



DICASTERIUM PRO CLERICIS

DECREE

Prot. N. 2024 1270

1. WHEREAS, on 2 June 2023, the Archbishop of Seattle, the Most Reverend Paul D. ETIENNE (hereinafter, 'the Ordinary'), decreed the reduction of a subsidiary church of the Parish of St. John XXIII in Tacoma, Washington, called "Holy Rosary Church" (hereinafter, 'the Church') to profane but not sordid use (cf. can. 1222, §2), and;
2. WHEREAS, on 9 June 2023, Ms. Elizabeth BOYLAN-NIMS (hereinafter, 'the Recurrent') brought *remonstratio* against the aforementioned decree to the Ordinary (cf. can. 1734 §1), who rejected the same by letter on 20 June 2023, and;
3. WHEREAS, on 26 July 2023, the Recurrent nominated Mr. Andrea ERRERA, Rotal Advocate, as Procurator in the aforementioned matter, and;
4. WHEREAS, on 3 July 2023, the Recurrent submitted a request for hierarchical recourse (cf. can. 1737 §1) to the Dicastery for the Clergy (hereinafter, 'the Dicastery'), which accepted that request for study by its decretal letter of 10 October 2023 (cf. Art. 137 §1 *General Regulations of the Roman Curia*), recognizing as the object the revocation of the decree reducing the Church to profane but not sordid use (can. 1222 §2), and;
5. WHEREAS, on 25 March 2024, the *votum* and the Acts of the Ordinary's decision arrived in the Dicastery, and;
6. WHEREAS a hierarchical recourse is, by its nature, a documentary process which proceeds on the basis of examination of authentic documents provided by interested parties at the request of the Dicastery; thus having provided ample opportunity for all interested parties to respond, and having carefully examined the documents submitted by both the Ordinary and the Recurrents, the Dicastery judges as complete the documentation in its possession and proceeds, therefore, to its decision *per cartas*.

IN IURE

7. The Apostolic Constitution, *Praedicate Evangelium*, art. 118, 1° establishes the competence of the Dicastery for the Clergy regarding the "general discipline governing...churches" and thus its authority to decide the matter as the appropriate Entity of the Holy See.
8. A church may be closed to Divine Worship and reduced to profane but not sordid use only for grave reasons, according to a clear disposition in tradition and in law, given the sacred character of the consecrated edifice which becomes "a special sign of the pilgrim Church on earth and reflects the Church dwelling in heaven" (Canon 1222 *CIC*; *General Instruction for the Dedication of a Church*, Ch. 2, §2).

9. The Code of Canon Law provides for the ability to close a church permanently and reduce it to profane but not sordid use due to grave cause (Canon 1222 §2). Although a single element may constitute grave cause, multiple causes, at least one of which must be grave, may together augment the seriousness of the situation. Such a series of causes may arise from a diligent examination of various factors, including the circumstances of time and place, economic or financial considerations of the juridic person of ownership, and the challenges facing a particular community of the faithful (cf. *Decree of the Supreme Tribunal of the Apostolic Signatura*, N. 41700/08, issued on 18 June 2009, 8; CONGREGATION OF THE CLERGY, *Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same*, Prot. N. 2013 1348, 30 April 2013, §2, f).
10. Whenever the economic and financial condition of the juridic person is considered to constitute the grave cause required by canon 1222 §2, the evaluation is made not only on the basis of availability of funds for the repair of a church, but also on the overall mission of the juridic person, particularly its service to the poor. As stated by the jurisprudence of the Apostolic Signatura, “Furthermore, charity and the other assistance to be bestowed on the poor and other things of this kind cannot be neglected in order to preserve a sacred building” (*Definitive Sentence* of the Supreme Tribunal of the Apostolic Signatura N. 24388/93 CA, issued 4 May 1996, published in *Ministerium Iustitiae*, 527, “*Praeterea ut salvetur aedificium sacrum negligi haud queunt eleemosyna ceteraque subsidia pauperibus praesertim elargienda et alia huiusmodi.*”)
11. It must be noted, however, that, in this respect, in accordance with the above cited jurisprudence, the evaluation of grave cause, or causes, must be related to actual current conditions, with prudent consideration for the historical, architectural and artistic patrimony of the sacred edifice, the feasibility of fundraising, the prospects for ongoing maintenance as well as the retention of the building for ecclesiastical use for purposes other than sacred worship.
12. In cases where Canon 1222 §2 is applied, the determination is to be made only after hearing the Presbyteral Council and after receiving the consent of those who could lawfully claim rights over the church, chiefly the Pastor or those who could claim patrimonial and other such rights which typically arise at the time of foundation and construction of the church (cf. Canons 1222 §2, 532, 122 CIC; Apostolic Signatura N. 17447/85 CA, 21 November 1987, published in *Ministerium Iustitiae*, p. 458, “*Iura de quibus sermo fit in canone (1222 §2) sunt praesertim iura patrimonilia vel eis assimilata, quae magna ex parte e fundatione vel aedificatione ecclesiae exsurgunt.*”).
13. Canons 127 and 166 govern the meeting of the Presbyteral Council, which must take place in person to guarantee that all the participants have the necessary information and the opportunity for a complete discussion.
14. Finally, as mentioned in Canon 1222 §2, the Diocesan Bishop must be certain that the good of souls would not be harmed by the closing of the church to Divine Worship and its reduction to profane but not sordid use. The harm referred to in the canon must be a true deprivation of the rights of the faithful to the Word of God and the Sacraments (cf. can. 213), and not merely an inconvenience or difficulty in exercising that right.

IN FACTO

15. The required consultation of the Presbyteral Council for the impugned singular administrative act took place on 11 May 2023. The minutes of the meeting state that the meeting took place in the Isaac Orr Conference Room and also by “Zoom Web

Conference." Since the previously granted permission to conduct these meetings via video or telephone conference, on account of the COVID-19 pandemic, had expired at the time of the required consultation of the Presbyteral Council, it is evident that the meeting did not take place according to the relevant canons (cf. cann. 127; 166). Consequently, the right of the participants to have the necessary information and the opportunity for a complete discussion was not guaranteed.

16. Consequently, since the Ordinary erred procedurally by omitting the required consultation of the Presbyteral Council according to the norms of law (cf. cann. 127; 166; 1222, §2), the merits of the Ordinary's decision *in decernendo* is not considered.

THEREFORE

In accord with CIC can. 1739, this Dicastery hereby REVOKES the decree of the Archbishop of Seattle, which reduced the Church of the Holy Rosary, Tacoma, to profane but not sordid use, since the Ordinary erred *in procedendo*.

Recourse against this Decree may be made before the Supreme Tribunal of the Apostolic Signatura within the peremptory time limit established by the Apostolic Letter *Motu Proprio, Antiqua Ordinatione* 34 §1.

Given at the Dicastery for the Clergy
19 April 2024

Lazzaro Yen

Lazzaro Cardinal You Heung sik
Prefect

+ *Andrés G. Ferrada Moreira*

✠ Andrés G. Ferrada Moreira
Titular Archbishop of Tiburnia
Secretary