

# **Statutes of the National Fraternity of the Secular Franciscan Order in the United States of America**

## **Introduction**

We, the National Fraternity of the Secular Franciscan Order in the United States of America, called to follow Christ in the footsteps of St. Francis of Assisi, in order to provide for the life of the Order and specifically for its organization and function, do establish and adopt these Statutes.

All regulations not in accordance with these present National Statutes are abrogated [cf. General Constitutions of the Secular Franciscan Order (hereafter General Constitutions), article #7<sup>1</sup>].

## **Section I**

### **Organization and Structure**

#### **Article 1. National Fraternity**

The National Fraternity of the Secular Franciscan Order in the United States of America (hereafter NAFRA)

1. is a juridic person [cf. Code of Canon Law, canons #116 and #117<sup>2</sup>] made up of the Regional and Local Fraternities of the Secular Franciscan Order (hereafter SFO) [legal title for the international body is Ordo Franciscanus Saecularis (OFS)] existing within the United States [cf. Rule of the Secular Franciscan Order (hereafter Rule), article #2<sup>3</sup>; General Constitutions, articles #1.5<sup>4</sup> and #65.1<sup>5</sup>; Code of Canon Law, canons #214 and #303<sup>6</sup>];
2. is animated and guided by a Council and Minister who are duly elected;
3. is organized and functions in conformity with the Code of Canon Law, and the following SFO documents: the Rule, the General Constitutions, the Ritual, the International Statutes and these National Statutes [cf. General Constitutions, article #4.1<sup>7</sup>].

#### **Article 2. Governing Body**

1. The governing body of NAFRA is the National Fraternity Council. The National Executive Council acts on behalf of the National Fraternity Council when the members of the entire Council are not in session [cf. General Constitutions, article #66.1<sup>8</sup>].
2. The Conference of National Spiritual Assistants exercises pastoral care and spiritual guidance in regard to NAFRA as one of the integral component parts of the SFO by suitable means including participation in deliberations of its governing body [cf. Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order (hereafter Statutes for Spiritual Assistance), articles #19 and #20<sup>9</sup>].

#### **Article 3. National Fraternity Council**

1. The National Fraternity Council is composed of the Regional Ministers, the National Executive Council, and the members of the Conference of National Spiritual Assistants.
2. The business of the National Fraternity of the Secular Franciscan Order in the United States of America shall be conducted by the National Fraternity Council.
3. In addition, the National Fraternity Council has legislative, deliberative and elective powers; in conformity with the Rule and the General Constitutions, it may make legislative decisions and produce norms valid within its national confines.
4. The regular meeting of the National Fraternity shall be the annual meeting of the National Fraternity Council convoked by the National Minister, which convocation shall provide for at least two months' advance notice.
5. The National Fraternity Council meets in elective chapter every three years; the National Minister convokes this meeting at least two months in advance, indicating the place, the day and the time of the election.
6. If considered necessary by the National Executive Council, or when at least one-third of the Regional Ministers requests it, the National Fraternity Council may meet at other times during any year.
7. In addition to the duties enumerated in article #66.2<sup>10</sup> of the General Constitutions, the National Fraternity Council has the following duties:
  - a. To compose and approve modifications to boundaries of Regional Fraternities;
  - b. To set the fair share amount of annual financial contributions to NAFRA from the Regional Fraternities.

#### **Article 4. Structure for Property Control**

1. In accordance with article #54<sup>11</sup> of the General Constitutions, NAFRA is incorporated under the laws of the United States of America, State of Ohio, as "The National Fraternity of the Secular Franciscan Order - U.S.A." and has its statutory office at 1615 Vine Street, Cincinnati, Ohio 45202.
2. The elected officers of the National Fraternity Council shall function as the officers of the corporation.
3. Upon the termination of existence of the corporation, all assets, real and personal, tangible and intangible, along with its library and records, shall become the property of the "juridic person immediately superior" [cf. Code of Canon Law, canon #123<sup>12</sup>].
4. NAFRA is the organic union of all Local and Regional Secular Franciscan Fraternities located within the United States of America and is itself incorporated. Therefore, no Local or Regional Fraternity may itself

incorporate without the specific written prior approval of NAFRA. Because of the usual requirement to incorporate for the purpose of owning real estate, no Local or Regional Fraternity may acquire real estate without the specific written prior approval of NAFRA.

5. In accord with article #54.3<sup>13</sup> of the General Constitutions, for the fraternities at each level, a financial audit must be done every 3 years, just prior to the end of the Council's term of office. This audit may be conducted by a professional accountant who is not a member of the fraternity Council, or by a "board of examiners" established by the particular fraternity (consisting of two or more experts selected at large by the membership who are not also members of that fraternity's Council). A written report of such audit must be given to the Council of the higher fraternity.

## **Article 5. National Executive Council**

1. Between the meetings of the National Fraternity Council, an elected National Executive Council shall carry on the business and carry out the purposes of the National Fraternity in a spirit of ministry and service [cf. General Constitutions, article #66.1<sup>14</sup>].
2. The National Executive Council is composed of the National Minister, the National Vice Minister, the National Secretary, the National Treasurer, at least one elected Councilor, and the International Councilor. The President of the Conference of National Spiritual Assistants is by right a member of this Council. The Chair(s) of the National Formation Commission and the National Justice, Peace and the Integrity of Creation ("JPIC") Commission may attend meetings of the National Executive Council.
3. All members of the National Executive Council have voting rights. The Chair(s) of the National Formation Commission and the National Justice, Peace and the Integrity of Creation ("JPIC") Commission exercise a consultative role.
4. Election of the members of the National Executive Council shall proceed in accordance with Section II of this document.
5. The duties of the National Executive Council are:
  - a. To form, animate, guide and coordinate the SFO at the national level;
  - b. To see that the decisions of the National Fraternity Council are carried out;
  - c. To provide practical and pastoral interpretations and to clarify specific points in the National Statutes, with validity until the next meeting of the National Fraternity Council;
  - d. To resolve urgent problems which may arise that were not encompassed in the General Constitutions or National Statutes, until the next meeting of the National Fraternity Council;

- e. To intervene to resolve serious and urgent problems in a spirit of reconciliation when requested by a Regional Fraternity Council or on the National Executive Council's own initiative;
  - f. To hear appeals from decisions of dismissal from membership rendered by Regional Executive Councils where appropriate [cf. General Constitutions, article #59<sup>15</sup>];
  - g. To establish and direct commissions and committees deemed necessary to achieve the goals and objectives determined by the National Fraternity Council;
  - h. To present to the representative of the International Fraternity and the representative of the Conference of General Spiritual Assistants a stipend appropriate to the journey made and the length of stay required at the time of fraternal and pastoral visits, and also on the occasion of their presiding over and witnessing elections;
  - i. To administer the financial affairs of NAFRA, including events not foreseen in the annual budget approved at the annual meeting of the National Fraternity Council, such as extraordinary (non-budgeted) expenditures, not to exceed five per cent (5%) of the annual budget.
6. When not in session, the National Executive Council may conduct business electronically (i.e., via e-mail, telephone, fax, etc.), provided that any decisions and determinations made in this way are reviewed and ratified at the next regular meeting of the Council.

#### **Article 6. Duties of Officers of the National Executive Council**

1. The National Minister, in addition to the duties enumerated in article #67<sup>16</sup> of the General Constitutions, has the following duty:
  - To approve when necessary extraordinary (non-budgeted) expenditures, not to exceed one per cent (1%) of the annual NAFRA budget.
2. The National Vice Minister's duties are enumerated in article #52.1<sup>17</sup> of the General Constitutions.
3. The National Secretary, in addition to the duties enumerated in article #52.2<sup>18</sup> of the General Constitutions, has the following duty:
  - To maintain and supervise the archives of the National Fraternity in accordance with instructions of the National Executive Council.
4. The National Treasurer, in addition to the duties enumerated in article #52.4<sup>19</sup> of the General Constitutions, has the following duties:
  - a. To ensure the deposit of all funds of the National Fraternity which may come into the hands of the National Treasurer into such bank accounts

in the name of NAFRA as the National Executive Council shall designate;

- b. To provide for the payment of monies as the business of the National Fraternity may require as approved in the annual budget or on the order of the National Minister or the National Executive Council. All payments are to be made by check.
  - c. To submit an annual budget to the National Executive Council for its review, and to the National Fraternity Council for its review and approval at the annual meeting.
  - d. To be responsible for the financial books and records of NAFRA. Upon the written request of any member of the National Fraternity Council to the Treasurer, these financial records shall be open for inspection.
  - e. To provide the National Fraternity Council with financial reports of receipts, expenditures, and balances in NAFRA's treasury throughout the year, and at the beginning of each year, to provide a written statement of receipts, expenditures and balances in NAFRA's treasury for the preceding year.
5. The International Councilor's duties are enumerated in article #75<sup>20</sup> of the General Constitutions and article #7<sup>21</sup> of the International Statutes.
6. The President of the Conference of National Spiritual Assistants, in addition to the duties enumerated in article #90<sup>22</sup> of the General Constitutions, has the following duties:
- a. To attend meetings of the National Fraternity Council and of the National Executive Council, of which he is a member by right, collaborating with these bodies in all their activities;
  - b. To act collegially with the other National Spiritual Assistants to coordinate spiritual assistance on the national level and to cooperate in the initial and continuing formation of the brothers and sisters [cf. General Constitutions, article #90.3b; Statutes for Spiritual Assistance, article #19<sup>23</sup>];
  - c. To vote in all matters which come before these bodies for decision except for financial matters and in elective chapters.

## **Section II**

### **Voting and Conduct of Business**

#### **Article 7. Convocation**

1. The regular meeting of the National Fraternity shall be the annual meeting of the National Fraternity Council called by the National Minister.

2. The National Executive Council shall meet at least twice during the period between annual meetings of the National Fraternity Council.
3. The National Fraternity Council shall meet in elective chapter once every three years.
4. The National Fraternity shall celebrate a National Congress at least once every five years, at a time and place determined by the National Executive Council and confirmed by the National Fraternity Council.
5. The Minister of each Regional Fraternity shall receive at least two months' notice of the place, day and time of the annual National Fraternity Council meeting.

### **Article 8. Voting Rights**

1. All members of the National Fraternity Council as defined in article #3.1<sup>24</sup> of these National Statutes may vote. No Spiritual Assistant at any level, however, shall vote on any question involving financial matters [cf. General Constitutions, article #90.2<sup>25</sup>] or in elective chapters [cf. General Constitutions, article #77<sup>26</sup>; Statutes for Spiritual Assistance, article #12.3<sup>27</sup>]. This restriction applies to Secular Franciscans as well as religious friars and sisters serving as Spiritual Assistants for a particular Secular Franciscan fraternity.
2. The Minister of each Regional Fraternity has the primary responsibility for casting the vote of the Regional Fraternity in all elections and on all business that may come before the National Fraternity Council.
3. Substitutes/Delegates
  - a. In the event a Regional Minister is impeded from attending the National Fraternity Council meeting, then the delegate of the Regional Fraternity shall automatically be the Regional Vice Minister pursuant to the provisions of article #52.1.c<sup>28</sup> of the General Constitutions.
  - b. If both the Regional Minister and the Regional Vice Minister are so impeded, then a member of the Regional Executive Council selected by that body shall attend and exercise all of the powers of a delegate for the Regional Fraternity.
4. No Regional Fraternity may cast more than a single vote on any issue or in any election.
5. Even if a person has a right to vote in his or her own name by more than one title, such person may cast only one ballot [cf. Code of Canon Law, canon #168<sup>29</sup>].
6. During those meetings of the National Fraternity Council at which elections occur, the members of the outgoing and of the incoming National Executive Council, upon election and even prior to formal installation, are members

with full rights of the National Fraternity Council until the end of said meeting.

### **Article 9. Quorum; Majority; Counting Ballots; Procedure**

1. No official business may be transacted at a National Fraternity Council or National Executive Council meeting unless a quorum is present. A quorum is defined as the presence of more than half of the number of those having the right to vote [cf. General Constitutions, article #77.4<sup>30</sup>].
2. A majority, sometimes designated an absolute majority, is more than half of the total number of votes cast. A relative or simple majority is the highest number of votes cast on a motion or in an election [cf. Code of Canon Law, canon #119<sup>31</sup>].
3. Where questions arise concerning procedures that are not covered by the Code of Canon Law, the General Constitutions or the National Statutes, reference may be made to Robert's Rules of Order. The President of the Elective Chapter (i.e., the Secular Franciscan who presides), after taking advice, retains the authority to determine any matter of procedure.

