

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject INMATE MARRIAGE CEREMONIES	Policy Number DP-4
	Effective Date 12-29-23	
Related Information ARS 25-102 ARS 25-124 ARS 25-125 DK-3, <i>Inmate Visitation</i>		Supersedes DP-4 (01-30-20)

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for processing inmate marriage requests in Office jail facilities.

POLICY

It is the policy of the Office to authorize the use of Office jail facility space and Office personnel for inmate marriages when doing so does not negatively impact the safety or security of the Office jail facility or Office resources. All marriages shall meet the requirements specified in Arizona Revised Statue (ARS) Title 25, Marital and Domestic Relations.

DEFINITIONS

Affidavit: For purpose of this Office Policy, the affidavit is an official document provided to the Clerk of the Maricopa County Superior Court, in which a jail facility commander or designee has authorized the marriage ceremony of two persons to take place in an Office jail facility.

Officiant: A person who officiates at a marriage ceremony.

PROCEDURES

1. **Eligibility for Marriage Ceremony:** Inmates and their prospective spouses must meet and maintain eligibility criteria to receive authorization to use Office resources for the purpose of marriage. All marriage ceremonies shall be performed legally as specified in ARS 25-125.
 - A. Criteria for inmates requesting to be married:
 1. Have no major disciplinary charges pending and must not be confined in a disciplinary or security restrictive housing unit;
 2. Is eligible to receive visitors at the time the request for marriage is submitted and remain qualified through the date of the marriage ceremony;
 3. Is not being held under the jurisdiction of a federal or state government agency;
 4. Is not a Fugitive of Justice;

5. Is 18 years of age or older. If under 18, the inmate must have a court order establishing that the requirements of ARS 25-102 have been met;
 6. Is not to marry another inmate; and
 7. Is not currently married.
- B. Eligibility for prospective spouse, witnesses, and officiant:
1. All parties must meet all established Office jail facility visitation eligibility criteria;
 2. The prospective spouse must be 18 years of age or older. If under 18, the prospective spouse must have a court order establishing that the requirements of ARS 25-102, have been met; and
 3. The prospective spouse must not be currently married.
- C. Marriage to the prospective spouse shall not hinder the administration of justice as to any charges for which the inmate is currently being held in Office custody or any protective orders that may have been issued. The prosecuting agency responsible for charges for which the inmate is being held in custody, or court of jurisdiction for issued protective orders, shall be notified by the jail facility commander, or designee, of the following:
1. The marriage request and all parties to the marriage; and
 2. The need to obtain a court order prohibiting the marriage in the event of a conflict.
2. **Authorization for a Marriage Ceremony:** Authorization for use of an Office jail facility is required from the jail facility commander or designee.
- A. The inmate shall submit an *Inmate Request Form* to the jail facility commander at least 60 days in advance to include the names, dates of birth, and identifying information, such as driver's license numbers and addresses, for the prospective spouse, two witnesses if applicable, and the officiant authorized to perform marriages in the State of Arizona, as specified in ARS 25-124.
- B. All persons shall be reviewed to confirm Office jail facility visitation eligibility. **No other eligibility determination, such as eligibility of the officiant to perform the marriage or eligibility of either partner to be married is assumed or implied.**
- C. The inmate and the prospective spouse are responsible for obtaining and completing all necessary documents to be married within an Office jail facility.
1. An affidavit for persons in custody is required by the Maricopa County Clerk of the Superior Court before a marriage license will be issued.
 2. The inmate or the prospective spouse is responsible for providing a notary who can come to the Office jail facility to notarize the affidavit.
 3. The marriage license must have the parties' legal names, which must be the same as the name the inmate is booked under, and the name used by the prospective spouse to determine visitation eligibility.

- D. If approved, the Office jail facility commander or designee, shall provide an official Office letter authorizing the inmate's request for marriage and completed affidavit to the Maricopa County Clerk of the Superior Court.
3. **Marriage Ceremony Fees:** The inmate and prospective spouse shall be responsible for all expenses related to the marriage ceremony including, but not limited to, marriage license fees and Office jail facility ceremony fees. Inmates shall not be allowed to use their inmate funds account to cover the cost of marriage ceremony fees.
- A. Inmates will be assessed a non-refundable Office jail facility use fee to cover processing and security costs. The prospective spouse must pay the \$100 fee prior to the commencement of the ceremony, by submitting a certified check or money order, payable to the Maricopa County Sheriff's Office (MCSO) Inmate Services Fund, to the facility shift commander. The facility Shift Commander shall forward it on to the Financial Services Division through the inter-office-mail.
 - B. Closed custody inmates and any other inmates requiring additional security measures, as deemed necessary by the division commander or bureau chief, may be assessed additional fees to cover the costs of personnel. The prospective spouse must pay the fee prior to the commencement of the ceremony, by certified check or money order, payable to the MCSO Inmate Services Fund, to the facility shift commander. The facility Shift Commander shall forward it on to the Financial Services Division through the inter-office mail.
4. **Marriage Ceremony Requirements:** Marriage ceremonies shall not interfere with the orderly and secure operation of the Office jail facility or be performed in a manner to jeopardize the safety of anyone involved with such ceremonies.
- A. Ceremonies shall occur within the secure perimeter of the Office jail facility or through on-site video regular visitation, as determined by the jail facility commander. Ceremonies for inmates housed in closed custody will be through video visitation.
 - B. Marriage ceremonies shall be performed, as determined by the jail facility commander or designee.
 - C. Two witnesses are required for the ceremony. The witnesses may be members of the public selected by the inmate or Office personnel, at the sole discretion of the jail facility commander.
 - D. If any member of the wedding party arrives more than 10 minutes later than the scheduled time for the ceremony, the proceedings may be cancelled and may be rescheduled by the jail facility commander.
 - E. Marriage ceremonies may be conducted by any persons as specified by ARS 25-124, including duly licensed or ordained clergymen, judges, or justices of the peace. Institutional chaplains of the MCSO Religious Services Section shall not perform inmate marriages.
 - F. No persons except the inmate, the inmate's prospective spouse, officiant, and two members of the public witnesses, when authorized, and designated Office personnel, shall be allowed to attend the marriage ceremony.
 - G. Attire must meet the dress code posted for entry into an Office jail facility. Inmates are not permitted special clothing for the ceremony.
 - H. The only personal item permitted inside Office jail facilities for marriage ceremonies is the marriage license. No rings will be exchanged during the ceremony and no physical contact

between the parties will be permitted. Cameras/or digital recording devices and food/beverages shall not be permitted inside the facility for marriage ceremonies.

- I. Duration of ceremonies should not normally exceed 15 minutes.
- J. The officiant performing the marriage ceremony is responsible for properly filing the marriage license with the Maricopa County Clerk of the Court. A copy of the fully signed marriage license shall be retained in the inmate's Jail File.