



Metropolitan Tribunal of the Archdiocese of San Antonio

2718 W. Woodlawn Avenue, San Antonio, Texas 78228

Voice 210-734-1661 / Fax 210-734-9957

Tribunal@archsa.org / www.archsa.org/Tribunal

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ABOUT THE BRIEFER PROCESS

Introduced by Pope Francis in his *Motu Proprio, Mitis Iudex Dominus Iesus*, which took effect on December 8, 2015, this is a briefer process for handling a marriage nullity case in which certain conditions are met.

Can. 1683. The diocesan bishop himself is competent to judge cases of the nullity of marriage with the briefer process whenever:

- 1° the petition is proposed by both spouses or by one of them, with the consent of the other;
- 2° circumstance of things and persons recur, with substantiating testimonies and records, which do not demand a more accurate inquiry or investigation, and which render the nullity manifest.

Can. 1684. The *libellus* introducing the briefer process, in addition to those things enumerated in can. 1504, must:

- 1° set forth briefly, fully, and clearly the facts on which the petition is based;
- 2° indicate the proofs, which can be immediately collected by the judge;
- 3° exhibit the documents, in an attachment, upon which the petition is based.

Can. 1685. The judicial vicar, by the same decree which determines the formula of the doubt, having named an instructor and an assessor, cites all who must take part to a session, which in turn must be held within thirty days according to can. 1686.

Can. 1686. The instructor, insofar as possible, collects the proofs in a single session and establishes a time limit of fifteen days to present the observations in favor of the bond and the defense briefs of the parties, if there are any.

Can. 1687

§1. After he has received the acts, the diocesan bishop, having consulted with the instructor and the assessor, and having considered the observations of the defender of the bond and, if there are any, the defense briefs of the parties, is to issue the sentence if moral certitude about the nullity of marriage is reached. Otherwise, he refers the case to the ordinary method.

§2. The full text of the sentence, with the reasons expressed, is to be communicated to the parties as swiftly as possible.

§3. An appeal against the sentence of the bishop is made to the metropolitan or to the Roman Rota; if, however, the sentence was rendered by the metropolitan, the appeal is made to the senior suffragan; if against the sentence of another bishop who does not have a superior authority below the Roman Pontiff, appeal is made to the bishop selected by him in a stable manner.

§4. If the appeal clearly appears merely dilatory, the metropolitan or the bishop mentioned in §3, or the dean of the Roman Rota, is to reject it by his decree at the outset; if the appeal is admitted, however, the case is remitted to the ordinary method at the second level.



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The requirements for the Briefer Process in the Archdiocese of San Antonio include:

- The Petition Form for a Declaration of Marriage Nullity is submitted by either of the spouses with the consent of the other or is submitted by both spouses.
- The grounds for marriage nullity are manifest, and the Petitioner and/or the Respondent explain clearly the proof of those grounds, that is, what was lacking or working against the marriage from the time of consent.
- The names and contact information for at least one Witness is provided by either one or both of the parties to the marriage.
- This Petition Form is to be accompanied by the relevant documents, including:
 - Baptismal Certificate with any notations, bearing the Seal of the Parish of Baptism, for at least one of the parties;
 - A certified copy of the Marriage License and/or a Marriage Certificate from the Parish of Marriage, bearing the Seal of the Parish; and
 - A certified copy of the Divorce Decree.
- Both parties consent to the Briefer Process, or, if the case is not accepted for the Briefer Process, both parties consent to the Ordinary Process to establish the canonical status of the marriage in question.

If the case is accepted for the Briefer Process,
the Judge for the case will be
the Archbishop of San Antonio, assisted by an Instructor and an Assessor.

Whether using the Briefer Process or the Ordinary Process,
an affirmative decision in favor of marriage nullity is not guaranteed.
No date for a future wedding may be scheduled
for either of the parties to the marriage in question
unless and until an affirmative decision is rendered by the Judge
and there is no appeal by either of the parties or the Defender of the Bond.



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REQUIRED STATEMENT OF THE PETITIONER

Dear Judicial Vicar,

I, the Petitioner, completed the Petition Form for a Declaration of Marriage Nullity, and provided all relevant documents, regarding the marriage between:

Full Name of Petitioner (if female, add Maiden Name in parenthesis)

AND

Full Name of Respondent (if female, add Maiden Name in parenthesis)

I hereby request that the Archbishop of San Antonio through the Metropolitan Tribunal of the Archdiocese of San Antonio accept and adjudicate this petition, in accordance with Canons 1683-1687 of the Code of Canon Law, which describes the Briefer Matrimonial Process before the Archbishop.

I consent to the Briefer Process, or, if the case is not accepted for the Briefer Process, I consent to the Ordinary Process, to establish the canonical status of the marriage in question.

I am not opposed if the Judge declares the marriage invalid.

I attest before God that the information provided in the Petition Form and in this document are true and complete to the best of my knowledge.

Signature of Petitioner

Signature of Ecclesiastical Notary or State Notary

Date of Signature



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REQUIRED STATEMENT OF THE RESPONDENT

Dear Judicial Vicar,

The Petitioner completed the Petition Form for a Declaration of Marriage Nullity, and provided all relevant documents, regarding the marriage between:

Full Name of Petitioner (if female, add Maiden Name in parenthesis)

AND

Full Name of Respondent (if female, add Maiden Name in parenthesis)

I consent to the submission of this Petition Form and understand that I may also submit a separate Petition Form and/or propose additional Witnesses to those suggested by the Petitioner.

I hereby request that the Archbishop of San Antonio through the Metropolitan Tribunal of the Archdiocese of San Antonio accept and adjudicate this petition, in accordance with Canons 1683-1687 of the Code of Canon Law, which describes the Briefer Matrimonial Process before the Archbishop.

I consent to the Briefer Process, or, if the case is not accepted for the Briefer Process, I consent to the Ordinary Process, to establish the canonical status of the marriage in question.

I am not opposed if the Judge declares the marriage invalid.

I attest before God that the information provided in this document is true and complete to the best of my knowledge.

Signature of Respondent

Signature of Ecclesiastical Notary or State Notary

Date of Signature