

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Marriage Ceremony For Incarcerated Individuals

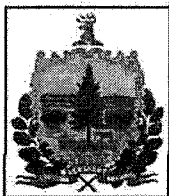
/s/ Kristin L McClure, on 11/5/24
(signature) (date)

Printed Name and Title:

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

280 State Drive - Center Building
Waterbury, VT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in black ink, appearing to be 'Jenney Samuelson', written over the 'FROM:' line.

DATE: August 6, 2024

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Kristin McClure, Interim Deputy Secretary, Agency of Human Services as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedures Act, 3. V.S.A § 801 et seq.

CC: KristinMcClure@vermont.gov

1. TITLE OF RULE FILING:

Marriage Ceremony For Incarcerated Individuals

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24 P-34

3. ADOPTING AGENCY:

Agency of Human Services, Vermont Department of
Corrections

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Margaret "MJ" Faller

Agency: Agency of Human Services, Vermont Department of
Corrections

Mailing Address: 280 State Drive, NOB 2 South Waterbury,
VT 05671-2000

Telephone: 802-798-4559 Fax: 802-241-0020

E-Mail: margaret.faller@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://outside.vermont.gov/dept/DOC/Policies/Forms/PublicFacingView.aspx>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: David Turner

Agency: Agency of Human Services, Vermont Department of
Corrections

Mailing Address: 280 State Drive, NOB 2 South Waterbury,
VT 05671-2000

Telephone: 802-241-0060 Fax: 802-241-0020

E-Mail: david.turner@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

N/A

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

N/A

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

3 V.S.A. § 801(b)(11); 18 V.S.A. and 28 V.S.A. § 102(c)(1)

EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

3 V.S.A. § 801(b)(11) states: "“Adopting authority” means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments;...”

8. 28 V.S.A. § 102(c)(1) states: "The Commissioner is charged with the following responsibilities: To make rules and regulations for the governing and treatment of persons committed to the custody of the Commissioner, the administration of correctional facilities, and the regulation of employees under the jurisdiction of the Commissioner."

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY’S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

Due to the update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental

consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Marriage Rule" to no longer allow marriages of incarcerated individuals who are under the age of 18. It is not within the DOC's authority or mission to determine if someone is eligible to get married. The proposed rule would require the incarcerated individual to submit a request form for a marriage ceremony. Then the DOC will review the request form and approve the marriage ceremony provided there are no legitimate penological interest concerns. The DOC requires the incarcerated individual or intended spouse to submit proof of the marriage license to the DOC prior to the scheduled marriage ceremony, but will not require a marriage license to be submitted with the request form.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

Incarcerated individuals have the right to marriage. This rule protects incarcerated individual's liberty interest to be married in Vermont regardless of their incarceration status.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rule was established to ensure incarcerated individuals have the right to marriage while they are incarcerated. By removing the DOC from the determination of whether two people are eligible to be married, the DOC's decision will only be based on the presence of a legitimate penological interest. This determination is factually based, rationally connected to that factual basis, and would make sense to a reasonable person.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

This rule affects the Vermont DOC, incarcerated individuals wishing to marry in Vermont, the incarcerated individual's intended spouse, and the Vermont Town Clerks.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

There is no anticipated economic impact due to the amendment to this rule. The incarcerated individual and their intended spouse are responsible for the cost of the marriage. The economic benefit would be any

positive or negative economic implications that arise from marriage.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 10/15/2024

Time: 11:00 AM

Street Address: NOB 2 South 280 State Drive

Zip Code: 05671-2000

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YmZjZjExYzYtYzA2ZC00NmYzLTlhYjEtNzQ2Y2VvNDFlN2E5%40thread.v2/0?context=%7b%22Tid%22%3a%220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%226e7a5dec-1032-4f35-b203-3f9bff79c983%22%7d

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

10/22/2024

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Marriage

Marriage Ceremony

Marriage License

Corrections

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Marriage Ceremony For Incarcerated Individuals

2. ADOPTING AGENCY:

Agency of Human Services, Vermont Department of
Corrections

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU
BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF
THE LAST ADOPTION FOR THE EXISTING RULE*):

Inmate Procedure to Marry, effective October 29, 2018,
Secretary of State Rule Log #18-042



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: July 8, 2024, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, Michael Obuchowski, and Nicole Dubuque

Members Absent: John Kessler and Diane Sherman

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the May 13, 2024 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: An emergency rule titled 'General Assistance Emergency Housing Assistance Emergency Rules', provided by the Agency of Human Services, Department for Children and Families, was supported by ICAR Chair Brown on June 25, 2024.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
 1. Marriage Ceremony For Incarcerated Individuals, Department of Corrections, page 2
 2. Best Management Practices Rule, Agency of Agriculture, Food and Markets, page 3
 3. Technical Service Provider Certification Rule, Agency of Agriculture, Food and Markets, page 4
 4. Prior Authorization, Agency of Human Services, page 5
 5. Vermont Saves Program Rule, Office of the State Treasurer, page 6
- No other business.
- Next scheduled meeting is August 12, 2024 at 2:00 p.m.
- 2:47 p.m. meeting adjourned.

