



DICASTERIUM
PRO CLERICIS

From the Vatican, 8 April 2026

Prot. N. 2026 0370

Ms. Cheryl BAUER, Procurator
52 Royal Coach Road
West Seneca, NY 14224
UNITED STATES OF AMERICA

Dear Ms. Bauer,

This Dicastery for the Clergy writes further regarding your hierarchical recourse against the decree dated 12 November 2024, issued by the Most Reverend Michael W. FISHER, Bishop of Buffalo, which merged **St. John XXIII in West Seneca** with that of Queen of Heaven Parish in West Seneca in an extinctive union (cf. *CIC*, canons 121 and 515 §2).

Please find enclosed the decision of this curial Institution, deciding the matter (cf. *Enclosure*).

Thanking you for your patience, and with assurances of prayers and best wishes, I remain,

Sincerely yours in Christ,


Monsignor Simone Renna
Undersecretary



DICASTERIUM PRO CLERICIS

DECREE

Prot. N. 2026 0370

SPECIES FACTI

1. WHEREAS, on 12 November 2024, the Bishop of Buffalo, His Excellency Michael W. FISHER (hereinafter, ‘the Ordinary’), decreed the extinctive union of the Parish of Saint John XXIII in West Seneca (hereinafter, ‘the Parish’) with the Parish of Queen of Heaven, also in West Seneca (cf. *CIC* cann. 121; 515 §2), and;
2. WHEREAS, on 22 November 2024, Ms. Cheryl BAUER, Procurator for 400 members of the faithful (hereinafter, ‘the Procurator’), brought *remonstratio* against the aforementioned decree to the Ordinary (cf. can. 1734 §1), who made no response (cf. can. 1735), and;
3. WHEREAS, on 5 January 2025, the Procurator submitted a request for hierarchical recourse (cf. can. 1737 §1) to the Dicastery for the Clergy (hereinafter, ‘the Dicastery’), which accepted that request for study by its decretal letter of 20 March 2025 (cf. Art. 137 §1 *General Regulations of the Roman Curia*, 1999), recognizing as the object the decree of the aforementioned extinctive union, and granting the requested suspension of the Ordinary’s act, and;
4. WHEREAS, the *votum* and the Acts of the Ordinary’s decision, dated 7 July 2025, arrived in the Dicastery, and;
5. WHEREAS, in order to provide further time to study the matter, the time limits were extended by three months on 5 September 2025, and;
6. WHEREAS, supplemental information from the Procurator, dated 8 October 2025, arrived in the Dicastery, and;
7. WHEREAS, a supplemental *votum* and Acts from the Ordinary, dated 14 January 2026, arrived in the Dicastery, and;
8. WHEREAS, having provided ample opportunity for all interested parties to respond, and having carefully examined the documents submitted by both the Ordinary and the Recurrent, the Dicastery judges as complete the documentation in its possession and proceeds, therefore, to its decision.

IN IURE ET IN FACTO

9. The motivating factors for the singular administrative act being impugned are delineated in the Ordinary’s decree: (1) the benefit for the Parish to be united with Queen of Mary Parish;

