

STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS	Marriage Ceremony	Page 1 of 5			
CHAPTER: FACILITIES – GENERAL	#310	Supersedes: #310, dated 10/29/2018; and <i>Inmate Marriage</i> Guidance dated 10/29/2018			
Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B" – Anyone may have access to this document.					
Approved: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;"> <u>SIGNED</u> Nicholas J. Deml, Commissioner </td> <td style="text-align: center; width: 33%;"> <u>02/19/2025</u> Date Signed </td> <td style="text-align: center; width: 33%;"> <u>03/10/2025</u> Date Effective </td> </tr> </table>			<u>SIGNED</u> Nicholas J. Deml, Commissioner	<u>02/19/2025</u> Date Signed	<u>03/10/2025</u> Date Effective
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PURPOSE

This policy establishes the process Vermont Department of Corrections (DOC) staff shall follow when an incarcerated individual requests a marriage ceremony.

AUTHORITY

28 V.S.A. §§ 101, 102

POLICY

The DOC recognizes the fundamental right to marry. The DOC further recognizes the important impact relationships and marriage may have on familial ties and an incarcerated individual’s rehabilitation.

The DOC's policy is to accommodate marriage ceremonies for incarcerated individuals who obtain a marriage license, as outlined in this policy. The parameters in this policy have been set to ensure allowing the marriage ceremony presents no concerns reasonably related to a legitimate penological interest. A penological interest is one of the purposes or responsibilities of the DOC, including the maintenance of safe and secure facilities and the rehabilitation of incarcerated individuals.

GENERAL PROCEDURES

A. Approval Process for a Marriage Ceremony Request

1. An incarcerated individual who wishes to marry shall submit a request form to their assigned Corrections Services Specialist (CSS).
2. A primary federal incarcerated individual shall follow the applicable federal marriage requirements prior to beginning the DOC's marriage request process.
3. The incarcerated individual or their intended spouse shall:
 - a. Find an officiant. The officiant may not be an individual under the custody or supervision of the DOC;
 - b. Obtain a marriage license from the Town Clerk prior to the marriage ceremony; and
 - c. Assume all costs associated with the marriage and ceremony (e.g., paid officiant, marriage license).
4. Determinations whether to allow the marriage ceremony are made on a case-by-case basis. When making the determination, the DOC may consider whether the marriage or ceremony would negatively affect a legitimate penological interest or contradict the law, DOC policy, or facility rules. Examples of negative impacts may include:
 - a. A risk to the safety and security of the correctional facility, staff, incarcerated individuals, visitors, or the public;
 - b. A risk related to the incarcerated individual's rehabilitation;
 - c. If the incarcerated individual is on a non-contact visiting status or has their visiting privileges currently revoked. In these situations, staff shall comply with the policy on visitation; or
 - d. If the intended spouse or officiant:

- i. Is on a non-contact visiting status. In these situations, staff shall comply with the policy on visitation;
 - ii. Is on the ban list. In these situations, staff shall not permit the marriage ceremony to take place until the intended spouse is on the incarcerated individual's approved visiting list;
 - iii. Is a victim of record. In these situations, staff shall comply with the policy on visitation; or
 - iv. Has a relief from abuse order (RFA), or any other court order prohibiting contact, in place against the incarcerated individual.
5. If the incarcerated individual is a primary federal incarcerated individual, the CSS shall confirm with the appropriate federal authority that the incarcerated individual is approved for a marriage ceremony before beginning the DOC marriage ceremony request process.
6. The CSS shall complete the marriage request custom form within the incarcerated individual's record in the Offender Management System (OMS). They shall note any of the above concerns in the form and may recommend that the request be denied. Upon completion of the form, OMS will send a notification to the Living Unit Supervisor (LUS).
7. The LUS shall review the marriage request, and either approve or deny the request in the custom form. Upon the LUS's approval or denial, OMS will send a notification to the Superintendent, or designee.
8. The Superintendent, or designee, shall:
 - a. Review the marriage request custom form, including the CSS's recommendation and LUS's approval or denial; and
 - b. Enter their recommendation for approval or denial of the ceremony and date in the marriage request custom form in OMS.Upon the Superintendent, or designee's, approval or denial, OMS will send a notification to the DOC Commissioner, or designee, that a completed marriage request custom form is ready for their review.
9. The Commissioner, or designee, shall:
 - a. Review the request, along with all recommendations provided, and make a final determination as to whether the request for a marriage ceremony shall be approved or denied; and
 - b. Indicate the final decision on the marriage request custom form.Upon the Commissioner's, or designee's completion of the custom form, OMS will send a notification to the Superintendent, or designee, of the completed marriage request custom form.

10. The Superintendent, or designee, shall notify the incarcerated individual of the decision by providing them with a copy of the request to marry report from OMS.
 - a. If the request is denied, the reason is indicated in the report.
 - b. If the request is approved, the Superintendent, or designee, shall inform the incarcerated individual and the CSS of the allowances and any limitations for the ceremony.
 - i. Ceremony allowances shall be made at the discretion of the Superintendent, or designee, and may include:
 - a) The time of the ceremony, including allowing additional visiting time or scheduling the ceremony for a time outside regular visiting hours;
 - b) Allowing additional visitors to attend the ceremony; and
 - c) Allowing brief contact between the incarcerated individual and their intended spouse to complete the ceremony.
 - ii. The CSS shall contact the intended spouse to inform them of:
 - a) The allowances for the ceremony;
 - b) How the ceremony will take place;
 - c) The responsibilities of the parties getting married, including obtaining the marriage license and paying associated costs;
 - d) The religious accommodation request process, if requested; and
 - e) That they are subject to all other DOC policies, including those concerning searches, visitation, and contraband.

B. Post-Approval Considerations

1. When a marriage ceremony request is approved, staff shall allow the incarcerated individual to attend pre-marital counseling with a religious leader or other counselor, if they want to. This may occur through:
 - a. In-person or video visits, in accordance with the policy on visitation; or
 - b. Phone calls, in accordance with the rule on telephone use;
2. The incarcerated individual or their intended spouse shall provide proof of the marriage license to the CSS at least two weeks before the date of the marriage ceremony.

- a. If proof of a marriage license is given after the two-week deadline, the Superintendent, or designee, has the discretion to determine if the marriage ceremony may still occur.
 - b. If proof of a marriage license is not provided, the DOC shall not allow the marriage ceremony to take place.
3. The Superintendent, or designee, shall ensure security coverage is organized for the ceremony.
4. The CSS shall ensure everyone attending the ceremony is on the approved visitor list.
5. After the marriage ceremony, the CSS shall update the incarcerated individual's OMS record to indicate:
 - a. Their marital status; and
 - b. The additional property allowance of the wedding band, if applicable, in accordance with the policy and guidance on property and allowable property matrix.

C. Marriage Between Two Incarcerated Individuals

1. If two incarcerated individuals wish to marry one another, both shall submit a request form to their assigned CSS. Each request will be processed as outlined above in [Section A., Approval Process for a Marriage Ceremony Request](#).
2. If the two incarcerated individuals are housed at separate facilities, the DOC will not transport incarcerated individuals for the sole purpose of a marriage ceremony.
3. When two incarcerated individuals are married, the DOC shall not:
 - a. House them together;
 - b. Allow conjugal visits; or
 - c. Permit them additional allowances beyond those allowed in DOC policies for mail, visitation, or property.

D. Fraudulent Documents

If staff suspect an incarcerated individual's marriage documents are fraudulent or contain falsified information they shall:

1. Create an incident report; and
2. Write the appropriate disciplinary report (DR) for the incarcerated individual, in accordance with the policy on facility rules.