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| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Attorney or Party Without Attorney (Name and Address):  ${Current\_Legal\_Name}  ${Address} Phone Number: ${Phone} E-mail: ${Email} | Case Number:  Division Courtroom |
| PETITION FOR CHANGE OF NAME (ADULT) | |

1. My current full name is ${Current\_Legal\_Name}.
2. I wish to change my name to ${New\_Legal\_Name}.
3. My date of birth is ${Birthdate}.
4. I am 18 years of age or older.
5. I am a resident of ${CO\_County\_of\_Residence} County.
6. I have not been 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. My certified, fingerprint-based criminal history record check from the FBI is attached as Exhibit A and my certified, fingerprint-based criminal history record check from the CBI is attached as Exhibit B. Both are dated within 90 days of the filing of this Petition pursuant to §13-15-101(b), C.R.S.
7. I am requesting a name change for the following reason: I am a ${Trans\_Identification} and need a name that is fitting and proper.
8. The proposed change of name would be proper and not detrimental to the interest of any other person.
9. □ I ask the Court to order publication of my name change request as required by § 13-15-102, C.R.S.

Or

⌧ Publication of my name change request is not required for the following reason(s): Please see motion for exemption filed with the court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I ask the court to order the name change. I, ${Current\_Legal\_Name}, swear/affirm under oath that I have read the foregoing Petition and that the statements contained in this Petition are true to the best of my knowledge.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of Petitioner ${Address}

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Deputy Clerk/Notary Public

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| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Case Number:  Division Courtroom |
| **ORDER FOR PUBLICATION FOR CHANGE OF NAME** | |

**The Court having read and considered the Petition for Change of Name finds:**

* That the statements made in the Petition satisfy the statutory requirements.
* That the desired change of name is proper and not detrimental to the interests of any other person.
* That the Petitioner has submitted the documentation required in §13-15-101(1)(b), C.R.S. from the fingerprint-based criminal history record check or has provided appropriate certified copies of any dispositions that would constitute a felony conviction in this state or any other state or under federal law.

**The Court orders the following publication for a change of name:**

1. Name of ${Current\_Legal\_Name} is requested to be changed to ${New\_Legal\_Name}.

1. Pursuant to statute, public notice of this change of name shall be published three times in a legal newspaper published in this county. This publication is to be made within 21 days of the date of this Order.
2. Proper proof of publication shall be filed with the Court upon final publication to receive a Final Decree for a Change of Name.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

□ Judge □ Magistrate

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| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Case Number:  Division Courtroom |
| **PUBLIC NOTICE OF PETITION FOR CHANGE OF NAME** | |

Public Notice is given on (date) that a Petition for a Change of Name has been filed with the ${CO\_County\_of\_Residence} County Court.

The Petition requests that the name of

**${Current\_Legal\_Name}**

be changed to

**${New\_Legal\_Name}**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk of Court

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Clerk

NEWSPAPER: PLEASE PUBLISH THIS NOTICE THREE TIMES WITHIN TWENTY-ONE DAYS OF THE DATE OF THE ORDER.

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| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Case Number:  Division Courtroom |
| **FINAL DECREE FOR CHANGE OF NAME TO OBTAIN IDENTITY-RELATED DOCUMENTS** | |

**The Court having read and considered the Petition for Change of Name and supporting documents finds that:**

* The statutory requirements for a change of name under §13-15-101, C.R.S. have been met.
* The desired change of name is not for the purpose of fraud, to avoid the consequences of a criminal conviction, or to facilitate criminal activity.
* The desired change of name is proper and not detrimental to the interests of any other person.
* Publication is not required because the Petitioner has shown good cause why publication pursuant to §13-15-102, C.R.S., should not apply or because the Petitioner is at least 70 years of age and has not been convicted/adjudicated of a felony.
* The Petitioner provided proper proof of publication on (date).

**The Court Orders the following change of name to obtain identity-related documents:**

The name of ${Current\_Legal\_Name}born on ${Birthdate} is changed to ${New\_Legal\_Name}**.**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

□ Judge □ Magistrate

**CERTIFICATION**

Certified to be a true copy of the original in my custody and to be in full force and effect as of \_\_\_\_\_\_\_\_\_\_\_ (date).

