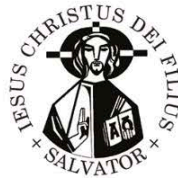


SOCIETY OF THE DIVINE SAVIOUR

**ADMINISTRATIVE
HANDBOOK**

ADMINISTRATIVE HANDBOOK



MMXXIII

**ADMINISTRATIVE HANDBOOK
OF THE
SOCIETY OF THE DIVINE SAVIOUR**



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ABBREVIATIONS

C.I.C: *Codex Iuris Canonici*

C.D.F: *Congregatio pro Doctrina Fidei*

D.D.F: *Dicastery for the Doctrine of Faith*

Const: Constitutions of the Society of the Divine Saviour

D.G.: General Directory of the Society of the Divine Saviour

R.F.I.S: *Ratio fundamentalis institutionis sacerdotalis*

R.F.S: *Ratio Formationis Salvatorianae*

S.S.T: Motu Proprio *Sacramentorum sanctitatis tutela*

VELM: Motu Proprio *Vos estis lux mundi*

PROMULGATING DECREE



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Superior General

Prot. N. AVB 23 – 145 – ENG

DECREE OF PROMULGATION


In accordance with recommendations 14 and 16 of the XIX General Chapter of the Society, held in 2018 at Sankt Ottilien in Germany, regarding the tasks of the General Communication Secretariat and the General Legal Affairs Secretariat in reference to the Administrative Handbook of the Society, keeping it up to date concerning canonical procedures, and on the basis of article 723 I of the Constitutions of the Society of the Divine Saviour, with the present mandate

I approve and enact the


Administrative Handbook of the Society of the Divine Saviour

and I establish that it is valid for the whole Society.

Given in Rome, at the Motherhouse of the Society, on 8 September 2023, the 105th anniversary of the day of death of Blessed Francis Mary of the Cross Jordan, Founder of the Salvatorians.


Fr. Milton Zonta, SDS
Superior General




Fr. Agustin Van Baelen, SDS
Secretary General

INTRODUCTION

*«May each of you be a living Rule,
thanks to the assimilation that you will have made of it,
so that you can easily be recognised as part of our Society»¹ .*

Fr. Jordan

Dear confreres,

1. This Administrative Handbook is a response to the recommendations of the XIX General Chapter of the Society of the Divine Saviour to update the Society's Administrative Handbook, which was produced in 2001. Several points in that earlier version needed revision following the many important changes in the Church and in the Society, including the new developments in the Constitutions and General Directory of the Society over the last twenty years; the updating of the *Ratio formationis salvatorianae* ; the reform of the sixth book of the Code of Canon Law, and many other documents of the Magisterium on the law of religious, published in the form of Motu Proprio of the Supreme Pontiff and cited in the bibliography of the present handbook, without forgetting the norms on the protection of minors and vulnerable persons against sexual abuse published by the Congregation for the Doctrine of the Faith and the update of the Motu Proprio «*Vos estis lux mundi*», of 25 March 2023
2. I dare to believe that this administrative handbook, which the Generalate has placed at our disposal, will be a practical guide for the efficient and responsible management of our Units at whatever level of responsibility, in conformity with the spirit of the letter of particular law and the requirements of the universal law of the Church. The appendices

¹ La Voce di Padre Jordan. Parole ed esortazioni del nostro Padre Fondatore, Regola ed osservanza, n°11.

contained in this handbook, by way of illustration, enable us to familiarise ourselves with the substantive and formal requirements necessary in the preparation of certain legal acts.

3. The effectiveness and validity of the legal acts that we are called upon to perform in the daily exercise and within the limits of our responsibilities as managers of the personnel and ecclesiastical goods placed at our disposal, depends largely on the attention and respect that we wish to give to the observance of the basic legal norms in this area. The attention and care we give to the requirements of the law will save us from making acts that are deprived of any legal effect, i.e. that are void or non-existent.
4. The rules of the Society, in harmony with the whole juridical order of the Church, are for us the juridical expression of our charism and Salvatorian spirituality in the Church. Success in our apostolic field is measured by our capacity and willingness to integrate and respect the norms of the Church, both universal and local, as well as our own law.
5. Respect for our rules and canonical norms is also a guarantee for maintaining, preserving and perpetuating good pastoral collaboration with the particular Churches and other religious Institutes with which we interact.
6. Ensuring respect for legal norms is a guarantee for the legal protection not only of those over whom one has jurisdiction, but also for the legal protection of those who have the power of jurisdiction in the Church and over people. And respect for the law keeps us away from the danger of anything that could make us believe that we are acting under the influence of passion and arbitrariness.
7. For a fair justice that respects the dignity and good reputation of people, and respects the right of defence of the accused, I strongly

recommend the observance of the basic principles that this handbook offers us. The search for peace in our respective communities and units will also depend on the place we give to the respect of justice through an intelligible and integral observance of the norms that govern us with a high sense of prudence and the pursuit of virtues. In this regard, Pope Francis says: *«Every commitment to peace implies and requires a commitment to justice... A peace without justice is not a true peace, it has no solid foundation and no possibility of a future... Justice,» adds the Holy Father, «is not the fruit of a set of rules to be applied with technical expertise, but the virtue by which each person is given his due»².*


8. This administrative handbook enables us to respond effectively and within the canonical timeframe to the various requests or petitions of the members under our responsibility. Promptness in dealing with the causes submitted to us is an eloquent sign of charity towards those who suffer and demand justice. Thus, any administrative silence on the part of the major superior, who is supposed to respond promptly to requests addressed to him, gives any aggrieved person the right to present an appeal to the competent authority. It should be noted that in this matter, the law also establishes the principle of responsibility of the authority for the damage caused by its silence³.
9. On the other hand, we must not lose sight of the fact that our administration, based on the legal rules of the game, must be informed by the basic principles enshrined in our General Directory⁴, concerning co-responsibility, subsidiarity and solidarity. This emphasises the synodal dimension that is characteristic of our management of the Society's day-to-day affairs.


² cf. Pope Francis, Address on the occasion of the inauguration of the judicial year in the Vatican, 25 February 2023.

³ cf. canon 57, C.I.C.

⁴ see G.D. 7.1

10. Moreover, to a certain extent, this handbook is a mirror of our daily lot, a light in relation to the doubts and uncertainties encountered by the superiors of the Units in their administrative task and often referred to the Superior General regarding the procedure or the application of the law in particular cases. In this sense, I am firmly convinced that each of the major superiors will find some clarification of certain fundamental questions, while always having the possibility of seeking advice from the Generalate and the legal specialists of your choice.
11. The present publication of this handbook is not intended to divert our attention from the constitutional provisions and the General Directory of the Society, but rather to exhort us to deepen our understanding of their content and to familiarise ourselves with the norms that govern us as a Society, as Salvatorian religious and as full members of the Church.
12. Thus, I make it my real duty to invite each and every one to appropriate and familiarise themselves with the contents of this administrative handbook, and to the major superiors, in particular, to make it widely available to their constituents. May the Blessed Virgin Mary, the Immaculate Conception, sustain us in building a world of justice and peace.


Fr. Milton Zonta, SDS
Superior General


Fr. Agustin Van Baelen, SDS
Secretary General

SECTION 1

THE POWER OF GOVERNMENT

1.1. NATURE OF THE POWER OF GOVERNMENT IN THE CHURCH

1.1.1. Canon 129 of the CIC-83 makes a doctrinal statement, namely that the power of government in the Church is truly of divine institution, and specifies that those who have received the sacred order are fit to exercise this power, *ad normam iuris*, according to the provisions of the law, and that the lay faithful can cooperate in the exercise of this power *ad normam iuris*. The Second Vatican Council presents *sacra potestas* not as an autarchic and unlimited power, but as a function of service to the community of the faithful. This power has three facets: the *tria munera* of sanctifying, teaching and governing. In order to be able to exercise such a power of government, one must also have the “canonical mission” or “canonical provision” (the act of appointment) which specifies the pastoral office that is entrusted. This canonical determination thus specifies the ministry of each pastor and may consist in the concession of a particular office or assignment of a community of the faithful or religious community, according to the norms approved by the supreme authority.

1.1.2. The power of government may be ordinary or delegated. It is said to be an ordinary power when it is attached by the law itself to an office. It is said to be delegated when it is granted to the person himself without mediation of an office. And whoever claims to be delegated must prove his delegation⁵. Ordinary power is proper when it is exercised on one’s own authority (e.g. the office of provincial superior); power is vicarious when it is exercised in the name of another (e.g. the office of vicar general or provincial vicar).

⁵ cf. canon 131 §§1-3, C.I.C.

1.1.3. Canon 135, §1, C.I.C., establishes the threefold articulation of the power of government by stating that in the power of government a distinction is made between the legislative, executive and judicial powers. This distinction of functions applies to all levels of power in the Church and not only to the diocesan level.

1.1.4. The particular nature of the Church (a visible and invisible reality at the same time)⁶ means that the exercise of power is not limited exclusively to its social dimension. *Sacra potestas* can be applied to the external forum and to the sacramental or non-sacramental internal forum. Usually it is exercised in the external forum, its acts emanate from the public authority and have public effects, opposable to whom it may concern. However, when it is exercised in the internal forum or of conscience, the effects foreseeable in the external forum can only be recognised in the internal forum insofar as the law decides for specific cases, in order to protect the good name and privacy of the person.

1.1.5. The exercise of the power of government within the Society includes management, direction and administration. Chapters legislate (statutes and ordinances) and formulate strategy (recommendations), and qualified authorities manage or execute them. But the exercise of leadership is a more important function than the realisation of strategy, and superiors and all those with authority in the Society have the responsibility to lead. The leader does not have to execute everything himself, but he allows things to happen, encourages and helps others to develop their responsibility and to act personally. His leadership has a spiritual, pastoral and intellectual aspect, but it will be all the more effective if it is combined with good administration.

6 cf. Vatican II, Dogmatic Constitution on the Church, *Lumen Gentium*, 8

1.2. MAJOR SUPERIORS AND THE EXERCISE OF THE POWER OF GOVERNMENT

- 1.2.1. In the Society of the Divine Saviour, the major superiors in the sense used in canon law are: the Superior General and the provincial and pro-provincial superiors; and the Vicar General and the vicars of the provincials and pro-provincials when they act in place of their superior.
- 1.2.2. The major superiors mentioned above are personal Ordinaries of the members of their respective communities⁷ and as such they exercise ecclesiastical jurisdiction. Jurisdiction is a participation in the authority of the Church⁸ .
- 1.2.3. As Ordinaries with jurisdiction, major superiors have simultaneously the *executive* and *judicial* power conferred by the law of the universal Church and by our Salvatorian Constitutions. At every mention in the Code of Canon Law or other norms of the word *Ordinary* without the specification “of place”, our major superiors are included unless they are explicitly excluded. This Directory explains the exercise of executive authority. Since a major superior will rarely have occasion to exercise judicial authority, expert advice must be sought in controversies of arbitrations⁹ and crimes¹⁰. Major superiors are expected to establish an ongoing relationship with a canon lawyer and other specialist advisers.
- 1.2.4. When circumstances so require, major superiors may impose or declare to have imposed *ipso facto* ecclesiastical penalties (e.g. excommunication, suspension etc.). They may do so by final due process¹¹ or in some cases by administrative decree¹². The appropriate

7 cf. canon 134, C.I.C.

8 cf. canon 129, 596, C.I.C.

9 cf. canon 1427, §1, C.I.C.

10 cf. canon 1717-1731, C.I.C.

11 cf. canon 1717-1728, C.I.C.

12 cf. canon 1341-1342, C.I.C.

canonical norms must in all cases be scrupulously applied and expert advice sought.

1.2.5. In order that the observance of a law, general in its nature, may not be oppressive in its particular application, provision is made for a dispensation from ecclesiastical laws. For the dispensation granted by anyone except the legislator or his superior to be valid, there must be a just and reasonable cause, taking into account the circumstances and the gravity of the law in question. If there is any doubt about the sufficiency of the cause, the dispensation remains both licit and valid¹³.

Major Superiors, as Ordinaries, have the authority to grant dispensation from:

- a) *a statute, in the case of doubt as to the fact; nevertheless, in the case of a reserved dispensation, the authority to dispense exists only if the dispensation is ordinarily granted by the person to whom it is reserved*¹⁴;
- b) *any disciplinary law, except procedural and penal laws, when it is difficult to have recourse to the Holy See and when at the same time there is a danger of serious damage due to the delay*¹⁵;
- c) *the canonical age required for ordination to the priesthood or diaconate, which may be up to one year*¹⁶;
- d) *irregularities and obstacles to the ordination and exercise of major orders which are not reserved to the Apostolic See. Canon 1047, C.I.C., lists those reserved to the Holy See;*

13 cf. canon 90, C.I.C.

14 cf. canon 14, C.I.C.

15 cf. canon 87, C.I.C.

16 cf. canon 87 & canon 1031, §4, C.I.C.

e) *the obligation of the liturgy of the hours (the Divine Office)*¹⁷.

1.2.6. *The Superior General, in virtue of a perpetual papal dispensation of 20 August 1854, has the authority to dispense with the prescribed six-month interval between the conferral of the acolyte and the diaconate (Canon 1035, §2, C.I.C), and between the diaconate and the presbyterate (Canon 1031, §1, C.I.C).*

1.3. PROVINCIAL AND PRO-PROVINCIAL SUPERIORS

1.3.1. General procedural guidelines for the election of a Provincial Superior are found in Article 737 of the Constitution. The Provincial Statutes specify the procedures for the actual election of the Provincial Superior and the Councillors. If an initial ballot is taken among the members for names to be submitted to the Superior General for approval, the full results of the ballot must be submitted to the Generalate, including the number of votes cast for all candidates;

1.3.2. Confirmation by the Superior General is a juridical act¹⁸. The procedure and canonical norms for confirmation are as follows:

The person elected, in person or through another, will ask the Superior General for confirmation, giving the details of the election: the legal procedure, the data, the number of votes obtained, the acceptance of the office.

The request must be made within eight working days of accepting the office. Otherwise, the elected superior loses all rights to the office, unless there are obstacles beyond his control.

The confirmation of the Superior General must be given in writing.

¹⁷ cf. Vatican II, Conciliar Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, no. 97.

¹⁸ cf. canon 179, C.I.C.

The Superior General cannot refuse confirmation if the elected superior is suitable and if the election has been made in accordance with the law.

The elected superior may not carry out any act inherent to his function before receiving notification of the confirmation.

1.4. VICARIATE SUPERIORS

1.4.1. According to our rules, a vicariate is an administrative unit of at least six perpetually vowed members, placed under the direct authority of the Superior General and his council and which has its own form of management, with the power to incorporate members into the Society and to manage its community life according to its own Statutes¹⁹.

1.4.2. The structure of the government of a vicariate includes: an assistant to the vicariate appointed by the Superior General from among the members of the general council; a superior of the vicariate, a vicar and councillors appointed by the Superior General with the consent of his council, after consultation with the members of the vicariate²⁰.

1.4.3. The relationship of the Superior General to a vicariate is analogous to that of a Provincial Superior to his Province. The Superior General may, in his prudent judgement, delegate to a superior of the vicariate the specific administrative competences of a provincial superior, according to the circumstances of place and time²¹.

19 cf. const. 731c; D.G. 7.61a

20 see const. 736

21 see G.D. 7.61a

SECTION 2

LEGAL ACTS IN THE GOVERNANCE OF THE SOCIETY

2.1. CONCEPT OF A LEGAL ACT

2.1.1. A legal act is, in the strict sense, a free and voluntary act of the person, to which the law recognises certain legal effects. A juridical act that is regularly performed is presumed to be valid. Canon 124 specifies the conditions for validity; the act must: a) be made by a person with capacity. This capacity is understood ‘*ex iure naturae*’ as his capacity to hear and act; b) have the constituent elements which are essential to it; and c) comply with the formalities and requirements imposed by the law.

2.2. NULLITY OF A LEGAL ACT & NON-EXISTENT LEGAL ACT

2.2.1. A juridical act is said to be non-existent if it is only apparent, devoid of juridical reality, due to the absence of an essential constitutive element on which its existence depends (example: a priestly ordination without imposition of hands and consecratory prayer²²).

2.2.2. Nullity refers to an act that only complies with part of the legal scheme and lacks an essential formality or requirement of the law.

A legal act is null and void when it is performed under the influence of serious and unjust fear, fraud, error or ignorance.

2.2.3. If they are made under the influence of grave and unjust fear or fraud, they are valid unless the law provides otherwise; and may be rescinded (=cancelled) by the judge’s award or at the request of the injured party.

For example, the law may expressly provide that it annuls or invalidates the juridical act performed in the case of: - elections²³ ; renunciation

22 cf. Vatican II, Apostolic Constitution on the Sacrament of Holy Orders, *Sacramentum Ordinis*, no. 5, AAS, vol. XL [1948], pp.5-7

23 cf. canon 172, §1, 1°, C.I.C.

of an ecclesiastical office by serious and unjust fear²⁴ ; admission to the novitiate under the influence of violence, serious fear or fraud²⁵; temporal and/or perpetual religious profession under the influence of violence, serious fear or fraud²⁶.

2.2.4. But if the act is the result of ignorance or error as to what constitutes the substance of the act or what amounts to a *sine qua non*, the act is void; otherwise it is valid, unless otherwise provided by law. Any act performed in error or ignorance may give rise to a rescisory action (=action for nullity) under the law²⁷.

2.3. VALIDATION OF A LEGAL ACT

2.3.1. There is a legal mechanism for recovering the effectiveness of a legal act that has been deemed null and void. On the other hand, a non-existent act has no possibility of regaining its effectiveness.

2.3.2. An act that is invalid or void in itself requires a particular legal remedy called convalidation (*convalidatio*), by which it is validated by the competent authority.

