

THE BY-LAWS
of
THE BISHOP OF THE RUSSO-GREEK CATHOLIC
ORTHODOX CHURCH

Also Legally Known as:

The Archdiocese of Canada
Orthodox Church in America

and/or

The Orthodox Church in Canada

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BY-LAWS OF THE ARCHDIOCESE OF CANADA

ORTHODOX CHURCH IN AMERICA

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PREAMBLE

The Archdiocese of Canada The Orthodox Church in America was initially founded by immigration in the late 19th century. Through the successful application of Archbishop Tikhon, the Archdiocese was incorporated in the Northwest Territories in 1903. An earlier attempt at obtaining Federal Letters Patent was not successful because the Archbishop was not a citizen of the Dominion. (See Hansard Volume XXXV, Nos. 41 and 45.)

The newly-established Archdiocese was part of the continuing working of the original mission from the Orthodox Church in Russia which began in Alaska in 1794. The aim of that mission was two-fold: to provide ministry to the Church's sons and daughters who had immigrated to Canada; and to bring Orthodox Christianity to the wider Canadian milieu. The result of this double purpose was and continues to be the creation of a distinct and truly local Orthodox Church in Canada.

1. The Corporation

- 1.1 The name of this Corporation shall be *The Archdiocese of Canada Orthodox Church in America*.
- 1.2 *The Archdiocese of Canada Orthodox Church in America*, is a constituent Archdiocese of the Orthodox Church in America, which is an autocephalous church with territorial jurisdiction in Canada, the United States of America and Mexico. Its doctrine, discipline, and worship are those of the One, Holy, Catholic and Apostolic Church as taught by the Holy Scriptures, Holy Tradition, the Ecumenical and Provincial Councils, and the Holy Fathers.
- 1.3 *The Archdiocese of Canada Orthodox Church in America* is bound by the Statute of the Orthodox Church in America, adopted 19-21 October 1971, with subsequent amendments. The Archdiocesan Bishop of Canada is a full member of the Holy Synod of Bishops, and the Archdiocese of Canada is fully and by Statute of the Orthodox Church in America represented at the All-American Council of the Orthodox Church in America, and the Metropolitan Council of the Orthodox Church in America. Hereafter, *the Archdiocese of Canada Orthodox Church in America* is referred to in these by-laws as "THE ARCHDIOCESE", save in by-law 1.1 and 1.2, and the Statute of the Orthodox Church in America as "THE STATUTE".
- 1.4 The By-Laws shall be interpreted so as to be consistent with the Statute, and any aspect of the operations of the Corporation and any definition not specifically addressed in the By-Laws shall be determined in a way consistent with, and as destined in, the Statute.

- 1.5 The Archdiocese of Canada Orthodox Church in America (hereinafter sometimes referred to as the “Archdiocese”) and its constituent parishes, is a charitable organization in Canada existing for charitable purposes as understood under the laws of Canada and the Income Tax Act, R.S.C., and in particular for the advancement of the Orthodox Christian religion, and it shall be carried on without purpose of gain for its members, and any profits or other gains to the Archdiocese, and its constituent parishes, shall be used in promoting its objectives.
- 1.6 Ownership of property, assets and funds:
- a. The Archdiocese is the sole owner of all property, assets and funds of the Archdiocese. The parish or parish corporation is the sole owner of all parish property, assets and funds. In administering them, however, the parishioners and the officers elected by them must always remember the religious nature, purposes, and goals of the Archdiocese and the parish and act as trustees of God’s, not man’s property. The Archdiocese and the parish, as the whole Church, serves God and cares for God’s work in the world, and all decisions concerning property of the Archdiocese and the parishes must be inspired by that care and by the spiritual needs of the Church.
 - b. All property, assets and funds of the Archdiocese referred to in paragraph 1.6.1 are and shall be owned and held by the Archdiocese in trust for the uses, purposes and benefit of the Archdiocese.
 - c. All property, assets and funds of the constituent parishes, referred to in paragraph 1.6.1 are and shall be owned and held by the parish corporation in trust for the uses, purposes, and benefit of the Archdiocese. The provisions of paragraph 1.6 shall not limit the power and authority of the parish or parishes corporation with respect to such property, assets, and funds so long as the parish/parish corporation: firstly remains a constituent part of, and within the jurisdiction of, the Archdiocese, and subject to the faith, discipline, and by-laws; and secondly, maintains its charitable status. Upon the happening of one of these events, all such parish property, assets, and funds are and shall be held by the parish/parish corporation in trust for the uses, purposes, and benefits of the Archdiocese. Without limiting in any way these provision, it is the purpose and intent of the Archdiocese and these provisions to codify, in explicit terms, a trust relationship that is and has been the implicit relationship between the Archdiocese and its parishes, according to the doctrine of the Orthodox faith.
 - d. If the parish is abolished, all parish property, assets and funds shall be at the disposition of the Archdiocese for the uses, purposes, and benefits of the Archdiocese, and in accordance with the provisions of the Income Tax Act, R.S.C., to ensure disposition to a Qualified Donee. In all cases, the sacred and untouchable items: the Holy Antimension, the Tabernacle, and the Sacred Vessels, must be surrendered to the Bishop of the Archdiocese.

2. Officers, Directors, and Members of the Corporation

- 2.1 The Corporation shall consist of:
 - a. Officers;
 - b. Directors;
 - c. Voting Members; and
 - d. Members.

- 2.2 The Officers of the Corporation are:
 - a. The Archdiocesan Bishop, being the President of the Corporation;
 - b. The Archdiocesan Auxiliary Bishop(s), if any;
 - c. The Archdiocesan Chancellor, being the Vice-President of the Corporation;
 - d. The Treasurer, being the Treasurer of the Corporation; and
 - e. The Secretary(s), being the Secretaries of the Corporation
 - f. ~~The Arch-Dean (if any) of the Archdiocese~~

- 2.3 The Directors of the Corporation are the members of The Archdiocesan Council.

- 2.4 The Members of the Corporation are those who are “voting members” according to/as defined by the Statute.

3. Archdiocesan Bishop

- 3.1 The election of the Archdiocesan Bishop shall proceed as follows:
 - a. The Archdiocesan Assembly shall nominate a candidate in accordance with the Canons, and The Statue of the Church and submit his Name to the Holy Synod of Bishops;
 - b. If the Archdiocesan Assembly fails to nominate a candidate acceptable to the Holy Synod of Bishops, the holy Synod shall elect the Bishop of the Archdiocese;
 - c. Upon the approval of a candidate by the Holy Synod, he shall be summoned to a session of the Holy Synod for the Canonical election.

- 3.2 The Archdiocesan Bishop by virtue of his Episcopal Consecration and Canonical appointment to the Archdiocese shall possess full hierarchical authority within the Archdiocese.

- 3.3 The Archdiocesan Bishop shall be entitled to adequate financial support from the Archdiocese and an official residence and household.

- 3.4 The Office of the Archdiocesan Bishop shall be deemed vacant by the Holy Synod of Bishops in the event of the death, voluntary retirement, medically-certified incapacity, transfer or disposition by due Canonical process.

- 3.5 In the event of such a vacancy in the Office of the Archdiocesan Bishop, a *Locum Tenens* is to be appointed by the Metropolitan. The *Locum Tenens* shall be President *pro-tem* of the Corporation.
- 3.6 It shall be the responsibility of the Canonically appointed *Locum Tenens* to convoke and preside over the Archdiocesan Assembly whose sole purpose at this time shall be the election of a new Archdiocesan Bishop.