### **Article 10. Elections**

1. Elections shall take place according to the norms of article #76.1<sup>32</sup> of the General Constitutions, the National Statutes, and the International Statutes.
2. The National Fraternity Council elects the Secular members of the National Executive Council.
3. The International Councilor is elected by the National Fraternity Council and represents NAFRA as a member of the International Council of the Secular Franciscan Order (hereafter CIOFS) in accordance with its Statutes.
4. The National Fraternity Council also elects a substitute delegate for the International Councilor from among the elected members of the National Executive Council should he or she be prevented from attending the CIOFS General Chapter [cf. article #5.2<sup>33</sup> of CIOFS Statutes]. In the event of such impediment, the National Minister shall inform the CIOFS Presidency of it and of the substitute delegation [cf. CIOFS Statutes, article #8.1<sup>34</sup>].
5. The convocation and nominations for the office of International Councilor shall be carried out as in article #11<sup>35</sup> of these National Statutes.
6. In tallying votes which are conducted by secret written ballot, each elector shall submit one vote. Then all ballots, including blanks, shall be counted to assure the validity of the vote [cf. Code of Canon Law, canon #173.2<sup>36</sup>].

### **Article 11. Convocation and Nominations**

1. At least four months prior to elections, the National Executive Council shall appoint a Chair for a Nominations Committee which will, acting according to norms established by the National Executive Council, present a slate of

nominees for the offices to the members of the National Fraternity Council. This presentation shall be made approximately two months prior to the date set for the elections.

2. To be eligible as a candidate for election to office in the National Fraternity, one must be a permanently professed active member of the SFO [cf. General Constitutions, article #30<sup>37</sup>]. Candidates should be convinced of the validity of the Franciscan evangelical way of life, attentive to a broad and encompassing vision of the life of the Church and of society, open to dialogue and ready to give and receive help and collaboration [cf. General Constitutions, article #31.3<sup>38</sup>].
3. It shall be the duty of the Nominations Committee to ensure that each candidate meets the qualifications for the office for which she or he is proposed, has reviewed the duties of that office, and is willing to serve if elected.
4. Any individual elected to a national office may not hold an elected office at the Regional Fraternity level or the Local Fraternity level. (See Article 28<sup>39</sup>)
5. The provisions of article #76<sup>40</sup> of the General Constitutions shall be followed for convocation of the National Fraternity Council meeting for the purpose of elections.
6. Notification of CIOFS
  - a. The National Minister shall in timely fashion contact the General Minister of the SFO, requesting that she or he or a delegate preside over forthcoming National Fraternity elections.
  - b. The National Minister shall in timely fashion contact the President of the Conference of General Spiritual Assistants, requesting that he or a delegate attend forthcoming National Fraternity elections as the ecclesial witness.

## **Article 12. Right to Vote at Elections**

The right to vote in elective chapters has been defined in article #8<sup>41</sup> of these National Statutes.

## **Article 13. Terms of Office**

In addition to the provisions enumerated in article #79<sup>42</sup> of the General Constitutions, the following apply:

1. Length of Terms
  - a. The Secular members of the National Executive Council are elected for a term of three years.
  - b. The term of the International Councilor is governed by the provisions of article #5.4<sup>43</sup> of the International Statutes.

- c. The term of the President of the Conference of National Spiritual Assistants is determined by the members of that Conference.
2. For a third and final successive election to the office of National Councilor (which includes every elected office except those of National Minister and National Vice Minister) or International Councilor, a majority of two-thirds (2/3) of the votes of those present, which must be obtained on the first ballot, will be necessary.
3. The outgoing National Minister cannot be elected to any other office on the National Executive Council. (See Article 28<sup>44</sup>)

#### **Article 14. Procedure in Voting**

1. The vote shall be taken and completed as to each office before proceeding to the next, commencing with the office of National Minister. Persons not elected to the first office voted upon may be nominated for remaining offices.
2. Further nominations shall be received or at least solicited from the floor at the elective chapter.
3. The election procedure shall follow the provisions of articles #76<sup>45</sup> and #78<sup>46</sup> of the General Constitutions.
4. The election of National Councilors proceeds in the same manner as provided for in article #78.1<sup>47</sup> of the General Constitutions.

#### **Article 15. Provisions for Vacancies, Resignations, and Removals**

1. The provisions of articles #81.1<sup>48</sup>, #81.2<sup>49</sup> and #83<sup>50</sup> of the General Constitutions shall govern the procedure to be followed in the event the National Minister or National Vice Minister resigns or is impeded from performing the duties of the office.
2. When the office of National Councilor becomes vacant, the Executive Council will proceed to appoint someone to substitute for him or her until the end of the term for which the Councilor was originally elected. If the appointee is already an elected member of the Council, he or she retains the right to vote. If the appointee is not an elected member, he or she serves without a vote.
3. The provisions of article #84<sup>51</sup> of the General Constitutions shall govern the procedure to be followed to secure the removal for cause of the National Minister or members of the National Fraternity Council.
4. The provisions of article #84.4<sup>52</sup> of the General Constitutions shall govern the appeals process for any officer removed from office.

### **Section III**

#### **Fraternal Life**

#### **Article 16. Fraternity Life**

1. The provisions of articles #2<sup>53</sup>, #3<sup>54</sup> and #4<sup>55</sup> of the General Constitutions concerning the nature of the vocation to the SFO apply.
2. The fraternal life, with its vitality and sustaining force, is meant to exist on the national level as well as on regional and local levels. For this reason, the National Fraternity is so constituted by leadership and structure, vitalized by the participation of its members, and nurtured by ongoing formation and spiritual assistance as to achieve its objective of being a real fraternity; and the same is true for each Regional and Local Fraternity.
3. The Fraternities should bear in mind that they are subject to the vigilance of the local Ordinary insofar as they perform their apostolic activities within the local churches. Secular Franciscans should, therefore, dialogue with their local Ordinaries and follow their directions, inasmuch as they are the moderators of the ministry of the Word and of the Liturgy and the coordinators of the various forms of apostolate in the local Diocesan church [cf. Rule, article #6<sup>56</sup>].
4. The external sign of the SFO in the United States is the TAU.

### **Article 17. Fraternal and Pastoral Visitations**

The provisions of articles #92 through #95<sup>57</sup> of the General Constitutions and article #14<sup>58</sup> of the Statutes for Spiritual Assistance concerning the fraternal and pastoral visitations apply.

### **Article 18. Local Fraternity**

1. The Local Fraternity is the primary constituent part of the entire structure of Secular Franciscan life to which the member relates [cf. Rule, article #22<sup>59</sup>].
2. The provisions of articles #46 and #47<sup>60</sup> of the General Constitutions shall govern the canonical establishment of new fraternities and determine the Franciscan friar province which assumes pastoral care [cf. Statutes for Spiritual Assistance, articles #6.1<sup>61</sup> and #11.2<sup>62</sup>].
3. The Council of each Local Fraternity is composed according to the requirements of article #49.1<sup>63</sup> of the General Constitutions. With respect to the fraternity they assist, anyone who serves as a Spiritual Assistant is subject to the same rights and restrictions as are Franciscan religious Spiritual Assistants [cf. articles #12<sup>64</sup>, #13<sup>65</sup>, #15<sup>66</sup>, #23<sup>67</sup> and #24<sup>68</sup>, Statutes for Spiritual Assistance]. Spiritual Assistants who are Secular Franciscans may not be elected to other positions on the Councils of fraternities they assist.
4. A Local Fraternity may pass to the pastoral care of another friar province of the First Order or Third Order Regular in one of two ways [cf. General Constitutions, article #47.2<sup>69</sup>; Statutes for Spiritual Assistance, article #6.2<sup>70</sup>]:

- a. The Council and Minister of the Local Fraternity approach the Regional Executive Council, including the Regional Spiritual Assistant(s), with the request for transfer. If the Regional Executive Council, including the Regional Spiritual Assistant(s), approves the request, the Regional Spiritual Assistant asks the Provincial Ministers or Provincial Spiritual Assistants of the two friar provinces to effect the transfer.
  - b. For the sake of providing better pastoral care, the Provincial Ministers or Provincial Spiritual Assistants of two friar provinces may initiate the transfer of a Local Fraternity from the care of one province to that of the other. The Provincial Ministers or Provincial Spiritual Assistants act in consultation with the Councils, including the Spiritual Assistants, of the Local and Regional Fraternities.
5. Establishment of sections or cells
  - a. Should one or more groups desire to establish permanent sections within a Local Fraternity based on particular needs or common interests, they may do so subject to the direction of the Local Fraternity Council [cf. General Constitutions, article #50.2.d<sup>71</sup>], so long as they continue to participate fully in the Local Fraternity's fraternal and apostolic life. The Regional Fraternity will receive notice of the formation of such groups.
  - b. Such sections remain subject to the Local Fraternity as constituent parts of it [cf. General Constitutions, article #34<sup>72</sup>].
6. No official business may be transacted at a Local Fraternity meeting unless a quorum is present. The quorum consists of a majority of active members who are not excused from attendance.
7. The Local Fraternity is responsible for contributing to the Regional Fraternity on a fair share basis from its common fund to underwrite the costs of that fraternity [cf. General Constitutions, article #30.3<sup>73</sup>]. A fair share contribution is made based on the number of active and excused brothers and sisters, but not for those who are deemed lapsed.
  - a. An active fraternity member is one who participates both by attending fraternity meetings and by providing financial support to the community, or whom the fraternity has excused from such obligations.
  - b. Those brothers and sisters who neither attend meetings, support the community financially, nor have valid reasons due to health, family, work or distance, and who, after personal invitations to return to fraternity, consciously and deliberately reject or ignore the invitation, will be termed "lapsed" and will not be carried on the fraternity membership roll nor be reported as a member to higher fraternity Councils [cf. General Constitutions, article #53.3<sup>74</sup>].
8. The Local Fraternity will present to the Regional Minister or his or her delegate and to the Regional Spiritual Assistant or the representative of the

Conference of Regional Spiritual Assistants a stipend appropriate to the journey made and the length of stay required at the time of fraternal and pastoral visits, and also on the occasion of their presiding over and witnessing elections.

9. It is at the local level that activities have their greatest meaning to members of the SFO. The Local Fraternity Council should expend great care to provide for thought-provoking activities and programs to foster Franciscan life and to deepen Franciscan spirituality among fraternity members.
10. As fraternity members become unable to attend meetings on a regular basis, the Local Fraternity Council should set up a method by which regular contacts are maintained [cf. General Constitutions, #53.3<sup>75</sup>].
11. The provisions relating to property control which appear in these National Statutes in the section dealing with the responsibilities of the National Fraternity shall apply to the Local Fraternities insofar as they may be adapted to the needs and circumstances of the Local Fraternity.
12. As required by article #54.2<sup>76</sup> of the General Constitutions, the National Executive Council shall approve statements for use by the Local Fraternities that establish "precise criteria" for their "statement of purposes" and "internal controls" which must be used in their establishing documents.
13. Affiliation with a local fraternity
  - a. Those who, without belonging to the SFO, wish to participate in its life and activities (see *GC Art. 53.5<sup>77</sup> and 103.1<sup>78</sup>*) according to Franciscan principles and teachings, may be welcomed by the local fraternity, so as to make their communion living and effective. Individuals wishing to become affiliates should make their desire known by a written request to the local fraternity council, which makes a decision regarding the request.
  - b. These affiliate brothers and sisters will have no juridical bond with the Secular Franciscan Order *and are, therefore persons welcomed to love and be loved "as a gift of the Lord and an image of Christ" (SFO Rule Art. 13<sup>79</sup>)*. They may share the experiences and activities of the fraternity, without the right to vote.
  - c. In order that the identity of the fraternity not be altered, the number of affiliates may not exceed 40% of the number of active professed members of a fraternity.
  - d. Regional councils have the right to establish their own guidelines for the acceptance of affiliates.

