CODE OF CANON LAW

Canon 277 §1: Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven; and, therefore, are obliged to observe celibacy, which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and can more freely dedicate themselves to the service of God and humankind.

Canon 277 §2: Clerics are to conduct themselves with due prudence in associating with persons whose company could endanger their obligation to observe continence or could cause scandal for the faithful.

Canon 1395 §1: Outside the case mentioned in canon 1394, a cleric who lives in concubinage or a cleric who remains in another external sin against the sixth commandment of the Decalogue which produces scandal is to be punished with a suspension; and, if such a cleric persists in such an offense after having been admonished, other penalties can be added gradually including dismissal from the clerical state.

Canon 1395 §2: If a cleric has otherwise committed an offense against the sixth commandment of the Decalogue with force or threats or publicly or with a minor below the age of sixteen, the cleric is to be punished with just penalties, including dismissal from the clerical state if the case warrants it.*

* Cf. c. 1395, §2: Notice that a sexual offense violative of §2 need not be a complete act of intercourse, nor should the term necessarily be equated with the definitions of sexual abuse or other crimes in civil law. "Sexual abuse (includes) contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome" (Canadian Conference of Bishops, From Pain to Hope, 1992, p. 20). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and, if necessary, the opinion of a recognized expert be obtained (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). We also note that diocesan/eparchial policies must be in accord with the civil law. (From Charter for the Protection of Children and Young People, 2002)

Canon 1717 §1: Whenever the ordinary receives information which at least seems to be true of an offense, he shall cautiously inquire personally or through another suitable person about the facts and circumstances and about imputability unless this investigation appears to be entirely superfluous.

Canon 1717 §2: Care must be taken lest anyone’s good name be endangered by this investigation.

Canon 1717 §3: The one who conducts the investigation has the same powers and obligations as an auditor in this process; this person cannot act as a judge in this matter, if a judicial process is set in motion later.

Canon 1718 §1: When sufficient evidence appears to have been collected, the ordinary shall decide:

1° whether the process for inflicting or declaring a penalty can be set in motion;
2° whether this is expedient in light of canon 1341;
3° whether a judicial process must be used or, unless the law forbids it, whether he must proceed by a decree without a trial.
Canon 1718 §2: The ordinary is to revoke or change the decree mentioned in §1 whenever it appears to him from new evidence that a different decision is called for.

Canon 1718 §3: In issuing the decrees mentioned in §§1 and 2, the ordinary is to hear two or more judges or other experts in the law, if he prudently sees fit to do so.

Canon 1718 §4: In order to avoid useless trials, before he makes a decision in accord with §1, the ordinary is to consider whether it is expedient that either he or the investigator equitably solve the question of damages with the consent of the parties.

Canon 1719: The acts of the investigation, the decrees of the ordinary by which the investigation was opened and closed, and all that preceded it are to be kept in the secret archive of the curia if they are not necessary for the penal process.

Canon 1722: To preclude scandals, to protect the freedom of witnesses and to safeguard the course of justice, having heard the promoter of justice and having cited the accused, the ordinary at any stage of the process can remove the accused from the sacred ministry or from any ecclesiastical office or function, can impose or prohibit residence in a given place or territory, or even prohibit public participation in the Most Holy Eucharist; all these measures must be revoked once the reason for them ceases; they also end by the law itself when the penal process ceases. (Reference, page 6)

Canon 1743: A resignation by a pastor can be submitted not only purely and simply but also conditionally provided that this can be legitimately accepted by the bishop and is actually accepted.