

Chapter 8

Deactivation, Reactivation and Suspension of OFS Fraternities

Options for a Struggling Fraternity

Fraternities sometimes come to a point when they can no longer function as a vibrant fraternity. Various reasons contribute. Sometimes the members grow older and can no longer attend regular gatherings. Sometimes there are too few who are able to serve on a fraternity council. Sometimes the burden of operating like a full-fledged fraternity is more than the members can handle.

In these cases, there are two options that can be considered.

Fraternal Accompaniment

When a fraternity is unable to elect a new council at the end of a term, or the council as elected can no longer function, the Region, in collaboration with the Province to which the fraternity is bonded, may grant a grace period, known as Fraternal Accompaniment, of up to two years (with a possible extension of one year).

The Region delegates the responsibility of taking care of Formation and all the functions proper to the local Council, to an active local fraternity, including decisions on admissions and professions. They essentially become the “sponsoring fraternity” as they would for a newly forming group or emerging fraternity, except that the members do not transfer to the accompanying fraternity.

Fraternal Accompaniment should only be considered if it appears that the struggling fraternity will be able to elect a Council, and become a viable fraternity, within the two-year period.

Deactivation

When Fraternal Accompaniment does not appear to be a viable option for a struggling fraternity, the Region, in collaboration with the Province to which the fraternity is bonded, pursues deactivation. See section on “Process for Deactivation of a Canonically Established Fraternity” for details on the steps to be taken for deactivation.

The most critical aspect of deactivation of a fraternity is how the remaining members continue to be in fraternity with other Secular Franciscans. This can be particularly challenging if the deactivated fraternity is some distance away from an active fraternity, and remaining members are not able to fully participate in the life of another fraternity. See the section on “Cells, and other Options for Remaining Members of a Deactivated Fraternity”.

31 **Process for Deactivating a Fraternity**

32 When a canonically established fraternity is no
33 longer viable, for whatever reason, it can be
34 declared deactivated by the Provincial Minister
35 (or delegate) of the Province to which the
36 fraternity is bonded. This is done in
37 collaboration with the Regional Executive
38 Council and Conference of Regional Spiritual
39 Assistants or an individual RSA.

40 The official deactivation may follow this
41 procedure:

- 42 ▪ The Conference of Regional Assistants and
43 the Regional executive council make a
44 pastoral and fraternal visit to the
45 fraternity. They dialogue with the
46 members about the options available to
47 the fraternity, of which deactivation is
48 one. (See section on Options for a
49 Struggling Fraternity.) They ask the
50 members of the fraternity to consider the
51 options prayerfully and to communicate
52 their decision within 60 days of the
53 fraternal and pastoral visitation. The
54 fraternity informs, in writing, the Regional
55 Executive Council and the Conference of
56 Regional Spiritual Assistants (or Assistant if there is only one) of their decision.
- 57 ▪ The Regional Executive Council records the decision and its recommendation from the visitation.
58 This information is forwarded to the Provincial Minister (or delegate) of the province to which the
59 fraternity is bonded. The recommendation of the Conference of Regional Spiritual assistants (or
60 Assistant if there is only one) is likewise sent to the appropriate Provincial Minister (or delegate).
- 61 ▪ The Provincial Minister (or delegate), if he agrees with the recommendation, issues the decree of
62 deactivation to the fraternity minister with copies sent to the regional minister and the local
63 bishop. If he decides NOT to deactivate the fraternity, he initiates a dialogue with the REC and the
64 fraternity until a final decision is reached and implemented.
- 65 ▪ In the case of cessation of a fraternity, the patrimonial goods of the same, the library and the
66 records are acquired by the fraternity of the immediately higher level. *OFS General*
67 *Constitutions, 48.1.*

68 The common fund and other assets are either disposed of according to the decision of the remaining
69 members or put in an interest-bearing escrow account managed by the Regional Executive Council. A
70 copy of the document of establishment of the fraternity and date of its deactivation, plus a list of active
71 members, is sent to the archives of the friar province, the regional fraternity and the appropriate diocese.

