Jesus, forgiving and merciful Shepherd and Judge of our souls, entrusted to the Apostle Peter and his successors the power of the keys to perform in the Church the work of justice and truth. This supreme and universal power of binding and loosing on earth, affirms, strengthens and vindicates that of the Pastors of the particular Churches, to the effect that they have the sacred right and the duty before the Lord to judge his subjects. [1]

My venerable predecessor, the holy Pope John Paul II, promulgated the Code of Canons of the Eastern Churches, had to point out: "From the beginning of the codification of canon law of the Eastern Churches, the same constant will of the Roman pontiffs to promulgate two codes, one for the Latin Church and one for the Eastern Catholic Churches, demonstrates very clearly that they wanted to keep what happened to divine providence in the church, that it, gathered by one Spirit, as must breathe with both lungs of 'East and West and burn in the love of Christ with one heart consists of two ventricles. " [2]

I follow the same trail, and taking into account the peculiar church law and discipline of the Eastern Churches, I have decided to issue a motu own distinct policies to reform the discipline process double in the Code of Canons of the Eastern Churches.

In the course of the centuries the Church in matrimonial matters, acquiring better appreciation of Christ's words, he understood and explained in more
detail the doctrine of the indissolubility of the sacred bond of marriage, has developed a system of nullity of marriage consent and regulated more appropriately the judicial process in the field, so that ecclesiastical discipline was more consistent with the truth of faith fully understood. Everything was always done having as guide the supreme law of the salvation of souls.

In this perspective, it is important the ministry of the Bishop, who, according to the teaching of the Eastern Fathers, is a judge and doctor, for man, wounded and fallen (peptokós) because of original sin and of their personal sins, become sick with medicines of penitence get from God for healing and forgiveness and is reconciled with the Church. The Bishop in fact - formed by the Holy Spirit as the figure of Christ and the place of Christ ("eis typon kai Topon Christou") - is first minister of divine mercy; therefore the exercise of judicial power is the privileged place in which, through the application of the principles of "oikonomia" and"Akribeia", he brings to the faithful need the healing mercy of the Lord.

All that I have established with this motu proprio, I did following in the footsteps of my Predecessors, who wanted the causes of nullity of marriage are treated through judicial and not administrative, not because it is required by the nature of the thing but rather it requires the need to protect in the highest degree the truth of the sacred bond: and this is exactly secured by the guarantees of the judicial order.

There has been some fundamental criteria that guided the work of reform.

It seemed appropriate, first of all, that it no longer required a double conforming decision in favor of the nullity of marriage, so that the party may be entitled to a new marriage canon, but it's sufficient moral certainty achieved by the first court in accordance with law.

The constitution of the single judge, however cleric, in the first instance, be put to the responsibility of the bishop, who in the exercise of its judicial power ministry will ensure that you do not indulge in any laxity.

So that finally translated into practice the teaching of the Second Vatican Council in an area of great importance, it was decided to make it clear that the Bishop himself in his Church, of which it is composed pastor and leader, is by that very judge among the faithful entrusted to him. It hopes that, in large as in small eparchies Bishop himself offers a sign of the conversion of ecclesiastical structures, [3] and not leave fully delegated to the offices of the curia the judicial function in matrimonial matters. This
applies especially in the process shorter, which is established to resolve cases of nullity most obvious.

In addition to making the process more agile bed, it has drawn a form of the process shorter - in addition to the document as currently in force -, to be applied in cases where the accused nullity of marriage is supported by arguments particularly evident. It did not however escaped as a shortened procedure may endanger the principle of the indissolubility of marriage; precisely why I wanted to be a judge in the process the Bishop himself, who by virtue of his pastoral office is Peter with the greatest guarantor of Catholic unity in faith and discipline.

The appeal to the Metropolitan, as office capital of the ecclesiastical province, stable over the centuries, is a hallmark of the primitive form of collegiality in the Eastern Churches, which must be supported and encouraged.

The Synods of the Eastern Churches, which have to be driven mainly by anxiety apostolic reach the faithful dispersed, they warn strongly the duty to share the aforementioned conversion, and absolutely respect the right of bishops to organize the judicial power in his particular Church. Restoring the closeness between the court and the faithful, in fact, it will not be successful if Synods will not be the individual Bishops stimulus and together help to implement the reform of the bed.

Together with the proximity of the judge as far as possible cure Synods, saves the just and decent wage workers of the courts, that the securing gratuity procedures, because the Church, showing the faithful generous mother, in a matter so closely related to salvation souls manifest the love of Christ free from which we were saved.

