

§ 13-15-101. Petition - proceedings - applicability

(1)

(a)

(I) Every person desiring to change his or her name may present a petition to that effect, verified by affidavit, to the district or county court in the county of the petitioner's residence, except as otherwise provided in paragraph (a.5) of this subsection (1). The petition shall include:

(A) The petitioner's full name;

(B) The new name desired; and

(C) A concise statement of the reason for the name change.

(II) If the petitioner is over fourteen years of age, the petition shall also include the results of a certified, fingerprint-based criminal history record check conducted pursuant to paragraph (c) of this subsection (1) within ninety days prior to the date of the filing of the petition.

(III) If the petitioner is under nineteen years of age, the petition shall also include the caption of any proceeding in which a court has ordered child support, allocation of parental responsibilities, or parenting time regarding the petitioner.

(a.5) If the petitioner is under nineteen years of age and is the subject of an action concerning child support, allocation of parental responsibilities, or parenting time, then the petition for name change shall be filed in the court having jurisdiction over the action concerning child support, allocation of parental responsibilities, or parenting time.

(b) The fingerprint-based criminal history check shall include arrests, conviction records, any criminal dispositions reflected in the Colorado bureau of investigation and federal bureau of investigation records, and fingerprint processing by the federal bureau of investigation and the Colorado bureau of investigation. The petitioner shall be responsible for providing certified copies of any criminal dispositions that are not reflected in the Colorado bureau of investigation or federal bureau of investigation records and any other dispositions which are unknown.

(c) The petitioner shall be responsible for supplying fingerprints to the Colorado bureau of investigation and to the federal bureau of investigation and for obtaining the fingerprint-based criminal history record checks. The petitioner shall also be responsible for the cost of such checks.

(1.5) Unless the petitioner has shown good cause why the publication provisions of section 13-15-102 should not apply, the court shall order the petitioner to publish notice as provided in section 13-15-102 and file proof of the publication with the court.

(2)

(a) Upon receipt of proof of publication or upon an order of the court stating that publication is not required, the court, except as otherwise provided in paragraphs (b) and (c) of this subsection (2), shall order the name change to be made and spread upon the records of the court in proper form if the court is satisfied that the desired change would be proper and not detrimental to the interests of any other person.

(b) The court shall not grant a petition for a name change if the court finds the petitioner was previously convicted of a felony or adjudicated a juvenile delinquent for an offense that would constitute a felony if committed by an adult in this state or any other state or under federal law. If the certified, fingerprint-based criminal history check filed with the petition reflects a criminal charge for which there is no disposition shown, the court may grant the name change after affirmation in open court by the petitioner, or submission of a signed affidavit by the petitioner, stating he or she has not been convicted of a felony in this state or any other state or under federal law.

(c) (Deleted by amendment, L. 2005, p. 20, §1, effective February 23, 2005.)

(3) Notwithstanding the provisions of paragraph (b) of subsection (2) of this section, the court may grant a petition for a change of name of a petitioner who was previously convicted of a felony in this state or any other state or adjudicated a juvenile delinquent for an offense that would constitute a felony if committed by an adult in this state or any other state or under federal law if the court finds that the petitioner must have a legal name change in order to be issued in that name a driver's license or identification card from the department of revenue and if all of the following requirements are met:

(a) The petitioner meets all of the requirements of subsections (1) and (1.5) of this section and paragraph (a) of subsection (2) of this section;

(b) The proposed name change is to a name under which the petitioner was convicted or adjudicated; except that, for good cause, the court may allow a change to a name other than a name under which the petitioner was convicted or adjudicated;

(c) Prior to filing the petition, the name change applicant:

(I)

(A) Submits his or her fingerprints to the Colorado bureau of investigation and the federal bureau of investigation for purposes of obtaining a fingerprint-based criminal history records check along with a written request to add his or her proposed name as an alias to the name change applicant's criminal history record.

