

Ipsa Facto Dismissal for Illegitimate Absence and Inability to Be Contacted,
prolonged for 12 months
CIC can. 694 §1, no. 3, §2-3

Legislative texts:

- 1) The Apostolic Letter issued *motu proprio* by the Supreme Pontiff Francis *Communis vita*, which provides for the modification of several norms of the Code of Canon Law, March 26, 2019
- 2) Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (IVC SVA), *Circular Letter on the Motu Proprio of Pope Francis Communis Vita*, Vatican City, September 8, 2019
- 3) Congregation IVC SVA, *The Gift of Fidelity and the Joy of Perseverance. Guidelines*, Vatican City, February 2, 2020.

In iure:

CIC 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 twelve 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 legally valid.

§3. In the case envisaged by §1 no. 3, in order to be legally valid, this statement must be confirmed by the Holy See; *for institutes of diocesan right the confirmation rests with the Bishop of the principal See.*

Required conditions:

- ***Illegitimate absence*** (CIC can. 665 §2), of the friar who left the friary without permission, or who did not return to the friary after the expiration of the permission granted by his Superior (can. 665 §1), or after the expiration of the indult of *extra claustra* granted by the Minister General (can. 686 §1), or by the Holy See, if the Bishop rejected the religious (can. 691-693).
- ***Inability to be contacted*** (CIC can. 694 §1, no. 3): A friar who cannot be contacted is one who: *has not communicated to his Superior his address or place of residence, or at least some indications of how he may be contacted.* (Congregation IVC SVA, *Circular Letter...*, no.1). *A person is to be considered unable to be contacted if one knows only: a telephone number, an e-mail address, a profile on social networks or a fictitious address.* (Ibid, no. 2)
- ***Twelve continuous months:*** (CIC can. 694 §1, no. 3) during which the friar cannot be contacted. The twelve months are calculated *from the day on which the friar's inability to be contacted is recorded*, i.e. the date on which the Declaration of Inability to be Contacted is made. (Ibid, no. 4)

Documentation required from the Province/Custody

- 1) ***Declaration of Illegitimate Absence*** (CIC can. 665 §2): It establishes a precise date for when the religious left the friary or did not return to it.
- 2) ***Declaration of Inability to be Contacted***: It establishes that, after conducting appropriate research, there is proof showing it is impossible to reach the friar at the known address, to contact him or to communicate with him. This must result from the evidence, for example: letters returned for incorrect address, statements of the confreres, etc. This declaration must have a certain date. The calculation of the period of one year shall begin from that date (can. 203 §1).
- 3) ***Declaration of Ipso Facto Dismissal***: *After twelve continuous months have elapsed from the Declaration of Illegitimate Absence (no.1) and Inability to Be Contacted (no.2), during which the situation of the unavailability of the illegitimate absentee was not changed in any way, the competent Superior (along with his Definitory) must proceed to the declaration of the fact to legally establish the ipso facto dismissal according to the norm of 694. (Congregation IVC SVA, Circular Letter..., no. 6)*

Holy See: procedure and approval

The Minister Provincial/Custos sends the documentation to the Minister General, who through the Procurator's Office, sends it to the Congregation IVC SVA for the confirmation required by can. 694 §3.

Facsimile No. 1

Prot. ___/___

Date

**Declaration of Illegitimate Absence and Inability to Contact
(CIC can. 665 §2 and can. 694 §1, no.3.)**

To the Friars of the Province/Custody

To the Bishop of the Diocese of *(the last diocese of residence of the friar)*

The Minister Provincial /**Provincial Custos**, having consulted with his Definitory on (date) .../...../....., on the recommendation of the Guardian of the Friary of,

DECLARE

Friar

a) **illegitimately absent** from the religious house (can. 665 §2) since .../.../....., the day he left the friary/ **did not return to the friary after the expiration of his permission for: extra domum** (can. 665 §1) / **extra claustra** (can. 686 §1)

b) **unable to be contacted**, considering that he has left no contact details and numerous attempts were made to contact him.

Anyone who has the address of Friar, should advise the friar he must contact the undersigned immediately and return to his friary. This person should immediately communicate with the undersigned and provide him with the address of the friar who has been out of contact.

Given that twelve months have elapsed to no avail, Friar shall be declared **dismissed ipso facto from the Order**, based upon CIC can. 694 §1, no. 3, §2. This declaration will then be confirmed by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, in accordance with CIC can. 694 §3.

In faith,

Friar

Minister Provincial /Provincial Custos

Friar

Provincial Secretary / Custodial Secretary

Facsimile No. 2

Prot. ___/___

Date

**Declaration of the *Ipsa Facto* Dismissal
from the Order of Friars Minor Conventual
of (Reverend) Friar, Priest,
for illegitimate absence from the religious house and the inability
to be contacted, prolonged for twelve continuous months
(CIC can. 665 §2 e can. 694 §1, no. 3, §§ 2-3)**

Friar was born in..... on .../.../..... He made his simple profession on .../.../..... and his solemn profession on .../...../..... He was ordained to the diaconate on .../.../... and was ordained to the priesthood on .../...../.....

Friar has since (date) .../.../.... been illegitimately absent, ex can. 665 §2, from the Friary of Since that time/ starting on (date) .../.../... it has been impossible to reach him; he has left no contact details, as stated in the attached Declaration dated .../.../....

Despite the research carried out by myself and by the confreres of the Province / Custody, it has been impossible to contact the friar for twelve consecutive months. Taking all this into account, after twelve continuous months of illegitimate absence and the friar's inability to be contacted, the undersigned Friar, Minister Provincial, with the consent of the Definitory on .../.../...

DECLARE

the Rev. Friar

of the Province/Custody of.....

**dismissed *ipso facto* from the Order of Friars Minor Conventual
for illegitimate absence from the religious house and the inability to be contacted,
prolonged for twelve continuous months
(CIC can. 665 §2 and can. 694 §1, no. 3, §§ 2-3)**

If a priest: The Rev. is suspended from the exercise of the Sacred Ministry according to CIC can. 701, until he has found a bishop who will receive him or allow him to exercise Holy Orders, according to can. 693.

In faith,

Friar

Minister Provincial / Provincial Custos

Friar

Provincial Secretary / Custodial Secretary