

A. Some Recent Modifications

B. Dismissal: Types & Procedures

C. Some Canonical Challenges

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A-I. Some Recent Modification C-ICL SAL, Guidelines The Gift of Fidelity - The Joy of Perseveran Maneto in dilectione mea (Jn 15:9) (2 Feb. 2020). Francis, Apostolic Letter issued motu proprio Communis hich provides for the modification of several norms of the Code of canon law (19 March 2019). C-ICL-SAL, Circular Letter Siamo consapevoli, On aspects o Communis Vita (8 September 2019). Francis, Apostolic Letter issued motu proprio Competent quasdam decernere, Introducing changes to some norms of the Code of canon law and the Code of canons of the Eastern Churches (11 February 2022). Francis, Apostolic Constitution Praedicate Evangelium, On the Roman Curia and its Service to the Church in the World (19 March 2022). Francis, Apostolic Letter issued motu proprio *Recognitum Librum VI*, With which can. 695 §1 of CIC is modified (26 April 2022).

1. Francis, Communis vita (19 Mar. 2019)

Life in community is an essential element of religious life, and "religious are to live in their own religious house and are not to be absent from it except with the permission of their superior" (Can. 665 §1 CIC). The experience of recent years has, however, demonstrated that situations occur that are related to illegitimate absences from the religious house, during which religious distance themselves from the jurisdiction of the legitimate Superior and at times cannot be located.

The Code of Canon Law requires the Superior to seek out the illegitimately absent religious in order to help him or her to return and persevere in his or her vocation (cf. can. 665 §2 CIC). Quite often, however, it may happen that the Superior is unable to locate the absent religious. Pursuant to the Code of Canon Law, after at least six months of illegitimate absence (cf. can. 696 CIC), it is possible to begin the process of dismissal by the institute, according to the established procedure (cf. can. 697 CIC). However, when the religious' place of residence is unknown, it becomes difficult to accord juridical certains to the de facto situation.

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1. Francis, Communis vita (19 Mar. 2019)

Therefore, notwithstanding what is established by the law on dismissal following six months of illegitimate absence, in order to help institutes apply the necessary discipline and be able to proceed to the dismissal of the illegitimately absent religious, especially in cases in which his or her location is unknown. I have decided to add to can. 694 \$1 CIC, among the reasons for dismissal ipso facto from the institute, also a prolonged illegitimate absence from the religious house lasting at least 12 consecutive months, with the same procedure described in can. 694 \$2 CIC. In order to produce juridical effects, the statement of the case by the Major Superior must be confirmed by the Holy See; for institutes of diocesan right, the confirmation rests with the Bishop of the principal See.

1. Francis, *Communis vita* (19 Mar. 2019

Updated can. 694 (19 March 2019)

Can. 694 §1. A religious must be held as dismissed ipso facto from an institute who: 1) has defected notoriously from the Catholic faith; 2) has contracted marriage or attempted it, even only civilly;

- 3) has been illegitimately absent from the religious house, pursuant to can. 665 §2, for 12 consecutive months, taking into account that the location of the religious himself or herself may be unknown.
- §2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the statement of the case so that the dismissal may be juridically constituted.
- §3. In the case envisaged by §1 n. 3, in order to be juridically constituted, this statement must be confirmed by the Holy See; for institutes of diocesan right the confirmation rests with the Bishop of the principal See.

Can. 694 §1. A member must be held as ipso facto dismissed from an institute who:

facto dismissed from an institute who:

1) has defected notoriously from the Catholic faith; 2) has contracted marriage or attempted it, even only civilly.

§2. In these cases, after the proofs have been collected, the major superior with the council is to issue without any delay a declaration of fact so that the dismissal is established juridically.

