



MOST REVEREND JOE S. VÁSQUEZ
by the grace of God
and authority of the Apostolic See
BISHOP OF AUSTIN

DECREE

Enacting the Code of Particular Law of the Diocese of Austin

Since the establishment of the Diocese of Austin, my predecessors have taken care to provide for the good of this local church by enacting just laws to guide and organize its life. In 2011, I enacted the Pastoral Manual of the Diocese of Austin, as it was written before I was installed as Bishop of Austin, as particular law for our Diocese.

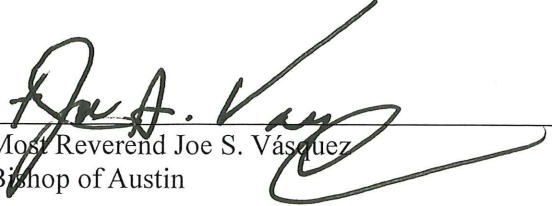
As the Diocese continued to flourish and grow, the body of particular law which governed the life of the Diocese also increased. On this occasion of the celebration of the 75th anniversary of the establishment of the Diocese, it is fitting to revise and consolidate this body of law. It is my hope that this revised body of law will be a more effective instrument for directing the life and ministry of this local church. I also hope that, by means of this revision, the particular law of this Diocese will be more accessible and be a more fitting instrument for the guidance of ministry for years to come.

Therefore, having these purposes in mind, having heard the Presbyteral Council and the diocesan Finance Council, having consulted the clergy and people of the Diocese, having carefully considered the matter before God, and desiring to provide for the common good of this local church, to regulate the life of the people of God, to foster the effective preaching and teaching of the Gospel, to cultivate the worship of God and the celebration of the sacraments, and to care for the resources of this local church, I, Most Reverend Joe S. Vásquez, Bishop of Austin, decree:

- (i) that this present Code of Particular Law of the Diocese of Austin is to have the force of ecclesiastical law in this Diocese, and I exhort the faithful to carefully obey it and to put it into practice;
- (ii) that upon the coming into force of this Code of Particular Law, all other particular ecclesiastical law issued for the Diocese of Austin by me or my predecessors is abrogated provided that general Executory Decrees and Instructions continue to have force to the extent that they are not incompatible with this Code of Particular Law;

- (iii) that the Vicar General is to promulgate this Code of Particular Law together with this enacting decree by posting them on the diocesan website as soon as possible; and
- (iv) that this Code of Particular is to come into force on the 8th day of December in the year of our Lord 2023, the feast day of the Immaculate Conception.

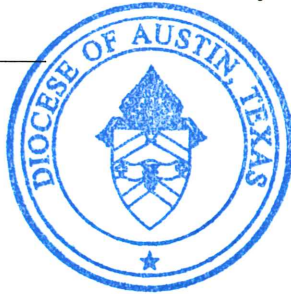
Given at Austin, at the seat of the Diocesan Curia,
the 10th day of November 2023.



Most Reverend Joe S. Vasquez
Bishop of Austin



Deacon Ron Walker, Chancellor



Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

Effective on December 8, 2023

PREFACE
Code of Particular Law of the Diocese of Austin
Published with Binding Instructions and Supplemental Material

Introduction

Effective December 8, 2023, by decree, Most Reverend Joe S. Vásquez, Bishop of the Diocese of Austin adopted a Code of Particular Law to replace all previous particular law in the Diocese and to centralize the location of the particular law in the Diocese into one document. Particular law has the force of canon law in the Diocese of Austin. Previous particular law in the Diocese was published under the title of “Pastoral Manual.”

Organization of this Publication of the Code of Particular Law

This publication contains the Code of Particular Law of the Diocese of Austin. It also contains Canonical Instructions and Supplemental Material that may be helpful to the priests, deacons, parishes, and others in enacting and complying with the Code of Particular Law.

A. Organized by Books. There are five Books in the Code of Particular Law.

- Book I - The People of God
- Book II - The Teaching Function of the Church
- Book III - The Sanctifying Function of the Church
- Book IV - Temporal Goods
- Book V - The Tribunal

B. Contents within Each Book. A table of contents is provided at the beginning of each Book. Each Book is divided into Titles, Chapters, and Sections. Canonical Instructions and Supplemental Materials follow each Title to which the Canonical Instructions and Supplemental Material apply. If no Canonical Instructions or Supplemental Material apply to a Title, a page has been inserted after the Title reserving space for future publication and to indicate that there are no Canonical Instructions or Supplemental Material provided for the specific Title.

- (1) Canonical Instructions. Canonical instructions are issued by the Diocesan Bishop or Vicar General and contain instructions to implement the particular law which typically needs modification or updating more frequently. Canonical Instructions are binding canonical norms but are subordinate to the law itself.
- (2) Supplemental Material. Supplemental Material does not have the force of canon law and is only a reference and resource (e.g., summaries, citations to civil law, suggested practices, helpful resources, links to policy manuals or guides maintained by the diocesan curia).
- (3) Footnotes. Any footnotes are for explanatory and reference purposes, and do not have the force of law.

C. Numbering of Sections. Section numbers were designed to indicate the Book, Title, and Chapter where the specific section is found. For example, Section 123.04 means that one may find that section in Book 1, Title 2, Chapter 3, Section 4.

- D. Terms and Definitions. The terms and phrases used in this Code of Particular Law have the meanings assigned to those terms in the following order: (i) according to the definition assigned to that term in this Code of Particular Law, if any, or as specifically referenced in this Code of Particular Law; (ii) then to the definition according to canon law;¹ and (iii) then to their ordinary meaning in the English language.
- E. Capitalized Terms and Phrases. The terms and phrases that are capitalized in this Code of Particular Law signify importance or an office (e.g., Bishop or Diocesan Bishop). When the term signifies an office, the term applies to the person holding the office in the Diocese of Austin unless the context implies otherwise. For example:
- (1) the term *Diocesan Bishop or Bishop* means the Bishop of the Diocese of Austin unless the context clearly refers or is clearly intended to refer to other bishops (e.g., all bishops or bishops in a certain province or country); and
 - (2) the term *Diocese* means the Diocese of Austin unless the context clearly refers or is intended to refer to other dioceses.

¹ Bishop or Diocesan Bishop (c. 381); Chancellor (c. 482 et. seq.); Chaplain (c.564); Diocese (c. 369); Episcopal Vicar (Vicar for Priests) c. 476; Finance Council (c. 492 et. seq. and c. 537); Finance Officer (c.494); Local Ordinary (c. 134); Judicial Vicar or Adjutant Judicial Vicar (c. 1420 et. seq.); Moderator of the Curia (c. 473); Parochial Vicar (c.545); Parish (c. 515); Pastor (c. 519); Pastoral Council (c. 536 et. seq.); Rector (c. 556); Tribunal (c. 1400 et. seq.); Vicar General (c.475-481)

**Code of Particular Law
Diocese of Austin**

BOOK 1: THE PEOPLE OF GOD

- Title 1: Priests
- Title 2: Deacons
- Title 3: Consecrated Life
- Title 4: Diocesan Structures
- Title 5: Parishes
- Title 6: Ethics and Integrity in Ministry

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- Title 1: Catechesis
- Title 2: Catholic Schools

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- Title 1: Baptism
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- Title 3: The Most Holy Eucharist
- Title 4: Sacrament of Penance
- Title 5: The Anointing of the Sick
- Title 6: Matrimony
- Title 7: Funerals
- Title 8: Quinceañera Blessings
- Title 9: Sacred Places

BOOK 4: TEMPORAL GOODS

- Title 1: The Acquisition of Goods
- Title 2: The Administration of Goods
- Title 3: Real Estate, Construction, and Alienation

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- Title 1: The Office of the Tribunal
- Title 2: Citations
- Title 3: Abatement
- Title 4: Instruction of the Cause
- Title 5: Execution of the Sentence

BOOK 1: THE PEOPLE OF GOD

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

Effective on December 8, 2023

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BOOK 1: THE PEOPLE OF GOD

Title 1: Priests

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Rights and Obligations of Priests

Section

111.01 Application. Unless expressed otherwise in a section, the norms of this Chapter apply only to priests who are:

- (a) incardinated in the Diocese of Austin; or
- (b) entrusted with an ecclesiastical office or function by the Bishop of Austin.

111.02 The Spiritual Life of Priests.

- (a) Every priest is obliged to make an annual retreat of not less than four days; either a retreat sponsored by the Diocese or another retreat.¹
- (b) The cost of the retreat is to be borne by the Parish or institution which the priest serves, not to exceed the amount specified in the instructions of the Local Ordinary.
- (c) If a priest fulfills his retreat obligation at a retreat not sponsored by the Diocese, he is to inform the Vicar for Priests of the time and place of his retreat.
- (d) Every priest is to have a spiritual director. Upon request, the Minister for Priests is to assist priests in finding a spiritual director.
- (e) Priests are urged to approach the sacrament of penance frequently.²
- (f) Priests are strongly encouraged to attend the Advent and Lenten days of prayer sponsored by the Diocese.
- (g) Priests are encouraged to foster fraternal relations with other priests by means of gatherings for prayer, priestly support groups, and associations which are in keeping with their ministry as priests.³

111.03 The Continuing Formation of Priests.

- (a) A priest may not be absent from the annual priest convocation except for a just cause and with the previous permission of the Local Ordinary.

¹ See c. 276

² See c. 276

³ See c. 278

- (b) Priests are encouraged to attend the summer gathering of priests hosted by the Diocese.
- (c) The cost for each priest to attend the convocation and summer gathering is borne by the Parish or institution which he serves, not to exceed the amount specified in the instructions of the Local Ordinary.
- (d) An additional allowance for expenses relating to continuing education is to be made available to each priest by the Parish or institution which he serves not to exceed the amount specified in the instructions of the Local Ordinary.

111.04 Vacation and Time Off.

- (a) Every priest is entitled to 30 days of vacation each calendar year.⁴
- (b) The time required for the annual retreat is not computed as part of the 30 days of vacation.
- (c) Time dedicated to pilgrimages is computed as part of the 30 days of vacation.
- (d) Travel time for vacation is included as part of the 30 days of vacation.
- (e) Vacation in excess of 30 days requires the permission of the Local Ordinary.
- (f) In addition to the 30 days of vacation granted to a priest, every priest is entitled to 1 day off each week. He is urged not to omit his weekly day off.
- (g) A priest incardinated in the Diocese or holding an office in the Diocese may not be absent from the Diocese for more than 1 month without the permission of the Local Ordinary.
- (h) Expenses related to the vacation of a priest are the personal responsibility of the priest.

111.05 Other Rights and Obligations.

- (a) Every priest is encouraged to have an annual physical.
- (b) The Diocese will ensure that priests have access to mental health care as necessary.
- (c) Priests are to wear suitable ecclesiastical garb while engaged in the exercise of their ministry.⁵
- (d) A Pastor or Parochial Vicar does not have authority to lend Parish funds to himself or to any other person.
- (e) Priests may not engage in commerce or trade, either for their own benefit or that of others, without the permission of the Local Ordinary.⁶
- (f) Priests incardinated in the Diocese must participate in the social security system and may not withdraw from participation, even if permitted to do so by civil law.

⁴ See. cc. 283, 533, 550

⁵ See c. 284

⁶ See c. 286

- (g) Every priest incardinated in the Diocese is to provide the following documents to the Chancellor:
- (1) a will, which is to be updated at least once every 10 years;
 - (2) an inventory of personal material belongings;
 - (3) a written statement specifying the location of financial documents which are not otherwise listed or defined in the priest's will;
 - (4) a list, including names and addresses, of the priest's next of kin;
 - (5) a copy of any medical power of attorney or advance directive to physicians; and
 - (6) instructions regarding the priest's preferences regarding his funeral liturgy and burial.
- (h) Each document listed in Subsection (g) is to be placed in a separate envelope with the title of the document on the envelope and are to be archived with the Chancellor in the Diocese's Archives.

Chapter 2: Financial Support of Priests

Section

- 112.01 Application. Unless expressly stated otherwise, the norms in this section apply only to priests incardinated in the Diocese.
- 112.02 Agreements for Priests Not Incardinated in Diocese. The Local Ordinary is to enter into agreements which govern the financial support of priests not incardinated in the Diocese who have a priestly assignment in the Diocese.⁷
- 112.03 Definitions of Remuneration and Sustenance.
- (a) “*Remuneration*” means payment, in the form of money or benefits, to priests who dedicate themselves to ecclesiastical ministry by which they provide for the necessities of their life and for the equitable payment of those whose services they need.⁸
 - (b) “*Sustenance*” means care, in the form of money or benefits given to a priest who does not receive Remuneration in order to sustain or support his necessities to live simply as is appropriate for his state.⁹
 - (c) The right to receive, the form of, and the amount of Remuneration is determined by the norms in this Chapter and by the instructions issued by the Local Ordinary.
 - (d) The right to receive Sustenance is determined by the norms in this Chapter. The amount and form of the Sustenance is determined by the Diocesan Bishop as he determines appropriate and reasonable under the circumstances.

⁷ These agreements are entered into with the individual or with the relevant diocese or religious community according to the circumstances. “*Priestly assignment*” means an ecclesiastical office, ministry, or function which the Diocesan Bishop formally entrusts to a priest, or to which the priest dedicates himself at the direction of the Diocesan Bishop.

⁸ See c. 281.

⁹ The amount of Sustenance includes consideration for living quarters; utilities for electricity, water, sewer, and garbage services; food; healthcare; clothing; telephone; transportation; typical personal items; and reimbursement of other expenses which may be granted on a case-by-case basis.

112.04 Entitlement to Remuneration or Sustenance.

- (a) Priests in any of the following categories are to receive Remuneration.
 - (1) Priests assigned to a Parish in the Diocese as a Pastor or Parochial Vicar.
 - (2) Priests assigned to the Diocese's offices.
 - (3) Priests assigned as Chaplains or Rectors in the Diocese.
 - (4) Priests assigned to serve in another diocese or in an institution in the Diocese or another diocese that offers Remuneration to the priest. If the other diocese or institution offers less Remuneration than given to priests in the Diocese, the Diocesan Bishop and the assigned priest will enter into an agreement as to whether or not the Diocese will supplement the Remuneration offered by the other diocese or institution.
 - (5) Priests who are assigned to complete advanced studies. The Diocesan Bishop and the assigned priest will enter into an agreement as to whether or not the Remuneration will decrease by the amount of other benefits the priest receives.
 - (6) Priests who, with the express permission of the Diocesan Bishop, are: (i) on a nonrecurring temporary leave of absence; (ii) on a sabbatical; or (iii) participating in a nonrecurring health or wellness program. The amount of Remuneration may be modified by agreement between the Diocesan Bishop and the priest based on the circumstances of each case.
 - (7) Priests who dedicate themselves part time to an assignment in the Diocese and part time to another ministry from which they also receive Remuneration will enter into an agreement with the Diocesan Bishop about the amount of Remuneration they are to receive from the assignment in the Diocese according to equity and the circumstances of each situation.
- (b) Priests incardinated in the Diocese in any of the following categories are to receive Sustenance rather than Remuneration to the extent that their other means of support are insufficient for their Sustenance.
 - (1) Priests who are able to serve in a priestly assignment and who refuse a legitimate priestly assignment.
 - (2) Priests who are not able to serve in a priestly assignment because of a canonical irregularity, impediment, or penalty other than dismissal from the clerical state.
 - (3) Priests who are not able to serve in a priestly assignment on a long-term or permanent basis because of a physical or mental infirmity.
 - (4) Retired Priests.¹⁰
- (c) Priests formerly incardinated in the Diocese who are dismissed from the clerical state do not receive Remuneration or Sustenance. Any entitlement to a pension benefit in a pension plan are governed by the terms of the pension plan.

112.05 Responsibility for the Cost of Clergy Support.

- (a) If a priest is assigned full time to a Parish, the Parish is responsible for the cost of his Remuneration.
- (b) If a priest is assigned full time to the Diocese's offices, the Diocese is responsible for the cost of his Remuneration.
- (c) If a priest is assigned part-time to a Parish and part-time to the Diocese's offices or other institution, the Parish and the Diocese, or other institution, will enter into an agreement related to the equitable division of the cost to provide the Remuneration.

¹⁰ Financial support (Sustenance) of Retired Priests is addressed in Chapter 4 of this Title.

- (d) If a priest maintains a part-time schedule when assigned to a Parish or other institution because of medical conditions or other limiting conditions, the Parish or other institution and the Diocese will enter into an agreement with the Diocese related to the equitable division of the cost to provide the Remuneration.
- (e) If a priest is assigned to complete advanced studies which removes the priest from a priestly assignment on a temporary or periodic basis, the Diocese and the place of the priest's assignment will enter into an agreement related to the equitable division of the cost of the priest's Remuneration.
- (f) If a priest is on a temporary leave of absence, sabbatical, or participating in a health or wellness program, the place of the priest's assignment will continue to incur the costs of providing the priest's Remuneration. If the priest has no assignment, the Diocese will incur the costs of Remuneration.
- (g) Except as otherwise provided in this Code of Particular Law, the Diocese bears the cost of providing Sustenance to priests.
- (h) Pension contributions into and entitlement to pension payments from the Austin Pension Plan and Trust for Priests (APP&T) is governed by the APP&T's governing documents. Without prejudice to the responsibility of the Diocesan Bishop under canon law, the APP&T provides for the support of Retired Priests incardinated in the Diocese. Sustenance to Retired Priests is ordinarily provided through the Austin Pension Plan and Trust and the subsidized food and housing available at the John Paul II Residence for Priests.

112.06 Amount and Form of Remuneration.

- (a) These norms on the amount of Remuneration apply to the following priests:
 - (1) priests incardinated in the Diocese who are entitled to Remuneration according to the norms of this Chapter; and
 - (2) other priests who have been formally entrusted by the Diocesan Bishop with a full-time ministry, unless an agreement between the Diocese and the other priest, his diocese, or his religious community makes other provisions regarding Remuneration.
- (b) Priests are to receive a salary in the amount indicated in the instructions of the Local Ordinary.
 - (1) Except as specifically provided by this Code of Particular otherwise or as the Local Ordinary may grant by agreement, by canonical instruction, or in specific circumstances, Parishes, Catholic schools, and institutions in the Diocese may not give a salary to a priest which is greater or lesser than this amount.
 - (2) If a Parish, Catholic school, or institution is unable to pay the required salary, the Pastor, Parochial Administrator, Superintendent, or administrator of the institution should notify and consult with the Vicar General.
 - (3) Payments to priests under a different character, nature, or name, are prohibited unless specifically authorized in these norms, or specifically permitted by the Diocesan Bishop.
- (c) Priests are entitled to a suitable place of residence.
 - (1) Except as otherwise permitted by law, every Parish is to own a rectory within the Parish boundaries suitable for use of the priest(s) who serve the Parish.
 - (2) The Parish is responsible for the cost of maintaining the rectory.
 - (3) Priests may not receive a housing allowance from the Parish to be applied to the purchase of a priest's own dwelling or other property.

- (d) Priests are entitled to receive reasonable health insurance. The Local Ordinary determines the terms and coverages which are to be provided.
 - (1) The Diocese is to invoice each Parish or institution where a priest is serving to pay the priest's health insurance premium.
 - (2) It is the responsibility of the Parish or institution to pay the premiums for each priest who serves at the Parish or institution.
 - (3) In the case of priests whose community or religious institute maintains separate health insurance coverage for the priests in the community, the Parish or institution will pay the same premium amount (as would have been invoiced by the Diocese if the priest was enrolled in the Diocese's coverage or plan) to the priest's community for the priest's health insurance.
- (e) The Diocese is to invoice each Parish or institution for its contributions to the pension fund maintained by the Diocese that benefits Retired Priests.¹¹
- (f) The norms of universal and particular law are to be observed in all matters regarding Mass stipends and other offerings.
- (g) The amount of Remuneration which Parishes may offer to priests not assigned to the Parish for periodic or occasional ministry in the Parish is set in the instructions of the Local Ordinary.
- (h) Priests are entitled to receive reimbursement for the following expenses to the extent that such expenses are reasonable:
 - (1) expenses related to the professional use of 1 personal automobile, including gas, maintenance, minor repairs, insurance, inspection, taxes, license fee, parking fees and tolls;¹²
 - (2) expenses for equipment necessary for the exercise of the priest's ministry, as well as business-related expenses, but excluding items for personal use;
 - (3) costs of a plan for 1 mobile phone that provides sufficient minutes and data for related calls necessary for the priest's ministry;
 - (4) expenses for clothing as are authorized in the instructions of the Local Ordinary regarding reimbursement for priests' clothing;
 - (5) expenses for dues, subscriptions, or books which strengthen or support priestly life and ministry; and
 - (6) expenses for continuing education in an amount not greater than the amount specified in the instructions of the Local Ordinary.
- (i) Upon reassignment of a priest, the Parish or institution he is leaving shall pay or reimburse the priest's reasonable expenses for moving, not to exceed the amount established in the instructions of the Local Ordinary.
- (j) A priest is not entitled to receive reimbursement for other expenses not mentioned in this section.¹³

¹¹ The Austin Pension Plan and Trust for Retired Priests.

¹² As a general rule, a repair costing more than 25% of the retail value of the car is not considered minor as reasonably determined based on acceptable sources such as NADA or Kelly Blue Book.

¹³ Non-reimbursable expenses include but are not limited to: (i) the cost of purchasing an automobile, (ii) the cost of operating and maintaining a second automobile, (iii) the purchase price of a cell phone, (iv) the cost of personal

- (k) To be eligible for reimbursement, expenses must meet the conditions laid down in civil law to be a non-taxable accountable plan.¹⁴
- (l) The Parish or institution and the priest are to maintain the invoice or receipt as a record for 5 years.
- (m) When incurring reimbursable expenses, the amounts must be reasonable, and the Parish and priest must exercise good stewardship and prudence related to the purchase of such items and these expenditures should be authorized first by the Parish or institution's budget.

Chapter 3: Priest Sabbaticals

Section

113.01 Application. The norms of this Chapter apply only to priests incardinated in the Diocese.

113.02 Description of a Sabbatical. A sabbatical is an educational leave for 3 to 4 months, in which a priest takes time off from the responsibilities of his assignment to pursue a specific program of formation or a combination of different elements which fit the particular personal and ministerial needs of the priest. A sabbatical is distinguished from:

- (a) a vacation that is used solely for rest, relaxation, and recreation;
- (b) a retreat that is oriented solely toward spiritual renewal;
- (c) sick leave which is intended for the recovery of physical health;
- (d) pursuit of a graduate degree program for the purpose of specific professional development; or
- (e) a shorter program of either spiritual or intellectual pursuit.

113.03 Eligibility for a Sabbatical.

- (a) Priests incardinated in the Diocese who have completed their 10th year of ordination are eligible for a sabbatical.
- (b) Subsequent sabbaticals can be made at 7-year intervals.
- (c) Priests incardinated into the Diocese less than 10 years are eligible for a sabbatical based on the same criteria provided they have served in the Diocese for at least 5 years.

113.04 Procedures for Application for Sabbatical.

- (a) To take a sabbatical, a priest must submit an application to the Vicar for Priests at least 1 year in advance of the sabbatical program.

clothing,(v) vacation expenses, (vi) educational expenses not provided for by these norms, (vii) cigarettes, (viii) personal care items and toiletries, (ix) international personal long distance calls, (x) cell phone expenses related to personal use, (xi) health insurance deductibles, co-pays, or co-insurance, (xii) personal fines or fees such as speeding tickets, (xiii) gym membership or personal trainer, (xiv) cost of cable over basic subscription, and (xv) subscription streaming services or other personal entertainment expenses.

¹⁴ These conditions are laid out in *IRS* pub. 463: The items reimbursed must have a business-related purpose, they must be supported by an invoice, bill, or receipt showing the date, total amount, and purpose of the expenditure, the reimbursement must match the actual cost of the expenditure, and the reimbursement must be requested and received before the end of the applicable tax year.

- (b) Applications for sabbaticals are evaluated and approved by the Vicar for Priests and confirmed by the Diocesan Bishop.

113.05 Arrangements during the Absence of a Priest for a Sabbatical.

- (a) Before taking an approved sabbatical, a priest must: (i) make arrangements for coverage by a priest(s) at his priestly assignment during his sabbatical; and (ii) obtain the approval of the Local Ordinary of such arrangements.
- (b) It is for the Diocesan Bishop, if necessary, to appoint a Parochial Administrator during the absence of a Pastor on sabbatical.

113.06 Coverage of Sabbatical Expenses.

- (a) The Diocese, the Parish, or institution served by the priest, and the priest himself, are each to pay one-third of the total expense of the sabbatical. The maximum amount of each contribution from the Diocese and the Parish or institution, may not to exceed the amount defined in the instructions of the Local Ordinary.
- (b) The Parish or institution served by the priest will cover the salary and benefits for both the priest on sabbatical and the priest who is replacing him during the time of sabbatical. Parishes that cannot afford such expense should inform the Vicar for Priests during the application process.

Chapter 4: Retirement of Priests and Care of Retired Priests

Section

114.01 Application. The norms of this Chapter apply only to priests incardinated in the Diocese.

114.02 Requesting Retirement at Age of Retirement.

- (a) Priests may retire upon reaching the age of 70 by submitting a letter of resignation to the Diocesan Bishop and requesting retirement status.
- (b) Upon reaching the age of 75, priests are to submit a letter of resignation to the Diocesan Bishop.
- (c) If a priest, having reached the age of 75, and having submitted his letter of resignation, wishes to continue to serve, he is to communicate a request to continue to the Diocesan Bishop. After weighing the circumstances pertaining to the health and ministry of the priest, the Diocesan Bishop will decide whether or not to accept the resignation or permit the priest to continue to serve.
- (d) Priests continuing to serve after having reached the age of 75 are to review their health and ministry with the Diocesan Bishop every year. They are to submit their resignation at this annual meeting if asked to do so.
- (e) A priest may request retirement status before the age of 70 by submitting his request to the Diocesan Bishop if such status is necessary for medical or personal reasons.

114.03 Support for Retired Priests.

- (a) The *Austin Pension Plan and Trust* supports Retired Priests incardinated in the Diocese of Austin according to its governing documents. The Vicar for Priest is to make a copy of these documents available to priests who request it.
- (b) “*Retired Priest*” means a priest incardinated in the Diocese who has reached the Normal Age of Retirement according to the governing documents of the Austin Pension Plan and Trust or who is a Retired Participant as defined in the same governing documents, and who no longer maintains a priestly assignment.
- (c) The Diocese provides subsidized housing and food to Retired Priests at the St. John Paul II Residence for priests in amounts determined by the Local Ordinary.
- (d) The Diocese provides for reasonable health care coverage for Retired Priests which may include supplemental coverage combined with Medicare coverage, as the Local Ordinary determines.

114.04 Additional Support for Long Term Care. When a priest can no longer live independently, and specialized care is needed, the priest is to contribute his pension and social security benefit toward the cost of assisted living or nursing home care. The Diocese will pay the remainder of the cost. If the Diocese is to pay the remainder of the cost of this care, the Local Ordinary will determine the facility at which the priest is to receive the care, and the level of care which he is to receive.

114.05 Funeral Expenses. The estate of the priest is to cover the cost of the priest’s funeral. The Diocese will cover the cost of funeral only if the priest's estate is not able to do so and the amount is reasonable and approved by the Local Ordinary.



Instruction on the Financial Support of Priests

Re: Book 1, Title 1, Code of Particular Law of the Diocese of Austin

The particular law of the Diocese of Austin (“Diocese”) outlines the kinds of financial support provided to priests. This instruction contains the norms which govern certain amounts of financial support permitted by the particular law of the Diocese. Parishes and institutions in the Diocese may not adopt different amounts. The following applies to all priests unless a proper agreement exists governing these items for a particular priest (e.g., agreement with religious communities or other dioceses for extern priests).

1. Remuneration for Priests from outside the Assigned Parish or Institution.

1.1 Weekend Ministry. A priest may receive the following on weekend for ministry outside his assigned place of priestly ministry:

- (a) \$50 for each weekend Mass;
- (b) \$25 for Sacrament of Penance;
- (c) a reimbursement for mileage at the IRS if the priest is a Retired Priest [priests in active ministry do not receive mileage reimbursement]; and
- (d) the applicable Mass stipends of \$5 per Mass per day.

1.2 Weekday Ministry. A priest may receive on weekdays for ministry outside his assigned place of priestly ministry:

- (a) \$25 for each weekday Mass;
- (b) a reimbursement for mileage at the IRS rate if the priest is a Retired Priest [priests in active ministry do not receive mileage reimbursement]; and
- (c) the applicable Mass stipends of \$5 per Mass per day

2. Retreats, Days of Prayer, Convocations.

If a priest makes a retreat other than a retreat provided by the Diocese, he may be reimbursed not more than the amount charged for that calendar year’s Diocesan retreat. The priest is personally responsible for all additional expenses.

3. Continuing Education.

The additional yearly allowance available to a priest by the Parish or institution he serves for continuing education purposes is \$1,200. The continuing education allowance may be used for conferences, books, software, online courses, travel and lodging expenses for continuing education, and other expenses for continuing education.

4. Priest Salary.

The monthly salary for a priest in active ministry is \$2,600.

5. Sabbatical Contributions.

The priest, Parish or place of priestly assignment, and the Diocese will each contribute one-third of the cost of a sabbatical, not to exceed \$6,000 from each.

6. Moving Expenses.

Priests who move from one assignment to another may be reimbursed not more than \$500 for their moving expenses.

7. Clothing.

7.1 Vestments, Albs, and Cassocks. Except for the cost of an alb as set forth in this provision, vestments or cassocks purchased at the expense of a Parish or other place of the priestly assignment, whether directly or by reimbursement, belong to the Parish or place of priestly assignment. A priest is obliged to personally bear the cost of any vestments he retains as his own. A Parish or place of the priestly assignment may reimburse a priest the reasonable cost of an alb if the reimbursement does not occur more than once every 3 years and the reimbursement does not exceed \$300.

7.2 Clerical Attire. A Parish or place of priestly assignment may reimburse a priest the cost of:

- (a) clerical shirts not to exceed \$300 in any one calendar year;
- (b) clerical pants not to exceed \$160 in any one calendar year; and
- (c) a clerical suit not to exceed \$800 once every 3 years.

7.3 Personal Clothing. A Parish or place of priestly assignment may not reimburse a priest the cost of personal clothing.

Given at Austin, at the seat of the Diocesan Curia, the 8th day of December 2023.



Deacon Ron Walker, Chancellor





Very Reverend James Misko, Vicar General

Supplemental Material

Re: Book 1, Title 1: Priests
Code of Particular Law of the Diocese of Austin

1. Mass Stipends

- 1.1 The law governing Mass stipends can be found in the *Code of Canon Law*, cc. 945-958 and is summarized below.
- 1.2 The Christian faithful may give an offering to apply a Mass for their intention (c. 946). This is an offering that contributes to the good of the Church and share in the support of the Church and its ministers. It is not a price paid for a Mass, and any appearance of trafficking in Mass intentions is to be avoided (c. 947). Parish staff should be trained to refer to the stipend as an offering and should avoid using expressions such as “buying” or “price” for a Mass or Mass intention. Priests and Parishes should accept a Mass intention even if no stipend is offered, especially in the case of the needy (c. 945).
- 1.3 Pastors of Parishes are obliged to offer a Mass for the people of their Parish (*pro populo*) once on each Sunday and each holy day of obligation. A priest who is Pastor of more than one Parish may offer a single Mass for the people of all his Parishes (c. 534). A Pastor does not receive a stipend for the Mass for the people, but may receive a stipend for another Mass, if he celebrates a second Mass on the same day. The obligation to offer a Mass for the people on Sundays and holy days is a personal obligation of the Pastor, who must offer the Mass himself unless legitimately impeded (c. 534). The law does not envision that a Parochial Vicar or other priest would be offering the Mass for the people unless the Pastor is for some reason unable to do so.
- 1.4 The general rule is that a separate Mass must be offered for each stipend received (c. 948). Generally, it is contrary to the law to accept intentions from multiple different people and to attempt to satisfy them with a single Mass. It is contrary to law, for example, for a Parish to accept two or three intentions for each Mass. The exception to this rule is that a Mass with a collective intention is permitted no more than twice each week if the persons making the offering are informed and give their consent that only one Mass will be offered for multiple intentions (Decree of the Congregation for the Clergy, *Mos iugiter*, Feb. 22, 1991). It is permissible for a Parish to designate up to two Masses each week for collective intentions if the aforementioned permission is obtained. If a collective Mass intention is offered, the priest is permitted to keep for himself only one of the stipends. The other stipends are to be transferred to the purposes designated by the Local Ordinary, as described below. If an individual requests a single Mass to be offered for multiple intentions or individuals (e.g. “for both of my parents,” “for the Parish staff,” “for the seminarians of our Diocese”) it would not be considered a collective Mass intention.
- 1.5 The amount of the offering which may be requested is determined by the Bishops of the Province, which is currently set for the province in which the Diocese of Austin is located at \$5 (c. 952). It is not permitted to ask for a greater sum, although a greater sum may be accepted if it is offered spontaneously (c. 952). If a greater sum is offered, the presumption is that the number of Masses to be offered is to be computed according to the established \$5 offering unless the intention of the donor can legitimately be presumed to have been for a lesser number of Masses. For example, if someone offers \$100 for a Mass intention, the presumption is that 20 Masses are to be offered for that intention, unless it can be presumed that the donor intended otherwise (c. 950).
- 1.6 If a priest celebrates multiple Masses in a single day, or if he celebrates a Mass for a collective intention, he is generally entitled to keep only one stipend for himself. The exception is Christmas

Day, when a priest is entitled to celebrate three Masses (one in the night, one at dawn, and one during the day) and to retain a stipend for each Mass he celebrates. The other stipends are to be applied to the purposes designated by the Local Ordinary (c. 951). In the Diocese of Austin, the Local Ordinary has designated three options for excess Mass stipends: i) they may be transferred to the Parish, (ii) they may be sent to help the missions, or (iii) they may be sent to the Diocese to be redistributed to Parishes without sufficient Mass intentions, or to be used for the support of retired clergy or seminarians.

2. Faculties

2.1 Faculties are granted to individual priests through their *pagella* and letters of appointment. Each priest should consult his own *pagella* and appointment letter for the precise faculties granted to him. For reference, the faculties normally granted in the Diocese of Austin to priests (either by the Diocesan Bishop or by universal canon law) are listed below.

2.2 The following faculties are usually granted to all priests in good standing:

- (a) to celebrate Mass twice on weekdays for a just cause, or even three times on Sundays and holy days of obligation in case of pastoral necessity (see c. 905.2);
- (b) to grant an individual, for a just cause, a dispensation for observing the Eucharistic fast (see c. 919.1);
- (c) to hear confessions habitually. This faculty may be exercised anywhere in the world unless the Local Ordinary has denied it in a particular case (see cc. 967.2, 969.1);
- (d) to absolve, within the sacrament of confession, from an undeclared censure of excommunication incurred *latae sententiae* for procuring a completed abortion;
- (e) to grant dispensation for himself from the obligation to recite the Liturgy of the Hours except for either morning prayer or evening prayer whenever he participates in:
 - a Mass celebrated or presided over by the Diocesan Bishop;
 - a jubilee Mass;
 - a Mass offered on the occasion of an ordination, religious investiture or profession;
 - a confirmation or Forty Hours;
 - a cursillo, retreat, or day of recollection;
 - the hearing of confession for more than two hours; or
 - trination.
- (f) to grant dispensation for himself from the entire Liturgy of the Hours on Holy Saturday, Easter Sunday, Christmas Eve, and Christmas Day, if he participates in the Easter Vigil service or a Midnight Mass respectively;
- (g) to administer confirmation in danger of death (c. 883.3);
- (h) to celebrate the Mass according to the approved liturgical books (c. 900); and
- (i) to preach the word of God everywhere, with at least the presumed consent of the rector of the church (c. 764).

2.3 The following faculties are usually granted to Pastors:

- (a) to administer confirmation to adults whom they baptize, or receive into the full communion of the Church, within the boundaries of their Parish, and within the same liturgical celebration (c. 882.2);
- (b) to dispense an individual, for a just cause, and in particular cases, from observance of a holy day of obligation or a day or penance, or to commute the observance into another pious work, provided that this faculty is exercised for the benefit of a parishioner or for anyone actually present within the Parish boundaries (c. 1245);
- (c) to assist at marriages within the boundaries of the Parish (c. 1108);
- (d) to delegate to other priests and deacons the faculty to assist at marriages within the boundaries of the Parish. This faculty may be delegated for a specific marriage, or even generally. In the latter case, it must be given in writing. (c. 1111);
- (e) to dispense from private vows, or to commute them to a lesser good provided no injury is done to the acquired rights of others and provided that this faculty is exercised in favor of a parishioner, or anyone actually present within the Parish boundaries (c. 1196, 1197);
- (f) to baptize those who have completed their 14th year (c. 863);
- (g) to allow funeral rites for an unbaptized child, if the parents had intended to have the child baptized (c. 1183.2); and
- (h) to allow funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available (c. 1183.3).

2.4 The following faculties are usually granted to Parochial Vicars:

- (a) to baptize those who have completed their 14th year (c. 863);
- (b) to receive baptized non-Catholics into the full communion of the Catholic Church;
- (c) to administer confirmation to adults whom they baptize, or receive into the full communion of the Church, within the boundaries of their Parish, and within the same liturgical celebration (c. 882.2);
- (d) to dispense an individual, for a just cause, and in particular cases, from observance of a holy day of obligation or a day or penance, or to commute the observance into another pious work. The faculty may be exercised for the benefit of a parishioner, or for anyone actually present within the Parish boundaries (c. 1245);
- (e) to assist at marriages within the boundaries of their Parish (c. 1111);
- (f) to delegate other priests or deacons the faculty to assist at marriages, but only in individual cases and for specific marriages (c.137.3);
- (g) to allow funeral rites for an unbaptized child, if the parents had intended to have the child baptized (c. 1183.2);
- (h) to allow funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided

a minister of the faith of the deceased is not available (c. 1183.3); and

(i) to dispense from private vows, or to commute them to a lesser good provided no injury is done to the acquired rights of others. This faculty may be exercised in favor of a parishioner, or anyone actually present within the Parish boundaries (c. 1196, 1197).

3. Tax Issues for Priests

3.1 *General.* Income and other taxes are governed by civil law, which should always be consulted. The information in this section may assist priests and Parishes in understanding tax issues related to priests.

3.2 *Income Taxes.* All Diocesan priests (incardinated and extern) employed by Parishes and Diocesan institutions and religious priests (including externs) employed by Parishes and Diocesan institutions who receive direct compensation (paycheck made in priest's name) are considered "employees" for income tax purposes.

(a) They are to receive a W-2 Form from the Parish or institution, which includes salary, allowances, and Mass stipends (if paid to the priest by a Parish check).

(b) The W-2 should be filled out by the employing institution by January 31 for the previous year's income.

(c) The foregoing does not apply to religious priests who do not receive direct compensation from the Parish (e.g., religious orders receive a contractual fee from the Parish or Diocese in lieu of compensation to priests).

3.3 *Social Security Tax.* The Internal Revenue Service treats priests as "self-employed" for social security purposes.

(a) The priest is responsible for the entire social security tax payment.

(b) Diocesan and extern priests must participate in the social security system and may not opt out.

3.4 *Exemption for religious priests.* Religious priests are exempt from taxes due to their vows of poverty and the fact that any compensation for services in ministry is paid to and belongs to the priest's community. In rare circumstances, religious priests may be instructed by their communities to receive the compensation and pay the tax as if the compensation belonged to the priest.

3.5 *Withholding.* Priests have the option to have taxes withheld from their regular paychecks; or to file quarterly tax payments (*Form 1040 ES*). If a priest opts for the Parish to withhold, he must complete Form W-4 at the beginning of the year, declaring the amount to withhold, based on his estimated total taxable compensation (salary, stipends, earned income, etc.) and not solely on his salary.

3.6 *Mileage Log.* It is prudent for a priest to maintain a mileage log. It may assist the priest illustrate to the Internal Revenue Service that the vehicle is used entirely or mostly for ministerial purposes. It may help avoid questions from the Internal Revenue Service about the reimbursements and use of the vehicle.

- 3.7 *Stipends, Mass Intentions, Stole Fees.* Stipends, Mass intentions, and stole fees are taxable income. The priest should account for the receipt of such Remuneration and report such income on his 1040.
- (a) The Parish must include stole fees, Mass intentions, and stipends paid by the Parish in the priest's gross wages and report it in his annual W-2.
 - "Stipends" include Mass stipends and payments for other services.
 - "Stole fees" are gifts in connection with a priestly service.
 - (b) If a person gives a priest a gift in exchange for or in thanksgiving for a priestly service, it is taxable income to the priest (regardless of whether the gift was solicited). Gifts that are not taxable are those gifts that are not related to priestly service from the faithful (e.g., Christmas gift, birthday gift, etc.)
- 3.8 *Fair Rental Value for Housing.* The fair rental value of a rectory is excludable only for federal income tax purposes.
- (a) The priest must include the amount of the fair rental value of a rectory for Social Security of Medicare coverage purposes.
 - (b) The fair market value (FMV) of the rental value of the priest's rectory should be estimated and reported as additional income.
 - (c) Each Parish should evaluate the specific living situation of its priests to determine the fair market rental amount to report.
 - (d) It is prudent to keep the calculations for arriving at the FMV on file.
 - (e) The Parish is required by the Internal Revenue Service to provide the Pastor with a FMV Letter at the time he is provided a W-2.

Title 2: Deacons

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Rights and Obligations of Deacons

Section

121.01 Application. Unless otherwise evident, the provisions of this Title apply only to permanent deacons. Transitional deacons are governed by the norms of universal law, and by the instructions issued for seminarians by the Local Ordinary.

121.02 The Spiritual Life of Deacons.

- (a) Deacons are obliged to make an annual retreat of at least 40 continuous hours. It is earnestly recommended that each deacon make a longer retreat of at least 5 days.
- (b) Deacons are to have a spiritual director, who is to be a priest or a spiritual director who has completed a course of study in spiritual direction sponsored by the Diocese or who has been otherwise approved by the Diocesan Bishop.
- (c) Deacons are to meet with their spiritual director at least once every 2 months unless excused by a just cause.
- (d) Deacons are encouraged to participate daily in the Most Holy Eucharist, to approach the sacrament of penance frequently, and to cultivate mental prayer.
- (e) Deacons are obliged to pray the liturgy of the hours according to the norms issued by the United States Conference of Catholic Bishops.

121.03 The Continuing Education of Deacons.

- (a) Deacons are obliged to engage in at least 30 hours of ongoing education each year in theology, canon law, or other disciplines useful to their ministry.
- (b) At least 12 of the required hours of ongoing education must be in a formal educational program such as a formation program offered by the Diocese, courses taught through an institute of higher education, or other formal organized educational program. The remaining 18 hours may be self-study.
- (c) Deacons are obliged to attend the annual convocation for deacons, unless excused by the Director of Diaconal Ministry for a just cause.
- (d) Each year, before March 31, each deacon is obliged to submit a written report to the Director of Diaconal Ministry indicating how he fulfilled the obligation of retreat, spiritual direction, continuing education during the previous calendar year, and other information reasonably requested by the Director of Diaconal Ministry.

121.04 Other Rights and Obligations of Deacons.

- (a) When engaged in ministry, deacons are to wear clothing that is neat, clean, modest, dignified, and appropriate to the occasion.
- (b) Deacons may not wear clerical attire except when the Local Ordinary permits.
- (c) The proper spoken style for a deacon is “Deacon.” The proper written style is “Deacon.”
- (d) A deacon incardinated in the Diocese is not to be absent from the Diocese for more than 1 month without at least the presumed permission of the Local Ordinary.
- (e) Except as explicitly permitted by the liturgical books, deacons are not to utilize anointing with oils in prayer or devotional contexts in order to avoid all confusion with the sacraments.
- (f) Deacons are to submit a funeral planning form to the Director of Diaconal Ministry.

Chapter 2: The Assignment of Deacons to Ministries

Section

- 122.01 Serve at will of Diocesan Bishop. Unless a deacon’s assignment is to a canonical office and the law provides otherwise, each deacon in the Diocese is freely assigned to and freely removed from ministries by the Diocesan Bishop.
- 122.02 Obligation to Accept Assignment. Deacons are obliged to accept assignments from the Diocesan Bishop unless excused by a just cause.
- 122.03 Parish Ministry. When a deacon is assigned to a Parish as a ministry, he is to assist the Pastor of the Parish by carrying out the ministry under the direction of the Pastor.
- 122.04 Written Ministry Agreement.
- (a) Deacons assigned to a Parish and their Pastors are to create a written ministry agreement which details the ministries in which the deacon is to be involved and the scope of the time commitments he is expected to make. The ministry agreement is to be created with due consideration for the deacon’s work and family responsibilities. In the case of a married deacon, the deacon’s wife is also to be consulted regarding the written ministry agreement.
 - (b) If a deacon and Pastor are unable to agree on the terms of the written ministry agreement, they are to contact the Director of diaconal ministry, who is to attempt to help them to reach an agreement. If no agreement can be reached, the Local Ordinary is to decide the matter.
 - (c) A copy of the written ministry agreement, signed by the deacon and the Pastor, is to be sent to the Director of diaconal ministry.
 - (d) The written ministry agreement is to be reviewed and either confirmed or modified when:
 - (i) a deacon begins a new Parish assignment;
 - (ii) a new Pastor is installed in the Parish; or
 - (iii) the deacon or the Pastor requests it for a just cause.

Chapter 3: The Financial Support of Deacons

Section

- 123.01 Remuneration.
- (a) Unless he is employed by the Parish in a paid position, a deacon does not receive Remuneration from the Parish to which he is assigned as a ministry.
 - (b) Deacons who devote themselves completely to ecclesiastical ministry receive Remuneration from the Diocese, Parish, or other institution at which they are employed, according to the terms of their employment. Other deacons are generally to provide for themselves and their families by means of the civil profession which they exercise or have exercised.
- 123.02 Financial Assistance. A deacon incardinated in the Diocese who is not devoted completely to ecclesiastical ministry and who is unable to provide financially for himself and his dependents by means of a civil profession or otherwise may approach the Diocese to request financial assistance.
- 123.03 Reimbursements. Deacons are entitled to be reimbursed by the Parishes or institutions they serve for legitimate and reasonable expenses incurred in their ministry. The Pastor or administrator of the institution is competent to issue more precise norms in this matter provided that the amounts of the reimbursements are consistent with the general practices in the Diocese.
- 123.04 Continuing Formation Expenses. The reasonable cost of a deacon's participation in the ongoing education, annual retreat, and annual convocation is to be borne by the Parish or institution which the deacon serves. The Parish or institution is also encouraged to bear the cost of the participation of a married deacon's wife in these activities.

Chapter 4: The Retirement of Deacons and the Leave of Absence

Section

- 124.01 Age of Retirement. Deacons who will soon reach the age of 75 are to notify the Director of diaconal ministry of this fact not later than 6 months before their 75th birthday. Except as provided in this Chapter, a deacon who completes 75 years of age is, by that fact, placed on retired status.
- 124.02 Continuing in Active Ministry after 75. A deacon may request to continue in active ministry beyond his 75th birthday by submitting a written request to the Diocesan Bishop. Deacons are encouraged to submit such a request 6 months before the deacon's 75th birthday.
- (a) Such a request should be made after consultation with the deacon's Pastor or canonical supervisor and should indicate whether the Pastor or supervisor concurs with the request.
 - (b) The Diocesan Bishop may grant the deacon's request to continue in active ministry or deny it. If the request is denied, the deacon's retirement status is effective on the later of his 75th birthday or when he receives notification of the denial of his request.

- (c) If a continuation in active ministry is granted, it may be renewed every year according to the same procedure by which it was initially granted according to any instructions of the Diocesan Bishop in this Code of Particular Law or in the letter granting the request to continue in ministry.

124.03 Early Retirement. A deacon may request early retirement status of the Diocesan Bishop if his years of age and years of service as a deacon total at least 85.

- (a) If a deacon's years of service and years of age do not total 85, he is not eligible for early retirement, but may be eligible to request a leave of absence.
- (b) A request for early retirement must be communicated to the Diocesan Bishop in writing and it should: (i) be made after consultation with the deacon's Pastor or canonical supervisor; and (ii) indicate whether the Pastor or supervisor concurs with the request.

124.04 Privileges of Retirement Status. A deacon who has been placed on retired status is:

- (i) no longer bound by the ministry assignment he received from the Diocesan Bishop;
- (ii) no longer obliged to participate in ongoing education, spiritual direction, the annual retreat, or the annual deacon convocation (but is encouraged to do so); and
- (iii) free to engage in occasional Parish ministry with the consent of the Pastor of the Parish in which he wishes to minister.¹⁵

124.05 Leave of Absence. A deacon who is unable to fulfill his ministry assignment and who does not qualify for early retirement may request a leave of absence from the Diocesan Bishop.

- (a) A request for a leave of absence should be made after consultation with the deacon's Pastor or canonical supervisor and should indicate whether the Pastor or supervisor concurs with the request.
- (b) If granted, a leave of absence has the same effects as retirement status, except: (i) it is granted for a definite length of time; and (ii) the deacon may not engage in ministry except as the Diocesan Bishop may permit in his instructions in the permission granting the leave of absence.
- (c) When a leave of absence has expired, the Diocesan Bishop may extend it, or may terminate it by giving the deacon a new ministry assignment. If the Diocesan Bishop does not expressly extend the leave of absence at or about the time it ends, it is to be presumed that the Diocesan Bishop has extended the leave of absence for 6 months.

¹⁵ The standard pagella for deacons in the Diocese grants deacons the faculty to assist at marriages within the boundaries of the Parish to which they have been assigned. Because a retired deacon is not assigned to a Parish, he must obtain delegation from the Pastor or other competent authority in order to validly assist at marriages.

Instructions

Re: Book 1, Title 2: Deacons
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 2: Deacons
Code of Particular Law of the Diocese of Austin

1. Deacon at the Mass and Other Guides. The diaconal ministry office publishes guidebooks or manuals for deacons in the Diocese, such as the “Deacon at the Mass Guide,” as well as forms to use for the submission of annual reports, burial preferences, and other communications.
2. Faculties. The following faculties are normally granted to deacons in the Diocese. Each deacon should check his own *pagella* to verify the particular faculties that were granted to him.
 - (a) Baptism: to administer Baptism solemnly to persons under the age of seven (7).
 - (b) Eucharist: to distribute the Body and Blood of Christ at Mass;
to conduct the rite of administration of holy Communion outside of Mass;
to conduct the rite of administration of viaticum and holy Communion to the sick;
to impart Eucharistic Benediction;
to exercise the office of deacon in liturgical celebrations; and
to dispense, in individual cases and for a just reason, from the Eucharistic abstinence.
 - (c) Preaching: to deliver the homily at Mass; and
to preach at other religious services.
 - (d) Scripture: to proclaim the Gospel at Mass; and
to conduct Scripture services
 - (e) Matrimony: to administer the Order of Celebrating Matrimony without Mass within the boundaries of the Parish to which he is assigned by the Diocesan Bishop;
to dispense all impediments to marriage that may be dispensed by the Local Ordinary when:
 - assisting at a marriage;
 - everything has been prepared for the marriage; and
 - the marriage cannot be delayed without probable danger of grave harm until the dispensation can be obtained from the competent authority.[NOTE: Such dispensations must be reported to the chancery within 3 days.]
to administer the nuptial blessing outside of Mass;
to administer the oath and complete the premarital investigation; and
to initiate the process for convalidation of marriages, for declarations of nullity, and/or for the dissolutions of the bond of marriage.
 - (f) Funerals: to conduct vigil services as appropriate at wakes;
to accompany the body from the funeral home to the church;
to conduct the rite of final commendation when it does not immediately follow the funeral Mass;
to lead the prayers at the cemetery;
to allow church funeral rites at the Parish to which he is assigned for an unbaptized child if the parents intended to have the child baptized; and

to allow church funeral rites at the Parish to which he is assigned for a baptized person belonging to a non-Catholic church or ecclesial community provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available.

(g) Liturgy of the Hours.

- (1) *The National Directory for the Formation, Ministry, and Life of Permanent Deacons in the United States* provides “permanent deacons are required to include as part of their daily prayer those parts of the Liturgy of the Hours known as Morning Prayer and Evening Prayer” (90).
- (2) Although permanent deacons are not bound by the universal church law to say the whole of the Liturgy of the Hours every day, permanent deacons should not hold themselves lightly excused from the obligation they have to recite morning and evening prayer.
- (3) The National Directory states that “whenever possible they (deacons) should lead those prayers (Morning and Evening Prayer) with the community to whom they have been assigned to minister.”
- (4) Deacons have the faculty of dispensing themselves from the divine office when family or work duties make it difficult to pray the Liturgy of the Hours.

- (h) Other: to dispense, in individual cases and for a just reason, a parishioner or person visiting within the boundaries of the Parish to which the deacon is assigned, from the obligation of observing a day of precept or a day of penance or to commute the obligation into other pious works; and
- to bestow blessings according to the rubrics of the Roman Ritual and the Book of Blessings.

Title 3: Consecrated Life

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 3, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Request Permission to Minister in Diocese

Section

- 131.01 Required Letters from Superior to Engage in Ministry. A member of a Religious Institute or Society of Apostolic Life wishing to engage in ministry in an apostolate in the Diocese must submit a letter from his or her Major Superior and a letter from his or her prospective employer required by this section. A Consecrated Virgin or a Canonical Hermit wishing to engage in an apostolate or ministry in the Diocese must submit a letter from his or her Diocesan Bishop and his or her prospective employer or ministry supervisor required by this section.
- (a) The letter from the individual’s Major Superior or Diocesan Bishop required under this Section 131.01 must state that:
- (1) the Major Superior or Diocesan Bishop knows of nothing in the individual’s past which would compromise the individual’s work or ministry in a church related apostolate or ministry;
 - (2) the Religious Institute or Society of Apostolic Life or Diocesan Bishop, as applicable, retains financial responsibility for the individual;
 - (3) the individual agrees to serve in the Diocese for at least 3 years;
 - (4) the individual is legitimately in the United States: (i) as a citizen; (ii) as a permanent resident with right to work; (iii) under a religious worker visa or other type of visa with right to work; or (iv) is in the process of obtaining a religious worker visa other type of visa with right to work; and
 - (5) the Major Superior or Diocesan Bishop, as applicable, has disclosed all known criminal background related to the individual and all complaints or allegations received involving the individual.
- (b) The letter from the prospective employer or ministry supervisor must contain:
- (1) a description of the apostolate or ministry in which the individual will be involved;
 - (2) a statement that the employer requires its employees to be compliant with Ethics and Integrity in Ministry or another acceptable safe environment program;
 - (3) a statement that a criminal background check has been completed or will be completed prior to the individual beginning work or involvement with the apostolate or ministry; and
 - (4) the individual’s religious worker visa number or other visa number, as applicable.
- 131.02 Essential Norms are to be Observed. Notwithstanding any other requirement under this Title the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Religious must always be observed.

