

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/updated-aclu-urges-hamilton-county-probate-court-stop-refusing-marriage-licenses>

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Updated 5.2.17: As a result of the demand letter we sent to Hamilton County, the court has since removed the language on its website that established the ban. The Court has also made a guidance document available advising incarcerated people of how they may obtain a marriage license. That document is available on the [Hamilton County Probate Court's website](#). Hamilton County's policies now appear to respect the fundamental right of marriage that incarcerated individuals, like others, are constitutionally entitled to enjoy.

CINCINNATI The American Civil Liberties Union of Ohio sent a letter today to the Hamilton County Probate Court urging it to discontinue its policy of refusing marriage licenses to incarcerated people. Courts have been very clear that incarcerated people have a right to marriage, and blanket bans on that right are unconstitutional.

Hamilton County is essentially enforcing a ban on legal marriage, said Elizabeth Bonham, Staff Attorney at the ACLU of Ohio. An individual's incarceration status does not disqualify them from the right to wed, added Bonham.

The [Hamilton County Probate Courts website](#) publically states, We do not issue licenses to incarcerated individuals under any circumstances.

Hamilton County is explicitly denying people marriage licenses because they are incarcerated. The right to marry is fundamental in the United States plain and simple yet policies like this reinforce the erasure and oppression of incarcerated people. There is no justification for this marriage ban and the ACLU is calling on Hamilton County to end its practice immediately, said Bonham.

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[Read the letter to the Hamilton County Probate Court](#)

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