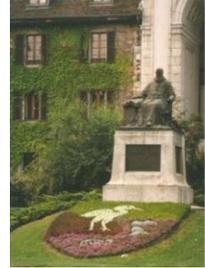




**XIX General Chapter of the
OBLATES OF ST. FRANCIS DE SALES**
July 30 – August 11, 2012
Annecy, France



Report from the **Procurator General**

MARK MEALEY, O.S.F.S.

19 March 2012

Report on the Congregation's canonical activities with the Holy See:

1. The Congregation for the Doctrine of the Faith sent a letter of support for a confrere that had been accused of misconduct with the directive that his good name and reputation are to be restored and that he can be restored to full priestly ministry (2008)
2. One dispensation from the obligations of Priesthood and Consecrated Life. This request was made by the Priest Himself. (2009) and one being prepared for the Holy See.
3. Dispensation from the obligations of Priesthood for a priest who seeks to leave the active ministry and Oblate life (2008)
4. Dismissal from the clerical state and consecrated life from the Holy Father ex officio for reasons of sexual abuse. Since the Holy Father decreed the dismissal there is no appeal. (2007 and 2009)
5. There have been four Indults of departure from our congregation so that an Oblate Priest may be incardinated into a diocese (2006, 2008(2), and 2010) and two pending their definitive incardination.
6. A request from the Congregation for Oriental Churches for an Oriental Rite Oblate to be ordained by a Latin Rite Bishop. (2008)
7. A dispensation from Articles 339 and 347 of our Constitutions so that a priest can serve as the Master of Scholastics (2008)

8. Two perpetually professed brothers seeking ordination to the priesthood. (2011 and 2012)
9. A dispensation for a Brother to serve as Superior; two dispensations for two brothers to serve as Masters of Novices. (2007 and 2011)
10. A dispensation from Article 321 of our Constitutions so that a Provincial can serve a fourth consecutive term (2008).
11. The request to have an Oblate priest dismissed because he would not accept a letter of obedience was granted. (2010)
12. Two requests to have perpetually professed brothers to serve as Masters of Scholastics. (2007)

Process for the Dispensation from the Obligations of Priesthood & Consecrated Life



Congregatio de Cultu Divino
et Disciplina Sacramentorum

Prot. N. 263/97

CIRCULAR LETTER

**TO DIOCESAN ORDINARIES AND TO SUPERIORS GENERAL
OF INSTITUTES OF CONSECRATED LIFE AND OF SOCIETIES OF APOSTOLIC LIFE**

- * Concerning dispensations from the obligations of ordination and from vows with dismissal from the clerical state, for priests under the age of forty
- * Concerning this dispensation for priests who are in danger of death
- * Concerning dispensation from the diriment impediment of entering into a second marriage and remaining in the ministry on the part of permanent deacons who are widowed (CIC, canons 1087-1088)

1. The competence¹ to treat cases of dispensation from the obligations of Sacred Ordination and of vows in the above mentioned institutes, such dispensation being inseparably connected with dismissal from the clerical state, lies with this Congregation. However, the Congregation does not ordinarily present for the consideration of the Holy Father, with a view to the possible granting of the dispensation, those cases in which the petitioner has not yet reached 40 years of age, unless there would exist truly exceptional reasons for doing so.

2. In fact, the introductory letter to the *Normae substantialies et procedurales*, of the Congregation for the Doctrine of the Faith, issued on October 14, 1980, and still in force, does not exclude the possibility of exceptional cases, where petitioners would not have reached 40 years of age, but where the instructional investigation reveals a type of case in which there existed in the petitioner, previous to and concomitant with his Sacred Ordination, a psychological or physical condition construable as a valid ground for the granting of the dispensation.²

3. This Dicastery has asked and obtained from the Holy Father the authorization to consider among the exceptional cases to be treated in a Special Commission, cases conforming to a type which “*goes beyond the ordinary motives for deflection, and above all when grave scandal is present, such as when the defects had already emerged before ordination, but were not taken into serious consideration by those entrusted with formation ...*.” In response, regarding this criterion, His Eminence, the Cardinal Secretary of State has now communicated approval to this Congregation.³

4. This Congregation, therefore, considers it useful and opportune to inform all Ordinaries of particular Churches and all Superiors General of Institutes of consecrated life and societies of apostolic life concerning this matter. In this way, in the instruction of cases for priests under the age of 40, provision may be made in the documentation for due proof regarding the existence of exceptional grounds in situations existing prior to ordination. This will enable this Dicastery to give active consideration to these cases, even though extraordinary, and to present them to the Holy Father.

