

GUIDELINES FOR INACTIVE FRATERNITIES
(Approved for use in May 2018 by Canada's National Elective Chapter)

When a local fraternity is canonically established by a Major Superior of the First Order or Third Order Regular, the local fraternity becomes a "juridic person" in the eyes of the Church. According to Canon 120.1, this "juridic person is perpetual by its nature; however, it can be extinguished if it is legitimately suppressed by the competent authority or has ceased to act for a hundred years."

Although perpetual in nature, the life of a canonically established local fraternity can sometimes diminish to the point where it is no longer able to sustain its life as a Secular Franciscan fraternity and becomes inactive.

The following criteria may be used to assess if a fraternity has become inactive in supporting the life of its Secular Franciscan members. The fraternity ...

- a) no longer has at least four active permanently professed members, a requirement that would allow for the composition of an elected council (OFS Rule 21 & 22, OFS General Constitutions Art. 46.2, 49.1 and 82);
- b) does not have any candidates in formation and has not had a new permanent profession for at least three years (OFS Rule 23, OFS Ritual p. 24);
- c) no longer has regular fraternity meetings and has not had any over a period of at least three years (OFS Rule 24, OFS General Constitutions, Art. 53);
- d) no longer participates in the life and activities of the Regional Fraternity (OFS Rule 24, OFS General Constitutions, Art. 30.2 and 93.2);
- e) no longer contributes to the common fund or provides financial support to the higher level fraternities (OFS Rule 25, OFS General Constitutions, Art 30.3);
- f) has not sought a pastoral or fraternal visitation for at least six years (OFS Rule 26, OFS General Constitutions, Art. 92.2).

Together, all of these criteria are used to develop a comprehensive assessment of the fraternity's state of activity. It is important to note that terms like "deactivating" ", "de-commissioning", "recess", "closure" or other similar terms are not valid terms to describe what happens when a fraternity is no longer active, both with respect to Canon Law or OFS legislation.

When a canonically established local fraternity is no longer able to be active in sustaining its Secular Franciscan life, two options are possible (refer to Canon 120.1):

Option 1 The Regional Council, responsible for animating and guiding the fraternities in its territory, may "declare" the fraternity to be "inactive"; or

Option 2 The Major Superior (Provincial Minister) who has canonically established the local fraternity and who is considered to be the competent authority may "suppress" the fraternity.

When a fraternity finds itself in this situation of inactivity, the following steps should be taken:

1. The Regional Council takes the initiative to conduct a fraternal and pastoral visit to the local fraternity concerned. Normally, this visit would be conducted by the Regional Minister and the Regional Spiritual Assistant. Through the Regional Spiritual Assistant, the Provincial Minister is informed that this visit is being conducted.
2. The report of the visitors is presented to the Regional Council. A copy of the report is forwarded to the Provincial Minister of the friar province to which the local fraternity is canonically bonded.
3. In dialogue with the remaining members of the local fraternity, the Regional Council discerns whether the local fraternity is to be declared “inactive” or if a request should be forwarded to the appropriate Provincial Minister to have the fraternity “suppressed”.
4. If the Regional Council decides to declare the fraternity “inactive”, a declaration is drafted to this effect. A copy of this declaration is forwarded to the remaining members of the local fraternity and a copy is forwarded to the Provincial Minister concerned. By declaring the fraternity “inactive”, the possibility of the local fraternity becoming “active” at a future point remains. On the other hand, if it remains inactive (has “ceased to act”) for more than one hundred (100) years after the last member of the fraternity has died, its juridical nature would be considered extinguished, according to Canon 120.1.
5. If a fraternity is declared to be "inactive", its remaining members must be accommodated. Although a fraternity, as a fraternity, may be inactive, some of the remaining members may still wish to remain "active". In this case, members of the fraternity may be transferred to a nearby "active" fraternity where they can participate in fraternity life to the extent that they are able, given their personal health conditions, mobility and distance to nearest fraternity, etc. (OFS General Constitutions, Art. 55). If the members do not wish to remain active, they must withdraw, either temporarily or permanently, from the life of the fraternity (OFS General Constitutions, Art. 56-58).
6. When a fraternity is declared to be "inactive", the care of the fraternity’s assets , its library and its records are assumed by the Regional Council. These assets, however, continue to belong to the local fraternity until its last member has died, given that this “member has the exercise of all the rights of the aggregate” according to Canon 120.2. The local fraternity’s register is updated with the status of the remaining members (transferred or withdrawn).
7. If the Regional Council determines that the fraternity should be “suppressed”, the Regional Minister communicates with the Major Superior to which the fraternity is canonically bonded. A dialogue between the Regional Council, the remaining members of the local fraternity and the Major Superior takes place to confirm the decision to suppress the local

fraternity. The act of suppression can only be executed by the Major Superior and cannot be delegated to a Spiritual Assistant at any level; only the competent authority who has established the fraternity can also suppress it. A declaration is drafted to this effect. A copy is forwarded to the remaining members of the local fraternity, a copy to the Regional Council and a copy is maintained in the archives of the Provincial Minister. The suppression of a fraternity is an action that is final in nature. If individuals in the area re-group at a later time and wish to start again, a new fraternity would have to be established by the Major Superior.

8. When a fraternity is “suppressed”, the assets of the fraternity, its library and its records are acquired by the Regional Council and kept in the regional fraternity's archives (OFS Gen. Const. Art. 48.1). The local fraternity’s register is updated with the status of the remaining members (transferred or withdrawn). The common fund and other assets of the fraternity are either disposed according to the decision of the remaining members or are put in an interest-bearing escrow account managed by the Regional Council (Canon 122-123). Approved for use on (date) by (chapter).