

INSTRUCTIONS FOR FILING A CHANGE OF NAME FOLLOWING CONVICTION/ADJUDICATION FOR A FELONY

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION BEFORE YOU FILE YOUR PETITION

- ◆ These instructions only apply to a person who was convicted of a felony or adjudicated as a juvenile delinquent for an offense that would constitute a felony if committed by an adult in Colorado or any other state or under federal law and the person needs a legal name change in order to be issued in that name a driver's license or an identification card in Colorado.
- ◆ The proposed name change that you are requesting should be the name under which you were convicted or adjudicated, unless you can show good cause for proposing a different name.
- ◆ As a general rule, the Petition shall be filed in county court or district court in the county in which the person seeking a name change is a resident. However, if the person seeking a name change is under 19 years of age and is the subject of an action concerning child support, allocation of parental responsibilities, or parenting time, the Petition shall be filed in the Court that has jurisdiction over that action. Also, if the person seeking a name change is under 19 years of age the Petition shall include the caption of any proceeding in which a Court has ordered child support, allocation of parental responsibilities, or parenting time regarding that person.
- ◆ The Court will not consider a Petition for a name change unless the following occurs:
 - ✓ If the person seeking a name change is over 14 years of age, a FBI and CBI fingerprint-based criminal history record check is conducted within 90 days prior to the filing of the Petition.
 - ✓ The Colorado criminal history record has the proposed name added as an alias. If the conviction or adjudication occurred in another state, this may not apply.
 - ✓ The District Attorney's Office(s) in the district(s) where the felony conviction(s) or adjudication(s) occurred received notification of the proposed name change.
 - ✓ If the Petitioner is in custody of the Department of Corrections, under an order for probation or community corrections, or incarcerated in a county jail, written notification was provided to the supervising agency.
- ◆ For additional information, please review Colorado Revised Statutes §§13-15-101, -102, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Petition: Document officially commences the Change of Name process.
- ☒ Petitioner: The person filing a Petition for Change of Name.
- ☒ May: In legal terms, "may" is defined as "optional" or "can."
- ☒ Shall: In legal terms, "shall" is defined as "required."

If you do not understand this information, please contact an attorney.

FEES

The filing fee is \$ 100.00. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee.

Fees that a party to the case may encounter are as follows:

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| <input type="checkbox"/> Publication Fee | Varies (May be payable to the Court or to the newspaper). |
| <input type="checkbox"/> Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided |
| <input type="checkbox"/> Cost of Fingerprints | Varies (Payable to local law enforcement) |
| <input type="checkbox"/> Fingerprint-based Criminal History Check | (Payable to CBI by Cash, Money Order or by Credit Card.) Link for credit card form |
| <input type="checkbox"/> Fingerprint-based Criminal History Check | (Payable to Treasury of the United States by Money Order, Certified Check or by Credit Card) |

FORMS

To access forms online, go to the website at www.courts.state.co.us and click on the “Forms” tab. The packet/forms are available in PDF or WORD by selecting “County Civil - Name Change to Obtain Identity-Related Documents”. You may complete a form online and print or you may print it and type or print legibly in black ink.

- JDF 426 Order for Publication for Change of Name
- JDF 427 Public Notice
- JDF 386 Petition for Change of Name (Felon)
- JDF 387 Final Decree for Change of Name to Obtain Identity-Related Documents

STEPS TO FILING YOUR CASE

Step 1: Complete required fingerprint-based criminal history checks.

The Petitioner must submit a criminal history check from the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) at the time the “Petition for Change of Name (Felon)” is filed. Please follow these steps:

- Contact your local law enforcement office to be fingerprinted. The Court may provide you with two fingerprint cards, or, in the event that your local court does not provide them, your local sheriff's department should. You will see a box labeled “Reason Fingerprinted” on the card in the upper left hand corner. Complete that box with the following: “**§13-15-101 Name Change to Obtain Legal Documents.**” It is important that the CBI and FBI know that the criminal history check is for a legal name change. Please write your name, home address, and date of birth clearly on the fingerprint card. **You will need to list your proposed name as an alias and your existing name on the fingerprint cards.** If the agency completing the fingerprints uses an electronic print system, please do not write on the cards as the agency will automatically input the information.
- You are responsible for mailing or hand-delivering the completed fingerprint cards to the CBI and the FBI. Allow up to 13 weeks to process the criminal history check from the FBI. It can take 4 weeks to receive your criminal history check back from the CBI. **The criminal history results must be conducted within 90 days prior to the filing of the Petition.** For this reason, it is best to mail your FBI fingerprint card, wait 7 - 9 weeks, and then mail or hand-deliver your CBI fingerprint card. You will be provided with a full report from both agencies.
- The FBI requires an applicant information form to be submitted along with the fingerprint card. This form, along with additional information on FBI requests, can be obtained at the following link: <http://www.fbi.gov/hq/cjisd/fprequest.htm>
- Mail the completed fingerprint card and applicant information form to the FBI at, Criminal Justice Information Services (CJIS) Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306 along with a certified check or money order. **Do not fold the fingerprint card.**
- Mail or hand-deliver your completed CBI fingerprint card to the CBI at 690 Kipling, Denver, Colorado 80215 along with a money order. **Do not fold the fingerprint card.** If you hand-deliver the fingerprint card, you can also pay by cash.

- Order for Publication for Change of Name (JDF 426).**
 - Complete all sections of this form.
 - The Judge or Magistrate will sign the Order for Publication if publication is required.

- Public Notice (JDF 427).**
 - Complete all sections of this form.
 - This is the form that you will submit to the local newspaper to publish notice of the requested name change, if publication is required.

- Final Decree for Change of Name to Obtain Identity-Related Documents (JDF 387).**
 - Complete caption only.
 - The Judge or Magistrate will sign the Final Decree.

Step 4: File your Documents with the Court.

- Provide the Court with the documents completed as described in Steps 1 - 3 above and pay the \$100.00 filing fee.
- The Court may require a self-addressed stamped envelope.

Step 5: Publish proposed name change.

Unless you show good cause why publication is not required, the Court will enter the Order for Publication for Change of Name (JDF 426). The change of name must be published at least three times within 21 days from the date of the publication order in a newspaper by using the Public Notice (JDF 427) form unless, pursuant to §13-15-102, C.R.S., you have been:

- The victim of a crime, the underlying factual basis of which has been found by the Court; to include an act of domestic violence as defined in §18-6-800.3(1), C.R.S.; or
- The victim of child abuse as defined in §18-6-401, C.R.S., or
- The victim of domestic abuse as defined in §13-14-101(2), C.R.S.

Step 6: Obtain a signed copy of the Final Decree for Change of Name to Obtain Identity-Related Documents from the Court.

- Submit proof of publication to the Court. This can include copies of the newspaper notice.
- If publication is not required pursuant to §13-15-102, C.R.S., you will receive your Final Decree if the Petition is approved by the Court.
- You will need a certified copy of the Final Decree to provide to the Department of Revenue for it to issue a driver's license or identification card in your new name.
- The Court will provide you certified copies at no cost.

Note: If you own property, you should record the Final Decree for Change of Name with the Clerk and Recorder's Office in the county where the property is recorded to reflect the new name on the property records.

- Check with the Clerk and Recorder's Office for the fee to record the name change, office hours, if the information can be submitted by mail or in person, etc.