



CONGREGATIO
PRO DOCTRINA FIDEI

0170 Casa del Vescovo,
Palazzo del S. Uffizio

COPY

30 January 2006

721/2004 - 22282

Paor N
(In risposta per numero loro numero)

CONFIDENTIAL

Your Eminence,

On 27 June 2005 you presented and supported the petition of the Rev. Edward V. AVERY, a priest of the Archdiocese of Philadelphia who has admitted an act of sexual abuse against a minor and has requested from the Holy Father the grace of dispensation from all the obligations of the clerical state, including celibacy.

This Congregation, after having carefully examined the documents of the present case and in light of the *votum* expressed by Your Eminence, decided on 9 December 2005 to forward the petition to the Holy Father for his decision. Subsequently, on 20 January 2006, Pope Benedict XVI granted the Rev. Edward V. Avery the *grace of dispensation iuxta petita*, from all priestly obligations, including celibacy. Enclosed you will find two copies of the relevant Decree. Your Eminence is kindly requested to ensure that the priest is duly notified thereof. I would ask you also to return one of the signed copies of the Decree to this Office.

With every best wish, I remain,

Yours devotedly in the Lord,

William J. LEVADA
Archbishop Emeritus of San Francisco
Prefect

-Enclosure-

His Eminence
Cardinal Justin RIGALI
Archbishop of Philadelphia
Office of the Cardinal
222 North 17th Street
Philadelphia, PA 19103-1299
UNITED STATES OF AMERICA

No. 0551 - 01950





CONGREGATIO PRO DOCTRINA FIDEI

Prot. N. 721/2004

Philadelphensis
(Philadelphia, U.S.A.)

D.nus Edward V. AVERY, presbyter huius diocesis, humiliter petit
dispensationem ab omnibus oneribus sacrae Ordinationi conexas

Summus Pontifex Benedictus, Papa XVI

Die 20 m. Ianuarii a. 2006

habita relatione de casu a Congregatione pro Doctrina Fidei,
precibus praedicti sacerdotis annuit iuxta sequentes rationes:

1. Dispensationis Rescriptum a competenti Ordinario oratori quamprimum notificandum
est:

- a) Eius effectum sortitur a momento notificationis;
- b) Rescriptum amplectitur inseparabiliter dispensationem a sacro coelibatu et simul
amissionem status clericalis. Nunquam oratori fas est duo illa elementa seiungere,
seu prius accipere et alterum recusare;
- c) Si vero orator est religiosus, Rescriptum concedit etiam dispensationem a votis;
- d) Idemque insuper secumfert, quatenus opus sit, absolutionem a censuris.

2. Notificatio dispensationis fieri potest vel personaliter ab ipso Ordinario eiusve
delegato aut per ecclesiasticum actuarium vel per "epistulas praescriptas" (*registered*).
Ordinarius unum exemplar restituere debet rite ab oratore subsignatum ad fidem receptionis
Rescripti dispensationis ac simul acceptationis eiusdem praeceptorum.

3. Notitia concessae dispensationis adnotetur in Libris baptizatorum parociae
oratoris.

4. Quod attinet, si casus ferat, ad celebrationem canonici matrimonii, applicandae
sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute
peragantur sine exteriore apparatu.

5. Auctoritas ecclesiastica, cui spectat Rescriptum oratori rite notificare, hunc enixe
hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione,
participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem
eidem notum faciat ea quae sequuntur.

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a) Sacerdos dispensatus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexis non amplius ulstringitur;

b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris parochialis fungi;

c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo fungi nequit;

d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;

e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradendo Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

6. Ordinarius curet ne presbyter dispensatus, propter defectum debitae prudentiae, fidelibus scandalum praebet. Haec pastoralis sollicitudo Ordinarium a fortiori gravissime urget si adest periculum quamvis remotum minoribus abutendi.

7. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 20 m. Ianuarii a. 2006

+ *William J. Levada*

* Gulielmus Iosephus LEVADA
Archiep. Emeritus Sancti Francisci in California
Praefectus

Angelus Amato

* Angelus AMATO, S.D.B.
Archiep. titularis Silensis
a Secretis

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

No. 0551 - 01952



LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
Congregation for the Doctrine of the Faith

Prot. N. 721/2004

Philadelphia, U.S.A.

Father Edward V. AVERY, a presbyter of that Archdiocese, has humbly petitioned for a dispensation from all the obligations connected with sacred ordination.

Our Most Holy Father, Pope Benedict XVI

on the 20th day of January 2006

after having received a report on the case from the Congregation for the Doctrine of the Faith, has granted the request, but with the following provisions:

1. The rescript of the dispensation, being made known as soon as possible by the competent Ordinary to the petitioner:
 - a) becomes effective from the moment of the notification,
 - b) inseparably includes a dispensation from sacred celibacy and, at the same time, loss of the clerical state. The petitioner never has the right to separate those two elements, that is, to accept the first and refuse the second;
 - c) if the petitioner is a religious, the rescript also grants a dispensation from the vows;
 - d) indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
2. Notification of the dispensation can be made to the petitioner either personally, or through one delegated by the same Ordinary, or through an ecclesiastical notary, or by "registered mail." The Ordinary ought to retain one copy (of the rescript) duly signed by the petitioner in testimony of his reception of the rescript of the dispensation, and also of his acceptance of its regulations.
3. Notice of the granting of the dispensation is to be inscribed in the baptismal register of the petitioner's parish.
4. With regard to the celebration of a canonical marriage, the norms set down in The Code of Canon Law must be applied. The Ordinary, however, should take care that the matter be discreetly handled without pomp or external display.
5. The ecclesiastical authority, to whom it belongs to notify the petitioner concerning the rescript, should earnestly exhort him to take part in the life of the People of God, in a manner consonant with his new mode of living, to give edification, and thus to show himself a most loving son of the Church. At the same time, however, he should be informed of the following points:
 - a) *the dispensed presbyter automatically loses the rights proper to the clerical state, as well as ecclesiastical dignities and offices; he is no longer bound by the other obligations connected with the clerical state;*

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- b) *he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, and, as a result, he may not give a homily nor is he able to hold a directive office in the pastoral field nor to exercise the function of parochial administrator.*
- c) *similarly, he may not discharge any function in seminaries and in equivalent institutions. In other institutions of higher studies, which are in any way whatever dependent upon ecclesiastical authority, he may not exercise the function of director.*
- d) *however, in those institutions of higher studies which are not dependent upon ecclesiastical authority, he may not teach any discipline which is properly theological or closely connected with the same.*
- e) *on the other hand, in institutions of lower studies, which are dependent upon ecclesiastical authority, he may not exercise the function of teaching a discipline which is properly theological. A dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.*
- f) *as a rule, the presbyter who has been dispensed from priestly celibacy, and all the more so, who has married, ought to stay away from places where his previous status is known, nor is he able to function in the service of lector and of acolyte or in the distribution of eucharistic communion.*
6. The Ordinary should see to it that the priest who has been dispensed does not give scandal to the faithful because of a lack of prudence. This pastoral concern is all the more incumbent on the Ordinary if there is a danger, no matter how remote, that minors will be abused.
7. At an opportune time, however, the competent Ordinary is to send a brief report to the Congregation on his completion of the notification, and, finally, if there should be any wonderment on the part of the faithful, he is to provide a prudent explanation.

All things to the contrary notwithstanding.

From the Offices of the Congregation, the 20th day of January 2006.

/s/William Joseph LEVADA
Archbishop Emeritus San Francisco in California
Prefect

/s/Angelus AMATO, S.D.B.
Titular Archbishop of Silensis
Secretary

Date of notification: _____

/s/ Edward V. Avery

Signature of petitioner as sign of acceptance

/s/ Reverend Monsignor Timothy C. Senior

Signature of Ordinary (Delegate)

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