4. Officers of the Corporation

- 4.1 The Archdiocesan Bishop upon the advice of the Archdiocesan Council, shall appoint as Officers of the Corporation:
- a. The Archdiocesan Chancellor, who shall be the Vice-President of the Corporation;
 - b. The Auxiliary Bishop(s), if any;
 - c. The Archdiocesan Treasurer, who shall be the Treasurer of the Corporation; and
 - d. The Archdiocesan Secretary(s), who shall be the Secretary(s) of the Corporation
- 4.2 The appointment of the Archdiocesan Chancellor and Archdiocesan Treasurer, Secretary(s) shall be reviewed Tri-annually by the Archdiocesan Bishop.
- 4.3 The Archdiocesan Chancellor shall be the senior administrative assistant to the Archdiocesan Bishop and shall have the custody of the Corporate Seal and shall be charged with the certification of all documents issued by the Archdiocese and Corporation.
- 4.4 The Archdiocesan Chancellor, Treasurer, and Secretary(s) are entitled to receive an honourarium from the Corporation commensurate with their duties in the effecting of the purposes of the Corporation.
- 4.5 The Archdiocesan Chancellor, Treasurer, and Secretary(s) may be relieved from their appointments through voluntary retirement or upon the request of the Archdiocesan Bishop.

5. Directors of the Corporation

- 5.1. The Directors of the corporation (also called the Archdiocesan Council) are: the Archdiocesan Bishop ex-officio, the Archdiocesan Auxiliary Bishop(s) (if any) ex-officio, the Archdiocesan Chancellor ex-officio, ~~the Ach-Dean ex-officio~~, the Archdiocesan Treasurer ex-officio, the Archdiocesan Secretary(s), the Clergy Directors, elected (except as otherwise provided herein for a three-year term and

the Lay Directors, elected (except as otherwise provided herein) for a three-year term. Ex-officio members are voting members.

- 5.2. Those elected as Director are eligible to be re-elected to further terms of office.
- 5.3. The Clergy Directors shall be six (6) in number. The number of Clergy Directors may be increased with the approval of the Archdiocesan Bishop, provided, however, that there shall be a corresponding increase in the number of Lay Directors. The Dean of a Deanery is to be one of the Clergy Directors for the Deanery over which he presides. The Dean is elected by the ~~priests~~ rectors, by, and from amongst, the ~~priests~~ rectors of the deanery and confirmed by the Archdiocesan Bishop for a term of three years provided however that, alternatively the Archdiocesan Bishop may appoint a Dean in a “maturing” Deanery. Any vacancy may be filled, from time-to-time, by appointment by the Archdiocesan Bishop, whenever possible to be a priest from a Deanery not represented. The balance of Clergy Directors, if any, shall be elected by the Archdiocesan /assembly and confirmed by the Archdiocesan Bishop.
- 5.4. The Lay directors shall be six (6) in number. The number of the Lay Directors may be increased with the approval of the Archdiocesan Bishop provided, however, that there shall be a corresponding increase in the number of Clergy Directors. The Archdiocesan Assembly may, from time to time, invoke/adopt, such elected persons subject in all circumstances to confirmation by the Archdiocesan Bishop:
 - a. Prior to the meeting of the Archdiocesan Assembly, there shall be a Nomination Committee, consisting of the Presiding Bishop, the Auxiliary Bishop(s), the Chancellor, the Treasurer, ~~the Archdiocesan Dean (if any)~~, and any alternative or additional members that the Archdiocesan Bishop may determine;
 - b. Deaneries are encouraged, at Deanery meeting or meetings held for that purpose, to elect laity to present to the Nomination Committee as proposed Lay Directors. The Deanery, any person, parish, mission or community may present to the Nomination Committee, names of laity residing in the Deanery to represent that Deanery as Lay Directors and as Lay Directors at large;
 - c. The Nomination Committee shall, additionally, be at liberty to propose names of laity;
 - d. The Nomination Committee shall present the slate of proposed nominees to the Archdiocesan Assembly. Additional nominations shall be accepted from the floor of the Assembly meeting. The nominee’s Deanery shall be identified;
 - e. The Assembly shall elect, if available, one lay person from each Deanery from the nominees, provided that, alternatively, the Archdiocesan Bishop may appoint a Lay Director in an emerging Deanery. The balance of the Lay Directors, if any, may be elected without regard to Deanery Representation;

