

# **STATUTE**

## **of the International Fraternity of the Secular Franciscan Order**

**Text approved by the General Chapter on 12 November 2024**

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## ABBREVIATIONS

OFS	Secular Franciscan Order
FIOFS	The OFS International Fraternity
CIOFS	OFS International Council
CSA	Conference of General Spiritual Assistants
R.	OFS Rule
GG.CC.	OFS General Constitutions
IS	OFS International Fraternity Statute
DICLSAL	Dicastery for Institutes of Consecrated Life and the Societies of Apostolic Life
CIC	<i>Codex Iuris Canonici</i> (Code of Canon Law)
CCEO	<i>Codex Canonum Ecclesiarum Orientalium</i> (Eastern Churches Code of Canon Law)
CCC	Catholic Church Catechism

## INTRODUCTION

The Secular Franciscan Order (OFS) is a public association in the Church (GG.CC. 1.5). As an Order erected by the Holy See and recognized within the Church, the OFS is subject to the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (DICLSAL). It *"is divided into Fraternities of various levels – local, regional, national, and international"* (R. 20), coordinated among themselves in accordance with the prescriptions of the Rule and the General Constitutions.

The International Fraternity of the OFS is the organic union of all the Fraternities at the various levels: local, regional and national, organised as a unit according to the Rule approved by His Holiness Pope Paul VI on June 24, 1978.

The Secular Franciscan Order establishes and adopts the present Statute in order to promote the life of the International Fraternity and to serve its organization at its various levels and its operation<sup>1</sup>.

The objective of the Fraternities at every level is to help each brother and sister to attain holiness according to their own personal Secular Franciscan vocation in the OFS and to live the sense of Fraternity. The Fraternities at the higher levels have the specific responsibility to promote a strong union of fraternities at the lower levels, and to help and coordinate their life according to the Rule, the General Constitutions and their respective Statutes.

On the basis of this organic union of all the local, regional, and national Fraternities, this Statute of the International Fraternity applies – with suitable modifications – equally to each Fraternity at the various levels as part of the International Fraternity.

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<sup>1</sup> Cf GG.CC. 6.1, Canon 304.1§ CIC.

# TITLE I

## GENERAL PROVISIONS

### DEFINITION - LEGAL PERSONALITY - HEADQUARTERS - REPRESENTATION

#### Article 1

The International Fraternity of the Secular Franciscan Order (FIOFS):

- 1) is formed by the organic union of all the Catholic Secular Franciscan Fraternities in the world. It is identified as a whole as the Secular Franciscan Order;
- 2) operates in conformity with the Rule, the General Constitutions, the Ritual and the present Statute<sup>2</sup>;
- 3) is guided, coordinated, and animated by the International Council of the Secular Franciscan Order (CIOFS), its Presidency and the General Minister (or International President), who oversee the observance and proper application of the Rule, the General Constitutions and the Ritual<sup>3</sup>;
- 4) has as its official name the ORDO FRANCISCANUS SAECULARIS (OFS);
- 5) has four official languages for communication and correspondence: French, English, Italian and Spanish.

*Juridical personality*

#### Article 2

The Secular Franciscan Order (OFS), understood as an international Fraternity, within the Church is a public association of the faithful. It has its own legal entity in the Church<sup>4</sup> and in the Italian State, as a civilly recognized ecclesiastical entity.

*Seat*

#### Article 3

The Secular Franciscan Order as an International Fraternity has its seat in Rome<sup>5</sup>.

*Representation*

#### Article 4

- 1) At any level of the OFS - local, regional, national, international - the Minister represents the Fraternity both in the ecclesiastical and civil fields and when the Fraternity has civil legal personality, she/he is its legal representative<sup>6</sup>.
- 2) Exceptionally, only in the case in which the local Minister is objectively incapacitated<sup>7</sup>, civil legal representation is attributed to the Vice-Minister or another member of the Council with a specific decision during the first meeting following the elective Chapter, noted in the register of the minutes, in compliance with the relevant state legislation.

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<sup>2</sup> Cf GG.CC. 69.1.

<sup>3</sup> Cf GG.CC. 69.2.

<sup>4</sup> Cf R. 2, GG.CC. 69.1.

<sup>5</sup> Cf GG.CC. 69.2.

<sup>6</sup> Cf GG.CC. 51.2c, 63.2e, 67.2d, 74.2d.

<sup>7</sup> Cf GG.CC. 51.2c. *Objectively incapacitated* means that he/she cannot sign acts because, for example, he/she has physical problems.

- 3) The General Minister is the legal representative of the Secular Franciscan Order<sup>8</sup>.

## **FORM AND LIFE IN FRATERNITY**

### *Membership*

#### **Article 5**

- 1) Incorporation into the OFS is possible for all Catholics, men and women, both secular and clerics, and takes place with Profession, after a suitable period of formation<sup>9</sup>.
- 2) Profession in the OFS is a lifetime commitment of the Professed, as such, this lifelong endeavour is centred on the person of Christ and His followers<sup>10</sup>. For this reason, those who profess in the OFS cannot at the same time be members, through perpetual commitment, of other ecclesial organizations (religious or secular institutes of consecrated life, or other types of movements or associations with a specific identity and path of formation). In cases of belonging to another ecclesial organization, the council of the local Fraternity is responsible for discerning the situation and making any necessary decisions in accordance with the directives of the National Council, if any.
- 3) The sign of belonging to the OFS is the Tau or other Franciscan symbol, such as a small object to be worn on one's person, established in the National Statute for each National Fraternity. However, a National Fraternity may establish in the National Statute, for its Professed, a "uniform" or other clothing accessory, in the secular style, as an additional sign of recognition. This must not create confusion with the religious habit. Such uniform or garment can never replace the official sign of belonging<sup>11</sup>, so it cannot be given to the new member during the rite of Admission or Profession.

### *Subsidiarity*

#### **Article 6**

- 1) In the OFS, the principle of subsidiarity is in force<sup>12</sup>; therefore, a Council of a higher level can never replace a lower one or assume its functions. Its task is to help the lower levels to carry out their task in the best way possible<sup>13</sup>.
- 2) When the Council of a lower level is in default, in serious difficulty, has expired or the local Fraternity has just been established<sup>14</sup>, the council of the next higher level temporarily takes its place for what needs to be done and to help the Fraternity resume normal fraternal life.
- 3) In exceptional cases, the General Minister has the authority to issue the necessary measures to remedy and/or resolve problematic situations that have arisen in the Order at any level, even replacing the Councils that have been in default. Measures concerning professed members are valid but must be ratified by the CIOFS Presidency during the first suitable meeting.

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<sup>8</sup> Cf GG.CC. 74.2d.

<sup>9</sup> R. 23; GG.CC. 2.2.

<sup>10</sup> GG.CC. 9.1

<sup>11</sup> Cf "Practical interpretation Art. 43 GG.CC." of October 29, 2011, annex. 10, General Chapter of Sao Paulo (BR).

<sup>12</sup> Cf GG.CC. 33.2.

<sup>13</sup> Cf CCC 1883.

<sup>14</sup> Cf GG.CC. 31.1; Canon 165 CIC Canon 947§1 CCEO.



## ELECTIONS

### Article 7

- 1) The General Chapter of the OFS elects the secular members of the CIOFS Presidency, according to the norms of the General Constitutions and of the present Statute.
- 2) The Elective Chapter at other levels elects the secular members of the Council, according to the norms of the General Constitutions and the respective Statute.

### *Eligibility Requirements*

### Article 8

- 1) To be elected Councillor of the CIOFS Presidency, the specific requirements are:
  - a) competence and availability in dealing with the affairs of the Order at the international level;
  - b) perpetual Profession for at least 6 years, with the exception of the Presidency Councillor representing YouFra, who requires only perpetual Profession, with no time limit. In order to be elected General Minister and Vice-General Minister, a minimum of 10 years of perpetual Profession is required;
  - c) experience in animation and leadership in a Fraternity Council, at any level;
  - d) knowledge of at least one of the four official languages of the OFS;
  - e) the ability to devote the necessary time to the service and to carry out the trips required by such service;
  - f) not having civil or ecclesiastical incompatibility;
  - g) active participation in the life of one's local Fraternity;
  - h) not holding a leadership position in political parties<sup>15</sup>.
- 2) The National Statutes must indicate the objective requirements for eligibility for Council functions for each level, in particular in compliance with the Art. 54 of this Statute on the newly professed, in addition to the following general objective requirements:
  - a) perpetual Profession for at least 2 years for all members, including the Minister and the Vice-minister, unless the National Statute provides for a different term. An exception is made for local Fraternities newly erected or reactivated following a Decree of "active status" (revival);
  - b) experience of animation and leadership in a Council of any level of the OFS, except for the election of the Council of the Local Fraternity;
  - c) have no civil or ecclesiastical incompatibility;
  - d) active participation in the life of one's local Fraternity;
  - e) not holding a leadership position in political parties<sup>16</sup>.

### *Convocation and end-of-mandate activities*

### Article 9

- 1) The General Elective Chapter is held every six years.

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<sup>15</sup> Canon 317§4 CIC.

<sup>16</sup> Canon 317§4 CIC.

- 2) The General Minister convokes the General Elective Chapter in the manner prescribed in Art. 76.1 GG.CC. at least six months before its fixed date.
- 3) Before the celebrating the Elective Chapter, the CIOFS Presidency entrusts a professional accountant, who is not a member of CIOFS, with the verification of the financial and patrimonial situation of the said Presidency<sup>17</sup>. The General Treasurer must present the financial and patrimonial situation to the General Chapter for its approval<sup>18</sup>, before voting for the offices of the Presidency.
- 4) When the situation of finances and patrimony of the outgoing Presidency has not been verified and certified by an accountant or when there is no vote on said financial situation by the Chapter, the President of the elective session may decide to postpone the elections.

### *Validity and voting*

#### **Article 10**

- 1) The elective sessions of the General Chapter are presided over by the General Minister delegated by the Conference of Ministers General of the First Order and of the TOR, who designates a Secretary and at least two scrutineers, chosen from among the capitulars.
- 2) For the validity of the elective sessions, the presence of more than half of the capitulars entitled to vote is necessary, that is, the International Councillors representing the established National Fraternities of the OFS, the YouFra International Councillors, and the outgoing Presidency Councillors. The President of the elective sessions and the General Assistants do not have the right to vote<sup>19</sup>.
- 3) All perpetually professed Secular Franciscans enjoy passive voice<sup>20</sup>, provided they meet the requirements of Art. 8 of the present Statute, in addition to the nominations having been submitted.
- 4) Before proceeding with the elections, the President of the elective sessions must verify that: the financial and patrimonial situation of the three-year period has been regularly verified and certified by a professional external to the CIOFS Presidency; the proposed candidates have the specific pre-requisites required by Art. 8 of this Statute.
- 5) For its validity, the vote must be free, secret, certain, absolute, and determined<sup>21</sup>.
- 6) The election of the members of the Presidency is carried out by an absolute majority in the first two ballots, and by a runoff between the two candidates who have obtained the most votes in a third ballot<sup>22</sup>.
- 7) The General Minister, Vice-General Minister, and Presidential Councillors may only be elected for two consecutive six-year terms<sup>23</sup>.
- 8) The Secretary of the elective sessions proclaims the results of the vote. If everything has gone smoothly and the elected members accept the election, the President of the elective session proceeds to confirm them according to the Ritual<sup>24</sup>.

