



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 consent manifested by one or both parties would be defective or lacking; 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's faculties; 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 must ascertain that:
 - a. Simple convalidation of the marriage is impossible or pastorally ill-advised.
 - b. 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.)
 - c. It is probable that the parties intend to persevere in conjugal life.

Procedure and Requirements:

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. civil marriage certificate, baptismal certificate(s), letters of freedom, prenuptial investigation, permission for mixed marriage with signed promises, etc.
2. **Petition(s):** The petition for radical sanitation, marriage file and submitting priests' letter of recommendation are to be submitted to the Tribunal. 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 along with the marriage file as indicated above.
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. If neither party is to be informed of the sanitation, this is to be noted on the rescript (by checking the box at the very bottom of the petition form).
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.