

ORDO FRATRUM SERVORUM BEATAE MARIAE VIRGINIS

COMPENDIUM
IURIS OSM



CURIA GENERALIS OSM
MMXVIII

**BRIEF
LEGAL
HANDBOOK**

Updated Version

*Rome, General Curia O.S.M.
2018*

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INTRODUCTION

During its Planning Session for the Year 2018 at Monte Berico (VI) December 11-15, 2017, the General Council definitively approved a revision of the BRIEF LEGAL HANDBOOK. The Handbook has been revised and improved in recent years thanks to the precious collaboration and skill of Fra Souriraj M. Arulananda Samy and Fra Hubert M. Moons. We are grateful to them for their work.

Revision of the Brief Legal Handbook was made necessary by the new text of the Constitutions and the General Directory approved by the Apostolic See (March 25, 2015). We realize that Priors, Vicars and Delegates Provincial, Regional Coordinators and their Councils frequently need to resolve cases and situations concerning individual friars, communities, the fraternal life, the apostolate, etc. that require legal competence.

We therefore hope that this brief compendium of canonical and constitutional norms which we are presenting can be of use especially to those friars who are assuming the tasks of leadership and government in the Order for the first time. These norms regard the most common and frequent cases they will encounter.

We hope that this handbook will be of benefit to all of us and especially helpful to those of our confreres who share with us the ministry of leadership and direction in the Order.

Please send suggestions and comments to the Secretary of the Order, they will be welcome and will help us improve and update later versions of this brief handbook.

The Servite General Council
Easter 2018

Overview of legal questions: references

ACRONYMS

<i>can or cann:</i>	Canon/Canons: <i>Code of Canon Law</i> (1983)
CDF o SCDF	CONGREGATION FOR THE DOCTRINE OF THE FAITH
CIVCSVA	CONGREGATION FOR THE INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE
<i>Const.</i>	<i>Servite Constitutions</i> (2015)
CPI	PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS
DG	<i>Servite General Directory</i> (2015)
GD	<i>Normae de gravioribus delictis</i> (2010)
<i>no. or nos.</i>	Number/Numbers: <i>Brief Legal Handbook</i> (2018)
RI	<i>Ratio Institutionis OSM</i> (2000)
RV	<i>Rule of Life of the Secular Order of the Servants of Mary</i> (1995)

Absence

- One-week absence from community *Const.* 186
- One-month absence from community *Const.* 206/g
- One-year absence from community for legitimate reason *can.* 665 §1; *Const.* 208/a
- More than one-year absence from community for legitimate reason *can.* 665
- Absence from the community for three reasons: health, study, apostolate all in the name of the Order *cann.* 665 §1; *Const.* 208/a
- Illegitimate absence from the community: *cann.* 665 §2, 696 §1; *Const.* 180/a

Admission

- admission to the postulancy *Const.* 124; DG 4 -7
- admission to the pre-novitiate DG 7; RI 88-112
- admission to the novitiate *cann.* 641-645; *Const.* 125-134, 208/d; RI 113-135
- admission to temporary profession *can.* 656; *Const.* 135-143, 208/d; RI 113-135
- admission to renewal of vows *Const.* 136/b; RI 141
- non-admission to renewal of vows *can.* 689 §1
- non-admission... for sickness *can.* 689 §2
- admission to solemn profession *can.* 656; *Const.* 208/d, 145 and ff; RI 159-164

- non-admission... for sickness *can.* 689 §2
- admission to ministries *Ministeria quaedam*, VII-XI
- admission to Sacred Orders *cann.* 1024-1052;
Const. 156-157; *RI* 184-188

Dismissal [*Const.* 180/a]

- Dismissal of a novice *can.* 653 §1
- Dismissal of a temporary professed *cann.* 694–696, 703; *Const.* 180/a
- Dismissal *ipso facto* *can.* 694
- Obligatory Dismissal *cann.* 695, 1395 §1, 1397-1398
- Provincial's decision to dismiss *cann.* 696-697, 703
- Dismissal for *delicta graviora* *GD* nos. 2-6

Dispensation

- Dispensation from temporary vows *can.* 688 §2; *Const.* 252/f
- Dispensation from solemn vows *cann.* 691-693; *Const.* 150
- Dispensation from priestly celibacy *cann.* 290-23
- Dispensation for non-clerical friar
elected conventual prior *can.* 588 §2; *Const.* 170

Elections and deliberations

- Elections and voting *cann.* 164-183; *Const.* 166–169
- Postulation *cann.* 180-183; *Const.* 167

Exclaustration [*Const.* 180/a]

- Exclaustration up to three years *can.* 686 §1; *Const.* 252/d
- Exclaustration for more than three years *can.* 686 §1
- Imposed exclaustration *can.* 686 §3; *Const.* 252/e

Incardination in a Diocese

- Experimental *can.* 693
- *sic et simpliciter* *can.* 693

Passage to and from

- Passage of a solemn professed from
one to another institute and vice versa *can.* 690; *Const.* 180/b; 252/c

Re-admission

- Re-admission of a novice who has completed
the novitiate or a professed who left the Order
for a legitimate reason, without
having to repeat the novitiate *can.* 690; *Const.* 252/g

Religious Houses

- Erection and suppression of religious houses *cann.* 608-616;
Const. 208/h, 252/I; *DG* 28
- Erection, transfer, suppression of a novitiate *can.* 647; *Const.* 252/a

Separation

- Procedure for separation *Instruction, Dans sa
maternelle* (1984)

Part One: Procedures concerning persons

Chapter I. ADMISSIONS

1. Period of reception or postulancy (cf. *DG 4-7; RI 67-90*)

“The Directory will determine the program for establishing contact with eventual candidates and the way in which they will be accepted” (Cf. *DG 6; RI 71*).

2. Prenovitiate (Cf. *DG 4-7; RI 91-112*)

Passage from period of reception to pre-novitiate (Cf. *RI 88-112*).

“This period of reception is concluded with a letter written by the person responsible for admission as determined in the Directory - or his delegate. The letter will tell the candidate whether or not he has been accepted into the pre-novitiate program” (*RI 70*).

Required documents (Cf. *RI 89*)

3. Novitiate (Cf. *Const. 125-134; RI 113-135*)

In admitting candidates to the novitiate canons 641-645 must be observed. (Cf. *Const. 125; RI 110*). The Prior/Vicar Provincial with his council is responsible for accepting candidates for the novitiate (Cf. *Const. 208/d, 162; can. 641*).

Required documents (Cf. *RI 112*)

4. Temporary Profession (Cf. *Const. 135-143; RI 140-158*)

The Prior or Vicar Provincial with the consent of his Council is responsible for admitting candidates to temporary profession (Cf. *Const. 208/d, 162*). Who receives the profession: Cf. *Const. 136/a*.

Required documents (Cf. *RI 138*)

5. Renewal of Temporary Profession (Cf. *Const. 136/b; RI 141*)

Taking into account the master’s written report, it is the responsibility of the Prior/Vicar Provincial to allow a candidate to renew his temporary profession. (Cf. *Const. 136/b*)

6. Solemn Profession (Cf. *Const. 144-150; RI 159-164*)

It is up to the Prior/Vicar Provincial with the consent of his council to admit a candidate to solemn profession (Cf. *Const. 208/d*). The consent of the Prior General is also required (Cf. *Const. 145*).

Required documents (Cf. *Const. 15; RI 161*)

N.B. The act of profession [4.] must be signed by the person making the profession, by the person receiving the profession and by at least two witnesses. This is also true for the renewal of temporary profession [5.] and for solemn profession [6.] *Rituale della Professione Religiosa O.S.M.*, 213).

7. Re-Admission to the Order (Cf. *can.* 690 §1; *Const.* 252/g)

Permission to re-admit a candidate to the Order without the obligation of repeating the novitiate is reserved to the Prior General with the consent of his Council (Cf. *Const.* 252/g).

There are two possible cases:

1. That of a novice who has completed the entire novitiate year and then leaves lawfully at its conclusion without making profession.

Requirements and procedures:

- a) A request to the Prior General made through one's Prior/Vicar Provincial explaining the reasons for re-admission.
 - b) The Prior/Vicar Provincial should discuss these reasons with his Council, present a report and give his opinion on the case to the Prior General.
 - c) With the consent of his Council the Prior General may re-admit the candidate indicating the conditions and determining an appropriate period of probation before temporary profession (Cf. *can.* 690 §1). The length of time of temporary profession shall be in accordance with the norms of canon law (Cf. *cann.* 690 §1, 655, 657).
2. The other case is that of a professed who leaves the Order lawfully after profession (either his time of profession is over, or he has a dispensation).

Requirements and procedures:

- a) A request to the Prior General made through one's Prior/Vicar Provincial explaining the reasons for re-admission.
- b) The Prior/Vicar Provincial should discuss these reasons with his Council, present a report and give his opinion on the case to the Prior General.
- c) With the consent of his Council the Prior General may re-admit the candidate indicating the conditions and determining an appropriate period of probation before temporary profession (Cf. *can.* 690 §1). The length of time of temporary profession shall be in accordance with the norms of canon law (Cf. *cann.* 690 §1, 655, 657).

8. Ministries (Lector and Acolyte)

Admission to the ministries of Lector and Acolyte and their confirmation is the responsibility of the Prior/Vicar Provincial (Paul VI, *Motu Proprio*, "*Ministeria quaedam*" August 15, 1972, in *AAS* 64 (1972), pp. 529-534).

Requirements and procedures:

- a) Written request of the candidate.
- b) Explicit declaration that the request is being made of his own free will, in freedom and with an understanding of the obligations being undertaken.

9. Diaconate and Priesthood (Cf. *cann.* 1008-1054; *Const.* 156-157; *RI* 185-186)

It is the Prior/Vicar Provincial who consults his Council and then admits the candidate. Candidates for Orders: the candidate must be solemn professed.

Documents required (Cf. *RI* 187-188; requirements etc. Cf. *cann.* 1008-1054)

10. Registration and communication

“All details connected with entrance into the novitiate, temporary profession and eventual leaving the Order should be duly registered and communicated to both the Prior General and Prior Provincial” (*Const.* 149); this also applies to the conferral of the ministries of Lector or Acolyte as well as other Sacred Orders (Cf. *cann* 1053 §1). As soon as possible the Prior/Vicar Provincial shall inform the parish priest/pastor of the place where the friar was baptized that he has made solemn profession (Cf. *Const.* 149) or that he has been ordained a deacon or a priest (Cf. *can.* 1054) or if he has eventually left the Order or has been dispensed/dismissed from Sacred Orders (Cf. *Const.* 149; *can.* 535 §2).

Chapter Two: DEPARTURE FROM THE ORDER (Permissions and Dispensations)

2.1. Temporary Departure

11. Absence from the Priory for only three reasons (Cf. *can. 665 §1*)

Permission for absence from the Priory for (three) reasons: health, study or an apostolate to be exercised in the name of the Order (Cf. *can. 665 §1*)

With the consent of his Council the Prior/Vicar Provincial can give this permission for as long as one of the three aforementioned reasons last (Cf. *can. 665; Const. 208/a*). In his “letter of obedience”, assignment to one of the priories of the jurisdiction should be specified. The friar involved retains all his provincial and conventual rights and obligations.

12. Permission for a one-year absence for a just reason (Cf. *can. 665 §1*)

It is the responsibility of the Prior/Vicar Provincial with the consent of his Council to grant such a permission. After previous agreement with the friar involved this permission should specify all the provincial and conventual rights and duties concerned (e.g. assignment to a community, participation in chapters, active and passive voice, financial arrangements ...); (Cf. *Const. 208/a, 194*). If the friar is a cleric, permission of the Ordinary of the place is required if he is to exercise his ministry. At any time, the Prior/Vicar Provincial can revoke this permission, or the friar involved can renounce it. In either case the absent friar is obliged to rejoin his community immediately.

13. Permission for an absence of more than one year for a just cause (Cf. *can 665 §1*)

This is the competence of the Apostolic See alone. The Prior/Vicar Provincial must send the request of the individual concerned along with reasons for the request and the opinion of his own Council to the Prior General.

14. Indult of Exclaustration for a period not exceeding three years (Cf. *can 686 §1; Const. 252/d*)

This is the responsibility of the Prior General with the consent of his Council.

Requirements and procedures:

The Prior/Vicar Provincial will send to the Prior General:

- a) The request of the friar concerned along with his reasons for this request.
- b) Information he thinks useful.
- c) The opinion of his Council.
- d) If the friar is a priest or deacon, the consent of the Ordinary of the place he will reside must be included (Cf. *can 686 §1*)
- e) The Prior General with the consent of his Council makes the decision.
- f) The Prior/Vicar Provincial consigns the original of the indult of exclaustration to the friar concerned and sends a copy to the Bishop.

When the period of exlaustration is coming to an end; the Prior/Vicar Provincial should write to the friar and tell him about the approaching end and ask him for information about his future plans.

15. Exlaustration: Extension; granted for a period over three years (Cf. *can. 686 §1*)

Extension of the indult is reserved to the Apostolic See. Concession of an indult for more than three years is reserved to the Apostolic See; for documentation follow the procedures above [14. (a-d)]. The Prior General should forward the request to the Apostolic See along with his opinion in the matter.

