

SECTION 2

DIOCESAN POLICY AND GUIDELINES

FOR

PARISH AND DIOCESAN SACRAMENTAL RECORDS

**SECTION 2 - Sacramental Records
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SECTION 2 SACRAMENTAL RECORDS

INTRODUCTION

The parishes of the Diocese of Gaylord are relatively new when considered within the total history of the Church. Yet there are many signs that as a Church community we are "coming of age," not just because of the passing of time but also because of a more mature sense of our identity, an identity which is not completely of our own making but rather one that has been shaped in history. More and more we realize that we are a community of people with a past as well as a present and a future.

One of the most important sources for understanding this historical identity are the parochial sacramental registers of baptism, first Communion, confirmation, marriage and death. These books are invaluable records of the people who made up a parish and collectively the Diocese at a given time. They are of vital interest not only to the Church but also to countless individuals and even whole communities; their value is acknowledged in both canon and civil law.

The following policy is based partly on the provisions of Canon Law and diocesan law and partly on questions which have been addressed nationally and locally concerning the creation, preservation and use of sacramental records. This policy is meant to provide some practical norms for parish use and is not intended as a complete statement of all the issues raised in Canon Law, civil law and archival practice.

I. OWNERSHIP AND RESPONSIBILITY

- A. Copyright.** The Diocese of Gaylord shall have sole copyright and ownership for all sacramental records of the Archives or parishes under the jurisdiction of the Diocese of Gaylord.
- B. Responsibility.** The creation, preservation and use of sacramental records are the responsibility of the priest or pastoral administrator/parish life coordinator in charge, whether pastor, associate pastor, chaplain or administrator (c. 535 §1).
- C. Missions.** A priest who also has charge of a mission church is obliged to maintain for that church a separate set of sacramental registers.
- D. Institutions.** Catholic institutions (i.e., hospitals) which maintain their own sacramental records should continue to do so. Priests assigned as chaplains or parish priests with sacramental responsibilities for Catholic or non-Catholic institutions which maintain no distinctly Catholic sacramental registers should see to it that the reception of the sacraments of baptism and marriage are recorded in the sacramental registers of the territorial parish in which the

hospital or institution is located. These sacraments should not be recorded in the parish in which the priest is assigned if it is not the territorial parish.

If a Catholic institution closes or combines with another institution in a manner that precludes the maintenance of specifically Catholic sacramental records, the records should be discontinued and transferred to the Diocesan Archives. All future sacraments performed at that location should then be reported and recorded at the territorial parish.

- E. Transfer to Diocesan Archives - Closed Parishes.** See heading IV.
- F. Delegated Responsibility.** The priest or pastoral administrator/parish life coordinator in charge may choose to delegate the day-to-day administration of these records to a parish secretary or to another delegated person.
- G. Certification of Registers.** If the priest or pastoral administrator/parish life coordinator in charge does not personally make entries in the registers, the records should at least be certified by his/her signature at the foot of each page.
- H. Non-Transferable.** Under no pretext may a priest or pastoral administrator/parish life coordinator take any parochial books, including sacramental records when leaving a parish. Outside of the legitimate access described in Section V, neither the originals nor any copies of sacramental registers nor the data they contain, whether on microfilm or otherwise, can ever be given, loaned or sold to any person or institution without the written permission of the Bishop. This permission will specify the conditions for use, duplication and publication.

II. CREATION OF SACRAMENTAL REGISTERS

- A. Registers Required.** Each parish is required to keep the following sacramental registers: baptism, confirmation, marriage and death (c . 535 §1, 895). A register of first Communion is optional. These registers should be clearly labeled as to the name of the parish and the dates. They should also be indexed. Although microfilm/computer storage may supplement the registers for reference or statistical purposes, this is not an acceptable replacement for the books themselves.
- B. Permanent Bindings, Paper, Ink.** Since the registers are meant for permanent preservation, the binding and paper should be of a quality that is permanent, durable and acid-free (non-yellowing). The ink that is used should also be of a permanent quality. Only black ink should be used. The best type of inks are those made for art work or India inks (usually found in cartridges). A ball-point or felt-tip pen is **unacceptable**. For further information, contact the Diocesan Archivist.