(B) The Colorado bureau of investigation is authorized to add an alias to a name change applicant's criminal history record upon request.

(II)

(A) Notifies the district attorney's office in any district in which the applicant was convicted of a felony that he or she is requesting a name change pursuant to this subsection (3).

(B) If the district attorney's office has a record of any victim of the applicant's crime, the district attorney's office shall send notice of the proposed name change to the victim.

(III) If, at the time the petition is filed, the applicant is in custody of the department of corrections, under an order for probation or community corrections, or incarcerated in a county jail, the applicant provides written notice to the supervising agency that he or she is requesting a change of name under this section; and

(IV) Provides the court with a copy of his or her criminal history record from both the Colorado bureau of investigation and the federal bureau of investigation and the criminal history report from the Colorado bureau of investigation reflects the addition of the proposed changed name as an alias; and

(d) The court finds that:

(I) The name change is not for the purpose of fraud, to avoid the consequences of a criminal conviction, or to facilitate a criminal activity; and

(II) The desired name change would be proper and not detrimental to the interests of any other person.

(4) The department of revenue shall not issue a driver's license or an identification card in the new name of a name change applicant unless the

name change applicant submits a court order changing the applicant's name pursuant to this section.

(5)

(a) If a petitioner is seeking a name change to harmonize name discrepancies necessary to be issued an identification card, the petitioner:

(I) If the petitioner attempted to obtain a fingerprint-based criminal history record check and results were inconclusive or unreadable, may submit, in lieu of a fingerprint-based criminal history record check, a name-based criminal history record check with all previously used names using the records of both the federal and Colorado bureaus of investigation and an attestation under penalty of perjury that the petitioner has not been convicted of a felony; and

(II) Need not publish the name change under section 13-15-102.

(b) To qualify for the simplified name change process in this subsection (5), the petitioner must:

(I) Sign an affidavit that the purpose of the name change is to obtain an identification card issued by the department of revenue and that the desired name change would be proper and not detrimental to the interests of any other person; and

(II) Be at least seventy years of age.

(6) The provisions of this section do not apply to a motion filed pursuant to section 14-10-120.2, C.R.S., requesting restoration of a prior full name after entry of a decree of dissolution or legal separation.

(Amended by 2016 Ch. 55, §2, eff. 9/1/2016. Amended by 2014 Ch. 306, §3, eff. 8/6/2014. G.L. § 1850. G.S. § 2452. R.S. 08: § 4348. C.L. § 6484. CSA: C. 30, § 1. CRS 53: § 19-1-1. C.R.S. 1963: § 20-1-1. L. 65: p. 425, § 1. L. 87: Entire section amended, p. 1576, § 15, effective July 10. L. 2002: Entire section amended, p. 1141, § 1, effective June 3. L. 2004: (1)(a) and (1)(c) amended, p. 75, § 2, effective September 1; (1)(a) and (2) amended and (1,5) added, p. 119, § 1, effective September 1. L. 2005: (1)(a) and (2)(c) amended and (1)(a.5) added, p. 20, § 1, effective February 23. L. 2010: (3) and (4) added, (SB 10-006), ch. 341, p. 1579, §5, effective June 5. L. 2014: (5) added, (SB 14-087), ch. 306, p. 1298, § 3, effective August 6. L. 2016: (6) added, (HB 16-1085), ch. 55, p. 134, § 2, effective September 1.)

Amendments to subsection (1)(a) by House Bill 04-1052 and House Bill 04-1195 were harmonized.

ANNOTATION

At common law a person could adopt another name at will. In re Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975).

Statutes setting forth procedures to be followed in changing a name merely provide an additional method beyond the common law for making the change. In re Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975); In re Nguyen, 684 P.2d 258 (Colo. App. 1983), cert. denied, 469 U.S. 1108, 105 S. Ct. 785, 83 L. Ed. 2d 779 (1985).

