

Motor Vehicle Division Policy Memo # 22-02

Proof of Legal Name Change for REAL ID and CDL issuance

DATE: April 8, 2022

FROM: MVD Policy & Compliance Team

TO: All MVD staff and Iowa County Treasurers' staff that issue driver's licenses and non-operator's identification cards.

SUBJECT

This policy memo explains what to do when a customer's current legal name is different than the name on their identity document or established Iowa credential, what proof is required when a name change has occurred, and what a customer should do if they are unable to obtain the proper proof of their name change.

EXPLANATION

The federal REAL ID regulations in 6 C.F.R. §37.11(c)(2) and Iowa administrative rule 761—601.5(5) address the documentation required to prove when a customer's legal name has changed from the one listed on their identity document. The rule states that the name listed on the driver's license (DL) or nonoperator's identification card (ID) shall be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name. Acceptable documentation includes a court-ordered name change document, a certified copy of a marriage certificate, an unexpired out-of-state REAL ID credential in their current legal name, and in some cases a social security records match (referred to as a "double SSOLV check"). Also, CDL and CLP holders, even those who do not hold or seek a REAL ID, are held to certain federal standards for proving their name and identity.

In addition to situations where a customer's current legal name is different than the name on their identity document, sometimes a customer has established a name on their non-REAL ID Iowa credential (perhaps prior to the effective date of REAL ID requirements) yet they do not present or are unable to provide the chain of legal documents showing how their name was changed between their current legal name, the name listed on their identity document, and their Iowa driving record. The information below provides guidance on the various scenarios surrounding customer name changes.

Because this memo comprehensively addresses name change scenarios for both REAL ID and CDL issuance, the prior memo on this topic (PM#18-02) is rescinded.

EXAMPLE NAME CHANGE SCENARIOS

These examples explain what is required of a customer whose name does not match between their identity document, existing Iowa credential, and/or current legal name, and who is seeking to obtain or update a REAL ID or CDL/CLP.

- **"Identity document"** = unexpired U.S. passport, birth certificate, consular report of birth abroad (CBRA), unexpired permanent resident card (I-551), unexpired employment authorization document (EAD), certificate of naturalization, or certificate of citizenship
- **"Name change document"** = certified marriage certificate, court-ordered name change document, unexpired out-of-state REAL ID

Scenario 1: Customer has no Iowa credential, and their current legal name is different than the name on their identity document.

- The customer will need to present the name change document(s) linking the name on their identity document to their current legal name in order to obtain a REAL ID or a CDL.

Scenario 2: Customer seeking a REAL ID has a non-REAL ID Iowa credential, but the name on their existing Iowa credential is not their current legal name.

- The customer will need to present the name change document(s) linking the names on their existing Iowa credential to their current legal name.
- *Example 1: Customer's Iowa credential lists maiden name "Jones" and customer presents passport in married name of "Smith." Customer must also present marriage certificate documenting name change from "Jones" to "Smith."*
- *Example 2: Customer's Iowa credential lists their married name "Smith" and customer presents their birth certificate in the name of "Jones" and states they've been divorced and they now want to use their maiden name Jones. They must present a divorce decree documenting their return to their maiden name as their legal name.*

Scenario 3: Customer seeking a REAL ID has a non-REAL ID Iowa credential, but their identity document name does not match the current legal name. Their Iowa record is in their current legal name.

- The customer can either present the name change document(s) linking the name on their identity document to their current legal name on their Iowa record, or staff may perform a double SSOLV check to reconcile the identity document name and their current legal name on their Iowa record.
- *Example: Customer's Iowa credential lists married name "Smith" and they present a birth certificate with maiden name "Jones." Customer must either present marriage certificate documenting name change from "Jones" to "Smith," or staff must receive a positive SSOLV match using both the names.*

Scenario 4: A customer has an Iowa REAL ID and their current name does not match their Iowa record due to a name change that occurred following their initial REAL ID issuance.

