



Canon Law

Notes, Commentary, Discussion, Papers & Bibliography

Religious Institutes Coming to Completion and Their Legacy

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[Link to presentation \[https://bit.ly/2MIBUL6\]](https://bit.ly/2MIBUL6)

Scope of the Issue

- 90% of women religious over the age of 70
- 60% of men religious over the age of 70
- 75-90% of institutes will cease in the coming decades - 300-350 institutes

One solution

- *Perfectae caritatis* ('65) #21 - recommended merger and affiliation for declining institutes
- Under this model, remaining institutes could have 5-10 institutes merging or affiliating
- Does this model allow for the flourishing of these remaining institutes? or the flourishing of religious life?

Indicia

- Motu Proprio *Ecclesiae sanctae* ('66) gave indicia of decline
- the *small number* of religious in proportion to the age of the institute or the monastery,
- the *lack of candidates* over a period of several years,
- the *advanced age* of the majority of its members.
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Collaborative Viability Study



Particular Challenges

- Providing *ongoing leadership* for the institute.
- Providing *care for aging members*, in addition to health-care, this includes pastoral care and support of the members, those facing the challenges of aging and those moving out of full-time ministry, as well as those still in active ministry.
- Providing leadership in the *sponsored ministries*.

Cost of Eldercare

- 1986 NRRO formed by USCCB, CMSM, and LCWR to help address the funding shortfall
- Collect and analyze data
- Consulting with individual communities and developing best practices

Completion of Life Journey

- Older and Grayer
 - Two centuries of steady growth, sometimes outpacing population growth
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	1776	1900	1965	2020
US Population	2.5M	76M	191M	330M
US Catholic Population	50,000	7M	46M	76M
Religious Women	200	25,000	185,000	40,000

- Dramatic decline - outside our national experience

Theology of Completion

- JB Metz / Karl Rahner
- *Ars moriendi* Unlike the wider Church, religious institutes are not intended to live forever.
- The “gates of Hell will not prevail against [the church].”
- Religious institutes are gifts of the Spirit that blows where it will
- They have a life-span
- Death is an ending of the life-cycle, not failure or defeat
- We have a paschal theology.
- Only if we “cling desperately” to what is passing away, will the end be a defeat. (Metz)
- Our most important role as Christians is to say “yes” to God, and the final, most complete yes we are called to say is the yes to death. (Rahner)
- Our call is to come, to follow, to lay down our lives, and to surrender even in death to the call of God who is never absent in our journey.

Journey to Completion

- Orderly transition of ministries
- Ensure the suitable care of its last members,
- Passing on of the spiritual patrimony of the institute
- Settling its legacy, and disposition of any remaining temporal goods.

Sponsorship

- Traditional Sponsorship
 - Ensuring the Mission and Catholic Identity
 - Ensuring Communion with the Church
- Transferring Sponsorship
- Ministerial Public Juridic Person

- Acknowledged as Catholic

Eldercare

- \$9.8B deficit by 2034 (2016 NRRO/Mercer Human Resources Consulting)
- Two issues
 - Funding
 - Facility - its oversight / management
- Funding
 - Held in Operations, Fund or Trust
 - Trust \$\$ held by Trustee for Beneficiary
 - Trustee
 - Sisters or brothers, often leadership,
 - Beneficiary
 - Sick, aged and infirm sisters or brothers
 - To Trust or Not to Trust
 - 80s-90s: shield assets from liability or diversion
 - 10s-20s: estate planning: settle assets for care and legacy
 - traditional ministries
 - fund for religious
 - Trust \$\$ held by Trustee for Beneficiary
 - Trustee
 - sisters or brothers, often leadership,
 - now consider a successor trustee
 - Beneficiary
 - sisters or brothers
 - legacy purpose

