A Canonical Primer on the CMSM Positions with Respect to the Charter and Norms of the US Bishops

**Canon 695, §1, 2**

**Can. 695 §1.** A member must be dismissed for the delicts mentioned in cann. 1397, 1398, and 1395, unless in the delicts mentioned in can. 1395, §2, the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

§2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

**Canon 678 §1, 2, 3**

**Can. 678 §1.** Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate.

§2. In exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute. The bishops themselves are not to fail to urge this obligation if the case warrants it.

§3. In organizing the works of the apostolate of religious, diocesan bishops and religious superiors must proceed through mutual consultation.

**Canon 586 §1, 2**

**Can. 586 §1.** A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in can. 578.

§2. It is for local ordinaries to preserve and safeguard this autonomy.

**Canon 665 §1**

**Can. 665 §1.** Observing common life, religious are to live in their own religious house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however, the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill health, of studies, or of exercising an apostolate in the name of the institute.

**Canon 679**

**Can. 679** When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese if his or her major superior, after having been informed, has neglected to make provision; moreover, the matter is to be referred immediately to the Holy See.
Norm 12 of the US Bishops Essential Norms

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

ADDENDA - Canons referenced in above citations:

**Can. 578** All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit, and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the same institute.

**Can. 1395 §1** A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.

**§2** A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

**Can. 1397** A person who commits a homicide or who kidnaps, detains, mutilates, or grave wounds a person by force or fraud is to be punished with the privations and prohibitions mentioned in can. 1336 according to the gravity of the delict. Homicide against the persons mentioned in can. 1370, however, is to be punished by the penalties established there.

**Can. 1398** A person who procures a completed abortion incurs a *latae sententiae* excommunication.
We were told by the canonical expert on consecrated life at CICL that this canon has been mistranslated from the Latin (the official text). The word *urgente* has been omitted. The original Latin reads: *urgente gravissima causa*. The word *urgente* is a participle of the verb *urgere* and carries the meaning of urgent, pressing, calling for immediate attention. The canonist used the metaphors of fire trucks or police cars coming with sirens blaring. The omission is crucial because a man under good supervision with an approved safety plan under the direction of a review board and Praesidium is hardly an urgent, pressing “most grave cause”.

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