctifying, and governing, also with the cooperation of other presbyters or deacons and with the assistance of lay members of the Christian faithful according to the norm of law” (can. 519).

**45 §1.** The pastor assumes the rights, duties, privileges and prerogatives of his office at the moment when he takes canonical possession of the parish.

**§2.** Canonical possession of a parish is taken at the moment designated by the Diocesan Bishop in the letter of appointment. The pastor is required to make a profession of faith and to take the oath of fidelity.

**§3.** The Diocesan Bishop, or his official delegate, officiates at the installation of a new pastor as soon as conveniently possible. It is to be held in the parish church in the presence of the faithful according to the ritual prescribed in the *Book of Blessings*.

**§4.** A copy of the executed documents which record these acts shall be forwarded without delay to the Chancery.

**§5.** The pastor is appointed for an indefinite period of time.<sup>24</sup>

**§6.** The pastor, or those equivalent in law, is the *ex officio* director of the parish's corresponding trustee corporation.

**46** Each parish is required to maintain the following parochial books and records:

**1°** Baptismal Register, in accord with cann. 535 and 877 and including the date and place of birth.<sup>25</sup> The baptismal book should also contain notice as to: the ascription to the proper Church *sui iuris* of the person baptized, whether Latin or Eastern; where and when the person baptized has received Confirmation; was married; received a Declaration of Nullity of Marriage; received Sacred Orders; or made solemn vows. All these details should be recorded on the baptismal certificate when issued. The Baptismal Register should also indicate the act of being received into the full communion of the Catholic Church for both adults and children, including the name of the one received, the date and place of original Baptism and the date of reception into the Church (reception also takes place by virtue of receiving First Holy Communion or simple declaration of the parents as found in Statue 123), with special notation made in the Remarks section;

**2°** The Book of the Elect: for the recording of the names of catechumens and baptized non-Catholics who are to be received into the Church;

**3°** First Communion Register;

**4°** Confirmation Register, in accord with can. 895;<sup>26</sup>

**5°** Marriage Register, in accord with cann. 1121-1123.<sup>27</sup> The documents collected in the pre-nuptial investigation should be carefully filed. This file is not to be considered as a substitute for the Marriage Register;

**6°** Death Register, which must be kept separate for each individual parish and include the date of death, place of last residence, age, names of parents or spouse, if applicable, and any final Sacraments received, including the minister of the funeral rites, and place and date of burial, in accord with can. 1182;<sup>28</sup> In the case of a person whose funeral is celebrated in another parish, the death should be recorded in the home parish register as well as at the parish where the funeral and/or the burial took place. The pastor is to ensure that the appropriate parishes are notified about the death and burial.

**7°** Parish and trustee corporation records;

**8°** Parish and trustee corporation financial records;

**9°** Cemetery Books, where a parish cemetery exists, which include maps of plots, names of owners, dates of purchase, burials, financial records and administrative care plans;

**10°** Minutes recording the meetings of parish pastoral councils and parish and trustee corporation finance councils, which are to be kept in the parish archives;

**11°** Mass Intention Book, in which is to be recorded the number of Masses received, the intention, stipend, date received and obligation fulfilled.

**12°** The pastor is ultimately and at all times responsible for the care, proper notation, and confidentiality of the Sacramental Registers. He may delegate one person to oversee entries and proper care of the Sacramental Registers and is to review the registers bi-monthly. (Appendix 39)

**47** It is specifically required that every parish, including mission parishes without a resident pastor, maintains its own set of parochial books and records entirely separate from any other parish.

**48** §1. All parish and trustee corporation records remain the property of the parish and trustee corporation, and entries must be made promptly and accurately.

§2. Entries in official registers are not to be erased or changed, but necessary corrections to errors of transcription are to be made by additional notations. Such corrections are to be made only by the pastor and are to be dated and initialed by him. (See Appendix 13)

§3. Parish and trustee corporation records are to remain in the confines of the parish, unless the parish has no suitable place, in which case they may be kept safely in a nearby parish or rectory.

**49** §1. It is the obligation of the pastor to keep all parish and trustee corporation records in a safe and fireproof place, in accord with can. 535.

**§2.** He will also see to it that the parish is provided with a proper seal, and that this seal is stamped or impressed on all official certificates and documents, in accord with can. 535 §3 and is accessible only to those who are entitled to use it. The parish seal is distinct from a corporate seal, which is no longer a civil requirement under State Law.

**§3.** In accord with can. 535 §4, the Diocesan Bishop or his delegate are to inspect the parochial registers at the time of visitation or at some other opportune time, as determined by the Diocesan Bishop. The pastor is to see to it that all records are duly prepared for the inspection.

**50** Any information contained in official parish and trustee corporation records is to be given only to those who have a strict right to request them. Any such records, including but not limited to official sacramental certificates, are to be signed by the pastor only or, in the pastor's absence, the parochial vicar and must include the seal of the parish. In case of doubt about the person's right to the information, contact the Chancery.

**51** The pastor is to strive to know the faithful entrusted to his care.<sup>29</sup>

**52** **§1.** Pastors and Parochial Administrators who are obliged to offer the *Missa pro populo*, in virtue of can. 534 §1, may entrust it to another to be celebrated on the same day or celebrate it on another day themselves if they are prevented for a just reason from applying it on the day that is indicated in the *Ordo*.<sup>30</sup>

**§2.** The sending away of the *Missa pro populo* for others to satisfy is forbidden.

**§3.** All diocesan priests are to offer three Masses for the repose of the soul of a deceased priest of the Bismarck Diocese, upon being notified of the death. The satisfaction of this obligation is to occur within 12 months and no stipend is to be received.

**53** **§1.** The provisions of civil law, as well as local customs and conditions, must be kept in mind in the sponsoring of parochial activities.

**§2.** The sale of alcoholic beverages at parish festivals or any other function held under parish auspices is discouraged, unless due prudence is exercised and all proper insurance has been obtained.

**§3.** All other activities not under the auspices of the parish must provide copies of required insurance certificates which are to be filed with the Office of Parish Services 48 hours before the scheduled event.

**54** It is the right of the pastor to hire all lay parish employees, including a housekeeper, sacristan, organist, janitor and lay teachers in parish schools.

**55** **§1.** When inviting any priest or deacon from outside the Bismarck Diocese to perform any public priestly or diaconal ministry, pastors, as well as parochial administrators, parochial vicars, and chaplains, must notify the Chancery prior to formally inviting the priest or deacon. In regard to priests of the Bismarck Diocese ministering in or visiting the Diocese of Fargo, or vice versa, please see the special provisions found in Appendix 38.

**§2.** The inviting priest must also ensure that the priest or deacon from outside the Bismarck Diocese intending to perform any public priestly or diaconal ministry send a letter of good standing to the Chancery no later than three weeks prior to his arrival.

**§3.** Any priest traveling in the Bismarck Diocese must send a letter of good standing to

the Chancery prior to his arrival if he intends to privately celebrate or concelebrate Mass within the Diocese, after having received permission from the appropriate pastor, parochial administrator, parochial vicar or chaplain.

**56** §1. The pastor shall strive to make the rectory a common home for himself, the priests who are assigned to assist him, and any priest in residence, where mutual respect and fraternal charity prevail as the special mark of the *alter Christus* (the priest as “another Christ”), and where the needs of both the pastor and the aforementioned priests are given due consideration.<sup>31</sup>

§2. The pastor shall give an example of zeal and love for all priestly duties, and he shall provide his parochial vicar(s) with experience in the varied fields of parochial work and administration, as well as integration into all appropriate areas of daily priestly and personal life.<sup>32</sup>

**57** All necessary furnishings for a parish rectory are to be purchased and owned by the parish or the trustee corporation, not by the individual pastor or priest, so that on the occasion of transfer or death, the rectory will remain adequately furnished.

**58** Priests will observe strictly their obligation of residence, under penalty of the provisions of universal Church laws.<sup>33</sup>

**59** Pastors shall exercise their rights and perform their duties only within the limits of their territory and with regard to persons committed to their care. Respect for each other’s rights will best promote the interests of the faithful and of the Church.<sup>34</sup>

**60** The duties of the pastoral office, especially preaching, baptizing, assisting at marriages, hearing confessions, performing funeral rites and visiting the sick and imprisoned, remain the personal obligation of the pastor, in so far as he is able to fulfill them. If a parochial vicar is assigned to the parish, the pastor is not thereby excused from these responsibilities.<sup>35</sup>

**61** Parochial administrators are not to make significant changes in the administration of the parish and trustee corporation without first consulting the Diocesan Bishop.

## SECTION V: PAROCHIAL VICARS

“Whenever it is necessary or opportune in order to carry out the pastoral care of a parish fittingly, one or more parochial vicars can be associated with the pastor. As co-workers with the pastor and sharers in his solicitude, they are to offer service in the pastoral ministry by common counsel and effort with the pastor and under his authority” (can. 545 §1).

**62** The parochial vicar who is regularly assigned to a parish is empowered to work, under the direction of the pastor, in any of the spiritual and temporal affairs of parochial activity that are entrusted to him.<sup>36</sup>

**63** §1. Parochial vicars are subject to the pastor in all matters that pertain to their parochial ministry, and they are to accommodate themselves to the regular order that is established in

the rectory.

§2. If a parochial vicar is assigned by the Diocesan Bishop to an additional office, both the pastor and the parochial vicar are to follow the provisions laid out in the letter of appointment.

**64** Common prayer and a shared meal are the mark and the sign of fraternal charity and should be encouraged.

**65** §1. The parochial vicar is to promote and support the pastoral and administrative initiative of the pastor, who is to always act for the common good of parish life.

§2. The parochial vicar shall keep the pastor informed as to the fulfillment of duties assigned to him. He shall not initiate any new program in the parish except after having previously consulted the pastor and obtained his permission. He is not to interfere in parochial matters that the pastor has reserved to himself.

## SECTION VI: PERMANENT DEACONS

“Catholic doctrine, expressed in the liturgy, the Magisterium, and the constant practice of the Church, recognizes that there are two degrees of ministerial participation in the priesthood of Christ: the episcopacy and the presbyterate. The diaconate is intended to help and serve them... Yet Catholic doctrine teaches that the degrees of priestly participation (episcopate and presbyterate) and the degree of service (diaconate) are all three conferred by a sacramental act called ‘ordination’, that is, by the sacrament of Holy Orders” (*Catechism of the Catholic Church* n. 1554)

**66** §1. Applicants for the Permanent Diaconate must be fully initiated, practicing Catholics, having received the sacraments of Baptism, Confirmation, and Holy Eucharist; and must be at least 30 years of age and no older than 55 years of age.

§2. The Permanent Diaconate Formation Program for the Bismarck Diocese is a 5-year program: the first two years are called aspirancy, the final 3 years are called candidacy.

**67** §1. The correct liturgical vesture is a white alb, with amice and cincture, a deacon stole and the dalmatic which correspond to the liturgical season; permanent deacons do not wear vestments when attending Mass from a pew.

§2. Parishes having an assigned deacon are to provide appropriate stoles and dalmatics.

§3. When attending an ordination of permanent deacons, any permanent deacons present may vest even though they may not be exercising a liturgical ministry; at a funeral of a permanent deacon only those deacons exercising their liturgical ministry are to be vested.

§4. When exercising public diaconal ministry the permanent deacon may wear a gray clerical shirt with the proper white tab collar.

§5. Permanent Deacons may use the title “Mr.” or “Deacon”, but never “Reverend Mr.”

**68** Permanent Deacons may submit a written letter of resignation from their official assignment due to age at any time between the ages of 70 and 75; at age 75 this letter is mandatory. (Appendix 10)

## SECTION VII: CHAPLAINS

“A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community or particular group of the Christian faithful, which is to be exercised according to the norm of universal and particular law” (can. 564).

**69 §1.** Pastoral care personnel who assume the responsibilities of a chaplain may include clergy, religious, and laity. However, the non-ordained are not to assume the title ‘chaplain’.<sup>37</sup>

**§2.** The appointment of pastoral care personnel of a Catholic institution must have the explicit approval or confirmation of the Diocesan Bishop in collaboration with the administration of the institution.<sup>38</sup>

**§3.** The director of pastoral care at a Catholic institution must be a Catholic; any exception to this norm should be approved by the Diocesan Bishop.<sup>39</sup>

**70 §1.** Chaplains are to guard most prudently against any interference in the internal and external affairs of the institution to which they have been assigned, with due respect for the particular laws governing high school chaplains.<sup>40</sup>

**§2.** Chaplains appointed to minister to the spiritual welfare of residents of public and private non-sectarian or non-Catholic institutions are to be most zealous in their regular visitations, so that our Catholic people in these institutions may receive the spiritual consolations of their faith.

**71 §1.** The chaplain is responsible for the proper custody of the Blessed Sacrament and the right performance of all sacred functions in the institution and its chapel.<sup>41</sup>

**§2.** The Blessed Sacrament shall not be reserved in the chapel of a non-Catholic institution, unless approved by the Diocesan Bishop.

**72** In an institution which has no assigned clerical chaplain, it is the responsibility of the pastor in whose territory the institution is situated to coordinate with the pastoral care personnel for the administration of the sacraments to all the faithful who are residents therein.<sup>42</sup>

**73** In institutions for children, the chaplain has the same duties as a pastor with regard to the catechetical instruction and preparation of the children for the reception of the sacraments.

**74 §1.** Except in cases of emergency, such as danger of death, any request for Baptism made by adults or for infants should be referred to the clerical chaplain of the institution. Newly born infants in danger of death, should be baptized if this is possible. In case of emergency, if a priest or a deacon is not available, anyone can validly baptize. In the case of emergency Baptism, the chaplain or the director of pastoral care is to be notified.<sup>43</sup>

**§2.** The chaplain of a Catholic institution must maintain a register in which he keeps an accurate record of the sacraments conferred in the institution. The chaplain shall not neglect to send a copy of the record to the local parish, which is also to enter the sacrament into the appropriate register, whenever such transmission is required under the general law of the Church.<sup>44</sup>

§3. The system of keeping such records by chaplains in state institutions is to have the approval of the Diocesan Bishop.

75 §1. Priest chaplains who have the spiritual care of religious shall not neglect to provide for daily Mass and other customary services during any period of their absence.

§2. The religious superior is to be informed in advance with regard to the length of the absence and the name of the substitute.

### SECTION VIII: INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

“The state of life which is constituted by the profession of the evangelical counsels, while not entering into the hierarchical structure of the Church, belongs undeniably to her life and holiness” (*Catechism of the Catholic Church*, n. 914). “The Christian faithful freely assume this form of living in institutes of consecrated life or societies of apostolic life canonically erected by competent authority of the Church. Through vows or other sacred bonds according to the proper laws of the institutes, they profess the evangelical counsels of chastity, poverty, and obedience and, through the charity to which the counsels lead, are joined in a special way to the Church and its mystery” (can. 573 §2).

76 §1. In the Church, public profession of the evangelical counsels may be manifested in the forms of institutes of consecrated life, societies of apostolic life, secular institutes, hermits and consecrated virgins.

§2. In the Bismarck Diocese the varied forms of consecrated life and societies of apostolic life are lived according to the proper law of their institutes and with the approval of the Diocesan Bishop.

77 In accordance with the norms of canon law, members of the institutes of consecrated life and societies of apostolic life are subject to the authority of the Diocesan Bishop in matters which involve the care of souls, public exercise of divine worship and other works of the apostolate, without prejudice to the rights of their proper religious superiors.<sup>45</sup>

78 In consultation with the proper religious superior, the Diocesan Bishop will provide a confessor for members of institutes of consecrated life and societies of apostolic life in the Bismarck Diocese in accord with the norm of law.<sup>46</sup>

79 Houses of religious in the Bismarck Diocese may be provided with a chapel in which the Blessed Sacrament is reserved, with the approval of the Diocesan Bishop.<sup>47</sup>

80 §1. Without the written permission of the Diocesan Bishop, a pastor may not invite any institutes of consecrated life or societies of apostolic life of men or women to labor in his parish, nor may he dismiss one already working there.

§2. Without the prior written permission of the Diocesan Bishop and all canonical documentation from their prior institutes of consecrated life or societies of apostolic life, no former religious men or women may come to the Bismarck Diocese for the purpose of establishing any form of consecrated life.

## SECTION IX: THE LAY CHRISTIAN FAITHFUL

“By reason of their special vocation it belongs to the laity to seek the kingdom of God by engaging in temporal affairs and directing them according to God’s will...It pertains to them in a special way so to illuminate and order all temporal things with which they are closely associated that these may always be effected and grow according to Christ and may be to the glory of the Creator and Redeemer” (*Catechism of the Catholic Church*, n. 898).

**81** There is no greater need in the Church than for a saintly, zealous and well-trained laity. As a means to this end, the laity are urged to participate frequently in the sacramental life of the Church, especially in the Mass, the worthy reception of the Holy Eucharist, and the Sacrament of Reconciliation, as well as a life of daily prayer, especially before the Blessed Sacrament. They are encouraged to undertake a diligent study of the truths of our Faith, so that they might learn to live and to think ever more intensely in accordance with the mind and heart of Christ and His Church, thereby enabling them to evangelize others.<sup>48</sup>

**82** The laity have a strict right to expect that the clergy and those representing the Church will treat them with dignity, respect, humility, and charity as members of the mystical Body of Christ. They are entitled to ample opportunity to receive the Sacraments and to prompt spiritual care when the need is present.

**83** §1. According to their own vocation, the lay faithful have a duty to build up the people of God, especially in their families, their places of work, and the public sphere.

