

拾參、結(離)婚相關事項

13. Getting Married (Divorced) While Incarcerated

問 13-1、請問男(女)友在矯正機關內收容，可以辦理結婚嗎？

Q13-1; Can inmates get married while incarcerated?

答：

- 一、96年5月23日修正之民法第982條規定結婚改採登記結婚，因此，結婚應以書面為之，有2人以上證人之簽名，並應由雙方當事人向戶政機關為結婚之登記，無須在監內辦理結婚。
- 二、為完善收容人結婚制度，收容人可提出報告申請並檢附男女雙方身分證影本各乙份，經核准後辦理，機關將通知其家屬(長)，並協助戶政機關完成相關手續。
- 三、申請方式：結婚當事人因收容在矯正機關之特殊情事，無法親自至戶政事務所辦理結婚登記者，另一方當事人(未在矯正機關者)可攜帶相關文件逕至戶籍地戶政事務所申請，或向戶籍地戶政事務所預約申請登記日期，戶籍地戶政事務所得派員或商請矯正機關所在地戶政事務所協助至該矯正機關，查實當事人表達結婚意思後攜回相關文件，辦妥結婚登記(結婚登記日為生效日)。
- 四、所需相關文件為結婚證書(應註明結婚地點及二人以上之證人簽名或蓋章)、當事人雙方之戶口名簿、國民身分證(外國人憑居留證或護照)、印章(或簽章)、又當事人應備妥一年內之彩色照片一張。

A:

1. According to Article 982 of the Civil Code amended on May 23, 2007, a marriage shall be effected by registration. Thus, a marriage shall be effected in writing, with the signatures of at least two witnesses, and by registration at a household administration office. So a wedding ceremony in prison is not necessary.
2. To improve the marriage system for inmates, an inmate who intends to get married can submit a report and a photocopy of National ID Card of the couples to the correctional facility. After approving the application, the facility will notify inmate's family members (parents), and assist the household administration office to complete the relevant formalities.
3. Application: If an inmate is unable to go to the household administration office in person to complete the marriage registration, the other half (not held at correctional facility) can bring relevant documents to the household administration office of his or her household registration to apply for marriage registration, or make a reservation for the date of marriage registration. The household administration office may send staff or ask the household administration office at where the correctional facility is located for assistance by sending staff to the correctional facility to verify the intent of the inmate (to get married) and bring

back relevant documents for the registration of marriage (the marriage becomes valid as of the registration date).

4. Relevant documents required for marriage registration include marriage certificate (which notes where the marriage took place and the signatures or seals of at least two witnesses), and the household registry, National ID Card (resident permit or passport for foreigners), seals (or signatures), and color photo taken within the past year of the couples.

問 13-2、夫(妻)因犯罪被判刑入監執行，要與其離婚，如何提出申請？

Q13-2: How to divorce a spouse who is incarcerated?

答：

- 一、夫妻有一方因犯罪被判處有期徒刑 6 個月以上者，另一方可向法院提出訴請離婚之訴訟。
- 二、收容人與配偶協議離婚後，由收容人填寫正式（經機關長官簽核）報告單述明離婚意旨，並申請在監（院、所、校）證明，再填寫離婚協議書與委託證明書。上述資料完備後，收容人配偶可持資料至戶籍所在地之戶政機關辦理離婚登記。
- 三、另亦可至戶籍所在地之戶政事務所申請，並說明夫(妻)在某矯正機關執行，戶政人員會與該矯正機關之戶政事務所聯繫，委請代辦離婚手續。此外，戶政事務所會函請矯正機關配合辦理，並提供辦理離婚手續所需之相關資料。

A:

1. When husband or wife has been sentenced to more than six months imprisonment for crime, the other party may petition the court for divorce.
2. After an inmate and his or her spouse have agreed to get divorced, the inmate should write a formal report (signed by the prison official), stating the intent for divorce and apply for a certificate of imprisonment, and fill out a divorce agreement and a power of attorney. The inmate's spouse can then take the aforementioned documents to the household administration office of household registration to carry out divorce registration.
3. The inmate's spouse can also apply for divorce registration at the household administration office of household registration and explain that his or her wife (husband) is currently being incarcerated at a certain correctional facility. The household administration officer will then contact the household administration office at where the correctional facility is located and ask them to take care of the divorce formality. In addition, the household administration office will send an official letter to the correctional facility, asking for its assistance and for documents required for the divorce formality.