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Apostolic letter Motu proprio: Like a loving mother

Vatican City, 4 June 2016 – Pope Francis today wrote an apostolic letter in the form of a Motu Proprio, in which he affirms that the Church, like a loving mother, loves all her children, but treats and protects with special affection the smallest and most helpless. This is a task that Christ Himself entrusts to all the Christian community as a whole. Although this care and protection is the responsibility of all the Church, the Holy Father emphasises that it is to be carried out in particular through her pastors. Therefore, diocesan bishops, eparchs and those who are responsible for a particular Church must act with special diligence in the protection of the weakest among those entrusted to them.

He goes on to note that canon law already provides the possibility of the removal from ecclesiastical office "for grave causes" and this refers also to diocesan bishops, eparchs and those of equivalent status by law. By this Motu Proprio, the Pope specifies that these "grave causes" include the negligence of a bishop in the exercise of his role, especially in relation to cases of sexual abuse of minors and vulnerable adults, as referred to in the Motu Proprio *Sacramentorum Sanctitatis Tutela*, promulgated by St. John Paul II and amended by Benedict XVI, and establishes a series of procedures to be followed in these cases, as follows.

The diocesan bishop or eparch, or he who even on a temporary basis is responsible for a particular Church, or another community of faithful, may legitimately be removed from office for acts committed or omitted by negligence, resulting in the provocation of grave damage to others, either physical persons or a community as a whole. The damage may be physical, moral, spiritual or patrimonial. The diocesan bishop or eparch may be removed from office only if he may be shown objectively to have lacked the diligence required for his pastoral office, even without grave moral culpability on his part. In the case of abuse of minors or vulnerable adults, it is sufficient for the lack of diligence to be grave. Major superiors of religious institutes and societies of apostolic life of Pontifical right are to be considered equivalent to the diocesan bishop or eparch.

In the second article of the Motu Proprio, the Pope specifies that in all cases in which serious indications, as listed in the previous article, are present, the competent Congregation of the Roman Curia may initiate an investigation on the issue, notifying the interested party and providing him the possibility of producing documents and witnesses. The bishop will be given the opportunity to defend himself using the means provided by the law. He will receive communication of all phases of the investigation and will always be granted the possibility of meeting the Superiors of the Congregations. If the bishop does not take the initiative, such a meeting shall be proposed by the dicastery itself. Following the arguments presented by the bishop, the Congregation may decide whether to proceed with a further investigation.

Before making its decision, the Congregation may meet, as appropriate, with other bishops or eparchs belonging

to the Episcopal Conference, or the Synod of Bishops of the *sui iuris* Church to which the bishop or eparch in question belongs, with the objective of discussing the case. The Congregation will make its decisions in ordinary Session.

The fourth article specifies that should the Congregation consider it appropriate to remove the bishop from office, it will determine on the basis of the circumstances of the case whether to issue, as soon as possible, the decree for removal, or to fraternally exhort the bishop to present his resignation within a period of fifteen days. If the bishop does not respond within the indicated period, the Congregation may issue a decree for removal from office.

Finally, the decision of the Congregation must be subject to specific approval by the Roman Pontiff who, prior to assuming a definitive decision, will be assisted by a special College of legal experts, designated for the purpose.

The Motu Proprio, dated 4 June, will come into effect from 5 September 2016.

Fr. Federico Lombardi, S.J., director of the Holy See Press Office, clarifies in a note that the "investigation" in cases of negligence will be performed by the competent Congregations, of which there are four: Bishops, Evangelisation of Peoples, Oriental Churches, and Institutes of Consecrated Life and Societies of Apostolic Life. The Congregation for the Doctrine of the Faith is not included as this does not regard cases of abuse, but rather of negligence in office. He also emphasises the novelty of the establishment of a "college of legal experts" to assist the Holy Father in arriving at a definitive decision, and adds that this College will likely be constituted of Cardinals and Bishops.