Proposed Rule: Marriage Ceremony For Incarcerated Individuals, Department of Corrections

Presented By: Margaret "MJ" Faller and David Turner

Motion made to accept to accept the rule as presented by Sean Brown, seconded by Mike Obuchowski, and passed unanimously except for Natalie Weill who abstained, with no recommendations.

DRAFT

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Marriage Ceremony For Incarcerated Individuals

2. ADOPTING AGENCY:

Agency of Human Services, Vermont Department of Corrections

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

This rule affects the Vermont DOC, incarcerated individuals wishing to marry in Vermont, the incarcerated individual's intended spouse, and the Vermont Town Clerks. The incarcerated individual and their intended spouse are responsible for the cost of

the marriage and ceremony. There are no other anticipated costs.

4. **IMPACT ON SCHOOLS:**

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

There is no impact anticipated.

5. **ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.**

Since there are no impacts anticipated, alternatives have not been considered.

6. **IMPACT ON SMALL BUSINESSES:**

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

There is no impact anticipated.

7. **SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.**

Since there are no anticipated impacts, this evaluation was not conducted.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Without this rule incarcerated individual's liberty interest of the right to marry is not protected and the process for getting married and the DOC hosting a marriage ceremony is not specified.

9. **SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.**

The DOC has provided all information that is available.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Marriage Ceremony For Incarcerated Individuals

2. ADOPTING AGENCY:

Agency of Human Services, Vermont Department of Corrections

3. **GREENHOUSE GAS:** *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact anticipated from this rule change.

4. **WATER:** *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact anticipated.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact anticipated.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact anticipated.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
No impact anticipated
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
No impact anticipated.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
Since there is no impact, this analysis is sufficient.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

.....

1. TITLE OF RULE FILING:

Marriage Ceremony For Incarcerated Individuals

2. ADOPTING AGENCY:

Agency of Human Services, Vermont Department of Corrections

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The rule will be posted on the Department of Correction's Policy Website:

<https://outside.vermont.gov/dept/DOC/Policies/Forms/Public%20Facing%20View.aspx>

The DOC will also hold a public hearing.

An electronic copy of the proposed rule will be posted to incarcerated individual's tablets for feedback. A comment form will also be made available to incarcerated individuals, on which they may submit comments to law library staff. Each DOC correctional facility will make an announcement to all incarcerated individuals that a copy of the proposed rule is available to them, in the law library for review and comment.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Public Input

The Vermont Department of Corrections will be involved in the development of the amended rule and will ensure to provide staff and incarcerated individuals with the opportunity to provide their feedback.

Written Comments and Responsiveness Summary

Public Comment Period:

The Department of Corrections (DOC) received no comments during the public comment period.

Public Hearing:

Date: Tuesday, October 15th, 2024

Time: 11:00 am to 12:00 pm

Location: Waterbury State Office Complex, Dogwood Conference Room

DOC Staff in Attendance:

Margaret Faller, Policy and Implementation Analyst

Christopher Antoine, Staff Attorney

David Turner, Facility Operations Manager

Community Attendance:

There were no community members or constituents present at the public hearing.

Overall Summary:

Since there was no feedback received during the public comment period or at the public hearing, the DOC is not proposing any changes to the final proposed rule.

APA RULE: MARRIAGE CEREMONY FOR INCARCERATED INDIVIDUALS

Purpose Statement

The Department of Corrections (DOC) recognizes the fundamental right of individuals to wed. ~~All requests for marriage shall be reviewed by the Superintendent of the facility where the inmate is incarcerated and the DOC Commissioner.~~

Application

An incarcerated individual who wishes to marry shall complete a request form prescribed by the DOC for a marriage ceremony to be held in the correctional facility.

DOC Review

For each completed marriage ceremony request form received, the DOC shall determine whether the marriage ceremony would negatively affect a legitimate penological interest, if approved.

1. In making such a determination DOC shall consider the following:
 - a. A risk to the safety and security of the correctional facility or public;
 - b. A risk to the incarcerated individual's rehabilitation; or
 - c. Any other legitimate penological interest.
2. The DOC shall not ~~bar an inmate from marrying another inmate~~ deny a request for a marriage ceremony based solely on the incarceration status or a protected class of the parties.