72 When a fraternity is deactivated, the juridic person of the fraternity remains intact for 100 years after
73 the last fraternity member dies. Such a fraternity can be revived if new members wish to reactivate it
74 and it can function as a fraternity. The Provincial Minister (or delegate) of the province who deactivated

Effect of Deactivation of a Fraternity on individual Professed Members

While deactivation touches the responsibilities of a fraternity, it does NOT remove the individual responsibilities that come from Profession in the OFS. The individual members remain committed to the OFS way of life. They maintain that commitment, gathering together if possible, or transferring to a nearby local fraternity, maintaining communication with the Regional Executive Council and offering whatever support they can to the OFS. Their commitment to the OFS way of life remains intact. See *section on Cells and Other Options for Remaining Members of a Deactivated Fraternity.*

75 the fraternity can reactivate it if all
76 requirements are met. (Code of Canon Law,
77 cc. 120).

78 When a fraternity is deactivated, the Region
79 must make best efforts to contact all the
80 members of that fraternity, whether they are
81 active or not.

82 ***Cells, and Other Options for*** 83 ***Remaining Members of a Deactivated*** 84 ***Fraternity***

85 When a fraternity is deactivated, all professed
86 members and candidates must transfer to an
87 active fraternity in order to remain active in the
88 Order. This includes those members who are
89 excused from attending gatherings, or are
90 homebound. The members have a choice of
91 which fraternity to request a transfer to, and go
92 through the normal process for transfer. The
93 Regional council makes the transfer request on
94 behalf of the deactivated fraternity council.
95 The new fraternity welcomes the active
96 transferred members, and includes the
97 excused members in their ministry to
98 homebound and infirm members.

99 While attending gatherings at their new
100 fraternity, and fully participating there,
101 transferred members of a deactivated
102 fraternity may request to meet together as a
103 cell to continue their relationship as a group.
104 (See “Guidelines for Cell Group in a
105 Fraternity”).

106 ***Remote Cell of an Active Fraternity***

107 There may be cases where attending fraternity
108 gatherings in another fraternity is not possible,
109 either because of distance or inability to travel.
110 In these cases, the Regional Council may
111 consider a request by the members of a
112 deactivated fraternity to become a remote cell
113 of another fraternity. (See sidebar).

114 A remote cell retains its identity (name), but is
115 listed as a cell of another (sponsoring)
116 fraternity. Members are recorded in the
117 sponsoring fraternity’s register as transfers.

Criteria for becoming a remote cell of an active fraternity

In order for the members to
become a remote cell of another
fraternity, the following criteria
must be met:

- ✓ Members of the deactivated fraternity officially transfer to one active sponsoring fraternity (approved and assigned by the REC);
- ✓ Most members of the deactivated fraternity are unable to attend meetings in the sponsoring fraternity;
- ✓ At least 3 members of the deactivated fraternity are able to come together as a group on a regular basis;
- ✓ Members of the deactivated fraternity are able and willing to meet the financial obligations of their sponsoring fraternity (Fair Share), as well as any expenses incurred in meeting as a group on their own.
- ✓ The sponsoring fraternity is actively involved in providing spiritual assistance and initial and ongoing formation to the remote cell group. While some of the support might occur virtually, the norm would be that spiritual assistance and initial formation would be done in person.
- ✓ Professed members of the remote cell may delegate one of their members to be a non-voting member of the sponsoring fraternity’s council, but that individual must be able to attend the sponsoring fraternity’s regular and council meetings.

118 If a full transfer to another fraternity, or
119 being accepted as a remote cell is not
120 possible, the Regional Executive Council
121 must make certain that the remaining
122 professed members and candidates do not
123 become isolated. The REC may do that
124 through personal interaction on the part of
125 a REC member, or by inviting a local
126 fraternity to keep in touch with these
127 seculars who can no longer attend
128 gatherings. The key goal for the REC is to
129 keep the relationship alive, letting these
130 seculars know that they are important and
131 still part of the OFS family.

132 **Reactivating a Fraternity**

133 According to canon law (Code of Canon Law,
134 canon 120), a canonically established
135 fraternity of the OFS remains "alive" and
136 cannot be dissolved until 100 years after the
137 death of its last member. Therefore, any
138 fraternity that has been deactivated may
139 be reactivated during this period of 100
140 years in the following manner:

- 141 ▪ By *at least* five (preferably more)
142 permanently professed members of
143 the original fraternity.
- 144 ▪ By a new group of at least five
145 (preferably more) permanently
146 professed members who are willing
147 to assume the juridic personality
148 (Code of Canon Law, cc. 116 and 120)
149 of the fraternity and responsibility for the fraternity.

150 The process of reactivating a fraternity closely resembles that of establishing a new fraternity in its
151 requirements and timeframes. What follows is an abbreviated summary of the process.

