

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 83-06

(1) I, Amos E. Reed, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Adoption of Chapter 137-54 WAC - Inmate Marriages

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect:

- thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Amos E. Reed, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

This rule is necessary for the general welfare of our correctional facilities and benefits the inmates immediately. It would not serve the public interest to delay adoption.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Department of Corrections

(agency)

as authorized in RCW 72.09

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to RCW 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON FILED APPROVED AND ADOPTED JUN 3 1983

Signature of Amos E. Reed, Secretary

Amos E. Reed, Secretary Title

CODE REVISER'S OFFICE WSR 83-13-015

## Chapter 137-54 WAC

## INMATE MARRIAGES ADULT CORRECTIONAL FACILITIES

NEW SECTION

WAC 137-54-010 DEFINITIONS. As used in this chapter, the following words have the following meanings:

(1) "Secretary" means the secretary of the department of corrections;

(2) "Superintendent" means the superintendent of an adult correctional facility set forth in RCW 72.01.050(2) or a work/training release facility supervisor in facilities established pursuant to chapter 72.69 RCW;

(3) "Inmate" means an inmate under the custody of the state department of corrections but does not include parolees or probationers.

NEW SECTION

WAC 137-54-020 PURPOSE. The purpose of this chapter is to set forth the conditions under which an inmate may marry during his or her incarceration.

NEW SECTION

WAC 137-54-030 ELIGIBILITY. An inmate is eligible to marry during his or her incarceration if the following criteria is met:

- (1) The inmate is legally capable of marrying; and
- (2) The inmate has applied for and received the superintendents approval to marry.

NEW SECTION

WAC 137-54-040 SUPERINTENDENT'S APPROVAL. (1) Superintendents shall develop written procedures for approving or disapproving marriages at his or her institution. Said procedures shall include, but not be limited to:

- (a) The institution procedure for receiving applications, including the content requirements of an application;
- (b) The procedures for reviewing the application and approving or disapproving the application for marriage;
- (c) The requirements or availability of counseling for the inmate or the proposed spouse;
- (d) The procedures for coordinating the ceremony and all matters relative thereto; and
- (e) The visitation privileges between the inmate and proposed spouse.

(2) In addition, when considering an inmate's application for marriage, the superintendent shall explore and consider the following information:

- (a) Legal eligibility;
- (b) Factual information regarding offense;
- (c) Sentence structure;
- (d) Health;
- (e) Professional comments and recommendations of staff, particularly the chaplain and counselor;
- (f) Whether the inmate and proposed spouse were acquainted in the community before his or her present confinement; and
- (g) Other pertinent information including prior acquaintance.

NEW SECTION

WAC 137-54-050 INFORMATION--USE. All information obtained under this chapter shall be made available to the intended spouse with the inmates written approval.

NEW SECTION

WAC 137-54-060 FINDINGS. The decision of the superintendent shall be placed in writing and delivered to the applicant inmate. Said decision shall be final.

NEW SECTION

WAC 137-54-070 WEDDING ARRANGEMENTS. If a wedding is approved, the superintendent shall arrange for the ceremony by use of an institution chaplain or a family chaplain of the inmate's choice at the superintendent's discretion. The place, date and time shall also be subject to the discretion of the superintendent.