

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> Standard Operating Procedures		
<b>Functional Area:</b> Facilities Operations	<b>Reference Number:</b> IIC03-0003 (220.06)	<b>Revises            Previous            Effective Date:</b>
<b>Subject:</b> Diagnostics: Validation Of Common Law Marriage For Visitation Purposes		3/01/2005
<b>Authority:</b> Bryson/Ward	<b>Effective Date:</b> 07/16/15	Page 1 of 2

**I. POLICY:**

Corrections Division will use a standard process for inmates/probationers to establish the validity of a common law marriage. A common law marriage validated in this way will be recognized for visitation purposes and any other applicable situations during an inmate's/probationer's incarceration, unless something occurs to invalidate or nullify the relationship. This process should be accomplished during the diagnostic phase of incarceration.

**II. APPLICABILITY:**

All incarcerate facilities/center housing GDC inmates or probationers.

**III. RELATED DIRECTIVES:**

- A. O.C.G.A.: 16-6-20; □19-3-1; □19-3-2; □19-3-3;□19-3-4.
- B. GDC SOP's: IIC03-0002, VA01-0012, IIB01-0005.

**IV. DEFINITIONS:**

NONE

**V. ATTACHMENTS:**

- ATTACHMENT 1 - Explanation of Common Law Marriage
- ATTACHMENT 2 - Affidavit of Common Law Husband/Wife

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**VI. PROCEDURE:**

The following procedures will be used to establish the validity of a common law marriage, established before January 1, 1997, between an inmate/probationer and a member of the public:

- A. During the diagnostic phase of incarceration, an inmate/probationer who claims a common law marriage will be given the opportunity to establish the validity of the relationship. Such opportunity will be provided during orientation at the diagnostic center or probation center.
- B. Attachment 1 will be explained to the orientation group at the diagnostic center or probation center.
- C. Attachments 1, and 2 will be given to an inmate/probationer who claims a common law marriage.
- D. A notary public will be made available as a witness for the inmate/probationer to sign the appropriate affidavit (Attachment 2).
- E. At the inmate's/probationer's expense, the inmate/probationer will mail the other affidavit to his or her common law spouse.
- F. The common law spouse has responsibility for obtaining a notary public to witness his or her signing of the affidavit.
- G. The common law spouse must then mail the signed and notarized affidavit back to the inmate/probationer.
- H. The inmate/probationer will return his or her spouse's signed affidavit to the inmate's/probationer's counselor.
- I. After both signed and notarized affidavits have been received, the facility/center will add the common law spouse to the inmate's/probationer's visitation list, according to procedures described in SOP IIB01-0005, "Visitation of Inmates."

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J. Inmates/probationers **MAY NOT** claim both a common law marriage and a conventional marriage. Such claim would violate state law prohibiting bigamy [O.C.G.A. §16-6-20; §19-3-2].

**VII. RETENTION SCHEDULE:**

Attachment 2: Upon completion, a copy of this form will be retained in the inmate administrative case file.