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## **Article 19. Formation**

### 1. Orientation

- a. Orientation is a time for determining a person's interest, eligibility and disposition to enter into the initial formation process [cf. Guidelines for Initial Formation in the Secular Franciscan Order in the United States (hereafter Guidelines for Initial Formation), page 25].
- b. The period of orientation shall consist of not less than three (3) months.

### 2. Initial Formation

- a. Inquiry – The period of Inquiry, which begins with the Ceremony of Introduction and Welcoming [cf. Ritual, page 9], shall consist of not less than six (6) months.
- b. Candidacy – The period of Candidacy, which begins with the Rite of Admission [cf. Ritual, page 11], shall consist of not less than eighteen (18) months and not more than thirty-six (36) months.
- c. All persons in initial formation, in addition to attending their formation sessions, must participate in the meetings of the Local Fraternity as this is an indispensable presupposition for initiation into community prayer and into fraternity life [cf. General Constitutions, article #40.3<sup>80</sup>].
- d. To be admitted to the SFO in the United States, a person must be a fully initiated member of the Catholic Church (i.e., having received the Sacraments of Baptism, Chrismation/Confirmation and Holy Eucharist) in addition to being an actively practicing Catholic.

### 3. Profession

- a. The minimum age for perpetual profession as a Secular Franciscan in the United States is twenty-one (21) years.
- b. The minimum age for temporary profession as a Secular Franciscan in the United States is eighteen (18) years.

### 4. Ongoing Formation

Ongoing formation is the responsibility of all professed members consonant with article #44<sup>81</sup> of the General Constitutions.

### 5. Form and Methodology

- a. The form (i.e., content and process; cf. General Constitutions, #38.2<sup>82</sup>) to be employed in both initial and ongoing formation is that found in the Guidelines for Initial Formation.

- b. The methodology employed in formation should be both interactive and experiential in nature [cf. General Constitutions, #40.4<sup>83</sup>].
- c. Opportunities for fraternities to meet together for the purposes of common ongoing and initial formation shall occur whenever possible at all levels of fraternity [cf. General Constitutions, #40.1<sup>84</sup>].

#### 6. Provisions for Remote Initial Formation

In those rare instances in which a person is legitimately impeded from participating in the normal formation process of a Local Fraternity, recourse may be had to the Guidelines for Remote Initial Formation in the United States as adopted by the National Executive Council in June 2000.

### **Article 20. Transfer, Withdrawal, Suspension and Dismissal from the Fraternity and from the Order**

The provisions set forth in articles #55 through #59<sup>85</sup> of the General Constitutions shall constitute the manner and means for transfer, withdrawal, suspension and dismissal from the fraternity and from the Order.

### **Article 21. Regional Fraternity**

1. The Regional Fraternities are constituted according to the provisions of the General Constitutions, article #61<sup>86</sup>.
2. The governing body of each Regional Fraternity is the Regional Fraternity Council. The Regional Executive Council acts on behalf of the Regional Fraternity Council when the members of the entire Council are not in session [cf. General Constitutions, article #62.1<sup>87</sup>].
3. The Regional Spiritual Assistant or the Conference of Regional Spiritual Assistants exercises pastoral care and spiritual guidance in regard to each Regional Fraternity as an integral component part of NAFRA and of the SFO, by the same means and manner as does the Conference of National Spiritual Assistants in regard to NAFRA [cf. Statutes for Spiritual Assistance, articles #21 and #22<sup>88</sup>].

### **Article 22. Regional Fraternity Council**

1. The Regional Fraternity Council is composed of the Ministers of the Local Fraternities that together form the Regional Fraternity, the Regional Executive Council, and the Regional Spiritual Assistant or the Conference of Regional Spiritual Assistants, each of whom may vote. Regional Spiritual Assistants, however, do not vote in financial matters and in elective chapters [cf. Statutes for Spiritual Assistance, article #12.1<sup>89</sup>].
2. The Regional Fraternity Council is the representative body of all of the Local Fraternities that together compose the Regional Fraternity, and has the power to create regional guidelines in conformity with the Rule, the General Constitutions and the National Statutes.

3. The Regional Fraternity Council shall meet at least once a year. Every third year the Regional Fraternity Council shall meet in elective chapter in accord with the General Constitutions and these National Statutes.
4. The Regional Fraternity Council has the duties set forth in article #62<sup>90</sup> of the General Constitutions.

### **Article 23. Regional Executive Council**

1. Between the meetings of the Regional Fraternity Council, an elected Regional Executive Council shall carry on the business and carry out the purposes of the Regional Fraternity in a spirit of ministry and service [cf. General Constitutions, article #62.1<sup>91</sup>].
2. The Regional Executive Council is composed of the Regional Minister, the Regional Vice Minister, the Regional Secretary, the Regional Treasurer, at least one elected Councilor, and the Regional Spiritual Assistant or the President of the Conference of Regional Spiritual Assistants. In addition, the Regional Formation Director may also be elected. In those regions in which the Regional Formation Director is appointed rather than elected, she or he attends the meetings of the Regional Executive Council and exercises a consultative role.
3. All elected members of the Regional Executive Council and the Spiritual Assistant have voting rights.
4. Election of the Secular members of the Regional Executive Council shall follow the model set forth in Section II of these National Statutes which deals with the National Fraternity insofar as it may be adapted to the needs and circumstances of the Regional Fraternity.
5. The Regional Executive Council may establish and direct commissions and committees deemed necessary to achieve the goals and objectives determined by the Regional Fraternity Council.
6. When not in session, the Regional Executive Council may conduct business electronically (i.e., via e-mail, telephone, fax, etc.), provided that any decisions and determinations made in this way are reviewed and ratified at the next regular meeting of the Council.
7. The Regional Executive Council shall meet at least twice a year, at times and places to be determined by its members. The Regional Minister shall give written notice of meetings at least two months in advance.

### **Article 24. Duties of Officers of the Regional Executive Council**

1. The Regional Minister has the duties set forth in article #63<sup>92</sup> of the General Constitutions.
2. The duties of the Regional Vice Minister, Secretary, and Treasurer shall follow the model set forth in that portion of these National Statutes which deals with

the National Fraternity insofar as it may be adapted to the needs and circumstances of the Regional Fraternity.

3. Each Regional Fraternity shall follow the model set forth in that portion of these National Statutes which deals with the National Fraternity in connection with policies and procedures to be followed in the event of resignation or removal from office on the part of any elected Officer.

#### **Article 25. Structure for Property Control for the Regional Fraternity**

1. The provisions relating to property control which appear in these National Statutes in the section dealing with the responsibilities of the National Fraternity shall apply to the Regional Fraternities insofar as they may be adapted to the needs and circumstances of the Regional Fraternity.
2. Particular note should be taken that expenses of the Regional Executive Council and those individuals invited by this Council to serve the Regional Fraternity in some capacity shall be borne by the Regional Fraternity for attendance at required meetings.
3. The Regional Fraternity is responsible for contributing to the National Fraternity on a fair share basis from its treasury to help provide for the expenses of NAFRA.
4. As required by article #54.2<sup>93</sup> of the General Constitutions, the National Executive Council shall approve statements for use by the Regional Fraternities that establish "precise criteria" for their "statement of purposes" and "internal controls" which must be used in their establishing documents.

#### **Article 26. Fraternal and Pastoral Visits to the Regional Fraternity**

1. The provisions of article #92 through article #95<sup>94</sup> of the General Constitutions concerning the fraternal and pastoral visitations apply as does article #14<sup>95</sup> of the Statutes for Spiritual Assistance.
2. The Regional Fraternity will present to the National Minister or his or her delegate and the representative of the Conference of National Spiritual Assistants a stipend appropriate to the journey made and the length of stay required at the time of fraternal and pastoral visits, and also on the occasion of their presiding over and witnessing elections.

#### **Article 27. Franciscan Youth and Young Adults**

The provisions of articles #96 and #97<sup>96</sup> of the General Constitutions concerning Franciscan Youth and Young Adults apply.

#### **Article 28 - Applicability of these statutes to all levels of fraternity.**

The various provisions set forth in these National Statutes for NAFRA administration shall be used as a model for elections, conduct of business, structures for control of property, composition and duties of the Fraternity Minister and of the Fraternity Council, replacement of officers who are unable to continue in office, and similar

business of the fraternity at any level. **However, Articles 11.4 and 13.3 do not apply to regional and local fraternities. A member of a regional council may also be a member of a local fraternity council.**

## **Article 29. Amendments**

1. These National Statutes may be amended by two-thirds vote of the National Fraternity Council.
2. All such amendments are subject to the approval of the Presidency of CIOFS.

## **ENDNOTES**

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<sup>1</sup> GC Art 7 All regulations not in accordance with the present Constitutions are abrogated.

<sup>2</sup> Can. 116 §1. Public juridic persons are aggregates of persons (*universitates personarum*) or of things (*universitates rerum*) which are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good; other juridic persons are private.

§2. Public juridic persons are given this personality either by the law itself or by a special decree of competent authority expressly granting it. Private juridic persons are given this personality only through a special decree of competent authority expressly granting it.

<sup>C</sup> an. 117 No aggregate of persons (*universitas personarum*) or of things (*universitas rerum*), intending to obtain juridic personality, is able to acquire it unless competent authority has approved its statutes.

<sup>3</sup> Rule Art. 2 The Secular Franciscan Order holds a special place in this family circle. It is an organic union of all Catholic fraternities scattered throughout the world and open to every group of the faithful. In these fraternities the brothers and sisters, led by the Spirit, strive for perfect charity in their own secular state. By their profession they pledge themselves to live the gospel in the manner of Saint Francis by means of this rule approved by the Church.

<sup>4</sup> GC Art. 1.5 The Secular Franciscan Order is a public association in the Church.<sup>4</sup> It is divided into fraternities at various levels: local, regional, national, and international. Each one has its own juridical personality within the Church.

<sup>5</sup> GC Art. 65.1 The national fraternity is the organic union of the local fraternities existing within the territory of one or more states which are joined and co-ordinated among themselves through regional fraternities, wherever they exist.

<sup>6</sup> Can. 214 The Christian faithful have the right to worship God according to the prescripts of their own rite approved by the legitimate pastors of the Church and to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church.

Can. 303 Associations whose members share in the spirit of some religious institute while in secular life, lead an apostolic life, and strive for Christian perfection under the higher direction of the same institute are called third orders or some other appropriate name.

<sup>7</sup> GC Art. 4.1 The SFO is governed by the universal law of the Church, and by its own: the Rule, the Constitutions, the Ritual, and the particular statutes.

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<sup>8</sup> GC Art 66.1 The national council is constituted according to the provisions of the national statutes. At the heart of the national council there can be set up an executive council (or board) whose duties are determined by those same statutes.

<sup>9</sup> SSA

Art. 19

1. The national Assistants of the SFO and the Franciscan Youth are appointed by the competent major Superior, after consultation with the respective national council. Where more than one major Superior of the same Order is involved in the appointment, the norms established together by the Superiors with jurisdiction in the national territory shall be followed.
2. They give their service to the national council and see to the spiritual assistance to the national fraternity. If they are more than one, they form a Conference and render their service collegially.
3. It is the responsibility of the Conference of national Assistants, or to the national Assistant if there is only one:
  - a) to collaborate with the national Council in the task of spiritual and apostolic animation of the secular Franciscans in the life of the Church and the society of the country, and in a special way in the formation of the leaders;
  - b) to provide for the pastoral visits of the regional Councils of the SFO and to ensure a presence at the regional elective Chapters;
  - c) to coordinate, at the national level, the service of spiritual assistance, the formation of the Assistants, and the fraternal union among them;
  - d) to foster the interest of the friars in the SFO and in the Franciscan Youth.

Art. 20

1. The national Assistant must keep the major Superiors and his Order informed on the life and activities of the SFO and the Franciscan Youth in the country.
2. He shall also deal with matters regarding the service of assistance given by his Order to the SFO and to the Franciscan Youth, meet the local fraternities assisted by his own Order and keep fraternal and constant contacts with the regional and local Assistants of his own Order.

