

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0190.01 Brita Darling x2241

HOUSE BILL 16-1085

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A BILL FOR AN ACT

101 CONCERNING SIMPLIFYING THE PROCESS FOR RETURNING TO A PRIOR
102 NAME AFTER A DECREE OF DISSOLUTION OR LEGAL SEPARATION
103 HAS BEEN ENTERED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Under current law, a party to a divorce or legal separation may request in the petition that his or her prior name be restored as part of the decree of dissolution or legal separation. This process to restore a prior name does not involve a background check or publication of the name. However, if the party does not change his or her name at the time the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

decree of dissolution or legal separation is entered, he or she must follow the procedures for a name change under civil law that include a fingerprint-based background check and publication of the name.

Subject to certain conditions, the bill permits a party to a dissolution or legal separation action to request the restoration of his or her prior full name by filing a motion in the court that granted the divorce or legal separation. The ex-parte motion does not require notice to the other party to the divorce or legal separation. The bill includes the requirements for filing the motion and the conditions under which the court must grant the motion.

The bill also clarifies that the provisions of the adult name change statute do not apply to a party to a dissolution or legal separation action who requests restoration of a prior name pursuant to the new statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 14-10-120.2 as
3 follows:

4 **14-10-120.2. Ex-parte request for restoration of prior name of**
5 **party.** (1) PURSUANT TO THE PROVISIONS OF THIS SECTION, AT ANY TIME
6 AFTER THE ENTRY OF A DECREE OF DISSOLUTION OR LEGAL SEPARATION,
7 A PARTY TO THE ACTION MAY REQUEST RESTORATION OF A PRIOR FULL
8 NAME.

9 (2) THE REQUESTING PARTY MUST FILE A VERIFIED MOTION AND
10 AFFIDAVIT UNDER THE SAME CASE NUMBER IN THE DISTRICT COURT IN
11 WHICH THE DECREE OF DISSOLUTION OR LEGAL SEPARATION WAS ENTERED.
12 THE REQUESTING PARTY'S MOTION AND AFFIDAVIT MUST INCLUDE:

13 (a) THE CAPTION AND CASE NUMBER FOR THE ACTION IN WHICH
14 THE DECREE OF DISSOLUTION OR LEGAL SEPARATION WAS ENTERED; AND

15 (b) THE REQUESTING PARTY'S SWORN STATEMENT THAT THE
16 RESTORATION OF A PRIOR FULL NAME IS NOT DETRIMENTAL TO ANY
17 PERSON.

18 (3) THE COURT SHALL ENTER AN ORDER RESTORING THE

1 REQUESTING PARTY'S NAME IF THE COURT DETERMINES THAT:

2 (a) THE COURT ENTERED A DECREE OF DISSOLUTION OR LEGAL
3 SEPARATION IN AN ACTION CONCERNING THE REQUESTING PARTY; AND

4 (b) THE REQUEST TO RESTORE A PRIOR FULL NAME IS NOT
5 DETRIMENTAL TO ANY PERSON.

6 (4) THE ORDER RESTORING A PRIOR FULL NAME OF THE PARTY
7 DOES NOT AFFECT ANY PARTY'S RIGHTS OR OBLIGATIONS PURSUANT TO
8 THE DECREE OF DISSOLUTION OR LEGAL SEPARATION ENTERED IN THE
9 ACTION.

10 **SECTION 2.** In Colorado Revised Statutes, 13-15-101, **add** (6)
11 as follows:

12 **13-15-101. Petition - proceedings.** (6) THE PROVISIONS OF THIS
13 SECTION DO NOT APPLY TO A MOTION FILED PURSUANT TO SECTION
14 14-10-120.2, C.R.S., REQUESTING RESTORATION OF A PRIOR FULL NAME
15 AFTER ENTRY OF A DECREE OF DISSOLUTION OR LEGAL SEPARATION.

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect September 1, 2016; except that, if a referendum petition is
18 filed pursuant to section 1 (3) of article V of the state constitution against
19 this act or an item, section, or part of this act within the ninety-day period
20 after final adjournment of the general assembly, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2016 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor.