

## **POLICY FOR CHARGES TO CONGREGATIONS AND RELATED ENTITIES FOR ATTORNEY WORK**

### **Policy Statement**

This policy explains when a congregation or related entity will be charged for services performed by an attorney.

### **Policy Authority**

- Issued by: Diocesan Council
- On (date): August 17, 2019
- Next review date: As necessary

### **Definitions**

- Contracts are a written agreement, that is intended to be enforceable by law.
- Licenses are a permit from an authority to own or use something, do a particular thing, or carry on a trade
- Leases are a contract by which one party conveys land, property, services, etc., to another for a specified time, usually in return for a periodic payment.
- Title IV refers to Ecclesiastical Discipline. For a full explanation, please visit [https://www.episcopalchurch.org/files/documents/candc\\_2012pp127-171.pdf](https://www.episcopalchurch.org/files/documents/candc_2012pp127-171.pdf)
- Parish is a congregation that is fully self-supporting and has a fully-salaried Rector. For a full definition, please visit [http://www.episcopalhawaii.org/uploads/2/5/4/8/25486559/tech\\_-\\_canons\\_2015\\_final.pdf](http://www.episcopalhawaii.org/uploads/2/5/4/8/25486559/tech_-_canons_2015_final.pdf)
- Organized Mission is a congregation that is not fully self-supporting and does not have a fully-salaried "rector". For a full definition, please visit the above link for definition of a Parish
- Related Entity is an entity that is a wholly-owned subsidiary of The Episcopal Church in Hawaii. Examples would be St. Andrew's Schools, Camp Mokulē'ia and A Cup of Cold Water.

### **Getting Help**

- Questions about this policy? Please contact the Business Manager, Rae Costa
  - Online form: <https://form.jotform.com/200280497866160>
  - Phone: (808) 536-7776, ext. 326
- Questions about implementation of the policy? Please contact the Diocesan Accountant, Danny Casey
  - Online form: <https://form.jotform.com/200306917701144>
  - Phone: (808) 536-7776, ext. 306

### **Related Policies/References**

- Policy for Contracts
- Policy for Licenses
- Policy for Leases
- National Church Title IV

### **Procedures**

- Attorney or Law Firm will send their invoice to the Diocese
- The Diocese will pay the invoice and then charge the congregation(s) for the work performed based on the below
  - Pass through of charges to congregations for legal review of contracts, licenses, and leases is the actual legal review cost except that the Diocese will pay on an annual basis the first \$500 for any congregation for legal costs for actions using approved Diocesan checklists and templates. For actions not using the approved checklist and template the Diocese will pay the first \$250. This policy will go into effect on 1 January 2020.
  - All Title IV and related clergy employment issues will NOT be charged to the congregation.
  - All lay, congregational or related entity employee issues will be charged to the congregation or related entity

**Forms**

- None