

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: May 18, 2018	POLICY NO.: COR.14.13
	CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): COR.14.13 & 2/9/15	
SUBJECT: OFFENDER MARRIAGES		Page 1 of 4	

1.0 PURPOSE

To provide guidelines within the Department of Public Safety (PSD) Corrections Division regarding inmate marriages.

2.0 REFERENCES & FORMS

.1 References

- a. Hawaii Revised Statutes (HRS), Section 572-1, Requisites of valid marriage contract.
- b. *Alivado v. Department of Public Safety*, United States District Court for the District of Hawaii, Civ. No. 12-00259 SOM-BMK (2012).

.2 Forms

- a. PSD 8334 - Marriage Application (attached).

3.0 DEFINITIONS

- .1 Offender – A person incarcerated or detained in a prison, jail, or community correctional center.

4.0 POLICY

PSD recognizes that an offender has a right to enter into a marriage; however it is not an absolute right and is balanced against security concerns and/or the good government of the facility, staff, and other offenders, or for the protection of the public. There may exist a security concern and legitimate penological interest in prohibiting offenders from marrying other offenders, staff, volunteers, and contractors.

5.0 PROCEDURES

- .1 Any person detained in a PSD Correctional facility, who desires to be married while incarcerated, must complete PSD 8334, Marriage Application, and submit it to the case manager. Once reviewed by the case manager, they will generate a memo request for approval to get married which may include the RSA, OSA, CBA, and Chief of Security, but shall include the Facility Warden and the Institutions Division Administrator (IDA).

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- .2 This request must detail how the marriage ceremony will take place and provide proof that all legal requirements have been completed as required by the State of Hawaii, Department Health and Hawaii Revised Statutes Chapter 572: Marriage. A list of eligibility requirements is available on the Department of Health's website (<https://health.hawaii.gov/vital> records).
- .3 All expenses related to all aspects of the marriage and ceremony, such as but not limited to, fees and cost for licensing and for the performing official, shall be the responsibility of the offender or their intended spouse prior to the ceremony.
- .4 Any Warden receiving a request from an offender to marry shall provide a recommendation and confirmation that all requirements as referenced above have been met. The Warden shall submit the request and recommendation to the Institutions Division Administrator (IDA) for final approval. There is a presumption that the request should be approved, unless the Warden finds and documents that the following criteria (a-c) impacts the recommendation:
 - a. Whether or not a legal restriction to marriage exists, such as but not limited to the offender is currently married, lack of divorce verification, or there is a current and verified court order prohibiting contact or harassment, including but not limited to a Temporary Restraining Order, Restraining Order, Injunction Against Harassment, or Protective Order prohibiting contact.
 - b. Whether or not the proposed marriage presents a threat to the security and/or the good government of the facility, staff, other offenders, or to the protection of the public or for any other legitimate penological interest.
 - c. Whether a threat to the security and/or the good government of the facility may require the prohibition of a marriage between offenders, who have been committed to the custody and care of the Director of PSD.
- .5 In Hawaii, the parties to be married must secure a license to marry by appearing personally before an agent authorized by the State of Hawaii to grant marriage licenses. A list of licensed agents is available on the Department of Health's website (<https://health.hawaii.gov/vital> records).

If one of the parties to be married is not in a PSD facility, the individual should apply online for marriage on the Department of Health's website (<https://marriage.ehawaii.gov>). Fees should be paid when applying online. The partner in the PSD facility must notify their case manager in order to schedule a day and time for the licensing agent to meet with both parties, review the

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information already entered into the online marriage application system, verify both parties valid identification (printout from PSD's inmate management system is an acceptable form of identification for the offender), and issue the license.

If filing online is not available, both parties must have the necessary information available for the licensing agent on the day they get their license including payment for fees.

The marriage license issued expires 30 days from and including the date of issuance, after which it automatically is no longer valid.

