

Decree
Establishing Particular Law for the Diocese of Stockton
Concerning the Citation of the Parties
in Cases Before the Tribunal

Canon 1509, §1 of the Code of Canon Law states that

The notification of citations, decrees, sentences, and other judicial acts must be made through the public postal services or by some other very secure method according to the norms established in particular law.

In today's increasingly mobile society, the problem has developed whereby it is difficult at best to ascertain the location of some Respondents in marriage cases introduced to the diocesan Tribunal. Inasmuch as a Petitioner has the right to receive a just and timely judgment to a legitimately posited petition and the Respondent has the right to know about and participate in the process as determined by canon law, the diocesan Tribunal is to be commended for striving to achieve a balance in protecting the rights of both parties.

After some years of working to develop an equitable process for ensuring that the rights of the Petitioner and Respondent in marriage cases are protected, and with the promulgation of the Instruction *Dignitas connubii* on 25 January 2005, it is opportune now to establish more definitively by particular law the process to be followed for the citation of the Parties in marriage cases introduced to the Tribunal of the Diocese of Stockton.

NORMS

1. *Method of Citation.* As noted above, canon 1509, §1 requires that Parties be cited by means of the public postal service. Since "the fact of notification and its method must be evident in the acts" (c. 1509, §2), citation of the Petitioner shall be done by means of first class mail sent via the United States Postal Service. The citation of the Respondent is to be sent by certified mail "return receipt requested" through the United States Postal Service.
2. *Citation of Respondent Delivered and Accepted by a Third Party.* Even though U.S. mail sent "return receipt requested" requires the signature of the party to whom it is addressed, it sometimes happens that another person, e.g., the current spouse, parent, or child of the Respondent, signs the "return receipt requested" card. While there is not absolute certitude that the Respondent received the citation, there is probable cause to conclude that the Respondent has received the citation. Therefore, should another person sign the "return receipt requested" card, the Respondent is to be considered legitimately cited.

3. *Citation of a Respondent Sent and not Delivered.* In the event that the citation of the Respondent is returned to the Tribunal, the following shall apply:
 - a. If the Respondent's citation is returned as "Unclaimed," it shall be presumed that the Respondent has refused to accept the citation inasmuch as the postal service has notified him or her of the mailing and the Respondent has chosen not to accept it. In this event, the Respondent is to be considered legitimately cited (c. 1510), and the trial is to proceed (see *DC*, art. 133).
 - b. If the Respondent's citation is returned as "Unable to Deliver," the Tribunal will contact the Petitioner to ascertain a current address for the citation to be re-sent. Should no better address for the Respondent be available, the Petitioner, or the Tribunal (at the Petitioner's expense), shall conduct a search for the Respondent via the Internet. Proof of this search shall be retained in the acts. If no meaningful lead is presented, the Respondent shall be cited by edict using the diocesan web site (cf. *Norms of the Roman Rota*, art. 59 and *DC*, art. 132, §2).
4. *Lack of address for a Respondent.* When a person introduces a petition to the Tribunal, he or she is expected to include the current address of the Respondent. When a Respondent is unable to be located, the Petitioner, or the Tribunal (at the Petitioner's expense), shall conduct a search for the Respondent via the Internet. Proof of this search shall be retained in the acts. If no meaningful lead is presented, the Respondent shall be cited by edict using the diocesan web site (cf. *Norms of the Roman Rota*, art. 59 and *DC*, art. 132, §2).

These Norms are intended to safeguard the Respondent's rights to know about and participate in the process to examine the validity of marriage. Furthermore, they establish the secure means required by canon 1509, §1 (see *DC*, art. 130, §1).

These Norms are effective 1 August 2005. To the extent that they have been followed before the effective date, this process for citation shall be considered as fulfillment of the law.

Given at the Chancery of the Diocese of Stockton on this 26th day of July, 2005.

Bishop of Stockton

Notary