Instructions

Re: Book 1, Title 3: Consecrated Life
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 3: Consecrated Life
Code of Particular Law of the Diocese of Austin

RESERVED

Title 4: Diocesan Structures

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 4, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1. Deaneries and Deans

Section

- 141.01 Establishment, Alteration, and Suppression of Deaneries. Deaneries, their names, and their boundaries may be established, altered, or suppressed by decree of the Diocesan Bishop.
- 141.02 Appointment and Terms of Deans. The Diocesan Bishop freely appoints Deans to a term of four years.¹⁶ If the office of Dean becomes vacant before the completion of a 4-year term, however, the Diocesan Bishop may appoint a new Dean to a term that expires on the same day as the previous Dean's 4-year term would have expired.
- 141.03 Removal. The Diocesan Bishop may freely remove a Dean for a just cause according to his own prudent judgement.¹⁷

¹⁶ Primary functions of the Deans are described in Title 5, Chapter 4 of this Book and in Book 3, Title 9, Chapter 2

¹⁷ See c. 554.

Instructions

Re: Book 1, Title 4: Diocesan Structures
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 4: Diocesan Structures
Code of Particular Law of the Diocese of Austin

1. Diocesan Structures from Universal Law. Primary structures established by the universal law for the governance of the Diocese are briefly described in these materials.
 - 1.1 The Diocesan Bishop who is appointed by the Holy Father to shepherd the local Church. He has full executive, legislative, and judicial authority over the Diocese, and is the chief teacher of the faith and the chief priest of divine worship.
 - 1.2 A Diocesan Synod is a body which can be called into being by the Diocesan Bishop to deliberate about matters of major importance to the life of the Diocese. A Diocesan Synod is an extraordinary event in the life of the local church.
 - 1.3 The Presbyteral Council is a group of priests, some appointed by the Diocesan Bishop and some elected by the presbyterate, who advise the Diocesan Bishop on governance decisions of major importance.
 - 1.4 The college of consultors is a smaller group of priests chosen by the Diocesan Bishop from the Presbyteral Council. Their two primary functions are to give consent to major financial decisions regarding the Diocese and to elect a Diocesan administrator to temporarily govern the Diocese whenever the Diocese is in between Diocesan Bishops.
 - 1.5 The Moderator of the Curia assists the Diocesan Bishop in coordinating and managing the Pastoral Center staff.
 - 1.6 The Vicar General and Episcopal Vicars share in the Diocesan Bishop's executive power of governance over the Diocese. The Vicar General has "general" executive power of governance for all affairs which the law or the Diocesan Bishop have not reserved to the Diocesan Bishop specifically. An Episcopal Vicar has power of governance over the specific area entrusted to him. The Diocese of Austin maintains one Episcopal Vicar, the Vicar for Priests, who has executive power of governance over matters related to priests.
 - 1.7 The Chancellor is the chief notary of the Diocese, and is responsible for authenticating documents, drawing up documents, and keeping track of documents in the Diocesan Archives. The Chancellor is assisted by other notaries and by the archivist and staff.
 - 1.8 The Finance Officer and Diocesan Finance Council are the financial arm of the Diocesan administration. They prepare a budget, keep track of Diocesan resources, and advise the Diocesan Bishop on financial matters. For major financial transactions involving the Diocese, the consent of the Diocesan Finance Council is required.
 - 1.9 The Judicial Vicar and Judges share in the Diocesan Bishop's judicial power of governance. They operate the Tribunal and conduct ecclesiastical trials regarding the cases submitted to the Tribunal. They also advise the Diocesan Bishop on canonical matters. The Judicial Vicar is assisted by an Adjutant Judicial Vicar, and other officers of the Tribunal.

1.10 Deans, or Vicars Forane, are priests in each geographical region of the Diocese responsible for fostering cooperation between parishes in an area, and for periodically visiting the Parishes and reporting to the Diocesan Bishop about each Parish.

2. Other Diocesan Structures

2.1 The secretariat Directors administer the main divisions of the Diocesan Curia. They are freely appointed and freely removed by the Diocesan Bishop. They carry out the ministry entrusted to them by the Diocesan Bishop, but do not possess executive power of governance except for the Vicar General, Episcopal Vicars, and others who may receive executive power of governance by delegation.

2.2 The vocations Director, who is freely appointed and freely removed by the Diocesan Bishop, assists the Diocesan Bishop in the promotion of vocations and in matters related to seminarians.

2.3 The Director of diaconal ministry, which is freely appointed and freely removed by the Diocesan Bishop, assists the Diocesan Bishop in matters related to the promotion of vocations to the diaconate, the formation of candidates for the diaconate, and the life and ministry of permanent deacons.

2.4 The Priest Personnel Board, which is governed by its own statutes approved by the Diocesan Bishop, advises the Diocesan Bishop on the assignment of priests. The Priest Personnel Board possesses only a consultative vote, and the Diocesan Bishop may make priest assignments without consulting the Priest Personnel Board.

2.6 The Building Commission, which is governed by its own statutes approved by the Diocesan Bishop, advises the Diocesan Bishop on matters related to facilities and construction. The Building Commission possesses only a consultative vote, and the Diocesan Bishop may make decisions related to facilities and construction without consulting the Building Commission.

3. The Diocesan Coat of Arms

3.1 The Diocese extends north to south from west to San Marcos and east to west from Bryan/College Station to Mason. The Diocesan coat of arms was designed by Bishop Louis J. Reicher when the Diocese was established in 1947.

3.2 The custom of having a coat of arms goes back to medieval times when rulers, officials, or large landowners, would have the shields of their soldiers emblazoned with a design symbolizing the family. Since the Diocese and its see city take their names from Stephen F. Austin, Bishop Reicher chose to utilize part of the Austin family coat of arms. This consisted of a horizontal bar charged with three crosses between one chevronel line above and another at the base.

3.3 The colors in the Coat of Arms are symbolic of the Blessed Virgin Mary, white and blue, and because the cathedral of the Diocese is dedicated to her. These are also the principal colors of the state seal of Texas.

3.4 The star above has a double significance. It symbolizes both the Lone Star of Texas and our Blessed Lady under the title *Stella Maris*, “Star of the Sea.”

3.5 The rose on the lower chevronel honors the shield of the Galveston Diocese, from which

most of the Diocese was taken in 1947. This rose symbolizes the Blessed Virgin Mary under the title of *Rosa Mystica*, “Mystical Rose” and is a symbol of new birth.

- 3.6 The wavy lines symbolize the Colorado River, which passes through the center of the Diocese. The golden heart symbolizes St. Augustine (Austin) of Hippo. The transfixing arrows, one descending and one ascending, represent St. Austin’s love for God and God’s love for St. Austin as a doctor of the church.

Title 5: Parishes

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 5, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Pastoral Council

Section

- 151.01 Pastoral Council Required. In every Parish there is to be a Parish Pastoral Council, which, according to the norm of c. 536, is to advise the Pastor and assist him in fostering pastoral activity.
- 151.02 Statutes. Each Parish Pastoral Council is to have its own statutes, approved by the Pastor. A copy of the statutes is to be deposited in the Diocesan Archives.
- (a) The Pastor is, *ex officio*, the president of the Parish Pastoral Council. The statutes may also provide for other officers but may not provide for a president or chairperson other than the Pastor.
 - (b) Parochial Vicars are *ex officio* members of the Parish Pastoral Council.
 - (c) The statutes are to provide for lay members of the Parish Pastoral Council, at least 5 in number, and no more than 12.
 - (d) The statutes are to determine the method of choosing the lay members of the Parish Pastoral Council, provided that no more than 1/3rd of the lay members are appointed by the Pastor.
 - (h) The statutes are to provide a length of term for lay members of the Parish Pastoral Council and establish whether a lay member may serve multiple or consecutive terms. Terms may not be less than 2 and not more than 5 years in length.
 - (i) The statutes are to provide for filling vacancies that may occur in the Parish Pastoral Council before a term is completed.
 - (j) The statutes are to provide for a method by which the parishioners are to be generally informed of the recommendations of the Parish Pastoral Council, whether by the publication of minutes or by some other means.
- 151.03 Eligibility to Serve and Removal of Members.
- (a) To be eligible to serve as a member of the Parish Pastoral Council, a person must be a Catholic, at least 18 years of age, must have received baptism, confirmation, and first communion, and must be of good reputation and outstanding in faith and virtue.
 - (b) The Pastor is to promptly remove a member who is not eligible to serve.
 - (c) The Pastor may also remove members for: (i) grave cause; or (ii) just cause with the consent of the Parish Pastoral Council.

- (d) A removed member may seek recourse to the Local Ordinary.
- 151.04 New Pastor's Obligation. When a new Pastor is installed, he is to confirm the existing Parish Pastoral Council in its function, unless, for grave cause, he dissolves it and causes a new Parish Pastoral Council to be selected.
- 151.05 Call of Meeting and Agenda. The Pastor convokes the Parish Pastoral Council, establishes the times and places of its meetings.
- (a) The Parish Pastoral Council must be convoked at least once each quarter.
- (b) The Pastor determines the meeting agenda.
- (c) The meetings of the Parish Pastoral Council may be open to the Parish at the discretion of the Pastor.
- 151.06 Consultive Character. The Parish Pastoral Council possesses only a consultative vote.
- 151.07 Obligation to Consult. The Pastor is to consult the Parish Pastoral Council on questions of greater importance. Failure to consult the Parish Pastoral Council, however, does not result in the invalidity of juridic acts.

Chapter 2: The Finance Council

Section

- 152.01 Finance Council Required. Every Parish is to have a Parish Finance Council according to the norm of c. 537. The Parish Finance Council is to advise the Pastor and assist him regarding the administration of the goods of the Parish.
- 152.02 Statutes. Each Parish Finance Council is to have its own statutes, approved by the Pastor, consistent with the norms of universal and particular law. A copy of the statutes is to be deposited in the Diocesan Archives.
- (a) The Pastor is, *ex officio*, the president of the Parish Finance Council.
- (b) It is for the Pastor to convoke the Parish Finance Council, to determine its agenda, and to preside over its meetings.
- (c) The statutes may provide other officers of the Parish Finance Council but may not provide for a president or chairperson other than the Pastor.
- (d) The statutes must establish the number of members of the Parish Finance Council, which must include at least 3 lay persons.
- (e) The statutes are to establish the terms of members of the Parish Finance Council, which is not to be less than 3 years nor more than 5 years. A member may be reappointed but may not serve more than 10 consecutive years. Terms must be staggered so that the members' terms do not all expire at the same time.

- (f) The statutes are to provide for the filling of vacancies which may occur in the Parish Finance Council before the expiration of a term.

152.03 Eligibility to Serve, Appointment, and Removal of Members.

- (a) Members of the Parish Finance Council must:
 - (1) be Catholics who have received baptism, confirmation, and first communion;
 - (2) be at least 18 years of age;
 - (3) possess a good reputation;
 - (4) live a life outstanding in faith and virtue;
 - (5) possess expertise or experience in financial affairs or civil law; and
 - (6) not be related to the Pastor within the 4th degree of consanguinity or affinity.
- (b) Members of the Parish Finance Council are freely appointed by the Pastor. The Pastor may remove a member of the Parish Finance Council before the expiration of his or her term only for a grave cause. Recourse against a removal may be made to the Local Ordinary.

152.04 Code of Conduct. Members of the Parish Finance Council must sign the code of conduct approved by the Diocesan Finance Officer.

152.05 Call of Meetings and Agenda. The Pastor convokes the Parish Finance Council, establishes the times and places of its meetings.

- (a) The Parish Finance Council must be convoked at least once each quarter.
- (b) The Pastor determines the meeting agenda.
- (c) The meetings of the Parish Finance Council may be open to the Parish at the discretion of the Pastor.
- (d) Minutes are to be taken of every meeting of the Parish Finance Council.

152.06 Right to Review Records. Members of the Parish Finance Council have the right to review the financial records of the Parish.

152.07 Functions. The Parish Finance Council also has those functions entrusted to it in Book IV of this Code of Particular Law.

Chapter 3: Parish Employees

Section

153.01 Pastor's Authority. The Pastor has authority over matters related to employees and employment in the Parish. It is for the Pastor or his delegate to extend offers of employment.

153.02 Written Policies. Every Parish is to have a written policy regarding employees, approved by the Pastor. This policy is to regulate matters relating to the form of compensation, paid and unpaid time off, conduct in the workplace, and expected conduct outside the workplace, in addition to other matters, which, in the judgment of the Pastor, require regulation by the written policy.¹⁸

¹⁸ The Diocesan HR office maintains model employee policies which may be adopted by Parishes.

- 153.03 Job Description. Every Parish employee is to be provided with a written job description.
- 153.04 Dismissals. Before dismissing an employee, the Pastor is to seek advice from the Diocesan Curia related to secular legal matters and insurance. Failure to consult will result in an obligation to incur an additional deductible for expenses that arise from a dispute over the dismissal as set forth in the Diocesan insurance coverages for Parishes.
- 153.05 No Sponsorship of Visas. Parishes may not sponsor a person for a visa to enter or work in the United States without the consent of the Local Ordinary.

Chapter 4: Visitation by the Dean

Section

- 154.01 Dean's Visit. The Dean is to visit each Parish in his deanery at least once every 3 years.
- (a) During the visitation the Dean is to visit with the Pastor, with any Parochial Vicars, and with some of the Parish staff about the state of the Parish.
- (b) The Dean is to inspect:
- (1) the Parish records and note whether they are being properly inscribed and safe-guarded;
 - (2) the financial records of the Parish and note whether ecclesiastical goods are being carefully administered; and
 - (3) the rectory, the Parish church, and other Parish buildings, and is to note whether they are cared for with proper diligence.
- (c) The Dean has the right to conduct other inspections or interviews as necessary or useful for forming an adequate picture of the state of the Parish.
- 154.02 Dean's Observations and Recommendations. At the conclusion of the visitation, the Dean is to deliver to the Pastor, in writing, his observations and recommendations. He is also to submit a written report to the Local Ordinary regarding the state of the Parish.
- 154.03 The Dean's Parish. Visitations of the Parishes of which a Dean is the Pastor are to be performed by the Local Ordinary.

Chapter 5: Parochial Registers, Seals, Archives, and Using Parish Property

Section

- 155.01 General. Each Parish is to maintain Parochial registers, a Parish seal, and Parish Archives in accordance with the norms of canon law.¹⁹
- 155.02 Adoption and Design of Parish Seal. A Parish must obtain the consent of the Local Ordinary when adopting or redesigning a Parish seal.
- 155.03 Use of Parish Property in Videos or other Recordings. Without the prior consent of the Local Ordinary, a Parish or Catholic School shall not grant permission or a license for any person to use Parish or School property for the purpose of recording, producing, or staging any type of recording, including but not limited to music videos, movies, television programs, news footage, social media production, or electronic gaming.

¹⁹ See c. 535

Instructions

Re: Book 1, Title 5: Parishes
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 5: Parishes
Code of Particular Law of the Diocese of Austin

1. Parish Archives and Sacramental Records.
 - 1.1 Universal and particular law make various provisions regarding Parish record keeping. In respect to sacramental records, these norms are found in the Code of Canon Law under each sacrament, and in the same place in this Code of Particular Law.
 - 1.2 The universal law requires Parishes to keep registers of baptisms, marriages, and deaths, and, in addition, Parishes in the Diocese are required to keep registers of confirmations and receptions into full communion.
 - 1.3 In addition to these registers, the Parish archives should contain records important for historical or financial reasons, as well as those records important to the governance of the Parish (e.g., employment records or records relating to Parish groups or ministries) in accordance with proper record retention requirements or policies.
2. Diocesan Record Keeping Manual. The Diocesan Archives office maintains a helpful guide to Parish record keeping.

Title 6: Ethics and Integrity in Ministry

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 6, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Office of Ethics and Integrity in Ministry (EIM)

Section

- 161.01 Mission. The mission of the Ethics and Integrity in Ministry program is to protect the people of the Diocese of Austin from abuse and unethical behavior through education, action and reporting, and to listen to and learn from those who have experienced abuse in order to provide healing.
- 161.02 Function. The EIM Office:
- (a) completes background check screening and provides training and education programs;
 - (b) maintains a Diocesan database for EIM compliance monitoring;
 - (c) serves as a resource to clergy, employees and volunteers at Parishes, schools and Diocesan offices;
 - (d) promotes implementation of EIM policies;
 - (e) submits an annual audit which verifies Diocesan compliance with the requirements of the Charter for the Protection of Children and Young People; and
 - (f) serves the Diocesan Lay Review Board in fulfilling its duties.
- 161.03 Notices of Concern. Additionally, the EIM Office receives information or complaints (Notices of Concern) about possible unethical behavior in ministry and directs each Notice of Concern or complaint in accordance with EIM policies and procedures. For example:
- (a) Notices of Concern involving possible abuse of a minor, elderly adult or adult with a disability are reviewed in accordance with the Charter; and
 - (b) Notices of Concern not involving minors or abuse, but involving other possible inappropriate conduct, are directed to the appropriate Diocesan office for review.
- 161.04 Victim Assistance Coordinator. The Coordinator of Victim Assistance and Pastoral Support (VAC) is responsible to the Diocesan Bishop but communicates directly with the EIM Office and the Vicar General and may also collaborate with the Lay Review Board and the Diocesan Bishop.
- 161.05 Location and Contact. The following is the contact information for the EIM office and web location for general information.

Office of Ethics and Integrity in Ministry
6225 E US 290 HWY SVRD EB, Austin, TX 78723

Abby Turner, Associate Director
(512) 949-2447 eim@austindiocese.org

Kathy McCormick, Coordinator of Victim Assistance & Pastoral Support (VAC)
(512) 949-2400 eim-vac@austindiocese.org

EIM Policies www.austindiocese.org/eim-policies
Charter for the Protection of Children and Young People www.usccb.org/charter

Chapter 2: Lay Review Board

Section

- 162.01 Function. The Ethics and Integrity in Ministry Lay Review Board (Review Board) assists the Diocesan Bishop as a confidential, consultative body in:
- (a) addressing and responding to allegations of violations of the Charter for the Protection of Children and Young People (i.e., allegations of abuse by clergy against minors and previous abuse by clergy against minors who are now adults);
 - (b) addressing and responding to allegations of abuse by clergy against the elderly or adults with disabilities;
 - (c) developing policies and procedures regarding Ethics and Integrity in Ministry;
 - (d) educating Parishes, Catholic Schools, and other Diocesan agencies about:
 - (1) the Charter for the Protection of Children and Young People;
 - (2) creating a safe environment for minors, the elderly, and adults with disabilities;
 - (3) ways to prevent abuse against minors, the elderly, and adults with disabilities; and
 - (4) appropriate behavioral expectations for individuals involved in ministry.
- 162.02 Advisory Role. The Review Board may offer advice on all aspects of cases brought before it and in other matters the Diocesan Bishop determines appropriate and relevant. The Review Board may offer advice retrospectively and prospectively on such matters.
- 162.03 Role made Known to Faithful. As a consultative body to the Diocesan Bishop, the role of the Review Board is to be generally communicated to those in ministry in the Diocese and to those who may submit Notices of Concern.
- 162.04 Reviews Policies. The Review Board reviews the Policies on Ethics and Integrity in Ministry and recommends changes to the Diocesan Bishop.
- 162.05 Appointments. The Diocesan Bishop appoints the members to the Review Board.
- 162.06 Make-Up. The Review Board will be composed of at least 5 persons of outstanding integrity and good judgment in full communion with the Church and will include:
- (a) at least one priest who is an experienced and respected Pastor of the Diocese;
 - (b) a majority comprised of lay persons who are not in the employ of the Diocese; and
 - (c) at least one member with particular expertise in the treatment of the sexual abuse of minors.
- 162.07 Meetings. The Review Board will meet regularly at least 3 times per year and as called by the Diocesan Bishop.
- 162.08 Identity of Members. The identity of the members of the Review Board is not made public, except as the Diocesan Bishop in consultation with the Review Board, determines appropriate or as may be required by law.
- 162.09 Confidential Discussions. All discussions regarding allegations and instances of abuse are confidential.
- (a) Records of when the Review Board meets are maintained by the EIM Office.
 - (b) Minutes of the Review Board meetings are not maintained.
 - (c) Each Review Board member is to sign a confidentiality statement.

- 162.10 Members to be EIM Compliant. Review Board members are required to maintain EIM compliance expected of those who work or serve in ministry with minors and may self-impose additional educational requirements as a collective, consultative body.

Chapter 3: Ethical Conduct in Ministry

Section

- 163.01 Ethical Conduct Expected of those in Ministry. It is essential that all persons who serve in ministry view their own actions and intentions objectively to assure that no observer has grounds to believe that unethical behavior exists. Those in ministry must strive to uphold ethical behavior in their day-to-day work and personal lives, both “in person” and through “virtual” interactions (online, in electronic communications, and through social media). All individuals required to be EIM compliant must sign an acknowledgment that they will conduct themselves within the behavioral expectations outlined in this policy.
- 163.02 Code of Ethical Conduct in Ministry. Individuals required to be compliant with EIM policies must:
- (a) strive to exhibit ethical behavior and integrity, free from any scandal;
 - (b) conduct themselves in a moral manner that is consistent with the discipline, norms, and teachings of the Catholic Church;
 - (c) accept personally the responsibility in the protection of all minors, elderly adults, and adults with disabilities from abuse;
 - (d) adhere to applicable laws regarding the reporting of abuse of a minor, elderly adult, or an adult with disability;
 - (e) report concerns about unethical behavior to the Diocese and their Pastor, principal, or supervisor; and
 - (f) follow the Diocesan policies on Ethics and Integrity in Ministry (EIM) and remain EIM compliant.
- 163.03 Commitment to Comply. A commitment to follow the EIM Policies and Code of Ethical Conduct is made during the registration process and is repeated as part of the training programs.
- 163.04 Unethical Conduct Defined. All individuals required to be compliant with Diocesan policies must avoid engaging in or giving the appearance of engaging in unethical behavior, including but not limited to:
- (a) actions which are disruptive to ministry or worship;
 - (b) grave insults such as racial, ethnic, religious, or gender/sexual-based insults, jokes, slurs, or displays of offensive materials;
 - (c) grave breaches of confidentiality;
 - (d) harming the reputation of others by: 1) disclosing without legitimate cause the faults or failings of others to persons who have no cause to know, or 2) knowingly making false allegations against another; or
 - (e) intimidation, manipulation, or physical or verbal threats;
 - (f) adultery, promiscuity, or co-habitation;
 - (g) abuse or illegal use of alcohol, drugs, or gambling;
 - (h) procurement of abortion, or participation in the procurement of abortion or euthanasia;
 - (i) sexual advances or activity, or other sexual misconduct;
 - (j) theft;
 - (k) abuse, exploitation, or neglect;
 - (l) acquisition, possession, or distribution of child or any other pornographic material;

- (m) assault or intentional physical harm to another; or
- (n) committing homicide.

163.05 Definitions.

- (a) “EIM” is the acronym for Ethics and Integrity in Ministry, the Diocese of Austin program that promotes a safe and ethical environment for ministry in the Diocese.
- (b) “Ethical behavior” is behavior that is consistent with the morals and teachings of the Catholic Church.
- (c) “Integrity” is the quality of being honest, trustworthy and virtuous.
- (d) “Moral” is the most basic principle of the Christian moral life is the awareness that every person bears the dignity of being made in the image of God. He has given us an immortal soul and through the gifts of intelligence and reason enables us to understand the order of things established in his creation. God has also given us a free will to seek and love what is true, good, and beautiful. Sadly, because of the Fall, we also suffer the impact of Original Sin, which darkens our minds, weakens our wills, and inclines us to sin. (USCCB).
- (e) “Scandal” is an attitude or behavior which leads another to do or think evil. Scandal damages virtue and integrity. It is a grave offense if, by deed or omission, another is deliberately led into a grave offense. (Catechism of the Catholic Church, No. 2284).
- (f) “Abuse” includes but is not limited to acts or omissions by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry which a. with regard to a minor, meet the definition of abuse, exploitation, or neglect as defined by Texas Family Code 261.001; or b. with regard to an elderly adult or an adult with a disability, meet the definition of abuse, exploitation, or neglect as defined by Texas Human Resources Code 48.002.
- (g) “Minor” means any person under the age of 18.
- (h) “Elderly adult” means a person 65 or more years of age.
- (i) “Adult with a disability” means a person 18 to 64 years of age with a mental, physical, or intellectual or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection.
- (j) For the purpose of these policies, “vulnerable adult or person” refers to 7-9 above.
- (k) “Church personnel” means:
 - (a) clergy, which includes priests and deacons;
 - (b) seminarians or deacon aspirants or candidates;
 - (c) religious brothers and sisters;
 - (d) employees of Parishes, Catholic schools, or other Diocesan agencies; and
 - (e) adult volunteers serving in a ministry or group which requires EIM compliance.
- (l) “Compliance” is following, or conforming to, official requirements – in this case, of the Diocesan EIM policies. Persons who are EIM compliant have submitted EIM

registration and attended all training as required, have an approved background check, and have acknowledged the Code of Ethical Conduct and committed to adhering to the EIM policies of the Diocese

Chapter 4: Compliance Policies, Requirements and Procedures

Section

- 164.01 Compliance Policy for Church Personnel. The following adult individuals must maintain compliance throughout service in ministry:
- (a) clergy;
 - (b) seminarian and deacon aspirants and candidates;
 - (c) religious brother and sisters;
 - (d) employees of any Parish, Catholic school, or other Diocesan agency;
 - (e) independent contractors who regularly provide services where minors, elderly adults, or adults with disabilities may be present;
 - (f) members of any Catholic school board;
 - (g) pastoral council members;
 - (h) finance council members;
 - (i) Lay Review Board members;
 - (j) any person who is considered to be a leader of a ministry, program, or organization;
 - (k) members of any independent Catholic organization, or lay ecclesial association (in a Parish, Catholic school or other Diocesan agency) that may serve youth or vulnerable persons, even if the group's primary function is not necessarily to serve youth or vulnerable persons (e.g., Catholic Daughters of America, Knights of Columbus and Knights of Peter Claver and Lady's Auxiliary, Guadalupanas,, ACTS, and Marriage Encounter);
 - (l) individuals who volunteer in the following types of ministry, programs, or organizations which provide services to, or at which minors, elderly adults, or adults with disabilities may be present, including, but not limited to:
 - (1) Catholic schools;
 - (2) religious education and faith formation (Elementary-High School);
 - (3) Parish nursery and childcare, and mother's day out or pre-school programs;
 - (4) Parish or school sponsored scouting groups, and other youth-focused programs (e.g. vacation bible school, youth sports, and similar activities);
 - (5) homeschooling organizations that use church property;
 - (6) RCIA;
 - (7) retreat ministry leaders;
 - (8) liturgical ministries (e.g., adult server/acolyte, hospitality/usher, children's liturgy, lector, extraordinary minister of Holy Communion, and choir/music ministry);
 - (9) homebound ministry (to nursing/assisted-living facilities and parishioner homes);
 - (10) hospital ministry;
 - (11) Parish office or grounds;
 - (12) St. Vincent de Paul Society conferences;
 - (13) community service and one-on-one support ministries and groups (e.g. Gabriel Project and Stephen Ministry);
 - (14) restorative justice/prison ministry;
 - (15) thrift stores operating on Parish or school property or under the auspices of a Parish or school;
 - (16) food pantry and food distribution programs (e.g. Mobile Loaves & Fishes and Meals on Wheels);
 - (17) elder or respite-care ministry;

- (18) transportation ministry;
- (19) Parish men's and women's groups that provide Parish service; and
- (20) Parish event coordinators (e.g. festival/picnic/Jamaica leadership);
- (m) Schoenstatt Shrine volunteers;
- (n) personnel of independent organizations which operate on Parish properties (e.g. Sacred Heart Clinic); and
- (o) individuals in any ministry or group as specified by a Pastor, principal, or director of a Diocesan agency.