Prof. Rev. M.J. Jesu Pudumai Doss, SDB - Dismissal of Religious, 08 March 2023

2. C-ICL-SAL, Circular Letter (8 Sep. 2019)

Introduction

- In some places the community life has lost relevance in the eyes of men and women religious and perhaps is considered no longer an ideal to pursue (Instruction *The Fraternal Life in Community*, 2 Feb. 1994)
- Change of Can. 694 by Pope Francis (Communis vita)
- This change offers the opportunity to find a solution to <u>cases of illegitimate absence</u>, with particular reference to members who sometimes cannot be traced or who have gone untraceable.

Various situations of absence

- illegitimately absent without permission (665 §2)
- legitimately absent but not back in the community after the time limit (66) §1: absence, 686 §1: exclaustration)
- illegitimately absent without communicating his/her address / place of residence

Not apply

- if legitimately absent but place of residence <u>unknown</u> (665 §1: absence 686 §1: exclaustration)
- if illegitimately absent but place of residence known (665 §2)
- if cases occurred before 10th April 2019 (enter into force: cann. 8-9)

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3. Francis, Competentias quasdam decernere (11 Feb. 22): About 11 Canons Updated

The assignment of certain areas of competence with regard to the provisions of the Codes intended to safeguard unity of discipline in the universal Church, and executive power in the local Churches and ecclesial institutions, corresponds to the dynamic of ecclesiastical communion and enhances proximity. A healthy decentralization can only foster that dynamic without prejudice to its hierarchical dimension.

Therefore, with due regard for the ecclesial culture and juridical mentality proper to each Code, I have considered it fitting to introduce changes to the current regulations in certain specific areas, by assigning their various areas of competence. They are meant, above all, to foster the sense of collegiality and pastoral responsibility of diocesan/eparchial bishops assembled in episcopal conferences, or in accordance with eastern hierarchical structures, and major superiors, but also to respect the principles of reasonableness, effectiveness and efficiency.

structures, and major superiors, but also to respect the principles of reasonableness, effectiveness and efficiency.

These changes reflect more clearly the Church's shared and pluralistic universality, which embraces differences without leveling them, guaranteeing, with respect to her unity, the ministry of the Bishop of Rome. At the same time, they will encourage a more rapid and effective pastoral governance on the part of local authority, not least by facilitating its proximity to individuals and situations that demand it.

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3. Francis, Competentias quasdam decernere (11 Feb. 22): 4 Canons Updated on "Religious Life" (& 604; Virgins)

2. C-ICL-SAL, Circular Letter (8 Sep. 2019)

a profile on social networks or a fictitious address

Different steps to be completed by the competent Superior

seek out <u>solicitously</u> those absent & help to return & persevere (665 §2) = not limit to occasional & hasty

investigations: search among members/previous superiors

how to accord juridical certainty to the de facto situation:

Superior with his/her council - declare unknown status of

residence (to know the date a quo for calculation: 203 §1)

after 12 consecutive months - if status still unknown - proceed

produce proofs of search (letters sent but returned to sender

a telephone number or an email address

friends & family, ways allowed in civil law

1509-1510, calls made, personal search, etc.);

to declare "ipso facto dismissal"

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APPLY - if one knows ONLY

Art. 5

Canons 686 \$1 CIC and 489 \$2 CCEO, on the grant of an indult of EXCLAUSTRATION, for a grave cause, to a member professed by perpetual vows, extend the time limit for five years, after which, competence for an extension or grant is reserved to the Holy See or to the diocesan bishop.

Canon 688 §2 CIC and canons 496 §81-2 and 546 §2 CCEO, on individuals temporarily professed who ask, for a grave cause, to LEAVE the institute, assign competence for the relevant indult to the supreme moderator, with the consent of the council. For the Latin Code, this applies to both institutes of pontifical right and institutes of diocesan right, as well as autonomous monasteries; for the Eastern Code, it applies to a monastery sui turis or to an order or congregation.

