

Idaho Department of Correction 	Standard Operating Procedure	Title: Marriage Procedures for Inmates		Page: 1 of 8
		Control Number: 311.02.01.001	Version: 4.0	Adopted: 04-26-2005

Ashely Dowell, chief of the division of prisons, approved this document on 06/05/2017.

Open to the public: **Yes**

SCOPE

This standard operating procedure applies to all inmates housed in Idaho Department of Correction (IDOC) correctional facilities, including community reentry centers (CRCs).

Revision History
Revision date (06/05/2017) version 4.0: Updated definition of immediate family, changed offender to inmate, updated formatting, division, and job titles

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BOARD OF CORRECTION IDAPA RULE NUMBER 311

Inmate Marriages

POLICY CONTROL NUMBER 311

Marriages: Inmate

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish principles and practices for processing inmate marriage requests.

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RESPONSIBILITY

Facility heads or designees are responsible for implementing this SOP and ensuring that staff members practice the standards and procedures contained herein.

STANDARD PROCEDURES

Conditions to Marry

Marriage must conform to the laws of the State of Idaho. The IDOC has the following interests regarding the marriage of an inmate while he is in the custody of the IDOC:

- Would the marriage violate any State of Idaho laws, specifically: would the marriage be legal?
- Would the marriage affect the safety of the facility, staff, or the public?

The IDOC does not provide marriage counseling. However, because relationships affect an inmate's successful reintegration into the community, case managers should work with inmates, who marry while incarcerated, to add relationship counseling to the inmate's release case plan, if appropriate.

Inmates are allowed to marry while incarcerated provided the requirements established in this SOP and State of Idaho laws are met. Inmates are not permitted to bypass the requirements established in this SOP and marry over the telephone or by proxy. Normally, if an inmate bypasses the requirements established in this SOP, he will not be allowed to visit with his proposed spouse, and he may face disciplinary action in accordance with *Disciplinary Procedures: Inmate*, SOP 318.02.01.001.

When an inmate marries while incarcerated, it does not guarantee that the inmate will be allowed to visit with the spouse.

An inmate will not be allowed to marry a current IDOC employee, contractor, intern, or volunteer. Before such marriage would be allowed, the employee, contractor, intern, or volunteer must terminate his employment **or** relationship with the IDOC.

Marriage applicants are responsible for:

- Acquiring all documents required to get married.
- All costs relating to the marriage.

When applicable, an inmate and proposed spouse must provide legal documentation of all divorces or annulments before they will be allowed to marry. Legal documentation must be in the form of a decree, certificate of divorce or annulment, or court order. Idaho law does not permit family members to marry (such as a marriage between a parent and child, ancestor and descendant [of every degree], brother and sister [of the half or of the whole blood], uncle and niece, aunt and nephew, or first cousins).

Marriage Requests

Marriage Application Review Team

The marriage application review team consists of the facility head or designee, the facility marriage coordinator, the inmate's case manager, and if needed in accordance with the process steps in this section, the applicable division chief or designee.

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The facility head or designee must appoint a staff member to serve as the facility marriage coordinator. For the purpose of this SOP only, the facility marriage coordinator will typically be the facility volunteer and religion coordinator (VRC). However, if the facility does not have a facility VRC and the facility head appoints a staff member to serve as the facility marriage coordinator, the appointed staff member should receive training from the division VRC. In addition, if the facility head or facility marriage coordinator have any questions regarding the below process steps, contact the division VRC for explanation and/or clarification.

Functional Roles and Responsibilities	Step	Tasks
Inmate	1	Submit a completed Application for Marriage Part One to the facility marriage coordinator.
Facility Marriage Coordinator	2	Using Application for Marriage Log , document receipt of the Application for Marriage When the log is completely full, retain in accordance with this SOP
	3	Schedule an interview appointment with the inmate and proposed spouse within 30 days of receiving the <i>Application for Marriage</i> . (Both parties need to attend the interview together.) Before the interview: <ul style="list-style-type: none"> • Review the inmate's file information. • Have the inmate complete and sign, Application for Marriage - Waiver of Confidentiality. • Whenever possible, the interview should be in person but can be conducted via telephone. However, in all cases the interview must be in accordance with the custody level of the inmate and the security level of the facility. • If the inmate does not freely and voluntarily complete the <i>Application for Marriage - Waiver of Confidentiality</i>, end the process here.

