



CONGREGATIO PRO CLERICIS

Vatican City, 17th March 2010

Prot. N. 2010 0823

To the Eminent, Most Excellent and Reverend Ordinaries At Their Sees

Subsequent to the Circular Letter (Prot. N. 20090556) of the 18th April 2009 regarding the Special Faculties granted to this Dicastery by the Supreme Pontiff on the 30th January 2009, I have the pleasure to enclose the *procedural guidelines* which are to be employed in the instruction of these petitions at the local level. A list indicating the documents which must, without fail, accompany the materials, is also included for your assistance.

Before any request for the application of the Special Faculties can be entertained from an Ordinary¹ at the level of the Dicastery, and therefore previous to the application of these *procedural guidelines*, it is essential to note the *indispensable initial requirement*, namely that the *impossibility* or the *extreme difficulty* in following the ordinary canonical means already available, be that the *via gratiosa* (Dispensation) or the penal judicial route, has been clearly established beforehand. Once this has been ascertained and documented, then the instruction of the case at the local level should necessarily result in:

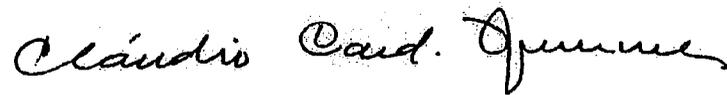
- I – the proven *objective* or *subjective* impossibility that the cleric in question will request dispensation from the obligations of the clerical state, (i.e. the cleric refuses to apply for a dispensation or, because of the particular circumstances of the cleric's life, a dispensation may not be sought);
- II – a well documented summary indicating the results of the pastoral efforts expended and the canonical measures applied by the Ordinary in attempting to have the offender desist from his disobedience and return to his priestly obligations;
- III – a detailed explanation of the grave difficulties existing in the diocese which prevent the holding of a canonical penal trial (Can. 1342, §2; 1425, §1, 2°, CIC).

It must always be remembered by the Most Reverend Ordinaries that the application of the Special Faculties *is not automatic*, but will occur only under special circumstances and in well documented situations, always at the prudent judgement of the Holy See. In other words, the local phase of the procedure will conclude with the *request* of the Ordinary to apply the *Special Faculties* to the case in question. The approval of this request is subject solely to the *discretion* of the Holy See.

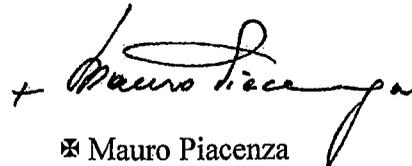
¹ Superiors of Institutes of Consecrated Life and of Societies of Apostolic Life, who are not Ordinaries according to the meaning of can. 134, §1 CIC, must refer to the competent Local Ordinary.

In the spirit of pastoral collaboration and unity, keeping in mind the dignity of the Priesthood, the true good of priests and that of the entire Church, allow me to avail of the circumstances to renew my sentiments of profound esteem, and with every best wish, I remain

Yours Sincerely in Christ



Cláudio Cardinal Hummes
Prefect



✠ Mauro Piacenza
Titular Archbishop of Vittoriana
Secretary