

Constitution and Code of Canons
of the
Catholic Apostolic Church in North America
(CACINA)



Constitution and Code of Canons of CACINA

June 1, 2012



Preface to the 2012 Revision

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

Greetings:

This revision to the Constitution and Code of Canons of CACINA has been the result of the combined efforts of many more people than in previous editions. This writer wishes to thank and acknowledge specifically the work of Fr. Joseph Reynolds, without whose dedication to a boring task would have made this present work impossible.

CACINA continues to work through the challenges of shared governance. The experience has by and large been a tremendous success. This revision of the Canons includes the following:

- Revision section following the Preface for changes to the Canons with reference to the section being changed, as opposed to a issuing a new document after each General Assembly.
- The work of removing rubrics for the celebration of the sacraments and other liturgical celebrations from the Canons and placing them in their own document called, *The General Norms for the Celebration of the Liturgies of CACINA* and the removal of administrative directives and procedures to be called, *The CACINA Administration Manual*, is still underway and has not been published. These actions were approved by the 2010 and 2011 General Assemblies. There were no Canon changes from the 2012 General Assembly.

May our Good and Gracious Lord continue to bless all our humble efforts in His vineyard!

+Carl G. Purvenas-Smith, OSB
Chancellor

Page 2 of 92

Copyright 2007, Catholic Apostolic Church in North America. All rights reserved including reproduction, distribution, or dissemination, in whole or in part, by any format or medium without permission. Permission may be obtained through the Office of the Chancellor. Violators are subject to prosecution under applicable federal statutes. Approved 06/01/2012.

Constitution and Code of Canons of CACINA

June 1, 2012

Listing of Amendments to the Canons

(This page reserved for future amendments)

Constitution and Code of Canons of CACINA

June 1, 2012

PREAMBLE

By the Grace of Almighty God, the Father, the Son, and the Holy Spirit; and with the intercession of the great Saint Charles of Brazil; this Constitution and Code of Canons is established as the organizational and legal norm for the Catholic Apostolic Church in North America. This is therefore a legal document and not a marketing, or history. All of this notwithstanding, it is not a static document, it is a living document and 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.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE I

The Church

Canon 1 Name and Jurisdiction

Canon 1-1 Official 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 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 Wherever herein the Catholic Apostolic Church in North America is referenced by the form CACINA, the Catholic Apostolic Church, or simply the Church; such reference shall be as if made to The Catholic Apostolic Church in North America by its full name.

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

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

§ 7 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.

Constitution and Code of Canons of CACINA

June 1, 2012

Chapter 2 Purpose

Canon I-2 Purpose of CACINA

§ 1 CACINA is a voluntary non-profit 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 shall reverently 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 non-profit religious corporation.

Chapter 3 Membership

Canon I-3 Membership Defined

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

§ 2 Anyone who has validly received the sacraments of Christian Initiation from another ecclesiastical communion in Rites acceptable to CACINA who requests 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 requested membership in CACINA. Such membership continues without interruption unless they give up such membership, join another Church or are expelled from the Church.

Canon I-3.1 Rights of Membership

§ 1 The rights of membership for the various categories of members are set forth solely in this Constitution.

§ 2 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

Constitution and Code of Canons of CACINA

June 1, 2012

within any civil corporate structure of CACINA nor that of any sub-entity 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; nor does membership extend rights of governance within the Church except as herein defined.

Canon I-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 The lay membership category shall consist of all members of CACINA who are neither members of the religious category nor the Clergy category.

§ 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 Rule and/or Constitution.

§ 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 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.

Canon I-4 The Law of the Church established

§ 1 The Supreme Law of the Church is the Law of God, 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 authority granted to it by Christ through the agency of the College of Bishops, the Church establishes and maintains a Statement of Beliefs which expresses the Revealed Truth entrusted to the Church by Christ and which is binding on all members of the Church.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 3 Christ, in committing the power to Bind and 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 herein described. By enacting such laws, the Church binds all its members to a common body of normative regulations by which the temporal affairs of the Church are ordered and organized.

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

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

§ 6 In situations not covered by this Constitution 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.

Canon I-4.1 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 have determined to share those rights of governance to include clergy and lay members in the forms defined herein. In extending governance to the clergy and laity, the bishops of CACINA recognize the priestly character of the People of God and their role to work in conjunction with the episcopate in guiding the life of the Church.

§ 2 Within CACINA, the General Assembly of CACINA, as herein defined, exercises shared governance, enacts legislation and administrative guidance for the Church.

§ 3 The Executive Committee of CACINA, as herein 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.

§ 4 The College of Bishops, as the Chief Pastors and Teachers, is responsible for all matters relating to Faith and Doctrine, celebration of the Sacraments and Liturgy, directs and assigns the ministry of the clergy of CACINA; adjudicates issues regarding the discipline of the clergy; and administers all issues concerning those in the holy order of bishop.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 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.

§ 6 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, 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.

(a) To assist the diocesan bishop in managing the diocese (s)he may select a board of advisors from among the clergy of his/her diocese with whom (s)he may consult prior to taking any governance or legislative actions within and/or for the diocese.

(b) Notwithstanding the diocesan bishop's authority in his/her own diocese, matters of discipline for members of the clergy must be conducted according to norms herein established.

(c) To govern parish communities within CACINA, diocesan bishops appoint pastors from the clergy members of the diocese. Pastors govern parishes, according to norms herein defined, with the advice of the lay members of the parish, under the direction and authority of the diocesan bishop.

§ 7 The Chancellor of CACINA acts as arbiter of this Constitution, issuing judgments on the applicability of these Canons 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.

§ 8 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.

Chapter 5

Changing this Constitution

Canon I-5 Amending or Changing this Constitution

§ 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 and 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 and Code of Canons in all other areas, when acting according to norms herein defined.

Constitution and Code of Canons of CACINA

June 1, 2012

Chapter 6 Relations with other Churches

Canon I-6 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 inter-communion relationships exist between CACINA and any other ecclesiastical body whatsoever.

Canon I-6.1 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.

§ 2 Merger 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.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE II THE BELIEFS AND PRINCIPLES OF THE CHURCH

Chapter 1 Beliefs of CACINA

Canon II-1 Statement of Beliefs

§ 1 The College of Bishops, acting in their capacity as successors of the Apostles and teachers of the Holy Faith, 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:

Chapter 2 Principles of CACINA

Canon II-2 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 received, understood, and taught by the College of Bishops.

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

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE III THE LITURGY AND SACRAMENTS

Chapter 1 General Regulations on the Liturgy and the Sacraments

Canon III-1 Regulation of 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 each of the Sacraments have been removed from this organizational document and are now published separately, and are included by reference. (General Norms for the Celebration of the Liturgy and Sacraments in CACINA).

§ 2 Whenever feasible, the presence and active participation of the People of God in the celebration of the Liturgies and Rites of the Church is encouraged. Strictly private celebrations particularly for ordinations or weddings are discouraged; this is not meant to discourage priests from celebrating private masses, or deacons or laity from holding family or individual communion services.

§ 3 It is the responsibility of the College of Bishops to define, approve, and promulgate liturgies and rites, including liturgical books, for the celebration of the sacraments and other acts of worship throughout the Church.

§ 4 Within the norms established by the College of Bishops, it is the responsibility of diocesan bishops to regulate the liturgy within and for their own diocese. In exercising this function the diocesan bishop shall see that the norms approved by the College of Bishops are followed within the diocese and that the liturgy is celebrated reverently and prayerfully.

§ 5 The Presiding Bishop, with the concurrence of the College of Bishops shall appoint a Liturgist for the Church. The role of the Liturgist and his/her authority shall be as specified herein.

Canon III-1.1 Additional Regulation of the Sacraments by the Diocesan Bishop

§ 1 Diocesan bishops may impose additional regulations to those of this Constitution concerning the celebration of the sacraments and other acts of worship within and for their dioceses. They may do so by limitation or extension of faculties, or by diocesan regulation. Such

Constitution and Code of Canons of CACINA

June 1, 2012

additional regulations may not mitigate or lessen the regulations herein stated except as may have been expressly authorized herein.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE IV CHURCH GOVERNANCE

Chapter 1 The General Assembly

Canon IV-1 The General Assembly Defined

§ 1 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.

§ 2 The General Assembly of CACINA shall consist of the House of Delegates and the College of Bishops.

(a) 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.

(b) The College of Bishops consists of the members of the clergy in the order of bishop (or who exercise equivalent duties in the Church; eg. abbots or major superiors of religious orders, bishops-elect, or diocesan administrators).

Canon IV-1.1 The Members of the General Assembly

§ 1 Membership in the General Assembly is divided into two principal categories: members with vote, and members without vote.

§ 2 Members of the General Assembly with Vote shall be:

(a) All active members of the College of Bishops of CACINA, as herein defined, who are in good standing and neither ~~retired~~, inactive, suspended, the subject of current disciplinary debarment, in probationary status, nor on leave of absence

(b) The members of the House of Delegates, which shall consist of the following:

(1) Two members of the clergy, who are not members of a religious order, as herein defined, from each diocese selected by the clergy of that diocese by means to be determined by the clergy in each respective diocese.

(2) Lay representatives selected from each parish or mission of the Church.

(c) Lay Representatives for each parish shall be in a number which is in direct proportion to the number of registered parish members who are reported annually at the time the parish assessment is paid to the national treasury.

Constitution and Code of Canons of CACINA

June 1, 2012

(d) Each parish shall be entitled to send one lay representative to the House of Delegates for each 20 registered adult members of the parish. ~~for which the said parish pays annual dues to the national treasury.~~

(e) For purposes of computing membership in the General Assembly, the registered population of any parish shall be rounded upwards to the next exact increment of 20.

(d) No parish shall have less than one lay representative, nor more than three lay representatives, regardless of size of the said parish.

(g) Selection of parish representative(s) shall be by means to be established by each respective parish or mission.

(h) One member of each religious order of CACINA, who is not also a voting member of the clergy or a bishop, selected by the members of that religious order or appointed by the major superior of the religious order. (A voting member may not simultaneously have vote under more than one membership).

§ 3 All other members of CACINA, as herein defined, are members of the General Assembly without vote. Both members with vote and members without vote may address the Assembly and participate in debates, provided such address and debate is conducted appropriately. However, members without vote may not vote on any matter.

§ 4 Wherever elsewhere herein the members of the General Assembly are referenced in any manner such reference shall be deemed to be to the members of the General Assembly of CACINA with vote.

§ 5 The Presiding Bishop of CACINA is the presiding officer of the General Assembly. In his/her absence, the Chancellor of CACINA shall preside.

§ 6 The Presiding Bishop is the presiding officer of the College of Bishops. In his/her absence the Chancellor of CACINA shall preside.

§ 7 The House of Delegates shall elect a presiding officer, hereafter called a President, according to procedures established herein.

§ 8 The Administrative Secretary of CACINA is the recording secretary for the General Assembly. Each House shall appoint its own recording secretary for separate meetings and votes of that respective House.

Canon IV-1.2 Scope of Authority of the General Assembly

§ 1 Except as may be otherwise expressly herein provided, all legislation for CACINA may originate in either the College of Bishops or the House of Delegates.

(a) Except as may be otherwise expressly herein provided, both Houses of the General Assembly, acting independently, must concur in all legislation for it to become national

Constitution and Code of Canons of CACINA

June 1, 2012

law within CACINA. Concurrence shall be demonstrated by vote under procedures herein defined.

(b) Debate on a matter before the General Assembly may be accomplished in joint or separate session as the Assembly may determine for each matter. When meeting separately, each house shall maintain a written record of their deliberations and votes.

(c) In cases where one House accepts a matter and another rejects it, such matters shall be debated again in open session and submitted for reconsideration once more. If rejected a second time, the matter shall be considered rejected and may not be reconsidered during the then current meeting of the Assembly but may be submitted for reconsideration at some future meeting of the Assembly.

§ 2 Provisions of §1 notwithstanding, definition of matters of faith and doctrine, regulation of the sacraments, creation and suppression of dioceses; and direction, assignment, administration, adjudication, discipline, and regulation of the clergy are solely within the authority of the College of Bishops and do not require concurrence of the House of Delegates.

(a) To accomplish these functions, the College of Bishops may convene in separate session.

(b) Such session shall also be convened whenever at least two bishops request such a session in order to consider matters discussed in this section.

§ 3 Provisions of §1 notwithstanding, in matters where a consensus of the members of the House of Delegates cannot be reached on legislative issues (i.e. the House of Delegates can neither accept nor reject the matter by vote), the College of Bishops may take unilateral action when, in their sole judgment, resolution of the matter is essential for effective governance of the Church.

§ 4 Provisions of §1 notwithstanding, the Executive Committee, exercises governance and legislative authority for the Church between sessions of the General Assembly.

(a) Legislation so enacted which refers to any area reserved to the episcopate for action in their sole discretion by this Canon is final and binding upon enactment by the College of Bishops.

(b) All legislation so enacted which is not reserved to the sole discretion of the episcopate by this Canon shall be binding until the immediately subsequent meeting of the General Assembly; whereupon it shall be placed before both Houses of the General Assembly for final approval. If both Houses do not concur in this approval, the legislation shall stand repealed.

(c) Except in instances of extraordinary urgency, the College of Bishops shall consult with the President of the House of Delegates prior to taking any action between sessions of the General Assembly when such action would ordinarily require the approval of the House of Delegates. In such extraordinary circumstances, the Presiding Bishop shall notify the President of the House of Delegates at the earliest reasonable opportunity, explaining the justification for the action of the College of Bishops.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 Provisions of §1 notwithstanding, nothing in this Chapter shall be construed so as to preclude a diocesan bishop from exercising the role of chief pastor within and for their diocese, provided that such actions conform to the Law of God, the Beliefs and Principles of CACINA, the norms of Sacred Tradition and to the provisions of this Constitution.

§ 6 Actions by the General Assembly are final and do not require confirmation by any person or agency nor are they subject to review or veto by any person or group within or without CACINA, notwithstanding provision herein for amendment and/or repeal.

§ 7 All legislation enacted by the General Assembly is effective immediately, unless otherwise stated in its enactment, and is binding on the members of CACINA under canonical obedience.

§ 8 It is the duty of the General Assembly to determine the advisability and to selectively form formal intercommunion relationships and/or negotiate the merger of CACINA with other Churches.

Canon IV-1.2.1 Limitations of Authority and Responsibility

§ 1 No individual within CACINA, without respect to office or clerical rank, and no committee within CACINA shall assume or appropriate any duty, privilege, right, or responsibility with regard to the governance of the Church except as expressly granted by these Canons.

§ 2 Determination of the limits of the authority granted by these Canons to any individual or committee shall be made by the Chancellor, and may be appealed to the College of Bishops, as otherwise prescribed herein.

Canon IV-1.3 Meetings of the General Assembly in ordinary circumstances

§ 1 In ordinary circumstances, the General Assembly shall assemble in plenary session at least once each calendar year. The Assembly shall be summoned into session by the Presiding Bishop, who shall, in ordinary circumstances, make known to the members the date and place of such meeting at least 60 days prior to the scheduled meeting.

§ 2 The requirement that a meeting of the Assembly occur annually herein defined may be waived by action of both Houses. Nevertheless in no circumstance shall the Assembly fail to convene in formal session less than once in each three calendar years.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon IV-1.4 Meetings of the General Assembly in extraordinary circumstances

§ 1 If the General Assembly has not been called into session by the Presiding Bishop by the date which is 1 year and 3 months from the closing of the last General Assembly, and such meeting has not been waived as herein provided, the Chancellor of CACINA and the President of the House of Delegates shall, acting together, summon the General Assembly.

§ 2 Should circumstances require action by the General Assembly during the period between regular sessions, and the Executive Committee deems that the matter under consideration requires an extraordinary session of the General Assembly, an extraordinary session of the General Assembly may be called by the Presiding Bishop or by a simple majority vote of the members of either House.

§ 3 During extraordinary meetings of the General Assembly, requirements herein defined for advanced notice, prior release of an agenda, etc. are waived. The extraordinary nature of such meetings may prevent these requirements from being met as herein prescribed. When feasible, the requirements for agenda and notice should be met, but failure to do so shall not invalidate the actions of the extraordinary General Assembly once convened.

Canon IV-1.5 Attendance at sessions of the General Assembly Required

§ 1 All voting members of the General Assembly shall attend each meeting of the General Assembly unless excused for sufficient reason.

§ 2 Clergy and religious who are not voting members of the General Assembly shall attend all meetings of the General Assembly unless excused by their lawful superior as herein defined.

§ 3 Members may be excused from attending for good cause by the Presiding Bishop (for all members of the College of Bishops) or the diocesan bishop (for priests and deacons). Sufficient reason shall generally be limited to family emergencies, health, and specific, identifiable demands which preclude attendance.

§ 4 Voting members, except bishops, who cannot attend shall be replaced by alternates selected by the jurisdiction they represent.

§ 5 It is the duty of each voting member of the General Assembly and members of the clergy and religious orders to arrange their financial affairs so that they can have the necessary resources to permit their attendance at the regular sessions (i.e. those held in ordinary circumstances) of the Assembly. For this reason lack of funds is not generally an acceptable excuse for not attending such meetings.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 6 In consideration of the service rendered to individual parishes by clergy and lay leaders, each parish shall provide sufficient funds to enable clergy and lay leaders to attend the annual General Assembly of CACINA. In cases where an individual parish is unable to provide these funds, the House of Delegates and/or the College of Bishops may authorize use of funds from the national church treasury for this purpose and subject to the availability of such funds.

- (a) The College of Bishops may provide financial assistance to members of the clergy and to clergy candidates of CACINA to enable their attendance at the General Assembly when, in its collective judgment, it is pastorally appropriate to do so. Such decisions shall be final and not subject to appeal.
- (b) The House of Delegates may provide assistance to lay members of CACINA to enable their attendance at the General Assembly when, in the judgment of its officers, it is pastorally appropriate to do so. Such decisions shall be final and not subject to appeal.
- (c) Such assistance shall be paid from the national treasury at the written instruction of the Presiding Bishop and counter signed by the President of the HOD.
- (d) The names and details of persons receiving financial assistance shall, to the fullest possible extent, be kept confidential. Except that names of those receiving such assistance need to be documented in memo format to the Treasurer with counter signature of the President of the HOD and the Presiding Bishop for Audit purposes.

Canon IV-1.6 Quorum Requirements for the General Assembly

§ 1 All actions by the General Assembly require the presence of a quorum to be valid.

§ 2 Quorum for the College of Bishops shall consist of not less than one half the eligible members of the College of Bishops.

§ 3 Quorum for the House of Delegates shall consist of not fewer than 5 voting members, as herein defined. Such voting members may be clergy, religious, or laity.

