



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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**SUPERSEDES:** AD-03.42 (rev. 1)  
July 28, 2015

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** INMATE MARRIAGES

**AUTHORITY:** U.S. CONST. art. IV, § 1; *Turner v. Safley*, 482 U.S. 78 (1987); Tex. Fam. Code §§ 2.001(a), 2.006, 2.007, 2.202, 2.401, 2.402; Tex. Gov't Code §§ 493.001, 493.006(b), 494.001, 494.002(a); BP-02.08, "Statement of Internal Controls;" AD-03.72, "Offender Property"; TDCJ *Inmate Visitation Plan*

**APPLICABILITY:** Texas Department of Criminal Justice

**POLICY:**

The Texas Department of Criminal Justice (TDCJ or agency) recognizes all valid marriages. The agency permits inmates to marry in a ceremony on TDCJ property or at contracted facilities unless the proposed marriage would be invalid or illegal or if it presents a threat to safety, security, or the orderly operations of the prison. Each warden shall ensure proper procedures are in place to provide for the safety and security of staff, inmates, property, and the public.

**DEFINITIONS:**

The following terms are defined for the purpose of this policy and are not intended to be applicable to other policies or procedures.

"Officiant" is a person authorized to conduct a marriage ceremony and includes: a licensed or ordained Christian minister or priest; a Jewish rabbi; a Buddhist monk or priest; a Hindu pundit; a Muslim imam; a Sikh granthi; a person who is authorized by a religious organization to conduct a marriage ceremony; a justice of the supreme court, judge of the court of criminal appeals, justice of a court of appeals, judge of a district, county, or probate court, judge of a county court at law, judge of a court of domestic relations, judge of a juvenile court, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, retired judge of a municipal court, associate judge of a statutory probate court, retired associate judge of a statutory probate court, associate judge of a county court at law, retired associate judge of a county court at law, or judge or magistrate of a federal court of this state; or a retired judge or magistrate of a federal court of this state. TDCJ employees, contract

employees, and volunteers are not permitted to conduct a marriage ceremony of an inmate on TDCJ property or contracted facilities.

“Workdays” are Monday through Friday, excluding state and national holidays for which TDCJ administrative offices are closed, and days when offices are closed at the direction of the executive director, such as for adverse weather.

## **PROCEDURES:**

### I. Marital Status

- A. The marital status designated by the inmate at intake is considered the marital status of an inmate during the inmate’s incarceration. Except for correction of errors, the TDCJ changes the designated marital status only when adding a spouse due to marriage or removing a spouse due to a death or divorce.
- B. An informal marriage, also known as “common law marriage,” is established when a couple: (1) agree to be married; (2) after the agreement live together as a married couple in this state; and (3) represent to others that they are married. Therefore, informal marriage can only be established prior to an inmate’s incarceration. Procedures and forms that may be used to prove informal marriage are provided in the TDCJ *Inmate Visitation Plan*. The TDCJ may require additional paperwork to prove that a couple actually lived together prior to incarceration.
- C. The TDCJ only recognizes proxy marriages established by certificates or licenses issued by states that permit proxy marriage to an inmate.
- D. The TDCJ only recognizes marriages entered into by mail if established by certificates or licenses issued by states that permit inmates to marry by mail.
- E. To remove or replace a spouse on the inmate’s Family Tracking Page or approved Visitors List, a death certificate or divorce decree must be submitted to the unit inmate records supervisor.
- F. Questions concerning the validity of a marriage should be directed to the access to courts supervisor.

### II. Participant Requirements

#### A. Officiant

- 1. Prior to performing a marriage ceremony on TDCJ property or contracted facilities, an officiant must complete the Application of Person Requesting to Perform a Marriage (Attachment A) and submit it to the Access to

Courts headquarters at least one week prior to the scheduled marriage ceremony date.

2. An officiant is eligible to perform a marriage ceremony at any TDCJ facility for one calendar year from the date the application is approved.
3. The TDCJ does not maintain a list of officiants approved to perform marriage ceremonies on a permanent basis. Each officiant is required to seek approval in accordance with this directive.

B. Non-Incarcerated Intended Spouse

1. A non-incarcerated intended spouse shall:
  - a. Bring the required licenses to the unit the day of the marriage ceremony; and
  - b. Make all necessary arrangements, including providing and paying the officiant, if applicable.
2. Former employees and former inmates who desire to marry an inmate are reviewed for admittance to the unit in accordance with the TDCJ *Inmate Visitation Plan*.

