

Name Change Guide for People with Criminal Records



Created by Trans Lifeline Microgrants

Last Updated September 2017

If you have comments, questions, or updates to this guide, please send them to jasper@translifeline.org

PURPOSE OF THIS GUIDE

This guide was created by Trans Lifeline Microgrants to assist transgender people with criminal records in changing their names. This document briefly overviews the restrictions in each state on changing your name with a criminal record. This guide does not constitute legal advice and this guide was not prepared by a legal professional. This is an informal guide, intended to provide general information in accessible language.

In some states, your criminal record likely will have no impact on your ability to change your name, while in other states, it can entirely prevent you from changing your name. This guide aims to inform the reader about the level of difficulty in each state. In most cases, name changes with a criminal record will be much more difficult and a lawyer is recommended. The information provided here is not comprehensive. The footnotes and references link to source material and provide further information.

In order to change your name in any state, no matter what your criminal record, a judge needs to approve your petition. The judge will decide whether to grant your petition based on whether they believe the petition to be in good faith, without intent to commit fraud, and in the best interest of health and public safety. Even if your state does not explicitly restrict your ability to change your name based on criminal record, if the judge knows about your record, they will likely take it into consideration. If you can afford a lawyer, one is recommended.

You will want to read the section for the state you live in, not the state you were convicted in. For each state, I link to the relevant state statute in the footnotes. These statutes were the most up-to-date as of September 2017. Not every state lists comprehensive requirements and restrictions on name changes for people with criminal records. I have provided all the information listed in state statutes, as well as information from other official state sources.

This guide lists the restrictions in each US state, as well as DC. While we wrote this guide with transgender people in mind, the legal requirements apply equally to all people wishing to change their names for non-marriage based reasons. These restrictions described below may or may not apply if you are changing your name for marriage or divorce.

TIPS FOR DOING YOUR OWN RESEARCH

This guide is not comprehensive. We have only listed information for currently incarcerated people in a portion of the states. We include a currently incarcerated section if the state statute described the process for currently incarcerated people, or if the information was readily available elsewhere online. For states we have not listed instructions for currently incarcerated people, here is a general process for finding this information:

- Commitment name is the name you were convicted under. Legal name is your official legal name. Prison records default to your commitment name. The goal of researching name changes for currently incarcerated people is to determine whether and how the state's department of corrections will update the name on records to the legal name instead of the commitment name.
- Search online for the state's Department of Corrections Rules and Regulations Handbook. Each state has a handbook that governs all prisons and jails in the state. These handbooks may not always be readily accessible online.

- Search the handbook for any section that mentions *name change, LGBT inmates, inmate ID, mail rules, or commitment name*. There is not one reliable place where name change rules will be listed, so you may have to read through several sections of the handbook.
- The mail rules section will contain the most information. It will describe whether inmates who change their names can use their new name for mail.
- In some states, if you successfully change your name in the courts, your prison will ignore the change entirely.

STATE-BY-STATE GUIDE

ALABAMA^{1 2}

Currently incarcerated: If you legally change your name while incarcerated, you must use your prior name and your new name on mail, using the format: Commitment name, AIS #, Legal name.³ Wardens are responsible for creating standard operating procedures that use both legal name and committed name on mail and IDs. Commitment name will not be changed and will be used first in all documents, followed by legal name. Additionally, prison employees are not obligated to address you by your legal name and may continue to address you by your commitment name.⁴

Not currently incarcerated: Alabama requires a background check. If you have ever been convicted of a felony, a sex offense, or a crime of moral turpitude,⁵ you cannot change your name. You also cannot change your name while facing criminal charges or while involved in a court case.

Any other offense does not specifically restrict you from changing your name.

ALASKA^{6 7 8}

Alaska has no restrictions on changing your name based on criminal record and no background check is required.

ARIZONA⁹

Currently incarcerated: You are permitted to change your name. If you have been transferred from another state, you need permission from your sentencing state. Your official records will be updated to your new legal name and all relevant authorities will be informed. All of your records and services within the prison will be updated to your legal name. You must pay for the new photographs and inmate ID card. After you complete these processes, your new legal name will become your official name used by the

¹ Ala. code §12-13-1: <http://codes.findlaw.com/al/title-12-courts/al-code-sect-12-13-1.html>

²Alabama name change form:

<http://eforms.alacourt.gov/Do%20It%20Yourself%20Forms/Request%20to%20Change%20Name.pdf>

³ DoC AR 448: <http://www.doc.state.al.us/docs/AdminRegs/AR448.pdf>

⁴ DoC AR 450: <http://www.doc.state.al.us/docs/AdminRegs/AR450.pdf>

⁵ Alabama definition of crimes of moral turpitude Ala HB282 (2017):

<http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2017RS/PrintFiles/HB282-enr.pdf>

⁶ Alaska name change form: <http://www.courtrecords.alaska.gov/webdocs/forms/civ-700.pdf>

⁷Alaska name change form instructions: <http://www.courtrecords.alaska.gov/webdocs/forms/civ-699.pdf>

⁸Alaska R. Civ. P. 84: http://www.touchngo.com/lglcntr/ctrules/civpro/CIV-92.htm#P1755_438906

⁹ Ariz. Rev. Stat. Ann. §§ 12-601 & 12-602: <http://www.azleg.gov/ars/12/00601.htm> and <http://www.azleg.gov/ars/12/00602.htm>

Arizona Department of Corrections.¹⁰ There are also policies on management of LGBTI inmates, including a transgender/intersex committee.¹¹

Not currently incarcerated: In your petition, you must state whether you have been convicted of a felony. You must also state whether you have any pending charges relating to false statements or misrepresentation of identity, or other crimes such as theft, forgery, credit card fraud, business and commercial frauds or organized crime, fraud and terrorism. To see the full list of which charges you must disclose, see the legal code cited above. If you have a conviction involving misrepresented identity or false statements, as defined in the statute, the court will most likely deny your application. Additionally, the prosecutor of your conviction and any victims have the right to contest your name change until a year after the name change is complete. Southern Arizona Gender Alliance has a name change guide for trans people here.¹² They recommend contacting them if you have a felony record and would like to change your name.