~~When making determinations as to whether to allow the marriage ceremony to take place, DOC shall consider the underlying legal requirements and shall deny the request if the conditions are not met:~~

- ~~1. Whether both parties are of legal age to wed— at least 18 years or older, or have the consent of a parent or guardian if aged 16 or 17;~~
- ~~2. Whether the parties are closely related, and therefore prohibited to wed under~~

~~Vermont law;~~

~~3. Whether the inmate, or inmates, is/are physically or mentally capable of entering into marriage. If either party is under a guardianship, DOC may consider whether the guardian has approved the marriage;~~

~~4. Whether either party is unable to wed due to the existence of a current marriage or civil union; and~~

~~5. Whether there is indication and support that consent to marriage was obtained by force or fraud.~~

~~The DOC may also consider:~~

~~1. Whether the inmate is on a non-contact visiting status, as defined by the DOC policy on inmate visits, the intended spouse is on the visiting ban list, or if there is an Relief From Abuse Order in place, or any other court order prohibiting contact; and~~

~~2. Whether there are any concerns about the marriage negatively impacting the ability of the inmate to complete his or her treatment plan.~~

~~The Facility Corrections Services Specialist (CSS) shall note any concerns regarding the additional factors DOC may consider and may recommend that request be denied.~~

Post Application Provision

1. If the request is approved Whenever a marriage ceremony request is approved, the DOC shall allow inmates incarcerated individuals requesting who would like to attend some form of pre-marital premarital counseling to meet with a religious leader or other counselor to do so in accordance with the policy on visitation.

2. Inmates, An incarcerated individual or their intended spouse shall be responsible for obtaining a marriage license and assuming any and all costs associated with the marriage.

3. If proof of the marriage license is not provided before the marriage ceremony is scheduled to occur, then the marriage ceremony shall not take place.

The DOC shall not bar an inmate from marrying another inmate based solely on the incarceration status of the parties. However, both parties shall receive approval from their Superintendent(s), shall not be housed together, conjugal

~~visits shall not be permitted, and no allowances for additional correspondence, visits, or property shall be made for married inmates.~~

Inmates, or their intended spouse, shall be responsible for any and all costs associated with the marriage and ceremony.

1 **APA RULE: MARRIAGE CEREMONY FOR INCARCERATED INDIVIDUALS**

2
3 **Purpose Statement**

4
5 The Department of Corrections (DOC) recognizes the fundamental right of
6 incarcerated individuals to wed.

7
8 **Application**

9
10 An incarcerated individual who wishes to marry shall complete a request form
11 prescribed by the DOC for a marriage ceremony to be held in the correctional
12 facility.

13
14 **DOC Review**

15
16 For each completed marriage ceremony request form received, the DOC shall
17 determine whether the marriage ceremony would negatively affect a legitimate
18 penological interest, if approved.

- 19 1. In making such a determination DOC shall consider the following:
20 a. A risk to the safety and security of the correctional facility or public;
21 b. A risk to the incarcerated individual's rehabilitation; or
22 c. Any other legitimate penological interest.
23 2. The DOC shall not deny a request for a marriage ceremony based on the
24 incarceration status or a protected class of the parties.

25
26 **Post Application Provision**

- 27
28 1. Whenever a marriage ceremony request is approved, the DOC shall allow
29 incarcerated individuals requesting premarital counseling to meet with a
30 religious leader or other counselor in accordance with the policy on visitation.
31 2. An incarcerated individual or their intended spouse shall be responsible for
32 obtaining a marriage license and assuming all costs associated with the
33 marriage.
34 3. If proof of the marriage license is not provided before the marriage ceremony
35 is scheduled to occur, then the marriage ceremony shall not take place.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online does not include the actions of the 2024 session of the General Assembly. We expect them to be updated by November 1st.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 3 : Executive

Chapter 025 : Administrative Procedure

Subchapter 001 : General Provisions

(Cite as: **3 V.S.A. § 801**)

§ 801. Short title and definitions

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) “Contested case” means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) “License” includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) “Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such

requirements, regardless of whether they are stated in writing.

(8) “Procedure” means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) “Incorporation by reference” means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) “Adopting authority” means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the

agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time employees.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

The Vermont Statutes Online

The Vermont Statutes Online does not include the actions of the 2024 session of the General Assembly. We expect them to be updated by November 1st.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 18 : Health

Chapter 003 : Department of Health; Commissioner of Health

(Cite as: **18 V.S.A. § 102**)

§ 102. Duties of Commissioner of Health

The Commissioner shall supervise and direct the execution of all laws vested in the Department of Health by virtue of this title and shall formulate and carry out all policies relating thereto and shall adopt such rules as are necessary to administer this title and shall make a biennial report with recommendations to the Governor and to the General Assembly. The Commissioner's jurisdiction over sewage disposal includes emergent conditions that create a risk to the public health as a result of sewage treatment and disposal, or its effects on water supply, but does not include rulemaking on design standards for on-site sewage disposal systems. (Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1983, No. 117 (Adj. Sess.), § 2; 2015, No. 23, § 104; 2023, No. 53, § 23, eff. June 8, 2023.)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online does not include the actions of the 2024 session of the General Assembly. We expect them to be updated by November 1st.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 28 : Public Institutions and Corrections

Chapter 003 : Administration of the Department

(Cite as: 28 V.S.A. § 102)

§ 102. Commissioner of Corrections; appointment; powers; responsibilities

(a) The Department is under the direction of the Commissioner, who shall be appointed by the Secretary of Human Services with the approval of the Governor and shall serve at the pleasure of the Secretary. The Commissioner's salary shall be fixed by the Governor within the appropriation for that purpose.