It should finally be retained appeal to the Ordinary Court of the Apostolic See, that is the Roman Rota, in respect of an ancient legal principle, be strengthened so that the bond between the See of Peter and the particular Churches, having however care, discipline of this appeal, to contain any abuse of the law, because they do not have to give to receive the salvation of souls.

The proper law of the Roman Rota will soon adapted to the rules of the reformed process, where the need exists.

Everything properly considered, and statuisco decree that the Title XXVI of the Code of Canons of the Eastern Churches, Chapter I, Article I The
causes for the declaration of nullity of marriage (can. 1357 to 1377), from December 8, 2015 be entirely replaced as follows:

1. ° The jurisdiction and courts

Can. 1357 § 1. Any cause of a double christened it in its own right to the Church.

§ 2. Without prejudice, where applicable, personal statutes, cases concerning the purely civil marriage, if they are treated primary, belong to the civil court; but if they are treated so incidental and accessory, they can be examined and decided on his own authority also by an ecclesiastical judge.

Can. 1358. In causes of the nullity of marriage which are not reserved to the Apostolic See, are competent: 1 ° the tribunal of the place where the marriage was celebrated; 2 ° the tribunal of the place in which one or both parties have a domicile or quasi-domicile; 3 ° the tribunal of the place in which in fact it should collect most of the tests.

Can. 1359 § 1. In each eparchy the judge in the first instance judgment on the causes of nullity of marriage, for which the right is not expressly exception, is the eparchial bishop, who can exercise judicial power personally or through others, under the law.

§ 2. The Bishop represents for his eparchy the eparchial tribunal for the causes of nullity of marriage, may opt for the same bishop to access another viciniore eparchial tribunal or several eparchies.

§ 3. The causes of nullity of marriage are reserved to a panel of three judges. It should be chaired by a judge cleric, the remaining judges may also be other Christian faithful.

§ 4. The Bishop Moderator, if you can set up the tribunal collegiate eparchy or in the nearby court that has been adopted in accordance with § 2, entrust causes to a single clerical judge who, where possible, join two assessors life mirrored, experts in legal sciences or human, approved by the bishop for this task; the same single judge compete unless it is otherwise, the functions assigned to the College, the dean or the west.

§ 5. The court of first instance for the validity always has to be collective, in accordance with the previous § 3.

§ 6. From the court of first instance appeals to the metropolitan court of
second instance, without prejudice to cann. 1064 and 1067, § 5.

2. ° The right to challenge the marriage

Can. 1360 § 1. They are skilled to challenge a marriage: 1 ° the spouses; 2 ° the promoter of justice, when the nullity has been revealed and the marriage can not or do not agree that it is validated.

§ 2. The marriage which was not accused while both spouses were living after the death of one of them or both of the spouses can not be charged, unless the question of validity is not ruling in another case from solve both ecclesiastical court in both civil forum.

§ 3. If a spouse dies while the case is pending, note can. 1199.

3. ° The introduction and examination of the case

Can. 1361. The judge, before he accepts a case, needs to be sure that the marriage is irrevocably failed, so that it is impossible to restore conjugal living.

Can. 1362 § 1. After receiving the petition, the judicial vicar, if it considers that it enjoys some basis, admit it and, by a decree appended to the bottom at the same pamphlet, orders that a copy is served on the defender of the bond and, if the petition has not It has been signed by both parties, to the respondent, giving it a period of fifteen days to express his views on the question.

§ 2. After the said period, until he has warned, if and when it deems it appropriate, the other party to express its position, the judicial vicar by decree determines the formulation of the doubt and establish whether the case should be with the ordinary process or the process shorter in accordance with cann. 1369-1373. This decree is immediately notified to the parties and the defender of the bond.

§ 3. If the case must be dealt with the ordinary process, the judicial vicar, with the same decree, has the establishment of the panel of judges or of a single judge with two assessors according to can. 1359 § 4.

§ 4. If the process is willing shorter, the judicial vicar proceed in accordance with can. 1371.

§ 5. The formula of the doubt not only ask whether certain of the validity of the marriage in the case, but must be defined by which ground or
grounds of nullity which is contested.

**Can. 1363 § 1.** The defender of the bond, the patrons of the parties, and, if it takes part in the proceedings, also the promoter of justice, have the right: 1° to be present at the interview of the parties, witnesses and experts, without prejudice to the Can. 1240; 2° to inspect the judicial acts, even if not yet published, and to inspect documents produced by the parties.

§ 2. The parties can not attend the interrogation referred to § 1, 1.

