

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Resident Programming</u> STATEMENT NUMBER <u>7.13</u>
SUBJECT: INMATE MARRIAGE/LEGAL CIVIL UNION REQUEST PROCEDURES PROPONENT: <u>William McGonagle, Assist. Comm.</u> <i>Name/Title</i> <u>Commissioner's Office 271-5601</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>07/01/08</u> REVIEW DATE <u>07/01/09</u> SUPERSEDES PPD# <u>7.13</u> DATED <u>07/01/05</u>
ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To establish a policy concerning inmate marriages/legal civil unions while confined.

II. APPLICATION:

To all staff involved in establish marriages/legal civil unions for inmates, i.e. chaplain, mental health, correctional counselors/case managers

III. POLICY:

It is the policy of the Department of Corrections that inmates desiring to marry/enter a legal civil union while incarcerated in a departmental facility must have the approval of the Warden to do so.

IV. PROCEDURE:

- A. An inmate desiring to marry/enter a legal civil union will make an appointment with the facility's chaplain for pre-marital/pre-civil union counseling. The chaplain will conduct pre-marital/pre-civil union counseling that will include the prospective spouse/legal civil union partner of the inmate.
- B. The pre-marital/pre-civil union counseling will consist of a discussion of the meaning of marriage/legal civil union and the responsibilities that go along with being married/a legal civil union partner. Values are clarified and an assessment of the couple's emotional, economic and family situation is made.
- C. After counseling, the chaplain will inform the Warden of the inmate's request and that counseling has taken place. The chaplain will inform the inmate of the Warden's decision (attachment 1).
 - 1. The process information, tracking form and checklist can be found as attachments 2, 3 & 4.
- D. Marriage/legal civil union request may be recommended for disapproval for the following reasons:
 - 1. If both persons are incarcerated
 - 2. If the non-inmate is not allowed to visit the inmate
 - 3. If the non-inmate is a convicted felon
- E. Recommendations by the chaplain and actions taken by the Warden will be in writing and made a part of the inmate's file.
- F. Inmates from NCF who have been approved to marry/enter a legal civil union will be transported to NHSP/M in Concord bi-annually for the purpose of obtaining a marriage/legal civil union license.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

MCGONAGLE/pf

Attachments

NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS
REQUEST FOR INMATE MARRIAGE/LEGAL CIVIL UNION

Inmate Name _____ ID # _____

Prospective Spouse/Legal Civil Union Partner _____ Phone # _____

Address _____ SSAN _____

Background check accomplished _____

In accordance with PPD 7.13, pre-marital/pre-civil union counseling was conducted with both parties present consisting of :

_____ The meaning of marriage/legal civil union and marital/legal civil union responsibilities

_____ Clarification of values

_____ Assessment of the couple's emotional, economic and family situation

Pre-marital/pre-civil union counseling was conducted on _____ by _____
(Circle one)

Forwarded to Warden _____ on _____ for approval.
(Warden's name)

Chaplain's signature _____

Warden's approval/disapproval (please circle one)

APPROVED

DISAPPROVED

This request is **DISAPPROVED** for the following reason:

_____ Both parties are incarcerated

_____ Non-inmate is not allowed to visit inmate

_____ Non-inmate is a convicted felon

Warden's signature

Date

To be made a part of the inmate's permanent record

NHDOC MARRIAGE/CIVIL UNION PROCESS

This packet outlines the steps required in order to marry or enter a legal civil union while incarcerated at any DOC facility. The checklist is to aid the inmate in accomplishing the steps necessary, in the right order, to complete the marriage/civil union process and is a guide only. The chaplain uses the tracking sheet that is the official record of steps accomplished.

GENERAL INFORMATION

Inmate marriages/legal civil unions are performed at predetermined intervals. Check with staff for the times at your facility.

Staff will set one date and marriages/legal civil unions will be scheduled at 30-minute intervals with no extra visit time allowed.

Marriages/legal civil unions will take place in the visiting room or the chapel.

The marriage/legal civil union party will consist of: inmate, prospect spouse/legal civil union partner, up to four witnesses (must be immediate family on the inmate's approved visiting list) and approved official performing the ceremony. Departmental chaplains do not perform inmate marriages/legal civil unions.

Inmates wear prison issue greens for the marriage/legal civil union

No cake, flowers, punch, music, decorations or personal cameras allowed.

Prospective spouse/legal civil union partner brings the official paperwork (no ceremony will be conducted without a proper legal license. Prospective spouse/legal civil union partner may also bring rings.

PROCEDURE

Inmates desiring marriage/legal civil union must initiate the process with an Inmate Request Slip. Check facilities for timeframes.

The chaplain gives the inmate this packet and initiates the tracking sheet.

All items on the tracking sheet/inmate checklist must be accomplished in the order given.

In accordance with PPD 7.13, the inmate and prospect spouse/legal civil union partner must meet with the chaplain for pre-marital/pre-civil union counseling. The counseling session will take approximately two hours.

After the counseling has been completed, the chaplain informs the Warden of the inmate's request and that counseling has taken place.

The Warden approves/disapproves the request for marriage/legal civil union.