2.3.3. Convalidation of a legal act can take several forms: simple convalidation, sanation and radical sanation:

- a) Simple convalidation can be done through a private or public renewal of the act in accordance with the canonical form. Example: a procedure carried out erroneously at a Council meeting, once discovered, can be repeated. In fact, the subject of validation is carried by the legal act repeated correctly and in accordance with the prescriptions of the law.

24 cf. canon 188, C.I.C.

25 cf. canon 643, §1, 4°, C.I.C.

26 cf. canon 656,4° & canon 658, C.I.C.

27 cf. canons 125-126, C.I.C.

b) Sanation is an action taken by the Holy See. Sanatio (which means cure) is retroactive. In effect, it removes the nullity of the act previously performed and thus makes it valid. Example: An invalid admission to perpetual vows due to incomplete counselling requires an intervention by the Holy See to validate the profession.

2.3.4. The Holy See grants radical sanation (*sanatio in radice*) when an invalid juridical act, discovered belatedly, results in subsequent related illegitimate acts. Example: the case of an invalid admission to first vows, discovered only at the time of the application for admission to perpetual vows, requires the sanation of the first profession, of the renewals of vows and of the entire period during which it was considered that the person had legitimate vows. In the case of an invalid election to office, all legal acts performed by the person in office require sanation, including his election.

2.3.5. The Holy See is the competent authority for the sanctioning of juridical acts concerning matters of universal law and of our Constitutions by virtue of their approval by the Holy See, and is competent for the sanctioning of impediments related to the reception of sacred orders and the profession of vows.

2.3.6. For the validation of legal acts relating to the Society's own law (General Directory, Statutes of the units), the competent authority is the Superior General.

2.3.7. When it comes to sacramental activities (in case of common error of fact or law, as well as in case of positive and probable doubt of law or fact) the Church supplants the executive power of government both in the external and internal forum (= supplet Ecclesia)²⁸. The substitution of the executive power ensures that the act carried does

28 cf. canon 144, C.I.C.

not lack validity or effectiveness, even though it is carried by the holder of an office without having the competence to do so. The reason for this provision lies in the Church's desire to guarantee the good of persons when the invalidity of the act would be due to error or doubt and not to ignorance of the applicable law or fraud. However, these circumstances cannot be referred to the power of order as such. For example, the substitution cannot in any case concern the lack of power in sacramental absolution given by a lay person²⁹.

2.4. VOTING PROCEDURE: CONSENT OR ADVICE OF A COUNCIL

2.4.1. Chapter Seven of our Constitutions explains the nature and importance of councillors to major superiors, and specifies the cases in which superiors must have the *consent* or *advice* of their advisors for certain legal acts. The following points attempt to clarify the procedure. The terms *deliberative vote* and *advisory vote* have been avoided here and replaced by the simplified terminology of *consent* and *advice*.

2.4.2. In the event of a legal requirement to obtain the consent or opinion of the members of a council before validly carrying out an act, the major superior is obliged to:

- a) Where consent is required: convene the Board and obtain the consent of an absolute majority of those present by vote³⁰.
- b) When advice is required: convene the council (unless otherwise specified in the particular law) and ask for the opinion of all; even if he is not legally bound to follow it, even if it is unanimous,

29 cf. Patrick Valdrini & Emile Kouveglo, *Leçon de droit canonique. Community, Persons, Government*, ed. Salvator, Paris, 2017, p.392-393.

30 cf. canon 166, C.I.C.

although wisdom and prudence may place him under a moral obligation to do so. He will not deviate from it without an overriding reason to do otherwise, especially when opinions are in agreement. The validity of such a provision is obvious. The legislator intended that the superior's judgement should be informed, when making his decision, by that of other persons deemed competent.

2.4.3. If the superior has not obtained the required consent, because the Council was not convened or legitimately convened, or has voted against it, the superior shall perform an invalid act, which cannot be validated by a subsequent consent.

2.4.4. In view of the responsibilities entrusted to him/her, the superior is a natural and individual person, independent of the council. The function of the council is to assist the superior in the exercise of his duties. Therefore, although he works with his council, he is not a member of it and does not vote when the *consent* or *advice of* the board is sought.

When the law establishes that the superior needs the consent of his council, he cannot add his vote to break a tie. That is to say, he is not entitled to vote with the other members of the council, not even to determine the parity of votes³¹.

In the Society of the Divine Saviour, the only case in which the superior must vote in the council is when the Superior General and the council are obliged to act collegially in the decision to dismiss a professed religious³².

31 cf. response of the Pontifical Commission for the Interpretation of Legislative Texts (of 1 August 1985 in AAS 77 [1985] 771); cf. *Communicationes*, vol. XVI, 2, 1985, p. 262.

32 cf. canon 699, §1, C.I.C.

2.4.5. In doubtful cases or where a gap in the law appears to exist, the presumption is on *notice* rather than *consent*, unless the contrary can be established.

2.4.6. *Convening of meetings.* This matter is dealt with in Canon 166, C.I.C. The Salvatorian legislation does not specify how councils should be convened. This can be done in different ways: by letter, by fax, by e-mail, by telephone, by a decision taken at a previous meeting etc. Make sure that all are convened.

2.5. RULES, ORDINANCES, RECOMMENDATIONS AND RESOLUTIONS ³³

The General Chapter, which is the supreme authority of the Society, establishes according to its competence the following legal acts:

- a) **The rules:** which are the laws of the Society;
- b) **Ordinances:** which are directives that are binding on the whole Society during a particular term. They are binding and not debatable as to their execution.
- c) **Recommendations:** which are guides on a particular issue during the period of a mandate; they can be implemented as far as possible.
- d) **Resolutions:** which are exhortations for the period of a mandate.

³³ cf. const. 707a

SECTION 3

FORMATION

3.1. PREAMBLE

3.1.1. On the subject of initial formation, the latest version of the *Ratio Fundamentalis Institutionis Sacerdotalis* states: “It concerns the time preceding priestly ordination, from the beginning of the preparatory period, which is an integral part of it. It must therefore be characterised by the contents of formation which prepare the seminarian for the priestly life. This requires a patient and rigorous work on the person, open to the action of the Holy Spirit”³⁴ .

With regard to ongoing formation, *RFIS* states that “it is an essential necessity in the life and ministry of every priest; in fact, the interior attitude of the priest must be characterised by a permanent availability to the will of God, following the example of Christ. This implies a continuous conversion of heart, the ability to read life and events in the light of faith and, above all, of pastoral charity, for a total gift of self to the Church according to God’s plan”³⁵ .

3.1.2. The reception of candidates and the formation of religious are dealt with in canons 641-661, C.I.C. and in the Instruction issued by the Holy See, *Potissimum Institutionis*, 1990, which further clarifies and explains the existing norms. In this perspective, it will be beneficial for us to refer with great interest, to the aforementioned document of the Congregation for the Clergy, namely the *Ratio fundamentalis institutionis sacerdotalis*, published in the *Osservatore romano* of 8 December 2016.

For Salvatorian legislation, see chapter six of the Constitutions and General Directory, as well as the formation handbook of the Society

³⁴ Congregatio pro Clericis, *Ratio fundamentalis institutionis sacerdotalis*, published in the *Osservatore Romano* of 8 December 2016, no. 55.

³⁵ *RFIS*, n°56

of the Divine Saviour, the *Ratio Formationis Salvatorianae*, published in 2021.

3.2. POSTULATE OR APPLICATION

3.2.1. The universal law of the Church mentions neither postulancy nor candidacy, but lists the requirements for admission to the novitiate: age, health, suitable disposition, maturity, sufficient qualities, including knowledge of the candidate and adequate preparation³⁶.

3.2.2. The General Directory requires norms for the preparation of candidates for the novitiate. Each Unit will establish the details of this preparation³⁷. The *Ratio Formationis Salvatorianae*, provides essential elements concerning the stage of candidacy: the description, objectives, means of formation, pedagogical indications and criteria of discernment³⁸.

3.2.3. It is the major superior or his delegate who calls the candidates to the pre-novitiate preparation. There are no fixed procedures, but this should be done in writing so that there is an official record of the fact.

3.3. NOVITIATE

3.3.1. The essential elements of this stage of the novitiate are described in the *Ratio Formationis Salvatorianae*. It describes the objectives, the means of formation, the pedagogical indications and the criteria for discernment³⁹. The *RFS* also presents in an appendix a model of personal petition for entry into the novitiate⁴⁰.

36 cf. canon 642, C.I.C.

37 see G.D. 6.3

38 cf. *Ratio Formationis Salvatorianae. Called to be Apostles of the Divine Saviour*, Society of the Divine Saviour, Rome, 2021, pp.60-64

39 cf. *R.F.S.*, pp. 64-69

40 cf. *R.F.S.*, p. 102

3.3.2. The major superior admits a candidate to the novitiate with *the consent* of his council. The candidate's application and admission by the major superior should be in writing⁴¹ .

Applicants should agree; see Canon 642, C.I.C., regarding the conditions required by universal law. Obstacles to validity are listed in Canon 643, C.I.C., prohibitions in Canon 644, C.I.C., and the documentation required in Canon 645, C.I.C.

3.3.3. The Superior General, with *the consent* of his council, establishes, transfers or suppresses a novitiate at the request of the major superior⁴² .

At the request of the major superior, the Superior General may, with *the consent* of his council, authorize a novice to complete his novitiate in another house of the Society⁴³ .

3.3.4. The major superior may authorize a group of novices to reside for a certain period in a Salvatorian house other than the novitiate house⁴⁴ .

3.3.5. To be valid, the novitiate must include twelve months spent in the novitiate community. One or more periods of apostolic activity outside the novitiate may be added to this twelve-month period⁴⁵ .

3.3.6. A novitiate is invalidated by an absence from the novitiate house of more than three months, continuous or otherwise. Any absence of more than fifteen days must be made up⁴⁶ .

3.3.7. The major superior may extend the novitiate for a period not exceeding six months in the case where the identity of a novice is in doubt⁴⁷ .

41 see const. 612

42 cf. const. 723 j

43 cf. canon 647, §2, C.I.C.

44 cf. canon 647, §3, C.I.C.

45 cf. canon 648, C.I.C.

46 cf. canon 649, C.I.C.

47 cf. canon 653, §2, C.I.C.

3.3.8. The Novicemaster is appointed by the major superior, with *the consent of his Council*⁴⁸ .

48 cf. const. 614, 615, 616 & 734 a. 2

SECTION 4

RELIGIOUS PROFESSION

4.1. FIRST PROFESSION

4.1.1. The major superior, with the consent of his council, admits to the profession⁴⁹.

Before the novice is admitted to first profession, he must make a written request to the major superior⁵⁰. The major superior and his council examine the request, taking into account the opinion of the novice master and the superior of the novitiate community and his councillors if applicable.

4.1.2. The major superior may allow an early first profession, but not more than 15 days⁵¹.

The profession is received by the major superior or his delegate. The first profession should be a very simple ceremony, subject to little publicity⁵².

4.1.3. The conditions of validity of the novitiate are listed in Canons 646-653 C.I.C.

4.2. RENEWAL OF VOWS

4.2.1. The total period of temporary profession must be a minimum of three years and must not exceed six years. For valid reasons, an additional extension may be granted by the major superior, but the nine years must not be exceeded⁵³.

4.2.2. The renewal must take place on the day on which the period in which the previous profession took place ends. There must be no interval.

49 cf. const. 734 a. 1

50 cf. *R.F.S.*, appendix 2-4 model of personal application for the first profession, p.103

51 cf. canon 649, §2, C.I.C.

52 cf. *Ordo Professionis religiosae*, no. 5

53 cf. canon 657, §2, C.I.C; G.D. 6.10

Nevertheless, it may be brought forward by up to three months, with the consent of the major superior.

The major superior, with *the consent of* his council, admits to the renewal of vows⁵⁴.

4.2.3. Before being admitted to the renewal of vows, the candidate who has made temporary profession must make a written request to the major superior⁵⁵.

The major superior and his council examine the request taking into account the opinion of the rector of the scholastics, the judgement of the formation team and, if applicable, the opinion of the superior of the house and his councillors.

4.3. PERPETUAL PROFESSION

4.3.1. The major superior, with *the consent of* his council, admits to perpetual profession those Salvatorians who have completed the period of temporary profession, have freely requested it and have been judged suitable⁵⁶.

4.3.2. Before a member who has made temporary profession is admitted to perpetual profession, he must make a written request to the major superior.

The major superior and his council examine the request taking into account the opinion of the rector of scholastics, the judgement of the formation team and, if applicable, the opinion of the superior of the community and his councillors.

54 cf. const. 734 a. 1

55 cf. *R.F.S.*, appendix 2.9 Model for renewal of vows or perpetual profession, p.107

56 cf. canon 657, C.I.C; Const. 734 a. 1, D.G. 6.11

4.3.3. With the permission of the major superior, perpetual profession may be brought forward by up to three months⁵⁷. The conditions of validity are listed in Canon 658, C.I.C.

4.4. OTHER GENERAL STANDARDS

4.4.1. For each first profession, renewal of vows or perpetual profession, a record will be drawn up in duplicate and signed separately: one copy will be kept in the Unit's archives and the other will be sent to the Secretary General within one month⁵⁸.

The official registration is signed by the member receiving the profession and the member performing the profession.

The major superior or the person in charge shall send all the necessary information to the church where the professed member was baptised so that *perpetual profession may be* recorded in the register of the baptised⁵⁹.

4.4.2. A Salvatorian residing in a Unit other than the one to which he belongs juridically depends on his own major superior of the Unit of origin in all matters concerning the admission to vows (both temporary and perpetual), the ministries of lector and acolyte and sacred orders. In these matters, his own major superior will seek the necessary information from the host Unit where the confrere lives.

4.4.3. Before first profession, the novice must cede the administration of his present and future properties and make arrangements for their use and

57 cf. canon 657, §3, C.I.C.

58 cf. R.F.S., appendix 2.8 Model of Notification of First Profession, p.106; appendix 2.15. Model of Notification of Renewal of Temporary Profession, p.114; appendix 2.16 Model of Notification of Perpetual Vows, p.115.

59 cf. canon 535, §2, C.I.C.

usufruct⁶⁰. Before perpetual profession he must draw up a will valid under civil law⁶¹.

4.4.4. A candidate wishing to change his status from lay to clergy or vice versa must make a written request to his major superior. For such a decision, the major superior needs *the consent of* his council (no legislation in this area).

60 see const. 317

61 cf. const. 318; cf. RFS, Annexes 2.12; 2.13; 2.14, Model Last Will and Testament, pp. 111-113

SECTION 5

MINISTRIES AND HOLY ORDERS

5.1. MINISTRIES: LECTOR AND ACOLYTE

5.1.1. The major superior admits to the ministries of lector and acolyte. He must have *the advice of* his council (no legislation in this area).

5.1.2. The application for admission to the ministries of lector and acolyte is addressed in writing to the major superior by the candidate⁶².

The major superior and his council examine the request taking into account the opinion of the rector of the scholastics and the judgement of the formation team.

5.1.3. These ministries may be conferred by the major superior or by the bishop, according to the rite of *De Institutione Lectorum et Acolytorum*. The major superior may delegate another priest to perform the ceremony.

5.2. HOLY ORDERS: DIACONATE AND PRESBYTERATE

5.2.1. General conditions:

- a) The major superior admits to the diaconate and the priesthood⁶³. He needs the *consent of* his council.
- b) Dimissorial letters are to be issued by the major superior⁶⁴. They must contain the details required by law in Canon 1052, §2, C.I.C.
- c) Before being promoted to the diaconate or presbyterate, the candidate must address to the major superior a written request in his own hand. It must contain an explicit declaration that he will

⁶² See RFS, Annex 2.17 Model application for admission to ministries, p. 116.

⁶³ cf. const. 734, a. 1

⁶⁴ cf. R.F.S., appendices 2.22 & 2.23 Model dimissorial letter for the diaconate, pp.121-122; appendices 2.26 & 2.27. Model dimissorial letter for the presbyterate, pp.125-126.

dedicate himself freely, spontaneously and forever to the ecclesiastical ministry⁶⁵.

- d) The major superior and his council examine the request taking into account the opinion of the rector of the scholastics, the judgement of the formation team and, if applicable, the recommendation of the superior of the house and his councillors.
- e) The certificate referred to in Canon 1051, C.I.C. from the person responsible for the candidate's formation and concerning the character and qualities of the candidate may be drawn up by the rector of the scholastics or the rector of the seminary where the candidate has studied.
- f) As regards irregularities and impediments, see canons 1041 and 1042, C.I.C.
- g) After the ordination ceremony, two copies of the official act (the certificate of ordination) must be made, signed separately, one for the Unit's archives and the other to be sent to the General Secretary within one month. The major superior or the person responsible must also inform the parish where the newly ordained was baptized of the ordination so that it may be recorded in the baptismal register.

5.2.2. Special conditions:

5.2.2.1. Particularity for the diaconate

In addition to the conditions listed above (no. 5.2.1), the **following** are required

- a) certificates of completion of the fifth or penultimate year of

⁶⁵ cf. canon 1036, C.I.C.; cf. R.F.S., appendix 2.20. Model of a handwritten personal application letter before the diaconate, p. 119; appendix 2.25. Model of a handwritten personal statement before the presbyterate, p. 124.

- combined studies in philosophy and theology⁶⁶.
- b) certificates of baptism, confirmation and admission to the ministries of lector and acolyte⁶⁷.
 - c) to have reached the age of 23 years for those who aspire to the presbyterate, and 25 years for those choosing the permanent diaconate. A dispensation concerning age is reserved to the Holy See when it is a question of anticipating ordination by more than one year⁶⁸. For an anticipation of less than one year, dispensation may be granted by the major superior.
 - d) The exercise of the ministries during an appropriate period of time (decided by the major superior) respecting an interval of six months between the granting of the ministry of acolyte and the diaconate. In particular cases, the Superior General may grant a dispensation to shorten the interval.
 - e) A retreat of at least five days prior to ordination⁶⁹.