C. Inmate

1. An inmate requesting to get married on a scheduled inmate marriage day must be eligible for visits in accordance with the TDCJ *Inmate Visitation Plan*.
2. An inmate must submit an Inmate Request to an Official (I-60) to request a marriage ceremony in a TDCJ unit or contracted facility. The request shall be submitted to the unit access to courts supervisor or designee and include:
  - a. The non-incarcerated intended spouse's name; and
  - b. The name of the officiant who will be performing the marriage ceremony.

III. Review of Request

A. Access to Courts

1. The access to courts supervisor or designee shall complete their portion of the Inmate Marriage Verification Worksheet (Attachment B) and:

- a. Review the I-60 for completeness;
  - b. Confirm the request was received at least seven days prior to the unit's scheduled inmate marriage dates;
  - c. Confirm that the requested officiant is currently approved and eligible to officiate the marriage ceremony or has provided documentation to prove that the officiant is authorized to perform a marriage under Texas law; and
  - d. Approve or deny the request based on the above criteria.
2. If the access to courts supervisor or designee denies the request, the request shall be forwarded to the warden's office for concurrence prior to notifying the inmate. The inmate shall be notified of the reason the request was denied.
  3. The access to courts supervisor or designee shall forward approved requests to the inmate records supervisor.

B. Inmate Records

1. The inmate records supervisor shall complete their portion of the Inmate Marriage Verification Worksheet and:
  - a. Review the inmate's Family Tracking Page and approved Visitors List to confirm that the inmate is not currently married;
  - b. Confirm that the proposed spouse is currently on the approved Visitors List for the inmate and is at least 18 years of age; and
  - c. Approve or deny the request based on the above criteria.
2. If the inmate records supervisor denies the request, the request shall be forwarded to the warden's office for concurrence prior to notifying the inmate. The inmate shall be notified of the reason the request was denied.
3. The inmate records supervisor shall forward approved requests to the warden for final approval.

C. Warden

1. The warden shall review the marriage request and indicate approval or denial on the Inmate Marriage Verification Worksheet. The warden will only deny the marriage request if such a marriage would be invalid or

illegal or if it presents a threat to safety, security, or the orderly operations of the prison.

2. If the warden denies the request, the inmate shall be notified of the reason the request was denied.
3. Approved requests shall be forwarded to the unit chaplain for placement on the inmate marriages schedule on the next available date. However, marriage ceremonies may be rescheduled due to unforeseen circumstances with the approval of the warden.

#### IV. Inmate Marriage Ceremonies on TDCJ Property

- A. Each unit shall provide two non-visitation workdays per month for inmates to be married. Exceptions may be made on a case-by-case basis as authorized by the warden.
- B. The warden shall designate correctional staff to be present for the duration of the marriage ceremony.
- C. The unit chaplain is responsible for scheduling inmate weddings at the unit and shall provide the warden a list of inmates scheduled to be married each specified day for final approval.
- D. Inmate marriage ceremonies shall not take place in a chapel. Inmate marriage ceremonies shall be conducted in a visitation area or other area approved by the warden, based on the inmate's contact or non-contact visitation eligibility status, during non-visitation hours at times designated by the warden. Inmate marriage ceremonies shall be scheduled for no more than 30 minutes each.
- E. Witnesses are not required at a marriage ceremony. Attendance at the marriage ceremony shall be limited to the inmate, non-incarcerated intended spouse, and officiant.
- F. No special visiting privileges are permitted in connection with or immediately after the marriage ceremony. However, if the inmate is eligible for contact visits, then holding hands shall be permitted during the wedding, along with a brief embrace and kiss at the end of the ceremony.
- G. Marriage between current inmates shall not be permitted.
- H. Attire of the inmate, non-incarcerated intended spouse, and officiant shall be in accordance with the TDCJ *Inmate Visitation Plan*.
- I. The officiant may bring in one book or document.

- J. Officiants and non-incarcerated intended spouses may bring in items only in accordance with the TDCJ *Inmate Visitation Plan*.
- K. Non-incarcerated intended spouses may not bring in a wedding ring to be exchanged with the inmate during the marriage ceremony. Inmates are only allowed to possess a wedding ring possessed at the time of intake in accordance with AD-03.72, "Offender Property."
- L. The inmate's spouse may request photographs from the marriage ceremony to be emailed directly to them.
- M. The spouse shall exit the facility upon completion of the marriage ceremony.
- N. The I-60 and Inmate Marriage Verification Worksheet shall be placed in the inmate's classification folder.
- O. The inmate records supervisor shall change the visitor's status on the Family Tracking Page and the approved Visitors List after completion of the marriage ceremony.

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Bryan Collier \*  
Executive Director