(b) The Commissioner is charged with the following powers:

(1) To supervise the administration of the Department.

(2) To exercise supervisory power over and to establish and administer programs and policies for the operation of the correctional facilities of the Department, and for the correctional treatment of persons committed to the custody of the Commissioner.

(3) To appoint and remove a Deputy Commissioner as provided in 3 V.S.A. § 3053 and delegate appropriate powers and duties to the Deputy.

(4) To appoint and remove subordinate officers of the Department in accordance with law, and, notwithstanding the provisions of any other statute or law, to delegate any authority conferred on him or her by statute to any designee named by him or her in writing.

(5) To order the assignment and transfer of persons committed to the custody of the Commissioner to correctional facilities, including out-of-state facilities.

(6) To establish, consolidate, or abolish divisions within the Department, and to establish, consolidate, or abolish bureaus, special units, and other subdivisions in any division.

(7) To accept and receive, on behalf of the Department or any facility thereof, any bequest or gift of personal or real property made to the Department or any facility

thereof, and to hold and use the property for the purposes specified in such bequest, devise, or gift.

(8) To cooperate with and accept funds from the federal government or any agency thereof for the purpose of exercising the powers and responsibilities stated in this section.

(9) To conduct any necessary inquiry or investigation into matters related to correctional programs and responsibilities of the Department.

(10) To utilize the resources of the Department to apprehend any person escaping from a correctional facility. In performing such function, the Commissioner and any authorized employee of the Department shall have all the power and authority of a law enforcement officer.

(11) To contract for services or purchase, lease, or rent personal property to carry out the functions of the Department, and to lease or rent month to month residential housing for community-based probation and parole programs. All other real property required by corrections programs shall be purchased, leased, or rented by the Commissioner of Buildings and General Services.

(12) To enter into contracts with private collection agencies for the collection of supervisory fees imposed by this title and fines, penalties, and restitution imposed under Title 13. The Commissioner may agree to pay collection agencies a fixed rate for services rendered or a percentage of the amount collected that shall be added to any amounts and may be recovered as an administrative cost of collection. Any such fixed rate or percentage may be deducted directly by the collection agency on a pro rata basis from any portion of the money so collected.

(13) To establish community reparative boards pursuant to chapter 12 of this title.

(14) To delegate to locally established boards or justice centers, the authority to assist, through use of community resources, in developing and implementing restorative justice programs for offenders, victims of crime, and members of the community.

(15) To rely upon the expertise of Department employees to provide core and substantive supervision of offenders and risk assessment determinations for the delivery of correctional services in both residential and nonresidential settings.

(16) With the approval of the Secretary of Human Services, to accept federal grants made available through federal crime bill legislation, provided that the Commissioner shall report the receipt of a grant under this subdivision to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(c) The Commissioner is charged with the following responsibilities:

(1) To make rules and regulations for the governing and treatment of persons committed to the custody of the Commissioner, the administration of correctional

facilities, and the regulation of employees under the jurisdiction of the Commissioner.

(2) To establish and operate correctional diagnostic centers.

(3) To establish and maintain at each correctional facility a program of treatment designed as far as practicable to prepare and assist each inmate to assume his or her responsibilities and to participate as a citizen of the State and community.

(4) To establish facilities and develop programs to provide inmates at correctional facilities with such educational and vocational training deemed to be appropriate to the treatment of the inmates.

(5) To prescribe rules and regulations for the maintenance of discipline and control at each correctional facility.

(6) To maintain security, safety, and order at the correctional facilities and act to subdue any disorder, riot, or insurrection that may occur at any facility. The Commissioner, for such purpose, may enlist the assistance of any citizen of the State, and shall have the obligation to render reasonable compensation to any person providing such assistance.

(7) To establish, maintain, and administer such regional or other community correctional facilities as are necessary for the confinement and treatment of inmates either before or after the conviction of any offense, and to use the jails and lockups as provided in this title. Such facilities shall be used for the confinement of persons awaiting court disposition and the confinement of inmates serving short terms and such other inmates as may be assigned to such facilities for furloughs, work release, and other prerelease treatment.

(8) To establish in any appropriate correctional facility a system of classification of inmates, to establish a program for each inmate upon his or her commitment to the facility and to review the program of each inmate at regular intervals, and to effect necessary and desirable changes in the inmate's program of treatment.

(9) To develop and maintain research programs and collect statistical information concerning persons committed to the custody of the Commissioner, sentencing practices, and correctional treatment.

(10) To inspect at regular intervals all correctional facilities.

(11) To close any correctional facility that he or she deems inadequate.

(12) To establish training programs for new employees, and to establish such in-service training programs as he or she deems advisable.

(13) [Repealed.]

(14) To collect a fee up to the amount of \$30.00 per month as a supervisory fee from each person under the supervision of the Department who is on probation,

furlough, pre-approved furlough, supervised community sentence, or parole. Supervisory fees collected by the Department shall be credited to a special supervision and victim restitution fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, for this purpose. The Commissioner shall adopt rules governing the collection of supervisory fees, including the maximum period of time offenders are subject to supervision fees and the offender's ability to pay such fees.

(15) To lease farms or lands, with the approval of the Department of Buildings and General Services in accordance with 29 V.S.A. § 160, and to administer and manage such farms.

(16) To exercise all powers and perform all duties established in the Office of Commissioner by the Agency of Human Services and stated in 3 V.S.A. §§ 3052 and 3053.

(17) To exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities and in fulfilling the purposes and objectives of this title.

(18) To establish within the Department programs for inmates to participate in work, industry, community service, public works activities, and employment at correctional facilities.

(19) If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of a convicted and sentenced offender to the country of which the offender is a citizen or national, the Commissioner may, with the written consent of such offender obtained only after the opportunity to consult with counsel, and in accordance with the terms of the treaty, consent to the transfer or exchange of any such offender and take any other action necessary to initiate the participation of the State in the treaty.

(20) To utilize the Department of Buildings and General Services' competitive bidding practices in order to determine the most effective and cost-effective alternatives for housing inmates in any out-of-state correctional facility.

(21) The Commissioner is authorized to contract for payment processing services for receiving deposits to inmate financial accounts. The Department, directly or through a processing agent, may assess a fee for deposits to each account so long as the fee does not exceed the costs incurred.

(22) To notify local and State law enforcement officers of the following information regarding a person released from incarceration on probation, parole, or furlough and residing in the community: name; address; conditions imposed by the court, parole board, or Commissioner; and the reason for placing the person in that community.

[Subdivision (c)(23) repealed effective July 1, 2028.]

(23) To include the Coordinated Justice Reform Advisory Council's appropriation

recommendations made pursuant to subdivision 126(c)(5) of this title in the Department's annual proposed budget for the purposes of developing the State budget required to be submitted to the General Assembly in accordance with 32 V.S.A. § 306. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 48, § 1; 1977, No. 233 (Adj. Sess.), § 5a, eff. April 17, 1978; 1981, No. 185 (Adj. Sess.), § 2, eff. April 22, 1982; 1983, No. 147 (Adj. Sess.), § 4(a), eff. April 11, 1984; 1993, No. 54, § 1; 1995, No. 178 (Adj. Sess.), § 116; 1995, No. 185 (Adj. Sess.), § 47, eff. May 22, 1996; 1995, No. 186 (Adj. Sess.), § 34; 1997, No. 155 (Adj. Sess.), §§ 15, 16; 1999, No. 148 (Adj. Sess.), § 65, eff. May 24, 2000; 2001, No. 65, § 10, eff. June 16, 2001; 2001, No. 142 (Adj. Sess.), § 170; 2001, No. 149 (Adj. Sess.), § 43, eff. June 27, 2002; 2005, No. 177 (Adj. Sess.), § 3; 2007, No. 76, § 33d; 2007, No. 179 (Adj. Sess.), § 2; 2009, No. 33, § 48; 2009, No. 43, § 34; 2009, No. 157 (Adj. Sess.), § 17a; 2011, No. 139 (Adj. Sess.), § 21, eff. May 14, 2012; 2017, No. 113 (Adj. Sess.), § 167; 2023, No. 40, § 3, eff. July 1, 2023.)

§ 102. Commissioner of Corrections; appointment; powers; responsibilities [Effective July 1, 2028]

(a) The Department is under the direction of the Commissioner, who shall be appointed by the Secretary of Human Services with the approval of the Governor and shall serve at the pleasure of the Secretary. The Commissioner's salary shall be fixed by the Governor within the appropriation for that purpose.

(b) The Commissioner is charged with the following powers:

(1) To supervise the administration of the Department.

(2) To exercise supervisory power over and to establish and administer programs and policies for the operation of the correctional facilities of the Department, and for the correctional treatment of persons committed to the custody of the Commissioner.

(3) To appoint and remove a Deputy Commissioner as provided in 3 V.S.A. § 3053 and delegate appropriate powers and duties to the Deputy.