5.2.2.2. Particularities for the presbyterate

In addition to the conditions listed above, (no. 5.2.1), it is required

- a) a certificate of completion of studies⁷⁰.
- b) a certificate of reception of the diaconate issued by the ordaining bishop.
- c) to have reached the age of 25 years or the age specified by the Bishops' Conference. A dispensation of less than one year may be granted by the major superior; dispensation of more than one year is reserved to the Apostolic See⁷¹.

⁶⁶ cf. canon 250 & 1032, §1, C.I.C.

⁶⁷ cf. canon 1050, C.I.C.

⁶⁸ cf. canon 1031, C.I.C.

⁶⁹ cf. canon 1039, C.I.C.

⁷⁰ cf. canon 1050, C.I.C.

⁷¹ cf. canon 1031, C.I.C.

- d) a certificate of at least six months of exercise of the ministry of the diaconate⁷² , but in particular cases the Superior General may shorten this period.
- e) A retreat of at least five days prior to ordination⁷³.

72 cf. canon 1031, C.I.C.

73 cf. canon 1039, C.I.C.

SECTION 6

APPOINTMENTS & DISMISSALS

6.1. APPOINTMENTS AND DISMISSALS WITHIN THE SOCIETY

6.1.1. Appointments

6.1.1.1. The requirement of writing: All appointments must be made in writing and must be preceded by appropriate consultations.

6.1.1.2. Appointment of a local superior: With *the consent* of his council, the major superior appoints or approves the election of the local superior, a Salvatorian priest who has made perpetual profession. His term of office is three years. He may be appointed for a second term of three years. A third term requires the authorisation of the Superior General with *the consent* of his Council. The written request to the Superior General must mention the serious reasons for the request and the result of the consultation carried out within the community⁷⁴.

6.1.1.3. The appointment of a brother with perpetual vows:

- a) a brother in perpetual vows may be appointed local superior according to our rules by the Superior General with the consent of his council.
- b) a brother in perpetual vows may be appointed a major superior according to our rules, after having obtained confirmation through a written license from the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life, at the request of the Superior General with the consent of his council.
- c) a brother in perpetual vows may be appointed Superior General according to our rules, after having obtained confirmation through a written license from the Holy See, i.e. from the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life⁷⁵.

⁷⁴ see const. 738 & 723 k.

⁷⁵ cf. Francis, *Rescriptum ex audientia*, in Osservatore Romano of 18 May 2022, p. 6.

6.1.1.4. Appointment of vicars of local superiors, local councillors

and local treasurers: They are appointed or elected according to the terms of the Statutes of the Units. The term of office is three years, renewable twice, but if the term of office of the local superior comes to an end, their function falls (no legislation in this area).

Normally, the functions of the local superior and the treasurer should not be combined⁷⁶.

6.1.1.5. The appointment of the novice master and the members responsible for initial formation:

The major superior, with *the consent* of his council, appoints the novice master and the members responsible for initial formation⁷⁷.

6.1.1.6. Appointment of a member to a local community:

The major superior, following *the advice* of his council, assigns each member to his local community and apostolate⁷⁸.

6.1.1.7. Substitutes:

A major superior may, for a serious reason and with the advice of his council, designate a substitute for a superior or other official, particularly if the absence or inability to act is of long duration.

6.1.2. Revocation:

- For a just and urgent reason, a General Councillor may be dismissed by the Superior General with the consent of all the other Councillors. A two-thirds majority is required⁷⁹.

- For a just and urgent reason, the General Treasurer may be dismissed from his office by the Superior General with the consent of his Council⁸⁰.

76 See D.G. 7.75

77 cf. const. 614, 616, 734 a. 2

78 cf. const. 734, b. 1

79 see const. 722

80 see const. 722

- For serious reasons, a major superior may be removed from office by the Superior General with the consent of his Council⁸¹ .
- In case of dismissal of the Superior General, the norms of the universal law of the Church are followed.
- At the level of each Unit, the dismissal of a religious from office is the responsibility of the major superior and his council, according to the provisions of the statutes of the Unit.

6.2. APPOINTMENT AND DISMISSAL FROM DIOCESAN OFFICE

6.2.1. Appointment : According to canon 682, §1, C.I.C., if it is a question of an ecclesiastical office to be conferred on a religious in a diocese (for example: the office of parish priest, vicar, treasurer, chancellor, judicial vicar, vicar apostolic, notary, archivist, member of the college of consultors, chaplains, school director, etc.): it is the diocesan bishop who appoints the religious on the presentation of the competent superior. The major superior, with *the advice of* his council, presents the suitable candidate for the office to be filled.

6.2.2. Revocation: With regard to the dismissal of a religious from an ecclesiastical office entrusted to him by the bishop, the principle mentioned in canon 682, §2, C.I.C., applies. In fact, the religious can be dismissed from the office either by the bishop who entrusted the office, while notifying the religious superior. Or he may be dismissed by his religious superior, notifying the bishop who entrusted the office.

NB. Only the notification is sufficient. The consent of either party (Bishop/ Religious Superior) is not required.

⁸¹ see G.D. 7.37

SECTION 7

TRANSFER OF MEMBERS TO ANOTHER UNIT

7.1. PREAMBLE

The Society is organised into Units which are the Provinces, Pro-Provinces and Vicariates. Unless otherwise indicated, all references to Provinces in the Constitutions, General Directory and in the present administrative handbook, are applicable to the Pro-Provinces⁸².

7.2. TEMPORARY TRANSFER TO A UNIT

7.2.1. Before a Salvatorian is appointed to an apostolate in another Unit or undertakes a particular ministry in the territory of another Unit, a written agreement or contract must be drawn up between the two major superiors and the Salvatorian concerned. This contract includes the duration of the transfer, the exact description of the task to be performed, provisions for termination and any other relevant information⁸³. (see annex 5)

7.2.2. If a Salvatorian is obliged to reside for more than a few months in the territory of another Unit for reasons of study, continuing education, advanced age, ill health or similar, his major superior will inform the major superior of the receiving Unit.

7.2.3. A Salvatorian residing in a Unit other than the one to which he legally belongs, depends on his own major superior in matters of vows (both temporary and perpetual), separation from the Society in any form, the ministries of lector and acolyte, and holy orders.

7.2.4. Salvatorians will have the right to active and passive voting in the Unit in which they reside and work, as long as they are under contract. No Salvatorian will have the right to active voting in more than one

82 see const. 731

83 see G.D. 7.66

Unit. He retains the right to passive voting in his Unit of origin unless the contract specifies otherwise⁸⁴.

7.3. FINAL TRANSFER TO A UNIT

7.3.1. Our rules refer to the notion of permanent transfer (i.e. permanent incorporation) of a member from one Unit to another under Article 7.66 of the General Directory.

7.3.2. A major superior may incorporate a member of another Unit into the Unit over which he has jurisdiction. The approval of the member concerned is required as well as that of the major superior of his Unit of origin. The member must have worked in the receiving Unit for a reasonable period. The *consent of* the Councils of both Units is required.

7.3.3. The member and the two superiors sign the final transfer document. A copy is kept by each of the parties concerned and a copy is sent to the General Secretariat.

84 See G.D. 7.2.a

SECTION 8

COMMUNITIES

8.1. STRUCTURE AND OPENING OF NEW COMMUNITIES

- 8.1.1. Units are organised into communities of six or more members. If a community is expected to have fewer than six members for a long period of time, it must be joined to another community⁸⁵. The permission of the Superior General and *the consent of his Council* are required⁸⁶. He may appoint a coordinator for this house if he deems it desirable.
- 8.1.2. In a **Province**, a religious house may be established by the Provincial Superior with the consent of his Council (no legislation in this specific area) after consultation with the Generalate⁸⁷. The prior written *permission* of the local Ordinary is required for the establishment of a house of the Society⁸⁸.
- 8.1.3. For a **Pro-province** the permission of the Superior General and the consent of his council is required for the establishment and suppression of houses⁸⁹.

8.2. ABSENCE FROM THE COMMUNITY

- 8.2.1. The term “absence from the community” is used to describe the status of a religious who has been granted permission to reside outside a house of the Society for an extended period of time⁹⁰. An absence exceeding six months is normally considered to be a prolonged absence. Permission to be absent from the community, not to be confused with exclaustation (cf. section 9), in no way places the religious in

85 see const. 738

86 see G.D. 7.35 k

87 see G.D. 7.59 d

88 cf. canon 609, §1, C.I.C.

89 see G.D. 7.60

90 cf. canon 665, §1, C.I.C.

a particular category. It may be granted to those who have taken temporary vows as well as to perpetually professed religious, whereas exclaustation is not granted to religious professed in temporary vows.

8.2.2. The reasons for requesting and granting this permission are :

- a) personal reasons left to the prudent judgment of the superior;
- b) reasons of health, physical or mental, of the religious person ;
- c) study reasons ;
- d) reasons of apostolate exercised on behalf of the Society.

If the reasons for granting this permission are not given above, the major superior may consider whether an exclaustation indult to be requested from the Superior General is justified⁹¹.

8.2.3. The religious shall personally request permission in writing, specifying the reasons for the request.

The major superior, with the consent of his council, may grant permission to stay outside the community, but not for more than one year, except for the reasons mentioned in the previous point b to d (health, studies or apostolate carried out in the name of the Society)⁹².

8.2.4. At the end of the period for which permission has been granted or when the competent superior so decides, the absent religious is obliged to return to his community.

8.2.5. The religious who has obtained this authorisation retains all the rights and obligations of a member of the Society. The authorisation

91 cf. canon 686, C.I.C.

92 cf. canon 665, §1, C.I.C.

may, by its nature, imply a release from certain norms incompatible with the situation of the absent religious.

8.2.6. The right to active and passive voting remains intact. In exceptional cases, and not only in the case of absence for personal reasons, this right may be limited. In this case, the limitation and the reasons for it may be notified in the decree granting the authorisation.

SECTION 9

SEPARATION OF A MEMBER FROM THE SOCIETY

9.1. TEMPORARY EXIT

9.1.1. Simple exclaustation

9.1.1.1. This is a temporary separation of a religious professed in perpetual vows, requested by him, for a serious reason. The Superior General, with the consent of his council, may grant an indult of exclaustation for a period not exceeding five (5) years. The Apostolic See may extend the indult granted by the Superior General or grant one for a period of more than five (5) years from the beginning⁹³.

9.1.1.2. Documentation to be sent to the Superior General by the major superior :

- a) the request of the religious, specifying the serious reasons;
- b) the applicant's *curriculum vitae* ;
- c) duration of the requested exclaustation ;
- d) place of residence of the religious during the exclaustation ;
- e) the recommendation of the major superior with the *consent of his council*;
- f) where the applicant is a priest or deacon, a letter from the Ordinary welcoming him to his diocese as a simple resident or with certain pastoral responsibilities.

9.1.1.3. The excluded religious is exempted from obligations incompatible with his situation, for example, the requirements of a community life, the daily schedule, the request for leave, etc.

He remains subject to and dependent on the responsibility of his superiors. Particularly if he is a priest or deacon, he is also subject to

93 cf. canon 686, §1, C.I.C.; cf. Francis, *Motu proprio Competentias quasdam decernere*, of 11 February 2022, n°5.

the local Ordinary with regard to pastoral ministry. The exclaustated religious is not exempt from the observance of the vow of chastity.

However, he is deprived of active and passive voices⁹⁴ .

9.1.2. Imposed exclaustation (*ad nutum Sanctae Sedis*)

9.1.2.1. This is neither desired nor requested by the exclausted religious, but is imposed when very serious reasons require it in relation to the personal or community requirements of religious life.

9.1.2.2. The documentation is prepared by the major superior, as mentioned above (cf. 9.1.1.2). When the major superior has obtained the consent of his council, he sends the documentation to the Superior General.

9.1.2.3. The Superior General, with *the consent* of his council, presents the case to the Apostolic See, asking that exclaustation be imposed. The indult has the same effect as a simple exclaustation. Other effects may be added in the indult⁹⁵ . (cf. Appendix 6)

9.2. DEFINITE EXIT

9.2.1. Preamble

9.2.1.1. Exit is definite when the religious personally and freely requests permission to leave religious life and this permission is granted with the appropriate dispensations.

9.2.1.2. « Serious » reasons are required for dispensation from temporary vows, and “very serious” reasons for dispensation from perpetual vows⁹⁶.

94 cf. canon 687, C.I.C.

95 cf. canon 686, §3, C.I.C.

96 cf. canon 688, §2 & canon 691, §1, C.I.C.

9.2.2. Exit with dispensation from temporary vows.

9.2.2.1. The Superior General, with *the consent of* his council, grants the indult of dispensation from temporary vows⁹⁷.

9.2.2.2. The documents to be sent to the Superior General are

- a) the written request of the religious person concerned, with a detailed explanation of the reasons ;
- b) the recommendation of the major superior and *the consent of* his council (no legislation in this area).

9.2.3. Exit with dispensation from perpetual vows.

9.2.3.1. The Apostolic See grants the indult of dispensation from the perpetual vows of religious, through the intermediary of the Superior General⁹⁸ . To present the request to the Apostolic See, the Superior General needs the *consent of* his council⁹⁹ .

9.2.3.2. Documents to be sent to the Superior General by the major superior:

- a) The written request of the religious concerned, addressed to the Holy Father, explaining the very serious reasons, to be weighed before the Lord, which justify the request. It is not enough to give general reasons such as “I do not feel called to the religious life” . Real and detailed reasons must be given.
- b) The *Curriculum Vitae* of the religious updated to the date of application.
- c) Any other useful documents such as formators’ views, medical or psychological reports etc.

97 cf. const. 723 e

98 cf. canon 691

99 cf. const. 723 e

- d) The recommendation of the major superior with the *consent of his council*.

9.2.4. Transfer from one religious Institute to another.

9.2.4.1. When a perpetually professed religious wishes to transfer from one congregation to another, the superiors general of the congregations concerned may grant permission for the transfer¹⁰⁰.

9.2.4.2. The religious's major superior shall send to the Superior General :

- a) the letter of request from the religious;
- b) the applicant's *curriculum vitae*;
- c) other relevant information that may lead to a better understanding of the case;
- d) the recommendation of the major superior (of the Unit of origin) with the consent of his council;
- e) the concession of the Superior General with the consent of the General Council of the congregation in which the religious wishes to test his vocation.

9.2.4.3. Probationary period

- a) A probation (not a novitiate) will be for a minimum of three years. For a religious entering the Society, the conditions of probation will be specified by the Superior General, taking into account the *advice of his council*¹⁰¹.
- b) During probation, the religious is obliged to submit to the law of the new institute. With the exception of the vows, his previous rights and obligations are suspended.
- c) At the end of probation, the religious is admitted to perpetual profession by the major superior. If he is not admitted or if he

100 cf. canon 684, §1, C.I.C.

101 cf. canon 684, §§2,4, C.I.C.

does not wish to take his perpetual vows, he must return to his own institute.

- d) This probation is interrupted when: the individual concerned returns to his own institute or when he applies for secularisation through his original institute.

9.2.5. Transfer from a religious Institute to a secular Institute or a Society of Apostolic Life and vice versa:

9.2.5.1. Such a passage requires the authorisation of the Holy See¹⁰².

9.2.5.2. The major superior shall prepare and send the appropriate documentation to the Superior General, as stipulated above (cf. no. 9.2.4.2). The Holy See then defines the instructions to be followed.

9.2.6. Transfer from the Society to a diocese: Incardination

9.2.6.1. In case of a priest:

- a) When the applicant is a priest, a *written statement from the bishop* who welcomes him into his diocese, whether he is incardinated immediately or *on a trial basis, must be* added to the above-mentioned documents (cf. no. 9.2.3.2)¹⁰³.
- b) In the case of acceptance *on probation*, the religious priest would be automatically (*ipso iure*) incardinated into the diocese after five years.
- c) If during or at the end of these five years the bishop refuses to keep him, the religious must return to the Society or find another bishop who will accept him, in which case a new application must be made as described above.

102 cf. canon 684, §5, C.I.C.

103 cf. canon 693, C.I.C.

9.2.6.2. In case of a deacon :

- a) When the applicant is a deacon, the documents mentioned above (cf. no. 9.2.3.2) must be presented and the reason for the request must be well motivated.
- b) If the request is made solely to be dispensed from religious vows and not from the diaconate, it becomes an incardination into a diocese and the procedure described in the previous point (cf. no. 9.2.3.3) will apply.

SECTION 10

DISPENSATION FROM CLERICAL OBLIGATIONS AND CELIBACY

10.1. PREAMBLE

10.1.1. This dispensation is granted by the Holy See, upon the voluntary request of a deacon or priest through the Dicastery for the Clergy, and includes the dispensation from perpetual vows. (cf. Appendix 1)

Before presenting the request to the Holy See, the competent superiors shall use all possible means to persuade the cleric to return to the active exercise of the ministry.

The Church does not consider this exemption as a right, nor as an almost automatic result of a summary administrative process.

Although pastoral aspects should be taken into consideration, the formalities of the procedure emphasise the legal aspect, and the grounds for dispensation must be based on solid arguments.

10.1.2. With some exceptions, the Holy See generally considers only two reasons for such an exemption:

- a) Those who should never have been ordained deacon or priest because the necessary freedom or responsibility was lacking or because the competent superiors were unable, at the time concerned, to make a prudent and appropriate judgement as to whether the candidate was suitable to lead a life of perpetual celibacy consecrated to God.

NB. The necessary freedom and responsibility seem to be lacking when:

- There is pressure (not only physical) from individuals or family, formators etc.
- A person has hidden roots in their personality that explain or cause the present difficulties.
- He was ordained against the advice of his spiritual director, during a moral crisis, during difficulties concerning faith etc.

If the case is rejected for lack of sufficient evidence and new arguments

cannot be found, the case may be reintroduced after a certain period of time.

b) Those who have long since abandoned the presbyteral life and now long to remedy a situation from which they cannot escape.