**Can. 1364 § 1.** In causes of nullity of marriage, judicial confession and the statements of the parties, supported by any text on the credibility of the same, can have value of full proof, to be assessed by the judge considered all the evidence and amminicoli, if not there are other elements that disprove.

§ 2. In the same cases, the testimony of one witness can make full faith, if it is a qualified witness who is testifying concerning matters carried out ex officio, or the circumstances of the facts and of the people suggest.

§ 3. In causes of impotence or defect of consent for a mental illness or abnormality of psychological nature the judge to employ the services of one or more experts, unless the contrary is evident from the circumstances obviously futile; in all other cases observe can. 1255.

§ 4. If In the instruction of the cause has emerged doubt very likely that the marriage was not consummated, the court, after hearing the parties, stay the cause of nullity of marriage and complete the investigation in order to obtain the dissolution of sacramental marriage not consumed; then send the acts to the Apostolic See together with the application of this dissolution, made by one or the other or both of the spouses, and with the vote of the tribunal and the eparchial bishop.

4° **The judgment, his appeals and his execution**

**Can. 1365.** The sentence which first declared the nullity of marriage, expiration of the terms established in cann. 1311-1314, becomes enforceable.

**Can. 1366 § 1.** In the part, which considers himself or herself aggrieved, and also the promoter of justice and defender of the bond is the right to introduce a complaint of nullity of the judgment or appeal against the judgment in accordance with cann. 1302-1321.
§ 2. After the time limits set by law for the appeal and its continuation, after the higher court has received court documents, they constitute the board of judges, designating the defender of the bond and the parties are in ammonite submit observations within a specified period; after this period, the member court, if the appeal is manifestly dilatory, a decree confirming the decision at first instance.

§ 3. If the appeal is admitted, you must proceed in the same way as in the first instance, with appropriate adaptations.

§ 4. If in the grade of appeal alleges a new ground of nullity, the court may admit as in the first instance judgment and judgment on it.

Can. 1367. If you have issued an enforceable judgment, it can be used at any time to the court of the third degree for the new presentation of the case in accordance with can. 1325 presents new and serious evidence or arguments within the deadline of thirty days from the presentation of the appeal.

Can. 1368 § 1. After the judgment which declared the nullity of marriage has become enforceable, the parties whose marriage was declared null can contract a new marriage, unless it prohibits a prohibition attached to the sentence or established by the hierarch place.

§ 2. As soon as the judgment became enforceable, the judicial vicar must notify the hierarch of the place where the marriage took place; This hierarch must take care because as soon as you make mention in the books of the marriage and baptismal declared the nullity of the marriage and any prohibitions established.

5. ° The double process shorter before the Bishop

Can. 1369. At the same eparchial bishop is responsible to judge the causes of the nullity of marriage with the process shorter whenever:

1 ° the application is made by both spouses or by one of them, with the consent of the other;

2nd recourse to facts and circumstances of people, supported by testimony or documents, which do not require a more thorough investigation or education, and make manifest the nullity.

Can. 1370. The pamphlet with which we introduce the process shorter, in addition to the items listed in can. 1187, must: 1 ° set forth briefly, fully
and clearly the facts on which the claim is based; 2° indicate the evidence, which can be immediately collected by the court; 3rd exhibit attached documents on which the claim is based.

**Can. 1371.** The judicial vicar, the same decree that determines the formulation of the doubt appoint the instructor and the commissioner and quote for the session, to be celebrated in accordance with can. 1372 not later than thirty days, everyone must participate.

**Can. 1372.** The instructor, as far as possible, collect the evidence in a single session and fixed a period of fifteen days to submit comments in favor of the bond and the defenses, if any.

**Can. 1373 § 1.** Received acts, the eparchial bishop, consulting with the instructor and the assessor, examined the observations of the defender of the bond and, if there are, the parties presented oral argument, if it reaches the moral certainty about the nullity of marriage, emanates the judgment. Otherwise it refers the case back to the ordinary process.

§ 2. The text of the judgment, on the grounds is to be communicated as soon as possible to the parties.

§ 3. Against the judgment of the bishop gives appeal to the Metropolitan or the Roman Rota; if the judgment was issued by the Metropolitan or another eparchial bishop who does not have a higher authority under the Roman Pontiff, it gives appeal to the Bishop designated by it permanently, after consulting the Patriarch or the hierarch mentioned in can. 175.

§ 4. If the appeal evidently appears merely dilatory, or the Metropolitan Bishop of § 3, or the dean of the Roman Rota, the discards in limine by decree; but if the appeal is allowed, it refers the case to the ordinary examination of the second degree.

