

 <p style="text-align: center;">Massachusetts Department Of Correction <b>POLICY</b></p>	Effective Date 11/23/2020	Responsible Division Deputy Commissioner, Clinical Services and Reentry			
	Annual Review Date 11/29/2021				
Policy Name  103 DOC 492 INMATE WEDDINGS	M.G.L. Reference: M.G.L., Ch. 124, §1 (q), M.G.L., Ch. 207				
	DOC Policy Reference: 103 CMR 131; 103 CMR 483				
	ACA/PREA Standards:				
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<p><b>PURPOSE:</b> To establish departmental policy regarding inmate weddings.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> Deputy Commissioner of Clinical Services and Reentry Superintendents</p> <p><b>CANCELLATION:</b> 103 DOC 492 cancels all department policy statements, bulletins, directives, orders, notices, rules and regulations regarding inmate weddings which are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b> If any part of this policy is, for any reason, held to be in excess the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>					

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**492.01**

**DEPARTMENT PHILOSOPHY**

It is the Department of Correction's policy to allow inmates to apply for and receive permission to marry unless such a marriage is found to be unlawful or present a security risk to the Department and/or institution. Although the Department supports the initiative, inmates should be encouraged to delay their wedding plans until after release.

**492.02**

**PROCEDURES FOR REQUESTING A MARRIAGE WITHIN AN INSTITUTION**

1. Any inmate requesting to be married shall notify the Superintendent in writing at least thirty (30) days prior to the intended wedding date. The inmate shall provide the Superintendent with, the name and address of the intended spouse. **Upon receipt of an inmate's request, the Superintendent shall contact the General Counsel or designee to discuss any legal issues (e.g. ICE issues, pending criminal cases, etc.).** The Superintendent shall promptly approve or disapprove the request, giving reasons for any denial in writing. The Superintendent, may, for just cause shown, extend the thirty (30) day advance notification to no more than ninety (90) days.
2. If the Superintendent approves the inmate's request, the inmate shall proceed pursuant to the requirements of M.G.L. Chapter 207, by seeking a license to marry in an office of the clerk or registrar of any city or town in the Commonwealth.
3. Upon issuance of a marriage license by a clerk or registrar of any city or town in the Commonwealth, pursuant to M.G.L. Chapter 207 § 20, the inmate who intends to marry within the institution shall contact the Institution's Director of Treatment or designee, who shall assist in making the necessary arrangements for the marriage ceremony. The ceremony shall be scheduled consistent with institutional security, space and personnel availability.

**492.03**

**REQUIREMENTS FOR INSTITUTIONAL WEDDING CEREMONIES**

1. Guests - Each institution shall determine the number of guests allowed to attend the ceremony. The number of guests shall be in accordance with 103 CMR 483, *Visiting Procedures*.

A guest list shall include the name, date of birth, and address of each guest, and shall be submitted to the Superintendent for approval at least two (2) weeks in advance of the scheduled

wedding date, along with a Request to Attend Institutional Wedding Form (Attachment #1) for each guest. Failure to submit a signed Request to Attend Institutional Wedding form shall result in the denial of the guest to attend the wedding.

All guests shall be subject to the provisions of 103 CMR 483, *Visiting Procedures*. The Superintendent has the authority to reduce the number of guests due to security/space considerations.

No inmates shall be allowed to attend.

2. Cameras/Media Release Forms - If the ceremony, wedding party or guests in attendance are to be photographed, the inmate being wed shall sign a media release form (in accordance with 103 CMR 131, *Media Relations*). The Superintendent may approve, in advance, the use of cameras. The camera and accessories shall be inspected prior to entrance into the institution. Video cameras and digital cameras are not permitted.
3. Location and Time Frame of Wedding Ceremony All approved wedding ceremonies shall take place within the visiting room unless the Superintendent or designee determines another location. The time frame shall be determined by the specific circumstances presented by each request. At no time shall the ceremony exceed one (1) hour.
4. Refreshments - No refreshments shall be authorized with the exception of those items available from the visiting room vending machines.

#### 492.04

#### WEDDING OFFICIANT

It shall be the responsibility of the inmate and the intended spouse to seek and obtain an officiant to perform the marriage ceremony. The officiant shall be authorized to perform wedding ceremonies in Massachusetts pursuant to M.G.L. Chapter 207 § 38 and shall be approved by the Superintendent for entry into the facility. **Department chaplains shall not be approved to perform the marriage ceremony however may be approved to attend the event as a guest if the wedding occurs during their regular scheduled hours.**

#### 492.05

#### COUNSELING/EVALUATION

Inmates shall not be required to undergo any religious, psychological, or other counseling/evaluation as a condition for approval of a marriage

request. Superintendents or designees may evaluate inmates only for the purposes of determining possible security risks to the institution.

**492.06**            **WEDDINGS AND/OR PRENUPTIAL ARRANGEMENTS FOR DETAINEES**

Weddings and/or prenuptial arrangements shall not be allowed for detainees.

**492.07**            **RECORDS OFFICE NOTIFICATION**

Upon completion of the marriage ceremony, the Director of Treatment or designee shall notify the records office, in writing, of the inmate's name, and the spouse's name and address in order to maintain accurate records. In all cases, designated staff shall update the Inmate Management System (IMS) Family Information screen with the information.

**492.08**            **EXPENSE DISCLAIMER**

In no case shall the Commonwealth of Massachusetts, Department of Correction, or any of its institutions or employees, accept the responsibility for any of the expenses related to an inmate marriage.

**492.09**            **INMATE TRANSFERS PRIOR TO SCHEDULED WEDDING DATE**

If an inmate transfers to another institution, for non-disciplinary reasons, prior to the scheduled wedding date, the wedding package shall remain approved pending the review by the Superintendent of the receiving institution. The Superintendent of the receiving institution shall review the wedding package for issues such as date, time, space, number of guests, and other relevant security concerns. The Superintendent of the receiving institution may cancel the prior approval if the wedding impacts the institution security. Transfers for disciplinary reasons shall require a new approval by the Superintendent of the receiving institution.

**492.10**            **EMERGENCIES**

Whenever, in the opinion of the Commissioner or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of this policy, the Superintendent may order such suspension. However, any such suspension lasting beyond forty-eight (48) hours shall be authorized by the Commissioner.

