

RADICAL SANATION OF A MERELY CIVIL MARRIAGE

A. THE LAW OF THE CHURCH

The radical sanation of a marriage is its convalidation without the renewal of consent, granted by the competent authority of the Church, including a dispensation from impediments and canonical form (as appropriate), with retroactivity of canonical effects. The convalidation occurs at the moment this favor is granted, and the retroactivity extends to the moment the marriage was attempted (unless something else is expressly said).

A radical sanation cannot be given if consent is lacking in one or both parties. If mutual consent was lacking at the beginning but supplied afterwards, the sanation can be granted back to the moment when mutual consent was given. A radical sanation will not be given unless it is probable that the parties intend to maintain their conjugal life.

A radical sanation is granted validly even if one or both parties are unaware of it. The petitioner for the sanation is a priest, deacon, or other pastoral minister.

A marriage which is invalid due to an impediment of the divine law (natural or positive) can be sanated after the impediment has ceased; such a sanation is granted only by the Apostolic See, as is the sanation of a marriage with an ecclesiastical impediment ordinarily reserved to the Apostolic See.

The diocesan bishop can grant the radical sanation of a marriage invalid due to any other ecclesiastical law impediment or a lack of canonical form.

A common instance of radical sanation occurs when at least one partner believes a current marriage is valid, such that a new act of consent to establish marriage (required for the *simple convalidation* of marriage) would not be elicited. In this case, provided the consent of each partner continues, the invalid marriage may be sanated radically. Another common instance of radical sanation occurs when, for Catholic marriage, either a necessary dispensation was not granted or the priest/deacon lacked authority to assist at the wedding.

B. THE PROCEDURE

The priest, deacon, or other pastoral minister assists the couple in completing the *Petition for Radical Sanation*, gathering the related documents, and sending them to the Office for the Tribunal.

1. *Petition for Radical Sanation of a Merely Civil Marriage*
2. Civil marriage license
3. Usual prenuptial investigation forms (completed as thoroughly as possible if one party refuses to cooperate), together with the usual dispensation/permission petition forms
4. Baptismal certificate(s) of the Catholic(s)
5. Any other appropriate documents (e.g., declarations of nullity, decrees of dissolution, death certificates, etc.)

When the Office for the Tribunal receives these documents (completed appropriately), they are forwarded to the diocesan bishop (or, if necessary, to the Apostolic See). A document attesting to the favor granted is sent to the couple.