Clerk of Court

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| --- | --- |
| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Case Number:  Division Courtroom |
| **FINAL DECREE FOR CHANGE OF NAME** | |

**The Court having read and considered the Petition for Change of Name finds:**

* That the statutory requirements for a change of name under §13-15-101, C.R.S. have been met;
* That the desired change of name is proper and not detrimental to the interests of any other person;
* That the change of name is in the best interest of the minor child; and
* That the Petitioner, being an adult or child 14 years of age or older, has not been 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.

**The Court further finds that:**

* Publication is not required, as the Petitioner has shown good cause why publication pursuant to §13-15-102, C.R.S. should not apply.

**The Court Orders the following change of name:**

The name of ${Current\_Legal\_Name}born on ${Birthdate} is changed to ${New\_Legal\_Name}.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

□ Judge □ Magistrate

I certify that the Petitioner provided proper proof of publication. On (date), the Final Decree for Change of Name is issued.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk

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| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Attorney or Party Without Attorney (Name and Address):  ${Current\_Legal\_Name}  ${Address} Phone Number: ${Phone} E-mail: ${Email} | Case Number:  Division Courtroom |
| MOTION FOR EXEMPTION FROM PUBLICATION REQUIREMENT UNDER C.R.S 13-15-101 | |

**1. COMES NOW** the Petitioner who respectfully requests to be exempt from the publication requirement outlined in C.R.S. 13-15-101, et. seq., because publication would jeopardize Petitioner’s personal safety and is unnecessary to serve the public and private interests. Publication would publicly out the Petitioner as a transgender person and violence against transgender[[1]](#footnote-1) people permeates our society. Petitioner wishes to change Petitioner's name because Petitioner is transitioning from ${Birth\_Gender} to ${Correct\_Gender} and not because of any intention to defraud the public or evade creditors. If granted a change of name by this Court, Petitioner will promptly notify all issuers of credit and all relevant state and federal government agencies, including the Colorado Division of Motor Vehicles and the Social Security Administration. Due to the nature of this petition, the publication of notice in newspapers of general circulation serves no purpose other than to further invade the privacy of the Petitioner.

**2. Background.** The Petitioner, at birth, was identified as ${Birth\_Gender} and was reared in the gender identification of a ${Birth\_Gender}. The Petitioner has always believed that ${Pronouns\_his\_her\_their} sex was ${Correct\_Gender} resulting in ${Pronouns\_his\_her\_their} life being very confusing and difficult. Since ${Transition\_Date}, ${Pronouns\_he\_she\_they} has been correcting ${Pronouns\_him\_her\_their} outward and visible gender identification to conform to ${Pronouns\_him\_her\_their} correct gender. The purpose of this petition, and the social and medical corrections ${Pronouns\_he\_she\_they} is undergoing, is to bring ${Pronouns\_his\_her\_their} legal identification in conformity with ${Pronouns\_his\_her\_their} ${Correct\_Gender} gender. Thus, ${Pronouns\_he\_she\_they} requires this Court to change ${Pronouns\_his\_her\_their} legal name.

“At common law, a person could adopt another name at will. Statutes setting forth procedures to be followed in changing a name merely provide an additional method for making the change.”[[2]](#footnote-2) In 2011, the National Transgender Discrimination Survey showed that 44 percent of transgender people reported having been denied service, harassed or assaulted when presenting identity documents that did not match their gender presentation. In 2015, advocates tracked at least 21 deaths of transgender people due to fatal violence, the most ever recorded.[[3]](#footnote-3) In 2016, at least 27 transgender people were fatally shot, stabbed or killed by other violent means and, in 2017, the nation is on track to exceed that number.[[4]](#footnote-4) According to a Report of the National Coalition of Anti-Violence Programs (NCAVP), “2014 was a deadly year for LGBTQ and HIV-affected communities with 20 documented homicides, an 11.11% increase from the 18 homicides in 2013 and among the highest number of homicides since NCAVP started tracking this information.”[[5]](#footnote-5) The “Washington Transgender Needs Assessment,” conducted by Gender Education and Advocacy, found that 43% of the transgender individuals surveyed had been a victim of violence or crime, with 75% attributing a motive of transphobia or homophobia to the violence. Notably, the first time, nationwide, that a state’s hate crime statutes resulted in the conviction of a transgender person’s murderer was here in Colorado in 2008, following the murder of Ms. Angie Zapata.[[6]](#footnote-6) In addition to these deaths, suicide or suicide attempts are all-too-common for transgender people, who suffer from the stigma of simply being transgender. The prevalence of suicide attempts among respondents to the National Transgender Discrimination Survey (NTDS), conducted by the National Gay and Lesbian Task Force and National Center for Transgender Equality, is 41 percent, which vastly exceeds the 4.6 percent of the overall U.S. population who report a lifetime suicide attempt, and is also higher than the 10-20 percent of lesbian, gay and bisexual adults who report ever attempting suicide. Based on prior research and the findings of the NTDS report, an independent study found that “mental health factors and experiences of harassment, discrimination, violence and rejection may interact to produce a marked vulnerability to suicidal behavior in transgender and gender non-conforming individuals.”[[7]](#footnote-7) “Collectively, these findings suggest that not being recognized [or out’ed] by others as transgender or gender non-conforming may function as a protective factor for suicidal behavior.”[[8]](#footnote-8) According to a recent law review article:

There are many practical, legal, and social realities that result from having an inaccurate gender marker, some of them with potentially fatal consequences. Although the gender recorded on a person’s birth certificate may not be considered legally binding, in many circumstances, it is an important factor in determining whether or how an individual’s gender is recognized as a practical matter. In addition, transgender people holding birth certificates that are not corrected following gender transition risk having their transgender histories revealed, which can lead to a number of serious harms.[[9]](#footnote-9)

Similar to the importance of a correct gender marker discussed above, a name change is a vanguard for transgender people in preventing discrimination, abuse, and even self-hate. Combating social dysphoria for transgender individuals usually centers around the ability to interact with society and receive fair, equal treatment. A mismatch on identification documents is one of the fastest ways to “out” a transgender person, even if they “pass” as cisgender.

While a court has discretion in matters of a name change, it should not deny the application for a change of name as being improper unless special circumstances or facts are found to exist.[[10]](#footnote-10) Included in these special facts would be “unworthy motive, the possibility of fraud on the public, the choice of a name that is bizarre, unduly lengthy, ridiculous, or offensive to common decency and good taste,” [[11]](#footnote-11) or if the interests of a wife or child of the applicant would be adversely affected thereby.[[12]](#footnote-12) Before a court denies a request for a change of name under the statute, it should conduct an evidentiary hearing to determine if good and sufficient cause exists to deny the application.[[13]](#footnote-13) These processes ensure that an improper name change will not be granted; however, it does not require a hearing for a name change deemed to be proper.

**a. Specific Instances of Discrimination Faced by Petitioner**. Petitioner has faced several incidents of both overt and covert discrimination and harassment. ${Discrimination\_or\_Harassment\_Specifics} Publishing ${Pronouns\_his\_her\_their} case information will only further ${Pronouns\_his\_her\_their} exposure to harassment and discrimination based solely on ${Pronouns\_his\_her\_their} status as a ${Trans\_Identification}.

**b. Validity of "Real Life" Test**. The Petitioner has entered the full-time, "real life" test period that is recommended for pre-surgical and non-surgical transgender individuals, and is being monitored by a licensed physician. Petitioner has been under supervised medical treatment since ${Transition\_Date}. The "real life" test is a means by which a pre-surgical transgender person and surgeon decide whether any of the many types of corrective surgeries are the proper procedure for the Petitioner. Corrective surgeries are irreversible, expensive, and have medical risk. The "real life" test usually lasts about one year, but can range from six months or many years.

**c. Consequence of Non-Matching ID**. The state driver’s license or state identification card is the most commonly used, and routine, form of identification in this state. The driver’s license is much more than a license to drive. The number of times that a driver’s license or state identification card is examined for general identification far surpasses the number of times that a driver’s license is examined as a license to drive.

The driver’s license or state identification card is frequently examined for check-cashing, credit card use, boarding commercial aircraft, and job applications. Where the name on a driver’s license or state identification card does not match the social perception of the person’s gender presenting the driver’s license or state identification card for identification, the consequences can and do range from confusion, amusement, and embarrassment, through loss of employment opportunity, to non-boarding of aircraft with possible detention, to outright danger and possible violence and serious bodily injury.

**d. Non-Matching ID Renders "Real Life" Test Invalid**: In the case of the Petitioner, as a pre-surgical transgender person, the potential for and occurrence of the above negative consequences for presenting the driver’s license or state identification card for identification where the name has not been corrected, renders the "real life" test less than valid. Such invalidity can skew and frustrate the results of the "real life" test, can cause a pre-surgical transgender person to view the name and legal gender identification as another obstacle, and potentially cause the Petitioner to obtain a surgery that Petitioner would not have obtained if ${Pronouns\_he\_she\_they} had not been continuously stressed by an uncorrected gender documentation.

**e. Employment Status**. The Petitioner's potential for obtaining or retaining employment is directly impacted by this Court's decision concerning the change of name. Upon application for employment, many employers, while complying with various state and federal laws, including immigration concerns, require the presentation of state-issued identification. If the name and facial appearance do not match, then the Petitioner will most likely remain unemployed or radically underemployed. It is in the interest of the Petitioner and the State that the Petitioner remain or become gainfully employed and not a burden to the State. Likewise, ensuring that the Supreme Court of Colorado and others have the appropriate name on licenses and attorney registration documents is essential to the practice of law.

**f. Debts and Other Concerns**. Petitioner is not violating any laws and verifies that the Petitioner is not changing names to avoid any criminal or civil prosecution. Petitioner understands that the change of name cannot be used for purposes of fraud or for purposes of circumventing any bankruptcy orders, debts, agreements, arrangements, or any laws or ordinances that might otherwise apply. These safeguards, along with the rationale below, are sufficient to eliminate publication as an additional, unnecessary step.

**3. Rationale for Exemption.**

**a. Statutory List of Exemptions Not Exhaustive.** C.R.S 13-15-101(1.5) states that “[u]nless 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.” A list of factors the judge may consider in exempting a person from the publication is found in C.R.S. 13-15-102. However, this list is not exhaustive of all the reasons a judge may consider. *In* *re Marriage of Nguyen* states that "Although the power to do so is grounded in the common law, the court should consider those factors applicable to a statutory name change in determining whether to grant a parent's request."[[14]](#footnote-14) Further, using the plain meaning doctrine, C.R.S 13-15-101(1.5) gives judges and magistrates the discretion to determine what “good cause” exists, if any, to exempt the Petitioner from publication. While not binding on this Court, many jurisdictions in Colorado have exempted transgender individuals from publication because of the issues raised in this motion.

**b. Publication Unnecessary to Protect Creditors and Public.**

i. Protection of Creditors. One of the main rationales for publication of a name change is to protect the public and creditors. However, in practice, this objective fails scrutiny. Much of the individual debt in our nation is held by commercial creditors. These creditors use the Social Security Number (SSN) as a primary method of identifying debtors. The Social Security Administration (SSA) does not change SSN’s as a matter of convenience; rather, they assign a different number only if:

* Sequential numbers assigned to members of the same family are causing problems;
* More than one person is assigned or using the same number;
* A victim of identity theft continues to be disadvantaged by using the original number;
* There is a situation of harassment, abuse or life endangerment; or
* An individual has religious or cultural objections to certain numbers or digits in the original number. (They require written documentation in support of the objection from a religious group with which the number holder has an established relationship.)[[15]](#footnote-15)

Further, when the SSA assigns a new, different Social Security number, they do not destroy the original number. The SSA cross-references the new number with the original number.[[16]](#footnote-16) As such, in the relatively unlikely event that a SSN is changed, creditors wishing to locate an individual by their SSN are able to do so, regardless of whether the name and/or SSN was changed.

ii. Rejoinder to Common Argument. A common retort when someone disagrees with the publication requirement is something akin to “no one reads those anyway, so why worry about it.” This very argument speaks against the publication requirement. If no one reads the name change notices, then what is the purpose of informing the public writ-large? Only those with a vested interest in name changes – including anti-transgender organizations and/or individuals – review the name change section of newspapers. As such, publishing a transgender person’s name not only “out’s” them as transgender, but it highlights their status to the very people to whom they need to remain unnamed. While statistics are unavailable for discernment of just how many transgender people are targeted because of publication, it makes sense that a publication of their names in a local newspaper would increase the susceptibility of being a victim of violence and/or discrimination.

