

## THE MANNER OF INITIATING RECOURSE AGAINST AN ADMINISTRATIVE DECREE

Book VII, Part V, Section I of the 1983 Code of Canon Law provides for recourse against administrative decrees. The first desire expressed by the Code itself is that there be no contention between one who feels injured and the author of the decree [cf. canon 1732]. Nonetheless, should it seem necessary to propose recourse against a decree issued by the bishop or by authorities subject to him (Vicars, Pastors, Chaplains, Diocesan Officers, etc.), the following guidelines may be of assistance.

1. The pastor alone represents the parish in all juridic affairs [cf. canon 532]. Only the pastor may propose recourse in the name of the parish. Individuals may not claim to represent the parish, nor can groups of individuals claim to represent the parish in proposing recourse. An individual may propose recourse in his or her own name. Similarly, a group of individuals may propose recourse collectively, but representing themselves and no others. They may not claim to represent a larger group, or the entire parish.

2. According to canon 1734, before proposing hierarchic recourse (petition for examination of a decree by the proper Dicastery of the Holy See), one must seek revocation or emendation of the decree. This must be done in writing, to the author of the decree, within a peremptory period of ten (10) working days from legal notice of the decree. Accordingly, prior to the close of business on the tenth (10<sup>th</sup>) working day after legal notice of the decree, a written request for Bishop Martin to revoke or amend the decree must be sent or delivered to:

Most Reverend Michael T. Martin, OFM Conv.  
Diocese of Charlotte  
Office of the Bishop  
1123 S. Church St.  
Charlotte, NC 28203

- a. The request must state exactly what is being petitioned, and the reasons why.
- b. Requests that are not specific as to what is being sought or why, will not be accepted and will not be considered as delaying the initial ten (10) day time limit.
- c. Requests for an extension of time will not be honored.
- d. Requests sent by facsimile telecopier will not be accepted.

3. If a valid request for revocation or amendment of the decree is received within the ten (10) day time limit, Bishop Martin has thirty (30) days from receipt of the petition to decide his response. If no response is given in thirty (30) days, a negative response is to be assumed [cf. canon 1735].

4. If, after legitimate petition, Bishop Martin does not amend or revoke the initial decree, hierarchic recourse may be proposed to the Holy See. This must be done within a peremptory time limit of fifteen (15) working days. This recourse cannot validly be proposed unless one has first written to Bishop Martin to ask him to revoke or amend the decree, as in Number 2 above. This recourse is to be made in writing, along with the reasons for seeking recourse, to the proper Dicastery of the Holy See.