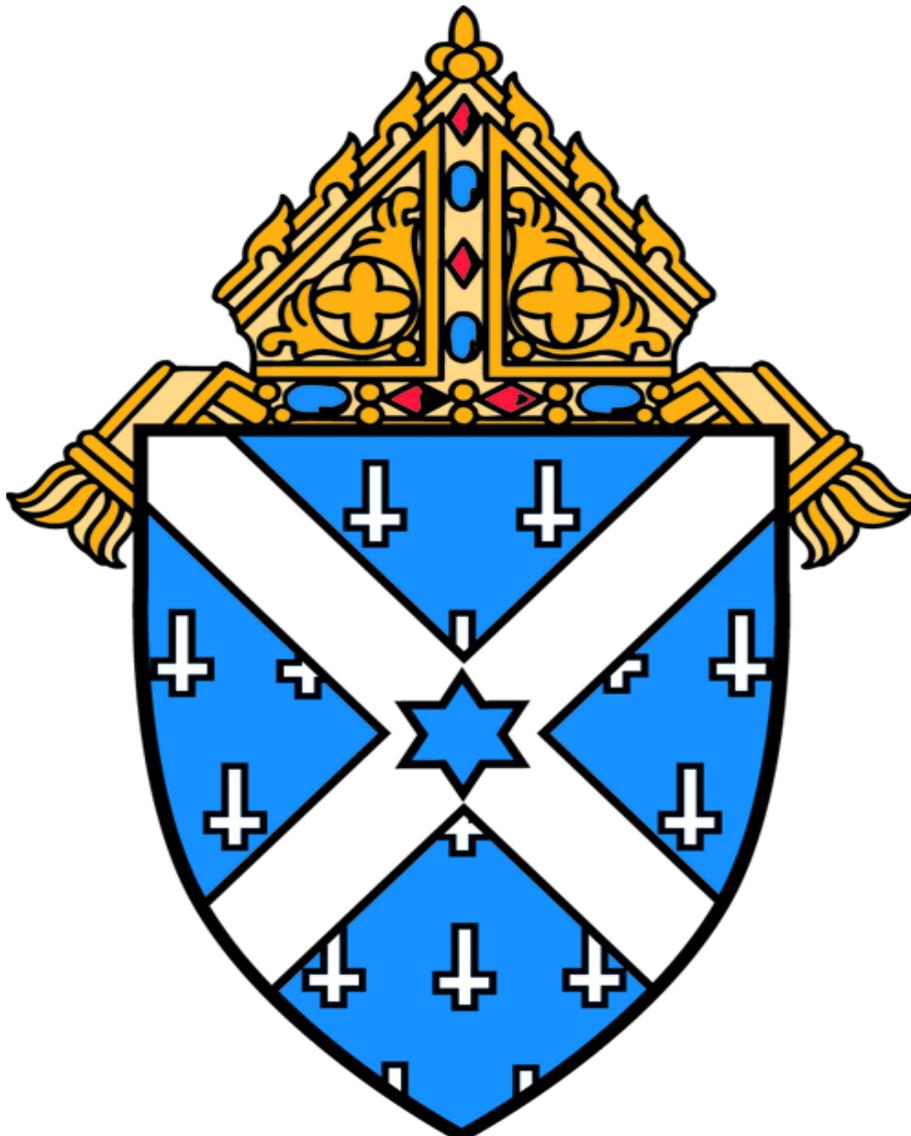


PETITION
For
RADICAL SANATION
Of
MARRIAGE

Diocese of Little Rock



DIOCESE OF LITTLE ROCK
Chancery Office

RADICAL SANATION

(Canons 1161 - 1165)

CAN. 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. Retroactively, however, it 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.

A radical sanation of an invalid attempted marriage is a convalidation of the marriage **WITHOUT** renewal of consent, granted by competent authority together with a dispensation from any binding impediment and from the observance of canonical form, if applicable.

In the simple convalidation of a marriage, the former marriage ceremony is **recognized as invalid** and a **new consent is exchanged**. Therefore, whenever a person requests a pastoral minister merely to **BLESS** his/her invalid attempted marriage, there is good reason to suspect that such a person will not elicit/express new marital consent (i.e., make a new decision to marry), as required by law for the validity of the simple convalidation. Generally, such a person simply wants to reaffirm a former consent rather than give new consent since such a person believes that he/she is already married.

The pastoral minister who is arranging for the convalidation of a marriage should clarify the meaning of a simple convalidation. If it becomes apparent that one or both of the parties consider their original consent valid, the minister should generally opt for a radical sanation of the marriage rather than a simple convalidation.

The Bishop of Little Rock or his delegate, the Chancellor for Canonical Affairs, can sanate most invalid attempted marriages **except the following**: a) those marriages invalid due to a former *natural/positive divine law impediment* which ceased due to a change in circumstances. b) those marriages invalid due to an impediment reserved to the Apostolic See (e.g. sacred orders, public perpetual vow of chastity, crime.) However, if the former impediment was a prior marriage (LIGAMEN) which has now ceased due to the death of the prior spouse, and if one of the current parties would refuse consent within a convalidation, the current praxis of the Holy See permits such sanations to be granted at the diocesan level.

