

DIOCESE OF DAVENPORT

PARTICULAR LEGISLATION

Particular legislation was promulgated at the conclusion of the diocesan synod of 1986. Since that time, certain of that legislation has been derogated (changed) or abrogated (repealed) by the diocesan bishop.

The legislation that follows is a restatement of that synodal legislation incorporating the derogations and abrogations made since the conclusion of the Synod. This legislation has been promulgated in various statements but is by the fact of this publication promulgated under the same conditions of promulgation made in the synodal decree.

Canonical references are made where appropriate, indicating where explication by particular legislation is either required or authorized. References are also made, in some instances, to the Commission documents of the Synod of 1986. Numbers marked with * have been changed.

- 1*. There is established for the Diocese a Diocesan Pastoral Council and it shall operate according to its constitution and its agenda proposed by the diocesan bishop. (Canons 511-514)
2. There is established in the Diocese a Diocesan Finance Council and it shall operate according to the norms of the Revised Code of Canon Law and its agenda shall be the matters proposed to it by the law itself and by the diocesan bishop, including the annual review and approval of the diocesan budget. (Canons 492-494)
3. There is established in the Diocese a Presbyteral Council and it shall operate according to the norms of the Revised Code of Canon Law, its constitution and by-laws, and consider matters proposed to it by the law itself, by the diocesan bishop, and by its executive committee. (Canons 495-502)
4. There is established in the Diocese a Deacons Council and it shall operate according to its constitution.
5. Abrogated
- 6*. There is established in the Diocese a Diocesan Board of Education and it shall operate according to its constitution.
- 7*. The Diocesan Curia shall be established according to the norms of law and its organization and programs shall be reviewed annually. (Canon 469ff)
8. The Tribunal of the Diocese is established according to the norms of the Revised Code of Canon Law, Book VII. Investigation concerning freedom to marry when there has been at least the appearance of marriage, even according only to civil law, shall be initiated by submission to the Tribunal of the form "Preliminary Information for Initiating a Marriage Case", and the investigation or adjudication

shall be conducted according to the norms of law and the praxis of the Holy See and the Diocese of Davenport.

9. There is established in the Diocese Due Process Procedures for the conciliation and arbitration of administrative disputes.
10. There is established in the Diocese a Priests' Personnel Board that shall operate according to its regular practices approved by the diocesan bishop, and its agenda shall be determined by the diocesan bishop.
11. There is established in the Diocese a Priests' Aid Society and it shall be governed by its constitution. (Canon 281, §2)
- 12*. Abrogated
- 13*. Abrogated
- 14* The Diocese shall provide an Institute and two additional overnight gatherings which all priests of the diocese are to attend and to which deacons are to be invited, and an annual retreat. Other opportunities for continuing education shall be provided as deemed appropriate and opportune. (Canons 276, 4^o; 279)
- 15*. The continuing education and formation of individual priests will be provided and promoted according to guidelines approved by the Presbyteral Council and in specific cases with the approval of the Priests' Personnel Board and the diocesan bishop.
- 16*. There is established in the Diocese an Office for the (Permanent) Diaconate that shall have a director appointed by the diocesan bishop. The director of this office shall operate according to the guidelines for the diaconate and mandates of the diocesan bishop.
17. There is established in the Diocese the position of Vocation Director who is appointed by the diocesan bishop. His responsibilities include the following:
 - 1) Director of vocation awareness for ordained ministry and religious life
 - 2) Director of application, screening and placement of seminarians
 - 3) Director of seminarians
- 18*. There is established in the Diocese a Priestly Vocation Board which shall be guided by its mission statement and consider those matters presented to it by the Vocation Director, the Rector of St. Ambrose Seminary, and the diocesan bishop. (Cf. NCCB "Program of Priestly Formation")
- 19* There is established in the Diocese a Liturgical Commission and it shall operate according to its constitution and its agenda shall be determined by its bylaws, its chairperson, and by the diocesan bishop. (Canon 838, §§ 1 & 4)
- 20*. There is established in the Diocese a Building Commission and it shall operate according to its constitution and consider those matters presented to it by the

diocesan bishop. (Canon 1216) This Commission shall work with the Liturgy Commission to ensure that current liturgical norms are applied when there is renovation or new building of liturgical and worship areas.

21*. Abrogated

22*. Abrogated

23*. Abrogated

24*. The Diocese shall continue its present method of funding its operational costs, referred to as the Annual Diocesan Appeal. The formula for determining parish goals may be revised from time to time at the request of the Presbyteral Council.