16. Exlaustration with a view to incardination in a Diocese (Cf. *cann. 691-693*)

This is reserved to the Apostolic See.

Requirements and procedures:

The Prior/Vicar Provincial should send the following to the Prior General:

- a) The request of the friar concerned along with his reasons for this request.
- b) Information he thinks useful.
- c) Declaration of the Bishop of the place that he will accept the friar deacon or priest *ad experimentum* with a view to immediate or future incardination.
- d) The Prior/Vicar Provincial's vote and that of his Council.

The Prior General will charge the Procurator of the Order to present the request along with the required documents to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CIVCSVA).

17. Imposed Exlaustration (Cf. *can. 686 §3, Const. 252/e*)

For serious reasons and with the consent of his Council, the Prior General can request the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life to impose exlaustration on a religious. If the Prior/Vicar Provincial has examined a situation and believes there are reasons to impose exlaustration he should send a detailed report to the Prior General. It should include what efforts have been made to resolve the case. If the friar is a cleric, the Bishop of the place where he will reside should be informed. With the consent of his Council the Prior General should present the request to the Apostolic See.

18. Juridical effects of exlaustration (Cf. *can. 687*)

The exlaustrated religious is relieved of those obligations that are incompatible with the conditions of his new life; he has neither active nor passive voice but continues to belong to the Order according to the modality laid out in the rescript of exlaustration.

- a) If the exlaustration was not imposed, the exlaustrated friar can at any time renounce the indult he had been given and rejoin a community determined by the Prior/Vicar Provincial.

- b) If a friar has been accepted *ad experimentum* into a diocese with a view to future incardination after five years he is by law incardinated into the diocese unless the Bishop has rejected him (Cf. *can.* 693).

19. Illegitimate absence from a priory (Cf. *cann.* 665 §2, 696 § 1; *Const.* 180/a)

If a friar is illegitimately absent from his own priory the norms established by common law should be followed. The Prior/Vicar Provincial should inform the Prior General immediately.

2.2. Definitive Separation of a temporary professed

20. Indult allowing a temporary professed friar to leave the Order for a serious reason (Cf. *can.* 688 § 2; *Const.* 252/f).

Requirements and Procedures:

- a) Request with reasons addressed to the Prior General from the friar concerned.
- b) Opinion of the Formation Master.
- c) Opinion of the Prior/Vicar Provincial after consulting his Council.
- d) With the consent of his Council the Prior General can grant a friar an indult to leave the Order before his temporary profession has expired.

N.B. The opinions mentioned in 20/b and 20/c are a custom in the Order.

21. Not admitting a temporary professed friar to renew his vows (Cf. *can.* 689 §1; *Const.* 136/b, 207/c)

Requirements and Procedures:

- a) When the temporary profession expires.
- b) For a just cause.
- c) After consulting with his Council, the Prior/Vicar Provincial can keep a temporary professed friar from renewing his vows or being admitted to Solemn Profession.

22. Dismissal of a temporary professed friar (Cf. *cann.* 694-696; 703; *Const.* 180/a)

Requirements and Procedures:

The requirements are the same as for a solemn professed (see *nos.* 27-30). The proper law can also indicate cases of lesser gravity for dismissal of a temporary professed (Cf. *can.* 696 §2).

N.B. Annotation in the respective registers (Cf. *Const.* 149).

2.3. Definitive separation of a solemn professed friar: Voluntary

23. Passage of a solemn professed friar to another institute (Cf. *cann.* 684-685; *Const.* 180, 252/c)

This is the responsibility of the Prior General with the consent of his Council.

Requirements and Procedures:

- a) Request with reasons from the friar concerned to the Prior General.
- b) With the consent of his Council the Prior General grants permission to pass to another institute.
- c) Permission is requested from the supreme moderator (with the consent of his Council) of the other institute.
- d) For passage to another form of consecrated life permission from the Apostolic See is necessary.
- e) A written agreement on the passage of the friar concerned should be drawn up between the two institutes.
- f) After a probationary period of at least three years the individual can be admitted to solemn/perpetual profession in the new institute.
- g) After making solemn/perpetual profession in the new institute the friar concerned is definitively separated from our Order.

N.B. This procedure is similar to the case of a solemn/perpetual professed individual who wants to enter our Order (Cf. *Const.* 180/b).

24. Indult of Incardination in a Diocese (Cf. *cann.* 691, 693; *Const.* 150)

This is the responsibility of the Apostolic See.

Requirements and Procedures:

The Prior/Vicar Provincial sends to the Prior General:

- a) The request of the individual concerned along with the most serious reasons.
- b) A “*Curriculum vitae*” biography with the places he has served as a deacon and priest. The individual concerned shall sign this.
- c) Information he deems convenient.
- d) His own opinion (Cf. *Const.* 150).
- e) A declaration of the Bishop of the place to accept either “*sic et simpliciter* or *ad tempus*” the friar deacon or priest for incardination into his diocese.
- f) The Prior General will present his own vote and that of his Council and send all the documentation to the competent Congregation through the Procurator of the Order.
- g) Once the rescript has been received from the Congregation, the Bishop of the Diocese should send an executive decree to the CIVCSVA and the Prior General; from this moment the friar is definitively separated from the Order.

N.B. When a Bishop accepts a friar experimentally “*ad tempus*” after five years the Bishop will incardinate the friar into his diocese in compliance with the Law – unless he has rejected him (Cf. *can.* 693).

25. Dispensation from solemn vows (Cf. *cann.* 691-693; *Const.* 150)

The indult involves the dispensation from vows and all the obligations that derive from profession (Cf. *can.* 692). It is the responsibility of the Holy Father.

Requirements and Procedures:

- a) A request addressed to the Holy Father asking for a dispensation from vows; the request will list the very serious reasons that have led to this decision (Cf. *cann.* 691-692) along with a “*Curriculum Vitae.*” The request is sent to the Prior General through the Prior/Vicar Provincial along with the Prior/Vicar Provincial’s opinion (Cf. *Const.* 150).
- b) If the friar making the request is a cleric who is seeking incardination the willingness of a Bishop (in writing) to accept the friar into his diocese also required (Cf. *can.* 693; see: Indult of Incardination into a Diocese, no. 24).
- c) The Prior General will include his own vote along with that of his Council and forward all the documentation to the competent Congregation through the Procurator of the Order.
- d) Once the dispensation has been legitimately granted by the Holy Father, it will be sent to the friar involved by the Prior/Vicar Provincial; when the friar involved accepts the dispensation he is definitively separated from the Order (in the event he does not accept it he remains a member of the Order).
- e) The Prior/Vicar Provincial has the duty to inform the pastor/parish priest of the place where the friar was baptized if the dispensation becomes effective.

