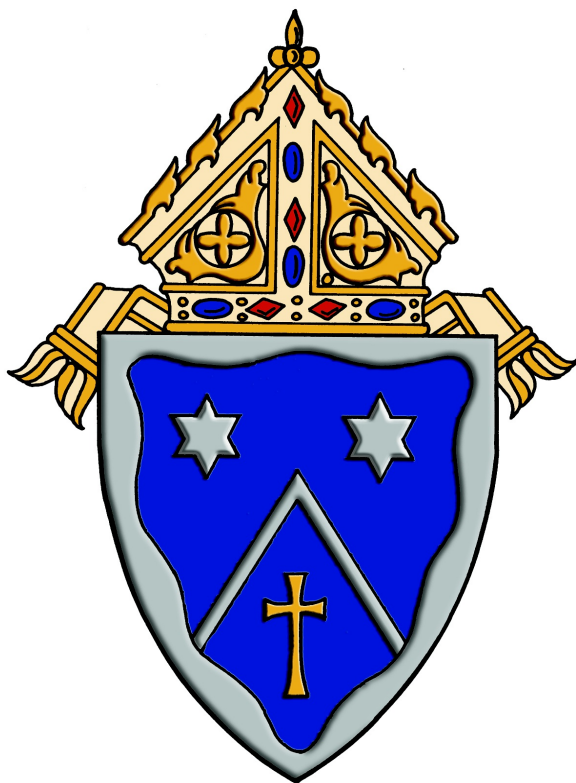


# SANATION PETITION

**Diocese of Gaylord**



[www.dioceseofgaylord.org](http://www.dioceseofgaylord.org)

*611 West North Street.  
Gaylord, MI 49735  
989.732.5147  
989.705.3589 fax*

# DIOCESE OF GAYLORD

## Office of the Tribunal

### RADICAL SANATION

(Canons 1161 - 1165)

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.

It differs essentially from a simple convalidation of a marriage wherein it is necessary that the former ceremony be **recognized as invalid** (at least by the Catholic party in mixed marriages) and that new consent be exchanged. Furthermore, this new consent must be expressed according to canonical form.

Whenever a person requests a pastoral minister 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 will simply reaffirm a former consent rather than elicit new consent since such a person believes that he/she is already married.

If the situation mentioned in the previous paragraph arises, the pastoral minister who is arranging for the convalidation of such a marriage must clarify the meaning of a simple convalidation. If it becomes apparent that the Catholic party/ies consider their original consent valid, the minister should generally opt for a radical sanation of the marriage rather than its simple convalidation. This is especially true if one of the parties is a lapsed Catholic or a non-Catholic who refuses to participate in a simple convalidation.

### PROCEDURES

1) The Diocesan Bishop or his delegate (the Judicial Vicar) can sanate most invalid attempted marriage **with the following exception**: a) those invalid due to a former natural/positive divine law impediment which ceased due to a change in circumstances (e.g., the cessation of LIGAMEN due to the death of a former spouse; b) those invalid due to an impediment reserved to the Apostolic See sacred orders, public perpetual vow of chastity, crime).

2) **Both parties**, in most instances, must be made aware of the forthcoming sanation and have received some explanation of what it means. If these conditions are **NOT** fulfilled, the Pastoral minister must contact the Tribunal before making such a request for the favor.

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 (date of invalid marriage). Consequently, a representative of the Bishop of Gaylord 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/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 wants out of the marriage).

**b)** The union is stable; therefore, there is no probable danger of divorce. This is generally true when the convalidation is properly motivated and neither party is looking for some magical effect to stabilize a shaky union.

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

**d)** It is reasonably probable that at least one of the parties **WILL NOT** express renewed consent (especially if one of the parties is a lapsed Catholic or a non-Catholic who refuses to participate in a simple convalidation). In doubt, then the favor can be lawfully and validly sought and granted.

**e)** The grant of the radical sanation will result in the spiritual welfare of at least one of the parties. This canonical reason is always present when the convalidation is properly motivated.

## **REQUIRED DOCUMENTATION**

The documents needed in requesting this favor are listed below. Likewise, special sanation forms for completion by the Pastoral minister and at least one the parties are attached; please do not use any other standard forms.

