

# The Saint Joseph Foundation

11107 Wurzbach, Suite 601-B

San Antonio, Texas 78230

(210) 697-0717

[www.st-joseph-foundation.org](http://www.st-joseph-foundation.org)

## FACT SHEET FOR PROSPECTIVE CLIENTS

### *Mission and Structure*

The Saint Joseph Foundation is an association of the Christian faithful established under canon 215 of the Code of Canon Law. It is civilly structured as a non-profit organization incorporated under the laws of the state of Texas. The Foundation has been ruled tax-exempt by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code.

The Foundation's primary purpose is to assist faithful Catholics in using the means established by the Church (the system of canon law) to obtain remedies for violations of their rights within the Church. By faithful Catholics, we mean those that embrace and conscientiously follow the teachings and laws of the Catholic Church. An association of the Christian faithful may exist legitimately either with or without ecclesiastical recognition.<sup>1</sup> To preserve its independence and objectivity in advising Catholics of their rights within the Church, the Foundation has chosen not to seek formal ecclesiastical recognition. All of the Foundation's officers, directors, and staff members are Catholics in good standing, but the Foundation does not claim to speak in the name of the Church.

### *Our Services*

Our services consist of professional research, documentation, consultation, and other assistance in the evaluation and presentation of grievances. In providing these services, the Foundation takes care to protect the privacy of its clients. Our goal in working within the Church's system of justice is always to restore harmony, rather than to achieve a mere tactical "victory."

The Foundation receives numerous requests for information or assistance each year. Many requests require nothing more than a brief answer to a question or advice on how to define and resolve a problem. More complex matters involve such formal processes as

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<sup>1</sup> Roch Pagé, "Associations of the Faithful in the Church," *The Jurist* 47, no. 1 (1987): 169, 173-174; John R. Amos, "Associations of the Christian Faithful: History, Analysis and Evaluation," in *Proceedings of the Fiftieth Annual Convention* (Washington, DC: Canon Law Society of America, 1989), 135.

administrative recourses to the various dicasteries of the Holy See and appeals to the highest court of the Church, the Supreme Tribunal of the Apostolic Signatura. To perform these services, the Saint Joseph Foundation has a small but dedicated professional staff in San Antonio, and it maintains a roster of consulting canon lawyers in North America and Europe.

### *Case Costs*

One of the questions that we receive most often concerns the costs of the services that we provide. The Foundation does not charge for its services. It is supported entirely by the voluntary contributions of its supporters. Many clients request information about the services dedicated to their cases and, as a result, we send periodic time summaries to our clients setting forth the amount of time spent on their cases. We always emphasize that our summaries are not bills and that a client has no obligation whatsoever to make a contribution to the Foundation. Some clients may wish not to receive our time summaries and, upon receipt of notification from a client, we will discontinue sending the summaries. We will, however, continue our work on the client's case.

Given the costs of providing canonical services on a consistent basis to a wide range of people, we sincerely appreciate every contribution to the support of our apostolate. However, we are committed to providing canonical services on the basis of need rather than in exchange for payment or contribution. As a result, the services that we provide never are conditioned on the ability or willingness of a person to make a contribution to our apostolate.

We sometimes are asked to undertake tasks outside the usual range of services that we provide. These requests may involve speeches or presentations to groups. We always are willing to consider such requests but, because they involve activities beyond the scope of our routine activities, it often will be necessary for the requesting party to bear some or all of the costs in these situations.

### *Types of Cases*

We work on a wide range of matters involving actual or threatened violations of rights within the Church. Most of our clients contact us because they believe that there has been an abuse of ecclesiastical authority in their parishes, schools, or dioceses. Of the requests that we receive, the largest category concerns liturgical abuses (unauthorized innovations in the celebration of the Mass and the other liturgies of the Church). Some of our other recent matters have involved improper denial of the sacrament of confirmation, preservation of historic church buildings, assisting priests and nuns whose superiors refuse to support them, asserting the rights of members of ethnic parishes, and advising Catholic radio and television stations. In addition, we are very active in assisting lay associations. We help members of the laity who wish to found associations

of the faithful, and we also assist the laity in defending their right to form such associations and to participate in the mission of the Church.<sup>2</sup>