10.1.3. With the Dicastery for the Clergy, which received certain special faculties from the Roman Pontiff on 30 January 2009, the Superior General may request, for example¹⁰⁴ :

The resignation from the clerical state “*in poenam*”, with the dispensation of clerical obligations, including celibacy, for clerics who have attempted marriage, even if only civil, and who, after monition, do not repent and persist in causing scandal¹⁰⁵ ; and of the cleric guilty of grave sins against the sixth commandment¹⁰⁶ .

- In case of serious external violation of a divine or canonical law and when there is an urgent need to prevent or repair scandals.

- A rescript declaring the loss of the clerical state, with dispensation from the priestly obligations, including celibacy, of the cleric who has voluntarily and illicitly abandoned the ministry for a period exceeding five (5) consecutive years.

10.1.4. The *Instructor* is the person who prepares the case to be sent to the Superior General and then presented to the Dicastery for the Clergy. Normally this is the major superior, but he may delegate another person in writing.

10.1.5. The religious wishing to be dispensed from clerical obligations and from celibacy, first contacts his major superior. It is he who makes the formal written request for the dispensation. If the applicant cannot

104 cf. Congregatio pro Clericis, *Circular letter* Prot. N.2010 0823, of 17 March 2010

105 cf. canon 1394, §1, C.I.C.

106 cf. canon 1395, §§1-2; C.I.C.

deal directly with his major superior, he may ask the Ordinary of his place of residence to take charge of and consider the case.

The major superior, with *the consent* of his council, will judge whether the reasons are well-founded to go ahead and send the request to the Holy See (no legislation in this area).

If his opinion is favourable, he must suspend the religious from the exercise of holy orders unless the good of the cleric or the community requires otherwise.

10.2 INSTRUCTION OF THE CASE

10.2.1. The major superior shall ensure that the case is dealt with as soon as possible, either by himself or by a capable priest, duly delegated in writing: *the Instructor*. (cf. Appendix 2).

10.2.2. The major superior will then appoint a *Notary* whose task will be:

- a) to certify all the minutes of the trial (delegations, oaths, questioning of the plaintiff, questioning of witnesses or experts, vote of the instructor or major superior and of the bishop);
- b) to authenticate all documents which may be produced and particularly the accuracy of translation and transcription. He shall certify all this by his own signature at the bottom of each document and by the words “true copy of the original” where translation or transcription is concerned.

10.2.3. The *Instructor*, in the presence of the *Notary*, will ask the applicant all the relevant questions in the *Interrogation* (see Appendix 3). This *Interrogation* will include:

- a) the applicant’s oath to tell the truth;
- b) general information about the applicant: date and place of birth,

information about personal and family circumstances, habits, way of life, studies, date and place of ordination, curriculum of priestly or diaconal ministry, current legal status (ecclesiastical and civil) etc.

c) the reasons and circumstances for the abandonment of the clerical life as well as factors that may have negatively influenced the perception of clerical obligations.

10.2.4. Where the case is presented on the grounds mentioned in paragraph 10.1.2.a - lack of necessary liberty etc., the questioning should clarify all elements necessary or useful to complete the investigation and to clarify the reasons for the exemption. It is not necessary that all the questions listed in the template be asked, only those that are relevant to the particular case. Avoid unnecessary detail. Other questions may be added, depending on the needs of the case.

10.2.5. When the request is made on the grounds mentioned in paragraph 10.1.2.b, i.e. that the applicant has already abandoned the priestly ministry for a considerable period of time and wishes to remedy a situation from which he can no longer escape (civil marriage, children), it is not necessary to investigate his formation or state of mind at the time of his ordination. All that is required is his personally signed request for dispensation expressing his loyalty to the Church and his desire to make his marriage a sacrament, documents proving his present situation, the recommendation of the major superior, a statement from the local bishop that there is no danger of scandal, and a testimony that the applicant and his family live a life of good Christians. It is also necessary to present a document certifying that the woman according to the civil law of the applicant is canonically free to marry in the Catholic Church.

10.2.6. The *Instructor*, knowing the arguments and facts presented by the applicant, will question the witnesses called either by himself or designated by the applicant and summoned by the Instructor: relatives, friends, religious confreres, superiors, experts etc. It is very important to have the testimony of superiors from the time of the applicant's formation and internships and of experts in the fields of medicine, psychology etc. The purpose of these testimonies is to confirm or refute the reasons for the dispensation presented by the applicant.

10.2.7. In conclusion, *the Instructor* prepares his own judgment. Having all the documents available, he formulates his vote on the veracity of the material, indicating:

- a) what the superiors have done for the applicant;
- b) a judgment on the truth of the facts and the strength of the case for exemption;
- c) a judgement as to whether or not a scandal may arise as a result of the granting of the dispensation (e.g. a document '*de non timendo scandalo*' by the bishop of residence).

If the Instructor is someone other than the major superior, the latter must make his own judgement on these matters and record them in writing.

10.2.8. At the end of the process, all the acts in the file, collected and carefully bound, paginated and numbered, must all be authenticated by the Notary and sent to the Generalate for presentation to the Holy See. Four copies of the file must be sent (one for the General Archives and three for the Holy See). A copy is also kept in the Unit's archives.

NB. If some documents are handwritten, a typed transcript must be attached.

10.3. DOCUMENTS NEEDED FOR THE INVESTIGATION OF THE CASE

10.3.1. The file for the examination of a case for dispensation from the obligations of priesthood and celibacy¹⁰⁷ must contain:

- a) Letter of request from the priest concerned addressed, in a spirit of humility and penitence, to the Holy Father, summarising the main reasons which led him to defect and the reasons why he cannot retrace his steps to overcome the crisis and resume his ministry.

The application must be **signed by the** cleric who requests, together with the dispensation of obligations, the reduction to the lay state:

NB. This letter of application should be written in duplicate, one handwritten and one typed.

- b) A curriculum vitae of the person concerned in which, in addition to the most significant stages and dates of his life, formation and ministry, the reasons for his crisis and defection are recalled, explained and justified with greater depth and precision, and the possible reasons for considering it irreversible are highlighted. (The curriculum serves as an introductory libel to the cause, with the request for dispensation).

- c) A document summarising all the pastoral attempts made by religious superiors to dissuade the cleric from requesting a dispensation and the help given to facilitate the overcoming of the crisis, the return to the right path and the resumption of ministerial activity.

- d) A document showing that the cleric, having decided definitively to leave, was suspended from the exercise of the Sacred Order - avoiding any scandal and preserving his reputation - from the

¹⁰⁷ cf. *Codice di Diritto canonico commentato*, Ancora Editrice, Milano, 2022, annexes, p.633.

moment the request for dispensation was presented and accepted by his provincial superior.

- e) A decree appointing the Instructor of the cause and the Notary with the obligation to comply with the substantive norms issued by the DDE, on 14 October 1980 (AAS; LXXII [1980], pp.1132-1137).
- f) The interrogation of the cleric by the Instructor in the presence of the Notary and after having taken the oath of *veritate dicenda*, with specially prepared and relevant questions, especially with regard to the period of formation before Ordination, and with a more thorough investigation of all that relates especially to the reasons invoked and indicated in the curriculum as the reasons for the crisis, the defection and the irreversibility thereof.
- g) The questioning or testimony of witnesses indicated by the cleric or chosen by the instructor: the cleric's parents and relatives; his superiors and fellow students at the time of formation; his current superiors and fellow students, etc.
- h) Any medical, psychological or psychiatric expertise from the time of formation or even later.
- i) Copies of the Pre-Ordination Scrutinies and other relevant documents in the Archives of the formation houses.
- j) A personal and synthetic vote of the instructor on the merits of the Cause and the desirability or otherwise of granting the dispensation, taking into account not only the personal good of the cleric concerned, but also the universal good of the Church or Society of the Divine Saviour and of the souls who were entrusted to the ministry of the cleric concerned.
- k) A personal vote of the major superior both on the merits of the Cause itself from the reading of the acts he has received from the

Instructor, and on the possibility or desirability of the dispensation and the absence of scandal if it is granted.

- l) A general vote on the absence of scandal by the Ordinary of the place where, in fact, the cleric concerned has been living since leaving the ministry.
- m) Certified copy of the civil marriage certificate, if any, and of any declaration of nullity or divorce concerning the wife or cleric.

10.3.2. Documents required for the investigation of a cause for dispensation from the obligations of diaconal ordination and celibacy¹⁰⁸ :

- a) A letter of request signed by the deacon and addressed to the Supreme Pontiff in which the grace is explicitly requested and the reasons for requesting it are briefly mentioned.
- b) Curriculum vitae of the deacon, highlighting the severity and progression of events leading up to the crisis and any personal or other responsibilities.
- c) Vote of the major superior *pro rei veritate* and on whether or not to dismiss the clerical state and grant the dispensation.
- d) Some testimonies and statements from supervisors and confreres in formation and ministry.
- e) The archive documents relating to the period of formation and the report before admission to the diaconate.

10.3.3. Documents required for the instruction of a trial according to the special faculties of the *Dicastery for the Clergy*: For dismissal from the clerical state “*in poenam*” including dispensation from celibacy,

108 cf. *Codice di Diritto canonico commentato*, Ancora Editrice, Milano, 2022, annexes, p.634

because of an attempt of marriage; for grave sin against the sixth commandment; and for grave violation of the law¹⁰⁹ :

- 1°. Curriculum vitae and ordination certificate of the cleric.
- 2°. Copy of the formators' reports on the cleric before ordination to holy orders and other documents relating to the period of formation of the cleric.
- 3°. Report on the impossibility or extreme difficulty of following the ordinary, gracious or penal procedure, accompanied by documentation proving compliance with all the measures provided for in the code¹¹⁰ and the pastoral attempts made by the major superior to dissuade the cleric in contumacy.
- 4°. Decree of the major superior for the opening of the procedure *ex canon* 1720, containing the following elements: reference to the conclusion of the *investigatio praevia*¹¹¹; formulation of the accusation; appointment of the two assessors *ex canon* 1720, n.2; appointment of the instructor; appointment of the Notary.
- 5°. Instructional documents:
 - a) Interrogation of the cleric¹¹²;
 - b) (jointly or alternatively) an authentic statement by the cleric himself concerning his knowledge of the charges and evidence against him, and his willingness to persist in the unlawful conduct, without requesting a graceful dispensation from the obligations of holy orders, including celibacy¹¹³ ;
 - c) in the absence of the documents referred to in points (a) and (b),

109 cf. Congregatio Pro Clericis, *Circular Letter* Prot. N. 2010 0823, of 17 March 2010

110 cf. canons 1339; 1340; 1347 §1; 1331-1333, C.I.C.

111 cf. canon 1717-1719, C.I.C.

112 cf. canon 1728, §2, C.I.C.

113 cf. canon 1728, §2, C.I.C.

documentation proving the difficulty of locating the cleric or his refusal to accept the summons or to make the statement referred to in point 5(b)¹¹⁴;

d) the questioning or giving of evidence to witnesses, complainants and offended persons, accompanied by a copy of a duly served summons.

e) any other documents and expert opinions.

6°. Act concluding the investigation.

7°. Personal vote of the instructor on the progress of the instruction and his document of transmission of all the acts of the procedure to the major superior.

8°. Decree of the major superior ordering the session for the evaluation of the proofs¹¹⁵ with the citation of the assessors.

9°. Minutes of the session for the evaluation of proofs, signed by the major superior and the assessors.

10°. Personal vote of the major superior who organised the instruction of the cause.

11°. *Petitio* of the Superior General and transmission of the acts to the Holy See.

10.3.4. Document required to request a rescript declaring the loss of the clerical state, with dispensation from priestly obligations, including celibacy, of a cleric who has voluntarily and illicitly abandoned the ministry for a period of more than five (5) consecutive years (cf. n.99 of the present handbook)¹¹⁶ :

1°. Curriculum vitae and ordination certificate of the cleric.

114 cf. canon 1509-1511, C.I.C.

115 cf. canon 1720, no. 2, C.I.C.

116 cf. Congregatio pro Clericis, *Circular letter* Prot. N.2010 0823, of 17 March 2010

- 2°. Copy of the reports of the formators before the sacred ordination and other documents relating to the period of formation of the cleric.
- 3°. Report on the impossibility or extreme difficulty of following the ordinary, gracious or penal procedure, accompanied by documentation proving compliance with all the measures provided for in the code¹¹⁷, and the pastoral attempts made by the major superior to dissuade the cleric for voluntary abandonment of the ministry and illegitimate absence.
- 4°. Decree appointing the Instructor and the Notary.
- 5°. Decree of appointment of the Promoter of Justice, or citation of the Promoter of Justice permanently established in the diocesan court¹¹⁸.
- 6°. Instructional documents :
 - a) Questioning of the cleric.
 - b) (jointly or alternatively) an authentic statement by the cleric himself concerning his knowledge of the charges and evidence against him, and his willingness to persist in voluntary and unlawful absence from the ministry for more than five years, without requesting a graceful dispensation from the obligations of Holy Orders, including celibacy.
 - c) In the absence of the documents referred to in points 6 (a) and (b), evidence of difficulty in locating the cleric or of his refusal to accept the summons or to make the statement referred to in point 6(b)¹¹⁹
 - d) The examination or testimony of witnesses, accompanied by a copy of a duly served summons.
 - e) any other documents and expert opinions.

117 cf. canons 1339; 1340; 1347, §1; 1331-1333, C.I.C.

118 cf. canon 1430 and 1436, §2, C.I.C.

119 cf. canon 1509-1511, C.I.C.

- 7° Documents showing that a document has been served by post or other secure means (e.g. through a post office).
- 8° Document concluding the enquiry.
- 9° Personal vote of the Instructor on the progress of the appraisal and his document of transmission of all the acts of the appraisal to the major superior.
- 10° Vote of the Promoter of Justice.
- 11° A personal vote by the major superior who has had the case investigated, on the evaluation of the evidence and containing a description of the case and the legal and factual arguments relating to each accusation.
- 12°. *Petitio of* the Superior General and transmission of the acts to the Holy See.

10.4. INVESTIGATION PHASE IN THE HOLY SEE

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10.4.1. When the file reaches the Generalate, the Superior General, having ultimate responsibility for those leaving the Society, will study it with his council and give his own judgment. The reports are then presented to the Holy See.

10.4.2. The Roman Curia will discuss the case and decide :

- a) whether the process needs to be completed with additional information;
- b) whether the petition should be rejected for lack of merit;
- c) or if the authorisation can be granted.

The Roman Curia informs the Superior General of its decision, and the latter will communicate it to the major superior. If further information is requested, it should be provided as quickly and as fully as possible.

10.4.3. If the Holy Father grants the dispensation, a rescript will be issued and sent to the Superior General.

The Superior General sends the original of the rescript to the major superior for notification to the person concerned and keeps a copy of the rescript in the archives of the unit. A copy signed by the cleric who is the beneficiary of the rescript will be returned to the Dicastery for the Clergy.

10.4.4. The major superior shall also inform the following institutions of the date and place of the granting and notification of the rescript:

- a) the diocesan curia of the place where the applicant currently resides.
- b) the parish where the applicant was baptised.

SECTION 11

DISMISSAL AND RE-ENTRY INTO THE SOCIETY

11.1. THE THREE TYPES OF REFERRAL

11.1.1. *Ipso facto* dismissal.

11.1.1.1 **The *ipso facto* dismissal** of a religious occurs in the cases mentioned in Canon 694-§1:

- a) one who has notoriously departed from the Catholic faith.
- b) who has contracted or attempted to contract a marriage, even if only civil.

In such cases, the major superior with his council shall without delay pronounce a declaration of the fact, after having collected the proofs, and shall inform the Superior General¹²⁰, to whom he shall send, in the case referred to in b), a copy of the marriage certificate to be attached to the individual's personal file.

- c) one who has been illegitimately absent from the religious community for a period of twelve (12) successive months; and who in addition cannot be found¹²¹.

Conditions of validity of the declaration of dismissal *Ipso Facto* of a religious for illegitimate absence.

11.1.1.2. In the case of dismissal for illegitimate absence from the community, the declaration of *ipso facto* dismissal **must be confirmed** by the Holy See for its validity.

11.1.1.3. The act of recording and declaring the absence of the religious person must be **at least 12 months prior to** the declaration of *ipso facto* dismissal for this declaration to be valid and confirmed by the competent body.

11.1.2. Mandatory dismissal.

¹²⁰ cf. canon 694, §2, C.I.C.

¹²¹ cf. Francis, *Motu Proprio Communis vita*, of 19 March 2019; canon 694, §1, no. 3, C.I.C.

11.1.2.1. A Salvatorian is to be dismissed in the cases mentioned in Canon 695, § 1, C.I.C:

- a) the one who lives in concubinage or who persists with scandal in another external fault against the sixth commandment of the Decalogue.
- b) who, by violence, threat or abuse of authority, commits a crime against the sixth commandment of the Decalogue or forces someone to perform or undergo sexual acts.
- c) a person who commits homicide or who by violence or deceit abducts, detains, mutilates or seriously injures a person.
- d) one who provides an abortion if the effect follows.
- e) whoever has committed an offence against the sixth commandment of the Decalogue, with a minor under eighteen years of age or with a person having habitually an imperfect use of reason¹²².
- f) who recruits or induces a minor, a person of ordinary imperfect mind or a person to whom equal protection is accorded by law, to display pornography or to participate in real or simulated pornographic performances.
- g) whoever acquires, keeps, exhibits or divulges in an immoral manner, in any way or by any means, pornographic images of minors or of persons who habitually have an imperfect use of reason.

11.1.2.2. In the case of *delictum gravius* (cases of sexual abuse committed by a cleric on a minor or vulnerable person; cases of acquisition, conservation, disclosure of child pornography images by a cleric): the case must be dealt with according to the procedural norms of the DDF and VELM¹²³.

