

KEY AND GUIDE

MATRIMONIAL DISPENSATIONS, PERMISSIONS AND/OR SANATIONS

The following presumes you have an understanding of your faculties granted by the Diocesan Bishop. These forms are to be completed by clergy not by the parties.

1. The information sought on the Form A is necessary. Therefore, in using it you are asked to make the data complete and accurate. The application will be preserved as a permanent record of the dispensation granted. To avoid the danger of error, you are requested either to type or to print the names of both parties.

2. These forms may be used in applying for dispensation from any matrimonial impediments that lie within the power of a diocesan bishop to dispense and also for the permissions required by Canons 1071; 1102, §3; and 1124 of the present Code of Canon Law.

3. THE DECLARATION AND PROMISE: When dispensation is sought from the impediment of disparity of worship, it is required that the Catholic party make a declaration and promise in writing. The person who witnesses the signature should in every case be sure that the Catholic party understands the declaration and promise and is sincere in making them. The party who is not a Catholic is to be informed that the Catholic has made this declaration and promise. The same declaration and promise are required for *permission* for mixed marriage.

4. TO WHOM DISPENSATIONS CAN BE GRANTED: Only Catholics who have residence in the Diocese or who are actually present in it can be dispensed. Therefore, dispensations should normally be requested through the pastor of the Catholic party. If serious reasons necessitate a departure from this norm, it should be borne in mind that the physical presence of the person in the Diocese of Alexandria *at the time the dispensation is granted* is necessary for its validity.

5. OTHER REASONS FOR GRANTING DISPENSATIONS: The following are samples of such reasons: "to avert a civil marriage," "to facilitate the conversion of the other party," "to legitimate a child or children already born or to be born," "to permit a marriage which is of more than ordinary promise because of the couple's dedication and insight."

6. It is requested for administrative purposes that, if a dispensation is not used within six months of the time that it is granted, it should be returned to the Diocesan Tribunal.

7. A LIST OF ALL IMPEDIMENTS:

1. Non-age: 16 for males, 14 for females (Canon 1083)
2. Antecedent and perpetual Impotence (Canon 1084)
3. Prior Bond (Canon 1085)
4. Disparity of Worship (Canon 1086)
5. Sacred Orders (Canon 1087)

6. Perpetual Vows of Chastity in a Religious Community (Canon 1088)

7. Abduction (Canon 1089)

8. Crimen--only the two forms involving murder. (Canon 1090)

9. Consanguinity--any degree in the direct line, to the fourth degree inclusive in the collateral line (Canon 1091)

10. Affinity--any degree in the direct line (Canon 1092)

11. Public Propriety--to the second degree in the direct line (Canon 1093)

12. Adoptive Relationship--any degree in the direct line, to the second degree in the collateral line (Canon 1094)

8. For the marriage of a Catholic with a validly baptized member of another Christian community, *permission* is required (Canon 1124) with the same requirements as for dispensation from the impediment of Disparity of Worship (Canon 1125). This also applies when the non-Catholic party, though baptized in the Catholic Church, has become a member of another Church. When a Catholic wishes to marry a person who was baptized a Catholic but is commonly known to have abandoned the Church, *permission* and the same conditions are required (Canon 1071, §1, 4°). Priests and deacons may grant permission for Mixed Marriage anytime by diocesan faculty.

9. Except in cases of necessity, no one is to assist at the following marriages without the permission of a local ordinary:

1. the marriage of transients;
2. a marriage which cannot be recognized or celebrated in accord with the norm of civil law or one not recognized by canon law;
3. a marriage of a person who is bound by natural obligations toward another party or toward children arising from a prior union (see Form D);
4. a marriage of a person who has notoriously rejected the Catholic faith;
5. a marriage of a person who is bound by a censure;
6. a marriage of a minor child when the parents are unaware of it or are reasonably opposed to it;
7. a marriage to be entered by means of a proxy, mentioned in Canon 1105;
8. a marriage based on a condition concerning the past or the present cannot be placed without the written permission of the local ordinary;

Note: A local ordinary is not to grant permission for assisting at the marriage of a person who has notoriously rejected the Catholic faith unless the norm of Canon 1125 has been observed, making any necessary adaptations. (Cf. cc. 1071; 1102, §3).

