

Notice to Individual(s) with a Felony Conviction Who are Changing their Name as part of an Application for a Marriage License

If you are a convicted felon and choose to change your name through the Marriage License Application process, there is an additional form required to be completed before your Marriage License can be issued. Minnesota Statute 259.13 requires you to state whether you have been convicted of a felony since August 1, 2000. The statute also requires a person who has committed a felony, under any state or federal law on or after that date, to serve notice of the application for a name change on the prosecuting authority.

If the felony conviction is from Washington County, notice of the application must be served on:

Washington County Attorney
Washington County Law Enforcement Center
15015 62nd St N
Stillwater MN 55082

If the conviction is from another state or federal jurisdiction, notice of the application must also be served on:

Minnesota Attorney General
445 Minnesota St, Suite 1800
St. Paul, MN 55101

A person requesting a name change, with a felony conviction, must file proof of service with the Washington County License Center as part of the application for a marriage license. Attached is the form required for your use if you have been convicted of a felony after August 1, 2000 and wish to change your name through marriage. The prosecuting authority has 30 days from the date they are served with notice of the application to object. During this 30-day period, the License Center may not grant the marriage license with the name change. The parties seeking the marriage license have the choice of whether to have the license granted without the name change or to delay the issuance of the license during the 30-day period.

If objection to the name change is filed, the License Center may not grant the marriage license with the name change requested. The license will be issued without the name change. Or, the applicant may contest the prosecutor's objection by filing a motion and ask for a hearing. At the hearing, the applicant must prove by clear and convincing evidence that the request is not based on intent to defraud or mislead, is made in good faith, will not cause injury to a person, will not compromise public safety, or is an infringement upon a constitutional right. The parties seeking the marriage license have the choice of whether to have the license granted without the name change or to delay the issuance of the license pending the hearing if there is an objection.

County

Judicial District:	
Court File Number:	_____
Case Type:	Name Change

In the Matter of the Application of:

First Middle Last

Felon Name Change Notice

For a change of name to:

Pursuant to Minn. Stat. § 259.13

First Middle Last

TO: (Check all that apply)

Prosecuting Authority for _____

Print County and State of your conviction or print federal district if convicted under federal law.

Minnesota Attorney General (Minnesota Attorney General must also be served if conviction is federal or out of state).

1. This notice is to inform you that the applicant has applied for a change of name in the _____ County District Court by filing a: (check one)

Application for Name Change

Application for a Marriage License with Name Change

Application for Name Change Pursuant to a Marriage Dissolution

2. A copy of the application showing the present full legal name and the requested name is attached. Any correspondence concerning this application should be addressed to Court Administrator at the following address: _____

3. This Notice is served to comply with Minn. Stat. § 259.13. Any objection must be filed within 30 days of service of this notice.

Dated: _____

Signature

Name: _____

Street Address: _____

City/State/Zip: _____

Affidavit of Service (Change of Name)

STATE OF MINNESOTA

COUNTY OF _____

I, _____, being duly sworn, upon oath, state that

(Name of person who hand delivered or mailed documents)

on _____, I served the following document(s), namely:

_____ Felony Name Change Notice

_____ Marriage License Application with a Change of Name

upon (check one)

County Prosecutor and/or Minnesota Attorney General

Service was done as follows: (check all that apply)

Personal service: By handing a true and correct copy of the documents to the following person: _____

(Name of person to whom documents were hand delivered)

at _____

(Street address, city and state of person to whom documents were delivered)

Mail service: By mailing a true and correct copy of the documents in an envelope,

and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in

the City of _____, State of _____.

The envelope was addressed as follows:

That 30 days have passed since serving the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13.

Dated: _____

Signature (Signature of person who delivered/mailed the documents)

(Address of person who delivered/mailed the documents):

Sworn/affirmed before me this

Address: _____

_____ day of _____, _____.

City/State/Zip: _____

Telephone: (_____) _____

Signature of Notary Public & Stamp

259.13 PERSONS WITH FELONY CONVICTION; NAME CHANGES.

Subdivision 1. Procedure for seeking name change.

(a) A person with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority that obtained the conviction against the person when seeking a name change through one of the following procedures:

- (1) an application for a name change under section [259.10](#);
- (2) a request for a name change as part of an application for a marriage license under section [517.08](#); or
- (3) a request for a name change in conjunction with a marriage dissolution under section [518.27](#).

If the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

(b) A person who seeks a name change under section [259.10](#) or [518.27](#) shall file proof of service with the court as part of the name change request. A person who seeks a name change under section [517.08](#) shall file proof of service with the county as part of the application for a marriage license.

(c) The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section [517.08](#), which may be granted without the name change.

Subd. 2. Objection by prosecuting authority.

At any time within 30 days from the date of service of the notice of application for a name change under this section, the prosecuting authority or the attorney general may file an objection to the application for a name change. The objection may be made on the basis that the request aims to defraud or mislead, is not made in good faith, will cause injury to a person, or will compromise public safety. If an objection to the application for a name change is filed within this time period, the court may not grant the name change request, and the county may not allow the name change as part of a marriage license.

Subd. 3. Motion to grant name change request.

A person who seeks a name change may contest the prosecuting authority's or attorney general's objection by filing a motion with the court for an order permitting the requested name change. Except as provided in subdivision 4, no name change shall be granted unless the person requesting it 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 a person, and will not compromise public safety.

Subd. 4. Constitutional right to name change.

The court shall grant a name change if failure to allow it would infringe on a constitutional right of the person.

Subd. 5. Costs.

A person seeking a name change under this section may proceed in forma pauperis only when the failure to allow the name change would infringe upon a constitutional right.

Subd. 6. Criminal penalty.

A person who knowingly violates this section is guilty of a gross misdemeanor.