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Prot. N. 2021 RPU-13

## DECREE

### IN THE NAME OF GOD. AMEN.

On June 10, 2021, following consultation with the Presbyteral Council of the Archdiocese of Chicago, I issued a decree extinguishing Immaculate Heart of Mary Parish, a personal parish on the Northside of the City of Chicago, established in 1912 for faithful of Polish origins. Upon the effective date of the decree, July 1, 2021, the goods and patrimonial rights of the parish were divided equally and conveyed to the neighboring parishes of St. Edward and Our Lady of Mercy. Parishioners of Immaculate Heart of Mary Parish twice brought *remonstratio* against the decree of June 10, 2021. Both times, the *remonstratio* was rejected for not being sought within the peremptory period of 10 useful days.

On May 23, 2021, after consulting with parish leadership, the then pastor of Immaculate Heart of Mary Parish, the Reverend James Heneghan, discerned that continued use of Immaculate Heart of Mary Church for worship was not feasible. Consequently, he wrote to me and the Episcopal Vicar of his region of the archdiocese, asking that Immaculate Heart of Mary Church be relegated to profane but not sordid use (*CIC* c. 1222 §2). Similarly, and prior to the second hearing of the matter before the Presbyteral Council on November 9, 2021, the Reverend Nicholas Desmond, pastor of Our Lady of Mercy Parish, within which Immaculate Heart of Mary Church is now located, and one of the two parishes receiving the assets of the extinguished Immaculate Heart of Mary Parish, requested the church be relegated to profane but not sordid use by letter dated October 28, 2021. His request was supported by the parish finance council.

A church may be relegated to profane but not sordid use when, after hearing the presbyteral council, the diocesan bishop determines there is a “grave cause” or “grave causes” indicating a church should no longer be used for divine worship and that the good of souls suffers no detriment from the relegation. A Definitive Sentence of the College of the Supreme Tribunal of the Apostolic Signatura given May 4, 1996, considered what constituted the grave causes required for the relegation to profane but not sordid use of a church belonging to a parish formed from the union of parishes (*Ministerium Iustitiae: Jurisprudence of the Supreme Tribunal of the Apostolic Signatura*, Montreal: W & L (2011): Prot. N. 24388/93 CA, pp. 526-527).

As related in the Definitive Sentence, a new parish formed from the extinctive union of five parishes sought to relegate three of its five churches to profane but not sordid use. The faithful who worshipped at one of these churches took recourse against the relegation of their church. The Supreme Tribunal found that the following conditions together constituted the grave causes required for relegation: (1) preservation of all the churches would impose an intolerable burden on the new parish; (2) the church in question was no longer of service to the pastoral care of the faithful due to changed circumstances; (3) the new parish was burdened

from the beginning by a huge debt; (4) sale of the church would offer ready and effective assistance, otherwise lacking, to the urgent needs of the new parish; (5) the number of faithful contributing to the support of the parish was diminishing; and (6) charity and other assistance to the poor should not be neglected to preserve a sacred building.

In this case it is established that (1) Retaining Immaculate Heart of Mary Church as a place of divine worship, imposes a financial burden on both St. Edward Parish and Our Lady of Mercy Parish from operational and maintenance expenses associated with the church. If maintained for parish use, the Immaculate Heart of Mary Church campus will require more than \$717,620.00 in repairs, \$318,600.00 for the church alone. Moreover, Our Lady of Mercy Parish will continue to have the burden of unnecessary administrative costs for maintaining a church it does not need.

(2) Immaculate Heart of Mary Church is not needed for divine worship for the average of 505 Sunday worshippers regularly attending there in FY 2020 (before COVID-19). This number of worshippers is well accommodated in the parish churches of Our Lady of Mercy Parish, St. Edward Parish, and other nearby parishes.

(3) At the time of its extinction, the debt of Immaculate Heart of Mary Parish, carried over and divided between St. Edward Parish and Our Lady of Mercy Parish, was \$41,583.00, alongside a current operating deficit of \$119,636.00. This was covered by savings of \$317,636.00, reduced to \$264,777.00 by July 31, 2021. The Fiscal year 2020 regular annual offertory collections of the former Immaculate Heart of Mary Parish was \$118,037.00. This is insufficient to help support the remaining two parishes, given the declining revenue and foreseeable needs of maintaining Immaculate Heart of Mary Church for worship.

