

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



POLICY NUMBER:
19.03-1 DOC

EFFECTIVE DATE:
04/16/12

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SUPERSEDES:
19.03 DOC

DIRECTOR:

Please use BLUE ink.

Arthur T. Welch II

SECTION:
SOCIAL SERVICES

SUBJECT:
INMATE MARRIAGES/CIVIL
UNIONS

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director

REFERENCES: RIGL § 13-6-1, Life prisoners deemed civilly dead; § 15-2-11, Consent and procedure required for license to minors and persons under guardianship; § 15-2-1, License required - Proof of divorce; § 15-3-7, Presentation of marriage license; § 15-3-8, Witnesses to ceremony; § 15-3.1-1, Civil Unions, RIDOC policies 3.14-2 DOC, Code of Ethics and Conduct; 24.03-4 DOC, Visits

INMATE / PUBLIC ACCESS? X YES NO

AVAILABLE IN SPANISH? X YES NO

I. PURPOSE:

To establish the criteria and procedures for inmates to be married or civilly united at the Adult Correctional Institutions (ACI).

II. POLICY:

- A. Inmates may be married/civilly united with non-inmates but not with another inmate.
- B. The fiancé/fiancée/partner cannot be the subject of a No Contact Order with the inmate.
- C. For the purpose of this policy "inmate" is defined as an individual sentenced to a term of incarceration at the Adult Correctional Institutions or sentenced to

home confinement. Awaiting trial detainees are excluded from the provisions of this policy.

- D. The inmate and fiancé/fiancée/partner must be legally free to marry/civilly unite. Previously married/civilly united persons must present evidence of eligibility for marriage with either final certified copies of divorces, annulment papers, civil union dissolutions or death certificates.

NOTE: In accordance with RIGL § 13-6-1, an inmate sentenced to life cannot enter into a marriage/civil union after s/he has been sentenced.

III. PROCEDURES:

The Rhode Island Department of Corrections (RIDOC) procedures for inmate marriages/civil unions are as follows:

- A. Both inmate and fiancé/fiancée/partner must write a letter to the inmate's Counselor requesting marriage/civil union. (See Attachment 1).

Any/all required documents (Attachments 2-5) must accompany said letter.

- B. Marriage/civil union requests (Attachment 3) are reviewed by the inmate's Counselor and the Assistant Director of Rehabilitative Services or designee.

The Assistant Director of Rehabilitative Services or designee has the responsibility of final approval of inmate requests to marry/civilly unite, and ensures that the marriage procedures are carried out properly and in accordance with Rhode Island State law and RIDOC policy.

- C. Interstate Compact inmates must get approval from the respective State agencies responsible for their primary incarcerations.

- D. Counselors have primary responsibility for coordinating all inmate marriages/civil unions.

1. Counselors handle applications for marriage/civil unions, advise inmates and fiancés/fiancées/partners of institutional criteria and procedures for marriage/civil union and assist in coordinating marriage/civil union ceremonies.
2. Counselors advise affected Wardens or designees and seek guidance regarding scheduling and clearances. No other staff member or

inmate is authorized to make any arrangements without first coordinating same through the inmate's assigned Counselor.

NOTE: If the fiancé/fiancée/partner is a barred visitor and/or s/he cannot pass a clearance check, s/he is allowed access to the facility for the wedding/civil union ceremony (i.e., a 1-time visit). Said fiancé/fiancée/partner is not guaranteed future visits after the marriage/civil union.

- E. Two (2) witnesses are required and may be present at the marriage/civil union ceremony.
 - 1. Witnesses must be eighteen (18) years of age or older and be on affected inmate's visiting list prior to the ceremony.
 - 2. Witnesses are subject to normal visiting procedures (e.g., background checks, clear metal detector, etc).
 - 3. Inmates may not be witnesses.

- F. The marriage/civil union will not be scheduled until all required documentation is present and eligibility is confirmed, and Warden or designee has confirmed schedule.