6. ° The documentation process

**Can. 1374.** Upon receipt of the application submitted in accordance with can. 1362, the eparchial bishop or the Judicial Vicar or the designated judge, skip the formalities of the ordinary process, however, cited the parties and with the intervention of the defender of the bond, can declare a judgment of nullity of marriage, if a document that does not is subject to contradiction or exception, is established with certainty the existence of an impediment or nullifying the defect of legitimate form, provided it is clear with equal certainty that it was not granted the dispensation, or the lack of a valid mandate ends of the prosecutor.
**Can. 1375 § 1.** The defender of the bond prudently judges that if they are not certain the defects or the lack of dispensation, should appeal against the judgment mentioned in can. 1374 the judge of the court of second instance, which must be sent to the acts and must be notified in writing that it is a documentary process.

§ 2. A party who feels abused he has full right to appeal.

**Can. 1376.** The court of second instance, with the intervention of the defender of the bond and after hearing the parties, decide whether the sentence is to be confirmed or whether the case should proceed in accordance with ordinary law; in this case, refers to the court of first instance.

**7. ° General**

**Can. 1377 § 1.** The judgment shall remind the parties about the moral obligations or even civil, who possibly were held towards each other and towards their children, to ensure the necessary support and education.

§ 2. The reasons for the declaration of nullity of marriage can not be dealt with the contentious trial summary, mentioned in cann. 1343-1356.

§ 3. In all other things pertaining to the procedure must be applied, unless it opposes the nature of things, the canons on trials in general and on the ordinary contentious trial, observing the special rules on cases which concern the public good.

* * *

The provision of can. 1365 will apply to declaratory judgments of nullity of marriage published from the day in which this Motu Proprio come into force.

In this document are merged with the procedural rules, which I considered necessary for the proper and accurate application of the law renewed, to be observed diligently to protect the good of the faithful.

What was I established with this motu proprio, I order to be valid and effective, notwithstanding anything to the contrary, even if worthy of special mention.

I confidently entrust to the intercession of the blessed and glorious ever Virgin Mary, who in all truth is called 'Theotokos' and who shines as
sublime Mother of the universal Church, and of the holy Apostles Peter and Paul, the active implementation of the new matrimonial process.

Given in Rome, at Saint Peter’s, on 15 August, Assumption of the Blessed Virgin Mary of the year 2015, the third of my Pontificate.

Francis

Procedural rules for dealing with cases of matrimonial nullity

The III Extraordinary General Assembly of the Synod of Bishops, celebrated in October 2014, noted the difficulty of the faithful of the Church to reach the courts. As the bishop, as the Good Shepherd, is obliged to meet his faithful that they need special pastoral care, together with the detailed rules for the application of the matrimonial process, it seemed appropriate, given for some of the Successor of collaboration Peter and the Bishops in spreading knowledge of the law, provide some tools to the work of the courts can meet the needs of the faithful, which require assessment of the truth about the existence or not of their marriage bond failed.

Art. 1. The eparchial bishop by virtue of can. 192 § 1 is bound to follow with the apostolic spirit divorced or separated couples, that their living conditions may have abandoned religious practice. He then shares with the parish priests (cf.. Can. 289 § 1) the pastoral care of these faithful in difficulty.

Art. 2. The preliminary investigation or pastoral, which houses the parish structures or eparchial the faithful separated or divorced who doubt the validity of their marriage or are convinced of the nullity of the same, is oriented to know their status and to gather useful elements for any celebration of the judicial process, ordinary or shorter. That investigation will take place as part of the pastoral care of marriage eparchial unit.

Art. 3. The same survey will be given to people deemed suitable by the local hierarch, with skills though not exclusively juridical-canonical. Among them are primarily the proper parish priest or the one who prepared the couple to the wedding celebration. This task of advice can be given to other clerics, consecrated or lay approved by the local hierarch.

The eparchy, or different eparchies together, according to current groups may form a stable structure through which to provide this service and
draw up, where appropriate, a handbook that sets forth the essential elements for the most appropriate investigation.

**Art. 4.** The survey collects pastoral elements useful for the eventual introduction of the cause of the spouses or of their patron before the competent court. An investigation if the parties have agreed to ask the nullity.

**Art. 5.** Collected all the elements, the survey ends with the petition to be presented, where appropriate, to the competent court.