§ 4 In the absence of a Quorum in the College of Bishops, no action of any kind can be taken by the General Assembly.

§ 5 In the absence of a Quorum in the House of Delegates, requirements herein for concurrence by the House of Delegates to actions of the General Assembly are postponed until a quorum is present. In the event that there is no Quorum by the end of that General Assembly, the matter is referred to the Executive Committee for final action.

§ 6 Quorum requirements apply to each session of the Assembly during its meetings and not simply to the first meeting of the Assembly.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon IV-1.7 Agenda of the General Assembly

§ 1 For meetings of the General Assembly in ordinary circumstances, the Presiding Bishop or his/her designee shall prepare and distribute an agenda for each session of the General Assembly. Such agenda shall be distributed to all members of the General Assembly at least 30 calendar days in advance of the scheduled starting date of the General Assembly.

§ 2 In preparing the agenda for the General Assembly, the Presiding Bishop shall solicit input from the College of Bishops, and the members of the House of Delegates.

§ 3 Any item requested to be placed on the agenda shall be accommodated.

§ 4 During sessions of the General Assembly, the General Assembly may remove any proposed item from the agenda or add other items to the agenda by majority vote.

§ 5 When feasible, the Presiding Bishop shall provide an agenda for extraordinary meetings of the General Assembly at as early a date as possible. When provision of an agenda is not feasible, the Presiding Bishop shall notify the members of the matters to be discussed when summoning the General Assembly to session.

§ 6 When feasible, specific items or proposals shall be provided to the Presiding Bishop in writing or in electronic format at least 60 calendar days prior to the scheduled date of the General Assembly. If feasible, the Presiding Bishop shall then distribute these proposals to the Church concurrently with the distribution of the Agenda.

Canon IV-1.8 Minutes of the Meetings of the General Assembly

§ 1 When meeting in joint session, the Presiding Bishop shall have recorded a detailed summary of the discussions, votes, and other actions which transpire during a such joint meeting of the General Assembly.

§ 2 When meeting separately, each House of the General Assembly shall have recorded a detailed summary of the discussions, votes, and other actions which transpire during a such meeting.

§ 3 Minutes shall be forwarded to the Presiding Bishop to be distributed to the members of the General Assembly within 60 days of the conclusion of the General Assembly.

§ 4 The Presiding Bishop shall arrange that the minutes be archived in safe storage as a permanent record of the actions of the General Assembly.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 Minutes of both houses and of the General Assembly shall be made available to any member of CACINA on request, provided that the College of Bishops may seal any part of its minutes when, in the sole judgment of the College, it is pastorally appropriate to do so. Such sealing of records shall not be subject to appeal.

Canon IV-1.9 Conduct of Meetings of the General Assembly

§ 1 Except as otherwise specifically stated in these canons, meetings of the General Assembly and of its constituent bodies shall be conducted in accordance with the provisions of *Robert's Rules of Order Newly Revised* or *Robert's Rules in Plain English*.

§ 2 When the General Assembly meets in joint session, the Chancellor shall serve as parliamentarian. In the absence of the Chancellor, the Presiding Bishop shall appoint a parliamentarian for the General Assembly.

§ 3 When the General Assembly meets in joint session, the rules of order may not be suspended except by unanimous consent of the voting members present. Such consent may be withdrawn at any time by any voting member.

§ 4 When the College of Bishops meets alone, the Chancellor shall serve as parliamentarian. In informal meetings and caucuses, the College of Bishops may, by unanimous consent, dispense with formal rules of order. Such consent may be withdrawn at any time by any bishop.

§ 5 When the House of Delegates meets alone, the President of the House of Delegates shall appoint a parliamentarian. In informal meetings and caucuses, the House of Delegates may, by unanimous consent, dispense with formal rules of order. Such consent may be withdrawn at any time by any voting member.

Canon IV-1.10 Procedures for consideration and action during sessions of the General Assembly

§ 1 Each House of the General Assembly shall establish procedures for voting on the matters before it.

§ 2 The Presiding Bishop, the President of the House of Delegates, and the Chancellor, acting jointly, may devise specific rules and procedures for the conduct of the business of joint meetings of the General Assembly.

- (a) Such rules and procedures may include, but not necessarily be limited to,
 - (1) Deadlines and formats for the submission of motions, resolutions, reports, and other business
 - (2) Length of debate and number of times that any member may speak to a question

Constitution and Code of Canons of CACINA

June 1, 2012

- (3) Circumstances under which the Presiding Bishop or President of the House of Delegates may speak to a question without relinquishing the chair
- (4) Means of communication between Houses, when meeting separately; and other matters necessary for the efficient conduct of business and for the maintenance of good order and discipline.
- (b) A motion for the adoption of such rules, if any are proposed, shall be the first order of business of the General Assembly following the call to order and determination of a quorum.
 - (1) The motion to adopt shall not require a second but shall require a two-thirds majority of those present for adoption.
 - (2) If the motion carries, the rules shall supersede applicable sections of *Robert's Rules*. If the motion fails, *Robert's Rules* shall apply.
 - (3) Once adopted, such rules shall be administered and interpreted by the parliamentarian and may not be suspended except by unanimous consent.

Canon IV-1.11 Procedures for consideration and action outside sessions of the General Assembly

§ 1 In the event that a situation shall arise which requires immediate legislation or other action at a time when the General Assembly is not in formal Session and which does not, in the opinion of the those herein charged with convening extraordinary sessions, warrant the convocation of an extraordinary session of the General Assembly; the Executive Committee, by simple majority vote, shall take whatever measures they shall deem appropriate in response to such need.

§ 2 Except as provided herein for legislation in areas reserved to the College of Bishops, legislation enacted by the Executive Committee in these circumstances shall be submitted to the floor of the General Assembly for final approval at the next session of the General Assembly as herein provided.

Canon IV-1.12 Procedures for votes by the General Assembly while convened

§ 1 Only members of the General Assembly with vote, physically present in the room at the time a vote is taken, may cast a vote on any matter before the General Assembly.

§ 2 Upon the request of any voting member, the count of those voting for and against the matter shall be recorded in the minutes of each House.

§ 3 A legislative matter being voted upon shall be deemed accepted by the General Assembly upon receiving approval in each House according to rules for such approval adopted by each House. Matters not receiving such approval in either House are rejected.

Canon IV-1.13 Voting rights of the members of the General Assembly

Page 22 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 Each member of the General Assembly with vote, as defined herein, present at the time a vote is taken may cast a single vote in their respective House of the General Assembly in their own right.

§ 2 The right to vote may not be given, loaned, or transferred in any manner to any other person whatsoever.

§ 3 Any member of the General Assembly may abstain from any vote without divulging a reason for such abstention. As membership in The General Assembly is a solemn trust, the decision to abstain should be undertaken only after serious consideration.

Canon IV-1.14 Voting methods prohibited for the General Assembly

§ 1 Voting by "absentee ballot;" by proxy or legate; by voice telephony, or by other means essentially synonymous with voice telephony; by mail, or by electronic means essentially synonymous with mail in the General Assembly are prohibited.

§ 2 These restrictions are applicable only to the General Assembly. Nothing in this Canon shall be interpreted as prohibiting the use of these or other voting methods by the College of Bishops or the House of Delegates when not so assembled and/or the use of these or other means by such other Groups, Committees, or Commissions as may be established in CACINA.

Canon IV-1.15 Committees of the General Assembly

§ 1 The General Assembly may establish committees to perform tasks between sessions of the General Assembly in its sole discretion. In creating such committees, the General Assembly shall specifically define their role, membership, and scope of authority.

Canon IV-1.15.1 Permanent Committees of the General Assembly

§ 1 The following are permanent standing Committees of the General Assembly whose duties are as indicated:

- (a) **Parochial Education** – which shall initiate and maintain a standard education program for lay persons of all ages. The number of members shall be determined jointly by the Presiding Bishop and the President of the House of Delegates.
- (b) **Charitable Outreach** – which shall coordinate national outreach programs and charitable activities. The number of members shall be determined jointly by the Presiding Bishop and the President of the House of Delegates.
- (c) **Memorials** – which shall consider the addition of memorials to the Ordo, as otherwise described herein. The committee shall have three members: one bishop, one lay person, and one priest or deacon.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 Members of the Committees of the General Assembly shall be appointed jointly by the Presiding Bishop and the President of the House of Delegates and shall include clerical and lay representatives.

§ 3 Committees of the General Assembly shall present written reports of their activities at each annual meeting of the General Assembly and at such other times as may be stipulated by the Presiding Bishop in consultation with the Chancellor and the President of the House of Delegates.

Chapter 2 **The College of Bishops and its Officers**

Canon IV-2 The College of Bishops

§ 1 All persons who have received the sacrament of Holy Orders in the order of bishop, are incardinated within CACINA, and are not retired, on leave of absence or canonically debarred from exercising their Episcopal office, are members of the College of Bishops.

Canon IV-2.1 Duties, Rights, and Privileges of the College of Bishops

§ 1 The duties of members of the College of Bishops include all those inherent in the office of bishop and herein identified and described.

§ 2 It is the duty of the College of Bishops to define matters of Faith and doctrine for the Church, and to regulate the Holy Sacraments after consultation with the People of God through their representatives in the House of Delegates.

§ 3 It is the duty of the College of Bishops to supervise and adjudicate matters pertaining to the clerical discipline of those in the order of bishop, and to the discipline of other members of the clergy according to norms established within this Constitution.

§ 4 It is the duty of the College of Bishops to elect and/or concur in the election of all bishops of CACINA, whether by incardination of one already a bishop, or of an applicant presbyter or deacon.

§ 5 It is the duty of the College of Bishops to elect the Presiding Bishop.

§ 6 It is the duty of the College of Bishops to be the appellate judiciary of CACINA.

§ 7 Additional duties are assigned to the College of Bishops by this Constitution.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 8 It is the duty, right, privilege, and responsibility of the College of Bishops to review the performance and behavior of candidates for holy orders, deacons, priests, and bishops, whether or not in religious orders, at such times and under such circumstances as the College may determine, and to offer recommendations or take such other steps as these Canons may provide to assure the welfare of the Church, the clergy, and the People of God.

Chapter 3 Authority of the Diocesan Bishop

Canon IV-3.1 Authority of the Diocesan Bishop

§ 1 Except as expressly provided herein or in other legislation adopted by the College; within and for his/her own diocese, the diocesan bishop has authority in governance in all matters pertaining to that diocese. The diocesan bishop is the chief pastor, and teacher of the faith for those members of CACINA under his/her care.

§ 2 Except as expressly provided herein or in other legislation adopted by the College, the College of Bishops and/or Church Officers or individuals may not intrude nor interfere in the lawful conduct of governance by the diocesan bishop within and for his/her own diocese.

§ 3 The College of Bishops and/or Officers of CACINA may intrude on the internal governance of a diocese only when specifically requested by the diocesan bishop, and/or when a formal request/complaint/appeal is received from any member of CACINA from that diocese, and/or when allegations of heterodoxy, misfeasance, malfeasance, mismanagement, or misconduct have been alleged against the diocesan bishop, and/or in accordance with provisions elsewhere defined in this Constitution.

Chapter 4 The House of Delegates

Canon IV-4 The House of Delegates of CACINA

§ 1 The House of Delegates is an elected group of priests, deacons, religious and laypersons who represent the parishes, missions or religious orders of the Church.

§ 2 Membership in the House of Delegates is established in Canon IV-1.2.

§ 3 The House of Delegates provides a forum for the People of God in which all are free to express ideas and express concerns; to proclaim and model the inclusive message of Jesus Christ;

Constitution and Code of Canons of CACINA

June 1, 2012

to advocate for the faith community in matters of stewardship; to honor, support, and advise the College of Bishops in matters reserved to the College; and to engage in active communication with the College of Bishops and all members of the faith community.

Canon IV-4.1 Conduct of Meetings of the House of Delegates

§ 1 The House may devise for itself rules of order and procedure, provided that such rules do not conflict with, supplant, or circumvent rules and procedures stated elsewhere in these Canons.

§ 2 A quorum of not fewer than five voting members shall be required for valid meetings of the House of Delegates.

§ 3 Except as may be otherwise prescribed in these Canons, motions in the House of Delegates shall require no more than a two thirds majority for adoption.

Chapter 5 National Officers of the Church

§ 1 The National Officers of CACINA are: The Presiding Bishop, the Chancellor, the President and Vice President of the House of Delegates, the Administrative Secretary, the Treasurer, and the Internal Auditor.

Canon IV-5.1 The Presiding Bishop

§ 1 The Chief Executive Officer of CACINA is the Presiding Bishop. The Presiding Bishop is responsible for the administrative functions and record keeping of the National Church and for maintaining a flow of communications within CACINA and for communicating with such other bodies as may be necessary.

§ 2 The Presiding Bishop is elected to office by the membership of the College of Bishops by simple majority vote for a term of 5 years and may be reelected to office without limitation as to number of terms.

§ 3 The Presiding Bishop may be removed from office at any time by three-fifths majority vote of the full membership of the College of Bishops. No Presiding Bishop shall be removed from office without first being presented with a clear and detailed written statement of cause and being given the opportunity to respond before all the bishops of the Church to the items enumerated therein.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 Removal of the Presiding Bishop shall not automatically nullify, vacate, or reverse his/her actions or decisions while in office.

§ 5 In the event of vacancy in the office of Presiding Bishop, whether by reason of removal from office, resignation, recusal, disciplinary action, or incapacity to serve, no person shall assume the duties of Presiding Bishop except by election or other means specifically prescribed herein.

Canon IV-5.1.1 Duties of the Presiding Bishop

§ 1 The Presiding Bishop shall summons the General Assembly and the College into session and presides over them, as herein prescribed.

§ 2 The Presiding Bishop shall assure clear and timely communications between the National Church and the parishes and dioceses of CACINA.

§ 3 The Presiding Bishop shall be responsible for the conduct of all administrative matters pertaining to the National Church except as otherwise herein prescribed, shall maintain a registry of the clergy, and shall assure the safe custody of the official archives of CACINA.

§ 4 The Presiding Bishop shall receive and tally all votes of the College of Bishops and shall make requisite notifications of the results of such voting. If the vote is being taken for the election of Presiding Bishop and the incumbent is a candidate for that office, then the vote shall be received and tallied by the Chancellor of CACINA or by the most senior bishop of the College of Bishops (by date of incardination into the episcopacy of CACINA) who is not a candidate for the office.

§ 5 The Presiding Bishop shall perform other administrative duties as directed by the College of Bishops or the General Assembly.

§ 6 The Presiding Bishop shall accomplish all duties and tasks assigned to him/her by this Constitution and by action of the College of Bishops in a timely manner and without undue delay. Repeated failure to promptly fulfill his/her duties shall be cause for his/her removal from office. (S)He, therefore, shall solicit the assistance of the College of Bishops in assuring that all duties imposed upon him/her or upon the College are promptly completed.

§ 7 Whenever the Presiding Bishop shall leave office for any reason (s)he shall see to the immediate transfer of all Church records in his/her possession to his/her successor. All records of CACINA in the possession of the Presiding Bishop are the sole property of CACINA and must be surrendered on demand of the College of Bishops.

Canon IV-5.2 The Chancellor of CACINA

Page 27 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 The Chancellor of CACINA, acts as general counsel and chief judicial officer of CACINA and shall be a member of the clergy in the holy order of bishop.

§ 2 The duties of the Chancellor of CACINA shall be to administer this Constitution and render opinions on the meaning and content of its Canons; to mediate and/or arbitrate disputes; to act as judge in national Tribunals; to serve as parliamentarian of the General Assembly and of the College of Bishops; and to hear appeals from the dioceses.

§ 3 The Chancellor of CACINA shall preside at all national ecclesiastical courts and shall render judgment in all circumstances except those reserved to other bodies by this Constitution.

§ 4 The Chancellor of CACINA shall be appointed to office by the Presiding Bishop with the advice and consent of the College of Bishops by simple majority vote.

§ 5 The Chancellor of CACINA shall serve for a period coterminous with the term of office of the Presiding Bishop and may be reappointed for an unlimited number of terms. The Chancellor may be removed from office at any time by three-fifths majority vote of the full membership of the College of Bishops. No Chancellor shall be removed from office without first being presented with a clear and detailed written statement of cause and being given the opportunity to respond before all the bishops of the Church to the items enumerated therein.

§ 6 Removal of the Chancellor shall not automatically nullify, vacate, or reverse his/her actions or decisions while in office.

§ 7 The Chancellor of CACINA shall recuse him/herself from the exercise of the office of Chancellor in all matters wherein (s)he has any conflict of interest.

§ 8 If the Chancellor of CACINA is him/herself the subject of a disciplinary inquiry as established in the Constitution of CACINA, the Presiding Bishop shall immediately suspend the Chancellor from the office of Chancellor for the duration of the inquiry into his/her conduct and any penalty that may be imposed as a consequence thereof.

§ 9 In circumstances in which the Chancellor of CACINA shall recuse him/herself or be suspended from his/her office while under disciplinary inquiry and/or penalty, the duties of the Chancellor of CACINA shall devolve to the most senior member of the College of Bishops, by date of incardination into the episcopacy of CACINA, who is not also conflicted or under inquiry.

§10 Should no member of the College of Bishops qualify to assume the duties of Chancellor due to conflict of interest or disciplinary inquiry, then the most senior member of the Clergy of CACINA, by date of ordination or incardination into the clergy of CACINA, not also conflicted or under inquiry, shall assume the duties of Chancellor and be designated as Acting Chancellor.

Constitution and Code of Canons of CACINA

June 1, 2012

§11 The assumption of the duties of the office of Chancellor shall be limited in scope to the matters for which the Chancellor is recused and/or for the duration of the inquiry and/or any penalty imposed upon him/her.

§12 In the event of vacancy in the office of Chancellor, whether by reason of removal from office, resignation, recusal, disciplinary action, or incapacity to serve, no person shall assume the duties of Chancellor except by appointment or other means specifically prescribed herein.

Canon IV-5.3 President of the House of Delegates

§ 1 The President of the House of Delegates is the presiding officer of the House of Delegates. The President is responsible for the administrative functions of the House of Delegates when in session at the General Assembly. The President is responsible for maintaining a flow of communications from the House of Delegates to the College of Bishops.

§ 2 The President is elected to office by the House of Delegates by simple majority vote for a term of 3 years and may be reelected to office for two consecutive terms.

§ 3 The President may be removed from office at any time by three-fifths majority vote of the House of Delegates with the concurrence of the College of Bishops.

