

An Act

HOUSE BILL 16-1085

BY REPRESENTATIVE(S) Thurlow, Brown, Conti, Danielson, Landgraf, Lontine, Pabon, Roupe, Windholz, Arndt, Becker K., Court, Fields, Hamner, Kagan, Kraft-Tharp, Lebsock, Mitsch Bush, Primavera, Rosenthal, Vigil, Williams, Winter, Young;
also SENATOR(S) Tate, Aguilar, Baumgardner, Crowder, Garcia, Grantham, Heath, Holbert, Jahn, Johnston, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Steadman, Todd, Woods, Cadman.

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

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

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

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

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

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

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

(3) THE COURT SHALL ENTER AN ORDER RESTORING THE REQUESTING PARTY'S NAME IF THE COURT DETERMINES THAT:

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

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


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


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


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


SECTION 3. Act subject to petition - effective date. This act takes effect September 1, 2016; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

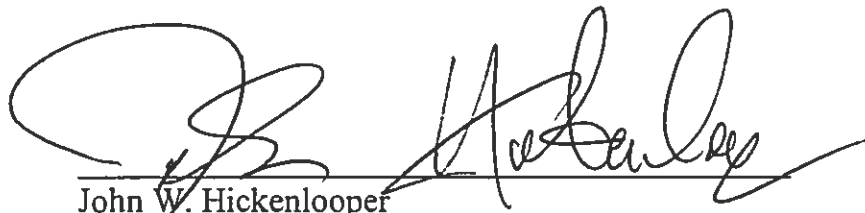

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Bill L. Cadman
PRESIDENT OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 2:36 PM 3/31/16


John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO