

## NAME CHANGE IN A COLORADO DIVORCE

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Under Colorado common law, the courts will permit the parties in a divorce to have their prior name restored upon issuance of the Decree. If one party desires to have a prior name restored, they must indicate this on the following forms:

- Petition (*jdf-1101*), and
- Decree (*jdf-1116*), and
- Affidavit for Decree without Appearance of the Parties (*jdf-2101*) (*if applicable*).

If the party desiring restoration of the previous name is the Respondent, he or she should file a signed and notarized Response requesting the name change. You will only be permitted to return to a previous name, such as a prior married name, or maiden name. Changing to an entirely new name must be done through a separate name-change petition (see CRS §13-15-101 (*Change of Name*)).

Changing one's name is a very personal decision. If you choose to keep your married name, you can still change it later through a standard name-change proceeding. But in the post 9-11 environment, Colorado now requires complete criminal records checks, including fingerprints, and other paper proofs as part of standard name-change proceedings. It could be much simpler to change your name as part of the divorce, if you are ready to make that decision.

Obtain certified copies of your divorce decree as proof of name change to use on your identification and personal records. For instructions on how to change your name, see the following websites:

**Social Security:** <http://www.socialsecurity.gov/ssnumber/>  
**Colorado Drivers License:** [http://www.revenue.state.co.us/MV\\_dir/wrap.asp?incl=Faqdrli](http://www.revenue.state.co.us/MV_dir/wrap.asp?incl=Faqdrli)  
**Passport:** [http://travel.state.gov/passport/fri/ChangeName/ChangeName\\_851.html](http://travel.state.gov/passport/fri/ChangeName/ChangeName_851.html)  
**IRS:** <http://www.irs.gov/pub/irs-pdf/fss5.pdf> (*new Social Security Card*)

Any number of issues can complicate a name change: taxes, credit reports, ownership of a business, etc. To change your name for consumer credit accounts, contact each business and agency (preferably in writing) to have your name and address information updated.

Colorado law provides broad authority for the courts to order a name change for a child within the context of a dissolution proceeding, if it is in the child's best interests. Factors the court should consider in a request for a name change for a child in a dissolution include:

- 1) All of the factors for a standard name-change listed in CRS §13-15-101 et seq. (*Change of Name*)
- 2) Length of time the child has used the surname
- 3) The potential impact of the requested name on the child's relationship with each parent
- 4) The child's preference
- 5) Any misconduct by a parent which would justify a name change
- 6) The identification of the child as a part of the family unit
- 7) The embarrassment, discomfort or inconvenience that may result if the child's name differs from the custodial parent
- 8) The possibility that a different name may cause insecurity or lack of identity
- 9) Whether a requested name change is in the best interests of a minor child

*CRS §19-4-116(3); Hamman v. County Court, 753 P.2d 743, (Colo. 1988) en banc ; D.K.W. V. J.L.B., 807 P.2d 1222, (Colo. App. 1990)*

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