



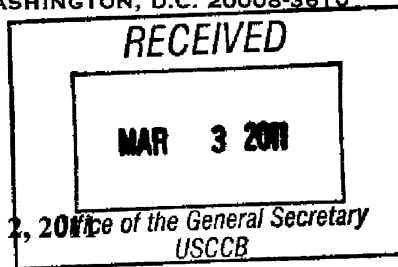
APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

17,437

No.

This No. Should Be Prefixed to the Answer

3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3610



March 2, 2011

Reverend and dear Monsignor Malloy:

In response to a recent communication from a member of the Episcopal Conference in regard to a petition by two Roman Catholic parents to have their adopted child who was baptized in an Orthodox Church ascribed to the Roman Catholic Church, I transmit herewith for the information of the United States Conference of Catholic Bishops an English translation of a January 26, 2011 response (Prot. N. 12900/2011) that was provided to His Eminence, Leonard Cardinal Sandri, Prefect of the Congregation for the Oriental Church, by the Pontifical Council for the Interpretation of Legislative Texts which clarifies that in the instance of adoption a child becomes by the law itself ascribed to the Church of the parents. There does remain, however, the need to have the facts of the child's Baptism and the new ritual status of the child recorded in the Baptismal Register of the proper parish of the adoptive parents.

With cordial regards and best wishes, I am

Sincerely yours in Christ,

Archbishop Pietro Sambini
Apostolic Nuncio

The Reverend Monsignor David J. Malloy
General Secretary
United States Conference of Catholic Bishops
3211 4th Street, N.E.
Washington, D.C. 20017-1194

— *With one enclosure* —

**PONTIFICAL COUNCIL
FOR THE INTERPRETATION OF LEGISLATIVE TEXTS**

Note

I. Premises:

With letter N. 20/92 of January 14, 2010, His Eminence Most Reverend Cardinal LEONARDO SANDRI, Prefect of the Congregation for the Oriental Churches, asked the advice of this Pontifical Council concerning the request made to the same Congregation by His Excellency Most Reverend Pietro Sambì, Apostolic Nuncio in the U.S.A., about the possibility of inscription in the Latin Church of a child baptized in the Russian Orthodox Church, and then, adopted by Latin parents.

II. General Observations:

The Apostolic Nuncio presented the difficulties found in the Code of Canon Law (CIC), which does not contain a norm analogous to that of canon 29 § 2, 2°, of the Code of Canons of the Eastern Churches (CCEO). Therefore, he deems that it is not clear how one ought to proceed in the case of inscription in the Catholic Church of a child baptized in the Russian Orthodox Church, and then, adopted by Latin parents.

The fact that the adoptive parents are Latin faithful requires the observance of the norms of the Code of Canon Law (CIC) and not those of the Code of Canons of the Eastern Churches (CCEO).

III. Particular Observations:

1) The Code of 1917, in the Book II, "*De personis*" ("Of persons"), canon 90 § 1, made a distinction between legitimate children and illegitimate children; the latter did not enjoy the same rights as the former. The same Code did not state anything for adoptive children.

2) The II Vatican Council, in the Decree on the apostolate of the laity ("*Apostolicam Actuositatem*" n° 11, 4) has established: "*Inter varia opera apostolatus familiaris sequentia enumerare licet: infantes derelictos in filios adoptare ...*" [official English translation: "Among the various activities of the family apostolate may be enumerated the following: the adoption of abandoned

infants...”]. It may be noted that the Latin term “*in filios*” has the meaning of true children.

3) In the PCCICR (*Pontificia Commissio Codici Iuris Canonici Recognoscendo*), VI *De personis (libri II)*, *Sessio VII*, of April 26-30, 1971, it was proposed to remove from the new Code the distinction between legitimate children and illegitimate children and to introduce a norm to establish the *status* of adoptive children. As a consequence, in the Code of Canon Law of 1983 (CIC), the distinction no longer exists between legitimate children and illegitimate children, and adoptive children are considered true children.

4) The Code of Canon Law (CIC) has a clear norm in regard to adoptive children. In fact, the text of canon 110 says that children who have been adopted in accordance with the civil law are considered the children of those persons who have adopted them. In our case, this means that the persons who adopt a Catholic child (Latin or Oriental) or a child baptized in a non-Catholic Church or non-Catholic Ecclesial Community become the parents of this child with all the canonical and civil effects. The same can be said of the child who has been adopted: he becomes the child of the persons who have adopted him with all the civil and canonical effects. The adoptive parents, therefore, have all the rights and obligations established by canon and civil law, which draw from the parents’ capacity (*patria potestas*).

5) As is known, canon 111 § 1 affirms that children, through the reception of baptism, become members of the Latin Church if the parents belong to that Church.

From the position of canon 111 § 1, that follows canon 110 concerning adoptive children, and from the tenor of its text, it is evident that the Legislator intends to establish a general norm to include in the term “children”, without distinction, those legitimate, illegitimate, and adoptive.

6) Consequently, it is obvious in our case that, according to canon 111 § 1, the adopted daughter, baptized in the Russian Orthodox Church, becomes a member of Latin Church to which her adoptive parents belong.

7) This criterion must be observed in other similar cases.

Vatican City, January 26, 2011