ARKANSAS

Currently incarcerated: If you change your name while incarcerated, the Department of Corrections will continue to use your old name.¹³

Not currently incarcerated: There are no specific restrictions on your ability to change your name based on criminal record.¹⁴ No background check is required and the petition does not ask about criminal record.

CALIFORNIA

Currently incarcerated: Your warden has discretion about whether you may file for a legal name change. They typically refuse but it is possible. More research is needed to determine how your name change will be treated while you are incarcerated in California.

Not currently incarcerated: You must state under penalty of perjury whether you are under the jurisdiction of the California Department of Corrections or on the sex offender registry. They will check records to verify your answer.¹⁵

If you are under parole or probation, your parole or probation officer has discretion about whether you may file the paperwork for a name change. The officer typically refuses but it is possible. You do not need permission if you are only on parole from county jail.

If you are a registered sex offender, the judge will only approve your name change if they believe it will not harm public safety. Your petition is more likely to be approved if you have a letter of support from the police jurisdiction you are registered with.¹⁶ If the judge approves your name change, you must inform authorities within five business days. Inform the chief of police in your city or the county sheriff if you do

¹⁰ Arizona DoC DO 901.1.6 (page 23) https://corrections.az.gov/sites/default/files/policies/900/0901_061617.pdf

¹¹ Arizona DoC LGBTI inmate policies: https://corrections.az.gov/sites/default/files/policies/800/0810_-_effective_11-26-15.pdf

¹² SAGA name change guide: <http://sagatucson.org/wp/changes-of-name-and-gender-markers/>

¹³ AR Code § 9-2-102: <http://law.justia.com/codes/arkansas/2012/title-9/subtitle-1/chapter-2/section-9-2-102>

¹⁴ AR Code § 9-2-101: <http://law.justia.com/codes/arkansas/2010/title-9/subtitle-1/chapter-2/9-2-101>

¹⁵ Cal. Civ. Proc. § 1279.5:

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CCP&division=&title=8.&part=3.&chapter=&article=

¹⁶ template for parole/probation officer letter of support +general guide for California name change: http://translaw.wpengine.com/wp-content/uploads/2012/05/ID_Please_FINAL_7.25.14.pdf

not live in a city. Additionally, if you live on the campus or in facilities of University of California or California State University, you must inform the chief of police of the campus.

COLORADO

You will need fingerprinting and background checks through both the FBI and the Colorado Bureau of Investigations. Your petition will be denied if you have a felony in any state or if adjudicated a juvenile delinquent for a charge that would constitute a felony if committed by an adult. However, the code does list a way of changing your name with a felony. This process is complex and would almost certainly require a lawyer.^{17 18}

CONNECTICUT ¹⁹

If you have a record involving a deadly weapon or you are on the sex offender registry, you must inform the Commissioner of Emergency Services and Public Protection about the name change.²⁰ The commissioner has standing to contest your name change. Otherwise, there are no restrictions on your ability to change your name based on criminal record.

DELAWARE

Currently incarcerated/on parole/on probation: If you are currently under supervision of the Department of Corrections, you lose the common law right to change your name and can only change your name through the court process.²¹ Also, if you are under supervision and change your name, you must list all previous names when signing any legal documents or providing information to a police officer. If you successfully change your name, the Department of Corrections is not obligated to change your name in their files or to use your new legal name. If under supervision of the Department of Corrections, you must demonstrate that the name change is for sincerely held religious or gender identity reasons in a sworn affidavit or testimony. The department of corrections may object to your name change petition.

Not currently incarcerated/on parole/on probation: If you are not currently under supervision of the Department of Corrections, there are no limitations on your ability to change your name based on criminal record.

DC²²

DC requires many extra steps to change your name if you have a criminal record. This will likely require a lawyer. If you have a felony record, you must notify the chief of police, Department of Corrections, court services and offender supervision agency. If your felony record is from another state, you must inform the equivalent parties in that state, plus the DC agencies. If you are on parole or probation, you must notify your parole/probation officer. If you are a registered sex offender, you must notify the registry. If you have an open family court case, child support order or civil protection order, you may need to file with Family Court Central Intake Center.

¹⁷ Colo. Rev. Stat. Ann. §§ 13-15-101 & 13-15-102: <http://codes.findlaw.com/co/title-13-courts-and-court-procedure/co-rev-st-sect-13-15-101.html>

¹⁸ Colorado trans equality guide: <http://www.transequality.org/documents/state/colorado>

¹⁹ Connecticut name change guide: <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/names.pdf>

²⁰ Conn. Gen. Stat. Ann. § 52-11: https://www.cga.ct.gov/current/pub/chap_801a.htm#sec_45a-99

²¹ Del. Code Ann. tit. 10, §§ 5901-5905: <http://delcode.delaware.gov/title10/c059/index.shtml>

²² DC ST §§16-2501 to 16-2503: <https://beta.code.dccouncil.us/dc/council/code/titles/16/chapters/25/>

The name change form asks whether you are a party in any open cases and whether any cases or legal matters would be affected by changing your name, whether you owe any parties money, whether you are a gun offender, etc.²³ You would be required to inform all interested parties of the court date within 10 days. This guide by Whitman-Walker Health has more detailed instructions.²⁴

FLORIDA²⁵

The name change form asks whether your civil rights have been suspended and whether you have “ever been arrested for or charged with, pled guilty or nolo contendere to, or been found to have committed a criminal offense, regardless of adjudication, and if so, when and where.” If your civil rights have been suspended, you will be unable to change your name. Your civil rights are suspended if you have been convicted of a felony and have not received a pardon or a reinstatement of civil rights.²⁶ Fingerprinting and a background check are required. If you are on the sex offender registry, this will be taken into consideration by the judge. Changing your name with a felony record is likely impossible and changing your name with a misdemeanor record will be difficult.