**Art. 6.** Since the Code of Canons of the Eastern Churches should be applied in all respects, prejudice to special rules, also processes double, in the mind of can. 1377 § 3, these rules do not intend to expose in detail the set of the whole process, but also to clarify the key legislative changes and, where appropriate, incorporate them.

**1. ° The jurisdiction and courts**

**Art. 7 § 1.** The titles of competence mentioned in can. 1358 are equivalent, safeguarded as far as possible the principle of proximity between the court and the parties.

§ 2. Through the cooperation between the courts, then, in the mind of can. 1071, ensures that anyone who, hand or head, can participate in the process with the least expenditure.

**Art. 8 § 1.** In eparchies that do not have their own court, the Bishop cares to form as soon as possible, including through continuing education courses and continues, promoted by eparchies or their groupings and by the Apostolic See in common purpose, people they can offer their services in the tribunal to be established for marriage cases.

§ 2. The Bishop can withdraw from court for several eparchies made in accordance with can. 1067, § 1.

**2. ° The right to challenge the marriage**

**Art. 9.** If a spouse dies during the process, before the case is concluded, the instance is suspended until the other spouse or another interested calls for continued; in this case you must try the legitimate interest.

**3. ° The introduction and examination of the case**

**Art. 10.** The court may admit the oral petition whenever the part is
prevented to present the petition; however, he orders the notary to draw up the act in writing to be read and approved by the party, and which takes the place of the little book written on the side of the law in effect.

**Art. 11 § 1.** The pamphlet is performed at the eparchial court or tribunal for several eparchies that was chosen in accordance with can. 1359, § 2.

**§ 2.** It considers that it is opposed to the application that the defendant left the matter to the court or justice, duly summoned for the second time, has no answer.

4. ° The judgment, his appeals and his execution

**Art. 12.** In order to have the moral certainty necessary by law, not simply a preponderance of the evidence and clues, but it is required that any prudent positive doubt everything except error in law and in fact, although it is not excluded mere possibility of the contrary.

**Art. 13.** If a party has declared to decline to receive any information about the cause, it is deemed to have given up to obtain a copy of the judgment. In this case it may be served on the only part of the judgment.

5. ° The double process shorter before the Bishop

**Art. 14 § 1.** The circumstances which may allow the handling of the case of nullity of the marriage by means of the process shorter according to cann. 1369-1373, for instance include: the lack of faith that can generate the simulation of consent or the error that determines the will, the brevity of married life, procured abortion to prevent procreation, the stubborn persistence in a extramarital affair at the time of the wedding or at a time immediately following, the malicious concealment of infertility or a serious or contagious disease of children born from a previous relationship or incarceration, the cause of marriage completely foreign to married life or substantial the unplanned pregnancy of the woman, the physical violence inflicted to extort the consent, the lack of use of reason proved by medical documents, etc.

**§ 2.** Among the documents supporting the application are all the medical documents that may render obviously futile acquire an expertise office.

**Art. 15.** If the petition was presented to introduce an ordinary trial, but the judicial vicar believes that the cause can be treated with the process shorter, he, in notifying the petition in accordance with can. 1362, § 1, calls the part that has not subscribed to inform the court whether it
intends to join the application submitted and participate in the process. He, whenever necessary, invite the party or parties who have signed the petition to integrate as soon as possible in accordance with can. 1370.

**Art. 16.** The judicial vicar can appoint himself as an instructor; However, as far as possible to appoint an instructor from the eparchy of origin of the cause.

**Art. 17.** In issuing the summons in accordance with can. 1371, the parties are informed that, if they were attached to the petition, they can, at least three days before the session investigation, submit articles of the topics on which the interrogation of the parties or of the texts.

**Art. 18.** § 1. The parties and their lawyers may attend examination of the other parties and texts unless the instructor considers, in the circumstances of things and people, that we should proceed otherwise.

§ 2. The responses of the parties and of the witnesses they must be made in writing by the notary, but briefly and only in what relates to the issue of marriage.

**Art. 19.** If the cause is instructed by a court for several eparchies, the Bishop who must pronounce the judgment is that of the place under which shall be settled in the mind of can. 1358. If we have more than one, is observed as far as possible the principle of proximity between the parties and the judge.

**Art. 20 § 1.** The eparchial bishop determines according to his care the way they pronounce the judgment.

§ 2. The ruling, however, signed by the Bishop together with the notary, setting out in a short and tidy the grounds of the decision and ordinarily be notified to the parties within a period of one month from the day of decision.

**6. ° The documentation process**

**Art. 21.** The eparchial bishop and the competent Judicial Vicar is determined in accordance with can. 1358.

---
