



**POLICY STATEMENT**  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b> <b>Inmate Marriages</b>		<b>Policy Number:</b> <b>DC-ADM 821</b>
<b>Date of Issue:</b> <b>August 10, 2011</b>	<b>Authority:</b> <b>Signature on File</b> <b>John E. Wetzel</b>	<b>Effective Date:</b> <b>August 17, 2011</b>

**I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

**II. APPLICABILITY**

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

**III. POLICY**

It is the policy of the Department to permit inmates to marry while incarcerated in accordance with the procedures set forth in the accompanying procedures manual.

**IV. PROCEDURES**

All applicable procedures are contained in the procedures manual that accompanies this policy document.

## V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

## VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

## VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

### A. Release of Information

#### 1. Policy

This policy document is public information and may be released upon request.

#### 2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

### B. Distribution of Policy

#### 1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

#### 2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

**VIII. SUPERSEDED POLICY AND CROSS REFERENCE**

**A. Superseded Policy**

1. Department Policy

DC-ADM 821, Inmate Marriages, issued July 27, 2010, by former Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

**B. Cross Reference(s)**

1. Administrative Manuals

- a. DC-ADM 812, Inmate Visiting Privileges; and
- b. 1.1.10, Videoconferences.

2. ACA Standards

- a. Administration of Correctional Agencies: None
- b. Adult Correctional Institutions: None
- c. Adult Community Residential Services: None
- d. Correctional Training Academies: None



**PROCEDURES MANUAL**  
Commonwealth of Pennsylvania • Department of Corrections

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**Signature on File  
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**Effective Date:**

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Release of Information:

**Policy Document:** This policy document is public information and may be released upon request.

**Procedures Manual:** The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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## Section 1 – Marriage Requests & Obtainment of License

### A. General Marriage Principles

1. The Department will **review inmate marriage requests** provided:
  - a. the inmate is able to **satisfy all requirements for the issuance of a marriage license by the county to include interview** in person or by video by a representative from a local county office responsible for issuing marriage licenses (Marriage License Bureau, Orphans Court Clerk, Prothonotary or Register of Wills); and
  - b. the inmate and/or his/her fiancé will pay all costs associated with security, the marriage license, and arranging for someone to officiate the wedding.
2. The Facility Manager **shall** deny a marriage **request** if:
  - a. the process to obtain a marriage license requires transporting an inmate out of the facility, thus creating a risk of escape;
  - b. it is determined, through information provided by the Office of the Victim Advocate (OVA) and/or other sources, that the inmate's fiancé was the victim of the inmate's crime and the nature of the crime raises sufficient doubt as to the true motives of the inmate;
  - c. the fiancé is expected to testify for/against the inmate; and/or
  - d. there are other **legitimate penological interests that** warrant the denial of a marriage for a period.
3. Inmates placed on the Restricted Release List (RRL) are not eligible to be married until they have been removed from the RRL for a minimum of 60 days.
4. **A marriage license issued by any Pennsylvania county authorizes a marriage ceremony in any other Pennsylvania county. The validity of a marriage license can be verified by contacting the office that issued it.**

### B. Marriage Requests

1. The inmate **must** submit an initial **marriage** request in writing to his/her counselor.
2. The counselor will interview and counsel the inmate and his/her fiancé so that both parties fully understand the inmate's present custody status and the anticipated date of eligibility for parole or other release status. If parole appears likely within the next 12 months, the inmate will be counseled as to the advisability of deferring the marriage until **paroled**.

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**Section 1 – Marriage Requests & Obtainment of License**

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3. Final plans will be developed by the inmate's counselor and submitted to the Facility Manager/designee for **review** of the **request, including review of the** date, time, and place of the ceremony.
4. The inmate is responsible for the cost of the marriage license.
5. A **State Intermediate Punishment (SIP) individual** in a Community Corrections Center (CCC), **Community Contract Facility (CCF), or Contract County Jail (CCJ)** is responsible for all arrangements in accordance with **Subsection A. above** and **C. below**.
6. A marriage request by a Capital Case inmate will be referred to the Facility Manager/designee and Regional Deputy Secretary for review.