- (2) the “need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court”; (3) the possibility of alienating the property of the Parish; (4) the reduction in strain on the limited number of priests; (5) the consistent decline in sacramental life and parish involvement.
10. Citing this curial Institution’s Instruction of 2020, the Procurator argues that the motivations for the impugned decree are based upon a general principle and not directly and organically connected to the Parish in question.
 11. Financially, the Parish has increased its assets from \$284,873 in 2014, versus liabilities of \$117,836 that same year, to \$457,794 in assets versus \$58,648 in liabilities (*Acta*, 3). However, its regular receipts have fallen, from a high of \$419,692 in 2014 to \$372,939 in 2023 (*Acta*, 3). This has been overcome with additional income, such that in the majority of the years from 2014 to 2023, the Parish has enjoyed a significant net operating balance (*Acta*, 4). Two Parish Trustees, in their counter-proposal to the extinctive union, note that the Parish has made a number of improvements to the Parish Church and connected property, while growing its balance from \$550,000 in 2015 to \$866,802.69 as of July 12, 2024 (*Acta*, 20). Similarly, the Parish *ad quam*, according to the Ordinary is “much more financially stable than St. John XXIII” (*Supplemental Votum*, 2). Given the financial health of the Parish and the asserted financial health of the Parish *ad quam*, a benefit to the Parish *ad quam* that justifies the extinctive union of the Parish for financial motives is not demonstrated.
 12. The information provided by the Ordinary shows that the average Sunday Mass attendance in the Parish has fluctuated between a high of 485 persons in 2014 (as well as in 2017, 2018, and 2019) and a low of 300 in 2020 (the first year of the COVID-19 pandemic). Both 2022 and 2023 (the last year of data provided by the Ordinary), the average Sunday Mass attendance was 400 (*Acta*, 3). The average Sunday Mass attendance over the past ten years is 410 persons. Similarly, the other sacraments have held steady, excluding a drop in raw numbers of Confirmations year to year, due to what appears to be an unusually high number of Confirmations for the Parish in 2014 (25), followed by no confirmations in the successive two years. It appears that specific pastoral decisions may be behind the irregular Confirmation numbers, as the number of baptisms has increased year over year over the past five years, except in 2021, during the COVID-19 pandemic. Similarly, marriages have increased slightly, although it should be noted that there have been relatively few marriages in the Parish over the past ten years (in total, 13). Given the negligible difference, the Dicastery does not consider this to be, in itself, a just cause for the extinctive union of the Parish.
 13. As the Ordinary notes in his supplemental *votum* of 14 January 2026: the Parish “has shown increases in Registered Households, Practicing Households, and Contributing Households. People are taking advantage of the existence of this church [...]”. While the Ordinary goes on to qualify these increases by noting that the Parish is not “a location that provides much more than Sunday and weekly Eucharistic celebrations”, the Procurator has provided information showing the Parish’s outreach to the poor through the *Response to Love Center* and other charitable organizations. The Procurator has also highlighted other well attended community events that are not mentioned by the Ordinary or in the documentation provided by him supporting the impugned act.
 14. The Parish *ad quam* had a significantly higher average Sunday Mass attendance for the only reported date (2022). In that year, an average of 730 persons attended Holy Mass each week, compared to 350 at the Saint John XXIII Parish (*Acta*, 1). Concerning the benefit to the Parish that the extinctive union will bring, the information provided to the Presbyteral Council as a

justification notes, “St. John XXIII – geography to the family, with its location in West Seneca on the edge of Cheektowaga gives families other options to attend very easily” (*Acta*, 41). However, the ease with which this Parish community could participate in the life of another parochial community is not a sufficient justification for this extinctive merger. The Ordinary clarified further in his supplementary *votum* that the Parish will benefit from the extinctive union through the parochial school of the Parish *ad quam*. However, there is no evidence that the parishioners of the Parish are prohibited from already seeking the benefits of that school, and given the Ordinary’s assertion that it is a “successful elementary school”, it does not seem evident that the Parish *ad quam* would further benefit from the extinctive union.

