

1 *Protocol Regarding Available Non-Penal Restrictions on Bishops*

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3 1. During his Apostolic Journey to the United States, Pope Francis spoke these words to victims
4 of sexual abuse by members of the clergy, words that must urgently become and remain our
5 own: “I deeply regret that some bishops failed in their responsibility to protect children. It is
6 very disturbing to know that in some cases bishops even were abusers. I pledge to you that
7 we will follow the path of truth wherever it may lead. Clergy and bishops will be held
8 accountable when they abuse or fail to protect children.”¹

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10 Immediately following the meeting with victims, Pope Francis addressed these words to
11 bishops:

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13 I am deeply pained by the stories, the sufferings and the pain of minors who were
14 sexually abused by priests. I continue to be ashamed that persons charged with the tender
15 care of those little ones abused them and caused them grave harm. I deeply regret this.
16 God weeps.²

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18 Pope Francis went on to say that the crime of sexual abuse of minors may no longer be kept
19 hidden and he has committed to ensure that the Church makes every effort to protect minors, and
20 promised that those responsible will be held to account. He likewise said,
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¹ Francis, Meeting with Survivors of Sexual Abuse, September 27, 2015: *Origins* 45/19 (October 8, 2015) 341.

² Francis, Meeting with Bishops Taking Part in the World Meeting of Families, September 27, 2015: *Origins* 45/19 (October 8, 2015) 341.

22 Survivors of abuse have become true heralds of hope and ministers of mercy; humbly we
23 owe our gratitude to each of them and to their families for their great courage in shedding
24 the light of Christ on the evil sexual abuse of minors.³

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26 In issuing this Protocol, we affirm that the vast majority of bishops emeriti exercised their
27 episcopal ministry with pastoral charity and for the good of the Church. Indeed, we echo the
28 words of St. John Paul II that, “The whole Church has great respect for these our dear Brothers
29 who are still important members of the College of Bishops, and is grateful for the pastoral
30 service which they rendered and continue to render by putting their wisdom and experience at
31 the disposal of the community.”⁴

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33 At the same time, situations may arise that will require a diocesan bishop to take appropriate
34 action for the good of souls, including the protection of victims, or for the unity of the local
35 Church.

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37 [T]hrough his paternal and watchful care, the Bishop cannot ignore or leave undone the
38 task of holding up to the world the great truth of a holy and chaste Church, in her
39 ministers and in her faithful. When situations of scandal arise, especially on the part of
40 the Church’s ministers, the Bishop must act firmly and decisively, justly and serenely. In
41 these lamentable cases, the Bishop is required to act promptly, according to the

³ Ibid.

⁴ John Paul II, Post-Synodal Apostolic Exhortation, *Pastores Gregis*, October 16, 2003, no. 59.

42 established canonical norms, for the spiritual good of the persons involved, for the
43 reparation of scandal, and for the protection and assistance of the victims.⁵

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45 2. This Protocol provides for a manner of accountability for a bishop emeritus who resigned or
46 was removed from his ecclesiastical office due to grave acts of commission or omission as
47 stipulated in the Code of Canon Law, the motu proprio *Sacramentorum sanctitatis tutela*, the
48 motu proprio *As a Loving Mother*, and the motu proprio *Vos estis lux mundi*, or who
49 subsequent to his resignation is found by competent ecclesiastical authority to have so acted
50 or failed to act.⁶

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52 This form of accountability would be implemented by the diocesan bishop who is his
53 successor, a diocesan bishop in whose jurisdiction the bishop emeritus resides or in which he
54 seeks to minister, or by the episcopal conference, within the existing limits of their authority,
55 and in light of any measures already imposed by the Apostolic See.

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57 3. The term “bishop emeritus” in this Protocol refers to any bishop (e.g., diocesan bishop,
58 coadjutor bishop, auxiliary bishop) whose resignation from office has been accepted by the
59 Holy Father due to age,⁷ or for a grave cause,⁸ or who was removed from his office by the

⁵ Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops “Apostolorum Successores,”* February 22, 2004, no. 44.

⁶ Francis, motu proprio *As a Loving Mother*, Art. 1 §1, June 4, 2016: *AAS* 108 (2016) 715. English translation in *Origins* 46/9 (June 30, 2016) 132: “through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.”

⁷ CIC, c. 401 §1.

⁸ CIC, c. 401 §2.