- C. Accuracy and Legibility.** Since the registers are kept for future reference as legal proof (canonical and sometimes civil) of Church events, it is necessary that the entries be made promptly, accurately and legibly. For this reason entries should be printed rather than written out in longhand, except for signatures. An inaccurate or illegible record is a disservice to the persons involved and to their families.
- D. Corrections, Additions, Deletions.** One of the tests for the value of a record as legal proof is whether it has been officially kept and whether there have been any alterations. For this reason, the proper way to correct a factual error (e.g., a person or date) is to add a notation and **not erase or cross out** what someone claims is incorrect. The notation must be based on some written proof of error (this proof should be identified in the notation).

In case of a technical or incidental error (e.g., spelling, date out of sequence, etc.) which is obvious to the priest or pastoral administrator/parish life coordinator, a change in the original entry can be made without the need for a notation or proof. In case of doubt, the Diocesan Archivist should be consulted.

III. SACRAMENTAL CERTIFICATES (Canon 535 §3)

As an authenticated transcript (i.e., signed and sealed) of the original record, every certificate should be accurate, legible (preferably typewritten) and complete (including all notations except in cases of adoption as indicated in Section VI). The absence of information to fit an item on the printed form should be indicated by a line or the words "none" or "not given," rather than by leaving the space blank. Certificates are to be signed by the pastor, pastoral administrator/parish life coordinator or delegate and sealed with the parish seal.

It is also possible to issue a signed and sealed certificate without adding notations. Certificates of this kind must be clearly marked with the words "FOR NON-SACRAMENTAL PURPOSES" since they are not sufficient to certify the canonical status of an individual.

IV. THE PRESERVATION OF SACRAMENTAL RECORDS

- A. Storage.** Sacramental registers are to be kept in a secure place (i.e., the parish safe) as well as stored and handled in an environment that ensures their preservation (c. 535). Ideally, this means a constant cool temperature with a relative humidity of 40% to 50% and no prolonged exposure to sunlight or artificial light. While most parish offices cannot fulfill such precise requirements,

steps can always be taken to avoid high temperatures, dampness and direct sunlight.

- B. Restoration.** Registers that have been worn out by use and age can be rebound and restored, provided this work is done according to archival requirements.

Rebinding that destroys any data or renders any part of the records unusable is not acceptable. For these reasons, the Diocesan Archivist should be consulted before any rebinding or restoration work is undertaken.

- C. Copies.** Sacramental registers can be protected from loss due to fire, age or heavy use by making duplicate copies in any one of several ways: transcripts, photo-reproduction, microfilm or computer. However, under no circumstances should the original register be discarded.

In 1981, the Diocese completed a diocesan-wide microfilming project of sacramental records for the purpose of providing secure duplicate copies. Periodic updating of the film is to occur every ten years. This project and any other steps taken on the parish level should be regarded as a means of preservation, not freer access or publication. The same restrictions of access apply to copies as to the original records as described in Section V.

As with original records, no copies of sacramental records or the data they contain, whether on microfilm or otherwise, may ever be given, loaned or sold to any person or institution without the written permission of the Bishop, except, of course, for the legitimate access described in Section V below. This permission will specify the conditions for use, duplication and publication.

- D. Transfer to Diocesan Archives - Closed Parishes.** The ordinary repository for sacramental registers is the parish that created them. In the event that a parish or institution closes, sacramental registers, together with other parochial books, are to be transferred to the Diocesan Archives which will assume responsibility for administering them.

V. ACCESS TO SACRAMENTAL RECORDS

Sacramental records are of a mixed nature: private and public. They are private in that they were created in circumstances presumed to be private and confidential. They are public in that they will stand in civil law as valid and authentic evidence when an appropriate civil record does not exist. They are not "public" in the sense that they are open to immediate examination and inspection by anyone for whatever reason.

All persons have the right to be furnished with an authenticated certificate of their own sacramental records. These records, however, are not only of value to the persons named in the registers. Research, whether historical, genealogical, sociological, demographic, etc., is also a valid reason for permitting access to these records, provided that rules of access protect the legitimate right of privacy of persons named in the registers. It is the responsibility of the Diocese of Gaylord, acting in and through the priests and pastoral administrators/parish life coordinators of the various parishes, to supervise how these records are used, by whom and for what purposes.

