

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 507.00

DATE: 01 February 2020

SUBJECT: INMATE MARRIAGES

POLICY DIRECTIVE

PURPOSE:

To ensure uniformity in the processing of inmate requests for marriage.

REFERENCE:

None.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 507.00, dated 01 November 2014 and DOC Commissioner's Instruction #16-14, dated 05 August 2016.

APPLICABILITY:

All adult facilities within the Division of Corrections and Rehabilitation. This Policy is for general distribution and is to be made available for inmate review.

DEFINITIONS:

None.

POLICY:

- I. The Superintendent may approve the marriage of an inmate confined in his/her facility. An inmate's request to marry shall be approved provided:
 - A. The inmate is legally eligible to marry (Attachment #1).

- B. The intended spouse has verified, in writing, an intention to marry the inmate and is legally eligible to do so (Attachment #1).
 - C. The marriage poses no threat to facility security, good order or public safety.
 - D. The intended spouse's status as a convicted felon shall not be a reason to deny the marriage request, nor deny the intended spouse access to the facility for the limited purpose of the marriage ceremony.
 - E. The intended spouse is not a co-defendant, witness, or potential witness in current/ongoing legal proceedings. This may include an investigation of fact regarding co-defendants, possible witnesses, and/or discussions with the Prosecutor's Office for those awaiting trial on current or new charges.
- II. An inmate who wishes to marry shall submit a request to marry to the facility Superintendent.
- A. The Superintendent shall designate a staff person to facilitate the marriage request and shall cause a written evaluation of the request, based upon the criteria above to be completed (Attachment #2).
 - B. The Superintendent shall notify the inmate, in writing, if the request is approved or denied (Attachment #3).
 - 1. A copy of this request and answer shall be placed in the inmate's legal/booking file and the inmate's classification file (if applicable).
 - 2. Should the request be denied, the notification to the inmate shall include a statement of the reason(s) for that action. The inmate shall also be advised that the decision may be appealed to the Commissioner of the Division of Corrections and Rehabilitation.
- III. The inmate shall pay all expenses of the marriage (e.g. marriage license, etc.). The inmate may receive appropriate financial assistance for the aforementioned expenses through the inmate's intended spouse, the inmate's family or other appropriate funding source as approved by the Superintendent.
- A. The Superintendent shall approve the date, time and location for the ceremony.
 - B. The marriage ceremony may be performed by community clergy or by appropriate civil authority approved by the Superintendent. It is the responsibility of the inmate or the intended spouse to secure the services of a person legally qualified to perform marriages in West Virginia. Division of Corrections and Rehabilitation Chaplains, all other WVDCR staff/contract personnel, and WVDCR inmates who are legally

qualified to perform marriages in West Virginia **SHALL NOT** perform any inmate marriage ceremony.

- C. In the event a community clergy or appropriate civil authority requires/desires pre-marriage counseling, the inmate will request that be arranged through the Superintendents' designee.
 - D. The marriage ceremony will be private, with no guests other than those necessary to conduct the ceremony and approved by the Superintendent will be permitted to attend.
 - E. The Superintendents' designee will make certain, on the day of the nuptials, that a proper marriage license has been obtained and will make two (2) copies of the signed marriage license. One (1) copy shall be placed in the inmate's legal/booking file and one (1) copy shall be placed in the inmate's classification file (if applicable).
- IV. Following the ceremony, a supervised contact visit may be approved by the Superintendent for the inmate and spouse, not to exceed a half hour.

ATTACHMENT(S):

- #1 Waiver of Liability
- #2 Facilitation Form (2 pages)
- #3 Inmate Notification of Superintendent's Decision

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

1-17-20
Date

PERSONAL DECLARATION OF ELIGIBILITY TO MARRY

WAIVER OF LIABILITY

I, _____, OID# _____,

(Check one) an Inmate Requesting Marriage Approval or the Intended Spouse

DECLARE THAT I AM LEGALLY ELIGIBLE TO MARRY BECAUSE: (Check **all** that apply)

I have never been legally married

I am not now legally married because I am legally divorced from all former spouses

I am not now legally married because my former spouse is deceased

I further declare that I request permission to marry _____

By my notarized signature below, I also affirm that I do not hold the West Virginia Division of Corrections and Rehabilitation liable for any damages to me, in any form for any reason, that may result from this marriage request being approved and permitting this marriage to take place.

Signature / Date

NOTARY STAMP AND SIGNATURE:

cc: Inmate's Legal/Booking File
Inmate's Classification File (if applicable)

INMATE MARRIAGE REQUEST
FACILITATION FORM

Inmate: _____, OID # _____

Date Marriage Request Received (attached): _____

Date Notarized Personal Declaration of Eligibility to Marry / Waiver of Liability Form received:

- Inmate _____
- Intended Spouse _____

Date notice of background investigation reviewed by Chief Correctional Officer/Designee received:

- Intended Spouse _____
- Clergy/Civil Authority _____

Does the marriage pose a threat to the good order or security of the facility or is it a risk to public safety?

- Is the intended spouse a felon? Yes ___ No ___
- Is he/she on the inmate's visitor's list? Yes ___ No ___
- Is he/she a co-defendant, witness, or potential witness in current legal proceedings?
Yes ___ No ___
- If the marriage request is approved, will the intended spouse be permitted to visit the inmate? Yes ___ No ___
 - If no, Why?

- Chief Correctional Officer recommendation (facts/policy/will approving the marriage request affect the good order of the facility or put at risk the public's safety? – if Yes, how?): _____

Chief Correctional Officer Signature / Date

ADDITIONAL COMMENTS:

DATE FORWARDED TO SUPERINTENDENT/DESIGNEE:

Date of Nuptials if approved: _____

Date that 2 copies of Marriage License were copied (normally the day of the nuptials):

NOTE: Make copies with the Officiant's signature affixed on license.

Did the Marriage Officiant take the marriage license in order to mail to the County Clerk's Office (normal procedure)? Yes ____ No ____

If No, who mailed the document? _____

NOTE: Normally, do not allow the Inmate or Spouse to assume this responsibility.

Assigned Staff Facilitator Signature / Date

cc: Inmate's Legal/Booking File
Inmate's Classification File (if applicable)

INMATE MARRIAGE REQUEST

INMATE NOTIFICATION OF SUPERINTENDENT'S DECISION

Inmate: _____, OID # _____

Intended Spouse: _____

SUPERINTENDENTS' DECISION - INMATE MARRIAGE REQUEST:

Approved ____ Not Approved ____

If Not Approved, Why?

Superintendent/Designee Signature Date

**THIS DECISION MAY BE APPEALED TO THE COMMISSIONER OF THE WV DIVISION OF
CORRECTIONS AND REHABILITATION**

Cc: Inmate's Legal/Booking File
 Inmate's Classification File (if applicable)
 Assigned Staff Facilitator