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<sup>17</sup> Cf GG.CC. 74.2.k.

<sup>18</sup> GG.CC 52.4.c.; 52.5.

<sup>19</sup> Cf GG.CC. 77.2; Statute of the Spiritual and Pastoral Assistance to the OFS 12.3.

<sup>20</sup> Cf GG.CC. 77.2.

<sup>21</sup> Canon 172§1 CIC.

<sup>22</sup> Cf GG.CC. 78.

<sup>23</sup> Cf GG.CC. 79.4.

<sup>24</sup> Cf GG.CC. 78.4.

- 9) The term of office of the members of the CIOFS Presidency is six years. Their office is incompatible with that of National Minister or International Councillor.
- 10) The ballots voted and counted must correspond to the actual voters<sup>25</sup>. If there are more than the number of actual voters present at the time the vote is cast, the vote is null and void<sup>26</sup>. However, if there are fewer, the vote is valid.

#### *Confirmation and invalidity of the election*

### **Article 11**

- 1) The President of the Elective Chapter at each level has the authority to confirm or not confirm an election in consideration of ecclesial communion and the suitability of the person elected<sup>27</sup>.
- 2) Elections are null and void, and a new Elective Chapter must be held for all Council offices at any level, as well as the CIOFS Presidency, in the event that the provisions of Article 79.5 of the General Constitutions occur.

#### *Application at other levels*

### **Article 12**

The National Statutes determine the eligibility requirements, the times of convocation, the validity criteria of the Chapter including the financial verification, the procedure, the constitution and the quorum of the Elective Chapter for the local, regional and national levels, in accordance with the General Constitutions.

## **FRATERNAL AND PASTORAL VISITS**

### **Article 13**

- 1) Fraternal and pastoral visits are carried out according to the spirit of the Rule, the provisions of the General Constitutions (Art. 87.2; 94; 95), the present Statute, and the Statute for Spiritual and Pastoral Assistance to the OFS.
- 2) The CIOFS Presidency and the Conference of General Spiritual Assistants (CSA) carry out the fraternal and pastoral visits to the National Councils.
- 3) To help ensure better fraternal and pastoral visits, the visitors prepare for them in advance by taking the following steps:
  - a) acquiring from their Secretariat copies of the reports of previous visits and any other significant information;
  - b) communicating the program and the purpose of the visit with the Councils concerned;
  - c) soliciting from the Council of the National Fraternity a report in advance on the updated situation of the Fraternity itself;
  - d) being open to the suggestions of the Fraternity concerned.
- 4) The National and Regional Councils undertake to ensure that the Visitors have the opportunity to meet the local Ordinary.
- 5) The Visitor will write a report of the visit, normally within three months of the visit, with his or her recommendations, addressing it to the Council concerned and to the Council of the higher level. These reports, if not made jointly, are to be exchanged between the fraternal and pastoral visitors and properly saved in the

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<sup>25</sup> Canon 173§2 CIC.

<sup>26</sup> Canon 173§3 CIC.

<sup>27</sup> Canon 179§2 which recalls Canon 149§1 CIC in relation to GG.CC. 76.2 and 78.4.

archives of the Secretariat.

- 6) The fraternal visitor cannot make decisions on matters that require collegial deliberations regarding the Council itself in accordance with the norms of the General Constitutions and the present Statute. In such a case, he/she informs his/her own Council, and the visit, if necessary, remains open.
- 7) After a period of three months (after the submission of the report), the Council of the higher level asks the visited Council about the deliberations and decisions taken as a result of the visit.
- 8) For the pastoral visit to the CIOFS Presidency, the General Minister contacts the Conference of General Ministers of the Franciscan First Orders and the TOR, according to the guidelines provided in the General Constitutions. The pastoral visit to the CIOFS Presidency is carried out according to instructions of the pastoral Visitor, with respect to the organization and the proper law of the OFS<sup>28</sup>.

## **RECOURSES**

### *Hierarchical recourse*

#### **Article 14**

- 1) Any natural or legal person who considers himself or herself wronged by an administrative measure taken against him or her may recourse to the Council of a higher level than the one that issued the decree. By “natural person” is meant the perpetually or temporarily Professed, and by “legal person” the Fraternity or the Council.
- 2) The recourse is a personal act and must be signed exclusively by the Professed or, in the case of a legal person, by the Minister. Recourses signed by persons other than the addressee(s) of the administrative act deemed unlawful and/or unjust cannot be accepted.
- 3) The recourse must be written simply and clearly, indicating:
  - a) the name and contact details of the person making the recourse;
  - b) the entity that issued the decree/decision being challenged (local, regional, national council);
  - c) the reasons for challenging the decree/decision;
  - d) what exactly is asked of the Council of the higher level.
- 4) A copy of the contested act/decision is attached to the recourse, together with any other documents deemed necessary.
- 5) The recourse must be sent within a period of three months<sup>29</sup> counting from the day of the communication (notification) of a written copy of the decision to the addressee(s) of the decision. If it is not possible to deliver a copy of the document, it must be read to the addressee before two witnesses provided by the Minister whose Council issued the decision, and a record of the oral notification must be drawn up which must be signed by all those present<sup>30</sup>.
- 6) A recourse may be lodged:
  - a) to the Council immediately higher to the one that issued the administrative act/decision which is the subject of the hierarchical

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<sup>28</sup> GG.CC. 95.1.

<sup>29</sup> GG.CC. 59.

<sup>30</sup> Canon 55§ CIC; canon 1529§2 CCEO.

- recourse;
- b) to the Council which issued the contested act/decision, which shall immediately forward it to the higher-level Council<sup>31</sup>.
- 7) The object or ground for the hierarchical recourse is the illegitimacy and/or injustice of the measure.

#### *Decision on the hierarchical recourse*

### **Article 15**

- 1) The decision-making body examines the recourse and the documents attached to it; if necessary, it requests further documents and information, hear the person making the recourse and/or other persons while respecting the protection of the good name of the persons concerned and the duty of confidentiality, and always giving priority to fraternal dialogue and reconciliation.
- 2) Upon receipt of all information, the Council/Presidency discusses the recourse and sends its decision to the person/s making the recourse and to the lower-level Council. The decision of the hierarchical recourse is communicated in the form of a Decree and may confirm, declare invalid, rescind or revoke, correct, substitute or repeal the contested act.
- 3) The decision must be communicated within three months from the receipt of the recourse, for the regional and national levels, while for the CIOFS Presidency this term is six months. The Decree of response must be received by the addressees within the respective periods of three and six months.
- 4) The answer is presumed to be negative<sup>32</sup>, i.e., the recourse is considered to be rejected, if the communication and receipt of the Decree are not received within the period of three months for the regional and national levels, and six months for the CIOFS Presidency<sup>33</sup>.
- 5) The Decree deciding the recourse may in turn be challenged<sup>34</sup> in accordance with the terms and procedures laid down in this Statute<sup>35</sup>.

#### *Suspensive Recourse<sup>36</sup>*

### **Article 16**

- 1) In the cases mentioned in Article 84 of the General Constitutions of the OFS, the recipient who has received a decree to be removed may lodge a suspensive recourse within thirty days from the day on which he/she received the Decree or received verbal communication of it before two witnesses.
- 2) The Council of the next higher level decides on the request for suspension of the action, which it may only grant for grave reasons<sup>37</sup> within thirty days of receipt of the recourse.
- 3) The suspensive recourse does not replace the act of filing for a recourse to revoke the order/decreed to remove, according to art. 59 GG.CC. Failure to lodge a hierarchical recourse to revoke the order/decreed renders null any suspension

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<sup>31</sup> Canon 1737§1 CIC; canon 997§1 CCEO.

<sup>32</sup> Canon 57§2 CIC; canon 1002 CCEO.

<sup>33</sup> Canon 57§1 CIC.

<sup>34</sup> GG.CC. 59.

<sup>35</sup> Canon 1739 CIC.

<sup>36</sup> Suspensive recourse is a recourse to suspend action until a decision is made.

<sup>37</sup> Canon 1736§2 CIC; canon 1000 CCEO.

measure which was granted, and the disputed action to remove as definitive and final.

## **TITLE II THE INTERNATIONAL FRATERNITY**

### **ORGANIZATION**

#### **Article 17**

- 1) The animation and guidance of the Secular Franciscan Order are articulated on various levels: local, regional, national, and international.
- 2) The General Elective Chapter establishes the composition of seven areas, grouping in each of them the Established and Emerging National Fraternities, as well as the various types of Secular Franciscan Presence. The formation of the areas is based on the needs of animation and guidance, communication, and fraternal links among the International and National levels, and is not, therefore, an intermediate level between them.
- 3) To determine the seven areas, the General Chapter shall consider:
  - a) cultural reality,
  - b) linguistic reality,
  - c) pastoral reality,
  - d) geographical reality,
  - e) the balance among the groups by the number of National Fraternities.
- 4) A Councillor of the CIOFS Presidency is elected for each area to maintain fraternal links, strengthening communication between the International Council and the National Fraternities, as well as among the National Fraternities of the area.
- 5) For valid reasons, each National Fraternity has the right to ask to belong to another area. The decision to transfer lies with the CIOFS Presidency.
- 6) In special situations, the CIOFS Presidency may decide to change the area grouping or to take direct care of a certain Established or Emerging National Fraternity or Secular Franciscan Presence.

#### **Article 18**

In order to strengthen and facilitate fraternal links among the National Fraternities, each of them may form other groups of National Fraternities, according to need or for valid reasons, e.g. practice of the same rite, historical proximity, etc. Such grouping must be approved by the CIOFS Presidency and does not replace any of the seven areas established by the present Statute and determined by the General Elective Chapter.

#### **Article 19**

In order to help the National Fraternities most in need, National Fraternities are encouraged to establish "twinning"<sup>38</sup> contacts, either on their own initiative or at the request of the CIOFS Presidency.

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<sup>38</sup> *Twinning* represents the official, freely chosen creation of a union between two National Fraternities for the purpose of helping one towards the other or for cooperation and collaboration. Not to be confused with fraternal accompaniment (cf CIOFS Circular n. 31/2014-2020).

