

Cases

by Michael P. Joyce, C.M.

1. *Incardination*

The vicar for clergy calls you from a diocese within another province of the Congregation of the Mission. He does not know how to work with Societies of Apostolic Life. Apparently, the priest petitioned the Visitor for a year's leave of absence in order that he might be received into the diocese on an *experimentum* basis. The year's leave of absence is nearly expired and the vicar is hesitant to recommend the priest to the diocesan bishop for incardination since he does not know the priest very well.

- **The vicar asks you how to proceed with the priest, since the priest has sought an appointment and wants to remain in the diocese.**
- **The vicar for clergy also asks you what his obligations are to the Visitor of the priest in question.**

2. *Illegitimate Absence*

A newly-elected Visitor reviews the personnel files to discover that a member has been illegitimately absent for six years. Apparently, he requested a leave of absence for two years to "sort things out" but never returned to the Congregation. There is no further communication in the file from the member or from the previous Visitor.

- **Is the leave of absence a valid action?**
- **What canonical options does the Visitor have available to him?**
- **What pastoral approaches might the Visitor take toward the absent member?**

3. *Administrative Leave of Absence*

Father Jones, an incorporated member of the Congregation of the Mission, had his faculties removed for an act that occurred 15 years ago and which falls under the provisions of *Graviora delicta*. Consequently, he lost his faculties in the diocese of his domicile, the

Diocese of Antioch. His superior knows that he is a good priest, who sincerely repented. The superior trusts him and recognizes his gifts in the area of retreats and spiritual direction. The superior comes to ask advice for a plan. Father Paternitas thinks that Father Jones would make an excellent spiritual director for priests in situations similar to his own. To inaugurate this ministry, Father Paternitas is planning for Father Jones to offer a five-day preached retreat at the Good Shepherd Retreat Center, an apostolate of the house located in the Diocese of Perge. The retreat will be open to these priests. Father Jones will offer two talks a day, celebrate daily Mass, and offer the sacrament of penance to those who wish to avail themselves of that opportunity.

- **What advice do you have for Father Paternitas?**

4. *Laicization*

Father Smith, a member of your province, has experienced several difficulties in his ordained ministry. He has been involved in psychological counseling for several years and has some serious health problems. He has found secular employment while living in a community house because you have been unable to find him an appropriate ministry within the community's apostolates. His participation in the life of the community has been irregular and sporadic. You see now no possible change either in Father Smith or his place in the community in the foreseeable future.

- **What are possible canonical actions that you can take with Father Smith?**
- **Is a dispensation from all obligations arising from ordination a possibility for Father Smith?**
- **What might be the possible reason for Father Smith to obtain a dispensation?**

5. *Dismissal*

Father Nemo has been illegitimately absent from the community for over 20 years. While he was present in the community, other confreres found him difficult to live with. He did obtain a year's leave of absence from the Visitor at the time. Several Visitors have attempted to resolve the confrere's canonical status without success. Each of these Visitors has considered a dismissal procedure. However, they have justifiably feared that if they summoned Father Nemo to return to the community, he will return the day after he receives the first notification. There have been rumors among the confreres of the province that Father Nemo has been acting as a

non-denominational minister. He has kept contact with some parishioners from parishes of the province in which he has served. The current Visitor urgently seeks to regularize Father Nemo's canonical status. He fears that the peculiar character of Father Nemo's personality can render the province open to civil proceedings that would place its material goods in jeopardy.

- **What are some possible avenues that the Visitor might explore?**