The passage of time has a critical effect on the sensitivity of all records. As current events become historical events, the need for withholding them from use is reduced and, in some cases, may eventually disappear entirely. For this reason, older records may be made more broadly available to researchers, whereas recent records are more restricted from use.

Another effect of time on the sacramental records is the condition of the registers. Frequent use and poor handling of the registers has created broken bindings, loose pages, torn pages, brittle paper and sometimes illegible handwriting. These old registers need to be handled with care.

Since the Archives of the Diocese does contain the sacramental records of the parishes of this diocese on microfilm, access to the records is limited and restricted to the parish offices. Those seeking information from sacramental records will not have unlimited or free access to the records. Access to these records is limited because of factors indicated above and also for confidentiality. Access to the records is granted by the priest or pastoral administrator/parish life coordinator only. The priest or pastoral administrator/parish life coordinator or designate will obtain the information from the records, issue a certificate if desired (as described in Section III) or provide the information sought.

- A. For Sacramental Records over 100 years old:** Researchers seeking records over 100 years old should contact the Diocesan Archives where microfilm of all sacramental records up to that date are on deposit at the Archives. Since this service is available, researchers should be directed to the Diocese. They should not have access to the original registers at the local parish in order to preserve the registers from wear and tear and insure that researchers receive proper supervision and equal treatment subject to the rules of access.

- B. For Sacramental Records under 100 years old:** These records are not open to first-hand examination except by authorized parish or archival personnel. If a person is seeking his/her own record or has a legitimate reason to request family records, authorized parish personnel will examine the registers and issue the requested sacramental information, either directly or by mail.

Any other person, researcher or agency who has a legitimate reason to request sacramental records may be allowed to acquire same only with the approval of the priest or pastoral administrator/parish life coordinator in charge or the Diocesan Archivist. A request should be made in writing stating the reason for the request.

These records may be used for statistical, quantitative research in certain instances. Contact the Diocesan Archivist for guidelines.

- C. For All Sacramental Records:** Parishes should not charge any fees for providing information from sacramental registers, whether in the form of a certificate or otherwise.

Requests made by government or corporate agencies (e.g., Social Security Administration, insurance companies, etc.) should be accompanied by a document signed by the person whose record it is (or by a legally qualified guardian) authorizing the release of the information. Subpoenas and other court orders demanding that records be delivered to a third party should be forwarded to the Diocesan Director of Administrative Services. No records should actually be handed over to the court, attorney or administrative agency without the prior review and approval by the Diocesan Director of Administrative Services and Diocesan legal counsel.

VI. SPECIFIC SACRAMENTAL RECORDS

A. Baptismal Records:

- 1. In General:** The baptismal register should include the following items: the names of those baptized, the minister of the sacrament, parents, sponsors and/or witnesses, place and date of the baptism and the date and place of birth (c. 877).
- 2. Routine Notations:** The baptismal register serves as the "master record" for a person's membership in the Church (c. 535 §2). Notations concerning other sacraments received later in life are to be entered there: confirmation, marriage (including convalidation), reception of Holy Orders, perpetual profession in a religious institute and change of rite.

Notations of annulment (and restrictions on future marriages), adoption, laicization and dispensation from vows should also be entered when requested officially by the appropriate authorities. These notations may be entered into a separate register (see Section VI.A.8).

3. **Unmarried Parent(s):** If a child is born of an unmarried mother, the name of the mother is to be inserted in the baptismal register if there is public proof of her maternity (e.g., a civil birth record) or if she asks this willingly, either in writing or before two witnesses. Likewise, the name of the father is to be inserted in the register if his paternity has been proven either by some public document or by his own declaration before the pastor and two witnesses. If these conditions are not met, the child is to be recorded as being of "unknown mother" or "unknown father," in Latin mater ignota or pater ignotus (c. 877 §2). **It is not permitted to make an annotation which says "illegitimate."**
4. **Adoption:** Baptism should be postponed until after the child has been placed with the adopting parent(s), except in extraordinary circumstances such as imminent death. This is with the understanding that the postponement will be for a relatively short time only -- approximately one year.