§ 4 The President may be removed from office by majority vote of the College of Bishops, not more than one bishop objecting or abstaining, for conduct to the prejudice of sound faith and doctrine or as outlined in the written statement of cause if deemed to be substantiated.

§ 5 No President shall be removed from office without first being presented with a clear and detailed written statement of cause and being given the opportunity to respond before the College of Bishops of the Church to the items enumerated therein.

Canon IV-5.3.1 Duties of the President of the House of Delegates

§ 1 The President shall preside over meetings of the House of Delegates and shall report actions of the House of Delegates to the College of Bishops during the General Assembly.

§ 2 The President shall assist the Presiding Bishop in assuring clear and timely communications between the National Church and the parishes and dioceses of CACINA.

§ 3 The President shall receive and tally all votes of the House of Delegates and shall make requisite notifications of the results of such voting. If the vote is being taken for the election of the President and the incumbent is a candidate for that office, then the vote shall be received and tallied by the Vice President.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 Between sessions of the General Assembly, the President shall perform such administrative duties as may be specifically delegated by the Presiding Bishop or the General Assembly.

§ 5 The President shall accomplish all duties and tasks assigned to that office by this Constitution or by action of the House of Delegates or the General Assembly in a timely manner and without undue delay. Repeated failure to promptly fulfill his/her duties shall be cause for his/her removal from office.

§ 6 Whenever the President shall leave office for any reason (s)he shall see to the immediate transfer of all Church records in his/her possession to his/her successor. All records of CACINA in the possession of the President are the sole property of CACINA and must be surrendered on demand of the College of Bishops.

Canon IV-5.4 Other Officers of the House of Delegates

§ 1 The Vice President serves in the place of the President at any time when the President is unable or unwilling to carry out the duties of the office. When acting in the place of the President, the Vice President does so with the full authority and responsibility of the office of President.

§ 2 The House of Delegates may elect such other officers and assign them such duties and responsibilities as it deems necessary and appropriate to the conduct of its business, provided that such elections, duties, and responsibilities do not conflict with, supplant, or circumvent other provisions of these Canons.

§ 3 The Vice President and other officers are elected to office by the House of Delegates by simple majority vote for a term of 3 years and may be reelected to office for no more than two consecutive terms.

§ 4 The Vice President and other officers of the House of Delegates shall accomplish all duties and tasks assigned to their offices by this Constitution or by action of the House of Delegates or the General Assembly in a timely manner and without undue delay. Repeated failure to promptly fulfill their duties shall be cause for his/her removal from office.

§ 5 Whenever the Vice President or other officers of the House of Delegates shall leave office for any reason they shall see to the immediate transfer of all Church records in their possession to their successors. All records of CACINA are the sole property of CACINA and must be surrendered on demand of the College of Bishops.

Canon IV-5.5 The Administrative Secretary of CACINA

Page 30 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 The Presiding Bishop shall appoint an Administrative Secretary.

§ 2 The duties of the Administrative Secretary shall be to supervise and be responsible for all official communications within and without CACINA, and all administrative matters pertaining the operation and functioning of the Church's national temporal responsibilities under the direction of the Presiding Bishop.

§ 3 The Administrative Secretary may be a member of the clergy, religious, or laity of CACINA and/or may be a non-member of CACINA employed for this purpose.

§ 4 The Administrative Secretary shall serve an indefinite term of office at the pleasure of the Presiding Bishop.

Canon IV-5.6 The Treasurer of CACINA

§ 1 The House of Delegates shall elect one of its members to serve as Treasurer.

§ 2 The College of Bishops shall ratify the election of the Treasurer by majority vote.

§ 3 Notwithstanding the election of the Treasurer by the House of Delegates, the Treasurer is an officer of CACINA and not of the House of Delegates.

§ 4 The duties of the Treasurer shall be to supervise and be responsible for all financial matters of the Church's national office and to carry out such other fiscal duties as may be required by the laws and regulations of the civil jurisdiction(s) in which CACINA is incorporated.

§ 5 The Treasurer may be a member of the clergy, religious, or laity of CACINA.

§ 6 The Treasurer shall serve a 3 year term of office and may be reelected two consecutive terms, at the pleasure of the House of Delegates and the College of Bishops.

§ 7 Either the House of Delegates or the College of Bishops may, at its discretion, require that the Treasurer be appropriately bonded or insured against malfeasance.

§ 8 In the event of the resignation or inability of the Treasurer to serve, the Presiding Bishop, in consultation with the President of the House of Delegates, shall appoint an Interim Treasurer to serve until the next General Assembly, when a new Treasurer shall be elected by the House of Delegates.

Canon IV-5.7 The Internal Auditor

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 The House of Delegates shall elect one of its members to serve as Internal Auditor.

§ 2 The College of Bishops shall ratify the election of the Internal Auditor by majority vote.

§ 3 Notwithstanding the election of the Internal Auditor by the House of Delegates, the Internal Auditor is an officer of CACINA and not of the House of Delegates.

§ 4 The duty of the Internal Auditor shall be to examine the financial records of the Church's national office at least annually, reporting his/her findings in writing to the President of the House of Delegates, the Presiding Bishop, and the Chancellor.

§ 5 Should the Internal Auditor report any irregularities in the financial records, the President of the House of Delegates and the Presiding Bishop shall conduct an investigation, utilizing the services of a professional accountant, if necessary, and take such steps as they may deem necessary to resolve the irregularity.

§ 6 The Internal Auditor shall serve a 3 year term of office and may be reelected two consecutive terms, at the pleasure of the House of Delegates and the College of Bishops.

§ 7 The Internal Auditor shall not be related to the Treasurer by blood, marriage, or partnership, nor shall they share a common residence or a common employer, nor shall they participate in any common investments, nor shall they be members of the same parish.

Chapter 6 The Executive Committee

Canon IV-6.1 The Executive Committee of CACINA

§ 1 The Executive Committee shall advise and assist the Presiding Bishop in the day-to-day administration of the Church for the General Assembly and shall assure that all matters requiring the attention of the entire College of Bishops or General Assembly are brought to the appropriate body's attention.

§ 2 The Executive Committee may act in all matters pertaining to the operation of the national Church which are not reserved to the College of Bishops, the Presiding Bishop, or other officers of CACINA.

§ 3 The Executive Committee may adopt legislation for CACINA between sessions of the General Assembly in matters that are not reserved to the College of Bishops. A report of all such actions shall be reviewed and ratified by the next General Assembly.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 The Presiding Bishop shall call meetings of the Executive Committee into session, shall prepare the agenda, and shall preside. In the absence of the Presiding Bishop, these duties shall devolve upon the Chancellor.

§ 5 Action on matters before the Executive Committee shall be taken on simple majority vote of its members.

§ 6 Any member of the Executive Committee or of the College of Bishops may request that any action by the Executive Committee be overruled or modified by requesting that the matter be submitted to a vote of the entire College of Bishops or General Assembly as applicable.

§ 7 Meetings of the Executive Committee shall be held as frequently as conditions warrant but at least every three months. Meetings may be conducted by telephone or in person.

Canon IV-6.2 Membership of the Executive Committee

§ 1 Certain officers of CACINA are ex-officio and permanent members of the Executive Committee. The members of the College of Bishops are ex-officio members of the Executive Committee. Permanent membership on the Executive Committee pertains to the office and not to the person who may, at any time, hold that office. Ex-officio permanent members are:

- (a) The Presiding Bishop -- who shall be Chair of the Committee
- (b) The Chancellor of CACINA -- who shall be Vice-Chair of the Committee
- (c) The Administrative Secretary of CACINA
- (d) The Treasurer of CACINA
- (e) The President of the House of Delegates
- (f) The Vice-President of the House of Delegates

§ 2 Certain members of the Executive Committee are elected to serve on the Committee. Such elected members shall be elected to this duty at regular sessions of the College. Their term of office is one calendar year from date of election and shall coincide with the regular meetings of the General Assembly. Elected members are:

- (a) A representative of the College of Bishops, who is not already an ex-officio member of the Executive Committee, elected by majority vote of the College of Bishops
- (b) A representative from the clergy in the holy orders of deacon or presbyter, elected by the members of the clergy in those orders.
- (c) A representative from the House of Delegates elected by the HOD annually at the General Assembly.

Chapter 7 Other Committees of the College of Bishops

Page 33 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

Canon IV-7 Other Committees of the College of Bishops

§ 1 The College of Bishops may establish committees to perform tasks or research issues before the College and make recommendations to the College for action in its sole discretion.

§ 2 The Presiding Bishop and the Chancellor of CACINA are ex officio members of all committees of the College of Bishops.

Canon IV-7.2 Permanent Standing Committees of the College of Bishops

§ 1 The following committees are permanent standing committees of the College of Bishops:

- (a) Liturgy -- which shall see to the creation, review, and update of the Liturgy of CACINA.
- (b) Ecumenism -- which shall see to the relations of CACINA with other ecclesial bodies.
- (c) Standing Committee on Vocations – which advises the bishops on the suitability of applicants for holy orders or incardination in CACINA.

Chapter 8 Vocation Administration

Canon IV-8 The Vocations Director and Vocations Office

§ 1 The College of Bishops shall establish an office for the fostering and encouragement of candidates for admission to Holy Orders or incardination in CACINA. This office shall be known as the Vocations Office.

§ 2 The Vocations Office shall be headed by the Vocations Director who shall be a member of the clergy.

§ 3 The Vocations Director shall be appointed by the Presiding Bishop to an indefinite term and shall serve at the pleasure of the College of Bishops who may terminate his/her tenure at any time by majority vote.

§ 4 The Vocations Director, in collaboration with the Presiding Bishop, the Chancellor, the Standing Committee on Vocations, and with the approval of the College of Bishops, shall devise an orderly and efficient process for the processing of applications for ordination and incardination. This process shall be reviewed at intervals and revised as necessary.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon IV-8.1 The Standing Committee on Vocations

§ 1 The House of Delegates shall elect the members to the Standing Committee on Vocations to advise the Vocations Director and the Diocesan Bishops in the selection of suitable candidates for ordination to the clergy of CACINA.

§ 2 The Standing Committee on Vocations shall consist of six members; three from the clergy and three from the laity, elected for staggered three year terms through a process to be determined by the House of Delegates.

§ 3 The Standing Committee on Vocations shall elect a chairperson at each General Assembly to serve for a term of one year. The chairperson may be reelected indefinitely throughout the individual's term of election to the Committee. Members of the Standing Committee on Vocations shall upon election and confirmation to the Committee execute an Oath of Confidentiality and Pledge of Service prepared by the Chancellor.

§ 4 Notwithstanding the election of the Standing Committee on Vocations by the House of Delegates, the Standing Committee on Vocations is a committee of the College of Bishops and not of the House of Delegates.

Canon IV-8.2 Duties of the Standing Committee on Vocations

§ 1 It shall be the duty of the Standing Committee on Vocations (SCoV) to interview every applicant for ordination or incardination into the clergy of CACINA prior to the applicant's selection by the Diocesan Bishop.

§ 2 Each applicant shall be interviewed by at least two members of the SCoV. Except in circumstances of extraordinary exigency, such interviews shall be conducted in person rather than by telephone or any other electronic method.

§ 3 Prior to each interview, the Vocations Director shall provide to the members of the SCoV a complete copy of the individual's application, the results of criminal record checks and credit checks, and a summary of the findings of a physical examination and a psychological assessment. Members of the SCoV shall hold this information in strictest confidence and shall not reveal it to or discuss it with any persons outside the Committee except the Vocations Director and the appropriate diocesan bishop.

§ 4 Following each interview, the chairperson of the SCoV shall prepare and submit to the Vocations Director and the appropriate Diocesan Bishop a report of its findings and its recommendation that the applicant be accepted or rejected for candidacy. The report shall state clearly the basis for the recommendation.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon IV-8.3 Duties of the Diocesan Bishop Regarding the Standing Committee on Vocations

§ 1 The Diocesan Bishop is the ultimate arbiter of who shall and who shall not receive the sacrament of ordination to the orders of deacon or presbyter. The Diocesan Bishop's authority in this regard is final and not subject to appeal.

§ 2 Mindful that sacred tradition maintains that vocations to holy orders ought to be assented to and confirmed by the people of God, the Diocesan Bishop is obligated to consider thoughtfully and prayerfully the recommendations of the SCoV prior to making a decision to accept or reject any candidate for ordination.

§ 3 No Diocesan Bishop shall make a decision to accept or reject an applicant for ordination in contradiction to the recommendation of the SCoV without first discussing the matter in detail with the members of the SCoV and with the College of Bishops.

§ 4 In the event that a Diocesan Bishop makes a decision regarding an applicant in contradiction to the recommendation of the SCoV, the bishop shall provide to the Committee, to the College of Bishops, and to the Vocations Director a written statement of reasons for doing so.

§ 5 All communications, oral or in writing, between the Vocations Director, the SCoV, and the Diocesan Bishop shall be held in strictest confidence by all the parties. Copies of all written communications shall be sealed by the Vocations Director and preserved in the archives of CACINA.

Chapter 9 Dispute Resolution and Disciplinary Matters

Canon IV-9 Dispute Resolution

§ 1 Disputes within the Church that cannot be resolved at local or diocesan levels shall be referred by the College of Bishops for internal mediation whenever possible. Such mediation shall follow procedures to be adopted by the College of Bishops.

§ 2 If disputes cannot be resolved by mediation, then the Chancellor of CACINA shall act as arbitrator and shall issue a binding resolution.

§ 3 The results of mediation and/or arbitration may be appealed to the College of Bishops, whose decision is final and binding.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 Disciplinary matters concerning the clergy of CACINA shall be adjudicated by procedures herein defined.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE V CHURCH ORGANIZATION

Chapter 1 Jurisdictions within the Church

Canon V-1 Internal Jurisdictions of the Church

§ 1 Internal to the Church are several jurisdictional areas which are regulated by this Constitution. These areas are dioceses, parishes, missions and residences of religious orders.

Canon V-1.1 Dioceses

§ 1 A diocese is a portion of the People of God which is entrusted for pastoral care to a Diocesan Bishop, under whose leadership with the clergy and parishes and missions, constitutes a particular body in which the one, holy, catholic, and apostolic church is truly present and operative.

§ 2 As a rule, that portion of the People of God which constitutes a diocese is limited to a definite territory so that it comprises all the members of CACINA who inhabit that territory.

§ 3 A diocese comes into existence by vote of the College of Bishops. The College of Bishops in exercising this responsibility shall do so either upon the written petition by the People of God of the region of the proposed diocese or upon the perception of need by the College of Bishops.

§ 4 When the People of God request that a diocese be created, they do so by written petition to the College of Bishops. Generally, any such request which is reasonable should be honored, but the decision to create a diocese is solely within the discretion of the College of Bishops. To be considered reasonable, the petition must generally arise from not less than 45 adult persons, whose identity, regular attendance, participation, and financial support of (an) existing community(ies) of worship adhering to or seeking to join CACINA can be verified.

§ 5 When, for any suitable reason, a diocesan bishop determines the need to create a diocese from some portion of his/her See, (s)he may request the College of Bishops to erect a diocese there.

§ 6 When the College of Bishops perceives the need for a diocese it may create a diocese on their own initiative upon majority vote of the College of Bishops.

Page 38 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

§ 7 No diocese shall be created by the College of Bishops unless there are at least two functioning CACINA parishes within its boundaries nor shall a diocese be approved unless there shall exist not fewer than 45 active, participating, and financially supporting members, in total, in all the parishes/communities of worship within the proposed diocese. If there are insufficient members or faith communities or the existing communities cannot show ongoing financial and community support sufficient to meet its own needs together with its responsibilities to the national Church, the petition to create a new diocese should be denied. The College of Bishops may impose additional requirements or conditions for the creation of a diocese in its sole discretion.

§ 8 It pertains solely to the College of Bishops to define the boundaries of a diocese, which boundaries the College may alter from time to time as it deems appropriate in its sole judgment.

§ 9 A diocese may be suppressed, i.e. its existence may be terminated, by action of the College of Bishops when, in the sole judgment of the College of Bishops, there is sufficient reason to do so.

§ 10 A diocese may be suppressed if, after the said diocese has been in existence for a period of at least 1 year, there exist no active CACINA parishes within the diocese during any continuous 6 month period. For purposes of this provision, an active parish is a community of CACINA members which meets at a specific location at least twice monthly at a specific time for the purpose of celebrating the Holy Eucharist and which has officially registered members who attend services at least monthly. For the diocese to continue in existence, the sum of the members of all parishes in the diocese must generally be 45 adult persons or more.

§ 11 A diocese may be suppressed if the diocese fails to remit to the Treasurer of CACINA such funds as have been mandated to be provided by the diocese by this Constitution or vote of the College of Bishops within 2 calendar months of the date such remittance is due. A diocese thus suppressed may be reinstated only upon bringing all required remittances to current status and must meet other criteria for the erection and/or reinstatement of a diocese herein defined.

§ 12 If a diocese is suppressed for any reason and there is at least one active CACINA parish within its boundaries, the territory of that diocese may revert to mission status as an apostolic vicariate, or it may be absorbed into another CACINA diocese if so determined by the College of Bishops.

§ 13 A diocesan bishop whose diocese is suppressed for any cause, who remains resident within the former diocese shall revert to the status of auxiliary bishop to the Ordinary assigned by the College of Bishops. His membership and right to vote in the College of Bishops is not affected by this change.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 14 To allow for the circumstances which precipitated the suppression of the diocese to be fully resolved, a diocese which is suppressed for any cause may generally not be again raised to the status of a diocese for at least 1 year from the date of suppression.

§ 15 Diocesan bishops must reside within the boundaries of their diocese. If a diocesan bishop relocates his/her residence outside his/her diocese, (s)he ceases to be diocesan bishop immediately as an operation of law and the diocesan See is vacant.

Canon V-1.1 Diocesan Administration

§ 1 The diocesan bishop is personally responsible before God to the People of God (s)he shepherds for the correct, accurate, orthodox, and efficient administration of the diocese. Failure to do so may be cause for the suppression of the diocese or the removal from office of the diocesan bishop. The College of Bishops acts as advocate for the People of God in assuring that the diocesan bishop is exercising this role in accordance with the Sacred Trust with which the office of diocesan bishop endows the incumbent.

§ 2 The internal organization and administration of any diocese shall be accomplished as the diocesan bishop may direct, subject to the provisions and requirements of these Canons.

Canon V-1.2 Parishes

§ 1 Each diocese shall be divided as needed into distinct parts, called parishes, which exist to serve the pastoral needs of the People of God.

§ 2 A parish is governed by a Pastor who shall be at least in the order of presbyter or deacon. S/He may be assisted by additional clergy as needed. The Pastor is subordinate to the diocesan bishop, and such other intermediary superiors as the diocesan bishop may assign, but exercises all ordinary, proper, and immediate authority appropriate to his/her office within his/her parish.

§ 3 A parish is created and/or suppressed upon direction, and in the discretion, of the diocesan bishop.

§ 4 Parishes shall be organized and administered according to procedures established by the pastor subject to the direction and approval of the diocesan bishop.

Canon V-1.3 Vicariates

§ 1 The area of responsibility of a vicar is called a vicariate. In CACINA there are several types of vicariates. The most commonly applied types are the apostolic vicariate and the diocesan or episcopal vicariate.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon V-1.3.1 Apostolic Vicariates

§ 1 An apostolic vicariate is a certain portion of the People of God which is not yet established as a diocese due to particular circumstances and whose pastoral care is entrusted to the nearest diocesan bishop acting as an apostolic vicar. The apostolic vicar governs the vicariate in the name of the Church and is the Bishop for the vicariate.

§ 2 Apostolic vicars assume their role in an apostolic vicariate based on their proximity to the apostolic vicariate.

§ 3 It is desirable that the territory comprising the apostolic vicariate be expressly established by the College of Bishops to avoid confusion.

§ 4 Apostolic vicariates may also be established for any useful purpose by the College of Bishops, in its sole discretion, who may appoint any CACINA bishop to be apostolic vicar for the vicariate.

Canon V-1.3.2 Diocesan Vicariates

§ 1 In order to foster pastoral care through common action or due to the special needs (e.g. the need to minister in a specific national language or ethnic rite) several parishes may be grouped together under the leadership of an Episcopal or diocesan vicar at the discretion of the diocesan bishop with the approval of the College of Bishops.

Canon V-1.4 Mission Territories

§ 1 Any portion of the Jurisdiction of CACINA which is not organized into a diocese shall be considered to be Mission Territory and be organized as an apostolic vicariate.

Canon V-1.5 Monasteries, Convents, and Residences of Religious Orders

§ 1 Wherever there is established a monastery, convent, or other residence house of a religious order such residence shall be governed and organized as the Rule or Form of Life of the order may direct. If no specific regulation exists within a Rule or Form of Life of any order the residence shall be governed and organized as the head of the order may direct. All such residences are under the direct control of the lawful superiors of the order and are subject to overall supervision by the College of Bishops.

§ 2 The conduct of public ministry by religious is by grant of faculty from the Diocesan Bishop of the area and is regulated elsewhere herein.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 3 The major superior of the religious order should seek permission of the Diocesan Bishop before establishing a religious house in a particular diocese as a matter of courtesy. Such permission should be granted *per forma* unless there is good and sufficient reason for withholding such permission. Failure to resolve this matter may be appealed to the College of Bishops.

Canon V-1.6 Ordinary and Delegated Authority

§ 1 Clergy have authority to perform their duties according to the needs of their office. Certain authority is ordinary in nature meaning that it results from the possession of an office or a duty (e.g. the diocesan bishop has ordinary authority to administer any sacrament within his/her diocese). Delegated power or authority is granted by authorization of another who possesses ordinary authority (e.g. a diocesan bishop grants faculties to a presbyter to administer Confirmation because the Confirmands are located at a distance which does not permit the diocesan bishop to administer the sacrament directly).

§ 2 One who has ordinary power or authority may delegate such power or authority or portions thereof in their discretion subject to any restrictions imposed by sacramental requirements or this Constitution.

Canon V-1.7 The Ordinary

§ 1 Wherever herein the term ORDINARY is used as a proper noun referring to a person such usage shall be defined as one who is exercising the role of diocesan bishop, with all rights and privileges appertaining thereto, whether as head of his/her own diocese or as apostolic vicar.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE VI THE CLERGY

Chapter 1 General Regulations of the Clergy

Canon VI-1 The Clergy defined

§ 1 All members of CACINA who have received the sacrament of Holy Orders in the order of deacon, presbyter, or bishop, and who are in good standing, are members of the clergy.

Canon VI-1.1 Regulation of The Clergy

§ 1 Members of the clergy are subject to the regulations of this Constitution and such other regulations as their lawful superior may impose.

§ 2 All members of the clergy who are not members of a religious order shall be Incardinated within a diocese of CACINA in order to exercise public ministry.

(a) Members of religious orders who are clergy may exercise public ministry within a diocese only with approval of the diocesan bishop of that diocese.

(b) Members of religious orders who are clergy may minister privately within and for their own communities according to the norms of their respective order's Rule and internal regulations.

§ 3 All clergy accused of civil criminal conduct which alleges a felony or any charge that may include the possibility of incarceration of any duration whatsoever shall immediately disclose such accusation to their diocesan bishop, religious superior, or to the College of Bishops if the accused is a diocesan bishop. The accused may not be questioned about his/her guilt or innocence except within a sacramental Confession, **which (s)he may not be compelled to make**. However, all details not revealed under the Seal of Confession, of the accusation against the member of the clergy must be made known to the diocesan bishop, and to the College of Bishops for those in the office of diocesan bishop.

§ 4 CACINA clergy, even if they receive some financial compensation, generally serve in a voluntary capacity and are not employees of CACINA. CACINA, therefore has no duty to supervise its clergy as an employer nor is it responsible for their conduct; nor does CACINA have a duty to collect or account for taxes for its clergy; nor does CACINA have an obligation to provide employment benefits or unemployment, workers compensation, or other insurance.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon VI-1.1.1 Concerning the Selection and Admission of Clergy

§ 1 The College of Bishops has created a National Vocations Office which administers the application process for CACINA. The selection and admission of candidates for ordination shall be conducted in a manner as previously described.

§ 2 No diocesan bishop shall have the authority to add to, delete from, or in any way modify the selection and admission process.

§ 3 Notwithstanding the requirements of the selection and admission process, the decision to ordain or not ordain any candidate for the order of presbyter or deacon ultimately resides with the diocesan bishop in whose diocese the candidate resides.

Canon VI-1.1.2 Concerning the St. Charles Institute

§ 1 There is hereby created an educational institution (The St. Charles Institute) that shall have the authority and responsibility to

- (a) Prepare training curricula for candidates for the orders of deacon and presbyter.
- (b) Present the curricula to the College of Bishops for review and approval.
- (c) Devise, prepare, and administer coursework within the frameworks of the approved curricula.
- (d) Review the academic credentials of all candidates for ordination to deacon or presbyter and determine those portions of the curricula that must be completed by the candidates prior to ordination.
- (e) Guide, supervise, oversee, and direct the education and training of all candidates for ordination.
- (f) Prepare, administer, and score a General Ordination Examination (or series of exams) for candidates for ordination to deacon and presbyter at the conclusion of or during their training.
- (g) Counsel and advise the College of Bishops on matters related to the education and training of candidates for ordination, when requested to do so.

§ 2 The Director of the St. Charles Institute shall be a member of the clergy or a qualified lay person who is appointed by the Presiding Bishop and serves at the pleasure of the College of Bishops.

§ 3 Subject to review by the College of Bishops, the Director of the St. Charles Institute may appoint an Assistant Director and designate consultants, both within and outside CACINA, to assist in the work of the Institute.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 Except for the responsibilities enumerated in § 1 of this Canon and any other responsibilities that may be designated by the College of Bishops, the St. Charles Institute shall have no responsibility for determining the acceptability of any candidate for ordination.

§ 5 The College of Bishops may supervise, regulate, and modify the work of the St. Charles Institute at any time.

Canon VI-1.1.3 Concerning the Training of Clergy

§ 1 Each candidate for ordination to deacon or presbyter shall complete a program of academic training devised by the St. Charles Institute based upon a review of the candidate's education, training, and life experience.

§ 2 Notwithstanding other provisions of these Canons, no diocesan bishop shall have the authority to add to, delete from, or in any way modify the academic training requirements imposed by the St. Charles Institute without the express approval of the College of Bishops.

§ 3 No candidate shall be ordained deacon or presbyter until and unless he or she has completed all required training in a manner satisfactory to the St. Charles Institute and has passed a General Ordination Examination approved by the College of Bishops.

§ 4 Notwithstanding other provisions of these Canons, no diocesan bishop shall waive or in any way modify the requirement for successful completion of the General Ordination Examination without the express approval of the College of Bishops, not more than one bishop objecting or abstaining.

Canon VI-1.1.4 Concerning a mandatory retirement age

§ 1 All clergy who are not diocesan bishops shall, on the occasion of their 75th birthday, submit to their diocesan bishop a letter of resignation from the active clergy of CACINA.

§ 2 The diocesan bishop shall decide whether and at what point (s)he accepts and implements resignations due to age of his/her clergy.

§ 3 Diocesan bishops, on the occasion of their 75th birthday, shall submit their resignation from the active clergy of CACINA to the Presiding Bishop.

§ 4 The College of Bishops shall decide whether and at what point the resignation due to age of a diocesan bishop is accepted and implemented.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 All such resignations due to age as defined in this amendment shall, upon their acceptance and implementation by the competent authority herein defined, transfer the one resigned to the status of retired clergy in good standing.

§ 6 Retired clergy in good standing shall retain all faculties for the sacraments they possessed at the time of their retirement unless such faculties are expressly altered or revoked by competent authority as defined in the Constitution of CACINA.

§ 7 By the act of retiring from office diocesan bishops relinquish the faculty for the administration of the sacrament of Holy Orders for CACINA as a matter of law, unless such faculty is granted expressly by a diocesan bishop or the College of Bishops for a specific ordination.

§ 8 Retired bishops retain their right to serve as ordaining bishop for other communions as herein provided.

§ 9 Retired diocesan bishops are designated diocesan bishops Emeritus.

§ 10 Retired Pastors are designated Pastors Emeritus.

Canon VI-1.2 Conduct to the prejudice of good order and discipline.

§ 1 Members of the clergy, in whatever order and or office, shall at no time, by public statements or actions, impugn, demean, or otherwise disparage the Constitution and Code of Canons of CACINA, and/or any part thereof, and/or Amendments or other legislation as may, from time to time, be enacted by the legislative bodies defined by this Constitution.

§ 2 Members of the clergy in whatever order shall at no time by their public statements or actions impugn, demean, or otherwise disparage the orthodoxy, personal integrity, professional competence, or sacramental validity of any member of the clergy of CACINA or of CACINA, itself.

§ 3 For purposes of this Canon, a statement or action shall be considered to be public if it is made in such a manner as to be known or knowable to any person not charged with governing the Church by the Constitution of CACINA.

§ 4 Members of the clergy found to have violated this Canon shall be guilty of a grave offense against the unity of the Church and grave Canonical Disobedience and upon conviction thereof by a Disciplinary Judicial Tribunal as provided in the Constitution of CACINA, shall be subject to such penalties as the said Tribunal shall impose.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 Statements made during debate or consideration of legislation before legislative and governing bodies of the Church, as established in the Constitution and Code of Canons of CACINA, are expressly exempt from the provisions of this Canon.

§ 6 Statements made in conjunction with presenting formal charges or official allegations of improper conduct against members of the clergy of CACINA are expressly exempt from the provisions of this Canon.

§ 7 Official findings, decrees, judgments, and/or actions issued and/or published by those charged with legislating, adjudicating, or otherwise governing the Church by the Constitution of CACINA are expressly exempt from the provisions of this Canon.

§ 8 Statements made to civil law enforcement officials, attorneys, and/or judicial officers in connection with the official conduct of their respective offices or functions are expressly exempt from the provisions of this Canon.

Canon VI-1.3 Titles, Manner of Address, and Rank of the Clergy

§ 1 No title except deacon, presbyter, priest, or bishop shall be adopted or granted to any member of the clergy of CACINA, except those which pertain to offices established by this Constitution (e.g. diocesan bishop, Pastor, etc.) or authorized for an office in a religious order (e.g. Minister General, Novice Master, Abbot, etc.).

§ 2 The honorific of Monsignor of all grades applicable to priests is not used in CACINA.

§ 3 The Title of Archbishop or Metropolitan pertaining to bishops is not used in CACINA.

§ 4 Bishops shall employ the title *The Most Reverend* in formal written address. Recipients of the Cross of St. Charles of Brazil may employ the title *The Very Reverend* in formal written address. Presbyters shall employ the title *The Reverend* in formal written address. Deacons shall employ the title *The Reverend Mr./Ms. or The Reverend Full Name, Deacon* in formal written address.

§ 5 Bishops shall be verbally addressed as "Your Grace", "Your Excellency", or simply "Bishop". Deacons shall be addressed as "Deacon". Presbyters who are male shall be addressed as "Father". Presbyters who are female shall be addressed either as "Mother" or as "Reverend" in their personal discretion.

Canon VI-1.3.1 Awards for Outstanding Service

§ 1 The College of Bishops may periodically award to members of the presbyterate an award of recognition for extraordinary service which shall be called the Cross of Saint Charles of

Constitution and Code of Canons of CACINA

June 1, 2012

Brazil. Candidates for this award shall be proposed by their diocesan bishops. The awardee, if any, shall be selected by secret ballot of the College. Award of The Cross of Saint Charles of Brazil shall be coincident with every third annual meeting of the General Assembly of CACINA. This shall, hereinafter be referred to as an award cycle. Not more than one recipient may be selected in any award cycle. Recipients of the Cross of Saint Charles of Brazil may employ the title *The Very Reverend* in formal written address. Criteria for this award shall be that the recipient shall have shown extraordinary dedication to ministry to the People of God in CACINA over a period of at least 6 years.

§ 2 The lay members of CACINA serve the People of God in too many ways even to mention. Without the extraordinary service of the many volunteers, CACINA would not exist. In recognition of this type of outstanding service on the part of lay members of CACINA the College of Bishops grant the **Prisca and Aquila Award** for service to the People of God. The process shall be the same as set forth in § 1 above although it may be given to an individual or couple or family.

§ 3 It is not required that any award be made during an award cycle.

§ 4 Any or all of the provisions of this Canon may be waived by express consent of the College of Bishops, not more than one bishop dissenting or abstaining.

§ 5 The College of Bishops shall create an insignia pin which shall serve to identify the recipients of these awards. Such insignia shall consist of a pin which shall be of the size and character that is customary in the United States for organizational membership pins designed for wear in the lapel of a business suit. The award insignia shall be of sturdy and durable material but of simple design and limited cost.

§ 6 The cost for the awards shall be borne by the diocese proposing the awardee.

Canon VI-1.4 Celibacy of the Clergy

§ 1 The right to marry or to join in holy union is Divinely Granted. CACINA imposes no requirement of celibacy or permanent chastity on its clergy who are not members of religious orders.

§ 2 Marriage or holy union shall not be an impediment to the valid reception of the sacrament of Holy Orders in CACINA nor to incardination into any jurisdiction of CACINA; nor shall marriage be required for the reception of Holy Orders or incardination.

§ 3 Holy Orders shall not be an impediment to the valid reception of the sacrament of Matrimony or Holy Union in CACINA.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 No person shall impose or require; as a condition of the sacrament of Holy Orders, of granting faculties to clergy, or of incardination of clergy in any jurisdiction; that any person shall be required to promise, vow, or live in a state of celibacy or permanent chastity nor that they remain unmarried or abstain from holy union.

Canon VI-1.4.1 Sexual Conduct of the Clergy

§ 1 Members of the clergy shall not engage in or attempt sexual activity which:

- (a) is harassing or unwelcome in character, and/or
- (b) is physically, mentally, or emotionally abusive, and/or
- (c) is attempted or conducted with a person who has not attained the legal age at which consent to sexual conduct is permissible in the controlling civil law, and/or
- (d) which exploits the status of the individual as a clergy or lay member of CACINA to facilitate or obtain sexual conduct.

§ 2 Conduct which violates this Canon is never acceptable in a member of the clergy of CACINA.

§ 3 Violation of the provisions of this Canon shall, upon conviction of these acts by a disciplinary tribunal as herein defined, be cause for the dismissal from CACINA of the accused member of the clergy and/or revocation or suspension of suspension of faculties for the public celebration of the Sacraments.

§ 4 Allegations of criminal sexual misconduct by members of the clergy, received outside the sacrament of Reconciliation, shall be immediately referred to civil law enforcement authorities for investigation and adjudication.

Canon VI-1.5 Financial Compensation of the Clergy

§ 1 No member of the clergy shall require or request payment of money or other valuable consideration in payment for the celebration of any sacrament. Donations may be accepted so long as the said donation is voluntary and inures to the benefit of the Church, a diocese, a Parish, a Mission, a religious order, or some subordinate organization of one of the foregoing and not to an individual. It is permitted, when asked, for the clergy to indicate an exact amount which is appropriate for such donation.

§ 2 Freely given stipends or gifts, regardless of type, may be accepted as a gratuity for the special celebration of the Mass so long as they are not in any way a condition for the celebration of the sacraments or the Mass.

§ 3 Under no circumstances shall a member of the clergy withhold administration of the sacraments or pastoral care on the basis of the inability of the requestor to give a stipend to the

Constitution and Code of Canons of CACINA

June 1, 2012

clergy person. This provision does not prevent a parish or diocese from charging a reasonable fee for the use of its facilities or denying the use of its facilities on the basis of inability to pay. Parishes and dioceses are, however, admonished to treat all persons with generosity and consideration for personal circumstances in this regard.

§ 4 When necessary and appropriate; travel, food, and lodging expenses of the clergy may be paid by those for whom a sacrament is celebrated.

§ 5 The clergy may receive salary and/or other formal compensation from any diocese or Parish they serve. Salary and/or other compensation, and all stipends and gratuities received must be reported to the appropriate civil authorities for tax purposes.

§ 6 CACINA does not employ clergy and is not responsible for maintaining financial records for any money paid to clergy in compensation for their services as clergy. When compensation is paid by a parish or diocese, that entity is itself solely responsible for such financial records and reporting.

Canon VI-1.6 Employment of the Clergy

§ 1 Each member of the clergy is responsible for providing such personal income as (s)he may require for him/herself and his/her family through lawful means. These means may include compensation by the Parish or diocese which the member of the clergy serves, personal savings or investments, and/or employment in a secular job or profession.

§ 2 All secular employment shall be in a place and of a type seemly and appropriate for a member of the clergy. The decision of whether such employment of a member of the clergy is seemly and appropriate shall be made by the diocesan bishop for those in the orders of deacon and presbyter, and by the College of Bishops for those in the holy order of bishop.

§ 3 No member of the clergy shall be required to change their employment without a full explanation of their reasons for such requirement, and without giving adequate time to make a transition to new employment.

§ 4 In requiring a member of the clergy to seek new employment, a minimum period of one calendar year shall be granted for such change. Such period shall be extended when warranted by economic or other circumstances,

Canon VI-1.6.1 Financial Obligations of the Clergy to CACINA

§ 1 Each member of the clergy of CACINA shall provide financial support to the conduct of the temporal administration of the Church in a manner and amount to be determined annually by the College of Bishops by majority vote.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon VI-1.7 Possession of Church Property by members of the Clergy

§ 1 All property, which may be held in the possession of a member of the clergy, which was purchased or otherwise obtained by or for the Church or any subordinate jurisdiction of the Church is the sole property of the Church or jurisdiction for which it was purchased and not the private or personal property of the member of the clergy.

§ 2 The foregoing notwithstanding, the clergy may own, and retain as personal property: private chapels in their place of residence, or other suitable private location, vestments, chalices and other liturgical supplies, etc. which were purchased with their own funds or which they received as gifts.

Canon VI-1.8 Resignation of the Clergy

§ 1 Members of the clergy may resign from the clergy of CACINA at any time without stating a reason. Resignation shall automatically excommunicate the member of the clergy and shall release them from the clergy of CACINA.

§ 2 Resignation is accomplished solely by submitting the resignation in written form to the competent superior of the member of the clergy seeking to resign. Written resignations must be signed in the person's own hand.

Canon VI-1.9 Leave of Absence of the Clergy

§ 1 A leave of absence excuses a member of the clergy from the regular and ongoing duties and responsibilities of ministry and from such other duties and responsibilities as may be stipulated in the granting of the leave.

§ 2 A leave of absence, whether voluntary or involuntary is not a disciplinary action and does not revoke the faculties of the individual. Revocation or alteration of faculties is a separate action by the diocesan bishop or the College of Bishops, undertaken in accord with the provisions of these Canons.

§ 3 A member of the clergy may request a leave of absence at any time from his/her diocesan bishop. Such request shall be accepted in all cases.

§ 4 A diocesan bishop may place a member of the clergy, under his/her jurisdiction, on an involuntary leave of absence for the good of the Church, or the welfare of the respective member of the clergy.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 The duration of a voluntary leave of absence as well, as any conditions which must be met in order for the member of the clergy to return to active status, shall be jointly determined by the individual and the diocesan bishop.

§ 6 It is the responsibility of the diocesan bishop to determine whether or not to accept the return from an involuntary leave of absence of a member of the clergy for his/her diocese.

§ 7 Notwithstanding other provisions of these Canons, a member of the clergy who has been placed on involuntary leave or has been refused permission to return from leave by his/her diocesan bishop may appeal that decision to the College of Bishops which, by simple majority vote, may affirm, modify, or vacate the action of the diocesan bishop.

§ 8 The Chancellor of CACINA may place diocesan bishops or the Presiding Bishop on voluntary leave of absence upon their request. In such circumstances the Chancellor of CACINA shall consult the College of Bishops who shall, in collaboration with the respective bishop, determine the duration of the leave together with, circumstances, and conditions under which they may return from the Leave of Absence.

§ 9 The College of Bishops may impose an Involuntary Leave of Absence on any bishop if it determines such leave to be necessary for the good of the Church, or the spiritual welfare of the respective bishop. Except as may be provided elsewhere herein, the College of Bishops shall determine the duration of the leave, the conditions of the leave, and when and under what circumstances the person so placed on leave may return to active status.

§ 10 At the conclusion of a leave of absence, the member of the clergy, regardless of order or position, must either return to active status, resign from the clergy of CACINA, or be released from the clergy of CACINA.

Canon VI-1.10 Canonical Obedience of the Clergy

§ 1 Obedience to this Constitution and to their respective lawful superior(s), as established by their area of ministry and defined herein, is required of every member of the clergy as a condition of their status as clergy.

§ 2 Failure to provide such obedience shall be grounds for disciplinary action as defined herein and may result in suspension from ministry or expulsion from the clergy of CACINA.

§ 3 Each member of the clergy shall, on the occasion of their ordination to each order and/or their Incardination into CACINA, solemnly and publicly promise obedience to this Constitution and to their lawful superior(s) both verbally and in writing.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 The formula to be employed in the Promise of Obedience shall be devised by the Chancellor of CACINA and approved by the College of Bishops.

Canon VI-1.11 Information to be supplied by the Clergy to competent authority

§ 1 Each member of the clergy in the holy order of deacon, presbyter and bishop shall provide certain information to his/her diocesan bishop and to the Chancellor of CACINA for the records of the National Office. Such information shall be maintained as current by the respective member of the clergy.

§ 2 The required information is as follows:

- (a) A residence address; to be defined as the street address, including apartment number where applicable, at which (s)he physically resides.
- (b) In this regard a Post Office Box, or any address essentially similar in nature to a Post Office Box, shall not be sufficient. Use of such Boxes to receive correspondence is permitted but an actual physical residence address is required to meet this requirement.
- (c) A telephone number at which the member of the clergy may be customarily reached.
- (d) An electronic mail address, if the member of the clergy has one.
- (e) The name of the member of the clergy's employer and a description of type of work performed.
- (f) Their current marital status and name of Spouse or partner.
- (g) Dates of reception of the sacraments of Christian Initiation, and ordination to each order, ordaining prelate and place of ordination.

§ 3 Diocesan bishops shall provide this information to the Chancellor of CACINA upon ordination, incardination, or when the information changes.

§ 4 Pastors shall provide to the national office registrations of all Marriages, Baptisms, and Confirmations performed in the parish. Reporting shall be done semi-annually, preferably in digital format.

§ 5 Diocesan Bishops shall provide to the Chancellor registrations of all ordinations performed in the diocese within ten days of the ordination for inclusion in the Clergy Database and hard copy transmitted to the national archives.

Canon VI-1.12 Incardination of Clergy Defined

§ 1 The process by which clergy from one ecclesiastical jurisdiction are brought under the authority of another jurisdiction is called Incardination.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 By virtue of the sacrament of Holy Orders, any person receiving Ordination to the order of presbyter or deacon is automatically incardinated into the diocese for which they are ordained.

§ 3 Installation in the office of diocesan bishop, or auxiliary bishop automatically incardinate the one installed into the diocese they are to serve and concurrently excardinate them from all other jurisdictions.

Canon VI-1.12.1 Incardination From a Diocese of CACINA

§ 1 Any presbyter or deacon desiring to be incardinated into a diocese of CACINA from another diocese of CACINA shall present a letter from his/her current bishop excardinating him/her from that diocese stating that, at the time of Excardination, the member of the clergy seeking transfer was in good standing free of any disciplinary issues.

§ 2 Any diocesan bishop shall, upon request by a member of the clergy possessing a current letter of Excardination from a diocese of CACINA, incardinate such clergy into his/her diocese. If such a requested incardination is not granted within 30 days of the request, such incardination shall be deemed granted.

§ 3 Excardinating bishops shall be responsible to assure the incardinating bishops that the member of the clergy seeking new incardination is a worthy candidate, free from disciplinary issues, and in good standing with CACINA.

Canon VI-1.12.2 Incardination of Presbyters and Deacons from Churches in Communion with CACINA

§ 1 The procedure to be followed for Incardination of clergy from Churches in Communion with CACINA is the same as that for Incardination from another diocese of CACINA.

§ 2 When incardinating clergy from another Church, the term "Churches in Communion with CACINA" shall be defined as those ecclesiastical bodies which established formal inter-communion agreements with CACINA and are approved for this purpose by the College of Bishops.

§ 3 Without respect to Communion with CACINA, as defined in § 2, above, clergy seeking incardination from outside CACINA shall complete the same application and selection process, including successful writing of the General Ordination Examination, as is required of those seeking ordination. The College of Bishops may waive writing of the General Ordination Examination as a requirement for incardination, not more than one bishop dissenting or abstaining.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon VI-1.12.3 Incardination of Presbyters and Deacons From other Churches

§ 1 In addition to a letter of Excardination from the Church that they are leaving, clergy desiring Incardination from Churches must submit documents attesting to the valid reception of the sacrament of Holy Orders to the highest order they have attained, and documentation which proves the valid Apostolic Succession of the person who ordained them to each order.

§ 2 A diocesan bishop may, upon request by a presbyter or deacon possessing a letter of Excardination and other required documentation, and who meets the qualifications for their holy order established in this Constitution, incardinate or decline to incardinate that member of the clergy into his/her diocese from any Church.

§ 3 Clergy seeking incardination from outside CACINA shall complete the same application and selection process, including successful writing of the General Ordination Examination, as is required of those seeking ordination. The College of Bishops may waive writing of the General Ordination Examination as a requirement for incardination, not more than one bishop dissenting or abstaining.

Canon VI-1.13 Incardination of Bishops outside a merger of CACINA with another Church

§ 1 Persons in the holy order of Bishop may be incardinated into CACINA as bishops with the concurrence of the College of Bishops, not more than one bishop dissenting or abstaining. Since we believe that ordination or consecration as bishop imparts a permanent charism, bishops will not be incardinated as deacons or presbyters. Incardinating bishops must agree to submit to a period of probation during which time s/he will exercise only presbyteral faculties. All bishops in CACINA have agreed to submit ordination decisions (in and for CACINA or outside of CACINA) to the College of Bishops.

§ 2 Documentation of Apostolic Succession, which must trace the complete Succession from the bishop to be incardinated to the origin of the Succession, shall be provided. Standard reference materials which sustain the claim of Apostolic Succession shall be employed in substantiating Succession.

§ 3 Incardinating clergy in the order of Bishop will also meet with the Standing Committee on Vocations as is required of all candidates for incardination in CACINA for their recommendation as to incardination.

§ 4 In addition to the provisions of § 1 above incardinating bishops shall be required to meet the same requirements as current CACINA clergy to be eligible to serve on the College of Bishops with full episcopal faculties. Specifically, that they have been a member of the clergy of

Constitution and Code of Canons of CACINA

June 1, 2012

CACINA for at least five years, and served as a pastor of a CACINA parish for at least one year, and be elected by the people they will serve.

§ 5 During the probationary period, the College of Bishops shall carefully examine all such candidates to determine their acceptability for CACINA. Furthermore, during the probationary period the candidate shall not serve in the office of diocesan bishop nor as an officer of CACINA in any capacity.

§ 6 Upon completion of the probationary period, the College of Bishops shall again vote to admit or reject the candidate. The role such bishop shall exercise within the Church (e.g. auxiliary, coadjutor, or diocesan bishop) shall also be established by majority vote of the College of Bishops.

§ 7 Bishops to be incardinated shall be granted only presbyteral faculties until their respective probationary period has been successfully completed and their final incardination has been approved. They shall be subordinate to the Ordinary of their place of ministry and obedient to that Ordinary during the probationary period, ministering at the direction of the Ordinary.

§ 8 Bishop candidates for incardination who do not possess Duarte-Costa Succession may require consecration *ad cautelam* to impart that Succession. Such consecration shall not occur prior to the completion of the probationary period.

§ 9 *Ad Cautelam* consecration under the provisions of this canon serves solely to impart the Duarte-Costa succession and shall not be construed to imply the invalidity or questionable validity of the original consecration or sacramental acts performed under that original consecration or ordination.

Canon VI-1.14 Incardination of Bishops and Clergy due to merger of CACINA with another Church

§ 1 Whenever CACINA shall merge with another Catholic Church, procedures to be followed to incardinate the bishops and clergy of the other Church into CACINA shall be negotiated by the College of Bishops as part of the process of merger.

§ 2 Bishops received into CACINA as the result of such merger whose Apostolic Succession cannot be verified or which does not include the Duarte-Costa lineage, shall be consecrated *ad cautelam* to impart the Duarte-Costa succession.

Canon VI-1.15 Excardination

§ 1 Presbyters and deacons to be transferred from any diocese of CACINA shall be given a Letter of Excardination. Such Letter shall state the orders to which they have been ordained and

Constitution and Code of Canons of CACINA

June 1, 2012

shall also state whether they are in good standing, on leave of absence, deposed, or released/expelled from the clergy of CACINA.

§ 2 Bishops may be transferred from one diocese to another by the College of Bishops. Such transfer automatically excardinales them from their former diocese and incardinales them into the new diocese.

§ 3 The act of expelling or releasing someone from the clergy of CACINA automatically excardinales that person from all jurisdictions of CACINA in which they were then incardinales.

Canon VI-1.15.1 Excardinales because of Resignation

§ 1 A member of the clergy of CACINA who resigns from the clergy of CACINA or ceases to perform his/her duties as a member of the clergy in a manner analogous to resignation; shall be deemed to have requested excardinales from the clergy of CACINA and their respective jurisdiction and shall be sent a Letter of Excardinales, which shall automatically terminate all faculties and release that person from the clergy of CACINA.

Canon VI-1.16 Conduct of the Clergy

§ 1 Because of the great trust placed in the clergy by the People of God, CACINA has the right to ecclesiastically discipline and censure any member of the clergy whose public conduct is such that it may bring discredit upon the Church. CACINA may also ecclesiastically discipline or censure clergy of CACINA who violate any provision of this Constitution or who are disobedient in matters canonical to their lawful superiors, regardless of their rank or position in CACINA.

§ 2 The public conduct of the clergy is to be above reproach. They are to avoid places and entertainment which would scandalize the People of God, they are to restrain their use of profanity, they are to be examples of Christian charity and love to all. They are to adhere to the divine law, this Constitution, and the civil law.

§ 3 Conduct by the clergy which is contrary to the law of God or this Constitution is never sanctioned by the Church. When such conduct is discovered, immediate action shall be taken to address the misconduct.

Canon VI-1.17 Dress of the Clergy

§ 1 Whenever they are acting in their capacity as clergy of CACINA, the clergy shall wear appropriate clerical clothing.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 Clergy are encouraged to wear appropriate clerical attire at any time it is appropriate to do so as witness to their vocation.

§ 3 Clergy shall not wear clerical attire while engaged in athletic or similar activity; nor shall clergy wear clerical attire while performing their secular employment unless permitted to do so by their employer.

§ 4 Members of religious orders may wear the Habit appropriate for their order. The color and style of the habit of religious orders shall be determined by the order when the order was accepted by the College of Bishops.

§ 5 Members of religious orders who are bishops, may adopt the dress of "secular" clergy in the order of bishop when not in residence in a house or monastery of their order. They may wear their religious habits and the pectoral cross, episcopal ring, and "zucchetto." They may also use mitre and crozier if appropriate to their function in the liturgy.

§ 6 The color of all formal street clerical attire in CACINA is black. Other colors are permitted for informal or day to day wear.

§ 7 Cassocks for priests and deacons shall be black. Clergy who own gray cassocks may wear them until their replacement is required. Presbyters and deacons, generally, do not wear zucchetos. If the wearer chooses to wear a zucchetto or biretta, the color shall be black. White cassocks may be worn in warm climates, or weather.

§ 8 "House" Cassocks/Simars for bishops shall be black with red piping and buttons. Shoulder capes shall be matching in color to the rest of the cassock. Bishops who own gray cassocks with red piping may wear them until their replacement is required. White or red cassocks for bishops are prohibited, except that white cassocks may be worn in tropical areas provided the sash and piping are fuscia.

§ 9 Cassock Accessories (i.e. Sashes, birettas, zucchetos, mozettas, and mantelettas) for bishops shall be red or fuscia in color in the discretion of the wearer. Red and fuscia accessories may not be simultaneously worn by an individual. Red accessories should be worn only with gray cassocks, and may be worn with black cassocks as well.

§ 10 Choir Cassocks for bishops shall be fuscia in color. Accessories shall match the color of the Choir Cassock. Use of a gray choir cassock by those who currently possess them is permitted until replacement of the cassock is required.

§ 11 While in clerical attire, (either in religious habit, clerical street dress, vested for liturgy, or in choir vesture) clergy should be judicious in the choice of accessories such as jewelry and the like. Pectoral crosses or other symbols of the office of bishop (or color of clerical shirt/blouse) should not be worn by those not in that office.

Constitution and Code of Canons of CACINA

June 1, 2012

Canon VI-1.18 Disciplinary Processes

§ 1 Whenever a member of the clergy violates the provisions of this Constitution; commits an offense against the unity of the Church, including but not limited to, heresy, apostasy, or schism; fails to render canonical obedience to a lawful superior; or is convicted or pleads guilty to a civil crime, which may include incarceration as a penalty, they shall be subject to disciplinary action by CACINA.

§ 2 Whenever disciplinary action or action due to mental illness or addiction is contemplated against a member of the clergy an inquiry into the facts of that allegation shall be conducted as quickly as practical by the diocesan bishop or, if the one under inquiry is a diocesan bishop or the Presiding Bishop, by the College of Bishops.

§ 3 Allegations against any member of the clergy shall be brought only upon presentation of a sworn statement by the accuser detailing the nature of the charge and sufficient evidence of the alleged offense that a reasonable person applying contemporary standards would conclude that the offense charged probably occurred and that the accused probably committed the alleged offense.

§ 4 Sworn statements alleging misconduct shall be provided to the Chancellor of CACINA for review, or to the Presiding Bishop if the Chancellor is the accused. The Chancellor may seek counsel from persons within or without CACINA, if s/he deems it appropriate, to assist her/him in determining whether the charges are sufficient to warrant further action.

§ 5 If the Chancellor determines that charges warrant further action or investigation, the Chancellor shall present a Bill of Indictment against the accused to the accused and to the accused's diocesan bishop (or to the College of Bishops if the accused is a bishop. The diocesan bishop, or the College of Bishops shall then hear the evidence in the matter in the manner herein specified.

§ 6 Clergy in the order of deacon or presbyter shall be judged by a tribunal consisting of three clergy in the order of presbyter, deacon or bishop. The diocesan bishop shall preside. The evidence in support of the allegation shall be presented in open session by a member of the clergy. The accused shall have the right to discover evidence held by others that may be relevant to the indictment, present evidence which is exculpatory, to confront his/her accuser, and the right to compel testimony in his/her behalf, to the extent of CACINA's ability to compel it. The three members of the court shall decide if the evidence presented sustained the allegation by vote. The diocesan bishop shall impose penalty for those found guilty of misconduct or determine actions for those found to be mentally ill, incapacitated or addicted.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 7 If sufficient clergy cannot be obtained to form a tribunal as described in the foregoing, the Chancellor shall appoint additional members of the clergy, as required. Tie votes shall be adjudged in the favor of the one under inquiry.

§ 8 Clergy in the order of Bishop shall be judged by the College of Bishops. The Chancellor of CACINA shall preside. The evidence in support of the allegation shall be presented in open session by a member of the clergy. The accused shall have the right to discover evidence held by others that may be relevant to the indictment, present evidence which is exculpatory, to confront his/her accuser, and the right to compel testimony in his/her behalf, to the extent of CACINA's ability to compel it. The College of Bishops, by vote, shall determine if the evidence presented sustained the allegation and shall impose penalty for those found guilty of misconduct or determine actions for those found to be mentally ill, incapacitated or addicted. Tie votes shall be adjudged in the favor of the one under inquiry.

