

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 309.00.06	Page 1 of 6
	Original Effective Date: 05/15/77	New Effective Date: 12/20/21
	Supersedes: 309.00.06	Dated: 05/17/21
	Administrator's Approval: Sarah Cooper, Administrator – 12/03/21	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 309 Resources for Inmates		
Subject: Inmate Marriages		

POLICY

The Division of Adult Institutions provides inmates opportunities to marry non-incarcerated individuals unless legitimate penological interests indicate otherwise.

REFERENCES

Wisconsin Statutes s. 46.066 – Freedom of Worship; Religious Ministration
Wisconsin Statutes Ch. 765 – Marriage
Wisconsin Statutes Ch. 767 – Actions Affecting the Family
Wisconsin Administrative Code s. DOC 309.06 – Visitation
Wisconsin Administrative Code s. DOC 309.08 – Visiting List
Wisconsin Administrative Code s. DOC 309.10 – Special Visits
Wisconsin Administrative Code s. DOC 309.20 – Personal Property
Wisconsin Administrative Code s. DOC 309.61 – Religious Beliefs and Practices
DAI Policy 309.20.03 – Inmate Personal Property and Clothing

DEFINITIONS, ACRONYMS AND FORMS

CIB – Crime Information Bureau

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-1671 – Request for Marriage

DOC-1673 – Marriage Information Request from Agent

ICRS – Inmate Complaint Review System

OVSP – Office of Victim Services and Programs

TIS – Truth in Sentencing

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PROCEDURE

I. Requirements for Inmate Marriage

Inmates may request to marry while incarcerated if the following conditions are met:

- A. The marriage does not pose a threat to legitimate penological interests such as:
 1. Prison security.
 2. Rehabilitative objectives.
 3. Protecting visitors or other members of the public.
 - a. Protecting the safety of correctional staff and inmates.
- B. There are no legal impediments to the marriage.
- C. By submitting the DOC-1671, the inmate consents to the DOC sharing all verifiable facts related to offense and incarceration history with the proposed spouse.
- D. The marriage cannot take place within nine months before scheduled release date.
- E. The proposed spouse or the proposed spouse's children are not victims of the inmate.
- F. The proposed spouse has never been convicted in any criminal activity with the inmate.
- G. The proposed spouse has been on the inmate's visiting list for a minimum of one year or is able to demonstrate a longstanding relationship with the inmate.
- H. The marriage ceremony must be performed in the facility where the inmate is residing.
- I. The inmate and proposed spouse shall accept full financial responsibility for all expenses related to the marriage, i.e. clergy fee, marriage license fee.
- J. The inmate and proposed spouse shall find an officiant from the community to perform the ceremony. DOC staff and volunteers are prohibited from performing marriage ceremonies.

II. Facility Responsibilities

- A. Designate a marriage coordinator for each proposed marriage. The marriage coordinator shall:
 1. Obtain information to determine marriage eligibility identifying any existing legal impediments.

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2. Conduct a background check of proposed spouse on DOC databases and CIB and inform agent of record if under DOC supervision.
 3. Forward DOC-1673 to inmate's supervising agent for completion. If not completed within 30 days, contact the agent's supervisor.
 4. Consult with the OVSP regarding the marriage request.
 5. Send the proposed spouse a letter to include the following information.
The inmate's:
 - a. Name and any aliases.
 - b. Current and previous committing offenses.
 - c. Length of sentence.
 - d. Projected release from prison if available.
 - e. Any other information on prior criminal convictions about the inmate that the coordinator believes is appropriate, and shall aid the proposed spouse in making an informed decision.
 6. At the discretion of the marriage coordinator, the proposed spouse may be required to meet with a multi-disciplinary team to discuss the marriage request.
 7. Make recommendations to the Warden on legality and appropriateness of the proposed marriage.
- B. Coordination with DCC to inform the inmate and proposed spouse of any anticipated restrictions that may be imposed upon release to extended supervision.
- C. Approve or disapprove marriage request.
1. If approved by the Warden, inform the inmate that they may begin developing a detailed plan for the marriage.
 2. If disapproved, provide the reason in writing.
 3. Ensure proper notification to staff.
- D. Compile estimated expenses and inform the inmate.
- E. Coordinate with their county clerk, to determine appropriate place to obtain marriage license. The facility may arrange for transportation to obtain the marriage license.
- F. Provide wedding expense estimate to designated Business Office staff, who shall ensure that the inmate and/or proposed spouse pays the wedding expenses prior to the wedding date.
- G. Provide security supervision and escort for the ceremony as required.
- III. Inmate Responsibilities**
- A. Review Wisconsin State Statutes and ensure that all legal requirements of the marriage are met.

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- B. Submit the DOC-1671 to facility staff at least 120 days prior to the requested marriage date to allow sufficient time for processing.
- C. Meet with the marriage coordinator for an interview which includes a review of:
 - 1. The DOC-1671, which the inmate shall complete and return to staff.
 - 2. An explanation of DAI policy and facility procedures and to obtain necessary information.
- D. The inmate and proposed spouse shall provide:
 - 1. Documentation of any judgments (e.g., divorce, annulment) or death certificate as defined in Wisconsin Statutes.
 - 2. Evidence of account balances to cover estimated expenses.
- E. Individually, or with proposed spouse, bear all financial obligations associated with the marriage. This includes, but is not limited to:
 - 1. Wedding ceremony.
 - 2. Cost of obtaining the marriage license to include transportation.
 - 3. Officiant fees.
 - 4. Cost of staff overtime and fringe benefits.
- F. Inmates may be subject to restriction of privileges or possible discipline at the discretion of the Warden, for marrying outside the provisions of this policy. Violating or circumventing this policy may result in:
 - 1. Restriction of visitation from individuals who contribute to inmate violations of DAI policies, per Wisconsin Administrative Code s. DOC 309.08 (4)(d) and (4)(e).
 - 2. Other requirements determined necessary for facility security and/or public safety, at the discretion of the Warden.
- G. Appeal of Warden's decision shall be subject to the ICRS.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

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Original Effective Date:	DAI Policy Number: 309.00.06	Page 5 of 6
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Chapter: 309 Resources for Inmates		
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Fox Lake Correctional Institution		
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