## GOVERNING BODIES OF THE INTERNATIONAL FRATERNITY

### Article 20

The governing bodies of the OFS International Fraternity are:

- 1) the International Council (CIOFS);
- 2) the CIOFS Presidency;
- 3) the General Minister.

### THE INTERNATIONAL COUNCIL

#### *Composition*

### Article 21

The International Council<sup>39</sup> is composed of:

- 1) the International Councillors, elected by the National Fraternities;
- 2) the secular members of the CIOFS Presidency;
- 3) the representatives of the Franciscan Youth (YouFra);
- 4) the four General Spiritual Assistants of the OFS.

#### *International Councillors representing National Fraternities*

### Article 22

- 1) Each National Fraternity, formally established by the Presidency of the International Council of the OFS in accordance with the General Constitutions, has the right to one representative on the International Council<sup>40</sup>.
- 2) For Emerging National Fraternities, representation in CIOFS may be ensured, with the approval of the CIOFS Presidency:
  - a) through the International Councillor of a neighbouring established National Fraternity;
  - b) by the establishment of a group of Emerging National Fraternities that have similar situations and characteristics. The group shall be entitled to an International Councillor.

In order to ensure fair representation on CIOFS, the National Fraternities concerned shall also propose to the CIOFS Presidency the method of rotation or alternating representation among them.

### Article 23

- 1) The representative of the National Fraternity, to whom Article 22.1 refers, may be, in accordance with its own National Statute, the National Minister or a specially elected International Councillor, who will become part of the National Council. Such an election is carried out by the respective National Chapter in accordance with the General Constitutions, the present Statute, and its own National Statute.
- 2) In accordance with the same norms, the National Chapters elect a substitute for the International Councillor, who shall take over when the incumbent is unable to attend or ceases to attend. The right to vote, both in the Council and in the Chapter, may only be exercised by the substitute in the absence of the incumbent, unless he/she is

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<sup>39</sup> Cf GG.CC. 70.1

<sup>40</sup> Cf GG.CC. 66.2.g.

entitled to it in any other title.

- 3) For the election of the International Councillors referred to in Art. 22.2.b of the present Statute, the CIOFS Presidency proceeds by means of a proposal agreed upon by all the National Fraternities concerned. When the above-mentioned Fraternities encounter difficulties in reaching an agreement, the CIOFS Presidency shall designate the Councillor from among the names proposed, notifying the Councils concerned.
- 4) The term of office of the International Councillors and their substitutes is three years. They may be re-elected for consecutive periods in accordance with Art. 79.3 of the GG.CC.

#### *International Councillors representing YouFra*

### **Article 24**

The CIOFS Presidency determines the number and the method of election of the International Councillors representing YouFra<sup>41</sup> in accordance with what is established in Art. 74 of this Statute.

#### *Duties of International Councillors*

### **Article 25**

- 1) The duties of the International Councillors of the OFS (cf GG.CC. 75):
  - a) to participate at the General Chapter;
  - b) to speak at the General Chapter in the name of the National Fraternity they represent and to present what has been entrusted to them by decision of the Council of the respective national Fraternity;
  - c) to communicate to his/her own National Fraternity the decisions and initiatives taken by the General Chapter, and to maintain frequent and regular contact through communication and dialogue with the CIOFS Presidency, with his/her own Area Councillor, with the General Minister, with the Secretariat and with his/her own National Council.
- 2) The duties described apply, with the appropriate adaptations, to the International Councillors who represent Emerging National Fraternities or YouFra Fraternities. They must also contribute, in agreement with the CIOFS Presidency, to the growth and consolidation of the Fraternities they represent.
- 3) The OFS International Councillors, together with YouFra Councillors, encourage their national fraternities to promote the double belonging of the OFS and YouFra and to better understand the YouFra documents.

#### *Vacant offices and removal*

### **Article 26**

- 1) When the office of International Councillor becomes vacant due to death, resignation or other impediment of a definitive nature, the person elected as substitute takes over the office until the end of the mandate for which the Councillor was elected. The National Council concerned shall inform the CIOFS Presidency and elect a new substitute within six months, unless the National Statute indicates a shorter deadline.
- 2) A request to resign from the office of International Councillor must be submitted

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<sup>41</sup> Cf GG.CC. 97.5.



in writing to the National Council, which is responsible for accepting the resignation.

- 3) The removal of an International Councillor who has continuously and repeatedly failed in his/her duties for a grave reason is the responsibility of the National Council to which he/she belongs<sup>42</sup>. In the case of inaction by the National Council concerned, the provisions of the General Constitutions<sup>43</sup> and, in exceptional cases, of this Statute Art. 6.3 shall be applied.

### *International Council Meetings*

#### **Article 27**

The International Council, gathered in Assembly, constitutes the General Chapter of the Order<sup>44</sup>. The members with full rights at the General Chapter are those indicated in Articles 10.2 and 21 of the present Statute. In the General Elective Chapter, upon installation of the new Presidency, the right to vote of the secular members of the previous Presidency ends.

### *The General Chapter*

#### **Article 28**

- 1) The General Chapter:
  - a) is the highest governing body of the OFS, with legislative, deliberative and elective powers<sup>45</sup>;
  - b) is convoked by the General Minister, with the consent of the CIOFS Presidency<sup>46</sup>. The convocation is made preferably six months in advance, and in any case, not less than three months, and by means of communications in the official languages of the OFS;
  - c) meets as an elective chapter every six years<sup>47</sup> to elect the General Minister and the secular members of the CIOFS Presidency;
  - d) meets in plenary session at least once between two General Elective Chapters;
  - e) provides guidelines for the development of the life of the OFS;
  - f) is responsible for the practical interpretation of the General Constitutions<sup>48</sup>;
  - g) clarifies and resolves questions and/or problems that are submitted to it;
  - h) responds to the General Minister's report;
  - i) reviews the financial statements and the audit of the financial and patrimonial management of the CIOFS Presidency;
  - j) approves the triennial budget of the International Fraternity and of the CIOFS Presidency, which sets out the planned expenses and the annual financial contribution quota established for each National Fraternity by the General Chapter, according to the criteria indicated by the General Chapter, with reference to the demographic data provided by the National

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<sup>42</sup> Cf GG.CC. 84.3.

<sup>43</sup> Cf GG.CC. 84.6.

<sup>44</sup> Cf GG.CC. 70.3.

<sup>45</sup> Cf GG.CC. 70.3.

<sup>46</sup> Cf GG.CC. 74.2.b.

<sup>47</sup> Cf GG.CC. 70.4.

<sup>48</sup> Cf GG.CC. 5.2.

Councils;

- k) votes and modifies the International Statute.
- 2) At the discretion of the CIOFS Presidency, observers and experts may be invited to the General Chapter in an advisory capacity.
- 3) The General Chapter shall be conducted in accordance with its own Regulations.
- 4) The resolutions, agreements, and decisions taken by the General Chapter must be approved by an absolute majority, i.e., more than half of those present with the right to vote<sup>49</sup>, except in cases where a qualified majority, i.e., two thirds of those present, is required.
- 5) Proposals voted on as suggestions or "desiderata" (desired), which require further consideration by the CIOFS Presidency or by special study commissions appointed by the Presidency, are only suggestive in nature.

## **THE PRESIDENCY OF THE INTERNATIONAL COUNCIL OF THE OFS**

### *Composition of the CIOFS Presidency*

#### **Article 29**

The CIOFS Presidency is comprised of<sup>50</sup>:

- 1) the General Minister;
- 2) the Vice-General Minister;
- 3) seven Presidency Councillors;
- 4) a member of Franciscan Youth;
- 5) the four General Spiritual Assistants of the OFS.

### *Duties of the CIOFS Presidency*

#### **Article 30**

- 1) In addition to the duties described in Article 73 of the General Constitutions, the CIOFS Presidency is responsible for:
  - a) clarifying specific points of the General Constitutions which will be considered valid until the next General Chapter<sup>51</sup>;
  - b) identifying criteria for the formation and adequate preparation of leaders and formators; collaborating in selecting criteria for the formation and preparation of spiritual assistants;
  - c) ensuring that the rights proper to the International Fraternity are guaranteed with regards to civil law;
  - d) giving consent to the General Minister to convene the General Chapter<sup>52</sup>;
  - e) dealing with Emerging Fraternities<sup>53</sup> by guiding them through to their establishment, growth and maturation. This is normally accomplished through the Presidency Councillor who is given this particular responsibility;
  - f) approving the establishment of new National Fraternities<sup>54</sup>;
  - g) approving National Statutes<sup>55</sup>;

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<sup>49</sup> Canon 119,2 CIC.

<sup>50</sup> Cf GG.CC. 72.1

<sup>51</sup> Cf GG.CC. 5.3.

<sup>52</sup> Cf GG.CC. 74.2.b.

<sup>53</sup> Cf GG.CC. 46.3.

<sup>54</sup> Cf GG.CC. 65.2.

- h) deciding on fraternal visit to the Councils of the National Fraternities, even if not requested, when circumstances require it<sup>56</sup>;
  - i) examining and deciding on all disputes that may arise within the Fraternities at the various levels, provided they have not been defined/resolved by the Councils of the lower levels. The decision on the matter in question may be challenged only before the Holy See<sup>57</sup>;
  - j) deciding on the allocation of available funds and, in general, on the economic affairs of the International Fraternity;
  - k) setting up a permanent Legal Office to support the service of the CIOFS Presidency for legal matters and aspects, including:
    - i. deciding on the composition and members of the Office
    - ii. deciding on the areas in which the office has its competence and special duties
    - iii. deciding the Office's budget in accordance with the three-year budget approved by the General Chapter;
  - l) guaranteeing and approving the adequate translation of official documents of the OFS;
  - m) requesting suitable and prepared General Assistants from the respective Ministers General of the First Order and the TOR, who shall be responsible for their appointment<sup>58</sup>;
  - n) confirming the International Councillors referred to in Articles 22.2.b and 24 of this Statute;
  - o) appointing the General Secretary, the Treasurer and the Assistant Accountant;
  - p) distributing communication responsibilities between the Presidency Councillors and the National Councils that are within their respective areas of competence
  - q) organising the General Chapter, including
    - i. deciding the date and place of the General Chapter
    - ii. deciding on the main theme of the General Chapter
    - iii. establishing rules for the nominating procedure for elections
    - iv. determining the guidelines on how to proceed with motions submitted prior to the General Chapter
    - v. presenting the proposal for the composition of the seven areas of responsibility to the General Elective Chapter as referred to in Article 17.2 of the present Statute.
  - r) assigning specific tasks to individual Councillors of the CIOFS Presidency.
- 2) In order to facilitate the task of the General Minister, the CIOFS Presidency may designate one of its members to follow the activity of the Secretariat more closely in order to select what is relevant to current activities and what must be immediately reported to the General Minister. This Councillor may be delegated by the General Minister to maintain ordinary contacts with the General Curias of the First Order and the TOR, with ecclesial bodies and with the civil authorities in Rome, keeping the General Minister promptly informed and following his/her directives.

