

GUIDELINES FOR THE
MODIFICATION AND SUSPENSION
OF REGULAR GOVERNANCE
IN AUTONOMOUS MONASTERIES

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Genesis of this Document

At its 2017 General Chapter, the Federation of St. Gertrude passed a resolution authorizing the President to work with the other federations/congregation to provide guidelines when the regular governance of a monastery needs to be modified or suspended. The ensuing committee of members of the three Benedictine Federations and the Congregation of Benedictine Sisters of Perpetual Adoration¹, with the assistance of Fr. Dan Ward, OSB, canon and civil lawyer, worked for two years to produce this document. It was approved by the committee in August, 2019 and presented to and approved by the Conference of Benedictine Prioresses on February 3, 2020.

¹ Sr. Jeanne Weber (President, Federation of St. Gertrude), chair; Sr. Lynn McKenzie (President, Federation of St. Scholastica), Sr. Kerry O'Reilly (President, Federation of St. Benedict), Sr. Dawn Mills (Prioress General, BSPA), Sr. Joella Kidwell (FSG), Sr. Mary Catherine Wenstrup (FSS), Sr. Michaela Hedican (FSB), and Sr. Pat Nyquist (BSPA).

Introduction

Sustained by God's presence through the Benedictine heritage we treasure, we give thanks for the history that has brought us to this time, a time that not so long ago seemed unimaginable. In the not so distant past our communities were thriving and our plans were big. In the past few decades, however, there has been a shift away from growth models and expansion plans due to the great changes that have taken place in our world, our Church and religious life.

These years have been unprecedented in the amount and speed with which change has happened at all levels of life. We have witnessed the waning influence of religious values in the shaping of our culture. The family has steadily decreased in size, in prominence and influence. Technology has reshaped our ways of living and working, our ways of learning and thinking, including the way the human brain functions. Roles for women in society have expanded beyond the home, the classroom and the hospital to the boardroom and the courtroom, the legislature and the launch pad, and everywhere in between. Within the Church, doors have opened for women to earn Master of Divinity degrees as well as degrees in Theology and Scripture. Women are on the faculty at schools of theology. They hold administrative posts at the parish and diocesan levels. All of these forces have had a dramatic effect on the Church and on us as religious women who serve in the Church. Probably the greatest effect on religious life is the steep decline in the number of women choosing to commit their lives to Christ as professed religious living in community.

However much these changes can be viewed as threats to our way of life, through the eyes of faith and the knowledge of the cyclical nature of history, we can also catch glimpses of God working with us to shape something new from the same foundations upon which we have built. Our faithful witness to the values and practices put forth in the Rule of St. Benedict has enkindled a desire in the hearts of many seekers of God to follow the path that we have followed. Thus we see the emergence of new expressions of Benedictine monasticism being shaped in response to the realities of a new era.

Given these realities, some monasteries will be moving to the completion of their mission. This document is offered as a guide for the leadership of monastic communities and federations as they assess and discern how best to care for monasteries which are coming to completion. It provides a way to keep communities together when they no longer have the means to govern themselves.

Theological Framework

Our Creator God continues the work of creation as we are told in Revelation, "Behold, I make all things new" (Rev. 21:5). In the call of Abraham, God made a new covenant with the people. The promise that they would be God's people and God would be their God is central to the covenant we make through our profession as Benedictine monastics. God's presence to the people in their Exodus from Egypt is the premiere example of God's guidance, protection and care. Like the people of the Exodus journey, we also make our life's journey as we seek God as Benedictine monastics and follow where God leads us. Sustained by the stories of God's faithfulness for our ancestors in the faith we are strengthened for our journey. We are given hope.

Not only was God for us, as evidenced by the stories of the Hebrew Scriptures, but through the Incarnation, God became one of us – Emmanuel – God with us! According to the Gospels, there was nothing that was beyond Jesus Christ’s being with and for the people. He gave an eternal assurance of this presence to us just prior to the Ascension, “And behold, I am with you always, until the end of the age.” (Matt. 28:20)

St. Benedict urges us to become aware of this presence of God through listening. The Church, too, through Vatican II challenges us to listen to the signs of the time. It is in this context that we seek to realistically and responsibly address the unfolding of the future of our monastic life. Benedict’s last tool of good works reminds us never to lose hope in God’s mercy. (RB4:74) His vision for us is clear as stated in RB 72:12, “May God bring us altogether to everlasting life.”

