5-14/040.00 Inmate Marriages

Pursuant to Penal Code section 2601, all inmates have the right to marry. Since the safety and security of inmates, custodial personnel, custody facilities, and the public, are of paramount concern, the following procedures shall be followed when an inmate requests to marry:

The County Jail represents a brief temporary place of detention and does not have special facilities for inmate marriages. As a consequence, an inmate temporarily detained who wishes to marry should be encouraged to first petition the Court of the jurisdiction in which his or her criminal prosecution is pending and request the Judge of that court to perform the marriage solemnization during normal Court hours in that Court. If the Court refuses to marry the inmate, then the inmate should be encouraged to delay the marriage until he is released or transferred to where he will be confined (i.e., State or federal prison).

If the inmate does not wish to petition from the Court of jurisdiction, he/she may be married at visiting, in accordance with the provisions of law and this procedure, subject to the prior approval of the Watch Commander. Each facility shall develop and implement an inmate marriage visiting policy depending on the number of inmate marriages each facility is suitable to process. When a marriage takes place at visiting, the following procedures shall apply:

- An inmate may be married at any custody housing facility only during the designated visiting hours of that facility
- Marriage in the County Jail shall only be permitted between an inmate and a non-inmate spouse
- The number of persons, including the person solemnizing the marriage, couple, and guests shall be limited to and subject to the standard visiting rules set forth at the housing facility
- Inmate marriages shall be solemnized by an individual authorized to solemnize marriage as designated by Family Code Sections 400 and 402. The individual solemnizing the marriage shall not be the facility Chaplain, without prior arrangements and approval as described below
- There shall be no inmate guests
- No provisions shall be made for special religious or other ceremonial requests
- Visiting deputies shall only assist in the solemnization by passing the marriage license documentation through the "pass through window" and shall not act as "witness"
- No rings shall be passed to the inmate
- The inmate shall apply in writing to the concerned unit’s Watch Commander at least 15 days prior to the wedding, attaching a photostated copy of the marriage license. The Watch Commander shall assess the request and based on the validity of the marriage license and the availability of the inmate, arrange for the marriage to take place within the 14 day period. Subject to any court order, the Sheriff’s Department will not intervene to stop a marriage from taking place because of spousal immunity issues

As a convenience to inmates and as a public service, Custody Chaplains may be utilized to solemnize inmate marriages under the following procedure:

- A person wishing to marry an inmate in the Los Angeles County jail system must mail a photocopy of their completed marriage license, and a completed inmate marriage application, at least 15 days in advance, to the Religious & Volunteer Services Office. The inmate marriage packages are available at each facility’s designated visiting areas
- The Religious & Volunteer Services Office will check the application to see that it is complete, and

forward it to the appropriate facility for Watch Commander approval or denial

- Once the application has been either approved or denied, Religious & Volunteer Services personnel will call the applicant to schedule a ceremony. The Religious & Volunteer Services Office will maintain a list of approved clergy and Custody Chaplains who will solemnize marriages on a voluntary basis, and coordinate between these volunteers and the public, to schedule requested marriage ceremonies
- On the day of the scheduled ceremony, the non-inmate applicant must bring one witness and the original wedding license. Both the applicant and the witness must have government issued photo identification
- Immediately prior to the ceremony, for one hour, the Chaplain will counsel the prospective couple. This counseling will include the ethical and legal responsibilities of marriage and may include religious or spiritual counsel. Normally this counseling will be conducted in a facility's visiting area, with the Chaplain on the non-secure side
- During the ceremony, the couple will be separated by glass. There can be no touching or kissing. No rings or any other items may be exchanged
- After the ceremony, the Chaplain will sign the marriage license, and the witness must sign. The non-inmate spouse must return the original, signed, license to the Los Angeles County Recorder's Office