

5-15-040 Inmate Marriage Procedures

PURPOSE OF ORDER:

Pursuant to Penal Code, section 2601 (f), "Civil Rights Retained" and Title 15 - Crime Prevention and Corrections, all inmates have the right to initiate specific actions, including marriage. In order to comply with state regulations, Twin Towers Correctional Facility (TTCF) has established policies and procedures governing inmate marriages.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to TTCF.

ORDER:

Twin Towers Correctional Facility is a temporary place of detention and does not have a special location to conduct 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. The inmate should 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 she/he is released or transferred to where she/he will be confined (i.e., State or Federal prison).

If the inmate does not wish to petition the Court of jurisdiction, she/he may be married at their respective custody housing facility only during visiting, in accordance with the provisions of law and this procedure, subject to the prior approval of the watch commander.

The non-inmate spouse shall apply in writing to the Religious & Volunteer Services and attaching a photostated copy of the following items:

- Marriage Application
- Marriage License.
- Proper identification
- All Required documentation

The TTCF Legal Unit 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 15 day period after the application and Documents have been approved by the Watch Commander.

Subject to any court order, the Sheriff's Department will not intervene to stop a marriage from taking place because of a spousal immunity issues.

The safety and security of inmates, custodial personnel, custody facilities, and the public, are paramount concern in situations wherein an inmate has requested to marry.

The following procedures shall apply for inmate marriages:

- Marriage in the County Jail shall be permitted between an inmate and a non-inmate spouse only.
- An inmate may be married only during professional visit hours;
Wednesday - Friday 0900 -1600hrs 1730-1800 hrs.
- Attending spouse, and witness are subject to search at any time while on the jail grounds.

- The visiting staff shall conduct a records check via JDIC/CLETS to verify the identity of the attending spouse, witness, and the individual solemnizing the marriage, prior to allowing them into the visiting areas.

Refer to TTCF Unit

Order 5-15-010 Public Visiting.

- The number of persons, including the person solemnizing the marriage, spouse, and guest shall be limited to, and subject to, the standard visiting rules set forth at the housing facility (i.e. spouse, minister, & witness).
- Inmate marriages shall be solemnized by an individual authorized to solemnize marriage as designated by California Family Code, Section 400: A priest, minister, or rabbi of any denomination.
- During the ceremony, the couple will be separated by glass.
- There can be no touching or kissing.
- There shall be no inmate guests.
- No rings shall be passed to the inmate.
- No provisions shall be made for special religious or other ceremonial requests.
- Visiting deputies or floor deputies shall only assist in the solemnization by passing the marriage license and corresponding documents through the “pass through window” and shall not act as a “witness.”

NOTE: ALL information on the marriage license MUST be legible, unambiguous and reproducible. DO NOT change any information on the license, cross out information, use white out, etc.

General Information:

You do not need to be a California resident to marry in California.

Only an unmarried male and unmarried female may marry in California.

Marriage by proxy is NOT allowed in California. Family Code, Section 420 (a) requires the spouse, marriage officiant and witness if applicable, be physically present together in the same location for the marriage to be performed.

Blood tests are NOT required to obtain a marriage license in California.

Valid picture identification is one that contains a photograph, date of birth, an issue and expiration date, such as state issued identification card, driver's license, passport, military identification, resident alien identification card, identification card issued by the Mexican Consulate's Office, etc.

DISABLED VISITORS

The visiting staff shall make every effort to assist those visitors who require accommodation due to their disability.