Pastoral Framework

As we continue our monastic journey we are keenly aware of Benedict’s injunction to care for the sick, the infirm, and the seniors. (RB 36, 37) Providing for the basic human needs, comfort and care of each sister regardless of age or physical condition is an imperative. Providing care for the members in familiar settings where they are surrounded by those whom they know and who have supported them over the years is a priority.

For those monasteries whose mission is coming to completion, the following guidelines can serve as a model to assure the members that they can live out their days alongside those with whom they have made their monastic journey while remaining in the geographic area where they have faithfully lived their monastic life.

Overview

The regular governance of a monastery is constituted by a capable and functioning prioress, monastic council, and chapter. Modification or suspension of regular governance is an option when the members of a monastic community can no longer fulfill one or more of the requirements for regular governance. In this case, a form of governance is put in place that fits the realities of the community and enables it to stay together as an autonomous monastery. The goal of modification of governance is to enable the monastic community to continue to govern itself when there are no longer sufficient members to constitute a monastic council. The goal of suspension of governance is to enable the members of the community to continue to live a monastic life meaningfully as they come to completion.

There are several options available when one or more elements of regular monastic governance become unsustainable in a monastic community.

1. If a monastic community is unable to elect a prioress, i.e. there are not candidates who are able, willing, and electable by the members, a temporary administrator may be appointed. This is still

considered regular monastic governance. If, however, a monastic administrator is not available, governance may need to be suspended and a commissary² appointed to lead the community.

2. If the monastic community has become small enough that a council is no longer feasible, the governance of the council may be discontinued and the chapter as a whole may assume the role of the council. This modification of regular governance may be a step on the way to full suspension of governance.
3. If the chapter is unable to process complex matters and make sound decisions, regular governance may be suspended and an alternative governance structure put in place, which would include the appointment of a commissary.
4. In addition to modification or suspension of governance, current law provides other alternatives for a monastic community that can no longer fulfill the requirements of regular governance. These include:
 - a. Appointment of a monastic administrator;
 - b. Merger with another monastic community and dissolution of the monastery;
 - c. Transfer or dispensation of sisters and dissolution of the monastery.

As we face the realities of this new era, assessment and planning become critical components in moving a community into its desired future. Completion plans need to be undertaken while the community is still capable of formulating a plan and carrying it out. Without such a plan in place, crucial decisions will be taken out of the hands of the community and left to others. Additionally, if there are significant elements of planning which have not been attended to, it may be more difficult to find a monastic administrator or a commissary to lead the community, in which case dissolution/suppression and transfer of the sisters to other monasteries may be the only option when a community can no longer govern itself. For more information, see Appendix II.

Initiating Modification or Suspension of Governance

1. The monastic community is responsible for its future as it has been throughout its history. A monastic community, aware of its fragility,³ may recognize that it no longer has the means to sustain regular monastic governance. When that is the case, the following process may be used to initiate consideration of modification or suspension of governance:

² *Commissary* is the term used by The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL), for the appointed superior of a religious institute in which regular governance has been suspended. In the context of a given monastic setting, the terms *pastoral administrator*, *administrator* or *major superior* could also be used.

³ See Appendix I regarding signs of fragility.

- a. The prioress, after consultation with the monastic council, writes a report to the federation president detailing the realities that indicate the need for a new form of governance and requesting her to visit the community.
 - b. The president addresses the points of the report with the monastic council and community, and provides time and opportunity for discussion, shared reflection and an indication of readiness to consider a new form of governance.
 - c. The federation president consults with and keeps the federation council informed regarding the community's request and the progress toward modification or suspension of governance.
 - d. The process of determining the particular shape of the new monastic governance would be a joint effort of the federation president and council with the prioress and council of the monastic community.
 - e. The prioress and president would present the proposed structure to the monastic community and provide time for discussion and discernment.
2. In some cases, the federation president, having consulted with the federation council, may initiate discussion of modification or suspension of governance with a monastic community.
 - a. The federation president and council may discern the need for action when they recognize multiple signs of fragility in a monastic community.
 - b. Consideration of alternative forms of governance may come about as the result of an ordinary or extraordinary visitation.
 - c. When having this discussion with a monastic community, it is recommended that a member of the federation council assist the president.