**C. Obtainment of License**

Some **counties** may require a personal appearance by the inmate to apply for a marriage license. The inmate is responsible for notifying the **county** that the Department will not provide transportation to obtain the marriage license for security reasons, but alternatives are available as follows:

1. videoconferencing may be considered, providing the facility and the **county** have the technology, and the use of a videoconference is approved by the **county**. Applications for marriage using a videoconference will be in accordance with Department policy **1.1.10, "Videoconferencing;"**
2. **the inmate may** request that the **county** permit someone from the **appropriate** office to conduct the interview at the facility; and/or
3. **the county may contact the Facility Manager/designee to discuss other possible means to facilitate the request.**

## Section 2 – Performance of Ceremonies

### A. Ceremony Officiate

1. **Facility and contract chaplains are under no obligation to officiate inmate marriages.** A facility chaplain may perform the ceremony at no charge to the inmate. If the facility chaplain will not perform the marriage ceremony, the inmate shall incur the cost of **an individual authorized** to solemnize marriage **in the Commonwealth of Pennsylvania as outlined in the PA State Code 23 Pa.C.S.A. sec. 1503. Individuals authorized to solemnize marriage in the Commonwealth of Pennsylvania are limited to:**
  - a. **Pennsylvania court justices, judges or magisterial district justices (or retired justices/judges serving in those capacities);**
  - b. **U.S. judges and magistrates (senior judges and bankruptcy judges included) as well as the 3<sup>rd</sup> Circuit Court of Appeals Judges (active or retired), provided they are residents of the Commonwealth;**
  - c. **a mayor of any city or borough of the Commonwealth; and**
  - d. **a minister, priest or rabbi or any regularly established church or congregation. Additionally, religious organizations (religious society, religious institutions included) in the Commonwealth may join persons together in marriage when at least one of the persons is a member of the organization (society or institution), according to the rules and customs of the organization (society or institution).**
2. **An individual authorized to solemnize marriage in the Commonwealth of Pennsylvania** may perform the ceremony within the facility's visiting room when regular visiting hours are not scheduled and in accordance with Department policy **DC-ADM 812, "Inmate Visiting Privileges."**
3. **A religious marriage (i.e., a marriage ceremony conducted apart from an inmate first obtaining a marriage license) that has no legal significant is prohibited from being conducted by facility and contract chaplains.**

### B. Conduction of Ceremony

1. The Facility Manager/designee will ensure that an appropriate level of security personnel and equipment is present during the wedding ceremony.
2. The inmate and his/her prospective spouse will be permitted to have two visitors each present at the ceremony. The **visitors** must be selected from the inmate's approved visiting list.



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**Section 2 – Performance of Ceremonies**

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3. The wedding band(s) must be present for inspection and approval upon arrival at the facility. The band(s) will consist of a simple metal band without a stone of any kind. ***Inmates are permitted to have a wedding band sent into a facility, provided the wedding band is sent directly from a jeweler.***
4. The bride will be permitted to carry a simple two flower array during the ceremony.
5. Upon completion of the marriage ceremony, the couple shall be allowed a brief kiss. A visit shall be permitted in accordance with Department policy **DC-ADM 812, “Inmate Visiting Privileges.”**
6. Only inmate photographers assigned to the Visiting Room may take a photograph, in accordance with facility procedure regarding inmate photographs. The cost for the photograph will be borne by the inmate/spouse.

**DC-ADM 821, Inmate Marriages Procedures Manual**  
**Glossary of Terms**

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**Department** – The Pennsylvania Department of Corrections.

**Facility Manager** – The Superintendent of a State Correctional Facility, Commander of a Motivational Boot Camp, Director of a Community Corrections Center, or Director of the Training Academy.

**Faith Group Representative/Leader** – An individual from the outside religious community, approved by the Facility Manager/designee, who ***is approved and/or authorized to*** conduct religious activities ***and sacraments***.

**Magistrate** – For the purposes of this policy, the magistrate is the local district justice who has the authority to perform a civil marriage ceremony that is legally binding.