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Functional Roles and Responsibilities	Step	Tasks
Facility Marriage Coordinator	4	<p>Conduct an interview with the inmate and proposed spouse.</p> <p>Ask the proposed spouse about the inmate's criminal record.</p> <p>If the inmate disclosed his criminal record to the proposed spouse – skip to step 7.</p> <p>If the inmate did not disclose his criminal record to the proposed spouse, encourage and give the inmate the opportunity to disclose it himself first – then proceed to step 5. Do not disclose to the proposed spouse any information from the Pre-sentence Investigation (PSI) Report. The inmate cannot authorize the release of PSI Report information but can disclose information about himself.</p>
	5	<p>Give the proposed spouse a copy of the inmate completed and signed <i>Application for Marriage - Waiver of Confidentiality</i>; and</p> <p>Refer the proposed spouse to the Idaho State Police (ISP), Division of Criminal Identification, to request a criminal records check on the inmate.</p>
	6	<p>Ask the proposed spouse to schedule a follow-up appointment with you after the criminal record check is complete.</p> <p>Inform the proposed spouse that a copy of the criminal record obtained from ISP must be brought to the follow-up appointment.</p> <p>Document the interview as described in section 4 of this SOP.</p> <p>The process ends here until the proposed spouse schedules and attends the follow-up appointment. The process then begins again at step 7.</p>

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Functional Roles and Responsibilities	Step	Tasks
	7	<p>Discuss basic marital issues related to the inmate's incarceration such as:</p> <ul style="list-style-type: none"> • Visitation • Inmate move (to another facility) • Inmate move (out of state) • Rules of parole • Limitations on parole (if the inmate is a sex inmate) • Release information
Facility Marriage Coordinator	8	<p>If either the inmate, proposed spouse, or both were previously married, obtain the divorce or annulment legal document(s) from the applicable party or parties.</p> <p>If the divorce or annulment legal documents have an original signature, seal, or ink stamp (such as a certified true copy stamp), make a copy and return the document that has the original signature, seal, or ink stamp to the applicable party.</p>
	9	<p>Explain the facility marriage process and the approval process for the person conducting the marriage ceremony.</p> <p>If the parties would like the IDOC to find a person to conduct the marriage ceremony, that person must be selected from the IDOC's list of qualified people. The list may be obtained from the facility VRC or division VRC (as applicable). It is the parties' responsibility to coordinate all other details for the ceremony.</p>
	10	<p>Ensure that the inmate's case manager is involved with the process so that relationship counseling can be added (if appropriate) to the inmate's release case plan.</p>
	11	<p>Complete the Application for Marriage Part Two within five working days of completing the follow-up interview.</p> <p>Document the interview as described in this SOP.</p> <p>Forward the <i>Application for Marriage Part One</i>, <i>Application for Marriage Part Two</i> (via e-mail), and any other documentation to the facility head or designee.</p>

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Functional Roles and Responsibilities	Step	Tasks
Facility Head or Designee	12	Document on the completed <i>Application for Marriage Part Two</i> any of the following regarding the marriage: <ul style="list-style-type: none"> • Violates any State of Idaho laws • Is not in accordance with the provisions of this SOP • Would have an adverse effect on the safety of the facility, staff, or public
	13	If for any reason, you believe the marriage should not be allowed, forward the <i>Application for Marriage Part One</i> , and the Application for Marriage Parts Two and Three , and any supporting documentation to the applicable division chief or designee.
Division Chief or Designee	14	Review the <i>Application for Marriage</i> and supporting documentation and obtain additional information if needed; Approve or deny the request to marry, and notify the facility head or designee of the decision; and Sign and return the <i>Application for Marriage Parts Two and Three</i> and supporting documentation to the facility head or designee. If denying the request to marry, retain the documentation as described in section 4 of this SOP.
Facility Head	15	Implement the decision by notifying the facility marriage coordinator. If returned, forward the completed application for marriage documents and supporting documentation to the facility marriage coordinator.
Facility Marriage Coordinator	16	Document the decision as described in section 4 of this SOP. Follow the record retention requirements describe in this SOP. Inform the inmate of the decision. <ul style="list-style-type: none"> • If the marriage will not be allowed – the process ends here. • If the marriage will be allowed – proceed to step 17.
	17	Assists the inmate with any facility issues related to scheduling the marriage ceremony.

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Marriage Application Process for Inmates Housed County Jails

Marriage requests for IDOC inmates who are held in county jails will be referred to the deputy warden of Virtual Prisons Program (VPP), or designee. The deputy warden of the VPP or designee will:

- Communicate with the county jail and request that the jail follow the basic procedures provided herein this SOP.
- Exercise his option to bring the inmate back to an IDOC facility to go through the procedures provided herein this SOP.

Marriage Ceremony

Conditions of the marriage ceremony are within the discretion of the facility head or designee.

If the marriage ceremony includes the exchange of wedding rings (plain band) or other ceremonial, religious items, the rings and items must meet the requirements of SOPs [320.02.01.001](#), *Property: State-issued and Inmate Personal Property*, and [320.02.01.002](#), *Property: Religious*. No food or beverages are allowed. Dress code must meet the requirements outlined in SOP 604.02.01.001, *Visiting*.

The general guidelines for the ceremonial location and who may attend (based on security level) are as follows:

Administrative segregation

- Location: Non-contact visiting
- Attendance: The inmate, approved spouse-to-be, minister, and appropriate staff members (as determined by the facility head)

Close custody

- Location: Contact visiting (or other facility head-approved location)
- Attendance: The inmate, approved spouse-to-be, minister, and appropriate staff members (as determined by the facility head)

Medium custody

- Location: Contact visiting (or other facility head-approved location)
- Attendance: The inmate, approved spouse-to-be, minister, guests, and appropriate staff members (as determined by the facility head). All guests must be approved visitors. The number of guests allowed to attend may be limited based on facility staffing and available space. The immediate family members (as defined in SOP [604.02.01.001](#), *Visiting* of the marrying parties should be given priority.

Minimum custody

- Location: Contact visiting (or other facility head-approved location)
- Attendance: The inmate, approved spouse-to-be, minister, guests, and appropriate staff members (as determined by the facility head). All guests must be approved visitors. The number of guests allowed to attend may be limited based on facility staffing and available space. The immediate family members of the marrying parties should be given priority. The

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facility head or designee may approve for attendance any immediate family members housed at the same facility.

Documentation and Record Retention

Documentation Requirements

The facility marriage coordinator documents the marriage request process (to include interviews and decisions made) in the Corrections Integrated System (CIS) as a C-note entry.

Case manager will use CIS to add relationship counseling to the inmate's release case plan.

Record Retention Requirements

After the last entry has been made on the *Application for Marriage Log*, the facility head or designee will maintain the log for two years and then destroy it.

Marriage approved – The completed *Application for Marriage*, *Application for Marriage - Waiver of Confidentiality*, divorce or annulment legal documents, and other documents related to the marriage request process may be destroyed or returned to the applicants (as applicable) after the completion of the marriage ceremony.

Marriage denied – The appropriate division chief or designee will maintain for two years and then destroy all of the documents submitted as part of the marriage request.

DEFINITIONS

None

REFERENCES

[*Application for Marriage Part One*](#)

[*Application for Marriage Parts Two and Three*](#)

[*Application for Marriage Log*](#)

[*Application for Marriage - Waiver of Confidentiality*](#)

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures for Inmates*

Standard Operating Procedure [320.02.01.001](#), *Property: State-issued and Inmate Personal Property*

Standard Operating Procedure [320.02.01.002](#), *Property: Religious*

Standard Operating Procedure [604.02.01.001](#), *Visiting*

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