(4) To appoint and remove subordinate officers of the Department in accordance with law, and, notwithstanding the provisions of any other statute or law, to delegate any authority conferred on him or her by statute to any designee named by him or her in writing.

(5) To order the assignment and transfer of persons committed to the custody of the Commissioner to correctional facilities, including out-of-state facilities.

(6) To establish, consolidate, or abolish divisions within the Department, and to establish, consolidate, or abolish bureaus, special units, and other subdivisions in any division.

(7) To accept and receive, on behalf of the Department or any facility thereof, any bequest or gift of personal or real property made to the Department or any facility

thereof, and to hold and use the property for the purposes specified in such bequest, devise, or gift.

(8) To cooperate with and accept funds from the federal government or any agency thereof for the purpose of exercising the powers and responsibilities stated in this section.

(9) To conduct any necessary inquiry or investigation into matters related to correctional programs and responsibilities of the Department.

(10) To utilize the resources of the Department to apprehend any person escaping from a correctional facility. In performing such function, the Commissioner and any authorized employee of the Department shall have all the power and authority of a law enforcement officer.

(11) To contract for services or purchase, lease, or rent personal property to carry out the functions of the Department, and to lease or rent month to month residential housing for community-based probation and parole programs. All other real property required by corrections programs shall be purchased, leased, or rented by the Commissioner of Buildings and General Services.

(12) To enter into contracts with private collection agencies for the collection of supervisory fees imposed by this title and fines, penalties, and restitution imposed under Title 13. The Commissioner may agree to pay collection agencies a fixed rate for services rendered or a percentage of the amount collected that shall be added to any amounts and may be recovered as an administrative cost of collection. Any such fixed rate or percentage may be deducted directly by the collection agency on a pro rata basis from any portion of the money so collected.

(13) To establish community reparative boards pursuant to chapter 12 of this title.

(14) To delegate to locally established boards or justice centers, the authority to assist, through use of community resources, in developing and implementing restorative justice programs for offenders, victims of crime, and members of the community.

(15) To rely upon the expertise of Department employees to provide core and substantive supervision of offenders and risk assessment determinations for the delivery of correctional services in both residential and nonresidential settings.

(16) With the approval of the Secretary of Human Services, to accept federal grants made available through federal crime bill legislation, provided that the Commissioner shall report the receipt of a grant under this subdivision to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(c) The Commissioner is charged with the following responsibilities:

(1) To make rules and regulations for the governing and treatment of persons committed to the custody of the Commissioner, the administration of correctional

facilities, and the regulation of employees under the jurisdiction of the Commissioner.

(2) To establish and operate correctional diagnostic centers.

(3) To establish and maintain at each correctional facility a program of treatment designed as far as practicable to prepare and assist each inmate to assume his or her responsibilities and to participate as a citizen of the State and community.

(4) To establish facilities and develop programs to provide inmates at correctional facilities with such educational and vocational training deemed to be appropriate to the treatment of the inmates.

(5) To prescribe rules and regulations for the maintenance of discipline and control at each correctional facility.

(6) To maintain security, safety, and order at the correctional facilities and act to subdue any disorder, riot, or insurrection that may occur at any facility. The Commissioner, for such purpose, may enlist the assistance of any citizen of the State, and shall have the obligation to render reasonable compensation to any person providing such assistance.

(7) To establish, maintain, and administer such regional or other community correctional facilities as are necessary for the confinement and treatment of inmates either before or after the conviction of any offense, and to use the jails and lockups as provided in this title. Such facilities shall be used for the confinement of persons awaiting court disposition and the confinement of inmates serving short terms and such other inmates as may be assigned to such facilities for furloughs, work release, and other prerelease treatment.

(8) To establish in any appropriate correctional facility a system of classification of inmates, to establish a program for each inmate upon his or her commitment to the facility and to review the program of each inmate at regular intervals, and to effect necessary and desirable changes in the inmate's program of treatment.

(9) To develop and maintain research programs and collect statistical information concerning persons committed to the custody of the Commissioner, sentencing practices, and correctional treatment.

(10) To inspect at regular intervals all correctional facilities.

(11) To close any correctional facility that he or she deems inadequate.

(12) To establish training programs for new employees, and to establish such in-service training programs as he or she deems advisable.

(13) [Repealed.]

(14) To collect a fee up to the amount of \$30.00 per month as a supervisory fee from each person under the supervision of the Department who is on probation,

furlough, pre-approved furlough, supervised community sentence, or parole. Supervisory fees collected by the Department shall be credited to a special supervision and victim restitution fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, for this purpose. The Commissioner shall adopt rules governing the collection of supervisory fees, including the maximum period of time offenders are subject to supervision fees and the offender's ability to pay such fees.

