

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 19.03-3 DOC	EFFECTIVE DATE: 03/06/17	PAGE 1 OF 5
	SUPERSEDES: 19.03-2 DOC	DIRECTOR: Please use BLUE ink. 	
SECTION: SOCIAL SERVICES		SUBJECT: INMATE MARRIAGES	
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; the most recent version of RIDOC policies 3.14 DOC, Code of Ethics and Conduct ; 24.03 DOC, Visits			
INMATE / PUBLIC ACCESS?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
AVAILABLE IN SPANISH?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

I. **PURPOSE:**

To establish the criteria and procedures for inmates to be married at the Rhode Island Department of Corrections (RIDOC).

II. **DEFINITIONS:**

Inmate(s) - for the purpose of this policy, "inmate(s)" is defined as an individual sentenced to a term of incarceration at RIDOC or sentenced to home confinement. Awaiting trial detainees are excluded from this definition.

Proxy - Some cities/towns may require a proxy to obtain a marriage license. An inmate gives authority to someone to act for him/her during the marriage license application process.

III. **POLICY:**

- A. An inmate shall not marry another inmate.
- B. The fiancé/fiancée cannot be the subject of a No Contact Order with the inmate.
- C. The inmate and fiancé/fiancée must be legally free to marry. Previously married persons must present evidence of eligibility for marriage with either final certified copies of divorces, annulment papers or death certificates.
- D. In accordance with RIGL § 13-6-1, an inmate serving a life sentence cannot enter into a marriage.
- E. If the fiancé/fiancée is a barred visitor s/he is allowed access to the facility to fill out paperwork at a Marriage Notification meeting and to attend the wedding ceremony. Said fiancé/fiancée is not guaranteed future visits after the marriage.
- F. Interstate Compact inmates must get approval from the respective state agencies responsible for their primary incarcerations.
- G. Adult Counselors have primary responsibility for coordinating all inmate marriages, including but not limited to, handling applications for marriage, advising inmates and fiancés/fiancées of institutional criteria and procedures for marriage, and assisting in coordinating marriage ceremonies.
- H. The Assistant Director of Rehabilitative Services, or his/her designee, has the responsibility of final approval of all inmate requests to marry, and ensures that the marriage procedures are carried out properly and in accordance with Rhode Island State law and RIDOC policy.

IV. **PROCEDURES:**

RIDOC procedures for inmate marriages are as follows:

- A. Inmates may submit an [Inmate Request Form](#) for consideration to be married to his/her assigned Adult Counselor who has exclusive responsibility for this process. No other staff member or inmate is authorized to initiate any marriage arrangements without direct coordination with the assigned Adult Counselor.

- B. The Adult Counselor then provides the inmate with the steps to follow in order to complete the process.
- C. Both inmate and fiancé/fiancée must write a letter to the inmate's Adult Counselor requesting marriage. Letters from fiancé/fiancée must come to the Adult Counselor through the U.S. Postal Service.
1. The inmate's letter must specify the following;
 - a. who s/he wants to marry,
 - b. whether or not s/he has been married before,
 - c. if s/he has any children,
 - d. if his/her fiancé/fiancée has any children, and
 - e. s/he must state s/he is legally free to marry.
 2. The fiancé's/fiancée's letter must specify the following;
 - a. that s/he wants to marry the inmate,
 - b. that s/he is legally free to marry,
 - c. whether s/he has any children (either with the inmate or someone else),
 - d. s/he must acknowledge, specifically, what the inmate's crime(s) is [the actual current charge(s) and sentence(s), and any pending charge(s)], and
 - e. the inmate's release date.
 3. If either party was previously married, copies of the final divorce decree(s), annulment papers, or death certificate(s) must be submitted for review. All required documents must accompany the letter(s).
- D. After the inmate's Adult Counselor receives both letters and all required documents, if applicable, s/he will arrange a time to meet with both the inmate and the fiancé/fiancée during a scheduled visit to discuss the marriage packet and procedures in detail. During the meeting, the following will occur:
1. The Adult Counselor will provide the fiancé/fiancée with the inmate's full report with sentence information, charge information, pending charges, prior convictions, comment screen and a visitor's list, and ensures the fiancé/fiancée understands the contents of each.

2. The couple shall complete the [Inmate Marriage Information](#) form at the meeting. In order to properly complete the form, the couple should go to the meeting with the following information:
 - a. The names of two (2) witnesses. (See Section IV.H. of this policy for more information on witnesses.)
 - b. The name and telephone number of the person the couple wishes to perform the ceremony. The officiant must pass a BCI and NCIC check (to be performed by the facility) and provide verification that s/he has legal authority to marry individuals.
- E. Adult Counselors notify the facility Warden or his/her designee in writing of this information and give a tentative wedding date (month and year).
- F. After the paperwork is completed, the marriage packet will be submitted for approval to the Assistant Director of Rehabilitative Services.
 1. The Assistant Director Rehabilitative Services will have up to one (1) month to approve or deny the marriage request.
 2. Marriage packets will only be submitted for final approval after all paperwork has been completed.
 3. If the request to marry is denied, the Assistant Director of Rehabilitative Services or designee notifies the inmate in writing of the reason(s) for denial.
 4. After approval or denial by the Assistant Director of Rehabilitative Services or his/her designee, the marriage packet is returned to the Adult Counselor.
 5. After the Assistant Director of Rehabilitative Services approves it, the Adult Counselor presents the packet with the anticipated date of the ceremony (month and year) to the Warden for acknowledgement.
 6. If at any point in the process a decision is made to postpone the wedding ceremony, the inmate or fiancé/fiancée must send written notification to the inmate's Adult Counselor. The Adult Counselor notifies the Warden, or designee, of the postponement.

7. The marriage will not be scheduled until all required documentation is present, eligibility is confirmed, and the facility Warden or his/her designee has confirmed the schedule.
- G. After the facility Warden, or his/her designee, has confirmed the schedule and the marriage officiant, the inmate's Adult Counselor shall provide copies of the paperwork to the facility staff, including but not limited to the Warden, facility managers, Main Control Center (MCC) personnel and affected Shift Commanders, at least one (1) week prior to the ceremony.
- H. At least two (2) witnesses are required at the marriage ceremony but up to four (4) witnesses may attend the ceremony.
1. Witnesses must be eighteen (18) years of age or older.
 2. Witnesses must be on the inmate's visiting list prior to the ceremony.

NOTE: Witnesses who are not on the inmate's visiting list may be approved to attend the ceremony at the Warden's/designee's discretion. These witnesses must pass a BCI and NCIC check.
 3. Witnesses are subject to normal visiting procedures (e.g., background checks, clear metal detector, etc). For more information on normal visiting procedures, please see the most recent version of RIDOC Policy 24.03 DOC; [Visits](#).
 4. Other inmates or staff may not serve as witnesses.
 5. At the discretion of the Warden/designee the couple may hug, share a closed mouth kiss, hold hands.
- I. An official marriage license must be provided to the officiant at the ceremony.
1. Requirements for marriage licenses vary in each city/town. The couple should inquire about the requirements of obtaining a marriage license in the city/town where the fiancé/fiancée resides for details.
 2. The city/town may require a proxy in order to obtain a marriage license.

- J. After the marriage has taken place, the Adult Counselor forwards the completed [Inmate Marriage Information](#) form to the Records Unit **and, if** the inmate received a ring, to the appropriate Facility Property Officer.

A copy of the form shall be retained in the inmate's file.