



## Briefer Process-FAQ's

### **1. What is the new Briefer Process?**

Certain procedural steps have been amended without compromise to the theology of marriage, the law or the integrity of the process.

### **2. Who qualifies for the Briefer Process?**

Three strict qualifications apply:

1. Both spouses must consent by signature, to the process.
2. The facts surrounding the case must be obvious according to the marriage law of the Church.
3. All the facts that support the criteria of nullity (proofs) such as documents and the testimony of parties and witnesses must be readily accessible and available. Even with this, the time necessary will vary from case to case. Once collected, the acts of the case are submitted to the Archbishop for a decision.

### **3. Why is it important for both spouses to consent to the Briefer Process?**

This requirement helps protect the right of both spouses to defend the validity of their marriage. There is a common misconception that if both spouses agree that the marriage is null, a declaration of nullity is somehow automatic or guaranteed. This has never been true, and the new law does not change that. The facts of the case, and not the spouses' agreement or disagreement on the matter, determine whether the marriage has been proven null.

### **4. How does the Briefer Process work?**

First, a party (or one of them with the consent of the other) must submit a petition for a Declaration of Nullity, which in addition to all the information normally contained in a petition, has to demonstrate *why* the Briefer Process could be used, i.e., *why* the nullity of the marriage is manifest and also *how* it will be proven by readily available evidence. There is no guarantee that a case will qualify for the Briefer Process.

If, through examination of the facts, the Judicial Vicar determines that the case might qualify for the Briefer Process, the application will be shared with the respondent and their signature secured. The Judicial Vicar then issues a decree stating the grounds in the case, nominating an instructor (an official in charge of gathering the evidence) and an assessor (an official in charge of advising the Archbishop). To confirm facts, appointments may be scheduled for the petitioner (and the respondent) to come to the tribunal and give further information regarding the marriage;



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information is also gathered from witnesses. The Defender of the Bond and the parties then have 15 days to present additional information. After this, the case is presented to the Archbishop for judgment.

If, based on all the evidence presented, the Archbishop reaches moral certitude that the marriage is null, he can issue a sentence declaring the nullity of the marriage. If he is not morally certain, the case is admitted to the Ordinary Process. Appeal against the Archbishop's decision can be made by either party or the Defender of the Bond within 15 days after notification of the parties.

Please remember that in this process, like the Ordinary Process, there is no guarantee of an affirmative decision. So, like the Ordinary Process, a marriage in the Catholic Church should NOT be scheduled, even tentatively, until an affirmative decision, free from restriction, is issued.

### **5. How long does the Briefer Process take?**

The law allows up to 30 days to review and admit a petition. Another 30 days is allocated to confirming the facts of the case. The law also allows 30 days for writing the sentence. The sentence cannot be acted on until the window for appeal has passed, another 15 days (not counting weekends and holidays). In all, that's approximately 120 days from start to finish, not counting the possibility of delays.