I. AUTHORITY: The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY: All Departmental Juvenile Facilities

III. POLICY:

Residents shall be allowed to marry in accordance with constitutional requirements.

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V. ATTACHMENTS:

None

VI. PROCEDURES:

PROCEDURE A: Application Process

1. The resident must be 18 years of age or older or, if under the age of 18, be emancipated by court order. The other party must be 18 years of age or older, or, if under the age of 18, be emancipated by court order or have received written consent from his/her parents/guardians and written consent from the probate judge of the county in which he/she resides.

2. Both parties must meet all other legal requirements to marry.
3. The resident must be free of any disciplinary misconduct for 90 days prior to his/her request to marry. He/she must have no disciplinary matters pending and must remain free of disciplinary misconduct during the application process and up until the time of the completion of the wedding ceremony.

4. The resident must not be in the Special Management Unit or the High Risk Unit at the time of his/her request to marry or at any time thereafter up until the time of the completion of the wedding ceremony.

5. The resident shall request, in writing, approval to marry from the Superintendent of the facility. The application requesting permission to marry shall be available from the Chaplain’s office and must be turned in to that office, along with, if applicable, the court order of emancipation for the resident. The resident shall be responsible to provide proof that the other party is at least 18 years of age or, if applicable, the court order of emancipation for the other party or written consents for the other party to marry from his/her parents/guardians and the probate judge. The application shall be processed within 90 days.

6. Once the application is received, the Chaplain shall forward it to the Deputy Superintendent of Operations, who shall arrange for a background check on the other party and all proposed participants in the marriage ceremony, including the person performing the ceremony. The resident shall be informed if any participant does not meet the security requirements and shall be afforded the opportunity for a substitute, prior to approval of the marriage. Once approval has been given, no substitutes shall be allowed.

7. The Deputy Superintendent of Operations shall also arrange for the resident to receive counseling, by the Chaplain, if the resident chooses, or by other facility staff, prior to the application being forwarded to the Superintendent. Such counseling shall include informing the resident that he/she shall not receive any special privileges by virtue of being married and informing the resident of any pertinent ramifications of being married.

8. The application must be approved and signed by the Superintendent before the resident may apply for a license to marry and the marriage ceremony may be arranged. The Superintendent may deny or revoke approval of the application for failure to comply with any requirement set out in these procedures.

**PROCEDURE B: Legal Requirements**

1. The person performing the ceremony must be qualified to perform marriages in the State of Maine and must be approved by the Superintendent. The resident and the other party shall ensure that they have met all legal requirements to marry before the ceremony may be held. The resident shall be responsible for ensuring the completion of all financial arrangements and shall provide confirmation that any fee
charged by the individual performing the ceremony has been paid, prior to scheduling the ceremony.

2. The resident and the other party must both be licensed to marry. The resident shall be responsible to obtain his/her marriage license by contacting the clerk of the municipality in which the facility is located and to pay for or arrange payment of the marriage license fee. The other party is responsible to obtain his/her marriage license from the other party’s municipality of residence.

3. The resident shall be responsible to ensure the payment of any other costs.

PROCEDURE C: Additional Procedures for Permission to Marry at the Facility

1. A resident shall not be brought to another facility in order to be married.

2. A resident receiving permission to marry at the facility may request to have the marriage ceremony performed by a bona fide clergyperson or a layperson qualified to perform marriages. Any counseling required by clergy shall be completed prior to scheduling the marriage ceremony. Upon successful completion of religious counseling, the clergyperson shall provide written confirmation to the Superintendent.

3. No facility employee, including the Chaplain, or volunteer shall perform or otherwise participate in a wedding ceremony at the facility.

4. No person currently or formerly in the custody or under the supervision of the Maine Department of Corrections, including a former resident of a juvenile facility, may attend the ceremony without the express written permission of the Superintendent. The Superintendent reserves the right to deny access to the facility to any person who poses a risk to safety, security, or the orderly management of the facility.

5. If the other party to the marriage poses a risk to safety, security, or the orderly management of the facility, the marriage ceremony shall not be allowed at the facility, unless and until such time as there is no longer a risk, as determined by the Superintendent.

6. Once approval has been granted, the Chaplain shall meet with the Deputy Superintendent of Operations and establish a date that meets the facility’s needs. Copies of the marriage license of the resident and the marriage license of the other party shall be provided to the facility Chaplain, prior to establishing a date for the wedding.

7. The marriage ceremony shall be conducted in an appropriate area under staff supervision.
8. Attendance at the ceremony shall be limited to the resident, the other party to the marriage, the person to perform the ceremony, and a total of four guests, who must be members of the immediate families of the parties.

9. With the exception of rings, there shall not be any exchange of gifts. No photographs, video recordings, music, wedding cake, refreshments, or flowers shall be allowed, except that photographs may be taken by a facility staff person, using facility equipment, upon request.

10. All security procedures, including ones pertaining to appropriate physical contact, searches, and contraband, shall be followed.

11. The resident shall be responsible to ensure the original marriage licenses are brought to the marriage ceremony.

PROCEDURE D: Additional Procedures for Permission to Marry on Leave

1. A resident may request permission to be married on a leave after the resident has successfully completed at least one leave from the facility.

2. The resident must be eligible for a leave at the time of his/her request to marry and must remain eligible for a leave during the application process and up until the time of the completion of the wedding ceremony.

3. Once approval by the Superintendent has been granted, the Chaplain shall meet with the resident and the Deputy Superintendent of Operations to establish a date for the wedding. Copies of the marriage license of the resident and the marriage license of the other party shall be provided to the facility Chaplain, prior to establishing a date for the wedding.

4. Unless otherwise stipulated by the Superintendent, the marriage ceremony shall take place at the leave residence. All leave rules and conditions shall be strictly followed.

5. No person currently or formerly in the custody or under the supervision of the Department of Corrections, including former residents of a juvenile facility, may attend the ceremony without the express written permission of the Superintendent. The Superintendent reserves the right to deny permission to attend the ceremony to any person who poses a risk to safety or security.

6. Attendance at the ceremony shall be limited to the resident, the other party to the marriage, the person to perform the ceremony, and members of the immediate families of the parties. No person who has consumed alcohol or taken drugs prior to the ceremony or is in the possession of alcohol or drugs shall be allowed to attend the ceremony. No alcohol or drugs shall be used during or after the ceremony.
7. The resident shall be responsible to ensure the original marriage licenses are brought to the marriage ceremony.

VII. PROFESSIONAL STANDARDS:
NONE