60 Holy Father for similar reasons, or who subsequent to his resignation is found by competent
61 ecclesiastical authority to have so acted or failed to act. When an issue relates to a bishop
62 emeritus who remains a member of the College of Cardinals, the diocesan bishop concerned
63 will confer directly with the Apostolic Nuncio regarding the needs of the local Church and
64 the exercise of any rights in law by that bishop emeritus.

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66 4. The *Directory for the Pastoral Ministry of Bishops* stipulates that, “The relationship between
67 the diocesan Bishop and the Bishop Emeritus should be marked by a fraternal spirit which
68 flows from their membership in the one episcopal college, from their common apostolic
69 mission, and also from their shared affection for the particular Church.”⁹ It then emphasizes a
70 particular witness to this fraternal relationship when it says:

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72 For his part, the Bishop Emeritus will be careful not to interfere in any way, directly or
73 indirectly, in the governance of the diocese. He will want to avoid every attitude and
74 relationship that could even hint at some kind of parallel authority to that of the diocesan
75 Bishop, with damaging consequences for the pastoral life and unity of the diocesan
76 community. To this end, the Bishop Emeritus always carries out his activity in full
77 agreement with the diocesan Bishop and in deference to his authority. In this way all will
78 understand clearly that the diocesan Bishop alone is the head of the diocese, responsible
79 for its governance.¹⁰

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⁹ *Directory for the Pastoral Ministry of Bishops*, no. 226.

¹⁰ *Ibid.*

81 Therefore, in cases where a bishop emeritus's resignation or removal was due to the sexual
82 abuse of a minor, sexual misconduct with an adult or grave negligence of office,¹¹ or where
83 subsequent to his resignation he was found by competent ecclesiastical authority to have so
84 acted or failed to act, the diocesan bishop can, within the limits of canon law, restrict the
85 bishop emeritus's public ministry in the local Church. In such circumstances, the diocesan
86 bishop, who is responsible for the affairs of the diocese, should also seek the cooperation of
87 the bishop emeritus. Moreover, the bishop emeritus will at all times agree to adhere fully to
88 all requests and directives of the diocesan bishop regarding his life and ministry inside and
89 outside of the diocese of residence. The diocesan bishop will advise the bishop emeritus that
90 the measures are for the good of those who have been harmed, the good of the bishop
91 emeritus himself, the good of the Church, and the common good of all persons.

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93 5. Should the bishop emeritus not agree to do so, however, the diocesan bishop can take
94 measures within his competence, and strongly request further and swift intervention from the
95 Apostolic See regarding matters outside his competence.

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97 6. In all cases, the diocesan bishop will duly cooperate with civil authorities, including any
98 reporting required by laws of the state, and will promptly notify the Apostolic See through
99 the Apostolic Nuncio of all such steps.

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101 7. In addition, the diocesan bishop will inform the bishop emeritus that public notice will be
102 given of the situation and of any measures accepted by or applied to the bishop emeritus,
103 recalling the promise of Pope Francis that those responsible will be held accountable. Prior to
104 issuing such public notice, the diocesan bishop will inform the Apostolic Nuncio of his

¹¹ In cases where the sexual abuse of a minor was involved, *Sacramentorum sanctitatis tutela*, Art. 1 §2 applies.

105 communications with the bishop emeritus, and will confer with the Apostolic Nuncio on the
106 measures to be imposed. They may include a statement to the effect that the bishop emeritus
107 does not represent the diocese in any fashion or act on its behalf, and he is not to make public
108 statements about alleged offenses, since these could result in further harm to victims or be
109 detrimental to the faithful. The diocesan bishop is likewise to inform his brother bishops of
110 the matter through the President of the USCCB.

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112 8. Although a bishop emeritus possesses the canonical right to preach the Word of God
113 everywhere, a diocesan bishop can expressly forbid it in particular cases within his diocese.¹²
114 The diocesan bishop concerned can also request that the competent Dicastery of the
115 Apostolic See extend this prohibition more broadly or deny the exercise of the right entirely.

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117 9. The bishop emeritus also possesses the canonical right to administer the sacraments in accord
118 with the provisions of universal law. However, a diocesan bishop can prohibit the bishop
119 emeritus from conferring the sacrament of confirmation within the diocese by stating
120 expressly that he has no permission to do so.¹³

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122 The bishop emeritus possesses by law the faculty of hearing the confessions of the faithful
123 anywhere in the world. Nevertheless, a diocesan bishop can deny this even to a bishop
124 emeritus in a particular case.¹⁴ He can also request that the Apostolic See extend this
125 restriction more broadly.