Canons 699 §2 and 700 CIC and canons 499, 501 §2 and 552 §1 CCEO are modified, so that that the decree of DISMISSAL from an institute, for a grave cause, of a temporarily or perpetually professed member takes effect from the time that the decree, issued by the supreme moderator with the consent of his or her council, is communicated to that member, who retains the right to appeal

3. Francis, Competentias quasdam decernere (11 Feb. 22)

Updated can. 699 §2 (11 Feb 22)

Can. 699 §1. The supreme moderator with the council, which must consist of at least four members for validity, is to proceed collegially to the accurate consideration of the proofs, arguments, and defenses; if it has been decided through secret ballot, the supreme moderator is to issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity.

Can. 699 §2. In the <u>autonomous</u> monasteries mentioned in can. 615, it belongs to the <u>major superior</u>, with the consent of his or her council, to <u>decide</u> on dismissal.

CIC 1983 (old version)

Can. 699 §1. The supreme moderator with the council, which must consist of at least four members for validity, is to proceed collegially to the accurate consideration of the proofs, arguments, and defenses; if it has been decided through secret ballot, the supreme moderator is to issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity.

§2. In the autonomous monasteries mentioned in can. 615, it belongs to the diocesan bishop, to whom the superior is to submit the acts examined by the council, to decide on dismissal.

3. Francis, Competentias quasdam decernere (11 Feb. 22)

Updated can. 700 (11 Feb 22)

Can. 700. A decree of dismissal issued in the case of a professed member takes effect from the time that it is communicated to the member concerned.

To be valid, however, the decree must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification.

The recourse has suspensive effect.

CIC 1983 (old version)

Can. 700 A decree of dismissal does not have effect unless it has been confirmed by the Holv See, to which the decree and all the acts must be transmitted; if it concerns an institute of diocesan right, confirmation belongs to the bishop of the diocese where the house to which the religious has been attached is situated. To be valid, however, the decree must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification.

The recourse has suspensive effect.

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4. Francis, Praedicate Evangelium (19 March 20

Art. 124 §1. In accordance with canonical norms, the Dicaste deals with matters belonging to the competence of the Aposto regarding the life and activity of the Institutes of Consecrated Life and Societies of Apostolic Life, particularly with regard to:

- 1. the approval of Constitutions and their amendments; 2. ordina government and discipline of members; 3. the incorporation and formation of members, including through specific norms and directives; 4. temporal goods and their administration; 5. the apostolate; 6. extraordinary measures of governance.
- §2. The following also belong to the competence of the Dicaster according to the norm of law:
 - l. the transfer of a member to another approved form of consecrated life; 2. the extension of absence and exclaustration beyond the terr granted by the supreme Moderators; 3, the indult for members in perpetual vows to depart from Institutes of Consecrated Life or Societies of Apostolic Life of Pontifical right; 4. imposed exclaustration; 5. the examination of appeals against the decree dismissal of members.

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5. Francis, Recognitum Librum VI (26 Apr. 2022

Updated can. 695 (26 April 2022)

695 §1. A member must be dismissed for the offenses in cann. 1395, 1397 and 1398, unless in the delicts mentioned in cann. 1395 §§2-3 and 1398 §1, the major superior judges that dismissal is not entirely necessary and that the correction of the member and restitution of justice and reparation of scandal can be sufficiently assured in some other way

§2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

Can. 695 §1. A member must be dismissed for the delicts mentioned in cann. 1397, 1398, and 1395, unless in the delicts ment can. 1395, §2, the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

§2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

5. Francis, Recognitum Librum VI (26 Apr. 202

On 1 June 2021, with the Apostolic Constitution Pascite gre Dei, we promulgated the <u>new Book VI</u> of the Code of Canon Law, sanctionibus poenalibus in Ecclesia. In it some delicts have been typified differently, other new ones have been introduced and, moreover, the succession of canons has also changed. This requires modification in order to <u>conform with the canons of other Books</u> of the Code.