§ 9 A detailed record of the evidence presented in a tribunal both for and against the accused shall be made and maintained by the diocesan bishop, for presbyters and deacons; and by the College of Bishops for bishops. This record shall be made available to the appropriate appellate jurisdiction, as herein defined in the event of an appeal by the accused of the findings and/or penalty and a complete record of all proceedings shall be retained in the archives of CACINA.

Canon VI-1.19 Disciplinary Penalties of the Clergy

§ 1 The penalties which may be assessed against a member of the clergy found guilty of misconduct may include, but are not limited to: reprimand, suspension from the clergy, removal from office, and/or expulsion from the clergy of CACINA. Other penalties may also be imposed in the discretion of those authorized to impose penalty by this Constitution.

(a) Those found guilty by a tribunal of a minor offense against this Constitution, or of a minor instance of willful canonical disobedience to a lawful superior shall be penalized as the Ordinary or College of Bishops may decide but not more than suspension from the clergy of CACINA for a period of not more than 1 year.

(b) Those found guilty by a tribunal of a serious offense against this Constitution, serious willful canonical disobedience to a lawful superior, or a serious offense against the unity of the Church shall be penalized as the Ordinary or College of Bishops may decide but not more than suspension from the clergy of CACINA for a period of not more than 5 years.

(c) Those found guilty by a tribunal of a grave offense against this Constitution, grave willful canonical disobedience to a lawful superior, or a grave offense against the unity of the Church shall be penalized as the Ordinary or College of Bishops may decide, including expulsion from the clergy of CACINA.

Canon VI-1.20 Actions in Cases of Alleged Civil Criminal Conduct by the Clergy

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 All clergy accused of civil criminal conduct which alleges a charge conviction of which may include the possibility of incarceration of any duration whatsoever shall immediately disclose such accusation to their diocesan bishop, religious superior, or to the College of Bishops if the accused is a diocesan bishop. The accused may not be questioned about his/her guilt or innocence except within a sacramental Confession, **which (s)he may not be compelled to make**. However, all details of the accusation against the member of the clergy must be made known to the diocesan bishop, or to the College of Bishops for those in the office of diocesan bishop.

§ 2 Those accused of civil crimes which include the possibility of a penalty of incarceration, shall be automatically placed on an involuntary leave of absence from the clergy of CACINA until such time as their civil case is adjudicated

§ 3 Those found guilty or pleading guilty to any civil misdemeanor(s), which include a penalty of incarceration, even if such incarceration is suspended in whole or in part; shall be deposed from any offices which they then hold and shall be placed on Involuntary Leave of Absence until such time as their civil penalty is concluded and, subsequently, their diocesan bishop, or the College of Bishops, may, in their sole discretion, reinstate them to active ministry.

§ 4 Those found guilty or pleading guilty to any civil felony involving violence, misappropriation of funds or property, or sexual misconduct, shall be deposed from all Church offices that they then hold, and expelled from the clergy of CACINA and all faculties for their celebration of the sacraments permanently revoked. Conviction of other felonies shall result in penalties at the discretion of the diocesan bishop, or the College of Bishops when the accused is a diocesan bishop, but shall include deposition from all offices in CACINA and suspension until such time as any penalty imposed by civil law is satisfied.

Canon VI-1.21 Confidentiality in Clerical Discipline

§ 1 All information arising from the conduct of disciplinary actions within CACINA shall be held in strict confidence by all participants and shall not be divulged to any person not directly involved in such disciplinary action without the authorization of the College of Bishops unless and to the extent that such release is mandated by civil law.

§ 2 To ensure privacy and fairness, every effort shall be made to limit knowledge of a disciplinary inquiry to those directly involved, including, but not limited to, the respective member of the clergy of CACINA under inquiry; their respective diocesan bishop (where applicable) and/or religious superior (where applicable); the presiding officer, advocates, and members of any Disciplinary Judicial Tribunal convened in the matter; those entities charged by the Canons of the Constitution of CACINA with acting as appellate judiciary in cases where the decision of a Tribunal is appealed; the accusers; victims; witnesses; and attorneys for any party.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 3 In circumstances where an allegation of misconduct by a member of the clergy has become known to persons not authorized by this Canon, the outcome of the inquiry into those allegations shall be made known to those same persons by a simple declarative statement that the allegations were sustained or not sustained and that disciplinary actions were or were not taken. No further comment or information may be disseminated in any way to any person without approval by the College of Bishops of CACINA unless and to the extent that such release is mandated by civil law.

§ 4 The foregoing notwithstanding, the Chancellor of CACINA and the Presiding Bishop of CACINA shall be advised in writing of the outcome and actions taken in all disciplinary inquiries within the Church.

§ 5 Copies of all documents generated as a result of disciplinary actions shall be sealed and placed in the Archives of the Church. Once sealed, such documents shall not be viewed by any person whatsoever except those authorized to do so by civil law or by majority vote of the College of Bishops of CACINA.

§ 6 Any member of the clergy who shall knowingly violate the provisions of this Canon shall be guilty of serious or grave canonical disobedience and, upon conviction thereof in the manner prescribed by the Constitution and Code of Canons of CACINA, and shall be subject to disciplinary action in accordance with these Canons.

Canon VI-1.22 Actions In Cases of Mental Illness and Addiction in the Clergy

§ 1 Mental illness, for purposes of this Canon, shall be defined as any psychological defect or pathology that deleteriously impairs the cognitive and/or judgmental faculties, emotional, or interpersonal abilities of the respective member of the clergy as determined by a qualified professional.

§ 2 Addiction, for purposes of this Canon, shall be defined as dependence upon chemical substances that deleteriously impairs the cognitive and/or judgmental faculties of the respective member of the clergy as determined by a qualified professional.

§ 3 If it is determined by an investigation that a priest, deacon, or bishop is mentally ill, incapacitated or addicted in any way the diocesan bishop having jurisdiction may take whatever steps the bishop deems appropriate with the intention of healing the addicted member of the clergy, being ever mindful of their duty to care for the souls entrusted to them and the well being of the Church.

§ 4 If it is determined by the College of Bishops that a diocesan bishop, or the Presiding Bishop, is mentally ill, incapacitated or addicted in any way the College of Bishops may take whatever steps the College deems appropriate with the intention of healing the addicted bishop,

Constitution and Code of Canons of CACINA

June 1, 2012

being ever mindful of their duty to care for the souls entrusted to the bishop and the well being of the Church.

§ 5 If, in the opinion of the competent authority, as herein defined, the mental illness, incapacity or addiction of the member of the clergy is debilitating such that the member of the clergy is unable to fulfill their respective duties to the People of God, they may be placed on involuntary leave of absence until such time as they are again able to resume their duties, in the sole discretion of the authority who originally placed them on leave or their lawful successor.

§ 6 If the allegedly addicted or mentally ill member of the clergy declines to receive treatment, or repeatedly relapses into their condition, they may be released from the clergy of CACINA by the competent authority herein defined without prejudice for the pastoral good of the People of God and the good of the Church.

Canon VI-1.23 Right of Appeal

§ 1 Any member of the clergy on whom any reprimand, penalty or any adverse decision or action is imposed shall have the right to appeal that judgment.

§ 2 In appeals of disciplinary actions, only the one subject to penalty (i.e. the defendant or accused may appeal a judgment). In other matters, appeal may be initiated by either party).

§ 3 Appeals are first heard by the Chancellor of CACINA in his/her role as arbiter of the Canons. S/He may sustain or reject the appeal. Rejected appeals may be further appealed to the College of Bishops.

§ 4 The College of Bishops, acting in their appellate role, may decide appeals by review of the record or may take testimony in their sole discretion.

§ 5 The Presiding Bishop shall preside at all appeals to the College of Bishops.

§ 6 During the appeal, all actions against the appellant except involuntary leave of absence shall be held in abeyance. A majority vote shall be sufficient to sustain or reject the appeal.

§ 7 In an appeal, the decision of the College of Bishops is final and binding.

Chapter 2 The Bishops of CACINA

Canon VI-2 The Bishop

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 A bishop is one who has received the sacrament of Holy Orders in the order of bishop from another bishop who possesses valid Apostolic Succession. In the conferral of this holy order, bishops receive the fullness of the sacrament of Holy Orders, are made pastors of Christ's Church, successors of the Apostles, and teachers of the Holy Faith.

§ 2 As Christ established 12 Apostles and not just one, so it is that each bishop, as successors to the Apostles, exercises a ministry which is theirs by right of ordination and not as a delegation of some other prelate. Auxiliary bishops may be subordinate in function to the diocesan bishop and owe him/her obedience as the head of the diocese, but they are, nevertheless, equal in sacramental authority and episcopal dignity. The relationship of bishops, one to another, is always cordial and collegial.

Canon VI-2.1 Qualifications of Bishops

§ 1 Qualifications for CACINA bishops are:

- (a) No person shall be a bishop in CACINA who has not attained 35 years of age.
- (b) No person shall be a bishop in CACINA who has not validly received the sacraments of Christian Initiation and holy orders in the order of deacon and the order of presbyter. In cases of incardination from jurisdictions with valid Apostolic Succession where there is direct election and ordination or consecration to the Order of Bishop, this requirement is waived.
- (c) No person shall be a diocesan bishop in CACINA who has not functioned in the order of presbyter or bishop for at least 5 years.
- (d) No person shall be a diocesan bishop in CACINA who has not served as a Pastor of a Parish or Mission within CACINA for at least 1 year.
- (e) No person shall be a bishop in CACINA who has not been elected to the order of bishop.
- (f) No person shall be a bishop in CACINA who has been convicted of a crime, except minor traffic violations, without the express review and approval of the candidate by College of Bishops, not more than one bishop dissenting or abstaining.
- (g) No person shall be a bishop in CACINA who is actively addicted to any substance.
- (h) No person shall be a bishop in CACINA who has an active mental illness.
- (i) No person shall be a bishop in CACINA who is given to violent behavior.
- (j) No person shall be a bishop in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.
- (k) No person shall be incardinated as a bishop within CACINA from a jurisdiction other than an internal CACINA jurisdiction who has not completed a period of probation the duration of which shall be set by the College of Bishops but which shall be of sufficient length to permit the candidate's attendance at two meetings of the General Assembly and Recommendation by the Standing Committee on Vocations as described elsewhere herein. Furthermore, incardinating clergy in the order of bishop, shall meet all requirements imposed on other CACINA clergy before full admission to the College of

Constitution and Code of Canons of CACINA

June 1, 2012

Bishops. (See Canon VI-1.13). During a probation period the candidate shall not function in an episcopal capacity within CACINA without the express concurrence of the College of Bishops.

§ 2 In extraordinary circumstances of the most extreme nature, in their sole discretion, the College of Bishops, not more than one bishop dissenting or abstaining, may waive any requirement for the office of bishop for individual candidates except for the valid reception of the sacraments of Christian Initiation as described herein.

Canon VI-2.2 Election of Bishops

§ 1 A bishop shall be elected to his/her office. It is preferable that a bishop be elected by the People of God in the area in which s/he will serve. If elected by the People of God, the College of Bishops must independently confirm the election, either by vote or by expiration of the time-limit for such confirmation imposed by this Constitution. The College of Bishops may elect a bishop on their own if in their discretion there is sufficient cause and demonstrated need. This might happen in the case of the ordination of a bishop to serve in a Mission Territory and following the preferred procedure would create undue hardship or expense on all concerned.

§ 2 Procedures for election to Episcopal duties of those already in the holy order of bishop are exactly the same as those who are not yet in that order except that they do not require ordination or consecration to the holy order of bishop.

§ 3 In the context of these procedures, the term "People of God" shall be construed to include all persons who are members of CACINA; lay, clergy, and religious; who shall be under the care of the candidate if (s)he is elected. In this context, persons who are not members of CACINA, even if they receive ministry from CACINA clergy and/or persons who will not receive pastoral care from the candidate if (s)he is elected, may not initiate or vote in the Election of a bishop.

§ 4 Actions in connection with the election of a bishop herein assigned to any individual or group shall be performed as a Sacred Trust to be accomplished expeditiously; fairly; and without prejudice, vindictiveness, malice, favoritism, or preference. Failure to perform these Sacred roles in a manner in keeping with the spirit of this Constitution shall be deemed a grave violation of canonical obedience and an offence against the unity of the Church.

§ 5 A candidate for bishop may decline election without stating a reason.

§ 6 The election of a candidate to the order of bishop by the People of God ought not to be rejected by the College of Bishops except for serious cause. Grounds for rejection of a bishop-elect by the College of Bishops shall be limited to:

- (a) proven moral turpitude,

Constitution and Code of Canons of CACINA

June 1, 2012

- (b) heresy, apostasy, schism, suspension or other disciplinary action imposed by CACINA in effect at the time of election,
- (c) allegation or conviction of a civil felony or misdemeanor with a penalty of incarceration (even if such incarceration was suspended),
- (d) proven coercion or fraud in the election,
- (e) lack of qualification of the candidate for the order of bishop as defined herein or
- (f) any sufficiently grave matter which, in the opinion of the College of Bishops warrants rejection of the election.

§ 7 The confirmation of the election by the People of God of a candidate to the order of bishop by the College of Bishops, whether by express action or by expiration of the time limit for their action is final and not subject to confirmation or veto by any person or group whatsoever.

§ 8 Signatures on a Document of Election which are fraudulent, coerced, or which cannot be verified shall be void and the total of the vote shall be adjusted as if they were not cast. However, they shall not, individually, invalidate the entire election. The election shall be invalid only if a simple majority of the votes cast are determined to be invalid or fraudulent or if the candidate was complicit in the fraud or coercion.

§ 9 A Document of Election of a bishop shall include:

- (a) A request that a bishop be consecrated or installed in a named position (e.g. diocesan bishop, or auxiliary bishop, or coadjutor bishop),
- (b) The name of a specific candidate.
- (c) The request, position, and candidate's name shall appear on each page of the Document of Election.
- (d) The Document will include space for each person voting to sign their name, print their name, and include their telephone number and address.
- (e) It will also include space for the person voting to indicate their acceptance or rejection of the candidate.

Canon VI-2.2.1 Election of a Bishop initiated by the College of Bishops

§ 1 When the College of Bishops perceives the need for a bishop, the College of Bishops may elect a bishop on its own initiative. A candidate is elected if a simple majority of the College of Bishops agree to his/her election. The diocesan bishop of the Candidate shall immediately notify the bishop-elect of his/her election and obtain his/her consent to the election.

§ 2 If the bishop-elect accepts election and is a presbyter, the bishop-elect shall then select at least two bishops from the College of Bishops to serve with the Presiding Bishop as consecrating bishops. He shall also set a mutually agreeable date for his/her consecration. Such date shall occur as soon as practical after the election of the bishop.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 3 If the bishop-elect accepts election and is already a bishop, the Presiding Bishop shall preside at his/her liturgical installation.

Canon VI-2.2.2 Election of a Bishop in ordinary circumstances

§ 1 In most circumstances the election of a bishop is not initiated by the College of bishops but is initiated due to events in the life of the Church. These events include the vacancy in the office of diocesan bishop in a new diocese or upon the death, resignation, deposition, or retirement of a diocesan bishop; the requirement by a diocesan bishop for an auxiliary bishop; or the perceived need by the People of God for a bishop. The procedures herein governing such circumstances will be followed.

§ 2 Election of a bishop in these circumstances belongs solely to the College of Bishops and/or the diocese involved and not to a single parish.

Canon VI-2.2.3 Election of a Diocesan Bishop

§ 1 When there is a vacancy in the office of diocesan Bishop for any cause, in the absence of a coadjutor bishop with right of succession elected by the people of the diocese, the diocesan Administrator as herein defined shall select a candidate from among the eligible presbyters or bishops of the diocese and initiate the election of a bishop. The election shall be initiated within 30 days of the office becoming vacant or the creation of the diocese and will follow the procedures defined herein for the election of a bishop by the People of God.

Canon VI-2.2.4 Election of Coadjutor and Auxiliary Bishops

§ 1 When a diocesan bishop perceives the need for a coadjutor or auxiliary bishop, (s)he initiates an election of a bishop which shall conform to the procedures for election of a bishop herein defined.

Canon VI-2.2.5 Election of a Bishop initiated by the People of God

§ 1 When the People of God determine a need for a bishop to serve them, they may elect a bishop on their own initiative by following the procedures herein specified. They must, however, be prepared to justify the need for such an election based on the requirements for the establishment of a diocese based on numbers of members and active financial support of the diocese.

Canon VI-2.2.6 Conduct of the election of a Bishop

§ 1 Except when a bishop is elected solely by the College of Bishops, each bishop shall be elected by vote of the People of God.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 Each election of a bishop by the People of God shall be confirmed by the College of Bishops by majority vote of the College.

§ 3 To accomplish an election of a bishop in ordinary circumstances, a Document of Election shall be created specifying the candidate by name and the position or office (s)he shall fill as bishop. A copy of this Document of Election shall be made available in all parishes and missions which the candidate will serve as bishop at each Sunday Mass for four consecutive Sundays for the consideration and vote by the People of God.

§ 4 To vote, each person voting signs the Document of Election. Each person voting must sign their full name, print their full name, and include their home telephone number or mailing address.

§ 5 Only those persons who are members of CACINA, who will be served by the proposed bishop, and who are at least 18 years of age may vote in the election of a bishop.

§ 6 At the conclusion of the time for voting, the Document of Election shall be forwarded to the diocesan bishop or diocesan Administrator. It is their duty to assure themselves of the fairness and accuracy of the election.

§ 7 The diocesan bishop or diocesan Administrator, in presence of at least two witnesses, shall tally all valid votes for and against the candidate. This tally shall be completed within ten calendar days of the conclusion of the election. A candidate is elected if a simple majority of the verified signatures on the Document of Election agree to his/her election as bishop.

§ 8 If the voting resulted in the election of a bishop, the diocesan bishop or diocesan Administrator will certify authenticity and results of the election to the College of Bishops immediately. If the tally of votes does not result in an election, they will return the Document of Election to its point of origin, certifying that there were insufficient votes for election.

§ 9 The College of Bishops shall have ten calendar days from the date of notification of a valid election to accept or reject the election of the bishop-elect by a simple majority vote. If the College of Bishops rejects the election they shall notify the People of God through the diocesan bishop or diocesan Administrator of their decision and shall include an appropriate explanation for their decision.