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¹² CIC, can. 763.

¹³ See CIC, can. 886 §2.

¹⁴ CIC, can. 967 §1, with due regard for the provision of CIC, can. 976.

127 The bishop emeritus can be denied the delegation necessary to witness marriages.¹⁵

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129 10. As the case may warrant, and within the limits of canon law, the diocesan bishop can request
130 of the bishop emeritus, in writing, that he refrain from the public celebration of other
131 sacraments or rites of the Church and, should the bishop emeritus refuse, the diocesan bishop
132 can seek the intervention of the Apostolic See.

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134 11. The bishop emeritus possesses certain canonical rights in relation to the particular Church.

135 These, too, should always be exercised or fulfilled in the spirit of the fraternal bond that
136 unites the diocesan bishop and the bishop emeritus in service to the Church and the faithful.
137 This again includes adherence on the part of the bishop emeritus to the requests or directives
138 of the diocesan bishop.

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140 a) “The Bishop Emeritus, if he so desires, may continue to live within the boundaries of
141 the diocese which he served. If he has not made his own arrangements, the diocese
142 must provide him with suitable accommodation.”¹⁶ However, the diocesan bishop can
143 provide specific accommodations in light of local circumstances and the situation of
144 the bishop emeritus. Moreover, should the pastoral good of the diocese or the bishop
145 emeritus himself demand it, the diocesan bishop can request that the Apostolic See
146 provide that the bishop emeritus reside outside of the diocese.¹⁷

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¹⁵ See CIC, can. 1108 §1.

¹⁶ *Directory for the Pastoral Ministry of Bishops*, no. 228 a). See also CIC, can. 402 §1.

¹⁷ CIC, can. 402 §1.

148 b) The diocesan bishop should advise the bishop emeritus regarding his sustenance and
149 retirement benefits. “The Bishop Emeritus has the right to receive sustenance from
150 the diocese in which he served.”¹⁸ The USCCB has issued *Guidelines for the*
151 *Provision of Sustenance to Bishops Emeriti*. This text is not normative. It is meant to
152 be a resource for the diocesan bishop in determining suitable sustenance in light of
153 the particular circumstances of the diocese and the bishop emeritus. Thus, the
154 diocesan bishop can adjust the benefits given to a bishop emeritus. For instance, the
155 diocesan bishop can decide that no funding for travel or secretarial assistance is to be
156 provided.

157 c) “The Bishop Emeritus has the right to be buried in his own cathedral church or, if he
158 is a religious, in a cemetery belonging to his institute.”¹⁹ However, the diocesan
159 bishop will prudently decide based on local circumstances where the bishop emeritus
160 will be buried.
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163 12. Regarding the participation of the bishop emeritus in this Episcopal Conference,
164 although the USCCB Statutes do not categorize bishops emeriti as members of the Conference,²⁰
165 they “are encouraged and invited to attend all sessions of the Plenary Assembly and to make

¹⁸ *Directory for the Pastoral Ministry of Bishops*, no. 228 b). See also CIC, can. 402 §2.

¹⁹ *Directory for the Pastoral Ministry of Bishops*, no. 228 d). See also CIC, can. 1242.

²⁰ The USCCB Statutes, in Article II, a) are clear on the membership of the conference. Article II, a) contains an exhaustive list of these members:

1) Bishops of the Latin and Eastern Catholic Churches who are diocesan and eparchial bishops, coadjutors, or auxiliaries in the service of the particular Churches in the United States or the U.S. Virgin Islands and who belong to no other episcopal conference (c. 450 §1; AS [*Apostolos Suos*] 17);

166 available to the Conference their special wisdom and experience by speaking to issues at hand
167 (AS 17).” The President of the USCCB, in consultation with the Administrative Committee, can
168 instruct the General Secretary that a bishop emeritus who resigned or was removed from his
169 office due to sexual abuse of minors, sexual misconduct with adults, or grave negligence in
170 office, or who subsequent to his resignation was found to have so acted or failed to act, is not to
171 be invited to attend the Plenary Assembly or to serve on any USCCB body.

2) Bishops who are performing a special work entrusted to them by the Episcopal Conference or by the Apostolic See in the service of the Church in the United States or its territories and who belong to no other episcopal conference (AS 17);

3) Those equivalent to diocesan and eparchial bishops in law (CIC, cc. 381, 368; CCEO, cc. 178, 313).