26. Reduction to the lay state and dispensation from priestly and diaconal obligations (Cf. *cann.* 290-294).

(SCDF, *Procedural Norms* [October 14, 1980]; CDF, Circular Letter, *La dispensa dagli obblighi sacerdotali e diaconali* [June 6, 1997]).

This is the responsibility of the Holy Father.

Requirements and Procedures:

- a) Request of the friar involved (addressed to the Holy Father).
- b) “*Curriculum vitae*” biography and places where the friar has served as a deacon and a priest (signed by the friar).
- c) Attempts by Superiors to dissuade the friar from leaving religious life and the priesthood; this should be documented by “correspondence” on the matter.
- d) A document which shows that the friar requesting has been suspended from exercising Holy Orders.
- e) The Prior/Vicar Provincial will appoint an auditor and a notary.
- f) The friar involved will be interviewed by the auditor.

- g) *Witnesses* (at least three): their depositions and responses to auditor.
- h) Medical, psychological, psychoanalytical, psychiatric reports from the period of formation and later.
- i) Copies of the *scrutinies* performed before ordinations as well as other documentation (reports of masters, opinion of Prior/Vicar Provincial, votes of the conventual chapter and the provincial/vicarial Council.
- j) Personal evaluation and vote of the auditor.
- k) Evaluation of the Prior or Vicar Provincial.
- l) Declaration of the Ordinary of the place on the absence of scandal.
- m) Authentic copy of attempted civil matrimony.

All these documents authenticated by a notary should be sent in triplicate to the appropriate Congregation.

Once the rescript has been received from the Holy Father, the Prior/Vicar Provincial in person or through a delegate must present the rescript to the friar concerned and ask for his signature. Even if the friar does not accept the rescript or sign it, it has effect from the moment he receives it. Moreover, the Prior/Vicar Provincial must inform the Ordinary of the place, as well as the parish priest where the friar involved lives and where he was baptized.

N.B. Official requirements of the competent Congregation are available from the General Curia in the six principal languages of the Order (Italia, English, Spanish, French, Portuguese and German). They are:

- a) Documents required for the proceedings (both for a priest and a deacon).
 - b) Questions for the interview with the friar seeking the indult.
 - c) Questions for the interview with the witnesses.
-

2.4. Definitive separation of a solemn professed: forced or imposed.

27. Dismissal from the Order (Cf. *cann.* 694-696, 703; *Const.* 180/a)

Dismissal is the juridical act by which a friar is separated from the Order either by canon law or by a decree of the General Council (confirmed by the Apostolic See). canon law foresees three cases:

- a) Dismissal “*ipso facto*” (Cf. *can.* 694).
- b) Obligatory dismissal (Cf. *cann.* 695, 1395 §1, 1397-1398).
- c) Dismissal at the discretion of the Prior Provincial (Cf. *cann.* 696-697, 703).

28. Dismissal “*ipso facto*” (Cf. *can.* 694 §1)

Cases of “*ipso facto*” dismissal are defined by the law (Cf. *can.* 649 §1).

Anyone who does the following incurs “*ipso facto*” expulsion:

- one who abandons the Catholic faith in a notorious fashion;
- one who has attempted or contracted matrimony, even if it was only civil.

Requirements and Procedures:

- a) The Prior/Vicar Provincial must assemble the evidence (sworn testimony, writings of the friar involved, the marriage certificate of one who attempts civil matrimony (if this can be obtained) and with his Council make a declaration of fact (Cf. *can.* 694 §2).
- b) Once the declaration has been made, a copy along with the evidence should be sent to the Prior General.
- c) A copy of the declaration must be sent to the individual dismissed and to the place of his baptism.

“*Ipsa Facto*” dismissal from the Order is automatic once the crime has been committed but it should also be declared and thus create a juridical proof of the dismissal.

29. Obligatory dismissal (Cf. *cann.* 695 §1, 1395, 1397-1398)

These cases are established by canon law (Cf. *cann.* 695 §1, 1395, 1397-1398).

Obligatory dismissal applies in the following cases:

- 1) Murder, kidnapping, detaining, attempt against the life or physical integrity of someone, etc. (Cf. *can.* 1397);
- 2) Procuring an abortion (Cf. *can.* 1398);
- 3) Concubinage or other scandalous external sexual crime;
1. Other external sexual crimes committed with violence, threats, or publicly (Cf. *can.* 1395 §2); unless the superior believes dismissal is not necessary (Cf. *can.* 1341) but the superior must find another way of correcting the friar, restoring justice and repairing the scandal.

Requirements and Procedures:

- a) The Prior/Vicar Provincial will assemble proof of the facts and of who is responsible; he will then inform the individual involved of both the accusation and the proof and give the accused the chance to defend himself.
- b) The Prior/Vicar Provincial will do everything possible to help the accused even by warning him.
- c) The Prior/Vicar Provincial and the Secretary (as Notary) will sign all the documents and send them to the Prior General; he will include the defense presented by the accused (Cf. *can.* 695 §2).
- d) The Prior General and the four Councilors will hold a secret and collegial vote on the dismissal and announce the decree of dismissal (Cf. *can.* 699 §1).

- e) To make the decree valid it should explain (at least in summary fashion) the reasons in both law and fact for the dismissal (Cf. *can.* 699 §1).
- f) For confirmation of the dismissal, the decree and all the acts should be presented to the CIVCSVA.
- g) Once the Apostolic See has confirmed the decree it must be given to the friar involved either by hand or by registered mail in the presence of two witnesses. The Ordinary of the place where the dismissed individual lives and the pastor/parish priest of the place where he was baptized must also be informed.
- h) To be valid the decree must point out the friar's right to recourse to the responsible authority within ten days after he has been notified (Cf. *can.* 700).

30. Dismissal at the discretion of the Prior Provincial (Cf. *cann.* 696-700)

Canon Law establishes the reasons and procedures for this dismissal (Cf. *cann.* 696-700). The reasons for this type of dismissal are listed in canon 696 (the list is not exhaustive). In every case the **reasons must be serious, external, imputable, and juridically proven** in serious matters of faith or religious life. Procedures **must follow scrupulously all the formal requirements** listed in the Code.

Requirements and Procedures:

- 1) The Prior/Vicar Provincial must consult with his Council if he believes he must initiate the process of dismissal (Cf. *Const.* 207/d; *can.* 697).

If response is affirmative:

- a) He must gather or complete all the proof of facts and responsibility.
- b) The first canonical warning in writing, hand delivered (or by registered mail) in the presence of two witnesses must include an explicit threat of imminent dismissal. The reason for this must be clearly explained and the accused given full freedom to defend himself.
- c) If this first warning has no effect after at least fifteen days, a second canonical warning must be sent (Cf. *can.* 697, 2°).
- d) If the accused's conduct does not change fifteen days after the second canonical warning the Prior/Vicar Provincial with the consent of his Council will decide if dismissal is appropriate (Cf. *can.* 697, 3°).