After the Warden's approval, the prospective spouse/legal civil union partner initiates appropriate license with the Boscawen Town Clerk. Since DOC will not transport inmates to any town hall to accomplish marriage/legal civil union licenses, and the only town hall in New Hampshire willing to transport the required paperwork to a prison facility at this time is the Boscawen Town Hall, all marriage/legal civil union licenses will be process through Boscawen. The Boscawen Town Clerk will meet inmates at the Concord facility for paperwork purposes sometime after the prospective spouse/legal civil union partner has completed their portion of the paperwork at the Boscawen Town Hall. Dates for accomplishing this can be found on both the inmate checklist and the tracking form. Boscawen Town Hall address:

Boscawen Town Office (Exit 17 on I-93)
116 No. Main St.
Phone (603) 753-9188

Hours:

Monday & Thursday	8:00 am – 4:30 pm
Tuesday & Wednesday	8:00 am – 6:30 pm
Closed for lunch from 11:00 – 12:00 each day and closed Fridays	

Prospective spouses/legal civil union partners will need to have the following information with them *for both parties* when they go to the town hall:

1. License fee of \$57.00 CASH only (includes marriage/legal civil union certificate)
2. Full name, address, birthplace and dates of birth
3. Prior marriages/legal civil unions, if any, and a certified copy of a divorce decree of the last marriage/legal civil union and/or certified copy of death certificate of previous spouse/legal civil union partner
4. Father's name and place of birth
5. Mother's name, maiden name and place of birth
6. Social Security Numbers

NCF inmates will be transported to the Concord facility sometime between the closing date of the prospective spouse/legal civil union partner's license initiation and the marriage/legal civil union date. Details will not be made available in advance for those being transported for such purpose.

INMATE MARRIAGE/LEGAL CIVIL UNION TRACKING SHEET

Inmate name _____ Start date _____

Spouse/Legal Civil Union Partner _____

Address _____ Phone _____

Target month for marriage/legal civil union _____

- | | Date | Initials | |
|-----|-------|----------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | _____ | _____ | Chaplain receives request slip from inmate desiring marriage/legal civil union |
| 2. | _____ | _____ | Chaplain explains DOC marriage/legal civil union procedures to inmate. Items must be accomplished in the order given on this sheet |
| 3. | _____ | _____ | Verification that prospective spouse/legal civil union partner is on inmate's visiting list |
| 4. | _____ | _____ | Appointment scheduled with chaplain for pre-marital/pre-civil union counseling with inmate and prospective spouse/legal civil union partner |
| | | | _____ |
| | | | Date/time |
| 5. | _____ | _____ | Pre-marital/pre-civil union counseling complete |
| 6. | _____ | _____ | Chaplain informs the Warden of inmate's request and that counseling has taken place |
| 7. | _____ | _____ | Request for marriage/legal civil union approved/disapproved by Warden |
| 8. | _____ | _____ | Approval/disapproval form sent to Offender Records |
| 9. | _____ | _____ | Prospective spouse/legal civil union partner has initiated license with Boscawen Town Clerk between the following dates: |
| | | | _____ |
| | | | Note: All above steps must be accomplished prior to start date of licensing |
| | | | Verification of license accomplishment by Boscawen Town Clerk |
| 10. | _____ | _____ | Inmate has been transported for licensing and has returned (NCF inmates only) |
| 11. | _____ | _____ | Marriage/legal civil union official _____ is approved |
| 12. | _____ | _____ | Guests: _____ |
| | | | _____ |
| | | | (Verify they are immediate family on inmate's visit list before initialing) |
| 13. | _____ | _____ | Date and time of marriage/legal civil union will be _____ |
| | | | Note: These are to be set by DOC staff |
| 14. | _____ | _____ | Marriage/legal civil union completed |

INMATE/MARRIAGE/LEGAL CIVIL UNION CHECKLIST

Inmate name _____ Start date _____

Target month for marriage/legal civil union _____

dd/mm/yy

1. _____ Chaplain receives request slip from inmate desiring marriage/legal civil union
2. _____ Chaplain explains DOC marriage/legal civil union procedures to inmate. Items must be accomplished in the order given on this sheet
3. _____ Prospective spouse/legal civil union partner is on inmate's visiting list
4. _____ Appointment scheduled with chaplain for pre-marital/pre-civil union counseling with the inmate and prospective spouse. Date/time _____
5. _____ Pre-marital/pre-civil union counseling completed
6. _____ Chaplain informs the Warden of inmate's request and that counseling has taken place.
7. _____ Request for marriage/legal civil union approved/disapproved by Warden
8. _____ Approval/disapproval form sent to Offender Records
9. _____ Prospective spouse/legal civil union partner has initiated marriage/legal civil union license with Boscawen Town Clerk between the following dates

_____ NOTE: All above steps must be accomplished prior to start date of licensing.

10. _____ Inmate has been transported for licensing and has returned (NCF inmates only)
11. _____ Marriage/legal civil union official _____ is approved
NOTE: DOC chaplains do not perform inmate weddings/legal civil unions
12. _____ Date and time of marriage/legal civil union will be _____
NOTE: These dates are set by DOC staff
13. _____ Marriage/legal civil union completed.