- .6 In Hawaii, the marriage ceremony must be performed by a person or society, licensed to perform or solemnize marriages in the State of Hawaii. A list of persons authorized to solemnize a marriage is available on the Department of Health's website.
- .7 In Hawaii, the parties to be married and the person or society performing the marriage ceremony must all be physically present at the same place and time for the marriage.
- .8 Any offender detained in a correctional facility contracted by PSD, who wishes to be married while in that correctional facility must submit a written request to marry addressed to the Mainland & FDC Branch Administrator, who will then forward the request to the IDA with the required recommendation acknowledging that all requirements as referenced above have been met.
 - a. This request must address compliance with all the statutory and legal requirements for marriage in the State in which the offender is detained have been complied with.
 - b. All expenses related to all aspects of the marriage and ceremony, such as but not limited to, fees and cost for licensing and for the performing official, shall be the responsibility of the offender or their intended spouse prior to the ceremony.
- .9 If the marriage application is approved by the IDA, the Warden shall allow the marriage ceremony to take place as defined by departmental guidelines and the institutional security and/or programmatic requirements.
- .10 The number of people present at the marriage ceremony will be determined by the respective correctional facility.

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6.0 APPEAL PROCESS

- .1 The administrative process to appeal a denial of an offender's marriage application by the IDA shall be initiated by the offender submitting an appeal letter to the Director of PSD.
- .2 The letter shall explain how the provisions and/or concerns addressed in Section 5.0 have been met or are not applicable to the offender's marriage application.
- .3 The Director's decision will be considered PSD's final and ultimate recourse under the administrative appeals process.

7.0 SCOPE

This policy applies to all statewide correctional facilities and correctional facilities contracted by PSD.

APPROVAL RECOMMENDED:

Godie Masaka Huntz May 18, 2018
Deputy Director for Corrections Date

APPROVED:

Idan P. Epple May 18, 2018
Director Date

MARRIAGE REQUEST

Marriage Application (PSD Policy COR.14.13)

- Complete PSD Marriage Application and include all necessary supporting documents (divorce decree, etc.).
- Once reviewed by the Case Manager, they will generate a memo request for approval to the appropriate facility staff which may include the RSA, OSA, CBA and Chief of Security, but shall include the Facility Warden, and Institutions Division Administrator.
- You will be notified of the final decision (approval or disapproval).

Marriage License (once approved to get married)

- Facility Staff will schedule day and time for the Marriage Licensing Agent to come to the facility to assist with the marriage license application process.
- Have your proposed spouse apply and pay online ahead of time on DOH website (bring the confirmation code to the Marriage Licensing Agent) **OR** have the following info available for the Marriage Licensing Agent the day of the scheduled appointment: a valid credit card number, expiration date, 3 digit code on the back, name on card, and billing address.
- You and your proposed spouse must have a driver's license or Hawaii State ID, if not available, you (inmate) can present your birth certificate with your SID.
- Marriage Licensing Agent charges a \$5 fee for their service which may be paid to the Agent that day.
- You and your proposed spouse have 30 days from the date you receive the marriage license to get married.

Marriage Ceremony (after you receive your marriage license)

- No witnesses (as not required by the Department of Health).
- Wedding Rings/Bands can be dropped off to the Administration c/o the Chief of Security (must be within proper facility guidelines).
- Chief of Security will inspect the wedding rings/bands for approval and if approved it will then be sent to Intake where it will be held until the marriage ceremony.
- Your marriage officiant will need to contact your Case Manager/Designee to schedule the day and time of the ceremony.

MARRIAGE APPLICATION

(Inmate Form)

Questions 1 through 14 are to be completed by the inmate, and then returned to the Case Manager/Designee who will complete questions 15 and 16. Page 3 to be completed by the intended spouse then returned to the Case Manager/Designee.

1. Name: _____ SID: _____ Age: _____

2. Name of Intended Spouse: _____

3. What is your present religion? This information is necessary, so that premarital counseling and a minister for the ceremony can be arranged, i.e., Catholic, Lutheran, Mormon etc.: _____

4. If you have been married before, please answer the following: (List all previous marriages) Date and place of marriage(s): _____

Date and place of Divorce (**you must produce copies of most recent divorce**): _____

5. Please state in your own words why you wish to be married now rather than after you're released from prison: _____

6. How will your prospected spouse support his/her self? _____

Where is he/she employed? (Provide address): _____

Address of his/her residence: _____

7. Is the prospective spouse receiving any assistance? _____

If so what kind? _____

8. How many children are involved? _____

Whose children are they? _____

What are their name(s) and age(s)? _____

9. Do you (inmate) have any outstanding financial obligations, debts, or court ordered restitutions? _____
 How much and to whom? _____

10. Do you have any outside bank accounts? _____
 Name of bank? _____
 Type of account? _____
 How much money is in the account? _____
11. Length of relationship with prospective spouse? _____
 Person who can confirm the length of this relationship: _____
12. Family relationship: What is yours and your prospective spouse's families' reaction to this proposed marriage? _____

13. Have you and your prospective spouse received marriage counseling? _____
 When and from who did you receive counseling? _____
14. Date of proposed marriage? _____
 Who do you want to perform the ceremony? _____
 Contact information for Marriage Officiant: _____
 Will there be wedding ring(s)? _____

THIS PART TO BE COMPLETED BY THE CASE MANAGER/DESIGNEE

15. How long has this inmate been incarcerated? _____
 What is his/her tentative release date (if Pre-Trial indicate)? _____
 Can he/she aid in the support of this marriage? _____
 How? (eg. working while incarcerated) _____
 Outside help: _____
 Other: _____
 Present institutional progress and adjustment: _____
16. Case Manager/Designee's comments: _____

MARRIAGE APPLICATION
(For Intended Spouse)

This section is to be completed by the intended spouse and returned to the inmates Case Manager/Designee.

1. Name: _____ Age: _____
Address: _____ Phone: _____
_____ Other Phone: _____
2. What is your present Religion: This information is necessary, so that premarital counseling and a minister for the ceremony can be arranged; e.g. Catholic, Lutheran, Mormon, Buddhist, etc. _____
3. If you have been married before, please fill out the following: (List all previous marriage(s).) _____

Date and place of divorce: _____

4. Please state in your own words why you wish to be married now rather than after the inmate is released from prison: _____

5. Please answer the following questions:
 - a. Are you receiving any type of assistance? _____
 - b. If you receive assistance, are you aware you may lose these benefits? _____
 - c. Are you responsible for the care of any minor children? _____ If so, what are their name(s) and age(s)? _____

Date application received by Case Manager/Designee: _____

CONSENT FOR RELEASE OF INFORMATION

Date: _____

I, _____, hereby authorize the facility Case Manager/Designee, to release any information regarding my crime and sentence to my intended spouse, _____, before our marriage.

I hereby release the authorized party _____ from all legal
(Name of facility)
responsibilities or liabilities that may arise from the release of information requested. This consent is subject to my revocation at any time except to the extent that action has been taken in reliance thereon; and unless revoked by me, shall expire in sixty (60) days.

Signature

SID Number

Case Manager/Designee Signature

Date

I have read information provided:

Intended Spouse's Signature

Date

INMATE MARRIAGE REQUEST TRACKING AND APPROVAL FORM

To be maintained by the Case Manager/Designee throughout the approval process

Name of inmate: _____	SID number: _____
Date of Marriage Ceremony requested: _____	
Name of Intended Spouse: _____	
Contact information of Intended Spouse: _____	
Marriage Officiant: _____	
Contact information for Marriage Officiant: _____	

	Dates:
Inmate and Intended Spouse Marriage Application provided to both parties:	_____
Consent for Release of Information form completed and signed:	_____
Received completed Marriage Application by both parties:	_____
Copy of Divorce Decree:	_____

Have all legal requirements been met? _____

Approved: _____ Denied: _____

If denied, state reasons: _____

Ceremony Date: _____

Marriage License #: _____

Facility Warden: _____ Approved () Denied ()

Institutions Division Administrator: _____ Approved () Denied ()