

<b>DATE:</b>	MAY 18, 2022
<b>NUMBER:</b>	T.19
<b>SUBJECT:</b>	IN CUSTODY MARRIAGES
<b>RELATED SECTIONS:</b>	

**PURPOSE**

To provide guidelines for the handling of marriages for incarcerated persons.

**POLICY**

Marriages for incarcerated persons will only be allowed during normal visit periods or at a time set by the watch commander, given the operational needs of the facility. The incarcerated person's clergy will do the marriage preparation unless a court order dictates otherwise. Marriages between incarcerated persons will not be facilitated.

**PROCEDURE**

**I. NON-COURT ORDERED MARRIAGES**

- A. The persons involved are responsible for fulfilling the requirements of the Civil Code relating to confidential marriages.
- B. The officiating clergy (or judge) must present the “Confidential Marriage License” to the jail information clerk prior to the regularly scheduled visit. The County Clerk shall issue this license to the person performing the ceremony in accordance with Civil Code Section 4213.1 as amended.
- C. The jail information clerk will obtain the incarcerated person's signature on the form and return it to the clergy or judge.
- D. The marriage will be performed during regular visiting hours over the facility visit-phone system.
- E. In cases where the marriage would disrupt or delay the visit process, the watch commander may set a special time to perform the marriage.
- F. The officiating clergy (or judge) is responsible for filing the necessary forms at the appropriate county office(s).

**II. COURT ORDERED IN CUSTODY MARRIAGES**

- A. When a court order is received, it is distributed to the watch commander and the incarcerated person's file.

- B. The watch commander will:
1. Ensure the valid marriage license is presented prior to the ceremony.
  2. Notify the appropriate agencies (i.e., District Attorney, adult or youth authority, Probation Department, federal authorities, etc.)
  3. Coordinate the date and time of the ceremony, as in Section: I.D, E.
  4. Determine if a special visit is warranted.
- C. The officiating clergy (or judge) is responsible for filing the necessary papers at the appropriate county office(s).