

APA RULE AMENDMENT

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2 Introduction:

3 Occasionally, inmates at corrections facilities request permission to marry. The decision to grant
4 or deny such a request can have an important impact on the overall life of the inmate, and should
5 considered carefully. It is important that the inmate has the opportunity to receive the best advice
6 and counsel available.

7 Purpose:

8 It is the purpose of this Policy to provide a process for an inmate to marry while incarcerated.

9 Responsibility:

10 • Inmate:

- 11 ○ Submit a request to Superintendent stating name, address, and other pertinent
12 information about the prospective bride or groom.
- 13 ○ Must meet with a qualified clergyman, or other clinically and professionally
14 qualified person of their choice, first alone and then with his/her intended.

15 The purpose of these meetings is to determine whether both parties really want to marry, and to
16 make a determination of whether this is likely to be a positive influence on the inmate during
17 incarceration.

18 Inmates may use the facility chaplain or another chaplain of their choice. If the couple objects to
19 a conference with clergy, they may meet instead with a clinically and professionally qualified
20 person from outside the Department (i.e., psychologist from local Community Mental Health
21 Agency).

22 • Superintendent or Designee:

- 23 ○ Assist inmate in scheduling appointments with counselor of his/her choice.
- 24 ○ Review recommendations/report of clergymen or professional and submits with
25 Superintendent's recommendation to Commissioner of Corrections.

26 • Commissioner:

- 27 ○ Makes a decision based on recommendations and notifies inmate and
28 Superintendent of that decision.

29 When permission is granted, arrangements for any and all costs associated with the ceremony
30 will be the responsibility of the inmates. This includes blood tests and license.

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1 New Language:

2 The Department of Corrections (DOC) recognizes that strong relationships, including romantic
3 relationships, can have a meaningful impact on the life of an inmate. The DOC believes that
4 positive relationships and strong familial ties are important to the rehabilitation of an offender.

5 The DOC shall review all requests by inmates to marry on a case by case basis. All requests for
6 marriage shall be reviewed by the Superintendent of the facility where the inmate is incarcerated,
7 and the DOC Commissioner.

8 When making determinations as to whether to allow the marriage ceremony to take place, DOC
9 may consider:

- 10 1. If both parties are of legal age to wed - at least 18 years or older, or have the consent of a
11 parent or guardian if aged 16 or 17;
- 12 2. Whether the parties are closely related, and therefore prohibited to wed under Vermont
13 law;
- 14 3. Whether the inmate, or inmates, is/are physically or mentally capable of entering into
15 marriage. If either party is under a guardianship, DOC may consider whether the
16 guardian has approved the marriage;
- 17 4. Whether either party is unable to wed due to the existence of a current marriage or civil
18 union; and
- 19 5. Whether there is indication and support that consent to marriage was obtained by force or
20 fraud.

21 DOC shall allow inmates who would like to attend some form of pre-marital counseling to meet
22 with a religious leader or other counselor.

23 The DOC shall not bar an inmate from marrying another inmate based solely on the incarceration
24 status of the parties. However, married inmates shall not be housed together, conjugal visits shall
25 not be permitted, and no allowances for additional correspondence, visits, or property shall be
26 made for married inmates.

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