"The National Conference of Catholic Bishops, in accord with the prescriptions of Canon 877 §3, hereby decrees that:

FOR CHILDREN BAPTIZED AFTER THEIR ADOPTION IS FINALIZED.
The following should be entered in the baptismal register:

- * the Christian name of the child as designated by the adopting parent(s);
- * the name(s) of the adopting parent(s);
- * the date and place of birth;
- * the date and place of baptism;
- * the names of the sponsors selected by the adopting parent(s);
- * the name of the minister performing the baptism; and
- * the fact of adoption but not the names of the natural parents.

Baptismal certificates issued by the parish for adopted children will be no different than other baptismal certificates. No mention of the fact of adoption shall be made on the baptismal certificate.

FOR CHILDREN BAPTIZED BEFORE THEIR ADOPTION IS FINALIZED.
The following notations should be ADDED to the baptismal register but

only after the adoption has been finalized and with due regard for the civil law of the jurisdiction:

- * parentheses shall be placed around the names of the natural parents;
- * the name(s) of the adopting parent(s) shall then be added;
- * the child's former surname should also be placed in parentheses and the new surname added; and
- * a notation shall be made that the child was legally adopted.

Baptismal certificates issued by the parish for these individuals shall give only the name(s) of the adopting parent(s), the child's new legal surname, the date and place of baptism and the name of the minister who conferred the sacrament. The name(s) of the sponsor(s) shall not be given and no mention of the fact of adoption shall be made on the baptismal certificate.

For future ease in reference after the adoption has been finalized, a baptismal entry for the adopted child can be made in the baptismal register of the adoptive parents' parish, citing the date and location of the original baptismal record and listing only the names of the adoptive parents, the date and place of birth.

Parish personnel having access to parish registers have an obligation not to disclose to any person any information which would identify or reveal, directly or indirectly, the fact that a person was adopted.

5. **Formal Withdrawal from the Catholic Church:** Canon law makes provision for a baptized Catholic to withdraw from the Church by means of a "formal act." If there is certain proof of such withdrawal based on documents, a notation must be made in the person's baptismal record indicating that the person has withdrawn from the Church and on what basis (ordinarily a signed letter). The details of the request (date of the letter, etc.) should also be noted. All future references to the baptismal record must include this notation of withdrawal. This is important since such individuals are no longer bound by the canonical form of marriage. Documents connected with the withdrawal should be kept. In case of doubt, the Tribunal Office should be contacted.
6. **Outside Clergy or People:** When a minister baptizes in a parish church to which he is not assigned, he is responsible for the filing of necessary records. The baptism should be recorded in the parish where the baptism took place. If the family is registered in a parish other than the one in which the baptism took place, the baptism is to be recorded in the church where the sacrament was conferred. However, a notice should also be sent to the family's own parish requesting that the name of the person

baptized be entered into the baptismal register with an indication of where the actual baptismal record can be found.

- 7. Baptism Outside a Parish Church Building:** When the sacrament of baptism is conferred in a place other than a parish church building in accordance with Diocesan norms, it is important that the record not be "lost" in an unexpected place but will be retrievable for future reference.

The baptism should be recorded at the parish whose territory encompasses the location where the sacrament was conferred. A notice should also be sent to the parish in which the family is registered, if other than the territorial parish of the place of baptism, requesting the name of the person baptized be entered in the baptismal register there with an indication of where the actual baptismal record can be found.

- 8. Supporting Documents:** Certain notations in the baptismal register are accompanied by legal documents which serve as evidence. Examples would be adoption documents proving paternity. These items should be kept but they should not be stamped, glued or paper clipped into the actual baptismal register. All notations should be entered into the register and a separate baptismal file, organized alphabetically by name, can be created for these materials. This file can be referred to in the notation.

- 9. Omitted Records:** Baptismal records previously omitted, should be entered into the register after supporting documentation has been secured. At least two affidavits (see appendix) must be obtained from persons present at the baptism (i.e., parents, sponsors, grandparents, minister). Pictures can also be used for documentation. The documentation should be kept but should not be stamped, glued or paper clipped into the actual register. A separate baptismal file, organized alphabetically by name can be created for these materials. This file can be referred to in the notation.

The baptism should be recorded in the parish where the baptism was celebrated in the appropriate year if room allows. If this is not possible, the baptism should be entered as the next entry and indexed in the correct year referencing where the record is to be found.

- 10. Corrections, Additions, Deletions:** One criterion that determines the accuracy of a record is whether it has been properly and consistently maintained and whether there have been any alterations made to the information contained therein. The acceptable method of correcting an error or otherwise amending an existing record is to add a notation and not simply erase, cross out or obliterate what someone claims is incorrect.

