

RESCRIPT EX AUDIENTIA SANCTISSIMI

**on the Reform of the Matrimonial Process introduced by the two Motu Proprios on
15 August 2015**

7 December 2015

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Vatican Radio's English Translation

The entry into force - in happy coincidence with the opening of the Jubilee of Mercy – of the Apostolic Letters *motu proprio, Mitis iudex Dominus Iesus* and *Mitis et Misericors Iesus* on August 15, 2015, given for the purpose of actuating justice and mercy regarding the truth of the bond of those who have experienced matrimonial failure, poses, among other things, the need to harmonize the renewed procedure for cases trying claims of marital nullity with the rules proper to the Roman Rota, pending the reform of these last.

The recently concluded Synod of Bishops expressed a strong exhortation to the Church, that the Church reach out toward “her most fragile children, marked by love wounded and lost (*Relatio finalis*, n. 55), to whom it is necessary to give back confidence and hope.

The laws now taking effect want to show precisely the *closeness* of the Church to wounded families, desiring that the multitude of those who live the drama of marital failure be reached by the healing work of Christ through ecclesiastical structures, in the hope that they might discover themselves new missionaries of God's mercy toward other brothers and sisters, for the good of the institution of the family.

Recognizing the Roman Rota, in addition to its proper *munus* as ordinary appellate tribunal of the Apostolic See, as having also the *munus* of safeguarding the unity of law (Art. 126 § 1 PB) and that of aiding in the ongoing formation of pastoral workers in the Tribunals of the local Churches, the following is established:

I.

The laws reforming the aforementioned marriage nullity process abrogate or derogate every law or norm to the contrary hitherto applicable: general, particular, or special, even if approved in specific form (e.g. The MP *Qua cura*, given by my Predecessor Pius XI in times very much different from the present).

II.

1. In marriage nullity cases before the Roman Rota, the *dubium* is fixed according to the ancient formula: *An constet de matrimonii nullitate, in casu*.
2. There can be no appeal against decisions of the Rota with respect to invalidity of judgments or decrees.
3. No recourse is allowed before the Roman Rota to the *Nova Causae Propositio* (N.C.P.), after one of the parties has contracted a new canonical marriage, unless the injustice of the decision is manifestly established.
4. The Dean of the Roman Rota has the power to dispense for grave reason from the Rotal Norms in procedural matters.
5. As urged by the Patriarchs of the Eastern Churches, competence in *iurium* cases connected to marital nullity cases submitted to the judgment of the Roman Rota on appeal, is restored to territorial tribunals.
6. The Roman Rota shall judge cases according to the *gratuity* of the Gospel, that is, with *ex officio* legal aid, *salvo* the moral obligation for the wealthy faithful to make an *oblatio iustitiae* in favor of the causes of the poor.

May the faithful, especially the wounded and unhappy, look to the new Jerusalem that is the Church, as the “Peace of justice and glory of godliness, (Bar 5: 4)” and may it be granted to them, finding the open arms of the Body of Christ, to intone the Psalm of the exiles (126:1-2): “When the Lord restored the fortunes of Zion, we were like those who dream. Then our mouth was filled with laughter, and our tongue with shouts of joy.”

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