



DICASTERIUM PRO CLERICIS

DECREE

Prot. N. 2025 2997

SPECIES FACTI

1. WHEREAS, on 12 November 2024, His Excellency, the Most Reverend Michael W. Fisher, Bishop of Buffalo (hereinafter, ‘the Ordinary’) issued a decree joining Saint Bernadette Parish in Orchard Park (hereinafter, ‘the Parish’) to the Parish of Saints Peter and Paul in Hamburg, in an extinctive union (cf. *CIC* cann. 121; 515 §2), to take effect on 1 May 2025, and;
2. WHEREAS, after the aforesaid Decree was published to the faithful on 20 November 2024, Mr. Eugene Hanitz, acting *pro se* and as procurator of numerous members of the Parish (hereinafter, ‘the Procurator’) made *remonstratio* on 20 November 2024 against the same to the Ordinary (cf. can. 1734), and;
3. WHEREAS, with thirty days having passed with no response from the Ordinary (cf. can. 1735), on 23 December 2024, the Procurator sought hierarchical recourse before the Dicastery for the Clergy (hereinafter, ‘the Dicastery’), which was received on 22 January 2025 and was accepted for examination on 20 March 2025, and;
4. WHEREAS on 11 September 2025 the acts and the *votum* of the Ordinary arrived in the Dicastery, and;
5. WHEREAS a hierarchical recourse is, by its nature, a documentary process that proceeds on the basis of examination of authentic documents provided by interested parties at the request of the Dicastery; thus having provided ample opportunity for all interested parties to respond, and having carefully examined the documents submitted by both the Ordinary and the Procurator, the Dicastery judges as complete the documentation in its possession and proceeds, therefore, to its decision *per cartas*.

IN IURE

1. The Apostolic Constitution, *Praedicate Evangelium*, art. 118, 1° establishes the competence of the Dicastery for the Clergy over “general discipline governing... parishes” and thus its authority to decide the matter as the appropriate Entity of the Holy See.
2. Concerning the specific object of this recourse, the extinctive union of a parish, canon 50 requires that, before issuing a decree, the Ordinary must seek the necessary information and proofs, and consult those whose rights can be harmed. Canon 515 §2 requires that the

- diocesan Bishop consult the Presbyteral Council before establishing, suppressing or notably altering a parish. Further, a decree is to be issued in writing and, when it contains a decision, the reasons for that decision must be given, at least in summary form (cf. can. 51). Canon 515 §2 makes no provision as to the gravity of the cause required. Hence it is sufficient that a just cause be present (cf. Decrees of the Supreme Tribunal of the Apostolic Signatura, Prot. N. 24048/93 CA, 6 December 1993 and Prot. N. 38159/06 CA, 18 April 2008).
3. However, the just cause must primarily be the betterment of the pastoral provision for the salvation of souls (cf. Second Vatican Ecumenical Council, Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus*, 28 October 1965, n. 32) and the good of the faithful (cf. Congregation for Bishops, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, 22 February 2004, n. 214).
 4. The Dicastery has affirmed that “the suppression of parishes by extinctive union is legitimate for causes directly related to a specific Parish,” and further, “As a condition for the legitimacy of this type of provision, the requisite motivations must be directly and organically connected to the interested parish community, and not on general considerations or theories, or based solely on principle” (Congregation for the Clergy, Instruction, *The Pastoral Conversion of the Parish Community in the service of the evangelising mission of the Church*, 20 June 2020, n. 48).
 5. However, although a diocesan Bishop is required to consider the situation *ad rem* of a particular parish in the deliberation of a just cause, the law does allow him to take into account the condition of the entire Diocese. The Apostolic Signatura has stated: *Decretum suppressionis feratur, denique, saltem summarie expressis motivis (cf. can. 51). Qua in re, “Episcopus diocesanus...iuxta suam prudentem discretionem procedere potest, excluso vero arbitrarietate” (decreta Congressus diei 3 maii 2002, prot. Nn. 33219/01 CA; 32220/01 CA; 32238/01 CA). Hac in ratione perpendenda, non solum condicio paroeciae consideranda est, verum etiam totius dioecesis, ut totius dioecesis saluti animarum meliore quo fieri potest modo, provideatur. Nullum tandem “ius christifidelium agnoscitur ad determinatam paroeciam, cum illis sufficiat paroecia quaedam, quae eorumdem curam pastorem expleat” (cf. v.g. decreta Congressus dierum 12 octobris 1995, prot. N. 25323/94 CA; 18 ianuarii 1996 prot. N. 25465/94 CA; 12 octobris 1995, prot. N. 25530/95 CA (cf. Decree Prot. N. 37280/05 CA, 22 May 2009). This was also reiterated in a subsequent decision, *sufficit proinde iusta causa; qua in ratione perpendenda, non solum condicio paroeciae consideranda est, verum etiam totius dioecesis, ut totius dioecesis saluti animarum et quidam etiam in futuro, meliore quo fieri potest modo provideatur* (cf. Decree Prot. N. 45082/11 CA, 27 April 2011). Because the faithful have a right to pastoral care in some parish, rather than a right to a specific parish, and since the diocesan Bishop can consider the condition of an area or the Diocese as a whole, even a parish whose community and finances are in good condition may be united to another. The Apostolic Signatura succinctly expressed this jurisprudence as follows: “*etiam in paroecia in bona condicione legitime uniri potest cum aliis paroeciis, nam consideranda est non tantum condicio singulae paroeciae sed etiam totius loci, immo totius dioecesis (cfr. SSAT decretum diei 12 iunii 2012, Prot. N. 46039/11 CA)*” (Decree, 4 December 2020, Prot. N. 55183/20 CA). Taken together, the Instruction of the Dicastery cited above and the jurisprudence of the Apostolic Signatura must be understood to require that the conditions generally affecting an area or the entire Diocese must affect the interested Parish in some way.*
 6. The nature of a parish in the Church is found in canon 515 §1: *Paroecia est certa communitas christifidelium in Ecclesia particulari stabiliter constituta, cuius cura*