Trial court has the power, founded in common law, to order a change of name of a minor child in a dissolution of marriage action but court should consider those factors applicable to a statutory name change in determining whether to grant a parent's request. In re Nguyen, 684 P.2d 258 (Colo. App. 1983), cert. denied, 469 U.S. 1108, 105 S. Ct. 785, 83 L. Ed. 2d 779 (1985).

Statutory change encouraged. It is more advantageous to the state to have a statutory method of changing names followed, and for that reason applications under the statute should be encouraged, and generally should be granted unless made for a wrongful or fraudulent purpose. In re Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975).

Basis for denial. While a court has wide discretion in matters of a name change, it should not deny the application for a change of name as being improper unless special circumstances or facts are found to exist. Included in these would be unworthy motive, the possibility of fraud on the public, the choice of a name that is bizarre, unduly lengthy, ridiculous, or offensive to common decency and good taste, or if the interests of a wife or child of the applicant would be adversely affected thereby. In re Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975).

Hearing prior to denial. Before a court denies a request for a change of name under the statute, it should conduct an evidentiary hearing to determine if good and sufficient cause exists to deny the application. In re Knight, 36 Colo. App. 187, 537 P.2d 1085 (1975).

When a child was given the noncustodial parent's surname prior to the dissolution of the parent's marriage, the noncustodial parent has a continuing interest in the minor child's use of that surname. Hamman v. County Court, 753 P.2d 743 (Colo. 1988).

But, the noncustodial parent does not necessarily have the power to prevent a name change merely by making known his objections. *Hamman v. County Court*, 753 P.2d 743 (Colo. 1988).

Notice requirement. Noncustodial parent, as an interested party, is entitled to reasonable notice of the filing of a petition requesting name change by the custodial parent. *Hamman v. County Court*, 753 P.2d 743 (Colo. 1988).

Such notice should be reasonably calculated to notify the noncustodial parent of the pending action in a time and manner which allows participation in the proceeding if the noncustodial parent wishes. *Hamman v. County Court*, 753 P.2d 743 (Colo. 1988).

For the legislative declaration in the 2010 act adding subsections (3) and (4), see section 1 of chapter 341, Session Laws of Colorado 2010.

§ 13-15-102. Publication of change

(1) Public notice of a change of name shall be given at least three times within twenty-one days after the court orders publication pursuant to section 13-15-101 (1.5). The person changing his or her name shall cause such public notice to be given in a newspaper published in the county in which the person resides. If no newspaper is published in that county, such notice shall be published in a newspaper in such county as the court directs.

(2) Public notice of such name change through publication as required in subsection (1) of this section shall not be required if the petitioner has been:

(a) The victim of a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3(1), C.R.S.;

(b) The victim of child abuse, as defined in section 18-6-401, C.R.S.; or

(c) The victim of domestic abuse as that term is defined in section 13-14-101(2).

(3) A petitioner need not give public notice of a name change as required by subsection (1) of this section if the petitioner qualifies for the simplified process under section 13-15-101(5).

(4) A petitioner need not give public notice of a name change as required by subsection (1) of this section if the petitioner is changing the petitioner's name to conform with the petitioner's gender identity.

(Amended by 2019 Ch. 377, §6, eff. 1/1/2020. Amended by 2014 Ch. 306, §4, eff. 8/6/2014. G.L. § 1851. G.S. § 2453. R.S. 08: § 4349. C.L. § 6485. CSA: C. 30, § 2. CRS 53: § 19-1-2. C.R.S. 1963: § 20-1-2. L. 99: Entire section amended, p. 1178, § 4, effective June 2. L. 2004: (2)(c) amended, p. 554, § 7, effective July 1; (1) amended, p. 120, § 2, effective September 1. L. 2005: (1) amended, p. 21, § 2, effective February 23. L. 2014: (3) added, (SB 14-087), ch. 306, p. 1298, § 4, effective August 6.)

For the number of publications required, see §24-70-106.