

Organizational Documents

BYLAWS OF PASTORAL DA CRIANÇA

Social action organism of the National Conference of the Bishops from Brazil -
CNBB

CHAPTER I

Denomination, headquarters, forum, nature and objectives

1st Art. - Pastoral da Criança, a social action organism of the National Conference of the Bishops from Brazil - CNBB, is a civil society of private right, without lucrative ends, with philanthropic nature, with limitless duration, with its headquarters and forum in the city of Curitiba, State of Paraná, in Jacarezinho Street, 1691, Mercês.

Single Paragraph. Pastoral da Criança follows CNBB directions and it is related with the Pastoral Episcopal Commission that CNBB designate.

2nd Art. - Pastoral da Criança has as objective the children's integral development, promoting, in function of them, also their families and communities, without race, color, profession, nationality, sex, religion, politics or faith distinction, through the following programs, among others that serve to their purposes:

I - survival and the child's integral development, through basic actions of health, nutrition, education and communication, mainly in the poverty communities;

II - human and Christian formation of the families and community leaders, voluntary agents of Pastoral da Criança, and special support to the elderly people who participate in their activities;

III - promotion of the Child's and Adolescent's rights; reduction of the family and community violence;

IV - generation of income, to self-maintain the followed families; mutual help among them; woman's training in domestic economy and in the child cares, family cares and cares with herself;

V - literacy of youth and adults who participate in Pastoral da Criança;

VI - documentation and information about the child's and families' situation in Brazil;

VII - researches in the areas of programatic reference.

CHAPTER II

Associated voluntary agents and beneficiaries

3rd Art. – Voluntary agents are all those that freely make themselves available to Pastoral da Criança's work, without remuneration, employment and (or) law vinculation of any species, dedicating themselves to make possible the entitie's goals.

4th Art. - The beneficiaries of this Pastoral are the children, the families and voluntary community leaderships, mainly in the needy areas, for which the entity programs are developed.

CHAPTER III

Of the Social Board, Rights and Duties

5th Art. – Pastoral da Criança's memberships are: Dioceses in which it develops its activities, ANAPAC – National Association of Pastoral da Criança's Friends and other entities which come to be admitted by the General Assembly, observing this Estatute's conditions

§ 1st. The membership entities have the right to be informed about all Pastoral da Criança's activities, as well as take part with voice and vote at the General Assemblies through its representatives.

§ 2nd. The membership have equal right and there isn't, between them, reciprocal rights and duties.

§ 3rd. None membership can be blocked of executing a right or function that has been legitimatedly confired to it, unless in the cases and forms previewed by law or at these Bylaws.

6th Art. – Requisites for the admission and demission of memberships:

I – Requirement written and signed by the Diocese Bishop, in the case of Diocese, and by the legal representative, in the case of other entities, directed to the National Coordination;

II – presentation of the constitutive acts, in the case of other entities.

7th Art. – Requisites for exclusion of memberships: not accomplish this Estatute, recognized as a severe fault. Single Paragraph: memberships which had been eliminated of the social board can reintegrate themselves to Pastoral da Criança, as long as they rehabilitate themselves, according to General Assembly.

8th Art. – Rights of memberships:

I – Take part, vote or being voted, at the General Assembly;

II – Require with a number in the minimum of fift, the General Assembly convocation;

III – Formulate elections according to the elaboration of studies, to the follow up of reinvidications and any other measures or providences that involve interests of Pastoral da Criança.

Single Paragraph. The quality of memebership is without transference.

9th Art. – The duties of the memberships are:

I – appear to the General Assemblies, accepting their decisions;

II – keep Pastoral da Criança well informed on the modifications of their registered data and facts of mutual interest, giving all the information and clarifications asked;

III – prestigiate Pastoral da Criança through all the media and propagate the solidarity among the community;

IV – accomplish present Bylaws, the Internal Rules and the deliberations of Pastoral da Criança organs.

10th Art.. For demission the membership must present a written request.