- f. For the purpose of determining a person's eligibility to be either a Clergy or a Lay Director, but without in any manner affecting the status or function of the clergy or laity as practiced in the Orthodox Faith, Clergy Directors shall be priests and Lay Directors shall include those of the Diaconate and Monastics, but not priests. Directors shall be voting members, according to and as defined by the Statute and within the By-Laws. Laity and clergy, voting at the Assembly and Deanery meetings or presenting names to the Nomination Committee, shall be a voting member, as so defined;
 - g. Any vacancy may be filled, from time to time, by appointment by the Archdiocesan, whenever possible to be a lay person from the Deanery not represented.
- 5.5. The Directors of the Corporation, subject to paragraph 3.2, are competent to:
- a. implement the decision of the Archdiocesan Assembly;
 - b. consider and act on matters affecting parishes and all Archdiocesan institutions in accordance with the directions of the Archdiocesan Bishop and the decisions of the Archdiocesan Assembly;
 - c. consider and act on other matters submitted by the Archdiocesan Bishop;
 - d. attend to legal matters affecting only the interest of the Archdiocese;
 - e. forward Archdiocesan legal matters pertaining to the Orthodox Church in America (OCA) as a whole to the OCA's central office of Church Administration;
 - f. approve Archdiocesan budget and other related financial questions;
 - g. determine the allocation, when necessary, of general Archdiocesan funds to parishes, monasteries, convents, missions, and other Archdiocesan institutions;
 - h. supervise the collection of assessments fixed by the Archdiocesan Assembly;
 - i. reach a final decision regarding the authenticity of the Minutes of the Archdiocesan Assembly when a discrepancy arises;
 - j. delineate the boundaries of parishes and deaneries;
 - k. take an initiative in Archdiocesan fund-raising projects'
 - l. provide for the establishment and maintenance of institutions of charity and education within the Archdiocese;
 - m. provide for the maintenance of Archdiocesan administrative bodies and the allocation of general Archdiocesan funds; and
 - n. make preparations for the Archdiocesan Assembly.
- 5.6. The Directors of the Corporation shall serve without remuneration and shall not be entitled to receive pecuniary profit from the earnings of the Corporation.
- 5.7. Directors of the Corporation may be relieved of their offices before the expiration of their elected term of office through voluntary retirement or through exclusion from communion in the Sacraments of the Church due to Canonical process.

- 5.8. The Archdiocesan Council convenes no less than twice (2) annually.
- 5.9. Extraordinary sessions of the Archdiocesan Council are convened by decisions of the Archdiocesan Bishop or at the request of at least one-half of the membership of the Archdiocesan Council.
- 5.10. The Archdiocesan Assembly shall elect from the members of the Archdiocesan Council representatives to the Metropolitan Council as, and in the manner set out in the Statue (i.e. one priest and one lay person). A process is to be adopted that will select, if possible, the Archdiocese's representative on a basis that there is a mix of new representatives and continuing representatives. The term of the Metropolitan Council representatives shall coincide with the ~~subsequent All American Council three year cycle and not with the three year cycle~~ term of the Council of the Archdiocese of Canada.

6. Members of the Archdiocesan Assembly

- 6.1. The Members of the Archdiocesan Assembly are required to be, and to remain Voting Members of the Archdiocese, in good standing.
- 6.2. Members of the Archdiocesan Assembly are:
- a. The Archdiocesan Bishop;
 - b. The Archdiocesan Auxiliary Bishop(s) (if any);**
 - c. The Archdiocesan Chancellor;
 - d. The Archdiocesan Treasurer;
 - e. The Archdiocesan Secretary (ies);
 - f. Abbots of Monasteries;
 - g. The Priests and Deacons of each Parish;
 - h. The Priests and Deacons not having parishes if accredited by the Archdiocesan Council;
 - i. The members of the Archdiocesan Council and of its auditing committee;
 - j. The retired Bishops and Priests residing within the Archdiocese with the right to attend and the right to consultative voice but without the right to vote;
 - k. Lay delegates, equal in number to the number of Priests and Deacons maintained, from each Parish of the Archdiocese which has remitted all established assessments;
 - l. One Lay Delegate from each Parish not having a Priest, provided that Parish has remitted all established assessments.
- 6.3. Lay Delegates to the Archdiocesan Assembly must meet the following requirements to be validly elected, qualified, and accredited:
- a. Be elected by a Parish Meeting or a Parish Council;