### **IN ALL CASES**

- 1) The **Radical Sanation Petition Form**.
- 2) Special **Pre-Marriage Questionnaire** (this has been devised in lieu of the standard "Pre-Marriage File"). It is a more realistic approach involving radical Sanations.
- 3) A copy of the **CIVIL marriage record** of the parties (issued by the county of record).
- 4) The certificate of **CATHOLIC baptism/profession** (issued within the past **SIX** months) with a pertinent "no marriage notation" from the church of record.
- 5) The certificate of **CHRISTIAN baptism** if one of the parties is a non-Catholic and was never baptized/professed Catholic. (If this certificate is not secured, a dispensation from disparity of worship ad cautelam should also be requested.)

### **IN SOME CASES**

#### **(Previous Marriage - If Applicable)**

Whenever one or both parties were **previously marriage to another person**:

- 1) Copy of the CIVIL marriage record of a prior bond issued by the county of record;
- 2) Copy of the civil divorce/dissolution decree from the county of record with the signature of the judge and the date of entry.
- 3) Original decree of an ecclesiastical declaration of nullity/dissolution.

**Please note:** As stated previously, if a prior bond ceased solely by the death of a former spouse, the grant of a radical sanation is reserved to the Apostolic See. Please contact the Tribunal prior to requesting this favor.

### **IN SOME CASES**

#### **(Undispensed Impediment - If Applicable)**

If such a marriage took place in the Catholic Church without securing a dispensation from disparity of cult and/or canonical form:

- 1) Original marriage record from the church of record.

# PETITION FOR A RADICAL SANATION

(Canons 1161-1165)

 A copy of this completed petition is to be placed in the pre-marriage file prior to mailing. The original will be retained in the Tribunal.

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

\_\_\_\_\_ - \_\_\_\_\_

which occurred at (church/courthouse) \_\_\_\_\_

(city/state) \_\_\_\_\_ on \_\_\_\_\_

I am a member of (parish) \_\_\_\_\_ City \_\_\_\_\_

\_\_\_\_\_  
Signature of the Petitioner

## 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 (civilly) attempted/invalid marriage by each party still perdures.
- The convalidation of the currently stable union is properly motivated without any positive indication of a probable danger of divorce in the foreseeable future.
- Both parties are habitually capable of eliciting new marital consent at the *present* time (i.e., neither is insane, physically impotent, etc.).
- It is reasonably probable that under the present circumstances at least one of the parties will *not* elicit/express new marital consent as required for a simple convalidation.
- The grant of a radical sanation will redound in the spiritual welfare of at least one of the parties of the union to be convalidated.

## REQUEST FOR A PERMISSION/DISPENSATION

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

- Lack of Total Form       Mixed Religion       Disparity of Cult

## ATTESTATION BY PASTORAL MINISTER

*I hereby attest to the advisability of this petition and declare that the conditions above are fulfilled according to the norms of law. Enclosed with this petition are all the required documents for the grant of a radical sanation*

\_\_\_\_\_  
Signature of Pastoral Minister

\_\_\_\_\_  
Date

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## 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 Pastoral Minister

\_\_\_\_\_  
Date

# RADICAL SANATION PRE-MARRIAGE QUESTIONNAIRE

## SECTION I: General Information

Petitioner:		
Petitioner's Spouse:		
Address:		
City/State/Zip:		
Telephone (Day):		
PETITIONER		PETITIONER'S 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 (and rite) of Parents		

## SECTION II: Deposition of the Petitioner:

The Catholic Party is to be interviewed separately by the pastoral minister who will record the responses and witness his/her signature.

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 <b>any other</b> 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 (age, crime, etc.) which may have prevented a valid marriage from taking place <b>at the time</b> of the civil celebration of your current union, apart from 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 <b>without condition or reservation</b> :	
▶ 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
⑥ Would your current spouse reply in the same way to the questions in ⑤?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⑦ At the present time, would your answers to questions ⑤ & ⑥ be the same?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⑧ Is there any <b>probable</b> 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
<b>FIRST MARRIAGE</b>	<b>SECOND MARRIAGE</b>	
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 the Petitioner

### SECTION IV: Deposition of the Spouse

Whenever possible, the spouse of the Petitioner (whether Catholic or not) should also be interviewed **separately** by the pastoral minister unless there has been an outright refusal. However, this party **must** be informed of the nature of a radical sanation and the request for its grant **before** the application is submitted. If the other party refuses to be interviewed, the **Petitioner** is to answer the following **specific** questions.

CHECK HERE IF THE PETITIONER COMPLETED THIS SECTION.

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
① With the exception of the (civil) union in which you are presently joined, have you ever contracted or attempted another marriage with <b>any other</b> person? (If YES, please complete Section V.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
② Are you aware of any other obstacle or impediment (age, crime, etc.) which may have prevented a valid marriage from taking place <b>at the time</b> of the civil celebration of your current union, apart from lack of form?	<input type="checkbox"/> YES <input type="checkbox"/> NO

③ Have you and your spouse been mentally and physically able to live a normal marital life?	<input type="checkbox"/> YES <input type="checkbox"/> NO
④ Are you related to your present spouse by blood, legal adoption or as an in-law?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⑤ At the time of the (civil) celebration of your current union, did you intend <b>without condition or reservation</b> :	
▶ 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
⑥ Would your current spouse reply in the same way to the questions in ⑤?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⑦ At the present time, would your answers to questions ⑤ & ⑥ be the same?	<input type="checkbox"/> YES <input type="checkbox"/> NO
⑧ Is there any <b>probable</b> 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>If yes, please continue.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>FIRST MARRIAGE</b>	<b>SECOND MARRIAGE</b>	
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 the Petitioner's Spouse




## SUGGESTED LITURGICAL CEREMONY OF BLESSING WITH THE GRANT OF A RADICAL SANATION

*Please note: This ceremony must NOT include the repetition of the marriage vows.*

- ❶ Ordinarily, this would take place in the context of the Liturgy of the Word outside of Mass. If friends and/or relatives are present, the nature of the ceremony should be explained to them. Only an ordained pastoral minister is to conduct this rite.
- ❷ At such a ceremony, the pastoral minister should be mindful of ecumenical dimensions if one of the parties is not a baptized Christian. For example, any reference to the marriage as a sacrament should be avoided. The term “sacred covenant” is an appropriate substitute. In addition, reference to Jesus Christ or the Trinity might also have to be omitted. There are the usual recommendations for any marriage ceremony when one of the parties is not a baptized Christian.
- ❸ Where the renewal of marital promise ordinarily occurs (e.g., anniversary format), it would be more proper for the pastoral minister to make a formal declaration of the grant of the radical sanation. A sample declaration follows:

*Bishop Steven Raica, the Roman Catholic Bishop of the Diocese of Gaylord, through his representative has deemed it fitting and proper to accept your former marital promises made to each other on [date of prior ceremony] as now binding for life before God and His Church. Therefore, we hereby recognize your marriage as a [sacrament/sacred covenant]. What God has joined together, no one must separate.*

- ❹ Suggested Format for the Liturgy of the Word:
  - a) Opening Prayer [Sac., A, pg. 851];
  - b) Reading(s): O.T., n. 774, 5 Tb 8, 5-7; N.T., n. 775, 4, I Cor. 12-13 [Lect.];
  - c) Responsorial Psalm: n. 776, 3, Ps. 103 [Lect.]
  - d) Alleluia (if appropriate and proclaimed in song);
  - e) Gospel: n. 778, 5, Mt. 22, 35-40 [Lect.];
  - f) Appropriate Instruction or Homily
  - g) Formal Declaration of Grant of Radical Sanation [cf. ❸ above];
  - h) Blessing of Rings (if appropriate); “*May the Lord bless these rings which you have given each other in love and fidelity. [In the name...].*”
  - i) General Intercessions;
  - j) Lord’s Prayer;
  - k) Nuptial Blessing [Sac., C, p. 849];
  - l) Rite of Peace (if appropriate);
  - m) Final Blessing [Sac., A, pg. 884];
  - n) Words of congratulations and dismissal.
- ❺ If a shorter ceremony is deemed more appropriate, use ❹: a, g, k, m, and n above.

 *If you have any questions, please contact the Tribunal.*