The notation must be based on some written proof of error (a certified birth certificate or civil court-related document, etc.) The notation should mention what type of document was used as proof. In case of a minor technical or incidental error (incorrect spelling, date out of sequence, etc.), which is immediately obvious to the priest once it is identified, a change in the original entry can be made without a notation or outside proof. In questionable cases, the Diocesan Archivist may be consulted.

B. Confirmation Records:

The names of the confirmed, with mention of the minister, parents, sponsors, place and date of the confirmation and any other information as indicated in the register, are to be noted in the confirmation register of the parish. A notice must also be sent to the church of baptism about the confirmation so that a notation can be made in the baptismal register (c. 895).

C. First Communion Records:

Where these registers are kept, they should include the names of First Communicants and their parents as found on their baptismal certificates, date of reception and any other information as indicated in the register.

D. Reception into Full Communion:

The baptismal register should include the following: the name of the candidate who has been received into full communion, place and date of birth, date of the profession of faith (indicated under in the "Date of Baptism" column), parents, sponsors and/or witnesses and the minister of the sacrament.

The date and place of confirmation should be entered in the appropriate column. A notation of first Communion should be entered in the remarks column as well as **the place and date of Christian baptism.**

In addition, the sacraments of Confirmation and First Communion are to be recorded in the appropriate registers according to the proper format.

E. Marriage Records:

1. In General: All marriages (including marriages convalidated in the external forum) are to be entered in the marriage register. The following items are to be noted:

- * Names of the spouses;
- * Names of the parents;

- * Place and date of baptism;
- * Witnesses;
- * Minister who assisted;
- * Place and date of marriage;
- * Any pertinent notations (c. 1121).

A notice of marriage must be sent to the church of baptism of the Catholic party(ies) so that a notation can be made in the baptismal register(s) (c. 1122).

It is also necessary to retain the pre-nuptial file permanently in the parish archives.

2. Notations: The following notations are to be entered in the marriage record:

- * The dispensation received from impediments;
- * The permission received from mixed religion;
- * The dispensation received from canonical form;
- * The delegation given to assist at the marriage;
- * A decree of dissolution or nullity, as well as any restrictions on future marriages.

Whenever a rescript is involved, the name of the diocese, congregation or tribunal which issued the rescript should be noted, together with the date and the protocol number if one is provided.

3. Marriage Outside a Parish Church Building: When a wedding takes place according to canonical form, the sacramental records are to be entered and kept at the territorial parish within the boundaries of which the wedding was celebrated because that is the parish from which the priest's delegation had to be received (c. 1108 §3).

In the case of a wedding celebrated with a dispensation from canonical form, the marriage is to be recorded in two places (c. 1121 §3):

- * In the parish of the Catholic party whose minister prepared the couple for marriage and requested the dispensation (or at least gave permission for another priest to do so);
- * In the Chancery of the diocese which granted the dispensation from canonical form.

The minister who requested the dispensation is responsible for sending the usual notification of marriage to the parish of baptism of the Catholic party and the Chancery that granted the dispensation from canonical form.

4. **Omitted Records:** Marriage records previously omitted should be entered into the register after supporting documentation has been secured. At least two affidavits (see appendix) must be obtained from persons present at the celebration (i.e., maid of honor, best man, parents, minister). Pictures can also be used for documentation. The documentation should be kept but should not be stamped, glued or paper clipped into the actual register. A separate marriage file should be created for these materials.

The marriage should be recorded in the parish register where the marriage was celebrated in the appropriate year, if room allows. If this is not possible, the marriage should be entered as the next entry and indexed in the correct year referencing where the record is to be found.

F. Death Records:

1. **In General:** The name of the deceased, with mention of the date of death and any other information indicated in the register, are to be noted in the death register.
2. **Celebration Outside a Parish Church Building:** All Catholic funeral liturgies, even if celebrated outside the church building, should be entered in the parish register.

If a priest is called upon to preside at a non-Catholic funeral/burial, an entry can be made in the parish death register together with a notation concerning the religion of the deceased and any other information indicated in the register.

NOTE: Affidavits to establish Catholic baptism and Catholic marriage are included in Section 4 - Exhibits.