Chapter IV Of the organs and management

11th Art. - Pastoral da Criança is organized in the following levels: community, Parish, Diocese, state and national coordination. Each level has a coordinating and advising team with rules and structure determined by the Internal Regiment, approved by the General Assembly.

12th Art. - The organs of the Pastoral da Criança are:

I. General Assembly

II. Managing Council

III. National Coordination

IV. Economic Council

V. Fiscal Council

VI. Council of Representatives of Beneficiaries and Voluntary Agents in the different levels.

Single Paragraph: The mandates of the Director Council, National Coordination, Economic Council and Fiscal Council are coincident, with the duration of four years, permitted the reconduction.

Section I - General Assemblies

13th Art. - The General Assemblies are sovereigns at their solutions, as long as they are not against the law, these Bylaws and the Canonic Bylaws of the Brazilian Bishops' National Conference.

14th Art. – Take part of the General Assembly, with deliberative voice and vote, the Director Council, in the form of these Bylaws, and the memberships (Dioceses, through the respective state coordinators; ANAPAC, through two representatives chosen by it and the other entities, each one through a representative indicated by them).

15th Art. – Take part of the General Assembly, with voice and deliberative vote: the National Coordination, the Economic Council and the Tax Council.

Single paragraph. Under the criteria of the Director Council, by indication of the National Coordination, can be called to participate, at the same way, members of the Agents and Beneficiaries Representative Council and others, advisors or guests.

16th Art. – The General Assemblies are ordinaries or extraordinaries and they must be convoked by the President of the Director Council, at the first hypothesis, with at least thirty days in advance, and, at the second hypothesis, with the antecedence of at least seven days.

Single Paragraph. The convocation will be done through letter, fax, phone, e-mail, or any other way of communication.

17th Art. – Ordinary General Assemblies are held:

I-every year, to approve the financial account and the budget for the coming year.

II – every four months to indicate two titular members and two associate members for the Director Council, who will be homologated by CNBB; elect the Fiscal Council and ratify the Economic Council, presented by the Director's Council.

18th Art – the other General Assemblies are extraordinaries and can be convoked:

I - when the President of the Director Council or the National Coordinator judge it is needed or pertinent;

II-required by the memberships, at a number less than a fifth, that will specify, in details, the reasons of the convocation.

§ 1st To the convocation of the extraordinary **General**

1. the Managing Council

2. in the form of this statute, the associates, to know:

a. the Dioceses, through the respective state coordinators

b. ANAPAC, through two representatives chosen by it

c. the other entities, each one through a representative indicated by them.

11th Art - In the General Assembly will participate, with voice and advisory vote:

1. the National Coordination

2. the Economic Council

3. the Fiscal Council

Unique paragraph: According to the Managing Council, through the indication of the National Coordination, can be called to participate, by the same way, members of the Council of Representatives of Beneficiaries and Agents and other, advisories or guests.

12th Art - The General Assembly has for attribution to deliberate on all the subjects of interest of the Pastoral da Criança, among them :

I. to evaluate and to approve the execution of the programs

II. to approve the bills of the Pastoral da Criança, after previous analysis of the Fiscal Council

III. to approve the Internal Regime of the Pastoral da Criança and to present to CNBB the proposals of amendments to this Statute

IV. to choose two effective members and two substitutes for the Economic Council, presented by the Managing Council

13th Art - The ordinary General Assembly will be annual, it should be summoned with at least thirty days of antecedence, by letter correspondence to each participant. The extraordinary should be summoned, whenever necessary, for any suitable way, with the minimum period of seven days, for the president of the Managing Council, through its own initiative, or at the request of this or of the National Coordinator, to appreciate specific subject that consists in the summon.

14th Art - The General Assembly will be presided by the President of the Managing Council, or in he/she absence, who he/she indicates.

15th Art - The General Assembly will be installed with any number; but, it can only make decisions, with the presence of the absolute majority of the representatives with right to deliberative vote; to have value, a decision or election should receive the favorable vote from absolute majority of the presents with the right to deliberative vote.