(4) Sale or rental of Immaculate Heart of Mary Church and the other real property of the church campus will benefit the missions of St. Edward Parish and Our Lady of Mercy Parish with ready cash proceeds. There will be immediate additional savings to the two parishes of at least \$82,495.00 to \$117,215.00 annually from unspent maintenance expenses, and more from the \$717,620.00 in unspent capital repairs.

(5) The total number of faithful regularly worshipping on Sundays at Immaculate Heart of Mary Church was 505 in October 2019 (Fiscal Year 2020), a more than 40% decline over 15 years from an attendance of 854 in October 2004.

(6) Preserving Immaculate Heart of Mary Church for worship will result in continued and unnecessary operational and maintenance costs that will cripple the ability of St. Edward Parish and Our Lady of Mercy Parish to serve the poor, enhance its evangelical mission, and remain viable.

Finally, since March 2020, the arrival of the novel coronavirus pandemic of COVID-19 diminished large parts of the United States economy, materially and negatively changing the financial well-being of the archdiocese, some of our parishes, and many poor and middle-class

families. There is concern for the long-term economic survival of some institutions.

It is unreasonable to expect two parishes receiving the assets and liabilities of an extinguished non-territorial parish, whose mission to Polish-speaking Catholics ended some time ago, to maintain a church they cannot afford, do not need, and which is no longer useful for divine worship. Moreover, there are no parochial, archdiocesan, or other known sources of funds available to keep and maintain Immaculate Heart of Mary Church as a place of Catholic worship. There is no governmental assistance for building or maintaining churches in the United States of America.

The reasonable and safe solution is to relegate Immaculate Heart of Mary Church to profane but not sordid use, allowing it to be sold or otherwise developed for the benefit of the other two parishes, their ministries, and the work of charity.

THEREFORE, know that I, Cardinal Blase J. Cupich, Archbishop of Chicago, according to the norms of the Code of Canon Law, convened the Presbyteral Council of the Archdiocese of Chicago electronically *via* the Internet on June 1, 2021, and again at St. Giles Parish, Oak Park, Illinois, on November 9, 2021. Hearing the council's deliberations and the council's November 9<sup>th</sup> vote of 34 for and one against the proposal to relegate Immaculate Heart of Mary Church in the territory of Our Lady of Mercy Parish to profane but not sordid use; invoking the Holy Spirit; satisfying myself that the good of souls will suffer no detriment, and that the parish churches of St. Edward Parish and Our Lady of Mercy Parish are sufficient for the needs of the faithful,

***I decree the following:***

1. Effective immediately, Immaculate Heart of Mary Church in the territory of Our Lady of Mercy Parish on the Northside of the City of Chicago, is relegated to profane but not sordid use;
2. Officials of the Archdiocese of Chicago, cooperating with the pastor of Our Lady of Mercy Parish will assure the real property associated with Immaculate Heart of Mary Church is secure for the benefit of St. Edward Parish and Our Lady of Mercy Parish;
3. If alienated, the alienation of Immaculate Heart of Mary Church is to provide St. Edward Parish and Our Lady of Mercy Parish the proceeds from sale of the property or rental under lease;
4. The reports given to the Presbyteral Council on this matter, together with the minutes of the council meetings of June 1, 2021, and November 9, 2021, are to be attached to this decree and available upon request to eligible parties; and
5. Notification of this decree is to be made immediately through publication on the Archdiocesan Website. It is then to be sent to the Pastors of St. Edward Parish and Our Lady of Mercy Parish for communication to parishioners through publication in the parish bulletins or other suitable means.


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December 6, 2021  
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*Before hierarchical recourse (appeal) may be taken against this decree, a written, signed, and dated petition to reconsider or amend the decree, must be sent or delivered to the Archbishop of Chicago within ten (10) useful days from notification of the decree (CIC cc. 1734, 1735, 1737). The address is Office of the Archbishop, Archdiocese of Chicago, 835 North Rush Street, Chicago, Illinois 60611.*

Given this 6<sup>th</sup> day of December, A.D. 2021.  
From Holy Name Cathedral,  
Chicago, Illinois

  
Archbishop of Chicago



  
Ecclesiastical Notary

Attachments

ONCE AVAILABLE, DATA PERTAINING TO THIS DECREE AND SUBMITTED TO THE PRESBYTERAL COUNCIL OF THE ARCHDIOCESE OF CHICAGO AND MINUTES OF THE COUNCIL MEETINGS OF JUNE 1, 2021, AND NOVEMBER 9, 2021, MAY BE REQUESTED BY ELIGIBLE PARTIES FROM THE OFFICE FOR CANONICAL AFFAIRS