

**SANATIO IN RADICE**  
(Radical Sanation)

06/05

**PROCEDURE:**

1. The Petition, Outline of Facts, Guarantees (whenever possible), and the other documents enumerated on Page 2 are sent to the Tribunal.
2. If the case is to be decided favorably, a rescript of dispensation and sanation will be sent to the priest/deacon/pastoral minister.
3. The Petitioner then signs the Acceptance of the Sanation and the priest/deacon/pastoral minister returns it to the Tribunal.
4. All documents are kept on file in the Tribunal.
5. The priest/deacon/pastoral minister will enter the record of the Sanatio in Radice in the parochial marriage register and send a transcript of the record to the parish of baptism of the Catholic party.

**NOTE:**

1. The Sanatio in Radice is the convalidation of an invalid marriage without the renewal of consent before a competent authority. It includes a dispensation from an impediment, if there is one, and from canonical form and is retroactive regarding canonical effects. The original consent must still exist on the part of each spouse. (Cf. Canons 1161-1165)
2. Radical Sanation has three effects:
  - a) the invalid consent is made valid from the very moment it was exchanged.
  - b) the impediment which made the consent invalid is automatically dispensed. (Canon 1163)
  - c) the canonical effects of a valid union are applied retroactively to the beginning of the union. The principal canonical effects are the sacramentality of the union (provided both parties were baptized at the time of consent) and the legitimization of any child born of the union.
3. The Sanatio in Radice is **NOT** granted in cases:
  - a) in which the Catholic party is opposed to the Catholic baptism and education of the children of both sexes who have been born or will be born;
  - b) in which before the attempted marriage, the spouses, either privately or through a public act, vowed or agreed that the children would be raised and educated as non-Catholics. Consequently, complete evidence on these points should also be submitted. (Cf. Canon 1125)
4. It is important that the reasonable cause required for radical sanation be mentioned in the petition. The general underlying cause is the impossibility of securing a simple convalidation.

**P E T I T I O N**

Your Excellency:

\_\_\_\_\_ a Catholic and \_\_\_\_\_  
(a Catholic, or, a baptized non-Catholic, or unbaptized) having a domicile in this parish  
at \_\_\_\_\_  
attempted a marriage on \_\_\_\_\_ (date)  
at \_\_\_\_\_ (Place)  
before a \_\_\_\_\_ (Minister, Judge, J.P.,  
etc.) and \_\_\_\_\_ children have been born from this union. All these children  
have been baptized and educated in the Catholic Church. The parties gave true  
matrimonial consent and there is every reason to believe that this consent still endures.

The man/woman wishes to have the marriage validated, but the man/woman cannot be  
induced to have this done according to the form prescribed by the Catholic Church.  
He/she refuses because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

He/she has no intention of discontinuing the union.

The man/woman, therefore, petitions Your Excellency for a Radical Sanation in order to  
have his/her situation rectified and to secure the legitimation of the children.

The following are attached herewith:

1. Statement of Facts.
2. Baptismal certificate of Catholic party.
3. Affidavit of Freedom for the Catholic party.
4. Proof of freedom to marry on the part of the party refusing convalidation of the  
marriage.
5. Marriage certificate of the marriage to be sanated.
6. Affidavit of Catholic party that this attempted marriage has never been validated  
in the Catholic Church.
7. Form for dispensation (if necessary).
8. \$50.00 fee.

\_\_\_\_\_ Priest/Deacon/Pastoral Minister  
Date \_\_\_\_\_ Church of \_\_\_\_\_  
Address \_\_\_\_\_

I agree to the above petition, as written, and to its presentation to the proper ecclesiastical  
authority.

\_\_\_\_\_  
Petitioner

**OUTLINE OF FACTS**

**GROOM**

Full Name of Father \_\_\_\_\_  
Maiden Name of Mother \_\_\_\_\_  
Date of Birth \_\_\_\_\_  
Place of Birth \_\_\_\_\_  
Church of Baptism \_\_\_\_\_

**BRIDE**

Full Name \_\_\_\_\_  
Name of Father \_\_\_\_\_  
Maiden Name of Mother \_\_\_\_\_  
Date of Birth \_\_\_\_\_  
Place of Birth \_\_\_\_\_  
Church of Baptism \_\_\_\_\_

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- A. Date and place of marriage \_\_\_\_\_  
Who officiated at the marriage (J.P., Minister)? \_\_\_\_\_
- B. Why is the marriage invalid? \_\_\_\_\_
- C. Do both parties know of the invalidity? \_\_\_\_\_
- D. If one of the parties is ignorant of the invalidity, can that party be informed of such without any great loss to the Petitioner? \_\_\_\_\_ If not, what loss is feared?
- E. Does the consent of both parties to this marriage still prevail? \_\_\_\_\_  
On what do you base your judgment? \_\_\_\_\_
- F. Is there any danger of divorce? \_\_\_\_\_
- G. Does the non-Catholic refuse to revalidate the marriage by renewal of consent in the proper form? If so, why? \_\_\_\_\_

H. Names and ages of children \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I. Have these children been baptized or will they be baptized and educated in the Catholic religion? \_\_\_\_\_

J. Is the non-Catholic opposed to the Catholic baptism and education of children:  
1. Already born? \_\_\_\_\_  
2. To be born? \_\_\_\_\_

If opposed:

1. Why? \_\_\_\_\_  
2. Does the Catholic party promise the Catholic baptism and education of these children? \_\_\_\_\_  
3. Did they make an agreement before the attempted marriage with regard to having their children educated outside the Catholic Faith? \_\_\_\_\_  
If yes, explain. \_\_\_\_\_

K. Are there any other impediments affecting these parties? \_\_\_\_\_  
If so, list them. \_\_\_\_\_

L. What are the canonical reasons for asking the sanction? \_\_\_\_\_

\_\_\_\_\_  
Priest/Deacon/Pastoral Minister

(Petitioner is to place right hand on Bible and swear to tell the truth, the whole truth and nothing but the truth in the statement below.)

**STATEMENT**

I, \_\_\_\_\_ being duly sworn,  
do depose and say that my marriage to \_\_\_\_\_  
at \_\_\_\_\_ on \_\_\_\_\_  
before a civil magistrate/minister was never subsequently validated in the Catholic Church.  
The meaning of validation has been explained to me by a priest/deacon/pastoral minister  
so that I understand the significance of my testimony.

\_\_\_\_\_  
Petitioner

Sworn to and subscribed before me, the undersigned, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
Signature of Priest/Deacon/Pastoral Minister

## PROMISES

### **CATHOLIC PARTY:** (Catholic party must make the following promises)

I reaffirm my faith in Jesus Christ and, with God's help, intend to continue living that faith in the Catholic Church.

I promise to do all in my power to share the faith I have received with our children by having them baptized and reared as Catholics.

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Signature of Catholic (unless given orally)

### **NON-CATHOLIC PARTY:**

(The non-Catholic must be informed of the promises and responsibility of the Catholic. No formal statement of the non-Catholic is required.)

### **PRIEST/DEACON/PASTORAL MINISTER:**

The required promise and declaration have been made by the Catholic in my presence. The non-Catholic has been informed of this requirement so that he/she is aware of the promise and obligation on the part of the Catholic.

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Signature of Priest/Deacon/Pastoral Minister