

	State of Indiana Indiana Department of Correction	Effective Date	Page 1 of	Number
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<p>POLICY AND ADMINISTRATIVE PROCEDURE Manual of Policies and Procedures</p>				

Title MARRIAGE

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 11-8-2-5(a)(8) IC 31-11-4-1 <i>et seq.</i>	00-02-301 01-04-102 01-02-101 02-01-102 01-03-101 02-04-104 01-04-101	01-03-102 (Eff. Date 5-1-2018 / ED # 18-22)

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a process to allow incarcerated individuals to request to be married in a Department facility.

II. POLICY STATEMENT:

The Department of Correction recognizes that marriage may serve as a rehabilitative tool which may assist an incarcerated individual during the community Re-Entry process.

An incarcerated individual desiring to marry while incarcerated within the Department shall be required to meet all of the conditions to marry as required by the State of Indiana and to obtain approval from staff at the facility housing the individual. The approval of an incarcerated individual's request to marry shall be based upon the legality of the proposed marriage. The Department shall not unreasonably deny an incarcerated individual's request to marry. An incarcerated individual shall be given a written reason for a denial of a request to marry. A denial of a request to marry may be challenged through the grievance process.

Incarcerated individuals shall not be given temporary leaves for the purpose of getting married, except for individuals in the Work Release Program who have been approved for such leaves. Additionally, there shall be no provisions made which allow for the consummation of the marriage. An incarcerated individual may be authorized a special visit with the intended spouse for the purpose of the marriage ceremony and to allow a time for visitation following the ceremony.

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III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. COORDINATOR FOR MARRIAGE REQUESTS (COORDINATOR): The employee assigned by the Warden to coordinate marriages.
- B. LICENSE: The license required by the State of Indiana that authorizes two (2) people to be married.

IV. COORDINATOR FOR MARRIAGE REQUESTS:

Each Warden shall designate an employee to act as a Coordinator for marriages.

The duties of the Coordinator shall include:

- A. Answering questions from incarcerated individuals and intended spouses about the facility's procedures for marriages;
- B. Receiving requests for marriages from incarcerated individuals and intended spouses;
- C. Verifying the information supplied by the incarcerated individual;
- D. Assisting, as necessary, in arranging the marriage; and,
- E. Maintain statistics of number of marriages approved, denied, and completed.

The Coordinator may confer with the facility Chaplain, if the Coordinator is not the Chaplain and if a Chaplain is available at the facility for assistance in aspects related to the marriage ceremony.

V. REQUEST FOR MARRIAGE:

An incarcerated individual desiring to marry shall obtain approval from the Warden or designee. An incarcerated individual desiring to marry shall contact the Coordinator to obtain State Form 28388, "Offender Request for Marriage." The incarcerated individual shall complete State Form 28388 accurately and supply all requested information. Upon return of a completed State Form 28388, the Coordinator shall verify the information supplied by the incarcerated individual in the information system and use of the incarcerated individual's facility packet. Failure to supply all requested information, falsification of information, and the inability to verify the information supplied by the incarcerated individual may delay the approval or result in a denial of the request.

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The incarcerated individual shall initiate the request for marriage at least ninety (90) days prior to the intended date of the ceremony so that sufficient time is available to complete the approval process and to complete all of the necessary arrangements.

Following the verification of the incarcerated individual's information on State Form 28388, the Coordinator shall forward it to the intended spouse with a cover letter indicating the following information (This information can be accessed on the Department's website under "Incarcerated Individual Locator"):

- A. The incarcerated individual's true (commitment) name;
- B. The incarcerated individual's offense;
- C. The incarcerated individual's length of sentence;
- D. The incarcerated individual's projected release date; and,
- E. Any other public information, including information on the incarcerated individual's prior criminal convictions.

A copy of these documents shall be filed in the incarcerated individual's facility packet.

Staff shall not release restricted or confidential information regarding an incarcerated individual without the approval of the Warden or designee.

The intended spouse is to complete the center section of State Form 28388 and return the signed State Form 28388 to the Coordinator. Failure to complete this form or supply accurate information may result in a delay or denial of the request to marry.

The Coordinator shall ensure the incarcerated individual and the intended spouse have obtained a valid marriage license to marry in the State of Indiana.

The Coordinator shall recommend approval or denial of the request with reasons. The recommendation shall be based upon whether the request appears to meet legal requirements. The request shall be forwarded to the Warden or designee for a decision regarding approval or denial.

VI. REVIEW OF REQUEST TO MARRY (See Facility Directive):

The Warden or designee shall review the request and shall either approve or deny the request on State Form 28388. Reasons for the denial of an incarcerated individual's request to marry are:

- A. The incarcerated individual is not legally eligible to marry;
- B. The incarcerated individual is requesting to marry another incarcerated individual; or,
- C. The incarcerated individual is requesting to marry an employee of the Department.

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Each facility shall develop a facility directive that guides the facility for situations where the prospective spouse is ineligible for visitation privileges. The facility directive shall allow for a visitation-ineligible intended spouse to enter the facility one (1) time for a brief marriage ceremony, which shall be designated as a “non-contact” visit in accordance with Policy and Administrative Procedure 02-01-102, “Visitation.”

If the request is recommended for approval by the Warden, the Coordinator shall be informed and shall communicate the approval and an explanation of the facility’s marriage procedures to the incarcerated individual.

If the Warden’s recommendation is to deny, the Warden shall consult with the Director of Religious Services. Following this consultation, the Warden shall complete State Form 28388 and forward it to the Director of Religious Services. The Coordinator shall inform the incarcerated individual of the recommendation.

