



Metropolitan Tribunal of the Archdiocese of San Antonio

2718 W. Woodlawn Avenue, San Antonio, Texas 78228

Voice 210-734-1661 / Fax 210-734-9957

Tribunal@archsa.org / www.archsa.org/Tribunal

WHEN TO CONSIDER A RADICAL SANATION

The radical sanation of an invalid marriage – i.e., its convalidation by competent authority without the giving of new matrimonial consent (c. 1161, §1) – may be a pastorally beneficial service to a couple when the following circumstances come together:

1. A simple convalidation is impossible because:
 - a. one party refuses to give new consent; or
 - b. there is a strong possibility that a convalidation would be defective – that is, the consent manifested by one or both parties would be defective or lacking; and/or
 - c. scandal might be caused to a community, or the consciences of the couple would be seriously disturbed, were an invalidating impediment revealed and new consent asked for.

AND

2. Their marriage is found to be invalid by reason of:
 - a. lack of canonical form; or
 - b. lack of proper delegation of the minister's faculties; and/or
 - c. an undispensed impediment (e.g., disparity of cult, consanguinity, etc.).

Conditions: In considering and preparing for a radical sanation, please note the following:

1. At least one of the parties in the marriage to be sanated must be Catholic.
2. The submitting priest must ascertain that:
 - a. Simple convalidation of the marriage is impossible or pastorally ill-advised.
 - b. Each of the parties originally gave true and efficacious matrimonial consent which perdures. (If there is reason to suspect that the original consent was defective – e.g., an intention against children – a sanation is not possible.)
 - c. It is probable that the parties intend to persevere in conjugal life.

PROCEDURES AND REQUIREMENTS RELATED TO RADICAL SANATION

1. Documentation: The documents customary for Catholic marriage should be collected and kept on file in the parish insofar as this is possible: i.e. civil marriage certificate, baptismal certificate(s), letters of freedom, prenuptial investigation, permission for mixed marriage with signed promises, etc.
2. Petition: The petition for radical sanation, marriage file and submitting priest's letter of recommendation are to be submitted to the Tribunal. If there is an undispensed impediment of disparity of cult, please submit the petition for this dispensation together with the petition for sanation, including promises signed by at least the Catholic party along with the marriage file as indicated above.
3. Recording: If granted, the rescript will be returned to the submitting minister, who is responsible to see that the sanation is duly noted in the parish's marriage register (or, if it is a sanation of a Catholic marriage, in the register of the parish where the marriage was originally recorded), and in the baptismal register(s) of the Catholic party(ies).

4. Notification: When the petition is granted, the submitting minister will normally inform the Catholic party(ies), who is/are then free to return to the Sacraments. In certain cases, however, serious reasons may exist for not advising the parties of the sanation.

Examples of such cases are: a minister's lack of proper delegation, or discovery of an undispensed impediment. If neither party is to be informed of the sanation, this is to be noted on the rescript (by checking the box at the very bottom of the petition form).

5. Filing and copy: The original rescript should be filed in the parish marriage archives. Upon proper recording of the sanation in the marriage and baptismal registers, a copy of the rescript should be returned to Tribunal.

RELEVANT CANONS

Canon 1161

§1. The radical sanation of an invalid marriage is its convalidation without the renewal of consent, which is granted by competent authority and entails the dispensation from an impediment, if there is one, and from canonical form, if it was not observed, and the retroactivity of canonical effects.

§2. Convalidation occurs at the moment of the granting of the favor. Retroactivity, however, is understood to extend to the moment of the celebration of the marriage unless other provision is expressly made.

§3. A radical sanation is not to be granted unless it is probable that the parties wish to persevere in conjugal life.

Canon 1162

§1. A marriage cannot be radically sanated if consent is lacking in either or both of the parties, whether the consent was lacking from the beginning or, though present in the beginning, was revoked afterwards.

§2. If this consent was indeed lacking from the beginning but was given afterwards, the sanation can be granted from the moment the consent was given.

Canon 1163

§ 1. A marriage which is invalid because of an impediment or a defect of legitimate form can be sanated provided that the consent of each party perseveres.

§2. A marriage which is invalid because of an impediment of natural law or of divine positive law can be sanated only after the impediment has ceased.

Canon 1164 A sanation can be granted validly even if either or both of the parties do not know of it; nevertheless, it is not to be granted except for a grave cause.

Canon 1165

§1. The Apostolic See can grant a radical sanation.

§2. The diocesan bishop can grant a radical sanation in individual cases even if there are several reasons for nullity in the same marriage, after the conditions mentioned in can. 1125 for the sanation of a mixed marriage have been fulfilled. He cannot grant one, however, if there is an impediment whose dispensation is reserved to the Apostolic See according to the norm of can. 1078, §2, or if it concerns an impediment of natural law or divine positive law which has now ceased.



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PETITION FOR RADICAL SANATION (*SANATIO IN RADICE*)

PARTIES

Name: _____
Religion: _____

Name: _____
Religion: _____

Date of Marriage: _____

Reason for Invalidity of the Marriage:

- ☐ Lack of Canonical Form
- ☐ Lack of Proper Delegation
- ☐ Undispensed Impediment, specify (e.g., disparity of worship, consanguinity)

Reason for Impossibility of Convalidation:

- ☐ Refusal of Spouse to give New Consent
- ☐ Strong Possibility of Defective Convalidation
- ☐ Danger of Scandal or Disturbance of Conscience

Most Reverend Archbishop:

I hereby request on behalf of the above-named Catholic party(ies), the radical sanation of this marriage in accordance with Canons 1161-1165 for the reason(s) named above. All necessary conditions for the granting of a sanation appear to be in order. This request is submitted for the peace of conscience and spiritual good of the parties.

Signature of Priest/Deacon/Pastoral Minister

Date

PRINTED NAME

NAME OF PARISH AND CITY OF PARISH

- ☐ In accordance with Canon 1164, and in light of the serious reasons presented in the above petition, the effects of this Rescript are not being communicated to them.

By virtue of faculties granted in accordance with Canon 1165§2, I hereby grant the above petition and declare said marriage sanated, servatis de iure servandis.

Archbishop of San Antonio/Vicar/Delegate

Date