

# TEXAS CIVIL COMMITMENT OFFICE



**NUMBER:** 3.12  
**EFFECTIVE DATE:** 01/06/2016  
**SUPERCEDES:** None

## POLICY AND PROCEDURE

### **SUBJECT: CLIENT MARRIAGES**

**POLICY:** The Texas Civil Commitment Office (TCCO) shall permit clients to enter into lawful marriages and shall ensure proper procedures are in place for client marriages.

### **DEFINITIONS:**

“Officiant” is a person authorized to perform a marriage and includes: a licensed or ordained Christian minister or priest; a Jewish rabbi; a person who is an officer of a religious organization and who is authorized by the organization to perform a marriage; a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, 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, or judge or magistrate of a federal court of this state; and a retired judge or magistrate of a federal court of this state. *See* Tex. Fam. Code § 2.202.

### **PROCEDURES:**

#### **I. Marital Status**

- A.** The marital status designated by the client at intake shall be considered the marital status of the client during the client’s civil commitment. The marital status shall only change when adding a spouse due to marriage or removing a spouse due to death or divorce.
- B.** In order for a new spouse to be substituted for a currently listed spouse, the client shall submit a death certificate or divorce decree to the client’s Case Manager.

#### **II. Community-Based Clients**

##### **A. Request to Marry**

- 1. A client who wishes to marry shall submit a request to the client’s Case Manager and treatment provider at least sixty (60) calendar days in advance of the proposed marriage.

2. The request to marry shall state the name of the proposed spouse, the spouse's birth date, and the date, time, and location of the proposed wedding.
3. The Case Manager shall notify the Civil Commitment Manager upon receipt of the request. The Civil Commitment Manager shall notify the Deputy Director.
4. The Case Manager shall review the request within three business days.
5. The TCCO shall not deny a client the right to enter into a lawful marriage. However, the TCCO shall ensure that the client has completed all prerequisites as set forth in this policy.

**B. Case Manager Review**

1. Upon receipt of a request to marry, the Case Manager shall review the client's profile in the case management database to determine:
  - a. Whether the client is listed as already being married;
  - b. Whether the proposed spouse is a victim of the client's;
  - c. Whether the proposed spouse has been approved as a chaperone and the proposed spouse's last date of fingerprint criminal history record check;
  - d. Whether the date and time of the proposed wedding interferes with the client's treatment schedule; and
  - e. Whether the site is a location appropriate to the client's supervision level.
2. If client is listed as being married, the Case Manager shall review the client's file and profile in the case management database to determine whether there is indication of a divorce or of the previous spouse's death. If the Case Manager is unable to confirm that the client is single after reviewing the client profile, the Case Manager shall request further documentation from the client.
3. If the proposed spouse is a victim of the client, the Case Manager shall staff the issue with the Civil Commitment Manager for consideration of further action pursuant to Section 841.085 of the Health and Safety Code.
4. If the proposed spouse has been previously denied as a chaperone or collateral contact, the Case Manager shall staff the issue with the Civil Commitment Manager to review the reasons for denial and reconsider approval of the spouse in accordance with TCCO policy.
5. The Case Manager shall sign off on the client's request to marry if the following criteria are met:
  - a. The client is single;
  - b. The proposed spouse is not a victim of the client;
  - c. The proposed spouse is an approved chaperone;
  - d. The date and time of the proposed wedding does not interfere with the client's established treatment schedule; and
  - e. The location is appropriate to the client's supervision level.

**C. Treatment Provider Review of Request to Marry**

1. Upon receipt of a request to marry, the treatment provider shall review the request to determine whether the proposed spouse is already participating in family treatment sessions.
2. If the proposed spouse is not already participating in family treatment sessions, the treatment provider shall schedule a family treatment session with the client and proposed spouse.
3. The treatment provider shall discuss the client's status as a civilly committed sex offender and the client's underlying offenses with the proposed spouse.
4. Once the treatment provider has ensured that the proposed spouse is aware of the client's status as a civilly committed sex offender and underlying offenses, the treatment provider shall sign off on the request to marry.