GEORGIA^{27 28}

Georgia does not appear to require fingerprinting or a background check and does not specifically restrict your ability to change your name based on criminal record.

HAWAII²⁹

If you are a registered sex offender, you cannot change your name unless the court determines that this would be “in the best interest of justice and that the name change won’t adversely affect public safety.”³⁰ The burden of proof is on you to demonstrate this.

If you are not a registered sex offender, there are no specific restrictions on your ability to change your name based on criminal record.

IDAHO

²³ DC name change form:

http://www.transequality.org/sites/default/files/docs/id/DC%20Name%20Change%20App%20and%20Fee%20Waiver_0.pdf#overlay-context=documents/state/district-columbia

²⁴ DC name change guide: https://www.whitman-walker.org/wp-content/uploads/2015/02/DC-Name_Gender-change-guide-July-2014.pdf

²⁵ Fla. Stat. Ann. § 68.07: http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0068/Sections/0068.07.html

²⁶ Civil rights Florida:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0944/Sections/0944.292.html

²⁷ Georgia name change guide: <http://www.sparkrj.org/website/wp-content/uploads/2016/07/Georgia-Name-Change-Kit-Complete.pdf>

²⁸ Ga. Code Ann. § 19-12-1: <http://law.justia.com/codes/georgia/2010/title-19/chapter-12/19-12-1>

²⁹ Haw. Rev. Stat. §§ 574-1 to 574-6: http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0574/HRS_0574-0005.htm

³⁰ Hawaii name change basics: <http://www.transequality.org/documents/state/hawaii>

If you are a registered sex offender, you can change your name but the court must inform the registry of the change.³¹ If you are not a registered sex offender, there are no specific restrictions on your ability to change your name based on criminal record.³²

ILLINOIS³³

Currently incarcerated: You may not change your name by any process except through the official court process. However, if you have been convicted of a felony in Illinois or any other state, and have not been pardoned, you cannot file for a name change until 10 years after the completion of your sentence. In other words, you can only change your name if incarcerated for a misdemeanor.

Not currently incarcerated: If you are a registered sex offender, you cannot change your name.³⁴ If you have a conviction for identity theft, you cannot change your name. If you have a felony, you cannot change your name until at least 10 years after the completion of the terms of your sentence including parole or probation.

INDIANA

Currently incarcerated: You cannot change your name.³⁵

Not currently incarcerated³⁶: You will need to list all felonies on your record, including those from outside Indiana.

If you were convicted of a felony within the past 10 years, you will need to notify various authorities at least 30 days before the hearing. You will need to inform the sheriff in your county of current residence, the prosecutor in your county of residence, and the Indiana central repository for criminal history information. When you inform the central repository, include your current full name, your desired name, date of birth, address, description of your physical appearance, and fingerprints. The central repository will send a copy of your criminal record to the court for consideration. After your hearing, a copy of the results will be sent to the Indiana State Police.

If your felony conviction was not in the past 10 years, you do not need to inform any additional authorities. Just disclose the conviction in your petition.

If you do not have a felony record, there are no restrictions based on criminal record. You do not need to disclose misdemeanors on your petition.

IOWA³⁷

Those with “civil disabilities” are barred from changing their name. I was unable to determine exactly which crimes revoke your civil disabilities. This likely includes most or all felonies but more research is needed.

³¹ Idaho name change basics: <http://www.transequality.org/documents/state/idaho>

³² Idaho Code Ann. §§ 7-801 & 7-805: <https://legislature.idaho.gov/statutesrules/idstat/title7/t7ch8/>

³³ 735 Ill. Comp. Stat. Ann. 5/21-101 to 5/21-105:

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073500050K21-101>

³⁴ Illinois name change guide: <http://tjlp.org/wp-content/uploads/2013/04/NameChange101.11-17-16.pdf>

³⁵ Ind. Code Ann. § 34-28-2-1.5 <https://codes.findlaw.com/in/title-34-civil-law-and-procedure/in-code-sect-34-28-2-1-5.html>

³⁶ Ind. Code Ann. § 34-28-2-3. <https://codes.findlaw.com/in/title-34-civil-law-and-procedure/in-code-sect-34-28-2-3.html>

³⁷ Iowa Code Ann. § 618.13 & §§ 674.1-674.14: <https://www.legis.iowa.gov/docs/code/2017/674.pdf>

KANSAS³⁸

There are no restrictions on your ability to change your name based on criminal record. The petition does not ask whether you have a criminal record and no background check is required.

KENTUCKY³⁹

Any adult may change their name in Kentucky, regardless of criminal record.⁴⁰ The petition⁴¹ does not ask about your criminal record and no background check is required.

LOUISIANA⁴²

Currently incarcerated: If you are currently serving time for a felony, you cannot change your name. If you are currently serving time for a non-felony, you can change your name by filing the petition in the district court where you were sentenced. More research is needed to determine how your name change will be treated while incarcerated.