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<sup>55</sup> Cf GG.CC. 6.2.

<sup>56</sup> Cf GG.CC. 92.3.

<sup>57</sup> Cf GG.CC. 59, 84.4.

<sup>58</sup> Cf GG.CC. 91.2.a.

- 3) The CIOFS Presidency may establish various commissions or working groups to better carry out its tasks and to achieve the goals and objectives set by the General Chapter. The purpose of these commissions or working groups is to do the technical part of the work and/or provide support in areas that require special skills, abilities or expertise.

#### *Duties of the General Minister*

### **Article 31**

- 1) The General Minister is a visible and true sign of unity and communion in the Secular Franciscan Order.
- 2) The duties of the General Minister, in addition to those described in Article 74.2 of the General Constitutions, are:
  - a) to represent the OFS before the Holy See, except as provided in Art. 87.2 GG.CC.;
  - b) to represent the OFS in the Conference of the Franciscan Family;
  - c) to supervise the execution of the duties entrusted to the Presidency Councillors;
  - d) to entrust the Secretariat with the powers necessary for the execution of the decisions of the CIOFS Presidency and of the General Chapter within the limits of the responsibilities of the Secretariat itself;
  - e) to present a report to the General Chapter on the situation of the Order worldwide, on the activities of the CIOFS and its Presidency, and on the state of the accounts;
  - f) to request an authentic interpretation from the Holy See of the Rule and the General Constitutions<sup>59</sup> and/or a practical interpretation from the General Chapter of the OFS General Constitutions<sup>60</sup>.
- 3) When the General Minister, for a valid and specific reason, is unable to perform the function of legal representative, he/she may delegate, the Vice-General Minister or another Presidency Councillor, by special written act for that specific situation.

#### *Duties of the Vice-General Minister*

### **Article 32**

The duties of the Vice-General Minister are:

- 1) to collaborate with the General Minister in a fraternal spirit and to assist him/her in the performance of his/her service;
- 2) to exercise the functions entrusted to him/her by the Chapter and/or the CIOFS Presidency;
- 3) to substitute for the General Minister in his/her powers and responsibilities in the event of absence or temporary impediment;
- 4) to assume the office of General Minister, should a vacancy occur<sup>61</sup>.

#### *Duties of the Presidency Councillors*

### **Article 33**

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<sup>59</sup> Cf GG.CC. 5.1.

<sup>60</sup> Cf GG.CC. 5.2.

<sup>61</sup> Cf GG.CC. 81.1.

- 1) The duties of the Presidency Councillors are:
  - a) to share, in a spirit of collegiality, the responsibility of the General Minister in the duties of animating, guiding, and coordinating the entire Order<sup>62</sup>;
  - b) to participate in the meetings of the CIOFS Presidency and the General Chapter;
  - c) to exercise the functions entrusted to each of them by the CIOFS Presidency;
  - d) to maintain continuous communication with the International Councillors and the National Councils in the area of their responsibility;
  - e) to foster international contacts in the area of their responsibility.
- 2) The CIOFS Presidency, if the case requires, may entrust the assistance of animation of National Fraternities to the Area Councillor.
- 3) The CIOFS Presidency may entrust one of the Presidency Councillors with the coordination of possible congresses, meetings, etc. among the National Fraternities of the respective area, actively collaborating in their organisation.
- 4) The duties described above apply, with appropriate adaptations, to the Presidency Councillor representing YouFra.

#### *Meetings of the CIOFS Presidency*

### **Article 34**

- 1) The CIOFS Presidency shall meet at least one time a year or when at least a third of the members so requests it.
- 2) The presence of at least two thirds of the members is required in order for the deliberations of the CIOFS Presidency to be valid.
- 3) International Councillors, experts, and observers, with advisory and informational functions, may be invited to the meetings of the CIOFS Presidency.
- 4) The General Secretary and the General Treasurer participate in a consultative role at the meetings of the CIOFS Presidency, to the extent necessary for the performance of their respective duties.
- 5) To discuss certain items requiring greater discretion, and/or to make a decision on these, or for decisions affecting certain members of the Presidency, the General Minister may arrange a closed session with the exclusive presence of the members of the Presidency who have the right to vote. The decision taken at such a session is written down by a member of the Presidency present and is included in the minutes of the meeting by the General Secretary.

#### *Vacant offices and removal*

### **Article 35**

- 1) When the office of the General Minister becomes vacant due to an impediment of a definitive nature, the Vice-General Minister shall assume it until the end of the period for which the General Minister was elected<sup>63</sup>.
- 2) To succeed the Vice-General Minister, the CIOFS Presidency elects one of its members, valid until the following elective General Chapter<sup>64</sup>.
- 3) If the office of Councillor is vacated, the CIOFS Presidency elects one of the

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<sup>62</sup> Cf GG.CC. 73.b.

<sup>63</sup> Cf GG.CC. 81.1.

<sup>64</sup> Cf GG.CC. 81.2.

International Councillors from the respective area. In the same way, it elects the substitute of the YouFra representative among the YouFra International Councillors; in both cases, the mandate is valid until the following General Elective Chapter<sup>65,66</sup>.

- 4) In the case of serious failure to perform by a Presidency Councillor, the General Minister establishes a fraternal dialogue with the person concerned and, if necessary, recommends his/her removal from the CIOFS Presidency. The decision on removal is taken by secret ballot<sup>67</sup>.
- 5) If it is the General Minister, the Presidency Councillors will express their concerns in fraternal dialogue with him/her. If this does not produce a positive result, the Presidency Councillors will solicit the intervention of the Conference of Ministers General of the First Order and of the TOR, through a pastoral visitation, and if necessary, propose the removal of the General Minister<sup>68</sup>.

## **PERMANENT STRUCTURES OF THE INTERNATIONAL FRATERNITY**

### *General Secretariat and General Secretary*

#### **Article 36**

- 1) Bearing in mind its operational needs, the International Council has its own Secretariat whose structure and seat in Rome is established by the CIOFS Presidency.
- 2) The Secretariat is entrusted to the care of the General Secretary. Through him/her, the ordinary administrative functions are carried out, under the direction of the General Minister and/or the Presidency Councillor appointed for this purpose. The Acts of the General Chapters and the meetings of the CIOFS Presidency, the documents and the archives of the Secular Franciscan Order are safeguarded there.
- 3) The General Secretary is a professed Secular Franciscan, not a member of CIOFS, appointed by the CIOFS Presidency for an indefinite period. The General Secretary has the following responsibilities:
  - a) coordinate the work of the General Secretariat and any employees of the Secretariat;
  - b) ensure by the most rapid means (telephone, fax, e-mail, etc.) constant liaison with the General Minister and the members of the Presidency;
  - c) draw up the minutes of the meetings of the CIOFS Presidency and send them to their respective recipients;

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<sup>65</sup> Cf GG.CC. 81.3.

<sup>66</sup> Vacant offices of the Presidency. Art. 21 of the Rule establishes that the Council offices are conferred by election, in conformity with the Rule, Constitutions and particular Statutes (Art. 31.1 GG.CC.) and in a temporary manner which, for the International level, Art. 70.4 GG.CC. establishes as 6 years, with a limit of two consecutive six-year terms (Art. 79.4 GG.CC.). In the case of a vacancy of an Office of the Presidency and the subsequent replacement, the remaining period held by another professed member cannot be counted for the purposes of Art. 79.4 GG.CC., since the essential requirement of election at the General Elective Chapter is not met (the election is made by the Presidency with the criteria mentioned in this Article). This is valid for the new member of the Presidency who takes over, but also for the Vice-Minister who replaces the Minister and for the Councillor elected Vice-General Minister: for these latter, for the purposes of calculating the six-year term, reference must be made to the office for which they were elected at the last General Elective Chapter.

<sup>67</sup> Cf GG.CC. 84.3.

<sup>68</sup> Cf GG.CC. 84.1, 84.5.

- d) keep the Order's archives up to date;
  - e) communicate the most relevant events to the National Fraternities and the ecclesial and/or social spheres;
  - f) carry out all other duties entrusted to it.
- 4) The General Secretary can choose several volunteers who can collaborate in the duties from among the members of the Secular Franciscan Order, after consulting the General Minister. When he/she considers it necessary, he/she may propose to the CIOFS Presidency the employment of one or more technicians.
  - 5) The General Secretary shall be reimbursed for incurred expenses which are documented.
  - 6) The General Secretariat has its own guidelines, approved by the CIOFS Presidency.

#### *General Treasury and General Treasurer*

### **Article 37**

- 1) For the financial and patrimonial administration of the International Fraternity, the International Council has its own General Treasury. The CIOFS Presidency appoints the members of the General Treasury. They are a Presidency Councillor, who coordinates the work, and a General Treasurer, who is responsible for the routine management. The General Treasurer is appointed for an indefinite period. The CIOFS Presidency may add other members to the Treasury, depending on the demands of the work.
- 2) The General Treasurer is a professed Secular Franciscan who is not a member of the CIOFS and has professional qualifications. The General Treasurer has the following responsibilities:
  - a) administer the general fund of CIOFS under the direction of the CIOFS Presidency;
  - b) operate a bank account and sign cheques or payment orders following instructions as given by the General Minister or another secular member of the CIOFS Presidency designated for this purpose;
  - c) solicit annual contributions from the Councils of the established and emerging National Fraternities;
  - d) present the accounting situation at the CIOFS Presidency meeting, comparing it with the budget for the financial year;
  - e) prepare the balance sheet for the triennium that is ending, and the budget for the triennium that is beginning, for the General Chapter;
  - f) to attend to administrative and fiscal compliance as required by Italian legislation.
- 3) The General Treasurer, if necessary, is assisted by an Assistant Accountant, also appointed by the CIOFS Presidency, who carries out and executes administrative work. He/she should be chosen preferably from among the members of the OFS.
- 4) The CIOFS Presidency shall take the appropriate initiatives to ensure the General Treasurer against the risks connected with the handling of CIOFS funds.
- 5) The General Treasurer and the Assistant Accountant shall be reimbursed for their expenses which are documented.
- 6) The General Treasury has its own regulations, approved by the CIOFS Presidency.

### **Article 38**

The General Treasury has the following responsibilities:

- 1) prepare the triennial budget and present it to the CIOFS Presidency, according to the priorities and instructions of the CIOFS Presidency;
- 2) compare the annual balance sheet with the budget, reporting any discrepancies to the CIOFS Presidency and proposing practical solutions;
- 3) examine the audit of the financial and patrimonial situation of the International Fraternity with the accountant who prepared it. This accountant is appointed by the General Minister. The results of this review will be presented to the General Chapter (cf GG.CC. 74.2.k).

