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Pope Francis' Changes to Marriage Nullity Procedures

On 8 September 2015, Pope Francis issued Apostolic Letters *Motu Proprio* “*Mitis Iudex Dominus Iesus*” and “*Mitis et Misericors Iesus*” which will, as of 8 December 2015, change certain aspects of the marriage nullity procedures.

These changes include the abolition of mandatory appeals and the creation of a new shorter process, to be heard by the bishop (*unless, of course, he is related to or is particularly associated through friendship, family or commerce etc. with either of the parties*), for cases in which:

- (a) both parties are agreed about seeking a declaration of nullity
and
- (b) the Judicial Vicar of the Tribunal has certified that the marriage in question appears to be manifestly null.

These changes should mean that many cases are concluded slightly more quickly than before and that a few cases can be concluded much more quickly. The possibility of an appeal against a decision remains.

These changes affect the time it takes to make a decision. They do not affect the substantial law about what makes a marriage null that is at the basis of the decision, which remains unchanged. The Pope also confirmed that all episcopal conferences should work to abolish fees for marriage nullity cases.

In the light of these changes parish clergy in particular and everyone generally, should be aware of the following points:

- (1) The process for beginning an application for nullity has not changed. Anyone asking for nullity to be considered should still be told they must first contact the Tribunal of the diocese of Oslo to obtain and complete the preliminary papers.
- (2) No dates should be fixed for a new marriage ceremony until a decree of nullity has been granted. Although the new processes should be slightly quicker than before, every case is different, some take more time and some less, and very few cases have a guaranteed outcome.
- (3) No one should be put off applying for fear of the costs.

If you have any questions about nullity issues then please contact the Tribunal.