

CHAPTER IX

INCARDINATION, EXCARDINATION, CANONICAL FACULTIES, LEAVES OF ABSENCE AND RETIREMENT

A. INCARDINATION

Because ordination is to be conferred only for service to the Church and not for the private devotion, honor or convenience of the ordinand, it is appropriate that incardination occur simultaneously with the reception of diaconate that inducts a man into the clerical state.¹ Incardination is the legal act by which a cleric is bound to a specific ecclesiastical superior. In the case of all secular or diocesan permanent deacons incardinated into the Archdiocese of Santa Fe, that is, all who are neither professed members of a religious institute in perpetual vows² nor definitively incorporated members of a clerical society of apostolic life,³ this bond of allegiance and obedience is established with the Archbishop of Santa Fe. This affiliation between the Archbishop and the individual permanent deacon defines the canonical relationship between the two persons: Every permanent deacon owes ecclesiastical loyalty and obedience to his Archbishop, the principal Shepherd of the flock for whose service they were both ordained. Such a permanent and stable attachment is essential to good order in carrying out the work of the Church.

A deacon from outside the territory of the Archdiocese of Santa Fe who moves **permanently** into the Archdiocese and who desires incardination in order to function as a deacon must provide the following documentation:

- A letter of notification to the Director informing him of the deacon's move into the Archdiocese, the reason(s) for the move, and the deacon's desire to exercise his diaconal orders.
- A résumé that includes
 - A brief biography (curriculum vitae)
 - A list of his ministerial (lay as well as diaconal) experiences
 - A statement of his specific skills and talents
 - A description of any special language skills
 - The names and current addresses of former pastors/supervisors under whom he has served
 - A copy of previously granted faculties

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- A letter of introduction and recommendation from his current vicar/director
- A letter of excardination from his current archbishop/bishop

With the above-listed documentation in hand, the Archbishop may at once issue a letter of incardination to the deacon who has offered his services to the Archdiocese of Santa Fe.⁴ However, the Archbishop may elect to delay or withhold his acceptance of the deacon's service. If delayed, the letter of incardination may be issued at any time within a five-year period beginning when the Archbishop is first made aware that a particular deacon desires incardination into the Archdiocese of Santa Fe. If the Archbishop withholds his acceptance of the deacon's offer of service, that is, if the Archbishop declines to incardinate the man into the Archdiocese of Santa Fe, such withholding or declination must be communicated to the deacon within four months of the Archbishop's notification that the deacon is seeking incardination. (Reference Canon 268, §1)

B. EXCARDINATION

A practical effect of the legal act of incardination is the requirement that any permanent deacon who **permanently** moves away from the territory of the Archdiocese of Santa Fe, with no intention of returning at some future time, and who desires to function as a deacon in his new domicile, must obtain a letter of Excardination signed by the Archbishop of Santa Fe **and** a letter of incardination signed by the bishop who has governance over the particular church in the territory where the deacon intends to exercise his ministry.⁵

A deacon of the Archdiocese of Santa Fe who moves **temporarily** away from the territory of the Archdiocese may request that he be furnished a letter attesting that he was canonically in good standing and functioning as a deacon at the time he moved from the Archdiocese. Such temporary transfer, however, has no effect on the deacon's incardinated status in the Archdiocese of Santa Fe.⁶

C. CANONICAL FACULTIES

A faculty is a grant by a higher authority enabling a subordinate to act in a way in which that subordinate would not otherwise be empowered or authorized to act.⁷ A faculty may also be understood as enabling a beneficiary (in the context of this Manual, a deacon) to use validly a power that he already holds for the advantage of others (the People of God).⁸ Within the Archdiocese of Santa Fe, canonical faculties are granted to a permanent deacon only in conjunction with and for the same period as the canonical assignment he is given. Thus, **the termination of a canonical assignment automatically brings about the suspension of canonical faculties for that deacon.** The following faculties with respect to the administration of the

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sacraments and other specific functions of diaconal ministry are granted either by the universal law (canon law) or by the Archbishop to those permanent deacons whom he authorizes to minister in the Archdiocese, whether or not a particular deacon is incardinated into the Archdiocese of Santa Fe. These faculties remain in effect until canonical reassignment, excardination, or death, or until they are specifically revoked for just cause. (Reference the Archdiocese of Santa Fe Priest and permanent Deacons Faculties – revised edition dated July 1, 2000)

In order to better serve the multi-culturally diverse archdiocese, new deacons are mandated by our Archbishop to prepare themselves to preside at celebrations, and to celebrate the sacraments in English, Spanish or other appropriate languages. Deacons from previous classes are also encouraged to do the same.