Administration

- Canonical Leadership historically serves as Board of Directors, oversees the administration and is often extensively involved in administration.
- Effective oversight by canonical leadership is critical
 - Administration can be entrusted to non-sisters/brothers,
 - Non-sisters/brothers can serve on the board of directors
 - Begin to support canonical leadership with staff and committees
 - These persons will continue to support when canonical leadership transitions

Community Assistance Ministry



- Collaborative Community Assistance Ministries
- Regional collaboration for support with Eldercare and Administration
- Potential collaboration in supporting commissaries
- Importance and urgency of establishing as need is growing

Leadership

- Canonical Leadership
- Canon 623 To be validly appointed or elected to the office of superior, members must have been perpetually or definitively professed for an appropriate period of time, to be determined by their own law or, for major Superiors, by the constitutions.
- When no sister or brother is capable or available for this ministry
- Turn to non-brother/sister as canonical leader
- Petition competent ecclesiastical authority (bishop / CICL)
 - Request appointment of commissary, canonical trustee, canonical administrator - Rome has never preferred.
 - Competent - canonical, pastoral, administrative, financial, legal oversight
 - Disinterested - no financial or canonical interest, not a diocesan employee
 - Canon 318 §1: In special circumstances and where grave reasons require it, the ecclesiastical authority mentioned in can. 312 §1 can designate a trustee (*commissarium*) who is to direct the association for a time in its name.
 - Merge with another institute - Institutes rarely prefer this choice, retain identity, charism to the end.
 - Requires about 18 months to implement once a path is chosen.

Petition

- Petition from Community* (3-5 pages) – narrative is supported by data in appendices.
 - Request for Commissary
 - Reasoning
 - Brief History Leading to Petition
 - Consultation and Votes of Community
 - Nomination of Commissary
 - Financial Security
 - Conclusion
 - Signed by Canonical leader
- Appendices – tables and lists communicate the information more concisely
 - History of Community from foundation to present (1-2 pages)
 - Sisters, ages, living arrangements and ministry (1 page)
 - Timeline of Meetings / Decision with Community and Commissary (1-2 pages)
 - Council Minutes of Community Resolution for the petition (1 page)
 - USCCB NRRO Retirement Needs Analysis Report
- Letters of Support
 - Commissary (1-2 pages)
 - Commissary's Community (1 page)
 - Bishop (1-2 pages)

Legacy

- Canon 634 - Religious Institutes have the “capacity to acquire, possess, administer and alienate temporal goods.”
- Canon 123 - On the extinction of a public juridical person,
 - the arrangements for its patrimonial goods and rights, and for its liabilities,
 - are determined by law and the statutes.
 - If these do not deal with the matter,
 - the arrangements devolve upon the next higher juridical person,
 - always with due regard for the wishes of the founders or benefactors and for acquired rights.
- Canon 584 - The suppression of an institute pertains only to the Apostolic See; a decision regarding the temporal goods of the institute is also reserved to the Apostolic See.
 - Holy See generally respects the stated dispositions of an institute
 - For the historical ministries of the institute

- In keeping with the life and mission of the institute
- The fund for elderly religious,
- An institute that supports it in the declining years.
- Trust
 - Legacy clause in a retirement trust
 - Legacy trust

Planning

1. What assets does the group have, financial, real estate, trusts, etc? And approximate value.
 2. What is the current purpose or use of those assets?
 3. What would be the legacy use of those assets? And what might the timeline look like?
 4. What is the best way to ensure that the assets are used for the current purpose, then dedicated to the legacy purpose?
- Since there is quite a variation in those answers, the way of moving forward could be quite different.

	Asset	Value	Use/Purpose	Legacy
Sisters Inc	Land	\$\$\$	Sisters	
Sisters Inc	Land	\$\$\$	Ministry	
Sisters Inc	Investments	\$\$\$		
Trust		\$\$\$	Sisters	
Retirement Facility		\$\$\$	Sisters	
Ministry		\$\$\$	Ministry	

Take Aways

- Plan ahead
- Be realistic
- Collaborate
- You're not alone
- Be generous and trust

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