

# *Ministerial Juridic Person*

## The Growing Role for Laity in Canonical Sponsorship of Catholic Health Care

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### EDITOR'S NOTE

In early 2014, a group of CEOs and chairs of sponsors of Catholic health care organizations requested that CHA prepare a short paper on the development of the ministerial juridic person for Catholic health care in the United States. The following paper was created in order to articulate a consistent understanding within the ministry and the church, as well as in the broader public, of this model, which opens the sponsor role to laypeople.

**T**herefore, all in the Church, whether they belong to the hierarchy or are cared for by it, are called to holiness, according to the apostle's saying: 'For this is the will of God, your sanctification' (1 Th. 4:3; cf. Eph. 1:4). This holiness of the Church is constantly shown forth in the fruits of grace which the Spirit produces in the faithful ...

Dogmatic Constitution on the Church, Chapter VI, no. 39

Fifty years after the Second Vatican Council and its release of the *Dogmatic Constitution on the Church*, that universal call to holiness resounds in the life of the Catholic health ministry in the United States. And the "fruits of grace," those gifts of the Holy Spirit, are vitally evident in a growing reality: that of laypeople accepting and performing the role of canonical sponsor of the health care apostolate.

In fact, this growing movement into stewardship of the Catholic health ministry by the laity, codified by the Vatican's formal assignment — what is known canonically as "concession" — of juridic personality to entities directed by groups of laypeople, follows a trajectory that reaches back to the council. Thus, in the U.S. health care ministry today, the seeds sown by Vatican II are rooted, growing and maturing.

This growing leadership role for the laity in Catholic health ministry is not merely the effect of the diminished number of religious. Rather, it is a specific affirmation of the vocation that all Christians share to witness to the Gospel by deeds of love and service in the world and within the church. Pope Francis has reminded the church, recalling the teaching of the Second Vatican Council, that all the lay faithful "are protagonists in the work of evangelization and human promotion" by virtue of their baptism. Speaking at a March 2014 conference on the laity, he said, "Incorporated in the church, each member of the People of God is inseparably a disciple and a missionary."

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### WHAT IS SPONSORSHIP IN THE HEALTH MINISTRY?

The Catholic Health Association has defined sponsorship of a health care ministry as a formal relationship between an authorized Catholic organization and a legally formed system, hospital, clinic, nursing home (or other institution) entered into for the sake of promoting and sustaining Christ's healing ministry to people in need. The relationship is formal in that it is guaranteed by civil and canon (church) law, and it is

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— POPE FRANCIS

“authorized” by a diocesan bishop, a conference of bishops, the Pope or an office of the Holy See in Rome. The sponsoring organization can be a religious institute (congregation) or a group of institutes that sponsor jointly, a diocese or some other canonical entity having juridic personality. While an entire institute or diocese may be regarded as a sponsor, specific individuals — the members of a board or corporate member or members of the juridic person — are always designated to carry out the duties of sponsorship.

Sponsorship is much more than a formal, legal relationship, however. It is a dynamic approach to providing ministry, particularly complex ministry on an institutional scale such as a health care system or hospital. And although the duties of sponsorship have something in common with those of governance, they arise from a different source, that is, the relationship with the church. Sponsors act not only in the name of the health care institution, but on behalf of the faith community engaged in continuing the compassionate healing ministry of Jesus.

#### **WHAT IS A JURIDIC PERSON?**

A juridic person is to canon law what a corporation is to civil law. It is an entity within the Roman Catholic Church that enables a ministry to relate directly to the church. Canon law defines juridic persons as “aggregates of persons or of things ordered for a purpose which is in keeping with the mission of the church and which transcends the purpose of the individuals. ... The purposes mentioned are understood as those which pertain to works of piety, of the apostolate, or of charity whether spiritual or temporal” (c. 114).

A new form of juridic person, first described in the 1983 Code of Canon Law, is distinguished from other juridic persons in that laity join with religious and/or clergy in this structure to carry out the role and responsibilities of sponsorship. In the United States, this form is commonly called a “ministerial juridic person.”

#### **GROWTH OF LAY SPONSORSHIP IN CATHOLIC HEALTH MINISTRY**

In the United States, beginning in 1727, congregations of Catholic sisters, brothers and priests established and operated what have become the

world’s largest non-public systems of education, social services and health care. Today, Catholic health care in this country is a vast enterprise of health systems, hospitals, clinics, long-term care facilities and other continuum of care services. Every day, one of every six hospitalized patients in the U.S. is cared for in a Catholic health care facility.

Laymen and laywomen have always served alongside women and men religious in the health

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ministry in this country. Increasingly, due to the ever growing complexity of health care delivery, the renewed understanding of the call of the laity and the religious available to serve in the health ministry, many well-prepared, dedicated lay professionals have assumed positions of leadership in Catholic hospitals and health systems. As executives and members of governing boards, they collaborated with the men and women religious who continued to sponsor their health ministries.

The expansion of lay leadership in the ministry into the role of sponsor began in 1979, when the Catholic Health Corporation, a health system co-sponsored by nine congregations of women religious, began the process of obtaining public juridic person status for the organization. CHC had already broken new ground; co-sponsorship of such a health system was a new paradigm in the early 1970s when the corporation was formed. From its foundation, the system had civil existence as a corporation, but how was it to exist in the church?

As described by Patricia A. Cahill and Sr. Maryanna Coyle, SC, in their 2006 history of Catholic Health Initiatives, the religious congregations that co-sponsored CHC wanted to ensure that their ministries would continue as Catholic and wanted to encourage more laypeople to become actively involved in sponsorship. The pathway to juridic person status for CHC was not straightfor-

ward, however. The church was unprepared at that time to grant such status to the corporation.

Over the next 12 years, CHC's request for juridic person recognition bounced back and forth from the U.S. bishops' conference to individual bishops to the Holy See. Finally, in June 1991, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, exercising its competent authority, formally established Catholic Health Care Federation as a public juridic person of the Catholic Church, thereby acknowledging the new entity's capability to sponsor some of the ministries of Catholic Health Corporation.

Since that time, the concession of juridic personality, once the destination of a lengthy, uncertain process, has been accelerated, and a significant number of Catholic health systems in the United States are now sponsored by entities led by groups of laity, vowed religious and clergy and are formally recognized by the church. For many of these systems, applications for juridic personality were supported by local ordinaries who recognized the importance of sustaining these ministries of the church. In 1995, Massachusetts-based Covenant Health Systems was

granted public juridic personality, assuming sponsorship responsibility from the Grey Nuns of Montreal. With the incorporation of Catholic Health Initiatives in 1996 which merged Catholic Health Corporation with other health systems, CHC's public juridic person, Catholic Health Care Federation, assumed sponsorship of the merged enterprise.

Today, the following U.S. health systems are sponsored by "ministerial juridic persons" (see chart below).

The Second Vatican Council, in its *Decree on the Apostolate of Lay People*, recognized the need for appropriate education and formation for laywomen and laymen who carry on the church's apostolic work. The laypeople who now join with religious and clergy in the sponsorship of these systems participate in ongoing comprehensive, multidimensional programs of formation that prepare them for their unique stewardship role.

#### CONCLUSION

What does this mean for the Catholic Church, for its health ministry and the men and women who serve in Catholic health care organizations? What does it

### U.S. HEALTH SYSTEMS SPONSORED BY 'MINISTERIAL JURIDIC PERSONS'

<b>System</b>	<b>Juridic Person Name, Date Established</b>
<b>Catholic Health Initiatives</b>	Catholic Health Care Federation, 1991
<b>Covenant Health Systems, Inc.</b>	Covenant Health Systems, 1995
<b>PeaceHealth</b>	PeaceHealth, 1997
<b>CHE Trinity Health</b>	Catholic Health Ministries, 2000
<b>Bon Secours Health System</b>	Bon Secours Ministries, 2006
<b>St. Joseph Health</b>	St. Joseph Health Ministry, 2006
<b>Sisters of Charity Health System</b>	CSA Health System Ministries, 2007
<b>Mercy</b>	Mercy Health Ministry, 2008
<b>Sisters of Charity of Leavenworth Health System</b>	Leaven Ministries, 2008
<b>Providence Health &amp; Services</b>	Providence Ministries, 2009
<b>Ascension</b>	Ascension Sponsor, 2011
<b>Catholic Health Partners</b>	Partners in Catholic Health Ministries, 2013
<b>SSM Health Care</b>	SSM Health Ministries, 2013

**In every age, the Spirit has provided the gifts necessary for building up the reign of God.**

mean for the communities served by those ministry organizations?

Throughout most of its history, Catholic health ministry in the United States has been identified with the sisters, brothers and priests who founded, built and operated hospitals and other care facilities across the country. Their service to sick, injured and suffering people was a response to God's call and was animated by grace from the Holy Spirit. Their stewardship as sponsors of those health ministries guaranteed fidelity to the church and its teaching. Their presence made the church visible in those facilities.

Today, in many U.S. Catholic health care organizations, the work of stewarding the ministry of healing is carried out by women and men recognized by the church with juridic personality. They build on the heritage and traditions of the founding religious orders, and their service is overseen by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life of the Holy See.

In every age, the Spirit has provided the gifts necessary for building up the reign of God. These gifts of grace are operative today, if in new ways. The engagement of laymen and laywomen in roles of sponsorship of Catholic health care through the mechanism of "ministerial juridic persons," a new use of a canonical structure provided by the church, is profound evidence of the Spirit's involvement in contemporary life. The changed face of sponsorship in today's health ministry represents not a loss, but an ongoing evolution and a dynamic gift in the church to be celebrated.

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