Having said that, having consulted the Pontifical Council for Legislative Texts and the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, we establish that the text of ca 695 §1, is modified as follows:

Sodalis dimitti debet ob delicta de quibus in cann. 1395, 1397 et 1 nisi in delictis, de quibus in cann. 1395 §§2-3, et 1398 §1, Superior m censeat dimissionem non esse omnino necessariam et emendationi sodalis atque restitutioni iustitiae et reparationi scandali satis alio n consuli posse.

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A-IN Some "Recent" Modification

DISMISSED Other Special Laws with Indirect Consequences olic Letter issued motu proprio As a Loving CIS, A Mother (04 June 2016).

- ii. Francis, Apostolic Letter issued motu proprio Vos estis lux mundi (07 May 2019).
- iii. Congregation for the Doctrine of Faith, Norms regarding Deli Reserved to the Congregation for the Doctrine of the Faith (11 October 2021).
- iv. Congregation for the Doctrine of the Faith, Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse Minors Committed by Clerics, Ver. 2.0 (5 June 2022).
 - Francis, Apostolic Constitution *Pascite gregem Dei*, Reforming Book VI of the Code of Canon Law (23 May 2021). *Newly* Revised "Book VI Penal Sanctions in the Church" (of the Code of Canon Law) (entered into force on 8 December 2021).

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i. Francis, As a Loving Mother (4 June 2016)

... the possibility of removal from ecclesiastical office "for grave reas igence of a Bishop in the exercise of his office (cann. 192-195) = the negland in particular in relation to cases of sexual abuse inflicted on minor and vulnerable adults... (1378 §2: Abuse of Office

- Art. 1 §1 The diocesan Bishop or Eparch... can be legitimately removed from this office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.
- §2. The diocesan Bishop or Eparch can only be <u>removed</u> if he is objectively lack in a <u>very grave</u> manner the diligence that his pastoral office demands of him, e without serious moral fault on his part.

§3. In the case of the abuse of minors and vulnerable adults it is enough that th

§4. The Major Superiors of Religious Institutes and Societies of Apostolic Life of Pontifical Right are equivalent to diocesan Bishop and Eparchs.

ii. Francis, Vos estis lux mundi (07 May 201

- Art 1 §1 a) delicts against the sixth commandment of the Decalo (by members of ICL-SAL) consisting of:
 - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts (1395 8)
 - ii. performing sexual acts with a minor or a vulnerable person; (135
 - iii. the production, exhibition, possession or distribution, including by electronic means, of <u>child pornography</u> (<u>1398 §1,3°</u>)*, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions (1398 \$1,2°)
- Art 1 §1 b) actions or omissions (by Supreme moderators of ICL-SAI of Pontifical Right) intended to interfere with or avoid civil investigations or canonical investigations, whether administrative penal, against a cleric or a religious (1378 §1: Abuse of of Art. 3 Mandatory Reporting by members of ICL-SAL to local Ordinary or Ordinary & in cases involving Supreme mod ICL-SAL of Pontifical Right to Holy See (1371 86)

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iii. CDF, Norms regarding Delicts Reserved to CDF (11 Oct. 21) Art. 7 Whoever commits the delicts mentioned in artt. 2-6, besides what is established for individual delicts in the CIC and ... with a just penalty according to the gravity of the crime; if committed by a (RELIGIOUS) cleric, he may also be punished by dismissal or deposition from the clerical state. Art. 2: Delicts against the faith Art. 3: Delicts against the Eucharist Art. 4: Delicts against the Sacrament of Penance Art. 5: Delict of attempted sacred ordination of a woman Art. 6: Delicts against morals Follow the Procedural Norms (art. 9-29): Dicastery for the Doctrine of the Faith = Supreme Apostolic Tribunal

iv. CDF, Vademecum - Cases of Sexual Abuse of Minor Committed by Clerics (5 June 2022)