Not currently incarcerated: You cannot change your name until the completion of your sentence, including parole/probation. If your conviction was for a violent crime, you are barred from changing your name at all. See here for the definition of a violent crime.⁴³

MAINE^{44 45}

There are no specific limitations on your ability to change your name with a criminal record. The judge *may* require you to undergo a background check, in which case your record would be considered.

MARYLAND^{46 47}

If you have ever been a registered sex offender, you must disclose this on the petition. If your name change is granted, you need to inform the registry within 7 days. The judge may choose to require any person to get a background check, a criminal history check, a motor vehicle record check or a credit card check.

MASSACHUSETTS^{48 49}

There are no specific restrictions on your ability to change your name based on criminal record.

MICHIGAN^{50 51}

³⁸ Kan. Stat. Ann. §§ 60-1401 to 60-1403: http://www.ksrevisor.org/statutes/ksa_ch60.html

³⁹ Kentucky name change instructions: <http://kyjustice.org/node/623>

⁴⁰ Ky. Rev. Stat. Ann. §§ 401.010-401.040: <http://www.lrc.ky.gov/statutes/chapter.aspx?id=39204>

⁴¹ Kentucky name change petition: <https://courts.ky.gov/resources/legalforms/LegalForms/295.pdf>

⁴² La. Rev. Stat. Ann. §§ 13:4751 to 13:4755: <https://legis.la.gov/Legis/Law.aspx?d=78337>

⁴³ Definition of a violent crime in Louisiana: <https://legis.la.gov/Legis/Law.aspx?d=78337>

⁴⁴ Maine name change form: <http://ptla.org/sites/default/files/CN-1.pdf>

⁴⁵ Me. Rev. Stat. tit. 18-A, § 1-701: <http://legislature.maine.gov/statutes/18-A/title18-Asec1-701.html>

⁴⁶ MD R SPEC P Rule 15-901: <http://legislature.maine.gov/statutes/18-A/title18-Asec1-701.html>

⁴⁷ Maryland petition: <http://www.courts.state.md.us/family/forms/dr60.pdf>

⁴⁸ Mass. Gen. Laws Ann. ch. 210, §§ 12-14: <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter210>

⁴⁹ Massachusetts form: <http://www.mass.gov/courts/docs/forms/probate-and-family/cjp27.pdf>

⁵⁰ NCTE guide: <http://www.transequality.org/documents/state/michigan>

⁵¹ Mich. Comp. Laws Ann. §§ 711.1-711.3:
[http://www.legislature.mi.gov/\(S\(cqbc0yifcylahlfmgk5geen\)\)/mileg.aspx?page=getObject&objectName=mcl-711-1](http://www.legislature.mi.gov/(S(cqbc0yifcylahlfmgk5geen))/mileg.aspx?page=getObject&objectName=mcl-711-1)

Currently incarcerated: More research needed but you can find most of the relevant information here.⁵²

Not currently incarcerated: “If the individual who petitions for a name change has a criminal record, the individual is presumed to be seeking a name change with a fraudulent intent. The burden of proof is on a petitioner who has a criminal record to rebut the presumption.” This means that changing your name while incarcerated or with any sort of a criminal record will be difficult and you should get the help of a lawyer if you can.

As part of the standard name change process in Michigan, you will have to submit fingerprints to the FBI and state police for pending charges and convictions. If your petition is granted, your new name will be forwarded to the state police. If you have been in prison or on parole within the past two years, this will also be forwarded to the Department of Corrections and/or the sheriff of the jail where you were convicted/held.

MINNESOTA⁵³

Currently incarcerated: You may only request a name change once while you are incarcerated.⁵⁴ You can do so by filling out this form.⁵⁵ More research is needed to determine how your name change will be treated while you are incarcerated.

Not currently incarcerated: If you have a felony, you can only request a name change once. You must inform your prosecuting attorney. If you were convicted in another state, or in federal jurisdiction, you must inform the attorney general. There will likely be a fee to serve these parties. The appropriate forms are here.⁵⁶ Each party will have 30 days to file an objection, based on criteria specified here.⁵⁷ If objections are filed, you should file a motion to grant request, following the criteria in the same link.

You will be required to undergo a background check and fingerprinting through the FBI. If your petition is granted, the court will inform the Bureau of Criminal Apprehension within 10 days after the change is granted.⁵⁸ You will also be required to report this to the Bureau of Criminal Apprehension within 10 days.

MISSISSIPPI⁵⁹

The legal code does not specify whether you can change your name if you have a criminal record. However, the petition form⁶⁰ makes you certify that “petitioner does not have any outstanding judgments, has never been convicted of a crime, and is not involved in any pending legal actions.” This may mean that you are unable to change your name. More research or the advice of a lawyer is needed.

MISSOURI⁶¹

⁵² Michigan prison regulations: http://www.michigan.gov/documents/corrections/03_01_110_347871_7.pdf

⁵³ Minn. Stat. Ann. §§ 259.10-259.13: <https://www.revisor.mn.gov/statutes/?id=259>

⁵⁴ Minn. Stat. Ann. § 259.12: <https://www.revisor.mn.gov/statutes/?id=259.12>

⁵⁵ Minnesota inmate name change form:

<http://www.mncourts.gov/mncourtsgov/media/CourtForms/NAM105.pdf?ext=.pdf>

⁵⁶ Forms to inform prosecutor and attorney general:

<http://www.co.beltrami.mn.us/Document%20Center/Documents%20Forms/Vitals/Felon%20Application%20for%20Name%20Change.pdf>

⁵⁷ Minn. Stat. Ann. § 259.13: <https://www.revisor.mn.gov/statutes/?id=259.13>

⁵⁸ Minn. Stat. Ann. § 259.11: <https://www.revisor.mn.gov/statutes/?id=259.11>

⁵⁹ Miss. Code. Ann. §§ 93-17-1 to 93-17-31: <http://law.justia.com/codes/mississippi/2012/title-93/chapter-17/>

⁶⁰ Mississippi name change form: <https://www.ilrg.com/forms/namechange-adult/us/ms>

⁶¹ Mo. Ann. Stat. §§ 527.270 to 527.290: <http://revisor.mo.gov/main/OneChapter.aspx?chapter=527>

Missouri does not have any particular limitations on your ability to change your name based on criminal record. They do not require a background check or fingerprinting and the petition⁶² does not ask your criminal history.