<sup>10</sup> GC Art 66.2 The national council has the duty:

- a. to prepare the celebration of the national elective chapter, according to its own statutes;
- b. to make known and to promote the Secular Franciscan spirituality in the whole area of its own national fraternity;
- c. to decide upon programs of annual activities of a national character;
- d. to seek, indicate, publish, and distribute the necessary instruments for the formation of the Secular Franciscans;
- e. to animate and co-ordinate the activities of the regional councils;
- f. to maintain the connection with the Presidency of the International Council of the SFO;
- g. to make sure that the national fraternity be represented in the international council and to assume the responsibility for the expenses involved;
- h. to discuss and approve the annual report to Presidency of the International Council of the SFO;
- i. to see to the presence of the SFO in the ecclesial bodies at the national level;
- j. to schedule, when circumstances recommend so, the fraternal visit to the regional and local fraternities, even if it is not requested;
- k. to make decisions regarding the management of the available funds and, in general, regarding the economic affairs of the fraternity;
- l. to have, before its term of office is finished, the national fraternity's financial and real estate situation audited either by an expert who is not a member of the council or by the fraternity's board of examiners;
- m. to perform such other duties as are indicated by the Constitutions or necessary to achieve its own aims.

<sup>11</sup> GC Art 54

1. In cases where the fraternity of whatever level has property or real estate at its disposal, the procedures necessary for that fraternity to acquire a juridical personality in the civil order must be followed in conformity with the national statutes.

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2. Based on the respective civil legislation, the national statutes must establish precise criteria regarding the purpose of the juridical person, the administration of its material goods and the relevant internal controls. They must also contain instructions so that the establishing document may provide for the disposal of its property in case the juridical person ceases to exist.
  3. The national statutes must also set up precise criteria for local fraternities that possess or administer property or real estate, so that the respective council, before its term of office is finished, has the fraternity's financial and real estate situation audited either by an expert who is not a member of the council or by the fraternity's board of examiners.

<sup>12</sup> Can. 123 Upon the extinction of a public juridic person, the allocation of its goods, patrimonial rights, and obligations is governed by law and its statutes; if these give no indication, they go to the juridic person immediately superior, always without prejudice to the intention of the founders and donors and acquired rights. Upon the extinction of a private juridic person, the allocation of its goods and obligations is governed by its own statutes.

<sup>13</sup> See above.

<sup>14</sup> GC 66.1 The national council is constituted according to the provisions of the national statutes. At the heart of the national council there can be set up an executive council (or board) whose duties are determined by those same statutes.

<sup>15</sup> GC Art. 59 If anyone is convinced that he or she has been wronged by a measure adopted, that person may appeal within three months to the council above the one that adopted the decision in question and, in successive cases, to further levels all the way up to the Presidency of the International Council of the SFO and, in the final instance, to the Holy See.

<sup>16</sup> GC Art. 67

1. While firmly preserving the co-responsibility of the council for the animation and guidance of the national fraternity, it is the duty of the minister, who has the primary responsibility, to see that the directions and decisions of the council are put into practice. He or she will keep the council informed concerning his or her activities.
2. In addition, the national minister has the duty:
  - a. to convoke and preside at the meetings of the national council; to convoke every three years the elective chapter of the national fraternity, according to the national statutes, after having listened to the council on the formalities of the convocation;
  - b. to direct and co-ordinate with the national leaders the activities at the national level;
  - c. to give a report to the national council and chapter on the life and activity of the SFO in the country;
  - d. to represent the national fraternity in contacts with ecclesiastical and civil authorities. When the national fraternity has a civil juridical personality, its legal representation belongs to the minister;
  - e. to preside at and to confirm the elections of the regional fraternities either in person or through a delegated member of the national council, with the exception of the spiritual assistant;
  - f. to make fraternal visits to the regional councils, personally or through a delegate who is a member of the national council;
  - g. to request the fraternal and pastoral visits, with the consent of the council, at least once every six years.

<sup>17</sup> GC Art. 52.1

1. The vice-minister has the following duties:
  - a. to collaborate in a fraternal spirit and to support the minister in carrying out his or her specific duties;
  - b. to exercise the functions entrusted by the council and/or by the assembly or chapter;
  - c. to take the place of the minister in both duties and responsibilities in case of absence or temporary impediment;
  - d. to assume the functions of the minister when the office remains vacant.

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<sup>18</sup> GC Art. 52.2

The secretary has the following duties:

- a. to compile the official acts of the fraternity and of the council and to assure that they are sent to their respective proper recipients;
- b. to see to the updating and preservation of the records and the registers, noting admissions, professions, deaths, withdrawals, and transfers from the fraternity;<sup>18</sup>
- c. to provide for the communication of the more important facts to the various levels and, if appropriate, to provide for their dissemination through the mass media.

<sup>19</sup> GC Art. 52.4

The treasurer, or bursar, has the following duties:

- a. to guard diligently the contributions received, recording each receipt in the appropriate register, with the date on which it was given, the name of the contributor, or the one from whom it was collected;
- b. to record in the same register the items of expense, specifying the date and the purpose, in conformity with the directions of the fraternity council;
- c. to render an account of his or her administration to the assembly and to the council of the fraternity according to the norms of the national statutes.

<sup>20</sup> GC Art 75 The specific duties of the international councilors are determined by the international statutes.

<sup>21</sup> IS Art. 7

1. The duties of the International Councilors of the SFO are (cfr. GC Art. 75):

- a. to participate in the General Chapter;
- b. to speak during the General Chapter in the name of the National Fraternity that they represent, and to present what has been entrusted to them by decision of their respective National Council;
- c. to present to the General Chapter, in the manner established by the Presidency, the report prepared and approved by the respective National Council, including updated statistical data.
- d. to inform their National Fraternity of the decisions made and the initiatives undertaken by the General Chapter;
- e. to maintain frequent and regular contacts of communication and dialogue with the Presidency of the International Council of the SFO, with the Minister General, with the Secretariat, as well as with his or her own National Council.

2. With the proper adaptations, the duties described apply to the International Councilors representing emerging national Fraternities or Franciscan Youth Fraternities. Together with the Presidency of the International Council of the SFO, they shall contribute to the development and consolidation of the Fraternities they represent.

<sup>22</sup> GC Art. 90

1. The principal task of the assistant is to communicate Franciscan spirituality and to co-operate in the initial and continuing formation of the brothers and sisters.
2. The spiritual assistant is by right, with vote, a member of the council of the fraternity to which he or she gives assistance and collaborates with it in all activities. The spiritual assistant does not exercise the right to vote in financial questions.
3. Specifically:
  - a. the general assistants give their service to the Presidency of the International Council of the SFO, form a conference, and collegially see to the spiritual assistance to the SFO as a whole;
  - b. the national assistants give their service to the national council, see to the spiritual assistance to the SFO in the whole territory of the national fraternity and, at the national level, to the co-ordination of the regional assistants. If they are more than one, they form a conference and give their service collegially;

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- c. the regional assistants give their service to the regional council and see to the spiritual assistance to the regional fraternity. If they are more than one, they form a conference and give their service collegially;
  - d. the local assistants give their service to the local fraternity and its council.

<sup>23</sup> SAA Art. 19

1. The national Assistants of the SFO and the Franciscan Youth are appointed by the competent major Superior, after consultation with the respective national council<sup>23</sup>. Where more than one major Superior of the same Order is involved in the appointment, the norms established together by the Superiors with jurisdiction in the national territory shall be followed.
2. They give their service to the national council and see to the spiritual assistance to the national fraternity. If they are more than one, they form a Conference and render their service collegially.
3. It is the responsibility of the Conference of national Assistants, or to the national Assistant if there is only one:
  - e) to collaborate with the national Council in the task of spiritual and apostolic animation of the secular Franciscans in the life of the Church and the society of the country, and in a special way in the formation of the leaders;
  - f) to provide for the pastoral visits of the regional Councils of the SFO and to ensure a presence at the regional elective Chapters<sup>23</sup>;
  - g) to coordinate, at the national level, the service of spiritual assistance, the formation of the Assistants, and the fraternal union among them;
  - h) to foster the interest of the friars in the SFO and in the Franciscan Youth.

<sup>24</sup> NS Art. 3.1 The National Fraternity Council is composed of the Regional Ministers, the National Executive Council, and the members of the Conference of National Spiritual Assistants.

<sup>25</sup> GC Art. 90.2 The spiritual assistant is by right, with vote, a member of the council of the fraternity to which he or she gives assistance and collaborates with it in all activities. The spiritual assistant does not exercise the right to vote in financial questions.

<sup>26</sup> GC Art 77

1. In the local fraternity, the perpetually professed of the same fraternity have active voice, that is can elect, and passive voice, that is can be elected. The temporarily professed have only active voice.
2. At the other levels, the following have active voice: the secular members of the outgoing council, the representatives of the immediately lower level and of the Franciscan Youth, if professed. It belongs to the particular statutes to establish more concrete norms in application of the preceding norm, taking care to assure the broadest elective base. The perpetually professed Secular Franciscans of the corresponding area have passive voice.
3. Both the national and the international statutes – each for its own area – can establish objective qualifications regarding who can be elected to the various offices.
4. The presence of more than half of the number of those having the right to vote is required for the valid celebration of an elective chapter. For the local level, the national Statutes can establish a different norm

<sup>27</sup> SSA Art 12.3 The Spiritual Assistant is by right a voting member of the council and of the chapter of the fraternity to which he or she gives assistance and collaborates with it in all activities. Only in economic matters and in elections at any level does he or she not enjoy the right to vote.

<sup>28</sup> GC Art 52.1.c to take the place of the minister in both duties and responsibilities in case of absence or temporary impediment;

<sup>29</sup> Can. 168 Even if a person has the right to vote in his or her own name under several titles, the person can vote only once.

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<sup>30</sup> GC Art 77.4 The presence of more than half of the number of those having the right to vote is required for the valid celebration of an elective chapter. For the local level, the national Statutes can establish a different norm.

<sup>31</sup> Can. 119 With regard to collegial acts, unless the law or statutes provide otherwise:

1/ if it concerns elections, when the majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; after two indecisive ballots, a vote is to be taken on the two candidates who have obtained the greater number of votes or, if there are several, on the two senior in age; after the third ballot, if a tie remains, the one who is senior in age is considered elected;

2/ if it concerns other affairs, when an absolute majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; if after two ballots the votes are equal, the one presiding can break the tie by his or her vote;

3/ what touches all as individuals, however, must be approved by all.

<sup>32</sup> GS Art 76.1 The elections at the various levels will take place according to the norms of the law of the Church and of the Constitutions.

The convocation should be carried out at least one month in advance, indicating the place, the day, and the time of the election.

<sup>33</sup> IS Art 5.2 In conformance with its regulations, the national Chapters will elect a substitute for the international councilor, who will act in the absence of the incumbent. The right to vote, either within the Council or in the Chapter, can be exercised only in the absence of the incumbent, unless the substitute has the right to vote for reasons of holding another office.

<sup>34</sup> IS Art 8.1 When the office of the International Councilor remains vacant due to death, renunciation, or another impediment of a definitive character, the person elected as substitute (Art. 5.2 of the present Statutes) takes up the duty until the end of the mandate for which the Councilor was elected. The National Council concerned informs the Presidency of the International Council of the SFO and elects a new substitute within six months.

<sup>35</sup> NS Art 11 Article 11. Convocation and Nominations

1. At least four months prior to elections, the National Executive Council shall appoint a Chair for a Nominations Committee which will, acting according to norms established by the National Executive Council, present a slate of nominees for the offices to the members of the National Fraternity Council. This presentation shall be made approximately two months prior to the date set for the elections.
2. To be eligible as a candidate for election to office in the National Fraternity, one must be a permanently professed active member of the SFO [cf. General Constitutions, article #30]. Candidates should be convinced of the validity of the Franciscan evangelical way of life, attentive to a broad and encompassing vision of the life of the Church and of society, open to dialogue and ready to give and receive help and collaboration [cf. General Constitutions, article #31.3].
3. It shall be the duty of the Nominations Committee to ensure that each candidate meets the qualifications for the office for which she or he is proposed, has reviewed the duties of that office, and is willing to serve if elected.
4. Any individual elected to a national office may not hold an elected office at the Regional Fraternity level or the Local Fraternity level. (See Article 28)
5. The provisions of article #76 of the General Constitutions shall be followed for convocation of the National Fraternity Council meeting for the purpose of elections.
6. Notification of CIOFS

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- a. The National Minister shall in timely fashion contact the General Minister of the SFO, requesting that she or he or a delegate preside over forthcoming National Fraternity elections.
  - b. The National Minister shall in timely fashion contact the President of the Conference of General Spiritual Assistants, requesting that he or a delegate attend forthcoming National Fraternity elections as the ecclesial witness.

