

APA RULE: MARRIAGE CEREMONY FOR INCARCERATED INDIVIDUALS

Purpose Statement

The Department of Corrections (DOC) recognizes the fundamental right of incarcerated individuals to wed.

Application

An incarcerated individual who wishes to marry shall complete a request form prescribed by the DOC for a marriage ceremony to be held in the correctional facility.

DOC Review

For each completed marriage ceremony request form received, the DOC shall determine whether the marriage ceremony would negatively affect a legitimate penological interest, if approved.

1. In making such a determination DOC shall consider the following:
 - a. A risk to the safety and security of the correctional facility or public;
 - b. A risk to the incarcerated individual's rehabilitation; or
 - c. Any other legitimate penological interest.
2. The DOC shall not deny a request for a marriage ceremony based on the incarceration status or a protected class of the parties.

Post Application Provision

1. Whenever a marriage ceremony request is approved, the DOC shall allow incarcerated individuals requesting premarital counseling to meet with a religious leader or other counselor in accordance with the policy on visitation.
2. An incarcerated individual or their intended spouse shall be responsible for obtaining a marriage license and assuming all costs associated with the marriage.
3. If proof of the marriage license is not provided before the marriage ceremony is scheduled to occur, then the marriage ceremony shall not take place.