Only paragraph: To the President of the Managing Council is entitled the “minerva “ vote, in case of parity, and he/she also solves the order subjects.

16th Art - The mandates of the Managing Council, Economic Council, Fiscal Council and National Coordination will be coincident, with a four year duration, allowed the reconveyance.

Section II - Managing Council

17th Art - The Managing Council is composed by a President, bishop chosen by the Presidency and Episcopal Commission of Pastoral of CNBB, heard the Managing Council and National Coordination, and of two consultants chosen by the General Assembly.

18th Art - The Managing Council distributes among its members the several responsibilities, among them the secretary and the treasurer.

19th Art - The President summons and presides the Managing Council; in his absence he indicates and delegates the substitute.

20th Art - The Managing Council meets at least twice a year; it can only decide with the presence of the three members, summoning by the order the substitutes, in the absence of effective member.

Unique paragraph: The National Coordinator participates with voice and advisory vote, of the ordinary meetings of the Managing Council.

21st Art - It fits to the Managing Council:

I - to care for the activities of the Pastoral da Criança, so that they are in agreement with the Pastoral Guidelines of the Church in Brazil

II - to take care of execution of the deliberations of the General Assembly

III - to render bills of the Administration to the General Assembly, every year, and when it is demanded

IV - to present to the Presidency of CNBB annually the report of the activities of the Pastoral da Criança and the installment of bills

V - to take non-deferrable decisions in the interest of the institution, ad referendum of the General Assembly.

Unique paragraph: The President of the Managing Council represents the Pastoral da Criança, actively and passively, in judgement or out of it.

22nd Art - The Pastoral da Criança doesn't remunerate the members of its Managing Council for the exercise of its functions, nor distributes to its members profits, advantages, dividends or allowances, under any form or pretext.

Section III - National Coordination

23rd Art - the National Coordination consists of the Attached National Coordinator and of two advisories.

24th Art - under the National Coordinator's responsibility, it fits to the National Coordination, aided by its team:

I - to promote and to encourage the Pastoral da Criança at national level

II - to supervise and to accompany the programs of the Child's Pastoral in its several levels

III - to execute the deliberations of the General Assembly and of the Managing Council

25th Art - To the National Coordinator competes:

I - to admit and to dismiss the necessary team to the exercise of its functions

II - to administer the patrimony of the Pastoral da Criança, under to authorities of the Managing Council

III - to render bills of the administration to the Managing Council

IV - to capture resources for the execution of its activities programs and, together with the President of the Managing Council, to sign pacts and agreements

26th Art - The National Coordinator is indicated by the President of the Managing, heard the Council and the National Coordination, and approved by the Presidency and Episcopal Commission of the Pastoral of CNBB; the other members of the Coordination are nominated by the National Coordinator in agreement with the President of the Managing Council

27th Art - To the National Adjunct Coordinator competes to work of common agreement with the National Coordinator, substituting it in his/her functions, whenever necessary.

Section IV - Economic Council

28th Art - The Economic Council has as main function to accomplish the patrimony, economic and financial administration, as well as the administration of the resources of the entity, giving suggestions and opinions, or in the cases fastened in the canonical right, taking linked decisions

29th Art - Competes, in particular, to the Economic Council:

- I. to appreciate the financial balance of the ended exercise and the budget of the following exercise
- II. to give its consent for extraordinary administrative acts

30th Art - The members of the Economic Council are :

- I. the President of the Managing Council, that presides it
- II. at least three experts, being one in civil and other law and economy, different for the professional training and moral integrity

Unique paragraph: the National Coordinator participates in the ordinary meetings of the Economic Council, with voice without vote, with its administrative adviser.

Section V - Fiscal Council

31st Art - The Fiscal Council consists of three effective members and three substitutes, presiding the same title-holder chosen by its pairs.

32nd Art - To the Fiscal Council competes to examine the bills and annual balance and to give its writing opinion to the General Assembly, meeting at least once a year for this .

Section VI - Council of Representatives of the Beneficiaries and Voluntary Agents

33rd Art - The Council of Representatives of the Beneficiaries and Voluntary Agents is organized in the levels: community, parochial, diocesano and state; its coordinators are chosen in agreement with the Internal Regiment; the state coordinators' choice should be ratified by the Regional Episcopal Commission of CNBB the one that the State belongs.

CHAPTER - IV

Patrimony

34th Art – The patrimony of the Pastoral da Criançais constituted of possessions, titles and values that it possesses or will possess, originating from : donations and legacies, income of its possessions, subsidy and aids that are destined to it , collaborators' contribution and benefactors, pacts and agreements signed with entities, national or international and others that bring to an agreement for any legitimate title.

35th Art - The administration of the patrimony possessions of the Pastoral da Criança will be observed, besides the norms of the civil right, the universal canonical right and the ones peculiar of Brazil, mainly with the extraordinary administrative acts.

36th Art - The associated of the Pastoral da Criançadon't have nor they will have, for any title, any right on its patrimony.

37th Art - The Pastoral da Criança doesn't remunerate its associates for the exercise of its functions, nor it distributes profits, advantages, dividends or allowances and it applies integrally in Brazil the balance had in the financial exercises.

38th Art - The associates of the Pastoral da Criança and CNBB don't answer nor are solidary, or subsidiary, for the contracted social or financial obligations by the Pastoral da Criança.

CHAPTER - V

General and Transitory dispositions

39th Art - To the Managing Council competes to solve the omitted cases or doubtful of the present Statute, fitting resource with devolutive effect of the General Assembly.

40th Art - The present Statute can only be altered by the General Assembly of the Pastoral da Criança, with approval of the National Conference of the Bishops from Brazil, according to the procedures of its Canonical Statute.

41st Art - the members of the National Coordination can only be dismissed by serious reason by the same authority that named them, after having heard the Managing Council; for the same reason, the Presidency and Episcopal Commission of Pastoral of CNBB cannot intervene in the Managing Council, moving away some member, temporary or definitively.

42nd Art - In its administration the Pastoral da Criança:

I. will observe the legality, impersonality, morality, publicity, economicity and efficiency

II. it will adopt necessary and enough administration practices to restraint the obstruction, in an individual or collective way, of benefits or personal advantages, due to the participation in the respective decisive process

II. it will render bills:

a) observing the accounting procedures demanded by the regulation of the tax of income;

b) giving publicity of any effective way, at the closing of the fiscal exercise, to the report of the activities and of the financial demonstrations of the entity, being included the negative certificates of debits close to INSS and to FGTS, placing to the disposition for exam of any citizen; c) realizing audit, even by independent external auditors if it is the case, about the totality of its bills, as foreseen in regulation

IV. it will adopt own norm to regulate the processes of acquisition of goods, services and the accomplishment of works and investments

43th Art - in the hypothesis of the Pastoral da Criança lose the qualification instituted by the law 9.790, of March 23, 1999, the property available heap, acquired with public resources during the period in that the qualification lasted as Organization of the Civil Society of Public Interest, it will be transferred to the other legal entity described in the terms as that law, mainly that has the same social object.

CHAPTER - I V
The Association Extinction

44th Art - the Pastoral da Criançacan only be extinct for its General Assembly, especially summoned for that end, with the approval , in the minimum, of two thirds of its members and through expressed ratification of the General Assembly of the National Conference of the Bishops from Brazil

Unique paragraph: In case if extinction, the National Conference of the Bishops from Brazil will fit to decide on the destiny of the patrimony, respected the property obligations contracted , the established in the 43th Article of this Statute and the requirements and dispositions emitted by the National Council of Social Attendance on the matter.

45th Art - the present Statute will go into effect for civil ends in the date of its registration in the registry, obtained for this the license of the Presidency and Episcopal Commission of Pastoral of CNBB.

Dom Aluísio José Leal Penna
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Secretary