§ 10 If the College of Bishops accepts the election or if the College fails to reject the election within the specified period, the election results become final pending the acceptance of election by the bishop-elect. No further confirmation of the election by any person is required.

§ 11 The diocesan bishop or diocesan Administrator will immediately notify the bishop-elect of the confirmation of his/her election and obtain his/her consent to the election.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 12 If the bishop-elect declines election, the election results shall be void and the diocesan bishop or diocesan Administrator shall so notify the People of God and reinstate the process of election.

Canon VI-2.3 Consecration/Ordination of Bishops

§ 1 All bishops of CACINA shall be Ordained to the order of bishop according to the Roman Pontifical Rite of Ordination, with the addition of the words which define the Liturgy of CACINA as a faith community, as otherwise stipulated herein.

§ 2 Consecration to the Episcopacy imparts a permanent Charism. While a bishop may resign, retire, be deposed, and/or removed from exercising his/her ministry, s/he, nevertheless, never ceases to be a bishop once validly consecrated.

§ 3 At least three bishops from the College of Bishops of CACINA shall act as consecrating bishops, according to ancient custom, except in extraordinary circumstances where a single bishop from the College of Bishops may ordain.

§ 4 The consecration and/or installation of a bishop is an occasion of rejoicing for the whole Church and shall be celebrated as such. Except in compelling circumstances all the bishops of CACINA shall attend each consecration and/or installation. Priests, deacons, and laity from the entire Church will be encouraged to attend. In no instance shall a consecration and/or installation be considered a private or diocesan ceremony, even though the bishop is being consecrated or installed to serve a particular diocese.

§ 5 The responsibility to plan and organize the consecration and/or installation of a bishop shall be the responsibility of the Liturgist, who shall consult with the College of Bishops and the bishop-elect in so doing.

Canon VI-2.4 Duties, rights, and privileges of Bishops

§ 1 Bishops have the duty to minister the sacraments for which they are the ordinary minister, i.e., in addition to those of the presbyteral order, Confirmation and Holy Orders.

§ 2 Bishops have the duty to lead, guide, and shepherd the People of God

§ 3 Bishops have the duty to celebrate the Holy Eucharist at least once each week on Sunday for the intention of the People of God under their Episcopal Care

§ 4 Bishops have the duty to teach the Gospel.

§ 5 Bishops have the duty to consecrate articles and implements used in worship

Constitution and Code of Canons of CACINA

June 1, 2012

§ 6 Bishops have the duty to preside in ecclesiastical disciplinary proceedings of presbyters and deacons, to judge in disciplinary proceedings of bishops, and to affix penalty to all who are found guilty in either type proceeding.

§ 7 Bishops have the duty to attend all meetings of the College and to vote as a member of the College of Bishops in matters of their jurisdiction

§ 8 Within the scope of his/her jurisdiction, bishops have the duty to implement this Constitution and all legislation enacted by the College.

§ 9 Bishops have the unrestricted right to be heard and consulted in all matters concerning the governance of the Church. According to their assigned ministry they may have additional rights, authority, and privileges.

§10 By virtue of their ordination to the orders of presbyter and deacon, bishops retain all rights, privileges, and duties of those orders.

Canon VI-2.5 The Diocesan Bishop

§ 1 The head of a diocese is the diocesan bishop. In this capacity (s)he is also known as the Ordinary. The diocesan bishop is the visible manifestation of the Church within the diocese, and serves as administrator, teacher, and chief pastor in all matters pertaining to that diocese. The actions, legislation, and decisions of the diocesan bishop are subject to review and revocation only by the College of Bishops if formally appealed under provisions herein defined, and/or under circumstance in which the diocesan bishop's orthodox teaching is questioned or (s)he is alleged to be in violation of this Constitution, or such other national legislation as the College of Bishops may enact, or there are allegations of misconduct or addiction other mental illness or incapacity by the diocesan bishop.

§ 2 All duties, rights, and privileges of bishops apply to diocesan bishops.

§ 3 Wherever herein the term diocesan bishop applies to some duty, right, or privilege appertaining to that office such reference shall equally apply to an apostolic vicar within and for his/her vicariate.

§ 4 A diocesan bishop shall reside within the boundaries of his/her diocese. If a diocesan bishop relocates his/her residence to a place which is outside his/her own diocese (s)he ceases to be a diocesan bishop. In so doing (s)he relinquishes all duties, rights, and privileges appertaining to the office of diocesan bishop which are not granted by right of sacramental Ordination.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 If the new residence of a former diocesan bishop who has relocated his/her residence outside his/her prior diocese is within the boundaries of another diocese, (s)he immediately becomes subordinate to the diocesan bishop of the diocese into which (s)he has relocated and may exercise ministry there only with grant of faculty from the diocesan bishop having jurisdiction. Such faculties shall be presbyteral unless the diocesan bishop requests that the newly arrived bishop assume the duties of auxiliary or bishop and such request is approved by the College of Bishops.

§ 6 If the new place of residence of a former diocesan bishop who has relocated his/her residence outside his/her own diocese is within an apostolic vicariate, (s)he immediately assumes duties as apostolic vicar, replacing the current apostolic vicar as an operation of law, and may petition the College of Bishops to erect the vicariate, or a portion thereof, as a diocese.

§ 7 The place of residence of a diocesan bishop shall be defined as that location which is his/her residence for purposes of civil law. Such residence shall be reported and maintained current with the Presiding Bishop and the Chancellor of CACINA.

§ 8 No person shall hold the office of diocesan bishop, auxiliary, or coadjutor bishop in more than one diocese simultaneously. However, diocesan bishops may function as Ordinary in a diocese other than their own while remaining diocesan bishop when they are acting as diocesan Administrator during a vacancy in the office of diocesan bishop of another diocese, or in the capacity as apostolic vicar in an area not incorporated into a diocese.

§ 9 By virtue of office, diocesan bishops possess faculties for all sacraments within their own diocese.

§ 10 Diocesan bishops are ranked by their date of consecration or incardination into CACINA, whichever is later, and are next behind the Presiding Bishop in precedence. Within his/her own diocese, however, the diocesan has right of precedence over all bishops.

§ 11 A diocesan bishop is elected to his/her post by the procedures contained in this Constitution for such election.

§ 12 The diocesan bishop has the duty to promote the continued professional development of clergy within the diocese. Each diocesan bishop shall, therefore, work with the St. Charles Institute to create and maintain a program of initial and continuing education for members of, the clergy.

§ 14 All diocesan bishops shall be personally engaged in active ministry to the People of God within their diocese. Such ministry must include the regular celebration of the Holy Eucharist at his/her Cathedral parish.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 15 Each diocesan bishop shall designate one CACINA parish under his/her jurisdiction to be their Cathedral parish at which (s)he shall celebrate the Holy Eucharist and preach not less than one Sunday each month.

§ 16 The term of office of a diocesan bishop shall be the remainder of the bishop's life unless the bishop shall earlier resign, retire, or be deposed.

§ 17 In and for their own diocese, diocesan bishops possess the right to appoint and depose subordinates to/from their respective duties and ministries in their sole discretion, subject to such restrictions as may be imposed on such appointments and depositions by this Constitution and such national legislation as may be enacted by the College.

§ 18 Diocesan bishops shall visit each parish in their diocese located within 250 miles of their residence at least once each year. Parishes located at distances greater than 250 miles from their residences shall be visited at least biennially. Parishes shall provide financial support to their diocesan Bishop to facilitate accomplishing these visits if needed.

§ 19 Additional duties, enumerated elsewhere in this Constitution, are imposed by this Constitution on diocesan Bishops.

Canon VI-2.6.1 Vacancy in the office of Diocesan Bishop

§ 1 When the office of diocesan bishop falls vacant for any cause whatsoever, the coadjutor bishop with right of succession, who has been previously elected by the People of God, automatically assumes the office of diocesan bishop as a matter of right and by operation of law.

§ 2 In the absence of a coadjutor bishop, the most senior auxiliary bishop, by date of incardination to the Episcopacy of CACINA, assumes the duties of diocesan Administrator and shall proceed to elect a new diocesan bishop, according to procedures set forth herein for the election of a diocesan bishop, within 30 calendar days of the date on which the office of diocesan bishop fell empty.

§ 3 In the absence of an auxiliary bishop, the nearest diocesan bishop shall assume the duties of diocesan Administrator and shall proceed to elect a new diocesan bishop, according to procedures set forth herein for the election of a diocesan bishop, within 30 calendar days of the date on which the office of diocesan bishop fell empty.

Canon VI-2.7 Auxiliary Bishops

§ 1 An auxiliary bishop is a coadjutor bishop without right of succession. Auxiliary bishops may be selected by a diocesan bishop. Upon such selection, the procedures for the election of an auxiliary bishop in this Constitution shall be followed.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 Auxiliary bishops are ranked by their date of incardination into the episcopacy of CACINA. Regardless of their date of incardination into the episcopacy of CACINA, auxiliary bishops rank in precedence after diocesan and coadjutor bishops.

§ 3 Auxiliary bishops are subordinate to their diocesan bishop and the duties of auxiliary bishops are assigned and faculties granted by the diocesan bishop.

§ 4 The term of office of an auxiliary bishop shall be the remainder of the bishop's life unless the bishop shall earlier be reassigned, resign, retire, or be deposed.

Chapter 3 Vicars

Canon VI-3 General Definition of Vicars

§ 1 A vicar is one who acts as the representative of another with the power and authority of the one in whose name the vicar acts.

§ 2 The College of Bishops, a diocesan bishop, and the head of a religious order or a Pastor may create vicars.

§ 3 In the creation of a vicar, the person so creating the vicar delegates some portion of their ordinary authority and power to the vicar for the purpose of fulfilling some role or duty. The degree and terms of such delegation is at the discretion of the person creating the vicar.

§ 4 Vicars have no order of precedence except that conferred by their holy orders. Vicars may not exercise sacramental Powers which are not theirs by right of holy orders.

Canon VI-3.1 Parochial Vicars (Associate Pastors/Assistant Pastor/Curate)

§ 1 A parochial vicar is a priest or deacon who has been assigned to assist a Pastor in the care of the People of God. This office is also known as Assistant Pastor or Curate.

§ 2 A parochial vicar is appointed to this role by the diocesan bishop and serves at the direction and is subordinate to the Pastor.

§ 3 All duties, responsibilities, and privileges appertaining to priests or deacons (as applicable to the individual's holy order) apply to parochial vicars.

Constitution and Code of Canons of CACINA

June 1, 2012

Chapter 4 Pastors

Canon VI-4 Pastors defined

§ 1 A Pastor is one who possesses at least the sacrament of Holy Orders in the order of presbyter or deacon and who has been given the responsibility of leading the People of God within a certain portion of a diocese or apostolic vicariate called a Parish or Mission.

§ 2 The term Rector in relation to the priest in charge of a cathedral parish is essentially synonymous with pastor.

Canon VI-4.1 Duties, rights, and privileges of Pastors

§ 1 Pastors, being members of the clergy of CACINA appointed to the pastoral office by the diocesan bishop, possess all ordinary, proper, and immediate power and authority necessary for their office, except those powers and authority reserved to some other ecclesiastical office; and subject to faculties granted by the diocesan bishop.

§ 2 Pastors have the duty to lead, guide, and shepherd the People of God within their care.

§ 3 Pastors have the duty to minister the sacraments for which they are the ordinary minister, i.e., in addition to those of the Diaconate: Reconciliation, and Anointing the Sick.

§ 4 Pastors have the duty to celebrate the Holy Eucharist at least once each week on Sunday for the intention of the People of God under their Pastoral Care

§ 5 Pastors have the duty to teach the Gospel.

§ 6 Pastors have the duty, within the scope of their authority, to implement this Constitution and all legislation enacted by procedures herein defined.

§ 7 Pastors possess the unrestricted right to be heard by their diocesan bishop.

§ 8 Pastors rank in precedence next behind auxiliary bishops by date of their ordination or incardination into CACINA.

§ 9 Pastors shall celebrate the Holy Eucharist within their parish at least twice each month.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 10 Subject to the approval of the diocesan bishop and to the provisions of this Constitution and such other legislation as may be enacted according to the norms herein, Pastors possess the right to organize, structure and govern their parishes.

§ 11 Pastors are the spiritual head of their respective parish and direct all sacramental and liturgical acts occurring within said parish according to norms set forth herein, or by directives of the College of Bishops and/or the respective diocesan bishop. While they may also have operational responsibility in their parishes, it is hoped that they will foster and promote lay leadership to assume those functions.

§ 12 Lay persons shall exercise all pastoral offices appropriate to them even in the presence of members of the clergy of CACINA who may be available. It is preferable to use Eucharistic Ministers of the parish to assist the Celebrant in the Liturgy, even when there are additional clergy present.

§ 13 All duties, rights, and privileges appertaining to priests apply to Pastors as well. Additional duties are assigned to Pastors by this Constitution.

Canon VI-4.2 Appointment of Pastors

§ 1 Pastors are appointed to their office by the diocesan bishop. The term of office of a Pastor is the remainder of his/her life unless (s)he is reassigned, resigns, retires, or is removed from his office by the diocesan bishop or in accordance with the provisions of this Constitution.

§ 2 In selecting priests for the office of Pastor, the diocesan bishop shall seek candidates who are proven shepherds; persons of tact, holiness, skill, and love of God, God's People, and the sacraments.

Chapter 5 Priests

Canon VI-5 Priests defined

§ 1 A priest is one who has received the sacrament of Holy Orders in the order of presbyter.

§ 2 Ordination to the order of presbyter imparts a permanent Charism. While a priest may resign, retire, be deposed and/or removed from exercising his/her ministry, s/he, nevertheless, never ceases to be a priest once ordained.

§ 3 Priests possess all ordinary, proper, and immediate power and authority necessary for their duties, except those powers and authority reserved to some other ecclesiastical office and subject to the faculties granted them by their diocesan bishop.

Page 75 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 By virtue of their ordination to the order of deacon, priests retain all duties, rights, and privileges of that order.

§ 5 Priests are appointed to their duties by their diocesan bishop. In appointing a priest to a duty the diocesan bishop shall not impose any financial, spiritual, familial, or other burden upon the priest without his/her free consent. The diocesan bishop may reassign priests to other duties at any time in his/her sole discretion, subject to the foregoing restriction.

Canon VI-5.1 Duties, rights, and privileges of Priests

§ 1 Priests have the duty to lead, guide, and shepherd the People of God within their care

§ 2 Priests have the duty to minister the sacraments for which they are the ordinary minister, i.e., in addition to those of the diaconal order: Reconciliation, and Anointing the Sick.

§ 3 Priests have the duty to celebrate the Holy Eucharist at least once each week on usually on a Sunday or the principle day of worship of a particular faith community.

§ 4 Priests have the duty to teach the Gospel.

§ 5 Priests have the duty to obey their lawful superior in all matters pertaining to CACINA.

§ 6 Priests possess the unrestricted right to be heard by their diocesan bishop.

§ 7 By virtue of their ordination, priests who are in good standing have the right to celebrate the sacraments of which they are the Ordinary Minister subject to the faculties granted by their diocesan bishop.

§ 8 By virtue of their ordination, priests have the right to reserve the Most Blessed Sacrament in their private chapel or oratory for any legitimate purpose. Priests shall exercise due care and caution in exercising this right and shall arrange for the proper disposition of the Most Blessed Sacrament in the event of their death.

§ 9 Priests may not celebrate the sacraments in a diocese not their own without the approval of the diocesan bishop having jurisdiction in that place. Such approval may be verbal or written and, when granted, constitutes temporary faculty. The diocesan bishop will determine any restrictions as to time, place, or sacrament for which (s)he grants such temporary faculty in his/her sole discretion. Permission to publicly celebrate any sacrament may be withheld by the diocesan bishop from any clergy upon statement of cause.

Canon VI-5.2 Qualifications and Training of Priests

Page 76 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

- § 1 CACINA priests shall meet the following qualifications:
- (a) No person shall be a priest in CACINA who has not attained their 25th year.
 - (b) No person shall be a priest in CACINA who has not validly received the sacraments of Christian Initiation.
 - (c) No person shall be a priest in CACINA who has not successfully completed the screening process and course of study prescribed by this Constitution.
 - (d) No person shall be a priest in CACINA who has not been found worthy of the order of presbyter by due trial and examination.
 - (e) No person shall be a priest in CACINA who has been convicted of a crime, except minor traffic violations, without the express review approval of the candidate for orders by College of Bishops, not more than one bishop dissenting or abstaining.
 - (f) No person shall be a priest in CACINA who is actively addicted to any substance.
 - (g) No person shall be a priest in CACINA who has an active mental illness or incapacity.
 - (h) No person shall be a priest in CACINA who is given to violent behavior.
 - (i) No person shall be a priest in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.

Chapter 6 Deacons

Canon VI-6 Deacons defined

§ 1 A Deacon is one who has received the sacrament of Holy Orders in the order of deacon. Deacons are subordinate directly to the diocesan bishop only, unless assigned duties which are subordinate to another, such as a Pastor of a parish.

§ 2 Deacons are appointed to their duties by their diocesan bishop. In appointing a deacon to a duty the diocesan bishop shall not impose any financial, spiritual, family, or other burden upon the deacon without his/her free consent. The diocesan bishop may reassign deacons to other duties at any time, subject to the foregoing restriction.

Canon VI-6.1 Duties, rights, and privileges of Deacons

§ 1 Deacons are ministers of service, Word and Sacrament.

§ 2 Deacons have the duty to be an ordinary minister of Holy Communion.

§ 3 Deacons have the duty to prepare the altar and the elements for the celebration of the Holy Eucharist.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 Deacons have the duty to minister the cup during the celebration of the Holy Eucharist

§ 5 Deacons have the duty to solemnly Baptize and to Anoint the Sick.

§ 6 Deacons have the duty to officiate at Marriages.

§ 7 Deacons have the duty to proclaim the Gospel solemnly. The Deacon always proclaims the Gospel in all liturgical services.

§ 8 Deacons have the duty to preach when granted faculties by the diocesan bishop and permitted by the pastor.

§ 9 By virtue of their ordination, deacons who are in good standing have the right to celebrate the sacraments of which they are the Ordinary Minister subject to faculties granted by their diocesan bishop.

§ 10 Deacons possess the unrestricted right to be heard by their diocesan bishop and any pastor or other lawful superior under whom they serve. They have the duty to give canonical obedience and respect to their lawful superiors in all matters pertaining to service in CACINA.

Canon VI-6.2 Qualifications and Training of Deacons

§ 1 CACINA deacons shall meet the following qualifications:

(a) No person shall be a deacon in CACINA who has not attained their 21st year.

(b) No person shall be a deacon in CACINA who has not validly received the sacraments of Christian Initiation.

