

NAME CHANGES FOR MINORS IN COLORADO



What are the legal requirements?

The parent(s) or guardian of the child must file a petition for name change with the district or county court in the county of the minor's residence. The petition must include the present name, the new name desired, and the reason for the change. *Colorado Revised Statutes* § 13-15-101 (1)(a)(I). If the minor is over 14 years old, the petition must also include a criminal history record check from the Colorado Bureau of Investigation and Federal Bureau of Investigation. *Colorado Revised Statutes* § 13-15-101 (1)(a)(II).

Where should I file and what forms should I use?

File the Petition at your county court or district court:

<https://www.courts.state.co.us/Courts/County/Choose.cfm> or

<https://www.courts.state.co.us/Courts/District/Choose.cfm>

You can find the following forms for name change of a minor at

https://www.courts.state.co.us/Self_Help/namechange/

- Petition for Change of Name of Minor Child
- Notice to Non-Custodial Parent
- Consent of Non-Custodial Parent
- Request to Publish Notice to Non-Custodial
- Parent of Change of Minor's Name and Publication Order
- Final Decree for Change of Name
- Order for Publication for Change of Name
- Notice to Non-Custodial Parent by Publication

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Does the process require parental consent?

This process requires the consent of at least one parent/legal guardian. If both parents/guardians do not agree, notice of the hearing must be served on the parent who does not consent, who will have the opportunity to present their position at the hearing.

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Does the process require publication?

Starting January 1, 2020, “Jude’s Law” (HB 19-1039) goes into effect, removing the publication requirement for all transgender Coloradans. Currently, the process requires public notice of the name change at least 3 times within 21 days after the court orders publication in a newspaper of general distribution published in the county in which the minor resides. This requirement may be waived if the minor is a victim of a crime, child abuse or domestic abuse, or for other good cause. *Colorado Revised Statutes § 13-15-102*. This requirement has been waived in the past by using a Motion for Exemption from Publication, available from the Colorado Name Change Project, linked below.

Is a hearing in front of a judge required?

While a hearing is not required in the language of the statute, most judges will want to have a hearing to determine if the minor’s name change should be granted. This is typically a relatively brief hearing (less than 10-15 minutes). The parent(s)/guardian(s) and the minor child should be present.

What will the judge consider?

Judges have discretion in granting name changes. Some may have lots of questions and want to see lots of evidence regarding the name change of the child, others may grant a name change as long as there are no objections. Judges may consider whether to grant a name change for a minor according to what is in the ‘best interests of the child’. They typically evaluate the best interest of the child by looking at a variety of factors, which may include the child’s preference (taking into consideration their age and experience), the length of time a child has used that name, the difficulties, harassment, or embarrassment a child may experience from the present or proposed name, and the motives or interests of the parent.

To demonstrate that the name change is in the best interests of the child, along with the name change petition you may want to submit evidence showing the judge why this is in the child’s best interest. Examples of such evidence would be letters from teachers, family, or friends confirming their use of preferred name, letters from providers confirming the child’s gender identity, etc.

Are there local programs to help us through this process?

Yes. The Colorado Name Change Project offers free, in-person workshops across the state as well as assistance through their website at <http://www.namechangeproject.org>.

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