

Inmate Marriages	1
I. Policy	1
II. Procedures for the Initiation of Inmate Marriages	1
A. Eligibility	1
B. Request to Marry	1
C. Staff Assistance	2
III. Prerequisite	2
A. Documentation and Associated Costs	2
B. Pre-Marriage Counseling	3
IV. Marriage Ceremony	3
A. Conducting the Ceremony	3
V. References	4
VI. Action	4
Attachments	6

Section-09 Programs	OP-090128	Page: 1	Effective Date: 12/22/2016
Inmate Marriages	ACA Standards: None		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Inmate Marriages

I. Policy

The Department of Corrections (ODOC) does not encourage marriage while incarcerated, although inmates who are legally eligible to become married in accordance with Oklahoma law may be provided assistance in accordance with this procedure.

For the purpose of this procedure, the term “inmate” applies to anyone under the authority, custody or care of a prison or a community-based facility operated by or contracted with the Oklahoma Department of Corrections.

II. Procedures for the Initiation of Inmate Marriages

A. Eligibility

1. The fiancé(e) must be on the inmate’s approved visitors for list at least six uninterrupted months prior to the application for marriage.
2. The fiancé(e) may not have been issued a warning or been on a suspension for visiting rule violations within the last six months.
3. If the inmate is transferred to another facility during the six month timeframe indicated above, the visitation history at previous facilities will be taken into consideration to meet the eligibility requirements.

B. Request to Marry

1. All inmates may request to marry while incarcerated.

- a. Formerly married inmates (common law or civil marriage) must submit a copy of a valid divorce decree with their request for marriage unless the inmate's fiancé(e) is also the person listed as a common law spouse.
 - b. Common law marriage is defined as: "a positive mutual agreement, permanent and exclusive of all others, to enter into a marriage relationship, cohabitation sufficient to warrant a fulfillment of necessary relationship of a husband and wife, and assumption of marital duties and obligations."
 - c. Inmates are prohibited from authorizing or entering into a marriage by proxy.
2. An "Inmate Marriage Request Application" ([Attachment A](#), attached) must be obtained by the inmate. The inmate will complete the inmate section of the form and mail it to his/her fiancé(e). The inmate's fiancé(e) will complete the appropriate section of the form, sign it, and submit it to the agency chaplain.
 3. Inmate marriage ceremonies will be conducted during the months of March and September. "Inmate Marriage Request" forms for March wedding ceremonies must be received by December 1st of the preceding year. Request forms for September wedding ceremonies must be received by June 1st.
 4. The agency chaplain will review the forms and forward the marriage requests, along with the "Inmate Marriage Request Tracking and Approval" form ([Attachment B](#), attached) to the appropriate facility chaplain for processing, unless the nature of the marriage request violates restrictions placed on the chaplain by his/her ordaining/endorsing religious organization. The agency chaplain will work with the facility administration and other designated staff to ensure such requests are processed appropriately.

C. Staff Assistance

At institutions, the facility head will designate staff to assist the inmate in meeting the prerequisites for acquiring a marriage license. At community corrections centers, work centers, and halfway houses the facility head will designate staff to assist the inmate, when needed, in acquiring a marriage license.

III. Prerequisite

A. Documentation and Associated Costs

It is the responsibility of the inmate to ensure all documentation is completed and associated costs are paid prior to the marriage ceremony. Documentation and costs are as follows:

1. Divorce decree, where agency records indicate a previous marriage (civil or common law) unless the fiancé(e) is the same person indicated in the previous marriage.
2. Approval by facility head or designee.
3. Proof of Age - Both parties must be a minimum of 18 years old, according to a certified birth certificate or state ID.
4. Payment of license fee to the court clerk (costs to be paid by the inmate or inmate's fiancé(e)).
5. Transportation Costs - If the county where the facility is located requires the inmate and fiancé(e) to sign the county's marriage record book in the county clerk's office, the inmate will be transported to the county clerk's office to sign.
 - a. The inmate is responsible for paying the facility all costs incurred in transporting him/her to the county clerk's office.
 - b. The cost of the transport will be the actual cost of the salary and benefits of the transporting officer(s), as determined by the agency, plus mileage cost.
 - c. Mileage cost is calculated in the following manner: Miles (as determined by an objective internet based program such as MapQuest) multiplied by the mileage rate (the current rate established by the Internal Revenue Service (IRS) for business expense deductions).
 - d. All costs must be paid prior to the transport.

B. Pre-Marriage Counseling

1. Pre-marriage counseling is not required and will not be provided by the agency.
2. Pre-marriage counseling provided by qualified counselors from outside the agency and paid for by the inmate or the inmate's fiancé(e) will be permitted if the facility is able to provide appropriate supervision.
3. Inmates are encouraged to participate in marriage and family skill building programs where those programs are available.

IV. Marriage Ceremony

A. Conducting the Ceremony

1. When the prerequisites have been met, the marriage ceremony will be added to list of marriages on the next scheduled date and

conducted in accordance with the security needs of the facility. Each facility will designate no more than two days each year to conduct marriage ceremonies, one during the month of September and one during the month of March.

2. Marriage ceremonies will take place at the facility or, based on the security level and supervision requirements, another location approved by the facility head.
3. The inmate or the inmate's fiancé(e) must arrange for a legally authorized person to perform the ceremony. The person performing the ceremony must present proof of their registered credentials from an Oklahoma courthouse. If the ceremony is to be conducted at the facility, the person performing the ceremony must provide the necessary information for a criminal record check to be conducted at least two weeks prior to the ceremony and be approved by the facility. Any financial compensation paid to the person performing the ceremony is the responsibility of the inmate or the inmate's fiancé(e). Chaplains employed by the agency are not allowed to perform marriage ceremonies. No inmate may officiate at the wedding of another inmate, regardless of the credentials possessed.
4. Clothing worn by inmates during the ceremony will be authorized in accordance with [OP-030120](#) entitled "Inmate Property," [Attachment C](#) or [D](#). At community corrections centers, halfway houses, or work centers clothing will be authorized by the facility head.
5. [OP-030118](#) entitled "Visitation" will apply to guests at all weddings. All guests must be approved visitors on the inmate's visiting list. No inmates will be allowed as guests at the wedding.
6. If the ceremony does not take place during regular/holiday visitation, the newly married couple will be allowed a 30 minute monitored visit with each other following the ceremony.

V. References

Policy Statement No. P-090100 entitled "Provision of Programs"

OP-030118 entitled "Visitation"

OP-030120 entitled "Inmate Property"

VI. Action

The appropriate regional director/division manager is responsible for compliance with this procedure.

The division manager of Field Services is responsible for the annual review and revisions.

Section-09 Programs	OP-090128	Page: 5	Effective Date: 12/22/2016
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Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-090128 entitled "Offender Marriages" dated September 24, 2015

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment C	"Maximum Allowable Male Clothing"	OP-030120
Attachment D	"Maximum Allowable Female Clothing"	OP-030120
Attachment A	"Inmate Marriage Request"	Attached
Attachment B	"Inmate Marriage Request Tracking and Approval"	Attached