- The customer will need to present the name change document(s), or they can provide another identity document with their current legal name, to update their REAL ID.
- *Example 1: Customer's Iowa REAL ID lists maiden name "Jones." Customer wants to change their name to their newly married name of "Smith." They can present a marriage certificate or another identity document (e.g., U.S. passport) to change their name to "Smith" on their existing REAL ID.*
- *Example 2: Customer's Iowa REAL ID lists married name "Smith." Customer wants to change their name back to their maiden name "Jones" due to recent divorce. They can present a divorce decree or another identity document (e.g., U.S. passport) to change their name on their existing REAL ID.*

Scenario 5: A customer seeking a CDL has an Iowa non-REAL ID operator's license, but the name on their license is not their current legal name.

- The customer will need to present the name change document(s) linking the names on their identity document to their current legal name on their Iowa credential in order to obtain their CDL, or staff may use a double SSOLV check to reconcile the name differences. However, if the customer wants a REAL ID, a double SSOLV check cannot be used (see scenario 2).
- *Example 1: Customer's Iowa credential lists last name "Thompson" but customer presents birth certificate in the name of "Jones." They have always gone by the last name Thompson, which was their stepfather's last name, and never knew their birth certificate actually listed Jones. The customer must obtain a court name change document showing the name change from Jones to Thompson. Or, if they are not seeking a REAL ID at the same time, staff may use a double SSOLV check.*

- *Example 2: Customer's Iowa license lists their married name "Smith" and customer presents their birth certificate in the name of "Jones" stating that they've been divorced and now use their maiden name. They must obtain a divorce decree or other court-ordered name change document to use the maiden name "Jones" on their CDL. Or, if they are not seeking a REAL ID at the same time, staff may use a double SSOLV check.*

Scenario 6: A customer seeking a CDL has an Iowa non-REAL ID operator's license, but their identity document name does not match their current legal name. Their operator's license already lists their current legal name.

- The customer can either present the name change document(s) linking the name on their identity document to the legal name on their Iowa record, or staff may perform a double SSOLV check to reconcile the name changes. Since the Iowa record already lists their current legal name, this customer may obtain a REAL ID as well.
- *Example 1: Customer's Iowa credential lists their adopted name "Jones" and customer presents a birth certificate in their birth name of "Smith." Customer must present an amended birth certificate with the last name "Jones," or a court order of adoption showing the name change from "Smith" to "Jones," or we may perform a double SSOLV check.*
- *Example 2: Customer's Iowa credential lists married name "Smith" and they present a birth certificate with maiden name "Jones." Customer must either present marriage certificate documenting name change from "Jones" to "Smith," or staff may perform a double SSOLV check.*

Scenario 7: Customer has an Iowa CDL, and their current name does not match their Iowa record due to a name change that occurred following their initial CDL issuance.

- The customer will need to present a name change document(s), or another identity document with their current legal name, to update the name on their CDL.
- *Example: Customer's Iowa REAL ID lists maiden name "Jones." Customer wants to change their name to their newly married name of "Smith." They must present a marriage certificate or another identity document (e.g., U.S. passport) to change their name to "Smith" on their existing CDL.*

LINKS TO FEDERAL REGULATIONS AND STATE ADMINISTRATIVE RULES

- Federal REAL ID regulations: https://www.ecfr.gov/cgi-bin/text-idx?SID=26fe3f4c7e070f76e3befc6517eae83c&mc=true&node=se6.1.37_111&rgn=div8
- Iowa administrative rules: <https://www.legis.iowa.gov/docs/iac/rule/11-08-2017.761.601.5.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

WHAT STEPS ARE INVOLVED IN OBTAINING A COURT-ORDERED NAME CHANGE?

A court-ordered name change may be accomplished through a divorce decree, an adoption decree, or a petition for name change. The following link provides information for a customer who is interested in pursuing a petition for name change: <https://www.iowacourts.gov/for-the-public/representing-yourself/name-change/>

WHAT IF THE CUSTOMER HAS ESTABLISHED A LEGAL NAME THAT DOES NOT MATCH THE NAME ON THEIR IDENTITY DOCUMENT, AND THEY WANT TO GO BACK TO USING THE NAME ON THEIR IDENTITY DOCUMENT?

Since REAL ID requires customers to provide the chain of legal documentation showing how the customer's name on their birth certificate changed to their current legal name, we must also require the customer to provide the legal chain of documents showing how their established legal name changed back to the name listed on their identity document.

One example of this would be a customer who changed her legal name when she was married, and then later divorced, and in the divorce decree, she returned to her maiden name, which matches the name listed on her birth certificate. The customer is not able to simply go back to using her maiden name by presenting her birth certificate and nothing else. The divorce decree or other legal name change document is still required to show documentation of the legal name change back to the name on her identity document.

WHAT IF THE CUSTOMER HAS CHANGED HIS OR HER NAME SEVERAL TIMES?

Because REAL ID regulations require the customer to provide the chain of legal documentation showing how the customer's name on their birth certificate changed to their current legal name, the customer must provide the legal chain of documents linking each of the name changes that occurred. In that situation, the customer might need to provide each marriage certificate and each divorce decree showing how the name was changed. There may be situations where all of the customer's name changes are reflected in the marriage certificate(s) if that document includes a "name before marriage" box and/or a "maiden name" box. In that situation, the customer may not need to provide all of the marriage certificates as long as you can follow the complete name change history documented on the marriage certificate(s).

Or, if the customer has an existing Iowa credential in their current legal name, we can issue a REAL ID upon presentation of an identity document and a double SSOLV check of the name on their identity document and their current legal name on their Iowa credential.

WHY ARE WE ALLOWED TO ACCEPT AN UNEXPIRED OUT-OF-STATE REAL ID FOR PROOF OF LEGAL NAME?

Both Iowa REAL ID administrative rules and federal REAL ID regulations have long held that a REAL ID issued by another jurisdiction is acceptable as a "source document" to prove identity (including legal name) and date of birth. However, an out-of-state REAL ID does not have the same effect as producing a birth certificate in terms of proving lawful status. Thus, since the out-of-state REAL ID establishes legal name and date of birth but cannot count as lawful status, it basically serves only as proof of legal name in lieu of a marriage certificate or court document, since the applicant then must provide another source document (i.e., birth certificate) as their proof of lawful status. The advantage to the customer in this case, then, is that the birth certificate (or other source document) which is serving as proof of lawful status does not need to list the customer's current legal name, since the out-of-state REAL ID establishes their current legal name. You should be able to reasonably link the two documents (i.e., birth certificate and out-of-state REAL ID) through information on the documents such as the date of birth and first/middle name. As always, if you have any questions about the validity of the document, you can request additional information to verify the customer's identity.

WHAT IF A CUSTOMER ALREADY HAS A REAL ID, AND WE FIND OUT THEY UNDERWENT A PRIOR NAME CHANGE, AND THEY ARE NOW SEEKING TO UPDATE THE NAME ON THEIR REAL ID?

This might occur if a customer obtains their initial REAL ID by presentation of an identity document that is not a birth-related document such as a birth certificate or CBRA, or if the customer was simply issued a REAL ID using their birth certificate and did not give us any indication that they were ever married. If

this happens, the customer must provide us with all legal name change documents that would link their name on their identity document and their REAL ID with their current legal name in order to maintain their REAL ID.

For example: A customer presents us with a birth certificate under one name, and they are issued a REAL ID. Later, the customer wants to change the name on their REAL ID by presenting a marriage certificate showing they had been married prior to this second marriage, meaning there is a name change that we do not have documented. The customer must present documentation of the name change from their birth name to their first married name in order to obtain a REAL ID under their second married name.

WHAT IF A CUSTOMER WANTS TO CHANGE THEIR FIRST OR MIDDLE NAME USING A MARRIAGE CERTIFICATE?

Iowa law stipulates that the name on a person's marriage certificate is their legal name when the marriage certificate contains a "name after marriage" line. However, some older Iowa marriage certificates or out-of-state marriage certificates do not contain a "name after marriage" line. In these cases, as long as the name the customer wants to use is a reasonable derivation of the customer's maiden name and the spouse's name on the marriage certificate, this is acceptable, even if it is a combination of middle and last names. If there is a "name after marriage" line, that is the legal name the customer must use unless they provide proof of a subsequent legal name change.

For example: A customer's birth certificate shows "Mary Ann Jones" and she brings in a marriage certificate with a spouse's last name "Smith." If the marriage certificate doesn't dictate the name after marriage, this customer could choose any reasonable combinations of these names, such as "Mary Ann Jones-Smith," "Mary Ann Jones Smith," or "Mary Jones Smith." Any subsequent legal name change will require official documentation.