**D. Wedding Planning, Location, and Duration**

1. TCCO staff and contractors shall not participate in the planning of the client's wedding except for approving the location and modifying the client's schedule accordingly.
2. The client and spouse are responsible for securing an officiant, obtaining a marriage license and all costs associated with the marriage.
3. The client and spouse shall not secure a location for a wedding without first communicating with the client's Case Manager to ensure the location is approved and not within a child safety zone.
4. Any activities or celebration, such as a meal, to occur following the wedding ceremony requires the approval in advance by TCCO in accordance with established policy, the client's supervision level or treatment tier, and progress.

**III. Texas Civil Commitment Center Clients**

**A. Resident Request to Marry**

1. A Texas Civil Commitment Center (TCCC) client who wishes to marry shall submit a request to the client's Case Manager and treatment provider at least sixty (60) days in advance of the proposed marriage.
2. The request to marry shall state the name of the proposed spouse, the spouse's birth date, and the date of the proposed wedding.
3. The Case Manager shall notify the Civil Commitment Manager upon receipt of the request. The Civil Commitment Manager shall notify the Deputy Director.

4. The Case Manager shall review the request within three business days.
5. TCCO shall not deny a client the right to enter into a lawful marriage. However, TCCO shall ensure that the client has completed all prerequisites as set forth in this policy.

**B. Case Manager Review**

1. Upon receipt of a request to marry, the Case Manager shall review the client's profile in the case management database to determine:
  - a. Whether the client is single;
  - b. Whether the proposed spouse is a victim of the client;
  - c. Whether the proposed spouse has been approved as a chaperone; and
  - d. The proposed spouse's last date of fingerprint criminal history record check.
2. If client is listed as being married, the Case Manager shall review the client's file and profile in the case management database to determine whether there is indication of a divorce or of the previous spouse's death. If the Case Manager is unable to confirm that the client is single after reviewing the client profile, the Case Manager shall request further documentation from the client.
3. If the proposed spouse is a victim of the client, the Case Manager shall staff the issue with the Civil Commitment Manager for consideration of further action pursuant to Section 841.085 of the Health and Safety Code.
4. If the proposed spouse has been previously denied as a chaperone or collateral contact, the Case Manager shall staff the issue with the Civil Commitment Manager to review the reasons for denial and reconsider approval of the spouse in accordance with TCCO policy.
5. The Case Manager shall sign off on the client's request to marry if the following criteria are met:
  - a. The client is single;
  - b. The proposed spouse is not a victim of the client; and
  - c. The proposed spouse is an approved chaperone.

**C. Facility Staff Review**

1. Treatment Provider
  - a. Upon receipt of a request to marry, the treatment provider shall review the request to determine whether the proposed spouse is already participating in family treatment sessions.
  - b. If the proposed spouse is not already participating in family treatment sessions, the treatment provider shall schedule a family treatment session with the client and proposed spouse.
  - c. The treatment provider shall discuss the client's status as a civilly committed sex offender and the client's underlying offenses with the proposed spouse.

- d. Once the treatment provider has ensured that the proposed spouse is aware of the client's status as a civilly committed sex offender and underlying offenses, the treatment provider shall sign off on the request to marry.
2. Facility Administration
    - a. TCCC shall maintain a client or resident marriage policy to ensure consistency regarding client requests to marry.
    - b. TCCC shall have a location in which client marriages may take place.
    - c. TCCC administration shall review resident marriage requests to determine possible security risks associated with accommodating the request.
    - d. TCCC administration shall notify TCCO's Executive Director or designee of possible security risks associated with accommodating the request as well as possible solutions to mitigate such risk.
    - e. TCCC administration shall schedule or accommodate client marriage requests in accordance with TCCC policy.

**D. Applicability of Facility Rules and Policies**

1. The client's spouse is responsible for obtaining a marriage license and securing an officiant.
2. The client and spouse are responsible for all costs associated with the marriage.
3. The client and spouse shall follow facility policies regarding the wedding ceremony and attendees.
4. There shall not be a reception for marriages taking place inside TCCC.
5. The client is responsible for ensuring any wedding ring that the client chooses to wear is in accordance with facility rules regarding property and/or contraband.

**IV. Applicability of Civil Commitment Rules and Facility Rules**

A client's marital status shall not affect the applicability of civil commitment rules or facility rules related to client privileges, visitation, or sexual activity.

**SIGNATURE ON FILE**

---

Marsha McLane  
Executive Director

Attachment(s)

- Form TCCO-06-16 Client Request to Marry