



OFFICE OF THE BISHOP

## DIOCESE OF SACRAMENTO

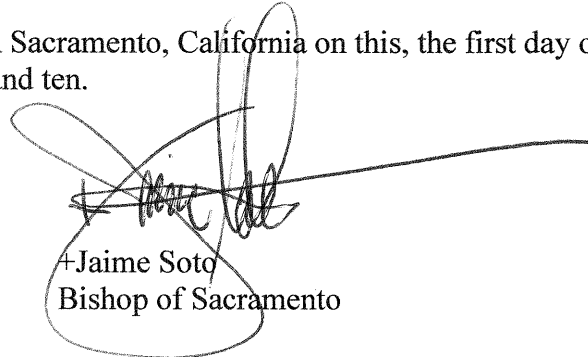
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### DECREE OF PROMULGATION Policy for the Support of Incardinated Priests Who are Inactive but not yet Retired


In order to provide in a fair and consistent manner for the decent support and social assistance of those incardinated priests who are not actively engaged in ministry, as well as to provide for their social assistance as required by the norm of law, I, the undersigned Bishop of the Diocese of Sacramento do hereby promulgate by decree the attached *Policy for the Support of Incardinated Priests who are Inactive but not yet Retired*. The terms of this policy, which have been in effect on a probationary basis for the last six months, shall take formal effect immediately.

I further decree that the aforementioned *Policy* be incorporated into the *Policies and Pastoral Guidelines* binder, dated April 1, 2006, as amended.

Given at the Diocesan Pastoral Center in Sacramento, California on this, the first day of June, in the year of our Lord, two thousand ten.



+Jaime Soto  
Bishop of Sacramento



Kathy Conner  
Chancellor

**Diocese of Sacramento**  
**POLICY FOR THE SUPPORT OF INCARDINATED PRIESTS**  
**WHO ARE INACTIVE BUT NOT YET RETIRED**

The relationship between a Diocesan Bishop and his presbyters arises from the presbyter's incardination into the particular Church (Diocese); it is not merely one of employer-employee as understood in the secular arena. Consequently, among the many rights and obligations to which this relationship gives rise, is the obligation of the Diocesan Bishop "to take care that provision is made for [presbyters'] decent support and social assistance, according to the norm of law" (1983 *CIC* c. 384).

Canon Law and Diocesan policy already provide for the remuneration and social assistance (e.g., health care, pension) required for those priests who are engaged in active ministry and those priests who have retired in accordance with Diocesan norms. Policies concerning eligibility for and payments to the Priests Pension Plan are also covered elsewhere. This policy is intended to address the support of a presbyter incardinated in the Diocese of Sacramento who is inactive, voluntarily or otherwise, and therefore not covered by those provisions.

## **I. VOLUNTARILY INACTIVE PRIESTS**

### ***Those who voluntarily leave the active ministry, temporarily or permanently***

A priest who requests a temporary leave of absence, or who permanently leaves active ministry, is not entitled to the remuneration or provision for social assistance which comes as a result of dedication to ecclesiastical ministry (see 1983 *CIC* cc. 274, §2; 281).

In such instances, the priest should request a dispensation from the obligation of 1983 *CIC* c. 286, in order that he might pursue employment in the secular world.

In order not to cause scandal or confusion among the faithful, a priest who voluntarily leaves the ministry may not accept employment in any parish or institution affiliated with the Diocese of Sacramento. Seeking or accepting employment from any other Catholic institution within the Diocese of Sacramento requires the prior permission of the Diocesan Bishop.

The Diocesan Bishop may, in a particular instance, offer charitable assistance to a priest who has left active ministry, in accord with the norm of law.

The rights and obligations of a priest who has been granted permission for a temporary leave of absence are to be enumerated in the document which grants the permission.

## **II. INVOLUNTARILY INACTIVE PRIESTS**

### ***Preliminary Administrative Leave / Temporary Restriction of Faculties***

A priest placed on administrative leave or whose faculties have been temporarily restricted pending investigation of a complaint retains the right to full remuneration and provision for social assistance. This right remains in place until such time as a canonically initiated preliminary investigation (1983 *CIC* c. 1717) of an alleged delict has concluded or the investigation of a complaint has concluded. Any expenses incurred for canonical representation are to be covered by the Diocese.

***Those who are inactive due to a forced leave of absence pending a canonical process***

Following the conclusion of a canonically initiated preliminary investigation, if the Diocesan Bishop determines that a canonical process (administrative or judicial) is warranted, the priest retains his rights regarding provision for social support until the conclusion of that process. During the canonical process, a priest also retains his right to decent support by the Diocesan Bishop. However, due to the fact that he is not engaged in active ministry, the following adjustments will be made to that support:

- In lieu of the room, board, and remuneration given to a priest in active ministry, the priest on leave will receive from the Diocese an amount necessary to maintain a standard of living appropriate to a priest. This sum will be determined by calculating 165% of the amount required by the federal government to qualify for public assistance (*Net Monthly Income Eligibility Standard for a Household of one in the Lower 48 States as determined annually by the US Department of Agriculture Food and Nutrition Service's Supplemental Nutrition Assistance Program [USDA/FNS/SNAP]*)
- Ordinarily, it will be the responsibility of the priest in this case to find his own housing out of the allowance provided. Nevertheless, in some cases room and board may be provided by the Diocese (e.g., in a rectory), in which case, the amount provided directly to the priest will be adjusted to \$500 a month.
- Since the automobile allowance is provided to assist the priest in active ministry, the payment of the automobile allowance as well as any reimbursement for automobile expenses, including insurance, is also suspended.
- Although there is no reimbursement for expenses related to ministry, the priest retains the right to reimbursements which are related to his obligations as a priest (e.g., retreat, continuing education).

A priest in this status may request a dispensation from 1983 *CIC* c. 286, in order to obtain employment in the secular workplace. Such employment, however, as well as any other source of income, will be taken into account, when determining the amount required for decent support.

The Diocese will continue to cover the expenses for the priest's approved canonical counsel. However, any expenses for civil or criminal legal counsel are the personal responsibility of the priest.

The rights and obligations of a priest placed on leave are to be clearly enumerated in the canonical precept which temporarily restricts his ministry.

***Those who are dismissed from the clerical state or who are granted dispensation from the obligations of the clerical state***

A priest, who, following a canonical trial, or who, by ex officio penalty, is dismissed from the clerical state, loses his right to decent support and provision for social assistance. The Diocesan Bishop may, in a particular case, suggest options for charitable assistance to a dismissed priest who is “truly in need *as a result of the penalty*” (1983 CIC c. 1350, §2).

A priest, who, following a request for dispensation from the obligations of the clerical state, is granted the favor by the Holy Father, is likewise no longer entitled to decent support and provision for social assistance.

***Those restricted to a life of prayer and penance***

A priest, who, following a canonical process, is restricted to a life of prayer and penance, and who is not yet eligible for retirement benefits, is to be provided decent support and the necessary social assistance appropriate to his state. A particular priest’s health and any outside source of income, are to be taken into account in determining the manner in which support is provided. In an individual case, dispensation from the obligations of 1983 *CIC* c. 286 may be warranted.

A priest, who, following a canonical process, is restricted to a life of prayer and penance, and who is eligible for retirement benefits, is to make use of those benefits to provide for his needs.

***Those who are unsuitable for assignment***

A priest who is unsuitable for assignment due to health, disability, impediment, notoriety, or some other determination by the Diocesan Bishop, remains the responsibility of the Diocesan Bishop in terms of decent support and provision of social assistance.

Nevertheless, the Diocesan Bishop, depending on the circumstances, may dispense the priest from the obligations of 1983 *CIC* c. 286, and require the priest to seek employment in the secular world. Any remuneration from such employment is to be taken into consideration in providing the necessary support for the priest.

Any support which is directly provided to the priest should be in keeping with the lifestyle appropriate to a priest, and ordinarily should be tied to the aforementioned indices provided by the USDA/FNC/SNAP (i.e., 165% of the poverty level).