1. Preaching.

All permanent deacons have the faculty in canon law to preach everywhere, **unless this faculty has been restricted or removed by the competent Ordinary, or unless particular law requires express permission.**⁹ The diaconate formation program provides extensive training in homiletics. When the deacon is ordained he is granted the faculty to preach. If the faculty to preach is not granted by the Archbishop, that restriction will be indicated in the deacon's letter of assignment. Having the faculty to preach, the deacon must obtain the permission of the local pastor, chaplain, etc., to preach.

2. Baptisms.

All permanent deacon have the faculty in canon law to baptize: deacons are ordinary ministers of baptism.¹⁰ The lawful exercise of this faculty outside the deacon's parish/institution of assignment requires the consent of the pastor of the parish in which the baptism is to take place. In addition, the Archbishop has granted permission to all deacons in the Archdiocese to baptize an adult (one who has completed the fourteenth year of age) without previously referring the matter to the Archbishop as required by Canon 863. Baptism is not conferred in private homes. Baptism of infants whose parents are in canonically irregular unions is not to be denied as long as the requirements of Canon 868 are met.

The proper liturgical ritual book to be used is one of the following:

- *Rite of Baptism for Children*, 1970 edition.
- *Ritual para el Bautismo de los Niños*, 3rd edition, 2001 (published by Mexican American Cultural Center(MACC))

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2a. Emergency Baptisms:

The information provided below is taken from the General Norms for baptism dated 12/12/91.

When an emergency baptism has been celebrated in a hospital, or any other place, the following steps are to be followed in order to insure proper recording of the baptism:

- The one who administers baptism is to see that, unless a sponsor is present, there be at least a witness by whom the conferral of baptism can be proved. (Canon 875)
- The one who administered baptism must inform the pastor of the **territorial parish** in which baptism was administered so that the proper record may be entered into the books in accord with the norms of Canons 877 and 878. This is to be done within three days after the administration of the sacrament.

The **territorial parishes** for the following hospitals are:

Lovelace Medical Center, Albuquerque: Holy Ghost Church

University of New Mexico Hospital, Albuquerque: St. Charles Borromeo

Presbyterian Hospital, Albuquerque: St. Charles Borromeo

Kaseman Presbyterian, Albuquerque: Assumption

Northside Presbyterian, Albuquerque: Risen Savior

Albuquerque Medical Center, Albuquerque: San Ignacio

West Mesa Medical Center, Paradise Hills: St. Jude

Northeast Heights Medical Center, Albuquerque: Queen of Heaven

Clovis High Plan Hospital, Clovis: Sacred Heart, Clovis

Espanola Hospital, Espanola: Sacred Heart, Espanola

North Region Medical Hospital, Las Vegas: Immaculate Conception

St. Vincent, Santa Fe: St. John the Baptist

Public Health Services Indian Hospital, Santa Fe: St. John the Baptist

Holy Cross Hospital, Taos: Our Lady of Guadalupe, Taos

The one who administers the baptism is to encourage the parents, or the

person baptized, to go to their proper parish to have the ceremonies supplied. (By proper parish is understood the parish where the parents, or the one baptized, are registered. If they are not registered in any parish, it is understood to be the territorial parish of their home address.)

A deacon who serves as a Hospital Chaplain is to see that the proper information is sent to the parish.

3. Rite of Christian Initiation of Adults (RCIA)

- The deacon should be ready to assist pastors in the proper formation of the RCIA
- During the pre-catechumenate period the deacon may be involved in meeting with inquirers. The deacon should come to know the candidates, help them to understand the nature of Christian faith and conversion, and help them in the ways of prayer.
- During the catechumenate period, the deacon may preside at liturgical celebrations of the word for catechumens, and also exercise liturgical functions in the catechumenal rites such as minor exorcisms, and blessings of catechumens.
- During the period of purification and enlightenment, the deacon may lead the intercessions and litanies for the elect. During the scrutinizes on the third, fourth and fifth Sundays of Lent, the deacon may lead the intercessions, and may actually celebrate the exorcism.
- During the sacraments of initiation, the deacon may assist the presider in all of the rites of Christian Initiation at the Easter Vigil.
- During the period of Mystagogy, deacons with the priest, the RCIA team and the community lead the neophytes to a deeper understanding and experience the mysteries of Christianity in which they now have a share. This occurs throughout the fifty days of Easter through a catechesis of enlightenment and special celebrations of the Eucharist.
- The proper liturgical ritual book to be used is one of the following:
 - *Rite of Christian Initiation of Adults, 1988*
 - *Rito de Iniciacion Cristiana de Adultos, 1991*

