

Collaborative ID Project Assists Needy with Name Changes

Colorado Legal Services, along with two other non-profits and the Denver Department of Human Services, is managing a special project to assist low-income individuals who need help obtaining a state ID or a birth certificate. Often these proofs of identification are essential to allow them to obtain health care, housing, employment, and public benefits. This Collaborative ID Project (www.coloradoidproject.org) has assisted dozens of clients who needed a legal name change in order to obtain an ID. Until recently some individuals -- those with felony convictions -- were statutorily prohibited from seeking a name change, and as a result such clients found themselves in danger of returning to jail because they needed a state ID to get a job and rent an apartment.

In 2010, however, the name change statute was amended to assist this population. C.R.S. § 13-15-101 now allows felons to get a name change when they are otherwise unable to get identification documents. This law does not permit felon name changes in other circumstances.

Two examples of people who might be affected are:

- Petitioner's parents did not come up with a name at the hospital and never got the petitioner's birth certificate amended. She has always used the first name "Gloria." Petitioner finds that she cannot get an ID because her birth certificate still says "Female Garcia" which clearly doesn't match the name on any of the rest of her records, "Gloria." The Vital Records office in the relevant state won't change the birth certificate without a name change order. Petitioner has a felony conviction on her record.
- Petitioner's mother remarried at a young age and Petitioner started using his stepfather's last name, though the arrangement was never formalized with a stepparent adoption. As above, Petitioner's records, including criminal records, are all under "John Matthews" while the birth certificate still says "John Smith." Because of this mismatch, Petitioner is unable to get a Colorado ID. Petitioner has several felony convictions.

In most instances these individuals are seeking a legal name change to the name under which they were convicted.

Instructions and forms are available on the judicial branch website, under the "County/Civil" link. The process for felon name changes is similar to the regular name change process, but the petition looks a little different and the final decree looks different. They are called, respectively, *Petition for Change of Name to Obtain Identity-Related Documents* and *Order for Change of Name to Obtain Identity-Related Documents*. The *Order for Publication and Public Notice* forms are the same as for non-felon name changes.

People with felony convictions have to take an extra step before they can file a petition for a name change. They are required to notify the District Attorney in any jurisdiction in which they were convicted of a felony that the name change is occurring. The D.A. must notify any victims of the crime about the impending name change. The D.A. may intervene if she feels that intervention is warranted. Petitioner must submit proof to the court that such notification has taken place. If Petitioner is still involved with the criminal justice system in any way, further

notification requirements may apply.

This is just an overview of a recent legal development that allows some people with felony convictions to be able to obtain identity documents. Please see the statute itself for complete information. Additional information and resources are also available through the Colorado ID Project website at <http://www.coloradoidproject.org/>.