

NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY INMATE MARRIAGE POLICY		
	REVIEW DATE July 31, 2020	NUMBER 205.04	PAGE 1 of 3
	STATEMENT OF AVAILABILITY This Policy is to be made available in law libraries or other inmate resource centers		

EFFECTIVE: June 30, 2016
 REVIEWED: July 31, 2017
 REVISED: December 31, 2018
 REVISED: August 31, 2019
 REVISED: July 31, 2020


SUMMARY of REVISION/REVIEW

Incorporated Policy Directive 019-027. Reordered Attachments.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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	INMATE MARRIAGE POLICY		
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PURPOSE

The purpose of this Policy is to establish rules and standards for accommodating inmate marriages.

GENERAL


The Nebraska Department of Correctional Services (NDCS) shall accommodate inmate marriage ceremonies provided the marriage does not conflict with any legal restriction or process, any NDCS policy or procedure, or compromise the security or good order of any NDCS facility.

Each institution, consistent with its function and the nature of its inmate population and programs, shall develop its own version of this Policy within the limits and guidelines that follow.

PROCEDURE

I. MARRIAGE

- A. If all legal and NDCS requirements are met, inmates will be allowed to marry unless the Warden finds that the marriage or marriage ceremony presents a threat to security or the good order of the institution.
- B. Confirmation of a marriage license is required before an inmate may submit a Marriage Intention form (Attachment A).
- C. Inmates planning to marry must submit an Inmate Marriage Intention Form (Attachment A) to their Unit Manager. The inmate and/or spouse-to-be is responsible for obtaining the marriage license and contacting an officiant from the community to perform the ceremony. Religious Coordinators, Full-time Volunteer Clergy and Religious Volunteers are prohibited from performing marriage ceremonies.
 1. If the prospective spouse and/or external witness(es) have not been approved to visit, each individual must submit a Visitor Request form no fewer than 10 working days prior to the intended marriage date. Subject to the approval of the warden, a one-time visit for the marriage ceremony only may be considered for a prospective spouse who is not authorized to be on the inmate's approved visiting list. External witnesses who are not eligible to visit are not eligible for this one-time visit consideration. Denials of the prospective spouse shall be based on safety/security concerns specific to the marriage ceremony visit request. If the prospective spouse is a prior employee, the visit request for the marriage ceremony shall be submitted to the warden and forwarded to the Director/designee for final approval.
 2. If the officiant is not an approved visitor, he/she may submit a Visitor Request form no fewer than 10 working days prior to the intended marriage date or request consideration of a special visit for the purposes of the marriage ceremony only.
- D. Facilities will arrange space and time for marriage ceremonies, except that ceremonies will not be arranged for inmates assigned to restrictive housing. Inmates assigned to community custody facilities may be allowed furloughs to marry in the community. NDCS will not transport inmates from one institution to another for the marriage ceremony. If an inmate wants to marry another inmate, each inmate must submit an Inmate Marriage Intention Form through the facility Warden to the Director for final approval. Upon receipt

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of both Inmate Marriage Intention forms, the Director will approve the request for any marriage or marriage ceremony recognized under state law, unless he/she determines that the marriage or marriage ceremony presents a threat to the safety, security or good order of any NDCS institution, or jeopardizes the rehabilitative process of an inmate. (Attachment B)

- E. Only the inmate, prospective spouse, two witnesses and the marriage officiant are allowed to attend the marriage ceremony. Only approved visitors and general population inmates may serve as witnesses. All participants must comply with the institution's policies regarding dress code. Correctional staff will supervise marriage ceremonies.
- F. The inmate, the prospective spouse and non-inmate witnesses may visit before or after the marriage ceremony as long as they are approved to visit and regular visits are taking place. Inmate witnesses must return to their living units immediately after the ceremony.
- G. In institutions with photo projects, the inmate getting married may purchase up to five photo tickets for pictures to be taken after the ceremony. No private photographers or cameras will be allowed at the ceremony.
- H. If the inmate receives a wedding ring, staff shall register the ring to the inmate's property by completing the Inmate's Registration of Personal Property form (Attachment C) and the Limits of Liability – Inmate Jewelry Form (Attachment D or E).
- I. If approved by the facility Warden, a community custody inmate may be married while in the community on an approved pass or furlough. The specific location of the ceremony must be approved and listed on the itinerary. Such locations must be in compliance with policies and procedures governing passes and furloughs.

REFERENCE

- I. STATUTORY REFERENCE
 - A. Nebraska Revised Statutes: Section 42-101 et. seq.
- II. NDCS POLICIES – None noted
- III. ATTACHMENTS
 - A. Inmate Marriage Intention Form
 - B. Inmate to Inmate Marriage Intention Form
 - C. Inmate's Registration of Personal Property
 - D. Limits of Liability – Inmate Jewelry Form (Secure Institution)
 - E. Limits of Liability – Inmate Jewelry Form (Community Corrections Facility)
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted