
 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 10.9	Effective Date 5/1/2006	Page 1 of 4
	Supersedes Inmate Marriages, dated 1/31/2005		
Approved By 	Title Inmate Marriages and Civil Unions		

1. Policy. The Department of Correction shall permit an inmate to marry or enter into a civil union when all statutory prerequisites and Department conditions for marriage or entry into a civil union have been satisfied.
2. Authority and Reference.
 - A. Turner v Safely, 492 U.S. 78 (1987).
 - B. Connecticut General Statutes, Sections 4-8, 7-45, 17b-137a(a)(b), 18-81, 45a-676(c), 46b-20 through 46b-25, 46b-28 through 46b-30, 46b-33, 46b-38aa through 46b-38oo, 46b-150d and 51-164n(b).
 - C. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standard 4-4428.
 - D. Administrative Directives 4.1, Offender Records; 6.14, Security Risk Groups; 9.2, Offender Classification and 9.8, Furloughs.
3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Applicant. An individual who applies for a marriage/civil union license.
 - B. Civil Union. The union of a same-sex couple.
 - C. Marriage. The legal union of two persons.
 - D. Unit Administrator. The administrative head of a correctional facility or the Director of Parole and Community Services.
4. Application for Permission to Marry/Enter into a Civil Union. An inmate desiring to get married or enter into a civil union shall submit a written request to the Unit Administrator utilizing form CN 100901, Inmate Marriage/Civil Union Request. Permission to marry/enter into a civil union from the Unit Administrator may be granted once all conditions of this Directive have been satisfied. The inmate's request to marry/enter into a civil union shall be submitted to the appropriate Unit Administrator at least thirty (30) calendar days prior to the proposed marriage/civil union date. The proposed spouse/civil union partner shall indicate, in writing, to the Unit Administrator, an intention to marry/enter into a civil union with the inmate. The request shall include the name and full address of the proposed spouse/civil union partner.
5. Inmate Transfer. If an inmate who has commenced the marriage/civil union process in one facility is transferred to another facility or community placement, the inmate shall not be required to initiate the process again. The request to marry/enter into a civil union shall be forwarded accordingly. A Connecticut inmate incarcerated in another state shall follow the marriage/civil union procedures of the incarcerating jurisdiction.

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However, an inmate who returns to Connecticut from another state shall be required to initiate a new request, following the procedures outlined in this Directive.

6. Obligation of the Parties. The inmate and the proposed spouse/civil union partner shall be responsible for fulfilling the various requirements associated with an inmate marriage/civil union and for providing any information deemed necessary by the Unit Administrator in considering the application for permission to marry/enter into a civil union.

There shall be no obligation on the part of the Department to authenticate or verify the fact that the inmate's application has satisfied applicable statutory requirements. The obligation to ensure such compliance remains with the applicants for permission to marry/enter into a civil union.

7. Decision Factors for Granting Permission to Marry/Enter into a Civil Union. The Unit Administrator shall consider all relevant factors including rehabilitation, but is not limited to, the following when rendering a decision to allow the inmate to marry/enter into a civil union:

- A. An inmate may not marry/enter into a civil union with another inmate. One of the applicants shall not be an inmate. Marriage/entry into a civil union between an inmate and a Department employee or contractual employee shall be prohibited.
- B. Neither party is the subject of a detainer or an undisposed criminal charge, the legal proceeding of which may be impacted by the marriage/civil union (e.g., an inmate requests to marry/enter into a civil union with, the victim of the crime or a potential witness, etc.).
- C. A pretrial inmate may request permission to marry in accordance with the provisions of this Directive. Staff shall contact the appropriate court, States Attorney, and in the case of an alien, the United States Citizenship and Immigration Service, to advise of the marriage/civil union request of the pretrial inmate and to request their comments in accordance with this Directive.
- D. In the case of a federal inmate, Department staff shall make reasonable efforts to contact the appropriate office of the United States Attorney and Bureau of Immigration and Customs Enforcement regarding the proposed marriage/civil union and shall obtain approval from the appropriate authority. There shall be no requirement that an inmate must be a citizen of the United States to request marriage/entry into a civil union.
- E. In the case of an Interstate Compact inmate, Department staff shall contact the sending jurisdiction to advise of the marriage/civil union request and to request their comments in accordance with this Directive.
- F. The inmate applicant shall be incarcerated for a minimum of one year and be discipline free for one year prior to the application before being approved for marriage/entry into a civil union. Inmates who are classified as security risk group members under the provisions of Administrative Directive 6.14, Security Risk Groups and 9.2, Offender Classification shall not be approved for marriage/entry into a civil union.

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- G. No inmate may be allowed to marry/enter into a civil union without the approval of the Unit Administrator depending upon the inmate's classification or placement status. In considering such approval, the Unit Administrator shall determine if the proposed marriage/civil union poses any threat to the safety and security of the facility, staff, public or other inmates. In reviewing this requirement the Unit Administrator shall consider, but is not limited to, the following:
1. The inmate applicant's conviction record including pre-sentence investigation and police reports.
 2. The inmate applicant's facility record.
 3. Pending charges against the applicant(s).
 4. The physical or mental condition of the applicant(s).
 5. If the proposed spouse/civil union partner has any employment relationship with the Department.
8. Payment of Expenses. The parties to the marriage/civil union shall bear all costs and expenses. The proposed spouse/civil union partner shall be responsible for making the arrangements for the registrar of the town to visit the inmate applicant so as to comply with the applicable sections of the Connecticut General Statutes.
9. Request for Criminal History. The proposed spouse/civil union partner shall be provided, upon written request to the Unit Administrator, full disclosure of the inmate's correctional history (i.e., RT-60, RT-67 and RT-80). The Unit Administrator shall designate the appropriate staff member to provide the proposed spouse/civil union partner with the requested information. Requests for an inmate's criminal history shall be referred to the Department of Public Safety.
10. Staff Assistance. The inmate and proposed spouse/civil union partner shall be solely responsible for all arrangements, documentation and licensing in the marriage/civil union process. The marriage/civil union process is a civil proceeding. The Unit Administrator shall designate a staff member to schedule the marriage/civil union after the couple has fulfilled all requirements and permission has been granted for the marriage/civil union to take place.
11. Selection of Officiating Agent. The inmate shall be responsible to arrange for a legally authorized officiating agent (i.e., member of the clergy, justice of the peace, judge, family support magistrate or state referee) to perform the ceremony. The officiating agent shall submit a copy of his/her credentials to the Unit Administrator, prior the ceremony date. Department employees and contractual employees shall not serve as officiating agents nor be allowed to participate in an inmate marriage/civil union ceremony.
12. Marriage/Civil Union Ceremony. To preserve security and order, the Unit Administrator may impose conditions, including but not limited to scheduling, upon the circumstances of any marriage/civil union ceremony held within a correctional facility. Attendees at a marriage/civil union ceremony may be limited and subject to the approval of the Unit Administrator. All persons participating in the

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ceremony and guests shall be subject to security clearance as determined by the Unit Administrator.

13. Documentation. The marriage/civil union shall be documented in the inmate's master file. Any name changes shall be in accordance with Administrative Directive 4.1, Offender Records.
14. Forms and Attachments. The following form is applicable to this Administrative Directive and shall be utilized for the intended function:
 - A. CN 100901, Inmate Marriage/Civil Union Request.
15. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.