MONTANA⁶³

Montana does not have any particular limitations on your ability to change your name based on criminal record. They do not require a background check or fingerprinting and the petition⁶⁴ does not ask about your criminal history.

NEBRASKA⁶⁵

Currently incarcerated: Legal precedent determined that a person will not be denied a name change petition purely on the basis of being an inmate.⁶⁶ More research is needed to determine how your name change will be treated while you are incarcerated.

Not currently incarcerated: Nebraska does not have any particular limitations on your ability to change your name based on criminal record. They do not require a background check or fingerprinting and the petition⁶⁷ does not ask about your criminal record.

NEVADA^{68 69}

If you have been convicted of a misdemeanor, gross misdemeanor, or felony, you must submit fingerprints to the Filing Office with your petition. In your petition, you must list each convicted offense, the date of conviction, the state and county of conviction, and the final result. The judge will specifically take your criminal record into consideration when deciding whether to approve your petition. If your name change is approved, the clerk will forward the information to the Central Repository for Nevada Records of Criminal History so that your criminal record will be updated.

NEW HAMPSHIRE⁷⁰

The petition form⁷¹ has checkboxes asking whether you are currently incarcerated, on probation, on parole, or required to register as a sex offender or offender against children. If so, there are additional requirements.

If you are currently incarcerated, on probation or parole, or required to register as a sex offender or an offender against children, you can only change your name if you can make a compelling case for why the change is necessary. If you are incarcerated, on probation or on parole, you will need to officially serve a copy of your petition to the Department of Corrections. There will be a serving fee for this. If you are a registered sex offender or offender against children and no longer incarcerated/on parole/probation you

⁶² Missouri name change petition: <https://www.courts.mo.gov/file.jsp?id=52839>

⁶³ Mont. Code Ann. 27-31-201 to 27-31-205: http://leg.mt.gov/bills/mca_toc/27_31.htm

⁶⁴ Montana instructions and forms:

https://courts.mt.gov/portals/113/library/forms/name_chg/adult_name_change.pdf

⁶⁵ Neb. Rev. Stat. §§ 25-21,270 to 25-21,273: <http://nebraskalegislature.gov/laws/browse-chapters.php?chapter=25>

⁶⁶ Neb. Rev. Stat. § 25-21,271: <http://nebraskalegislature.gov/laws/statutes.php?statute=25-21.271>

⁶⁷ Nebraska name change petition: <https://supremecourt.nebraska.gov/sites/default/files/dc-6-9-1.pdf>

⁶⁸ Nevada instructions and forms: <http://www.washoecourts.com/forms/pdf/family/NameChange/N-1%20Name%20Change%20for%20Adult.pdf>

⁶⁹ Nev. Rev. Stat. Ann. §§ 41.270-41.290: <https://www.leg.state.nv.us/NRS/NRS-041.html#NRS041Sec270>

⁷⁰ N.H. Rev. Stat. Ann. §§ 547:3-i & 550:4: <http://www.gencourt.state.nh.us/rsa/html/LVI/547/547-3-i.htm>

⁷¹ New Hampshire petition form: <https://www.courts.state.nh.us/forms/nhjb-2175-p.pdf>

will need to officially serve a copy of your petition to the department of safety. There will be a service fee for this. After approving or denying your petition, the court will inform the Department of Corrections or the department of safety of the decision.

If you are not required to register as a sex offender or offender against children and you are no longer in prison, on probation, or on parole, there are no particular restrictions on your ability to change your name based on criminal record.

NEW JERSEY^{72 73}

If you have pending charges in New Jersey, you must “send a copy of the Verified Complaint and Order Fixing Date of Hearing by regular mail and certified mail, return receipt requested to the Prosecutor of the county where the matter is being heard. If the charges were brought by the Office of the Attorney General, you must send another copy of the Verified Complaint and Order Fixing Date of Hearing by certified mail, return receipt requested to the Director of the Division of Criminal Justice in Trenton, New Jersey, at least 20 days before the hearing. Mail a copy to Director, Division of Criminal Justice, R. J. Hughes Justice Complex, 25 W Market Street, P. O. Box 085, Trenton, NJ, 08625-0085.”

In the petition, you must disclose all crimes you have been convicted of or currently have pending.⁷⁴ If your petition is approved, a copy will be forwarded to the State Bureau of Investigation and the Division of State Police.⁷⁵

NEW MEXICO

New Mexico does not have any particular restrictions on your ability to change your name based on criminal record.⁷⁶ No background check is required and the petition⁷⁷ does not ask for your criminal record.

NEW YORK⁷⁸

Currently incarcerated: Sylvia Rivera Law Project (SRLP) has a detailed guide for changing your name while incarcerated in New York State prisons.⁷⁹ If you are currently incarcerated for a violent offense, or other felony specified on page 22-23 of the SRLP guide, you must serve the Notice of Petition to the District Attorney in each county you were convicted of those counts. After that, you must send an affidavit to the court saying you have informed the District Attorneys. More information on notifying the DA is available on page 9 of the SRLP guide. District Attorneys have the right to file objections but they usually do not.

