

CLIENT MARRIAGE

Minnesota Sex Offender Program

Issue Date: 2/2/16 Effective Date: 3/1/16 Policy Number: 420-5500

POLICY: A client or clients with a valid marriage license may hold a marriage ceremony at the MSOP facility. The client and the intended spouse are solely responsible for making all arrangements, securing the necessary documents, and paying all fees and expenses for the marriage license application and the solemnization of the marriage. Married clients may not room together. MSOP Division Policy 420-5016, “Touch,” and MSOP rules regarding the prohibition of sexual behavior outlined in the Client Behavioral Expectations Handbook (303.010A, attached) apply to married clients.

AUTHORITY: Minn. Rule 9515.3040, Subp. 2.
 Minn. Stat. Chapter 517
 Minn. Stat. § 259.13

APPLICABILITY: Minnesota Sex Offender Program (MSOP), program-wide

PURPOSE: To outline the process for clients in the Minnesota Sex Offender Program (MSOP) to marry while residing in the program.

DEFINITIONS:

Marriage – “a civil contract between two persons, to which the consent of the parties, capable in law of contracting, is essential. A lawful civil marriage may be contracted only when a license has been obtained as provided by law and when the civil marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom one or both of the parties in good faith believe to be authorized, so to do.” Minn. Stat. [§517.01](#)

PROCEDURES:

A. Obtaining a Marriage License

1. A client who desires to marry must obtain a valid marriage license from the county registrar in the county where he/she is currently residing.
2. A client with a felony conviction intending to change his or her name following a marriage must follow name change notification requirements in Minn. Stat. [§259.13](#) as part of the marriage license application process.
3. If the intended spouse is not an MSOP client, the intended spouse must apply for and obtain the marriage license, complying with all application requirements for the absent applicant. MSOP does not transport a client to apply for the license when the intended spouse is not an MSOP client.
4. If the individuals intending to marry are both MSOP clients, MSOP will transport one or both of the clients to facilitate the license application process, subject to the provisions and restrictions set forth in MSOP Division Policy 415-5090, “Transports.” The client or clients are responsible to cover the costs of transportation and security coverage. If only one of the clients is transported, that client must comply with all application requirements for the absent applicant, including making and paying for the cost of a second trip.

- a) The client(s) submit a Client Request (420-5099a, attached) for transport to the facility security director/designee to be transported to apply for a marriage license. Upon receipt of a request to transport a client(s) to obtain a marriage license, the facility security director/designee will notify the MSOP Executive Director, Deputy Director, Executive Clinical Director, facility director, and facility clinical director.
 - b) The facility security director/designee works with MSOP Finance to provide the client(s) with an estimate of the total cost of transporting and outlines the security required to transport the client(s) to apply for the marriage license.
 - c) The client(s) submits a Client Funds Transfer Authorization Form (125-5300d, attached) to Financial Services to pay the estimated transport and security cost prior to the transport being scheduled. If the final cost of the transport is less than the estimate, the excess cost is returned to the client(s) via Client Banking. If the final transport cost is more than the estimate, the client(s) must pay the remainder of the transport cost within 30 days of the transport.
5. Clients with accompanied off-campus programming privileges may submit an MSOP Off-Campus Activity Request form (225-5030b, attached) and follow the procedures as outlined in MSOP Division Policy 225-5030, "Programming Outside the Secure Perimeter." Clients with accompanied off-campus programming privileges who are approved to obtain a marriage license as their one off-campus activity per week are not required to pay the costs of transportation and security coverage.

B. Requesting to Marry at the Facility

- 1. When a client has obtained a valid marriage license, he/she submits a client request to the facility visiting supervisor, or to the Community Preparation Services (CPS) Unit Director for clients residing in CPS. The client request must include the following information:
 - a) a copy of the marriage license;
 - b) a proposed date; and
 - c) the name of the individual selected to perform the marriage.
- 2. Clients must follow MSOP Policy 302.100, "Visiting," to request exceptions to policy. Clients in CPS must follow MSOP Division Policy 225-5160, "CPS Client Visits," for special requests.
- 3. The facility visiting supervisor or CPS Unit Director:
 - a) verifies the marriage license meets the legal requirements;
 - b) responds to the client request; and
 - c) schedules the ceremony and notifies the facility director, facility security director/designee and facility clinical director.

C. General Marriage Requirements

- 1. A marriage ceremony held at a MSOP facility must be performed by an individual authorized to conduct marriages in the State of Minnesota.

