

## **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 1733]. Nonetheless, should it seem necessary to propose recourse against a decree issued by the bishop or by authorities subject to him, 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 Hierarchical 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 useful days from legal notice of the decree. Accordingly, prior to the close of business on the tenth working day after legal notice of the decree, a written request for Bishop Libasci to revoke or amend the decree must be sent or delivered to:

Most Reverend Peter A. Libasci, D.D.  
Diocese of Manchester  
153 Ash Street  
Manchester, NH 03104

- a. The request must state exactly who is petitioning, what is being petitioned, and the just reasons why. All parties presenting the petition must sign the petition. Only the original document is acceptable. No copies, facsimiles or electronic communication means are valid.
  - b. Requests that are not specific as to what is being sought or why, will not be considered or accepted.
  - c. Requests for an extension of time will not be honored.
3. If a valid request for revocation or amendment of the decree is received within the ten-day time limit, Bishop Libasci has thirty days from receipt of the petition to decide his response. If no response is given in thirty days, a negative response is to be assumed [cf. canon 1735].
  4. If, after legitimate petition, Bishop Libasci does not amend or revoke the initial decree, Hierarchical Recourse may be proposed to the Holy See. This must be done within a peremptory time limit of fifteen useful days. This recourse cannot validly be proposed unless one has first written to Bishop Libasci 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, either directly to the Congregation for the Clergy in Rome, or to Bishop Libasci for his transferal of the recourse to the Congregation for the Clergy.