122 cf. canon 1398, C.I.C.

123 cf. *CDF, Vademecum on certain procedural points in the treatment of cases of sexual abuse of minors committed by clerics, of 5 June 2022*; cf. Motu Proprio of Pope Francis, *Vos Estis Lux Mundi (VELM)* of 25 March 2023.

NB. Apart from the case of concubinage, homicide, abortion, the major superior under the condition that the member is willing to correct himself, to retribute justice, and to repair the scandal, may consider that dismissal is not necessary and that other remedies can be used¹²⁴.

11.1.2.3. The Superior General or major superior and any member of the Society who has received a “*notitia criminis*”, i.e. information about a possible offence of sexual abuse of a minor committed by a Cleric of the Society (formal or informal/written or oral denunciation), is obliged to report it to the competent authority¹²⁵.

11.1.2.4. Canon 1371, §6, C.I.C. prescribes that one who fails to communicate the news of a crime, to which he is bound by canon law, is to be punished according to canon 1336, §§ 2-4, C.I.C., with the addition of other penalties according to the gravity of the crime.

11.1.3. Optional dismissal

A Salvatorian can also be dismissed for causes mentioned in Canon 696, § 1, C.I.C:

- a) habitual neglect of the obligations of the consecrated life;
- b) repeated violation of sacred vows;
- c) obstinate disobedience of the legitimate prescriptions of superiors in serious matters;
- d) serious scandal caused by the member’s culpable behaviour;
- e) the defence or obstinate dissemination of doctrines condemned by the Magisterium of the Church;
- f) illegitimate absence (with the intention of distancing oneself from the authority of superiors) if it exceeds a period of six months.

124 cf. canon 695, §1, C.I.C.

125 See VELM, art. 1, §1, b and art. 3, §1.

11.1.4. Validity of the Dismissal Decree:

- 1° Speaking of compulsory and optional dismissal, the norms established by Canons 695, § 2 and 697-700, C.I.C., must be carefully applied.
- 2° Dismissal requires above all a *collegial* vote (secret vote) of the Superior General and his Council.
- 3° The decree of dismissal issued by the Superior General takes effect with regard to the temporarily and perpetually professed, at the moment of notification and does not need the confirmation of the Holy See, except for cases of *delictum gravius* for which the prior permission of the DDF is required when the Superior General finds it necessary to dismiss a cleric¹²⁶.
- 4° In order to be valid, the decree must indicate the right of the dismissed member to appeal (*remonstratio*) to the competent authority within thirty days of receipt of its notification, without the necessity of requesting in writing the revocation or correction of the decree to its author as prescribed in can 1734, §1. This appeal has suspensive effect¹²⁷.
- 5° The file will be transmitted to the Holy See only in the event of an appeal against the decree of the Superior General who maintains his decision.
- 6° The reasons for dismissal must be serious, external, attributable and legally proven.

126 cf. Benedict XVI, Motu proprio SST, art. 21 §2, n. 1, *text modified and published on 15.07.2010*

127 cf. Lettera Apostolica in forma di “Motu Proprio” del Sommo Pontefice Francesco con la quale vengono modificati i termini di ricorso del membro dimesso da un Istituto di Vita Consacrata, 03.04.2023, Art. 1.

11.2. RE-ENTRY INTO THE SOCIETY

11.2.1. A person may be readmitted to the Society of the Divine Saviour¹²⁸ :

- a) if he has completed his novitiate without making profession.
- b) if he has left the Society legitimately after profession on the expiry of his temporary vows or with a legal dispensation.

11.2.2. The major superior shall send the request for readmission to the Superior General, explaining the reasons for the case, and shall submit his own judgement and that of his counsel.

11.2 3. The Superior General is the competent authority to readmit a religious to the Society. He will establish the conditions for suitable probation before allowing the candidate to take temporary vows and will decide on the length of the period of temporary vows before admitting to perpetual profession¹²⁹ .

11.3. HELP FOR THOSE WHO HAVE LEFT

Although the Society is not legally obliged to provide financial assistance to these former members, the major superior will be guided by equity and evangelical charity towards those who have left and may be in need¹³⁰ .

The major superiors will be particularly attentive to the possibility of offering any personal or pastoral help that a former Salvatorian may consider necessary¹³¹ .

128 cf. canon 690, § 1, C.I.C.

129 see const. 724

130 cf. Canon 702, C.I.C.; Const. 724

131 see Const. 320

11.4. MARGINAL CASES

11.4.1. Sometimes Salvatorians distance themselves more and more from the Society, both spiritually and legally. The most frequent cases are

- a) a Salvatorian leaves his community without permission to live and work elsewhere. He does not ask for any dispensation and avoids doing anything (e.g. getting married) that would automatically separate him from the Society. This situation can last for months or even years.
- b) a Salvatorian leaves his community with a 'leave of absence' or with a temporary exlaustration. When the leave is over, he does not contact his major superior or ask for an extension. This situation continues from year to year without him showing any sign of wanting to return to his community.
- c) a Salvatorian is sent outside his unit for studies or for a particular apostolic work. Once he has finished his studies or his work, he does not return to his unit. Either he finds a ministry where he is welcomed or he moves from one Unit to another, removing himself from the power of his own major superior.

11.4.2. In order to avoid these or similar cases, the major superior is asked to:

- a) to keep frequent contact with Salvatorians living outside the community, through letters or other means;
- b) not to ask the Holy See for an extension of the leave of absence without very serious reasons, always respecting the nature of the leave¹³²;
- c) intervene without delay to help a Salvatorian who is illegitimately absent from his community¹³³;
- d) not to allow irregular situations to drag on.

132 cf. Canon 665, C.I.C.

133 cf. Canon 665, §2, C.I.C.

- 11.4.3. To those who have left the community without authorisation and are in an irregular situation, they should be: a) encouraged to return or b) granted the authorisation or exclaustation that their situation requires (within specific limits) or c) helped to request “incardination” in a diocese and a legitimate departure from the Society. If they are in priestly ministry, the bishop should be informed of their irregular situation and reminded of his responsibility to help rectify it.
- 11.4.4. Those who have left with permission or exclaustation, but who have not obtained an extension on expiry, should similarly be reminded of their irregular situation. The major superior should decide with them whether an extension is possible or appropriate. If there is no reason for an extension, they should be helped to resume community life.
- 11.4.5. Those who are outside the Society without authorisation for a long period are canonically members of the Society until they are formally dismissed or until they do something which results in ipso facto dismissal (e.g. a civil marriage), even though the Society knows little or nothing about their activities. The Holy See encourages Religious Institutions to regularise these situations by reminding the persons concerned that illegitimate absence from their community for more than six months may constitute sufficient reason for formal dismissal from the Society. The major superior should encourage and assist religious to regularise their situation by returning to their community or by obtaining the necessary exclaustation or permission to live outside, where possible.
- If the individual refuses or does not respond, the major superior, after consulting his council, shall inform him by written notice that his lack of cooperation may be considered as a wish to leave the Society, and that he may be dismissed from the Society if he does not return within a specified period. A reply must be requested within fifteen days of receipt of the letter.

If there is no response, or if the response given is not convincing, a second monition should be sent. If this has no effect, after a period of fifteen days has elapsed in vain since the last monition, the major superior must, after consultation with his council, send a formal request for dismissal to the Superior General, with copies of the correspondence and the recommendation of his council¹³⁴ .

134 cf. canon 697, C.I.C.

SECTION 12

HIERARCHICAL ADMINISTRATIVE APPEAL PROCEDURE

12.1. NOTION

The hierarchical administrative appeal is the request made to the administrative superior to modify the decision taken by an administrative authority which is inferior to him. It is called “administrative” appeal because it takes place within the public administration, through the administrative channel, i.e. without recourse to the judicial authorities. The appeal, as such, includes the request for modification of the contested act, which distinguishes it from the simple complaint to the higher authorities of a behaviour considered illegitimate.

12.2. RECOURSE TO THE AUTHOR OF THE DECREE (*REMONSTRATIO*)

12.2.1. In the matter of recourse, the Code of Canon Law prescribes that before initiating a recourse, a written request must be made to the author of the decree for its revocation or modification; this will also include the request for a stay of execution. It should be noted that in this matter, when it concerns the decree of dismissal of a religious, the need to request in writing the revocation or modification of the decree from its author is removed. (cf. Appendix 9)

12.2.2. This request (called *remonstratio* or *supplicatio*), must be made within the peremptory deadline of thirty useful days from the regular notification of the decree¹³⁵.

12.2.3. This rule does not apply when appealing after an administrative silence¹³⁶. The superior must provide a decree even when the decision is negative. Silence is not a refusal, but a presumed refusal, which allows

135 cf. Lettera Apostolica in forma di *Motu Proprio* del Sommo Pontificio Francesco con la quale vengono modificati i termini di ricorso del membro dimesso da un Istituto di Vita Consacrata, 03.04.2023, Art. 1.

136 cf. canon 57, C.I.C.

the person concerned to appeal and obliges the authority to issue a decree, even a negative one, within the special thirty-day period¹³⁷.

12.3. HIERARCHICAL APPEAL :

12.3.1. According to canon 1737, §1-2, C.I.C.: A person who considers himself aggrieved by a decree may appeal for just cause to the hierarchical superior of the person who issued the decree; the appeal may be lodged with the author of the decree himself, who must forward it immediately to the competent hierarchical superior.

12.3.2. As to the mandatory period of fifteen useful days and other exceptions, see canon 1737, §2 and canon 1735, C.I.C.

12.3.3. With regard to the hierarchical appeal, the General Directory of the Society prescribes that if the appeal does not follow the procedure or disregards the legal authorities of the Unit, it is returned to its author by the Superior General and his Council¹³⁸

12.3.4. The competent authority to receive an appeal against a decree of the Superior General is the Holy See.

137 cf. canon 1735, C.I.C.

138 See G.D. 7.39. b

SECTION 13

PROVINCIAL CHAPTERS

13.1. CONVOCATION

13.1.1. The major superior decides on the convocation, date and place of the Unit's Chapter. The Constitutions and Statutes of the Units contain details on the modalities for the convocation of a Chapter¹³⁹.

13.1.2. All the capitulars are obliged to attend the Chapter. The Statutes of the Units provide for the election of substitutes in case of necessity.

13.2 ELECTIONS

13.2.1. The general principles of Church law governing elections are listed in canons 164-179, 626, C.I.C. Consultations, voting simulations and previous test votes should not be confused with canonical elections proper.

13.2.2. The elections referred to in the Salvatorian legislation are

- a) those that take place during General Chapters, Unit Chapters and General Council or Unit meetings;
- b) elections of delegates to Unit and General Chapters;
- c) elections of major superiors.

13.2.3. For a vote to be valid it must be free, secret, certain, unconditional and determined¹⁴⁰. A suffrage where the number of ballots exceeds the number of voters is invalid, but a suffrage where the number of ballots is less than the number of voters is valid.

139 see const. 733

140 cf. canon 172

SECTION 14

FACULTIES, PERMISSIONS AND COMMUNICATIONS

14.1. FACULTIES

The Code of Canon Law must be consulted for a complete treatment of the faculties of sacramental absolution. The following main points concern Salvatorian major superiors.

14.1.1. FACULTIES TO HEAR CONFESSIONS IN THE LOCAL CHURCH

14.1.1.1. For his priests, the major superior shall ask the Ordinary of the place of their residence for the faculties for the sacrament of reconciliation. This should be done implicitly when a priest is presented to the local Ordinary for a ministry that includes faculties in virtue of that ministry, for example, that of parish priest. This is necessary because the local Ordinary should not assign the usual faculties to a priest without first consulting the latter's Ordinary, and a religious should not use the faculties without the permission, at least presumably, of his superior¹⁴¹ .

14.1.1.2. The domicile of religious is acquired in the place where the house to which they are officially attached is situated¹⁴². As long as a priest has the faculties in his place of domicile, he has them everywhere, for all believers, unless the local Ordinary limits in a particular case the exercise of these faculties in his territory¹⁴³. Another local Ordinary may in a particular case revoke the faculties in his territory¹⁴⁴. In both cases the local Ordinary must inform the religious superior¹⁴⁵ .

141 cf. canon 971, C.I.C.

142 cf. canon 103, C.I.C.

143 cf. canon 967, §2, C.I.C.

144 cf. canon 974, §2, C.I.C.

145 cf. canon 974, §3, C.I.C.

14.1.1.3. The major superior of a religious priest may prohibit him from using the faculties he has received from an Ordinary of the place¹⁴⁶.

14.1.2. Faculties to hear confessions in the Society.

14.1.2.1. All Salvatorian superiors (major and local) have, by virtue of their office, the faculties to hear confessions for their subjects and for those who remain day and night (i.e. at least one day and one night) in their house, for the whole duration of their stay¹⁴⁷. However, the provisions of canon 630, §4, C.I.C., are to be observed; that is, superiors are not to hear the confessions of their subjects unless the latter spontaneously request it.

14.1.2.2. All those who have this faculty to hear confessions, either by virtue of their function or by special commission, have it *ipso jure* anywhere for all Salvatorians and for all those who live day and night in our houses or residences. It can be applied licitly until a major superior forbids its use to his subjects in a particular case¹⁴⁸.

14.1.3. Faculties of preaching.

14.1.3.1. Priests and deacons have the faculty to preach anywhere, if they have at least the presumed permission of the rector of the church, unless this faculty has been restricted or removed by the competent Ordinary or unless express permission is required by a particular law¹⁴⁹.

14.1.3.2. To preach to religious in their churches or oratories, the permission of the competent religious superior is required¹⁵⁰.

146 cf. canon 969, §1, C.I.C.

147 cf. canon 968, §2, C.I.C.

148 cf. canon 967, §3, C.I.C.

149 cf. canon 764, C.I.C.

150 cf. canon 765, C.I.C.

14.2. PERMISSIONS

14.2.1. Permission in relation to its assets.

14.2.1.1. The only property that belongs to a Salvatorian personally is what he possessed before his first profession, what belongs to him by inheritance or by legal gift. All other property belongs to the Society¹⁵¹.

14.2.1.2. Canon Law and our Constitutions require that a Salvatorian has nothing to do with the *management* of goods that may belong to him. For this reason, before his first profession, he must make arrangements for the management, use and usufruct of his personal property. This is part of the freedom obtained by the vow of poverty. Any change in these arrangements requires the authorisation of the major superior, who can grant it on his own authority¹⁵².

14.2.2. Permission regarding the will.

14.2.2.1. Before taking perpetual vows, every Salvatorian must make a valid will according to civil law in order to dispose of his present or future goods¹⁵³.

14.2.2.2. On his own authority, a major superior may give permission to change a will¹⁵⁴.

14.2.3. Permission for publications and media.

14.2.3.1. The Code of Canon Law contains eleven canons on the use of mass media in the apostolate¹⁵⁵. When appropriate, our rules encourage all Salvatorians, following the spirit of our Founder, Blessed Francis

151 cf. canon 668, §3, C.I.C; const. 316

152 see const. 317

153 cf. canon 668 § 1, C.I.C.

154 see const. 318

155 cf. canons 822832, C.I.C.

Mary of the Cross Jordan, to use the media in their apostolate and to cooperate with the laity in the attempt to bring a Christian spirit into the media¹⁵⁶.

14.2.3.2. The approval of the major superior is required for publications on religious, moral and social matters¹⁵⁷.

14.2.4. PERMISSION FOR MASS OFFERINGS¹⁵⁸

a) It is up to the assembly of bishops of the ecclesiastical region (cf. canons 434 and 1264, C.I.C.) to decree the amount of the offering that must be made in the dioceses (both for diocesan priests and for religious) because of the celebration and application of the Mass, since the priest may not demand a higher amount.

In the absence of such a decree, the custom in force in the diocese must be followed.

b) Although the offering is in no way a kind of payment for the intention of the Mass, once the priest has committed himself, by accepting the offering, to celebrate for the intention of the donor, a relationship of justice arises whereby the faithful acquire a right to have this Mass celebrated for his intention, according to the conditions he has indicated.

c) Priests are strongly advised, even if they have not received an offering, to celebrate Mass for the intentions of the faithful, especially those in need¹⁵⁹.

d) In the matter of the offering of Masses, it is absolutely necessary

156 see G.D. 2.7

157 cf. const. 734 c

158 cf. Congregation for the Clergy, Decree on the intentions of collective Masses, *Mos iugiter obtinuit* of 22.02.1991 in AAS 83 (1991) 443-446.

159 cf. canon 945, §2 C.I.C.

to avoid the appearance of trade or trafficking, which would also constitute a crime according to canon 1383 C.I.C.

- e) The general principle is that as many Masses are celebrated as there are offerings given. The priest who celebrates several Masses on the same day may apply each one to the intention for which an offering has been given.
- f) With the exception of Christmas Day, the priest who celebrates several Masses on the same day shall keep the offering of only one Mass and shall use the others for the purposes determined by his ordinary, that is to say, his major superior. The parish priests or vicars must refer to the dispositions established by the local bishop¹⁶⁰.
- g) In the case of concelebration, the priest may receive the corresponding offering only if it is the only Mass he celebrates, or the first of the day, except on Christmas Day.
- h) Whoever concelebrates a second Mass on the same day may not under any circumstances receive an offering for it¹⁶¹.
- i) The Society has obtained permission from the Apostolic See to accept offerings for a second and third Mass celebrated by a priest on the same day when there is a pastoral need, provided that these offerings have been given to the houses of formation. These offerings must be used for the purpose defined by the major superior. Therefore, the Salvatorians can accept offerings for binned or trinned Masses and deposit them in the purse of the Unit for expenses of the formation.
- j) Every private person, whether physical or juridical, needs written permission from his major superior or the local Bishop to make a collection even if it is for the benefit of a pious or ecclesiastical

160 cf. canon 951, §1 C.I.C.