If your convictions are for crimes other than the ones specified on page 22-23 of the SRLP guide, you have the full right to change your name without informing additional parties.

⁷² New Jersey instructions and forms: http://www.njcourts.gov/forms/10551_namechg_adult.pdf

⁷³ New Jersey name change guide: <http://www.transequality.org/sites/default/files/docs/resources/NJ%20Name%20%26%20Gender%20Change%20Guide%20for%20Residents-v1.pdf>

⁷⁴ NJ Rev Stat § 2A:52-1 (2016): <http://law.justia.com/codes/new-jersey/2016/title-2a/section-2a-52-1/>

⁷⁵ NJ Rev Stat § 2A:52-2 (2016): <http://law.justia.com/codes/new-jersey/2016/title-2a/section-2a-52-2/>

⁷⁶ N.M. Stat. Ann. §§ 40-8-1 to 40-8-3: <http://law.justia.com/codes/new-mexico/2016/chapter-40/article-8/>

⁷⁷ New Mexico forms: <https://seconddistrictcourt.nmcourts.gov/change-of-name-adult.aspx>

⁷⁸ N.Y. Civ. Rights Law § 60-65: <http://law.justia.com/codes/new-york/2012/cvr/article-6>

⁷⁹ SRLP guide: <https://srlp.org/wp-content/uploads/2017/05/DIY-Name-Change-Guide-for-Trans-People-in-NYS-Prisons.pdf>

On your petition, you will specify your criminal record and whether or not your record includes violent felony charges (see page 29 of SRLP guide).

More research is needed to determine how your name change will be treated while incarcerated in NY prisons.

Not currently incarcerated: If you are currently on parole or probation for one of the crimes specified on page 22-23 of the SRLP guide, the above laws about currently incarcerated people apply to you.

If you are no longer on parole or probation, you can change your name through the normal process without informing additional parties. If you are currently on parole or probation but not for the crimes specified, you can change your name through the normal process without informing additional parties.

On your petition, you will specify your criminal record and whether or not your record includes violent felony charges (see page 29 of SRLP guide).

NORTH CAROLINA⁸⁰

You will be required to get background checks both from the state and from the FBI. Detailed instructions on that process are available here.⁸¹ If you are currently registered as a sex offender, you cannot change your name. It is unclear whether offenses other than sex offenses will be taken into consideration when determining whether to approve your petition.

You will also need to bring two other residents of your county, who are not related to you, who can certify your “good character”.

NORTH DAKOTA⁸²

You will need to get a background check and disclose your criminal record. There are no specific restrictions on your ability to change your name based on criminal record **however**, a felony record will make it much less likely that your request will be granted. The code states “if the individual petitioning for a name change has a felony conviction under a law of this state or a law of another state or the federal government, the request is presumed to be made in bad faith, to defraud or mislead, to cause injury to an individual, or to compromise public safety. The name change may not be granted unless the individual requesting the name change proves by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to an individual, and will not compromise public safety.” A lawyer is recommended.

If you have a criminal record and your name change is granted, you must notify the Bureau of Crime Investigation within 10 days after your name change is granted.

OHIO

If you have a criminal record involving identity fraud, sexually oriented offenses or child-victim offenses, you cannot change your name. Otherwise, there are no restrictions on your ability to change your name based on criminal record.⁸³

⁸⁰ N.C. Gen. Stat. Ann. §§ 101-1 to 101-8:

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_101.pdf

⁸¹ North Carolina instruction: <http://nc.legal-aid.com/can-i-represent-myself/name-change-claims/for-adults/>

⁸² N.D. Cent. Code Ann. § 32-28-02: <http://www.legis.nd.gov/cencode/t32c28.pdf>

⁸³ Ohio Rev. Code Ann. § 2717.01: <http://codes.ohio.gov/orc/2717.01>

OKLAHOMA^{84 85}

If you are currently registered as a sex offender, you cannot change your name. Otherwise, there are no restrictions on your ability to change your name based on criminal record. No background check is required and the petition does not ask about your record.

OREGON

Currently incarcerated: You are not restricted from changing your name while incarcerated. However, the Department of Corrections will continue to use your prior name until your release and require that incoming and outgoing mail use your prior name. If you legally change your name, you can seek approval to list your new name as an AKA on incoming mail but your prior name will also need to be listed.⁸⁶

OAR rules on transgender and intersex inmates⁸⁷ do not specify any policies about name changes, indicating there are no exceptions to the above for transgender inmates. All inmates are required to have an ID card at all times. The regulations do not state that names can be changed on cards but, at the discretion of the supervising correctional staff, IDs can be replaced if they are incorrect.⁸⁸

Not currently incarcerated: You must state your criminal record in the petition.⁸⁹ You must also state whether you are a registered sex offender and whether you “have a domestic violence, restraining order, stalking order, or no-contact order” against you.⁹⁰ There are no specific restrictions on your ability to change your name based on criminal record but the judge might consider your record when deciding your case.

PENNSYLVANIA^{91 92}

Currently incarcerated: You can ask the court to waive your requirement to appear in court if you are currently incarcerated. However, you cannot change your name while incarcerated for a felony.

