

Effective Lay Witness Protocol

By reason of the knowledge, competence, or pre-eminence which they have, the laity are empowered—indeed sometimes obliged—to manifest their opinion on those things which pertain to the good of the Church. If the occasion should arise, this should be done through the institutions established by the Church for that purpose, and always with truth, courage, and prudence, and with reverence and charity toward those who, by reason of their office, represent the person of Christ.

--Vatican Council II, *Dogmatic Constitution on the Church*, no. 37

To assist the faithful when controversies arise, the Church has given certain procedures that should be used. These procedures respect the “institutions established by the Church,” and are provided for in the *Code of Canon Law*. There are three types of procedures that can be used: judicial, administrative, and pastoral. In all circumstances, the Church favors pastoral means as a way of resolving disputes (canons 1446, 1676, 1713-1716, 1733). Judicial and administrative recourse should only take place when pastoral means have been exhausted, or the nature of the matter requires immediate and formal action.

Guidelines that apply to every step

- A. Pray. Seek the Wisdom of God. Follow the example of the saints and seek their intercession.
- B. Know the issue. Study Church documents and other writings on the topic. Our FAITH FACTS are a helpful starting point. They provide relevant citations from Church documents and a list of sources that can be used for further study. The United States Conference of Catholic Bishops (USCCB) has various offices that can provide information on their topic of expertise. Its outreaches include offices on Liturgy, Doctrine, and Canonical Affairs. Information from one of these offices can be obtained by writing to the following address: (Name of the Office), United States Conference of Catholic Bishops, 3211 4th St., N.E., Washington, DC 20017-1194. Use this information to objectively and prayerfully consider the statements made by those you are in conflict with.
- C. The Church presumes good faith unless otherwise proven. You must do the same, always acting with a charitable, objective, and concise manner. A contrary approach may jeopardize an acceptable solution.
- D. Keep copies of all written materials that pertain to the issue, including letters and decrees. Maintain objective, written records of all meetings, phone conversations, and copies of all letters and documents sent. Make sure copies are made after a signature is given. Provide a copy of records and phone calls to everyone present.
- E. The Church favors the principle of subsidiarity. That means issues are to be resolved at the lowest level possible. Always exhaust the possibility of resolution at the lowest level before moving to the next. Do not involve people who are not a part of the solution.
- F. During your first contact with higher authority, make him aware of the materials available that pertain to the issue. If possible, provide him with copies of these materials during this first contact. Without these materials, he cannot objectively consider your request. Never give your copy away. Provide only a copy of the materials.

Important Note:

Due to set canonical time constraints related to certain issues (i.e. church, school closures, etc.) we recommend initiating both a collaborative dialogue and the canonical administrative process simultaneously. Utilizing these parallel procedures will help protect the faithful's right to appeal.

If a problem remains unresolved despite following this protocol, resist the desire to speak uncharitably, which will only aggravate the problem. Offer any imperfections and distractions as a sacrifice in union with our Eucharistic Lord for your salvation and that of the Church. Maintain respect for all involved. As Mother Teresa once said, we are called to be faithful, not successful. It is this genuine fidelity to Christ and His Church that is most effective in fostering authentic renewal.

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Pastoral Process (aka Collaborative Dialogue)

1. As a general rule at each level noted below, allow at least 10 days and no more than 30 days for the person you contact to respond to your request before contacting them again. After contacting them a second time with no response, move to the next level.
2. Contact the person with whom you have conflict. Discuss your concerns and seek a mutually agreeable resolution. Do not hesitate to meet more than once. Only when it becomes evident that no mutual solution will be reached, move to the next level of authority (Mt. 18:15-17).
3. If the first step does not provide a resolution, contact the immediate superior of the person you are in conflict with. If the person is an employee of the parish, approach the pastor. If the person is a teacher, contact the principal before approaching the pastor.
4. If the person is the pastor, or if you have already contacted the pastor without success, approach the dean of your deanery once. He does not have direct authority over the pastor in most circumstances, but he can act as mediator, and in limited instances he can directly intervene (c.f.: canons 553-555).
5. If the dean is unable to help, approach the diocesan bishop. The bishop may refer the matter to a vicar or an office of mediation. This is a normal practice. However, if the vicar or office of mediation is not addressing the issue properly further requests should be made to the diocesan bishop asking that he handle the issue personally.
6. If the diocesan bishop does not address the matter in a satisfactory manner, the next step is to contact Rome (not the Nuncio). Please call CUF at 1-800-MY-FAITH to get more direction on how to take this step.

Judicial Procedures

The purposes of judicial trials within the Church are: to prosecute or vindicate rights, declare juridic facts (eg: whether a marriage took place), and impose or declare penalties (canon 1400§1). Judicial trials are handled by an ecclesiastical tribunal.

Catholics United for the Faith does not provide canonical advocacy, but we can refer you to competent persons who do. If you are uncertain as to what course of action to follow, call Information Services 740-283-2484, and we will assist you in determining the best way to proceed.

Canonical Administrative Process

Canonical advocacy is highly recommended if you need to use judicial or administrative procedures. For help, call the Saint Joseph Foundation at 740-937-2054.

1. A decree is issued by a bishop* (e.g. your parish is being closed), **You have 10 days to respond to Bishop.** [Your Action] You send a *Remonstratio* to bishop. (c.f. can. 1734-1739)
 2. When the Bishop receives your *Remonstratio*, **He has 30 days to respond** (revoke, emend, deny or ignore).
 3. When the Bishop sends his answer: **You have 15 days to appeal.** [Your Action] You appeal to the Congregation or Dicastery of proper competence.
 4. Once the Congregation/Dicastery receives your appeal: **They have 90 days to respond.** (This is not a strict constraint. They can give themselves extensions)
 5. If the Congregation/Dicastery denies your appeal, **you have 10 days to respond to the Congregation.** [Your Action] You send a *Remonstratio* to the Congregation/Dicastery.
 6. When the Congregation/Dicastery receives your *Remonstratio*, **they have 30 days to respond.**
 7. If the Congregation/Dicastery denies your remonstratio. **You have 30 days to appeal.** [Your Action] You appeal to the Apostolic Signatura.
 8. The Apostolic Signatura receives your appeal: **The Signatura follows its own regulations in a different process that requires appellants to hire an advocate in Rome approved by the Signatura.**
- * If original decision originates at any level below a diocesan bishop, the process begins with an immediate appeal to diocesan bishop (within 15 days). The bishop has 90 days to respond. Then process continues with step 1.