161 cf. canon 951, §2 C.I.C.

institution or for a purpose of this nature. Therefore, public juridical persons (e.g. a parish) do not need such permission to make collections in the field of their competence¹⁶².

14.3. COMMUNICATIONS

- 14.3.1. All confreres are reminded of the importance of written communication. This is not only a courtesy, but often a matter of justice. When important matters are dealt with by telephone, a record of the conversation should be made for reference. Urgent permissions may be granted, decisions communicated by telephone, but confirmation should follow by mail or fax.
- 14.3.2. Taking into account the principle of subsidiarity described in GD 7.1, confreres are asked to respect the different levels of responsibility, e.g. not to apply to the major superior for permission which falls within the competence of the local superior.
- 14.3.3. Major superiors are requested to respond promptly to requests for information and reports from the general administration.
- 14.3.4. Certificates of first profession, perpetual profession, renewal of vows, ordination to the diaconate or to the presbyterate must be sent to the General Secretary and to the archives of the Unit within a month.
- 14.3.5. Official correspondence to the Superior General and all official decrees must clearly state the request, the reasons for the request, the information necessary or useful for making the decision and the vote of the local council or the Unit (if required). In financial matters, the opinion of the Unit treasurer and finance commission should be mentioned. All such letters and decrees must be signed by the major

¹⁶² cf. canon 1265, C.I.C.

superior and countersigned by the Unit Secretary, have the Unit seal, and contain a list of all documents included with the petition.

14.3.6. The confreres must send the General Secretary three copies of books, brochures, recordings, cassettes, music etc. that they have published¹⁶³ .

14.3.7. Five copies of the Statutes of the Unit (in its finalised and approved edition), address lists of the members of the Unit and changes of address must be communicated to the Secretary General.

163 See D.G. 7.49

SECTION 15

RELATIONS WITH THE LOCAL ORDINARY

15.1. PREAMBLE

- 15.1.1 The Society of the Divine Saviour is an apostolic, clerical and religious institute with papal approval¹⁶⁴.
- 15.1.2. As an institute of pontifical right, it is subject to its own superiors and immediately and exclusively to the authority of the Apostolic See in all that concerns internal government and discipline¹⁶⁵.
- 15.1.3. Since our Society is clerical, our major superiors have ecclesiastical jurisdiction¹⁶⁶ and the Salvatorian major superiors are the personal Ordinary for those who are subject to them¹⁶⁷.
- 15.1.4. When matters of internal government or discipline exceed the authority granted to our superiors by the universal law of the Church or by our Constitutions and General Directory, we have recourse to the Holy See and not to the local Ordinary (e.g. for certain dispensations etc.)

15.2. THE EXTERNAL APOSTOLATE

- 15.2.1. The Second Vatican Council insisted that all religious, even those of pontifical right, are subject to the authority of the local Ordinary (and of the Episcopal Conference) in all that concerns the external apostolate¹⁶⁸. Thus religious are subject to the authority of the bishops in what concerns the care of souls, the public exercise of divine worship, and their works of apostolate¹⁶⁹.

164 see const. 106

165 cf. canon 593, C.I.C.

166 cf. canon 596, § 2, C.I.C.

167 cf. Canon 134, C.I.C.; Section 2, no. 27 of this handbook

168 cf. Decree *Christus Dominus*, no. 35; Apostolic Letter of Paul VI, *Ecclesiae sanctae*, nos. 22, 40

169 cf. canon 678, § 1, C.I.C; cf. *Ecclesiae sanctae* I, 26; 27; 38

- 15.2.2. The laws concerning preaching¹⁷⁰ and catechesis¹⁷¹ established by the diocesan bishops are binding for all. The Bishops' Conference may establish conditions for clerics or members of religious institutes to speak on radio or television on Christian doctrine or morals¹⁷².
- 15.2.3 The bishop may visit the churches of religious or their oratories attended by the faithful, their schools (except those accessible only to their own students) and other works of religion and charity¹⁷³.
- 15.2.4. As religious are subject to the diocesan bishop in the exercise of the external apostolate, they are also subject to their own superiors and must remain faithful to the discipline of their institute, an obligation which the bishops themselves will not hesitate to urge upon them if the case arises¹⁷⁴.
- 15.2.5. Speaking of the proper service of religious authority in relation to the “service of government”, *Mutuae relationes* affirms that: “Superiors must organise the life of their community, distribute the offices to its members, take care of the particular mission of the Institute, develop it and work to insert it effectively into ecclesial activity under the direction of the Bishop”.¹⁷⁵

15.3. CONTRACTS

- 15.3.1. A bilateral contract is by nature a mutual agreement, and agreement is usually only reached through a process of negotiation between the parties. In such a process each party brings its own perspective and sees more clearly its own legitimate rights and interests. Such

170 cf. canon 772, §1, C.I.C.

171 cf. canon 775, § 1, C.I.C.

172 cf. canon 772, § 2, C.I.C.

173 cf. canons 397, § 2; 683; 806, C.I.C.

174 cf. canon 678, § 2, C.I.C.

175 Directive *Mutuae relationes*, of 14.05.1978, in AAS 70 (1978) n°13

a process provides an excellent opportunity for both parties to come to a better understanding of each other and of their respective roles in the pastoral mission and government of the Church. There should be a real exchange of ideas that can promote evangelisation. A good contract, signed in mutual understanding and respect, provides a firm foundation for joyful cooperation and fruitful ministry.

15.3.2. Whenever the Society is entrusted with the work of a diocese or when Salvatorians are appointed by the major superior to carry out diocesan work or ministries, the details of the task and the way in which we establish contact with the bishop must be regulated by a contract (cf. Appendix 10).

15.3.3. A *general contract* is a contract that stipulates the relationship between the bishop and the Society, where a considerable number of Salvatorians are involved in diocesan ministries or where a number of diocesan works are entrusted to the Society. Such contracts are negotiated, concluded and signed locally by the major superior, with *the consent of his council*. It is necessary to consult the Generalate (in the case of a province) or to have the consent of the Generalate (in the case of a pro-province) before establishing a house. The permission of the Superior General is required when it is a question of closing a house of the Society¹⁷⁶ ; or when expenses are to be incurred which are beyond the financial competence of the major superior¹⁷⁷ .

15.3.4. *Special contracts* define the relationship for special situations or special works, for example one or more parishes, or a single Salvatorian appointed by his major superior to carry out a special ministry in the diocese. A contract with an institution, for example a hospital or a

176 See G.D. 7.59 d; G.D. 7.60

177 see G.D. 7.80 b

religious community, is also a special contract. The negotiation and signing of special contracts is reserved to the major superior (not to the individual Salvatorian religious), even if it involves the ministry of only one Salvatorian.

15.3.5. The advantage of short-term contracts (5 years or less) is that they offer the opportunity to modify them if the situation evolves and changes over time. A clause can define that the contract is automatically renewed for the same period if neither party requests a renegotiation or modification within six months before the expiry date.

15.3.6. As financial arrangements, due to inflation, are often the part of the contract that needs to be updated most frequently, a clause could be added specifying that financial arrangements are mentioned in an annex to the contract that can be modified without renegotiating the contract itself.

15.3.7. The Holy See's document, cited above, *Mutuae relationes*, might usefully be studied with regard to the relationship between the bishop and a religious institution.

15.4. PARISHES

Normally, a parish is entrusted to the Society of the Divine Saviour as a clerical religious institute, respecting the terms of Canon 520, C.I.C. The following points should be considered in the agreement between the diocesan bishop and the major superior or his delegate:

- a) the period during which the parish will be entrusted to the Society. Parishes 'in perpetuity' are not to be considered.
- b) the appointment of the parish priest as an individual or as a function to be exercised in common (*in solidum*) by several priests and that

- one of them be the moderator of the pastoral office, in accordance with the spirit of Canon 517, § 1, C.I.C., which regulates this possibility;
- c) the minimum number of persons to be appointed in the parish;
 - d) the financial regulation of the Salvatorian personnel working in the parish;
 - e) a detailed list of priorities for the work to be carried out and the arrangements for evaluation;
 - f) other issues such as renewal clauses, mutual notification of the end of the contract etc.

SECTION 16

LITURGICAL FEASTS

**16.1. THE FOLLOWING FEASTS ARE CELEBRATED
IN A SPECIAL WAY IN THE SOCIETY¹⁷⁸ :**

	The Solemnity of Pentecost
21 July	Feast of Blessed Francis Mary of the Cross Jordan
5 September	Memorial of Blessed Mary of the Apostles
8 September	Feast of the Nativity of the Virgin Mary, Anniversary of the Death of the Founder
11 October	The Feast of the Mother of the Saviour
8 December	The Solemnity of the Immaculate Conception, Foundation Day
25 December	The Solemnity of the Nativity of our Saviour, Titular Feast of the Society

We also celebrate the Feast of Mary, Queen of Apostles on the Saturday before Pentecost and the Feast of the Apostles, St Michael and St Joseph.

**16.2. THE STATUTES OF THE UNITS SPECIFY THE
INTENTIONS FOR PERSONAL AND COMMUNITY
PRAYERS¹⁷⁹ .**

¹⁷⁸ cf. const. 109, D.G. 1.4

¹⁷⁹ cf. const. 409, D.G. 4.5

SECTION 17

DECEASED MEMBERS

17.1. NOTIFICATION OF DEATH

17.1.1. The death of a professed Salvatorian or a novice is to be announced in the following manner.

a) The local superior shall announce the death by telephone or by fax or e-mail to the major superior of the deceased. He/she shall also notify the family of the deceased by the most appropriate means.

b) The major superior will announce the death:

1° by fax or e-mail to the Secretary General's Office, specifying the name of the deceased, the date and place of death, within 24 hours.

2° by the most suitable means to all the confreres of the Unit.

17.1.2. It is important that each local superior has an up-to-date list of the names and surnames of the next of kin of the members of his community who should be notified immediately of the seriousness of the illness or death of their Salvatorian family member.

17.2. OBITUARIES

17.2.1. The major superior shall arrange to send a photograph and obituary of the deceased member to the Secretary General as soon as possible for inclusion in the Annales.

17.2.2. The obituary should briefly review the life of the deceased member, including his formation, the various apostolates in which he was involved in the Society, some details of his personality and the manner of death. These obituaries are our traditional way of paying tribute to the member who offered his life in the service of God in the Society, in order to inspire and edify all members.

17.3. PERSONAL DOCUMENTS OF THE DECEASED

Great care should be taken with the personal documents of deceased members. They should not be destroyed but kept in the house or in the Unit's archives. They may contain valuable information about the history of the individual and the Society.

17.4. PRAYERS FOR DECEASED MEMBERS

17.4.1. The Statutes of the Units prescribe the prayers and masses to be offered for deceased members.

17.4.2. Local superiors shall ensure that a list of the death anniversaries of deceased confreres is available to members¹⁸⁰.

180 See const. 409,

SECTION 18

ADMINISTRATION OF TEMPORAL GOODS

18.1. GENERAL PRINCIPLES

- 18.1.1. The Constitutions of the Society set out the basic principles for the administration of temporal goods in the context of our vow of poverty. The commitment to this vow should be reflected in our simple lifestyle and in the responsible way we manage the material goods of the Society for the sake of its mission¹⁸¹ .
- 18.1.2. Subject to the Superior General and his council, the major superiors are responsible for the administration of the temporal goods of their respective Units. They are assisted by the treasurer of the Unit who is responsible for the concrete administration, and guided by *the advice of* their council and the Unit's finance commission.
- 18.1.3. Each Unit shall have a **Finance Commission** elected under the terms of the particular statutes by the Unit Chapter.
- 18.1.4. Ordinary administration covers the day-to-day management of the Units and houses of the Society, and does not require special authorisation for individual acts beyond the ordinary authority of the responsible person.
- 18.1.5. Extraordinary administration is that which alters or reduces in some way the stable assets of the Society, the Unit or a house. This includes the purchase, sale or lease of property; or buildings or major repairs that exceed the financial competence set for a particular level of authority (major or local superior); lending or borrowing; and contracts with financial implications.
- 18.1.6. All actions of extraordinary administration require the permission of the competent superior. It is for the Chapters of the Units, with the approval of the Superior General and his Council, to determine the

¹⁸¹ cf. const. art. 311-320 and 741-745; D.G. 7.72; 7.84

limits of the competence of local superiors and the major superior, specifying what they can do on their own authority and what requires *the advice or consent of* their Councils. There are certain limits beyond which the Superior General must refer to the Holy See, which vary from country to country.

18.1.7. When financial matters are dealt with at the meeting of the major superior with his Council, the Unit Treasurer must be invited to take part in this meeting¹⁸² .

18.1.8. The treasurers of the Units will prepare regular financial reports for the finance commission of their Units. They will send an annual financial report concerning the Unit to the General Treasurer after it has been approved by the major superior and his Council. In the composition of these reports, they shall follow the guidelines laid down by the General Treasurer and the International Finance Commission.

18.2. CRIMINAL LIABILITY OF PROPERTY MANAGERS

1. All trustees are required to perform their duties with due care and attention and to ensure that the property entrusted to them does not perish or suffer damage in any way, taking out insurance policies if necessary.¹⁸³

2.

- Shall be punished by the penalties provided for by law, without prejudice to the obligation to repair the damage¹⁸⁴ :

- the one who takes away ecclesiastical goods or prevents the collection of their fruits and the one who, without the foreseen consultation,

182 see const. 744

183 cf. canon 1284 §§1-2, no. 1

184 cf. canon 1376 §§1-2 of the new Book VI

consensus or licence, or without another prerequisite imposed by the law for validity or licitness, alienates ecclesiastical goods or exercises an act of administration over them.

- He who is found to be seriously negligent in any other way in the administration of ecclesiastical goods shall be punished with a just penalty, including deprivation of the office, and shall remain under the obligation to make reparation.

18.3. LIBRARY

18.3.1. Each house has a library for the use of the community, containing especially books and periodicals concerning the Society, religious life and subjects related to the apostolates of the house.

18.3.2. The superior will appoint a member of the community as librarian. His task will be to supervise the purchases and maintenance of the library.

18.4. ARCHIVES

18.4.1. The archives of the Society of the Divine Saviour include all documents of any date, in any form, of any material produced or received by the Society at the various levels of administration and in the course of both spiritual and temporal activities.

18.4.2. The general administration, each Unit and each house are obliged to maintain their own archives, under the responsibility of the Unit Secretary.

18.4.3. The Society's archives must be kept separate from those of schools, parishes and other works undertaken by the Society.

18.4.4. An archivist must be appointed in each Unit and in each house of the Society. However, in a house the superior may be the archivist. A chronicler must be appointed in each house.

- 18.4.5. The archivist's main task is to preserve, classify, and make an inventory of all documents entrusted to his care; he must also actively search for lost or misplaced documents.
- 18.4.6. The General Archivist and the Unit Archivist shall also exercise broad supervision over, and give advice on, all archives in the Society or Unit¹⁸⁵.
- 18.4.7. The working archives contain all documents concerning personnel, administration and current affairs. The Unit Secretaries in charge of the archives shall keep the archives up to date and under lock and key. Documents that cease to be current affairs should be transferred to the regular archives as soon as possible.
- 18.4.8. The ordinary archives contain all documents of historical interest to the Society which are not contained in the working archives. The archivist is responsible for maintaining these archives. They must be kept under lock and key, and only the major superior and the archivist shall have the key¹⁸⁶.
- 18.4.9. It is strictly forbidden to destroy documents in the Society's archives or to dispose of them in any way whatsoever without the written permission of the competent superior.
- 18.4.10. Caution should be exercised in the release of information contained in the archive. Superiors shall dictate guidelines which the archivist shall apply.
- 18.4.11. Three copies of every book, periodical, article, musical composition, film and video cassette published by Salvatorians must be sent to the general secretary for the archives.

185 See D.G. 7.49

186 See D.G. 7.49

SECTION 19

SEXUAL ABUSE CASES: PROCEDURE

19.1. GENERAL PRINCIPLES

19.1.1. The Motu proprio of Pope Francis “*Vos estis lux mundi*”¹⁸⁷ of 25 March 2023, gives the general provisions to be observed in the case of reports of sexual abuse of a minor or a vulnerable person, committed inter alia by clerics or members of Institutes of Consecrated Life and by persons who are or have been Supreme Moderators (Superior General) of Institutes of Consecrated Life of Pontifical Right, for acts committed *durante munere* (during their mandate): facts consisting of direct actions or omissions aimed at interfering with or evading civil investigations or canonical, administrative or penal investigations opened against a cleric or religious for offences against the sixth commandment of the Decalogue. These offences are:

- a) coercing someone, by violence or threat or by abuse of authority, to perform or undergo sexual acts; b) performing sexual acts with a minor, a person of ordinary unsound mind, or with a vulnerable person; (c) acquiring, storing, exhibiting or disseminating immorally, in any manner or by any means, pornographic images of minors or persons of ordinary unsound mind; (d) recruiting or inducing a minor or a person of ordinary unsound mind or a vulnerable adult to exhibit pornographic images or to participate in real or simulated pornographic exhibitions;

19.1.2. The competent dicastery for acts committed *durante munere* by the Supreme Moderator of an Institute of Consecrated Life is the DDF through the disciplinary office, for the offences reserved to it¹⁸⁸ , and

187 cf. Francis, Motu Proprio VELM of 25 March 2023; cf. *Vademecum* of the DDF, on certain points of procedure in dealing with cases of sexual abuse of minors committed by clerics, of 5 June 2022.

188 cf. Francis, Apostolic Constitution *Praedicate Evangelium*, art.76, §1

for all other cases it is the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life.

19.2. RECEIPT OF REPORTS

19.2.1. Whenever a member of the Society becomes aware of information about facts relating to the offence against the sixth commandment of the Decalogue, or has good reason to believe that one of these facts has been committed, he is obliged to report it without delay to the Ordinary of the place where the facts occurred, or to his major superior

19.2.2. It must be remembered that information about a *delictum gravius* learned in confession is placed under the strictest bond of the sacramental seal¹⁸⁹. The confessor who, during the celebration of the sacrament, is made aware of a *delictum gravius*, must therefore try to convince the penitent to share his information in other ways, in order to allow those entitled to act to do so.

