

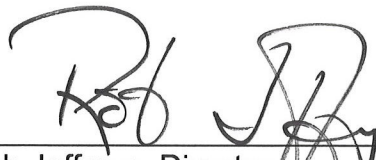
 Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	<b>POLICY</b> <b>INCARCERATED INDIVIDUAL MARRIAGE POLICY</b>		
	<b>REVISED DATE</b> <b>December 31, 2023</b>	<b>NUMBER</b> <b>205.04</b>	<b>PAGE</b> <b>1 of 4</b>
	<b>STATEMENT OF AVAILABILITY</b> <b>Law Library Access</b>		

EFFECTIVE: June 30, 2016  
 REVIEWED: July 31, 2017  
 REVISED: December 31, 2018  
 REVISED: August 31, 2019  
 REVISED: July 31, 2020  
 REVISED: August 31, 2021  
 REVISED: November 30, 2022  
 REVISED: December 31, 2023

**SUMMARY OF REVISION/REVIEW**

PURPOSE – Language updated. Minor grammar changes throughout.

APPROVED:



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 Rob Jeffreys, Director  
 Nebraska Department of Correctional Services

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## PURPOSE

To establish rules and standards for accommodating incarcerated individual marriages. The Nebraska Department of Correctional Services (NDCS) shall accommodate incarcerated individual marriage ceremonies provided the marriage does not conflict with any legal restriction or process, any NDCS policy or procedure, or compromise the security or good order of any NDCS facility.

## PROCESS

### I. MARRIAGE

- A. If all legal and NDCS requirements are met, incarcerated individuals will be allowed to marry unless the warden finds that the marriage or marriage ceremony presents a threat to the security or good order of the facility.
- B. Confirmation of a marriage license is required before an incarcerated individual may submit an *Incarcerated Individual Marriage Intention* form (Attachment A).
- C. Incarcerated individuals planning to marry must submit an *Incarcerated Individual Marriage Intention* form (Attachment A) to their unit manager. The incarcerated individual and/or spouse-to-be is responsible for obtaining the marriage license and contacting an officiant from the community to perform the ceremony. Religious coordinators, full-time volunteer clergy and religious volunteers are prohibited from performing marriage ceremonies.
  1. If the prospective spouse and/or external witness(es) have not been approved to visit, each individual must submit a *Visitor Request* form no fewer than 10 working days prior to the intended marriage date. Subject to the approval of the warden, a one-time visit for the marriage ceremony only may be considered for a prospective spouse who is not authorized to be on the incarcerated individual's approved visiting list. External witnesses who are not eligible to visit are not eligible for this one-time visit consideration. Denials of the prospective spouse shall be based on safety/security concerns specific to the marriage ceremony visit request. If the prospective spouse is a prior team member, the visit request for the marriage ceremony shall be submitted to the warden and forwarded to the NDCS director/designee for final approval.
  2. If the officiant is not an approved visitor, he/she may submit a *Visitor Request* form no fewer than 10 working days prior to the intended marriage date or request consideration of a special visit for the purposes of the marriage ceremony only.
- D. Facilities will arrange space and time for marriage ceremonies, except that ceremonies will not be arranged for incarcerated individuals assigned to restrictive housing. Incarcerated individuals assigned to community custody facilities may be allowed furloughs to marry in the community. NDCS will not transport incarcerated individuals from one facility to another for the marriage ceremony. If an incarcerated individual wants to marry another incarcerated individual, each incarcerated individual must submit an *Incarcerated Individual Marriage Intention* form (Attachment A) and the *Incarcerated Individual to Incarcerated Individual Marriage Intention* form (Attachment B) through their facility warden to the NDCS director for final approval. Upon receipt of both *Incarcerated Individual Marriage Intention* form (Attachment A) and *Incarcerated Individual to Incarcerated Individual Marriage Intention* form (Attachment B) forms, the NDCS director will approve


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the request for a marriage or marriage ceremony if the marriage is recognized under state law, unless he/she determines that the marriage or marriage ceremony presents a threat to the safety, security, or good order of any NDCS facility, or jeopardizes the rehabilitative process of an incarcerated individual. Any cost of the marriage or marriage ceremony will be the responsibility of the incarcerated individuals.

- E. Only the incarcerated individual, prospective spouse, two witnesses, and the marriage officiant are allowed to attend the marriage ceremony. Only approved visitors and general population incarcerated individuals may serve as witnesses. All participants must comply with NDCS policy and facility procedures regarding dress code. Correctional team members will supervise marriage ceremonies.
- F. The incarcerated individual, the prospective spouse, and non-incarcerated individual witnesses may visit before or after the marriage ceremony as long as they are approved to visit and regular visits are taking place. Incarcerated individual witnesses must return to their living units immediately after the ceremony.
- G. In facilities with photo projects, the incarcerated individual getting married may purchase up to five photo tickets for pictures to be taken after the ceremony. No private photographers or cameras will be allowed at the ceremony.
- H. If the incarcerated individual receives a wedding ring, team member shall register the ring to the incarcerated individual's property by completing the *Incarcerated Individual's Registration of Personal Property* form (Attachment C) and the *Limits of Liability – Incarcerated Individual Jewelry* form (Attachment D or E).
- I. If approved by the facility warden, a community custody incarcerated individual may be married while in the community on an approved furlough. The specific location of the ceremony must be approved and listed on the itinerary. Such locations must be in compliance with NDCS policies and procedures governing passes and furloughs.

#### REFERENCE

- I. STATUTORY REFERENCE AND OTHER AUTHORITY
  - A. Neb. Rev. Stat. §42-101 et. seq.
- II. NDCS POLICIES – None noted
- III. ATTACHMENTS
  - A. Incarcerated individual Marriage Intention
  - B. Incarcerated Individual to Incarcerated Individual Marriage Intention
  - C. Incarcerated Individual's Registration of Personal Property
  - D. Limits of Liability – Incarcerated Individual Jewelry (Secure Facility)
  - E. Limits of Liability – Incarcerated Individual Jewelry (Community Corrections Facility)

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IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted