

# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Lisa Reible

Name of Individual Certifying this Document/Proposed Document

Office of Program Services Director

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 309.00.06	<b>Page</b> 1 of 7
	<b>Original Effective Date:</b> 05/15/77	<b>New Effective Date:</b> 07/16/18
	<b>Supersedes:</b> 309.00.06	<b>Dated:</b> 03/01/17
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Inmate Marriages		

**POLICY**

The Division of Adult Institutions may allow inmates in general population to marry under prescribed circumstances.

**REFERENCES**

Wisconsin Statutes s. 46.066 – Freedom of Worship; religious ministrations  
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 Institution/centers

DOC – Department of Corrections

DOC-236 – Property Inventory – Male

DOC-236A – Property Inventory – Female

DOC-1671 – Request for Marriage

DOC-1673 – Marriage Information Request from Agent

ICRS – Inmate Complaint Review System

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 the security of the facility or a threat to the safety of the public, or threatens other legitimate penological interests, such penological interests concern the following:
  1. Prison security.
  2. Crime deterrence.
  3. Rehabilitation.
  4. Resource allocation.
  5. Protecting visitors.
  6. Deterring substance use.
  7. Protecting the safety of correctional staff and inmates.
- B. There are no legal impediments to the marriage.
- C. The inmate is not scheduled for release within nine months.
- D. The proposed spouse or the proposed spouse's children are not victims of the inmate.
- E. The proposed spouse has never been convicted in any criminal activity with the inmate.
- F. 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 proposed spouse.
- G. Marriage between two inmates confined in DOC facilities shall be prohibited.
- H. DAI may arrange for inmates to be transported to obtain marriage license. Inmates shall be responsible for costs associated with obtaining the license, including transportation costs. Staff wages may be considered if overtime occurs.
- I. Inmate marriage ceremony shall be performed on site in the facility where the inmate is incarcerated.
- J. Institution shall coordinate with the county clerk, in which the marriage is to take place, to determine appropriate place to obtain license.

### II. Approval/Disapproval

- A. The Warden shall approve:
  1. The DOC-1671.
  2. Counseling plans.
  3. Marriage.

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4. Wedding arrangements.

B. Reasons for disapprovals shall be provided in writing.

### III. Counseling Sessions

A. Premarital counseling is to be completed in a timely manner:

1. If the inmate:
  - a. Is within three years of release.
  - b. Can provide documentation they knew the intended spouse prior to incarceration.
  - c. Schedules no less than six consecutive joint counseling sessions during business hours (additional sessions may be required) with minimum of 30 days and maximum of 60 days between sessions.
  - d. Counseling sessions shall be a minimum of two hours each counseling session.
2. In cases where the inmate is not within three years of release, or cannot provide documentation they knew the intended spouse prior to incarceration:
  - a. Schedule no less than twelve consecutive joint counseling sessions during business hours (additional sessions may be required) with minimum of 30 days and maximum of 60 days between sessions.
  - b. Counseling sessions shall be a minimum of two hours for each counseling session.
3. The Warden may approve flexibility in scheduling of sessions based on facility resources. In all cases, inmates under section III.A.1 shall complete a minimum of 12 hours, inmates under section III.A.2 shall complete a minimum of 24 hours.
4. Interruptions may result in the need to repeat the entire counseling process.
5. Counseling sessions shall not be provided to inmates in Restrictive Housing.

B. Counseling sessions shall not be provided by facility staff.

C. Only facility approved clergy or counselors from the community are allowed to facilitate counseling.

1. At the conclusion of counseling, the counselor shall provide in writing a list of topics covered during each counseling session and a recommendation based on the outcome of the counseling.
2. Counseling sessions shall include, but not be limited to:
  - a. Parenting.
  - b. Relationship/communications.
  - c. American divorce rates statistics and challenges related to prison marriages.
  - d. Conflict resolution.

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D. As part of the counseling a copy of the inmate's criminal and facility history shall be provided to the counselor and proposed spouse. The facility may also designate criteria to be covered.