§2. The laity should encourage one another to live the vocation which is proper to each person, fostering with special care any priestly or religious vocation.<sup>49</sup>

§3. Every effort should be made to form and educate the faithful in the Church’s teachings on marriage and the family life.

§4. The lay faithful have a religious duty to respect and obey the legitimate authority of the Diocesan Bishop, as well as of those clerics duly charged with their care.

**84** §1. “Children are a gift from the Lord,” thus it is the strict duty of all the faithful to respect life from conception to natural death, and it is the strict duty of all Catholic Health Care Institutions to adhere without reservation to the “ERD” as mandated by the USCCB and decreed by the Bishop of Bismarck.<sup>50</sup> (Appendix 24)

§2. It is the right of the lay faithful, especially the youth, to receive their catechetical formation and participate in the life of the Church in a safe and secure environment. It is the strict duty of the pastor or parochial administrator to ensure that the aforementioned right is upheld by closely adhering to diocesan norms and procedures.<sup>51</sup>

**85** Lay persons are attached to the parish in which they reside, properly respecting the diocesan norms on parish boundaries. Permission to belong to another parish may be given only by the Diocesan Bishop or his delegate.

**86** §1. The Christian faithful have an obligation to give a portion of their resources to the Church for her works: spiritual, educational, and charitable as well as the decent support of ministers.<sup>52</sup>

§2. The Christian faithful are also obliged to promote social justice and assist the poor through the generous giving of time and financial resources, “for whatever you did for one of these least brothers of mine, you did for me.”<sup>53</sup>

§3. All the Christian faithful are bound by the gospel to reveal the merciful face of God to those who, because of human weakness, struggle to overcome past sins and failures.<sup>54</sup>

§4. The Christian faithful are urged to incorporate the principles of Catholic stewardship of time, talent, and treasure into their regular support of the Church.

§5. The faithful are to remember in their charity the needs of their parish and the Church, both in the Bismarck Diocese and elsewhere, when they arrange for the final disposition of their worldly possessions in their last wills and testaments.

## SECTION X: LAY ASSOCIATIONS

**87** §1. Lay associations for purposes of charity or piety or for the promotion of the Christian vocation are recommended for establishment in parishes and in the Diocese.

§2. It is praiseworthy on the part of the laity to join associations established and approved by the Church for the promotion of a more perfect Christian life and the practice of charity.

§3. An association or society may not legitimately call itself Catholic or achieve an official status in the Bismarck Diocese without the previous approval of the Holy See or the Diocesan Bishop.

§4. The Christian faithful are cautioned against joining any society or association which is anti-Catholic or whose tenets and practices are contrary to the Church’s universal Magisterium.<sup>55</sup>

**88** §1. The pastor presides over all parish lay societies, and he may delegate this office to a parochial vicar or another person in particular cases.

§2. The moderator of every diocesan or inter-parochial society is appointed or confirmed in each instance by the Diocesan Bishop.

§3. Every approved association and society in the Bismarck Diocese must have a chaplain, who has been confirmed or appointed by the Diocesan Bishop without prejudice to the provisions of can. 317 §1.

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<sup>1</sup> **Can. 482 §1.** In every curia a chancellor is to be appointed whose principal function, unless particular law establishes otherwise, is to take care that acts of the curia are gathered, arranged, and safeguarded in the archive of the curia.

<sup>2</sup> **Can. 473 §2.** It is for the diocesan bishop himself to coordinate the pastoral action of the vicars general or episcopal vicars. Where it is expedient, a moderator of the curia can be appointed who must be a priest and who, under the authority of the bishop, is to coordinate those things which pertain to the treatment of administrative affairs and to take care that the other members of the curia properly fulfill the office entrusted to them. **§3.** Unless in the judgment of the bishop local circumstances suggest otherwise, the vicar general or if there are several, one of the vicars general, is to be appointed moderator of the curia.

<sup>3</sup> **Can. 479 §1.** By virtue of office, the vicar general has the executive power over the whole diocese which belongs to the diocesan bishop by law, namely, the power to place all administrative acts except those, however, which the bishop has reserved to himself or which require a special mandate of the

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bishop by law. **§2.** By the law itself an episcopal vicar has the same power mentioned in §1 but only over the specific part of the territory or the type of affairs or the faithful of a specific rite or group for which he was appointed, except those cases which the bishop has reserved to himself or to a vicar general or which require a special mandate of the bishop by law.

<sup>4</sup> **Can. 492 §1.** In every diocese a finance council is to be established, over which the diocesan bishop himself or his delegate presides and which consists of at least three members of the Christian faithful truly expert in financial affairs and civil law, outstanding in integrity, and appointed by the bishop. **§2.** Members of the Finance council are to be appointed for five years, but at the end of this period they can be appointed for other five-year terms.

<sup>5</sup> **Can. 495 §1.** In each diocese a presbyteral council is to be established, that is, a group of priests which, representing the *presbyterium*, is to be like a senate of the bishop and which assists the bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him.

<sup>6</sup> **Can. 502 §1.** From among the members of the presbyteral council and in a number not less than six nor more than twelve, the diocesan bishop freely appoints some priests who are to constitute for five years a college of consultors, to which belongs the functions determined by law. When the five years elapse, however, it continues to exercise its proper functions until a new college is established.

<sup>7</sup> **Can. 511** In every diocese and to the extent that pastoral circumstances suggest it, a pastoral council is to be constituted which under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.

<sup>8</sup> **Can. 515 §1.** A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop.

<sup>9</sup> **Can. 515 §3.** A legitimately erected parish possesses juridic personality by the law itself.

<sup>10</sup> **Can. 536 §1.** If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity. **Can. 537** In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in which the Christian faithful, selected according to these same norms, are to assist the pastor in the administration of the goods of the parish, without prejudice to the prescript of can. 532.

<sup>11</sup> The consultative, or advisory, function of a diocesan entity serves to assist the administrator, while fully respecting his decision-making authority, in accord with the norms of law.

<sup>12</sup> Throughout these Statutes the use of the term “clergy” applies fully to both the priests and deacons of the Bismarck Diocese (see cann. 207 §1 and 1009 §1).

<sup>13</sup> **Can. 276 §1.** In leading their lives, clerics are bound in a special way to pursue holiness since, having been consecrated to God by a new title in the reception of orders, they are dispensers of the mysteries of God in the service of His people.

<sup>14</sup> USCCB Complementary Norm for can. 276 §2, 3°, as established in 2003.

<sup>15</sup> **Can. 276 §2.** In order to be able to pursue this perfection: 4° they are equally bound to make time for spiritual retreats according to the prescripts of particular law.

<sup>16</sup> See “Magisterium” in the Glossary.

<sup>17</sup> This Statue reflects the USCCB Complementary Norm for can. 284, as established in 1999: “In liturgical rites, clerics shall wear the vesture prescribed in the proper liturgical books. Outside liturgical functions, a black suit and Roman collar are the usual attire for priests. The use of the cassock is at the discretion of the cleric.” **Can. 284** Clerics are to wear suitable ecclesiastical garb according to the norms issued by the conference of bishops and according to legitimate local customs. See also the *Directory for the Ministry and Life of Priests* (2013 edition), n. 61: The priest must be recognizable above all through his conduct, but also by his attire, which renders visible to all the faithful, and to each person,

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his identity and his belonging to God and to the Church. Clerical attire is the external sign of an interior reality.

<sup>18</sup> This statute applies to all priests with an official appointment from the Diocesan Bishop.

<sup>19</sup> Priests are allowed to take out strictly personal loans, which require the signing of promissory notes. See “promissory note,” “bond” and “surety” in the Glossary. **Can. 285 §4.** Without the permission of their ordinary, they are not to take on the management of goods belonging to laypersons or secular offices which entail an obligation of rendering accounts. They are prohibited from giving surety even with their own goods without consultation with their proper ordinary. They also are to refrain from signing promissory notes, namely, those through which they assume an obligation to make payment on demand.

<sup>20</sup> **Can. 286** Clerics are prohibited from conducting business or trade personally or through others, for their own advantage or that of others, except with the permission of legitimate ecclesiastical authority.

<sup>21</sup> See can. 285 §4 above.

<sup>22</sup> See can. 287 §2.

<sup>23</sup> **Can. 553 §2.** Unless particular law establishes otherwise, the diocesan bishop appoints the vicar forane, after he has heard the priests who exercise ministry in the vicariate in question according to his own prudent judgment.

<sup>24</sup> **Can. 522** A pastor must possess stability and therefore is to be appointed for an indefinite period of time.

<sup>25</sup> **Can. 535 §1.** Each parish is to have parochial registers, that is, those of baptisms, marriages, deaths, and others as prescribed by the conference of bishops or the diocesan bishop. The pastor is to see to it that these registers are accurately inscribed and carefully preserved. **§2.** In the baptismal register, a note is also to be made of ascription to a Church ‘sui iuris’ or the transfer to another Church, as well as of confirmation and of all matters pertaining to the canonical status of the faithful by reason of marriage, without prejudice to the provision of can. 1133, adoption, the reception of sacred orders, the making of perpetual profession in a religious institute. These annotations are always to be stated on a Certificate of Baptism. **§3.** Each parish is to have its own seal. Documents regarding the canonical status of the Christian faithful and all acts which can have juridic importance are to be signed by the pastor or his delegate and sealed with the parochial seal. **§4.** In each parish there is to be a storage area, or archive, in which the parochial registers are protected along with letters of bishops and other documents which are to be preserved for reason of necessity or advantage. The pastor is to take care that all of these things, which are to be inspected by the diocesan bishop or his delegate at the time of visitation or at some other opportune time, do not come into the hands of outsiders. **§5.** Older parochial registers are also to be carefully protected according to the prescripts of particular law. **Can. 877 §1.** The pastor of the place where the baptism is celebrated must carefully and without any delay record in the baptismal register the names of the baptized, with mention made of the minister, parents, sponsors, witnesses, if any, the place and date of the conferral of the baptism, and the date and place of birth. **Can. 877 §1.** The pastor of the place where the baptism is celebrated must carefully and without any delay record in the baptismal register the names of the baptized, with mention made of the minister, parents, sponsors, witnesses, if any, the place and date of the conferral of the baptism, and the date and place of birth.

<sup>26</sup> **Can. 895** The names of those confirmed with mention made of the minister, the parents and sponsors, and the place and date of the conferral of confirmation are to be recorded in the confirmation register of the diocesan curia or, where the conference of bishops or the diocesan bishop has prescribed it, in a register kept in the parish archive. The pastor must inform the pastor of the place of baptism about the conferral of confirmation so that a notation is made in the baptismal register according to the norm of can. 535, §2.

<sup>27</sup> **Can. 1121 §1.** After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the

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place and date of the celebration of the marriage according to the method prescribed by the conference of bishops or the diocesan bishop. §2. Whenever a marriage is contracted according to the norm of can. 1116, a priest or deacon, if he was present at the celebration, or otherwise the witnesses in solidum with the contracting parties are bound to inform as soon as possible the pastor or local ordinary about the marriage entered into. §3. For a marriage contracted with a dispensation from canonical form, the local ordinary who granted the dispensation is to take care that the dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed. **Can. 1122 §1.** The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded. §2. If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism. **Can. 1123** Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.

<sup>28</sup> **Can. 1182** When the burial has been completed, a record is to be made in the register of deaths according to the norm of particular law.

<sup>29</sup> **Can. 529 §1.** In order to fulfill his office diligently, a pastor is to strive to know the faithful entrusted to his care. Therefore he is to visit families, sharing especially in the cares, anxieties, and griefs of the faithful, strengthening them in the Lord, and prudently correcting them if they are failing in certain areas. With generous love he is to help the sick, particularly those close to death, by refreshing them solicitously with the sacraments and commending their souls to God; with particular diligence he is to seek out the poor, the afflicted, the lonely, those exiled from their country, and similarly those weighed down by special difficulties. He is to work so that spouses and parents are supported in fulfilling their proper duties and is to foster growth of Christian life in the family.

<sup>30</sup> **Can. 534 §1.** After a pastor has taken possession of his parish, he is obliged to apply a Mass for the people entrusted to him on each Sunday and holy day of obligation in his diocese. If he is legitimately impeded from this celebration, however, he is to apply it on the same days through another or on other days himself. §2. A pastor who has the care of several parishes is bound to apply only one Mass for the entire people entrusted to him on the days mentioned in §1. §3. A pastor who has not satisfied the obligation mentioned in §§1 and 2 is to apply as soon as possible as many Masses for the people as he has omitted.

<sup>31</sup> See can. 545 §1.

<sup>32</sup> See cann. 528 and 529.

<sup>33</sup> **Can. 533 §1.** A pastor is obliged to reside in a rectory near the church. Nevertheless, in particular cases and if there is a just cause, the local ordinary can permit him to reside elsewhere, especially in a house shared by several presbyters, provided that the performance of parochial functions is properly and suitably provided for. **Can. 1396** A person who gravely violates the obligation of residence which binds by reason of ecclesiastical office is to be punished by a just penalty, not excluding, after a warning, even privation from office.

<sup>34</sup> See cann. 518 and 519.

<sup>35</sup> See cann. 528-530.

<sup>36</sup> **Can. 545 §2.** A parochial vicar can be assigned either to assist in exercising the entire pastoral ministry for the whole parish, a determined part of the parish, or a certain group of the Christian faithful of the parish, or even to assist in fulfilling a specific ministry in different parishes together.

<sup>37</sup> 1997 Instruction of the Holy See *On certain questions regarding the collaboration of the non-ordained faithful in the sacred ministry of priest*, n. 58. It is unlawful for the non-ordained faithful to

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assume titles such as "pastor", "chaplain", "coordinator", "moderator" or other such similar titles which can confuse their role and that of the pastor, who is always a bishop or priest.

<sup>38</sup> See the *USCCB Ethical & Religious Directives for Catholic Health Care Services* (hereafter ERD), n. 21.

<sup>39</sup> See ERD n. 22.

<sup>40</sup> See can. 567 §2 as well as the Bismarck Diocese policy for the administration of high schools.

<sup>41</sup> ERD n. 13. Particular care should be taken to provide and to publicize opportunities for patients or residents to receive the sacrament of Penance. ERD n. 14. Properly prepared lay Catholics can be appointed to serve as extraordinary ministers of Holy Communion, in accordance with canon law and the policies of the local diocese. They should assist pastoral care personnel - clergy, religious, and laity - by providing supportive visits, advising patients regarding the availability of priests for the sacrament of Penance, and distributing Holy Communion to the faithful who request it. ERD n. 15. Responsive to a patient's desires and condition, all involved in pastoral care should facilitate the availability of priests to provide the sacrament of Anointing of the Sick, recognizing that through this sacrament Christ provides grace and support to those who are seriously ill or weakened by advanced age. Normally, the sacrament is celebrated when the sick person is fully conscious. It may be conferred upon the sick who have lost consciousness or the use of reason, if there is reason to believe that they would have asked for the sacrament while in control of their faculties. ERD n. 16. All Catholics who are capable of receiving Communion should receive Viaticum when they are in danger of death, while still in full possession of their faculties. ERD n. 18. When a Catholic who has been baptized but not yet confirmed is in danger of death, any priest may confirm the person. ERD n. 20. Catholic discipline generally reserves the reception of the sacraments to Catholics. In accord with can. 844 §3, Catholic ministers may administer the sacraments of Eucharist, Penance, and Anointing of the Sick to members of the oriental churches that do not have full communion with the Catholic Church, or of other churches that in the judgment of the Holy See are in the same condition as the oriental churches, if such persons ask for the sacraments on their own and are properly disposed. With regard to other Christians not in full communion with the Catholic Church, when the danger of death or other grave necessity is present, the four conditions of can. 844 §4 also must be present, namely, they cannot approach a minister of their own community; they ask for the sacraments on their own; they manifest Catholic faith in these sacraments; and they are properly disposed. The diocesan bishop has the responsibility to oversee this pastoral practice.

<sup>42</sup> See ERD n. 11.

<sup>43</sup> **Can. 867 §2.** An infant in danger of death is to be baptized without delay. See also ERD footnote 14: "To confer Baptism in an emergency, one must have the proper intention (to do what the Church intends by Baptism) and pour water on the head of the person to be baptized, meanwhile pronouncing the words: *I baptize you in the name of the Father, and of the Son, and of the Holy Spirit.* "

<sup>44</sup> See ERD n. 19.

<sup>45</sup> **Can. 678 §1.** Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate. **§2.** In exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute. The bishops themselves are not to fail to urge this obligation if the case warrants it. **§3.** In organizing the works of the apostolate of religious, diocesan bishops and religious superiors must proceed through mutual consultation. **Can. 681 §1.** Works which a diocesan bishop entrusts to religious are subject to the authority and direction of the same bishop, without prejudice to the right of religious superiors according to the norm of can. 678, §§2 and 3. **§2.** In these cases, the diocesan bishop and the competent superior of the institute are to draw up a written agreement which, among other things, is to define expressly and accurately those things which pertain to the work to be accomplished, the members to be devoted to it, and economic matters.

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<sup>46</sup> **Can. 630 §1.** Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute. **§3.** In monasteries of nuns, in houses of formation, and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community; nevertheless, there is no obligation to approach them.

<sup>47</sup> **Can. 934 §1.** The Most Holy Eucharist: **2°** can be reserved in the chapel of the bishop and, with the permission of the local ordinary, in other churches, oratories, and chapels. **§2.** In sacred places where the Most Holy Eucharist is reserved, there must always be someone responsible for it and, insofar as possible, a priest is to celebrate Mass there at least twice a month.