(15) To lease farms or lands, with the approval of the Department of Buildings and General Services in accordance with 29 V.S.A. § 160, and to administer and manage such farms.

(16) To exercise all powers and perform all duties established in the Office of Commissioner by the Agency of Human Services and stated in 3 V.S.A. §§ 3052 and 3053.

(17) To exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities and in fulfilling the purposes and objectives of this title.

(18) To establish within the Department programs for inmates to participate in work, industry, community service, public works activities, and employment at correctional facilities.

(19) If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of a convicted and sentenced offender to the country of which the offender is a citizen or national, the Commissioner may, with the written consent of such offender obtained only after the opportunity to consult with counsel, and in accordance with the terms of the treaty, consent to the transfer or exchange of any such offender and take any other action necessary to initiate the participation of the State in the treaty.

(20) To utilize the Department of Buildings and General Services' competitive bidding practices in order to determine the most effective and cost-effective alternatives for housing inmates in any out-of-state correctional facility.

(21) The Commissioner is authorized to contract for payment processing services for receiving deposits to inmate financial accounts. The Department, directly or through a processing agent, may assess a fee for deposits to each account so long as the fee does not exceed the costs incurred.

(22) To notify local and State law enforcement officers of the following information regarding a person released from incarceration on probation, parole, or furlough and residing in the community: name; address; conditions imposed by the court, parole board, or Commissioner; and the reason for placing the person in that community.

(23) [Repealed]. (Added 1971, No. 199 (Adj. Sess.), § 20; amended 1973, No. 48, § 1; 1977, No. 233 (Adj. Sess.), § 5a, eff. April 17, 1978; 1981, No. 185 (Adj. Sess.), § 2, eff. April 22, 1982; 1983, No. 147 (Adj. Sess.), § 4(a), eff. April 11, 1984; 1993, No. 54, § 1; 1995, No.

178 (Adj. Sess.), § 116; 1995, No. 185 (Adj. Sess.), § 47, eff. May 22, 1996; 1995, No. 186 (Adj. Sess.), § 34; 1997, No. 155 (Adj. Sess.), §§ 15, 16; 1999, No. 148 (Adj. Sess.), § 65, eff. May 24, 2000; 2001, No. 65, § 10, eff. June 16, 2001; 2001, No. 142 (Adj. Sess.), § 170; 2001, No. 149 (Adj. Sess.), § 43, eff. June 27, 2002; 2005, No. 177 (Adj. Sess.), § 3; 2007, No. 76, § 33d; 2007, No. 179 (Adj. Sess.), § 2; 2009, No. 33, § 48; 2009, No. 43, § 34; 2009, No. 157 (Adj. Sess.), § 17a; 2011, No. 139 (Adj. Sess.), § 21, eff. May 14, 2012; 2017, No. 113 (Adj. Sess.), § 167; 2023, No. 40, § 3, eff. July 1, 2023; 2023, No. 40, § 4(a), eff. July 1, 2028.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Oct 22, 2024

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	24P034
Title:	Marriage Ceremony For Incarcerated Individuals.
Type:	Standard
Status:	Final Proposed
Agency:	Department of Corrections, Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 18 V.S.A. and 28 V.S.A. § 102(c)(1)
Summary:	Due to the update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Due to the

update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Marriage Rule" to no longer allow marriages of incarcerated individuals who are under the age of 18. It is not within the DOC's authority or mission to determine if someone is eligible to get married. The proposed rule would require the incarcerated individual to submit a request form for a marriage ceremony. Then the DOC will review the request form and approve the marriage ceremony provided there are no legitimate penological interest concerns. The DOC requires the incarcerated individual or intended spouse to submit proof of the marriage license to the DOC prior to the scheduled marriage ceremony, but will not require a marriage license to be submitted with the request form.

Persons Affected: This rule affects the Vermont DOC, incarcerated individuals wishing to marry in Vermont, the incarcerated individual's intended spouse, and the Vermont Town Clerks.

Economic Impact: There is no anticipated economic impact due to the amendment to this rule. The incarcerated individual and their intended spouse are responsible for the cost of the marriage. The economic benefit would be any positive or negative economic implications that arise from marriage.