<sup>36</sup> Can. 173.2 The tellers are to collect the votes, to examine in the presence of the one presiding offer the election whether the number of ballots corresponds to the number of electors, to count the votes themselves, and to announce openly how many votes each person has received.

<sup>37</sup> GC Art 30

1. The brothers and sisters are co-responsible for the life of the fraternity to which they belong and for the SFO as the organic union of all fraternities throughout the world.
2. The sense of co-responsibility of the members requires personal presence, witness, prayer, and active collaboration, in accordance with each one's situation and possible obligations for the animation of the fraternity.
3. *Rule 25 \** In a family spirit, each brother and sister should make a contribution to the fraternity fund, according to each one's means, to provide the financial means needed for the life of the fraternity and for its religious, apostolic, and charitable works. The brothers and sisters ought to provide the means necessary for supporting the activities and the operations of the fraternities at higher levels, both by their financial assistance and by their contributions in other areas as well.

\* Rule Art. 25 Regarding expenses necessary for the life of the fraternity and the needs of worship, of the apostolate, and of charity, all the brothers and sisters should offer a contribution according to their means. Local fraternities should contribute toward the expenses of the higher fraternity councils.

<sup>38</sup> GC Art 31.3 The leaders of the SFO at every level should be perpetually professed, convinced of the validity of the Franciscan evangelical way of life, attentive to the life of the Church and of society with a broad and encompassing vision, open to dialogue, and ready to give and receive help and collaboration.

<sup>39</sup> NS Art 28 - Applicability of these statutes to all levels of fraternity.

The various provisions set forth in these National Statutes for NAFRA administration shall be used as a model for elections, conduct of business, structures for control of property, composition and duties of the Fraternity Minister and of the Fraternity Council, replacement of officers who are unable to continue in office, and similar business of the fraternity at any level. However, Articles 11.4 and 13.3 do not apply to regional and local fraternities. A member of a regional council may also be a member of a local fraternity council.

<sup>40</sup> GC Art 76

1. The elections at the various levels will take place according to the norms of the law of the Church<sup>40</sup> and of the Constitutions.  
The convocation should be carried out at least one month in advance, indicating the place, the day, and the time of the election.
2. The elective assembly, or chapter, will be presided over by the minister of the immediately higher level, or by his or her delegate, who confirms the election.  
The president or the delegate cannot preside over the elections in his or her local fraternity, nor the elections of the council of a higher level, of whose council he or she is a member.  
The spiritual assistant of the immediately higher level or his delegate is to be present as a witness of the communion with the First Order and the TOR.

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A representative of the Conference of General Ministers of the First Order and the TOR presides at and confirms the elections of the Presidency of the International Council of the SFO.

3. The president of the chapter and the assistant of the higher level do not have the right to vote.
4. The president of the chapter designates, among the members of that chapter, a secretary and two tellers.

<sup>41</sup> NS Art 8 Voting Rights

1. All members of the National Fraternity Council as defined in article #3.1 of these National Statutes may vote. No Spiritual Assistant at any level, however, shall vote on any question involving financial matters [cf. General Constitutions, article #90.2] or in elective chapters [cf. General Constitutions, article #77; Statutes for Spiritual Assistance, article #12.3]. This restriction applies to Secular Franciscans as well as religious friars and sisters serving as Spiritual Assistants for a particular Secular Franciscan fraternity.
2. The Minister of each Regional Fraternity has the primary responsibility for casting the vote of the Regional Fraternity in all elections and on all business that may come before the National Fraternity Council.
3. Substitutes/Delegates
  - a. In the event a Regional Minister is impeded from attending the National Fraternity Council meeting, then the delegate of the Regional Fraternity shall automatically be the Regional Vice Minister pursuant to the provisions of article #52.1.c of the General Constitutions.
  - b. If both the Regional Minister and the Regional Vice Minister are so impeded, then a member of the Regional Executive Council selected by that body shall attend and exercise all of the powers of a delegate for the Regional Fraternity.
4. No Regional Fraternity may cast more than a single vote on any issue or in any election.
5. Even if a person has a right to vote in his or her own name by more than one title, such person may cast only one ballot [cf. Code of Canon Law, canon #168].
6. During those meetings of the National Fraternity Council at which elections occur, the members of the outgoing and of the incoming National Executive Council, upon election and even prior to formal installation, are members with full rights of the National Fraternity Council until the end of said meeting.

<sup>42</sup> GC Art 79

1. The minister and vice-minister may be elected for two consecutive terms of three years each. For a third and final successive election to the office of minister or vice-minister, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
2. The out-going minister cannot be elected vice-minister.
3. The councilors may be elected for additional successive terms of three years. Beginning with the third successive election, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
4. The general minister, vice-minister and presidency councilors can only be elected for two consecutive terms of six years.
5. The council of the higher level has the right and duty to invalidate the elections and to call them anew in all cases of inobservance of the preceding norms.

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<sup>43</sup> IS Art 5.4 The term of office of the International Councilors and their substitutes is three years. They may be re-elected for consecutive periods according to the regulations of the General Constitutions, Art. 79.3.

<sup>44</sup> NS Art 28 Applicability of these statutes to all levels of fraternity.

The various provisions set forth in these National Statutes for NAFRA administration shall be used as a model for elections, conduct of business, structures for control of property, composition and duties of the Fraternity Minister and of the Fraternity Council, replacement of officers who are unable to continue in office, and similar business of the fraternity at any level. However, Articles 11.4 and 13.3 do not apply to regional and local fraternities. A member of a regional council may also be a member of a local fraternity council.

<sup>45</sup> GC Art 76

1. The elections at the various levels will take place according to the norms of the law of the Church<sup>45</sup> and of the Constitutions.  
The convocation should be carried out at least one month in advance, indicating the place, the day, and the time of the election.
2. The elective assembly, or chapter, will be presided over by the minister of the immediately higher level, or by his or her delegate, who confirms the election.  
The president or the delegate cannot preside over the elections in his or her local fraternity, nor the elections of the council of a higher level, of whose council he or she is a member.  
The spiritual assistant of the immediately higher level or his delegate is to be present as a witness of the communion with the First Order and the TOR.  
A representative of the Conference of General Ministers of the First Order and the TOR presides at and confirms the elections of the Presidency of the International Council of the SFO.
3. The president of the chapter and the assistant of the higher level do not have the right to vote.
4. The president of the chapter designates, among the members of that chapter, a secretary and two tellers.

<sup>46</sup> GC Art. 78

1. An absolute majority of the votes of those present, cast in secret, is required for the election of the minister. After two inconclusive ballots, the voting continues between the two candidates who have obtained the largest number of votes or, in case there are more than two, between the two candidates who are oldest by profession. If there is still a tie after the third ballot, the older by profession will be considered elected.
2. The election of the vice-minister proceeds in the same manner.
3. For the election of the councilors, after a first ballot without an absolute majority, a relative majority of the votes of those present, cast in secret, is sufficient, unless the particular statutes require a greater majority.
4. The secretary announces the result of the elections; the president confirms the election according to the Ritual<sup>46</sup> if all has been carried out properly and those elected have accepted their office.

<sup>47</sup> See above.

<sup>48</sup> GC Art 81.1 When the office of minister remains vacant as a result of death, resignation or other impediment of a definitive character, the vice-minister assumes the office until the end of the term for which the minister was originally elected.

<sup>49</sup> GC Art 81.2 If the office of vice-minister becomes vacant, one of the councilors is elected to the office of vice-minister by the council of the fraternity, to serve until the next elective chapter.

<sup>50</sup> GC Art 83

1. When a minister of whatever level resigns during a chapter, that same chapter can accept the resignation.

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When a minister resigns outside the time of chapter, that resignation must be presented to the council. If the resignation is accepted, it must be confirmed by the minister of the higher level; if the general minister is resigning, the confirmation comes from the Conference of General Ministers of the First Order and the TOR.

2. The resignation of other offices is presented to the minister and to his or her council, who are competent to accept the resignation.

<sup>51</sup> GC Art 84

1. In the case in which the minister does not fulfill his or her duties, the council concerned manifests its concerns in a fraternal dialogue with the minister. If this does not produce positive results, the council should inform the council of the higher level whose competence it is to examine the case and, if needed, by secret ballot, decide to remove the minister.
2. For a serious, public, and proved reason, the council of a higher level, after a fraternal dialogue with the person concerned, may, by a secret ballot, order the removal of a minister of a lower level.
3. When there is a serious reason to remove those who hold other offices of the council, it is the responsibility of that council to which they belong to make its decision by a secret ballot after there has been a fraternal dialogue with the person involved.
4. A recourse, which by itself suspends the action to remove someone from office, can be presented within thirty days to the council of the level immediately higher than the one which imposed the sanction.
5. The removal of the general minister belongs to the competence of the Conference of the General Ministers of the First Order and the TOR.
6. When there is a case of serious lack of concern or evidence of irregularities on the part of a minister or a council, the council of the next higher level conducts a fraternal visit of the council in question and, eventually, requests a pastoral visit. With charity and prudence, it will evaluate the circumstances uncovered and decide on the best way to proceed, not excluding the eventual removal of the council or leaders involved.

<sup>52</sup> See above.

<sup>53</sup> GC Art 2

1. The vocation to the SFO is a specific vocation that gives form to the life and apostolic activity of its members. Therefore, those who are bound by a perpetual commitment to another religious family or institute of consecrated life cannot belong to the SFO.
2. The SFO is open to the faithful of every state of life. The following may belong to it:
  - the laity (men and women);
  - the secular clergy (deacons, priests, bishops).

<sup>54</sup> GC Art 3

1. The secular state characterizes the spirituality and the apostolic life of those belonging to the SFO.
2. Their secularity, with respect to vocation and to apostolic life, expresses itself according to the respective state, that is:
  - for the laity, contributing to building up the Kingdom of God by their presence in their life-situations and in their temporal activities;
  - for the secular clergy, by offering to the people of God the service which is properly theirs, in communion with the bishop and the presbytery.Both are inspired by the gospel options of Saint Francis of Assisi, committing themselves to continue his mission with the other components of the Franciscan Family.

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3. The vocation to the SFO is a vocation to live the Gospel in fraternal communion. For this purpose, the members of the SFO gather in ecclesial communities which are called fraternities.

<sup>55</sup> GC Art 4

1. The SFO is governed by the universal law of the Church, and by its own: the Rule, the Constitutions, the Ritual, and the particular statutes.
2. The Rule establishes the nature, purpose, and spirit of the SFO.
3. *Rule 3\** The Constitutions have as their purpose:
  - to apply the Rule;
  - to indicate concretely the conditions for belonging to the SFO, its government, the organization of life in fraternity, and its seat.

\* Rule Art 3 The present rule, succeeding "Memoriale Propositi" (1221) and the rules approved by the Supreme Pontiffs Nicholas IV and Leo XIII, adapts the Secular Franciscan Order to the needs and expectations of the Holy Church in the conditions of changing times. Its interpretation belongs to the Holy See and its application will be made by the General Constitutions and particular statutes.

<sup>56</sup> Rule Art 6 They have been made living members of the Church by being buried and raised with Christ in baptism; they have been united more intimately with the Church by profession. Therefore, they should go forth as witnesses and instruments of her mission among all people, proclaiming Christ by their life and words. Called like Saint Francis to rebuild the Church and inspired by his example, let them devote themselves energetically to living in full communion with the pope, bishops, and priests, fostering an open and trusting dialog of apostolic effectiveness and creativity.

<sup>57</sup> GC Art 92-95

*Article 92*

1. *Rule 26\** The purpose of both the pastoral and fraternal visits is to revive the evangelical Franciscan spirit, to assure fidelity to the charism and to the Rule, to offer help to fraternity life, to reinforce the bond of the unity of the Order, and to promote its most effective insertion into the Franciscan family and the Church.