164.02 Persons not Required to Maintain Compliance. The following adult individuals need not maintain compliance:

- (a) parents who solely observe programs and activities in which their children are involved, and who do not volunteer or otherwise serve in ministry for their children's programs and activities (e.g., join their child for lunch once or twice per year, attend class parties, Mass and school/athletic performances); and
- (b) employees and contractors of companies that provide intermittent, non-ministry services (e.g., plumbing, electrical, and janitorial services) and who are supervised when on Parish or school property and segregated from minors.

164.03 Compliance Policy for Persons from other Dioceses doing Ministry within the Diocese of Austin.

- (a) Individuals who wish to participate in a temporary, occasional ministry or program which requires EIM compliance must provide verification of compliance (including a cleared background check and EIM/safe environment training) from their home diocese for review and approval by the Parish, school or Diocesan organization responsible for the program. "Temporary" and "occasional" mean no more than 2 or 3 times a year. Examples include, but are not limited to:
 - (1) restorative Justice Ministry in TDC facilities located in the Diocese;
 - (2) retreat-type programs such as adult ACTS, Conquistandos de Cristo;
 - (3) FOCUS and NET Ministry teams;
 - (4) visiting grandparents wishing to volunteer at their child's school or VBS program.
- (b) Lay presenter approval is completed through the EIM Office. Persons applying for lay presenter approval must provide verification of EIM/safe environment compliance from their home diocese. If such verification is not provided, applicant may be approved for a one-time presentation in the Diocese but would need to provide verification to participate in future events.

164.04 Compliance Policy for Minors. Minors are not required to maintain compliance; however, high school seniors who will turn 18 during the course of the school year may submit EIM registration and attend a workshop while still 17 years old in order to continue service in ministry once they turn 18 years old. Upon turning 18 years old, compliance is required to remain eligible to serve in ministry.

164.05 Compliance Requirements.

- (a) To be compliant, an individual must:
 - (1) be 18 years of age or older;
 - (2) prior to beginning service in any ministry which requires EIM compliance, complete the registration process through VIRTUS Online, the EIM database program;

- (3) authorize the Diocese to obtain an initial criminal background check and to rerun a criminal background check at least every three years or more often as needed;
 - (4) attend the in-person EIM Workshop no later than the 30th day after beginning service in ministry, and repeat attendance at least once every three year while serving;
 - (5) adhere to the Diocese of Austin Policies on Ethics and Integrity in Ministry; and
 - (6) be classified in the Diocesan EIM database as:
 - (i) approved to engage in ministry; or
 - (ii) approved with restrictions.
- (b) Compliance is required as set forth in this policy without regard to the mental or physical condition of the person serving in ministry.
- (c) Compliance with safe environment requirements in another diocese does not qualify as EIM/safe environment compliance in the Diocese of Austin for ongoing Parish, school or Diocesan ministry.
- (d) If the Diocese, a Parish, or other Diocesan organization determines that an individual who must be EIM compliant is not compliant, the Diocese, Parish, or other Diocesan organization will notify the individual that he or she may not serve in ministry until compliance is reestablished.

164.06 Compliance Procedures.

- (a) New applicants complete EIM registration through VIRTUS Online to initiate a background check and sign up for an initial EIM Workshop. Background checks and training history are processed and maintained through VIRTUS Online. Applicants requiring assistance with the registration processes may contact their Parish or school EIM site administrator or the EIM Office.
- (b) Individuals are responsible for keeping their information current in the EIM database, including both personal information and ministry sites.
- (c) Background checks are rerun at least every three years and more frequently as needed throughout individual's service in ministry; applicant will be notified and required to login to account to consent to recheck. If applicant's background check expires, the account is archived, and applicant becomes ineligible to serve in ministry until background check is completed and approved.
- (d) New applicants must attend an in-person EIM Workshop no later than the 30th day after EIM registration, typically at the beginning of service in ministry. After the 30th day, if applicant has not attended a workshop the account is noted as non-compliant and applicant may no longer serve in ministry until they have attended a workshop.
- (e) To maintain compliance, individuals must renew/update training at least once every three years throughout their service in ministry. Applicant will be notified and required to login to account to complete online refresher training. If applicant's training expires, the account is archived, and applicant becomes ineligible to serve in ministry until refresher training is completed and approved.
- (f) The initial EIM Workshop, VIRTUS' Protecting God's Children®, and subsequent EIM refresher training, educates adults on how to become better protectors of children.

Programs discuss sexual abuse of minors and other unethical behaviors, including reporting procedures for incidents of abuse or other unethical behavior, and related topics including warning signs of abuse, ethical behavior expected of those who serve in ministry and way to interrupt and prevent possible abuse or other unethical behavior.

- (g) Persons who have experienced abuse may contact the EIM Office to arrange for an alternate EIM training option.
- (h) EIM/safe environment/youth protection training completed in another diocese or youth serving organization does not fulfill DOA training requirements in most cases. Persons who have attended a live VIRTUS Protecting God's Children® workshop in another diocese should request that their VIRTUS account be transferred to the Diocese of Austin.

164.07 Diocesan Procedure Regarding Registered Sex Offenders.

- (a) *Volunteering.* A registered sex offender is restricted from volunteering for any ministry which requires EIM compliance. The individual, with the full support of his/her Pastor, may appeal this restriction to the Chancellor for review to determine if the individual may be approved to participate in a specified, limited ministry at the Parish at a time when minors would not be present.
- (b) *Attendance at Parish or School Function.* Once a registered sex offender has been identified, the following must be applied by the Pastor (Parish) or principal (school):
 - (1) Determine if the individual is on probation and communicate with the parole officer as needed to understand the conditions of probation which may limit activities individual may participate in.
 - (2) Develop a safety plan for the individual if able to come to campus for particular activities (typically Mass and sacramental functions), to include the design

164.08 Safety Education for Minors.

- (a) The Diocese maintains appropriate education programs for children and youth to help them learn the basic concepts of personal safety regarding abuse prevention.
- (b) Each Parish and Catholic school is required to provide Diocesan approved abuse-prevention education every school year to meet the youth training requirements of the Charter for the Protection of Children and Young People (Article 12) by offering *Empowering God's Children® (EGC)*.
 - (1) EGC is a comprehensive program through which educators (teachers, catechists, and youth ministers) and parents provide children and youth foundational knowledge and tools to understand boundaries and boundary violation, and to help protect themselves if boundary violation occurs. The material is developmentally appropriate for each grade group (K-2, 3-5, 6-8 and high school), with content and activities that reinforce the message of each year's specific lesson. Empowering God's Children® (EGC) programs do not train minors to be volunteers in ministry and do not include human sexuality education.
 - (2) Students are not required to attend EGC in order to receive sacraments or participate in ministry, but attendance is strongly encouraged and should be promoted by the Parish or school.

- (3) Parents who do not want their child to attend an EGC program may sign an opt-out waiver and assume the responsibility of educating their children about abuse prevention. Resources are provided through the Parish or school.

Chapter 5: Guidance for Ministry Involving Minors, Elderly Adults and Adults with Disabilities

Section

- 165.01 Expected Behavior when Interacting with Minors, Elderly Adults and Adults with Disabilities. One of the most effective ways to protect all of God’s children from neglect and abuse and other unethical behavior is to understand and use proper interactions with minors and adults. This section of the EIM policies provides, in a small way, guidance on interacting with and supervising minors at Parish and school events, as well as interacting with adults in appropriate manners. This knowledge is a foundation that helps all of us prevent, identify, assess, and report unethical behavior. We live in a church and a community that expects increased recognition of unethical behavior, and those who minister in the church, both clergy and laity, must be aware of proper behavior, as well as inappropriate behavior.
- 165.02 General Examples of Appropriate Behavior. Individuals required to be EIM compliant may only use appropriate contact with minors. Physical contact should occur in public locations and be initiated by the other rather than by clergy or church personnel. Examples of appropriate contact with minors include but are not limited to:
- (a) verbal praise;
 - (b) brief side hugs or arm around the shoulder;
 - (c) brief pat on the shoulder or upper back;
 - (d) hand-shakes, “high-fives” or knuckle bumps; or hand slaps;
 - (e) brief touching of hand, head, shoulder or arm of minor;
 - (f) holding hands while walking with small children;
 - (g) sitting beside small children;
 - (h) kneeling or bending down for a brief hug with small children; and
 - (i) holding hands during prayer.
- 165.03 General Examples of Inappropriate Behavior. Individuals required to be EIM compliant must not use inappropriate contact with minors. Examples of inappropriate, and thus prohibited, contact with minors include but are not limited to:
- (a) long or inappropriate embraces;
 - (b) kisses on the mouth;
 - (c) holding minors over three years old on the lap or in one’s arms, and holding younger minors should only be “as needed” (e.g. for comfort) or at the invitation of the parent;
 - (d) touching knees, legs, buttocks, chests or genital areas;
 - (e) being alone in isolated areas such as closets, staff-only areas or other private rooms;
 - (f) touching or playing with hair of a minor;
 - (g) being on a bed with a minor (unless designated as “seating space” during daytime hours);
 - (h) wrestling with minors, tickling minors or piggyback rides;
 - (i) any type of massage, whether given by minor to adult or adult to minor;
 - (j) any form of unwanted affection; and
 - (k) comments that relate to physique, body development, express affection or involve other boundary violations (this includes comments that are positive or negative, oral or written via any form of media);

- (l) the use of physical force, including spanking, slapping, pinching, hitting, or any other physical force with minor, particularly for behavior management of a minor;
- (m) swearing at a minor, or speaking to a minor in a way that is threatening, intimidating, shaming, demeaning, or humiliating;
- (n) abusing, exploiting, or neglecting a minor;
- (o) encouraging a minor to violate the law;
- (p) offering alcohol, tobacco products, illegal drugs, or pornography to a minor;
- (q) inviting a minor to the private accommodations or a residence without the presence of parent or legal guardian, or another program minister; or
- (r) engaging in the following while serving in a role in which they are responsible for the supervision of minors:
 - (1) swearing or using vulgar language to an offensive degree;
 - (2) using, possessing, or being under the influence of alcohol or illegal drugs; possessing or displaying sexually oriented or morally inappropriate printed or electronic materials (e.g. magazines, videos, films, clothing, or internet sites);
 - (3) discussing sexual activities or engaging in sexually-oriented conversations with minors unless the conversation is part of a legitimate lesson or discussion for teenagers regarding human sexuality issues; on such occasions the lessons must convey to youth the Church's teachings on these topics and questions will be referred to the parent or guardian for clarification or counseling.);
 - (4) undressing or being nude; taking a shower; or
 - (5) sleeping in the same bed, sleeping bag or tent with a minor, unless the adult is an immediate family member of the minor.

165.04 Use of Technology in Ministry. Diocesan policies on Ethics and Integrity in Ministry apply to all interactions between adults and minors, and interactions between adults and elderly adults or adults with disabilities, whether face-to-face, written or oral communications, or using the Internet, mobile devices, social networks, and other digital communication methods.

- (a) The use of the Internet, mobile devices, social networking sites, and other digital communication methods between minors and Church personnel is permitted for legitimate ministry-related purposes.
- (b) Parishes, schools, and Diocesan sites are encouraged to develop and publicize acceptable digital media use policies and procedures that provide for transparency and accountability.
- (c) Information discussed or displayed on any Parish, school or Diocesan e-mail account, social media networking site must reflect the Catholic faith and should not call any teaching of the Church into question.
- (d) Those involved in ministry should ensure any personal Internet or social media sites reflect Catholic values and should understand they are witnessing to the faith in their social networking whether public or private.
- (e) The Diocese follows the USCCB Social Media Guidelines and the National Federation for Youth Ministry Recommended Technology Guidelines for Pastoral Work with Young People.
- (f) Appropriate Use of Technology in Ministry. Individuals required to be EIM compliant may only use digital communication and media when interacting with minors in appropriate and approved manners. Examples of appropriate digital media use around or with minors includes but is not limited to:
 - (1) using a minor's home or family phone number for calls or messages to minors;
 - (2) copying parents or other adult leaders of the program or ministry on all e-mails, texts or postings to minors (although the technology method can be different);
 - (3) using Parish or school phones and e-mail addresses for communications with minors;
 - (4) using group text apps to communicate with minors;

- (5) ensuring at least two adults from the Parish or school moderate any site;
 - (6) ensuring passwords and site names are available to Parish or school leadership; and
 - (7) securing permission of parents or legal guardians before posting photos of minors or details of ministry or program activities on any electronic media (identifying information such as names, tags, home address, and other identifying information should be avoided).
- (g) Inappropriate Use of Technology in Ministry. Individuals required to be EIM compliant must not use digital communication and media inappropriately when interacting with minors. Examples of inappropriate use of digital media use around or with minors include but are not limited to:
- (1) inviting minors to connect with you on a personal social networking site (friend, follower, etc.) or accepting such requests from minors; and
 - (2) texting or calling, or using social media or networking sites, for personal or Parish, school or Diocesan communications with minors without other adults (parents or other adult moderators), included in messages.
- (h) Note: Even on personal sites not intended for ministry work, those in ministry should be aware and careful of the types of things posted on their personal site.

165.05 Supervision of Programs with Minors.

- (1) On-Site Events.
- (a) There shall be at least two EIM compliant adults supervising any program involving minors.
 - (b) The majority of adults supervising a program or event involving minors must be 21+ years of age (at a minimum one adult must be 21+ years of age).
 - (c) One adult should never be alone with one minor.
 - (d) If there is need for a confidential discussion, it should occur in a location that is in view of others.
 - (e) If there is a need for an adult to enter a restroom (e.g., to assist a young child) or locker room when minors are present, then the adult should announce their purpose and be in and out based on the situation. Another adult should be notified and be present near the entrance when possible.
 - (f) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Infants: 0-11 months – 2:10; 1 additional adult for every 1-5 additional minor
 - (2) Infants 12-17 months – 2:13; 1 additional adult for every 1-6 additional minor
 - (3) Preschool 18 months-4 years – 2:16; 1 additional adult for every 1-8 additional minor
 - (4) Elementary age: PreK-5th – 2:24; 1 additional adult for every 1-12 additional minor
 - (5) Middle school age: 6-8th – 2:30; 1 additional adult for every 1-15 additional minor
 - (6) High school age: 9-12th – 2:40; 1 additional adult for every 1-20 additional minor
 - (7) In the event a religious education or youth ministry class is short-staffed (does not meet the minimum ratio), the director/coordinator of the program, or a designee, must frequently and actively monitor all such classes, or combine classes into a larger common space.
 - (g) Catholic school classrooms shall have at least one EIM compliant adult and the principal or designee should be actively monitoring classrooms throughout the day. As Catholic school classroom teachers typically have more training and experience supervising larger groups of students than is required of volunteers for most Parish programs or events, school ratios may be greater than those stated above.

- (1) As State licensed day care programs (with specific training and supervision standards) are monitored by the State, ratios for licensed day care facilities may be greater than those stated above. State licensed day care programs must always include a minimum of 2 EIM compliant adults supervising any one classroom, even if not required by state regulations.
 - (h) Minors may be released only to parents, legal guardians, or other adults designated by parents or legal guardians at the end of program or event (children may not be released to older minor siblings). When there is a question about the propriety of releasing a minor, the immediate supervisor should be contacted before releasing the child
 - (i) Uncontrollable or unusual behavior of minors should be reported immediately to parents.
- (2) Off-Site Events.
- (a) In general, ministries involving youth should avoid meeting in personal homes.
 - (b) Any off-site event that involves minors must be supervised by at least two EIM compliant adults.
 - (c) Co-ed events should include male and female chaperones in proportion to the minors attending.
 - (d) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Elementary school age and younger: 2:12; 1 additional adult for every 1-6 additional minor
 - (2) Middle school age: 2:16; 1 additional adult for every 1-8 additional minor
 - (3) High school age: 2:20; 1 additional adult for every 1-10 additional minor
 - (e) A parent or legal guardian may not attend a field trip or event with their child if not EIM compliant. If attending, they must be serving as an approved chaperone by the Parish or school and must be EIM compliant.
 - (1) Other children of a chaperone may not attend a field trip or event.
 - (f) A Parish, Catholic school, or other Diocesan agency should transport minors only with written permission of the children's parents or legal guardians.
 - (g) Parishes, Catholic schools, and other Diocesan agencies should avoid the use of 15-passenger vans to transport persons.
 - (h) Drivers who transport minors must be at least 25 years old (proof of valid driver's license, vehicle registration and insurance must be documented at the Parish or school for each driver), unless the Diocese grants an exemption prior to the event.
 - (i) If only one adult is to be in a vehicle, there must be more than one minor present in the vehicle unless that minor is the adult's own child.
 - (j) When private vehicles are used to transport minors, a transportation plan should be provided to the drivers to include route, pre-arranged stops and contact information for the drivers.
 - (1) Such a plan avoids the need to caravan while in route.
 - (2) No extra stops should be made unless approved by the director of the program or the stop is out of necessity (e.g., fuel, first aid, restroom).
 - (k) Minors may not transport other minors to or from Parish or school functions on behalf of the Parish or school.
 - (1) It is recommended that minors be transported by pre-arranged group transportation for Parish or school events rather than transport themselves.
 - (2) A minor who drives to a Catholic school each day should follow school safety precautions related to minors driving to school

(3) Overnight Events.

- (a) When minors attend an event in which overnight lodging will occur, the details and information about the accommodations should be communicated to parents or legal guardians.
- (b) A minor may not stay overnight in the private accommodations or residence of clergy, teachers, or any adult supervisor.
- (c) When selecting lodging options, parishes and schools should consider those arrangements which are easily supervised.
- (d) Lodging options are to be appropriate for the event and in accordance with custom and practices for such events. Typical accommodations may include hotels, retreat centers, lodges, bunk houses, or multipurpose rooms.
 - (1) Sleeping, changing, and shower areas must be clearly segregated between males and females and also clearly segregated between adults and minors.
 - (2) If different facilities are not available for proper segregation, separate times must be designated for use to achieve the required segregation.
- (e) In larger lodging rooms or cabins housing many minors, chaperones may sleep, if necessary, in the room in a cot or separate bed next to the doorway. Otherwise, chaperones should sleep in a nearby space and take turns monitoring minors' quarters.
- (f) Chaperones may not stay alone in the same hotel or other lodging room with a minor or minors.
 - (1) All lodging rooms should be on the same floor with the chaperones' rooms on either side of minors' rooms.
 - (2) When practical, chaperones should take turns staying awake to monitor rooms.
- (g) A parent may stay in a lodging room with their own child, but not if another minor is in the same room.
- (h) For inquiries concerning types of lodging and overnight accommodations, contact the Diocesan EIM office

(4) Remote/Virtual Events.

- (a) Diocese of Austin policies on Ethics and Integrity in Ministry apply to the use of telecommunication systems for remote, virtual distance learning and ministry events with minors in much the same manner as for in-person on-site, off-site and overnight ministry and events. Telecommunication between minors and Church personnel is permitted for legitimate ministry-related purposes and must reflect the Catholic faith and her teachings; transparency and accountability are required.
- (b) For these guidelines, telecommunication refers to "communication at a distance" using phones, computer networks and the Internet for remote/virtual participation in catechetical, educational, social, and any other programs for minors sponsored or organized by any Parish, Catholic school or organization in the Diocese. Such technologies include video conferencing, virtual classrooms and group texts.
- (c) Although developed specifically to address ministry with minors during pandemic, these policies will apply to any remote/online ministries or events developed by the Parish/school in the future.
- (d) All adults supervising any remote or virtual program involving minors must be EIM compliant, with a minimum of two EIM compliant adults present.
 - (1) Catholic school virtual classrooms shall have at least one EIM compliant adult, with frequent monitoring done by the principal or designee throughout the day.
- (e) The majority of adults supervising a remote or virtual program involving minors must be 21+ years of age (at a minimum one adult must be 21+ years of age).

- (f) One adult should never be alone with one minor in a remote or virtual setting; however, Catholic school teachers may meet individually with a student for educational purposes as long as a parent is present and/or the session is recorded.
 - (g) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present in remote or virtual sessions.
 - (1) Elementary age: PreK-5th – 2:24; 1 additional adult for additional minors (1-12)
 - (2) Middle school age: 6-8th – 2:30; 1 additional adult for additional minors (1-15)
 - (3) High school age: 9-12th – 2:40; 1 additional adult for additional minors (1-20)
 - (h) Because Catholic school classroom teachers typically have more training and student supervision experience than do volunteers for most Parish programs or events, school ratios may be greater than those stated above.
 - (i) Video telecommunications should use a public location, or a communal location in the home, with a background clear of distracting or inappropriate items and messaging and in keeping with Catholic values.
 - (j) All leaders and participants in remote or virtual sessions should be attentive of attire and wear clothing appropriate to an in- person session.
 - (k) Telecommunications should use public platforms, be by invitation unique to each session/event and require admission by a program moderator (e.g. catechist, youth group leader, Scout leader).
 - (l) Two-way platforms for online teaching may include, but do not require, parent attendance. In such cases, if the parent is only responsible for their student (vs serving as a co-catechist), there is no EIM requirement.
 - (m) Sessions may be recorded by schools and ministry/event coordinators for auditing purposes and may not be published in any form, including any social media forums. Minors may not record sessions.
 - (n) Sessions may be recorded for purposes of repeating a lesson or meeting, or for other specified reasons, and recordings may be stored for a limited, defined period of time but are not to be permanently stored. Schools or Parishes recording virtual sessions that include minors should create a retention policy.
 - (o) As with any use of technology, there is potential that conversations or stored data could be accessed by unauthorized persons.
 - (p) The parent/legal guardian will provide signed informed consent for their student to participate in remote/online ministry or events. This consent may be proved in a Parish or school-specific consent form that includes these policies and a statement of consent specific to review of policies and permission.
- (5) Listing of Programs for Minors that are Sponsored by the Parish or School.
- (a) The Parish or school should maintain a list of all programs that identifies activities, purpose, sponsors or coordinators of the programs, names of program volunteers, meeting times, and locations.
 - (b) The Parish or school should review these programs annually to determine whether they have adequate supervision and verify EIM compliance of new members.
 - (c) All new programs for minors should be reviewed and approved by the Pastor or principal.
- (6) Building Designs. Parishes and Catholic schools should review building design and remodeling projects to encourage visibility and compatibility with “best practices” for youth in spaces when necessary and appropriate (e.g. windows in doors, signage on restrooms identifying those for adults, etc.).

**Chapter 6. Reporting Concerns of Abuse
or Other Unethical Behavior and Classification of Reports**

Section

- 166.01 Generally. When the Diocese receives a Notice of Concern alleging unethical behavior, the Diocese classifies the information into one of the following categories: (a) information alleging abuse of a minor; (b) information alleging abuse of a minor who is now an adult; (c) information alleging abuse of an elderly adult or an adult with a disability; or (d) information alleging any other unethical behavior. The reporting procedure for each type of information follows. Guidance to address abusive or inappropriate interactions between minors is provided in Section 166.06.
- 166.02 Reporting possible abuse of a person who is currently a Minor.
- (a) *Legal requirement to report by individual who has reasonable cause to believe.* Texas law requires any individual who has reasonable cause to believe a person who is currently a minor is being abused to report the information regarding possible abuse to:
- (1) any local or state law enforcement agency; or
 - (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.
- (b) *Additional reporting requirements for individuals who are required to be EIM compliant and have reasonable cause to believe.* When an individual who is required to be EIM compliant has reasonable cause to believe a person who is currently a minor is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:
- (1) file a Notice of Concern with the Diocese of Austin; and
 - (2) report the information to the Pastor, principal, or supervisor.
- (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding possible abuse of a person who is currently a minor, the individual:
- (1) must refer the reporter to the reporting requirements under (a) above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin; and
 - (4) must report the information to the Pastor, principal, or supervisor.
- (d) *Reporting requirements for Pastors, principals, and supervisors who receive a report from another.* When a Pastor, principal, or supervisor receives information regarding possible abuse of a person who is currently a minor, he or she:
- (1) must refer the reporter to the reporting requirements under (a) above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and

- (4) must contact the Diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.)

166.03 Reporting possible abuse of a person who was a Minor at the time of the alleged abuse but who is now an Adult.

- (a) *Reports by adults who suffered alleged abuse as a minor.* Any adult who was abused as a minor is urged to:
 - (1) report the abuse to a local or state law enforcement agency; and
 - (2) file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.
- (b) *Reports by individuals who have received information from others.* Any person who has reasonable cause to believe that an adult was a victim of abuse as a minor:
 - (1) and determines in good faith that the disclosure of the possible abuse is necessary to protect the health or safety of a person who is currently a minor, elderly adult, or adult with a disability, must report the possible abuse to:
 - (i) any local or state law enforcement agency; or
 - (ii) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report on the website at www.txabusehotline.org; and
 - (2) is urged to file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.
- (c) *Preference for privacy respected.* If an adult who was a victim of abuse as a minor does not wish to report the prior abuse, the privacy of the adult must be respected unless otherwise required by (b) above

166.04 Reporting possible abuse of an Elderly Adult or an Adult with a Disability.

- (a) *Legal requirement to report by individual who has reasonable cause to believe.* Texas law requires any individual who has reasonable cause to believe a person who is an elderly adult or adult with a disability is being abused to report the information regarding possible abuse to:
 - (1) any local or state law enforcement agency; or
 - (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.
- (b) *Additional reporting requirements for individuals who are required to be EIM compliant and have reasonable cause to believe.* When an individual who is required to be EIM compliant has reasonable cause to believe an elderly adult or an adult with a disability is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:
 - (1) file a Notice of Concern with the Diocese of Austin; and
 - (2) report the information to the Pastor, principal, or supervisor.

- (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding possible abuse of an elderly adult or adult with a disability, the individual:
 - (1) must refer the reporter to the reporting requirements under a. above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin; and
 - (4) must report the information to the Pastor, principal, or supervisor.

- (d) *Reporting requirements for Pastors, principals, and supervisors who receive a report from another.* When a Pastor, principal, or supervisor receives information regarding possible abuse of an elderly adult or adult with a disability, he or she:
 - (1) must refer the reporter to the reporting requirements under a. above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and
 - (4) must contact the Diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.).

166.05 Reporting concerns about failure to maintain Ethical Behavior and Integrity in Ministry (other than abuse of a minor, elderly adult, or adult with a disability).

- (a) *Reports by individuals who are not required to be EIM compliant and have cause to believe.* When an individual who is not required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual is urged to file a Notice of Concern with the Diocese of Austin.

- (b) *Reporting requirements for individuals who are required to be EIM compliant and have cause to believe.* When an individual who is required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual must report the information to the Pastor, principal, or other supervisor.
 - (1) If the information concerns the Pastor, principal, or other supervisor, the person may report the information to the appropriate Diocesan official or, if the person is unsure of which Diocesan official to notify, file an EIM Notice of Concern.
 - (2) If the matter involves possible criminal activity, scandal, or other grave matter, the Pastor, principal, or other supervisor should contact Diocesan legal staff for possible further action and reporting to law enforcement.
 - (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
 - (4) The Pastor, principal, or supervisor may contact the appropriate Diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

- (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding a possible failure by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry to maintain ethical behavior and integrity in ministry, that individual should urge anyone with first-hand knowledge of the possible failure to report the information to the Pastor, principal, or other supervisor.
- (1) If the information concerns the Pastor, principal, or other supervisor, the person may report the information to the appropriate Diocesan official or, if the person is unsure of which Diocesan official to notify, file an EIM Notice of Concern.
 - (2) The Pastor, principal or other supervisor receiving the information should inform the reporter to urge the person with first-hand knowledge to file a Notice of Concern with the Diocese of Austin.
 - (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
 - (4) The Pastor, principal, or supervisor may contact the appropriate Diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

166.06 Guidance regarding abusive or inappropriate interactions between Minors. Minors should be expected to demonstrate behavior that reflects the values of our Catholic faith, respects the dignity of each person and maintains a safe environment for themselves and others (children, youth and adults), as modeled by the adults who serve in Parishes and schools in the Diocese of Austin.