If response is affirmative:

- 1) All the documents signed by the Prior/Vicar Provincial and the Secretary (as Notary) should be sent to the Prior General. They should include the accused's defense signed by him (Cf. *can.* 697, 3°).
- 2) The decree of dismissal (as in no. 29. d-h).

N.B. In both cases (29, 30) the accused friar always has the right to communicate directly with the Prior General and to explain his own defense (Cf. *can.* 698); if the friar has recourse to the competent authority (CIVCSVA which confirmed the decree) the decree of dismissal is suspended (Cf. *can.* 700).

31. Dismissal for “*Delicta Graviora*”

[JOHN PAUL II: “*Sacramentorum sanctitatis tutela*” April 30, 2001, in *AAS*, 93 (2001) pp. 737-739; 787; CONGREGATION FOR THE DOCTRINE OF THE FAITH (CDF), “*Normae de gravioribus delictis*”, May 21, 2010 in *AAS*, 102 (2010) pp. 410-431. This is the responsibility of the CDF.

The more serious crimes are (Cf. *GD*, nos. 2-6):

- a) Against the faith, heresy, apostasy or schism;
- b) Against the sanctity of the Sacrament of the Eucharist:
 - stealing or keeping consecrated species for sacrilegious purposes or profanation;
 - attempted celebration of the Eucharistic sacrifice;
 - concelebration of the Eucharistic sacrifice with ministers of ecclesial communities who do not have apostolic succession and do not recognize the sacramental dignity of priestly ordination;
 - consecration of only one species or both during or outside the Eucharistic celebration for sacrilegious purposes.
- c) Against the sanctity of the Sacrament of Penance:
 - absolving an accomplice in a sin against the sixth commandment
 - attempted sacramental absolution or hearing a forbidden confession
 - pretending to grant sacramental absolution;
 - soliciting to commit a sin against the sixth commandment during the act or occasion of hearing a confession or with the pretext of confession;
 - direct or indirect violation of the sacramental seal;
 - recording (with any technical device), divulging in the social media with malice things said by the penitent to the confessor – whether they be true or false.
- d) Attempted Ordination of a woman
- e) Against Morals
 - A crime against the sixth commandment committed by a cleric with a minor (under 18 years of age); individuals who habitually lack the perfect use of reason are considered minors;
 - Acquiring, keeping or divulging (for sexual reasons) of pornographic pictures of minors under fourteen years of age by a cleric – however or by whatever means this is done.

These are reserved to the discretion of the Congregation for the Doctrine of the Faith.

Requirements and Procedures:

- 1) Whenever the Ordinary (Prior/Vicar Provincial) has at least probable information about a crime he should investigate the matter prudently, personally or through an appropriate person. He should find out the facts, the circumstances, who is responsible unless such an investigation is absolutely unnecessary. The Prior/Vicar Provincial can take precautions regarding the friar being investigated.

- 2) The acts of the investigation should be signed by a friar notary. If the elements collected seem sufficient in the Prior/Vicar Provincial's opinion and if every reasonable doubt of the truth has been excluded, the acts should be forwarded to the Prior General (Cf. *can.* 1717);
- 3) The Prior General shall inform the CDF of the conclusions, acts and decrees of the investigation with his evaluation and his vote on the case. He can suggest what procedure to follow (Cf. *can.* 1341).
- 4) The CDF will decide what procedure to follow and what provisions to adopt.

N.B. For "*Delicta Graviora*" committed by a friar cleric apply this number 31 (it is the responsibility of the CDF). In the case of a non-cleric friar apply number 28 [31/a, against the faith] and number 29 [31/e against morality] (this is the responsibility of the major superiors – Prior or Vicar Provincial).

Part Two: Practices referring to objects and government

Chapter III. RELIGIOUS HOUSES

32. Opening a community and erecting a religious house (Cf. *can.* 609 §1; *Const.* 208/h; *DG* 28; *Const.* 252/i)

- 1) It is the responsibility of the Prior Provincial with the consent of his Council [...] to open a community (Cf. *Const.* 208/h).
- 2) For such an opening he should consult the following (Cf. *DG* 28):
 - a) the friars of the Province (and of respective delegations) or of the Vicariate;
 - b) the respective jurisdictions of the region;
 - c) the General Councilor responsible for the jurisdiction.
- 3) Previous written consent of the diocesan Bishop is required (Cf. *cann.* 609 §1; 611).
- 4) The Prior/Vicar Provincial should forward the request with documentation (no. 32, 1-3) to the Prior General who, with the consent of his Council, has the right to erect a religious house (Cf. *Const.* 252/i). This makes the opening of the community valid (Cf. *can.* 608).

N.B. Opening a community is tied to the act of erection of a religious house.

33. Closing a community and the suppression of a religious house (Cf. *can.* 616 §1; *Const.* 208/h; *DG* 28; *Const.* 252/i)

- 1) It is the responsibility of the Prior Provincial (with the consent of his Council) [...] to close a community (Cf. *Const.* 208/h).
- 2) For closing a community he should consult the following (Cf. *DG* 28/h):
 - a) the friars of the Province (and of respective delegations) or of the Vicariate;
 - b) the respective jurisdictions of the region;
 - c) the General Councilor responsible for the jurisdiction.
- 3) The diocesan Bishop should be consulted (Cf. *can.* 616 §1).
- 4) The Prior/Vicar Provincial should forward the request with documentation (no. 33, 1-3) to the Prior General who, with the consent of his Council, has the right to suppress a religious house (Cf. *Const.* 252/i). This makes the closing of the community valid.

N.B. Closing a community is tied to the act of suppression of a religious house.

34. Changing the purpose of a religious house (Cf. *can.* 612)

To change the purpose of a religious house to apostolic work different from that for which it was established requires the consent of the diocesan Bishop: see *can.* 612.

35. Erection, change of location, suppression of novitiate (Cf. *can* 647 §1; *Const.* 252/a)

This is the responsibility of the Prior General with the consent of his Council.

Requirements and Procedures.

A letter from the Prior/Vicar Provincial with the consent of his Council is required. The letter should give the reasons for requesting the erection, change of residence or suppression of the novitiate.

36. Erection, change of location, suppression of a House for professed students (Cf. *Const.* 208/g)

“It is the responsibility of the Prior Provincial with the consent of his Council [...] to carry out the decisions of the Provincial Chapter regarding [...] the erection of houses for professed students” (Cf. *Const.* 208/g).

Requirements and Procedures:

This requires a decision of the Provincial Chapter.