\* Rule Art 26 As a concrete sign of communion and co-responsibility, the councils on various levels, in keeping with the constitutions, shall ask for suitable and well prepared religious for spiritual assistance. They should make this request to the superiors of the four religious Franciscan families, to whom the Secular Fraternity has been united for centuries.

To promote fidelity to the charism as well as observance of the rule and to receive greater support in the life of the fraternity, the minister or president, with the consent of the council, should take care to ask for a regular pastoral visit by the competent religious as well as for a fraternal visit from those of the higher fraternities, according to the norm of the constitution

2. With the consent of the appropriate council, the request for the fraternal visit as well as for the pastoral visit is made:
  - a. by the minister of the local and regional fraternity, at least every three years, to the council of the immediately higher level and to the respective conference of spiritual assistants;
  - b. by the national minister, at least every six years, to the Presidency of the International Council of the SFO and to the conference of general assistants;
  - c. by the general minister, at least every six years, to the Conference of General Ministers.
3. For urgent and serious reasons or in case of failure on the part of the minister or the council to request it, the fraternal and pastoral visit may be carried out upon the initiative of the respectively competent council or conference of spiritual assistants.

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*Article 93*

1. In the visits to the local fraternities and to the councils at the various levels, the visitor will verify the evangelical and apostolic vitality, the observance of the Rule and Constitutions, and the insertion of the fraternities into the Order and into the Church.
2. In the visits to the local fraternities and to the councils at the various levels, the visitor will in time communicate the object and the program of the visit to the interested council. He or she will examine the registers and the records, including those relative to the preceding visits, to the election of the council and to the administration of goods.  
The visitor will draw up a report of the visit carried out, appending it to the records in the appropriate register of the fraternity visited, and will inform the council of the level which has held the visit.
3. In the visit to the local fraternity, the visitor will meet with the entire fraternity and with the groups and sections into which it is divided. He or she will give special attention to the brothers and sisters in formation and to those brothers and sisters who may request a personal meeting. Where required, he or she will proceed to the fraternal correction of the shortcomings eventually encountered.
4. If it is useful for the service of the fraternity, the two visitors, secular and religious, may make the visit at the same time, agreeing beforehand on the program, in a way most consonant with the mission of each of them.
5. The fraternal and pastoral visits, carried out by the immediately higher level, do not deprive the visited fraternity of the right to appeal to the council or to the conference of spiritual assistants of a higher level.

*The Fraternal Visit*

*Article 94*

1. The fraternal visit is a moment of communion, an expression of the service and concrete interest of the secular leaders at the various levels, so that the fraternity may grow and be faithful to its vocation.
2. Among the various initiatives to achieve the purpose of the visit, the visitor will give special attention:
  - to the validity of the formation, both initial and permanent;
  - to the relations entertained with other fraternities at the different levels, with Franciscan youth, and with the entire Franciscan family.
  - to the observance of the directives and of the guidelines of the International Council of the SFO and of the other councils;
  - to the presence in the local Church.
3. The visitor will check the report of the previous audit or verification of the financial and property management of the Council, the register of the accounts and every document pertaining to the property of the fraternity and, if applicable, the condition of the juridical personality in the civil order, including the fiscal aspects. In the absence of the required audit of the financial and property management of the council, the visitor can commission such an audit, to be paid by the visited fraternity, to an expert who is not a member of the council concerned. Wherever he or she deems it opportune, the visitor will obtain the assistance of a competent person in these aspects.
4. The visitor will check the records of the election of the council. He or she will evaluate the quality of the service offered to the fraternity by the minister and by the other leaders, and will study with them the solution to problems which may arise.  
If, for whatever reason, he or she should find that their service does not meet the needs of the fraternity, the visitor will promote appropriate initiatives, taking into account also the provisions concerning resignation and removal from office, given special circumstances.
5. The visitor may not carry out the visit of his or her own local fraternity, nor of the council of another level of which he or she is a member.

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*The Pastoral Visit*

*Article 95*

1. The pastoral visit is a privileged moment of communion with the First Order and the TOR. It is carried out also in the name of the Church and serves to guarantee and promote the observance of the Rule and the Constitutions and fidelity to the Franciscan charism. The visit is carried out with respect to the organization and the law proper to the SFO itself.
2. Having verified the canonical establishment of the fraternity, the visitor will give attention to the relations between the fraternity and its spiritual assistant and the local Church. The visitor will meet the pastors (bishop or parish priest) when this is opportune for fostering communion and service for building up the Church.
3. The visitor will promote collaboration and a sense of co-responsibility among the secular leaders and the religious assistants. The visitor is to examine the quality of the spiritual assistance given to the visited fraternity, encourage the spiritual assistants in their service and promote their continuing spiritual and pastoral formation.
4. The visitor will give special attention to programs, methods and experiences of formation, to the liturgical and prayer life, and to the apostolic activities of the fraternity.

<sup>58</sup> *SSA Art. 14*

1. The pastoral visit is a privileged moment of communion of the First Order and the TOR with the SFO. It is carried out also in the name of the Church and serves to revive the evangelical Franciscan spirit, to assure fidelity to the charism and to the Rule, to offer help to fraternity life, to reinforce the bond of the unity of the SFO, and to promote its most effective insertion into the Franciscan family and the Church.
2. The visitor strengthens the fraternity in its presence and mission in the Church and in society; verifies the relation between the secular and religious fraternities; gives special attention to programs, methods, and experiences of formation; gives attention to the collaboration and sense of co-responsibility among the secular leaders and the Spiritual Assistants; examines the quality of the spiritual assistance given to the visited fraternity; encourages the Spiritual Assistants in their service and promotes their continuing spiritual and pastoral formation.
3. At the request of the respective Council, a delegate of the Conference of Assistants carries out the pastoral visit, fully respectful of the SFO's own organization and law. For urgent and serious reasons or in case of failure on the part of the minister or the council to request it, the pastoral visit may be carried out upon the initiative of the conference of Spiritual Assistants, having consulted the Council of the SFO of the same level.
4. It is recommended that the pastoral and fraternal visits be carried out together, with agreement beforehand on the program. The visitor or the visitors will in good time communicate the object and the program of the visit to the council concerned. They will examine the registers and the records, including those relating to previous visits, to the election of the council and to the administration of goods. They will draw up a report of the visit they have conducted, appending it to the records in the appropriate register of the fraternity visited, and will inform the council of the level which has conducted the visit.
5. In the visit to the local fraternity, the visitor or visitors will meet with the entire fraternity and with the groups and sections into which it is divided. They will give special attention to the brothers and sisters in formation and to those brothers and sisters who may request a personal meeting. Where required, they will proceed to the fraternal correction of the shortcomings possibly encountered.

<sup>59</sup> Rule Art 22 The local fraternity is to be established canonically. It becomes the basic unit of the whole Order and a visible sign of the Church, the community of love. This should be the privileged place for developing a sense of Church and the Franciscan vocation and for enlivening the apostolic life of its members.

<sup>60</sup> GC Art 46 and 47

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## The Local Fraternity

### Article 46

1. *Rule 22\** The canonical establishment of the local fraternity belongs to the competent religious major superior at the request of the brothers and sisters concerned and with the prior consultation and collaboration of the council of the higher level to which the new fraternity will be related according to the national statutes.

The written consent of the local Ordinary is necessary for the canonical establishment of a fraternity outside the houses or churches of the Franciscan religious of the First Order or the TOR.

\*Rule Art 22 See Endnote 59.

2. For the valid establishment of a local fraternity, at least five perpetually professed members are required. The admission and profession of these first brothers and sisters will be received by the council of another local fraternity or by the council of a higher level which will have provided for their formation in appropriate ways. The acts of admission and profession and the decree of establishment are preserved in the records of the fraternity. Copies are sent to the council of the higher level.
3. If there is not yet a fraternity of the SFO in a nation, it belongs to the Presidency of the International Council of the SFO to make provision in this regard.

### Article 47

1. *Rule 22\** Each local fraternity, the primary cell of the one SFO, is entrusted to the pastoral care of the religious Franciscan Order that canonically established it.
2. A local fraternity may pass to the pastoral care of another religious Franciscan Order in the ways determined by the national statutes.

\* Rule Art 22 The local fraternity is to be established canonically. It becomes the basic unit of the whole Order and a visible sign of the Church, the community of love. This should be the privileged place for developing a sense of Church and the Franciscan vocation and for enlivening the apostolic life of its members.

<sup>61</sup> SSA Art 6.1 The canonical establishment of new fraternities is done at the request of the secular Franciscans concerned and with the prior consultation and collaboration of the SFO council at the higher level, to which the new fraternity will be related according to the national statutes. The written consent of the local Ordinary is necessary for the canonical establishment of a fraternity outside the houses or churches of the Franciscan religious of the First Order or the TOR.

<sup>62</sup> SAA Art 11.2 It is their specific competence, in the name of their jurisdiction:

- a) to canonically establish new local fraternities and to guarantee them spiritual assistance;
- b) to appoint the Spiritual Assistants;
- c) to animate spiritually, to visit, and to meet the local fraternities assisted by their own Order;
- d) to keep themselves informed about the spiritual assistance given to the SFO and the Franciscan Youth.

<sup>63</sup> GC Art 49.1 The council of the local fraternity is composed of the following offices: minister, vice-minister, secretary, treasurer, and master of formation. Other offices may be added according to the needs of each fraternity. The spiritual assistant of the fraternity forms part of the council by right.

<sup>64</sup> SSA Art 12

1. The Spiritual Assistant is the person designated by the competent major Superior to carry out this service for a specific fraternity of the SFO and of the Franciscan Youth.
2. In order to be a witness of Franciscan spirituality and of the fraternal affection of the religious towards the secular Franciscans, and to be a bond of communion between his Order and the SFO, the Spiritual Assistant should preferably be a Franciscan religious, a member of the First Order or the TOR.

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3. The Spiritual Assistant is by right a voting member of the council and of the chapter of the fraternity to which he or she gives assistance and collaborates with it in all activities. Only in economic matters and in elections at any level does he or she not enjoy the right to vote.

<sup>65</sup> SSA Art 13

1. The principal task of the assistant is to foster a deeper insight into Franciscan spirituality and to co-operate in the initial and continuing formation of the secular Franciscans.
2. In the Council of the fraternity and in elective and ordinary Chapters the assistant will be respectful of the responsibilities and role of the secular Franciscans, giving them priority with regard to the guidance, coordination, and animation of the fraternity.
3. The assistant participates actively and votes in the discussions and decisions taken by the Council or by the Chapter. He or she is specifically responsible for the animation of liturgical celebrations and spiritual reflections during the meetings of the Council or of the Chapter.

<sup>66</sup> SSA Art 15

1. The Assistant is appointed by the competent major Superior, after consultation with the council of the fraternity concerned.
2. Where more than one major Superior of the same Order is involved in the appointment of an Assistant, the norms established jointly by the Superiors with jurisdiction in the territory should be followed
3. The appointment of the Assistant is made in writing and for a limited time, which accumulated cannot be more than twelve years.
4. When it is not possible to give the fraternity a Spiritual Assistant who is a member of the First Order or the TOR, the competent major Superior can entrust the service of spiritual assistance to:
  - a) religious brothers or sisters of other Franciscan institutes;
  - b) secular Franciscans, cleric or lay, specially prepared for such service;
  - c) other diocesan clerics or non-Franciscan religious.

<sup>67</sup> SSA Art 23

1. The local Assistant is appointed by the competent major Superior, according to the law of his own Order, having heard the council of the fraternity concerned.
2. The local Assistant fosters communion within the fraternity and between the fraternity and the First Order or the TOR. In harmony with the local Guardian or Superior, the Assistant sees to it that between the religious and the secular fraternities a real life-giving union with each other exists. He or she fosters the active presence of the fraternity in the Church and in society.

<sup>68</sup> SSA Art 24

1. The local Assistant, together with the Council of the fraternity, is responsible for the formation of the candidates and expresses his or her assessment of each of the candidates before profession.
2. Together with the Minister, the Assistant discusses with the brothers or sisters in difficulty, who want to retire from the fraternity or who act in serious opposition to the Rule.

<sup>69</sup> GC Art 47.2 A local fraternity may pass to the pastoral care of another religious Franciscan Order in the ways determined by the national statutes.

<sup>70</sup> SAA Art 6.2 Any transfer of a local fraternity to the pastoral care of another religious Franciscan Order is done according to the procedures established by the national statutes of the SFO.

<sup>71</sup> GC Art 50.2.d to decide on the establishment of sections or groups in conformity with the Constitutions and the statutes.

<sup>72</sup> GC Art 34 Where the situation and the needs of the members require it, sections or groups which gather members sharing particular needs, common interests, or the same choices, may be established within the fraternity under the guidance of the one council.

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Such groups can give themselves specific norms relative to their meetings and activities, firmly remaining faithful, however, to the requirements which arise from membership in the one fraternity. National statutes may establish criteria suitable for the formation and functioning of these sections or groups.

<sup>73</sup> GC Art 30.3 *Rule 25\** In a family spirit, each brother and sister should make a contribution to the fraternity fund, according to each one's means, to provide the financial means needed for the life of the fraternity and for its religious, apostolic, and charitable works. The brothers and sisters ought to provide the means necessary for supporting the activities and the operations of the fraternities at higher levels, both by their financial assistance and by their contributions in other areas as well.

\*Rule Art 25 Regarding expenses necessary for the life of the fraternity and the needs of worship, of the apostolate, and of charity, all the brothers and sisters should offer a contribution according to their means. Local fraternities should contribute toward the expenses of the higher fraternity councils.

<sup>74</sup> GC Art 53.3 Insertion into a local fraternity and participation in fraternity life is essential for belonging to the SFO. Appropriate initiatives should be adopted according to the directives of the national statutes, to keep those brothers and sisters united to the fraternity who — for valid reasons of health, family, work, or distance — cannot actively participate in community life.

<sup>75</sup> See above.

<sup>76</sup> GC Art 54.2 Based on the respective civil legislation, the national statutes must establish precise criteria regarding the purpose of the juridical person, the administration of its material goods and the relevant internal controls. They must also contain instructions so that the establishing document may provide for the disposal of its property in case the juridical person ceases to exist.

<sup>77</sup> GC Art 53.5 The national statutes can indicate special forms of association with the fraternity for those who, without becoming a member of the SFO, want to participate in its life and activities.

<sup>78</sup> GC Art 103.1 Remaining faithful to their own identity, the fraternities will take care to make the most of each occasion for prayer, formation, and active collaboration with other ecclesial groups. They should welcome with pleasure those who, without belonging to the SFO, wish to share its experiences and activities.

<sup>79</sup> Rule Art 13 As the Father sees in every person the features of his Son, the firstborn of many brothers and sisters, so the Secular Franciscans with a gentle and courteous spirit accept all people as a gift of the Lord and an image of Christ.

A sense of community will make them joyful and ready to place themselves on an equal basis with all people, especially with the lowly for whom they shall strive to create conditions of life worthy of people redeemed by Christ.

<sup>80</sup> GC Art 40.3 Participation in the meetings of the local fraternity is an indispensable presupposition for initiation into community prayer and into fraternity life.

<sup>81</sup> GC Art 44

1. Begun by the preceding stages, the formation of the brothers and sisters takes place in a permanent and continuous way. It should be understood as an aid in the conversion of each<sup>81</sup> and everyone and in the fulfillment of their proper mission in the Church and in society.
2. The Fraternity has the duty to give special attention to the formation of the newly professed and of the temporarily professed, to help them become fully mature in their vocation and develop a true sense of belonging.
3. Ongoing formation – accomplished by means of courses, gatherings, and the sharing of experience – aims to assist the brothers and sisters:

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- *Rule 4\** in listening to and meditating on the Word of God, "going from Gospel to life and from life to Gospel;"
  - in reflecting on events in the Church and in society in the light of faith, and with the help of the documents of the teaching Church, consequently taking consistent positions;
  - in discerning and deepening the Franciscan vocation by studying the writings of Saint Francis, Saint Clare and Franciscan authors.

\* Rule Art 4 The rule and life of the Secular Franciscans is this: to observe the gospel of our Lord Jesus Christ by following the example of St. Francis of Assisi who made Christ the inspiration and the center of his life with God and people.

Christ, the gift of the Father's love, is the way to him, the truth into which the Holy Spirit leads us, and the life which he has come to give abundantly.

Secular Franciscans should devote themselves especially to careful reading of the gospel, going from gospel to life and life to gospel.

<sup>82</sup> GC Art 38.2 The duration of the time of initiation and the forms employed in its development are established by the national statutes.

<sup>83</sup> GC Art 40.4 A style of teaching which is Franciscan in character and which fits the mentality of the persons concerned should be adopted.

<sup>84</sup> GC Art 40.1 *Rule 23\** The time of formation lasts at least one year. The national statutes can establish a longer period. The purpose of this period is the maturation of the vocation, the experience of the evangelical life in fraternity, and a better knowledge of the Order. This formation should be carried out with frequent meetings for study and prayer and with concrete experiences of service and of apostolate. These meetings should be held, as far as possible and opportune, in common with the candidates of other fraternities.

\* Rule Art 23 Requests for admission to the Secular Franciscan Order must be presented to the local fraternity, whose council decides upon the acceptance of new brothers and sisters.

Admission into the Order is gradually attained through a time of initiation, a period of formation of at least one year, and profession of the rule. The entire community is engaged in the process of growth by its own manner of living. The age for profession and the distinctive Franciscan sign are regulated by the statutes.

Profession by its nature is a permanent commitment. Members who find themselves in particular difficulties should discuss their problems with the council in fraternal dialogue. Withdrawal or permanent dismissal from the Order, if necessary, is an act of the fraternity council according to the norm of the constitutions.

<sup>85</sup> GC

#### *Article 55*

If a brother or sister, for any reasonable cause, desires transfer to another fraternity, he or she first informs the council of the fraternity to which he or she belongs and then makes the request, including the reasons for the transfer, to the minister of the fraternity to which he or she wishes to belong. The council makes its decision after having received the necessary information in writing from the fraternity of origin.

#### Temporary Provisions

##### *Article 56*

1. *Rule 23\** Members who find themselves in difficulty may ask, with a formal act, temporary withdrawal from the fraternity. The council will evaluate the request with love and prudence, after a fraternal dialogue between the minister and the assistant with the person concerned. If the reasons appear to be well founded, after the brother or sister in difficulty has been given time to reconsider, the council agrees to the request.

\*Rule Art 23 Requests for admission to the Secular Franciscan Order must be presented to the local fraternity, whose council decides upon the acceptance of new brothers and sisters.

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Admission into the Order is gradually attained through a time of initiation, a period of formation of at least one year, and profession of the rule. The entire community is engaged in the process of growth by its own manner of living. The age for profession and the distinctive Franciscan sign are regulated by the statutes. Profession by its nature is a permanent commitment. Members who find themselves in particular difficulties should discuss their problems with the council in fraternal dialogue. Withdrawal or permanent dismissal from the Order, if necessary, is an act of the fraternity council according to the norm of the constitutions.

2. The repeated and prolonged default in the obligations of the life of the fraternity and other conduct in serious opposition to the Rule have to be discussed by the council in dialogue with the person at fault. Only in the case of obstinacy or relapse may the council decide, with a secret vote, to suspend someone. It communicates its decision in writing to the person concerned.
3. Voluntary withdrawal or the provision for suspension must be noted in the registers of the fraternity. It involves exclusion from the meetings and activities of the fraternity, including the right of active and passive voice, but membership in the Order itself is not affected.

#### *Article 57*

1. In the case of voluntary withdrawal or of suspension from the fraternity, the Secular Franciscan may ask to be readmitted by addressing an appropriate written request to the minister.
2. After examining the reasons offered by the person involved, the council evaluates whether the causes which led to the withdrawal or suspension can be considered as overcome. If the conclusion is affirmative, it readmits him or her and the decision is recorded in the proceedings of the fraternity.

#### Definitive Provisions

#### *Article 58*

1. The brother or sister who intends to withdraw definitively from the Order, communicates so in writing to the minister of the fraternity. The minister and the assistant of the local fraternity, with charity and prudence, discuss the matter with the person concerned and keep the Council informed. If the brother or sister confirms the decision in writing, the Council takes notice and communicates it in writing to the person concerned. The definitive withdrawal is recorded in the register of the fraternity and communicated to the council of the higher level.
2. In case of serious causes, provided that they are external, imputable, and juridically proven, the minister and the assistant of the local fraternity, with charity and prudence, discuss the matter with the brother or sister concerned and keep the council informed. The brother or sister is given time to reflect and to discern, eventually with the help of an external and competent expert. If the time set aside for reflection passes without any result, the council of the fraternity requests the council of the higher level to dismiss the brother or sister from the Order. The request must be accompanied by all the documentation relative to the case. The council of the higher level will issue the decree of dismissal after having collegially examined the request with the relative documentation and having verified observance of the directives of the Law and of the Constitutions.
3. The brother or sister who publicly rejects the faith, or defects from ecclesiastical communion, or upon whom an excommunication is imposed or declared, by the fact itself ceases to be a member of the Order. This does not mean, however, that the council of the fraternity should not discuss the matter with the person concerned or offer fraternal help. The council of a higher level, upon request of the council of the local fraternity, collects the proofs and officially declares that the person has ceased to be a member of the Order.
4. The decree of dismissal or the declaration that the person has ceased to be a member of the Order, in order to become effective, must be confirmed by the national council to whom all the documentation will be sent.

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*Article 59*

If anyone is convinced that he or she has been wronged by a measure adopted, that person may appeal within three months to the council above the one that adopted the decision in question and, in successive cases, to further levels all the way up to the Presidency of the International Council of the SFO and, in the final instance, to the Holy See.

<sup>86</sup> GC Art 61 The Regional Fraternity

1. The regional fraternity is the organic union of all the local fraternities existing in a territory or which can be integrated into a natural unity, either by geographic proximity, or by common problems and pastoral circumstances. It assures the link between the local fraternities and the national fraternity in respect to the unity of the SFO and in accord with the cooperative efforts of the Franciscan religious orders to provide spiritual assistance within the area.
2. It is for the national council to compose the regional fraternity according to the Constitutions and to the national statutes. The competent religious superiors, from whom spiritual assistance must be sought, should be informed of it.
3. The regional fraternity:
  - is animated and guided by council and a minister;
  - is ruled by the national statutes and by its own statutes;
  - has its own seat.

<sup>87</sup> GC Art 62.1 The regional council is constituted according to the provisions of the national statutes and of its own regional statutes. At the heart of the regional council there can be set up an executive council (or board) whose duties are determined by those same statutes.

<sup>88</sup> SSA Regional Assistants

*Art. 21*

1. The regional Assistants to the SFO and the Franciscan Youth are appointed by the competent major Superior, after consultation with the respective regional council. Where more than one major Superior of the same Order is involved in the appointment, the norms established jointly by the Superiors with jurisdiction in the territory of the regional fraternity shall be followed.
2. They give their service to the regional council and see to the spiritual assistance to the regional fraternity. If they are more than one, they form a conference and render their service collegially.
3. It is the responsibility of the Conference of regional Assistants, or to the regional Assistant if there is only one:
  - a) to collaborate with the regional Council in the task of spiritual and apostolic animation of the secular Franciscans in the life of the Church and of society in the region, and in a special way in the formation of the leaders;
  - b) to provide for the pastoral visits of the local Councils of the SFO<sup>88</sup> and to ensure a presence at the local elective Chapters;
  - c) to coordinate, at the regional level, the service of spiritual assistance, the formation of the Assistants and the fraternal union among them;
  - d) to foster the interest of the friars in the SFO and in the Franciscan Youth.

*Art. 22*

1. The regional Assistant must keep the major Superiors and his Order informed on the life and activities of the SFO and of the Franciscan Youth in the region.

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2. He shall also deal with matters regarding the service of assistance given by his Order to the SFO and the Franciscan Youth, meet the local fraternities assisted by his own Order in the region and keep constant fraternal contacts with the local Assistants of his own Order.

<sup>89</sup> SAA Art 12.1 The Spiritual Assistant is the person designated by the competent major Superior to carry out this service for a specific fraternity of the SFO and of the Franciscan Youth.