PROCEDURES

- 1) **The parties must be prepared following the diocesan guidelines for marriage.** If for some reason it will be impossible or unduly burdensome for the parties to fulfill the diocesan guidelines for marriage (e.g. the non-Catholic party is unwilling to convalidate the union in the Catholic Church), please contact the Chancery Office before submitting the petition.
- 2) In most instances, **both parties** must be made aware of the forthcoming sanation and have received some explanation of what it means. If these conditions are **NOT** fulfilled, please contact the Chancery before submitting the petition.
- 3) The following sample explanation to **EACH** party would be sufficient to fulfill the condition mentioned in par. 2 (it may be read to **each party**).

With due respect to your conscience, the Catholic Church is willing to recognize the natural marital consent you expressed to each other on (date of prior attempted exchange of consent). Consequently, a representative of the Bishop of Little Rock will consider the petition I will make on your behalf and, if everything is in order, he will declare in writing that your former marital consent will be recognized as binding for life in the eyes of God as of the date on which he signs the document.

4) The following conditions are also required in order that the delegate of the diocesan bishop may validity and lawfully grant this favor. The pastoral minister is to ascertain the presence of these conditions in conversation with the parties.

a) The naturally sufficient consent, expressed at the time of the attempted (civil) marriage by each party, still perdures, that is, the consent was sufficient to effect marriage and was not subsequently withdrawn by one of the parties (e.g., the man or woman subsequently wanted out of the marriage).

b) The union is stable; therefore, there is no probable danger of divorce (i.e., neither party is looking for some “magical fix” to stabilize a shaky union)

c) Both parties are *habitually capable* of making new (renewed) consent at this time, (e.g., neither is insane, physically impotent, etc.

d) At least one of the parties **WILL NOT** express renewed consent.

e) The grant of the radical sanation will result in the spiritual welfare of at least one of the parties.

REQUIRED DOCUMENTATION

The documents needed in requesting this favor are listed below. Special sanation forms for completion by the pastoral minister and at least one of the parties are attached; **please do not use any other marriage forms.**

REQUIRED DOCUMENTATION FOR ALL CASES

- 1) **Radical Sanation Pre-Marriage Questionnaire** (in lieu of the standard Prenuptial Questionnaire)
- 2) **Radical Sanation Petition Form** (in lieu of the Status of Documents)
- 3) A copy of the **CIVIL marriage record** of the marriage to be sanated
- 4) A recently issued certificate of **CATHOLIC baptism/profession of faith** (issued within the past **SIX** months) with notations for the Catholic party/ies

ADDITIONAL DOCUMENTATION IN CASES WITH PREVIOUS MARRIAGE(S)

Whenever one or both parties had a **previous marriage, please provide** a final decree of an ecclesiastical declaration of nullity/dissolution for each prior marriage or a proof of death of the prior spouse.

ADDITIONAL DOCUMENTATION IN CASES WITH UNDISPENSED IMPEDIMENT

To sanate a marriage that took place in the Catholic Church **without securing a dispensation from disparity of cult and/or canonical form, please provide** a photocopy of the original marriage record from the Catholic church where the marriage took place.

RADICAL SANATION PRE-MARRIAGE QUESTIONNAIRE

SECTION I: General Information

Petitioner:	
Petitioner's Spouse:	
Address:	
City/State/Zip:	
Telephone (Day):	
PETITIONER	
Date of Birth:	
Place of Birth:	
Date of Baptism:	
Church of Baptism:	
City/State of Baptism:	
Father's Name:	
Mother's Maiden Name:	
Religion of Parents:	
SPOUSE	
Date of Birth:	
Place of Birth:	
Date of Baptism:	
Church of Baptism:	
City/State of Baptism:	
Father's Name:	
Mother's Maiden Name:	
Religion of Parents:	

SECTION II: Deposition of the Petitioner

Knowing that an oath is sacred, do you solemnly swear to tell the truth in answering all the following questions?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❶ With the exception of the (civil) union in which you are presently joined, have you ever contracted or attempted another marriage with any other person? (If YES, please complete Section III.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
❷ Are you aware of any other obstacle or impediment that may have prevented a valid marriage from taking place at the time of the civil celebration of your current union, apart from failing to follow the canonical requirement of marrying in the Catholic Church (i.e., lack of form)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❸ Have you and your spouse been mentally and physically able to live a normal marital life?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❹ Are you related to your present spouse by blood, legal adoption or as an in-law?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❺ At the time of the celebration of your current union, did you intend without condition or reservation :	
➤ To enter a marriage that is a life-long union of faithfulness to your intended spouse?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To give the normal rights of marriage necessary to have children?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To accept the obligations of fidelity?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To give consent to marriage freely and without force of any kind?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❻ Would your current spouse reply in the same way to the questions in ❺ ?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❼ At the present time, would your answers to the questions in ❺ & ❻ be the same?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❽ Is there any probable danger of divorce or separation in the foreseeable future?	<input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION III: Previous marriage(s) of the Petitioner

