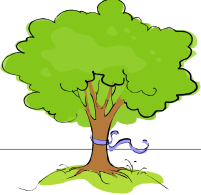


“Sanatio en Radice”



“Healing from the Root”

Binder Tab 4, pp. 5-6

1

Code of Canon Law

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 was one, and from the canonical form, if it was not observed, and the retroactivity into the past of canonical effects.

2

§2. The 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 stated.

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

3

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either or both of the parties, whether the consent was lacking from the beginning or, though present in the beginning, was revoked afterwards.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 in 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 defect of legitimate form can be sanated provided that the consent of each party perseveres.

4

Reason for a Radical Sanation

→ At the time of consent there was a defect in the form or of required documents.

- A dispensation from Disparity of Cult was not requested or finalized.
- The priest or deacon did not have faculties in the Sacramento Diocese to preside at the marriage.

5

Defect of Form Sanatio

The required information needed for a Defect of Form *Sanatio* is:

- Name of the Catholic party
- Parish and City – Months/years at parish
- Place of Birth of Catholic party
- Date and Place of Baptism of Catholic party
- Place of Wedding, City, and State
- Date of Wedding
- Name of Spouse (unbaptized/non-Catholic)
- Signature of Priest w/Parish Seal and Date

Request the Petition for Radical Sanation (Defect of Form) from the Tribunal.

6

Reason for a Radical Sanation

→ At the time of consent there was a lack of form. The Catholic party was married outside the Catholic Church, and the marriage consent is still secure and either spouse wants their marriage convalidated in the Catholic Church.

- The Catholic spouse wishes to have the marriage convalidated. The non-Catholic party does not want to participate in the convalidation ceremony and believes they are married and that the convalidation is not necessary.
- The non-Catholic spouse is adamantly opposed to the Catholic Church, but the Catholic party is not at peace and wishes to receive the sacraments of the Church, and the marriage consent perdures.

7

Lack of Form Sanatio

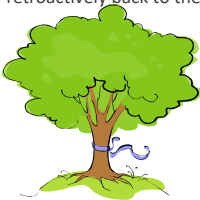
The required information needed for the Lack of Form Sanatio is:

- Name of the Catholic party
- Parish and City – Months/years at parish
- Place of Birth of Catholic party
- Date and Place of Baptism of Catholic party
- Date of Wedding
- Name of Spouse
- Date and Place of Birth of non-baptized/non-Catholic spouse
- Date and Place of Baptism non-Catholic spouse, if applicable
- Wedding was celebrated in the presence of: Minister/Justice of Peace, etc.
- Reason for Lack of Form dispensation filled out by priest
- Signature of Priest w/parish seal and date

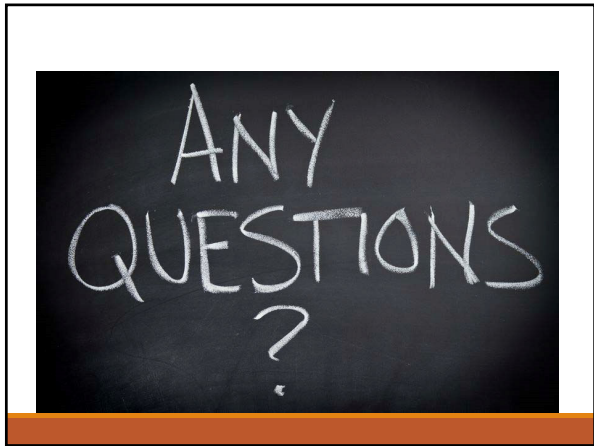
Request the Petition for Radical Sanation (Lack of Form) from the Tribunal.

8

Remember: This is a remedy for a marriage that is not valid, or an improperly celebrated marriage. The parties may know or may not know. The marriage is now made valid by a *Sanatio in Radice*, retroactively back to the moment of consent.



9



10
