

6. A BRIEFER & MORE STREAMLINED PROCESS JUDGED PERSONALLY BY THE DIOCESAN BISHOP

Strict Qualifications for the Briefer Process:

1. Both spouses must submit and sign the petition together, or if not, then the consent of the other party is required.
2. The nullity of the marriage must be manifest according to specific grounds. All the gathered evidence and testimonies of witnesses showing the circumstances of facts or of persons must be obvious according to Church Law.
3. The parties and the knowledgeable witnesses must be readily accessible and available.
4. After the marriage case for nullity is submitted to the Archdiocese, the tribunal will determine whether the Petition will qualify for the Briefer process or not.
5. The Diocesan Bishop must personally act as a judge for these marriage cases. After the proofs have been gathered by the tribunal staff, the observations of the Defender of the Bond, and the Acts must be given to the Diocesan Bishop for review.
6. If Diocesan Bishop decides that he cannot reach moral certitude, the case will continue with the ordinary process.
7. Either party, the Defender of the Bond, or the Promoter of Justice can appeal the decision of the Diocesan Bishop.

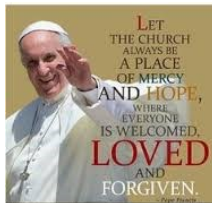
Extra Requirements for The Archdiocese of Los Angeles

1. Write a memo to the Tribunal, stating reasons
2. Judicial Vicar will review, determine whether case qualifies for Briefer Process
3. Once case is identified as qualifying for Briefer Process, Respondent's Statement of Intent will be sent to Respondent and to Submitting minister.

Pope Francis is well aware of potential abuses:

"It has not escaped me how an abbreviated judgment might put at risk the principle of indissolubility of marriage.

Indeed, for this I wanted that in this process the judge would be the bishop, who in the strength of his pastoral office is, with Peter, the best guarantee of Catholic unity in the faith and discipline" (Introduction, IV).



Metropolitan Marriage Tribunal of the Archdiocese of Los Angeles



REVISING & SIMPLIFYING PROCEDURES ON MARRIAGE NULLITY

Pope Francis' Apostolic Letters
Motu Proprio

THE LORD JESUS, CLEMENT JUDGE *MITIS IUDEX DOMINUS IESUS*

Revised the 1983 Code of Canon Law (CIC) for Latin Church
Affected 21 Canons (canons 1671-1691).



CHANGES EFFECTIVE
DECEMBER 8, 2015

MAJOR PROCEDURAL CHANGES FOR MARRIAGE NULLITY CASES

- ◆ Competency of Tribunals,
- ◆ One Affirmative Decision of a Competent Tribunal
- ◆ Introduction of a Briefer & Streamlined Process for the Diocesan Bishop Acting as Judge

PASTORAL CONCERNS & OBSERVATIONS

- ◆ Assisting the Faithful to return to the Sacraments
- ◆ Helping to Rebuild Families
- ◆ Facilitating Dioceses that may not have a Functional & Active Tribunal
- ◆ Avoiding Additional Burden of Time, Energy & Resources



Metropolitan Marriage Tribunal
of the Archdiocese of Los Angeles

1. TRIBUNAL COMPETENCE

Competence is the ability for a specific tribunal to process or adjudicate a marriage nullity case, if the following condition is applicable.

Revised Laws:

- a) The marriage took place in the diocese.
- b) Either the Petitioner or Respondent lives in the diocese.
- c) Most of the evidences (i.e. witnesses) are located in the diocese.

No longer requires the consent of another Tribunal

Previous Laws: *Required the Consent of another Tribunal for Competence if the following condition is applicable:*

- a) *The Respondent lived in or had domicile in another diocese.*
- b) *The majority of the relevant evidence and/or witnesses were located in the diocese. The Respondent lived in another diocese.*
- *The two situations above would require seeking the consent of the Judicial Vicar of the diocese where the Respondent is living. The purpose is to protect the right of defense for the Respondent.*
- *Seeking consent could delay processing a case from 1 to 2 years.*

2. ONE AFFIRMATIVE DECISION OF A COMPETENT TRIBUNAL

Judges reach moral certitude on their decisions of given ground(s): affirmative or negative.

No longer requires a mandatory REVIEW of the Affirmative decision by the Tribunal of Second Instance:

After a 15 working day notification of the decision, if there is no appeal from the Petitioner, the Respondent, or the Defender of the Bond, the Tribunal's decision is final and becomes effective. The Parties are free to marry.

Previous Laws: *Two Conforming Affirmative Decisions: The 1983 Code of Canon Law required the Tribunal of Second Instance to judge on the same ground(s) and reach a second affirmative decision. Only then could the marriage be declared null by the Church.*

3. A COLLEGE OF THREE (3) JUDGES FOR MARRIAGE NULLITY

Revised Laws: One Judge-A Cleric & Two Lay Judges

Previous Laws: *Two Judges (Clerics) & One Lay Judge*

4. APPEAL PROCEDURE & DELAYING TACTIC APPEAL

Currently, the law allows both Parties and the Defender of the Bond to appeal the decision of the competent tribunal.

The *Motu Proprio* continues the same appeal procedure to the Tribunal of Second Instance.

Revised Laws: Using appeal as a delaying tactic

If the Tribunal of Second Instance finds that the Party is using the appeal procedure as a delaying tactic, the collegial judges by decree may confirm the sentence of the Tribunal of First Instance.

5. TRIBUNAL EXPENSES OR FEES

Pope Francis addresses the issue of tribunal fees:

“Together with the judges who are more directly involved, the Conference of Bishops is to strive as much as possible, without prejudice to a just and honest payment to the tribunal personnel, that the procedure be conducted without fees, and that the Church showing itself to the faithful to being a generous mother, in such matters which are so closely united to the salvation of souls, also show to others Christ’s gratuitous love by which we have all been saved.”

- A few dioceses since 2014 and many dioceses in recent months have decided to eliminate all tribunal fees.
- For many years more that two-thirds of the operating cost of the Tribunal of the Archdiocese of Los Angeles has been subsidized from the general funds of the Archdiocese.
- The Tribunal fees (\$100 - Deposit & \$400 - Completion) have remained the same since 2002 and will continue until further notice.

However, inability to meet these expenses is never a cause for refusing to accept and process a petition.

Reasons for continuing fees:

- The insufficient payment of the Petitioner after the completion of the case. Less than 10% of the cases are paid in full.
- The overall operating expenses of the Tribunal are ranging from \$750K-\$1M per year.