#### *The Secretariat for Formation*

### **Article 39**

- 1) The International Council has a Secretariat for Formation. The CIOFS Presidency appoints the members of the Secretariat. They are:
  - a) a Secretariat Coordinator, who coordinates the work, appointed for an indefinite period;
  - b) other volunteers with expertise and experience in the field of formation, appointed for an indefinite period, in the number determined by the CIOFS Presidency;
  - c) a Councillor from the CIOFS Presidency;
  - d) a General Spiritual Assistant or his/her delegate.
- 2) The duties of the Secretariat are:
  - a) to prepare general guidelines for formation according to instructions from the CIOFS Presidency;
  - b) to organise international formation courses;
  - c) to facilitate the exchange of formation materials among the National Fraternities;
  - d) other duties as determined by the CIOFS Presidency.
- 3) The Secretariat for Formation submits an annual report to the CIOFS Presidency on its activities and financial aspects.
- 4) The budget for the Secretariat for Formation is contained in the three-year budget approved by the General Chapter.
- 5) The Secretariat for Formation has its own guidelines, approved by the CIOFS Presidency.

#### *The Secretariat for Justice, Peace and Integrity of Creation (JPIC)*

### **Article 40**

- 1) The International Council has a Secretariat for Justice, Peace and Integrity of Creation. The CIOFS Presidency appoints the members of the Secretariat. They are:
  - a) a Secretariat Coordinator, who coordinates the work, appointed for an indefinite period;
  - b) other volunteers with expertise and experience in the field of JPIC, appointed for an indefinite period, in a number determined by the CIOFS Presidency;
  - c) a Councillor from the CIOFS Presidency;
  - d) a General Spiritual Assistant or his/her delegate.
- 2) The duties of the Secretariat are:



- a) to prepare informational materials in the field of JPIC for the National Fraternities;
  - b) to prepare and propose to the CIOFS Presidency the participation of the OFS in the various initiatives in the field of JPIC;
  - c) to represent the OFS at events in the JPIC field;
  - d) to facilitate the exchange of information among the National Fraternities and between the OFS and other organisations;
  - e) other duties as determined by the CIOFS Presidency.
- 3) The Secretariat for Justice, Peace and Integrity of Creation submits an annual report to the CIOFS Presidency on its activities and financial aspects.
  - 4) The budget for the Secretariat for Justice, Peace and the Integrity of Creation is contained in the three-year budget approved by the General Chapter.
  - 5) The Secretariat for Justice, Peace and the Integrity of Creation has its own guidelines, approved by the CIOFS Presidency.

#### *The Secretariat for Communications*

#### **Article 41**

- 1) The International Council has a Secretariat for Communication. The CIOFS Presidency appoints the members of the Secretariat. They are:
  - a) a Secretariat Coordinator, who coordinates the work, appointed for an indefinite period;
  - b) other volunteers with expertise and experience in the field of communication, appointed for an indefinite period, in the number determined by the CIOFS Presidency;
  - c) a Councillor of the CIOFS Presidency;
  - d) a General Spiritual Assistant or his/her delegate.
- 2) The duties of the Secretariat are:
  - a) to prepare and propose to the CIOFS Presidency the priorities and the main elements of the OFS communication;
  - b) to manage the various means and channels of communication of the CIOFS within the OFS and to interact externally;
  - c) to help the National Fraternities in communication among themselves and among the various levels of the OFS;
  - d) to help CIOFS and its Presidency in the field of communication during the various General Chapters, conventions, congresses;
  - e) to monitor the press and the media so that the OFS may be aware of important initiatives and events in the Church and in the world;
  - f) other assignments determined by the CIOFS Presidency.
- 3) The Secretariat for Communications submits an annual report to the CIOFS Presidency on its activities and financial aspects.
- 4) The budget for the Secretariat for Communications is contained in the three-year budget approved by the General Chapter.
- 5) The Secretariat for Communications has its own guidelines, approved by the CIOFS Presidency.

# **TITLE III**

## **THE NATIONAL FRATERNITY**

### **DEFINITION AND ESTABLISHMENT**

#### *Definition*

#### **Article 42**

- 1) The National Fraternity is the organic union of all the local Fraternities existing in the territory of one or more States established according to the criteria set by the United Nations.
- 2) There cannot be two or more established National Fraternities in the territory of one State.

#### *Stages for establishment*

#### **Article 43**

- 1) The organisation of the OFS in a country is developed in three stages. The duty of fraternal animation and guidance is entrusted to different bodies who will determine among themselves the modalities of how they will be established and their responsibilities.
- 2) The three stages of development of the OFS in a nation are: Secular Franciscan Presence, Emerging National Fraternity and Established National Fraternity. The criteria and modalities relating to each of these stages are established by the present Statute.

##### *2.1 Secular Franciscan Presence*

- a) As long as there are one or more canonically erected local fraternities in a country that have not yet fulfilled all the requirements to be an Emerging National Fraternity, one speaks of a Secular Franciscan Presence.
- b) When there are still no OFS fraternities in a country, and there is a group of people interested in belonging to the OFS, a representative from among them or the Spiritual Assistant who is following them, contacts the CIOFS Presidency<sup>69</sup> who will take care of the situation.
- c) When the Candidates finish the time of initial formation, the CIOFS Presidency, by a formal act and under its own responsibility, authorises the issuance of both temporary and permanent Profession.
- d) Once there are at least five perpetually professed members, the responsible Major Superior canonically erects the first local Fraternity, which must be cared for by the CIOFS Presidency. The CIOFS Presidency may carry out this task directly or through an International Councillor or other suitable and prepared delegate or entrust it to an established National Fraternity.
- e) When it is appropriate, the CIOFS Presidency will appoint a Coordination Group, made up of Secular Franciscans of the country representing each local Fraternity or geographical entity of the country. This Coordination Group has the temporary duty of guiding and animating Secular Franciscan life in the country, under the supervision of the CIOFS Presidency, either directly or through the National Council to which

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<sup>69</sup> Cf GG.CC. 46.3.

accompaniment has been entrusted.

## *2.2 Emerging National Fraternity*

- a) The requirements for establishing an Emerging National Fraternity in the Secular Franciscan Order are:
  - i. existence of at least 3 local Fraternities, canonically erected and active;
  - ii. existence of at least 30 perpetually professed. The CIOFS Presidency may consider a lower number of perpetually professed in those countries where Catholics are a small minority;
  - iii. guarantee of spiritual assistance by the competent Major Superior at local and National level;
  - iv. identification of a person who will maintain communication with the CIOFS Presidency.
- b) When the requirements are met, the CIOFS Presidency may make the decision to recognise the Emerging National Fraternity and convenes the first Elective National Chapter.
- c) The accompaniment of the Emerging National Fraternity shall be the responsibility of the CIOFS Presidency which, if it considers it appropriate, may entrust it to an established National Fraternity.

## *2.3 Establishment of a National Fraternity*

- a) The requirements for establishing a National Fraternity, in accordance with Article 65 of the General Constitutions, are as follows:
  - i. Existence of at least 5 local fraternities that are canonically erected and active;
  - ii. A number of perpetually professed members not less than 100. The CIOFS Presidency may consider a lower number of professed members where Catholics are a small minority;
  - iii. The presence of an elected National Council, able to carry out the duties of "animation and guidance" of the National Fraternity;
  - iv. A draft of National Statute, approved by the National Chapter;
  - v. A National formation program;
  - vi. Sufficient economic autonomy to manage oneself;
  - vii. A request for Fraternal and Pastoral Visitations to the OFS General Minister and the Conference of General Assistants
- b) The CIOFS Presidency, having received the request for the establishment of a National Fraternity from the National Council, in accordance with Article 65 of the General Constitutions and having verified the existence of the above-mentioned requirements:
  - i. arranges for fraternal and pastoral visits as well as the convocation of the first Elective Chapter for the new National Fraternity established by the National Council of the emerging Fraternity;
  - ii. carries out Fraternal and Pastoral Visits;
  - iii. if the outcome of the Visits is satisfactory, proceeds to the celebration of the Elective Chapter and the delivery of the Decree of establishment of the new National Fraternity.

## *Redefining a National Fraternity*

### **Article 44**

- 1) A National Fraternity, whether emerging or established, which for two

consecutive three-year periods falls below the expected number of local Fraternities and/or the number of perpetually professed established in Article 43 points 2.2.a and 2.3.a, automatically enters into a phase of transition.

In countries where Catholics are a small minority, these cases are to be examined on a case-by-case basis by the CIOFS Presidency.

- 2) The CIOFS Presidency will have to hear from all interested parties in order to accompany it with great care for its revitalisation.
- 3) When this revitalisation is not possible, the Emerging National Fraternity or the Established National Fraternity must be redefined legally.
- 4) To initiate the procedure, the steps set out in this Statute, Article 43, shall be followed in reverse order.

## **GOVERNING BODIES OF THE NATIONAL FRATERNITY**

### **Article 45**

The governing bodies of the National Fraternity are:

- 1) the National Chapter,
- 2) the National Council,
- 3) the Minister.

## **THE NATIONAL CHAPTER**

### **Article 46**

- 1) The National Chapter is the highest representative body of the National Fraternity. It has legislative, deliberative, and elective powers within the National Fraternity and to it correspond the following responsibilities:
  - a) to decide on matters of organisation, formation, spiritual life and apostolate;
  - b) to examine and approve the activity report developed by the National Council;
  - c) to examine the report on economic and patrimonial management presented by the National Council and when the Chapter is elective, to examine the verification of the financial and patrimonial situation of the National Fraternity<sup>70</sup>;
  - d) to vote on and amend the National Statute, which will be submitted for approval to the CIOFS Presidency;
  - e) to decide, when not provided for in the National Statute, whether the International Councillor shall be the National Minister or another professed member elected in a special ballot;
  - f) to elect the secular members of the National Council every three years as provided for in the National Statute and in the present Statute;
  - g) to establish the amount of the annual contribution of the regional and/or local Fraternities;
  - h) to approve the budget for the concluded three-year period and the budget for the following three-year period of the National Fraternity, according to the priority criteria approved by the ordinary National Elective Chapter.

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<sup>70</sup> Cf GG.CC. 66.2.l.

- 2) The composition of the National Chapter is determined according to the National Statute.
- 3) The National Chapter is presided over by the National Minister. When the Chapter is elective, the elective sessions are presided over by the General Minister or his/her delegate.
- 4) The National Elective Chapter is convened every three years.
- 5) It is up to the National Minister to convene the Elective National Chapter according to the rules of the National Statute. The General Minister must be informed one year in advance.