- (a) *Standards of Behavior.* The Diocese will not tolerate any type of bullying or intimidation including, but not limited to: written, electronic or verbal expressions or conduct that has the effect of physically harming another, damaging property or placing another in fear of harm to self or property severe enough to create an intimidating, threatening or abusive educational environment for a student. Catholic schools and Parish youth programs should provide guidance regarding behavioral expectations and consequences for misbehavior.
- (b) *Reporting concerns of abusive or inappropriate interactions between minors that may cause sexual, physical or psychological harm.*
 - (1) A minor should report concerns about an inappropriate or dangerous interaction between themselves and a peer, or between two or more peers, to an adult at the Parish or school.
 - (2) An adult must report, to appropriate Parish or school personnel, any concern about inappropriate or dangerous interactions between minors that is told them by a minor or that they witness directly. A Diocesan Notice of Concern should be submitted to provide details about the incident. Examples include but are not limited to: (i) sexual touching, (ii) physical violence that causes injury, and (iii) situations requiring a response from law enforcement.
 - (3) The Pastor or principal should consult with the Diocesan Chancellor, Superintendent of Schools or the Vicar General immediately regarding the procedure for gathering information and investigating.
 - (4) Parents of minors involved in concerns of inappropriate or dangerous interactions should always be informed of the incident and pending actions.

(c) *Response.*

- (1) Minors involved should be disciplined by the appropriate level of authority. This could include warning, suspension or expulsion for the minor alleged to cause harm. When necessary, law enforcement is to be contacted.
- (2) Efforts should be taken by the appropriate level of authority to work with those involved for healing and reconciliation. Professional counseling, spiritual guidance and other assistance should be provided if deemed appropriate.

Chapter 7: Diocesan Response to Reports of Abuse or Other Unethical Behavior

Section

167.01 Response to Reports Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

(a) *Diocesan Report to and Cooperation with Legal Authorities.*

- (1) The Diocese complies with the legal requirements for reporting abuse to federal, state, and local authorities.
- (2) The Diocese complies with authorities in investigations involving allegations of abuse.
- (3) Church personnel, volunteers, and independent contractors may not investigate allegations of abuse unless directed to do so by governmental authorities or Diocesan legal staff.

(b) *Diocesan Response to and Care of Individuals Reporting and Victims of Alleged Abuse of a Minor, Elderly Adult, or Adult with a Disability.*

- (1) After receiving a Notice of Concern alleging abuse of a minor, elderly adult, or adult with a disability, the Office of Ethics and Integrity and Ministry will inform the individual who made the report that:
 - (i) the Diocese received the report;
 - (ii) the report has been or will be referred to a specific office or Diocesan official for further review;
 - (iii) the individual will be contacted as appropriate to provide or receive additional information; and
 - (iv) the State of Texas requires that persons who have reasonable cause to believe abuse of a minor, elderly adult, or adult with a disability has occurred or is occurring must report the matter to the appropriate law enforcement official.
- (2) The Diocese will follow the Charter for the Protection of Children and Young People in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister. Canon law will govern cases where abuse of an elderly adult or an adult with a disability is alleged against a priest, deacon, or religious brother or sister.
- (3) After an initial review by the appropriate office or Diocesan official, an individual reporting alleged abuse of a minor, elderly adult, or adult with a disability will be asked to meet with the Coordinator of Victim Assistance and Pastoral Support or other Diocesan official, as appropriate.
 - (i) The Coordinator of Victim Assistance and Pastoral Support or other Diocesan official will inform the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability who the individual may contact for any inquiries while an investigation or review is in progress.
 - (ii) The Coordinator of Victim Assistance and Pastoral Support may interview the individual making an allegation of abuse of a minor, elderly adult, or adult with a disability.

- (iii) As requested by the Vicar General, the Coordinator of Victim Assistance and Pastoral Support may assist in arranging for counseling or other pastoral support.
 - (4) The Diocese will provide a response to the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability at the conclusion of any review or investigation and will, as appropriate, provide updates regarding pending matters.
 - (5) The Diocese may offer counseling or other pastoral support to persons who were victims of abuse or who suffered other material harm by those involved in ministry.
 - (i) The amount and type of assistance offered varies with the facts or circumstances of each case.
 - (ii) The Diocese may seek reports from the counselor or other person providing such support only for the purposes of acknowledging that the assistance is progressing and helpful
 - (6) *Compensation.* Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.
- (c) *Diocesan Action Toward and Care of Individuals Accused of Abuse of a Minor, Elderly Adult, or Adult with a Disability.*
- (1) The Diocese will timely inform the accused of an allegation it receives and will inform the accused of any initial action to be taken during the review or investigation.
 - (2) The Diocese will follow the Charter for the Protection of Children and Young People in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister, and the Diocesan Bishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.
 - (i) No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese (from Essential Norms for Allegations of Sexual Abuse of Minors, #12).
 - (ii) When a priest or deacon who has committed an act of sexual abuse of a minor wishes to relocate to this or another diocese for residence, all provisions of Essential Norm #12 will be followed regarding the procedures for such a move. The priest or deacon's bishop or major superior shall forward all pertinent information regarding any past act of sexual abuse of a minor by the cleric, as well as the proposed place of residence, and any additional information needed by the Bishop of the Diocese of intended residence to make an appropriate determination as to whether suitable safeguards are in place to ensure the protection of children and young people.
 - (3) The Diocese will follow canon law in the case of any alleged abuse against an elderly adult or an adult with a disability by a priest, deacon, or religious brother or sister.
 - (4) The Diocese will suspend from ministry any individual under criminal or governmental agency investigation for abuse of a minor, elderly adult, or adult with a disability during the pendency of the investigation. In accordance with rights afforded to the accused under canon law, the Diocesan Bishop may, if the Diocesan Bishop in his judgement determines appropriate, suspend from ministry any person during the pendency of any other review or investigation regarding an allegation of failing to maintain ethical behavior and integrity in ministry.
 - (5) At the conclusion of any investigation, the Diocese will make a determination as to any further action necessary. Those involved in ministry who fail to maintain ethical behavior may be suspended or excluded from engaging in ministry in the Diocese and be subject to other civil, criminal, or canon law action.
 - (6) At any time a person is removed from ministry (pending or after an investigation or review), the Office of Ethics and Integrity in Ministry will indicate a "restricted" status in the Diocesan EIM database.

- (7) The rights of the accused shall be taken into consideration throughout the review or investigation. Every effort will be made to protect the legitimate interests of the accused.
 - (8) The Diocesan Bishop may offer counseling or other pastoral support to the accused during or after the review or investigation.
- (d) *Diocesan Communications with and Care of a Community Affected by an Allegation of Abuse of a Minor, Elderly Adult, or Adult with a Disability.*
- (1) When a Parish, Catholic school, or other Diocesan agency is affected by an allegation of abuse of a minor, elderly adult, or adult with a disability, the Diocesan Bishop may, at his discretion, share information about the allegation in a pastorally appropriate manner, while respecting the privacy and confidentiality of all individuals involved and subject to applicable criminal, civil, and canon law.
 - (2) As determined necessary, the Diocese may provide pastoral support to the members of the affected Parish, Catholic school, or other Diocesan agency affected by an allegation of abuse of a minor, elderly adult, or adult with a disability.

167.02 Response to Reports Not Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

- (a) *Workplace Matters.* When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is a workplace or human resources matter, the Diocese will refer the information to the appropriate person at the Parish, Catholic school, or other Diocesan agency to be addressed in accordance with the applicable employee manual.
- (b) *Non-Workplace Matters.* When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is not a workplace or human resources matter, the Diocese will review information and refer the matter to the appropriate Diocesan office.
 - (1) A Diocesan representative will contact the individual who made the report to:
 - (i) acknowledge that the Diocese received the report;
 - (ii) share the name of the office or Diocesan official to whom the report has been referred; and
 - (iii) clarify that the individual may be contacted as appropriate to provide or receive additional information.
 - (2) The Diocese will review the information and, if necessary, conduct additional investigations to determine if a material failure to maintain ethical behavior in ministry occurred.
 - (3) At the conclusion of its review, the Diocese will make a determination as to whether further action is necessary.
 - (4) Depending on the nature of the matter reported, the Diocese may initiate temporary safeguards pending its review of the matter, including but not limited to temporary suspension from ministry or temporary reassignment to other duties.
 - (5) If appropriate under civil, criminal, and canon law, the Diocese will share the final determination with the person filing the notice of concern.
 - (6) The Diocese may offer counseling or other pastoral support if appropriate. Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.

Chapter 8. Promoting Healing and Reconciliation

Section

- 168.01 Patron of Office. The archangel Raphael is traditionally viewed as God’s angel of healing and has been adopted as the patron of the Office of Ethics and Integrity in Ministry.
- 168.02 Commitment. Article 1 of the Charter for the Protection of Children and Young People requires dioceses to reach out to victim survivors of abuse, and their families, and demonstrate a sincere commitment to their spiritual and emotional well-being.
- (a) The first obligation of the Church with regard to the victims is for healing and reconciliation.
 - (b) The Diocese of Austin takes firm action with those who fail to maintain ethical behavior in ministry and fosters healing by providing pastoral support to victims of such conduct.
 - (c) The Diocese may offer counseling or other pastoral support to persons who have experienced abuse or who suffered other material harm by those involved in ministry.
- 168.03 Alternatives for Completing EIM Requirements. Persons who wish to serve in ministry in the Diocese but may have difficulty completing the EIM training due to an experience of abuse, may contact the EIM Office to request an alternative EIM training option.

Instructions

Re: Book 1, Title 6: Ethics and Integrity in Ministry
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 6: Ethics and Integrity in Ministry
Code of Particular Law of the Diocese of Austin

RESERVED

BOOK 2: THE TEACHING FUNCTION OF THE CHURCH

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

Effective on December 8, 2023

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BOOK 2: THE TEACHING FUNCTION OF THE CHURCH

Title 1: Catechesis

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 2, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Formation of Catechists

Section

- 211.01 Diocesan Curia to Maintain Catechist Formation and Certification Program. The competent department of the Diocesan Curia is to maintain a program for the formation and certification of catechists.
- 211.02 Levels of Certification. The certification of catechists is to be of two levels:
(a) Level 1 certification, which indicates a sufficient knowledge of Catholic doctrine, pedagogy, and methods to provide basic catechesis and sacramental formation; and
(b) Level 2 certification, which indicates sufficient knowledge of Catholic doctrine, pedagogy, and methods to oversee a catechetical program.
- 211.03 Catechist to Complete Level 1. All those serving as catechists are earnestly invited to complete Level 1 certification. A Pastor is competent to establish more particular norms for requirements of catechists in his Parish.
- 211.04 DREs to Complete Level 2. Directors of Religious Education must complete Level 2 certification unless they possess at least a bachelor's degree in theology from an accredited Catholic institution of higher learning.
- 211.05 Continuing Formation for Catechists. All who serve as catechists are obliged to engage in continual formation in order to assist them in carrying out their function. A Pastor is competent to establish more particular norms for continuing formation of catechists in his Parish.

Chapter 2: Parish Catechetical Programs

Section

- 212.01 Parishes to Provide Catechetical Programs. Pastors are to provide catechetical programs by means of which the faithful may be prepared to receive the sacraments. Each Parish is to have catechetical programs to prepare adults and children for the sacraments of initiation, and to prepare those who are seeking to enter marriage.
- 212.02 Catechetical Programs for Children and Marriage Preparation. Catechetical programs for children and programs for marriage preparation must use curricula approved in the instructions of the Local Ordinary unless the Local Ordinary permits otherwise.
- 212.03 Requirements for Sacramental Preparation Programs. The requirements of particular law for each sacramental preparation program are established in Book III of this Code of Particular Law.

- 212.04 Pastors to Provide Youth and Children Programs. Pastors are to take care to provide suitable catechetical programs and youth groups through which children and youth may grow in their faith.
- 212.05 Pastors to Offer Catechetical Opportunities. Pastors are to take care that suitable catechetical opportunities for adults are offered in their Parishes.
- 212.06 All Children to Participate in Parish Catechetical Programs. It is earnestly recommended that all children, even those who attend Catholic Schools or who are home-schooled, participate in their Parish catechetical programs.
- 212.07 Other Means of Formation. It is not permitted to deny the reception of the sacraments solely on account of non-participation in a Parish catechesis program if it is demonstrated that a candidate for the reception of the sacraments has been adequately formed by other means.

Chapter 3: Lay Speakers

Section

- 213.01 List of Approved Lay Presenters. The Local Ordinary or his delegate is to keep a list of approved lay presenters and musicians or bands.
- 213.02 Criteria for Inclusion in List. The criteria for inclusion in the list of approved lay presenters shall be determined by the Local Ordinary at his discretion.
- 213.03 When Approved Presenters are Required. Only lay presenters, musicians, or bands who are on the approved list may present, play, or sing at:
 (a) events hosted or sponsored by a Diocesan office;
 (b) events hosted or sponsored by two or more Parishes or other church institutions; or
 (c) events hosted or sponsored by a single Parish or church institution which is advertised outside of the Parish or institution's regular media.
- 213.04 Definitions. Events are deemed to be "hosted" when they occur on the property of the institution or Parish. They are deemed to be "sponsored" when they are paid for, planned, or carried out by the Parish or institution.
- 213.05 Submittal of Application. To be placed on the approved list, a lay presenter, musician, or band must submit a written application to the Diocesan Curia.¹
- 213.06 Clergy Submit Suitability Letters. Clergy guest speakers from outside the Diocese must present letters of suitability.

¹ Requests are processed through the Office of Ethics and Integrity in Ministry or Chancellor.



Instruction on Approved Curricula for Sacramental Preparation

Re: Book 2, Title 1: Catechesis
Code of Particular Law of the Diocese of Austin

The particular law of the Diocese of Austin (“Diocese”) provides that catechetical programs for children and programs for marriage preparation must use curricula or programs approved in the instructions of the Local Ordinary. Accordingly, the Local Ordinary issues these instructions.

1. Catechetical Program for Children. Parishes may use catechetical programs for children that are approved and listed on the Diocesan website of the Office of Catechesis and Evangelization. A Pastor who desires to use other curricula or programs must first obtain the permission of the Local Ordinary.
2. Marriage Preparation Curricula.
 - (a) Parishes may use the following programs for preparation of couples seeking the Sacrament of Matrimony:
 - (1) Together in God’s Love (OSV);
 - (2) For Better and Forever; or
 - (3) Our Joyful Marriage Ascension.
 - (b) If specific circumstances prohibit the couple from completing the marriage preparation in person, a Parish may use the following on-line programs:
 - (1) The Marriage Group; or
 - (2) CatholicMarriagePrep.com
 - (c) In specific cases, Pastors may seek permission from the Local Ordinary, or his designate to use an alternative program appropriate for the specific circumstances.
3. Premarital Inventories. Parishes may use the following providers for a couple to complete a premarital inventory as party of the couple’s preparation for the Sacrament of Matrimony:
 - (a) Prepare-Enrich;
 - (b) FOCCUS; or
 - (c) Fully Engaged.
4. Natural Family Planning (NFP). Parishes may provide NFP education to couples, either directly or through an education provider, about any or all of the following NFP models or methods:
 - (a) Billings Ovulation Method (BOMA);
 - (b) Creighton Model; or
 - (c) Marquette Model.

Given at Austin, at the seat of the Diocesan Curia, the 8th day of December 2023.

Rwl
Deacon Ron Walker, Chancellor



Very Rev. James Misko
Very Reverend James Misko, Vicar General

Supplemental Material

Re: Book 2, Title 1: Catechesis
Code of Particular Law of the Diocese of Austin

For a guide and resources regarding religious education and youth ministry, see the handbooks maintained by the Office of Evangelization and Catechesis, which may be accessed from the webpage maintained by that office or by contacting the office directly. Resources include, but are not limited to, a Religious Education Handbook and a Youth Ministry Handbook.

The requirements and procedure for the approval of lay speakers or lay presenters, as required in Chapter 3 of Title 1 of Book II, are published on the webpage maintained by the Office of Ethics and Integrity in Ministry (EIM). The EIM Office is available to assist Parishes or work directly with the lay presenter seeking approval. The list of approved lay presenters is maintained by the EIM Office. Parishes may call to determine if a name is on the list or seek other information related to the list.

Title 2: Catholic Schools

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 2, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Categories of Schools and General Requirements

Section

221.01 Categories of Catholic Schools.

- (a) A *Parochial Catholic School* is a school operated by a Parish as part of its ministry under the authority of the Pastor. The principal of a Parochial Catholic School is accountable to the Pastor and, for purposes of accreditation, is accountable to the Superintendent.
- (b) A *Diocesan Catholic School* is a school operated by the Diocese as part of its ministry or established by the Diocesan Bishop and operates as a public juridic person with the ministry of education in the name of the church. The principal of a Diocesan Catholic School is accountable to the Superintendent.
- (c) A *Private Catholic School* is neither Parochial nor Diocesan but is governed by its own statutes and is given permission by the Diocesan Bishop to bear the name Catholic. The principal of a Private Catholic School is accountable to its governing authority defined in its statutes and is accountable to the Local Ordinary as prescribed by ecclesiastical law and to the Superintendent for accreditation purposes. A Private Catholic School is obliged to:
 - (i) comply with this Code of Particular Law and, in particular, this Title; (ii) maintain its listing in the Official Catholic Directory; and (iii) express in its governing documents that it recognizes its obligations under, and intends to comply with, its canonical obligations under canons 793-806.

221.02 Universal Law Compliance. All Catholic schools, whether a Parochial Catholic School, Diocesan Catholic School, or Private Catholic School, are subject to universal and particular ecclesiastical law, to the instructions issued by the Local Ordinary, and to oversight and visitation by the Local Ordinary.

221.03 Basic Requirements of Catholic Schools. All Catholic schools in the Diocese must:

- (a) provide quality education focused on faith, academic excellence, leadership, and service, rooted in Jesus Christ and the teachings of the Catholic Church;
- (b) maintain accreditation with the Texas Catholic Conference of Bishops;
- (c) adhere to the current edition of the accreditation documents of the Texas Catholic Conference of Bishops Education Department;
- (d) participate in collegial collaboration and communication with the Superintendent and with other Catholic schools in the Diocese;
- (e) actively participate in the larger Catholic school community in the Diocese by: (i) attending all major events for the larger Catholic school community, as defined by the Superintendent; (ii) requiring its new teachers to attend Diocesan orientations for new teachers; and (iii) participating in continuing formation programs offered by the Diocese for principals and teachers;
- (f) timely provide all information to the Superintendent which the Superintendent reasonably

- requests or which is necessary for making reports to civil of ecclesiastical officials;
- (g) adopt a policy to offer not less than 6% of its operating budget for tuition assistance unless the Superintendent allows a lesser amount;
 - (h) permit the Superintendent to attend all board meetings of the school;
 - (i) include the Superintendent in any search committee or other group to hire a principal;
 - (j) consult the Superintendent before making a decision to expel a student or to dismiss a principal;
 - (k) adopt and enforce a school uniform, except that a Private Catholic School that is a high school may adopt a dress code in lieu of a uniform;
 - (l) maintain an obvious and clear Catholic identity acceptable to the Diocesan Bishop;
 - (m) diligently work to incorporate the Gospel in all its instructions and programs, regardless of the subject matter;
 - (n) provide a school Mass and require all students to attend Mass at least once each week;
 - (o) insure that its instructions, programs, and teachers do not teach any subject matter in a manner that is contrary to the Catholic faith or the teachings of the Church, as determined by the Local Ordinary;
 - (p) require its faculty and staff to comply with the Ethics and Integrity in Ministry provisions of this Code of Particular Law;
 - (r) require its faculty and staff to maintain their professional and personal lives in a manner that is not contrary to Catholic faith or the teachings of the Church; and
 - (s) comply with the *Diocesan Handbook of School Policies* as promulgated by the Diocesan Bishop after consultation with the Diocesan School Advisory Board and others, as applicable. [N.B. A Private Catholic School is obliged to comply only with those provisions stated in the handbook as applying to Private Catholic Schools.]

- 221.04 Compliance with Bishop's Instructions. The Local Ordinary is competent to issue more particular instructions governing Catholic schools.
- 221.05 Opening, Expanding, or Closing a School. A Catholic school may not be established, erected, opened, notably expanded, notably reduced, or closed without the prior consent of the Diocesan Bishop.
- 221.06 Use of School Property in Videos or other Recordings. Without the prior consent of the Local Ordinary, a Parish or Catholic School shall not grant permission or a license for any person to use Parish or school property for the purpose of recording, producing, or staging any type of recording, including but not limited to music videos, movies, television programs, news footage, social media production, or electronic gaming.

Chapter 2: Teachers in Catholic Schools

- 222.01 Appointment of Teachers of Religion. In all Catholic schools, whether a Parochial Catholic School, a Diocesan Catholic School, or a Private Catholic School, teachers of religion must be appointed or approved by the Local Ordinary and may be removed by him for reasons of religion or morals, according to the norm of canon 805.
- 222.02 Level 1 Catechist Certification Required. Persons who teach religion in any Catholic school must obtain Level 1 certification as a catechist, as described by Title 1 of this Book 2 of this Code of Particular Law, within 2 years of beginning their employment at a Catholic school unless they possess at least a bachelor's degree in theology from an accredited Catholic institution of higher learning.

222.03 Continuing Formation of Teachers. All teachers in Catholic schools are ministers of the Christian faith and have an obligation to present the courses they teach in accordance with principals consistent with the Christian faith. All Catholic schools are to offer teachers continuing formation to assist them in meeting the expectations of this section.

Instructions

Re: Book 2, Title 2: Catholic Schools
Code of Particular Law of the Diocese of Austin

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Supplemental Material

Re: Book 2, Title 2: Catholic Schools
Code of Particular Law of the Diocese of Austin

1. Handbook for Catholic Schools. Each principal should have a copy of or access to the Diocesan Handbook for Catholic Schools, issued by the Diocesan Bishop, which is updated from time to time. The handbook is available to Catholic Schools or Parishes from the Office of Catholic Schools.
2. Supplemental Material on Use of the Internet, Social Media, and Communications. The use of the internet and social media presents various challenges and opportunities. For best practices in these areas please consult with the Office of Catholic Schools or the Diocesan Office of Communications, which provide resources or manuals related to communications and social media. Additionally, the Diocesan EIM policy and the Diocesan Handbook for Catholic Schools have certain requirements related to such matters.

BOOK 3: THE SANCTIFYING FUNCTION OF THE CHURCH

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

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BOOK 3: THE SANCTIFYING FUNCTION OF THE CHURCH

Title 1: Baptism

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Preparation for Baptism of Adults

Section

- 311.01 Use of OCIA. Those who have already attained the use of reason are prepared for baptism through the catechumenate in accord with the Order of Christian Initiation of Adults.
- 311.02 Baptisms to be at Easter Vigil. Except for a just cause, those who have reached the age of reason are to be baptized at the Easter Vigil.
- 311.03 Exceptions to Baptisms at Easter Vigil. When, for a just cause, one who has already reached the age of reason is to be baptized outside the Easter Vigil, the Pastor is granted the faculty of celebrating the rite of election.
- 311.04 Dispensing from Rite of Election or Scrutinies. The Pastor is granted the faculty of dispensing a catechumen from the Rite of Election or from the scrutinies for a just cause.

Chapter 2: Preparation for the Baptism of Infants

Section

- 312.01 Formation is to be Provided. Pastors are to see to it that formation classes are provided for the parents of infants to be baptized and for those who are to serve as godparents.
- 312.02 Length of Formation. The formation classes for parents and godparents should ordinarily consist of 2 to 4 hours of instruction, which may be accomplished in a single session or in multiple sessions.
- 312.03 Topics of Formation. The formation classes are to address the following topics:
(a) the theology of baptism and Christian initiation;
(b) the role of parents and godparents in the faith-formation of the child;
(c) the responsibilities which flow from baptism; and
(d) the liturgical rite of baptism.
- 312.03 Other Parish Formation Programs. When parents or godparents belong to another Parish, they may receive formation classes in their own Parish or another Parish acceptable to the Pastor provided that they present a certificate or other evidence of completion to the Parish at which the baptism takes place.

- 312.04 Acceptance of Prior Formation. Parents and godparents who have previously completed a formation class (or its equivalent) are not required to complete the course again for the baptism of another child.
- 312.05 Pastoral Judgement of Adequately Prepared. A Pastor may excuse the parents or those who are to undertake the role of godparents from taking formation classes if, in his pastoral judgment, they are adequately prepared.
- 312.06 Justification of Post-Baptism Formation. A Pastor may permit the formation classes to be taken after the baptism is celebrated if pastoral reasons justify the delay of the classes.

Chapter 3: Delay of Infant Baptism & Emergency

Section

- 313.01 Obligation to Baptize. According to the norm of universal law, children may be baptized if there is a founded hope of their being brought up in the Catholic religion.¹
- (a) The marriage status of the parents, or the fact that the parents are not regularly practicing are not, in themselves, reasons to conclude that there is no founded hope of the child being raised in the Catholic religion.
- (b) When, in the judgment of the Pastor, a founded hope that the child will be raised in the Catholic religion is altogether lacking, after having consulted the parents, he is to delay the baptism, informing the parents of the reasons for the delay, and recommend to them means by which a founded hope may be established.
- (c) At an opportune time, but no more than six weeks after the notice of delay of baptism, the Pastor is to consult again with the parents to determine whether a founded hope of the child being raised in the Catholic religion is still lacking. If he judges that it is lacking, and if the parents persist in requesting baptism for their child, the Local Ordinary is to decide whether baptism must be further delayed.
- 313.02 Emergencies. The norm of universal law is always to be observed, according to which infants in danger of death are to be baptized immediately.

Chapter 4: Sponsors for Baptism

Section

- 314.01 Requirements of Sponsors. Sponsors for baptism are to meet the requirements of canon 874, and no additional requirements are to be imposed, except for the formation class requirement.²

¹ c. 868

² The required qualities are: (i) to be designated by the one to be baptized, by his parents, or, in their absence, by the pastor or minister of baptism; (ii) to have the intention and aptitude of fulfilling the function of godparent; (iii) to have completed the 16th year of age; (iv) to be a fully initiated Catholic, living a life of faith in keeping with the function of a godparent (including at least some level of practicing the faith, and excluding one who obstinately persists in manifest grave sin); (v) freedom from imposed or declared canonical penalties; and (vi) not being the mother or father of the one to be baptized.

- 314.02 Declaration by Sponsors. Sponsors are to make a written declaration that they meet the requirements of canon 874.³
- 314.03 Letter of Good Standing of Sponsors. Unless the Pastor has reason to deem it necessary in a particular case, sponsors are not required to submit letters of good standing from their proper Pastors.

Chapter 5: Recording of Baptism

Section

- 315.01 Place of Recordation. A baptism is to be recorded in the baptismal register of the Parish within whose boundaries it took place even if the parents of the child belong to another Parish or the preparation for baptism occurred elsewhere.
- 315.02 Information in Entry. The entry in the baptismal register is to include all information specified in canon 877. Any notations necessary for an accurate understanding of the entry are to be made.⁴
- 315.03 Verification of Information to be Recorded. To the extent possible, the name of the child, the names of the child's parents, and the date and place of birth are to be verified by means of a civil birth certificate before being inscribed in the register. If it is impossible to obtain a civil birth certificate, a notation is to be made to this effect.
- 315.04 Adoptions and Unwed Mothers. The recording of the baptism of adopted children and the children of unwed mothers is to follow the norms of canon 877.⁵
- 315.05 Changes in Godparents not Permitted. Only the originally designated godparents are to be recorded in the baptismal register. Additional godparents may not be subsequently added, nor may the names of godparents be removed.
- 315.06 Name Changes. When the name of a person baptized has been legally changed according to the norm of civil law, and when proof of the change is presented to the Pastor, a notation regarding the name change is to be made in the baptismal register, always taking care to preserve the record of the original name. Baptismal certificates may be issued showing the new name.⁶

³ See forms provided by the Tribunal.

