



**Colorado  
Legislative  
Council  
Staff**

**HB16-1085**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0190  
**Prime Sponsor(s):** Rep. Thurlow  
Sen. Tate

**Date:** January 20, 2016  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** SIMPLIFIED NAME CHANGE AFTER DIVORCE

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b>	<b>(&lt;\$5,000)</b>	<b>(&lt;\$5,000)</b>
Cash Funds	(<\$5,000)	(<\$5,000)
<b>State Expenditures</b>	Minimal workload increase.	
<b>TABOR Impact</b>	(<\$5,000)	(<\$5,000)
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal state revenue decrease and minimal workload increase.		

**Summary of Legislation**

The bill simplifies the process for a person to restore a prior name after a divorce or legal separation has been finalized if he or she did not initially request such a name change during the divorce or separation proceedings. Specifically, the bill eliminates the need for a background check for persons requesting a post-decree restoration of a prior name. When evaluating a motion to restore a prior name through this process, the court must determine that restoring the prior name is not detrimental to any person.

**Background**

Under current law, persons currently involved in a divorce or separation proceeding may request restoration of a prior name as part of those proceedings without undergoing a background check or publication of the name change. For other name change petitions submitted to the court, a background check is required so that the court can ensure that the name change is not for the purposes of fraud, to avoid the consequences of a prior criminal conviction, or to facilitate future criminal activity.

**State Revenue**

To the extent the bill reduces the number of background checks performed, cash fund revenue to the Department of Public Safety is reduced. However, the fiscal note projects that any impact will be minimal (<\$5,000). Currently, there are 1,800 background checks for individuals

seeking a name change each year. It is assumed that only a small portion of these involve persons restoring a prior name after a divorce or legal separation. The fee for a background check is \$39.50, with \$22.25 going to the Department of Public Safety and \$17.25 passed through to the federal government. Therefore, given the minimal reduction in background checks expected, it is assumed that revenue to the Department of Public Safety will be reduced by less than \$5,000 per year.

### **TABOR Impact**

This bill reduces state cash fund revenue from fees, which will reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

### **State Expenditures**

The bill increases workload for the trial courts in the Judicial Department by a minimal amount. At the same time, the Department of Public Safety may have a small reduction in workload and costs. Overall, the fiscal note assumes a minimal net increase in workload. These changes are discussed below.

***Trial courts.*** Under the bill, the courts will be required to handle a new type of motion in divorce and separation cases after a final decree has already been entered. On one hand, the new name restoration option may decrease workload slightly if it diverts people from the more complicated name change process required outside of divorce proceedings. On the other hand, many people who do not change their names during the initial divorce proceedings will also not choose to request a name change later since it currently requires petitioning the court and a background check. This bill may encourage them to seek a restoration of a prior name when they would not have otherwise done so. On net, the fiscal note estimates an increase in workload; however, this work can be accomplished within existing appropriations to the Judicial Department.

***Background checks.*** By reducing the number of background checks likely to be requested, the Department of Public Safety will have a minimal reduction in workload and costs. For each background check that does not occur with this reduction, staff time will be saved at the Department of Public safety and the cost to pay the federal government for conducting the FBI background check is reduced. Given the small magnitude of the change, no adjustment in appropriations is required at this time.

### **Effective Date**

The bill takes effect September 1, 2016, assuming no referendum petition is filed.

### **State and Local Government Contacts**

Judicial            Public Safety