Key assumptions

- The reality of the monastic community has been discussed within the monastic chapter;
- The monastic community has prepared for this step by planning for its ministries, finances, eldercare, properties and legacy;
- There has been communication between the federation president and monastic community and the next step is toward beginning the process of modification or suspension of governance;
- The chapter members understand what modification/suspension mean as detailed by the section, *Changes to the Canonical and Civil Governance of the Monastery* (p. 9);
- The monastic community understands the norms in the federation constitutions relating to modification/suspension of governance (See "Canonical Authority of the Federation, p. 8);
- Civil documents pertaining to the monastery and its sponsored or separately incorporated works (ministry) have been identified and there is an understanding of the changes that will need to be made with these documents;
- The involvement of the federation president and council as well as the assistance of canon and civil lawyers will be needed throughout the process of preparing and implementing the alternative form of governance.

Canonical Authority of the Federation

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life holds that a monastic congregation (a federation is a monastic congregation) is responsible for the care of the members of a member monastery if the monastery can no longer do so. The basis for this determination is that the monastic congregation is the religious institute, not each of the monasteries. Within the monastic congregation, the monasteries may be “autonomous” but autonomy is not absolute and is determined and limited by canon law and the proper law of the monastic congregation.

According to the norms of each of the federations, the federation president with the consent of the federation council, has the authority to modify or suspend the canonical governance of an autonomous member monastery.

- **Call to Life (Federation of St. Scholastica) SNs 53-55**

SN 55.d: The federation president in special cases, after consultation with the monastic chapter and the consenting vote of the Federation Council, may modify or suspend the regular governance of a monastery and make other provisions for governance.

- **Listen (Federation of St. Gertrude) SN.51**

SN 51.k: In special cases, with the consent of the Federation Council, she (Federation President) may suspend the governance of a monastery and make other provisions for governance.

- **With Hearts Inclined (Federation of Saint Benedict)**

GN 16, PRESIDENT, SN, 10

GN 13, FEDERATION COUNCIL, SN, 10

The Federation President, in special cases, after consultation with the monastic chapter and the consenting vote of the Federation council, may modify or suspend the regular governance of a monastery and make other provisions for governance.

The canonical authority of the federations with regard to modification/suspension of governance implies that the president also must be concerned with the corporation and assets of the monastery to ensure the following:

1. The corporate documents are not in conflict with the new and future canonical structures of the monastery.
2. The assets of the monastery are managed and sufficient to provide for the members of the monastery ⁴.

⁴ If a monastery no longer has the financial ability to provide for the members, the monastic congregation to which it belongs must do so. In most instances, this would mean that the federation would have to seek contributions from or actually tax the other monasteries to provide support for the members.

3. The corporate governance continues when the members of the monastery no longer can participate in the governance.
4. The dissolution of the corporation, following the suppression of the monastery, and the distribution of the remaining assets protects the legacy of the monastery.
5. The federation is able to fulfill its canonical responsibilities regarding the canonical public juridic person and its temporal goods (assets).

Effect of Suspension of Governance on the Status of the Monastery

1. Federation Membership

The monastery remains a Benedictine monastery and retains its membership in the federation. The exercise of this membership through participation in the federation chapter may be altered to fit the circumstances of the community. Presuming an aged and frail membership and a community in which the main role of the commissary is to see to the care of the members, there may be no representation from the community needed at the chapter. Alternately, the commissary may be invited by the federation president to attend as an observer.

2. Visitations

Due to the change in the focus/situation of the monastic community under suspended governance, it may be advisable to change the manner in which visitations are carried out. Visitations could take place every two to three years, depending on the term of the commissary, and carried out in a different format, for example, a pastoral visit by one or two persons, including the federation president or her delegate, in which the care and well-being of the sisters and the effectiveness of leadership and governance is assessed.

Changes to the Canonical and Civil Governance of the Monastery

When there is a plan for the modification or suspension of the regular governance of a monastery, adjustments also must be made to the governance of the civil corporation of the monastery, and possibly also to ministry corporations of the monastery.

1. Canonical Governance

Canonically a monastery is a public juridic person. Its canonical structure of governance is composed of the prioress, the council and the monastic chapter. The authority of each is governed by canonical documents, namely the Code of Canon Law, the proper law (constitutions) of the monastic congregation (federation) and the governing norms particular to monastery.

