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GOVERNOR

State of Alabama Department of Corrections

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JEFFERSON S. DUNN
COMMISSIONER

April 6, 2015

**ADMINISTRATIVE REGULATION
NUMBER 407**

OPR: CHAPLAIN SERVICES

INMATE MARRIAGE

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for inmate marriages.

II. POLICY

It is the policy of the ADOC to allow an inmate to marry subject to the laws of the State of Alabama, county and local requirements, and the ADOC Administrative Regulations while under the supervision of the ADOC.

III. DEFINITION(S) AND ACRONYM(S)

- A. **Chaplain (Institutional or Volunteer):** An individual endorsed or ordained by their own religious tradition. The Chaplain plans, directs, and coordinates religious activities to accommodate the needs of the inmate population and to facilitate the institutional religious needs.
- B. **Common Law Marriage:** The Alabama courts recognize four elements for the existence of a valid common law marriage:
 1. Capacity (age, sanity, not married to anyone else, etc.).
 2. Present agreement or mutual consent to enter the marriage relationship, permanent and exclusive of all others.
 3. Public recognition of the existence of the marriage.
 4. Cohabitation or mutual assumption openly of marital duties (in other words, have the parties held themselves out as husband and wife).

- C. **Marriage Application Packet:** This consists of ADOC Form 407-A, *Marriage Request*, ADOC Form 407-B, *Marriage Ceremony Request*, and supporting documentation to include all legal documents validating eligibility to marry (such as, but not limited to, divorce papers and death certificates).
- D. **Marriage:** A sacred, solemnized covenant between two parties when the legal capacity and consent of both parties is present, and which is recognized by Alabama state law as a civil contract.

IV. **RESPONSIBILITIES**

- A. The Associate Commissioner of Plans and Programs is responsible for reviewing disapproved inmate marriage requests to ensure compliance with ADOC policies and procedures.
- B. The Warden is responsible for:
 - 1. Developing institutional Standard Operating Procedures (SOPs), as necessary, for the implementation of AR 407, *Inmate Marriages*.
 - 2. Reviewing the marriage application packet submitted by the Chaplain.
 - 3. Rendering a decision on the inmate marriage application packet.
 - 4. Submitting disapproved inmate marriage requests to the Associate Commissioner of Plans and Programs.
- C. The Chaplain is responsible for:
 - 1. Verifying the inmate's marital status through inmate records.
 - 2. Providing the marriage application packet to the inmate.
 - 3. Submitting the inmate marriage application packet to the Warden.
 - 4. Facilitating the marriage ceremony, to include securing the services of an approved volunteer Chaplain or other person with legal authority to perform marriages in Alabama, if necessary.
- D. The inmate is responsible for:
 - 1. Submitting to the Chaplain a request slip to be married.
 - 2. Submitting the marriage application packet to the Chaplain.
 - 3. Complying with ADOC regulations and institutional SOPs.

4. Along with the intended spouse, satisfying all financial expenditures associated with the marriage.
 5. Receiving the Warden's prior approval if an inmate on Work Release plans to marry while on pass or furlough.
 6. Receiving Division Director's prior approval if an inmate, while on an early release or re-entry program, plans to marry.
- E. The intended spouse is responsible for:
1. Completing the applicable portion of the marriage application packet.
 2. Complying with ADOC regulations and institutional SOPs.
 3. Along with the inmate, satisfying all financial expenditures associated with the marriage.
 4. Obtaining the Warden's approval documentation.
 5. Acquiring the marriage license from a County Probate Judge.
 6. Submitting the signed marriage license to a County Probate Judge.

V. PROCEDURES

- A. The inmate shall submit a request to the Chaplain.
- B. The Chaplain shall review information in the inmate's records to determine marital status.
- C. Based on the preliminary review, the Chaplain shall provide the inmate with the marriage application packet.
- D. Marriage Eligibility will be based upon the following:
 1. All State, county, and local statutes have been fulfilled.
 2. All ADOC forms have been properly completed and submitted.
 3. All divorce, annulment, or death documentation has been submitted and verified, if applicable.
 4. Intended spouse complies with AR 303, *Visitation*, and is on the inmate's current approved visitation list.
 5. Intended spouse is not the inmate's victim.