5. Where there is a question of priests, of whatever age, who have contracted a civil union which is capable of being canonically validated, and who are in danger of death, the competent Ordinaries are asked to send without delay the petition for the dispensation, signed also – if at all possible – by the petitioner, and accompanied by the affirmative *votum*. In these cases there is no requirement for the normal informative process.⁴

6. As a consequence of the new disposition concerning the permanent diaconate and of the norms issued by the Holy See⁵ and by numerous Episcopates regarding formation, lifestyle, and

¹ Cf. SECRETARY OF STATE, Letter N. 230.139 (Feb. 8, 1989).

² Cf. CONGREGATION FOR THE DOCTRINE OF THE FAITH, Letter *Per Litteras ad universos* (Oct. 14, 1980), n. 5 and art. 2: AAS 72 (1980), pp. 1134; 1136.

³ Cf. Letter of His Eminence, the Cardinal Secretary of State, n. 398.161 (Oct. 17, 1996).

⁴ For obvious reasons of urgency, both the petition for dispensation and the *votum* of the competent Ordinary may be sent to the Congregation for Divine Worship and the Discipline of the Sacraments by FAX, to Rome (Local number: 6988.3499).

⁵ Cf. ECUM. CONC. VAT.II. Dog. Const. *Lumen Gentium*, 29; PAUL VI, Ap. Letter *Sacrum Diaconatus Ordinem* (June 18, 1967): AAS 59 (1967), pp. 697-704; Ap. Const. *Pontificalis Romani Rocognitio* (June 18, 1968): AAS 60 (1968), pp. 369-373; Ap. Letter *Ad pasendum* (August 15, 1972): AAS 64 (1972), pp. 534-540; CIC cann. 236, 276 §§ 2 and 3; 281 § 3; 288; 1031 §§ 2 and

ministerial activities entrusted to deacons, a difficulty arises from the impediment preventing “*married permanent deacons, widowed after ordination*” from contracting a further marriage. Such a second marriage after ordination could in fact be attempted only under pain of canonical nullity.

7. For some time it has become evident that because of this prohibition, grave difficulties have arisen for those who have been widowed after ordination but are desirous of remaining in the diaconal ministry.

8. With a view to establishing a new practice modifying the current norm which requires three cumulative and simultaneous conditions which would constitute motivating exceptions for the granting of a dispensation from the prohibition of can. 1087, this Dicastery has requested and obtained from the Holy Father that any one of the three following conditions taken singly are sufficient for a favorable consideration of the dispensation from this impediment, namely:

- * the great and proven usefulness of the ministry of the deacon to the diocese to which he belongs;
- * that he has children of such a tender age as to be in need of motherly care;
- * that he has parents or parents-in-law who are elderly and in need of care.

9. The Cardinal Secretary of State, in a letter (n. 402.629) of February 27, 1997, has communicated the approval given by the Holy Father on February 10, 1997, to these above-mentioned new criteria regarding the dispensation from celibacy for priests under the age of 40; and in a letter of March 22, 1997 (n. 402.629), permission was given for the new conditions under which dispensation may be granted from the impediment to a second marriage on the part of permanent deacons who have been widowed after ordination. It was further established that this Circular Letter be sent to Diocesan and Religious Ordinaries informing them of these new measures for future reference.

10. Diocesan and Religious Ordinaries are therefore kindly requested to give due attention to these instructions should they have occasion to forward petitions for dispensation to this Congregation.

(+ Jorge Medina Estévez)
Archbishop, Pro-Prefect

(+Geraldo M. Agnelo)
Archbishop, Secretary

Vatican City, June 6, 1997