2. Corporate Governance of the Monastery

Civilly, the monastery is a corporation. The governance of the corporation should be structured so that it parallels as much as possible the canonical structure of governance. Therefore, usually the prioress is the president of the corporation; the prioress and the members of the

monastic council compose the board of trustees/directors and the members of the monastic chapter are the members of the monastery corporation. Generally, the duties and authority of the president, the board of trustees/directors and the corporate members parallel the duties and authority established in the canonical documents for the prioress, the monastic council and the monastic chapter.

3. Modifying or Suspending the Canonical Governance of a Monastery

- a. When the governance of a monastery is *modified*, the monastery's threefold governance structure of prioress, council, and chapter is replaced by a twofold governance structure of prioress and chapter. Since the monastic council no longer exists, all the duties and responsibilities of the monastic council are transferred to the monastic chapter.
- b. When the governance of a monastery is *suspended*, the monastery's threefold governance structure of prioress, council and chapter is replaced by a single governance structure of an appointed canonical administrator referred to as a "commissary."
 - i. The commissary, in consultation with the members of the community and the federation president, chooses two or more persons to serve as advisors.
 - ii. If an action of the commissary requires canonical consent, the advisors, in consultation with the federation president and council, may provide the canonical consent. Advisors may also function as liaisons between the community members and the commissary.
 - iii. The advisors, preferably, would be members of the monastery in question or of another monastic community, especially if the commissary is not from a monastic order. If this is not possible, members of other religious institutes or clerics may be considered. When there are no further canonical actions to be taken, lay persons could also be appointed.
 - iv. Terms for the advisors may be set as befits the situation. There does not need to be a set term.

4. Adjusting the Corporate Governance of the Monastery

If the canonical structure of a monastery is modified or suspended, the corporate documents must be amended to reflect the canonical changes. Depending upon the particular situation, the amended corporate documents may or may not exactly parallel the new structure of canonical governance.

a. Modification of Governance

Usually, the board of trustees/directors of the monastery corporation is composed *ex officio* of the prioress and the members of the monastic council. When the canonical governance of the monastery is modified, the monastic council no longer exists. Therefore, the bylaws (sometimes referred to as the code of regulations) must be amended to provide for a new composition of the board of trustees/directors.

- i. One possibility is that the amended bylaws provide that the prioress and members of the monastic chapter *ex officio* compose the board of

trustees/directors. If this is the change, there may no longer be the need for corporate members of the monastery corporation since the same persons compose both the board of trustees/directors and the corporate members. In this case, the bylaws could also be amended to eliminate the corporate members.⁵

- ii. Another possibility for the membership of the board of trustees/directors is to change the board of trustees/directors from a board with *ex officio* membership to a board that is self-perpetuating. A self-perpetuating board is a board that is composed of persons who elect themselves. The board re-elects a member or elects a new member to replace an outgoing member. In the case of a monastery with a modified canonical structure of government, it would seem advisable and necessary that the prioress or the person holding the office of prioress (in the case of an administrator) continue to be *ex-officio* a member of the board and its chair while the rest of the members of the board be self-perpetuating. Board members may include sisters from the monastic community who are able to serve in this capacity, other religious or clerics from the area who are familiar with the community, or lay persons who have a needed expertise and supportive relationship with the community.
 - iii. A third possibility is that the federation president and perhaps all or some of the members of the federation council become the corporate members with specified reserve powers such as to appoint or approve the members of the board of trustees/directors.⁶ The reserve powers will depend upon the reason for the modification of the governance of the monastery and the necessity for the federation president to guide the monastery into the future.⁷
- b. Suspension of Governance
- If the canonical governance of a monastery is suspended, neither the monastic council nor the monastic chapter continue to exist. The bylaws of the monastery corporation must be changed in order to provide for the composition of the corporate members, if they are retained, and the board of trustee/directors. The changes to the bylaws will

⁵ Eliminating the corporate members may not be possible if the State statutes require corporate members in non-profit corporations. It also may not be advisable in cases where modifying the canonical structures of government is done for a reason other than declining membership and/or lack of members to serve in leadership.

⁶ When considering whether the federation president and the entire council compose either the corporate members or the board of trustees/directors of a monastery, it is important to consult an attorney about the possible liability the federation may be open to if the federation president and the entire federation council control both the federation and a particular monastery corporation. If a federation is incorporated, then the federation president and the entire federation council controlling the corporation of a monastery may be subject to the accounting rule of "consolidated audits," that is the federation must include the assets of the monastery in the audit of the federation.

⁷ Depending on the situation, other powers reserved to the Federation President/Council as Corporate Members could include the sale/lease/encumbrance of property and approval of changes to the Articles of Incorporation and By-laws.

depend on any previous changes made if/when the canonical governance of the monastery was modified.

5. Corporate Governance of Ministries

A monastery may have established one or more corporations for ministries of the monastery. Many of these ministry corporations provide that the prioress and the monastic council are *ex officio* the corporate members with reserve powers or that they compose the entire or the majority of the board of trustees/directors. When the canonical governance of a monastery is modified or suspended, changes may be required in the corporate documents of these ministry corporations to reflect the canonical and corporate changes made in the governance of the monastery. However, before making changes to the corporate documents of ministry corporations, the monastic community should reflect and plan about the future of each ministry and the continuing involvement of the monastery in the ministry. It may be that the ministry should be closed or the monastery withdraw from participation in governance of the ministry. It is important to begin this discussion so that plans are made for the ministry if the monastery envisions that at some point the governance of the monastery is suspended and a commissary is appointed. The primary role of the commissary is the care of the members of the monastery not the oversight and governance of the ministries. Decisions about ministries should be made and implemented prior to the appointment of a commissary.

6. Documents Needing Review

Other documents that need review and possible updating relative to the new structure include legal documents signed by each member of the monastery;

- a. Documents pertaining to health care:
 - i. Do Not Resuscitate (DNR) Order;
 - ii. Living Will Directive;
 - iii. Health Care Surrogate Designation;
- b. Financial Durable Power of Attorney;
- c. Patrimony and/or Renunciation of Patrimony Documents;
- d. Retirement Plan and/or Pension Documents;
- e. Last Will and Testament.

Note: The titles of the above documents may vary from state to state.

7. The Role of Consultation

It is imperative that a monastery consult with the federation president as well as with canon and civil lawyers when making changes to the canonical and corporate structures and to the governing documents of the monastery and its ministries. The same is true when establishing a trust or other legacy vehicle (see appendix III). The canon lawyer and the civil attorney will be required to work together so that the canonical and civil documents are not in conflict with, are supportive of, and coordinate with each other. They also will be required to work with both the monastery and the federation.

Selection/Role of the Commissary

1. Eligibility:

A commissary must be a vowed religious or cleric. She may be a member of another monastery or religious institute, but does not necessarily have to be in leadership in her institute. If there is a monastic (or other) community of men in the vicinity, a male commissary could be considered. Ideally the commissary would be someone experienced in leadership who is familiar with monastic spirituality and/or with the particular culture and work of the monastic community she will be leading.

2. Identification/appointment:

- a. The federation president and council, taking the input of the community under advisement, identify prospective candidates and enter into dialogue with these individuals and the superiors of their religious institutes.
- b. After identifying a candidate, the federation president, with the federation council's approval, makes the appointment.
- c. The federation president negotiates the terms of the agreement, including stipend, with the person identified and her religious superior.
- d. The federation president introduces the commissary to the monastic community.
- e. A communication plan is developed which includes the various monastic constituencies as well as the local ordinary.

3. Authority and Role:

- a. The primary role of the commissary is pastoral. She ensures the care of the members. This may be accomplished by the appointment of staff to carry out those responsibilities.
- b. The specific scope of the commissary's authority is detailed in a letter of appointment. The letter may be written such that the commissary is given "all the authorities of the major superior except _____."
- c. Areas to consider in the letter of appointment:
 - i. Admission to stages of initial formation; (Presumably the monastic community has made the decision to cease its vocation and initial formation programs.)
 - ii. Transfer or departure of members;
 - iii. Monastery finances;
 - iv. Monastery property (sale/alienation of real property);
 - v. Monastery works (Ideally the monastic community has plans in place for the disposition of its ministries.);
 - vi. Invitation to meetings of prioresses and/or federation chapter and whether or not she has active voice at these meetings;
 - vii. Other areas as needed.
- d. The circumstances of the local community will determine the amount of time the commissary needs to spend with the monastic community. This determination would

be made by the federation president in dialogue with the commissary at the time of her engagement. The agreed upon arrangements should be included in the letter of appointment.

4. Term: Though a set term is not required, it would seem helpful to establish a term for the sake of the commissary and the community. A two to three-year minimum commitment is recommended. If the commissary is also in leadership in her own monastery or religious institute, her term as commissary would not end necessarily with her term in her own institute, nor would the role of commissary pass to her successor.

Other Scenarios

It is possible that suspension of governance could be considered as a temporary measure for a community in a resolvable situation. Likewise, it could be a longer term solution to a monastic community's inability to self-govern when they are still somewhat distant from the reality of completion. In these cases the arrangements outlined above would need to be modified to fit the situation. Areas to consider:

1. Civil/corporate structure, including the role of the federation president and council in the corporate governance of the monastery.
2. The scope of the authority of the commissary, especially with regard to admission to stages of initial formation and the oversight of monastic works;
3. Residency of the Commissary at the monastery on a full or part time basis;
4. Participation of Commissary and/or representatives of the community at federation chapter;
5. The form of visitations.

Concluding Remarks

This document is intended to serve as a guide for monastic communities, monastic leadership, and federation leadership in implementing the modification or suspension of the regular governance of an autonomous monastic community. It provides information about alternative structures that may meet the present needs of monastic communities and allow them to continue to live as fully as possible as they come to completion. As such, it is not realistic to include every contingency. The document may need to be amended over time as experience is gained.

As we face the realities of this new era, assessment and planning become critical components in moving a community into its discerned future. We hope this document will be of assistance as monastic communities look at their reality and plan for their future.

APPENDIX I: SIGNS OF FRAGILITY IN MONASTIC COMMUNITIES

- Financial instability;
- Small and decreasing membership;
- A majority of members who are aged and/or in poor health;
- Lack of personnel for key leadership positions in the community;
- No perpetual profession for many years;
- Lack of formation personnel, a solid formation program and a formative community for the incorporation of new members;
- A spiritually or psychologically unhealthy community;
- Inability to carry out the Liturgy of the Hours, even in simplified form;
- Inability of members to live a cenobitic life;
- No plans for the future other than maintaining the status quo;
- Buildings inadequate to meet the needs of the community along with insufficient means to rectify the situation;
- Inability of the community to exercise oversight of its ministries.

This list, while not exhaustive, is intended to assist monastic communities and federation/congregation leadership in the process of assessing the viability of their monasteries.

APPENDIX II: FINANCIAL MANAGEMENT

By Sr. Lynn McKenzie

Before a monastery can effectively suspend regular governance, one must determine the various aspects of monastic living that presently are addressed on a daily, weekly, monthly, and/or quarterly basis and consider ways in which it will be possible to handle each of these in the future.

A. Buildings

One way in which to acquire an overall view of monastery lands and buildings would be to have an assessment conducted of the buildings and real estate to determine if some properties need to be sold or if long term leases could provide a good source of income. Are there persons or entities who currently rent portions of monastery property? How does the monastery currently interface with those who rent monastery property?

If the remaining Sisters will be moving elsewhere, then perhaps the property should be sold or leased long term for ongoing income. If the Sisters wish to remain in the same location, then it could be possible to sell the property with a lease back provision being made for the members of the monastery to remain there. Another possibility is that the property can be reconfigured so that the members use only a portion of it and the remainder is rented out. Perhaps a local non-profit organization would be willing to use part of the monastery property and pay rent and perhaps share expenses. It is important to think creatively without putting limitations on possibilities. A consultant who is knowledgeable about land and building use could be helpful to the community in thinking broadly so that the best possible outcome can occur.

B. Contracts to Handle Practical Aspects of Living

As the community looks to the future the immediate concern is to imagine how to manage things that are now taken care of or overseen by leadership or other members when that is no longer possible. Perhaps there is currently a maintenance supervisor who works with the community leadership to oversee maintenance issues for the grounds and building. There might also be a kitchen supervisor who oversees meal planning, food procurement, meal preparation and service. The monastery might have a nurse or other person who helps make sure that medical needs of the Sisters are met. There might also be a chief finance officer or someone similar who does payroll and insurance matters for employees of the monastery as well as who pays the regular bills of the monastery. Provision needs to be made for all aspects of the sisters' care as well as oversight of monastery departments and employees when the community no longer has elected leaders or members who can fulfill these responsibilities.

It would be helpful to meet with the lawyer and accountant who currently do work for the monastery to brainstorm about what matters need to be contracted out to make sure that life continues to run smoothly, and then begin to think about what is financially necessary to meet these needs.

Is there an investments manager(s)? Who oversees the manager(s)? How are the financial assets currently being managed? Has there been a projection done of how long the community investments will last given current and projected future needs?

Management contracts and service contracts would be the likely answer to most of the practical issues of how to make sure that property is cared for and services are provided. A *service contract* is an agreement between the monastery and a person or organization which agrees to provide a specified service for the monastic community. It is likely that service contracts can be entered for maintenance issues as well as for health care and food services, along with payroll services if needed. However, it would be important at least to explore whether the monastery could do without having employees who ordinarily require a great deal of detailed oversight, both in a supervisory way as well as in business matters such as payroll, worker's compensation and medical insurance, etc. Service agreements for independent contractors to do what employees now do might be a practical answer.

A *management contract* is an agreement between the community and a management company hired for coordinating and overseeing a contract. When an organization or business hires a management company, it is typically to carry out specific tasks. The management company will then be compensated for its work.

Likely it will be necessary to have a management contract with some entity with experience in managing and overseeing properties, that would also provide the interface with the various service providers. It can be complicated. It is important that an attorney experienced with such contracts be employed at the outset to help craft the questions for candidates for such management and for an eventual written contract itself.

When looking to hire persons or organizations to perform services and/or manage services and property, please see the paper available on the RCRI website (trcri.org) with guidelines for finding and interviewing professional advisors and consultants.⁸

C. Future Care of Monastery Cemetery

One specialized area that needs attention is the future care of the monastery cemetery. It is something that could be overlooked as it does not require regular care, other than lawn mowing and the like. If a monastic community decides to move from its current location or if the monastic community closes, what happens to the monastic cemetery? How will it be cared for? It is crucial that future care of the monastery cemetery be arranged and that the arrangement be in writing and enforceable in the future, if at all possible. It would be important to have the document either written by a lawyer in the jurisdiction where the cemetery is located or at least reviewed by such a lawyer.

⁸"GUIDELINES FOR FINDING AND INTERVIEWING PROFESSIONAL ADVISORS AND CONSULTANTS" at https://www.trcri.org/page/toolbox_choosing

APPENDIX III: TRUSTS

By Dan Ward, OSB

A monastic community may wish to plan for its legacy when the monastery no longer exists. As an example, a monastery may wish to establish a trust to continue the charitable work of the closed monastery.

A. Purpose of Trust

The purpose of such a trust is to provide financial support for persons and charitable organizations. The trust is funded by the income and assets that are no longer required to support the monastery and its members. Gradually, the monastery may fund the trust as assets are no longer needed for support. When the monastery is to be closed, the remaining assets may be transferred to the trust.

B. Criteria for Beneficiaries

In creating the trust, the monastic community must establish criteria for who is eligible to be a beneficiary of the trust. The criteria should take into account that charitable needs change over time. For example, presently a charitable need may be organizations that serve immigrants. However, in 20 years, that particular charitable need may no longer be as paramount. Therefore, the monastic community should spend time dialoguing about present and future possible beneficiaries.

C. Criteria for Trustees

In creating the trust, the monastic community should establish criteria for eligibility to be a trustee. The reason for this is so that future trustees will understand and respect the values, spirit and wishes of the monastic community expressed in the trust document or guiding documents appended to the trust document.

D. The Federation as a Beneficiary

In deciding who should be a recipient of the assets of the monastery, the monastic community should take into account the monastic federation that supported the monastery during its existence, cared for the members, and assisted in the closure of the monastery.

The monastic community could consider providing a one-time lump sum financial gift to the federation. Another possibility is that when the monastery closes, the trust make a one-time lump sum financial gift to the federation. The amount of the gift would be stated in a provision of the trust. The amount could be a set dollar amount or a percentage of the total assets of the trust. A third possibility is that the federation be listed as an on-going beneficiary of the trust and eligible for gifts from the trust as long as trust and the federation or its successor continue in existence.

In providing financial gifts to the federation or its successor, the monastic community, even though no longer in existence, continues to support Benedictine monasticism into the future.

E. The Role of the Federation

If a monastic community is considering the establishment of a trust to continue its legacy, the monastic community is to consult with the federation president. Since the federation through the federation president and the federation council ultimately is responsible for the care of the members of a monastery, the federation president is responsible to see that assets remain in the corporation or that the trust provides for the care the members until there are no longer any members.