



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy:	DOC 4.1.5 OFFENDER NAME CHANGE
Chapter 1:	FACILITY/PROGRAM SERVICES
Section :	Reception and Orientation
Effective Date:	May 12, 2022 Page 1 of 2
Revised:	
Signature:	/s/ Brian Gootkin, Director

I. POLICY

Individuals committed to or under the supervision of the Department of Corrections or incarcerated in a state prison may apply to a court of competent jurisdiction to change their name in accordance with § 27-31-101, *et seq.*, MCA. The Department has established a process for managing legal name changes granted by the court.

II. APPLICABILITY

All persons committed to or under the supervision of the Department or incarcerated in a state prison.

III. DEFINITIONS

OMIS - Acronym for the Department’s Offender Management System.

Victim – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Persons committed to or under the supervision of the Department or incarcerated in a state prison who petition a court for a legal name change will provide a copy of the petition to their case manager or supervising officer.
2. Persons committed to or under the supervision of the Department or incarcerated in a state prison shall serve any petition for name change on the department, as provided by law and court procedure.
3. Any court order changing an individual’s legal name must include the Court Clerk stamp indicating the date the order was filed.
4. If an employee becomes aware that an offender is attempting to seek a legal name change, the employee must notify Department Legal Services staff immediately.
5. Any individual who obtains an order changing their name will provide a certified copy of the order to the Department within 5 days of the order being entered.
6. Upon receipt of a certified order changing an individual’s name, Records staff will enter the order in OMIS.

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7. If an individual obtains a valid court order in violation of this policy or state law, Department staff will consult with Legal Services Bureau regarding whether to process the name change and any necessary legal proceedings.
7. Any amended or corrected court order will be processed like any other name change order and replaces any prior orders granting a change of name.

B. Expectations

1. When the Department is properly notified of a legal name change, the new name becomes the offender's primary name.
2. Offenders who obtain an order changing their name will use the name for:
 - a. all written or verbal communication with employees, contract staff, and volunteers;
 - b. all matters relating to their incarceration or community supervision, and;
 - c. use of United States mail.
3. The name the offender was committed under will be listed as an "Also Known As" (AKA) designation in OMIS.
4. AKA names will not be printed on identification cards or used in daily correspondence (e.g., callouts, mail, electronic messaging).
5. Department files (e.g., central file, medical/unit files) will be labeled with the new legal name within 14 calendar days of notification
6. Victims will be properly notified of an offender name change in accordance with *DOC Policy 1.8.1 Victim Services*
7. Employees, contract staff, and volunteers will communicate with individuals using their new legal name.

V. CLOSING

Questions concerning this policy should be directed to the appropriate facility administrator

VI. REFERENCES

- A. 27-31-101, MCA
- B. *DOC Policy 1.8.1 Victim Services*

VII. ATTACHMENTS

None