pastoralis, sub auctoritate Episcopi dioecesanis, committitur parochis, qua proprio eiusdem pastoris. A parish, from the moment of its legitimate establishment by the competent authority, is a public juridic person, as clearly stated in canon 515 §3: *Paroecia legitime erecta personalitate iuridica ipso iure gaudet.* As a juridic person, a parish is perpetual by nature however, it is possible to suppress (cf. can. 120 §1) juridic persons, such as parishes, or to merge them with another parish (cf. can. 121). The suppression or merger of the juridic person of the Parish requires a singular decree of the diocesan Bishop after the necessary consultation with the Presbyteral Council of his Diocese, as found in canon 515 §2: *Paroecias erigere, supprimere aut eas innovare unius est Episcopi dioecesanis, qui paroecias ne erigat aut supprimat, neve eas notabiliter innovet, nisi audito consilio presbyterali.* The motivating cause for the suppression or merger of a parish must be at least a just cause, which, in the determination of the diocesan Bishop, serves the good of souls (cf. Congregation for the Clergy, Circular Letter, *Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches*, 30 April 2013, Prot. N. 2013 1348). A paucity of clergy, a declining participation in parish life, or financial difficulties can be among the reasons that meet the standard of a just cause for the extinctive union of a parish, as these concerns affect the ability of the juridic person in question to continue its mission for the good of souls.

7. As noted above, these causes may affect not only the Parish in question but also the parishes in a given area or even the entire Diocese. In the first place, the Ordinary may group parishes together in a federated form, “whereby assembled Parishes would retain their own identity (Congregation for the Clergy, instruction, *The Pastoral Conversion of the Parish Community in the service of the evangelizing mission of the Church*, n. 47).” Nevertheless, inasmuch as the extinction of a parish is an act with permanent consequences, the cause should not be based on “conditions within the community that are presumably reversible or of brief duration” (Ibid., n. 48). Along this same line, jurisprudence indicates that “an extinctive union or suppression should be the last choice when dealing with various problems affecting parochial life, insofar as other possible remedies should have been at least considered beforehand and ruled out (Congregation for the Clergy, Circular Letter, *Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches*, 30 April 2013, Prot. N. 2013 1348, n. 1g).”
8. Regarding which juridic act, suppression or merger, is most apt, there are four types of modification to parishes available in the law: an Extinctive Union whereby two or more parishes unite to form a new juridic person (cf. can. 121); an Extinctive Union whereby one Parish absorbs another, so that only the receiving Parish remains (cf. can. 121); a Division, whereby one Parish is divided so that one or more additional parishes are erected (cf. can. 122) and a true Suppression, where the juridic person of a parish is extinguished entirely (cf. can. 123). The Dicastery further clarified that “territorial parishes, as a general rule, may only be united or divided. Although sometimes personal parishes are truly suppressed, they are ordinarily united or divided, either in connection to another personal parish or even to a territorial parish” (Congregation for the Clergy, *Procedural Guidelines* [Prot. N. 2013 1348] n. 1d). If the parish church and other properties of a personal parish have been given over to another parish, and the faithful are directed to that same Parish for their pastoral care, this can only be considered an extinctive union of the two, rather than a true suppression. In such cases, the financial assets and liabilities of the juridic person in question also accrue to the receiving Parish, with due regard for the intentions of donors (cf. can. 121), rather than the superior juridic person, such as the Diocese (cf. can. 123). A territorial parish may not be truly suppressed, inasmuch as the