Chapter Four: ELECTIONS AND BALLOTS

37. Elections and Deliberations (Cf. *Const.* 166-169; *cann.* 164-183)

Regulations for the Provincial Chapter: nos. 1-16.

Regulations for the General Chapter: nos 17-31.

The Code of Canon Law establishes the general norms for balloting. Collegial acts, elections or resolutions are regulated by *can.* 119. *Can* 127 refers to non-collegial acts that need consent or consultation. *Cann.* 164-183 establish in particular the details for elections to and the postulation of offices.

38. Majority (Cf. *Const.* 166-169; *can.* 119)

According to cases voting to make a decision or conclude an election can require a simple (relative) majority, an absolute majority or a qualified majority (Cf. *Const.* 166-169). A majority (relative, absolute or qualified) is reckoned from the number of voters present during elections (Cf. *can.* 119) – always respecting the provision of *can.* 167 §2. In elections by universal suffrage the majority depends on the number of ballots received (Cf. *Const.* 168) regardless of whether the ballots were valid or invalid (Cf. *Const.* 166).

39. Simple or relative majority

The choice with the greatest number of votes regardless of the number of voters.

40. Absolute majority

Refers to a choice that receives a number of votes greater than half of the number of voters (the expression “more than half” can be used). For example, there is an

absolute majority when the number of voters is 11 and the votes received are 6 (more than half). It is not an absolute majority, if it is only half the number of voters: 10 out of 20 are received – in which case an absolute majority would be 11.

41. Qualified majority

This refers to certain cases determined by universal or particular law: two thirds of the votes are required (for example, in the case of postulation, Cf. *can.* 181, *Const.* 167; changes to the *Constitutions* or the *General Directory*, Cf. *Const.* 293).

42. Postulation (Cf. *Const.* 167; *cann.* 180-183)

Postulation is a subsidiary form of election: electors elect an individual who has a canonical impediment for which the responsible authority can and usually does grant a dispensation (Cf. *Const.* 167; *can.* 180).

A qualified majority is necessary for postulation (Cf. *can.* 181) in the first two ballots (Cf. *Const.* 167).

If an individual who requires postulation does not receive a qualified majority of the votes, the balloting begins again but the individual to be postulated no longer has passive voice (Cf. *Const.* 167).

43. Dispensation for the election of a non-clerical friar as conventual Prior (Cf. *Const.* 167, 170; *can.* 588 §2)

The election of a conventual Prior must be done according to the norms of the *Const.* 187 and DG 20.

Requirements and Procedures:

- 1) An extract of the minutes of the election with the result of the vote and the willingness of the candidate to accept the office.
- 2) Request of the Prior/Vicar Provincial giving a just reason for this election and description of the fitness of the non-clerical friar for the position. (The request should include the difficulties clerical friars would have to assume the position of prior in the community).
- 3) “*Curriculum vitae*” showing the fitness of the non-clerical friar.
- 4) Complete documentation must be sent to the General Council. The Prior General will forward this documentation along with the decision of the General Council to the appropriate Congregation (CIVCSVA) through the Procurator of the Order to request a dispensation for the election of a non-clerical friar as conventual Prior (Cf. *Const.* 170; *can.* 588 §2).
- 5) Only after receiving a dispensation from the Apostolic See can the Prior/Vicar Provincial confirm the election of a non-clerical friar as conventual Prior (Cf. *Const.* 187/a).

Chapter Five: DECISION PROCESS

44. Consultation (Cf. *can.* 127)

Requirements and Procedures:

- a) For consultation in the Council or in the Chapter, the Council or the Chapter must be convoked (Cf. *can.* 166). It is sufficient that the Prior listen to the individuals who are present in the Council or in the Chapter. Specific law can suggest other methods (*e.g.* by telephone or mail, etc.) For the consultation of one person [Cf. *Const.* 16/b] and of officials [Cf. *Const.* 221, 271], the Prior or Council must listen to the opinions of the person being consulted but are not bound by them.
- b) If someone who should be consulted was not heard the act is in itself (*in se*) invalid by law (Cf. *can.* 127 §2, 2°).
- c) If the opinion of the Council or the Chapter differs from that of the Prior he is not bound by this – but it is better if he accepts the suggestions of the Council or the Chapter.

45. Consent (Cf. *can.* 127)

Requirements and Procedures:

- a) The convocation is done according to *can.* 166.
- b) If the prior does not seek consent when it is necessary, or if he acts against the absolute majority (“more than half”), the act is invalid by law (Cf. *can.* 127 §2, 1°).
- c) If consent is refused the Prior must not act against the absolute majority [not even later]; if consent is granted he can act whenever he pleases [immediately, later or never]. The Council cannot force a Prior to carry out an act because it is his act and not that of the Council.
- d) Although he has the consent of the Council, it is the Prior who acts.

N.B. In consultation a Prior can act against the opinions expressed but when consent is involved he should not act against a negative consent.

46. Collegiality in the Councils (Cf. *can.* 119)

Requirements and Procedures:

- a) The Council must be convoked (Cf. *can.* 166).
- b) The Prior votes in the Council as one of the Councilors. All must be present only to decide the dismissal of a member (Cf. *can.* 699). The law requires that “there be at least four Councilors and the Superior.” For all other cases follow *can.* 119. The decision is one of absolute majority (“more than half”) of those who are present in the Council.

- c) Even if the Prior is in the minority he must carry out the decision of the absolute majority. (e.g. If the Prior has voted against something and the majority is in favor, the Prior must carry out the decision of the majority).
- d) The Council can force the Prior to carry out its decision immediately even if he is unwilling since this is an act of the Council and the Prior is only the executor.

47. Consent and Collegiality in the Council Decision Process

1. Our Constitutions say that Priors are part of the Council (the Council is composed of the Prior and Councilors, Cf. *Const.* 43, 217, 234, 265). Therefore, Priors must vote even when they are seeking the consent of the Council insofar as they are members of the Council according to our Constitutions (Cf. *Const.* 43, 217, 234, 265).
2. To ask the consent of one's Council or to act collegially is the same thing in our Constitutions (the Prior who votes while seeking consent is the same as acting collegially) but the juridical effects of the decisions differ:
 - a) In a collegial act the Prior acts in the name of the Council – he is only an executor – [it is an act of the Council: “The Provincial Council with a collegial vote is responsible” (Cf. *Const.* 219); “It is the responsibility of the General Council to proceed with a collegial vote: (Cf. *Const.* 266) – all are equally responsible];
 - b) When he seeks consent, the Prior is acting in his own name with the consent of the Council [it is an act of the Prior, “It is the responsibility of the Prior Provincial with the consent of his Council: (Cf. *Const.* 208); “It is the responsibility of the Prior General with the consent of his Council: (Cf. *Const.* 252) – even if he has received consent the Prior is responsible]. When the Prior has been granted consent, he can act immediately or when he deems it opportune; the Council cannot force him to act, but the Prior can in no way act contrary to an absolute majority decision.