Has the Petitioner been married previously? <i>If yes, please continue. If no, proceed to Section IV.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
FIRST MARRIAGE	SECOND MARRIAGE
To Whom:	
Date of Marriage:	
Church/Courthouse of Marriage:	
City/State:	
How did this marriage end?	
If by divorce, date of divorce:	
Date and diocese of nullity:	
If party is deceased, date of death:	

Signature of Petitioner: _____ Date: _____

SECTION IV: Deposition of the Spouse

Knowing that an oath is sacred, do you solemnly swear to tell the truth in answering all the following questions?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❶ With the exception of the (civil) union in which you are presently joined, have you ever contracted or attempted another marriage with any other person? (If YES, please complete Section V.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
❷ Are you aware of any other obstacle or impediment that may have prevented a valid marriage from taking place at the time of the civil celebration of your current union, apart from failing to follow the canonical requirement of marrying in the Catholic Church (i.e., lack of form)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❸ Have you and your spouse been mentally and physically able to live a normal marital life?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❹ Are you related to your present spouse by blood, legal adoption or as an in-law?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❺ At the time of the (civil) celebration of your current union, did you intend without condition or reservation :	
➤ To enter a marriage that is a life-long union of faithfulness to your intended spouse?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To give the normal rights of marriage necessary to have children?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To accept the obligations of fidelity?	<input type="checkbox"/> YES <input type="checkbox"/> NO
➤ To give consent to marriage freely and without force of any kind?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❻ Would your current spouse reply in the same way to the questions in ❺ ?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❼ At the present time, would your answers to the questions in ❺ & ❻ be the same?	<input type="checkbox"/> YES <input type="checkbox"/> NO
❽ Is there any probable danger of divorce or separation in the foreseeable future?	<input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION V: Previous marriage(s) of the Spouse

Has the present spouse been married previously? <i><u>If yes, please continue.</u></i>	<input type="checkbox"/> YES <input type="checkbox"/> NO
FIRST MARRIAGE	SECOND MARRIAGE
To Whom:	
Date of Marriage:	
Church/Courthouse of Marriage:	
City/State:	
How did this marriage end?	
If by divorce, date of divorce:	
Date and diocese of nullity:	
If party is deceased, date of death:	

Signature of Spouse: _____ Date: _____

PREPARATION OF THE PARTIES

What preparation have the parties received?

Did the preparation include?

NFP Yes Exempt

REFOCCUS Yes Exempt

COMPLETE IN CASES OF MARRIAGES OF MIXED RELIGION

Please complete the following whenever the norms for mixed marriage are to be observed.

1) Declaration and Promise of the Catholic Party (to be made in the presence of the pastoral minister):

I reaffirm my faith in Jesus Christ and, with God's help, intend to continue living that faith in the Catholic Church. At the same time, I acknowledge the respect I owe to the conscience of my partner in marriage. I promise to do all that I can to share the faith I received with our children by having them baptized and reared as Catholics.

Given orally only

Signature of the Catholic Party

2) Certification by Pastoral Minister:

I, the undersigned, do hereby attest that I have given the required instructions and the required promise and declaration have been sincerely made by the Catholic party in my presence, and that the non-Catholic party has been informed of this requirement so that he/she is aware of promise and obligations of the Catholic party.

Signature of Pastor

Date

PETITION FOR A RADICAL SANATION
(to be completed by Pastor)

I HEREBY PETITION FOR A SANATION OF THE ATTEMPTED INVALID MARRIAGE BETWEEN:

_____ and _____

which occurred at _____

Church/Courthouse

on _____

City, State

Date

CONDITIONS FOR A GRANT OF A RADICAL SANATION

From my interview with the interested party/ies, I attest to the following:

- The naturally sufficient consent expressed at the time of the attempted marriage by each party still perdures.
- The convalidation of the currently stable union is properly motivated without any indication of a danger of divorce.
- Both parties are habitually capable of eliciting new marital consent at the *present* time
- It is reasonably probable that, under the present circumstances, at least one of the parties will *not* express new marital consent as required for a simple convalidation.
- The grant of a radical sanation will greatly benefit in the spiritual welfare of at least one of the parties of the union to be convalidated.

REQUEST FOR PERMISSION/DISPENSATION

I likewise request a dispensation and/or permission for the following impediment(s), applicable to this marriage, based canonically on the spiritual welfare of at least one party:

- Lack of Form
- Mixed Religion
- Disparity of Cult
- Disparity of Cult for Caution

REASONS FOR REQUESTING A RADICAL SANATION

I hereby request, on the behalf of the above-named Catholic party(ies), the radical sanation of this marriage in accordance with Canons 1161-1165 for the reasons noted above. All necessary conditions for the granting of a sanation appear to be in order.

Signature of Pastor

Date