⁴ The required elements of the entry are: (i) name of the one baptized; (ii) name of the minister of baptism; (iii) the names of parents; (iv) the names of sponsors; (v) the names of witnesses if any; (vi) the date and place of Baptism; and (vii) the date and place of birth.

⁵ The name of an unwed mother is inscribed in the register if (i) her maternity is publicly established; or (ii) she asks for her name to be inscribed either in writing or orally before two witnesses. The name of the father of a child born to an unwed mother is inscribed if: (i) a public document establishes his paternity; or (ii) he declares his paternity before the Pastor and two witnesses. If these criteria are not met, the names of the mother or father are not inscribed in the register. For the law on recording the baptism of adopted children, see the USCCB norm complementary to canon 877.3, summarized in the Supplemental Material.

⁶ See the *Parish Recording Manual* for more information.

Chapter 6: Reception of Baptized Infants into Full Communion

Section

- 316.01 Rite of Reception of Children. Children who have not attained the use of reason, and who have been baptized in a non-Catholic church or ecclesial community may be brought into the full communion with the Catholic church by the Local Ordinary, Pastor, or Parochial Vicar at the request of the parents or of those who legitimately take the place of parents by means of celebrating the *Rite of Bringing a Baptized Child to the Church*.
- 316.01 Recording of the Reception of Children. Upon completing the reception, a record is to be made in the register of receptions into full communion.

Instructions

Re: Book 3, Title 1: Baptism
Code of Particular Law of the Diocese of Austin

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Supplemental Material

Re: Book 3, Title 1: Baptism
Code of Particular Law of the Diocese of Austin

1. Recording the Baptism of Adopted Children

- 1.1 The norm regarding recording the baptism of adopted children is the USCCB complementary norm to canon 877, §3. While the norms should be consulted, a summary is provided here.
 - 1.2 If the child is baptized *after* the adoption is finalized the baptismal record contains the following.
 - (a) The name of the child designated by the adoptive parents, the name of the adoptive parents themselves, the standard information about place and date of birth, the place and date of baptism, the minister of baptism, and the sponsors.
 - (b) The fact of adoption is noted but not the names of the natural parents. The baptismal register records only the fact of adoption. When a baptismal certificate is issued it does *not* mention the adoption.
 - 1.3 If a child has been baptized and is *then* adopted, notations are made to the original baptismal record as follows.
 - (a) Parentheses are placed around the names of the natural parents.
 - (b) The names of the adoptive parents are added.
 - (c) Parentheses are placed around the child's original surname and the new surname is added.
 - (d) A notation is made that the child was legally adopted.
 - 1.4 The notations are made only in the baptismal register. A certificate is to contain only the names of the adoptive parents and the new surname of the child. No mention is made of the fact of the adoption on the certificate and the names of the sponsors are also omitted.
2. Sponsor Forms. Forms that may be used by those who are to become sponsors to make a written declaration that they meet the requirements to be a sponsor are available from the Office of Evangelization and Catechesis.

Title 2: Confirmation

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Preparation for Confirmation

Section

- 321.01 Ordinary Instruction for Confirmation. Those to be confirmed who are below the age of eighteen (18) are, ordinarily, to participate in:
(a) a Parish religious education program or a religion class in a Catholic school for at least two (2) years before confirmation; and
(b) a catechetical program ordered specifically to confirmation.
- 321.02 Length and Topics of Formation. The catechetical program ordered specifically to confirmation is to be between 9 and 12 weeks in duration and is to include catechesis on the following topics:
(a) the liturgical rite of confirmation, including the essential matter and form of the sacrament;
(b) the meaning of the renewal of baptismal promises;
(c) the gifts and fruits of the spirit, the Our Father;
(d) the effects of the sacrament of confirmation; and
(e) the rights and obligations which flow from reception of the sacrament.
- 321.03 Abbreviated Formation. In individual cases and for pastoral reasons, the Pastor may approve an abbreviated program of formation, provided that, in the Pastor's judgement, the candidate for confirmation is properly disposed and can be suitably instructed in an abbreviated program according to the norm of canon 889.
- 321.04 Unbaptized Adults. Unbaptized adults are to be prepared for confirmation, which is received together with baptism, through the catechumenate, according to the Order for Christian Initiation of Adults.
- 321.05 Adults to be Received into Communion. Those who were baptized outside the Catholic church, and who seek to enter full communion with the Catholic church, if they have not been validly confirmed, are prepared for confirmation at the time of their reception into full communion according to the Order for Christian Initiation of Adults.
- 321.06 Baptized Catholic Adults. Baptized Catholics over the age of eighteen (18) are prepared for confirmation through a catechetical program ordinarily not less than 12 weeks in duration. In individual cases and for pastoral reasons, the Pastor may approve an abbreviated program of formation, if, in his judgement, the candidate for confirmation is properly disposed and can be suitably instructed in an abbreviated program according to the norm of canon 889.

Chapter 2: Those to be Confirmed

Section

- 322.01 Normal Age. The normal age for confirmation in the Diocese is between 14 and 16 years.

- 322.02 Required Qualities. Those to be confirmed who have attained the use of reason, and who are not in danger of death, must possess the qualities laid down in canon 889, notably:
- (a) they must be suitably instructed;
 - (b) properly disposed; and
 - (c) able to renew their baptismal promises.
- 322.03 Procedure if Qualities are Lacking. If, in the judgment of the Pastor, a candidate for confirmation does not possess the qualities required by c. 889, the Pastor is to meet with the candidate, and, in the case of a candidate who is under 18, with the candidate's parents.
- (a) The Pastor is to communicate the reasons why he judges that the candidate is not prepared to receive confirmation and recommend means by which the candidate may properly prepare.
 - (b) If, after having heard the candidate, the Pastor still judges that the candidate is not prepared, he is to establish an interval of time of not more than 3 months after which he is to reconsider the candidate's readiness.
 - (c) If, after the established interval, the Pastor still judges that the candidate is not prepared, and if the candidate does not consent to a delay in confirmation, the matter is to be referred to the Local Ordinary, who is to decide whether confirmation is to be delayed.
 - (d) The process of discerning the readiness of candidates for confirmation is to begin sufficiently early to permit reasonable time to resolve any issues of unreadiness before the anticipated confirmation date.

Chapter 3: Confirmation Sponsors

Section

- 323.01 Universal and Particular Law Applies. Confirmation sponsors are subject to the same norms of universal and particular law as are sponsors for baptism.

Chapter 4: Recording Confirmation

Section

- 324.01 Place of Recordation. Confirmations are to be recorded in the confirmation register of the Parish in which the sacrament was administered.
- 324.02 Notations Permitted in another Parish. If a candidate received formation for confirmation in one Parish but the sacrament was conferred in another, the sacrament is to be recorded in the Parish where the sacrament was conferred. The Parish where formation was received may also record the confirmation in its own register provided that a clear notation is made that the confirmation was administered in another Parish named in the notation.

Instructions

Re: Book 3, Title 2: Confirmation
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 2: Confirmation
Code of Particular Law of the Diocese of Austin

1. Minister of Confirmation

- 1.1 To address common questions as to when a priest may confer the sacrament of confirmation, the following summarizes the applicable law, which should be consulted, especially canons 882-888.
- 1.2 The ordinary minister of confirmation is a bishop. Priests (presbyters) may only validly confirm when they have the faculty to do so.
- 1.3 The law itself grants the faculty to presbyters in three distinct circumstances.
 - (a) *Vacant See*: During the time a see is vacant the priest serving as Diocesan Administrator has the faculty to confirm.
 - (b) *Baptism or reception into full communion*: When a priest baptizes one who is no longer an infant or receives someone who was baptized in a non-Catholic community into full communion, he has the faculty to administer confirmation subject to the following, all of which must be satisfied.
 - (1) The priest must be baptizing or receiving into full communion in *virtue of office* or in *virtue of a mandate* from the Diocesan Bishop. Offices which include baptizing or receiving into full communion are offices involving the full care of souls and include Pastor, Parochial Vicar, and Chaplain. Such a faculty is territorially limited, meaning that a Pastor has the faculty to confirm adults whom he baptizes or receives into full communion only within the boundaries of his Parish. If a visiting priest is to baptize an adult or receive the adult into full communion, the visiting priest must secure a mandate from the Diocesan Bishop to have the faculty to confirm.
 - (2) The priest must confirm within the same liturgical ceremony as the baptism or reception. The confirmation may not be delayed to a later time.
 - (3) Confirmation administered under this faculty must administered by the *same priest* who administered baptism or received the person into full communion. It is not possible for a priest to confirm someone baptized or received into full communion by another priest or deacon. It is necessary for the validity of the confirmations that each individual be confirmed by the *same priest* who baptized or received the individual into full communion.
 - (c) *Danger of death*: Any presbyter has the faculty by law to confirm any of the faithful in danger of death. This faculty applies to infants as well as adults. If a priest must baptize an infant in an emergency, the infant should also be confirmed. Adults who are not confirmed who fall into danger of death should also be confirmed immediately.

- 1.4 In addition to the situations described above in which *the law* grants presbyters the faculty to confirm, the Diocesan Bishop may also extend this faculty to specific presbyters, such as Chaplains of university campuses or others in particular cases.
- 1.5 Deacons never have the faculty to confirm.

2. Canonical Notes on the Sacraments of Initiation and Reception into Full Communion.

- 2.1 The following summarize the law on the sequence of the sacraments of initiation. The law itself should also be consulted, especially canons 864-871, 882-893, the Order of Christian Initiation of Adults, and the National Statutes on the Catechumenate.
- 2.2 The age of reason is presumed by the law to be 7 years. This presumption may be overcome if it is clear that a child under 7 has already attained the use of reason, or that a child over 7 has not yet attained it.
- 2.3 When children who have not yet attained the use of reason are presented for baptism, they receive only the sacrament of baptism at that time, unless they are in danger of death.
- 2.4 Children who have not attained the use of reason and who are in danger of death are to be confirmed. Even if they are below the age of 7, children in danger of death may also be given Holy Communion if they can distinguish the Body of Christ from ordinary food and receive it reverently, according to the norm of canon 913.
- 2.5 Children who were baptized as infants, and who have reached the use of reason are to be prepared for their first confession and first communion. Ordinarily, they begin that preparation in the 1st grade, and receive their first communion at the end of the 2nd grade. These children are ordinarily confirmed between the ages of 14 and 16.
- 2.6 If an unbaptized child who has already attained the use of reason wishes to be baptized (with the permission of the parents), he or she is to be prepared for baptism, confirmation, and first communion, which are all to be received together, according to the Order for Christian Initiation of Adults adapted for children.
- 2.7 If a child who was baptized as an infant begins the religious education process after the 1st grade, a discernment must be made as to whether the child is or is not catechized and at which level.
 - (a) A child who, although not enrolled in a formal religious education program, has received a basic understanding of the faith, and has some experience of prayer and the liturgy is deemed catechized.
 - (b) A child who had not even a basic understanding of the faith, and no experience of prayer and the liturgy is deemed uncatechized.
- 2.8 Baptized but uncatechized children who begin their religious education after the 1st grade are to be prepared for first communion and confirmation together, which they will receive from the Diocesan Bishop or a priest to whom the Diocesan Bishop has granted the faculty to confirm.

- 2.9 Baptized children who begin their religious education after the 1st grade and who are catechized are to be prepared to receive first communion, and are to receive confirmation later, ordinarily between the ages of 14 and 16.
- 2.10 Those who were baptized as children, who begin their religious education when they are already of the age to begin preparing for confirmation, are to receive first communion and confirmation together.
- 2.11 Children who have not attained the use of reason, and who have been baptized in a non-Catholic community may be brought into the full communion with the Catholic Church at the request of their parents by means of celebrating the “Rite of Bringing a Baptized Child to the Church.” This might be done, for example, when, after the baptism of their children, non-Catholic parents become Catholics. The parents should signify their intention by writing to the Pastor, and, after the rite has been celebrated, the names of the children received should be recorded in the Parish register of receptions into full communion. These children are later prepared for first communion at or about the age of reason, and for confirmation when they are between 14 and 16. Children who have attained the use of reason may be received into full communion after making a profession of faith. These children would be confirmed and receive their first communion at the time of their reception into full communion.
3. Summary of the sequence of the sacraments of initiation.
- 3.1 *Infants* (anyone not having attained the use of reason)
- (a) *Unbaptized*
- (1) In danger of death
- (i) Baptized by anyone with right intention
- (ii) Confirmed by any presbyter
- (iii) Given first communion if old enough to distinguish from ordinary food and receive with reverence
- (2) Not in danger of death
May only receive baptism, administered by a priest or deacon
- (b) *Baptized Non-Catholic*
- (1) May be brought into full communion by means of Rite of Bringing a Baptized Child to the Church at the request of parents
- (2) Normal sequence for first communion and confirmation, unless danger of death is present
- 3.2 *Adults* (anyone having attained the use of reason)
- (a) *Unbaptized*
- (a) *Over 18*: Prepared through RCIA for all 3 sacraments at once, administered by the Pastor or Parochial Vicar
- (b) *Under 18*: Prepared through RCIA adapted for children for all 3 sacraments at once, administered by the Pastor or Parochial Vicar

(b) *Baptized non-Catholic*

Given suitable preparation for profession of faith, confirmation, and first communion, administered by the Pastor or Parochial Vicar

(c) *Baptized Eastern Orthodox* (or Oriental Orthodox, or Assyrian Church of the East)

(1) Eastern Orthodox churches have valid eucharist and confirmation. The person, after any necessary preparation, makes a profession of faith and is received into full communion by the Pastor or Parochial Vicar *outside the liturgy*.

(2) The person will be ascribed to the Catholic Eastern Church *sui iuris* (rite) corresponding to the Orthodox Church from which he comes. He should be encouraged to seek out a Parish of his own rite for reception if feasible. Even if received by a Latin Pastor, he must be ascribed to the correct Eastern Catholic Church, and this must be noted in the register of receptions into full communion.

(d) *Baptized Catholic*

(1) *Over 18*: prepared for confirmation (and first communion if necessary) administered by the Diocesan Bishop. Preparation time of at least 12 weeks.

(2) *Under 18 but older than confirmation age*: receives confirmation and first communion at usual confirmation age and is prepared for confirmation and first communion (if necessary) administered by the Diocesan Bishop under a 2-year RE and confirmation program.

(3) *Below confirmation age, but beginning RE after 1st grade*:

(i) If unchatechized prepared for confirmation and first communion at the same time, administered by the Diocesan Bishop under a 2-year RE and confirmation program.

(ii) If catechized prepared for first communion immediately under a 2-year RE and first communion program and is later prepared for confirmation administered by the Bishop under a normal confirmation program.

(4) *Beginning RE in the 1st grade*: prepared for first communion immediately under a 2-year RE and first communion program and is later prepared for confirmation administered by the Diocesan Bishop under a normal confirmation program.

Title 3: The Most Holy Eucharist

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 3, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Preparation for First Communion

Section

- 331.01 Ordinary Preparation of Children. Children who have reached the age of reason are to begin the process of preparing to receive their first communion. The preparation ordinarily includes participation for 2 years in a Parish or Catholic school religious education program.
- 331.02 Abbreviated Preparation. In individual cases, and for pastoral reasons, the Pastor may approve a shorter program of formation if in his judgement, the candidate for first communion can be suitably prepared in an abbreviated program, according to the norm of canon 913.
- 331.03 Readiness to Receive. To be admitted to Holy Communion, it is necessary that a child have “sufficient knowledge and careful preparation so that the child understands the mystery of Christ according to his or her capacity and is able to receive the body of Christ with faith and devotion” (canon 913). If a question arises as to the readiness of a particular candidate to receive first communion, the norms laid down in particular law for confirmation are to be observed.
- 331.04 Confession required before First Communion. Those being prepared for their first communion are also to be prepared for reception of the Sacrament of Penance, which they are to receive before receiving communion for the first time.

Chapter 2: The Celebration of the Eucharist

Section

- 332.01 Days of Celebration of the Eucharist. The Eucharist may be celebrated on any day at any time not prohibited by canon law.
- 332.02 Time of Vigil Masses. On Sundays and solemnities, an anticipated Mass may begin no earlier than 4:00 p.m. in the evening of the day preceding the Sunday or solemnity.
- 332.03 Daily Mass to be offered at Parishes. Except for a just cause, a Mass which is open to attendance by the faithful is to be offered in each Parish every day.
- (a) If a Parish is served by only one priest, a Mass is not required to be celebrated in the Parish on the priest’s day off.
- (b) When, for whatever reason, a daily Mass is not celebrated in a particular Parish on a particular day, a communion service is to take place so that the faithful may receive Holy Communion.

- 332.04 Changing Mass Schedule. The regular Mass schedule of a Parish church is not to be changed without the consent of the Diocesan Bishop.⁷
- 332.05 Masses after Death of Diocesan Priest. After the death of a priest incardinated in the Diocese, every incardinated priest in the Diocese is to offer 3 Masses for the repose of his soul.
- 332.05 Low Gluten Hosts. Pastors are granted the faculty to permit the use of low gluten hosts.

Chapter 3: Altar Servers

Section

- 333.01 Lay Servers. In addition to instituted acolytes, other members of the faithful may be admitted by the Pastor to serve at the altar.
- 333.02 Qualities of Altar Servers. Altar servers must be Catholics who have made their first communion, who manifest a love for the sacred liturgy, and who live a life of faith in keeping with the function to be carried out.
- 333.03 Formation of Altar Servers. Altar servers are to receive formation to adequately prepare them for their function. The formation must include instruction in:
- (a) the mystery of the sacred liturgy;
 - (b) the spirituality of serving at the altar; and
 - (c) the practical instructions necessary for carrying out their function with reverence and devotion, according to the norms of the liturgical books.
- 333.04 Dress of Altar Servers. Altar servers are to be vested for the sacred liturgy only in
- (a) an alb; or
 - (b) a cassock and surplice.
- 333.05 Promotion of Serving and Vocations. Pastors are to foster the service of the altar in their Parishes, taking care to promote altar serving, especially among youth, and to provide adequate formation. Pastors are to be especially attentive to the promotion of vocations to the priesthood through altar serving.

Chapter 4: Lectors

Section

- 334.01 Those Permitted to Read Scripture in Liturgy. In addition to instituted lectors, other members of the faithful may be admitted by the Pastor to read the sacred scriptures in the liturgy if they satisfy the qualities required in this chapter.
- 334.02 Qualities of Lectors. Lectors must be fully initiated Catholics, at least 16 years of age, who manifest a love for the Word of God, and who live a life of faith in keeping with the function to be carried out. On particular occasions, Pastors may admit members of the faithful to read

⁷ Pastors may make one-time alterations to the Mass schedule (e.g., to accommodate a Holy day, a civil holiday, or other special event or circumstance) without consulting the Diocesan Bishop. Permanent changes to the regular Mass schedule require the Diocesan Bishop's consent.

the scriptures in the liturgy even if they have not yet been confirmed or have not reached 16 years of age.⁸

- 334.03 Formation of Lectors. Lectors are to receive careful formation in order to prepare them to carry out their task. This formation is to include instruction in:
- (a) the mystery of the inspiration of sacred scriptures;
 - (b) the place of scriptures in the liturgy;
 - (c) the structure and plan of the lectionary;
 - (d) the practice of *lectio divina*;
 - (e) the spirituality of reading scriptures in the liturgy; and
 - (f) practical instructions necessary for carrying out their function, including instruction in how to achieve a clear and dignified proclamation of the scriptures.
- 334.04 Non-Catholic Lectors. The admission of non-Catholics to read the readings from scripture in the liturgy is governed by the norms of the *Ecumenical Directory*.

Chapter 5: Extraordinary Ministers of Holy Communion

Section

- 335.01 Ordinary Ministers of Communion. The ordinary ministers of Holy Communion are ordained bishops, presbyters, and deacons.
- 336.02 When Extraordinary Ministers are Permitted. Extraordinary ministers of Holy Communion may distribute communion only when the ordinary ministers are insufficient in number, unavailable, or impeded.
- 335.03 Who are Extraordinary Ministers.
- (a) Instituted acolytes are extraordinary ministers of Holy Communion by law.
 - (b) Other lay persons may receive a mandate from the Diocesan Bishop to serve as extraordinary ministers of Holy Communion in a particular Parish for a term of 3 years.
 - (c) In unforeseen circumstances, the priest-celebrant may designate other lay persons to serve as extraordinary ministers of Holy Communion for a particular Mass.
- 335.04 Formation before Commissioning. Before receiving a mandate from the Diocesan Bishop, prospective extraordinary ministers are to receive the necessary formation for their function. The formation is to include instruction on:
- (a) the mystery of the Eucharist and the Real Presence;
 - (b) the theology and spirituality of Holy Communion;
 - (c) the role of an extraordinary minister; and
 - (d) all practical directions for reverently caring for the Blessed Sacrament and fulfilling their liturgical function.
- 335.05 Formation of Ministers serving Homebound or Sick. Extraordinary ministers who bring Holy Communion to the sick and homebound are to satisfy all requirements of extraordinary

⁸ This may be done, for example, at school Masses or on other special occasions. The general rule should be maintained that only confirmed Catholics are entrusted with the task of reading the Scriptures at Mass.

ministers in this chapter and additional training to prepare them for ministry to the homebound and sick.

- 335.06 Qualities of Extraordinary Ministers. Extraordinary ministers of Holy Communion:
- (a) must be fully initiated Catholics;
 - (b) must be at least 16 years of age;
 - (c) may not be subject to any imposed or declared ecclesiastical censure;
 - (d) must manifest a devotion to the Blessed Sacrament; and
 - (e) must living a life of faith in accord with the function to be undertaken.
- 335.06 Mandate Required for Extraordinary Ministers. Pastors are to request a mandate for extraordinary ministers who are to serve in his Parish in writing from the Diocesan Bishop.
- (a) The request is to list the names of those to receive the mandate and is to certify that they have been properly formed and meet the requirements in universal and particular law.
 - (b) Mandates to serve as an extraordinary minister are granted for a period of three (3) years, unless renewed upon their expiration.
 - (c) After having been duly instructed, and after having received their mandate from the Diocesan Bishop, extraordinary ministers of Holy Communion are to receive a blessing in a Parish ceremony before beginning their ministry.

Chapter 6: Holy Communion Outside Mass

Section

- 336.01 Proper Liturgical Norms to be Followed. Pastors are to take care that, when Mass is unavailable, Holy Communion is distributed outside Mass according to the norms of the liturgical books.⁹
- 336.02 Carrying of Host outside Church. When the Sacred Host is carried outside the church for the distribution of communion, it is to be carried in a pyx.
- (a) The pyx must be made of precious metal or other noble material and may not be made of plastic.
 - (b) The pyx is to be properly purified after each use.
- 336.03 Sending of Extraordinary Ministers to Homebound and Sick. Whenever possible, the practice is to be maintained whereby extraordinary ministers of Holy Communion are sent from the Parish celebration of Mass to bring Holy Communion to the sick and homebound.
- (a) The extraordinary ministers are to approach the sanctuary after the communion of the people to receive the Blessed Sacrament from the priest and are to depart immediately to bring Holy Communion to the sick and homebound.

⁹ Communion services are appropriate in churches when daily Mass cannot be celebrated (for example, when no priest is available). They are also appropriate in situations where people are not able to come to the Church for Mass, for example, in nursing homes or in prisons.

- (b) Care should be taken, when distributing Holy Communion to the sick and homebound, to bring only as many Hosts as are necessary. If extra Hosts remain after the distribution of Holy Communion, they are to be returned to the tabernacle, or, if distance or other factors make this too difficult, they are to be reverently consumed.

336.04 No Distribution of Extra Hosts in Communion Line. Extra Hosts are not to be distributed to extraordinary ministers or other members of the faithful in the communion line during the time of the people's communion.

Instructions

Re: Book 3, Title 3: The Most Holy Eucharist
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 3: The Most Holy Eucharist
Code of Particular Law of the Diocese of Austin

1. Notes on Liturgical Practices.

1.1 The Worship office maintains a liturgical manual with liturgical best practices and answers to common liturgical questions. **INSERT LINK TO MANUAL**

2. Notes about Mass Stipends.

2.1 An explanation of the canon law of Mass stipends is found in the Priest Section of this Code.

3. Sources for Low Gluten Hosts.

3.1 In the Diocese of Austin, Pastors may authorize the use of low-gluten hosts for those with celiac disease or other gluten intolerance. The Dicastery for the Doctrine of the Faith has determined that completely gluten free bread would not be valid matter for the Eucharist and bread not made from wheat would also not be valid matter. Care must be taken to acquire valid matter for the Eucharist which would be a specially made low-gluten bread made from wheat flour. Sources of valid matter include:

Benedictine Sisters of Perpetual Adoration, Altar Breads Department, 31970 State Highway P, Clyde, MO 64432-8100, (800) 223-2772, www.benedictinesisters.org

GlutenFreeHosts.com Inc., 100 Buckley Road, Liverpool, NY 13088, www.GlutenFreeHosts.com, info@glutenfreehosts.com

Parish Crossroads, P.O. Box 84, Zionsville, IN 46077-0084, (800) 510-8842, www.ParishCrossroads.com, orders@parishcrossroads.com

3.2 Members of the faithful who cannot tolerate even tiny amounts of gluten should receive communion under the species of wine alone.

Title 4: Sacrament of Penance

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 4, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Formation

Section

- 341.01 Formation of those to Receive Sacrament of Penance. Members of the faithful who are being prepared for their first communion should receive preparation for their first confession at the same time. The preparation is to include instruction on:
- (a) the history and theology of the sacrament;
 - (b) the reality of sin and the need for repentance;
 - (c) the difference between venial and mortal sin;
 - (d) how to examine one's conscience and prepare for confession; and
 - (e) the liturgical rite of the sacrament.

Chapter 2: Sufficient Opportunities to Celebrate Sacrament

Section

- 342.01 Making the Sacrament of Penance Available at Parishes. Pastors are to ensure that adequate opportunities for the Sacrament of Penance are present in their Parishes.
- (a) Scheduled confession times are to include not less than 1 hour on Saturday and 1 hour on not less than 1 other day of the week.
 - (b) During the seasons of Advent and Lent, Pastors are to arrange additional opportunities for the celebration of the sacrament, either by arranging a Parish penance service or by scheduling additional confession times.

Instructions

Re: Book 3, Title 4: Sacrament of Penance
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 4: Sacrament of Penance
Code of Particular Law of the Diocese of Austin

RESERVED

Title 5: The Anointing of the Sick

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 5, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Administration of the Sacrament

Section

- 351.01 Norms of the Law to be Observed. The norms of universal law are to be observed, according to which the anointing of the sick is conferred only on the baptized who have reached the use of reason and who are seriously ill. Pastors and Parochial Vicars may not refuse a request for anointing simply because the person requesting the sacrament is not registered in the Parish.
- 351.02 Obligation to Administer. Pastors, Parochial Vicars, and Chaplains are bound by office to administer the anointing to the sick to the faithful who are properly disposed and who reasonably request it. They are to faithfully fulfill this duty and are to be generous in responding to requests from the sick to receive the sacraments.
- 351.03 Proper Use of Oil. Anointing with oil is not to be used outside the cases foreseen in the liturgical books, to avoid any confusion with the sacraments.