Not currently incarcerated: All name change petitions will be forwarded to state police, who will check if you have a criminal record. If you have been convicted of a violent crime,⁹³ you cannot change your

⁸⁴ Okla. Stat. Ann. tit. 12, §§ 1631-1637: http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os12.rtf

⁸⁵ Oklahoma name change forms: <http://oklaw.org/files/CB59BD67-E9D4-A408-BB53-C676C85FEED2/attachments/CBB4D171-B25B-95E3-D87F-013B143AB5A3/510371Adult%20Name%20Change%20Forms%2011.2011.pdf>

⁸⁶ OAR Div. §§131 291-131-0010-291-131-0050:
http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_291/291_131.html

⁸⁷ Oregon DoC §§291-210-0010-291-210-0050:
http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_291/291_210.html

⁸⁸ OAR Div. §§291-072-0005-291-072-0010:
http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_291/291_072.html

⁸⁹ Or. Rev. Stat. Ann. § 33.420: https://www.oregonlegislature.gov/bills_laws/ors/ors033.html

⁹⁰ Oregon name change packet:
http://www.courts.oregon.gov/Multnomah/docs/FamilyCourt/NameChangePacket_ForAdults.pdf

⁹¹ NCTE guide: <http://www.transequality.org/documents/state/pennsylvania>

⁹² 54 Pa. Cons. Stat. Ann. §§ 701-705:
<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=54>

⁹³ Definition of violent crime: “murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle or criminal attempt, criminal conspiracy or criminal solicitation to commit any of

name. If you have a felony that does not include such crimes, you can only change your name if you have been pardoned, or it has been at least 2 years since the end of your sentence and you are not on parole or probation. If your name change is granted, the court will inform the Attorney General and state police.

If you have only misdemeanors, you have no particular restrictions on your ability to change your name. The Pennsylvania Institutional Law Project has a detailed guide on name changes, including a flowchart detailing whether you can change your name with a criminal record (page 4).⁹⁴

RHODE ISLAND

There is no particular restriction on your ability to change your name based on criminal record.^{95 96} A criminal background check is required.

SOUTH CAROLINA⁹⁷

Currently incarcerated: If you change your name while incarcerated, the clerk of court will inform the Department of Corrections of your name change. The Department of Corrections must change your name in their records. More research is needed to determine how you can change your name while incarcerated in SC.

Not currently incarcerated: A background check is required. Your name will also be checked on the sex offender registry and the child abuse and neglect registry. If you have a criminal record and your name change petition is granted, the court will inform the State Law Enforcement Division. If you are on the child abuse and neglect registry or the sex offender registry, the court will inform the registry of the change.

SOUTH DAKOTA⁹⁸

There are no specific restrictions on your ability to change your name based on criminal record. The forms don't ask your record.^{99 100}

TENNESSEE¹⁰¹

The name change form asks whether you have been convicted of a felony.¹⁰² If you have been convicted of first or second degree murder or were required to register as a sex offender, you cannot change your name.

the offenses listed above or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.”

⁹⁴ Pennsylvania name change guide: <http://www.pailp.org/How%20To%20Change%20Your%20Name.pdf>

⁹⁵ R.I. Gen. Laws Ann. §§ 33-22-11 & 33-22-28: <http://law.justia.com/codes/rhode-island/2016/title-33/chapter-33-22/section-33-22-28/>

⁹⁶ Rhode Island name change form: <http://sos.ri.gov/documents/probate/PC8.1.pdf>

⁹⁷ S.C. Code Ann. § 15-49-10 to § 15-49-50: <http://www.scstatehouse.gov/code/t15c049.php>

⁹⁸ S.D. Codified Laws §§ 21-37-1 to 21-37-10:

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Statute=21-37&Type=Statute

⁹⁹ South Dakota form instructions: http://uj.s.sd.gov/uploads/forms/namechange/UJS-024_Instructions_for_Change_of_Name.pdf

¹⁰⁰ South Dakota form: <http://uj.s.sd.gov/Forms/namechange.aspx>

¹⁰¹ Tenn. Code Ann. § 29-8-101 to § 29-8-105: <http://law.justia.com/codes/tennessee/2010/title-29/chapter-8/>

¹⁰² Tennessee name change form: <http://chanceryclerkandmaster.nashville.gov/wp-content/uploads/name-change-adult-DEC092015.pdf>

If you were convicted of any other felony, your petition will be assumed to be made in bad faith. Your petition will not be granted unless you prove through clear and convincing evidence that “the petition is not based upon the intent to defraud or mislead, is made in good faith, will not cause injury to an individual and will not compromise public safety.” A lawyer is recommended.

If you do not have a felony record, there are no particular restrictions on your ability to change your name based on criminal record.

TEXAS^{103 104 105}

Currently incarcerated: You cannot change your name if you are currently incarcerated for a felony. If you are currently incarcerated for a misdemeanor, more research is needed to determine how you can change your name.

Not currently incarcerated: Background checks are required and the petition form will ask whether you have been convicted of any felonies or are required to register as a sex offender. If you are a registered sex offender, you must attach a completed sex offender registration update to your petition. All petitioners must list all convictions above Class C misdemeanors, listing case number and court. If your record includes a felony, it must either be pardoned, or have been 2 years since your release from parole/probation or two years since you received a certificate of discharge from the Texas Department of Criminal Justice.

UTAH

You cannot change your name while on the sex and kidnapper registry or the child abuse offender registry.^{106 107} If you are not required to register for life, you may change your name once you are no longer on the registry. You cannot change your name if you are involved in any other court actions or proceedings, or if you are on probation or parole.¹⁰⁸ Otherwise, there are no limitations on changing your name based on criminal record.¹⁰⁹

VERMONT

The probate court will check whether you are on the sex offender registry. If you are, the probate court will not approve the name change ‘unless it finds, after permitting the department of public safety to appear, that there is a compelling purpose for doing so.’¹¹⁰ If you are not on the sex offender registry, there are no restrictions based on criminal record.

