Virginia Department of Corrections	**Inmate Management and Programs**
	Operating Procedure 801.5
	Inmate Marriage Ceremonies
	Authority: Directive 801, *Facility Administration*
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	Access: ☐ Restricted ☒ Public ☒ Inmate
	ACA/PREA Standards: None

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		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in September 2024 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

Facility Unit Head - The person occupying the highest position in a DOC residential facility, such as an institution, field unit, or Community Corrections Alternative Program.

Inmate - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

Institution - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

Non-Contact Visitation - Visitation conducted through a physical barrier when the inmate's visitor is able to enter the facility but either the visitor or inmate is restricted from physical contact.

Special Visit - A visit that occurs when the regular visiting schedule cannot accommodate it, or a visit that is an exception to the normal visiting rules; special visits require prior authorization by the Facility Unit Head or designee. These visitors may include, but are not limited to, attorneys, clergy, former or prospective employers, sponsors, parole advisors, re-entry supporters, or business representatives.

Visitor Suspension - A prohibition of an individual's contact, non-contact, and video visiting privileges for a set time of no more than three years. (updated 9/16/24)

PURPOSE

This operating procedure establishes protocols for inmates to request a marriage ceremony to be conducted in person or by telephone at a Department of Corrections (DOC) institution.

PROCEDURE

I.   Eligibility for Marriage Ceremony

    A. Due to the relatively short duration of a Community Corrections Alternative Program (CCAP), probationer and parolee marriage ceremonies are not permitted in CCAPs.

    B. The Facility Unit Head may permit an inmate to marry their intended spouse in-person at the institution or through the administrative telephone system, unless when there is a violation of state law, or a demonstrable state interest found to deny the marriage ceremony.

    C. Staff will not transport inmates outside their assigned institution for a marriage ceremony.

    D. Facility Unit Heads will not approve a marriage ceremony request when the inmate requests to marry another inmate housed in the same or a different institution.

    E. When the marriage ceremony is denied, the Facility Unit Head should provide written explanation to the inmate for the denial.

    F. Inmates may appeal the denial of their marriage ceremony request through the established *grievance process*; see Operating Procedure 866.1, *Offender Grievance Procedure*.

II.   Request for Marriage Ceremony

    A. Inmates may request a marriage ceremony by submitting an *Inmate Marriage Request* 801_F1 to the Facility Unit Head through their assigned Counselor.

    B. The inmate will complete the *Inmate Marriage Request* 801_F1 and provide the following information:

        1. Name and DOC number of the inmate requesting to be married.

        2. Date and time requested for the ceremony; the date should be a minimum of 60 days from the date the *Inmate Marriage Request* 801_F1 is submitted for approval.

        3. Type of Request: to be conducted in person at the institution or a by telephone through the administrative telephone system. The Facility Unit Head will not approve an in-person marriage ceremony when:

            a. The intended spouse cannot appear for the ceremony at the institution where the inmate is housed.

            b. The intended spouse's visitation privileges are suspended or restricted to non-contact visitation at the time of the marriage ceremony; see Operating Procedure 851.1, *Visiting Privileges.*

        4. Name, address, and telephone number of the intended spouse.

        5. Name and address of the official authorized by the Code of Virginia to conduct the marriage ceremony; it is the responsibility of the inmate or intended spouse to make the necessary arrangements.

    C. When an inmate requests to marry over the administrative telephone, the inmate must provide the telephone number where the marriage ceremony will be conducted.

    D. The inmate will sign the completed *Inmate Marriage Request* 801_F1 and submit it to their assigned Counselor.

    E. A staff member should be assigned to assist the inmate, in preparing the *Inmate Marriage Request* 801_F1, when requested by the inmate.

III.   Expenses

    A. The Facility Unit Head or designee will not use state funds for inmate marriage ceremonies.

        1. A $75 fee will be charged to reimburse the institution for staff time spent in preparation for and supervision of any marriage ceremony conducted in person at the institution.

        2. A $35 fee will be charged to reimburse the institution for staff time spent in preparation for and supervision of any marriage ceremony conducted over the administrative telephone system.

        3. Payment by certified check, cashier's check, or money order payable to "Treasurer of Virginia" must be received at the institution prior to the marriage ceremony.

    B. All financial obligations and expenses associated with the marriage, e.g., license fee, official's fee, etc., must be paid for by the inmate or other private means.

IV.   Review and Approval

    A. The Facility Unit Head should approve or disapprove the *Inmate Marriage Request* 801_F1 within 15 days after receipt of the request.

        1. Facility staff may contact the intended spouse, prior to the Facility Unit Head's review of the *Marriage Request,* to confirm that the individual wishes to marry the inmate.

        2. If there is a *Victim Alert* in the inmate's VACORIS record, staff must contact the DOC Victim Services Unit to determine if the intended spouse is a victim of the inmate.

    B. If the request is approved, the Facility Unit Head or designee, taking into consideration the date and time requested by the inmate, will schedule the marriage ceremony.

    C. The Facility Unit Head or designee will return the *Inmate Marriage Request* 801_F1 with Facility Unit Head response to the appropriate Counselor.