N.B. In Canon Law the superior must not vote when he is seeking the consent of his Council (Cf. CPI / 84-89 of 1985/08/05), but according to our Constitutions the Prior must vote together with his Councilors (Cf. *Const.* 43, 217, 234, 265) when he is seeking the consent of his Council and he must act according the majority vote.

Chapter Six. ADMINISTRATION OF PROPERTY

48. Capital Fund (Cf. *DG* 40)

The Order has a Capital Fund that is owed:

- a) 10% of the profit from sale of land;
- b) 50% of the profit from the controlled sale of precious and artistic items – sacred draperies and vestments, pictures, furniture, prints, books – not directly linked to the history of the Order or of particular artistic value.

49. Maximum amount of expenses not part of ordinary administration: (Cf. *Const.* 208/b, 252/h, 283-284; *cann.* 638m 1291-1295)

1. Extraordinary administration (extraordinary expenses, debt, purchase, selling or donating) is normally the responsibility of the Prior/Vicar Provincial with the consent of his Council and with written authorization (Cf. *Const.* 208/b) as directed by the Provincial/Vicarial Directory (Cf. *Const.* 283-284).
2. Written authorization is necessary if the extraordinary expense, debt, purchase, sale or donation exceeds the limit allowed by the Provincial/Vicarial Directory (Cf. *Const.* 252/h, 284, *can.* 638). It is the responsibility of the Prior General with the consent of his Council (Cf. *Const.* 252/h) or the Apostolic See (Cf. *can.* 638 §3) to give this written authorization.

To obtain the permission of the General Council (Cf. *Const.* 252/h, *can.* 638) or the Apostolic See (Cf. *Const.* 284, *can.* 1292 §2) the following documents (depending on the case) must be presented:

I. Expenses

Requirements and Procedures:

- a) Request from the Prior/Vicar Provincial with the reasons for this extraordinary expense [the reasons must be clearly described – for just reasons] (Cf. *can* 1293 §1, 1°).
- b) Written authorization of the Prior/Vicar Provincial with the consent of his Council (Cf. *Const.* 208/b).
- c) A description of the financial situation of the Province or Vicariate and of its eventual debt; the opinion of the financial council can be sought (Cf. *Const.* 276).
- d) A budget of extraordinary expenses along with other necessary documents that support the budget presented.
- e) A document from the Episcopal Conference of the region that shows the maximum fixed value for the extraordinary expense (cf. *can.* 1292 §1).

II. Debt

Requirements and Procedures:

- a) Request from the Prior/Vicar Provincial with the reasons for this debt [the reasons must be clearly described – for just reasons] (Cf. *can.* 1293 §1, 1°).
- b) The same as number 49.I/b-c above.
- c) A decree of the Chapter or the declaration of the Provincial/Vicarial Council (Cf. *Const.* 284).
- d) A document that expresses the desire to incur this debt by a physical or juridical person.
- e) A financial plan that shows how this debt will be covered.

III. Sale and mortgage of movable and immovable property

Requirements and Procedures:

- a) The request of the Prior/Vicar Provincial including reasons for the sale or purchase [the reasons must be clearly written – for just reasons] (Cf. *can.* 1293 §1, 1°). In the case of a sale there must be an explicit declaration by the Prior or Vicar Provincial that the property was not sold for a price below its real value and that the profit will be used prudently (Cf. *can.* 1294).
- b) The same as number 49.I/b-c above.
- c) The decree of the Chapter or the declaration of the Provincial/Vicarial Council (Cf. *Const.* 284).
- d) A document that expresses the desire to purchase by a physical or juridical person.
- e) A written appraisal (written opinion – “an estimate of the thing being sold made by experts in writing” (Cf. *can.* 1293 §1, 2°). At least two experts (*periti*) should provide the estimate on the property for sale or mortgage.
- f) A document from the Episcopal Conference of the region that shows the maximum fixed value for the purchase or sale (cf. *can.* 1292 §1).
- g) The opinion of the Ordinary of the place where the property is located.

IV. Sale of precious objects

Requirements and Procedures:

- a) The request of the Prior/Vicar Provincial including the reasons for the sale of precious objects [the reasons must be clearly written – for just reasons] (Cf. *can.* 1293 §1, 1°). In the case of a sale there must be an explicit declaration by the Prior or Vicar Provincial that the property was not sold for a price below its real value and that the profit will be used prudently (Cf. *can.* 1294).
- b) The same as number 49.I/b-c; III/g above.
- c) A decree of the Chapter or the declaration of the Provincial/Vicarial Council (Cf. *Const.* 284).
- d) A document that expresses the desire to purchase by a physical or juridical person.

- e) A written appraisal (written opinion – “an estimate of the object being sold made by experts in writing” (Cf. *can.* 1293 §1, 2°). At least two experts (*periti*) should provide the estimate on the property for sale or mortgage.

V. Votive Donations made to the church and objects of artistic or historic value

Requirements and Procedures:

- a) The request of the Prior/Vicar Provincial including the reasons for the donation [the reasons must be clearly written – for just reasons] (Cf. *Const.* 284; *can.* 1293 §1, 1°).
- b) The same as number 49.I/b-c; III/g above.
- c) A decree of the Chapter or the declaration of the Provincial/Vicarial Council (Cf. *Const.* 284).
- d) A document that expresses the desire to receive the donation by a physical or juridical person.
- e) A written appraisal (written opinion – “an estimate of the object being sold made by experts in writing” (Cf. *can.* 1293 §1, 2°). At least two experts (*periti*) should provide an on the objects being donated.

When the necessary documents have arrived at the General Council (according to the individual cases) the Prior General with the consent of his Council can grant written Authorization (Cf. *Const.* 252/h, *can.* 638) and forward all the documents to the Congregation through the Procurator of the Order to obtain the permission of the Apostolic See (Cf. *Const.* 284, *can.* 1292 §2) if necessary.

N.B. Only after receiving the permission of the Apostolic See (Cf. *can.* 638 §3), in those cases for which the Apostolic See is responsible (Cf. *Const.* 284, *can.* 1292 §1-2) or the written authorization of the Prior General with the consent of his Council (Cf. *Const.* 252/h, *can.* 638) in those cases where he is responsible (Cf. *Const.* 283-284) can the Prior/Vicar Provincial have a contract drawn up in conformity with the civil law of the country.