VIRGINIA¹¹¹

¹⁰³ Texas name change guide: <https://3j6g5h1ufxry3coj463pn7uw-wpengine.netdna-ssl.com/wp-content/uploads/2016-2017Family-English.pdf>

¹⁰⁴ Texas name change instructions and forms: <https://texaslawhelp.org/toolkit/i-want-change-my-name>

¹⁰⁵ Tex. Fam. Code Ann. §§45.101 to 45.106: <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.45.htm#45.103>

¹⁰⁶ Utah Civ. Code (77-41-105) https://le.utah.gov/xcode/Title77/Chapter41/77-41-S105.html?v=C77-41-S105_2017050920170509

¹⁰⁷ Utah Civ. Code (77-43-104) https://le.utah.gov/xcode/Title77/Chapter43/77-43-S105.html?v=C77-43-S105_2017050920170509

¹⁰⁸ Utah name change petition: https://www.utcourts.gov/resources/forms/namechange/docs/01_Petition_for_Name_Change.pdf

¹⁰⁹ Utah Code Ann. § 42-1-2: https://le.utah.gov/xcode/Title42/Chapter1/C42-1_1800010118000101.pdf

¹¹⁰ Vt. Stat. Ann. tit. 15, § 811 to § 817: <http://legislature.vermont.gov/statutes/chapter/15/013>

¹¹¹ Va. Code Ann. § 8.01-217: <https://vacode.org/8.01-217/>

Currently incarcerated: You are not specifically restricted from changing your name while incarcerated, but the court will not grant the name change unless the court finds there is good cause, based on the reasons stated in your petition. A lawyer is recommended. You should apply for a name change in the circuit court of the county or city in which you are incarcerated.

Not currently incarcerated: You must disclose your felony conviction record on your petition and whether you are required to register as a sex offender or an offender against minors. If you are a registered sex offender, or are currently on parole or probation, the court will not grant your petition unless the judge finds there is good cause, based on the reasons stated in your petition. A lawyer is recommended.

If you have any other felony record, relevant authorities will be informed and will have the opportunity to object to your name change. Even after your name change is granted, an attorney for the commonwealth for your jurisdiction has the ability independently declare your petition void. If this happens, you will be able to file an objection and demand a hearing.

WASHINGTON¹¹²

Currently incarcerated: You must submit a copy of your application to the Department of Corrections at least five days before the entry of order granting the name change. If the court finds that changing your name would interfere with legitimate corrections interests, they will deny your petition. However, if you can demonstrate that your name change is for legitimate cultural reasons, this will overrule the corrections interests. If your name change is granted, you must submit a copy of the order to the Department of Corrections within five days.

Not currently incarcerated: If you are currently a registered sex offender, you must submit a copy of your application to your county sheriff and the state patrol, at least five days before the entry of an order granting the name change.¹¹³ If the court finds that granting your name change would interfere with legitimate law enforcement interests, they will deny your application. However, if you can demonstrate that the name change is for legitimate cultural reasons, this will overrule the law enforcement interests. If your application is successful, you must submit a copy of the name change order to your county sheriff and the state patrol within three business days of entry of the order.

If you are not a registered sex offender, there are no particular restrictions on your ability to change your name based on criminal record.

WEST VIRGINIA

Currently incarcerated: If you are currently incarcerated for a felony, you cannot change your name. If you are currently incarcerated for a misdemeanor, more research is needed to determine if you can change your name.

Not currently incarcerated: If you are currently a registered sex offender in any state, you cannot change your name in West Virginia. If you were convicted of first degree murder or felony kidnapping,¹¹⁴ you cannot change your name until 10 years after the conclusion of your sentence (including parole).

¹¹² Wash. Rev. Code Ann. § 4.24.130: <http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.130>

¹¹³ Wash RCW 9A.44.130: <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130>

¹¹⁴ West Va. §61-2-14a. (Kidnapping definition):
<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=61&art=2§ion=14A#02>

The standard petition asks you to state that you have never been convicted of a felony in any jurisdiction.¹¹⁵ People with felonies are not barred from changing their names in West Virginia. Further research and/or the advice of a lawyer is needed to determine how to best change the language in the petition to reflect your criminal record.

WISCONSIN

You cannot change your name if you are currently required to register as a sex offender.¹¹⁶ Otherwise, you can change your name.¹¹⁷ However, if you are currently on parole, there is legal precedent for denying your petition.¹¹⁸ This is at the judge's discretion.

WYOMING

You can find instructions for changing your name here.¹¹⁹ Wyoming does not have any restrictions on name change based on criminal record.^{120 121}

¹¹⁵ West Va. name change petition: <http://www.lawv.net/Portals/0/Name%20Change-%20Petition%20Form.pdf>

¹¹⁶ Wis. Stat. Ann. § 301.47: <https://docs.legis.wisconsin.gov/statutes/statutes/301/47>

¹¹⁷ Wis. Stat. Ann. § 786.37 & Wis. Stat. Ann. § 985.07: <https://docs.legis.wisconsin.gov/statutes/statutes/786/37>

¹¹⁸ Williams v. Racine County Circuit Court, 1995: <https://www.leagle.com/decision/19951038197wis2d8411994>

¹¹⁹ Wyoming name change petition: <http://www.legalhelpwy.org/index.php/get-legal-help/self-help-2/family-law/name-changes/name-change/forms/>

¹²⁰ Wyo. Stat. Ann. §§ 1-25-101 to 1-25-104: <http://law.justia.com/codes/wyoming/2016/title-1/chapter-25/>

¹²¹ Wyoming form: [http://www.legalhelpwy.org/files/4814/4483/9552/Verified Petition for Adult Name Change- August 2015.pdf](http://www.legalhelpwy.org/files/4814/4483/9552/Verified%20Petition%20for%20Adult%20Name%20Change-%20August%202015.pdf)