## THE NATIONAL COUNCIL

### Article 47

- 1) The National Council is the operational body of the National Fraternity. It performs the functions provided for in Article 66.2 GG.CC.
- 2) It is the responsibility, further, of the National Council:
  - a) to prepare and approve programmes and aids for initial and ongoing formation;
  - b) to approve the establishment of regional Fraternities;
  - c) to approve the canonical erection of Personal Fraternities, after verifying the validity and the basis of the motivations and informing the Major Superior of the First Order or the TOR, responsible for canonical erection and guaranteeing spiritual and pastoral assistance, or to giving the *nihil obstat* (authorisation)<sup>71</sup> to the proposal for canonical erection made by the Regional Council, when this level exists;
  - d) to propose to the Elective Chapter the number of members of the National Council to be elected, according to the offices to be held;
  - e) to approve the Statute of the Fraternities of a lower level (regional and/or local), as well as those of the personal Fraternities or groups of Secular Franciscans with private vows according to Art. 36 GG.CC.<sup>72</sup>;
  - f) to prepare the final balance sheet and the budget to submit them for deliberation of the National Chapter at least at each ordinary National Elective Chapter.
- 3) The National Council is composed in accordance with what is established in the National Statute. If it is necessary for the life of the National Fraternity, the National Elective Chapter may elect other Councillors, in addition to those expressly indicated in the National Statute, to whom it assigns specific responsibilities.
- 4) If the International Councillor is not the National Minister, according to the National Statute, he/she must be elected in a special ballot.
- 5) The following are members-by-right of the National Council:
  - a) The National Spiritual Assistant or National Spiritual Assistants (if there are more than one);
  - b) The National representative of YouFra, with the right to vote if he/she is a

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<sup>71</sup> *Nihil obstat* is a written declaration with which the competent authority grants permission to the person who has requested it to proceed with an initiative or undertake a given activity.

<sup>72</sup> Cf GG.CC. 6.3.

professed member of the OFS<sup>73</sup>.

#### *The National Executive Board (optional body)*

#### **Article 48**

- 1) For various and valid reasons, the National Statute determines whether to establish a National Executive Board and its composition, which must include the National Minister, a National Assistant and a maximum of three other secular members.
- 2) The National Executive Board is an internal body of the National Council<sup>74</sup> and can never replace the latter's functions as provided for in Art. 66.2 GG.CC.
- 3) Its responsibilities are expressly stated in the National Statute and may concern:
  - a) The resolution of urgent matters that do not permit the convening of the National Council;
  - b) The preparation of the agenda of the Council;
  - c) The preparation of proposals and studies for meetings of the National Council;
  - d) The organisation of logistics and/or the liturgical part.
- 4) Decisions and urgent actions of the National Executive Board must always be ratified by the National Council at its first available meeting.

### **THE NATIONAL STATUTE**

#### **Article 49**

- 1) It is the responsibility of the National Council to prepare the National Statute and to present it to the National Chapter for its approval. After this, the National Council sends it to the CIOFS Presidency for final approval.
- 2) In view of the fact that the OFS stretches globally, the National Councils, when formulating the National Statute, must respect and consider the ecclesiastical traditions of the different rites and Churches *sui iuris* present in their territory.

### **ISSUES ON THE TERRITORIES OF A NATIONAL FRATERNITY**

#### *Overlapping, across political boundaries*

#### **Article 50**

When in a National Fraternity there is a Regional Fraternity or a Local Fraternity located beyond the borders of the Nation, due to historical tradition, the National Chapter mandates that the National Council proceed with the study and resolution of the situation in conformity with the GG.CC. and the present Statute, in fraternal dialogue with all the interested parties including the Council of the other National Fraternity and the CIOFS Presidency.

#### *Exception criteria*

#### **Article 51**

Exceptionally, and with the sole aim of avoiding the isolation of Local Fraternities, the

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<sup>73</sup> Cf GG.CC. 97.4.

<sup>74</sup> Cf GG.CC. 66.1.

CIOFS Presidency may establish criteria for the constitution of a National Fraternity different from those established in the present Statute when at least two of the following criteria are met:

- 1) The National Fraternity is territorially very large, and the Local Fraternities are geographically very distant from each other;
- 2) There are no means of communication;
- 3) There are several commonly spoken languages.

Therefore, the exception can only be applied to realise the good of the brothers and sisters who would otherwise remain isolated and not for any other reason.

## **TITLE IV LOCAL FRATERNITIES**

### **ENTRANCE INTO THE ORDER**

#### *Vocational discernment*

#### **Article 52**

- 1) The Local Fraternity, as the fundamental cell of the Order, must guarantee true vocational discernment to the OFS on the part of those who ask to experience the Secular Franciscan life plan. For this reason, the amount of time must be appropriate, with frequent meetings for both theoretical formation and for getting to know the entire Fraternity, so that the Aspirants can experience and understand whether or not they have a vocational call to the OFS.
- 2) In the first interview, which precedes the decision on the Rite of Admission, the director of formation and the assistant must explain to the Aspirant that the Secular Franciscan vocation implies a specific style of life that is developed according to the Rule and General Constitutions of the OFS.
- 3) In order to be able to begin the journey of vocational discernment and the time of initial formation, the Aspirant must be in full communion with the Church and free from any psychological impediments<sup>75</sup> that do not allow him or her to sufficiently understand the life commitment that is assumed with Profession. It is the responsibility of the Council to assess the presence of the requisites required.
- 4) The request for Admission to the Order<sup>76</sup> is made in writing. However, in case of certain impossibility<sup>77</sup>, the request is made orally by the Aspirant in front of the Council, and the Secretary notes it promptly in the Fraternity Register.
- 5) The Council's decisions on written requests for Admission and Profession must be taken collegially, with serious discernment of the Candidate's suitability, taking into account the Candidate's entire formation process and the presence of clear signs of vocation, in compliance with the provisions of the National Statute concerning the time of initial formation.

#### *Initial Formation/Entrance into the Order*

#### **Article 53**

- 1) The period of initial formation begins with the rite of Admission<sup>78</sup> and ends with

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<sup>75</sup> Cf by analogy Canon 597§1 CIC.

<sup>76</sup> GG.CC. 39.1.

<sup>77</sup> For example, because he/she is illiterate, mutilated, or paralysed in the upper limbs.

<sup>78</sup> R. 23, GG.CC. 39.1.

Profession.

- 2) The National Fraternities establish a time of initial formation<sup>79</sup> suitable for encouraging serious vocational discernment and a good knowledge of the Rule and the General Constitutions, considering the nature of OFS Profession.
- 3) The preparation of Aspirants is based on participation in the life of the Fraternity, as well as on a theoretical part, as established in Art. 40.2 GG.CC., and accompanied by the practical aspect, in order to experience service in the various areas of Fraternity life.
- 4) The local Council may exempt from the time of initiation<sup>80</sup> only Aspirants who have already had an experience of Franciscan life in YouFra or the Franciscan Family.
- 5) The fundamental requirements for the validity of Profession are:
  - a) compliance with the time of formation laid down in the National Statute;
  - b) compliance with the criteria laid down in Art. 41 GG.CC.

#### *Newly professed*

#### **Article 54**

- 1) Newly Professed are those who have been perpetually professed for less than one year.
- 2) During this time, the newly professed are aided in living fully the fraternal dynamics and strengthened in their sense of identity and belonging to the OFS<sup>81</sup>.
- 3) Each national Fraternity should prepare specific materials for the formation of the newly professed members.

#### *Ongoing formation*

#### **Article 55**

- 1) Profession commits one to live the Gospel according to Franciscan spirituality, in a constant deepening of the values and making choices based on the evangelical life, in a continually renewed journey of conversion and formation<sup>82</sup> that strengthens the sense of identity and belonging of the Professed.
- 2) Ongoing formation is a necessary instrument which aids in the human and spiritual growth of the Fraternity and its members and should be developed according to the suggestions indicated in Art. 44.3 GG.CC.

### **FRATERNITIES IN DIFFICULTY**

#### **Article 56**

- 1) A canonically erected Local Fraternity can perform its functions with four perpetually professed members, who also guarantee the existence of a Council<sup>83</sup>.
- 2) When a Local Fraternity has been experiencing a difficult situation for a long time that is unable to resolve on its own, is unable to elect a Council, or has fewer than four perpetually professed members, two situations may arise, defined in articles 57 and 58 of this Statute.

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<sup>79</sup> GG.CC. 40.1.

<sup>80</sup> GG.CC. 38.3.

<sup>81</sup> GG.CC. 44.2.

<sup>82</sup> Cf OFS R. 7; GG.CC. 8.

<sup>83</sup> Cf GG.CC. 82.b.



## *Fraternal accompaniment*

### **Article 57**

- 1) The Council of the next higher level may provide for the fraternal accompaniment of a Fraternity in difficulty.
- 2) Once willing to offer fraternal accompaniment, the Council of the next higher level:
  - a) designates a secular Councillor or, alternatively, a neighbouring Local Fraternity that
    - i. will offer formation in cooperation with the local assistant;
    - ii. reports regularly in writing;
  - b) establishes the duration of this accompaniment for a maximum of three years, which may be extended by one year.
- 3) For the duration of the accompaniment, the Council of the next higher level carries out all the functions of the Local Council, including decisions on Admissions and Professions.
- 4) The National Statute may establish further provisions.

## *Cessation*<sup>84</sup>

### **Article 58**

- 1) If after fraternal accompaniment, the Council of the next higher level considers that a Local Fraternity can no longer return to normal fraternal life, it shall conclude that the Fraternity is effectively inactive and shall issue the Decree of cessation. A copy of the Decree is sent, for informational purposes, to the National Council (if it is the Regional Council that declares the cessation) and to the Major Superior of the First Order – TOR that erected the Local Fraternity, to the local Ordinary who gave consent for the canonical erection of the Local Fraternity (when applicable) and also, as far as possible, to all the members of the Local Fraternity.
- 2) The Council of the next higher level shall acquire the registers, the cash book, the archives and the library if any, and shall ensure their preservation.
- 3) If the ceased Fraternity has assets/property, these will be managed by the Council of the next higher level, which will appoint an administrator to manage them, who will carry out his/her functions under the direction of the aforesaid Council, in accordance with the OFS's own law and civil legislation.
- 4) If a Fraternity has been declared ceased, a request for re-activation may be made by at least five perpetually professed members. The request is forwarded to the Council of the next higher level, which, after evaluating the situation, issues the Decree of Re-activation and asks the Major Superior of the religious family that erected the Local Fraternity to appoint an assistant. A copy of the Decree of Re-activation will be sent to all the members who will constitute the Local Fraternity. The Fraternity regains possession of all its remaining assets, its library and registers according to Art. 48.2 of the GG.CC. The Council of the next higher level convenes the elective Chapter as soon as possible in accordance with the Rule, the OFS General Constitutions and the National Statute.
- 5) In the case of the issuance of the decree of cessation, the OFS Council of immediately higher-level must establish a period of time, not shorter than 10

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<sup>84</sup> Cessation = the Fraternity is not operational, but the Fraternity legal entity remains in existence.

years, to do vocational promotion and verify whether there are new vocations that allow the reviviscence of the local Fraternity or, if this is not the situation, the Fraternity extinction has to be requested from the competent Major Superior.