Chapter Seven. SERVITE FAMILY

50. The Erection of a Servite Secular Order Fraternity and recognition of the Servite authenticity of lay groups (Cf. *Const.* 290, *RL*, 64-67 and 73)

1. Erection of a Secular Order fraternity linked to a community of friars:

Requirements and Procedures:

- a) The new fraternity will make a written request for erection to the Prior General (Cf. *RL*, 66).
- b) The Conventual Chapter recognizes the Servite authenticity of this fraternity and offers the service of an Assistant to the fraternity (Cf. *Const.* 290/l and b; *RL*, 73). The Chapter supports the request for the erection.

2. Erection of a Secular Order fraternity linked to a community of the Servite Family:
Requirements and Procedures:

- a) The new fraternity will make a written request to the Prior General for official recognition (Cf. *RL*, 66).
- b) The other members of the Servite Family (nuns, sisters, secular institutes) recognize the Servite authenticity of the fraternity that has arisen near them and offer the service of an Assistant to the fraternity (Cf. *RL*, 73) supporting for the request for official approval (Cf. *RL*, 64/b).

3. Erection of a Secular Order fraternity outside communities of the Servite Family:
Requirements and Procedures:

- a) The new fraternity will make a written request to the Prior General for official recognition (Cf. *RL*, 66).
- b) This requires the authorization of the local Ordinary (Cf. *RL*, 66).
- c) According to the case involved, those responsible for recognizing the Servite authenticity are Vicarial, Provincial or General Councils (Cf. *RL*, 64/c); they should offer the service of an Assistant to the fraternity (Cf. *Const.* 290/1 and b; *RL*, 73); they should likewise support the request for official approval (Cf. *RL*, 64/c).

After consultation with the Prior Provincial / National of the Secular Order (where one exists) the Prior General officially erects a Secular Order fraternity by decree (Cf. *RL*, 65) and informs the Servite General Secretary for the Secular Order and Lay Groups (Cf. *RL*, 67).

4. Recognition of the Servite authenticity of a lay group (Cf. *Const.* 290/2 and b):
Requirements and Procedures:

- a) Each Servite community should promote the establishment of lay groups and watch over the commitments and rules of these groups (Cf. *Const.* 290/a-2).
- b) The Conventual Chapter will recognize the Servite authenticity of a group that is linked to a community. In other cases, it is the responsibility Provincial or Vicarial Council (Cf. *Const.* 290/b).

APPENDIX

PROFESSION OF FAITH

I, N., with firm faith believe and profess each and everything that is contained in the Symbol of faith, namely:

I believe in one God, the Father, the Almighty, maker of heaven and earth, of all that is, seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not made, of one Being with the Father. Through him all things were made. For us men and for our salvation, he came down from heaven: by the power of the Holy Spirit he became incarnate of the Virgin Mary, and became man. For our sake he was crucified under Pontius Pilate; he suffered death and was buried. On the third day he rose again in accordance with the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son, he is worshipped and glorified. He has spoken through the Prophets. I believe in one holy catholic and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

With firm faith, I also believe everything contained in the word of God, whether written or handed down in Tradition, which the Church, either by a solemn judgement or by the ordinary and universal Magisterium, sets forth to be believed as divinely revealed.

I also firmly accept and hold each and everything definitively proposed by the Church regarding teaching on faith and morals.

Moreover, I adhere with religious submission of will and intellect to the teachings which either the Roman Pontiff or the College of Bishops enunciate when they exercise their authentic Magisterium, even if they do not intend to proclaim these teachings by a definitive act.

OATH OF FIDELITY ON ASSUMING AN OFFICE TO BE EXERCISED IN THE NAME OF THE CHURCH

*(Formula to be used by members of the Christian faithful
mentioned in canon 833, nn. 5-8)*

I, N., in assuming the office of ..., promise that in my words and in my actions, I shall always preserve communion with the Catholic Church.

With great care and fidelity, I shall carry out the duties incumbent on me toward the Church, both universal and particular, in which, according to the provisions of the law, I have been called to exercise my service.

In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety; I shall faithfully hand it on and explain it, and I shall avoid any teachings contrary to it.

I shall foster the common discipline of the entire Church and I shall insist on the observance of all ecclesiastical laws, especially those contained in the Code of Canon Law.

With Christian obedience I shall follow what the Bishops, as authentic doctors and teachers of the faith, declare, or what they, as those who govern the Church, establish. I shall also - with due regard for the character and purpose of my institute - faithfully assist the diocesan Bishops, so that the apostolic activity, exercised in the name and by mandate of the Church, may be carried out in communion with the Church.

So help me God, and God's Holy Gospels on which I place my hand.

N.B. The formula for the *Profession of faith* and *Oath of fidelity* may be found in AAS 90 (1998) 542-544; the English version: CONGREGATIO PRO DOCTRINA FIDELI, *Professio fidei*, in *Notitiae* 35 (1999), 75-77.

FORMULA FOR A «CURRICULUM VITAE»

DATA OF RECORD			
Surname		Given Name	
Date of birth		Place of birth	
Age		Years of profession and/or ordination	
Given name of father		Given name and surname of mother	
Date of baptism		Place of baptism	
Date of confirmation		Place of confirmation	
CIVIL AND ECCLESIASTICAL EDUCATION			
Study	Institute	Place	Years
1.			
2. etc.			
RELIGIOUS PROFESSION			
Profession	Date	Place	
Temporary Profession			
Solemn Profession			
MINISTRIES RECEIVED (if any)			
Ministry	Date	Place	
Lector			
Acolyte			
ORDERS RECEIVED (for a cleric)			
Order	Date	Place	
Diaconate			
Priesthood			
NAME OF THE INSTITUTE OF CONSECRATED LIFE (SERVANTS OF MARY)			
PASTORAL AND APOSTOLATE SERVICES / COMMUNITY ASSIGNMENT			
Service and assignment	Place	Years	
1.			
2. etc.			

BRIEF DESCRIPTION OF THE REASONS FOR THIS INITIATIVE (according to the case)	
Indult of Incardination in a Diocese (no. 24*)	Serious reasons; steps taken for incardination, everything in chronological order; current situation
Dispensation from solemn vows (no. 25*)	Serious reasons; current crises; steps taken to resolve situation; everything in chronological order; present situation
Reduction to the lay state and dispensation from the obligations of priesthood and diaconate (no. 26*)	Serious reasons; current crises; steps taken to resolve situation; everything described in chronological order; present situation
Dismissal (nos. 27-31**)	Serious reasons; current crises; steps taken to resolve situation; everything described in chronological order; present situation
Dispensation for the election as prior of a non-clerical friar (no. 43**)	Just reason; fitness of friar

N.B. The documents that are sent to the Apostolic See must include the “*Curriculum vitae*” of the individual involved.

(*) The documents are prepared by the individual involved; he must sign these documents.

(**) These documents are prepared by superiors.
