



Mitis Iudex Dominus Iesus

FAQ's

1. What is the marriage Nullity Process?

The marriage Nullity Process is a Church examination of a marriage that has civilly ended in order to determine if the marriage was null due to a defect of consent at the time of the exchange of vows. This examination is accomplished through the participation of parties and witnesses in a procedure established in canon law, the law of the Church.

2. Why did Pope Francis change the marriage Nullity Process?

The salvation of souls has always been the supreme law of the Church. “For this reason,” as *Mitis iudex* notes, all its institutes, “ought to incline towards the goal of communicating divine grace and ought to continually favor, according to the gifts and mission of each, the good of the faithful inasmuch as this is the essential goal of the Church” with this in mind, the Holy Father decided to change the Nullity Process.

3. When did the changes to the marriage Nullity Process take effect?

The changes began December 8, 2015, the Feast of the Immaculate Conception and the opening of the Year of Mercy. All cases which had received an affirmative decision in the Archdiocese of Milwaukee by that date were impacted.

4. How did the Nullity Process change?

There were three major changes that affected the processing of all cases. The areas changed included: competency of tribunals, no requirement of a second review, and the introduction of the streamlined Briefer Process.

5. New rules regarding the ability of a particular tribunal to accept a case (tribunal competence).

What is tribunal competence?

Competence is the ability, by canon law, for a specific tribunal to process a nullity case. The law has been simplified so that a tribunal can hear a case, without the consent of another tribunal, if:



1. The marriage took place in that diocese
 2. Either the petitioner or respondent lives in the diocese
 3. Most of the evidence (i.e. witnesses) is located in the diocese
- 6. The elimination of the requirement for a second review of the case when there is an affirmative judgment.**

Under the revised law, if after notification, neither party to the case or the defender of the bond appeals an affirmative decision within the time frame allowed (15 working days; not counting weekends or holidays) the case is considered complete.

7. A change in the approach to assessing tribunal expenses.

Pope Francis did not eliminate all tribunal fees, but he said that the process should be gratuitous whenever that can be done without harming the right of tribunal workers to a just wage.

He has two reasons for this. First, he wants to make sure that no one is ever discouraged from exercising their rights due to cost. In the Archdiocese of Milwaukee there is an administrative fee; half of this fee is covered by the Catholic Stewardship Appeal. As always, a partial reduction or total waiver of the fee is possible and has always been granted liberally to anyone in need. Pope Francis does not want the misconception about expense to be an obstacle. Second, he wants to be sure that tribunals are immune from the misconception that declarations of nullity can be “bought” or “sold.”

Feel free to call or email the tribunal with general questions or questions about a specific case and we will respond as quickly as we are able, but please be patient. If there is a case pending, trust *us* to contact to *you* if these changes in the law will have an important bearing on the case.