- b. Be a Member of a Parish in good standing, at least eighteen (18) years of age, having received the Sacrament of Confession and communion at least annually for the past three years in his/her home Parish;
 - c. Like all holders of all offices in the Church, he/she may not be a person under ecclesiastical interdict, who is in violation of moral standards, who is married outside the Church, who is a member of anti-Church and/or secret societies.
- 6.4. The Archdiocesan Administration will supply a uniform document to the elected Lay Delegates of each Parish.

The Parish Rector shall forward to the Secretary of the Archdiocesan Council the name(s) and addresses of the elected Lay Delegate(s) two (2) months prior to the dated of the Archdiocesan Assembly. The document of accreditation must be signed by the Parish Rector (or Dean, in cases of Parish Vacancy) and the Parish Secretary and sealed with the Parish Seal.

- 6.5. A member of the Corporation withdraws from the Corporation though voluntary retirement or failure to fulfill the conditions set forth in the by-laws 6.3 a, b, and c.
- 6.6. The Parish will cover the expenses connected with the participation of its Priest(s), Deacon(s), and Lay Delegate(s) in the Archdiocesan Assembly.

7. Archdiocesan Assembly

- 7.1. The Archdiocesan Assembly shall meet at least once in every three (3) years.
- 7.2. The competence of the Archdiocesan Assembly, subject to paragraph 3.2, shall be to:
- a. Elect Members to the Archdiocesan Council and Members of the Auditing Committee of the Archdiocesan Council;
 - b. Nominate candidates for Archdiocesan Bishop;
 - c. Discuss financial means to fulfill the aims of the strengthening Orthodox faith and piety;
 - d. Examine the financial reports of the Archdiocese;
 - e. Authorize the Archdiocesan Council to acquire, encumber or otherwise dispose of Archdiocesan property;
 - f. Participate in the implementation of the All-American Council decisions on Archdiocesan and Parochial levels; and
 - g. Hear, consider, and decide upon resolutions brought forward by the Members of the Assembly.
- 7.3. The Archdiocesan Assembly, being the meeting of the Members of the Corporation, shall have the further competence by a two-thirds majority of its voting members, subject to paragraph 3.2, to make, alter, amend, or repeal by-

laws for the management of the affairs of the Corporation, and the regulating of the affairs of the Archdiocese, Parishes, and other constituent bodies of the Archdiocese.

- 7.4. The implementation and adoption of such makings, altering, amending, or repealing of the by-laws by the Archdiocesan Assembly is dependant upon:
 - a. The conformity of such making, altering, amending, or repealing to THE STATUTES;
 - b. The approval of the Archdiocesan Bishop; and
 - c. The approval of the Minister of Consumer and Corporate Affairs Canada, it required.

8. Diocesan Courts

- 8.1. Every member of the Church is entitled to the canonical procedure in the courts of the Church.
- 8.2. The Diocesan Count shall exist, be formulated, be composed of, and have a process as, and in the manner, set out in THE STATUTE.
- 8.3. The Diocesan Court shall act as a court of first instance in cases where the accurse is a priest, deacon, or a member of the laity. It shall be competent to judge cases involving allegations of unorthodox belief, breaches of canonical or moral discipline, marital problems, disputes involving clergy and parish officers, disputes over parish institutions, and any other matter involving the good order of the Church.
- 8.4. The General Procedure of the Diocesan Court shall be as follows:
 - a. Accusers shall present their accusations in writing to the Archdiocesan Bishop of the accused.
 - b. The accuser shall agree in advance in writing to the decision of these courts is final and non-appealable to the civil courts. If the court is not satisfied in these matters, or considers that the accuser, by lodging his accusation, pursues personal advantage or acts out of personal animosity, the case shall be dismissed.
 - c. If the court determines that there is a probable cause to come to the trial, the accused shall be summoned in writing by the court. The summons shall specify the nature of the accusation and the name(s) of the accuser(s) and the accused shall be given appropriate time to prepare his defense. If he does not answer two successive summonses, the court shall try the case *in absentia*.

