



Preface to the 2016 Revision of the Constitution

To the Clergy, Religious and Laity of the
Catholic Apostolic Church in North America

Greetings:

Nine years have passed since the last revision of the Constitution and Canons of CACINA. In 2007, relying on God's guidance, we made many changes in our organization and in the way we function. The bishops moved away from the authoritarian power structure that had proven so problematic for other jurisdictions over the centuries, turning away from the traditional role of "governing, judging, and ruling." Since 2007 the bishops have functioned as spiritual guides and chief pastors to the people, as well as protectors of the faith and doctrines of the Church, and arbiters of clergy conduct and discipline.

Since 2007, the House of Delegates, made up of laity, deacons, and priests, now joins the bishops in governance of the church. Meeting annually at the General Assembly, the College of Bishops and the House of Delegates continue to guide and direct the Church and plan for its future. In particular, the members of laity of the Church are directly involved in the selection and preparation of candidates for ordination and are responsible for the management of Church funds.

Finally, CACINA views the Canons as a living and dynamic document that guides us in our daily management of the affairs of the Church. Accordingly, the language of the Canons has been softened and, in some instances, its provisions have been made advisory or discretionary rather than mandatory.

Revisions made to the Canons at this time were to separate operating procedures from the Canons with exception of Canon 10 which has been added to better define CACINA lay ministries. This revision has created two separate documents, the Constitution of CACINA and the Canons of CACINA.

We pray that the newly revised Constitution and Canons will provide reliable guidance and direction as we continue God's work in the new millennium.

Yours in Christ,

+Anthony Santore, FCR
Presiding Bishop

Constitution of CACINA

PREAMBLE

By the Grace of Almighty God, the Father, the Son, and the Holy Spirit; and with the intercession of the Saint Charles of Brazil, this Constitution is established as the organizational and legal norm for the Catholic Apostolic Church in North America. This is, therefore, a legal and not a marketing document or history. It is a active document and it attempts to guide and inform us as we become more aware of our understanding of the vision left us by Jesus Christ and our founder, Saint Charles of Brazil.

Chapter 1 The Church

Article 1 Name and Jurisdiction

§ 1 The official name of this Church shall be: THE CATHOLIC APOSTOLIC CHURCH IN NORTH AMERICA, hereinafter referred to as CACINA, the Catholic Apostolic Church, or, simply, the Church.

§ 2 CACINA is a daughter Church of the Catholic Apostolic Church of Brazil, founded July 6, 1945 by The Most Reverend Bishop Carlos Duarte Costa (St. Charles of Brazil).

§ 3 CACINA was established January 23, 1949 under the direction the Most Reverend Bishop Carlos Duarte Costa by the Most Reverend Bishop Luis Fernando Castillio Mendez, then Primate of the Catholic Apostolic Church of Venezuela, appointing the Most Reverend Stephen Corradi Scarella as Exarch (Metropolitan Bishop or Apostolic Vicar) in the United States.

§ 4 Formal intercommunion arrangements with other ecclesiastical bodies notwithstanding, CACINA is a completely independent and autocephalous Catholic Church, subordinate to no other jurisdiction or prelate outside CACINA.

§ 5 As a member of the universal Church established by Jesus Christ, CACINA has jurisdiction wherever individuals or communities of faith are established that are affiliated with CACINA.

§ 6 CACINA's jurisdiction may be coincident with jurisdictions of other Churches and/or communities of faith. Where such coincidence of jurisdiction exists, CACINA claims right of jurisdiction solely over those persons and/or communities of faith affiliated with CACINA.

Chapter 2 Purpose

Article 2 Purpose of CACINA

§ 1 CACINA is a voluntary nonprofit religious association of Christians that exists for the sole purpose of making known the Gospel of our Lord Jesus Christ to all people and to provide the sacraments of the Church and/or other pastoral care to all people who request them.

§ 2 CACINA is organized in the United States of America and its legal structure is as a religious not-for-profit Church organization under the Internal Revenue Service Code 501(c)3 or as amended. In the event of any dissolution of the Church, all assets will be transferred to another nonprofit religious corporation.

§ 3 CACINA will maintain a Code of Canons to guide the daily operations of the Church. Procedures for changing and amending the Code of Canons will be delineated within the Code of Canons.

Chapter 3 Membership

Article 3.0 Membership Defined

§ 1 Anyone who has validly received the sacraments of Christian Initiation from CACINA is a member of CACINA unless they have given up such membership, join another Church or are expelled from the Church.

§ 2 Anyone who has validly received the sacrament of baptism from another ecclesiastical communion in rites acceptable to CACINA who desires membership in CACINA is a member of CACINA. Anyone meeting these criteria who formally affiliates with any parish or mission of CACINA by registering as a member of that parish or mission shall be considered to have expressed a desire for membership in CACINA is a member. Such membership continues without interruption unless they give up such membership, join another Church, or are expelled from the Church.

§ 3 It may be deemed advisable for members of CACINA who were not baptized that they receive the Sacraments of Initiation or if they came from a jurisdiction where they did not receive the Sacrament of

Confirmation in the Rite of Acceptance usually at the Easter Vigil or at another time at Sunday Mass ideally with the Bishop presiding. While the Sacrament of Confirmation is not mandatory for membership, it is the completion of the Rite of Initiation.

Article 3.1 Rights of Membership

§ 1 Membership in CACINA carries only those rights within and for CACINA that are herein defined for each category of membership and no other rights whatsoever. Except as may be specifically provided herein, membership in CACINA does not convey the right to vote within any civil corporate structure of CACINA nor that of any subentity of CACINA; nor does it

convey financial equity in the Church nor in any property, real or personal, owned by CACINA, nor that of any diocese, parish, or mission or other jurisdiction of CACINA, unless such equity is expressly granted in documents of civil incorporation or trust of the respective jurisdiction; nor does membership necessarily convey the right to vote in any council of the Church, except as may be provided herein or in the Code of Canons; nor does membership extend rights of governance within the Church except as herein defined.

Article 3.2 Categories of Membership

§ 1 There shall be three categories of membership in CACINA: Lay, Religious, and Clergy, These categories exist as organizational conveniences reflecting the diversity of the gifts of the Holy Spirit and do not indicate a hierarchy of rank or privilege.

§ 2 All members of CACINA are in the lay membership category unless they are clergy or religious members as defined herein.

§ 3 The religious membership category shall consist of all members of CACINA who are members of religious orders, as defined by this Constitution and their respective order's Rules and/or Constitutions.

§ 4 The Clergy membership category shall consist of all members of CACINA who have received the sacrament of Holy Orders in the order of deacon, presbyter (priest), and/or bishop according to the norms established in this Constitution and/or those who have been incardinated into CACINA or in any of CACINA's dioceses or religious orders..

§ 5 Members of religious orders who are also bishops, presbyters, or deacons are members of both the Religious and Clergy categories.

§ 6 The rights of membership for the various categories of members are set forth solely in this Constitution or the Code of canons.

Chapter 4 Law of the Church

Article 4 The Law of the Church established

§ 1 The Supreme Law of the Church is the Law of the God who loves us, revealed in the Person and Teachings of Jesus Christ, the Incarnate Son of God, through the Holy Scriptures; and in the Traditions of the One, Holy, Catholic, and Apostolic Church.

§ 2 Exercising the teaching ministry entrusted to it by Christ through the College of Bishops, the Church discerns and maintains a Statement of Beliefs which expresses the faith entrusted to CACINA by Christ and which is CACINA's gift to all its members.

§ 3 Christ, in committing the power to Bind and to Loose to His Church (cf. Matt 18:18), empowered the Church to govern itself. Exercising that power, laws and regulations are enacted and/or modified by and for the temporal governance of the Church as described herein .and in the Code of Canons. By enacting such laws, the Church embraces all its members in a common body of supportive relationships of trust, love, and mutual responsibility by which the temporal affairs of the Church are ordered and organized.

§ 4 This Constitution and the Code of Canons comprise the national temporal Law of the Church. As such they are the normative temporal law and standard regulatory documents for CACINA. All local, regional, and diocesan regulations and all documents of civil incorporation or trust are subordinate to the provisions of this Constitution and the Code of Canons

§ 5 Whenever there is a conflict between local or diocesan regulations and any provision of this Constitution or Canons for any reason, the provisions of this Constitution or Canons prevail.

§ 6 In situations not covered by this Constitution or the Code of Canons or other legislation, national or diocesan or local, enacted according to the norms established herein, the competent Church authority having jurisdiction may act for their area of responsibility.

§ 7 Only the College of Bishops may make public statements which represent official positions of the Church.

Chapter 5 Church Governance

Article 5 Governing Bodies of the Church

§ 1 Governance of the Church is, according to Sacred Tradition, accorded to bishops by the action of ordination to the Episcopacy. Within CACINA, the bishops responding to the promptings of the Holy Spirit of God have determined to abandon hierarchy and acknowledge the rights of governance to include clergy and lay members in the forms defined herein, and in the Code of Canons. In acknowledging rights to governance in the clergy and laity, the bishops of CACINA recognize the priestly character of the People of God and their role to work in mutual bonds of affection and trust with the episcopate in guiding the life of the Church.

Article 6 The College of Bishops and the Presiding Bishop

§ 1 All persons who have received the sacrament of Holy Orders in the order of bishop, are incardinated within CACINA, not on leave of absence or canonically debarred from exercising their Episcopal office, or otherwise prevented, are members of the College of Bishops. It is the duty of the College of Bishops to elect the Presiding Bishop who will oversee the implementation of the norms of the Constitution and Code of Canons. .

§ 2 The College of Bishops, as Chief Pastors and Teachers, is responsible for all matters relating to Faith and Doctrine, celebration of the Sacraments and Liturgy, directing and assigning the ministry of the clergy of CACINA; adjudicating issues regarding the discipline of the clergy; and administering all issues concerning those in the holy order of bishop.

§ 3 The diocesan bishop exercises responsibility for all matters pertaining to his/her own diocese, provided that his/her actions in exercising this role may not conflict with the Law of God or this Constitution or the Code of Canons, nor may his/her actions conflict with other legislation lawfully enacted by the General Assembly or the Executive Committee for inter-diocesan and national issues, nor with judicial rulings of the Chancellor of CACINA, or the appellate judicial rulings of the College of Bishops as enumerated herein.

§ 4 The Chancellor of CACINA acts as arbiter of this Constitution and the Code of Canons, issuing judgments on the applicability of these documents to the actions of the Church. The Chancellor acts as the point of initial appeal in all disputes and disciplinary actions. The decisions of the Chancellor may be appealed to the College of Bishops. Appeals of all matters regarding the governance of the Church, except the discipline of bishops, shall first be made to the Chancellor of CACINA, then, if desired, to the College of Bishops

Article 7 House of Delegates

§ 1 The House of Delegates is the representative forum by which the clergy, religious and lay members of CACINA exercise the areas of governance accorded to them by this Constitution and Code of Canons.

§ 2 The House of Delegates, as herein defined, shares all legislative and administrative functions of the Church. All financial matters for the National Church must originate in the House of Delegates.

Article 8 The General Assembly Defined

§ 1 The General Assembly of CACINA shall consist of the House of Delegates and the College of Bishops. Within CACINA, the General Assembly of CACINA, as herein defined and in the Code of Canons, exercises shared governance, enacts legislation and administrative guidance for the Church.

§ 2 The General Assembly is the plenary assembly of the People of God of CACINA consisting of lay, religious and clergy (bishops, priests, and deacons) meeting in council to legislate for the Church on a national level.

§ 3 The norms and operation and duties of the General Assembly and the College of Bishops and the executive committee are delineated herein or by the Code of Canons.

§ 4 The Executive Committee of CACINA, as defined, governs and enacts legislation for the Church nationally between sessions of the General Assembly and exercises administrative functions on a day-to-day basis.

Chapter 6 Changing this Constitution

Article 9 Amending or Changing this Constitution or Code of Canons

§ 1 This Constitution may be changed, amended, or replaced upon action by the General Assembly under procedures herein defined, or by the Executive Committee. The College of Bishops may amend or change any area of this Constitution or Code of Canons, if it is in an area reserved solely to the College of Bishops. For those areas not reserved to the College of Bishops, the Executive Committee may amend this Constitution or Code of Canons in all other areas, when acting according to norms defined in this Constitution and the Code of Canons.

§ 2 Portions of this Constitution or Code of Canons related to matters of faith and doctrine and the management and discipline of clergy may be amended or revised by majority vote of the College of Bishops, not more than one bishop objecting or abstaining.

§ 3 All other portions of this Constitution may be amended or revised by procedures in the constitution or code of canons.

§ 4 The correction of typographical and grammatical errors and the clarification of ambiguous passages in this Constitution and the Code of Canons may be accomplished at any time by the Chancellor and shall not be considered substantive amendment or revision, so long as the meaning and intent are not altered by the corrections.

§ 5 Amendments and revisions to this Constitution and the Code of Canons shall take effect immediately upon passage.

§ 6 No amendment to or revision of this Constitution or the Code of Canons shall have *ex post facto* effect.

§ 7 Amendments to and revisions of this Constitution or Code of Canons shall be publicized to the President of the House of Delegates and to the clergy within thirty days of passage and added to the end of the document as an amendment and be labeled as such.

Chapter 7

Relations with Other Churches

Article 10 Relations with other Churches

§ 1 CACINA desires to fulfill its mission and purpose, as herein defined, in peaceful charity toward all communities of worship as Christ has taught us (cf. John 13:34-35, Mark 9:40). Such extension of fraternal charity does not imply that formal intercommunion relationships exist between CACINA and any other ecclesiastical body.

Article 11 Establishing Formal Inter-Communion Relationships with other Churches and Mergers of CACINA with other Churches

§ 1 It is the duty of the General Assembly to determine the advisability and to selectively form formal intercommunion relationships and/or negotiate merger of CACINA with other Churches. This Constitution grants the College of Bishops the right to ratify intercommunion relationships. The right to ratify a merger lies solely with the General Assembly, though the Presiding Bishop with the approval of the College of Bishops shall have the power to inquire about such mergers and negotiate them.

§ 2 Mergers with any other Church shall only occur after lengthy and careful discernment by all parties, especially the entire membership of both Churches and their respective General Assemblies and affirmative vote of two General Assemblies. The terms of any proposed merger will be available in each of the parishes or missions of CACINA for one year from the point that the first General Assembly proposes a merger with another Church.

Chapter 8

Statement of Beliefs and Principles

Article 12 Statement of Beliefs

§ 1 The College of Bishops, acting in humility and gratitude at the responsibility entrusted to them by a loving God as successors of Jesus' Apostles, shall produce, publish, and maintain a Statement of Beliefs for the Church.

§ 2 Such statement of beliefs is made a part of this Constitution by reference:

Article 13 Statement of Principles

§ 1 The General Assembly, may produce, publish, and maintain a Statement of Principles which may explain the reasons for CACINA's existence as an independent Church, its history, and its position on matters which are not fundamental elements of the Holy Faith. Such Statement may not mitigate, nullify, or change any element of the Statement of Beliefs, nor shall it in any way contradict the Teachings of Christ, the Sacred Scriptures nor the Traditions of the Church as they are entrusted, discerned, and shared by the College of Bishops.

§ 2 Such Statement is made a part of the Constitution by reference:

Chapter 9 Liturgy and Sacraments

Article 14 The Liturgy and the Sacraments

§ 1 The Liturgy is the act of corporate prayer and worship of the Church. Liturgical actions are, therefore, public in their nature even when celebrated without the presence of persons other than the minister. Specific norms for the Liturgy and each of the Sacraments are described in the Code of Canons and in the approved Liturgical Books.

Chapter 10 Final Comments

Article 15 Access to the Constitution and Code of Canons

§ 1 This Constitution and Code of Canons shall be accessible to all members of CACINA and no portion shall be withheld from distribution upon request.

§ 2 The Chancellor shall provide a current copy of this Constitution and Code of Canons to the President of the House of Delegates and to each member of the clergy.

§ 3 Any member of CACINA may obtain a current copy of this Constitution and Code of Canons by contacting the Chancellor, who shall provide such copy in the most appropriate way.

§ 4 This Constitution and Code of Canons is the legally protected intellectual property of the Catholic Apostolic Church in North America. Notwithstanding, any publication or distribution of this Constitution by CACINA to any person or organization, further duplication or reproduction, in whole or in part, by any format or medium, is prohibited without the express written consent of the Presiding Bishop.

§ 5 If a court of competent jurisdiction should hold one or more sections or a part of this Constitution invalid, such holding shall not affect the validity of the remainder of this Constitution.

Ad Maiorem Dei Gloriam, Amen!

To the Greater Glory of God, Amen!