



<b>STATE OF ALASKA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Institutions</b>		PAGE: Page 1 of 3
	CHAPTER: <b>808</b>	NUMBER: <b>808.10</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Prisoner Marriages</b>		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: <b>08/31/17</b>
ATTACHMENTS / FORMS: <b>(A.) Prisoner Marriage Application.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155</b> <b>AS 33.30.011</b> <b>AS 33.05.010</b> <b>AS 33.30.021</b> <b>AS 33.16.180</b> <b>AS 44.28.030</b>	

**POLICY:**

- I. It is the policy of the Department of Corrections (DOC) to allow prisoners in the custody of the Department to marry unless the marriage negatively impacts prisoner reformation, public safety or institutional order and security.
- II. Marriage does not provide a prisoner with any additional rights.

**APPLICATION:**

This policy and procedure will apply to all Department employees and prisoners.

**DEFINITIONS:**

As used in this policy, the following definitions will apply:

**Institutional Chaplain:**

An employee or faith group volunteer endorsed by a recognized faith group and approved to work within secure areas in an institution.

**Marriage:**

Marriage is a civil contract entered into by two people that requires both license and solemnization.

**Statewide Chaplaincy Coordinator:**

A DOC employee who is responsible for the planning, implementation, administration and evaluation of Department chaplaincy services and faith-based programs provided in institutions and community residential centers. The Statewide Chaplaincy Coordinator is responsible for the screening, orientation and supervision of institutional chaplains, volunteer clergy and lay persons.

**PROCEDURES:**

- I. Application Process:

SUPERCEDES POLICY DATED:	<b>10/13/14</b>
THIS POLICY NEXT DUE FOR REVIEW ON:	<b>08/31/22</b>

SECTION: <b>Institutions</b>		PAGE: Page 2 of 3
CHAPTER: <b>808</b>	NUMBER: <b>808.10</b>	P&P TYPE: <b>Public</b>
TITLE: <b>Prisoner Marriages</b>		

The prisoner shall submit a *Prisoner Marriage Application* (Attachment A) to the Superintendent through the Institutional Probation Officer (IPO) and the Institutional Chaplain. The application will certify the prisoner understands the following mandatory requirements:

- A. All marriage expenses are the responsibility of the prisoner and intended spouse;
- B. The marriage must take place in a DOC Institution;
- C. The marriage ceremony arrangements must be specified, including persons who are to attend the ceremony, and must be approved in advance by the Superintendent;
- D. If either party has been divorced a copy of the court's divorce decree must be submitted with the application;
- E. If either party's previous spouse is deceased, a copy of the death certificate must be submitted with the application; and
- F. Department employees are prohibited from involvement in the marriage ceremony unless approved in writing by the Commissioner upon the recommendation of the Director of Institutions.

II. Verification Process:

Upon receiving a *Prisoner Marriage Application* (Attachment A) the IPO shall:

- A. Verify the information provided on the application.
- B. Conduct a meeting between the prisoner and intended spouse to disclose to the intended spouse all information regarding the applicant's: criminal history; current charge(s); conviction(s); possible or actual sentence(s); any associated limitations on contact while married; and the fact that the marriage does not confer any additional rights on the prisoner or intended spouse. The IPO shall obtain written authorization for such disclosures prior to scheduling the counseling session.
- C. Upon the request of the couple, arrange a joint premarital counselling session with clergy who is proposed to conduct the marriage ceremony, or another approved counselor of the couple's choice and at the couple's expense.
- D. Determine on the basis of best information and belief that there are no legal or administrative impediments to the marriage. In the case of a request to marry by a pre-trial prisoner, or immigration detainee, the IPO shall notify the District Attorney or the Office of Immigration and Customs Enforcement, respectively, of the prisoner's marriage application. Federal prisoners need to contact their Federal Probation Officer for approval.
- E. Ensure that all State of Alaska requirements for receiving a marriage license are met.
- F. After completion of the meeting and any premarital counseling sessions, the IPO shall evaluate the

SUPERCEDES POLICY DATED:	<b>10/13/14</b>
THIS POLICY NEXT DUE FOR REVIEW ON:	<b>08/31/22</b>

SECTION: <b>Institutions</b>		PAGE: <b>Page 3 of 3</b>
CHAPTER: <b>808</b>	NUMBER: <b>808.10</b>	P&P TYPE: <b>Public</b>
TITLE: <b>Prisoner Marriages</b>		

marriage application to determine whether the marriage will impact prisoner reformation, public safety or institutional order and security. The IPO shall make a written recommendation and submit the application up the chain to the Institutional Chaplain for further review.

### III. Review / Approval Process:

- A. The Institutional Chaplain shall review the application and recommendation from the IPO to determine if there are any issues or impediments to the proposed marriage. After their review the Institutional Chaplain shall forward the application on to the Superintendent (or their designee) with a recommendation.
- B. The Superintendent (or their designee) shall review the application and recommendation from the IPO and Institutional Chaplain and shall forward the application with a recommendation of approval or denial to the Statewide Chaplaincy Coordinator. The Statewide Chaplaincy Coordinator shall review the application and shall make a recommendation whether to approve or deny the application. The application shall then be forwarded on to the Director of Institutions for the final decision.
- C. The Director, after review of the application and all the recommendations, shall approve or disapprove the marriage application.
- D. Any recommendations against the proposed marriage at any level of review must be documented and based upon a determination that the proposed marriage would have a substantial negative impact on the prisoner's reformation, public safety, or institutional order and security.
- E. Upon the Director's approval of the application, the marriage license application shall be prepared by the prisoner through the IPO and notarized. The prisoner shall then send the license application to the Clerk of the Court for processing and issuance of a State Marriage License.
- F. Upon issuance of the Marriage License the Superintendent or their designee shall complete the arrangements for the marriage ceremony along with the prisoner. If the prisoner has requested that a member of the clergy perform the ceremony, this clergy member must be cleared for entry into the institution by the Statewide Chaplaincy Coordinator, with final approval required from the Superintendent. If the prisoner requests a civil ceremony, the performing official must be cleared by the Superintendent prior to the ceremony.
- G. The marriage ceremony shall be conducted under the direct supervision of a staff member designated by the Superintendent.
- H. The performing official shall allow Department staff to make and retain a photocopy of the completed marriage license prior to leaving the institution and shall then return the marriage license to the State Office of Vital Statistics.

Note: If, upon the completion of a marriage, a prisoner's name changes, Department staff shall ensure that all records (paper and electronic) are updated accordingly once the name change has been officially recorded.

SUPERCEDES POLICY DATED:	<b>10/13/14</b>
THIS POLICY NEXT DUE FOR REVIEW ON:	<b>08/31/22</b>