WHY CAN A CUSTOMER WITH AN EXISTING REAL ID USE A NEW IDENTITY DOCUMENT TO CHANGE THEIR NAME, WHEN A CUSTOMER WITH AN EXISTING NON-REAL ID CREDENTIAL MUST PROVIDE A LEGAL NAME CHANGE DOCUMENT?

Customers with existing REAL IDs have already been vetted with REAL ID standards and have established their identity, name, sex, date of birth, and lawful status. Although the traditional identity documents (i.e. U.S. Passport or EAD) are not typically considered legal name change documents, they are an acceptable initial proof of identity. Provided all of the existing information we have on a customer's REAL ID record matches the new proof of identity documents a customer presents, we can use the newly presented identity document to establish an existing REAL ID holder's legal name, because we are essentially replacing one proof of identity on file (birth certificate) with another acceptable identity proof (passport) to establish a legal name. Non-REAL ID holders must provide more thorough documentation because they have not yet been vetted through REAL ID standards.

For example: if an applicant gets their initial REAL ID by presenting a birth certificate with the last name Jones, then later comes in to update their REAL ID name because they got married and their new name is "Smith," it is acceptable that they present an unexpired U.S. passport with the last name of "Smith" instead of presenting a marriage certificate like we would usually expect and require if they did not already have a REAL ID.

WHAT IF THE CUSTOMER DOES NOT HAVE THE LEGAL CHAIN OF DOCUMENTS NECESSARY TO PROVE THEIR NAME CHANGE?

There are situations where a customer may not have all of the documents necessary to prove their name change. It is important to determine whether the customer does not wish to obtain the documents because the process may be viewed as a hassle or because of the expense, versus a customer who is not able to obtain the necessary documentation due a circumstance beyond their control. One example of this is a customer who cannot obtain a vital record because the state where the event occurred (birth or marriage) has issued them a certificate of “failure to find” the requested record for some reason. In the situation where the customer is unable to supply the name change document due to circumstances beyond their control, you will need to refer the case situation to your supervisor who will consult with the Bureau Director to determine next steps, which may include a request for a REAL ID exception (previously called a “waiver”).

WHEN CAN WE USE SSOLV TO CONFIRM LEGAL NAME CHANGE?

With these new administrative rules, we are now authorized to rely on a positive SSOLV match instead of requiring the trail of legal name change documents, if all of the following are true:

- The customer’s current legal name is name already on their non-REAL ID Iowa credential
- We complete a manual SSOLV check on both the identity document name and the current legal name, and we receive a match on the customer’s name, SSN, and date of birth both times
- The customer’s most recent card was issued in Iowa (even if expired), and they have not held an out-of-state credential since their last Iowa issuance.

Regardless of how many name changes have occurred in between the name on a customer’s identity document and their current legal name, if SSOLV matches on both the name on their identity document and their current legal name, we can issue a REAL ID. Importantly, once a person is issued a REAL ID under one name, any subsequent name changes need to be documented through the normal legal name change documents (marriage certificate, court order, etc).

HOW DO I PERFORM A DOUBLE SSOLV CHECK TO CONFIRM AN EXISTING CARDHOLDER’S LEGAL NAME?

Below are the instructions for performing a manual double SSOLV check to confirm an existing cardholder’s current legal name and the name on their primary identity document. Additional instructions (including screenshots) are found in the ARTS examiner’s manual.

1. Open **License Management**
2. The eligibility tab shows the status of the automatic SSOLV check in the right middle of the page under **External Verification Status**, but to run the SSOLV check manually, open the AAMVA screen by clicking the **AAMVA** button directly underneath the External Verification status.
3. Once you open AAMVA, it will open the PDPS tab. You will need to click on the **External Verification** tab to run SSOLV.
4. Once on the External Verification tab, verify the name and social security number provided by the customer and click **search**.
5. The results box should read SSN, Name and DOB Verified.
6. Complete these steps again with the second name. If the second name (and the date of birth and SSN) is also verified under the “results” box, we can issue.

NOTE: You do not need to store any extra documentation in the customer’s file noting that we used SSOLV to confirm the legal name change. If it is ever needed for auditing purposes, we maintain record of every SSOLV check run in ARTS that IT can pull to prove that we confirmed both names in SSOLV.