25*. Each parish of the Diocese shall have a Parish Pastoral Council, the organization of which shall be in accordance with the norms established by the diocesan bishop. (Canon 536, §1)

26. Each parish of the Diocese shall have a Finance Council according to the norms of Canon 537 of the Revised Code of Canon Law and the following norms:

- 1) Its membership shall be the pastor and at least two lay persons appointed by him.
- 2) Shall be independent of any other parish group, though membership may be co-existent with other groups.
- 3) Shall be stable, that is, its membership shall be for at least three years and may be re-appointed.

27*. Abrogated

28. “Although another person may have performed some parochial function, that person is to put the offerings received from the Christian faithful on that occasion into the parish account, unless it is obvious that such would be contrary to the will of the donor in the case of voluntary offerings; after he has listened to the Presbyteral Council, the diocesan bishop is competent to issue regulations which provide for the allocation of these offerings and the remuneration of clerics who fulfill the same function.” (Canon 531)

In conjunction with Canons 281, 282, and 848 the above is interpreted to mean that all stole fees are to go the parish fund, or to a fund within the parish designated by the diocesan bishop. Set fees or solicited offerings belong to the parish. Voluntary offerings are to be interpreted in the individual case.

A listing of the salary and benefit scale for priests of the Diocese of Davenport appears in the appendices.

29. A clustering of parishes shall share in the costs, including salary, assessments, and living expenses of the pastor.

- 1) Where such an arrangement presently exists, the custom of division is to be maintained.

- 2) In new cases, the parishes involved are to arrive at a division that is to be approved by the diocesan bishop.
30. A parish, or clustering of parishes with one pastor, shall maintain a rectory and shall furnish same with basic living necessities, including furniture, linens, utensils, even if at some times these shall be in storage. (Canon 533, §1)
31. Each parish is to make arrangements for the regular maintenance and operation of the parish for those times when the pastor is absent or the parish is vacant. This shall generally be the task of the lay directors.
32. Each parish or diocesan institution is to have formal approval by corporate resolution of its Board of Directors for the entering of contracts, borrowing of money, purchase or sale of property, encumbrance of property by lease or mortgage, or the expenditure of parish funds in excess of \$5,000. (Canons 1290 and 1291)
- 33.* Abrogated
- 34*. Non-clerical pastoral associates shall be compensated according to individual agreement; agreements for religious shall be according to the policy of the Province of Iowa determined by them and approved by the diocesan bishop.
35. Each parish of the Diocese shall evaluate its mission, goals and objectives on a yearly basis.
36. Each parish of the Diocese shall remove all barriers to physical access and participation in parish activities.
37. Each parish of the Diocese shall provide, encourage or participate in an ecumenical service once a year.
38. Each parish of the Diocese shall have in its service a certified religious education director. (Canon 776)
39. Each parish of the Diocese shall have a program for the instruction of parents at the time of the baptism of at least their first child.
40. Each parish of the Diocese shall have special religious education programs for the reception of the Sacraments of First Penance, First Holy Communion, and Confirmation. (Canons 777, 1°, 2°; 889, §2; 890; 913; 914)
- 41*. Each parish of the Diocese shall provide religious education programs, K through 12, under the supervision of the Director of the Office of Faith Formation.
42. The Diocese shall provide special resources for the religious education and sacramental preparation of those with learning disabilities. (Canon 774, 4°)

43. Each parish and diocesan institution shall pay, according to the amount determined by the diocesan bishop, fees and charges for the priest's annual retreat, priests' institute, and clergy overnights. (Canons 276, 4°; 279, §2)

