

The Department of Corrections (DOC) recognizes the fundamental right of individuals to wed. The DOC shall review all requests by inmates to marry on a case by case basis. All requests for marriage shall be reviewed by the Superintendent of the facility where the inmate is incarcerated, and the DOC Commissioner.

When making determinations as to whether to allow the marriage ceremony to take place, DOC shall consider the underlying legal requirements and shall deny the request if the conditions are not met:

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

The DOC may also consider:

1. Whether the inmate is on a non-contact visiting status, as defined by the DOC policy on [inmate visits](#), the intended spouse is on the visiting ban list, or if there is an Relief From Abuse Order in place, or any other court order prohibiting contact; and
2. Whether there are any concerns about the marriage negatively impacting the ability of the inmate to complete his or her treatment plan.

The Facility Corrections Services Specialist (CSS) shall note any concerns regarding the additional factors DOC may consider and may recommend that request be denied.

If the request is approved, the DOC shall allow inmates who would like to attend some form of pre-marital counseling to meet with a religious leader or other counselor to do so.

The DOC shall not bar an inmate from marrying another inmate based solely on the incarceration status of the parties. However, both parties shall receive approval from their Superintendent(s), shall not be housed together, conjugal visits shall not be permitted, and no allowances for additional correspondence, visits, or property shall be made for married inmates.

Inmates, or their intended spouse, shall be responsible for any and all costs associated with the marriage and ceremony.