



POLICY & PROCEDURES

.3201 PURPOSE

The purpose of this policy is to establish and define procedures and responsibilities related to offender marriage requests. The objective of this policy is to foster ties to the community that will help create stability in the offender's personal life. Prisons recognize that a marriage can assist in creating that personal stability. Accordingly, Prisons will provide appropriate assistance to offenders who wish to become married.

.3202 REQUIREMENTS

- (a) Any offender may marry providing they meet the legal requirements and there are no threats to security of the facility or to public safety.
- (b) A valid marriage license must be obtained from the Register of Deeds. In accordance with North Carolina state law, all persons making an application for a marriage license must be 18 years of age or older. Those who are under 18 years of age must submit the written consent of both parents or of one parent if the whereabouts of the other parent has been unknown for a period of one year, or of a legal guardian.
- (c) Offender marriage requests must be reviewed and approved by the facility head. Both the offender and the intended spouse must knowingly and willfully consent to marriage in writing. This written consent will be submitted directly to the facility head.
- (d) When marriage requests are approved, the offender and the intended spouse shall be allowed to consult with a minister or a religious counselor if they desire.
- (e) In accordance with North Carolina state law, the offender and intended spouse must obtain a qualified officiant to perform the marriage ceremony.
- (f) The intended spouse must be approved through the visitation application process. However, the facility shall have the authority to waive this requirement when the security of the facility is not otherwise impacted.
- (g) Each facility shall designate the facility Chaplain or the designated religious services staff person to assist in the coordination of all marriage requests.

.3203 ADDITIONAL CONSIDERATIONS

- (a) Facility chaplains are not required to conduct marriage ceremonies for offenders; however; they may serve as an advisor in the marriage process. Chaplains must follow the dictates of the Chaplain's religious endorsing body or faith group regarding sacramental acts such as marriage.
- (b) Facilities will not transport an offender from the confines of a prison facility for the purpose of obtaining a marriage license. State law addresses the issuance of a marriage license if an applicant for a marriage license is over 18 years of age and is unable to appear in person at the Register of Deeds' office.
- (c) Each facility will have available, at reasonable times, a notary public to notarize an affidavit used in lieu of the absent applicant's personal appearance.
- (d) If a facility head concludes that an offender's proposed marriage request presents a serious threat to the safety and security of the facility, the request may be declined until such time that the threat to the facility is resolved.
- (e) Offenders who are simultaneously confined to prison will not be allowed to marry.
- (f) When a valid order of protection exists, which precludes the offender and intended spouse from having contact with one another, the marriage will not occur until the order is completed or dissolved.
- (g) Any victim related concerns should be discussed with the Office of Victim Services through the designated facility Victim Information Coordinator (VIC).
- (h) Offenders assigned to restrictive housing will not be granted permission to marry until they are released from that status.
- (i) Disapproved requests and reason(s) for the disapproval will be provided in writing to the offender and intended spouse by the facility head.
- (j) Each facility will establish standard operating procedures which will assist in the facilitation of marriage requests and marriages.

.3204 PERSONAL PROPERTY

Engagement rings/wedding bands are permitted according to policy Chapter F. 0503 (Authorized Items/Offender Personal Property). Rings must be brought in at the time of the ceremony. A ring cannot be sent in at a later time.

.3205 CO-DEFENDANTS

- (a) Co-defendants may marry if all other legal and policy requirements are met.
- (b) Married co-defendants are allowed to correspond as long as correspondence policies are followed.
- (c) Married co-defendants are allowed to visit provided they meet visitation guidelines for approval.



Commissioner of Prisons

September 9, 2020
Date

E.3200_09_09_20