<sup>48</sup> See can. 225.

<sup>49</sup> See can. 222 as well as the *Catechism of the Catholic Church*, nn. 1656 and 1658.

<sup>50</sup> Psalm 127.

<sup>51</sup> See the “Charter for the Protection of Children and Young People” by the United States Conference of Catholic Bishops and the “Safe Environment Program” of the Bismarck Diocese, <http://bismarckdiocese.com/safe-environment-program>.

<sup>52</sup> See can. 222 §1.

<sup>53</sup> Matthew 25:40. See also can. 222 §2.

<sup>54</sup> See the Bull of Indiction of the Extraordinary Jubilee of Mercy *Misericordiae Vultus* of Pope Francis, 2015.

<sup>55</sup> See “Magisterium” in the Glossary.

## CHAPTER III THE SANCTIFYING OFFICE OF THE CHURCH

“Christ instituted the sacraments of the new law. There are seven: Baptism, Confirmation (or Chrismation), the Eucharist, Penance, the Anointing of the Sick, Holy Orders and Matrimony. The whole liturgical life of the church revolves around the Eucharistic sacrifice and the sacraments. The seven sacraments touch all the stages and all the important moments of Christian life: they give birth and increase, healing and mission to the Christian’s life of faith. There is thus a certain resemblance between the stages of natural life and the stages of the spiritual life” (*Catechism of the Catholic Church*, n. 1210). Jesus Christ has chosen His ordained ministers to be dispensers of the mysteries of God. Therefore, the exact and precise formulas of the essential sacramental words, without alteration, must be used in the celebration of all the sacraments (cf. can. 846 §1).

### SECTION I: THE SACRAMENTS IN GENERAL

**89** §1. The clergy have a grave obligation to know, observe, and annually review with conscientious and punctilious accuracy the laws of the Church for the administration of the Sacraments, for the celebration of the Most Holy Eucharist, and for all other liturgical functions as they are contained in the *Code of Canon Law*, the approved liturgical books and the particular law of the Bismarck Diocese, as well as in the *pagella* of faculties as found in Appendix 11.

§2. The primary way to foster the participation of the People of God in the sacred rites is the proper celebration of the rite itself.<sup>1</sup>

**90** §1. Sacred ministers cannot refuse the sacraments to those who request them suitably, are properly disposed, and are not prohibited by law from receiving them.<sup>2</sup>

§2. Those having the care of souls are frequently to inform the faithful that priestly ministrations are available upon any reasonable request. The laity are to be instructed to call the priest whenever circumstances require it.

**91** §1. No charge is to be made for the administration of any Sacrament. However, facility fees may be assessed for the use of church properties for marriages and funerals.<sup>3</sup>

§2. Whatever the faithful offer voluntarily on the occasion of the administration of any sacrament is known as a “stole fee,” is presumed to be given to the parish and is to be deposited in the proper parish account. To those who inquire, the priest may indicate the customary offering, if established by the Diocesan Bishop.<sup>4</sup>

§3. The clergy may not require the use of parish envelopes or registration as a condition for the administration of any sacrament.

§4. Pastors are to instruct the faithful about this Statute, in particular the reason a “stole fee” is intended for the parish or institution.

§5. This statute applies to all priests (diocesan and religious) and deacons, both active and retired, in the Bismarck Diocese.

92 Pastors and chaplains are to keep the sacred oils under lock in an ambry in the sanctuary of the church, or in an equally secure and properly adorned place in the church or chapel or, if circumstances warrant, the rectory, one’s vehicle, or on one’s person.<sup>5</sup>

## SECTION II: BAPTISM

“Baptism, the gateway to the sacraments and necessary for salvation by actual reception or at least by desire, is validly conferred only by a washing of true water with the proper form of words. Through baptism men and women are freed from sin, are reborn as children of God, and, configured to Christ by an indelible character, are incorporated into the Church” (can. 849).

93 All are urged to observe strictly the laws of the Church as expressed in cann. 850-878 on the Sacrament of Baptism, as they may pertain to adults or children.<sup>6</sup>

94 §1. The administration of Baptism is reserved by law to the proper pastor of the person to be baptized. In case of necessity, the permission of the pastor to baptize a person is presumed. In regard to baptismal preparation, the requirements of the proper pastor of the person to be baptized are to be respected and fulfilled, insofar as possible.

§2. In the Baptism of adults, at least of those who have completed their fourteenth year, the permission of the Diocesan Bishop is presumed, in accord with can. 863.

§3. Through the reception of baptism a child is ascribed to the Latin Church if the parents belong to that Church or, should one of them not belong to it, if both parents agree in choosing that the child be baptized in the Latin Church; but, if the agreement is lacking, the child is ascribed to the Church *sui iuris* to which the father belongs. However, if only one parent is Catholic, the child is ascribed to the Church to which the Catholic parent belongs, in accord with can.111 §§1-2.

95 §1. The *Order of Christian Initiation of Adults* (OCIA) is the ordinary process to be followed by the clergy and laity in the Bismarck Diocese when ministering to those adults not yet baptized. (Appendix 12)

§2. No adult is to be denied entrance into full communion with the Catholic Church solely because of that person’s inability or unwillingness to participate in the OCIA process.

**96 §1.** Pastors are to provide opportune instructions for the laity regarding the necessary matter, form and intention required for the administration of valid Baptism in cases of emergency.

**§2.** In these cases of emergency, anyone (whether Catholic, non-Catholic, or non-Christian) may baptize.<sup>7</sup>

**§3.** Doctors, nurses and other professional personnel are to be acquainted with the rules given in cann. 843 §2, 861 §2 and 871 concerning the Baptism of a premature human being.<sup>8</sup>

**97 §1.** The laity are to be instructed regarding the necessity of Baptism for salvation, and parents especially are to be warned that they should arrange for the Baptism of their children as soon as possible after birth. Normally, it should not be deferred beyond three-weeks.<sup>9</sup>

**§2.** No cleric may create any conditions for Baptism which are not contained in these Statutes, such as denying Baptism during the Advent and Lenten Seasons, requiring a specific method of Baptism, the marital status of parents, and length of residence and degree of participation in parish life or the unwillingness to register in the parish, even though it is certainly preferred.<sup>10</sup>

**98 §1.** An infant of negligent or lapsed Catholics may be baptized after reasonable assurance is given regarding the Catholic education and formation of the child. This assurance can be given by persons other than the parents of the child.<sup>11</sup>

**§2.** A child of non-Catholic parents may likewise be baptized if the parents promise in writing to arrange for the Catholic education of the child and it can be reasonably foreseen that such education will be secured.

**§3.** Any infant in danger of death may licitly be baptized, even contrary to the will of the parents, when it is prudently foreseen that the child will die before reaching the age of reason.<sup>12</sup>

**99 §1.** The clerics who administer Baptism must observe the norms which govern the choice of sponsors, which are called godparents, as well as educate staff members who are often the first line of contact when scheduling baptisms.<sup>13</sup>

**§2.** “There is to be only one male sponsor or one female sponsor or one of each.”<sup>14</sup>

**§3.** Sponsors should be present at the baptism, but this is not always possible. Nevertheless, pastors should see to it that all sponsors are made aware of the obligations incumbent upon them and duly accept them, as indicated in the Baptismal Rite.

**§4.** A “proxy,” or one who stands in for an absent sponsor, though customary, is not required by universal or particular law. The presence of a proxy can be noted in the Baptismal Register.

**§5.** A non-Catholic may be a witness to the baptism but is not a godparent.<sup>15</sup> A person who stands as a witness can be noted as such in the baptismal register.

**100** Baptism shall not be administered in a private home or anywhere outside a parish church without the consent of the Diocesan Bishop, except in case of great necessity. In such

a case, the baptism must be recorded in the proper register of the parish in whose boundaries the baptism took place.

**101 §1.** It is the grave responsibility of the pastor to see that every Baptism is carefully and accurately recorded in the Baptismal Register, giving all information that is required in can. 877 §1.

**§2.** The Baptism of children born to unmarried persons is to be recorded in conformity with the prescripts given in can. 877 §2.

**§3.** The norms governing the recording of the Baptism of adopted children are to be strictly followed in conformity with can. 877 §3.<sup>16</sup>

**102 §1.** Chaplains of institutions must report all Baptisms and Confirmations without exception to the pastor of the parish in whose boundaries the institution is located. Notification should also be made to the parish of the proper pastor.

**§2.** The faithful are to be instructed in their obligation to inform the proper pastor immediately if private Baptism is conferred in an emergency. In such cases, the pastor shall arrange to supply the ceremonies.<sup>17</sup>

### SECTION III: CONFIRMATION

“The sacrament of confirmation strengthens the baptized and obliges them more firmly to be witnesses of Christ by word and deed and to spread and defend the faith. It imprints a character, enriches by the gift of the Holy Spirit the baptized continuing on the path of Christian initiation, and binds them more perfectly to the Church” (can. 879). “It must be explained to the faithful that the reception of the sacrament of Confirmation is necessary for the completion of baptismal grace” (*Catechism of the Catholic Church*, n. 1285).

**103 §1.** The ordinary minister of Confirmation is the Diocesan Bishop, or a presbyter who has this faculty.<sup>18</sup> (Appendix 11)

**§2.** The fact of Baptism must be established for each candidate for Confirmation. If a record of Baptism cannot be secured, the sworn testimony of one reliable witness who is in a position to know the facts must be obtained. If such testimony is not available, the candidate is to be baptized at least conditionally, and the record of both Baptism and Confirmation is to be entered in the parish registers.<sup>19</sup> In cases of doubt about the validity of one’s Baptism, contact the Chancery.

**104 §1.** During the weeks prior to the ceremony, candidates for Confirmation shall receive special instructions on the various articles of Faith, and in particular on the dignity, nature and effects of the Sacrament of Confirmation and the requisite dispositions for its worthy reception.

**§2.** No one may require of candidates for Confirmation more than what is required by Canon Law, as found in cann. 889-891, and these Statutes.

**105 §1.** The reception of the Sacrament of Confirmation is not to be needlessly deferred. Pastors shall take care that all children in the parish are confirmed between the age of reason and the second semester of the sophomore year of High School.<sup>20</sup> (Appendix 14)

**§2.** A priest is not to separate the Sacraments of Baptism, Confirmation, and Holy Communion when baptizing or receiving into the full communion of the Catholic Church anyone who is seven years of age or older, unless pastoral necessity requires the intervention of the Bishop of Bismarck, in which case a detailed request is to be made in writing. A child in such a situation can certainly be later incorporated into Confirmation classes at the discretion of the pastor, but is not to take an active part in the eventual confirmation ceremony, apart from assisting as a lector or altar server. Indications for proper registration of those received into the Church are found in Statute 46.

**§3.** Apart from danger of death, Confirmation can only be administered to one already baptized in the Catholic faith by a priest who has been granted the specific faculties by his local ordinary or by the law itself, as found in the *pagella*. (Appendix 11)

**§4.** Due discretion must be exercised for Eastern Catholics.<sup>21</sup>

**106** A candidate belonging to another parish is not to be presented for Confirmation without the consent of the proper pastor who, in turn, is to receive authentic notification after the Sacrament has been administered.

**107** The prescripts of ecclesiastical law concerning sponsors for Confirmation, as expressed in cann. 892-893, are to be made known to the faithful, and it is the duty of the pastor to see that they are accurately observed. Among these requirements particular note should be made of the following:

1° Whenever possible there is to be a sponsor;

2° The sponsor should be the sponsor (godparent) at Baptism;<sup>22</sup>

3° The sponsor should be at least sixteen years of age, already confirmed, and lead a life in harmony with the faith and the role to be undertaken, in conformity with can. 893;

4° The sponsor may not be the father or mother of the one to be confirmed;<sup>23</sup>

5° The sponsor should be someone other than the spouse or fiancé of the one to be confirmed.

**108 §1.** As soon as Confirmation has been administered in a parish, proper entries are to be recorded in both the Confirmation and Baptism Registers, with mention made of the minister, the parents and sponsor, and the place and date of the conferral of Confirmation.<sup>24</sup>

**§2.** If a person is confirmed in a parish other than the place of Baptism, the pastor of the place of Baptism is to be notified without delay so that a record of Confirmation may be entered in the Baptismal Register.

## SECTION IV: THE MOST HOLY EUCHARIST

“The most august sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the Church continually lives and grows. The Eucharistic sacrifice, the memorial of the death and resurrection of the Lord, in which the sacrifice of the cross is perpetuated through the ages is the summit and source of all worship and Christian life, which signifies and effects the unity of the People of God and brings about the building up of the body of Christ. Indeed, the other sacraments and all the ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and ordered to it” (can. 897).

### Article A: The Sacrifice of the Mass

**109** The priest should not fail to prepare his soul by pious prayers for the offering of the Eucharistic Sacrifice and, upon its conclusion, to give thanks to God for so great a benefit.

**110** Each priest is bound in conscience to observe carefully the rubrics that are prescribed for the celebration of the Holy Sacrifice of the Mass. It is sinful to willfully neglect the rubrics of the liturgical texts and to preside without devotion and true sacerdotal dignity.

**111** §1. The faithful are to be instructed frequently on the nature and excellence of the Mass, on the meaning of the prayers and rituals, and on their obligation to assist at it on Sundays and Holy Days of Obligation.

§2. An active participation by the laity in the Holy Sacrifice of the Mass is essential, in accordance with the mind of the Church and norms of the Holy See. (Appendix 15)

**112** §1. The regular schedule of parish Masses including Sundays, Holy Days of Obligation and weekdays, shall be published widely so that it is known to all the faithful.

§2. When scheduling multiple Masses on a Sunday, prudence is to be exercised and the directives of the Diocesan Bishop are to be followed. (Appendix 15)

§3. Priests are obliged to begin Mass punctually at the appointed hour.

**113** Regarding Sunday celebrations in the absence of a priest, the conditions for such celebrations do not generally exist in the Bismarck Diocese. Any requests for exceptions to this Statute are to be made in writing to the Diocesan Bishop.<sup>25</sup> (Appendix 20)

**114** All linens used in connection with the Mass shall be cared for, cleaned, and changed frequently so that they are fit for the Divine Sacrifice. (Appendix 16)

**115** §1. Mass wine and altar bread, including mustum and low-gluten hosts, are to be purchased only from vendors who have ecclesiastical approval. (Appendix 17)

**§2.** In conformity with the legislation of the Church as contained in can. 924, hosts which are consecrated either for the Communion of the faithful or for exposition of the Blessed Sacrament must be recently made and consumed within a month.

**116** Without prejudice to any provision in the universal law of the Church or any instruction issued by the Holy See, the Holy Sacrifice of the Mass may not be celebrated in any church, chapel or oratory of the Bismarck Diocese on any day and at any hour which the liturgical norms exclude.

**117** Neither Mass nor Exposition and Benediction of the Blessed Sacrament intended for the lay faithful may take place outside a church, chapel or oratory without the prior written approval of the Diocesan Bishop or his delegate.

**118 §1.** Every priest who enjoys the faculties and permissions of the Bismarck Diocese is authorized to celebrate Mass twice on weekdays for a good reason and three times on Sundays and Holy Days of Obligation if a pastoral need requires it. (Appendix 11)

**§2.** In accord with can. 919 §2, a priest who celebrates the Most Holy Eucharist two or three times on the same day may take food or drink before the second or third celebration even if there is less than one hour between them.

**119 §1.** Those in charge of churches, chapels and oratories are to abide by the provisions of can. 903 in regard to visiting priests who wish to offer Mass privately or to concelebrate. Any priest not in good standing with his Diocesan Bishop or religious superior is not to be allowed to celebrate the Holy Sacrifice in the Bismarck Diocese.

**§2.** Priests must follow all specified policies regarding offerings made for the celebration of Mass, as found in the *Code of Canon Law* and Chapter VII, Section IV of these Statutes. (Appendix 18)

### **Article B: Participation in the Most Holy Eucharist**

**120 §1.** Any baptized person not prohibited by law can and must be admitted to Holy Communion.<sup>26</sup>

**§2.** Baptized non-Catholics may be admitted to Holy Communion (as well as Penance and Anointing of the Sick) under certain circumstances, as found in can. 844, and in consultation with the Bishop of Bismarck. In the Bismarck Diocese, there is no general Sacramental sharing with other denominations. (Appendix 19)

**§3.** In accordance with the norms of can. 919, the clergy and laity are to observe the norms for the Eucharistic fast.<sup>27</sup>

**§4.** The chewing of gum is forbidden during the Holy Sacrifice of the Mass.

**121 §1.** Holy Communion may be distributed outside of Mass whenever it is reasonably requested, with the liturgical rites being observed. (Appendix 20)

**§2.** During Mass, Holy Communion shall be distributed only after the celebrant has consumed both the Precious Body and Precious Blood of Christ.

**§3.** The reception of Holy Communion under both species is permitted in this Diocese in accord with the requirements of the universal law of the Church. Pastors are to ensure that the greatest reverence and care is had for the sacred species, both in their distribution and reception, as well as the purification of vessels.<sup>28</sup> (Appendix 21)

**§4.** Extraordinary Ministers of Holy Communion are to be approved by the Diocesan Bishop or his delegate for a three-year term which is to be exercised in a particular parish. That term may be renewed.<sup>29</sup> (Appendix 22)

**122 §1.** The faithful are to be encouraged to remain after Mass for at least a brief period of thanksgiving after receiving Holy Communion in order that they may properly honor their Eucharistic Guest and obtain for their souls the richest spiritual fruits of the Sacrament.

**§2.** A person may receive Communion two times in the same day, as long as the second time is within the context of Mass.<sup>30</sup>

**123 §1.** It is the duty of the pastor to see that the children of his parish who have attained the use of reason and are sufficiently disposed are admitted to Holy Communion in accordance with the directives given in cann. 913 and 914.

**§2.** Baptized non-Catholic children below the age of reason are received into the Church simply by the written or oral declaration of a parent or guardian to this effect manifested to a pastor or his representative. No sponsor or godparent is required for this act of reception. An entry in the Baptismal Register should indicate the name of the child, names of the parents, date and place of original Baptism and the date of reception into the Church.

**§3.** The presentation of a baptized non-Catholic child by a parent or guardian for instruction for First Holy Communion is to be understood as a declaration that the child be received into the Church. This act of reception is to be entered into the Baptismal Register as indicated in §2.

**124** An authentic record of Baptism shall be secured for each person on the occasion of First Holy Communion. If this record is not able to be found, the sworn testimony of one reliable witness who is in a position to know the facts is to be obtained. If such evidence cannot be obtained, the person is to be baptized at least conditionally, and the record of both Baptism and First Holy Communion is to be entered in the parish records.<sup>31</sup>

**125 §1.** The faithful are to be instructed regarding their obligation to receive Viaticum in danger of death. They should be urged to call a priest promptly whenever a member of their household becomes seriously sick.<sup>32</sup>

**§2.** The sick and homebound in the parish for whom death is not an immediate danger are also to be afforded ample opportunity to receive Holy Communion in their homes and hospitals during the period that they are unable to come to the church, most especially on Sundays.<sup>33</sup>

**126** The faithful are to be reminded that the fulfillment of their Easter duty, to confess their sins and receive Holy Communion, may be done from the First Sunday of Lent until the Solemnity of the Most Holy Trinity.<sup>34</sup>

## SECTION V: PENANCE

“In the sacrament of penance the faithful who confess their sins to a legitimate minister, are sorry for them, and intend to reform themselves obtain from God through the absolution imparted by the same minister forgiveness for the sins they have committed after baptism and, at the same time, are reconciled with the Church which they have wounded by sinning” (can. 959).

**127 §1.** All priests are earnestly exhorted to always remember that in the administration of the Sacrament of Penance they imitate the Good Shepherd Jesus Christ who “is the face of the Father’s mercy.”<sup>35</sup>

**§2.** Confessions shall be heard regularly at definite hours each week, and shall be scheduled with convenience to the penitents in mind.

**§3.** All confessors are to be ready and willing to hear the confessions of the faithful, whenever there is a reasonable request for this ministry, even outside the scheduled hours. Along with the daily celebration of the Eucharist, the availability of the priest to hear sacramental confessions, to welcome penitents, and to accompany them spiritually when they so request, is the real measure of a priest’s pastoral charity.

**§4.** In the Bismarck Diocese, the only ordinary way to celebrate the Sacrament of Penance and the confession of all serious sins is through clearly and directly communicated, individual and integral confession and absolution. The conditions for general absolution in this Diocese do not exist, except as specifically stated in can. 961 §1, 1°, namely, in the case of imminent danger of death when there is not time for individual confessions.

**§5.** Because the Sacrament of Reconciliation requires for validity the full and integral confession of mortal sins as far as is possible according to kind and number, and because the greatest benefit comes to those who also confess their venial sins as they are able, the practice of instructing the faithful to confess only one sin or one area where conversion is needed is to be entirely avoided.

**128** It is recommended that pastors without a parochial vicar arrange, at times, for the presence of outside confessors, and this should be done at least once during the time for the fulfillment of the Easter duty.

**129 §1.** In the Bismarck Diocese, all churches, chapels and oratories are required to provide confessionals which clearly allow for the option of anonymity of the penitent through the use of a screen or grille.

**§2.** The use of the screen or grille is also the right of the priest. The priest confessor is not obliged to hear confessions face-to-face.

§3. The confessional shall portray an inviting environment and a place which signifies a sacramental encounter with the Lord Jesus Christ. The confessional is not a lounge, a place for visiting or a storage closet, thus there is not to be storage within it.

§4. In regard to face-to-face confessional designs, it is prudent that there be a clear distinction between the space of the priest and that of the penitent. A confessional is also to be sound-proof. In the construction or renovation of confessionals, the Chancery is to be consulted.

§5. A priest is forbidden to have any device which is capable of recording (e.g., cell phone, lapel microphones, I-pad, etc.) in the confessional to prevent a possible breach of the sacramental seal.

**130** §1. Confessors are forbidden to accept money under any pretext whatsoever, even in the form of a Mass stipend, on the occasion of hearing confessions.

§2. Confessors are not to impose the contribution of money as a penance, even for a charitable cause. Failure on the part of a penitent to pay church support shall not constitute grounds for refusal of absolution. However, restitution may be strongly encouraged as required by justice and always apart from penance but never as a condition for absolution, all the while not incriminating the penitent.

**131** Every priest of this Diocese who has been given the faculties for the hearing of confessions has an obligation to study carefully the *pagella* of faculties and to know of any possible restrictions on these faculties in order to insure the validity and liceity of absolution.

**132** §1. Priests are never to make any public or private reference to matters heard in administering the Sacrament of Penance, even implicitly, lest even a suspicion arise that there is any carelessness in regard to the sacred seal of confession. Priests are never to mention the names of those who have come to them for Confession.

§2. Priests are to refrain from any extraneous questioning of the penitent.

§3. Priests are not to deny absolution to any penitent who is otherwise in good standing in the Church, unless there is a clear manifestation of no contrition, which is normally presumed by the penitent's presence in the confessional.

## SECTION VI: THE ANOINTING OF THE SICK

“The anointing of the sick, by which the Church commends the faithful who are dangerously ill to the suffering and glorified Lord in order that he relieve and save them, is conferred by anointing them with oil and pronouncing the words prescribed in the liturgical books” (can. 998).

**133** §1. Only a bishop or priest can validly administer this Sacrament, never a deacon or lay person. A bishop or priest may carry the Oil of the Sick so that he may anoint in any case of necessity.<sup>36</sup>

§2. The Anointing of the Sick can be administered to any member of the Catholic faithful who has reached the age of reason and begins to be in danger due to sickness or old age.<sup>37</sup>

§3. The Sacrament can be repeated.<sup>38</sup>

§4. In cases of doubt whether the sick person has attained the use of reason, whether dangerously ill or even in the case of doubt whether the person is dead, the Sacrament is to be administered.<sup>39</sup>

§5. Therefore, mindful of the precious value of every person's last hours of earthly life, priests should be ever vigilant lest, through pastoral negligence, the soul of anyone committed to their care should depart this life without the Sacrament of the Anointing of the Sick.

§6. If it is clear that the person is dead, the Sacrament is not to be given.

**134** Pastors shall give an annual instruction on the Sacrament of the Anointing of the Sick, calling attention to its nature, effects and the advisability of calling the priest early in an illness so that the sick person is fully conscious when the Sacrament is administered. The ordinary pastoral care of the sick and dying should include the Sacrament of Penance, Anointing and the Holy Eucharist, if possible. The communal celebration of the Sacrament of the Anointing of the Sick for many people within the same celebration must follow all the norms concerning Anointing, as well as the norms for pastoral preparation and liturgical celebration as prescribed in the approved liturgical books. (Appendix 23)

**135** Priests have the faculty to grant, and they should impart, the Apostolic Blessing with the attached plenary indulgence as often as they administer the Sacrament of the Anointing of the Sick to those in serious danger of death, according to the formula contained in the approved liturgical books.

**136** Priests should respond to calls to come to the bedsides of patients who are dying, even though the patients have already been anointed, so that during the last moments of their lives they may obtain the encouragement and strength of the priestly ministrations.

**137** A priest who administers the Sacrament of the Anointing of the Sick to a parishioner of another pastor should promptly notify the proper pastor of this fact, whenever possible.

## SECTION VII: HOLY ORDERS

“By divine institution, the sacrament of orders establishes some among the Christian faithful as sacred ministers through an indelible character which marks them. They are consecrated and designated, each according to his grade, so that they may serve the People of God by a new and specific title.” (can. 1008).

**138** §1. There are three ranks of the Sacrament of Holy Orders: the Episcopacy, the Presbyterate, and the Diaconate.<sup>40</sup>

§2. The minister of each order is a consecrated Bishop who confers the Sacrament validly upon only a baptized male, whose Bishop has determined the canonical requirements and prerequisites have been satisfied and irregularities and other impediments have not prevented the candidate from receiving Ordination.<sup>41</sup>

§3. If a Bishop doubts the suitability of a candidate, despite the aforementioned, he is not to ordain him.<sup>42</sup>

**139** §1. It is the special concern of every priest, as well as all the faithful, to encourage and to foster vocations to the priesthood, diaconate and to the consecrated life.

§2. Each year times shall be set aside by the Diocesan Bishop for prayer and the promotion of vocations to the priesthood, diaconate and the consecrated life in all the parishes and institutions of the Bismarck Diocese.

**140** Priests shall take particular interest in the proper development of the seminarians and diaconate candidates who reside in their parishes and, as often as possible, shall afford them the opportunity of participating in parochial functions as partial preparation for their future ministry.

**141** Upon request, pastors shall be prepared to make an informed report to the Diocesan Bishop or to the seminary authorities on the character and conduct of seminarians and diaconate candidates who reside in their parishes.

## **SECTION VIII: MATRIMONY**

“The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized” (can. 1055 §1). “The future of humanity passes by way of the family” (*Familiaris Consortio*, n. 86).

### **Article A: Preparation for Marriage**

**142** §1. Clergy are seriously obliged to keep informed on the legislation and directives of the Church concerning marriage. This includes cann. 1055-1165 of the *Code of Canon Law*, as well as diocesan particular law, which follows.

§2. The provisions of civil law are to be observed conscientiously to the extent that they are not contrary to divine or ecclesiastical law. Clergy must promptly comply with notification to the proper civil authority after each marriage ceremony, which is not a convalidation, has taken place.

**143** §1. Clergy, especially in homilies and catechetical instruction, are to carefully set forth for the laity the Catholic doctrine on marriage and family life. Emphasis should be placed on

the following: the indispensable role of family, parents as the primary educators of their children, foundations in Sacred Scripture and Sacred Tradition, proper discernment, the cultivation of virtue, with particular emphasis on the good of the spouses and the three essential goods of marriage: permanence, fidelity and children.<sup>43</sup>

§2. All Catholics have an obligation to educate the faithful, especially the young, that any marriage involving at least one Catholic must follow proper canonical form, without which the Catholic party or parties become unable to receive the Sacraments.

§3. It is the responsibility of the pastor of the place where the marriage is to be celebrated to personally, but not exclusively, ensure the proper preparation of engaged couples. It is recommended that the same priest prepare the couple and assist at the marriage ceremony.<sup>44</sup>

§4. When preparing couples in the Bismarck Diocese, even if the ceremony is to take place elsewhere, it is the responsibility of the preparing priest to ensure that all current marriage preparation requirements as found on the diocesan website are met.<sup>45</sup>

§5. When couples are prepared outside of the Bismarck Diocese, but the ceremony takes place within the Diocese Bismarck, it is the responsibility of the preparing priest to ensure that all current marriage preparation requirements of his own diocese are met.

**144** Clergy are to remind parents, as the primary educators of their children, to be mindful of their essential role and responsibility in forming their children for adulthood and the vocation of marriage. Parents are to be cautioned against neglect in this matter which may cause spiritual harm and unhappiness in the lives of their children.<sup>46</sup>

## **Article B: Pre-Nuptial Investigation**

**145** §1. The pre-nuptial investigation shall be completed using the approved Pre-Nuptial Forms.<sup>47</sup>

§2. The main requirements of the pre-nuptial investigation are: interviews, completion of all relevant Pre-Nuptial Forms, a marriage inventory, the pre-marriage weekend, and a Natural Family Planning course. Only the Diocesan Bishop is able to grant relaxations to these main requirements, and such requests must be in writing.

**146** §1. All couples desiring marriage are to complete their initial session of marriage preparation at least nine months in advance of the scheduled wedding date. It is highly recommended that the couple finish all elements of marriage preparation at least six weeks prior to the wedding.

§2. Each pastor and his staff must ensure that no marriage ceremony in the Church is scheduled and that no pre-nuptial preparations begin involving any party who has yet to prove, by means of an official Tribunal document, the invalidity of each prior attempt at marriage or who has an unresolved restriction from an ecclesiastical tribunal.

§3. In every case where a previous marriage has been attempted and the former spouse is still living, or even presumed dead but lacking an authentic death certificate, even though the marriage appears to be invalid, a Decree of Nullity must be obtained.

§4. In case of any doubt regarding the free status of the parties to marry, the Chancery is to be immediately consulted.

**147** §1. Preparing clergy must observe the universal norm to conduct individual interviews to establish the freedom to marry of each party, utilizing the Pre-Nuptial Forms, which the priest himself is to fill out. They are also to implement the prudent practice of separating couples when taking any marriage inventory.

§2. Preparing clergy must send every pre-nuptial file to the Chancery for a *nihil obstat* no less than three weeks prior to the wedding or as directed.

§3. Permission for a mixed religion marriage is to be requested only after the Baptism of the non-Catholic party has been proven by authentic documentation. In cases of doubt, a dispensation from the impediment of disparity of cult *ad cautelam* shall be sought.<sup>48</sup>

§4. Applications for special permissions and dispensations shall be made in writing on the proper Pre-Nuptial Forms.

§5. Any exchange of pre-nuptial files between the Bismarck Diocese and another diocese must be made through the respective chanceries. Preparing clergy are to have such files sent no less than three weeks prior to the wedding or as directed.

§6. Each pre-nuptial file is to remain permanently and securely archived in the parish where the marriage ceremony took place, also known as the parish of contract.

**148** Marriages between Catholics of different Churches *sui iuris*, are to be celebrated before the pastor of the groom, unless either particular law determines otherwise or a just cause excuses.<sup>49</sup>

**149** §1. Pre-nuptial preparations for convalidations must follow the same main requirements as all other marriages. Only the Diocesan Bishop is able to grant relaxations to these main requirements, and such requests must be in writing.

§2. Preparing clergy are to ensure that any couple celebrating a convalidation ceremony must clearly understand that a new and complete consent must be exchanged.

**150** §1. In the serious matter of cohabitation, the section on cohabitation in the marriage guidelines for the Bismarck Diocese as found on the diocesan website is to be consulted and followed.<sup>50</sup>

§2. The Declaration and Promise is required in cases of disparity of cult, mixed religion, and those involving a non-practicing Catholic; these can never be dispensed (cf. CIC, cc. 1086, 1125).

§3. Any and each prenuptial agreement must have the written approval of the Diocesan Bishop. Such a request must be sent for his consideration as soon as possible in the marriage preparation process.

### **Article C: Proclamation of the Banns**

**151** It is permitted to publish the banns of Matrimony in three successive weekly parish bulletins. In such cases the faithful are to be instructed in their obligation to report promptly any impediments of which they have knowledge.

### **Article D: Form of Marriage Ceremony**

**152 §1.** Every cleric who assists at a marriage ceremony has a grave obligation to ascertain that his assistance is both valid and licit, in accordance with the prescripts given in cann. 1108-1119, and that the pre-nuptial file is in his possession and in proper order.

**§2.** Unless the local ordinary and pastor have been excommunicated, interdicted, or suspended from office or declared such through a sentence or decree, by virtue of their office and within the confines of their territory they assist validly at the marriages not only of their subjects but also of those who are not their subjects, provided that at least one of the two parties is ascribed to the Latin Church.<sup>51</sup>

**153 §1.** Every cleric who assists at a marriage ceremony outside of his assigned parish boundaries must receive delegation from the pastor of the place of contract or the local ordinary. This is for the validity of the marriage. As a precaution against sudden illness, it is highly recommended that delegation include an explicit ability to sub-delegate, which can only happen once.

**§2.** Every cleric who assists at a marriage ceremony outside of his diocese of residence must arrange for a letter of good standing to be exchanged between the respective chanceries.

**154 §1.** Every cleric who assists at a marriage ceremony involving Catholic parties who are not his proper subjects is to first receive the permission of the proper pastor of each party.

**§2.** Every cleric who assists at a marriage ceremony involving a baptized non-Catholic party, known as a mixed religion marriage, must ensure that the proper permission has been granted by the local ordinary.

**§3.** Every cleric who assists at a marriage ceremony involving a non-baptized party, known as a disparity of cult marriage, must ensure that the proper dispensation has been granted by the local ordinary. This is for the validity of the natural marriage.

**§4.** Special attention to ascription is absolutely necessary, out of due respect for Eastern Catholics and their proper laws. Whenever one party is a Latin Catholic and the other belongs to another Eastern Church, whether Catholic or not, the prescripts of cann. 1108, 1109 and 1127 are to be applied. Whenever both parties or the only Catholic party is of the Ukrainian or another Eastern Church *sui iuris*, wherein the ascription of the father passes to the children regardless of the rite performed at baptism, unless one of the means expressed in cann. 111-112 has been employed, the explicit written faculty to assist at the marriage ceremony must be granted from the Church *sui iuris* hierarch. In the Bismarck Diocese, this is for the validity of

the sacrament. In cases involving a marriage between two non-Catholic Eastern parties the prescripts of cann. 1116 are to be followed.<sup>52</sup>

**§5.** A deacon of the Latin Church is never permitted to assist at a marriage ceremony involving a Catholic of any Eastern Church *sui iuris*, even if the other party is a Catholic in the Latin Church. This is for the validity of the sacrament.