### *Working with the Foundation*

Since most canonical processes are reduced to writing and some cases may be referred to consulting canon lawyers, it is important that each case file contain an accurate written account of the facts together with supporting documents and other evidence. Therefore, anyone seeking the Saint Joseph Foundation's assistance should submit the question or problem in writing, together with a description of the relevant circumstances and copies of pertinent documents. With regard to documentation, only copies and not originals should be sent to us. If the documentation is voluminous, then key passages should be highlighted or tabbed.<sup>3</sup>

It is always best that someone who believes that he or she may require canonical assistance should contact the Foundation sooner rather than later. Once a person has begun working with us, we advise him or her not to contact any ecclesiastical official about the matter without our knowledge. The Foundation usually works in the Church's *administrative* system and, in this system, *subsidiarity* is a key principle. This principle means that one should not bring a matter to the attention of a higher authority until one first has attempted to resolve it with the lower authority.<sup>4</sup> One of the reasons for involving the Foundation early in a matter is to avoid mistakes such as addressing complaints to the wrong authority or addressing them to a higher authority without first exhausting remedies with the lower authority.

New inquiries are referred to the Foundation's Case Administrator, who makes an assessment of whether it appears that the Foundation can provide assistance on the matter.<sup>5</sup> To make this determination, the Case Administrator may request additional information or documentation from the inquirer. If the Case Administrator judges that the Foundation is likely to be able to provide assistance, then he will assign the matter to an Action Officer. Once a matter has been assigned to an Action Officer, the inquirer should address all of his or her questions and comments to that Action Officer. If the Action Officer believes that it is necessary to seek an opinion or other assistance from a

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<sup>2</sup> Cf. Second Vatican Council, Decree on the Apostolate of the Laity *Apostolicam actuositatem* (18 Nov. 1965), no. 24; cann. 211, 215, 216, 225 §1.

<sup>3</sup> Audio and video recordings present special challenges. Such recordings should be accompanied by a transcription and a list of the places on the recording where the key passages can be found.

<sup>4</sup> Cf. Pius XI, Encyclical *Quadragesimo anno* (15 May 1931), no. 79.

<sup>5</sup> Before we can begin evaluating a case, we must receive a request from the person who is directly affected by the alleged abuse of ecclesiastical power. For example, in a case involving the improper removal of a pastor, it is not sufficient for one of the parishioners to contact us. Rather, the pastor himself must contact us and request our assistance.

canon lawyer, then he will contact either a Foundation canonist or a consulting canonist. However, the client's point of contact with the Foundation remains the Action Officer.

In virtually all of the cases that we have handled, the Foundation and its clients have worked together in an atmosphere of mutual respect and cooperation. In some rare cases, however, the Foundation finds it necessary to withdraw from a case because of disagreements on strategy, the lack of a harmonious working relationship, or other difficulties with the client. In addition, there are other circumstances that may require the Foundation to decline a case even if there is no difficulty with the client. These situations include conflicts of interest, the Foundation's commitment to other cases, and circumstances involving a client's need for services beyond those that the Foundation provides.<sup>6</sup> In all of these situations, we attempt to refer the client to another person or entity for canonical assistance. By the same token, any client always is free to discontinue his or her working relationship with the Foundation and to seek canonical advice from another source.

In all contacts with ecclesiastical authorities, we advise everyone to show respect at all times for the members of the Church's hierarchy. The faithful are entitled to bring their concerns to the attention of the Church's pastors, and such petitions sometimes involve vigorous disagreements with ecclesiastical authorities. Such disagreements can be legitimate, but they do not furnish a reason for showing disrespect for these authorities or their offices. The Saint Joseph Foundation's firm policy is to insist that all dealings with Church authorities be conducted in a courteous and professional manner.

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<sup>6</sup> For example, if a case involves an appeal to the Supreme Tribunal of the Apostolic Signatura, it will be necessary for the client to retain a canon lawyer in Rome. The Foundation is available to assist the client in locating an advocate, but the Foundation itself does not prepare these appeals.