2. If the individual performing the ceremony is already an approved volunteer per MSOP Division Policy 410-5043, "Volunteer Services Program," the volunteer services coordinator will prepare an event letter when the ceremony is scheduled.
 3. If the individual performing the ceremony is not an approved volunteer, the facility visiting supervisor or CPS Unit Director reviews the request and completes the process for an event letter when the ceremony is scheduled.
 4. The client and the intended spouse may select two visitors to serve as witnesses to the marriage ceremony.
 - a) Witnesses and other attendees must be on the visiting list for one of the clients marrying.
 - b) MSOP clients or staff members may not serve as witnesses for the ceremony. MSOP clients may not attend the ceremony unless their attendance is supported by the treatment teams for the involved clients and approved by the facility director and facility clinical director.
 5. Ceremonies take place in an area designated by the facility director.
 6. Ceremonies are limited to the participating partners, the individual performing the ceremony and witnesses/attendees as set forth in MSOP Policy 302.100, "Visiting" or MSOP Division Policy 225-5160, "CPS Client Visits" for clients in CPS.
 7. Additional participants may be requested and approved as set forth in MSOP Policy 302.100, "Visiting," and in MSOP Division Policy 225-5160, "CPS Client Visits" for clients in CPS.
- D. Following completion of the marriage ceremony, the client(s) submit copies of the marriage license and marriage certificate to MSOP HIMS to update the client records.
- E. Married clients are subject to and are expected to comply with all existing Direct Care and Treatment (DCT) policies and MSOP division policies, including but not limited to:
- 110-5300, "Client Rights"
 - 125-5300, "Client Social Welfare"
 - 135-5100, "Confidentiality and Data Privacy"
 - 107.200, "Client Alleged Sexual Assault"
 - 210-5010, "Client Placement"
 - 210-5058, "Vulnerable Adults"
 - 210-5120, "Client Incompatibility"
 - 215-5230, "Expected Death of a Client"
 - 215-5231, "Unexpected Death of a Client"
 - 415-5090, "Transports"
 - 415-5091, "Deathbed/Death-Related Visits" and 225-5190, "CPS Death-Related Visits"
 - DCT Policy 120-1000, "Contraband in DCT Facilities"
 - 415-5030, "Contraband" and 602.310, "CPS Contraband"
 - 420-5030, "Client Mail"
 - 302.100, "Visiting" and 225-5160, "CPS Client Visits"
 - 420-5105, "Unit to Unit Visiting"
 - 420-5210, "Client Telephone Use"
 - 302.250, "Client Property" and 602.300, "CPS Client Property"

303.010, "Client Behavioral Expectations"
420-5016, "Touch"
500.016, "Emergency Notification – Client Infirmary/Hospitalization"
310-5215, "Health Care Directives"

REVIEW: Annually

REFERENCES: MSOP Division Policy 110-5300, "Client Rights"
MSOP Division Policy 125-5300, "Client Social Welfare"
MSOP Division Policy 135-5100, "Confidentiality and Data Privacy"
MSOP Policy 107.200, "Client Alleged Sexual Assault"
MSOP Division Policy 210-5010, "Client Placement"
MSOP Division Policy 210-5058, "Vulnerable Adults"
MSOP Division Policy 210-5120, "Client Incompatibility"
MSOP Division Policy 215-5230, "Expected Death of a Client"
MSOP Division Policy 215-5231, "Unexpected Death of a Client"
MSOP Division Policy 410-5032, "Event Letters"
DCT Policy 120-1000, "Contraband in DCT Facilities"
MSOP Division Policy 415-5030, "Contraband"
MSOP Division Policy 415-5090, "Transports"
MSOP Division Policy 415-5091, "Deathbed/Death-Related Visits"
MSOP Division Policy 420-5030, "Client Mail"
MSOP Policy 302.100, "Visiting"
MSOP Division Policy 420-5105, "Unit to Unit Visiting"
MSOP Division Policy 420-5210, "Client Telephone Use"
MSOP Division Policy 420-5250, "Client Property"
MSOP Policy 303.010, "Client Behavioral Expectations"
MSOP Division Policy 420-5016, "Touch"
MSOP Policy 500.016, "Emergency Notification – Client Infirmary/Hospitalization"
MSOP Division Policy 310-5215, "Health Care Directives"
MSOP Division Policy 225-5030, "Programming Outside the Secure Perimeter"
MSOP Division Policy 225-5190, "CPS Death-Related Visits"
MSOP Division Policy 225-5160, "CPS Client Visits"
MSOP Policy 602.300, "CPS Client Property"
MSOP Policy 602.310, "CPS Contraband"
MSOP Division Policy 410-5043, "Volunteer Services Program"

ATTACHMENTS: Behavioral Expectations Handbook (303.010A)
MSOP Off-Campus Activity Request Form (225-5030b)
Client Funds Transfer Authorization Form (125-5300d)
Client Request (420-5099a)

SUPERSESSION: MSOP Division Policy 420-5500, "Client Marriage," 6/2/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/

Shelby R. Richardson, Interim Executive Director
Minnesota Sex Offender Program