**§6.** A cleric is not to celebrate the wedding of two non-Catholics. He may, with the permission of the Diocesan Bishop, be present and offer a prayer of blessing.

**§7.** A deacon is never to assist (receive consent) at a marriage ceremony that takes place within the Mass but may preach the homily.

**155 §1.** Mixed religion marriages and disparity of cult marriages taking place in a non-Catholic ceremony must have received from the local ordinary a dispensation from canonical form. This is for the validity of the marriage, whether sacramental or natural.

**§2.** Any Catholic who attempts marriage before a civil magistrate or non-Catholic minister without the proper dispensation from canonical form contracts invalidly, commits a serious sin and is unable to receive the Sacraments of the Church until the matter is resolved.

#### **Article E: Time and Place of Marriage Ceremony**

**156 §1.** A marriage between Catholic parties is to take place within the Mass, unless the cleric who assists determines otherwise for a serious reason.

**§2.** Marriages of Mixed Religion are to take place outside the Mass unless the cleric who assists determines otherwise for a serious reason. Disparity of cult marriages always take place outside the Mass.

**157 §1.** In this Diocese, marriage ceremonies are not to take place on Sundays and Holy Days of Obligation. Marriage ceremonies may take place during an anticipated Sunday Mass celebrated on Saturday or on the vigil of the Holy Day of Obligation.

**§2.** Nuptial Masses held after 4:00 pm on Saturday evening but not during a regularly scheduled parish liturgy do fulfill the Sunday obligation.

**158** Marriages between Catholic parties are to take place within a Church building. Only the Diocesan Bishop is able to grant exceptions for serious reasons, and such requests must be in writing.

#### **Article F: Celebration of the Marriage Ceremony**

**159** The ceremonies contained in the Order of Celebrating Matrimony must be strictly followed.

**160** Only one religious marriage ceremony is permitted.<sup>53</sup>

**161** The exchange of consent must follow the acceptable options within the Order of Celebrating Matrimony itself. Composition of individual vows is strictly forbidden.

**162** The best man must be male and the maid or matron of honor must be female. The same is true for groomsmen and bridesmaids.

**163** Wedding parties are to have proper dress and general decorum, which reverence to the Blessed Sacrament and to the house of God requires on the occasion of marriage in the Catholic Church, including before and after the ceremony itself.

**164 §1.** Convalidations are to avoid pomp and elaborate display.

**§2.** Prior to convalidation, the Catholic party or parties, or those being received into the Church in conjunction with the convalidation are to receive the Sacrament of Reconciliation.

**§3.** Convalidations are to take place prior to or during, and not after, the Holy Mass, so that the Catholic party or parties may receive Holy Communion.

**§4.** In these cases, the order of the Sacraments within Mass is the following: convalidation; if necessary, reception into the Church with either baptism and/or Confirmation, followed by Holy Communion. (Appendix 12)

**165** Modern novelties are strictly forbidden during any Catholic marriage ceremony in the Bismarck Diocese, such as: unity candles, unity bowls, sand rituals and the release of butterflies or other creatures or anything of the like.

**166** Wedding music must be sacred religious music, including music performed immediately before and after the ceremony.

**167 §1.** In the case of a Catholic cleric being invited to be involved in a non-Catholic Christian ceremony, provided the dispensation from canonical form has been granted, he is able to offer prayers, read from the Scriptures, give a brief exhortation, and bless the couple.<sup>54</sup>

**§2.** This involvement can never include being the formal witness of the exchange of consent, even partially, nor participation in a communion service together with ministers of ecclesial communities not having Apostolic succession nor recognizing the Sacramental dignity of priestly ordination.<sup>55</sup>

**§3.** In the case of a minister of the non-Catholic party being invited to the Catholic ceremony, he or she is able to read from the Scriptures, give a brief exhortation and bless the couple.<sup>56</sup>

### **Article G: Proper Recording of Marriage**

**168 §1.** It is the strict duty of the pastor to see that without delay a record is entered in the matrimonial register which provides all the information required by can. 1121, §1.

§2. The proper recording of marriage remains the obligation of the pastor even in cases where another priest assisted at the marriage.

§3. Marriages celebrated with a dispensation from canonical form are to be recorded and kept in the parish within whose boundaries the marriage ceremony took place. A copy of the marriage file is to be sent to the same parish.

169 Pastors must fulfill the directive given in can. 1122 §1, which requires a notation of the marriage in the baptismal records of the Catholic parties.

170 In cases where one or both Catholic parties to a marriage were baptized in another parish, the pastor of the parish where the marriage took place is required to send an authenticated record to the pastor of the place of baptism. His obligation does not cease until he receives an acknowledgment of receipt from the pastor of the place of baptism.

### **Article H: Separation and Divorce**

171 In marriage, Catholic parties contract a sacred obligation to maintain a common life. Only for the most serious reason can a Catholic pursue separation of common life.

172 Clergy and indeed all the faithful are to make it known that dating divorced persons constitutes a proximate occasion of sin, unless freedom to marry has been proven by a Tribunal.

### **SECTION IX: SACRAMENTALS**

“Holy Mother Church has, moreover, instituted sacramentals. These are sacred signs which bear a resemblance to the sacraments. They signify effects, particularly of a spiritual nature, which are obtained through the intercession of the Church. By them men are disposed to receive the chief effect of the sacraments, and various occasions in life are rendered holy” (*Catechism of the Catholic Church*, n. 1667).

173 §1. Sacramentals always include a prayer, often accompanied by a specific sign, such as the laying on of hands, the sign of the cross, or the sprinkling of holy water.<sup>57</sup>

§2. There are different forms of sacramentals and they have different levels of importance in the life of the Church. Blessings of persons, meals, objects and places hold top rank in the order of sacramentals.<sup>58</sup>

§3. Sacramentals find their origin in the priesthood of the baptized. Thus, there are certain blessings at which lay people may preside, as indicated in the approved liturgical books and when a cleric is not able to be present.<sup>59</sup>

**174 §1.** The laity are to be instructed in the nature, efficacy and the proper use of sacramentals instituted by the Church for their spiritual and temporal welfare. The faithful are to be encouraged particularly in the use of those sacramentals which are intended to sanctify the Catholic home and family life.

**§2.** A blessed crucifix, placed in a common room of their home, along with a bottle of holy water are basic essential sacramentals. The faithful are highly encouraged to have blessed medals, rosaries and sacred images in their homes, especially where children are present in order to encourage the fostering of their spiritual and devotional life.

**§3.** It is to be recommended that parents obtain the special blessings of the Church which sanctify their parental vocation before and after the birth of their children.

**175 §1.** The clergy shall observe the rites as prescribed in the approved liturgical books for the administration of sacramentals.

**§2.** Pastors are to ensure that a supply of holy water is readily available for use in the church and for the laity to use in their homes.

**§3.** In every parish, the clergy shall assure the faithful of their readiness to bless homes, vehicles, places of business, farms, fields, animals, etc., of their parishioners, when reasonably requested.

**176 §1.** If a sacramental becomes worn or broken to the point that it can no longer be used for its original purpose, the item should be disposed of in a proper manner and not simply thrown out as refuse. Proper disposal typically entails burning it first and then placing the ashes into the earth or burying the item directly into the earth.<sup>60</sup>

**§2.** It is a good practice for pastors to aid their parishioners with such disposal.

## **SECTION X: FUNERALS AND CHRISTIAN BURIAL**

**177 §1.** Ecclesiastical burial shall be understood as it is defined in can. 1176. It is a right which the Church gives the faithful.

**§2.** Clergy have an obligation to know and follow the Diocesan policy on Catholic funeral rites.

**§3.** Since the Church does not prohibit cremation, when it is requested the norms for cremation contained in the *Order of Christian Funerals* as well as the Diocesan policy on cremation are to be followed.<sup>61</sup> (Appendix 25)

**§4.** When requests are made for funerals with the ashes present, pastors are to inform the Diocesan Bishop.

**178 §1.** Persons who are under instruction for reception into the Church at the time of their death as well as those who have indicated a positive desire to embrace the Faith are to be considered as baptized in the matter of their ecclesiastical burial, provided they died without the Rite of Baptism through no fault of their own.<sup>62</sup>

§2. The same principle applies to persons for whom a documentary proof of Baptism cannot be secured, but for whom there are positive indications that constitute a reasonable presumption in favor of baptism.

§3. The parish priest should permit infants who die before Baptism to be given the full rites of ecclesiastical burial, if the parents had intended to have them baptized.<sup>63</sup>

§4. The Church's funeral rites may be celebrated for baptized persons who are enrolled in a non-Catholic Church or ecclesial community unless their intention is evidently to the contrary and provided that their own minister is not available.<sup>64</sup>

**179** All baptized persons must be permitted ecclesiastical burial unless they are expressly deprived of it by law. In cases of doubt the Diocesan Bishop is to be consulted. The following persons are to be deprived of ecclesiastical burial unless they have given some sign of repentance prior to death:

1° Notorious apostates from the Catholic Faith;

2° Heretics, schismatics or members of societies inimical to the Faith and the Church;

3° Persons who chose cremation for reasons contrary to the Catholic Faith;

4° Persons excommunicated or interdicted in the external forum without the remission of these penalties prior to death;

5° Other manifest and obstinate sinners.

**180** §1. Christian burial is permitted in any approved Catholic cemetery.

§2. Christian burial is also permitted in other cemeteries in which there are areas designated and maintained for Catholics that have been properly blessed.

§3. Christian burial in other cemeteries where neither of the above-mentioned provisions of law have been arranged will be permitted only after each grave has been blessed according to the approved liturgical ritual.

§4. Before the remains of the Catholic faithful are exhumed or transferred, and only for a just cause, the consent of local civil authorities as well as the local ordinary are to be obtained.

**181** §1: Without the express permission of the Diocesan Bishop, non-Catholics may not be buried in a Catholic cemetery unless they are members of a Catholic family or the non-Catholic spouse in a mixed marriage.

§2. The pastor or priest in charge of a Catholic cemetery may permit, upon request, clergymen of other faiths to conduct grave-side services in the cemetery on the occasion of the burial of a non-Catholic.

§3. Non-Catholic religious rites, including all types of sectarian and fraternal services, are never permitted in a Catholic cemetery, unless the Diocesan Bishop expressly grants this permission. This prohibition does not refer to civil or military honors.

**182** A priest from outside the parish should generally be allowed to celebrate the various rites of the funeral liturgy when a reasonable request is made.

**183 §1.** The laity are to be catechized regarding their obligations in connection with Catholic burial, especially during the month of November.

**§2.** The laity are encouraged to include a specific request for a Funeral Mass in their last will and testament.

**184** Regardless of other prayer services provided during the time of mourning before a funeral, the Funeral Rites are to include the Vigil for the Deceased as provided in the *Order of Christian Funerals*. This vigil service is the beginning of the Funeral Rites, and should not be omitted without good cause.

**185** In accord with local custom, the rosary may be prayed before or after the Vigil for the Deceased or at another time if requested by the family of the deceased. It may also be incorporated into the Vigil as long as it does not replace any part of the given ritual. This pious practice is even to be encouraged.

**186 §1.** Audio-visual presentations immediately prior to or during a funeral Mass are not to be permitted.

**§2.** Eulogies may be given at the vigil, at the cemetery, or at a gathering after the funeral rites but not at any moment during the funeral Mass.

**187 §1.** A funeral Mass is to be celebrated in the local church and should be considered the norm. A funeral Mass is not to be celebrated in other chapels or any funeral home without the permission of the Diocesan Bishop or his delegate.

**§2.** The homily of the Mass should be based on the Scriptures selected for the Mass. It may also relate to the prayers of the Liturgy.

**188** Music is integral to the funeral rites. The texts of the songs chosen should express the Paschal Mystery of the Lord's suffering, death and triumph over death and should be related to the chosen readings from Scripture. The other principles, rubrics and norms concerning music in the Mass are to be followed.<sup>65</sup>

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<sup>1</sup> Pope Benedict XVI, *Sacramentum Caritatis*, n. 38. The *ars celebrandi* is the best way to ensure their *acutosa participation*.

<sup>2</sup> See can 843 §1.

<sup>3</sup> **Can. 848** The minister is to seek nothing for the administration of the sacraments beyond the offerings defined by competent authority, always taking care that the needy are not deprived of the assistance of the sacraments because of poverty.

<sup>4</sup> **Can. 531** Although another person has performed a certain parochial function, that person is to put the offerings received from the Christian faithful on that occasion in the parochial account, unless in the case of voluntary offerings the contrary intention of the donor is certain. The diocesan bishop, after having heard the presbyteral council, is competent to establish prescripts which provide for the allocation of these offerings and the remuneration of clerics fulfilling the same function. **Can. 1267 §1.**

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Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridic person, even a private one, are presumed given to the juridic person itself.

<sup>5</sup> The faculty of reserving the Holy Oil of the Sick in a decent place in the rectory, in a locked automobile glove compartment and of carrying it on one's person when away from the rectory, provided it is safe and suitable in an oil stock was granted by the Sacred Congregation of Rites on 4 March 1965. The possibility of any abuse to consecrated oils must be avoided. See can. 847 §2.

<sup>6</sup> **Can. 851** The celebration of baptism must be prepared properly, consequently: 1° an adult who intends to receive baptism is to be admitted to the catechumenate and is to be led insofar as possible through the various stages to sacramental initiation, according to the order of initiation adapted by the conference of bishops and the special norms issued by it.

<sup>7</sup> For validity, the pouring of water over the skin is done while saying the Trinitarian formula in the active tense, "I baptize you, N., in the Name of the Father, and of the Son, and of the Holy Spirit." The one performing the baptism is to at least intend whatever the Church intends through the Sacrament.

<sup>8</sup> See the **cann. 843 §2, 861 §2**.

<sup>9</sup> **Can. 867 §1**. Parents are obliged to take care that infants are baptized in the first few weeks; as soon as possible after the birth or even before it, they are to go to the pastor to request the sacrament for their child and to be prepared properly for it.

<sup>10</sup> According to the November 14, 2006 U.S. Bishops' Letter on homosexuality, "Ministry to Persons with a Homosexual Inclination: Guidelines for Pastoral Care," the baptism of children in the care of same-sex couples presents a serious pastoral concern. Nevertheless, the Church does not refuse the Sacrament of Baptism to these children, but there must be a founded hope that the child will be brought up in the Catholic religion.

<sup>11</sup> Please note that the Church's legislation in this regard is biased toward conferring the Sacrament of Baptism as seen in can. 868. The "founded hope" found in the aforementioned canon does not carry the qualifier "well." **Can. 868 §1**. For an infant to be baptized licitly: 2° there must be a founded hope that the infant will be brought up in the Catholic religion; if such hope is altogether lacking, the baptism is to be delayed according to the prescripts of particular law after the parents have been advised about the reason.

<sup>12</sup> **Can. 868 §2**. An infant of Catholic parents or even of non-Catholic parents is licitly baptized in danger of death even against the will of the parents.

<sup>13</sup> See cann. 872 and 874 §1.

<sup>14</sup> Can. 873.

<sup>15</sup> Can. 874 §2.

<sup>16</sup> USCCB Complementary Norms Regarding the Prescriptions of Canon 877 §3: For children baptized after their adoption is finalized, the following information shall be entered in the register:

a) the Christian name(s) of the child as designated by the adoptive parent(s); b) the name(s) of the adoptive parent(s); c) the date and place of birth; d) the names of the sponsors selected by the adoptive parent(s); e) the place and date of the baptism; f) the name of the minister performing the baptism; g) and the fact of adoption but not the names of the natural parents. Baptismal certificates issued by the parish for adopted children will be no different from other baptismal certificates. No mention of the fact of adoption shall be made on the baptismal certificate. For children baptized before their adoption is finalized, the following notations shall be added to the baptismal register, but only after the adoption has been finalized and with due regard for the civil law of the jurisdiction: a) parentheses shall be placed around the names of the natural parents; b) the name(s) of the adoptive parent(s) shall then be added; c) the child's former surname shall also be parenthesized and the new surname added; d) and a notation shall be made that the child was legally adopted. Baptismal certificates issued by the parish for these

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individuals shall give only the name(s) of the adoptive parent(s), the child's new legal surname, the date and place of baptism, and the name of the minister who conferred the sacrament. The name(s) of the sponsor(s) shall not be given, and no mention of the fact of adoption shall be made on the baptismal certificate. For future ease in reference, and to afford what may often be the only possibility of reference after the adoption has been finalized, a baptismal entry for the adopted child can be made in the baptismal register of the adoptive parents' parish, citing the date and location of the original baptismal record, and listing only the name of the adoptive parents, and the date and place of birth. Parish personnel having access to parish registers have an obligation not to disclose to any person any information which would identify or reveal, directly or indirectly, the fact that a person was adopted.

<sup>17</sup> When the solemnities, or ceremonies, of Baptism have been omitted due to danger of death, the *Rite of Bringing a Baptized Child to the Church* should be used by the pastor if the child lives. This would be done at the parish church when the child is able and the parent(s) arrange it with the pastor. In the parish register where the emergency baptism was first recorded, a notation is to be made regarding the date when the ceremonies were supplied. For the sake of record, the date upon which the emergency baptism was conferred is the date the child was baptized.

<sup>18</sup> See can. 882.