4. Confirmation:

Deacons **may not** validly confirm at any time.¹¹

5. Eucharist.

Deacons are ordinary minister of the distribution of Holy Communion.¹²

Permanent deacons are also ordinary minister of exposition of the Blessed Sacrament and of the Eucharistic blessing.¹³ Permanent deacons may give Holy Communion (Viaticum) to the dying; however, they may not anoint the sick (see §IX.C.6, following). The proper liturgical ritual book to be used is one of the following:

- *Sunday Celebrations in the Absence of a Priest/Concelebraciones Dominicales el La Ausencia de un Presbitero, (bi-lingual) 1997 edition*
- *Pastoral Care of the Sick/Cuidado Pastoral de los Enfermos (bi-lingual edition), 1986*
- *Pastoral Care of the Sick, 1982*

6. Marriage.

Delegation is given to each deacon canonically assigned to a parish or institution within the Archdiocese to assist at marriages within that parish or institution. The faculty is given to the pastor to subdelegate, in writing, a specific priest or deacon for a specific marriage only **within** the parish or institution of assignment.¹⁴ Delegation of the proper pastor or of another person subdelegated must be obtained for a marriage **outside** the parish or institution of assignment. The discipline of Canon 1071 must be maintained: Delegation must be requested **in writing** by any deacon who wishes to witness the marriage of those persons identified in Canon 1071.

Although the Rite of Marriage misleadingly implies that the deacon is to be the official witness at a marriage only “when a priest cannot be present,”¹⁵ a deacon may properly assist at a marriage celebrated during a nuptial Mass. This sacramental ministry is particularly appropriate when the deacon is related to the bride or groom.¹⁶ In parishes directed by a Parish Life Coordinator, the Parish Life Coordinator must be included in the planning of the marriage.

Permission must be sought from the Chancellor or the Judicial Vicar to witness a marriage in a church of another denomination or ecclesial body, or in another suitable place.¹⁷ A retired deacon may not validly assist at a marriage, even within his own parish or institution of assignment, without the express delegation of the pastor or of another person with delegation.

The proper liturgical ritual book to be used is one of the following:

Rite of Marriage, 1969 edition or *El Rito del Matrimonio*, 1973

7. Anointing of the Sick/Pastoral Care of the Sick

Deacons **may not** validly administer the sacrament of anointing of the sick.¹⁸ However, pastoral care of the sick and dying includes many rituals and prayers of the church that may be validly celebrated by deacons including:

- Ritual Visits to the Sick
- Communion of the Sick
- Celebration of Viaticum
- Commendation of the Dying
- Prayers of the Dead

These rituals are found in:

- *Pastoral Care of the Sick/Cuidado Pastoral de los Enfermos (bi-lingual edition)*, 1986
- *Pastoral Care of the Sick*, 1982

8. Order of Christian Funerals

Permanent deacons are authorized to preside at all the rites of Christian funerals except, of course, for the Funeral Mass.¹⁹ Moreover, the Archbishop has granted his deacons permission to celebrate, without recourse to himself, Christian burial for children not yet baptized but whose parents had intended to have them baptized.²⁰ With respect to any rite of Christian burial celebrated in a church, the lawful exercise of this faculty requires the permission of the pastor in whose church is to be celebrated. The proper liturgical ritual book to be used is one of the following:

- *Order of Christian Funerals*, 1989 edition.
- *Appendix of Cremation*, 1997
- *Ritual de Exequias Cristianas*, 2002

9. Blessings.

A deacon may impart only those blessings that are expressly permitted to him by law.²¹ A deacon may give all the blessings in the rites of which he is the minister: baptism, Holy communion and worship of the Eucharist outside Mass, marriage outside Mass and Christian burial. A deacon may also lawfully give any of the blessings, **except those specifically reserved to bishops or priests**, for which orders are provided in the 1989 edition of the *Book of Blessings*, approved for use in the dioceses of the United States by the National Conference of Catholic Bishops and confirmed by the Apostolic See. The list of blessings thus permitted to deacons is extensive, by contrast with the few blessings that are reserved to priests or bishops. A careful reading of the *Book of Blessings* may be necessary to assure all concerned that a particular blessing is the legitimate function of a deacon. The proper ritual book to be used is one of the following:

- *Book of Blessings*, 1989 edition.
- *Bendicional y Ritual de Bendeciones, 1989*

10. Quince Años

The Quinceaños ritual is a spiritual and significant event among Latinos to celebrate the passage from childhood to adolescence, that is the fifteenth birthday of the young woman, the Quinceañera. In some dioceses young men are also included and then the title changes to Quinceaños.

