DICASTERIUM PRO CLERICIS

DECREE

Prot. N. 2026 1117

SPECIES FACTI

1. WHEREAS, on 6 January 2025, the Bishop of Buffalo, the Most Reverend Michael W. Fisher (hereinafter, 'the Ordinary'), issued a decree joining Holy Apostles Parish in Jamestown (hereinafter, 'the Parish') to the Parish of Saint James, also in Jamestown, in New York, in an extinctive union (cf. *CIC*, cann. 121; 515 §2), to take effect on 28 February 2025, and;

2. WHEREAS, on 9 June 2025, the Diocese of Buffalo issued a press release in which the faithful were informed that the Parishes of the Diocese would be requested to contribute between 10% to 80% of their "unrestricted cash with the highest percentage being applied to parishes scheduled to be closed or merged as part of the 'Road to Renewal'" diocesan parish reorganization plan, and;

3. WHEREAS, on 12 June 2025, at a meeting of the Vicariate of the *Southern Tier West*, the priests and other persons responsible for the Parishes were informed about the contribution plan, which was published to the faithful on 15 June 2025, with the tentative amount being publicized in the Parish bulletin on 29 June 2025, and;

4. Whereas, on 17 June 2025, Ms. Samantha Scalise, Procurator for 266 members of the faithful (hereinafter, 'the Procurator'), brought *remonstratio* against the aforementioned decision to the Ordinary (cf. can. 1734 §1), who responded on 30 June 2025 stating that no decree was necessary in the matter, and that it was not therefore subject to recourse, which response was notified to the Procurator on 16 July and;

5. WHEREAS, on 17 July 2025, the Procurator made *remonstratio* against the new decision of the Ordinary communicated in the letter of 30 June 2025, and with no response being made within 30 days, submitted a petition for hierarchical recourse (cf. can. 1737 §1) to the Dicastery for the Clergy (hereinafter, 'the Dicastery') on 2 September 2025, which was accepted by the Dicastery, acting as hierarchical superior, (cf. Art. 137 §1, *General Regulations of the Roman Curia*, 1999) by its decretal letter of 11 November 2025, recognizing as the object the aforementioned contribution and granting the requested suspension of the Ordinary's act, and;

6. WHEREAS, on 21 November 2025 and 14 December 2025, the Procurator submitted additional information concerning the impugned decision, and;

7. WHEREAS, on 5 June 2026, the Dicastery received further information from the Ordinary regarding the diocesan bankruptcy settlement, including changes to the parish contribution plans, and;

8. WHEREAS, having provided ample opportunity for all interested parties to respond, and having carefully examined the documents submitted in the recourse, the Dicastery judges as complete the documentation in its possession and proceeds, therefore, to its decision.

IN IURE ET IN FACTO

9. In the case at hand, the Diocese of Buffalo has declared bankruptcy due to the enormous amount required of it by its creditors, in large part those who have a claim against that ecclesiastical circumscription on account of allegations of their sexual abuse as minors by clerics. The entities affiliated with the Diocese, such as parishes, may participate in the bankruptcy by contributing a "meaningful amount" and thereby claim relief from future claims deriving from the matter.

10. Canon 1285 permits a pastor to make charitable contributions: "*Intra limites dumtaxat ordinariae administrationis fas est administratoribus de bonis mobilibus, quae ad patrimonium stabile non pertinent, donationes ad fines pietatis aut christianae caritatis facere*". Given the amount established by the formula set by the Diocese of Buffalo, any contribution made clearly exceeds ordinary administration (can. 1281, § 1), and as such would be an act of extraordinary administration, and must follow the norms of cann. 1291-1295.

11. One mechanism by which the Diocesan Bishop may oblige public juridic persons subject to him to contribute to the needs of the Diocese is through a moderate and proportionate tribute on income (cf. can. 1263). The diocesan bishop may, after consulting the Diocesan Finance Council and the Presbyteral Council, impose such a tribute for grave reasons (cf. can. 1263). While the situation facing the Diocese of Buffalo is grave, there is no evidence that the contribution plan was a tribute. Nevertheless, were it to be considered so, such an action would be invalid (cf. can. 127, § 2, 2°), on account of the substance of the act and the failure to observe the required procedure.

12. Indeed, it is the Ordinary's contention, as expressed in the letter rejecting *remonstratio* that the amounts are requests for a gift, stating that the word "assessment" is not used in the diocesan press releases of 15 May, 9 June and 16 June 2025, and that the requested contributions cannot be forced (Letter of 30 June 2025, Nos. 3 and 5, p. 1), and that the Pastors of parishes have been were presented with "an opportunity to benefit from the relief of Chapter 11 Bankruptcy" and the norms of canons 1291-1295 are being followed (Letter of 30 June, pp. 2-3). However, the Dicastery notes that the impugned act of 16 June 2025, for example, uses a variation of "assess" at least three times, and so do the other public statements of the diocese, as pointed out by the Procurator (Letter to Ordinary of 17 July, p. 3), and moreover the Parish Administrator himself calls the contribution an "assessment" (Letter of Procurator, 12 December 2025, attached email dated 11 December 2025, 1:46 p.m.). Further, the impugned act of 9 June 2025 makes it clear that the contribution is required: "All payments are required to be received by the Diocese by July 15, 2025." Such an act is hardly consonant with a request for a donation and indicates the obligatory nature of the Parish ontribution to the bankruptcy settlement.