6. There is no threat to the security of the institution.
 7. Intended spouse is not incarcerated.
 8. Inmate is six months clear of any disciplinary action.
 9. Inmate is not in segregation.
- E. Upon completion of the packet, the Chaplain shall present the packet to the Warden for review.
- F. The Warden shall render a decision on the inmate's marriage application packet based upon eligibility and:
1. Review of Chaplain's documentation.
 2. Review of the inmate's institutional behavior.
 3. Review of the inmate's visitation list to ensure the intended spouse is approved to visit.
 4. Consideration of institutional security.
 5. Review of the proposed wedding date and time for ceremony.
- G. Upon Warden approval, the Chaplain will facilitate the marriage ceremony.
- H. If the decision is to disapprove the inmate's marriage application request, ADOC Form 407-B, *Marriage Ceremony Request*, and accompanying documentation, shall be forwarded to the Associate Commissioner of Plans and Programs for review.
- I. Wedding Ceremony:
1. Solemnizing: The Chaplain may solemnize the marriage ceremony. If the Chaplain does not solemnize the marriage ceremony (due to denominational commitment or religious convictions), then an approved volunteer Chaplain recognized as an ordained, licensed minister, or a judge may solemnize the ceremony, in accordance with state law.
NOTE: Inmates are prohibited from solemnizing a marriage.
 2. Intended spouse and solemnizing official shall dress in compliance with AR 303, *Visitation*.
 3. The intended spouse may bring into the facility one (1) wedding band for the inmate, in accordance with AR 338, *Inmate Property*, and one (1) wedding band for the intended spouse.

4. The ceremony shall consist of the inmate, intended spouse and solemnizing official.
5. Receptions are prohibited.
6. The total time of the ceremony to complete the solemnization, signing appropriate documents, and visitation time shall not exceed one (1) hour.
7. A certificate of License for Marriage shall be signed by the solemnizing official, inmate, and spouse.
8. After the wedding ceremony, the Warden/designee shall ensure that a copy of the license/certificate, and marriage application packet are entered in the inmate's records.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form 407-A, *Inmate Marriage Request*.
- B. ADOC Form 407-B, *Marriage Ceremony Request*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 407, *Marriage of Inmate Personnel*, dated November 16, 1987, and any changes.

IX. PERFORMANCE

- A. Code of Alabama 1975, as amended, Section 30-1-1, et. seq.
- B. ADOC AR 303, *Visitation*.
- C. ADOC AR 338, *Inmate Property*.
- D. ADOC AR 403, *Procedures for Inmate Rule Violations*.



Jefferson S. Dunn
Commissioner

Alabama Department of Corrections

MARRIAGE REQUEST

Name: _____ AIS #: _____
(Printed Inmate's Name)

Dorm: _____ Bed: _____

In compliance with AR 407, *Inmate Marriages*, I am requesting permission to be married to:

(Printed Intended Spouse's Name)

Check those that apply:

_____ I have never been married, including common law married.

I have been married, or common law married, which was legally dissolved by:

_____ Divorce _____ Annulment _____ Death

Attached are the documents (divorce decree, annulment, or death certificate) required to support my legal eligibility for marriage. I further understand my failure to provide these documents or falsification on any part of the documentation is grounds for denial of marriage and sanctions in accordance with state laws and AR 403, *Procedures for Violations and Infractions*.

I affirm that the above is true. _____
(Inmate's Signature) (Date)

Name: _____ Phone: _____
(Printed Intended Spouse's Name)

Address: _____

State: _____ Zip: _____

In compliance with AR 407, *Inmate Marriages*, I am requesting permission to be married to:

_____ (Printed Inmate's Name) (AIS #)

Check those that apply:

_____ I have never been married, including common law married.

I have been married, or common law married, which was legally dissolved by:

_____ Divorce _____ Annulment _____ Death

Attached are the documents (divorce decree, annulment, or death certificate) required to support my legal eligibility for marriage. I further understand my failure to provide these documents or falsification on any part of the documentation, is grounds for denial of marriage.

I affirm that the above is true. _____
(Intended Spouse's Signature) (Date)

Distribution: Inmate's record
Chaplain's Office

ADOC Form 407-A – April 6, 2015

Alabama Department of Corrections

MARRIAGE CEREMONY REQUEST

The marriage ceremony of _____ AIS #: _____
(Printed Inmate's Name)

And _____
(Printed Intended Spouse's Name)

is requested for _____ at _____
(Month) (Day) (Year) (Time)

The following items may be brought into the institution for the ceremony:

- _____ A certificate of License for Marriage.
- _____ One (1) wedding band for the inmate in accordance with AR 338.
- _____ One (1) wedding band for the intended spouse.

Approved Disapproved

Reason for Disapproval: _____

(Chaplain's Signature)

(Warden's Signature)

(Date)

Distribution: Inmate's records
If disapproved, AC Plans and Programs