- 6) If there is no decision on the period of time, Canon 120 CIC<sup>85</sup> applies for the declaration of extinction of the local Fraternity.

## **PERSONAL FRATERNITIES**

### **Article 59**

- 1) The Personal Fraternity referred to in Article 28.3 of the GG.CC. is characterised by not being strictly bound to the territory in which its members live<sup>86</sup>. Two essential elements must be present for its existence:
  - a) objective necessity;
  - b) the fundamental unity of the people who, although located in different territories, ask to give life to it, because they have the same nationality, language, membership of the same Eastern-rite Catholic Church<sup>87</sup> or sacerdotal order<sup>88</sup>.
- 2) The Personal Fraternity is established for reasons specific, valid and included in the Decree of Erection, as indicated in Art. 28.3 GG.CC. The norms of the Rule and Constitutions of the OFS concerning the life and activities of Local Fraternities apply to Personal Fraternities.
- 3) The Personal Fraternity has its own seat and the next higher level to which it belongs is based on the place where its seat is located.
- 4) The brothers and sisters who intend to establish a Personal Fraternity must guarantee an active and constant presence in fraternal life, which is also an essential element even for this Fraternity.
- 5) Before asking the responsible Major Superior for canonical erection, the Regional Council, if there exists such level, must obtain the *nihil obstat* (authorisation) of the National Council, to which it illustrates analytically the purpose and the reasons for the Personal Fraternity.
- 6) Because of its particular nature and purpose, the Personal Fraternity must have a Statute approved by the Council of the next higher level, which is fully in conformity with OFS law and in harmony with the guidelines of the International, National and Regional Fraternities.

## **TITLE V ADMINISTRATION OF ASSETS**

### **Article 60**

- 1) It is the duty of the Council at each level to establish the civil juridical personality if the Fraternity possesses assets or is considering the possibility of acquiring assets and to open a bank account for the management of assets and

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<sup>85</sup> To request the decree of extinction 100 years must pass from the date of the decree of cessation.

<sup>86</sup> Cf Canon 518 CIC, Canon 280§1. CCEO.

<sup>87</sup> Cf Canon 280§1 CCEO: for example, a Fraternity formed in a European country by Latin American citizens or by deacons alone and their wives could be a Personal Fraternity.

<sup>88</sup> Cf GG.CC. 35.2.

contributions *ex Regula*<sup>89</sup>, in compliance with the laws of the State.

- 2) The Fraternities at all levels that establish a civil juridical personality must have a controlling body (Board of Auditors of accounts or other) as stated by the law of the individual State and the GG.CC.

### *Patrimony*

#### **Article 61**

- 1) The purpose of the OFS patrimony (assets) is communal in nature<sup>90</sup>:
  - a) solidarity with those most in need;
  - b) generosity with the Church and the members of the OFS;
  - c) support for fraternal initiatives and activities.
- 2) The patrimony (assets) of the OFS at every level consists of:
  - a) the contributions of its members or the annual contributions periodically determined by the elective Chapter;
  - b) offerings, donations, estates and any public contributions;
  - c) residuals from the balance carried over from the previous year;
  - d) personal property and real estate which has been acquired, inherited, donated or bequeathed, of any nature whatsoever, including public, however they become the property of the Fraternity at any level.
- 3) All property and real estate of the OFS are ecclesiastical assets.

### *Contributions*

#### **Article 62**

- 1) The International Fraternity is financially supported by the contributions of the brothers and sisters, both Professed and Admitted to the Order<sup>91</sup>, as well as the other levels of the Order. This enables the service of animation and guidance to be carried out, as well as fraternal life itself.
- 2) In a spirit of belonging, co-responsibility and sharing, each brother or sister, whether Professed or Admitted to the Order, shall pay the contribution established by the respective Chapter, according to the contribution decided for each higher level<sup>92</sup>.
- 3) When there are brothers or sisters who are unable to pay the *ex Regola* contribution, in a spirit of family, the Fraternity also pays the lacking contributions to the higher level.
- 4) Each Local Fraternity must pay its contributions for the higher levels to the Council of the next higher level.
- 5) The National Fraternities must pay the minimum annual contribution *ex Regola* to the CIOFS by March 31 of each year. This may include other contributions, according to the possibilities of each established and emerging National Fraternity, in the spirit of sharing of assets.
- 6) The CIOFS Presidency may sponsor and manage specific funds to assist with its

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<sup>89</sup> *Ex Regula* means according to the Rule.

<sup>90</sup> Cf R. 11.

<sup>91</sup> R. 25.

<sup>92</sup> Cf R. 25; GG.CC. 30.3.

own needs for specific projects and for the urgent needs of established and emerging National Fraternities.

#### *Administration*

#### **Article 63**

- 1) The patrimonial assets of the OFS must be administered and managed in accordance with the Franciscan charism, the norms of the OFS and with diligence.
- 2) The administration of patrimonial assets at the international level is the responsibility of CIOFS, in accordance with the budget and the balance sheet approved by the General Chapter.
- 3) At the other levels, the Council administers the patrimony/assets according to the directives given by the Chapter, which also approves the final balance sheet and budget, while respecting the ecclesiastical nature of the assets.
- 4) The technical matters and materials, and the implementation of decisions concerning patrimonial assets, at all levels, are the responsibility of the Treasurer, who may involve other persons competent in tax, financial and asset matters<sup>93</sup>.

#### *Supervision*

#### **Article 64**

- 1) The power to supervise the financial management of each OFS Fraternity, at every level, is exercised by the Chapter and by the body indicated in the National Statute according to civil law: for the CIOFS Presidency this is a professional, registered auditor registered with the register of accountants.
- 2) For the sale, exchange and purchase of real estate, the acceptance or refusal of donations, the carrying out of economic-patrimonial operations whose value exceeds a quarter of the value established by the National Episcopal Conference, the consent of the respective Chapter/Assembly is required, after which the Council must obtain authorization/*nihil obstat*:
  - a) for the Local and Regional Fraternity: it is the National Council;
  - b) for the National Fraternity: it is the CIOFS Presidency;
  - c) for the International Fraternity: it is the Holy See through the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life.
- 3) The absence of prior written authorisation results in the nullity of the disposal contract and the direct personal liability of the person who carried it out.

#### *Financial year and patrimonial verification*

#### **Article 65**

- 1) The Treasurer shall annually draw up a statement of income and expenditure (balance sheet), as well as the economic forecast for the following financial year (budget), which must be approved in accordance with the terms of the provisions of state law by the Chapter<sup>94</sup>, for all levels except international.
- 2) The CIOFS Presidency submits to the vote of the General Chapter the statement of income and expenditure (final balance sheet) of the past three years, verified by the professional registered auditor, as well as the expenditure forecast (budget

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<sup>93</sup> Cf GG.CC. 52.4.

<sup>94</sup> Cf Canon 319§1 CIC.

estimate) for the next three years.

- 3) For the other levels, the outgoing Council presents for the vote at the elective Chapter, the statement of income and expenditure (final balance sheet) for the three years ended, verified in accordance with Article 54.3 of the General Constitutions, as well as the expenditure forecast or budget for the next three years. An exception is for the Councils of Local Fraternities without civil juridical personality. They are exempt from presenting and voting on the budget at the elective Chapter.
- 4) The certified verification of the economic and financial situation, including the balance sheets, and their voting is a necessary condition for the celebration of the elective chapter. If this condition is not met, the President must decide whether the situation is suitable for celebrating the elective sessions of the Chapter.

### *Inventory*

#### **Article 66**

- 1) At the beginning of the three-year term of the Councils for the local, regional, and national levels and of the six-year term for the CIOFS Presidency, an inventory of the assets of the Fraternity is made, to be updated at least once in the middle of the three-year term for all levels.
- 2) Each Treasurer maintains records of receipts and disbursements, as well as an inventory book.

## **TITLE VI FRANCISCAN CHILDREN AND YOUTH**

### *Pastoral care for children*

#### **Article 67**

- 1) Called to fulfil the Church's mission in the world as an Order, the OFS has the responsibility to have an apostolate to children<sup>95</sup> to whom it bears witness to the Christian faith and the evangelical spirit and Secular Franciscan spirituality, both as individuals and as a Fraternity<sup>96</sup>.
- 2) OFS Fraternities, together with YouFra, should endeavour to create groups of children and adolescents, educating them toward a simple and joyful life in the family, in the school and in their environments, initiating them into the knowledge and love of St. Francis and Franciscan life.
- 3) The Council at each level – Local, Regional, National and International –, where possible, identifies a leader responsible for these groups of boys and girls, preferably from among the elected Councillors, with the tasks of:
  - a) at the local level, proposing ways of setting up groups of children and youth and the most suitable formation courses, in accordance with the path established at the national level;
  - b) at all levels, coordinating OFS Fraternal Animators and, if one exists, the working group, as well as collaborating with the leader responsible for YouFra of the same level for this service;
  - c) accompanying these groups, sharing at their gatherings, witnessing

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<sup>95</sup> Cf GG.CC. 25.

<sup>96</sup> Cf Decree *Apostolicam Actuositatem*, 19 and 30.

through one's life the meaning of universal Fraternity, secular Franciscan spirituality, and respect for creation.

#### *Franciscan children and adolescent groups*

### **Article 68**

- 1) These groups are made up of children and adolescents from a minimum of 5 to a maximum of 17 years old, and their objective is aimed at their human, Christian and Franciscan growth, which will enrich their catechetical journey of Christian initiation that they experience in the parish.
- 2) It is up to each National Statute to determine the name, age range, criteria, themes, and organisation of these groups.
- 3) For pedagogical and organisational reasons, each National Fraternity should provide a formative path suitable for children and youth, divided into age groups, so as to transmit the values of Christian and Franciscan spirituality, to teach them respect for humanity and creation as well as in ways of service and witness possible for their age.
- 4) The OFS and YouFra Fraternities should encourage the passage of these children and adolescents to YouFra, according to the modalities stipulated in their respective National Statutes.

## **TITLE VII FRANCISCAN YOUTH**

#### *Nature*

### **Article 69**

- 1) The Franciscan Youth (YouFra) comprises young people between the ages of 14 and 30 who feel called by the Holy Spirit to experience Christian life in Fraternity, following the example of St. Francis of Assisi. In the sense of the OFS General Constitutions<sup>97</sup>, it is distinguished from other groups of young Franciscans by:
  - a) acceptance of the OFS Rule as a document of inspiration;
  - b) a personal and formal commitment, made before God and the Fraternity, to live out such inspiration;
  - c) belonging to the Franciscan Family as an integral part of the OFS;
  - d) having a specific organisational structure and formation methods;
  - e) having their own National Statute, approved by the respective OFS National Council or, in its absence, by the CIOFS Presidency, which regulates the conditions of belonging to Franciscan Youth.
- 2) The following play a fundamental role in the life of YouFra at every level:
  - a) the OFS Fraternity;
  - b) the Fraternal Animator and the representative of the OFS Council of the respective level;
  - c) the Spiritual Assistant.