<sup>19</sup> Indiscriminate conditional Baptism of all who desire full communion with the Catholic Church cannot be approved. The Sacrament of Baptism cannot be repeated, so the prescripts of can. 869 are to be followed. **Can. 869 §1.** If there is a doubt whether a person has been baptized or whether baptism was conferred validly and the doubt remains after a serious investigation, baptism is to be conferred conditionally. **§2.** Those baptized in a non-Catholic ecclesial community must not be baptized conditionally unless, after an examination of the matter and the form of the words used in the conferral of baptism and a consideration of the intention of the baptized adult and the minister of the baptism, a serious reason exists to doubt the validity of the baptism. **§3.** If in the cases mentioned in §§1 and 2 the conferral or validity of the baptism remains doubtful, baptism is not to be conferred until after the doctrine of the sacrament of baptism is explained to the person to be baptized, if an adult, and the reasons of the doubtful validity of the baptism are explained to the person or, in the case of an infant, to the parents.

<sup>20</sup> The “age of reason” is generally situated around the seventh year of age. In cases of doubt, consult the Diocesan Chancery.

<sup>21</sup> Catholics belonging to an Eastern Church *sui iuris* (e.g., Ukrainian, Maronite, etc.), normatively receive Baptism, Chrismation, and the Eucharist at the same time, as infants. Therefore, any person presenting him/herself for Confirmation who is from the Ukrainian or other Eastern Catholic Church *sui iuris* should not be ‘confirmed’ again. The baptismal certificate of these persons will show whether or not all three Rites of Initiation were completed at Baptism. In the event of an un-Confirmed Eastern Catholic, please note that the Diocesan Bishop does not automatically possess the requisite permissions to Confirm Eastern Catholics. In such cases, the Diocesan Chancery should be immediately consulted.

<sup>22</sup> Baptism and Confirmation are connected as seen in the following quotation from the *Catechism of the Catholic Church*: “Baptism, the Eucharist, and the sacrament of Confirmation together constitute the ‘sacraments of Christian initiation,’ whose unity must be safeguarded” (n. 1285).

<sup>23</sup> See cann. 893 and 874.

<sup>24</sup> See can. 895.

<sup>25</sup> See can. 1248 §2 and *Sunday Celebrations in the Absence of a Priest* (USCCB, 2012), nn. 6-13.

<sup>26</sup> See can. 912.

<sup>27</sup> **Can. 919 §1.** A person who is to receive the Most Holy Eucharist is to abstain for at least one hour before holy communion from any food and drink, except for only water and medicine. **§2.** A priest who

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celebrates the Most Holy Eucharist two or three times on the same day can take something before the second or third celebration even if there is less than one hour between them. §3. The elderly, the infirm, and those who care for them can receive the Most Holy Eucharist even if they have eaten something within the preceding hour.

<sup>28</sup> Priests may purify vessels at either the altar or at the credence table, during or immediately after Mass. Deacons are to purify the vessels at the credence table, unless they are merely assisting the priest with the purification (*General Instruction of the Roman Missal*, nn. 163 and 183). When purifying the vessels, the minister should be thorough, yet expedient. Careful attention should also be given to the delicate nature of sacred vessels that contain precious metals.

<sup>29</sup> Pastors and parochial administrators are to request the reappointment of lay persons to this function by the Diocesan Bishop. In pastoral necessity, the celebrant may appoint an Extraordinary Minister of Holy Communion in a singular instance using the approved Blessing from Roman Missal. Extraordinary Ministers of Holy Communion who are asked to assist with the distribution of Holy Communion at a parish other than that to which they belong (e.g., at nuptial Masses, funeral Masses, etc.) are to be deputed to distribute Holy Communion on a single occasion using the rite found in Appendix III of the *Roman Missal*.

<sup>30</sup> For example, a person who attends a Communion Service and receives the Eucharist may attend Mass on the same day and receive again, but not the reverse. A person who attends Mass in the morning and then attends a Vigil Mass in the evening may receive Communion both times. The maximum number of times a person may receive the Eucharist in one day is twice, unless it is given as Viaticum. **Can. 917** A person who has already received the Most Holy Eucharist can receive it a second time on the same day only within the eucharistic celebration in which the person participates, without prejudice to the prescript of can. 921 §2.

<sup>31</sup> See footnote 16.

<sup>32</sup> See can. 921.

<sup>33</sup> See the *Pastoral Care of the Sick*, rubric 73, and the *Catechism of the Catholic Church*, n. 1345.

<sup>34</sup> See can. 920.

<sup>35</sup> *Misericordiae Vultus: Bull of Indiction of the Extraordinary Jubilee of Mercy* by Pope Francis, 11 April 2015.

<sup>36</sup> See can. 1003.

<sup>37</sup> **Can. 1004 §1.** The anointing of the sick can be administered to a member of the faithful who, having reached the use of reason, begins to be in danger due to sickness or old age.

<sup>38</sup> **Can. 1004 §2.** This sacrament can be repeated if the sick person, having recovered, again becomes gravely ill or if the condition becomes more grave during the same illness.

<sup>39</sup> See can. 1005.

<sup>40</sup> See can. 1009 §1.

<sup>41</sup> See cann. 1012, 1024, 1026-1032, 1033-1039 and 1040-1049.

<sup>42</sup> See can. 1052 §3.

<sup>43</sup> See *On the Good of Marriage* by St. Augustine of Hippo and *Gaudium et Spes*, n. 48.

<sup>44</sup> **Can. 1070** If someone other than the pastor who is to assist at marriage has conducted the investigations, the person is to notify the pastor about the results as soon as possible through an authentic document.

<sup>45</sup> See <http://bismarckdiocese.com/marriage-preparation>.

<sup>46</sup> See *Gravissimum Educationis*, n. 3 and *Gaudium et Spes*, n. 50.

<sup>47</sup> See <http://bismarckdiocese.com/pre-marriage-forms>.

<sup>48</sup> The Chancery will maintain an up-to-date list of valid and non-valid Baptisms.

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<sup>49</sup> See *CCEO* 831 §2.

<sup>50</sup> See <http://bismarckdiocese.com/marriage-preparation>.

<sup>51</sup> See can. 1109

<sup>52</sup> See “ascription” and “Church *sui iuris*” in the Glossary.

<sup>53</sup> See can. 1127 §3.

<sup>54</sup> *Directory for the Application of Principles and Norms on Ecumenism*, March 25, 1993, nn. 157-158.

<sup>55</sup> *Ibid.* See also *Sacramentorum Sanctitatis Tutela*, 2001, Norms, art. 3.

<sup>56</sup> *Directory for the Application of Principles and Norms on Ecumenism*, March 25, 1993, nn. 157-158.

<sup>57</sup> *Catechism of the Catholic Church*, n. 1668.

<sup>58</sup> See the *Catechism of the Catholic Church*, n. 1671.

<sup>59</sup> *Catechism of the Catholic Church*, n. 1669: “The more a blessing concerns ecclesial and sacramental life, the more is its administration reserved to the ordained ministry (bishops, priests, or deacons).”

<sup>60</sup> For example: a rosary, scapular or liturgical vestment.

<sup>61</sup> See the Congregation for the Doctrine of the Faith’s Instruction *Ad resurgendum cum Christo* regarding the burial of the deceased and the conservation of the ashes in the case of cremation.

<sup>62</sup> See can. 1183 §1.

<sup>63</sup> See can. 1183 §2.

<sup>64</sup> See can. 1183 §3.

<sup>65</sup> For example: the acclamations are to be sung.

## CHAPTER IV

### SACRED PLACES AND TIMES

“Sacred places are those which are designated for Divine worship or for the burial of the faithful by dedication or a blessing which the liturgical books prescribe for this purpose” (can. 1205).

#### SECTION I: PARISH CHURCHES, CHAPELS AND ORATORIES

**189 §1.** The erection, renovation or modification of a church, chapel, or any other building on parish, trustee corporation, or school property requires compliance with the norms published in the Building Policy of the Bismarck Diocese. (Appendix 26)

**§2.** A parish church may become an oratory if circumstances favor such a canonical transfer. This is only done under the direct supervision of the Diocesan Bishop and following the appropriate procedure. (Appendix 27)

**190 §1.** Pastors, rectors and chaplains are charged with the responsibility of maintaining the proper cleanliness and good order befitting a place of divine worship in churches, chapels and oratories.

**§2.** Every effort should be made to make churches, chapels, oratories and other spaces where the faithful gather accessible to persons who are physically disabled.

**§3.** All upkeep and repair of sacred art in a church, chapel or oratory is to be done by competent artists.

**191** Admission to churches, chapels and oratories for all sacred functions must be absolutely free of charge as specified in can. 1221. Any custom to the contrary is not to be tolerated. Money may be collected only once during church services, unless the Diocesan Bishop or his delegate has given permission for an additional collection.

**192** Churches, chapels and oratories may not be used for any purpose except divine worship. Such functions as civic programs, music concerts and the like may not take place in a church, chapel or oratory without the express approval of the pastor, rector, or chaplain.

**193 §1.** Priests and others charged with the care of sacred places shall familiarize themselves with the ecclesiastical regulations pertaining to sacred art. It is to be kept in mind that the function and duty of sacred art is to enhance the beauty of the house of God and to foster the faith and piety of the faithful who gather there for divine worship. Anything that distracts or diminishes the devotion of the faithful is to be removed.

**§2.** In the building of a church, chapel or oratory, or renovations of those existing, the norms of the Universal Church, as well as those established by the USCCB.

**194** Flags representing national or state insignia are not to be displayed in the sanctuary of churches, chapels, or oratories. They may be displayed in other areas of the church where the faithful gather.

**195** Any pastor, rector, or chaplain who intends to erect or establish a chapel for the perpetual exposition of the Most Blessed Sacrament, either in an existing church building or in a free-standing chapel, must submit a request in writing to the Diocesan Bishop.

## SECTION II: SACRED TIMES

“Christ taught us: ‘You must pray at all times and not lose heart’ (Lk 18:1). The Church has been faithful in obeying this instruction; it never ceases to offer prayer and makes this exhortation its own: ‘Through [Jesus] let us offer to God an unceasing sacrifice of praise’ (Heb 15:15)” (*General Instruction of the Liturgy of the Hours*, n. 10). Although Jesus commands us to pray at all times, certain times – especially the primordial feast of Sunday and the celebrations of the various moments of the Paschal Mystery - are set aside as particularly sacred (see can. 1246).

**196** §1. It is only for the Apostolic See to establish, transfer, and suppress feast days and days of penance common to the Universal Church, without prejudice to the prescript of can. 1246 §2.

§2. The Bishop of Bismarck can decree special feast days or days of penance for the Diocese, but only in individual instances.<sup>1</sup>

§3. The norms for Holy Days of Obligation in the Bismarck Diocese are to be followed. (Appendix 27)

**197** Priests having the care of souls are to admonish the faithful that the present widespread commercialization of Sundays and Holy Days constitutes a serious disregard of the Third Commandment of God. Unnecessary buying and selling or burdensome labor on these days violate the sanctity of the Lord’s Day and the right of the worker to a day devoted to divine worship and rest.

**198** §1. Each year and no later than the Sunday before Ash Wednesday, the Lenten regulations for the Bismarck Diocese shall be announced and carefully explained to the faithful.<sup>2</sup> This is the responsibility of the proper pastor or chaplain.

§2. The faithful are encouraged to pray the Stations of the Cross during the Lenten season.

**199** For a just cause, a pastor, and indeed any priest ministering in the Bismarck Diocese with the appropriate faculty, can grant in individual cases a dispensation from the general laws of fasting, abstinence and the observance of feast days, including Sundays, according to the norms of can. 1245, and should encourage, in their place, other prayers or pious practices.<sup>3</sup> (Appendix 11)

**200** The faithful are to be catechized concerning the penitential character of Fridays throughout the year. They are to be encouraged to maintain abstinence on Fridays in accord with cann. 1250 and 1251, or to substitute some other suitable form of penance or charity in accord with the USCCB “Pastoral Statement on Prayer and Fasting.”<sup>4</sup>

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<sup>1</sup> See can. 1244 §2.

<sup>2</sup> See cann. 1251-1252.

<sup>3</sup> **Can. 1252** The law of abstinence binds those who have completed their fourteenth year of age. The law of fasting, however, binds all those who have attained their majority (18) until the beginning of their sixtieth year. Nevertheless, pastors of souls and parents are to take care that minors not bound by the law of fast and abstinence are also educated in a genuine sense of penance.

<sup>4</sup> USCCB “Pastoral Statement on Prayer and Fasting,” n. 23: “Friday should be in each week something of what Lent is in the entire year. For this reason we urge all to prepare for that weekly Easter that comes with each Sunday by freely making of every Friday a day of self-denial and mortification in prayerful remembrance of the passion of Jesus Christ.”

## CHAPTER V

### THE MOST HOLY EUCHARIST

(See also Chapter III, Section IV)

“The wonderful works of God among the people of the Old Testament were but a prelude to the work of Christ the Lord in redeeming mankind and giving perfect glory to God. He accomplished this work principally by the Paschal mystery of his blessed Passion, Resurrection from the dead, and glorious Ascension, whereby ‘dying he destroyed our death, rising he restored our life’. For it was from the side of Christ as he slept the sleep of death upon the cross that there came forth ‘the wondrous sacrament of the whole Church’. For this reason, the Church celebrates in the liturgy above all the Paschal mystery by which Christ accomplished the work of our salvation. It is this mystery of Christ that the Church proclaims and celebrates in her liturgy so that the faithful may live from it and bear witness to it in the world: For it is in the liturgy, especially in the divine sacrifice of the Eucharist, that ‘the work of our redemption is accomplished,’ and it is through the liturgy especially that the faithful are enabled to express in their lives and manifest to others the mystery of Christ and the real nature of the true Church.” (*Catechism of the Catholic Church*, nn. 1067 and 1068).

#### SECTION I: RESERVATION AND VENERATION OF THE MOST HOLY EUCHARIST

**201** The prescripts of cann. 934 and 944 of the *Code of Canon Law* on the reservation and veneration of the Most Holy Eucharist are to be studied carefully and observed faithfully by all who have the duty to maintain vigilance over the security of the Most Blessed Sacrament.

**202** §1. The Most Holy Eucharist shall be reserved in every parish church of the Diocese having a resident pastor. The church is to be kept open for some hours of the day so that the faithful can pray before the Most Blessed Sacrament, unless there is a serious reason to the contrary.

§2. The reservation of the Most Blessed Sacrament in churches without a resident pastor but under the care of a priest is permitted in this Diocese.

**203** Church law requires that Mass be celebrated at least twice a month in every church, chapel and oratory where the Most Holy Eucharist is reserved. Any dispensations from this requirement are reserved to the Diocesan Bishop.

**204** The key to the tabernacle shall be most carefully safeguarded by the person responsible for the care and security of a church, chapel, or oratory where the Most Holy Eucharist is reserved.

**205** §1. Tabernacles in churches, chapels, and oratories of the Bismarck Diocese must be constructed of solid and opaque material, must be fastened such that they cannot be moved, and must have locks which protect against possible profanation.<sup>1</sup>

§2. The interior of the tabernacle should be suitably furnished with decorum befitting the Most Blessed Sacrament. Its base is to be covered with a clean white corporal that should be changed periodically.

**206** Exposition and Benediction of the Most Blessed Sacrament is strongly encouraged in all parish churches, chapels, and oratories, strictly following the norms prescribed in the approved liturgical books.

## SECTION II: SACRED FUNCTIONS

**207** Attendance at a non-Catholic service, even though not prohibited, does not fulfill the Sunday obligation. Catholics are forbidden to take any active sacramental part in the religious rites of non-Catholic denominations in accord with the norms of can. 1365 and the norms of the *Directory for the Application of Principles and Norms on Ecumenism*.

**208** The liturgical norms of the *Roman Missal*, *Roman Ritual* and all approved liturgical books, and the directions given in the *Ordo* pertaining to the Bismarck Diocese are to be faithfully observed.

**209** Approved religious devotions are to be held in all churches, chapels, and oratories throughout the Church year. Devotions through the year ought to be in harmony with the liturgical season being celebrated.

**210** The clergy and the other liturgical ministers are to wear the vestments proper to their orders and functions for all sacred ceremonies.<sup>2</sup>

**211** It is the obligation of pastors and chaplains to see that all laity exercising liturgical roles are properly formed in the spiritual and practical aspects of their function.

## SECTION III: SACRED FURNISHINGS

“God speaks to man through the visible creation. The material cosmos is so presented to man's intelligence that he can read there traces of its Creator...Inasmuch as they are creatures, these perceptible realities can become means of expressing the action of God who sanctifies men, and the action of men who offer worship to God” (*Catechism of the Catholic Church*, nn. 1146 and 1147). Because man offers creation back to God during the sacred celebration, it is important to use the best quality natural materials during worship. For example, there is a preference for natural fibers over synthetic materials in vestments and altar linens; music during sacred liturgy should be live and not recorded; altar candles must present a living flame and not be electric or other artificial light. Likewise, vessels are to be made of a noble metal, and the furnishings of the sanctuary are to reflect a noble simplicity. They are to be neither ostentatious, nor of a poor quality.

**212 §1.** It is the duty of the pastor to procure all those sacred furnishings necessary for the proper celebration of divine worship, and he shall see to it that they are preserved in good condition.

**§2.** Sacred vessels are to be purified, kept clean, and stored in a secure place when they are not in use.

**§3.** Sacred vestments are to be kept clean and in a good state of repair.

**§4.** When disposing of sacred objects no longer in use, the traditional practice of burning them and burying their ashes in the earth, or of burying them in the earth is to be maintained.

**213 §1.** Each sacristy is to be furnished with a sacarium. Care must be taken to see that the drain from it leads directly to the ground and not to a sewer.

