



## DIOCESE OF MEMPHIS IN TENNESSEE

### Chancery

5825 Shelby Oaks Drive

Memphis, TN 38134

Tel.: (901) 373-1200 Fax: (901) 373-1268

chancellor@cc.cdom.org

### INSTRUCTIONS FOR SUBMITTING A PETITION FOR RADICAL SANATION

The **radical sanitation** of an invalid marriage – i.e., its convalidation by competent authority without the giving of new matrimonial consent (c. 1161, §1) – may be a pastorally beneficial service to a couple when the following circumstances come together:

1. A simple convalidation is impossible because:
  - a. one party refuses to give new consent; or
  - b. there is a strong possibility that a convalidation would be defective – that is, the parties do not understand what a convalidation is; and/or
  - c. scandal might be caused to a community, or the consciences of the couple would be seriously disturbed, were an invalidating impediment revealed and new consent asked for.

AND

2. Their marriage is found to be invalid by reason of:
  - a. lack of canonical form; or
  - b. lack of proper delegation of the minister; and/or
  - c. an undispensed impediment (e.g., disparity of worship, consanguinity, etc.).

Conditions: In considering and preparing for a radical sanitation, please note the following:

1. At least one of the parties in the marriage to be sanated must be Catholic.
2. The submitting priest or deacon must ascertain that:
  - a. Each of the parties originally gave true and efficacious matrimonial consent which perdures. (If there is reason to suspect that the original consent was defective – e.g., an intention against children – a sanitation is not possible.)
  - b. It is probable that the parties intend to persevere in conjugal life.

Procedure:

1. Documentation: The documents customary for Catholic marriage should be collected and kept on file in the parish insofar as this is possible: i.e., baptismal certificate(s), letters of freedom, prenuptial investigation, permission for mixed marriage with signed promises, etc.
2. Petition(s): The petition for radical sanitation is submitted to the Bishop through the Office of the Chancellor. If there is an undispensed impediment of disparity of worship, please submit the petition for this dispensation together with the petition for sanitation, including promises signed by at least the Catholic party.
3. Recording: If granted, the rescript will be returned to the submitting minister, who is responsible to see that the sanitation is duly noted in the parish's marriage register (or, if it is a sanitation of a Catholic marriage, in the register of the parish where the marriage was originally recorded), and in the baptismal register(s) of the Catholic party(ies).
4. Notification: When the petition is granted, the submitting minister will normally inform the Catholic party(ies), who is/are then free to return to the Sacraments. In certain cases, however, serious reason may exist for not advising the parties of the sanitation. Examples of such cases are: a minister's lack of proper delegation, or discovery of an undispensed impediment.
5. Filing and copy: The original rescript should be filed in the parish marriage archives. Upon proper recording of the sanitation in the marriage and baptismal registers, a copy of the rescript should be returned to Tribunal.



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For Chancery Use Only

Name: \_\_\_\_\_

Prot. No.: \_\_\_\_\_

**PETITION FOR RADICAL SANATION (*SANATIO IN RADICE*)**

<b>PARTIES</b>	
Name: _____	Name: _____
Religion: _____	Religion: _____
DATE OF MARRIAGE: _____	

**Reason for Invalidity of the Marriage:**

- Lack of Canonical Form
- Lack of proper delegation
- Undispensed impediment (e.g., disparity of worship, consanguinity): \_\_\_\_\_  
(If the marriage is invalid due to an undispensed impediment, please complete and attach a Petition for Dispensations.)

**Reason for Impossibility of Convalidation:**

- Refusal of spouse to give new consent
- Strong possibility of defective convalidation
- Danger of scandal or disturbance of conscience

**Your Excellency:**

*I, hereby, request the radical sanation of this marriage in accordance with Canons 1161-1165 for the reason(s) noted above. All necessary conditions for the granting of a sanation appear to be in order. This request is submitted for the peace of conscience of the parties and/or the assistants, and for the legitimation of children as far as this is necessary.*

Priest/Deacon	Parish
Address	Telephone
Signature of Pastor (Required if the Submitting Minister is not a priest.)	Date

<b>Rescript</b>	
<b>In accordance with Canon 1165, §2, I hereby grant the above petition and declare said marriage sanated, <i>servatis de iure servandis</i>.</b>	
<b>Bishop of Memphis/Vicar/Delegate</b>	<b>Date</b>

**Notice of Execution (upon return of the granted petition to the submitting minister):**

I hereby attest that I have entered the record of this sanation in the Marriage Register of this parish and have seen to its proper notation in the baptismal record(s) of the bride and the groom.

Signature of Submitting Priest/Deacon	Date
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\_\_\_\_\_ In accordance with Canon 1164 and in light of the serious reasons presented in the above petition, the effects of this Rescript are not being communicated to them.