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Apostolic Letter issued “Motu Proprio” of the Supreme Pontiff Francis modifying the terms of recourse of a member dismissed from an Institute of Consecrated Life

APOSTOLIC LETTER
ISSUED “MOTU PROPRIO”
OF THE SUPREME PONTIFF
FRANCIS

MODIFYING THE TERMS OF RECOURSE
OF A MEMBER DISMISSED
FROM AN INSTITUTE OF CONSECRATED LIFE

«*Expedit ut iura personarum apte definiantur atque in tuto ponantur*» (AAS, LXXV [1983], Pars II, XXII). This was the sixth general principle that the Synod of Bishops, in October 1967, approved for the revision of the Code of Canon Law and that still remains valid today, granting the safeguarding and protection of subjective rights a privileged place in the legal order of the Church. It becomes especially relevant in the most delicate events of Church life, such as procedures concerning the legal status of persons.

Considering that the current norms on the dismissal of members from Institutes of Consecrated Life envisage, in can. 700 CIC and can. 501, § 2 CCEO, chronological times that cannot be said to be congruent with the protection of the rights of the person, and that a less restrictive modality of the terms of transmission of the appeal would allow the person concerned to be able to better evaluate the charges against him, as well as to be able to use more appropriate modes of communication;

considering, moreover, that there is a danger that the procedure envisaged by canons 697-699 CIC and canons 497-499 CCE may not always be correctly followed, thereby jeopardizing the validity of the procedure itself and consequently the protection of the rights of the dismissed person;

I now decree the following:

Art. 1.

In canon 700 CIC, regarding the right of a dismissed religious to appeal to the competent authority, the term of “ten days” is replaced by “thirty days”, without the need to request in writing the revocation or correction of the decree from its author (can. 1734, § 1 CIC), the canon in question being formulated as follows:

«Decretum dimissionis in sodalem professum latum vim habet simul ac ei, cuius interest, notificatur. Decretum vero, ut valeat, indicare debet ius, quo dimissus gaudet, recurrendi, absque petitione de qua in can. 1734, § 1, intra triginta dies a recepta notificatione ad auctoritatem competentem. Recursus effectum habet suspensivum».

Art. 2.

In canon 501, § 2 CCEO, regarding the right of a dismissed member to appeal to the competent Authority, the term of “fifteen days” is replaced by “thirty days”, the canon in question being formulated as follows:

«Sodalis vero potest adversus decretum dimissionis intra triginta dies cum effectu suspensivo sive recursum interponere sive postulare, ut causa via iudiciali tractetur».

I order that all I have declared in this Apostolic Letter issued *Motu Proprio* have firm and stable effect, notwithstanding anything to the contrary even if worthy of special mention, and to be promulgated by publication in *L'Osservatore Romano*, taking effect on 7 May of the year 2023, Fifth Sunday of Easter, and thereafter published in the official commentary of the *Acta Apostolicae Sedis*.

Given at Rome, at Saint Peter's, on the 2nd day of April, Palm Sunday, in the year 2023, the eleventh of my Pontificate.

FRANCESCO