E. Counseling sessions shall be completed in person on facility grounds.

#### **IV. Rings**

The inmate shall comply with DAI property specifications for rings according to DAI Policy 309.20.03. The ring shall enter the facility according to established facility property procedure.

#### **V. Marriage Coordinator**

A. Facilities shall designate a marriage coordinator for each proposed inmate marriage.

B. The marriage coordinator shall be responsible for reviewing inmate files and making recommendations to the Warden on appropriateness or legality of the proposed marriage.

C. The marriage coordinator shall send the intended spouse a letter to include the following information. The inmate's:

1. Name of commitment and any aliases.
2. Current and previous committing offenses.
3. Length of sentence.
4. Projected release from prison if available.
5. Any other information on prior criminal convictions about the inmate, such as domestic abuse, that the coordinator believes is appropriate that shall aid the intended spouse in making an informed decision.

D. At the discretion of the marriage coordinator, the intended spouse may be required to report to the facility to meet with a multi-disciplinary team to discuss the marriage request.

#### **VI. Facilities Shall:**

A. Designate appropriate staff to complete functions.

B. Review inmate's case file.

C. Obtain information to determine marriage eligibility recording any existing legal impediments.

D. Receive and review documentation:

1. Any court judgments (annulment, divorce decree, etc.)
2. Death certificate affecting marital status.

E. Conduct a background check of intended spouse on DOC databases and CIB and inform agent of record if under DOC supervision.

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- F. Forward DOC-1673 to inmate's supervising agent for completion. If not completed within 30 days, contact the agent's supervisor.
- G. If there are no legal impediments, inform the inmate that he/she may begin developing a detailed plan for premarital counseling.
- H. Compile estimated counseling expenses and inform the inmate. Business office staff shall verify account balance to ensure sufficient funds.
- I. Maintain premarital counseling documentation.
- J. Notify the Warden of the inmate's completion of marriage counseling.
- K. Make recommendation on the appropriate action (approve/deny marriage and why).
- L. Approve or disapprove marriage requests.
  - 1. If disapproved, provide the reason in writing.
  - 2. If approved by the Warden, review the wedding arrangements with the inmate for adherence to DAI policy and facility procedures.
  - 3. Ensure proper notification to staff.
- M. Ensure rings follow DAI Policy 309.20.03 and record on the DOC-236 or DOC-236A.
- N. Provide wedding expense estimate to designated Business Office staff, who shall ensure sufficient funds are available.
- O. Provide security supervision and escort as required.

## **VII. Inmate Shall:**

- A. Review Wisconsin State Statutes and ensure that all legal requirements of the marriage are met.
- B. Submit the DOC-1671 to facility staff indicating a desire to marry.
- C. Bear all financial obligations associated with the marriage. This includes, but is not limited to:
  - 1. Costs of premarital counseling and counselor's related expenses.
  - 2. Wedding ceremony.
  - 3. Cost of obtaining the marriage license to include transportation.
  - 4. Compliance with the appropriate statutes.
  - 5. Marriage license fees.
  - 6. Officiate fees.
  - 7. Cost of staff overtime and fringe benefits. Inmates shall not be charged for on-site staff working regularly scheduled work hours.

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- D. Meet with facility staff for an interview and investigation, 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.
  3. The inmate and future spouse shall provide:
    - a. Documentation of any judgments (e.g., divorce, annulment) or death certificate as defined in Wisconsin Statutes.
    - b. Evidence of account balances to cover estimated expenses.
- E. 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. Requirements for further marital counseling, as noted in Section III.
  2. 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).
  3. Other requirements determined necessary for facility security and/or public safety, at the discretion of the Warden.
- F. Appeal of Warden's decision shall be subject to the ICRS.

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
 Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
<b>Original Effective Date:</b>	<b>DAI Policy Number:</b> 309.00.06	<b>Page</b> 7 of 7
<b>New Effective Date:</b> 00/00/00	<b>Supersedes Number:</b>	<b>Dated:</b>
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Inmate Marriages		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**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