

Appendix 27: Oratories within the Diocese of Bismarck

Small parishes which may be struggling with viability can retain some use of the church building through the classification of "oratory."

According to canon 1223 of the Code of Canon Law:

"The term oratory signifies a place designated by permission of the ordinary for divine worship for the benefit of some community or assembly of the faithful who gather there; other members of the faithful may also have access to it with the consent of the competent superior."

THE DETERMINING FACTORS in deliberations for becoming an oratory

The primary reason for establishing the classification of "oratory" is the desire to respect the strong bonds that people develop with their faith communities and church buildings. The "oratory" classification provides the community with the ability to discern its own next steps and the future use of the church building in consultation with the Diocese. The presence of one or more of the following can be determining factors in such discernment:

- Parish staff and/or volunteers are at a minimal level.
- The registered membership is nearly or less than 25 households/50 parishioners and state population projections indicate a continuing decline.
- The revenues are near to or less than \$20,000, savings are diminishing, and income trends indicate a steady decline.
- Half or more of the annual budget is devoted to building maintenance and utilities.
- The signs of sacramental life, the numbers for baptism, confirmation, matrimony, RCIA, are minimal.

PROFILE AND OPERATION of an oratory

The oratory classification allows for a church building to be used as a chapel for the foreseeable future. The status of "parish church", which includes a territory, is changed to that of "oratory", which is more like a location. In turn the oratory becomes absorbed into the boundaries of a nearby parish designated by the bishop. This designated parish church becomes the ordinary place of Sunday worship and place of parish registration for all members of the oratory.

- A. Hierarchical Oversight: The new oratory, now ensconced in new parish boundaries, is under the full authority of the pastor of the designated parish church, who is to be advised by the parish pastoral council and parish finance council of this designated parish. In turn, the parish pastoral council and the parish finance council attached to the former parish (now oratory) are ipso facto dissolved. However, the corporate board (bishop, vicar general, pastor, two lay trustees) is to be continued in order to retain the benefits of not-for-profit corporate status in the State of North Dakota and

- to assist the pastor and the parish finance council of the designated parish in the management of the finances and property of the oratory. In all circumstances, the pastor, who is answerable to the bishop, has full authority in all matters, including spiritual, sacramental, pastoral, and fiscal.
- B. Membership: All those who have been registered at some time in the history of the former parish church are to be considered members of the oratory.
- C. Records: All fiscal records, bank accounts, checkbooks, sacramental records, and archives are to be transferred to the designated parish church. This designated parish church becomes the custodian of these records.
- D. Financials: Financial accounts and records of the oratory are to remain distinct from those of the designated parish. The intentions of donors, once accepted by legitimate authority, must always be reasonably honored; therefore funds already given specifically for capital improvements and maintenance of the buildings of the oratory are to be preserved and expended only for these purposes. All donations with any unusual conditions (such as perpetual clauses, reversion clauses, etc) must be approved by the Fiscal Office of the Diocese of Bismarck. In addition, a reasonable portion of the general fund (\$5,000 suggested) is to be reserved for any future and final disposition of the property, along with an amount for at least one fiscal year's insurance premium, maintenance, and utilities to cover the building during that period. All ongoing operating costs of the oratory also must be met by the membership of the oratory. An annual budget for ordinary and regular maintenance, liability insurance, other routine expenses, and even capital improvements is to be prepared by the two lay trustees or as delegated by the pastor. The budget is then to be recommended to the designated parish's finance council, with final approval by the pastor. As per prior law of the diocese (cf. Resolution Procedure, November 15, 2010) all proposed expenditures at or above \$15,000 must be vetted through the resolution process.
- E. Cemetery (if applicable): Ongoing funding for any attached cemetery is always required (perpetual care fund highly recommended) and this funding remains the responsibility of oratory membership. Funding and expenses are to be included in the oratory budget.
- F. Celebration of Sacraments/Sacramentals: Masses for Sunday and other days of obligation are to take place in the designated parish Church. Permitted in the oratory are weddings, wedding anniversaries, and funerals of members; Mass is also permitted on feast days proper to the oratory (cf. c. 1118; 1177). Sacraments of initiation (baptism, first Communion, and confirmation) are to ordinarily take place at the designated parish church (cf. cc. 857-859; 881; 932, §1).
- G. Prayer and Devotions: Use of the oratory for devotions and for private and communal prayer is highly encouraged. Upon special request to the bishop, the Blessed Sacrament may be reserved in the oratory, provided there is adequate security of the Sacred Species and that the Sacred Species is replaced, even if informally without

the celebration of Mass, at least once every month (possible in such cases is a dispensation by the bishop from c. 934, §2, which requires celebration of Eucharist twice monthly).

- H. Other Uses for the Building: Other activities and programs may be conducted in the building as determined by the pastor of the designated parish church.
- I. Change of Classification: Any change of classification will be determined by the bishop within the following procedure.

PROCEDURE for obtaining oratory status

1. Necessary is some kind of deliberation by pastor and parishioners, followed by a formal and public meeting and documented vote by roll call of the parish finance council and two lay trustees on the issue. If support is given to the change in status (signified by a majority vote of the council and unanimous vote by the two lay trustees), then the pastor is to proceed to step #3. Minutes are to be kept of the public meeting and votes.
2. Pastor generates formal written request addressed to bishop for change of status to oratory and for permission to reserve the Blessed Sacrament in this oratory (c. 934, §1, 2°) with a dispensation from c. 934, §2 if necessary. Attached to this request should be a resolution (see attached template), signed by the pastor and two lay trustees (hence indicating their consent), a copy of the minutes of the parish finance council meeting (indicating their vote on the matter), as well as some indication of whether the two lay trustees will continue on the corporate board of the oratory (or their replacements).
3. Bishop presents request to Presbyteral Council, who is to be heard on their recommendation (c. 515, §2). This is to be reflected in the minutes.
4. Bishop and vicar general discuss the issue. If they conclude in the affirmative, they sign the resolution. The Bishop is also to sign a separate canonical decree indicating the same.
5. The original, fully-signed resolution and canonical decree are passed on to the pastor. Copies are retained in the chancery files.
6. Members of the oratory and parishioners of the designated parish are formally informed by pastor of completion of this process and further educated if necessary.
7. Chancellor informs relevant diocesan offices of completion of change of status to oratory. It is published in the diocesan newspaper if necessary.
8. All sacramental, legal, and other archives are transferred to the designated parish church.

9. After the public announcement of the decree (likely through a bulletin and pulpit announcement by the pastor of the designated parish church), those who wish to have recourse to the bishop may do so in writing within ten (10) business days of the effective date.

All things to the contrary notwithstanding.

First approved February 18, 2013.

(Parish Letterhead)

**RESOLUTION
OF THE CORPORATE BOARD OF TRUSTEES
OF THE CHURCH OF (N.)**

Anytown, North Dakota

THE UNDERSIGNED, being all of the trustees of the Church of _____, a corporation in the City of _____, North Dakota, by unanimous action taken in writing as authorized under North Dakota law, do hereby agree to the following:

(insert details of resolution)

TRUSTEES:

Dated: _____
_____ Most Rev. Bishop

Dated: _____
_____ Rev. Vicar General

Dated: _____
_____ Rev. Pastor

Dated: _____
_____ Lay Trustee

Dated: _____
_____ Lay Trustee