


DEPARTMENT OF CORRECTION 	MANAGEMENT SERVICES DIVISION	DIRECTIVE NUMBER: 120.03.05.001 v2.0	PAGE NUMBER: 1 of 3
		SUBJECT: Offender Legal Name Change	Adopted: 04/25/00 Revised: <u>10/2/08</u>

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Board of Correction that the Department of Correction develop procedures to ensure that inmate, probationer and parolee case management files are consistently maintained in a manner which ensures appropriate confidentiality, accurate availability of file material for individual case analysis, proper maintenance and retirement; protects against unauthorized access or removal, provides access and a procedure for requests for public record.

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03.00.00. REFERENCES

Department Policy 120, Control, Maintenance, and Disposition of Case Management Files

Idaho Code Sections 20-226, 7-801 – 7-805

Malik v. Brown, 16 F.3d 330,334 (9th Cir. 1994)

04.00.00. DEFINITIONS

AKA: Also known as. Identifies offender name(s) other than the committed name.

Facility Head: The person primarily responsible for overseeing, managing, or operating a Department facility.

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Incarceration Period: The period of time from the first court order giving the Idaho Department of Correction (IDOC) custody, supervision and/or jurisdiction of an offender until that order and any over-lapping orders giving IDOC custody, supervision and/or jurisdiction are satisfied or upon death of the offender.

Legally Changed Name: The new name changed by order of the court.

Name of Record: The name under which the offender was entered into the Idaho Department of Correction (IDOC) records system at the beginning of the current incarceration period.

Offender: A person under the legal care, custody, supervision, or authority of the Board--including a person within or without the State pursuant to agreement with another state or contractor.

Official Communication: Any written or verbal communication between an offender and the department and its staff, contract staff, and volunteers; and any use of the United States Mail.

05.00.00. PROCEDURE

The legally changed name of an offender who is granted a name change by a court shall be entered into the Offender Tracking System as an AKA.

05.01.00. Application to Court for Name Change

Per Idaho Code Sections 7-801 – 7-805, an offender may apply to a court of competent jurisdiction to change his name. At least ten (10) days prior to submitting an application for a name change to the court, an offender shall submit a copy of the application to his facility head.

If the facility head opposes the name change, the facility head should immediately contact the Office of the Attorney General. The offender shall be notified if the facility head agrees or disagrees with the name change.

05.02.00. Court Order Authorizing Name Change

An offender under the jurisdiction of the department who receives an order changing his name shall submit a copy of the order to the facility head within ten days of the entry of the order. This copy shall be placed in the offender's central file. Applicable Offender Tracking System screens shall be updated to reflect the new legally changed name as an AKA.

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001. If an offender fails to meet the requirements of Idaho Code Sections 7-801 – 7-805 and this directive as noted in 05.01.00. and 05.02.00., the department may file a motion to set aside or vacate the order or modify the order.

05.03.00. Use of Committed Name in all Communications

The department shall require an offender who obtains an order changing his name to use the name under which the offender was committed to the department during all official communications and in all matters relating to the offender's incarceration or community supervision including outgoing and incoming mail. The offender may add the legally changed name after the committed name by using an AKA designation for the legally changed name.

Any offender having undergone a legal name change within his period of incarceration, and prior to the effective date of this directive, may petition the facility head to have the offender records updated to comply with this directive.

Staff shall refer to an offender by the offender's committed name in all oral and written communications.

05.04.00. Name Change to Idaho Department of Correction (IDOC) Identification Card (ID Card)

An offender may also request that his legally changed name be placed on his IDOC ID card. The offender will be required to pay the cost of supplies for updating the IDOC ID card.

Chief, Division of Management Services

Date