(c) No person shall be a deacon in CACINA who has not successfully completed the screening process and course of study prescribed by this Constitution.

(d) No person shall be a deacon in CACINA who has not been found worthy of the order of deacon by due trial and examination.

(e) No person shall be a deacon in CACINA who has been convicted of a crime, except minor traffic violations, without the express review approval of the candidate for orders by College of Bishops, not more than one bishop dissenting or abstaining.

(f) No person shall be a deacon in CACINA who is actively addicted to any substance.

(g) No person shall be a deacon in CACINA who has an active mental illness.

(h) No person shall be a deacon in CACINA who is given to violent behavior.

(i) No person shall be a deacon in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.

Canon VI-6.3 Faculties of Deacons

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 The right to publicly celebrate the sacraments or Preach by deacons is granted by the diocesan bishop. No deacon, shall presume to publicly celebrate the Holy Sacraments without permission of the diocesan bishop having jurisdiction over the place of celebration.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE VII RELIGIOUS ORDERS

Chapter 1 General Regulation of Religious Orders

Canon VII-1 Regulation of Religious Orders

§ 1 Life consecrated by the profession of the Evangelical Counsels or Solemn Monastic Vows is a form of living by which members of the faithful, following Christ more closely under action of the Holy Spirit, are totally dedicated to God, Who is loved most of all; so that, having dedicated themselves to God's honor, the up-building of the Church, and the salvation of the world by a special title, they strive for the perfection of charity in service to the Kingdom of God and, having become an outstanding sign in the Church, they may foretell the heavenly glory.

§ 2 Christian faithful, who profess the Evangelical Counsels of chastity, poverty, and obedience by vows or promises according to the proper laws of institutes, freely assume this form of living in institutes of consecrated life canonically erected by competent Church authority. Through the charity toward which these counsels lead, they are joined to the Church and its mystery in a special way.

§ 3 It belongs to the competent authority of the Church to interpret the Evangelical Counsels; to regulate their practice by laws, so as to constitute stable forms of living by canonical approbation; and for its part, to take care that the institutes grow and flourish according to the spirit of their respective founder(s).

§ 4 A Diocesan Bishops may erect or suppress institutes of consecrated living for their own territory by a formal decree. The College of Bishops may do so by formal decree for the entire Church.

§ 5 Each institute, keeping in mind its own character and purposes, shall define in its Rule of Life and/or Constitutions the manner in which the Evangelical Counsels shall be observed for its way of living and shall, further, define the manner of its governance and administration.

§ 6 Members of religious orders who are clergy exercise public ministry within any diocese in consultation with the diocesan bishop and require grant of faculties from the diocesan bishop for the public celebration of any Sacrament or the Holy Eucharist.

§ 7 Diocesan bishops may not interfere in the internal governance or administration of an order. When a diocesan bishop is concurrently the head of a religious order, his/her actions in

Constitution and Code of Canons of CACINA

June 1, 2012

regard to the internal governance of that order are limited by the scope of authority which the office of Superior of that order supplies.

§ 8 The College of Bishops shall supervise the conduct of national religious orders and may suppress an order for just cause. The diocesan bishop creating a diocesan religious order does so for the order(s) (s)he creates.

§ 9 No religious order, however constituted, shall adopt any rule or establish or condone any practice that violates the provisions of these Canons. In any putative conflict between these Canons and the Rule or Constitution of a religious order, the provisions of the Canons shall, without exception, prevail. Such conflicts shall be adjudicated by the Chancellor with right of appeal to the College of Bishops, as otherwise provided herein. The decision of the College of Bishops shall be final in all cases.

Canon VII-1.1 Procedures for Instituting a Religious Order

§ 1 Persons desiring to form a national religious order in CACINA must present a Rule or Form of Life for the proposed order to the College of Bishops, through their diocesan bishop, for approval. The Rule or Form of Life for a religious order which exists and ministers solely within a diocese requires approval only by the diocesan bishop of that diocese.

§ 2 The diocesan bishop or the College of Bishops may approve, disapprove, or alter the proposed rule.

§ 3 The College of Bishops shall act on the proposed Rule or Form of Life at the next regularly scheduled College, failure to act within that time frame shall constitute acceptance of the Rule or Form of Life.

§ 4 Orders which do not include clergy among their members shall provide for the availability of a member of the clergy of CACINA to act in the capacity of Spiritual Director. Such Director shall not be the diocesan bishop. Orders which include clergy among their members shall provide for Spiritual Direction from within their membership.

Canon VII-1.2 Lay Institutes, Third Orders, and Oblates

§ 1 Members of the laity may affiliate in confederations which seek to advance holiness of the members while not requiring profession of the evangelical counsels. These groups may be independent lay institutes, or be affiliated with an existing religious order (a "Third" Order or Oblate status). Procedures for establishing such institutes are the same as that for religious orders. Once an Order is established in CACINA it may further develop Third Orders or other forms of affiliation in accordance with their own Constitutions and founding documents.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 2 Oblates and members of third orders and lay institutes are not religious and do not change their current membership category within CACINA to the religious category by virtue of such membership.

§ 3 Diocesan clergy, who become Oblates or members of third orders remain in the status of diocesan clergy, subordinate to their respective diocesan bishop.

Chapter 2 The Evangelical Counsels for CACINA

Canon VII-2 The Evangelical Counsels as interpreted by CACINA

§ 1 Definition of the Evangelical Counsels for religious of CACINA shall be provided by the respective order's Rule and/or Constitution.

Chapter 3 Discipline of Religious

Canon VII-3 Discipline and Censure of members of Religious Orders

§ 1 Members of religious orders shall be disciplined according to procedures in their respective Rule or Constitution. If no such procedures exist, they may be disciplined or censured as the head of the order may direct. Additionally, members of religious orders who are also clergy, may be disciplined by procedures established in this Constitution for the discipline of the clergy.

Canon VII-3.1 Appeals of Disciplinary Actions by members of Religious Orders

§ 1 Any member of a religious order on whom any disciplinary censure or penalty is assessed under this Constitution or their respective order's Rule or Constitution, and any religious placed on an involuntary leave of absence, regardless of cause, shall have the right to appeal such action.

§ 2 All appeals of disciplinary action or imposition of involuntary leave of absence shall first be heard by the Chancellor of CACINA in his/her role as arbiter of this Constitution. The Chancellor of CACINA may sustain or reject the appeal.

§ 3 If the order or the religious is dissatisfied with the ruling by the Chancellor of CACINA either side has the right to appeal the issue to the College of Bishops, who may hear the appeal in person, by mail, or by telephone.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 4 During the appeal, all actions against the appellant except suspension shall be held in abeyance. A majority vote shall be sufficient to sustain or reject the appeal.

Canon VII-3.2 Dispensation from Vows

§ 1 The diocesan bishop of any religious may dispense that religious from their vows upon their voluntary application for such dispensation in his/her sole discretion. If the religious is not in Orders they revert to the lay state. If the religious is in Orders, they revert to the status of diocesan clergy.

§ 2 A diocesan bishop shall notify the religious superior of any religious (s)he dispenses from Vows in writing within ten calendar days of such dispensation.

§ 3 If the superior of any religious order is also concurrently a bishop, (s)he may exercise the same authority granted in this Canon to diocesan bishops.

Chapter 4 Ministry by Religious

Canon VII-4.1 Ministry by members of Religious Orders

§ 1 Members of religious orders who are clergy may minister to members of their own community, and to guests of that community, without grant of faculty by the diocesan bishop. Sacramental ministry in this circumstance expressly excludes the sacraments of Christian Initiation and Matrimony, and also excludes presiding at funeral services for persons who are not members of the order.

§ 2 Religious clergy who conduct ministry within their religious orders are supervised by their respective superior in the order, unless the respective order's Rule or Constitution directs otherwise.

§ 3 Heads of religious orders shall closely coordinate the activities of their members engaged in ministry within a diocese with the diocesan bishop, recognizing that the bishop bears ultimate responsibility for the pastoral care of the People of God within such diocese, and shall comply with the bishop's procedures and requirements at all times.

§ 4 No religious order shall presume to engage in public ministry, nor to establish a monastery, convent, center, or other residence of religious of the order without the express written permission of the diocesan bishop of that diocese.

Constitution and Code of Canons of CACINA

June 1, 2012

§ 5 Diocesan bishops shall grant permission for ministry and the establishment of houses of religious orders except in extraordinary circumstances. Any such refusal shall be immediately reported to the College of Bishops in writing together with written, detailed, specific reasons for such denial.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE VIII THE LAITY OF CACINA

Chapter 1 The Laity of CACINA

Canon VIII-1 The Laity of CACINA defined

§ 1 All members of CACINA who are not members of the clergy or religious orders are lay members of CACINA, also known as the laity.

Canon VIII-1.1 Rights of the Laity

§ 1 The laity have the right to participate in the Worship of the Church.

§ 2 The laity have the right to be heard by their pastor and their diocesan bishop and to participate in matters pertaining to the organization and governance of the diocese and Parish to which they belong; and to be consulted in all matters related to the financial and temporal administration of the parish, diocese and national Church.

§ 3 The laity have a right to participate in the General Assembly of CACINA as herein specified.

§ 4 The laity have the right to control matters pertaining to the financial affairs of the Parish with the approval of the Pastor and diocesan bishop.

§ 5 The laity have the right to elect their diocesan and any bishop coadjutor or auxillary bishop who may exercise authority over them.

§ 6 While pastors are the spiritual head of their respective parishes, they direct all sacramental and liturgical acts occurring within said parish under direction of the diocesan bishop. Lay members' authority extends to all other areas of shared governance and temporal and administrative matters as envisioned in this Constitution.

§ 7 A member of the Laity or religious may serve in a role analogous to pastor and exercise other pastoral office in the absence of clergy in cases of necessity and if appointed by the diocesan bishop. They may not, however, perform those functions which require ordination as a deacon or priest. The diocesan bishop should install all “pastoral associates” and specify their

Constitution and Code of Canons of CACINA

June 1, 2012

authority in their appointment letter. They should be installed as Eucharistic Ministers at a minimum.

§ 8 The laity have the right to membership in lay Institutes, third orders, and as lay members of religious orders subject to the Rule and Regulations approved for those institutes and orders.

§ 9 The laity have the right to full intellectual and spiritual freedom.

Canon VIII-1.2 Duties of the Laity

§ 1 The laity have the duty to follow the Teachings of Christ in the Gospel and together with their clergy evangelize the world.

§ 2 The laity have the duty to financially support of their Parish, diocese, and CACINA.

§ 3 The laity have the duty to emotionally and spiritually support of their fellow Christians, Pastor, and bishop.

§ 4 The laity have the duty to participate regularly in the Worship and Life of the Parish or Mission to which they belong.

§ 5 The laity have the duty to direct and control all matters pertaining to the finances of the Parish, diocese and CACINA and to share in the governance of the Church at all levels.

§ 6 The laity have the duty to consult with the Pastor and/or diocesan bishop on all temporal matters and shared governance of the Church.

§ 7 The laity have the duty to educate themselves and their children in matters of the Faith, Spirituality, and Morality so as to always conduct themselves according to the teachings of Christ.

§ 8 The laity have the duty, by word and example, to bring others to CACINA and to Christ.

Canon VIII-1.3 Ministries of the Laity

§ 1 The laity may participate in the Liturgical Ministries of Altar Server, Greeter, Lector, Cantor, Music Minister, and Eucharistic Minister. Additional ministries as Catechist, Visitors to the Sick and Homebound, Evangelist, Parish Council Representative, Parish Historian, other Parish Office, and elected national office are also available to the laity. All ministries of the laity are open equally to women or men.

Canon VIII-1.3.1 Altar Servers

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 An Altar Server is one who assists the priest and/or deacon in the celebration of Liturgy by performing tasks at the Altar. An Altar Server must have received the sacraments of Christian Initiation, have received First Holy Eucharist, be at least 7 years of age, and possess a mature and dedicated attitude to their duties.

Canon VIII-1.3.2 Lectors

§ 1 A Lector proclaims the First and/or Second Readings during Celebrations of the Holy Eucharist and other Liturgical Rites. A Lector may not, in the presence of a deacon or priest, proclaim the Holy Gospel at such Rites. Lectors must be persons of clear speaking voice, and have adequate reading and presentation skills so as to be readily understood by the hearer.

Canon VIII-1.3.3 Eucharistic Ministers

§ 1 A Pastor may, with the mandate of the diocesan bishop, select members of his/her parish or mission community to serve in the role of Eucharistic Minister.

§ 2 Eucharistic Ministers should be given training in the ministry they are undertaking. Eucharistic Ministers should be publicly installed in a ceremony in the Parish where they will serve. They may be authorized to reserve the Blessed Sacrament, particularly if they are also visitors to the sick or homebound. They may also perform the ablutions of the sacred vessels in the absence of or in conjunction with a Deacon.

Canon VIII-1.3.4 Catechists and Evangelists

§ 1 Persons with skills as teachers may be employed in the role of Catechist to teach the message of Christ to their brothers and sisters, to those who are preparing to receive the sacraments of Christian Initiation, those who are inquiring into the Church, and to the Faithful who are already members of the Church.

§ 2 Evangelists are those who seek to bring the Good News of Christ and the story of CACINA to those who have not heard it or responded to it. While all Christians and members of CACINA are called to this role, members of the laity are particularly valuable in this capacity.

Canon VIII-1.3.5 Visitors to the sick, elderly, and prisoners

§ 1 The Gospel of Matthew, Chapter 25:31-46 enjoins all Christians to care for their brothers and sisters for, in doing so, they are caring for Christ. Each Parish and Mission should take special care to establish a program of visitation to the sick, elderly, home bound, and prisoners who reside in and near the Parish and who accept such visits. Furthermore, each parish

Constitution and Code of Canons of CACINA

June 1, 2012

and mission should establish a committee to administer and coordinate charitable activities by the parish.

Canon VIII-1.3.6 Cantors, Music Ministers, Elected Parish or National Representatives

§ 1 All of us are commissioned by our Savior Jesus Christ to use our talents and to go and make disciples of all the world. Those members who possess the skills of singing or playing music are invaluable to the joyous celebration of the liturgy. If the Lord has blessed you with this gift please come forward and volunteer your talents.

§ 2 The shared governance structure of CACINA at all levels would not be possible without volunteers willing to serve their Church in parish, diocesan and National office. This is yet another way for members of the laity to participate in the life of the Church.

Constitution and Code of Canons of CACINA

June 1, 2012

ARTICLE IX ENACTMENT, IMPLEMENTATION, AND AMENDMENT OF THIS CONSTITUTION

Chapter 1 Enactment of this Constitution

Canon IX-1 Enactment

§ 1 This Constitution of CACINA was enacted by simple majority vote of the College of Bishops and the House of Delegates of the 2012 General Assembly of CACINA.

§ 2 This Constitution shall become effective immediately upon enactment.

§ 3 Upon enactment, this Constitution shall immediately supersede and replace all previous Constitutions of CACINA, rendering such predecessors void and invalid, and absolving all persons bound to obey them from all requirements for such obedience.

§ 4 The confirmation or approval of enactment of this Constitution by any person whatsoever is not required for this Constitution to become effective nor may its enactment be vetoed by any person whatsoever.

Chapter 2 Canonical Obedience to this Constitution

Canon IX-2 Canonical Obedience Required

§ 1 All persons who shall be ordained to the holy orders of deacon, presbyter, or bishop; or who shall be admitted to profession in any religious order; or who shall be incardinated in any capacity into CACINA shall, on the occasion of each such ordination, profession, or incardination, solemnly and publicly promise canonical obedience to this Constitution.

§ 2 Upon enactment of this Constitution, all persons then bound to canonical obedience shall be immediately obligated to render obedience to the provisions of this Constitution. Specifically, all members of the clergy as well as members of religious orders who have professed the Evangelical Counsels or monastic profession shall be so bound. It shall not be necessary for any person already bound to canonical obedience to formally reaffirm obedience to this Constitution.

Page 89 of 92

Constitution and Code of Canons of CACINA

June 1, 2012

However, failure to conform to the provisions of this Constitution shall subject the person so failing to the penalties prescribed herein.

§ 3 All parishes, lay institutes, religious orders, and lay members of CACINA, together with all such other organizations and individuals who may define themselves as a part of CACINA, are bound by their membership within CACINA to obey the provisions of this Constitution. Willful disobedience and/or refusal to peacefully conform to the provisions herein shall terminate membership within CACINA of the party so refusing as an operation of law. Adjudication of charges of this section shall be within the authority of the diocesan bishop and are subject to appeal to the Chancellor, and subsequently to the College of Bishops.

§ 4 Ignorance of the provisions of this Constitution shall under no circumstances be considered a valid reason for its violation in any part.

Chapter 3 Implementation of this Constitution

Canon IX-3 Responsibility to implement this Constitution

§ 1 It shall be the duty of the General Assembly together with the College of Bishops and the House of Delegates to assure the full implementation of this Constitution within CACINA. It shall be the duty of each diocesan bishop to fully implement this Constitution in their respective dioceses. It shall be the duty of the head of each religious order to fully implement this Constitution in their respective orders.

§ 2 It shall be the duty of every member of the clergy, the head of every religious order, the officers of the House of Delegates, and the chairs of all national committees of the Church to familiarize themselves with the provisions of this Constitution, to comply with its provisions, and to assure the compliance of all persons under their pastoral care or supervision.

§ 3 Willful refusal to implement the provisions of this Constitution shall constitute grave canonical disobedience and shall subject those failing to implement this Constitution to the procedures for Clerical and religious discipline contained herein.

Chapter 4 Amendment or Revision of this Constitution

Canon IX-4 Amendment or Revision

Constitution and Code of Canons of CACINA

June 1, 2012

§ 1 Portions of this Constitution 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.

§ 2 All other portions of this Constitution may be amended or revised by procedures previously stated herein.

§ 3 The correction of typographical and grammatical errors and the clarification of ambiguous passages in this Constitution 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.

§ 4 Amendments and revisions to this Constitution shall take effect immediately upon passage.

§ 5 No amendment to or revision of this Constitution shall have *ex post facto* effect.

§ 6 Amendments to and revisions of this Constitution shall be publicized to the President of the House of Delegates and to the clergy within thirty days of passage.

Chapter 5 Access to this Constitution

Canon IX-5 Access to the Constitution

§ 1 This Constitution 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 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 by contacting the Chancellor, who shall provide such copy upon receipt of payment of the cost of duplication and handling.

§ 4 This Constitution 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.

Constitution and Code of Canons of CACINA

June 1, 2012

Chapter 6 **Separability**

Canon IX-6 Separability of the Provisions of This Constitution

§ 1 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!