8. In accordance with the law governing religious who are members of the Latin Church (cf. canons 695ff. CIC), the delict mentioned above in no. 1 (offense against 6th commandment committed by a cleric with a miner can also entail dismissal from a religious institute. The following should be kept in mind:

a) such dismissal is <u>not a penalty</u>, but rather <u>an administrative act of the Supreme Moderator;</u>

b) to issue a decree of dismissal, the relevant procedure described in canons 695 §2, 699 and 700 CIC (Obligatory Dismissal) must be carefully followed:

c) dismissal from the institute entails the loss of membership in the institute and the cessation of yows and obligations deriving from profession (cf. canon 701 CIC), as well as the prohibition of exercising any sucred orders received until the conditions referred to in canon 701 CIC are met.

The same rules, suitably adapted, are also applicable to definitively incorporated members of Secular Institutes and Societies of Apostolic Li (cf. canons 729 and 746 CIC).

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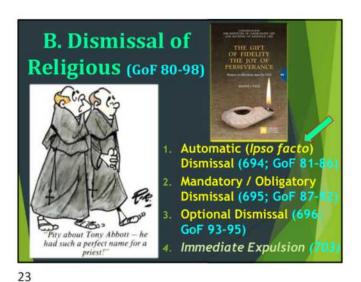


A. Some Recent Modifications

B. Dismissal: Types & Procedures

C. Some Canonical Challenges

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1. Automatic (Ipso facto) Dismissal (694; GoF 81-Notoriously defected from the catholic faith (§1,1°; GoF 82) against fundamental right & duty of full communion of faith, sacraments & ecclesiastical government (204-205, 209) "virtual" forms of notoriously or publicly abandoning the faith (171 §1,4°, 194 §1,2°, 316 §1, 694 §1,1°, 1071 §1,4°, 1071 §2) actus formalis defectionis ab Ecclesia catholica (1086 §1, 1117, 1124; PCLT, 13 March 2006): decision, manifestation, reception by authority Contracted or attempted marriage - even civilly (§1,2°; GoF 83) against the vow of chastity = perfect & perpetual continence (599, 573-576, 607, 672, 277) possibilities of "attempting/contracting" a marriage (1078 §2,1°,1087, 1088, 1394): valid, but illicit canonical marriage; invalid canonical marriage; (valid) civil marriage Illegitimate absence = for 12 months & untraceable (§1,3°; GoF) NEW: Francis Communis vita, 26 March 2019) against duty to observe common life & live in their own religious he (665 §1, 602, 607 §2, 608, 103) APPLY if one knows ONLY: a telephone number; an email address; profile on social networks; a fictitious address

Prof. Rev. M.J. Jesu Pudumai Doss, SDB - Dismissal of Religious, 08 March 2023

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Phase I: Major Superior MAY BEGIN Process: recalls the religious & threatens canonical sanctions

If no proper response/change: Considers proofs - consult the council - issues FIRST canonical warning & notify warning

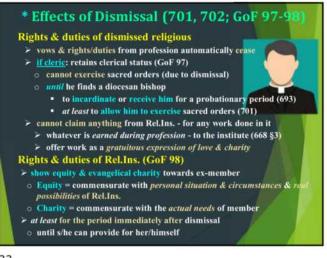
Canonical warning - Elements (GoF 95): Legal grounds; Facts accused; Action/Omission required; Threat of dismissal; opportunity for defence (698)

AFTER 15 days > If no proper response/change;
Considers proofs - consults the council -issues SECOND canonical warning & notify warning

AFTER 15 days > major superior convenes the Council & judges by secret vote on evidence & incorrigibility & Sends all the acts to the supreme Moderator

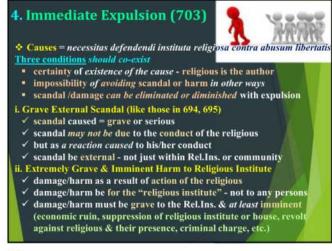
Procedure: Phase II (as indicated in 699)
Procedure: Phase III (as indicated in 700)