13. In the Ordinary's letter to the Dicastery regarding the bankruptcy proceedings in general, he observes that the "Diocese of Buffalo is committed to ensuring that all canonical formalities are observed with respect to the alienation/administration of the settlement funds from parishes." However, the diocese has not initiated the canonical procedures because, among other matters, "no funds have yet been alienated," and further since "contributing toward the settlement is the means to secure third-party releases, it may be more appropriate to speak of these transactions as acts of administration." (Letter of 5 May 2026, no. 12, p. 4 of 10). The Ordinary further asserts that the parishes (including the current Parish) have "already moved their individual contributions to a separate account specifically established for this purpose which they continue to administer; no funds have left any of the parishes." The purpose of this transaction was so that each parish or parish family could demonstrate to the bankruptcy court "that the money needed to fund the settlement exists and is prepared for alienation" (Letter of 5 May 2026, no. 22, p. 7 of 10). An email from the Parish Administrator states that the "St. Joseph Fund is an already existing diocesan fund that takes care of investments of Buffalo diocese parishes. However, the funds within are owned and controlled by individual parishes." (Letter of Procurator, 14 December 2025, attached email dated 11 December 2025, 2:29 p.m.).

14. The Ordinary further states that on 24 March 2026, the priests of the Diocese were informed that the contribution scales had been revised, eliminating the 80% bracket for merging parishes, with the contribution now based on a percentage of the total unrestricted assets (understood as cash, savings, securities, investments, and bequests, that have not been restricted by donor intention) of the juridic person of a parish as a whole, which would be the parish *ad quam*, in the case of a merged parish. For the Parish, this would mean a contribution of 65% of its unrestricted assets, which amounts to $1,018,000, after some adjustments for recent capital expenses undertaken by the Parish (Letter of Procurator, 14 December 2025, attached email dated 11 December 2025, 2:29 p.m.).

15. According to emails provided by the procurator, the Parish Administrator stated on 11 December 2025, that the "assessment of 80% was placed in the St. Joseph Fund as required by the diocese. The money is still in the control of Holy Apostles' parish and has not been transferred to any settlements." (Letter from Procurator, 14 December 2025, attached email of 11 December 2025, 1:46 p.m.).

16. The Dicastery further highlights the assertion of the Procurator that the funds were transferred from the control of the civil corporation of the Parish by a civil transaction (Letter from Procurator, 14 December 2025). Moreover according to the Procurator, such a transaction requires the consent of all the Parish trustees, according to the Diocese's own policies, which was not possible in the case at hand since the Parish currently does not have any appointed lay trustees on the board of its civil corporation, and thus, this transaction allegedly violated the Diocese' own policies (*ibid.*).

17. The interim transfer of the funds to a common fund not controlled by the juridic person of the parish, given that the amount exceeds the limits for ordinary administration, is invalid without the license of the Ordinary (cf. can. 1281, § 1), which, from an examination of the

documentation provided to this Dicastery, does not seem to have been issued according to the norm of law.

18. The Dicastery finds that the fact that the funds have been transferred to a central diocesan fund (Email of Parish Administrator, 11 December 2025, 1:46 p.m.), and that the purposes of this central fund is to demonstrate to the civil court that the "money needed to fund the settlement exists," contradict the Ordinary's assertion that the funds remain under the control of the juridic person of the Parish, in that this stated purpose would preclude the use of those monies for Parish expenditures, thereby diminishing the total amount in the central fund., Furthermore, the Ordinary's own declaration that the required canonical procedure for the alienation of funds has not been carried out, even as the money has left the control of the Parish, calls into question the voluntary nature of the transaction. The Dicastery further finds that this transaction was a violation of the suspension of the administrative act granted at the beginning of the recourse.

19. The Dicastery holds that there is no licit means by which the Diocesan Bishop can involuntarily require the alienation of such a large percentage of the patrimony of the juridic person of a parish. Such a contribution can only be requested voluntarily, as the Ordinary himself has acknowledged. However, the documented actions so far demonstrate that the amount was taken from the Parish without following the proper procedure.

THEREFORE

In accord with CIC can. 1739, this Dicastery hereby REVOKES the decree of the Bishop of Buffalo, which determined the assessment of the Parish of *Holy Apostles* in Jamestown toward the Chapter 11 Bankruptcy Settlement regarding the Diocese of Buffalo and affiliated organizations and ORDERS the return of any money already transferred to the said Parish, since the Ordinary has erred *in procedendo*.

Recourse against this Decree may be made before the Supreme Tribunal of the Apostolic Signatura within the peremptory time limit established by the Apostolic Letter *Motu Proprio, Antiqua Ordinatione* 34 §1.

Given at the Dicastery for the Clergy
29 July 2026

✠ Carlo Roberto Maria Redaelli
Archbishop Emeritus of Gorizia
Secretary

Monsignor Simone Renna
Undersecretary