    D. The Counselor will notify the inmate upon receipt of the answered *Inmate Marriage Request* 801_F1 and will prepare the *Marriage Approval Letter* 801_F2 to notify the intended spouse of the approved date and time for the marriage ceremony.

V.   Marriage License

    A. The inmate's intended spouse is responsible for obtaining the *Application for Marriage License (Affidavit).*

    B. Inmates will not be transported to the jurisdictional Court to complete or sign the *Application for Marriage License (Affidavit).*

        1. The inmate's intended spouse will mail the application or, with Facility Unit Head or designee approval, bring the application to the institution for the inmate to complete, sign verifying the information contained in the application is correct and to have the inmate's signature notarized by staff.

        2. The inmate must provide the Counselor with the information and documentation regarding prior marriages and divorce decrees or death certificates, as applicable, and requested for referral to the jurisdictional Court.

        3. The intended spouse will appear at the Court to submit the *Application for Marriage License (Affidavit),* pay the required fees, and obtain the marriage license.

    C. The marriage license may be obtained from any Court within Virginia if proper arrangements can be made for recording the marriage.

        1. A fully executed marriage license is only good for 60 days.

        2. Marriage licenses not used by day 60 must be marked "not used" and returned to the issuing Circuit

Court.

    D. Upon completion of the marriage ceremony, the official performing the ceremony will sign the marriage license and is responsible for having the marriage recorded with the Clerk of the Court of the jurisdiction in which the marriage license was issued.

    E. The Counselor or other designated staff should obtain a copy of the signed marriage license and upload it as an external document to VACORIS.

VI.   Limitations for In Person Marriage Ceremonies

    A. All in person inmate marriage ceremonies will be conducted in the visiting room or other area designated by the Facility Unit Head where the inmate is housed.

    B. Inmate marriage ceremonies performed in the institution will not result in the granting of any special privileges for the consummation of the marriage following the ceremony or thereafter.

    C. The official performing the ceremony and the intended spouse are the only individuals allowed to attend.

       1. The official performing the ceremony and the intended spouse must follow the established visitor's rules and regulations; see Operating Procedure 851.1, *Visiting Privileges*.

          a. The intended spouse must be currently approved in the VACORIS Visiting Module; if the intended spouse is not currently approved in the VACORIS Visiting Module, the intended spouse must:

             i. Submit an on-line visitor application.

             ii. Allow at least 30 days for review and approval of the on-line visitor application prior to the ceremony.

             iii. Allow additional time for review of certain applications such as the intended spouse lives out of state.

          b. The official performing the ceremony must have prior authorization by the Facility Unit Head or designee.

             i. The official performing the ceremony is subject to the approval requirements for Special Visits provided in Operating Procedure 851.1, *Visiting Privileges*.

             ii. The Facility Unit Head or designee may, at their discretion, deny use of a particular official for reasons of institutional security.

          c. Facility Unit Head approval is required before the intended spouse and presiding official will be allowed to attend the marriage ceremony.

    D. The following may be allowed for the marriage ceremony, provided approval is obtained in advance on the *Inmate Marriage Request* 801_F1:

       1. Rings – The inmate's ring must comply with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property,* and must be added to the inmate's property inventory. Inmates may request a ring in advance for marriage ceremonies conducted through the administrative telephone system.

       2. One new, in factory sealed container, disposable type camera.

       3. No food, beverages, or other items may be brought in; all refreshments must be purchased from vending machines in the visiting room or other area designated by the Facility Unit Head.

       4. A Corrections Officer will search all items before allowing an item to enter the security perimeter.

    E. With prior approval from the Facility Unit Head, supervised visitation, following the ceremony, may be allowed between the inmate and spouse. Sufficient Corrections Officers will be present for the entire ceremony and visitation period to maintain security.

VII.   Limitations for Marriage Ceremonies by Telephone

    A. Staff will observe all marriage ceremonies conducted over the administrative telephone system, the

marriage ceremony may be monitored and recorded; see Operating Procedure 803.3, *Inmate and CCAP Probationer/Parolee Telephone Services*.

B. Staff, prior to the marriage ceremony, must verify the marriage license was obtained from the Court and may request a copy for confirmation.

C. Staff will dial the telephone number provided on the approved *Inmate Marriage Request* 801_F1 at the approved date and time and will remain in the room with the inmate throughout the duration of the call to prevent misuse of the administrative telephone system.

D. The inmate and intended spouse can marry in-person with the presiding official performing the ceremony through the administrative telephone system if an administrative telephone is available in the visiting room or other area designated by the Facility Unit Head where the inmate is housed.

E. Once the marriage ceremony is completed, the call will be limited to an additional 20 minutes before the call is ended.

REFERENCES

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion.*

Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*

Operating Procedure 803.3, *Inmate and CCAP Probationer/Parolee Telephone Service*s

Operating Procedure 851.1, *Visiting Privileges*

Operating Procedure 866.1, *Offender Grievance Procedure*

ATTACHMENTS

None

FORM CITATIONS

Inmate Marriage Request 801_F1

Marriage Approval Letter 801_F2