



Operating Procedure

Effective Date	March 1, 2015	Number	801.5
Amended		Operating Level	Department
Supersedes	Operating Procedure 801.5 (10/1/12)		
Authority	COV §20-13 et seq.; §32.1-267		
ACA/PREA Standards	None		
Office of Primary Responsibility	Operations Support Manager		

Subject
MARRIAGE CEREMONIES FOR OFFENDERS

Incarcerated Offender Access	FOIA Exempt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Attachments	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I. PURPOSE

This operating procedure establishes protocols for offenders to request to be married while incarcerated in Department of Corrections facilities.

II. COMPLIANCE

This operating procedure applies to all facilities operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with [COV §53.1-67.8](#) or the Diversion Center Incarceration Program in accordance with [COV §53.1-67.7](#)

Institution - A prison facility operated by the Department of Corrections - includes major institutions, field units, and work centers

IV. PROCEDURE

A. Eligibility to Marry

1. Due to the relatively short duration of their programs, offenders incarcerated in Community Corrections facilities are not allowed to participate in marriage ceremonies.
2. Offenders incarcerated in DOC institutions may be permitted to marry except where a violation of state law or a demonstrable state interest is found to deny such marriage.
 - a. The Facility Unit Head should provide written explanation to the offender for any denial.
 - b. Denial of a marriage request is grievable under the *Offender Grievance Procedure*.
3. An incarcerated offender is not eligible to marry another incarcerated offender.
4. Marriages will not be approved if the intended spouse cannot appear for the ceremony at the facility where the offender is incarcerated.
5. Marriages will not be approved if the intended spouse's visitation privileges are banned or restricted to non-contact visits at the time of the wedding ceremony. (see Operating Procedure 851.1, *Visiting Privileges*)

B. Request to Marry

1. An offender, incarcerated in an institution, who desires to marry while in custody, must submit a written request to the Facility Unit Head through the assigned facility Counselor.
2. A staff member should be assigned to assist the offender in preparing the [Offender Marriage Request 801_F1](#).

3. The offender must complete the *Marriage Request*, including signature, and forward it to the Facility Unit Head through the Counselor.
4. The *Marriage Request* should contain the following information:
 - a. Name and DOC number of offender requesting to be married
 - b. Name, address, and phone number of the intended spouse
 - c. Names and addresses of any guests requested to attend the ceremony (maximum of 6 guests permitted)
 - d. The requested date and time for the ceremony; the date should be a minimum of 30 days from the date the request is submitted for approval.
 - e. The name and address of the official authorized by the Code of Virginia who will be conducting the ceremony; it is the responsibility of the offender or intended spouse to make the necessary arrangements.
5. Expenses
 - a. No state funds will be used for offender wedding ceremonies.
 - i. A \$75 fee will be charged to reimburse the institution for staff time consumed in preparation for and supervision of each wedding ceremony.
 - ii. Payment shall be by certified check, cashier's check, or money order payable to "Treasurer of Virginia" received at the institution before anyone is allowed to enter the institution for the wedding ceremony.
 - b. All financial obligations/expenses associated with the marriage, e.g., license fee, official's fee, etc., must be paid for by the offender or other private means.
6. Review and Approval
 - a. The intended spouse may be contacted prior to the review of the *Marriage Request* to confirm that they wish to marry the offender.
 - b. Within ten days after receipt of the *Marriage Request*, the Facility Unit Head may approve or disapprove the *Request*.
 - i. If there is a Victim Alert in the offender's VACORIS record, the DOC Victim Services Unit shall be contacted to determine if the intended spouse is a victim of the offender.
 - ii. All victim marriage requests shall be reviewed by the Victim Offender Visitation Committee prior to approval.
 - c. If the request is approved, a decision will be made that sets the date and time the marriage will be permitted, taking into consideration the date and time requested by the offender.
 - d. The Facility Unit Head may, in their sole discretion, deny use of a particular official for reasons of security.
 - e. The Facility Unit Head will then forward the answered *Request* to the appropriate counselor.
7. Notification
 - a. Once the counselor receives the answered *Request* from the Facility Unit Head, the offender will be notified.
 - b. If the *Request* is approved, the Counselor will write a [Marriage Approval Letter](#) 801_F2 to notify the intended spouse of the marriage date and time.

C. Marriage License

1. The offender's intended spouse shall be responsible for obtaining the marriage license.
 - a. The intended spouse will appear at the jurisdictional Court to provide information for the license and pay the required fees. Note: The court in the jurisdiction where the prison is located is preferred, but the license may be obtained from the court in the spouse's local jurisdiction (within Virginia only) if proper arrangements can be made for recording the marriage.

- b. The offender will provide information to the Counselor for referral to the jurisdictional Court, including prior marriages and documentation of divorce decrees or death certificates as applicable.
- c. The license will be presented at or mailed to the facility for receipt of a notarized signature of the offender, verifying the information contained in the license.
- d. Offenders shall not be transported to the jurisdictional Court to provide a signature for the license.

D. Marriage Ceremony

1. All offender marriages will be conducted at the facility where the offender is incarcerated. The marriage will take place in the Visiting Room or other area designated by the Facility Unit Head.
2. Witnesses and guests are limited to six individuals, excluding the official performing the ceremony.
 - a. Other offenders shall not be allowed to attend the marriage ceremony unless they are immediate family of the offender or the intended spouse with approval of the Facility Unit Head.
 - b. Established visitor's rules and regulations shall be followed. (see Operating Procedure 851.1, *Visiting Privileges*)
 - i. The intended spouse and all witnesses and guests must be currently approved in the VACORIS Visiting Module before they are allowed to enter the institution for the wedding ceremony.
 - ii. The official performing the ceremony must be currently approved as a volunteer or currently approved in the VACORIS Visiting Module before they are allowed to enter the institution for the wedding ceremony.
 - iii. The approval of the Facility Unit Head is required before the intended spouse, presiding official, and any witnesses and guests that are not currently eligible to visit the offender (including those approved to visit other offenders) will be allowed to attend the marriage ceremony.
3. With prior approval from the Facility Unit Head, following the ceremony supervised visitation may be allowed between the offender, spouse, and guests. Sufficient Corrections Officers will be present at all times during the ceremony and visitation period to maintain security.
4. The following items may be allowed for the marriage ceremony, provided approval is obtained in advance:
 - a. One new (in factory sealed container) disposable film-type camera
 - b. Rings (offender's ring must comply with Operating Procedure 802.1, *Offender Property*, and be added to the offender's property inventory.)
 - c. No food, beverages, or other items may be brought in. Any refreshments must be purchased from vending machines in the Visiting Area.
 - d. All incoming items will be searched by security personnel before being permitted into the facility.
5. The official performing the ceremony will normally be responsible for having the marriage recorded with the Clerk of the Court of the jurisdiction in which the marriage license was issued. In addition, the counselor or other designated staff should ensure that a copy of the signed marriage license is forwarded to the Facility Records Office for inclusion in the offender's records.
6. Offender marriages within the facility shall not result in the granting of any special privileges for the consummation of the marriage following the ceremony or thereafter.

V. REFERENCES

Operating Procedure 802.1, *Offender Property*
Operating Procedure 851.1, *Visiting Privileges*

VI. FORM CITATIONS

[Offender Marriage Request](#) 801_F1

[Marriage Approval Letter](#) 801_F2

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

1/10/15

A. David Robinson, Chief of Corrections Operations

Date