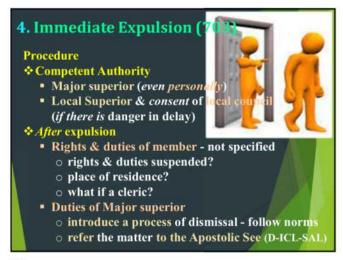
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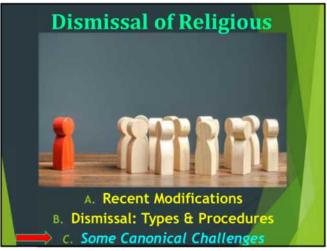
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1. Some Canonical Challenges

ated life (Microcosm of our society) → has members with "problems" (EG 78; SAC 12; FLC 36-38, NW-NW 24, 33; SAO 25b-c):

- Personal Problems: defects of character, problems of insufficient maturity, alcohol or drug addiction, temptations of efficiency and activism (burnout, depression)
- Affective or Relational Problems: lack of psychological balance or emotional maturity, intrusive or possessive relationships, serious sexual problems
- Community Problems: tensions due to cultural and generational differences; "different forms of enmity, division, calumny, defamation, vendetta, jealousy and the desire to impose certain ideas at all costs, even to persecutions which appear as veritable witch hunts" even among "Consecrated Persons" (EG 100)
- Spiritual Problems: decline or absence of spiritual life or vision

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C-1. Some Canonical Challenges

How to discern: When do the "problems" / weaknesses of members become "causes" for dismissal?

- recognise serious problems against consecration / religious vows (chastity, poverty or obedience) / community life
- pay attention to various "causes" already indicated for dismissal: ips facto dismissal (694); mandatory dismissal (can. 695); optional dismissal (696)
- other "problems" become "causes" if are "grave, external, imputab & juridically proven" (696 §1: if continuous or repetitive)

Proper Response of Superior:

- never abdicate one's responsibilities: Not be deaf & dumb (SAO 201) punishment can be an act of love (Benedict XVI, Light of the World, 20
- act immediately when others are affected (persons or institutions) ensure justice for the victims, if there are (SAO 20f; VELM)
- begin with "methods of pastoral care" (1341): fraternal correction admonition, reproof or penance (697, 1339-1341)... eventually continue with the process of dismissal (694, 695 §2, 697, 699)

C-1. Some Canonical Challenges

Usual Reactions to Members with "Problems":

- usually ignored or avoided or transferred or assigned harmless tasks to keep them "quiet"
- NW-NW 21, 24: could also lead to (illegitimate) absence (665 §§1-2); exclaustration (686-687); permanent departure (688-693)

Proper Response of Superiors (Communis Vita / Cir. Letter 2019

- The life of brothers or sisters proper to each institute, by which all the members are united together as a special family in Christ, is to be defined in such a way that it becomes a mutual support for all in fulfilling the vocation of each (602)
- Superiors are... solicitously to care for and visit the sick (not only the "physically" sick), to correct the restless, to console the faint of heart, and to be patient toward all (619)
- follow the example of Christ the Good Shepherd & Good Samarit (665 §2, SAO 13d): pedagogy of forgiveness and mercy (SAO 25d)
- Propose also psychological help (when needed) & spiritual direct (FLC 38)

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C-2. Some Canonical Challenges

- Updated can. 695 §1 Recognitum Librum VI, 2022:

 it updated those canons (referred within) in correct order (first part)

• is the second part according to the changed "ecclesial vision"?

695 §1. A member must be dismissed for the offenses in cann. 1395, 1397 and 1398, a in the delicts mentioned in cann. 1395 882-3 and 1398 81, the major superior indees the dismissal is not entirely necessary and that the correction of the member and restitution justice and reparation of scandal can be sufficiently assured in some other way.

