

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Marriage Procedures		
Policy Number: 106.09	Effective Date: 09/29/2016	Page Number 1 of 4
Authority: Bryson/Turner	Originating Division: Inmate Services Division	Access Listing: Level II: Required Inmate Access

I. Introduction and Summary: The Commissioner or designee shall approve an offender's request to marry except where a legal restriction to the marriage exists or where the proposed marriage presents a threat to the security of the facility or to the protection of the public.

II. Authority:

- A. O.C.G.A. §§ 19-3-1, 19-3-2.
- B. Board of Corrections Rule: 125-2-4-.14.
- C. *Turner v. Safley*, 482 U.S. 7 (1987).
- D. SOP 208.06 Prison Rape Elimination Act (PREA).
- E. This SOP formerly was numbered VA01-0009.

III. Definitions: None

IV. Statement of Policy and Applicable Procedures:

A. Offender Request to Marry:

1. Facility Chaplain to be contacted by the offender or family for marriage information and procedures.
2. Offenders in diagnostic status will be encouraged to wait until they are permanently assigned to begin the marriage process.
3. The offender, the intended spouse or their families will assume all financial expenses for the marriage process.
4. In accordance with the Chapter 3 of Title 19 of the Official Code of Georgia Annotated, the parties to be married must be mentally capable of being able to contract. If a question arises concerning the mental competence of an offender, the offender's mental competence will be determined by a court in accordance with Georgia Law.
5. The Department will not transport an offender from his or her assigned facility to any other location for the purpose of securing a marriage license or conducting a wedding
6. If both of the parties to a proposed marriage are inmates assigned to the same facility, then one or both shall be transferred to another facility immediately after their wedding. At no time shall two (2) married inmates be housed together.

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B. Pre-Marital Procedures:

1. The Chaplain will inform the offender, or the intended spouse, or their families of their responsibility to assume all logistical responsibilities. For example, the offender shall use the mail system, regular visitation or monthly phone calls to accomplish the task.
2. The offender will write the facility Warden's/Superintendent or designee and state his or her intentions to marry. The letter should contain the following information for coordination purposes:
 - a. A notarized statement from the offender that there are no legal restrictions, such as an unresolved previous marriage, common law or otherwise, that would prohibit the marriage. If the offender's statement is inconsistent with information in his/her administrative file or visiting list as to an existing spouse or common law spouse, then the offender would be required to produce legal divorce documents prior to beginning the marriage procedure.
 - b. Name, address and phone number of intended spouse.
 - c. Name, address and phone number of the outside minister or authorized person performing the ceremony if necessary. All outside persons are subject to the approval of the Georgia Department of Corrections.
 - d. Proposed date for the marriage ceremony.
 - e. Notarized statements shall be required from both parties to the marriage if both are offenders.
3. The offender's intended spouse will obtain a marriage license application form from a county probate judge, complete the form and send it to the offender for completion of his/her portion of the form including his/her notarized signature. As noted in Paragraph (IV)(a)(5), the Department shall not transport an offender to the local county probate court to secure a marriage license. If the county probate judge requires both intended spouses to apply in person, then the offender(s) or their families may contact the local county probate court to determine if a marriage license can be issued at the facility at which the intended spouse is housed. Arrangements for the issuance of a marriage license at the facility should be coordinated through the Warden/Superintendent and completed during said offender's usual visitation schedule.
4. The Warden's/Superintendent or designee will make copies of the completed marriage license application. A copy of completed application will be placed in

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the offender's institutional file and one copy will be placed in the offender's Central Office record.

5. The offender will have the responsibility of returning the original marriage license application form by mail to his/her intended spouse who should then return it to the local county probate judge according to the procedures set by that office.
6. The intended spouse will send a copy of the marriage license and the name and contact information for the minister or designated person who will be performing the marriage to the facility Warden/Superintendent or designee at least thirty (30) days prior to the intended date of the wedding. The intended spouse will bring the original license to the institution on the day of the marriage ceremony.
7. The facility Warden/Superintendent will forward the name and contact information of the minister or designated person who will be performing the marriage to the facility Chaplain. The facility Chaplain will verify the credentials of the proposed minister or designated person who will be performing the wedding. This verification shall consist of confirmation of his or her denominational ordination, justice of the peace status, in good standing with a recognized religious faith or group, etc. All outside persons will be subject to Departmental approval.
8. No facility Chaplain shall perform a wedding for any offender while he or she is in the custody of the Department. A certified volunteer who coincidentally is ordained or otherwise authorized to perform marriages in the State of Georgia may conduct a wedding for an offender if he or she agrees to forego his or her usual fee for doing so, and such volunteer's participation in the marriage ceremony is approved by the Warden/Superintendent.

C. Marriage Ceremony Procedures:

1. The Superintendent/Warden will designate a date, time and area in the institution to be utilized for the marriage ceremony. The area in the institution should be private to enhance security and maintain the dignity, respect and meaning of the marriage ceremony.
2. With prior approval, no more than four (4) members of the immediate families (2 from each family) of the parties to be married may attend the ceremony. Other than the offender(s) to be married, no other offender(s) may attend.

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3. The offender will wear state issued clothing and will not be permitted to have special clothing sent or brought in for the ceremony. Wedding gowns, special decorations, flowers and music will be prohibited.
4. With prior approval and within facility personal property SOP limitations, wedding rings will be allowed to be brought in by the intended spouse or family member. It will be the responsibility of the Chaplain to notify the Records Room if a wedding ring should be added to an offender's personal property list.
5. With prior approval by the Warden/Superintendent or his/her designee, a Digital camera will be permitted for pictures of the wedding. As part of the written request for use of a camera during the ceremony, it will be clearly described as to the type of camera intended for use during the ceremony. If approved for use, the camera will be checked at the reception desk prior to and at the conclusion of the ceremony.
6. The minister or approved authorized person performing the marriage ceremony will complete and return the marriage license to the proper county representative that issued the marriage license. A copy of the marriage license (the blue copy) for the offender's spouse will be placed in the offender's file and a copy forwarded to the Central Office Offender Information Services Unit. If both parties to the marriage are offenders, then copies shall be placed in the file of each, and two (2) copies should be forwarded to the Central Office Offender Information Services Unit.

V. **Attachments:** Attachment 1: Offender Marriage Checklist

VI. **Record Retention of Forms Relevant to this Policy:** Attachment 1 – Marriage Checklist does not require a retention schedule. It is used as a guide for the offender to assure that all steps have been taken to prepare for marriage.