#### *Fraternal Animator*

### **Article 70**

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<sup>97</sup> Cf GG.CC. 96.

- 1) Fraternal animation<sup>98</sup> is the best tool that the OFS and YouFra Fraternities have to accompany youth on their journey of faith and knowledge of Franciscan spirituality, and makes their incorporation from YouFra to the OFS more natural, when they feel called to have an experience of Christian life in the light of the message of St. Francis of Assisi.
- 2) In order to be able to offer a better service to Franciscan Youth, the Fraternal Animator must know about YouFra and its documents and pay special attention to formation, collaborating with the leaders of the Fraternity: the YouFra Council, the person in charge of formation and the Spiritual Assistant.
- 3) The duties of the Fraternal Animator are to:
  - a) accompany youth on their journey of human and spiritual growth in order to reach personal maturity;
  - b) promote the Franciscan way of life among youth, through appropriate initiatives and dynamics;
  - c) ensure an adequate Franciscan formation that helps youth to place the Person of Christ and the following of Christ at the centre of their lives;
  - d) promote a close communion of the OFS with YouFra with which it shares the same Franciscan and secular charism;
  - e) participate in assemblies, conventions, and activities organised by Franciscan Youth;
  - f) promote YouFra in OFS Fraternities and in ecclesial and Franciscan communities where there are still no valid opportunities for youth.
- 4) His/her presence in the group, together with that of the Spiritual Assistant, guarantees that YouFra be closely united to the Franciscan Family in its distinct articulations and constitutes a unique opportunity of enrichment for youth. Both, therefore, in addition to their duties of accompaniment and guidance, must collaborate in the formation of the group.
- 5) In order to be able to offer a better service to Franciscan Youth, the Fraternal Animator must pay special attention to formation by collaborating with the leaders of the Fraternity as mentioned above and by respecting the purpose of YouFra.
- 6) After the celebration of the elective Chapter of any OFS level, the YouFra Council requests a Fraternal Animator from the respective OFS Council.
- 7) The OFS Council at its first meeting appoints a brother or sister who is suitable and prepared for this service. In order to help find a suitable person to carry out this task, YouFra recommendations will be listened to by the Council before the nomination.

*Representative of the OFS Council on the YouFra Council*

## **Article 71**

- 1) If the National Statute does not provide for a specific election of this office, a suitable OFS member, chosen by the Council from among its elected members, will represent the OFS Fraternity on the YouFra Council of the same level, maintain contact, and promote mutual understanding between the respective Councils.

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<sup>98</sup> Guidelines for Fraternal Animation (Circ. N. 36/2008-2014): "Fraternal animation is synonymous with accompaniment, in that its primary task is to be at the side of young people on their path of Franciscan growth, which presupposes human and Christian growth."

- 2) When it is convenient for the life of the Franciscan Youth Fraternity and it is not possible to offer it both the Fraternal Animator and a representative of the Council in accordance with Article 97.4 of the OFS General Constitutions, the OFS Council may appoint the same person, chosen from among its elected members, for both offices.
- 3) The OFS representative for YouFra has the right to vote on the Council and the YouFra Assembly of the same level, except for the election of offices.

#### *Spiritual Assistance to YouFra*

#### **Article 72**

- 1) On the vocational journey of YouFra youth, the role of the Spiritual Assistant is of great importance. Besides being the guarantor of their fidelity to the Franciscan charism, to communion with the Church, and to their union with the Franciscan Family<sup>99</sup>, he/she has a particular responsibility in their formation.
- 2) The Spiritual Assistant has a particularly important role to play in helping youth on their journey of human and spiritual vocational discernment, which is why religious who are in love with their Christian and Franciscan vocation and capable of communicating it to youth should be chosen.

#### *Incorporation into the OFS*

#### **Article 73**

- 1) The vocational journey of YouFra normally, but not necessarily, leads to the OFS. Therefore, Franciscan formation received in YouFra by a young person who wants to pass to the OFS can be considered valid as a period of initiation into the OFS<sup>100</sup>.
- 2) The period of initial formation in the OFS must be carried out under the auspices of the Council of the local OFS Fraternity to which the young person wishes to enter, in accordance with what is established in the Rule and Constitutions of the OFS.
- 3) If a group of YouFra youth wishes to do the initial formation together, they can form their own group at the discretion and under the guidance of the Council of the local OFS Fraternity they wish to join.
- 4) The insertion of young Franciscans into the OFS does not deprive them of the possibility of continuing to belong to YouFra as long as their age permits. However, they must consider the priorities of Profession and active participation in the life of their local OFS Fraternity.

#### *International YouFra Councillors*

#### **Article 74**

- 1) The CIOFS Presidency determines the number, with a maximum of six, and the method of election of the International Councillors representing YouFra at the OFS General Chapter<sup>101</sup>.
- 2) When it is not possible to carry out the election of International Councillors representing YouFra, due to a lack of young Franciscans professed in the OFS, but

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<sup>99</sup> GG.CC. 85.2.

<sup>100</sup> GG.CC. 38.3.

<sup>101</sup> GG.CC. 97.5.



the reality of the Franciscan Youth is significant within a region of the world, the CIOFS Presidency can appoint a young person to represent that reality at the General Chapter, without the right to vote.

## **TITLE VIII**

### **SPIRITUAL AND PASTORAL ASSISTANCE**

#### **Article 75**

The spiritual and pastoral care of the OFS has been entrusted by the Church, in virtue of belonging to the same spiritual family, to the Franciscan First Order and the Third Order Regular (TOR) to which the Secular Fraternity has been linked for centuries<sup>102</sup>. This relationship is regulated and defined according to the Rule of the OFS<sup>103</sup> by the Constitutions of the OFS<sup>104</sup> and by the Statute for Spiritual and Pastoral Assistance to the OFS.

#### **Article 76**

- 1) Spiritual Assistants have, in particular, the primary task of bearing authentic witness to Franciscan spirituality and fraternal communion between the OFS and the First Order - TOR.
- 2) The role of the Spiritual Assistant is of great importance in vocational promotion and in formation, both initial and ongoing.
- 3) Before Admission to the OFS, the Spiritual Assistant of the Local Fraternity shall discern whether the Aspirant demonstrates signs of the Catholic faith, communion with the Church, good moral conduct and has signs of a vocation<sup>105</sup>, and expresses his/her opinion to the Council of the Local Fraternity<sup>106</sup>.

#### **Article 77**

- 1) In each established National and Regional Fraternity, if more than one of the Franciscan families of the First Order and TOR are present, a Conference of Spiritual Assistants is formed from among the assistants appointed<sup>107</sup>.
- 2) In those National and Regional Fraternities where the Executive Board is present, the Conference of Spiritual Assistants appoints one of the assistants to be part of it.

#### **Article 78**

- 1) Although the spiritual and pastoral care of the OFS has been entrusted to the Franciscan First Order and the TOR<sup>108</sup>, the responsible Major Superior may entrust this service of spiritual and pastoral assistance to men and women religious belonging to other Franciscan institutes, to Secular Franciscans, clerics or lay people and other diocesan clerics or non-Franciscan religious<sup>109</sup>.

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<sup>102</sup> Cf GG.CC. 85.2, Statute for Spiritual and Pastoral Assistance to the OFS 1.1.

<sup>103</sup> R. 1, R. 26.

<sup>104</sup> Cf GG.CC. 85-91.

<sup>105</sup> Cf GG.CC. 39.2.

<sup>106</sup> Cf GG.CC. 41.1.

<sup>107</sup> Cf GG.CC. 90.3; Statute for Spiritual and Pastoral Assistance to the OFS 16.2-3. 16.2-3.

<sup>108</sup> Cf GG.CC. 85.2.

<sup>109</sup> Cf GG.CC. 89.4; Statute for Spiritual and Pastoral Assistance to the OFS 15.4.

- 2) A Secular Franciscan cannot be appointed Spiritual Assistant to his/her own Fraternity at any level.

## **TITLE IX**

### **IN COMMUNION WITH THE CHURCH AND THE FRANCISCAN FAMILY**

#### **Article 79**

- 1) Communion with the Church and the Franciscan Family has been clearly defined in the Rule and the General Constitutions of the OFS<sup>110</sup>.
- 2) The fraternal office of *altius moderamen* and the spiritual and pastoral care provided by the Major Superiors guarantee that the OFS will be in communion with the Church and in union with the Franciscan Family<sup>111</sup>.

#### **Article 80**

Councils at each level must:

- 1) encourage communion with the Franciscan Family and the local Church;
- 2) promote collaboration with the various activities of the Franciscan Family and the associations of the Catholic Church.

## **TITLE X**

### **FINAL NORMS**

*Acceptance of personal data use - GDPR*

#### **Article 81**

- 1) The OFS International Fraternity, as civilly recognized ecclesiastical body in Italy, is collecting and processing personal data in compliance with Italian and European privacy regulations (GDPR).
- 2) Election or appointment to any office or service at international or national level will require the collection and processing of personal data by the International Fraternity, in accordance with privacy regulations.

*Approval, amendments, and repeals of the International Statute*

#### **Article 82**

- 1) The Statute of the International Fraternity must be approved by the OFS General Chapter<sup>112</sup>.
- 2) The Statute of the International Fraternity may be amended by the OFS General Chapter upon the CIOFS Presidency proposal or that of one-third of the Chapter members. The new version approved by the General Chapter abrogates the previous statute of the FIOFS and all guidelines and/or directives in conflict with the same.
- 3) All articles referring to the national Fraternities must be applied, where possible, to the Fraternities of the next lower level, if the national statutes do not indicate anything.
- 4) Its norms are binding for the approval of the Statutes of the National Fraternities.

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<sup>110</sup> GG.CC. 98-103.

<sup>111</sup> Cf GG.CC. 85.2.

<sup>112</sup> Cf GG.CC. 6.1.

- 5) For everything not expressly provided for in this International Statute, reference is made to the OFS Rule, the OFS General Constitutions, to the OFS Ritual, and the universal law of the Church.
- 6) The clarification of specific points, which require a timely decision, is the responsibility of the Presidency of the OFS International Council. Such clarification is valid until the next General Chapter.

*Entry into force, promulgation of the International Statute.*

### **Article 83**

The Statute of the International Fraternity of the OFS, approved by the General Chapter, enters into force 14 days after the act of promulgation signed by the General Minister.