



Nonprofit Law and Consultation

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Newsletter - Spring 2010

Transfer to Another Religious Institute

Transfer is the process that allows a finally incorporated member of one institute or society to leave their original community and move into another institute or society.

Religious life dates to the earliest Christian centuries where it was first lived by individuals and small groups who sought a greater commitment to Gospel living as ascetics, hermits and pilgrims. As the community form of religious life developed, wandering religious gained a reputation for being disruptive, and the notion of stability became important. Nevertheless, from the earliest times, religious, and church councils and bishops recognized that there were legitimate reasons for members to transfer to another community. They sought to regulate this practice by regulating the criteria for transfer and the consequences of such a move.

Religious who have transferred describe the experience as a deeply significant journey, a seismic experience that is also profoundly transformative spiritually and vocationally. Communities that loose members in transfer struggle to understand the meaning of their member's choice to leave them and live out their vocation in another institute. The receiving institutes generally find that the members who transfer bring renewal and vitality. Thus the experience of the member and of original and receiving institutes are quite diverse; the member experiences transfer as fidelity to a vocational journey, the original institute experiences it as loss and betrayal, and the receiving institute experiences it as gift and renewal.

Transfer is a vocational choice that is made by a member who has lived religious life for many years and is well versed in the dynamics of vocation. The member is willing and able to engage in the process of re-creation of vocation, a process in which the member becomes extremely vulnerable as the stability of their vocation is deeply undermined and they leave behind so much of what has nourished and sustained them. Nevertheless, those who move through this process find that the roots of their vocation are strengthened; they discover the depth of their commitment to God, as this commitment is uprooted from the context of their original religious institute and is transplanted into the receiving institute.

The requirements for transfer in the 1983 Code of Canon Law are limited; universal law requires only permission of the supreme moderators of both institutes and a three year probation. These requirements have the function of

giving a framework for the transfer process and of prohibiting a precipitous move. Many canonical and civil consequences follow on the transfer of a member; these should be discussed, agreed upon and documented by the institutes in order to facilitate the transfer. There are other provisions for transfer between different types of institutes and societies.

For more information on this topic, May's webcast will examine the experience of transfer of a member to another religious institute, including the conditions and effects of the transfer. It will also discuss canonical and civil issues that arise in this process. August's webcast will be on the Civil Structures of the Religious Institute.

Transfer to Another Religious Institute Tuesday, May 18, 2010
Civil Structures of Religious Institutes Tuesday, August 17, 2010
Canonical Recourse Tuesday, November 16, 2010
Advanced Taxation of Religious - 2011 Update Tuesday, February 15, 2011

Time: Tuesdays, 2:00 pm ET, 11:00 am PT

Register: www.ahereford.org/registration.html

Format: Live, On-Demand, CD-ROM

Cost: \$65

Canon Law Program Completed: In March, I completed the requirements for the Licentiate in Canon Law as well as a Masters in Theology at the Catholic University of Louvain. I anticipate receiving the degrees in Summer 2010. I have returned to the United States and am resuming my legal practice with CSJ Ministries, now doing both civil and canon law.

If I can be of any assistance to your organization, please do not hesitate to contact me.

Peace,

Amy Hereford