

CHAPTER 37

COURTS

HOUSE BILL 04-1052

BY REPRESENTATIVE(S) Judd, Boyd, Butcher, Carroll, Frangas, McFadyen, McGihon, Merrifield, Paccione, Romanoff, and Williams S.;
also SENATOR(S) Dyer, and Grossman.

AN ACT**CONCERNING CHANGES TO THE NAME-CHANGE STATUTE.**

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

SECTION 1. 13-15-101 (1) (a) and (2), Colorado Revised Statutes, are amended, and the said 13-15-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

13-15-101. Petition - proceedings. (1) (a) 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. The petition shall include the petitioner's full name, the new name desired, FOR PERSONS UNDER NINETEEN YEARS OF AGE, THE CAPTION OF ANY PROCEEDING IN WHICH A COLORADO COURT HAS ORDERED CHILD SUPPORT, ALLOCATION OF PARENTAL RESPONSIBILITIES, OR PARENTING TIME REGARDING THAT PERSON, ~~and~~, for persons fourteen years of age or older, the results of a certified, fingerprint-based criminal history check, and a concise statement of the reason for the desired name change.

(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.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) ~~except that~~ 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) A COURT SHALL NOT GRANT A PETITION FOR A NAME CHANGE IF THE COURT FINDS THE PETITIONER IS UNDER THE AGE OF NINETEEN YEARS AND IS THE SUBJECT OF AN ACTION CONCERNING CHILD SUPPORT, ALLOCATION OF PARENTAL RESPONSIBILITIES, OR PARENTING TIME, UNLESS THE COURT CONSIDERING THE PETITION FOR A NAME CHANGE HAS JURISDICTION OVER THE ACTION CONCERNING CHILD SUPPORT, ALLOCATION OF PARENTAL RESPONSIBILITIES, OR PARENTING TIME.

SECTION 2. 13-15-102 (1), Colorado Revised Statutes, is amended to read:

13-15-102. Publication of change. (1) Public notice of such change of name shall be given at least three times in a newspaper published in the county where such person is residing within twenty days after the ~~order of the court is made~~ COURT ORDERS PUBLICATION PURSUANT TO SECTION 13-15-101 (1.5). ~~and~~ If no newspaper is published in that county, such notice shall be published in a newspaper in such county as the court directs.

SECTION 3. Effective date - applicability. (1) This act shall take effect September 1, 2004.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to petitions for name change filed on or after the applicable effective date of this act.

Approved: March 17, 2004