- One fails to understand why still this "discretionary d " for Cases o delicts against 6th commandment (1395 §§2-3: committed in public or with buse of office & 1398 §1: with minors or "vulnerab
 - Is this not <u>against</u> the SPIRIT of the special laws given through AALM VELM & even can. 1398 §2 & the policy of "Zero tolerance" of CDF Norms 2021 / Vademecum 2022?
- Does it not encourage the abuse of office through "cover-up" or convenient "negligence" on the part of superiors (at least in "some" ca Updated CDF-Norms 2021, Vademecum 2022:
- What happens if a religious (not just a religious-cleric) has committee delicta graviora reserved to DDF? Does such serious offence not warra least mandatory dismissal from religious institute?

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Prof. Rev. M.J. Jesu Pudumai Doss, SDB - Dismissal of Religious, 08 March 2023

C-2. Some Canonical Challenges

Updated can. 695 §1

Suggested can. 695 §1

Sodalis dimitti debet ob delicta de quibus in cann. 1395, 1397 et 1398, nisi in delictis, de quibus in cann. 1395 §§2-3, et 1398 §1, Superior maior censeat dimissionem non esse omnino necessariam et emendationi sodalis atque restitutioni iustitiae et reparationi scandali satis alio modo consuli posse.

Sodalis dimitti debet ob delicta de quibus in cann. 1395, 1397 et

et ob delicta graviora Dicasterii pro Doctrina Fidei reservata.

Jesu Pudumai Doss, Dimissione dei religiosi: Cenni storici e approfondime normativi, in Jesu Pudumai Doss (Ed.), In Ecclesiae corde. As_i della vita consacrata, LAS, Roma 2019, 177-218 (especially

C-3. Some Canonical Challenges

- Updated can. 694 §1.3° & §3 Communis vita, 2019 (& Circulated Canada) Letter, 2019):
 - addressed a very long-standing issue: absent religious
 - In some places the community life has lost relevance in the eyes of men and women religious and perhaps is considered no longer an ideal to pursue (Circular Letter 2019; The Fraternal Life in Community, 1994)
 - contrary to the basic element of Religious Life (607 §2, 602, 665, 608, 103
 - similar to "penalties" for an absent cleric (283 §1, 1392, Special Faculties Some problems persist in interpretation: Canonical proofs of the
 - "untraceable-ness" of the member; Determination of the date a quo to calculate 12 consecutive months
- Updated Book VI:
- What happens if a <u>religious-cleric</u> has been dismissed from cleric state (list of serious delicts of New Book VI) - but not from rela
- Do these serious offences (especially if dismissal has been im by DDF) not warrant ipso-facto dismissal from religious institut

C-3. Some Canonical Challenges

Updated can. 694 §1

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Suggested can. 694 §1

Can. 694 §1. Ipso facto dimissus ab instituto habendus est sodalis qui: ° a fide catholica notorie defecerit; 2° matrimonium contraxerit vel, etiam civiliter tantum, attentaverit: 3° a domo religiosa illegitime absens fuerit, secundum can. 665 §2, duodecim continuos menses, prae oculis habita eiusdem sodalis irreperibilitate.

Can. 694 §1. Ipso facto dimissus ab instituto habendus est sodalis qui: 1° a fide catholica notorie defecerit; 2º matrimonium contraxerit vel, etiam civiliter tantum, attentaverit; 3° a domo religiosa illegitime absens fuerit, secundum can. 665 §2, duodecim continuos menses, prae oculis habita eiusdem sodalis irreperibilitate; 4º statum clericalem amiserit poena dimissionis legitime

irrogata, ad normam can. 290,2°.