**§2.** If the Baptismal Font of the Church has a drain, care must be taken that Holy Water is never drained into the sewer. Thus, any Baptismal Font that does not drain directly into the ground must be emptied by hand and the Holy Water placed directly into the earth.

**214 §1.** Candles for Mass should be wax and contain a minimum of 51 percent beeswax.

**§2.** The Paschal candle is to be freshly procured annually so that the ritual meaning of the new light of Christ is adequately conveyed. The Paschal Candle must contain a minimum of 51 percent beeswax, and is preferably 100 percent beeswax.

**§3.** Liturgical laws prescribe the proper number of candles for each liturgical service, and these regulations are to be observed faithfully.

**§4.** Any theatrical and inappropriate display of electric lights or other decorations in connection with divine worship is strictly forbidden.<sup>3</sup>

**215** No video may be shown during a liturgical action without the express permission of the Diocesan Bishop.

**216** In every church, chapel, and oratory where the Most Holy Eucharist is reserved, a sanctuary light near the tabernacle is to burn continuously. The light is to be a living flame and not an electric lamp or other form of artificial light, except with the express permission of the Diocesan Bishop.

**217** Votive candle stands for devotional use are permitted in the churches, chapels, and oratories of the Bismarck Diocese, and a suitable offering may be accepted.

**218 §1.** Relics may not be placed on the altar for veneration by the faithful.

**§2.** A list of relics venerated in the parish church, chapel, or oratory is to be retained in the archives, together with any documents that certify their authenticity.

## SECTION IV: SACRED MUSIC

“The musical tradition of the universal Church is a treasure of inestimable value, greater even than that of any other art. The main reason for this pre-eminence is that, as sacred song united to the words, it forms a necessary or integral part of the solemn liturgy” (*Sacrosanctum Concilium*, n. 112).

**219** The laws of the Church concerning sacred liturgical music must be observed faithfully throughout the Bismarck Diocese.<sup>4</sup>

**220** §1. Priests are to know the dialogues and orations of the *Roman Missal*, notably the collects, prefaces, and prayers after communion, and chant them if they are able.

§2. It is the obligation of each pastor to supervise the sacred liturgical music in his parish. The pastor must ensure that the music director and musicians comply with the norms of the law concerning sacred liturgical music. It is also the obligation of the pastor to ensure that the proper use of sacred liturgical music maintains the dignity of the sacred rites.

§3. All parish congregations and schools should be familiar with the Ordinary parts of the Mass, in both English and Latin, as found in the *Roman Missal* and sing them some of the time throughout the Church Year.

§4. Pastors are strongly encouraged to provide adequate funds and time for proper musical and liturgical formation for all paid and volunteer parish musicians.

**221** All civil laws and regulations governing copyright and performance of music must be strictly observed.

**222** The use of secular music at sacred ceremonies is forbidden in the Bismarck Diocese. Pastors are also to be vigilant against the use of secular music in the sacred space.

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<sup>1</sup> See the *General Instruction of the Roman Missal*, nn. 314-317, and *Built of Living Stones*, nn. 70-80.

<sup>2</sup> **Can. 929** In celebrating and administering the Eucharist, priests and deacons are to wear the sacred vestments prescribed by the rubrics.

<sup>3</sup> *Built of Living Stones*, nn. 92-94. More information on approved devotions can be found in the *Directory of Popular Piety and the Liturgy*.

<sup>4</sup> Key sources for liturgical law concerning sacred liturgical music include the following: *Tra le Sollicitudini*, *Sacrosanctum Concilium*, *Musicam Sacram* and, for the Dioceses of the United States of America, *Sing to the Lord*.

## CHAPTER VI

### THE TEACHING OFFICE OF THE CHURCH

“The Church, to which Christ the Lord has entrusted the deposit of faith so that with the assistance of the Holy Spirit it might protect the revealed truth reverently, examine it more closely, and proclaim and expound it faithfully, has the duty and innate right, independent of any human power whatsoever, to preach the gospel to all peoples, also using the means of social communication proper to it. It belongs to the Church always and everywhere to announce moral principles, even about the social order, and to render judgment concerning any human affairs insofar as the fundamental rights of the human person or the salvation of souls requires it” (can. 747).

#### SECTION I: PREACHING

**223 §1.** Homilies, which explain the mysteries of the faith and the norms of Christian life, are to be given during the course of each liturgical year.<sup>1</sup>

**§2.** The subject matter of homilies shall be exclusively concerned with the matters that pertain to the spiritual welfare of souls. Topics merely of a political or secular nature are to be avoided. All references of a critical or embarrassing nature concerning particular persons are strictly forbidden.

**224 §1.** A homily must be given at all Masses on Sundays and all other Holy Days of Obligation in all parish churches, chapels, and oratories where the faithful gather to fulfill their obligation of participation. It can be omitted only for a grave reason.

**§2.** It is highly recommended that a homily be given at Masses celebrated during the week, especially during the time of Advent and Lent.

**§3.** It is highly recommended that at funeral Masses there be a brief homily, but to the exclusion of a funeral eulogy of any kind.<sup>2</sup>

**225 §1.** The homily should ordinarily be preached by the priest celebrant himself or be entrusted by him to a concelebrating priest or, from time to time and if appropriate, to the deacon, but never to a layperson. In particular cases and for a just cause, a bishop or a priest who is present at the celebration but cannot concelebrate may give the homily.<sup>3</sup>

**§2.** In providing for preaching by the lay faithful the Diocesan Bishop may never dispense from the norm which reserves the homily to the sacred ministers. Speaking to the congregation by the lay faithful may not take place within the celebration of the Eucharist at the time reserved for the homily.<sup>4</sup>

**226 §1.** Without prejudice to the provision of can. 770, the permission of the Diocesan Bishop or his delegate is required for extern priests to preach, conduct missions or retreats, or give public

addresses. The names of prospective speakers on religious topics are to be forwarded to the Chancery for prior approval. (See Statute 55)

§2. A pastor may, however, on the occasion of a visit by an extern priest, grant permission for him to preach in his church, provided the visiting priest is approved for preaching by his own diocesan bishop or religious superior.

227 It is highly recommended that a sacred mission be conducted annually in each parish in this diocese.<sup>5</sup>

## SECTION II: INSTRUMENTS OF COMMUNICATION AND SOCIAL MEDIA

228 §1. *The Dakota Catholic Action* is the Catholic newspaper of the Bismarck Diocese. Any official notice that appears therein is to be considered duly promulgated and binding on all concerned.

§2. Pastors will make every effort to see that each family receives *The Dakota Catholic Action* in accordance with the directives given by the Diocesan Bishop.

229 Pastors have the duty and right to see that no harm is done to the faith or morals of the Christian faithful, especially regarding the virtue of chastity, through the use of instruments of communication and social media.<sup>6</sup>

230 §1. Pastors are urged to provide access to Catholic publications and media in their parishes.

§2. Catholics who purport to speak on a regular basis concerning matters of the Catholic faith must have the written permission of the Diocesan Bishop.<sup>7</sup>

§3. Clerics are required to receive approval from the Diocesan Bishop or his delegate when granting an interview or submitting comment or content to secular media outlets.

§4. It is understood that the grant of a *nihil obstat* and an *imprimatur* for any writings, printed or electronic, is an official declaration by the Diocesan Bishop or his delegate that the material is free from doctrinal and moral error, but it does not necessarily imply agreement with the content or opinions contained therein.

231 All usage of social media is public and permanent and thus requires discretion and prudence. It would be imprudent for one to think social communication is ever private.

## SECTION III: CATHOLIC EDUCATION

### Article A: Parental Obligations

232 §1. Parents are the primary educators of their children, especially in religious matters. To the greatest extent possible, they have a serious responsibility to send their children to Catholic schools when such are available. Exceptions to this norm are only to be made after prayerful consideration and consultation with one's pastor.

§2. In so far as possible, provisions should be made so that parents who have children with intellectual, physical, or emotional challenges have the necessary assistance they need to provide religious education for their children according to their specific needs.

### **Article B: Administration of Catholic Schools**

**233** §1. All Catholic schools in the Bismarck Diocese are established, organized, and operated under the authority of the Diocesan Bishop to the fullest extent allowed by Canon Law, in accord with cann. 801-803 and the Statutes of this Article.

§2. The Constitutions and By-laws of Diocesan schools and school systems must be approved by the Diocesan Bishop.

§3. The board of directors of each Catholic school system includes the Diocesan Bishop, who is the chairman, the pastor of each participating parish, and appointed lay members.

§4. Lay members of each board of directors are to be recommended by their respective pastors and must be approved and appointed by the Diocesan Bishop.

**234** §1. The pastor, if it is a parish school, or the president or superintendent, if it is part of a Catholic school system, in consultation with the school principal shall have full charge of the school under the general direction of the Diocesan Bishop or his delegate and in collaboration with the pastors associated with the school system.

**235** §1. The high school chaplain, a validly ordained priest in good standing, is appointed by the Diocesan Bishop. His role is governed by the Bismarck Diocese policy for the administration of high schools.

§2. The Diocesan Bishop reserves the right to appoint a person with the requisite qualifications and credentials to any position within each Catholic school or school system, including administrative positions.

§3. Whenever possible, it is preferable that pastors associated with Catholic schools or school systems, who are members of the board of directors, are priests who have publicly demonstrated zeal for Catholic schools and Catholic education.

**236** Particular attention within each Catholic school or school system must be given to Catholic identity, culture, and practice. It is the responsibility of the administration, faculty, and staff to ensure Catholic identity, which is uniquely entrusted by the Diocesan Bishop to a priest delegated by him, the pastors of each parish associated with the school, and the assigned priest chaplain.

### **Article C: Pastoral Support for Catholic Schools**

**237** §1. Pastors of parishes with Catholic schools or school systems shall instruct and encourage the Christian faithful of their parishes to send their children to a Catholic school.

§2. Pastors of parishes of Catholic schools or school systems shall allow access to their parishes for Catholic school advancement, development, and recruiting.

## **Article D: Financial Support for Catholic Schools**

**238** All parishes and all the Catholic faithful of the Bismarck Diocese share a responsibility in building, maintaining, and funding Catholic schools. A child shall not be deprived of Catholic education solely because the parents are unable to give financial support.

## **Article E: Religious Education**

**239 §1.** Every parish must provide all Catholic children of school age not attending a Catholic elementary or secondary school a parish course of religious education on a regular basis.

**§2.** It is the duty of the pastor to see that a well-organized course of parish religious education is provided for both grade and high school students. The course of study must follow the approved Diocesan guidelines and utilize texts approved by the Diocesan Bishop.

**240** Pastors shall make every effort to ensure the participation of qualified members of the parish for teaching in the program of religious education. The faithful who enroll for this work are to be prepared by the pastor, with special attention given to those who prepare the faithful for the reception of the Sacraments.

**241** Pastors must make provision for the proper faith formation of adults.

**242** Pastors are to make provision that the message of the Gospel reaches the non-Catholics and non-believers living in their territory.

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<sup>1</sup> **Can. 767 §1.** Among the forms of preaching, the homily, which is part of the liturgy itself and is reserved to a priest or deacon, is pre-eminent; in the homily the mysteries of faith and the norms of Christian life are to be explained from the sacred text during the course of the liturgical year.

<sup>2</sup> See Statute 186 §2.

<sup>3</sup> See the *General Instruction of the Roman Missal*, n. 66: “The homily should ordinarily be given by the priest celebrant himself or be entrusted by him to a concelebrating priest, or from time to time and, if appropriate, to the deacon, but never to a layperson. In particular cases and for a just cause, the homily may even be given by a bishop or a priest who is present at the celebration but cannot concelebrate. On Sundays and Holydays of Obligation there is to be a homily at every Mass that is celebrated with the people attending, and it may not be omitted without a grave reason. On other days it is recommended, especially on the weekdays of Advent, Lent, and Easter Time, as well as on other festive days and occasions when the people come to church in greater numbers. It is appropriate for a brief period of silence to be observed after the homily.”

<sup>4</sup> See the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, 26 May 1987, in AAS 79 [1987], 1249.

<sup>5</sup> See can. 770.

<sup>6</sup> **Can. 823 §1.** In order to preserve the integrity of the truths of faith and morals, the pastors of the Church have the duty and right to be watchful so that no harm is done to the faith or morals of the Christian faithful through writings or the use of instruments of social communication. They also have the duty and right to

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demand that writings to be published by the Christian faithful which touch upon faith or morals be submitted to their judgment and have the duty and right to condemn writings which harm correct faith or good morals. See also can. 666: “In the use of means of social communication, necessary discretion is to be observed and those things are to be avoided which are harmful to one’s vocation and dangerous to the chastity of a consecrated person.”

<sup>7</sup> See the USCCB Complementary Norm for can. 772 §2, as established in 2001: “The National Conference of Catholic Bishops, in accord with the prescriptions of canon 772 §2, hereby decrees that, with due regard for the norms of canon 763, a Catholic who regularly expounds Christian doctrine on radio or television must be specially qualified by his or her knowledge of the subject, by manifest adherence to the teaching of the Magisterium and by the witness of his or her life as a Catholic. The individual must obtain the permission of his or her proper diocesan bishop or the diocesan bishop of the place where the radio or television program is originally broadcast. In the case of members of institutes of consecrated life or societies of apostolic life, permission of the competent superior is also required, insofar as the constitution of the institute or society provides for it.”

## CHAPTER VII

### THE TEMPORAL GOODS OF THE CHURCH

“To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy” (can. 1254).

#### SECTION I: ADMINISTRATION OF ECCLESIASTICAL PROPERTY

**243** §1. In the Bismarck Diocese, each parish and institution subject to the jurisdiction of the Diocesan Bishop shall be organized according to the civil laws of the State of North Dakota as distinct nonprofit entities.

§2. The organizing documents of these distinct nonprofit entities have the same force of law as these statutes.

§3. The organizing documents of non-parish Diocesan entities shall be prepared and adopted on an *ad hoc* basis and shall be approved by Diocesan legal counsel in writing prior to organization.

**244** Each entity is to be administered in full compliance with the provisions of Canon Law, the Synodal Statutes of this Diocese, and the civil laws of the State of North Dakota.

**245** Responsibility for the administration of ecclesiastical property shall be vested in the pastor of a parish, or those equivalent in law, who have been appointed by the Diocesan Bishop.

**246** §1. Ownership of property and furnishings in the buildings and on the grounds of a parish or Diocesan institution shall be deemed to be vested in the appropriate entity unless private ownership is previously and specifically declared in writing and is on file at the Chancery and at the institution or parish.

§2. Donations from the faithful or from any society or organization for use in a parish or Diocesan institution are to be considered property of the appropriate entity. A priest or, in the event of his death, his heirs, may not remove or claim such property.

§3. Before beginning their function, pastors and administrators have a duty to prepare and sign an accurate and clear canonical inventory in accord with can. 1283 which shall be updated annually.

**247 §1.** No entity may legitimately be founded under civil law which bears the name Catholic or represents itself as Catholic or is in any way sponsored by a parish or institution of this Diocese without the express prior written approval of the Diocesan Bishop.

**§2.** Priests are forbidden to accept membership in organizations without prior written permission of the Diocesan Bishop or his delegate.

**248 §1.** All deeds shall first be recorded with the Recorder for the County in which the real estate described in each deed is situated, and then shall be sent to the Chancery together with Abstracts and Title Insurance Policies for permanent filing.

**§2.** Abstracts of Title or Title Insurance Policies for all real estate must evidence marketable title.

**249** An accurate set of financial books which are kept posted and which show all receipts and expenditures shall be maintained for each entity, according to the specific directions of the Diocesan Bishop and in compliance with civil laws. All parishes and trustee corporations are to use the currently adopted common software.

**250** All property, including all buildings with their furnishings, must be included in the Diocesan property and liability insurance program. All pastors, parochial administrators, and others designated to administer Diocesan property must keep current with insurance premium payments. They are to inform the insurance carrier of changes which measurably affect the appraised value of their property and also follow prudent maintenance and repairs along with all prescribed directives as they are published.

**251** For each expenditure, including any combination of expenditures for the same purpose, exceeding \$10,000, the appropriate Diocesan regulations must be followed as found in the Building Policy (Appendix 26) of the Bismarck Diocese, the Resolution Policy of the Bismarck Diocese (Appendix 29) and the Bismarck Diocese Contract Review Policy, which can be found on the Diocesan website. (Appendix 37)

**252 §1.** All parishes must put excess operating funds of more than 90 days on deposit with the Parish Expansion Fund (Appendix 30) and must be invested according to the Current Deposit Policy found on the Diocesan website. This includes general savings accounts and restricted savings accounts. This does not apply to Foundation accounts.

**§2.** Long term or excess funds not needed for three years or more may be invested with The Catholic Foundation of Western North Dakota (hereafter Foundation) in an agency account.

**253** All entities seeking financing for a capital project will include the request for financing as part of the Resolution Policy as referenced in Statute 251. The financing request will be reviewed by and is the primary responsibility of the Parish Expansion Fund Board in accordance with the Bismarck Diocese Parish Expansion Fund Loan Policy and Guidelines found on the Diocesan website. Requests may also be made directly to the Diocesan Finance Council for non-parish entities.