The incarcerated individual shall be responsible to inform the intended spouse of the decision.

VII. MARRIAGE LICENSE (See Facility Directive):

The County Clerk is responsible for verifying documentation needed for the license. The incarcerated individual's intended spouse shall be responsible for contacting the appropriate authorities (i.e., County Clerk's Office in the county of residence of the incarcerated individual or the intended spouse if also a resident of Indiana) to obtain a marriage license. The facility shall work with the County Clerk so that the incarcerated individual can complete the necessary portions of the marriage license without requiring the incarcerated individual to go to the Clerk's Office. However, the incarcerated individual and the intended spouse shall be advised that the County Clerk may have certain rules regarding both parties being present to obtain the Marriage License that must be followed and that the Department has no authority over either the County Clerk or the Clerk’s rules. Incarcerated individuals shall not be given a Temporary Leave in order to obtain a Marriage License, except in Community Re-Entry Centers, if the incarcerated individual meets the requirements to receive a pass.

The County Clerk cannot issue a marriage license if either applicant is a lifetime sex or violent offender, unless the incarcerated individual submits an affidavit stating under the penalties of perjury that the incarcerated individual has provided written notice of the person’s (A) intent to marry and (B) intended married name to the local law enforcement authority in the county of conviction and in the person’s county of residence. The Department has no authority over County Clerks’ offices. The decision of the County Clerk is final.

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The marriage license application shall be the responsibility of the incarcerated individual and their intended spouse. Neither the Coordinator, nor the Department, shall be responsible for any cost or actions relating to the application process.

VIII. ARRANGEMENT FOR MARRIAGE CEREMONIES (See Facility Directive):

Upon receipt of a copy of the marriage license from the intended spouse, the Coordinator shall advise the incarcerated individual and intended spouse of the facility requirements concerning marriages. The information provided by the Coordinator is to include:

- A. Location of the ceremony;
- B. Officiant at the ceremony;
- C. Persons permitted to attend;
- D. Visitation relative to the ceremony; and,
- E. Any other facility arrangements or restrictions.

A facility directive shall be developed indicating what arrangements are appropriate for the facility and any special arrangements that may be necessary for incarcerated individuals housed on special units (e.g., Restrictive Status Housing units, Death Row, etc.)

IX. LOCATION OF MARRIAGE CEREMONIES (See Facility Directive):

The Warden or designee shall determine a suitable location for marriage ceremonies at the facility. These ceremonies may be conducted in the visiting area provided that the ceremonies do not disrupt the routine visiting activities of other incarcerated individuals.

X. OFFICIANTS OF MARRIAGE CEREMONIES (See Facility Directive):

The incarcerated individual and intended spouse are responsible for arranging an authorized individual to conduct the marriage ceremony. It shall be the responsibility of the incarcerated individual and their intended spouse to ensure that the selected officiant meets all applicable requirements to perform marriage ceremonies.

The officiant selected by the incarcerated individual may impose additional requirements prior to the marriage ceremony based upon religious tenets or doctrines.

The incarcerated individual and intended spouse shall be responsible for making any necessary arrangements and for any expenses or costs associated with the marriage ceremony.

Any person conducting a marriage ceremony at a facility shall be required to abide by the facility's visitation procedures as found in Policy and Administrative Procedure 02-01-102, "Visitation,"

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but is not required to be on the incarcerated individual's approved visitation list. The Coordinator shall ensure the incarcerated individual has made the selected officiant aware of all applicable visitation procedures and any other procedures that may impact the officiant and the conducting of the ceremony.

A facility directive shall be developed to indicate the procedures to be followed by incarcerated individuals when an officiant is selected. The facility may, as a convenience, maintain a list of officiants approved to enter the facility and perform weddings. An incarcerated individual and intended spouse may request an individual (not another incarcerated individual) that does not appear on the pre-approved list to officiate.

XI. PERSONS ATTENDING THE MARRIAGE CEREMONY:

The incarcerated individual and intended spouse are to discuss with the Coordinator the rules for persons visiting during the marriage ceremony. The incarcerated individual may submit a request for special visiting privileges for the purpose of the marriage ceremony. Any such request shall be in accordance with the facility's operational procedures for Policy and Administrative Procedure 02-01-102, "Visitation."

The incarcerated individual may be allowed a special visit, with the approval of the Warden or designee. The decision whether to approve a special or extended visit shall be based upon the safety and security of the facility and the resources and space available for such visit.

Witnesses to weddings are not required in the State of Indiana.

XII. TEMPORARY LEAVES/PASSES:

Temporary leaves shall not be granted for the purpose of a marriage.

An incarcerated individual assigned to the Work Release Program may be granted a leave, providing the incarcerated individual is eligible for such a leave, at the discretion of the Warden. The length of such leave shall be determined by the incarcerated individual's eligibility for leaves; however, the leave shall not exceed forty-eight (48) hours.

XIII. CONSUMMATION OF MARRIAGE:

This policy and administrative procedure excludes any provision for the consummation of a marriage by the incarcerated individual. Temporary leaves or visits shall not be granted for the purpose of consummating the marriage. Incarcerated individuals assigned to a Work Release Program may be granted a temporary pass if all eligibility requirements are met.

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XIV. APPLICABILITY:

This policy and administrative procedure is applicable to all departmental facilities housing incarcerated adults, except adult Intake Units. Adult Intake Units are not required to allow incarcerated individuals to marry during the Intake process.

Due to the restrictions on persons under the age of eighteen (18) to marry, youths shall not be permitted to marry while incarcerated in a Department facility.

signature on file
Christina Reagle
Commissioner

Date