§1 The parish or diocesan institution shall pay these same costs as they apply to permanent deacons.
44. A parish or diocesan institution shall pay a percentage of the special continuing education costs assessed to it for an individual priest on assignment to that parish or institution, provided the priest shall return to that same parish or institution for active ministry.
45. A priest may be absent from the parish or institution he serves for, at the most, one continuous or interrupted month. The days he spends on retreat are not to be computed in his vacation days. (Cf. Canon 533, §2) Each parish shall acknowledge and foster the need for support and sufficient personal time for parish leaders by entitling and encouraging parish leaders to take personal time off weekly.
46. Each parish in the Diocese shall insure sufficient time for orderly, planned change in matters affecting parish life.
47. Each parish and diocesan institution shall yearly pay the assessment for medical insurance and priests' retirement benefits according to the policy of the Priests' Aid Society of the Diocese of Davenport. (Canon 281, §2)
48. Each parish of the Diocese shall submit to the Chancery by January 31 of each year an annual statistical report of the activities of the parish according to the form supplied by the ordinary. (Canons 486; 491)
49. Each parish of the Diocese shall submit to the Chancery by January 31 of each year a complete and exact register of all baptisms, confirmations, marriages, and death which have occurred in the parish in the preceding year according to the form supplied by the ordinary. (Canon 535, §1)
50. Each parish of the Diocese, shall report to the Chancery the names and addresses of its lay directors, and the officers of the councils and committees according to the form supplied by the Chancery.
51. Each parish of the Diocese shall provide to each household registered with that parish a subscription to *The Catholic Messenger*, shall make an annual subscription drive for *The Catholic Messenger* on the last Sunday of January, and shall pay to *The Catholic Messenger* through the Diocese the full cost of all subscriptions for that parish. (Canon 822)
52. Each parish of the Diocese shall take up the special collections approved for the universal Church, for the United States, or for the Diocese with the approval of the diocesan bishop and shall remit the proceeds from each collection to the Diocese within one month for the time each appeal is made.

- 53*. Each entity of the Diocese shall be insured for property, casualty, liability, and directors' and officers' liability, and workers compensation insurance by the program provided by the Diocese.
54. Each parish of the Diocese shall make an annual accounting of its assets and liabilities to the ordinary.
- 1) This report shall be made according to the form supplied and within two months of the close of the fiscal year.
 - 2) This report shall be signed by the pastor and two members of the parish Finance Council of the parish lay directors.
 - 3) This report shall be available to the members of the parish.
- 55.
- 56.
57. The norm of welcoming individuals into the Catholic community is the Rite of Christian Initiation of Adults.
58. "Outside a case of necessity, the proper place for baptism is a church or oratory. As a rule adults are to be baptized in their own parish church and infants in the parish church proper to their parents, unless a just cause suggests otherwise." (Canon 857, §1 & §2) "Outside the case of necessity, baptism is not to be conferred in private homes, unless the local ordinary has permitted this for a grave cause." (Canon 860, §1) These Canons are to be interpreted strictly.
59. "Baptism is not to be celebrated in hospitals unless the diocesan bishop has decreed otherwise, except in case of necessity or some other compelling pastoral reason." (Canon 860, §2) This Canon stands as stated.
60. When baptism is administered in a hospital or institution according to the norms of Canon 860, §2 of the Revised Code of Canon Law, a record of the baptism, and confirmation if administered, is to be kept at that hospital or institution. The chaplain or priest having primary care of that hospital or institution shall be responsible for keeping this record. The record shall be made in a register book designated for that purpose.
- §1. In addition, the chaplain or priest having primary care of this hospital or institution shall notify the parish in which that hospital or institution is located and the fact of that baptism and confirmation shall be entered into the parish register and that entry shall be considered the primary register of the fact of the administration of these sacraments.
61. "The sacrament of confirmation is to be conferred on the faithful at about the age of discretion unless the conference of bishops determines another age or there is danger of death (*periculum mortis*) or in the judgment of the minister a grave cause urges otherwise." (Canon 891)

§1 In the Diocese of Davenport the usual age for confirmation is from thirteen through sixteen years old.

§2 In the danger of death even one who has not reached the use of reason is to be confirmed, even an infant. (Cf. Canon 883, §3)

62. In accord with the provisions of Canon 895 of the Revised Code of Canon Law, the names of those confirmed, the minister, the parents, the sponsors and the place and date of confirmation are to be recorded in the confirmation register of the parish in which the confirmation is received and kept in the parochial archive.
63. "If they can do so without serious inconvenience, Catholics who have not yet received the sacrament of confirmation are to receive it before being admitted to marriage." (Canon 1065, §1) Pastors who have a particular obligation in this regard, are to note that this is a grave matter, and not simply one of convenience either to themselves or to the one who is to receive the sacrament.
64. The number of Sunday and anticipatory Saturday Masses shall be limited to ensure the quality of worship, being sensitive to the size and needs of the parish.
65. The Blessed Eucharist should be carried in an appropriate vessel (pyx usually). It should not be retained on the person beyond the time needed to visit the sick person. Persons authorized to carry the Blessed Sacrament to the sick and homebound should so arrange things that they do not delay, but visit the person soon after obtaining the Blessed Sacrament. The pastor of the parish is to be notified beforehand – or at least his permission presumed. (CF. Canon 935)
66. "The person who has charge of the church or oratory is to see to it that the key of the tabernacle in which the Most Holy Eucharist is reserved is safeguarded most diligently." (Canon 938, §5)
67. "A person who has received the Most Holy Eucharist may receive it again on the same day only during the celebration of the Eucharist in which the person participates, with due regard for the prescription of Canon 921, §2 (danger of death)." (Canon 917)
68. "A priest who celebrates Mass more than once on the same day may apply the individual Mass for the intention for which the offering is made, but with the law that, except on Christmas, he may retain the offering for only one Mass, giving the other offerings to purposes prescribed by the ordinary, except for some recompense by reason of an extrinsic title." (Canon 951, §1)

"A priest who concelebrates a second Mass on the same day may not take an offering for it under any title." (Canon 951, §2)

The above canon gives by law what has been given by indult. In summary, the discipline, which is most strict, is thus:

- 1) A priest may retain for himself only one Mass stipend per day.

- 2) When any stipend has been offered and accepted, a Mass must be offered for that stipend.
 - 3) A pastor, on Sundays and holy days, may retain a stipend for himself provided that the obligatory Mass *pro-populo* has been fulfilled.
 - 4) When a priest has offered a Mass to which a stipend is attached and he is not able to retain that stipend for himself, the stipend must be sent to the diocesan bishop. For our diocese this money shall be applied to the seminary fund.
69. Respecting all the provisions of Canon 952, §1 and §2 of the Revised Code of Canon Law, the established usual stipend for the celebration of Mass is five dollars (\$5.00) with no distinction regarding music, publication or announcement.
70. “The communal celebration of the anointing of the sick for many of the sick at the same time who are duly prepared and rightly disposed can be performed.” (Canon 1002)
- “The anointing of the sick can be administered to a member of the faithful who, after having reached the use of reason, begins to be in danger due to sickness or old age.” (Canon 1004) For the Diocese of Davenport, old age is considered the beginning of the sixtieth year.
71. Those Christian faithful anticipating marriage shall be prepared for this sacrament according to the norms of Canon 1063, and in the Diocese of Davenport shall:
- 1) Begin a period of preparation at least three months prior to the celebration of the marriage by contacting one of the proper pastors of the couple; (Canon 530; 1063-1072)
 - 2) Participate in one of the approved diocesan marriage preparation programs;
 - 3) Participate in a form of pre-marital inventory;
 - 4) Meet with their proper pastor prior to the marriage concerning marriage and its liturgical celebration.
72. “Without the express permission of the competent authority, marriage is forbidden between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and has not left it by a formal act (joining another church; formally withdrawing from the Catholic Church by document or before witnesses), and the other of whom is a member of a church or ecclesial community which is not in full communion with the Catholic Church.” (Canon 1124)
- This is a statement of the Canon itself that remains in force as stated. Competent authority is according to past practice.
- 73*. Respecting the provisions of Canon 1118, §3, only a church with an active congregation is a suitable place for marriage unless the local ordinary expressly decrees otherwise.

74. “All persons who have completed their fourteenth year are bound by the law of abstinence; all adults are bound by the law of fast up to the beginning of their sixtieth year. Nevertheless, pastors and parents are to see to it that minors who are not bound by the law of fast and abstinence are educated in an authentic sense of penance.” (Canon 1252)

“It is for the conference of bishops to determine more precisely the observance of fast and abstinence and to substitute in whole or in part for fast and abstinence other forms of penance, especially works of charity and exercises of piety.”
(Canon 1253)

The November 18, 1966 norms of the N.C.C.B. interpreting norms II and IV of *Poenitemini* (February 17, 1966), which is a prior statement of the laws of the Revised Code, are particular law not contrary to the Code and present discipline remains in effect.

75. Priests of the Diocese are to make a will within six months of ordination and a copy, even sealed, is to be on file at the Chancery. (Canon 1299)
76. Priests of the Diocese are encouraged to make funeral arrangements even prior to any sickness. The Chancery is to provide forms to aid in making such arrangements. (Canon 1177, §2)
77. Each priest of the Diocese is to keep an accurate inventory of their personal property to distinguish it from that belonging to the parish or institution at which they have residence. Property not found on this list shall be considered the property of the parish or institution where the priest resides, unless the items are obviously personal.