10. DISPENSATIONS ARE NEVER GRANTED FROM THE IMPEDIMENTS of Impotence, Prior Bond or Consanguinity in the direct line or in the second degree of the collateral line.

DISPENSATIONS ARE GRANTED ONLY BY THE HOLY SEE FROM THE IMPEDIMENTS OF Holy Orders, Public Perpetual Vows in a Religious Community of Pontifical Rite, Crimen (also, *imperfect sanations are reserved*).

Priests and Deacons can grant permission for mixed marriage by diocesan faculty anytime. In urgent cases they may also dispense from impediments usually dispensed through the Diocesan Tribunal and from canonical form by diocesan faculty. Priests and Deacons can never sanate marriages.

11. CONSANGUINITY, AFFINITY AND ADOPTIVE RELATIONSHIP: The table below will be helpful in determining the exact degree of relationship by consanguinity, affinity, and legal adoption, and it is recommended that such a table be submitted when a request is made for dispensation from any of these impediments.

In any case the beginning point is the common ancestor. Thereafter, any direct descendant is related to him/her and to all other direct descendants in the direct line. Computation of degrees of relationship is based on the number of *persons* collaterally descendant from the common ancestor. Siblings are related in the second degree, first cousins in the fourth, and so on. Marriage is invalid in all degrees of the direct line and invalid up to the fourth degree inclusive of the collateral line. Consideration of dispensation is given to 3rd and 4th collateral lines only.

Affinity arises from marriage and relates one of the spouses to the relatives of the other spouse in the same degree. Thus, a widow is related in direct line of affinity to the father of her husband. Marriage is invalid in all degrees of affinity in the direct line.

An adoptive relationship in any degree of the direct line or in the second degree of the collateral line constitutes an impediment. (For example, the natural son and the adopted daughter of a family are related by adoptive relationship in the second degree of the collateral line.) Civil law must also be followed in this matter, of course, since it is certainly the right of the state to legislate concerning the civil effects of legal adoption.

12. SANATION OF MARRIAGE is the healing of an invalid marriage other than by a ceremony of validation and is often a PASTORAL SOLUTION FOR AN OTHERWISE WELL-DISPOSED PERSON TO AN OTHERWISE INSOLUBLE PROBLEM. In preparing to help a person for whose marriage sanation is sought, you should obtain and/or prepare the following documents:

1. The record of the civil marriage for which sanation is sought.
2. The ordinarily required Baptismal records.
3. The ordinary pre-nuptial form to be filled out in the usual manner by the person seeking the sanation, noting particularly the freedom to marry of the other party.
4. Any other dispensation.

You should then assure yourself of the following facts:

1. That there is no other impediment to the marriage for which sanation is sought.
2. That the conjugal consent of both parties endures and that it is likely that their common life will continue.
3. That the Catholic party is sincere in making the declaration and promise which are contained in the dispensation form.
4. That the non-Catholic or the reluctant Catholic party cannot be prudently asked or, being asked, will not consent to the ordinary validation of the marriage.
5. That in any case in which the Catholic party has made the required declaration and promise the other party be at least substantially aware of this fact.

6. The consent to the marriage to be sanated must have taken place after the death(s) of all previous spouses. Partial sanations are reserved to the Holy See.

The request for dispensation by way of sanation should then be sent to the Diocesan Tribunal, with the notation in the place provided that sanation is sought and with an indication in the space provided that all of the above facts are verified. **ALL** documents, pre-nuptial forms and any other necessary information should also be sent to the Tribunal.

When the rescript of sanation has been received, the person who has petitioned it should be informed that it has been granted and that the marriage from the date of the sanation is valid and binding until death. Sacramental reconciliation should be strongly urged, and all entries and notifications should be made with appropriate adaptations.

No sanation can be granted for a marriage which was impeded at the beginning by natural or divine law, even though the impediment has ceased, e.g., by the death of the spouse; but in this case an *imperfect sanation* can be sought from the Holy See. Also, it should be noted that only the Holy See can grant sanations in case of impediments reserved to it.