15. Concerning the number of priests available to serve the Parish, both the Parish and the Parish *ad quam* are served by the same Pastor, who has maintained relative stability in both communities. While the Ordinary projects that by 2030 there will be only three available priests to serve the five parishes presently comprising the pastoral grouping, the minutes of the consultation with the Presbyteral Council note its recommendation to suppress three of those parishes, including the Parish subject to the presently impugned decree. At present, there are five priests serving Family #7. Thus, the Ordinary’s motive concerning an insufficient number of priests is not demonstrated at the present time.
16. While there are significant challenges facing the Diocese of Buffalo, the value of the Parish’s property or the need to pay civil settlements from the sale of Parish property, are not just causes for its extinctive union. Concerning the specific interpretation of can. 121 offered by the Ordinary (*Votum*, 1-4) and the corresponding dispositions of the temporal goods of the Parish in the impugned decree, this Dicastery, recalling n. 1. 1) of its *Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches*, further observes that “*In casu unionis paroeciarum bona paroeciae su personae iuridicae suppressae non obveniunt personae iuridicae immediate superiori (cf. can. 123), sed, ad normam can. 121 paroeciae seu personae iuridicae ad quam aut paroeciis seu personis iuridicis ad quas* (STAS, Definitive Decree *coram* Echevarría Rodríguez, Prot. N. 38161/06 CA, 7 May 2010, n. 6). The Dicastery for Legislative Texts has confirmed that such an interpretation is “legally unfounded,” stating, “In particular, canon 121 provides for the immediate and unconditional transfer of the temporal goods of suppressed parishes which are juridic persons to the parish *ad quem*, ensuring stable and transparent management of ecclesiastical resources. The absence of provisions for deferred terms or suspensive conditions confirms that the transfer must take place without delay. The expression ‘*obtinere*’ implies an immediate acquisition of the temporal goods and property rights of the new juridic person” (Letter to the Dicastery for the Clergy, 9 September 2025, Prot. N. 18715/2025). Therefore, insofar as the impugned act vitiates can. 121, the decree fails to respect the aforementioned norm. Consequently, the law requires that the assets and liabilities of the Parish belong immediately to the Parish *ad quam* (cf. Congregation for the Clergy, Instruction, *The Pastoral Conversion of the Parish Community in the service of the evangelising mission of the Church*, 20 June 2020, n. 50).
17. The Dicastery has affirmed that “the suppression of parishes by extinctive union is legitimate for causes directly related to a specific Parish.” Furthermore, “As a condition for the legitimacy of this type of provision, the requisite motivations must be directly and organically connected to the interested parish community, and not on general considerations or theories, or based solely on principle” (Congregation for the Clergy, Instruction, *The Pastoral Conversion of the Parish Community in the service of the evangelising mission of the Church*, 20 June 2020, n. 48). In addition, the Dicastery has affirmed that the motivating cause for the suppression or merger of a parish must be at least a just cause, which, in the determination of

the diocesan Bishop, serves the good of souls (cf. Congregation for the Clergy, Circular Letter, *Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches*, 30 April 2013, Prot. N. 2013 1348).

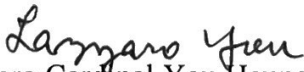
18. Inasmuch as the extinction of a parish is an act with permanent consequences, the cause should not be based on “conditions within the community that are presumably reversible or of brief duration” (Congregation for the Clergy, instruction, *The Pastoral Conversion of the Parish Community in the service of the evangelising mission of the Church*, n. 48), and in consideration that the community dimension cannot be reduced to a mere formality; rather, it must truly exist as such from both a structural and a dynamic perspective, embodying a genuine Christian life in accordance with the three dimensions of the Word, the Sacraments, and Charity, and reflecting an adequate presence of the faithful who take on the various responsibilities of the community, given the long-standing financial health of the Parish, the stability in average Mass attendance and sacramental participation, the presence of an active communal and cultural life, and in consideration that the benefit to the Parish *ad quam* has not been demonstrated, the Dicastery finds that the Ordinary has not presented any just cause for the extinctive union of this Parish.
19. Regarding the procedure, the required consultation with the Presbyteral Council (cf. can. 515 §2) occurred on 27 August 2024. Twenty-two members voted in favor of the extinctive merger (*Acta*, 29; 31). Procedurally, the Dicastery finds that the Ordinary acted according to the law.

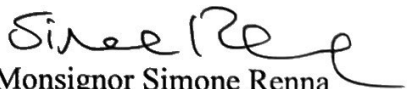
THEREFORE

In accord with CIC can. 1739, this Dicastery hereby REVOKES the decree of the Bishop of Buffalo, which joined the Parish of Saint John XXIII in West Seneca to that of Queen of Heaven in West Seneca in an extinctive union.

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
8 April 2026


Lazzaro Cardinal You Heung sik
Prefect


Monsignor Simone Renna
Undersecretary