19.2.3. No duty of silence on the facts can be imposed on the reporter, the person who claims to be offended and the witnesses¹⁹⁰.

19.2.4. The Unit is committed to helping those who claim to have been offended, so that they and their families are treated with dignity and respect for their image, confidentiality and personal data. In particular, the Unit offers them: a) a welcome, a listening ear and accompaniment, also through specific services; b) spiritual assistance; c) medical, therapeutic and psychological assistance, according to the specific case.

189 cf. canon. 983, § 1, C.I.C.; cf. SST, art. 4 § 1, no. 5

190 cf. Francis, *Rescriptum ex Audientia of 17 December 2019* by which the instruction on the confidentiality of causes is promulgated, abolishing pontifical secrecy in cases of sexual violence and abuse of minors committed by members of the clergy.

- 19.2.5. Whenever the competent superior¹⁹¹ receives information about an at least probable *delictum gravius* committed by a religious, he must conduct a preliminary investigation (*investigatio praevia*) according to the norm of law. The religious must be informed of the result and given the opportunity to defend himself¹⁹². All acts must be handed over to the Superior General according to the norms established in canon 695, §2, C.I.C.
- 19.2.6. In the case of a **clerical religious**, the Superior General shall transmit the above-mentioned acts to the DDF, with his own votum and that of his council, both on the substance of the case and on the procedure to be followed (cf. Appendix 12).
- 19.2.7. The proceedings of the preliminary investigation (*investigatio praevia*), together with a summary of the case presented in accordance with the model proposed by the DDF (see Annex 13), are transmitted.

19.3. CONDUCT OF A PRELIMINARY INVESTIGATION

- a) The major superior can conduct the investigation himself or entrust it to another suitable person. In this case, he must issue a decree opening the preliminary investigation, in which he appoints the person who directs the investigation, indicating in the text that he has the powers indicated in canon 1717, § 3, C.I.C. A notary can be appointed during the phase of the preliminary investigation, but not *ad validitatem*.
- b) If the *notitia de delicto was found to be implausible*, it could be dropped, but the documentation should be retained with a note explaining the reasons for the decision.

191 cf. canon 620, C.I.C.

192 cf. canon 1717; 695, § 2, C.I.C.

- c) If there is no offence against a minor, but there is reprehensible and imprudent behaviour, if this is necessary to protect the common good and avoid scandals, it is within the power of the major superior to take administrative measures against the person denounced (e.g. ministerial limitations), to impose the penal remedies mentioned in canon 1339, C.I.C., in order to prevent offences.
- d) The preliminary canonical investigation must be carried out independently of the corresponding investigation by the civil authorities. However, if the legislation of the State prohibits investigations parallel to its own, the competent major superior will refrain from opening the preliminary investigation and will inform the DDF of the report, communicating any useful material. If it seems appropriate to wait for the end of the civil investigation to obtain the results, or for other reasons, the major superior should consult the DDF on the matter.
- e) Concerning the obligation or otherwise of the major superior to inform the civil authorities of the *notitia de delicto* received and the preliminary investigation opened: The applicable principles are those of respect for the laws of the State in this matter; respect for the will of the presumed victim, provided that it is not contrary to civil legislation, and encouraging him to exercise his duties and rights before the State authorities, taking care to keep a documentary record of this suggestion, also avoiding any form of dissuasion towards the presumed victim. Any conventions (concordats, agreements, understandings) concluded between the Apostolic See and the Nations shall always be observed.
- f) The preliminary investigation should gather more detailed information on the *notitia de delicto*, about the facts, circumstances and their imputability.

- g) It is already possible to indicate possible excusing, mitigating or aggravating circumstances, as provided for by the law. It may also be useful to collect credibility testimonies from whistleblowers and alleged victims at this stage.
- h) The person conducting the preliminary investigation must ensure that the good reputation of the persons involved (accused, alleged victims, witnesses) is protected, so that reporting does not result in prejudice, retaliation or discrimination, as the right to good reputation is a right of the faithful guaranteed by Canon 220, C.I.C.
- i) Should it be necessary to hear a minor or a person of mixed race, the civil norms of the country shall be followed, as well as the modalities in accordance with his age and condition, allowing, for example, that the minor be accompanied by an adult whom he trusts, and avoiding that he have direct contact with the accused.
- j) In order to protect both the good name of the persons involved and the public good, and to avoid other facts (e.g., the spreading of the scandal, the risk of concealing future proofs, threats or other conduct aimed at diverting the presumed victim from exercising his rights, the provocation of other possible victims), according to art. 10, § 2 of *Sacramentum sanctitatis tutela*, the major superior has the right, from the beginning of the preliminary investigation, to impose the conservatory measures listed in canon 1722, C.I.C.
- k) It should be made clear that a precautionary measure is not a penalty - penalties are only imposed at the end of a criminal trial. Provisional measures are imposed by means of a specific precept legitimately notified to the person concerned¹⁹³.

193 cf. canon 49ss and canon 1319, C.I.C.

19.4. TRANSFER OF THE PRELIMINARY INVESTIGATION PROCEEDINGS TO THE DDF

19.4.1. After receiving the necessary acts from the Superior General, the DDF shall acknowledge receipt to the Superior General, communicating the Protocol number corresponding to the case. This number must be recalled in any subsequent communication with the DDF.

19.4.2. After careful examination of the investigation, the DDF will indicate the procedure to be followed and the measures to be taken. Several possibilities are to be considered: to file the case; to ask for further investigation; to impose non-criminal disciplinary measures (criminal remedies): monition, reprimands and vigilance; to impose penances; to open a criminal trial; to identify other avenues of pastoral care. The decision taken is communicated to the Superior General, with appropriate instructions for its implementation.

19.5. ADMINISTRATIVE HANDLING OF THE CASE

19.5.1. **Administrative process** : When this Congregation decides that **the** case should be dealt with **administratively**, it asks the Superior General to proceed according to the norm of canon 699, § 1, C.I.C. With his advice, the Superior General may decide not to order dismissal from the Institute but to issue disciplinary measures (penal or non-criminal).

19.5.2. **Penal Precept** : When monition and reprimand have no effect or are not intended to have any, the Superior General may resort to a **penal precept**¹⁹⁴ : singular administrative acts by which the competent authority orders the accused to do or omit something.

194 cf. canon 1339, §4, C.I.C.

In these cases, limitations are usually imposed on the exercise of the ministry, more or less extensive depending on the case, as well as sometimes the obligation to reside in a certain place. This penal precept threatens a penalty in case of non-observance. The text must clearly indicate the punishment foreseen in case the recipient of the precept transgresses the measures imposed (cf. annexes 7 & 8).

19.5.3. Penance: Penance, which may be imposed in the external forum, consists in the performance of a work of religion, piety or charity. Although it is not a penal sanction, it should not be confused with sanctions provided for in the internal forum (cf. sacrament of reconciliation); rather, it is a matter of ordinary acts established by judicial decision or decree.

19.6. INITIATION OF A CRIMINAL TRIAL

19.6.1. Remarks

- According to the law, three criminal procedures are possible: the judicial criminal trial, the extrajudicial criminal trial and the procedure of art. 26 *SST*.
- The procedure provided for **in art. 26 of SST** is reserved for very serious cases. It is concluded by a direct decision of the Supreme Pontiff which is not subject to appeal.
- With regard to **the judicial criminal process**, reference is made to the provisions of the law and the Code of Canon Law, as well as to articles 9, 10, § 2, 11-18, 26-29 *of SST*.

19.6.2. Extrajudicial criminal proceedings (administrative proceedings)

- a) The extrajudicial criminal trial, also known as the administrative trial, is a form of criminal trial that reduces the formalities foreseen in the judicial trial, in order to speed up the course of justice, without

eliminating the procedural guarantees required for a fair trial¹⁹⁵ . For reserved offences, it is the competence of the DDF to decide on a case by case basis, *ex officio* or at the request of the Superior General, whether to proceed by this means.

- b) When a Superior General is charged by the DDF with conducting an extra-judicial criminal trial, he must first decide whether to preside personally over the trial or to appoint a delegate who is an expert in canon law as an instructor. In this process the Superior General must also appoint two assessors (judges) to assist him and a Notary.
- c) With the new Regulations promulgated in 2021¹⁹⁶ , it is explicitly provided by law for an extrajudicial trial, in matters reserved for the FDC, that the accused, according to the provisions of canons 1723; 1481, § 1-2 & 1483, C.I.C., it is preferable to have a procurator or a lawyer who assists him, chosen by him or, if not, appointed by the delegate of the Superior General.
- d) In the case of a criminal trial, the intervention of the informant is not mandatory during the trial. This person has, in fact, exercised his right by contributing to the formation of the accusation and the collection of evidence. From that moment on, the accusation is brought by the Superior General or his delegate.
- e) If the Superior General or his delegate ascertains with certainty the commission of the offence, he shall issue a decree concluding the process, to impose and/or declare the penalty, or impose the penal remedy or penance, according to what he deems most adequate to repair the scandal, re-establish justice and amend the guilty party¹⁹⁷ .

195 cf. canon 221, C.I.C.

196 cf. Benedict XVI, *Motu Proprio SST*, art. 20, § 7

197 cf. canon 1720, n°3, C.I.C.

- f) If the Superior General deems it necessary to pronounce a perpetual sentence, such as the revocation of the clerical state of the religious; the authorisation must be requested from the DDF¹⁹⁸. The decree must include an explicit reference to the mandate received from the DDF, whenever a perpetual sentence is imposed.
- g) The accused has the right, at any stage of the procedure, to ask the Roman Pontiff for a dispensation from his clerical obligations, including celibacy, through the Dicastery for the DDF, with the *votum* of the Superior General¹⁹⁹.
- h) In the case of an extrajudicial trial, it should be remembered that a criminal decree is not a sentence, which is handed down only at the end of a judicial trial, even if, like a sentence, it imposes a penalty.
- i) The decree in question is a personal act of the Superior General or his delegate, and therefore does not have to be signed by the assessors/ judges but only authenticated by the notary.
- j) In addition to the general formalities provided for in any decree²⁰⁰, the criminal decree should outline the main elements of the charge and the course of the trial, but above all it should set out at least briefly the reasons for the decision, both in law - listing the canons on which the decision is based (for example, those defining the offence, any mitigating, excusing or aggravating circumstances) and setting out, at least substantially, the legal logic behind their application - and in fact.
- k) At the end of an extrajudicial process (administrative criminal trial) it is possible to lodge an appeal against the conclusive decree, within the time limits provided for by law, namely canons 1734 and 1735, C.I.C.

198 cf. Benedict XVI, *Motu Proprio* SST art. 21, §2; no. 1

199 cf. SFAO, *Vademecum*, n.157

200 cf. canons 48-56, C.I.C.

- 1) Appeals and recourses according to canon 1353, C.I.C., have a suspensive effect on the sentence. Since the sentence is suspended and the course of the criminal trial is prolonged, the provisional measures remain in force.

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SECTION
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ANNEXES

ANNEXES

With reference to the content of this administrative handbook, we suggest in the annex, models of documents that can inspire you in the drafting of legal acts in accordance with the law. These different models can be adapted according to the circumstances and on a case-by-case basis. However, this administrative handbook refers you to the *Ratio Formationis Salvatorianae* for certain models of letters not included here (concerning, for example, the *petitio* of the candidate for admission to the novitiate, to first profession, to renewal of vows, to perpetual profession, to holy orders, the model of the Testament and of the dismissorial letters, the notification of the reception of vows and of holy orders...).

**APPLICATION FOR EXEMPTION
FROM CLERICAL OBLIGATIONS AND CELIBACY**

Most Holy Father,

I, the undersigned _____ (Name), a priest who has made his perpetual profession in the province of _____ of the Society of the Divine Saviour, respectfully request from Your Holiness the favour of **being dispensed from** clerical obligations and celibacy.

Born in (place) _____ and entered the Society on (date) _____ I was ordained a priest in (place) _____ on (date) _____

My reasons for making this request (which are explained in more detail in the attached documents) are

- 1 . _____
- 2 . _____
- 3 . _____

Place and date _____

Signature of applicant _____

Signature of the Notary _____

DEED OF APPOINTMENT OF AN INSTRUCTOR AND A NOTARY

In a case for **dispensation from clerical obligations and celibacy**:

I, the undersigned (Name) _____ major superior of the (name of the Unit) of the Society of the Divine Saviour, after careful consideration of the circumstances and motives set out in the petition, and after recognising my own competence to admit the case, in conformity with Article 4 of the Norms of Procedure of the Sacred Congregation for the Doctrine of the Faith (AAS, LXXII [1980] 1132-1137), hereby :

1. appoint Father _____ Instructor in the cause of the request for dispensation from clerical obligations and Father's celibacy
.....
2. appoint Father _____ Notary to record the *acts* of the case and to attest the acts and documents of the process.

Place and date _____

Signature of the Major Superior _____

Signature of Unit Secretary _____

REPORT OF THE INTERVIEW OF THE PETITIONER

In a case of **application for clerical obligations and celibacy**

This is only a suggested form of questioning the applicant.

Questions may be omitted, adapted or added, depending on the needs of the case.

Questions and answers should be reported in writing.

This day, (date) _____, I, the undersigned,
_____ major superior of the applicant (or: duly mandated by NN, major superior) after the applicant's swearing, before me and the notary, to tell the truth, have asked the following questions to the applicant who has answered as follows:

1. Please give your full name, place and date of birth, and the postal address of your current residence.
2. What were the civil, economic and religious conditions of your family? What kind of family life did you have? What kind of education did you have?
3. Where and when :
 - Did you receive your education during your youth?
 - Did you enter the Society's novitiate?
 - did you make your first profession?
 - did you study philosophy?
 - have you been involved in any particular studies?
 - did you have any pastoral experiences as a student?
 - did you study theology?
 - were you ordained a priest?
 - did you continue your studies?
 - have you obtained any academic qualifications? Which ones?
 - have you made your lifelong profession?
4. After your ordination, what functions and ministries did you carry out? When and where?
5. Did you suffer from any serious physical or mental illness before joining the

- Society? During your formative years? After your ordination? Did you treat yourself properly? What was the result? Does anyone in your family suffer from the same illness?
6. What is your current legal status, both ecclesiastical and civil?
 7. In your youth, at home, at school and more generally before entering the Society, was there anything that disturbed your balance (physical, mental, religious) and the development of your character? Were there any indications contrary to your vocation to the priesthood?
 8. Was your decision to join the Society a mature one, made freely, without undue influence from parents, family members or others?
 9. Was your decision to take your first vows mature, free, responsible and not superficial, emotional, almost passive?
 10. During your formation or before your ordination, did you have serious doubts about your vocation to religious and priestly life?
 11. During your formation or before your ordination, did you feel a weakening of your sense of dedication, religious observance of prayer, reception of the sacraments, community life, observance of vows and regulations?
 12. At the beginning of your theological studies, what judgments and ideas did you have concerning the priesthood, its perpetual dedication, and its responsibility? Were the duties of the presbyterate well known to you and appreciated?
 13. Before your ordination to the priesthood, did you experience any serious lapses in poverty, chastity, obedience? Any psychological immaturity, especially emotional? Any difficulties concerning Church doctrine or a crisis of faith?
 14. During your formation and before your ordination, did you have open and sincere dialogues with your spiritual directors and superiors about your difficulties so that they might be able to judge whether you were really suited to a life of perpetual celibacy?
 15. Is there anything else from the years before your ordination that you find useful in understanding your current difficulties?
 16. Have you ever seriously thought, spontaneously or under the guidance of superiors or others, of postponing or even renouncing priestly ordination?

17. When you signed the sworn statement that you were receiving holy orders knowingly and freely, did you do so freely, responsibly, sincerely and not under the influence of emotion, human respect, fear or the influence of others?
18. Was your formation in the affective life sufficiently balanced in relation to celibacy? Were you fully aware of the meaning and gravity of the obligation of celibacy? Did you freely accept this obligation?
19. Have you accepted priestly ordination, with its obligations, freely and joyfully, as an act of perpetual dedication and not passively, simply passing from one stage of formation to another?
20. Did you take your final vows with the same sense of commitment?
21. What were the causes and circumstances that led you to the decision to ask to be dispensed from priestly celibacy? Was it a question of a crisis of faith? An emotional crisis? A real lack of adaptation to the sacred ministry? Difficulties with community life? Are you experiencing frustration and anxiety? A sense of emptiness, of loneliness? Do you have moral problems?
22. What have you done to overcome these difficulties? How long have you known about them?
23. Whom (superiors, spiritual directors, confreres, doctors, others) have you consulted about your difficulties? What advice did they give you?
24. In the course of your religious and presbyteral life, do you believe that superiors, spiritual directors or others have been mistaken in their judgement of your vocation, in the direction or advice they have given you? If so, how?
25. Are you currently living outside of religious houses? Have you ever left the priesthood? If so, when?
26. Is your decision to ask for dispensation from celibacy a final one? Do you think you can reconsider the question once again, in a deeper and better way?
27. Have you had any psychiatric or psychological follow-up in the process of making a decision? With whom? What was the outcome?
28. Do you foresee a real possibility of being able to support yourself after returning to the lay state?
29. If the exemption is granted, do you intend to marry? A general intention?

With a specific person? When? Is it a woman who is canonically free to marry? If so, was she religious?

30. Where you live, do people know that you are a priest?
31. Are there people who could testify about your difficulties and the reasons you are now giving for the exemption, on the understanding that this testimony will be kept secret? Can you give their names so that they can be heard?
32. Did you have a civil marriage? When was this? With a Catholic woman? If so, what is her legal status (free to marry, civilly divorced, legitimately released from a previous marriage by the final sentence of a competent ecclesiastical court)? Was she religious? Do you have children? Why do you wish to remedy the situation?
33. Would you like to add anything to the answers you have given above?
34. *Do you consent to the* use of the above-mentioned information insofar as it is necessary for your case to be dealt with by the Superior General, his Council and the Holy See?

Place and date _____

Signature of applicant _____

Signature of the Instructor _____

Signature of the Notary _____

WITNESS HEARING PROTOCOL

In a cause for dispensation from clerical obligations and celibacy:

Location

Date

This is only a suggested form of questioning the witness.

Questions may be omitted, adapted or added, depending on the needs of the case.

Questions and answers should be reported in writing.

Full name of witness :

Date and Place of Birth :

Address:

Civil status :

Activities/Functions :

After the Witness has sworn before me and the Notary to tell the truth,

I put the following questions to the Witness who answered as follows:

1. When did the witness know the petitioner?
2. How did the witness find out about the petitioner's priestly ministry?
3. Had the witness noticed any difficulty in living consecrated chastity and celibacy on the part of the petitioner?
4. Why and under what circumstances did the petitioner abandon the priestly ministry?
5. With which woman is the petitioner currently living as a couple? How did their relationship develop?
6. Has the Petitioner remained in contact with his religious and biological family?
7. What assistance did the petitioner receive from his religious superiors to return to the community?
8. Is the petitioner's past priestly ministry known in his present environment?
9. Will the petitioner's exemption from clerical obligations and celibacy not be an object of scandal in the family and in society?

10. Do you have a further statement to make?

Signature of the Instructor _____

Signature of witness _____

Signature of the Notary _____

TEMPORARY TRANSFER OF A RELIGIOUS PERSON TO ANOTHER UNIT AGREEMENT

1. With the approval of the [original] major superiors ____ and the [receiving] Unit ____ and with the consent of their council, the Father/Brother ____ SDS is transferred to the [receiving] Unit ____ as provided for in Article 7.66 of the General Directory.
2. This transfer will be valid for a period of ____.
3. The reasons for this transfer are as follows: ____ [Specify: apostolic ministry, studies etc.]
4. Father/Brother ____ is willing to accept these tasks which are necessary for the proper functioning and development of the [host] Unit ____ and which logically follow from the reasons for this transfer.
5. The Father/Brother ____ remains a member of the Unit ____ [of origin] during his mission in the Unit ____ [of reception]. As such and according to the terms of article 7.2a of the General Directory, he/she enjoys an active and passive voice in the Unit ____ [of reception] and a passive voice in the Unit ____ [of origin] in accordance with the following definitions: ____.
6. For the duration of his mission, the Father/Brother ____ agrees to observe the rules of the [host] Unit ____ and of his local community on the spot.
7. In financial matters, it is agreed that :
 - a) The Unit ____ and the local community of the Father/Brother provide him, in accordance with their rules and procedures, with the necessary means for all his expenses, his accommodation and pension, his personal expenses (e.g. health care, contribution to the pension fund, salaries, travel) and the work related to his mission
 - b) The [host] Unit ____ will give Father/Brother ____ an annual holiday of ____ days. (local and/or home unit leave)
8. At any time, if, for a specific reason and before the expiry of this agreement, Father/Brother ____ himself, the major superior of the Unit ____ [of origin] or the major superior of the Unit ____ [of reception] wishes to terminate this agreement, each of these parties may take the initiative, provided that they give at least three months' notice to the other parties.

The Major Superior of the Member's Unit of Origin _____

The Secretary of the Unit _____

Date _____

[Seal]

The Major Superior of the Host Unit _____

The Secretary of the Host Unit _____

Date _____

[Seal]

The Transferred Member _____

Copies to:
Unit Archives
General Archives
Transferred Member

INDULT OF EXCLAUSTRATION (cf. canon 686, §1, C.I.C)

In accordance with the provisions of the Code of Canon Law and in response to the request of Father/Brother (name) _____, this indult of exclausturation is granted for a period of (number) _____ year(s) from the date of acceptance of the Indult, for the serious reasons indicated in the petitioner’s request dated (date) _____ (cf. canon 686 §1, C.I.C).

During the period of exclausturation, the Father/Brother (name) _____ is considered to be dispensed from obligations incompatible with his new condition of life, although he remains bound by the vow of celibate chastity, poverty and obedience and remains subject to his major superior.

The Father/Brother remains, however, under the dependence of his major superior and of the ordinary of the place (if he is a cleric) and must keep his major superior informed of the address of his residence.

With this indult, the Father/Brother is (allowed/or forbidden) to wear the religious habit. During the whole period of exclausturation, his right to active and passive voice in the Society is suspended (cf. canon 687, C.I.C.).

During the period of exclausturation, the Father/Brother (name) _____ is solely responsible and cannot in any way commit the Society or its Unit to third parties in financial matters (cf. canon 639, C.I.C).

At the end of this Indult, the Father/Brother (name) _____ will be obliged to return to the community, as directed by his major superior, unless otherwise provided.

Done at

The Superior General _____

The Secretary General _____

I, the undersigned, (Name of the petitioner) _____ hereby accept the exclausturation agreement and its terms and conditions.

Place and date _____

The petitioner _____

CANONIC MONITION (cf. canons 697 no. 2; 1347, §1, C.I.C)

Reverend Father/Brother,

According to the discipline of the Church, priests are to abstain from anything that is not appropriate to their state (cf. canon 285, §1, CIC).

Clerics are formally forbidden to engage in trade or commerce without the permission of the competent authority (cf. canon 286, C.I.C.).

I am told that you are engaged in a commercial activity whereby members of this corporation come to our Unit to claim money that you owe them.

In order to ensure compliance with the above-mentioned standards, I order you to present me with irrevocable proof of your withdrawal from this activity within two weeks.

If you fail to comply with this paternal request, I shall be obliged to impose an appropriate sanction.

Fraternal greetings in Christ our Divine Saviour.

Date _____

The Major Superior of the Unit _____

The Secretary of the Unit _____

PENAL PRECEDENT (CF. CANON 1319, §1, C.I.C)

I, (Name) _____ Superior General/major superior ;

WHEREAS ;

That in the month of of the year complaints were lodged against Reverend, a Salvatorian religious, of the Unit of..... ;

That in these, the religious in question was accused of having committed, in..... and on....., the crime referred to in canon..... as well as in article of the Constitutions of the Society.

Carried out the preliminary investigation ;

Found the existence of a *fumus delicti* ;

Attests to the need to intervene rapidly for the good of souls and to avoid the repetition of the crimes denounced and any form of pressure and/or reprisals against the victims;

By the present,

PRECEPTED

it is imposed and ordered, ex-canon 1319, that Father/Brother....., under penalty of prohibition, shall not go for a period of (specify number of months/years) to(indicate the place subject to prohibition).

Place and date _____

The Superior General/Major Superior _____

The Secretary General/Unit _____

RECOURSE / REMONSTRATIO (TO THE AUTHOR OF THE DECREE)

Reverend Father Superior General

I received your decree of (day)..... (month).....(year)
imposing on me the penalty of expulsion from the Society of the
Divine Saviour for disobedience.

While recognising that some of my behaviour has deviated from the
practice of this norm, I ask you to exercise your concern and review the sen-
tence that has been imposed on me because of its severity.

Indeed, your decree did not respect certain procedural and substantive
elements required by canon law [list here the elements you think were not re-
spected (procedure, monition, right to appeal...).

I am bringing this appeal to ask you to modify this decree and to sus-
pend its execution (cf. canon 1734, §1, C.I.C).

Thanking you in advance for your fatherly concern, I ask you to ac-
cept, Father Superior General, my fraternal greetings...

Date _____

Signature_____

MODEL CONTRACT BETWEEN THE SOCIETY/UNIT AND A DIOCESE

Art 1) **Contracting Parties**

N..... Bishop of the diocese of in his capacity as representative of this diocese

and

N.....major superior/General in his capacity as representative of the Society of the Divine Saviour or of the Unit... according to the Constitutions have, by mutual agreement, concluded the following convention

Art 2) **Purpose of the contract**

The Bishop of entrusts the Society of the Divine Saviour/Unity

(Specify carefully and in detail the work and office, e.g. parish, dispensary, hospital, school, seminary, etc.) and the Society of the Divine Saviour/Unit agrees to administer or exercise it as directed by the Bishop.

Art 3) **Number and qualifications of members**

The members will be made available to the Bishop for appointment: Specify in detail their number, their skills, their academic qualifications if necessary and other qualities required for the exercise of the office.

Art 4) **Appointment**

Clearly specify the procedure and competences (e.g. the right of proposal or presentation of the major superior and the right of appointment of the bishop). Notification of these appointments or of the assumption of a particular function should be given to the religious/consecrated person through his/her superior.

Art 5) **Economic issues**

- a) To define in a clear and exact manner all matters relating to remuneration; social insurance in case of sickness, old age or disability; accommodation; travel expenses for holidays or rest shall be borne by the Society of the Divine Saviour/Unit or the diocese or provided for equally by both parties.
- b) Administration: the possession and management of the property of

the Diocese or its works shall be governed by the provisions of canon law and the diocesan bishop. An inventory of the property of both the Society of the Divine Saviour/Unit and the Diocese shall be attached to the agreement and updated annually.

Art 6) Duration

This agreement shall remain in force for a period of (...) years and shall be automatically renewed unless, (...) months before its expiry, either party wishes to terminate it [Specify therefore the time needed to notify the other party in case of termination of the contract (one year or six months before, etc...), withdrawal or dismissal of a member].

Art 7) Final provision

This agreement may be amended or revoked by mutual agreement even before the end of its term. It may also be extended by mutual agreement.

Done aton.....

For the Diocese of

For the Society/Unity of

Bishop _____

The Superior General/Major Superior _____

Chancellor _____

The Secretary General/Unit _____

SERVICE AGREEMENT FOR RELIGIOUS

Between the undersigned :

The Diocese with its seat at represented here by..... in his capacity asadministrative officer.

Hereinafter referred to as the “Diocese”, on the one hand ;

and

The Society of the Divine Saviour (Unity) of Pontifical Right, whose main office is at, represented by N..... in his capacity as major superior (Superior General or major superior) or Legal Representative.

Hereinafter referred to as the “Society of the Divine Saviour/Unit of” , on the other hand ;

It was agreed as follows:

Nature of the contract and working arrangements

Art. 1 The Society of the Divine Saviour/Unit of, with the consent of Reverend Father/Brother

places it at the disposal of the Diocese, with a view to exercising its apostolate in the structures of the Diocese.

Art 2. The Diocese entrusts the Reverend Father/Brother with the task of as a function of which the Diocese reserves the right to specify the guidelines and content.

To this end, the Diocese will at all times be at the disposal of the Society of the Divine Saviour/Unity for any observations deemed necessary.

Art 3. The Reverend Father/Brother..... will exercise his functions in (place)....., located at (or on avenue).....

Any change of duties or position for the Reverend Father/Brother shall be subject to an amendment which shall be submitted to the Society/Unit for prior approval.

Duration of the agreement

Art 4. This agreement is concluded for a period of(number of years) renewable once.

Miscellaneous law

The Diocese guarantees to the Reverend Father/Brother..... its rights under the following clauses:

Art 5. The Diocese shall provide the Reverend Father/Brother with a monthly salary corresponding to, the rate fixed for the ecclesiastical personnel assigned in the structures of the Diocese.

Art 6. For the trips of the service, free transport or an identity is provided according to the tariffs in force.

Art 7. After..... (one year...) of uninterrupted service, the Diocese will grant the Reverend Father/Brother, a paid leave of..... (thirty working days...), the date of departure of which shall be fixed by mutual agreement between the two parties. Certain leaves of absence provided for by the law will apply to him.

Art 8. The Society of the Divine Saviour/Unity and the Diocese admit that the departure on leave of a Religious does not put an end to his being placed at the disposal of the Diocese.

If, therefore, during the course of the leave, a new assignment is envisaged, the Society or Unit will notify the Diocese as soon as possible with a notice period of (3 months...).

Art 9. The Reverend Father/Brother's health, disability or old age insurance is taken care of by (the Diocese/SDS/Unit).

Miscellaneous obligations

Art 10. The Reverend Father/Brother will exercise his functions in confidence and obedience to the directives of the Diocese, will observe the strict discretion which his function particularly requires, and will discharge all his duties

in an evangelical spirit of devotion and charity towards all those who have recourse to his services.

Art. 11. The Society of the Divine Saviour/Unity, aware of the importance of the task which the Diocese entrusts to the Reverend Father/Brother undertakes not to withdraw him from service before the deadline fixed by the present agreement; except in cases of necessity or force majeure, in which case it will kindly notify the Diocese within a period of (three months...).

The Society of the Divine Saviour/Unity shall not impose on him any duties incompatible with his duties in the Diocese.

Art.12. The Society of the Divine Saviour/Unity will animate the effort required of the Reverend Father/Brother and will encourage him to a sincere and close collaboration with the Diocese and the other members of the personnel working in the service (service where the Reverend Father/Brother is assigned).

The Society shall not interfere in the performance of the duties entrusted to her by the Diocese.

Art. 13. The Diocese shall not impose on the Reverend Father/Brother any duties which his superiors consider incompatible with the spirit of the Constitutions governing the Society of the Divine Saviour or which would constitute a danger to the observance of his form of life.

In case of incompatibility, the Society of the Divine Saviour/Unit or the person concerned may refer the matter to the Diocese.

Art. 14. The Diocese cannot be held responsible for any faults, errors or negligence which the Reverend Father/Brother may commit in the exercise of his functions or in the illegitimate performance of them. This responsibility lies with the Society of the Divine Saviour/Unity. However, the Diocese reserves the right to take action or recourse against the Reverend Father/Brother who has caused it harm.

Art. 15. Such responsibility imposes on the Society of the Divine Saviour/Unity the duty to ensure that the Reverend Father/Brother fulfils his office correctly, under the direction and control of, in accordance with art. 12 of the present agreement.

Amendment and termination of the agreement

Art. 16. Before the expiry date, the two parties may, by mutual agreement, modify any of the clauses of this agreement; they may also terminate it in the same way for justified reasons.

In any case, this agreement may be terminated at the initiative of either party by giving notice to (six months...).

Art. 17 For all cases not provided for in the present agreement, the parties declare that they will refer to the amicable settlement, to the *lex loci contractus*, to the general principles of canon law, civil law and equity.

Art. 18. The present agreement shall be binding on the contracting parties after the signature of their respective representatives and the following undertaking by Reverend Father/Brother It is made in three copies, one for each of the signatories.

Done aton.....

For the Diocese of

For the Society/Unity of

I, Father/Brother of the Society of the Divine Saviour/Unit of; accept all the clauses of this agreement and undertake to observe them faithfully.

Signature of Father/Brother_____

**VOTUM OF THE MAJOR SUPERIOR
CASES OF SEXUAL ABUSE**

Preliminary investigation into the case of father NN.....

His Excellency,

Having received, following a complaint lodged by, the news of the presumed commission of the crime of sexual abuse of a minor by Reverend NN....., cleric of the Society of the Divine Saviour, Unit of.....

I ordered, by decree of, the opening of the preliminary investigation, entrusting the task to .NN as Delegate, and to Reverend NN..... , as Notary.

The first, by letter dated, sent me all the documentation of the investigation carried out, as well as its own conclusion report.

In view of the above, and expressing my personal *votum* and that of my counsel in this regard, I am of the opinion, in good faith, that the elements of *fumus delictis* are present in this case, in view of what has been stated by both the accused and the alleged victims, and, therefore, I consider it appropriate to criminally prosecute Reverend NN.....

In this respect, particularly in view of the accused’s acknowledgement of his guilt for the acts of which he is accused, I consider that it is not necessary to proceed judicially and I therefore propose to proceed by *decretum extra iudicium* against him pursuant to Article 21, §2, n.1 of the Normae de delictis reservatis.

While awaiting the decision of your Dicastery on this case, I take this opportunity to offer you my sincere greetings in the Divine Saviour.

Done aton.....

The Superior General/or of the Unit _____

The Secretary General/ or of the Unit _____

INFORMATION SHEET GRAVIOIRA DELICTA

This is just a sample of the information that the Congregation requires.

This table provides only a summary.

The relevant original documents must be included when you send the file to the FDC.

INSTITUTE OF INCARDINATION	
ORDINARY	
FULL NAME OF THE CLERIC	
FULL NAME OF THE CLERIC	
IDENTITY CARD (photocopy, if possible)	

BIOGRAPHICAL DATA OF THE CLERIC					
Date of birth		Diaconal ordination		Age	
Perpetual Vows		Priestly ordination		Years of ministry	
POSSIBLE PREVIOUS PLACES OF INCARDINATION					
MINISTERERS OUTSIDE THE INSTITUTE OF INCARDINATION					
CURRENT ADDRESS OF THE CLERIC					
LAWYER/PROSECUTOR					
ADDRESS OF THE LAWYER/PROSECUTOR					

MINISTRIES			
Year	Parish/Institution	Location	Load

ACCUSATION OF DELICTA RESERVATA AGAINST THE CLERIC				
Date of the offending acts	Full name of the alleged victim	Age	Location, frequency and details of the offending acts	Author and date of the denunciation to the ecclesiastical authorities
OTHER PROBLEMATIC FACTS/OTHER ACCUSATIONS				
Year	Description			
CIVIL PROVISIONS AGAINST THE CLERIC				
Year	Type	Outcome/Sentence (photocopy, if possible)		
MEASURES ADOPTED BY THE ECCLESIASTICAL AUTHORITY				
Year	Description			
SUBSISTENCE GIVEN TO THE CLERIC				
THE CLERIC'S RESPONSE TO THE ACCUSATIONS				
Year	Response (admission, denial, refusal to cooperate)			
VOTE OF THE MAJOR SUPERIORS				