The celebration of Quinceañeras or Quinceaños is a sacramental of the Church at which deacons may preside. The celebration may take place in the context of a Liturgy of the Word or in a Rite of Blessing during the day or evening or most commonly in the context of a Communion Service.

The proper ritual book to be used is:

- *Quinceañeras, Celebration of Life, Mexican American Cultural Center, 1999*

Also refer to the ritual reference on the next page.

- *Archdiocese of Santa Fe, Pastoral Guidelines for Quincenaras, 2000*

D. LEAVES OF ABSENCE

1. Obtaining a Leave of Absence.

When a deacon finds it necessary to take a leave of absence from active ministry, he must, after informing the appropriate authority at his parish/institution of assignment, submit a **written** request to the Director of Deacons. The request is to include the period of time for which the leave is requested, and a statement indicating the reason for requesting such leave. The Director will forward the request, with the Director's recommendation for approval or disapproval, to the Archbishop for action.

2. During a Leave of Absence.

If the deacon is granted a leave of absence, the following conditions apply except as modified, in writing, by the Archbishop:

- The deacon does not enjoy the faculties to baptize, to witness marriages, to preach, or to function as an ordinary minister of the Eucharist.
- The deacon may not participate in any liturgical function or in any official diaconal ministry during his leave of absence.
- The deacon may attend and participate in all scheduled gatherings of his deanery deacon group and the entire Community.
- The *Archdiocesan Directory* will indicate that the deacon is on a leave of absence.
- If the deacon so desires, he may request that he remain on the various Archdiocesan mailing lists to receive correspondence and communications pertaining to the entire diaconal Community.

3. After a Leave of Absence.

Before the end of an approved leave of absence, the deacon must submit a **written** request for reinstatement to active ministry. This request is to be sent to the Director, who will forward it, with his recommendation for approval or disapproval, to the Archbishop for action. The request should indicate the parish or institution to which the deacon would like to be canonically assigned if his request for reinstatement is accepted. If the deacon seeks an assignment other than the one he held before his taking leave, his request must be accompanied by letters from both the pastor/supervisor of his previously assigned parish/institution and the pastor/supervisor of the parish/institution to which he seeks assignment. Each of these letters must recommend the Archbishop's approval of the deacon's request to return to active ministry.

E. RETIREMENT

A permanent deacon may request retirement whenever (a) illness prevents him from functioning in active ministry, or (b) when he completes his seventieth year of age, whichever occurs first. After informing the appropriate authority at his parish/institution of assignment, he requests retirement by submitting a letter to the Archbishop (see Appendix B). If the deacon's request for retirement is accepted, the following condition will pertain:

- The retired deacon remains in his canonical assignment and retains the clerical faculties approved by the Archbishop, except that a retired deacon may not validly assist at a marriage, even in his own parish or institution of assignment, without the specific delegation of the pastor or of another person with delegation (see §IX.C, preceding).
- If he is physically and mentally able to do so, the retired deacon is encouraged to continue his involvement in diaconal activities, specifically, the deacon deanery meeting and gatherings, the annual In-Service Training Day, and the annual deacon retreat.
- With the concurrence of his pastor/supervisor, the retired deacon may exercise his liturgical functions to the extent that his physical and mental conditions permit.
- The retired deacons will continue to receive all pertinent communications from the Archdiocese.
- The *Archdiocesan Directory* will be updated to reflect that the deacon is retired.

Notes for Chapter IX

1. Canon 266, §1.
1. Canon 607, §2.
2. Canon 731, §1.
3. Canon 267, §1.
4. Canon 269.
5. Canon 271.

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6. *The Code of Canon Law: A Text and Commentary*, J. A. Coriden, T. J. Green, & D. E. Heintschel, eds. (New York: Paulist Press, 1985), p. 94.
7. Letter, Rev. Msgr. Joseph A. Pepe, Judicial Vicar of the Archdiocese of Santa Fe, to Deacon Richard C. Prentiss. Dated August 5, 1966. subject: Canonical Observations on the Revised *Deacon Manual*.
8. Canon 764.
9. Canon 861.
10. Canon 882.
11. Canon 910, §1.
12. Canon 943.
13. Canon 1111, §2.
14. *Rite of Marriage*, #53.
15. *The Liturgical Ministry of Deacons*, Rev. Michael Kwatera, O.S.B. (Collegeville, Minn.: Liturgical Press, 1984), p. 63.
16. Canon 1118.
17. Canon 1003, §1.
18. *Order of Christian Funerals*, #14.
19. Canon 1183, §2.
20. Canon 1169, §3.

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