



Parish Corporators

Canonical Issues for Parish Corporators

Sept. – Nov., 2009

Dr. Diane L. Barr



Parish Corporators

Role of the Corporators as Administrator under Canon Law

While civil law requirements are attached to parish corporations and those who work for them, there are also canonical requirements under Church law for those who oversee the patrimony of juridic persons (in this case parishes).



Parish Corporators

Canon Law

The canon law governing parishes can generally be of two types:

- common or universal law, binding on all Catholics; and
- particular law, relating to territory, such as the diocese or the territory of the Conference of Bishops.



Parish Corporators

Because of the different types of law, it is not surprising that we find distinctions from place to place, just as the civil laws vary from State to State.

In addition to varying geographically, the law also changes with time. What was considered to be essential in the early 1980s might now be of lesser importance, and be replaced with other concerns.



Parish Corporators

Code of Canon Law-Book V

This book is called the “Temporal Goods of the Church” and cover many aspects of the management and alienation of Church goods.

Some of you may have reviewed this book in a canon law class so you know that canon law is not read exactly like civil laws of the United States.



Parish Corporators

Title II: Administration of Goods (canons 1273-1289) have a number of canons that apply at the parish level.

The canons refer throughout to an “administrator” of ecclesiastical (church) goods. In a parish, the pastor is the chief administrator answerable to the Archbishop for his oversight of church goods.



Parish Corporators

Other Administrators

Others “who lawfully take part in the administration of ecclesiastical goods, are bound to fulfill their duties in the name of the Church and in accordance with the law” (canon 1282).



Parish Corporators

Canon 1284 states:

1 All administrators are to perform their duties with the diligence of a good householder;

2 Therefore they must:

1° exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;



Parish Corporators

2° take care that the ownership of ecclesiastical goods is protected by civilly valid methods;

3° observe the prescripts of both canon and civil law or those imposed by a founder, a donor, or legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws;



Parish Corporators

4° collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;

5° pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;



Parish Corporators

6° with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridic person;

7° keep well organized books of receipts and expenditures;



Parish Corporators

8° draw up a report of the administration at the end of each year;

9° organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.



Parish Corporators

3 It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.



Parish Corporators

Can. 1286 Administrators of goods:

1° in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;

2° are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.



Parish Corporators

Can. 1287 §1. Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.

§2. According to norms to be determined by particular law, administrators are to render an account to the faithful concerning the goods offered by the faithful to the Church.



Parish Corporators

Can. 1288 Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own ordinary.



Parish Corporators

Both canon law and civil law oblige business managers and other administrative professionals to act prudently on behalf of the parishioners they serve.

They are to go about their duties with the understanding that they act, not for themselves, but with the special trust of others who rely on their honesty and expertise.



Parish Corporators