Jesu Pudumai Doss, Dimissione dei religiosi: Cenni storici e approj normativi, in Jesu Pudumai Doss (Ed.), In Ecclesiae corde. Asp della vita consacrata, LAS, Roma 2019, 177-218 (especially 211

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C-4. Some Canonical Challenges

- Updated can. 700 Competentias quasdam decernere (11 Feb. 2
- It is welcome change to "respect the principles of reasonablenes effectiveness and efficiency" & to enable "healthy decentralization." (subsidiarity: Principle 5 for Revision of CIC - 1967): exclaustration (686 §1); indult of departure of temporarily professed (688 §2)
- Should the "confirmation" of the decree of dismissal (which acted as a check for "unjust" dismissals) have been retained? = as in the indul of departure of perpetually professed (691 §§1-2) - by Apostolic Se or bishop of diocese of assignment (GoF 94: Verify Pro
- Does it protect/enhance the rights of member (in dismissal proces
 - right of the member to communicate with & to offer defenses directly the supreme moderator (698)
 - right of the dismissed to make recourse to the competent authority within ten days from receiving notification (700)
- In what way ALL the rights to "due process" be enabled? can. 2 right to legitimately vindicate and defend the rights, right to be judged according to the prescripts of the law applied with equity, right not to b punished with canonical penalties except according to the ne

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C-5. Some Canonical Challenges

Updated 1378 (& VELM, AALM): abuse of office with dol Can. 1378 §1. A person who, apart from the cases already foreseen by the law, abuse ecclesiastical power, office, or function, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the power or office, without

- the act or the omission, not excluding by deprivation of the power or office, without prejudice to the obligation of repairing the harm. \$2. A person who, through culpuble negligence, unlawfully and with harm to another or scandal, performs or omits an act of ecclesiastical power or office or function, is to be punished according to the provision of can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm.

 ALM (1378 §2) art. 1: The Major Superiors of Religious Institutes and Societies of Apostolic Life of Pontifical Right (§4)... can be legitimately removed from this office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony VFLM (1378 §1) speaks of deliberate interference or manipulation of processes (Supreme moderators of ICL or SAL of Pontifical right): actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious
- whether administrative or penal, against a cleric or a religious
- In what way one can deal with the Superiors who cause "institution or personal harm" through the abuse of office in actions/omission (not only in cases of abuse of minors)? Deliberately "harming" omeone in action taken or in being too negligent to take any

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C-6. Some Canonical Challenges

Effects of Dismissal (not fully addressed still)

- effects of "incorporation" (due to religious profession)
- effects of "incardination" (due to sacred ordination) continued
 - if no new incardination at the time of dismissal or eventually afterwards

Questions about the "Assistance" to the Dismissed Member

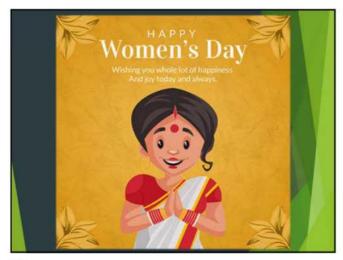
- to a <u>dismissed religious</u>: can request nothing from the institute for any work done in it & the institute is to observe equity d charity of the gospel (702)
- to a <u>dismissed religious-cleric</u> (esp. if no new incardination) apply 1350: not lack what is necessary for his worthy support & if in need - provide in the best way possible

Jesu Pudumai Doss, Dimissione dei religiosi: Cenni storici e appri normativi, in Jesu Pudumai Doss (Ed.), In Ecclesiae corde. Aspett della vita consacrata, LAS, Roma 2019, 177-218 (especially 21)

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Conclusions: Art of Accompaniment Vocational discernment is important... That is where discernment lies: knowing how to say 'no'. Do not send them away: no, no. I am accompanying you, go on, go on, go ahead.... As one accompanies the entry, accompany the exit too, so that he or she may find the path in tife, with the necessary help. The "art of accompaniment ... teaches us to remove our sandals before the sacred ground of the other (cf. Ex 3:5)", thus "can make present the fragrance of Christ's closeness and his personal gaze", "which also heals, liberates and encourages growth in the Christian life" (EG 169).



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