Instructions

Re: Book 3, Title 5: Anointing of the Sick
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 5: Anointing of the Sick
Code of Particular Law of the Diocese of Austin

RESERVED

Title 6: Matrimony

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 6, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Preparation for Matrimony

Section

- 361.01 Those who Provide Marriage Preparation. Pastors, Parochial Vicars, Chaplains, and Deacons assigned to Parishes are responsible for providing marriage preparation. Pastors may also delegate properly trained members of the laity to assist in this ministry.
- 361.02 Obligation to provide Preparation. Parishes must provide marriage preparation to couples when any of the following conditions are met:
(a) one or both of the parties resides in the Parish boundaries;
(b) one or both of the parties is registered in the Parish;
(c) one or both of the parties regularly attends the Parish; or
(d) the wedding is to take place at the Parish.
- 361.03 Preparation at other Parishes. Engaged couples may approach other Parishes for marriage preparation. The other Pastor of another Parish may agree to provide the preparation or not, at his discretion. Pastors may not refuse to accept the preparation provided by another Parish without consulting the Local Ordinary.
- 361.04 Transmitting Documentation of Preparation.
(a) If the wedding is to take place in a Parish in the Diocese other than the Parish of preparation, the Parish is to transmit the documentation of the prenuptial investigation and marriage preparation to the Parish where the wedding will take place.
(b) If the wedding is to take place outside a Parish church but inside the territory of the Diocese, the marriage documentation is transmitted to the Parish in whose boundaries the wedding will take place for recording.¹⁰
(c) If the wedding is to take place outside the Diocese, the Parish is to transmit the marriage documentation to the Tribunal, and after having received the *visum* of the Judicial Vicar or the Adjutant Judicial Vicar, the Tribunal is to transmit the marriage documentation to the diocese where the wedding will take place.
- 361.05 Contents of Marriage Preparation. Marriage preparation is to include a prenuptial investigation of freedom to marry as well as formation for marriage.
- 361.06 The Prenuptial Investigation. The prenuptial investigation is to include:
(a) obtaining recently issued baptismal certificates with notations for Catholic parties;
(b) obtaining other suitable proof of baptism for non-Catholic parties and for Catholic parties if their baptismal certificates cannot be obtained;

¹⁰ It may be prudent for the clergyman who will officiate the wedding to receive a copy of the preparation documents to ensure that prenuptial matters are in order.

- (c) questioning the parties concerning their freedom to marry using the questionnaires approved by the Texas Catholic Conference of Bishops;
- (d) obtaining two affidavits of free status for each party using the questionnaires approved by the Texas Catholic Conference of Bishops, unless the person responsible for the prenuptial investigation determines that it is not necessary in particular cases; and
- (e) obtaining, in writing, evidence of any canonical dispensations or permissions that the prenuptial investigation reveals are required to proceed with the marriage.

- 361.07 Formation of Marriage. Formation for marriage is to include:
- (a) the administration and review of a prenuptial inventory approved by the Local Ordinary;
 - (b) a marriage preparation course approved by the Local Ordinary; and
 - (c) an introduction to natural family planning approved by the Local Ordinary.
- 361.08 Preparation in Convalidations. In cases of civilly married couples who seek a canonical celebration of matrimony, after considering their age, circumstances, length of common life, and life experience, the person responsible for marriage preparation may approve an abbreviated or alternative program of formation under Section 361.07, suitable to the couple's needs, if:
- (a) the couple is adequately prepared for marriage; and
 - (b) the prenuptial investigation under 361.06 is completed.

Chapter 2: Discernment of Marriage Readiness

Section

- 362.01 Obligation to Assist Couple. The faithful who are properly disposed have a right to receive the sacraments, and ministers are not to refuse to assist at marriage unless the prenuptial investigation indicates that something may stand in the way of the valid or licit celebration of marriage.
- 362.02 Minors seeking to Marry. The norm of Texas civil law, according to which persons under the age of 18 may not marry, is to be observed.
- 362.03 Those Under 21 seeking to Marry. When one or both of the parties seeking marriage is under the age of 21, special care should be taken to not shorten the marriage preparation process, to extend it as far as may be necessary, and, if reasonably possible and appropriate, to interview the parents concerning the readiness of their children for marriage.
- 362.04 Premarital Pregnancy. In the case of a premarital pregnancy, care should be taken to investigate the couple's freedom from undue pressure in their decision to marry, especially if marriage had not been contemplated before the discovery of the pregnancy.
- 362.05 Premarital Cohabitation. In cases of premarital cohabitation, the person responsible for marriage preparation, after having become acquainted with the couple, is to propose to the couple the teaching of the Church regarding intimacy and marriage. Premarital cohabitation is not, by itself, reason to refuse to proceed with the wedding.
- 362.06 Dependency or Mental Impairment. In cases in which the prenuptial investigation reveals indications of a chemical dependency on drugs or alcohol or a serious mental illness, care must be taken in assessing whether those factors impair the ability to make a free and prudent decision about entering marriage, and about whether they impair one or both of the party's

capacity to fulfill the obligations of marriage. The opinion of a mental health professional or other expert is normally to be sought during the prenuptial investigation in such cases.

362.07 Procedure if Obstacle to Marriage is Determined.

- (a) If the person responsible for the prenuptial investigation concludes that there is an obstacle to the celebration of the marriage, that person must:
 - (1) inform the couple of the reasons;
 - (2) meet with the couple and explain, with pastoral solicitude, why the marriage may not proceed; and
 - (3) provide assistance in overcoming the obstacles to the celebration of the marriage if possible.
- (b) If the couple does not accept the decision and insists on proceeding with the marriage, the couple may have recourse to the Pastor of the Parish where the prenuptial investigation occurs, and, after receiving the decision of the Pastor, the couple may have recourse to the Local Ordinary.

Chapter 3: The Celebration of Matrimony

Section

363.01 Place of Marriage of Baptized Christians.

- (a) Marriages between the baptized celebrated in canonical form may not be celebrated outside a sacred space except by permission of the Local Ordinary.
- (b) Marriages between the baptized celebrated with a dispensation from canonical form must be celebrated in a Catholic sacred space, or in the worship space of a non-Catholic church or ecclesial community except in cases where the Local Ordinary permits celebration in another place.

363.02 Place of Marriage of Catholic and Unbaptized. Marriages between a Catholic and an unbaptized person may be celebrated in a church or in another suitable space.

363.03 Witnesses of Marriage. The two witnesses required for canonical form need not be Catholic or of a certain age, but each must be old enough so that each could later bear witness to the fact of the marriage, if called upon, to do so.

363.04 Music at Marriage. Music in the wedding liturgy must retain its sacred character and the use of secular music in the wedding liturgy is not permitted.

363.05 Parish Marriage Policies. Each Parish is to have written policies, conforming with universal and particular law, which outline what is and is not permitted in the wedding liturgy. The policies may regulate matters such as decoration of the church, photography and videography, the size of the wedding party, music, musicians, and other details related to the celebration of the sacrament.

363.06 Mixed Marriages. A mixed marriage is a marriage between a Catholic and a baptized Christian of a church not in communion with the Roman Catholic Church. The norms of the Directory for Ecumenism are to be observed in the cases of mixed marriages.

Instructions

Re: Book 3, Title 6: Matrimony
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 6: Matrimony
Code of Particular Law of the Diocese of Austin

1. Notes on Celebration of Marriage.

- 1.1 The following canonical notes summarize some points of canon law related to the celebration of matrimony. The text of the actual law should be consulted.
- 1.2 When a marriage must be celebrated in canonical form, it is required for validity that the priest or deacon who assists at the marriage have the faculty to do so. This faculty is enjoyed by:
 - the Diocesan Bishop and the Vicar General, within the territory of the diocese (by law);
 - the Pastor within the territory of the Parish (by law); and
 - a Parochial Vicar and by a deacon assigned to a Parish, within the territory of the Parish (by delegation which is normally granted in the *pagella*).
- 1.3 Priests holding other offices (e.g., Chaplains of campus ministries) should check their letters of appointment for any faculties regarding assisting at marriages.
- 1.4 If a priest or deacon does not otherwise have the faculty to assist at marriage, he must seek delegation of this faculty from the Pastor of the Parish where the marriage is to be celebrated. This applies even when a priest or deacon has faculties to assist at marriages in his own Parish and seeks to assist at a marriage in another Parish. In such cases, the Pastor of the Parish where the wedding is to take place must delegate the faculty to assist at marriages. The matter of delegation is critical since it affects the validity of the marriage. If a marriage is celebrated without the proper faculty, the Tribunal should be contacted for proper resolution including but not limited to a radical sanation.
- 1.5 In the Diocese of Austin, the Judicial Vicar and Adjutant Judicial Vicar have delegated powers to give dispensations and permissions relating to marriage. These are normally obtained by sending the dispensation request to the Tribunal on the Texas Catholic Conference of Bishop's form. The Diocesan Bishop and the Vicar General also have the authority to grant marriage dispensations and permissions.
- 1.6 When it is discovered at the last moment that a marriage dispensation is needed, the minister should see whether he himself may have the power to dispense according to the norm of canon 1080, which regards the *omnia parata* situation. The requirements for granting this kind of dispensation are:
 - the impediment is discovered after everything is prepared (*omnia parata*) for the wedding;
 - the wedding cannot be delayed without probable danger of grave harm until a dispensation is obtained from the competent authority;
 - the case is occult (meaning that the existence of the impediment is a secret);
 - it concerns an impediment other than sacred orders or a public perpetual vow of chastity in a religious institute; and
 - the Local Ordinary cannot be reached except by telephone or telegraph.
- 1.7 If an *omnia parata* dispensation is granted, the Vicar General is to be informed immediately, and a notation is to be made in the marriage register.

- 1.8 If the conditions for the *omnia parata* dispensation are not present, the Vicar General, Judicial Vicar, or Adjutant Judicial Vicar may be contacted by phone to request an oral dispensation. A written record of the oral dispensation should later be made.
- 1.9 When one party to a marriage is an Eastern Catholic, care should be taken to observe the requirements of Eastern Canon law. Eastern marriage impediments that do not exist in the Latin Code may apply (spiritual relationship which prohibits marriage between godparents and their godchildren or between godparents and the parents of their godchildren). Additionally, the Eastern norm requires a priest to assist at the marriage. The marriage between a Latin Catholic and an Eastern Catholic may not be officiated by a deacon. For a Latin priest to validly assist at a marriage, at least one of the parties must be of the Latin rite.

Title 7: Funerals

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 7, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Offering and Denying Funerals

Section

- 371.01 Offering Funerals to the Unbaptized or to Non-Catholics. Pastors and Parochial Vicars possess the faculty of giving permission for ecclesiastical funerals:
(a) to children who died before baptism whose parents intended to baptize; and
(b) to baptized persons enrolled in a non-Catholic church or ecclesial community.¹¹
- 371.02 Denial of a Funeral. If a minister judges that an ecclesiastical funeral must be denied according to the norm of canon 1184, he is to consult the Local Ordinary before denying the funeral. In cases of doubt, the judgement of the Local Ordinary must be followed.

Chapter 2: Funeral Liturgies

Section

- 372.01 Music at Funeral. During the funeral liturgy, the music is to retain its sacred character.

Note: Title 9 of this Book addresses the care related to cemeteries, columbaria, and mausoleums.

¹¹ The law does not envision an ecclesiastical funeral being offered to an unbaptized person outside the case of an unbaptized infant whose parents intended baptism. Even though a liturgical function is not envisioned, a non-liturgical scripture or prayer service may be appropriate, according to the circumstance, if a Catholic minister is asked to preside at a funeral of an unbaptized adult.

Instructions

Re: Book 3, Title 7: Funeral Liturgies
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 7: Funeral Liturgies
Code of Particular Law of the Diocese of Austin

RESERVED

Title 8: Quinceanera Blessings

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 8, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Form of Blessing, Policies, and Formation

Section

- 381.01 Quiceanera Blessings Encouraged. The custom of giving a blessing to a girl on her 15th birthday is encouraged in the Diocese. Pastors of Parishes are encouraged to make these celebrations possible for those who request them.
- 381.02 Form of Blessing. Quinceanera blessings are to be given according to the *Order of Blessing on the Fifteenth Birthday* issued by the USCCB.
- 381.03 Parish Policies for Formation. Parishes are to have written policies, issued by the Pastor and consistent with universal and particular law, which set forth the formation requirements for those who are to receive the Quinceanera blessing.
- 381.04 Sacraments Required. The recipient of the Quinceanera blessing must be baptized and must have received her first communion. If not yet confirmed, she must be enrolled in a program of formation to prepare for confirmation.

Instructions

Re: Book 3, Title 8: Quinceanera Blessings
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 8: Quinceanera Blessings
Code of Particular Law of the Diocese of Austin

RESERVED

Title 9: Sacred Places

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 3, Title 9, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Churches, Oratories, and Chapels

Section

- 391.01 Construction or Renovation of Church, Oratory, or Chapel. Before a new church, oratory, or chapel is constructed, the plan for the church and its furnishings must be approved by the Diocesan Bishop.¹² The same norm applies to any renovation undertaken in a church, oratory, or chapel.
- 391.02 Occasional Non-Sacred Uses. The faculty to permit the use of a church, oratory, or chapel to be used, in an individual case, for a non-sacred purpose is conceded to the rector of the church or oratory, or the person responsible for the chapel. In no case are activities to be permitted in churches, oratories, or chapels which are contrary to the holiness of the place.
- 391.03 Designation of Private Chapels.
- (a) The norms of universal law are to be observed in the designation of spaces as private chapels, in rectories or elsewhere.
 - (b) The decree of the Local Ordinary, which gives permission for the designation of the private chapel, is to determine whether Mass and other sacred celebrations may take place in the chapel, and whether the Blessed Sacrament may be reserved there.
 - (c) Rectors of churches and oratories and those responsible for private chapels are not to consent to the designation as State Historic sites without the consent of the Local Ordinary.

Chapter 2: Cemeteries

Section

- 392.01 Applicability. Pastors are to comply with the provisions of the Chapters in this Title when there is a Parochial cemetery.¹³ Norms in the Chapters related to cemeteries in this Title also apply to a Parochial columbaria and mausoleums.
- 392.02 Definition of Cemetery. The term *cemetery* includes the terms cemetery, columbaria, and mausoleums.
- 392.03 Consultation with Diocesan Bishop before Establishment. Pastors are to consult the Diocesan Bishop prior to designation of a new cemetery.

¹² Requirements under Book 4 of this Code of Particular Law apply to construction, renovation, or remodeling.

¹³ Canons 1240 through 1243 are applicable to cemeteries.

- 392.04 Responsibility and Oversight. A Pastor is responsible for the oversight and operation of the Parochial cemetery of his Parish.
- 392.05 Compliance with Civil Law. Pastors are responsible for compliance with applicable state and local laws regarding cemeteries.¹⁴
- 392.06 Dean's Responsibility to Review. The dean is responsible for inspecting all records pertaining to the cemetery and the cemetery itself during his visitation of the Parish to determine whether the norms in this Title are being followed. The dean must include information related to the inspection in his report to the Local Ordinary.

Chapter 3: The Cemetery Council

Section

- 393.01 Cemetery Council Required. A cemetery council is to be established to aid the Pastor in the administration of the cemetery according to the norms of this Title. The Pastor is to promulgate governing documents under which the cemetery is to operate and the cemetery council is to be governed.
- 393.02 Make-Up of Cemetery Council. The Pastor is to assemble a cemetery council and is to appoint not less than 5 members to the council. The Pastor is *ex officio* the president of the cemetery council and appoints one member to serve as vice-president and another member to serve as secretary-treasurer.
- 393.03 Function of Cemetery Council. The cemetery council shall assist the Pastor with all issues related to the cemetery, including planning and development, operations and maintenance, recordkeeping, transactions, interments, and investment of perpetual-care funds. The cemetery council maintains a consultative nature and power only.
- 393.04 Written Policies. The Pastor in consultation with the cemetery council is to develop and publish written policies in accord with universal and particular law, which regulate, among other matters, who may be interred in the cemetery, columbaria, or mausoleum.

Chapter 4: Financial Obligations and Financial Records of Cemeteries

Section

- 394.01 Perpetual Care. Cemeteries are to be maintained as perpetual-care facilities.
- 394.02 Funds from Sales. Funds obtained from the sale of plots, crypts, mausoleums, and from other sources are to be used to provide a perpetual-care fund for the cemetery to be self-sufficient.
- 394.03 Cemetery Accounts. Perpetual-care funds are to be deposited in a special cemetery account apart from Parish funds.
- 394.04 Financial Records. Financial records of all cemetery funds are to be maintained by the Parish.

¹⁴ Texas Health and Safety Code provisions apply.

Chapter 5: Care of Cemetery and Non-Financial Records

Section

395.01

Interment of Cremated Remains.

- (a) Although the church earnestly recommends that the custom of burying the bodies of the deceased be observed, cemeteries are to provide for the interment of deceased Catholics by means of cremation.¹⁵
- (b) The cremated remains of a body are to be interred in a grave, mausoleum, or columbarium.

395.02

Depth of Graves. The depth of all graves must comply with state and local laws.

395.03

Markers and other Structures.

- (a) Whenever possible, appropriate means for memorializing the deceased are to be utilized, such as by a plaque or stone that records the name of the deceased.
- (b) The erection of headstones, monuments, markers, curbing, fences, bases, and other structures is subject to the discretion of the Pastor. In using this discretion, he is to keep in mind the sacredness of the consecrated area. Statues, replicas, or pictures are to be of a religious nature, unless the Pastor determines, for pastoral reasons, non-religious items are appropriate.

395.04

Removal of Remains. Interred remains may not be removed except in compliance with applicable civil law.

395.05

Interment Records.

- (a) A record of each interment in the cemetery must be kept in a ledger.
- (b) The ledger-record is to include:
 - (1) the full name of the deceased;
 - (2) the deceased's date of birth;
 - (3) the deceased's date of death;
 - (4) the date the remains are received by the cemetery;
 - (5) the date the remains are interred;
 - (6) the attending funeral home; and
 - (7) the location of the plot in which the remains are interred by specific identification of applicable section, plat, row, grave, space, or niche numbers.
- (c) The information in the ledger-record is to also kept in any card file or document file the cemetery keeps related to graves, niches, or mausoleums. The card file or document file may contain other information, including but not limited to:
 - (1) financial status related to rights to the grave, niche, or mausoleum;
 - (2) whether the burial site is a double-plot or multiple-burial site, and for whom else it is registered; and
 - (3) historical data such as veteran status, next of kin, and familial information.
- (d) Parishes are encouraged to maintain a current map of the cemetery.

¹⁵ See c. 1176

Instructions

Re: Book 3, Title 9: Sacred Places
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 3, Title 9: Sacred Places
Code of Particular Law of the Diocese of Austin

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BOOK 4: TEMPORAL GOODS

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

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BOOK 4: TEMPORAL GOODS

Title 1: The Acquisition of Goods

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 4, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Cathedraticum

Section

- 411.01 Imposition of Cathedraticum. The Cathedraticum tax for the needs of the Diocese is levied upon Parishes and campus ministry centers in the Diocese. The Cathedraticum tax is not imposed on other public juridic persons (for example, a Diocesan Catholic School).
- 411.02 Exempt Income. The following income is exempt from the Cathedraticum tax:
- (a) the income of campus ministry centers from all sources other than the offertory collection;
 - (b) fees received for religious education or sacramental preparation programs, or for retreat programs;
 - (c) subsidies received from the Diocese, Knights of Columbus, or another Parish;
 - (d) money contributed by another Parish as a reimbursement for expenses incurred on its behalf or as part of a cost sharing arrangement;
 - (e) donations for flowers, candles, or literature which is to be freely distributed to the faithful;
 - (f) income related to a cemetery;
 - (g) income derived from a Parochial Catholic School, Parish pre-school, or Parish early childhood development center;
 - (h) income derived from an altar society;
 - (i) monies raised for:
 - (1) a food pantry;
 - (2) St. Vincent de Paul Society;
 - (3) Project Gabriel; or
 - (4) the purpose of assisting the sick, the elderly, or those in financial need;
 - (j) the Parish's portion of income from the Baby Bank or Ashes to Easter programs;
 - (k) contributions to a Capital Campaign approved by the Diocesan Bishop which were received during the 12-month period designated by the Parish and approved by the Chief Financial Officer; and
 - (l) other income which the Diocesan Bishop exempts from the Cathedraticum tax in individual cases.
- 411.03 All Other Income.
- (a) All income not described in Section 411.02 is subject to the Cathedraticum tax, even if it derives from gifts given for a particular purpose or to defray the cost of a specific event.
 - (b) In-kind contributions are subject to Cathedraticum tax according to their value unless the contributions qualify as exempt income under Section 411.02.

- 411.04 Permissible Deductions. The following deductions may be made from the income subject to the Cathedraticum tax:
- (a) amounts contributed by a Parish toward a Catholic School or another Parish in the Diocese; and
 - (b) interest paid on loans.
- 411.05 Rate of Cathedraticum. The rate of the Cathedraticum tax is:
- (a) 9% for Parishes with a Parochial Catholic School;
 - (b) 10% for Parishes without a Parochial Catholic School; and
 - (c) 10% for university campus ministries.
- 411.06 Calculation and Payment of Cathedraticum. The Cathedraticum tax is calculated and paid as prescribed by this section.
- (a) On or before July 1 of each year, the Diocesan Finance Officer is to determine every Parish's and campus ministry's income in the preceding calendar year, excluding any exempt income, and is to deduct from such amount any permissible deductions. The remaining amount is the amount of assessable income.
 - (b) The applicable rate is applied to the amount of assessable income to determine the total Cathedraticum tax due.
 - (c) The Parish or campus ministry shall pay the Cathedraticum tax in 12 equal monthly installments, due on the 25th day of each month, beginning on July 25.

Chapter 2: Diocesan Special Collections

Section

- 412.01 Applicability. When the Local Ordinary orders the taking up of a special collection, the faithful must be invited to contribute to it in every church or oratory in which an offertory collection is taken.
- 412.02 Alternative Dates. The date on which the special collection is taken can be changed by the Pastor or Rector of the church only with the permission of the Local Ordinary.
- 412.03 Notification to Faithful. The faithful must be notified of the special collection and its purpose, either by making an announcement, or by placing a notice in the bulletin, worship aide, or other prominent place.
- 412.04 Manner of Collection. When a special collection is ordered, the opportunity must also be given to the faithful to contribute to the special collection by the same means of giving the Parish or institution utilizes, including but not limited to an electronic giving platform.
- 412.05 Separate from Regular Offertory. Special collections must be clearly distinguished from the regular offertory collection. A Parish may not take a special collection by designating a portion of the offertory to go to the special collection.
- 412.06 Recording Special Collections. Funds collected in a special collection are to be recorded as funds held in trust and are to be forwarded to the Diocesan Curia within 30 days of the date of the collection.

Chapter 3: The Offertory Collection

Section

- 413.01 Offertory Permitted. An offertory collection is permitted whenever Mass is celebrated in a church or oratory which is open to the faithful.
- 413.02 Encouraging Participation. The faithful are to be encouraged to contribute to the offertory collection using envelopes, checks, or other methods, including electronic methods, which permit a record of the contribution to be kept.
- 413.03 No Use until Deposited and Recorded. It is not permitted to cash checks or make withdrawals from the offertory collection before it has been counted, deposited, and recorded.
- 413.04 Counting of Offertory. Whenever cash and checks are being handled or counted, at least 2 unrelated persons must be present at all times. A related person is one within the fourth degree of consanguinity or affinity.
- 413.05 Securing Offertory at Mass. When the collection is taken up, two unrelated persons are to place the collection in tamper-evident bags and are to deposit the bags immediately in a safe or deliver the bags immediately to those persons who will count the collection. Each person handling bags is to sign a control sheet, which is to accompany the collection, from the time the collection is placed in the bag until it is delivered to place it is to be counted.
- 413.06 Code of Conduct related to Offertories. All those involved in collecting or counting offerings are to sign the code of conduct prescribed in the *Parish Control Manual* published by the Diocese.

Chapter 4: Fundraising Appeals

Section

- 414.01 Permissible Fundraising. Parishes, public juridic persons, campus ministry centers, and Catholic schools may engage in fundraising for the purpose of fulfilling their missions but may not engage in fundraising on behalf of other institutions, individuals, or causes without the consent of the Local Ordinary.
- 414.02 Permission Required to Initiate Capital Campaigns. Parishes and Catholic schools, excluding Private Catholic Schools,¹ must obtain the consent of the Local Ordinary to engage in capital campaigns or extraordinary fundraising efforts which will attempt to raise more than 25% of the prior year's income. Campaigns to increase the amount of the regular offertory collection do not require the Local Ordinary's consent.
- 414.03 Norms of Canon 1265. Private individuals and institutions other than Parishes, public juridic persons, and Catholic schools must obtain the written permission of the Local Ordinary to engage in fundraising for pious or ecclesiastical purposes, according to the norm of canon 1265.
- 414.04 Annual Report of Fundraising. Any person or institution engaged in fundraising for pious or ecclesiastical purposes must make an annual report available to its donors, its directors, and to the Local Ordinary.

¹ Defined in §221.01

Chapter 5: Fees and Offerings on the Occasion of Some Ministry

Section

- 415.01 Fees for Religious Education. A Parish or other institution or public juridic person may ask the faithful to pay reasonable fees when enrolling in religious education programs.
- (a) The amount of a fee under this section may not be greater than is reasonably necessary to cover the expenses of offering the program.
 - (b) A person may not be denied religious education because of inability or refusal to pay the fee.
- 415.02 Fees related to the Celebration of Matrimony. A church may ask the faithful to pay a reasonable fee when a couple approaches the church for the celebration of matrimony to cover expenses incurred by the church in providing for the celebration.
- (a) The fee under this section may not be more than the lesser of:
 - (1) \$650; or
 - (2) the amount reasonably necessary to cover the cost of: (i) utilities; (ii) janitorial services; (iii) a wedding monitor or coordinator provided by the church; and (iv) the work of the staff of the church before and after the wedding which is necessary to prepare for, organize, and properly record the event.
 - (b) A church may not deny the celebration of matrimony to a couple because of inability or refusal to pay the fee.
 - (c) A couple seeking to be married may be asked to pay additional fees for musicians, flowers, or the rental of a facility to host a reception.
- 415.03 Fees related to Funerals. It is prohibited to ask the faithful to pay a fee when they approach the church for a funeral. The faithful may be asked to cover the cost the church incurs for musicians or flowers for a funeral.
- 415.04 Mass Stipends.
- (a) The norms of universal law are to be observed in all matters related to Mass stipends.² The amount established for Mass stipends by the bishops of the province in which the Diocese is located is to be followed.³
 - (b) When a Parish has received extra Mass stipends which may not be given to the priest-celebrant according to the norm of the law (which limits priests to accepting one Mass stipend per day) or when a priest has accepted Mass stipends that he may not keep according to the same norm, the extra Mass stipends are to be transferred to one of the following purposes:
 - (1) given to the Parish;
 - (2) sent to help missions;

² See cc. 945-958.

³ Currently \$5.00.

- (3) redistributed to Parishes without sufficient Mass intentions; or
- (4) used for the support of retired clergy or seminarians.

415.05 Fees Prohibited in Administration of a Sacrament. It is prohibited to ask the faithful to pay fees upon the occasion of the administration of any sacrament or sacramental except as permitted in this Code of Particular Law.

- (a) Clergy may accept donations spontaneously offered by the faithful for ministerial service, but clergy may not require or request such donations, and may not suggest a specific amount or range.
- (b) Donations given to clergy on the occasion of some ministry are presumed to be intended for the Parish in which the ministry is offered unless the contrary intention of the donor is clearly established.

Chapter 6: Other Norms Regarding Offerings by the Faithful

Section

416.01 Recording and Deposit required of All Offerings. All offerings given by the faithful to Parishes or other juridic persons are to be properly recorded and deposited before any use is made of them.

416.02 Gifts are not to be Refused without Just Cause. A gift offered to a Parish or other juridic person may not be refused without just cause. The permission of the Local Ordinary is also required to refuse a gift of \$10,000 or more.⁴

416.03 Gifts with Modal Obligations or Conditions. If a gift is burdened by a modal obligation or condition, the permission of the Local Ordinary is required before accepting it, according to the norm of canon 1267.⁵

416.04 Use of Gifts given for Certain Purpose. The norm of universal law is to be observed according to which offerings given by the faithful for a certain purpose can be applied only for that same purpose.⁶

⁴ See c. 1267.

⁵ A conditional gift is one where the gift reverts to the donor if the condition is not fulfilled. A modal obligation is when a legally enforceable obligation arises from acceptance of the gift, even though reversion of the gift to the donor is not the consequence of failure to fulfill the obligation.

⁶ Canon 1267

Instructions

Re: Book 4, Title 1: The Acquisition of Goods
Code of Particular Law of the Diocese of Austin

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Supplemental Material

Re: Book 4, Title 1: The Acquisition of Goods
Code of Particular Law of the Diocese of Austin

RESERVED

Title 2: The Administration of Goods

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 4, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Inventory to be Prepared upon a Change of Administrator

Section

- 421.01 Parish Inventories. Before beginning their function, Administrators are to prepare and sign an accurate inventory of property, according to the norm of c. 1283.⁷
- 421.02 Content of the Inventory. The inventory under Section 421.01 must contain:
- (a) a list all immovable property;
 - (b) a list all vehicles;
 - (c) a list of movable objects which exceed \$5,000 in value or which are otherwise precious for historical, cultural, or artistic reasons;
 - (d) a general description, by category, of movable goods that have value under \$5,000 and an estimate of the value of each category; and
 - (e) the date of construction or acquisition and the price of all property, vehicles, and objects in the inventory.
- 421.03 Archiving the Inventory. One copy of the inventory is to be maintained in the archive of the Parish or institution, and another in the archive of the Diocesan Curia, according to the norm of c. 1283.3. Any notable changes which occur are to be indicated in both places.
- 421.04 Finance Officer to Review Inventory. Whenever an inventory is submitted, the Diocesan Finance Officer is to compare it with the previous one, and is to investigate any discrepancies, referring the matter, if necessary, to the Local Ordinary.

Chapter 2: Ordinary and Extraordinary Administration

Section

- 422.01 Acts by Diocese of Ordinary Administration of Greater Importance. Acts of ordinary administration of greater importance for the Diocese, before the placing of which the Diocesan Bishop is to hear the Diocesan Finance Council and the College of Consultors according to the norm of c. 1277, are defined to be acts of administration involving the expenditure of \$750,000 or more.
- 422.02 Acts by Diocese of Extraordinary Administration. Acts of extraordinary administration for the Diocese, before the placing of which the Diocesan Bishop is to have the consent of the Diocesan Finance Council and College of Consultors, are defined by the norms issued by the United

⁷ Administrator here means a person with financial authority in a church institution, including a Parochial Administrator or a Pastor.

States Conference of Catholic Bishops.⁸ Consultation with the Diocesan Finance Council members may be accomplished by an in-person meeting of the Diocesan Finance Council or a meeting by electronic means at which all members of the Diocesan Finance Council may hear and participate in the discussion. Consent of the Diocesan Finance Council may be obtained by an in-person meeting of the Diocesan Finance Council.

422.03 Acts Requiring Pastor to Hear Parish Finance Council.

- (a) A Pastor is to hear the Parish Finance Council before placing:
 - (1) acts of administration which involve the expenditure of more than \$50,000 and which were not provided for in the Parish budget; and
 - (2) an act of extraordinary administration as defined in Section 422.04 of this Chapter.
- (b) If a just cause prevents an in-person meeting of the Parish Finance Council, the Pastor may seek the opinion of each member of the Parish Finance Council individually, and they may give their opinion in person, by letter, or technological means.

422.04 Acts Requiring Consent of Local Ordinary. Acts of extraordinary administration for Parishes, which may not be validly placed without the written permission of the Local Ordinary according to the norm of c. 1281, are:

- (a) an act of administration involving the expenditure of more than \$100,000, except as otherwise stated in this Section 422.04;
- (b) transactions with a person related to the Pastor within the fourth degree of consanguinity or affinity;
- (c) offers of employment to anyone related to the Pastor within the fourth degree of consanguinity or affinity;
- (d) construction of buildings;⁹
- (e) renovation or remodeling projects which will: (i) require the services of an architect or engineer; (ii) involve sacred space; or (iii) exceed the limit under subsection (a) of this section.¹⁰
- (f) entering into any agreement which would permit the use of Parish facilities for purposes not directly related to the mission of the Parish on an ongoing basis;
- (g) the purchase, sale, or lease of real estate;¹¹
- (h) accepting real estate as a gift; and
- (i) consenting to the designation of Parish property as a state landmark or historical site, or other legal designation which would limit the freedom of the Church to use, enjoy, or dispose of its property in civil law.

Chapter 3: Budgets

Section

423.01 Preparation of Parish Budgets. Pastors are to see to it that a Parish budget is prepared for every fiscal year.

⁸ Currently this includes taking out debt or reaching a legal settlement of more than \$750,000, engaging in the regular conduct of a secular business, and transactions which would present a conflict of interest for the Diocesan Bishop, Vicar General, Episcopal Vicars, or Finance Officer.

⁹ See Title 3 of this Book for additional information related to construction projects.

¹⁰ See Title 3 of this Book for additional information related to renovation or remodeling projects.

¹¹ See Title 3 of this Book for additional information related to real estate.

- (a) The Finance Council of the Parish is to be consulted and is to assist the Pastor in the preparation of the Parish budget.
- (b) Rectors and Chaplains of campus ministry programs are to also prepare a budget every fiscal year. Rectors and Chaplains of campus ministry programs are to consult a committee of lay persons with expertise in finance and law in the preparation of a budget.

423.02 Delivery of Budgets. A copy of the annual budget required by this Chapter is to be submitted to the Diocesan Finance Officer.

Chapter 4: The Rendering of Accounts

Section

424.01 Statement of Activities to Parishioners. Not later than 6 months after the completion of each fiscal year, the Pastor is to make available to the parishioners a Statement of Activities which describes, at least in summary, the financial state of the Parish over the fiscal year.

- (a) A copy of the Statement of Activities is to be provided to the Diocesan Finance Officer.
- (b) Rectors and Chaplains of campus ministry programs are to provide an annual Statement of Activities to the Local Ordinary as described in this section.

424.02 Annual Financial Accountability Report to Diocese. Not later than 6 months after the completion of each fiscal year, a Pastor and a Rector or Chaplain of campus ministry is to submit an Annual Financial Accountability Report to the Diocesan Finance Officer using the forms promulgated by the Diocesan Finance Officer.

424.03 Use of Accounting Software. Each Parish and campus ministry program is to maintain its financial records using accounting software approved by the Diocesan Finance Officer, which is to be configured so that the financial records of the Parish or campus ministry program are remotely accessible to the Diocesan Finance Officer.

Instructions

Re: Book 4, Title 2: The Administration of Goods
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 4, Title 2: The Administration of Goods
Code of Particular Law of the Diocese of Austin

RESERVED

Title 3: Real Estate, Construction, and Alienation

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 4, Title 3, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Acquisition of Real Estate

Section

- 431.01 Buying Real Estate is an Extraordinary Act. The purchase of real estate by a Parish or campus ministry entity is an act of extraordinary administration requiring the consent of the Local Ordinary.
- 431.02 Contracts to Buy Real Estate. Unless the Local Ordinary provides otherwise in particular cases, Parishes and campus ministry entities are not to enter contracts for the purchase of real estate directly. With the written authorization of the Pastor, Rector, or Chaplain and the Local Ordinary, the Diocese may enter a contract to buy real estate for the benefit of a Parish or campus ministry entity in such a way that the civil title to the real estate is held in the name of the Diocesan Bishop or his delegate in trust for the Parish.
- 431.03 Obtaining the Diocesan Bishop’s Consent to Buy Real Estate. When a Pastor, Rector, or Chaplain wishes to make a real estate purchase, after having heard the Parish Pastoral Council and the Parish Finance Council, he is first to submit a written proposal the Chancellor, who, after consulting with the Diocesan Bishop will provide preliminary consent or notify the Parish or other institution the reasons why the Diocesan Bishop does not give preliminary consent.
- (a) After the Diocesan Bishop’s preliminary consent is given, the Diocese may enter negotiations for the purchase and keep the Pastor, Rector, or Chaplain informed of the negotiations.
- (b) The agreement to purchase real estate is to be embodied in a written contract. The Diocese will coordinate the transaction through the closing date, advising the Parish or other institution of the progress of the transaction.
- 431.04 Gift of Real Estate is Extraordinary Act. Accepting real estate as a gift is an act of extraordinary administration requiring the consent of the Local Ordinary.
- 431.05 Applicability to any Acquisition of Real Estate. The norms in this Chapter concerning the procedure for purchasing real estate are to be followed as applicable in any acquisition of real estate.
- 431.06 Property Taxes. Pastors or the person responsible for any Diocesan institution must inform the Chancellor or the Diocesan Finance Officer of all correspondence with the civil government regarding property taxes.

Chapter 2: Construction and Renovation or Remodeling Projects

Section

432.01 Extraordinary Acts by a Parish related to Construction, Renovation, or Remodeling.

- (a) Pursuant to Section 422.04, the following are acts of extraordinary administration of Parishes related to construction, renovation, or remodeling projects requiring the consent of the Local Ordinary:
 - (1) the construction of a building;
 - (2) renovation or remodeling projects requiring the services of an architect or engineer;
 - (3) the renovation or remodeling of sacred space; and
 - (4) renovation or remodeling projects exceeding \$250,000 in cost.
- (b) Parishes must comply with this Chapter when engaging in an act of extraordinary administration defined by this section 432.01.

432.02 Obtaining the Diocesan Bishop's Consent for Construction, Renovation, or Remodeling Project. The following procedure must be observed when submitting requests to the Local Ordinary for permission to initiate a construction, renovation, or remodeling project that constitutes an act of extraordinary administration under this Chapter.

- (a) The Pastor must hear the Parish Pastoral Council and the Parish Finance Council.
- (b) The Pastor must consult with the Local Ordinary's designated representative (e.g., the Director of Construction) to examine the scope, desirability, and feasibility of the project.
- (c) If the project involves worship space, the Pastor must also consult with the Director of the Office of Worship or another designate of the Local Ordinary.
- (d) If the Parish intends to borrow funds to complete the project, the Pastor shall also consult with the diocesan Finance Officer.
- (e) If the project involves the construction of a building or exceeds \$1,000,000, the Pastor is to appoint a committee to examine the feasibility and desirability of the project and to consult with the steering committee.
 - (1) The members of the steering committee are to include at least 3 members of the Parish Pastoral Council and at least 3 members of the Parish Finance Council.
 - (2) If the project involves a Parochial Catholic School, the steering committee must also include at least 3 members of the school board.
 - (3) The steering committee may also include other members, who, in the judgment of the Pastor, may helpfully contribute to its deliberations.
 - (4) The steering committee, under the presidency of the Pastor, is to prepare a written proposal outlining the work to be done, the anticipated time-frame, cost, and the means of financing the project.
- (f) After completing the consultations required under Section 432.02(a)-(e), the Pastor may file a written request with the Local Ordinary for approval of the construction, renovation, or remodeling project with sufficient detail as the Local Ordinary may require.
 - (1) When the Local Ordinary receives the written request, he is to hear the Diocesan:
 - (i) Finance Officer;
 - (ii) director responsible for building and construction;

- (iii) director responsible for stewardship and development if a capital campaign or other fund-raising effort is being considered; and
 - (iv) director responsible for worship and liturgy if the project concerns sacred space.
- (2) After the required consultation, the Local Ordinary decides whether to grant or preliminary permission to proceed and, if applicable, stating the reasons why preliminary permission is denied.

- 432.03 Building Committee. After receiving preliminary permission to proceed and if the project involves the construction of a building or the estimated cost of the project exceeds \$1,000,000, the Pastor is to appoint a building committee to advise him on matters related to the project. The building committee is to include at least 5 members, of which at least 1 member is to serve on the Parish Pastoral Council and 1 member is to serve on the Parish Finance Council.
- 432.04 Diocese to Enter Contracts involving Construction, Renovation, or Remodeling. Unless the Diocesan Bishop provides otherwise in particular cases, a Parish or other church may not enter architectural, engineering, or construction, renovation, or remodeling contracts directly. The Diocese will enter such contracts on behalf of the Parish, after obtaining the written authorization of the Pastor of the Parish and after compliance with this Chapter, if applicable.
- 432.05 Naming or Renaming Buildings. The consent of the Local Ordinary is required to name or rename a new or existing building. Buildings are not to be named or renamed after persons who are still alive.
- 432.06 Civil Law to Apply. In all construction, renovation, and remodeling projects, the norms of civil law are to be observed.
- 432.07 Building Code Compliance. If a construction or renovation project is to be undertaken in a civil jurisdiction that does not have a building code, the building code of the nearest civil jurisdiction which does have such a code is to be observed.

Chapter 3: Alienation

Section

- 433.01 Patrimony of Parish Defined. The following are designated as part of the stable patrimony of each Parish:
- (a) the Parish church;
 - (b) other churches and oratories belonging to the Parish;
 - (c) immovable property used primarily for Parish activities;
 - (d) liturgical vestments, vessels, and furnishings; and
 - (e) other movable property which is used primarily for Parish activities and which, of its nature, can be used continuously for 5 years or more before becoming useless.
- 433.02 Norms of Law and Consent Required for Alienation. The norms of universal law, and the norms issued by the United States Conference of Catholic Bishops, are to be observed regarding the alienation or lease of ecclesiastical goods. When the law requires the consent of the Diocesan Bishop for an alienation or lease, the Pastor is to consult the Parish Pastoral Council and the Parish Finance Council before requesting the consent.

433.03 Procedure to Alienate or Lease Real Estate. The procedure for the purchase of real estate required in this Title is to be followed, *mutatis mutandis*, regarding the alienation or lease of real estate, with the additional observance of those things required by canon or civil law.

- (a) The Diocesan Bishop himself must consent to the alienation under this section.
- (b) The granting of an easement is a form of alienation.

Instructions

Re: Book 4, Title 3: Real Estate, Construction, and Alienation
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 4, Title 3: Real Estate, Construction, and Alienation
Code of Particular Law of the Diocese of Austin

1. Canonical Notes on Alienation.

- 1.1 The following summarizes the law of alienation of church property as it applies to Parishes. As always, the actual text of the law should be consulted, especially cc. 1290-1298.
- 1.2 Alienation is any juridic act by which the church ceases to own property. Alienation includes sales of property, gifts of property, long-term leases, granting of easements or licenses across property, or trading any property right.
- 1.3 The canonical procedure for alienation of Parish property must be followed under either of the following circumstances.
 - (a) When the property is part of the stable patrimony of the Parish. This is defined by particular law in this Code of Particular Law and includes the kinds of things a Parish would use over the long term to fulfill its mission (e.g., land, buildings, liturgical implements, vehicles). Perishable or consumable items, cash, and items not used directly for the mission of the Parish are not considered part of the stable patrimony.
 - (b) When the value of the property exceeds the greater of: (I) \$25,000; or (ii) 10% of the Parish's or church's ordinary income from the previous fiscal year.
- 1.4 If both (a) and (b) in the preceding section apply, the following must be satisfied to alienate the property:
 - (a) just cause for the alienation must be expressed to the Local Ordinary in writing;
 - (b) two appraisals of the property to be alienated must be submitted and, usually, the property may not be alienated for less than it is appraised;
 - (c) the Parish Pastoral Council and Parish Finance Council must be *consulted*;
 - (d) the Diocesan Finance Council and the College of Consultors must *consent*;
 - (e) the Diocesan Bishop must *consent*; and
 - (f) the Holy See must *consent* if: (i) the value of the property exceeds \$7,500,000; (ii) the property was given to the church by a vow; or (iii) the property is precious for artistic or historical reasons.
- 1.5 When contemplating an alienation, a Pastor should first consult the Parish Pastoral Council and Parish Finance Council, and then contact the Chancellor with a written proposal. The Chancellor will then assist with completing the canonical process for an alienation in accordance with the preferred procedure and protocols of the Diocesan Bishop.

2. Notes on Constructions Projects. For best practices regarding construction projects contact the diocesan Director or Manager of Construction.
3. Notes on Collections and Accounting. For best practices regarding processing of collections and accounting, please consult the Parish Internal Controls Manual or contact the Diocesan Finance Officer.
4. Notes on DIAL Program. For information about investments and loans through the DIAL program, please consult the DIAL guidelines provided by the Diocesan Finance Officer.

BOOK 5: THE TRIBUNAL

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

Effective on December 8, 2023

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BOOK 5: THE TRIBUNAL

Title 1: The Office of the Tribunal

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 5, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Tribunal Organization

Section

- 511.01 Faculties of Judicial Vicar. Unless the Diocesan Bishop has reserved one of the following faculties to himself, generally or in a particular case, the Judicial Vicar has faculties to:
- (a) appoint notaries and approve Auditors and Assessors;
 - (b) appoint a Defender of the Bond or a promotor of justice *ad causam* when necessary or useful;
 - (c) approve advocates;
 - (d) approve clerics, religious, or laity as case counselors to perform pre-trial investigation in causes of nullity or dissolution of matrimony;
 - (e) do everything within the competence of the Local Ordinary regarding petitions for the use of the Pauline privilege, including performing the interpolations and granting the *nihil obstat*;
 - (f) designate an instructor, Defender of the Bond, and notary for the process to obtain a dissolution in favor of the faith, selecting instructors from among Tribunal Judges and Auditors;
 - (g) give any permissions required for the licit celebration of matrimony;
 - (h) dispense from matrimonial diriment impediments in the same cases that a Local Ordinary may, except in cases of consanguinity;
 - (i) dispense the requirement to observe canonical form in a mixed marriage or a marriage between a Catholic and a person who is not baptized; and
 - (j) issue general executory decrees and instructions establishing the rotation of Judges, judicial expenses, honoraria, the Tribunal calendar, and other regulations of the Tribunal.
- 511.02 Adjutant Judicial Vicar. An Adjutant Judicial Vicar has the same faculties as the Judicial Vicar unless the Judicial Vicar or the Diocesan Bishop has reserves the faculty to himself generally or in particular cases.
- 511.03 Archives of the Tribunal. The Judicial Vicar is to provide for the archival of Tribunal acts in accord with:
- (a) the norm of the law;
 - (b) the general executory decree of the Supreme Tribunal of the Apostolic Signature issued August 13, 2011 on the preservation of acts (or as may be amended or superseded); and
 - (c) the instructions of the Local Ordinary as applicable.



MOST REVEREND JOE S. VÁSQUEZ
by the grace of God
and authority of the Apostolic See
BISHOP OF AUSTIN

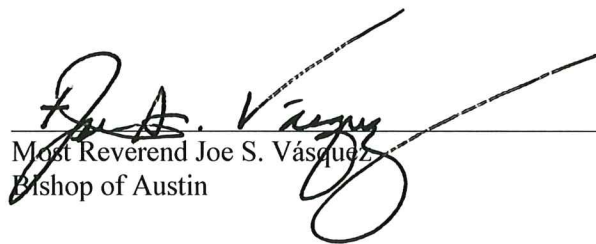
Instruction on the Preservation of the Judicial Acts of Causes of the Nullity of Matrimony
(Re: Book 5, Title 1, Code of Particular Law of the Diocese of Austin)

In accordance with the general executory decree of the Supreme Tribunal of the Apostolic Signatura issued August 13, 2011, on the preservation of judicial acts (AAS 103 (2011), 626-28) and for the sake of clarity, I hereby revoke my previous instruction of December 20, 2022 and instruct the ministers of the Diocesan Tribunal as follows:

1. These instructions apply only to cases of the nullity of matrimony or complaints of nullity against sentences of causes of the nullity of marriage.
2. All judicial acts-whether acts of the cause or the procedure-are to be kept and maintained in their original form except as otherwise provided in these norms.
3. All judicial acts are also to be preserved in their entirety either in micro form or in an electronic form in such a way that the original act can be accurately and completely reproduced for at least twenty years after the cause has become *res iudicata* or quasi *res iudicata*.
4. Whenever a *res iudicata* or quasi *res iudicata* occurs in a case and the acts have been preserved under section 3, the judicial vicar may authorize the destruction of the original physical acts.
5. If 20 years after a case has become *res iudicata* or quasi *res iudicata* it becomes a serious inconvenience to keep the electronic or microform version of the acts, the judicial vicar may authorize at stated times the destruction of the electronic or microform copy of the acts.
6. Sections 4-5 do not apply to the following pronouncements of officials of the diocesan tribunal or an appellate tribunal, which must be maintained in their original paper form or authentic copy in perpetuity:
 - (a) a definitive or interlocutory sentence;
 - (b) an appellate decree confirming a sentence or remitting a cause to an ordinary hearing;

- (c) a decree rejecting a *libellus*, accepting the renunciation of a cause, or declaring the cause abated or suspended;
 - (d) a decree modifying the formula of the doubt;
 - (e) a decree declaring a party absent from the trial or unlocatable;
 - (f) a decree withholding the *libellus* or an act from a party;
 - (g) a decree rejecting a proof or excluding a witness;
 - (h) a decree addressing an exception or addressing recourse against or reconsideration of a pronouncement of an auditor, judge, or college of judges; or
 - (i) any other interlocutory pronouncement that is not merely procedural in nature.
7. If it is discovered that the original version of a pronouncement listed in section 6 has been destroyed, a notary is to generate and certify an authentic paper copy of the pronouncement from the micro form or electronic form of the case to be kept with the other pronouncements preserved in perpetuity.
8. The judicial vicar may issue further instructions concerning the schedule of destruction of records and the specifics concerning the format in which acts are to be maintained in physical form, electronic form, or microform.

Given at Austin, at the seat of the Diocesan Curia, the 8th day of December 2023.



Most Reverend Joe S. Vásquez
Bishop of Austin



Deacon Ron Walker, Chancellor



Supplemental Material

Re: Book 5, Title 1: The Office of Tribunal
Code of Particular Law of the Diocese of Austin

RESERVED

Title 2: Citations

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 5, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Communication of Citations

Section

- 521.01 Delivery Method of the Initial Citation. The initial citation to the respondent may be communicated by any of the following means provided that a confirmation of delivery is provided:
- (a) the public postal service;
 - (b) a private courier service; or
 - (c) a person appointed by the Judge to deliver the citation.
- 521.02 Publication of Notice of Initial Citation when Respondent Whereabouts are Unknown. If, after a diligent search, the domicile of the respondent remains unknown, a notice is to be published requesting the respondent or anyone with knowledge of the whereabouts of the respondent, to contact the Tribunal. The notice is to be published, as far as reasonably possible:
- (a) at least once in a print publication of the Diocese or in a print publication of general circulation in the territory of the Diocese;
 - (b) on the website of the Diocese for at least 30 days; and
 - (c) in at least one of the ways described in subsections (a) and (b) of this section maintained in the diocese where the respondent was last known to reside, if the respondent's last known address is outside boundaries of the Diocese.
- 521.03 Declaring Respondent Unlocatable. The Judge may declare a respondent is unlocatable and a trial may continue in the respondent's absence if:
- (a) 30 days have lapsed after the publication of the notice as required by Section 521.02 was made; and
 - (b) the Judge determines that no other attempts to locate the respondent appear reasonable under the circumstances.
- 521.04 Citations other than the Initial Citation. Except for the initial citation to the respondent, citations to the parties, witnesses, and other persons may be communicated by means that do not include confirmation of delivery, including the postal service, private courier, or email if sent to the address or email address provided to the Tribunal by the person who is to receive the citation.
- 521.05 Communication of Procedural Decrees. Procedural decrees, which are solely procedural in nature, may be communicated to the parties in the same manner as any citation may be sent (§521.04).
- 521.06 Communication of Non-Procedural Decrees. Decrees which are not solely procedural may be communicated to the parties in the same manner as procedural decrees (§521.05) except that if sent by e-mail, the communication must be sent by encrypted e-mail.

- 521.07 Communication of Sentences. Sentences may be communicated to the parties either by: (i) citing the parties to appear within 10 useful days at the seat of the Tribunal or at another place established by the Judge to read the sentence or receive a copy of the sentence; or (ii) sending the parties a copy of the sentence. The citation or sending of the sentence under this section must be sent by means by which the initial citation to the respondent must be sent (§521.01).
- 521.08 Communication of Act to Promoter or Defender. Any judicial act may be communicated to the Promoter of Justice or the Defender of the Bond by:
- (a) the means permitted for communicating the act to the parties;
 - (b) notifying the Defender of the Bond or the Promoter of Justice by email or other reasonable means that the act is available for inspection at the seat of the Tribunal or that an electronic copy is available for inspection through secure electronic means;
 - (c) means approved by the Judicial Vicar provided that the acts which are not merely procedural decrees are communicated securely.
- 521.09 Presumption that Communication Occurred.
- (a) A party's appearance in a cause constitutes a presumption of that party's receipt of a communication.
 - (b) When a communication is mailed, a presumption of receipt of the communication exists 3 days after the date it was mailed to the party's address of record if the address is a domestic address. If the address of record is a foreign address, the presumption exists 10 days after the date it was mailed.
 - (c) When a communication is sent by email to a party who has made an appearance in the cause, a presumption of receipt of the email exists when the email is sent to the party's address of record.

Instructions

Re: Book 5, Title 2: Citations
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 5, Title 2: Citations
Code of Particular Law of the Diocese of Austin

RESERVED

Title 3: Abatement

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 5, Title 3, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Occurrences of Abatement

Section

- 531.01 Abatement by Lack of Prosecution. The Judge may declare a cause abated after:
- (a) the Judge has warned the petitioner or more active party to perform an act to advance the prosecution of the cause,
 - (b) the Judge has provided a useful time limit of at least 2 months for the act to be performed, warning that failure to comply with the deadline will result in the abatement of the cause; and
 - (c) the petitioner or more active party has failed to comply.
- 531.02 Abatement by Death. Whenever a cause is suspended due to the death of a party prior to the conclusion of the cause, the Judge is to notify the surviving party, giving them a useful time limit of at least 2 months to insist upon the prosecution of the cause, and if the surviving party does not comply, the cause is abated.

Instructions

Re: Book 5, Title 3: Abatement
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 5, Title 3: Abatement
Code of Particular Law of the Diocese of Austin

RESERVED

Title 4: Instruction of the Cause

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 5, Title 4, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Depositions and Interviews

Section

- 541.01 Interviews by Alternative Means. In addition to a deposition held in person, a Judge or Auditor may lawfully interview a party or a witness through teleconference or videoconference. In the case of a teleconference or videoconference, the Judge or Auditor, as far as reasonably possible, is to take prudent steps to verify the identity of the deponent, and to ensure that the deposition is given without any person exercising external influence on the deponent.
- 541.02 Case Counselor Presence at Interviews. The case counselor may attend interviews of the parties and witnesses, regardless of whether the case counselor is mandated or appointed an advocate or procurator of the parties in the cause.
- 541.03 Questions by Others. The Judge or Auditor may give the faculty to ask direct questions of the party or witness to the Promotor of Justice, the Defender of the Bond, or the advocates of the parties.

Instructions

Re: Book 5, Title 4: Instruction of the Cause
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 5, Title 4: Instruction of the Cause
Code of Particular Law of the Diocese of Austin

RESERVED

Title 5: Execution of the Sentence

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 5, Title 5, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Faculty to Execute

Section

551.01 Faculty to Execute Sentence. Unless the Diocesan Bishop has reserved the faculty to himself, sentences in causes of rights or penal causes may be executed by the Vicar General or a competent Episcopal Vicar, and sentences declaring the nullity of a sentence may be executed by the Judicial Vicar or by an Adjutant Judicial Vicar.

Instructions

Re: Book 5, Title 5: Execution of the Sentence
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 5, Title 5: Execution of the Sentence
Code of Particular Law of the Diocese of Austin

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