<sup>90</sup> GC Art 62

1. The regional council is constituted according to the provisions of the national statutes and of its own regional statutes. At the heart of the regional council there can be set up an executive council (or board) whose duties are determined by those same statutes.
2. The regional council has the following duties:
  - a. to prepare the celebration of the elective chapter;
  - b. to promote, animate, and co-ordinate the life and activities of the SFO and its insertion into the local Church within the regional area;
  - c. to detail the action plan of the SFO within the region according to the directives of the national council and in collaboration with it and to publicize that program to the local fraternities;
  - d. to communicate the directives of the national council and of the local Church to the local fraternities;
  - e. to provide for the formation of those responsible for animation;
  - f. to offer to local fraternities activities which support their formative and operative needs;
  - g. to discuss and approve the annual report to the national council;
  - h. to schedule, when circumstances recommend so, the fraternal visit to the local fraternities, even if it is not requested;
  - i. to make decisions regarding the use of available funds and, in general, to deliberate on matters regarding the financial management and the economic affairs of the regional fraternity;
  - j. to have, before its term of office is finished, the regional fraternity's financial and real estate situation audited either by an expert who is not a member of the council or by the fraternity's board of examiners;
  - k. to perform such other duties as are indicated by the Constitutions or necessary to achieve its own aims.

<sup>91</sup> GC Art 62.1 The regional council is constituted according to the provisions of the national statutes and of its own regional statutes. At the heart of the regional council there can be set up an executive council (or board) whose duties are determined by those same statutes.

<sup>92</sup> *Article 63*

1. While firmly preserving the co-responsibility of the council for the animation and guidance of the regional fraternity, it is the duty of the minister, who has the primary responsibility, to see that the directions and decisions of the council are put into practice. He or she will keep the council informed concerning his or her activities.
2. In addition, the regional minister has the duty:
  - a. to convoke and preside at the meetings of the regional council; to convoke every three years the elective chapter of the fraternity after having listened to the council on the formalities of the convocation;
  - b. to preside at and to confirm the elections of the local fraternities either in person or through a delegated member of the regional council, with the exception of the spiritual assistant;
  - c. to make fraternal visits to the local fraternities, personally or through a delegate who is a member of the council;
  - d. to participate in the meetings called by the national council;
  - e. to represent the fraternity whenever it has acquired a juridical personality in the civil order;
  - f. to prepare the annual report to the national council;
  - g. to request the pastoral and fraternal visits with the consent of the council, at least once every three years.

<sup>93</sup> GA Art 54.2 Based on the respective civil legislation, the national statutes must establish precise criteria regarding the purpose of the juridical person, the administration of its material goods and the relevant internal

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controls. They must also contain instructions so that the establishing document may provide for the disposal of its property in case the juridical person ceases to exist.

<sup>94</sup> GC

## THE FRATERNAL VISIT AND THE PASTORAL VISIT

### *Article 92*

1. *Rule 26\** The purpose of both the pastoral and fraternal visits is to revive the evangelical Franciscan spirit, to assure fidelity to the charism and to the Rule, to offer help to fraternity life, to reinforce the bond of the unity of the Order, and to promote its most effective insertion into the Franciscan family and the Church.

\* Rule Art 26 As a concrete sign of communion and co-responsibility, the councils on various levels, in keeping with the constitutions, shall ask for suitable and well prepared religious for spiritual assistance. They should make this request to the superiors of the four religious Franciscan families, to whom the Secular Fraternity has been united for centuries.

To promote fidelity to the charism as well as observance of the rule and to receive greater support in the life of the fraternity, the minister or president, with the consent of the council, should take care to ask for a regular pastoral visit by the competent religious as well as for a fraternal visit from those of the higher fraternities, according to the norm of the constitution.

2. With the consent of the appropriate council, the request for the fraternal visit as well as for the pastoral visit is made:
  - a. by the minister of the local and regional fraternity, at least every three years, to the council of the immediately higher level and to the respective conference of spiritual assistants;
  - b. by the national minister, at least every six years, to the Presidency of the International Council of the SFO and to the conference of general assistants;
  - c. by the general minister, at least every six years, to the Conference of General Ministers.
3. For urgent and serious reasons or in case of failure on the part of the minister or the council to request it, the fraternal and pastoral visit may be carried out upon the initiative of the respectively competent council or conference of spiritual assistants.

### *Article 93*

1. In the visits to the local fraternities and to the councils at the various levels, the visitor will verify the evangelical and apostolic vitality, the observance of the Rule and Constitutions, and the insertion of the fraternities into the Order and into the Church.
2. In the visits to the local fraternities and to the councils at the various levels, the visitor will in time communicate the object and the program of the visit to the interested council. He or she will examine the registers and the records, including those relative to the preceding visits, to the election of the council and to the administration of goods.

The visitor will draw up a report of the visit carried out, appending it to the records in the appropriate register of the fraternity visited, and will inform the council of the level which has held the visit.
3. In the visit to the local fraternity, the visitor will meet with the entire fraternity and with the groups and sections into which it is divided. He or she will give special attention to the brothers and sisters in formation and to those brothers and sisters who may request a personal meeting. Where required, he or she will proceed to the fraternal correction of the shortcomings eventually encountered.
4. If it is useful for the service of the fraternity, the two visitors, secular and religious, may make the visit at the same time, agreeing beforehand on the program, in a way most consonant with the mission of each of them.

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5. The fraternal and pastoral visits, carried out by the immediately higher level, do not deprive the visited fraternity of the right to appeal to the council or to the conference of spiritual assistants of a higher level.

#### *The Fraternal Visit*

##### *Article 94*

1. The fraternal visit is a moment of communion, an expression of the service and concrete interest of the secular leaders at the various levels, so that the fraternity may grow and be faithful to its vocation.<sup>94</sup>
2. Among the various initiatives to achieve the purpose of the visit, the visitor will give special attention:
  - to the validity of the formation, both initial and permanent;
  - to the relations entertained with other fraternities at the different levels, with Franciscan youth, and with the entire Franciscan family.
  - to the observance of the directives and of the guidelines of the International Council of the SFO and of the other councils;
  - to the presence in the local Church.
3. The visitor will check the report of the previous audit or verification of the financial and property management of the Council, the register of the accounts and every document pertaining to the property of the fraternity and, if applicable, the condition of the juridical personality in the civil order, including the fiscal aspects. In the absence of the required audit of the financial and property management of the council, the visitor can commission such an audit, to be paid by the visited fraternity, to an expert who is not a member of the council concerned. Wherever he or she deems it opportune, the visitor will obtain the assistance of a competent person in these aspects.
4. The visitor will check the records of the election of the council. He or she will evaluate the quality of the service offered to the fraternity by the minister and by the other leaders, and will study with them the solution to problems which may arise.  
If, for whatever reason, he or she should find that their service does not meet the needs of the fraternity, the visitor will promote appropriate initiatives, taking into account also the provisions concerning resignation and removal from office, given special circumstances<sup>94</sup>.
5. The visitor may not carry out the visit of his or her own local fraternity, nor of the council of another level of which he or she is a member.

#### *The Pastoral Visit*

##### *Article 95*

1. The pastoral visit is a privileged moment of communion with the First Order and the TOR. It is carried out also in the name of the Church and serves to guarantee and promote the observance of the Rule and the Constitutions and fidelity to the Franciscan charism. The visit is carried out with respect to the organization and the law proper to the SFO itself.
2. Having verified the canonical establishment of the fraternity, the visitor will give attention to the relations between the fraternity and its spiritual assistant and the local Church. The visitor will meet the pastors (bishop or parish priest) when this is opportune for fostering communion and service for building up the Church.
3. The visitor will promote collaboration and a sense of co-responsibility among the secular leaders and the religious assistants. The visitor is to examine the quality of the spiritual assistance given to the visited fraternity, encourage the spiritual assistants in their service and promote their continuing spiritual and pastoral formation.
4. The visitor will give special attention to programs, methods and experiences of formation, to the liturgical and prayer life, and to the apostolic activities of the fraternity.

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<sup>95</sup> SAA Art 14

1. The pastoral visit is a privileged moment of communion of the First Order and the TOR with the SFO. It is carried out also in the name of the Church and serves to revive the evangelical Franciscan spirit, to assure fidelity to the charism and to the Rule, to offer help to fraternity life, to reinforce the bond of the unity of the SFO, and to promote its most effective insertion into the Franciscan family and the Church.
2. The visitor strengthens the fraternity in its presence and mission in the Church and in society; verifies the relation between the secular and religious fraternities; gives special attention to programs, methods, and experiences of formation; gives attention to the collaboration and sense of co-responsibility among the secular leaders and the Spiritual Assistants; examines the quality of the spiritual assistance given to the visited fraternity; encourages the Spiritual Assistants in their service and promotes their continuing spiritual and pastoral formation.
3. At the request of the respective Council, a delegate of the Conference of Assistants carries out the pastoral visit, fully respectful of the SFO's own organization and law. For urgent and serious reasons or in case of failure on the part of the minister or the council to request it, the pastoral visit may be carried out upon the initiative of the conference of Spiritual Assistants, having consulted the Council of the SFO of the same level.
4. It is recommended that the pastoral and fraternal visits be carried out together, with agreement beforehand on the program. The visitor or the visitors will in good time communicate the object and the program of the visit to the council concerned. They will examine the registers and the records, including those relating to previous visits, to the election of the council and to the administration of goods. They will draw up a report of the visit they have conducted, appending it to the records in the appropriate register of the fraternity visited, and will inform the council of the level which has conducted the visit.
5. In the visit to the local fraternity, the visitor or visitors will meet with the entire fraternity and with the groups and sections into which it is divided. They will give special attention to the brothers and sisters in formation and to those brothers and sisters who may request a personal meeting. Where required, they will proceed to the fraternal correction of the shortcomings possibly encountered.

<sup>96</sup> GC

## THE FRANCISCAN YOUTH

### *Article 96*

1. The SFO, by virtue of its very vocation, ought to be ready to share its experience of evangelical life with the youth who feel attracted to Saint Francis of Assisi and to seek the means of adequately presenting it to them.
2. The Franciscan Youth (YouFra), as understood by these Constitutions and in so far as the SFO considers itself to be particularly responsible for it, is formed by those young people who feel called by the Holy Spirit to share the experience of the Christian life in fraternity, in the light of the message of Saint Francis of Assisi, deepening their own vocation within the context of the Secular Franciscan Order.
3. The members of the Franciscan Youth consider the Rule of the SFO as an inspirational document for the growth of their own Christian and Franciscan vocation either individually or in a group. After a suitable period of formation, of at least one year, they confirm this option with a personal pledge before God and in the presence of the brothers and sisters.
4. The members of the Franciscan Youth who wish to belong to the SFO should satisfy the requirements of the Rule, the Constitutions, and the Ritual of the SFO.
5. The Franciscan Youth has a specific organization, methods of formation, and teaching methods adequate for the needs of the world of youth, according to the existing realities in the various countries. The national statutes of the Franciscan Youth should be approved by the respective national council of the SFO, or in its absence, by the Presidency of the International Council of the SFO.
6. The Franciscan Youth, as a component of the Franciscan family, requests from the competent secular leaders and religious superiors, respectively, fraternal animation and spiritual assistance.

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*Article 97*

1. The SFO fraternities will promote the vocation to the Franciscan Youth by means of appropriate and dynamic initiatives. They should see to the vitality and the expansion of the Franciscan Youth fraternities and will accompany the youth in their journey of human and spiritual growth with proposals for specific activities and contents.
2. The SFO fraternities commit themselves to give to the Franciscan Youth fraternities a fraternal animator, who together with the spiritual assistant and the council of the Franciscan Youth guarantees an adequate Secular Franciscan formation.
3. To promote a close communion with the SFO, all leaders of the Franciscan Youth at the international level and at least two members of the national council of the Franciscan Youth are to be professed Secular Franciscan youth.
4. A representative of the Franciscan Youth is to be designated by his or her council to form part of the SFO council of the corresponding level; a representative of the SFO, designated by his or her own council, forms part of the council of the Franciscan Youth of the same level. The representative of the Franciscan Youth has a vote in the SFO council only if he or she is a professed Secular Franciscan
5. The representatives of the Franciscan Youth in the international council of the SFO are elected according to the international statutes which also determine how many there are, what fraternities they represent, and what their responsibilities are supposed to be.