



COMMONWEALTH of VIRGINIA

HAROLD W. CLARKE
DIRECTOR


Department of Corrections

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March 9, 2021

MEMORANDUM

To: All Wardens and Superintendents

From: A. David Robinson 
Chief of Corrections Operations

Subject: COVID-19: Inmate Marriage Ceremony – REVISED

This memorandum supersedes CCO memorandum #130-2020. The Virginia Department of Corrections (VADOC) remains on modified lockdown due to the COVID-19 pandemic. Since visitors cannot enter any correctional facility, the following inquiry was received, "Can inmate marriages be conducted without the participants being face-to-face and be legal in the Commonwealth of Virginia."

VADOC consulted with the State Attorney General's Office regarding the legality of marriages conducted when participants (Bride, Groom and Officiant of Marriage) cannot be in the presence of one another. This is the response received: "Virginia law does not require that the parties to a marriage be in the presence of each other, or in the presence of the person officiating at the ceremony, for the marriage to be valid." The Attorney General's Office does emphasize that the marriage license must be obtained prior to the ceremony (issued marriage licenses are only good for 60 days from date of issuance and must be returned to the Clerk of the Court's Office from which it was taken out if not used and marked as unused).

Operating Procedure 801.5, *Marriage Ceremonies for Offenders*, details the approval procedure for inmate marriages. An *Offender Marriage Request*, document 801_F1, form must be completed and given to their counselor for processing. The Officiant of Marriage is to notify the counselor when they have the marriage license in their possession.

Due to COVID-19, marriage ceremonies will not be conducted inside any VADOC facility. Therefore, I am authorizing the use of administrative telephones to facilitate the completion of approved marriage ceremonies. **The counselor will ensure the inmate participating in the marriage ceremony is present in their office prior to the start time of ceremony and the fiancé and Officiant of Marriage must be available by phone when the counselor places the phone call to conduct the marriage ceremony.** There is no requirement for the fiancé and Officiant of Marriage to be in the same location.

The use of the administrative telephone system for the performance of inmate marriage ceremonies will automatically rescind once visitors are allowed to enter our correctional facilities.

cc: Harold W. Clarke, Director
Regional Operations Chiefs/Regional Administrators
Jermiah Fitz, Corrections Operations Administrator
Melissa Welch, Operations Support Manager