entire territory of a diocese must be divided into these basic units of pastoral governance (cf. can. 374 §1).

9. With regard to the temporal goods of the extinguished Parish, the Apostolic Signatura has stated, "*In casu unionis paroeciarum bona paroeciae seu personae iuridicae suppressae non obveniunt personae iuridicae immediate superiori (cf. can. 123), sed, ad normam can. 121 paroeciae seu personae iuridicae ad quam aut paroeciis seu personis iuridicis ad quas.*" (Definitive Sentence, *coram* Echevarría Rodríguez, 7 May 2010, Prot. N. 38161/06 CA).
10. Whichever of the aforementioned juridic acts is taken, the extinctive union of one or more parishes must always be carefully distinguished from the decision to reduce a church to profane but not sordid use (cf. can. 1222 §2), since the cause required for the former is merely just, while the latter requires a grave cause (cf. Congregation for the Clergy, *Procedural Guidelines*, Prot. N. 2013 1348). This distinction is not limited to the issuance of the singular administrative act itself, but also to the consultations and preparations for the same, which must maintain the "*necessaria distinctio inter 'processum reordinationis paroeciarum et determinationem quoad statutum canonicum edificii sacrii'*" (*Sententia definitiva diei 21 maii 2011, coram* Caffara, prot. n. 41719/08 CA" (Definitive sentence, *coram* Mamberti, 25 April 2018, Prot. N. 51993/16 CA).

IN FACTO

1. The Parish was erected in 1958, and the new church was built in 1968 (*Decree*, 1). The Parish school closed in 2014. Since 2022, the Parish has been part of a collaborative unit, Family #28 ("The Eternal Flame Catholic Community"), a "family of parishes," with four other parishes, served by three priests (a pastor and two senior priests, *Family Parish Bulletin*, 13 Oct. 2025).
2. According to data supplied by the Ordinary, the Parish had 2,839 registered households as of 2023, with an average weekend Mass attendance of 1000 (*Acta*, 3). In the decade spanning 2014 to 2023, the number of registered households has increased by 51.8% (from 1,869 to 2,839), the number of "practicing" households (the term is undefined) has increased by 74% (from 1,246 to 2,167), while Mass attendance has remained fairly steady, with a relatively modest decline of 13.6% (from 1,157 to 1,000) (*Acta*, 3-4). Though the number of "contributing households" has decreased by 32.4% (1,470 to 995), the parish has maintained a strong and stable financial profile, with a positive operating balance in 5 of the 8 years reported in the summary of the financial data provided, and an increase in "total receipts," with a net operating balance of \$182,739 in 2021 (*Acta*, 4). Over the period, assets have increased from \$250,460 to \$457,794, while liabilities have decreased from \$222,128 to \$58,648 (*Acta*, 6).
3. With regard to the celebration of other Sacraments, the number of baptisms has fluctuated between 19 and 29 over the decade, with a high of 44 in 2018, and 43 in 2022, with a similar fluctuating trend with respect to marriages and confirmations (*Acta*, 3, 5). The number of children in religious education has halved from 572 to 279, signaling an aging demographic in the parish (*Acta*, 6).
4. The Ordinary also states that data collected from surveys conducted in the Parish show that the 60% of the parishioners are close to the age of 70 or older (*Votum*, 8-9). However, this data is based on a response rate of 22% (*ibid.* 8), which is lower than similar surveys

done in other parishes in the diocese, which limits the conclusions that can be drawn regarding the demographic makeup of the Parish.

5. In his Decree, the Ordinary gives the following three reasons for the extinction of the parish: 1) the diocesan reorganization plan, "The Road to Renewal," has provided a "more realistic" picture of the financial and sacramental situations in its parishes, which, 2) along with the need to reduce the strain on the "already limited number of priests," requires the merging of parishes and the overall reduction of physical worship sites, and thus the Parish was identified as a site that would "benefit" from being united with its neighboring parish, Saints Peter and Paul, in order to consolidate resources. Furthermore, 3) the diocese has a need to procure an undisclosed sum for the settlement of bankruptcy proceedings arising from historical sexual abuse claims, and the property of the Parish has been identified as one that could be alienated for this purpose. The Decree meets the requirements of presenting the motivating causes "at least in summary form" (can. 51). None of the causes listed, however, is *ad rem*, connected to the concrete reality of the Parish.
6. In the recourse, the Procurator challenges the Ordinary's presentation of just causes in the impugned Decree, stating that the Decree gives no reasons for the above mentioned causes, that the number of priests estimated to be available in 2030 is speculative and reversible, that according to this Dicastery's 2020 Instruction (cited above), this cannot be the only reason to merge a parish, that the consultation and research mentioned in the Decree do not reflect the reality of the Parish, that the need to generate funds for the diocesan bankruptcy settlement is not a just cause for the extinctive merger of parishes, and that the Ordinary has not demonstrated how pastoral provision would be improved by the merger (*Recourse*, 4-6). The Procurator also presented several other reasons against the opportuneness of the merger (summarized at *Acta*, 18).
7. The Procurator further challenges the data submitted by the Ordinary, for instance, asserting that the net operating balance of the parish between 2021 to 2023 was \$157,918, rather than \$1,697 as claimed by the Ordinary (*Acta*, 35), and that the average weekend Mass attendance was higher than what the diocesan data showed, at 1,225 (*Acta*, 37). The Dicastery notes some discrepancy within the data presented by the Ordinary, where average attendance in 2022 is listed in one place as 750 (*Acta*, 1), and in another as 1300 for the same year (*Acta*, 3), while noting, moreover, that detailed financial statements were not included in the acts.
8. In his *votum* the Ordinary summarizes the conclusions of the Office of Renewal and Development, that the Parish faces "significant challenges: declining regular receipts, lower sacramental participation (especially among youth), and a shrinking religious education enrollment" (*Votum*, 9), adding that the "Red Flags" in the report, based on the data mentioned above, suggest that it is "time to merge St. Bernadette in hopes of inspiring a zeal for evangelization and further unite the administration of the buildings and communities" in the area, stating that the church and campus will remain open for worship and other activities (*ibid.*). Furthermore, given that the area is projected to have only 2 priests to cover the family of parishes in 2030 would make for a more "reasonable weekend Mass schedule (*ibid.*, 10).
9. The Dicastery finds that the Road to Renewal process engaged in consultation with the clergy and lay faithful of the parishes making up Family #28, including soliciting counterproposals to the diocesan proposal, and thus the requirements of can. 51 were met.
10. The Dicastery finds that the data supplied by the Ordinary himself, as well as that submitted by the Procurator do not support his assertion of a parish facing "significant challenges" or a "picture that is far more dire," in that the Parish is attracting new members, and is in a financially strong position. The number of sacraments celebrated has

fluctuated somewhat, but the data do not support a case for a strong decline. The decline of young people enrolled in religious education classes is not a sufficient reason for the suppression of the Parish. There is no information present, moreover, as to the manner in which the projected number of priests available to serve the area in 5 years' time, was determined. Nor does the Ordinary provide any information as to how the merger will "benefit" the Parish (*Decree*, 3). Therefore, the Dicastery finds that the Ordinary has not shown a just cause for the extinctive union.

11. The Presbyteral Council discussed the Parish in question on Wednesday, 27 April 2024, the first of its two day-long meetings to discuss the diocesan reorganization plan. The minutes record that there was concern that closing a viable and vibrant parish would alienate the faithful. The proposal passed with 15 voting in favor, 10 against, with 2 abstentions (*Acta*, 60).

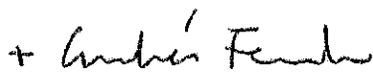
THEREFORE,

In accord with CIC can. 1739, this Dicastery hereby REVOKES the decree of 12 November 2024 of the Bishop of Buffalo, which joined Saint Bernadette Parish in Orchard Park to that of Saints Peter and Paul in Hamburg in an extinctive union, since the petition for hierarchical recourse as presented has merit *in discernendo*.

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

Given at the Dicastery for the Clergy
17 October 2025


Lazzaro Cardinal You Heung sik
Prefect


✱ Andrés Gabriel Ferrada Moreira
Titular Archbishop of Tiburnia
Secretary