- d. The accused is entitled to request that a third party act as his defense. Both the accuser and the accused may request testimony of experts and witnesses acceptable to the court.
 - e. The Archdiocesan Bishop, by his own judgment, is empowered to impose temporary suspension upon clerics, and temporary excommunication upon members of the laity. The accused has the right to trial in court within 30 days of the day when the penalty is pronounced by the Bishop.
 - f. The decision of the court shall be made by unanimous vote, approved by the Archdiocesan Bishop and communicated to the accused in writing within 30 days. If the decision is not unanimous, upon the request of either party, the Archdiocesan Bishop shall appoint a court of four (4) new voting members: two (2) member of the clergy and two (2) members of the laity. The new court shall make a decision by majority vote, approved by the Archdiocesan Bishop. If the Bishop rejects the decision of the court, upon the request of either party, the case shall be referred to the Holy Synod, in accordance with the provisions of THE OCA STATUTE.
 - g. Penalties imposed by the court (against persons judged guilty after trial as well as against false accusers) are prescribed by the canons of the ecumenical and local councils and the Holy Fathers. Their application is subject to approval by the Archdiocesan Bishop who must use the pastoral discretion which belongs to his office in applying penalties.
 - h. If one of the parties is not satisfied with the judgment of the Diocesan Court, he may appeal to the Holy Synod, as the Supreme Court of Appeals of the Church, within 30 days of receipt of said judgment.
 - i. Judgments requiring final deposition (defrocking) of clerics are effective only upon their confirmation by the Holy Synod.
 - j. Those protesting canonical penalties imposed by presbyters in the normal course of their pastoral responsibilities may appeal to the Archdiocesan Bishop within 30 days of the day when the penalty was pronounced. Those protesting canonical penalties imposed or confirmed by bishops in the normal course of their pastoral responsibilities may appeal to the Holy Synod of Bishops, as the Supreme Court of the Church within 30 days of the day when the penalty was pronounced.
 - k. Trials are held subject to any other procedural rules established by the Holy Synod.
 - l. No one shall be brought to trial more than once for the same alleged offence, excepting as set out in these by-laws.
- 8.5. The special procedure for marital problems shall be as follows:
- a. Whenever the parish priest is unable, through pastoral counseling, to prevent the dissolution of a marriage and the conflict results in a civil divorce and if the interested persons themselves seek from the Church a definition of their status as divorcees, a petition is filed with the Archdiocesan Bishop who

examines the documents and makes a new attempt at reconciling the parties.

- b. If the reconciliation fails, the Archdiocesan Bishop shall come to a final decision. In issuing his opinion, the Archdiocesan Bishop may recommend that penance be imposed upon the guilty party(ies). In matrimonial matters, the Archdiocesan Bishop is responsible for making decisions. The Diocesan Court may act only in an advisory capacity at the request of the Archdiocesan Bishop. On the basis of his decision, the Archdiocesan Bishop issues the following statement:

(Having heard the advice of the Diocesan Court of the Archdiocese of Canada concerning the judgment of divorce rendered by the _____ Court of _____, dissolving the marriage between (Name) _____ and (Name) _____, celebrated at _____ on _____, I the Archdiocesan Bishop of the Archdiocese of Canada, hereby acknowledge the conclusion of the civil court as final. (Invoking God's mercy and compassion, I allow (Name) _____ to enter into a new marital union with (Name) _____ and receive the sacraments of the Church starting on _____.)*