## SECTION II: PARISH ADMINISTRATION

**254 §1.** Each entity is to complete the following annual reports and submit them to the Diocesan Bishop on the respective Diocesan forms, which are found on the Diocesan website, on or before September 30th of each fiscal year:

- 1° Statement of Financial Position;
- 2° Statement of Financial Activities;
- 3° Financial Statement Certification;
- 4°; Canonical Inventory;
- 5° Annual Statistical Report, with the names of each member of the appropriate entities' Finance Council;
- 6° Financial Review Verification Report, with the signatures of the Pastor, and Finance Council members, following the Parish Account and Financial Control Guidelines and including a listing of the dates when the appropriate entities' Finance Council met in the preceding fiscal year and since the end of that fiscal year;
- 7° Budget for the recently completed fiscal year and for the next fiscal year with an attestation that the appropriate entity's Finance Council has reviewed and discussed with the Pastor the aforementioned budgets.

**§2.** The monitoring of compliance with this Statute is the responsibility of the Diocese's Office of Parish Resources under the Fiscal Office and is validated by the Diocese's Internal Auditor who reports to the Diocesan Bishop and the Vicar General/Moderator of the Curia.

**255 §1.** No pastor or parochial administrator may grant signature authority to other persons as signers on any financial account. (Appendix 31)

**§2.** The signature of the pastor must be on the checking account of any parish society using the parish name and tax ID number. The pastor need not, however, sign the checks but he must receive a copy of the monthly account summary.

**256 §1.** Pastors are to see that an Annual Financial Activities Report shall be published and made available to each parishioner for each parish on or before October 1st of each fiscal year.

**§2.** Pastors are to send a copy of the published financial report to the Chancery with the required annual reports mentioned in Statute 254. Sample reports are found on the Diocesan website.

**257 §1.** The Bismarck Diocese will perform a financial review of both the parish and trustee corporation which will consist of reviewing financial best practices. This will be done on a scheduled basis or when deemed necessary and will include all organizations operating under the federal tax ID of the parish and trustee corporation. The questionnaires involved, which are found on the Diocesan website, will be the following:

- 1° Financial & Internal Control Review Questionnaire;
- 2° Mass Stipend and Stole Fee Questionnaire;
- 3° Concern Questionnaire.

**§2.** Catholic schools and school systems within the Bismarck Diocese will receive an annual financial audit by a third-party vendor. This will be done on a scheduled basis, or when deemed necessary by the Diocesan Bishop.

**258** The Bishop of Bismarck will communicate the annual housing allowance for the upcoming calendar year, prior to the beginning of each calendar year. (Appendix 32)

**259** The Christian faithful have a strict obligation to assist with the regular and sufficient financial support that enables the pastor to pay the ordinary expenses of parochial administration from ordinary revenue.

### **SECTION III: SALARIES AND COMPENSATIONS**

**260 §1.** The annual salary to be paid to priests who are assigned to work in the service of the Bismarck Diocese and to religious sisters who are teaching in the schools and institutions of this Diocese will be approved by the Diocesan Bishop.

**§2.** Clergy assistance remuneration is set only by the Bishop of Bismarck.

**261 §1.** The parish shall provide for the support of the priest or priests assigned to it by the Diocesan Bishop. This support shall include the following:

**1°** the payment of a salary and related benefits as determined by the Diocesan Bishop;

**2°** a suitable rectory, together with the necessary and customary furnishings;

**3°** household expenses, including the salary for adequate domestic help.

**§2.** In accord with Statute 91, stole fees are to be recorded in the parish accounting software using the specific income account for stole fees. All stole fees belong to the parish.

**262** The funds of diocesan or parish entities are not to be used for purchasing personal articles or gifts of any kind for the priest or priests and other employees.

**263** Salaries, benefits and household expense costs of a parish with an attached mission or missions shall be shared equitably by the parish and mission or missions. Items specific to a parish will be paid by that parish. Samples of cost sharing agreements can be found on the Diocesan website.

**264** It is the right of the pastor to hire and determine the proper salaries and benefits to be paid to parish lay employees, after consultation with the parish finance council and in accord with Catholic principles and the directives of this Diocese. The Diocese will maintain resources to assist parishes with all phases of an employment relationship including compensation levels and job descriptions.

**265** §1. For regular full-time personnel (40 hours per week, or 2080 hours annually) and regular part-time personnel (20 hours or more but less than 40 hours per week, or between 1040 and 2080 hours annually), as the employer, the parish is required to pay for its employees the following:

1° Salaries, and the parish shall make all contributions and withholdings required by federal, state and local law;

2° 401(k) contribution per the Diocesan retirement plan;

3° Health insurance premiums as determined by the Diocesan health care plan;

4° Annual ND Workforce Safety compensation insurance premiums.

§2. For health insurance and other related insurances (dental and vision where applicable), full time will be considered at 30 or more hours per week and 20 through 29 hours per week will be considered 50% employment.

**266** Each position shall have a written job-description with minimum qualifications identified. At least annually each person shall be provided a written, formal evaluation of performance based on the position description and goals and objectives of the position.

**267** The parish shall maintain for each employee, including clergy, a personnel file which includes all required diocesan, state, and federal documents. All Form I-9s are to be filed together and shall be kept separate from personnel files. Any HIPPA related documents are also to be filed separately.

#### **SECTION IV: MASS STIPENDS**

**268** The proper handling of Mass stipends constitutes a grave obligation in conscience for the priests to whom they are entrusted, and the discharge of this obligation shall be governed by the precepts of can. 945-958 and the Statutes of this Section. (Appendix 18)

**269** The following norms, based upon the Universal Law of the Church, are to give guidance to the practice of Mass offerings in the Bismarck Diocese, especially for clergy and parish staff. A "Mass offering" includes both the intention and the stipend, which are distinct.<sup>1</sup>

**270** §1. In virtue of the directive given in can. 952 §1, the following is the established Mass stipend for this Diocese: \$10.00.

§2. No one may demand or suggest that a higher offering is to be made.

§3. A priest who agrees to offer Mass for a specific intention is morally and canonically bound to do so, even if no stipend is offered.

§4. When either a single offering or large cumulative offerings are received as Mass stipends and no specific number of Masses is requested, the total amount of the offerings shall be divided by the amount in paragraph 1 of this Statute.

**§5.** Any offering over \$10.00 wherein the donor only wishes one Mass intention may be retained by the Parish or sent to the Chancery office where the remainder will be applied for general Mass intentions.

**§6.** Offerings less than the customary amount should not be refused and may not be augmented.

**271 §1.** A Priest is allowed by Universal Law to receive only one stipend per day for a Mass offered with a stipend attached. Beyond his first Mass he may celebrate or concelebrate additional Masses each with a Mass intention, but each stipend attached to these additional Masses must be forwarded to the Chancery of the Bismarck Diocese every two months.<sup>2</sup>

**§2.** The only exception to the above is Christmas Day, when a priest may retain one stipend for every Mass intention he offers.

**§3.** Stipends are not to be paid in advance to individual priests out of any stipend account in a parish. While transactions by individual parishioners can be freely arranged, parish accounts are to pay out Mass stipends only after the attached intention has been satisfied.

**272** A Parish may only accept as many Mass offerings as it is able to satisfy within a year. Parishes that are currently holding unsatisfied Mass offerings beyond what can be satisfied in one year should immediately make arrangements to have these Mass offerings sent to the Chancery where arrangements can be made for their timely fulfillment. Mass offerings sent to the Chancery should include the intention, attached stipend, date received, and name of the person making the offering.<sup>3</sup>

**273 §1.** Pastors and parochial administrators are obliged to offer one *Missa pro populo*, or Mass intention for the people, on Sundays and all Holy Days of Obligation observed in the Diocese. Such an intention is a requirement of his office and a stipend is not to be included. However, he is able to retain a stipend for one additional Mass celebrated on the same day. In addition, when several parishes are involved under the care of one priest, he is bound to apply only one Mass for all the people entrusted to him.<sup>4</sup>

**§2.** The *Missa pro populo* may be delegated in a manner in keeping with the requirement of can. 534 §1.

**274** The Apostolic See allows that, under very specific conditions, Mass offerings can be collectively offered at a single Mass by one celebrant. This is referred to as a collective intention. The following are the conditions, which are not negotiable:

**1°** Donors must be informed of and consent to the combining of their offerings before such a Mass is celebrated;

**2°** The place and location of the Mass is to be announced or at least made known to all donors;

**3°** There is only to be two such Masses per week per celebrant;

4° The celebrant can only keep the customary stipend for one Mass and remaining stipends must be sent to the Chancery. All intentions included in the collective intention are to be considered fulfilled.<sup>5</sup>

**275 §1.** Bequests for Masses left in wills or money in any way contributed for Masses are deemed to have been given for Masses to be celebrated at the amount stated in Statute 270, unless the testator or donor clearly indicates otherwise.

**§2.** Whenever there is a persistent doubt in a particular case concerning the proper fulfillment of Mass bequests, or Mass offerings connected with pious wills, the matter is to be referred to the Diocesan Bishop.

**276** Priests are forbidden to accept pious foundations or trusts for Masses or for any other works of piety without the express prior written approval of the Diocesan Bishop. Permission will not be given to accept foundations that involve perpetual obligations.

**277** The family of the deceased and other custodians of Mass intentions are to be instructed regarding their obligation to safeguard Mass offerings left with them or at a funeral home. The offerings together with any cards, letters, or notes which indicate the intention of the donors are to be given to a priest or an approved ecclesiastical agency as promptly as possible.

**278** The family of the deceased, the executor of wills, or any other lay official has no authority to interpret the mind of the donor of Mass stipends in any way that is contrary to the prescripts of Canon Law or to the dispositions of these Statutes.

**279 §1.** The parish office is to be responsible for the handling of Mass offerings given by parishioners and is to keep accurate and up-to-date registers for Mass offerings; this ensures fiscal transparency and lessens the burden upon clergy. However, it is acknowledged that individual priests may need to handle various private requests, such as those from family or those for private Masses. In these cases, they are to keep their own registers.

**§2.** Special attention should be given to noting collective intentions and any intentions or stipends forwarded to the Chancery.

**§3.** Parish registers of Mass offerings are to be made available to the local Ordinary upon his request, particularly during his pastoral visit and along with other sacramental registers. Electronic registers are acceptable provided routine backups are arranged and paper copies are made available when requested.<sup>6</sup>

## **SECTION V: DIOCESAN COLLECTIONS**

**280 §1.** Diocesan, national, universal, and special Church collections are to be taken up in the parishes on the day and in the manner prescribed by the Diocesan Bishop in the signed Diocesan Collections Agreement forms. (Appendix 33)

§2. Pastors are directed to send a separate check for each collection, made payable to the Bismarck Diocese, which are to be recorded in separate diocesan accounts for each fund and prescribed in the Diocesan Collections Agreement forms.

281 An appropriate announcement concerning each Diocesan, national, universal, and special Church collection is to be made to the Christian faithful at all Masses on the Sunday preceding the collection.

#### **SECTION VI: CONFLICT OF INTEREST**

282 The Bismarck Diocese and all its entities are organized as nonprofit, tax-exempt organizations. Maintenance of the tax-exempt status, which involves being accountable and subject to scrutiny by the IRS as well as state regulatory and tax officials, is important both for continued financial stability and for public support. A Conflict-of-Interest Disclosure Statement shall annually be reviewed and signed, not only by directors, officers, and finance council members, but also all persons who might be described as “management personnel.” (Appendix 34)

#### **SECTION VII: GIFT ACCEPTANCE GUIDELINES – UNSOLICITED GIFTS**

283 §1. All unsolicited gifts should be properly accepted, including written acknowledgment and appropriate tax correspondence, so that receipts are generated that fully comply with IRS regulations.

§2. Acceptance of a restricted gift imposes an obligation which must be clearly understood to comply with the terms established by the donor. Restricted gifts of cash or property cannot be accepted without the express approval of the Diocesan Bishop when the restriction obligates the entity to actions which may place undue burdens on it now or in the future, contains a perpetual condition, creates a conflict of interest, is inappropriate, or is meant for purposes outside the mission of the Diocese or one of its entities.

§3. If a restricted gift is deemed unacceptable by the Diocesan Bishop because of restrictions the donor has placed on its use, the donor should be informed immediately and provided with the opportunity to remove or modify the identified restrictions or revoke the gift altogether.

§4. Restricted gifts given by the faithful for a certain purpose can be applied only for that purpose.

§5. The Bismarck Diocese Gift Acceptance Policy should be followed in every instance. This policy can be found on the Diocesan website.

## **SECTION VIII: PARISH AND SCHOOL FUNDRAISING**

**284** All special or extraordinary collections in schools, parishes, oratories, and chapels must have the express written permission of the Diocesan Bishop or his delegate. Permission is not necessary for ordinary collections such as Sundays, Holy Days, God's Share Appeal, or approved national collections.

**285** Solicitation of funds, fund-raising, fiscal appeals or fiscal campaigns by any priest, secular or religious, holding an assignment from the Diocesan Bishop or by a Diocesan or Catholic institution based in and operating within Diocesan boundaries must have the express written permission of the Diocesan Bishop or his delegate.

**286** As with every manner of receiving support for use by Diocesan or associated entities, all funds, once accepted, become the exclusive property of the Church and must be used for their intended purposes and, if applicable, all restrictions given by donors must be respected.<sup>7</sup>

**287** A request for any capital campaign that accompanies a capital project is to be included with the resolution attached to that project, as explained in Statute 251. Details on how to submit a written request and the Annual Fund-Raising Report are included in Appendix 35.

## **SECTION IX: PARISH FACILITY USAGE**

**288** The Diocese and parish entities must follow the Diocesan Facility Usage Policy when allowing facility use by groups not operating within the tax ID of the Diocese or a Diocesan parish or school. (Appendix 36)

**289** Only Diocesan or parish entity sponsored events can be held at church facilities. Exceptions to this norm may only be granted by the pastor or administrator and in accord with these Statutes, thus ensuring that the necessary insurance has been acquired and that the event is not contrary to the principles of the Faith.

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<sup>1</sup> See cann. 534, 905 and 945-958.

<sup>2</sup> See can. 951.

<sup>3</sup> See can. 953.

<sup>4</sup> See can. 534 as well as the Interpretation of 23 April 1987 made by the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law.

<sup>5</sup> See the Decree on Mass Stipends promulgated by the Congregation for Clergy on 22 February 1991, which amends can. 948.

<sup>6</sup> See cann. 396-398 and 958 §2.

<sup>7</sup> North Dakota Century Code 10-33-21.7

## GLOSSARY

- Abrogate:** to fully cancel a prior law in favor of a subsequent law
- Ascription:** Ascription to an Eastern Church *sui iuris* in communion with Rome (e.g. Ukrainian) is normally determined by the ritual Church of the father or by the mother if the father is not Catholic. It is not determined by the rite of the minister or parish of baptism. If the person is 14 years of age or older, he or she can freely choose his or her Church *sui iuris* of ascription. Thus when a Latin minister baptizes someone who by law is ascribed to an Eastern Catholic Church, a notation should be made on the baptismal certificate of that person's proper ascription.
- Bond:** a debt instrument used to receive liquid assets, usually for some sort of growth or expansion project, while assuming the obligation to repay the capital as well as pay interest
- Church *sui iuris*:** a group of Christian faithful legitimately recognized by the Holy See and united by a distinct hierarchy with relative autonomy, usually denoting one of the Eastern Catholic Churches
- Clergy:** those men, also known as "clerics," who have received the Sacrament of Holy Orders through ordination to the diaconate (permanent or transitional), priesthood or episcopacy
- Custom:** not a law but a reasonable way of acting which is acknowledged by the legislator (the Diocesan Bishop for his Diocese or the Pope for the Universal Church) and can never be contrary to divine law; carries the force of ecclesiastical law, if in practice for thirty continuous and complete years, and, if in practice for at least one hundred continuous and complete years, may even be contrary to ecclesiastical law
- Directive:** usually a written explanation outlining a specific course of action for a definite circumstance or a usual manner of acting for recurring or similar circumstances
- Dispensation:** usually a written release, or relaxation, of a Catholic from the necessary observance of a law or a part of a law's requirement, given to specific persons for specific reasons to be applied in a particular case and only when granted by those who possess executive power within the limits of their

competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation

- Excess Funds:** the funds not needed to pay the current and ordinary operating expenses of a parish or other institution
- Extern:** a term applied to priests (diocesan or religious) approved by the Diocesan Bishop for a specific period of pastoral work in a diocese and who do not belong to the presbytery of the diocese or who do not belong to the community of religious priests resident in the diocese
- Instruction:** a written clarification of the requirements of a law and a determination of the methods to be observed in the fulfillment of these requirements, usually given to those who have the responsibility to see to it that Church laws are known, understood and fulfilled
- Laity:** the faithful who, having been incorporated into Christ through Baptism, are made part of the People of God, the Church, and participate in their own unique and valuable way in the priestly, prophetic and kingly functions of Christ, while remaining distinct from clergy and those in consecrated life
- Magisterium:** the living, teaching office of the Church, whose task it is to give an authentic interpretation of the Word of God, whether in its written form (Sacred Scripture) or in the form of Tradition, so as to ensure the Church's fidelity to the teachings of the Christ and the Apostles in matters of faith and morals
- Juridic Person:** a subject of definite obligations and rights which are in keeping with the nature and purpose of the entity, such as a parish or school
- Prescript:** an ordinance, law or command
- Promissory Note:** a written and signed promise made by one party to pay back a loan to another party, usually created for real estate, personal property, cash loan, car, etc. with the terms of repayment outlined in the note
- Suppress:** the usual manner of doing away with a certain thing, whether it is a physical thing or a particular way of acting, usually done for the reason that what had existed or had been done in the past is no longer necessary, useful, applicable or permitted in the present
- Surety:** taking responsibility for paying another's debt or assuming another's financial liability