- G. Correspondence with the inmate's Counselor must be addressed according to Departmental procedure.
 - 1. Counselors advise Facility Wardens, Main Control Center (MCC) personnel and the Shift Commander on duty during the shift on which the ceremony will be performed of the marriage/civil union plans to include copies of applicable paperwork and details of the ceremony (e.g., officiating party, witnesses' names).
 - 2. The Counselor provides the following information to affected staff (i.e., facility managers, MCC personnel and affected Shift Commanders) at least one (1) week prior to the ceremony:
 - (a) Fiancé/Fiancée/Partner's name
 - (b) Witnesses' names
 - (c) Officiating party's name

RHODE ISLAND DEPARTMENT OF CORRECTIONS

STEPS FOR INMATE MARRIAGE/CIVIL UNION
(Counselor's Use Only)

- 1. Read the policy.
- 2. Inmate requests marriage/civil union through Counselor in his/her facility.
- 3. Counselor meets with inmate and fiancé/fiancée/partner and discusses Marriage/Civil Union Package and Procedures in detail to include inmate's status, reason for incarceration, commitment to RIDOC, visitation list, and steps and procedures. A tentative marriage/civil union date is selected, and the names of witnesses are listed. The Counselor must be given the name, telephone number and church affiliation (if appropriate) of the person performing the ceremony so that said Counselor may check credentials and arrange access to the facility. Note that the "Application for Permission to Marry/Be Civilly Joined" (policy Attachment #2) must be signed by both parties in the presence of the inmate's Counselor.
- 4. The Counselor notifies the affected facility's Warden or designee in writing of this meeting.
- 5. Counselor sends the completed Application Package to the Assistant Director of Rehabilitative Services or designee for final approval or denial. If the request is denied, the Assistant Director or designee notifies the inmate in writing of the reason(s) for denial.
- 6. After approval or denial by the Assistant Director or designee, the Package is returned to the Counselor. If at any point in the process a decision is made to postpone the wedding/civil union ceremony, written notification must be sent to the Counselor and Warden or designee.
- 7. The affected facility's Warden or designee confirms the marriage/civil union date and marriage/civil union official. The Counselor copies the paperwork and leaves it in the MCC at least one (1) week before the ceremony.
- 8. Marriage/Civil Union takes place.

RIDOC Steps for Inmate Marriage/Civil Union
(Counselor Use Only)
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- 9. Marriage/Civil Union Notification Form is completed by the Counselor and retained in the inmate's file.
- 10. The Counselor sends a copy of the Notification of Inmate Marriage/Civil Union to ID Unit staff.

RHODE ISLAND DEPARTMENT OF CORRECTIONS
INTEROFFICE MEMORANDUM
Facility: _____

TO: _____
Inmate's Name / ID #

FROM: Counseling Staff

DATE: _____

SUBJECT: PROCEDURES FOR MARRIAGE/CIVIL UNION

In order to begin the marriage/civil union procedure, both you and your fiancé/fiancée/partner must send a letter to your assigned Counselor. The letter you write must specify who you want to marry/be civilly joined to, whether or not you have been married/civilly joined before, if you have any children, and if your fiancé/fiancée/partner has any children. In addition, you must state that you are legally free to marry/be civilly joined.

The letter your fiancé/fiancée/partner writes must specify that s/he wants to marry/be civilly joined to you, that s/he is legally free to marry/be civilly joined to you, whether or not s/he has any children (either with you or with someone else), s/he must specify exactly what your crime is (the actual current charge or charges must be listed in addition to previous sentences), the length of your sentence, and your current release date.

If either of you has been previously married/civilly joined, you must submit copies of the final divorce decree(s), annulment papers, death certificate(s) or documentation of dissolution of previous civil union.

You can send the letter through inter-departmental mail. Your fiancé/fiancée/partner can send his/her letter to:

Counselor's Name

Address

After your Counselor receives both letters, s/he will arrange a time to meet with both of you during an afternoon visit to fill out the marriage/civil union packet paperwork, which includes the marriage/civil union date, the witnesses' names, and license information. After that paperwork is completed, it will be submitted for approval to the appropriate administrators. It takes approximately one (1) month for the marriage/civil union packet to be approved. Marriage/Civil Union packets will only be submitted for final approval after all paperwork has been completed.

If you have any further questions, see your Counselor.

**Rhode Island Department of Corrections
INTEROFFICE MEMORANDUM**

TO: Counselor _____

FROM: _____
Inmate's Name / ID

Facility / Cell #

Classification

DATE: _____

**SUBJECT: APPLICATION FOR PERMISSION TO MARRY/BE
CIVILLY JOINED**

I am hereby request permission to marry/be civilly joined:

Fiancé/ Fiancée/
Partner: _____
First, Middle, Last Name

Street Address: _____

**RHODE ISLAND DEPARTMENT OF CORRECTIONS
INTEROFFICE MEMORANDUM**

TO: Assistant Director of Rehabilitative Services

FROM: _____
(Counselor)

DATE: _____

SUBJECT: MARRIAGE/CIVIL UNION REQUEST

The following individuals wish to marry/be civilly joined:

Inmate: _____
(First Name, Middle Initial, Last Name)

Facility: _____ ID #: _____

Fiancé/Fiancée/Partner : _____

They meet the criteria for marriage/civil union.

Prepared by: _____
(Counselor's Name / Date)

Approved Denied

Assistant Director of Rehabilitative Services / Date

RHODE ISLAND DEPARTMENT OF CORRECTIONS
MARRIAGE/CIVIL UNION LICENSE INFORMATION FORM

Groom's/Partner #1 Personal Data:

Name: _____
(First, Middle, Last)

Present Address: _____

Birthplace (State or Foreign Country): _____

Date of Birth: _____ Age: _____ # of this Marriage/Civil Union: 1 2 3 4
(Mo./Da./Yr.) (Please circle)

Date Last Marriage/Civil Union Ended: _____ Ended by: _____
(Mo./Yr.) (Divorce/Death/Annulment/Dissolution)

Present or Most Recent Occupation: _____

Kind of Industry or Business: _____

Highest School Grade Completed: _____

Father: _____ Birthplace: _____
(First and Last Names) (State or Country)

Mother: _____ Birthplace: _____
(First and Last Names) (State or Country)

Bride's/Partner #2 Personal Data:

Name: _____
(First, Middle, Last)

Present Address: _____

Birthplace (State or Foreign Country): _____

Date of Birth: _____ Age: _____ # of this Marriage/Civil Union: 1 2 3 4
(Mo./Da./Yr.) (Please circle)

Date Last Marriage/Civil Union Ended: _____ Ended by: _____
(Mo./Yr.) (Divorce/Death/Annulment/Dissolution)

Present or Most Recent Occupation: _____

Kind of Industry or Business: _____

Highest School Grade Completed: _____

Father: _____ Birthplace: _____
(First and Last Names) (State or Country)

Mother: _____ Birthplace: _____
(First and Last Names) (State or Country)

**Rhode Island Department of Corrections
INTEROFFICE MEMORANDUM**

TO: Warden or Designee
FROM: Counselor _____
DATE: _____
SUBJECT: MARRIAGE/CIVIL UNION MEETING NOTIFICATION

I have met with Inmate _____ and his/her
fiancé/fiancée/partner _____ on _____
and have reviewed all pertinent material with them to include circumstances under which the
inmate is incarcerated, the inmate's visitation list, and length of sentence.

Counselor's Signature / Date

CONSENT

Inmate has consented that a Sentence Data Sheet, visitation list, and a comment screen, if
applicable, be given to fiancé/fiancée/partner. This has been done.

Inmate's Signature / Date