



The Holy See

RESCRIPT OF HIS HOLINESS POPE FRANCIS REGARDING THE IMPLEMENTATION AND COMPLIANCE OF THE NEW LAW FOR MARRIAGE ANNULMENT PROCEDURES

The entry into force — by happy coincidence with the opening of the Jubilee Year of Mercy — of the Apostolic Letters *motu proprio* ‘*Mitis Iudex Dominus Iesus*’ and ‘*Mitis et Misericors Iesus*’ of 15 August 2015 — given for the purpose of implementing justice and mercy with regard to the truth of the bond of those who have experienced the failure of marriage — poses, among other things, the need to harmonize the updated procedures for cases concerning marriage [annulment] with the norms proper to the Roman Rota, pending the reform of the latter.

The recently concluded Synod of Bishops expressed a strong exhortation that the Church draw near to “the weakest of her members, who are experiencing a wounded or lost love” (*Final Report*, n. 55), to whom confidence and hope must be restored.

Indeed, the laws now entering into force seek to show the Church’s *closeness* to wounded families, with the desire that the many who experience the drama of a broken marriage may be touched by the healing work of Christ, through ecclesiastical structures, in the hope that they discern that they are the new missionaries of God’s mercy toward other brothers and sisters, for the benefit of the institution of the family.

Recognizing both the Roman Rota’s *munus* as ordinary Court of Appeal of the Holy See, and its role of safeguarding the unity of jurisprudence (*Pastor Bonus*, art. 126) and of assisting the ongoing formation of pastoral workers in the Tribunals of the local Churches, the following is hereby established:

I.

The laws reforming the aforementioned marriage-related procedures shall abrogate or derogate every contrary law or norm heretofore in effect, whether general, particular or special, even if approved *in forma specifica* (such as, for example, the *motu proprio* ‘*Qua Cura*’, given by my

Predecessor Pius XI in times far different from the present).

II.

1. In the causes for marriage nullity before the Roman Rota, the *dubium* shall be fixed according to the ancient formula: *An constet de matrimonii nullitate, in casu*.
2. There shall be no appeal from the judgements of the Rota with regard to the invalidity of sentences or decrees.
3. There shall be no recourse by means of a *Nova Causae Propositio* before the Roman Rota after one of the parties has contracted a new canonical marriage, unless the injustice of the decision is manifest.
4. The Dean of the Roman Rota shall have the authority to dispense with, for serious reasons, the procedural norms of the Rota.
5. As requested by the Patriarchs of the Eastern Churches, jurisdiction has been restored to the territorial tribunals in *iurium* cases concerning marriage [annulment] which have been submitted to the judgment of the Roman Rota on appeal.
6. The Roman Rota shall adjudicate cases in accord with the Gospel precept of *gratuity*, i.e., with *ex officio* legal aid, except for a moral obligation that affluent faithful offer an *oblatio iusititiae* in favour of the causes of the poor.

May the faithful, especially those who are wounded and troubled, look to the New Jerusalem that is the Church as “Peace of justice, the glory of God’s worship” (Bar 5:4) and find once again the open arms of the Body of Christ, that they may intone the Psalm of the exiles (126[125]: 1-2): “When the Lord brought back the captives of Zion, we were like those who dream. Then our mouth was filled with laughter, and our tongue with shouts of joy”.

Vatican, 7 December 2015

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