152 If the members seeking to reactivate a fraternity are all members of the same fraternity, they submit a written
153 request to the fraternity council, who in turn seeks the approval of the REC. The REC then evaluates the
154 request, and notifies the friar province to which the original fraternity was bonded that they are seeking
155 reactivation. If the province is willing to reactivate the fraternity, the province provides a notice of intention
156 to appoint a spiritual assistant for the group, or offers to transfer the *altius moderamen* to another province.

- 157 ▪ If the members seeking to reactivate a fraternity are from different fraternities, the group submits the request
158 to the REC directly, also letting their respective fraternity councils know of their intent to pursue reactivation.
- 159 ▪ The REC considers the request, and if approved, seeks a sponsoring fraternity for the reactivating group.
- 160 ▪ If the fraternity to be reactivated was suspended, any requirements of the probation or censure
161 must be fulfilled before the process of reactivation can officially begin.

Notes on Reactivation

If at least one of the members seeking to reactivate a fraternity belonged to the original fraternity, and the fraternity would be meeting in the same location, and the friar province that it was bonded remains in the area, there would seem to be good reason to prefer reactivation over establishing a new fraternity. If none of these conditions are met, the REC must take care to evaluate the motivation for assuming the identity of the deactivated fraternity.

If the REC chooses to approve the reactivation request:

- ✓ The original members of the deactivated fraternity at the time of deactivation need to be notified, if possible, that the fraternity is being reactivated.
- ✓ The reactivated fraternity must retain the original name of the deactivated fraternity.
- ✓ The original Friar Province to which the reactivating fraternity was bonded must issue the decree of reactivation.

In rare cases, just as in a newly forming group or emerging fraternity, the REC may assume sponsorship of a reactivating fraternity.

162
163
164
165
166
167
168
169
170
171
172

- Once the period of reactivation is completed, the members formally request the REC, in writing, to be officially reactivated as an already canonically established fraternity. The REC makes a fraternal and pastoral visitation. If they approve the request, the Regional minister verifies the canonical establishment of the fraternity and asks the Provincial Minister (or delegate), of the Province to which the fraternity is bonded, to issue the written decree of reactivation. Copies are sent to the fraternity, the REC, and the local bishop. The national database administrator is notified of the reactivation, and sends a copy of the decree to the national archives.
- The REC returns all remaining goods of the fraternity as well as remaining financial assets and records to the reactivated fraternity. A ceremony of reactivation is celebrated liturgically and socially.

DRAFT

173 **Guidelines for Suspending a**
174 **Canonically Established Fraternity**

175 The *General Constitutions of the Secular*
176 *Franciscan Order* (See Articles 56 through 59)
177 with respect to temporary or definitive
178 provisions for suspension/dismissal for
179 individual members, may also be applied to
180 a fraternity as a whole per Article 60 of the
181 GC.

182 In the case of communal behavior
183 warranting the action of the next higher
184 council, care must be taken to evaluate the
185 status and behavior of each member to
186 insure that members in good standing are
187 allowed to transfer to other fraternities.

188 **A canonically established fraternity can be**
189 **suspended for the following reasons:**

190 *Because of repeated and prolonged default*
191 *of the members in their corporate*
192 *obligations for life in a fraternity or*
193 *observance of the Rule or fidelity to the*
194 *Franciscan Charism. (OFS General*
195 *Constitutions, Article 56.2)*

196 *Serious opposition or obstinacy toward the*
197 *mandates of the OFS Rule, General*
198 *Constitutions and particular statutes. (OFS*
199 *General Constitutions, Article 56.2)*

200 *The communal public rejection of the faith*
201 *or the communal defection from*
202 *ecclesiastical communion. (OFS General*
203 **Constitutions, Article 58.3)**

204 A communal act which is grave, external, imputable, officially documented and juridically proven. (*OFS*
205 *General Constitutions, Article 58.3)*

206 **The suspension of a fraternity is officially incurred in the following manner:**

207 The conference of Regional Spiritual Assistants (or assistant if there is only one) take the initiative to
208 conduct a pastoral visitation and the REC conducts a fraternal visitation;

- 209 ▪ As a result of the visitation(s), if the reasons for suspension are not corrected by dialogue &
210 personal presence, the Regional Executive Council issues three warnings signed by the regional
211 minister and the president of the Conference of Regional Assistants (or assistant if there is only
212 one), each one at least three months after the preceding;
- 213 ▪ If the warnings produce no positive results, the Regional Executive Council discerns whether to
214 request suspension from the Provincial Minister (or delegate), of the friar province to which the
215 fraternity is bonded. They record their discernment in the REC minutes;

Applicable Articles from the OFS
General Constitutions

The same General Constitutions articles that apply to an individual, also apply to the fraternity.

The repeated and prolonged default in the obligations of the life of the fraternity and other conduct in serious opposition to the Rule have to be discussed by the council in dialogue with the person at fault. Only in the case of obstinacy or relapse may the council decide, with a secret vote, to suspend someone. It communicates its decision in writing to the person concerned. (GC, 56.2)

The brother or sister who publicly rejects the faith, or defects from ecclesiastical communion, or upon whom an excommunication is imposed or declared, by the fact itself ceases to be a member of the Order. This does not mean, however, that the council of the fraternity should not discuss the matter with the person concerned or offer fraternal help. The council of a higher level, upon request of the council of the local fraternity, collects the proofs and officially declares that the person has ceased to be a member of the Order. (GC, 58.3)

- 216 ▪ The regional minister communicates, in writing, the request and advice of the Regional
217 Executive Council to the appropriate Provincial Minister (or delegate);
- 218 ▪ The Provincial Minister (or delegate) of the friar province to which the fraternity is bonded enacts
219 the decree of suspension and sends it to the suspended fraternity minister, with copies to the
220 regional minister and the local bishop.

221 ***When a Fraternity is suspended:***

- 222 ▪ The goods of the suspended fraternity, its library and records are acquired by the regional executive
223 council and kept in the regional fraternity's archives. (*OFS General Constitutions*, Article 48.1)
- 224 ▪ The common fund and other assets of the suspended fraternity are to be put in an interest- bearing
225 escrow account managed by the regional executive council.
- 226 ▪ A copy of the document of establishment (with the date of suspension recorded on it) and a copy
227 of the last list of active members are to be sent to the archives of the friar province to which the
228 fraternity is bonded, to the archives of the regional fraternity, and to the archives of the diocese
- 229 ▪ The local Ordinary of the diocese where the fraternity has been established is to be notified of the
230 suspension and the reasons for it by the Provincial Minister (or delegate).
- 231 ▪ In the case of a suspended local fraternity, the Regional Council needs to be involved in discerning
232 the status of each of the members to determine whether they are eligible for transfer to another
233 fraternity, or meet the criteria for suspension or dismissal. Transfers of individuals follow the
234 provisions in *OFS General Constitutions*, Article 55. Suspension and dismissal follow the provisions
235 of *OFS General Constitutions*, Article 56.2 and 58.2, 58.3 and 58.4, respectively

236 ***Transferring a Fraternity to the Altius Moderamen of another Friar Province***

237 COMMENT: As the presence of friars in particular areas changes, grows, or diminishes, it is wise to
238 consider the transfer of the *altius moderamen* (higher direction) of a fraternity to the care of another
239 friar province who may be able to serve the Seculars. Fraternities may also transfer for other
240 reasons. Here is the process to follow:

- 241 ▪ The minister of the fraternity wishing to transfer to the care of another friar province, writes both
242 to the Provincial Minister (or delegate) of the province of origin and the receiving province
243 detailing the reasons for the transfer. He/she also provides copies of pertinent information and
244 includes a copy of the Document of establishment or a verification of canonical establishment of
245 the fraternity.
- 246 ▪ The same fraternity minister, with the consent of the council of the fraternity asks the Regional
247 minister and the Regional spiritual assistant(s) of the region (to which it presently belongs), to
248 write letters of recommendation to the Provincial Minister (or delegate) of the friar province to
249 which the fraternity desires to transfer.
- 250 ▪ The Provincial Minister (or delegate) of the friar province to which the fraternity is bonded writes
251 to the Provincial Minister (or delegate) of the receiving province, giving his consent for the transfer.
252 The Provincial Minister (or delegate) of the receiving province then gives his consent for the
253 transfer in writing.
- 254 ▪ If the Provincial Minister (or delegate) of the receiving friar province accepts the transfer of the
255 *altius moderamen*, he issues an official letter, in the name of the friar provincial minister, to
256 accept responsibility for the *altius moderamen* of the fraternity and appoints a spiritual assistant for

257 the fraternity (if needed), having consulted the concerned fraternity council.
258 ■ It is important to inform the REC of any region involved as well as informing NEC and the personnel
259 who maintain the database, of the change.
260

DRAFT