Posting date: Sep 11,2024

Hearing Information

Information for Hearing # 1

Hearing date: 10-15-2024 11:00 AM [ADD TO YOUR CALENDAR](#)

Location: Waterbury State Office Complex, Dogwood Conference Room

Address: 280 State Drive, NOB 2 South

City: Waterbury

State: VT

Zip: 05671-2000

Hearing Notes: Also virtually via MS Teams at: https://teams.microsoft.com/l/meetup-join20/193ameeting_YmZjZjExYzYtYzA2ZC00NmYzLTlhYjEtNzQ2Y2Vkcontext7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a226e7a5dec-1032-4f35-b203-

Information for Hearing # 2

Hearing 10-15-2024 11:00 AM [ADD TO YOUR CALENDAR](#)

date:

Location: Virtually via MS Teams

Address: https://teams.microsoft.com/l/meetup-join20/193ameeting_YmZjZjExYzYtYzA2ZC00NmYzLTlhYjEtNzQ2Y2Vkcontext7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a226e7a5dec-1032-4f35-b203-

City: n/a

State: VT

Zip: n/a

Hearing Notes: Virtually via MS Teams at: https://teams.microsoft.com/l/meetup-join20/193ameeting_YmZjZjExYzYtYzA2ZC00NmYzLTlhYjEtNzQ2Y2Vkcontext7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a226e7a5dec-1032-4f35-b203-

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary

Name: Margaret

Agency: Department of Corrections, Agency of Human Services

Address: 280 State Drive NOB 2 South

City: Waterbury

State: VT

Zip: 05671-2000

Telephone: 802-798-4559

Fax: 802-241-0020

Email: margaret.faller@vermont.gov

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Website: <https://outside.vermont.gov/dept/DOC/Policies/Forms/Public20Facing20Victims>

Address: [VIEW WEBSITE](#)

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FORMS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS BEING FILED IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary

Name: David Turner

Agency: Department of Corrections, Agency of Human Services

Address: 280 State Drive, NOB 2 South

City: Waterbury

State: VT
Zip: 05671-2000
Telephone: 802-241-0060
Fax: 802-241-0020
Email: david.turner@vermont.gov

[SEND A COMMENT](#)

Keyword Information

Keywords:

Marriage
Marriage Ceremony
Marriage License
Corrections

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	St. Albans Messenger Legals (legals@samessenger.com ; cfoley@orourkemediagroup.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: September 22, 2024

RE: The "Proposed State Rules " ad copy to run on

September 19, 2024

PAGES INCLUDING THIS COVER MEMO:

3

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Marriage Ceremony for Incarcerated Individuals.

Vermont Proposed Rule: 24P034

AGENCY: Agency of Human Services, Department of Corrections

CONCISE SUMMARY: Due to the update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Due to the update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Marriage Rule" to no longer allow marriages of incarcerated individuals who are under the age of 18. It is not within the DOC's authority or mission to determine if someone is eligible to get married. The proposed rule would require the incarcerated individual to submit a request form for a marriage ceremony. Then the DOC will review the request form and approve the marriage ceremony provided there are no legitimate penological interest concerns. The DOC requires the incarcerated individual or intended spouse to submit proof of the marriage license to the DOC prior to the scheduled marriage ceremony, but will not require a marriage license to be submitted with the request form.

FOR FURTHER INFORMATION, CONTACT: Margaret "MJ" Faller, Agency of Human Services, Vermont Department of Corrections, 280 State Drive, NOB 2 South Waterbury, VT 05671-2000 Tel: 802-798-4559 Fax: 802-241-0020 E-Mail: margaret.faller@vermont.gov URL: <https://outside.vermont.gov/dept/DOC/Policies/Forms/Public%20Facing%20View.aspx>

FOR COPIES: David Turner, Vermont Department of Corrections, 280 State Drive, NOB 2 South Waterbury, VT 05671-2000 Tel: 802-241-0060 Fax: 802-241- 0020 E-Mail: david.turner@vermont.gov.

Licensing and Operating Regulations for Therapeutic Community Residences.

Vermont Proposed Rule: 24P035

AGENCY: Agency of Human Services, Department of Disabilities, Aging and Independent Living (DAIL)

CONCISE SUMMARY: As set forth in 2024 Acts and Resolves No. 137, Sec. 17, the Commissioner of DAIL, in consultation with the Commissioner of Mental Health, is directed to file and adopt permanent and emergency rules that authorize the use of emergency involuntary procedures, including the administration of involuntary medication, at a secure residential recovery facility "in a manner identical to that required in rules adopted by the Department of Mental Health governing the use of emergency involuntary procedures in psychiatric inpatient units." These proposed rules incorporate the provisions of the Department of Mental Health's Regulation Establishing Standards for Emergency Involuntary Procedures (EIPs), which was last adopted in 2016.

FOR FURTHER INFORMATION, CONTACT: Pamela Cota, Agency of Human Services, Department of Disabilities, Aging and Independent Living (DAIL) (DAIL), 280 State Drive, HC 2 South, Waterbury, VT 05671 Tel: 802-241-0480, E-Mail: pamela.cota@vermont.gov URL: <https://dail.vermont.gov>.

FOR COPIES: Stuart Schurr, Agency of Human Services, Department of Disabilities, Aging, and Independent Living, 280 State Drive, HC 2 South, Waterbury VT 05671 Tel: 802-241-0353 Email: stuart.schurr@vermont.gov.