**c. Privacy.** As detailed above, transgender individuals have long-been subject to intense discrimination and violence. Publishing notice not only creates and preserves an accessible record of the legal name change but also effectively serves, for many people, as notice of a change in expressed gender. Many, if not most, trans people - including the Petitioner - have experienced harassment and violence in their lives and are therefore understandably reluctant to “out” themselves to their communities for fear that public disclosure may lead to further harassment or violence. The publication requirement becomes particularly problematic for transgender people who live in smaller communities across the state. By effectively outing a transgender person via their name change publication, the state is tacitly providing anti-transgender individuals with the very details to effect targeted discrimination. Although no U.S. court has examined whether a fundamental right to control one’s name exists, at least two U.S. courts have held that the right of parents to name their children is a privacy right.[[17]](#footnote-17) Additionally, in *Burghartz v. Switzerland[[18]](#footnote-18)* and cases that followed, the European Human Rights Commission and Court have found a fundamental right to control one’s name is encompassed in the right to privacy under Article 8 of the European Convention on Human Rights.[[19]](#footnote-19)

**d. Equal Protection.** Colorado recently ranked in the top ten states for the per capita rates of divorce.[[20]](#footnote-20) Colorado provides a separate mechanism for divorcées wishing to change their name after the final divorce decree. Not only do these individuals not have to file a separate petition from the divorce, but no publication is required - regardless of how long they had their married name. This creates a separate class of people who, despite likely having debt, may modify their name without the obstacles facing transgender people, including significant cost, public scrutiny, and the possibility of targeted discrimination. Divorcées are not a protected class; however, the disparate treatment and privileges accorded them provide a starkly different path to claiming their new name. This disparate set of protections and privileges for divorcées exist because of the sheer number of divorces in our state and the Nation and the likelihood that our court system would grind to a creepingly-slow pace with the added caseload. This is an insufficient reason to deny transgender people the same exemptions afforded to divorcées.

**e. Other States’ Laws.** On 8 October 2013, California amended their name-change statute to exempt transgender people from the associated fees, hearings, and the publication requirement.[[21]](#footnote-21) As part of the legislative history, State Representative Toni Atkins argued that “privacy is paramount to the protection of transgender persons seeking to change their name.”[[22]](#footnote-22) State Representative Atkins stated “[t]he transgender community experiences a heightened level of discrimination, harassment, and assault. By requiring a transgender person to participate in the public forum that is the current judicial process for legal name changes, we are putting their safety at risk for no real benefit.”[[23]](#footnote-23) Similarly, the District of Columbia changed their code on August 6, 2013 to specifically remove the notification provision.[[24]](#footnote-24) As of 2009, 46 states allow a person legally to change names by usage alone, with no paperwork, but a court order may be required for many institutions (such as banks or government institutions) to officially accept the change.[[25]](#footnote-25) Finally, 11 states do not require publication for name change requests, either generally or specifically because of their transgender status.

***Wherefore,*** Petitioner respectfully requests that, for the good cause shown therein, this Court exempt the Petitioner from the requirement to publish name change details.

Respectfully Submitted,

${Current\_Legal\_Name}

Petitioner

Certificate of Service

I hereby certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, I provided a copy of the foregoing document to the ${CO\_County\_of\_Residence} County Court via hand-delivery.

${Current\_Legal\_Name}Petitioner

|  |  |
| --- | --- |
| ${CO\_County\_of\_Residence} County Court, Colorado  Court Address:  **In the Matter of the Petition of: ${Current\_Legal\_Name}**  **For a Change of Name to: ${New\_Legal\_Name}** | COURT USE ONLY |
| Attorney or Party Without Attorney (Name and Address):  ${Current\_Legal\_Name}  ${Address} Phone Number: ${Phone} E-mail: ${Email} | Case Number:  Division Courtroom |
| ORDER: MOTION FOR EXEMPTION FROM PUBLICATION REQUIREMENT UNDER C.R.S 13-15-101 | |

The motion/proposed order attached hereto is: 🞏 GRANTED 🞏 DENIED

Per C.R.S. 13-15-101(1.5), the court 🞏 finds 🞏 does not find good cause to exempt Petitioner from the publication requirements of C.R.S. 13-15-102.

Issue Date: \_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

1. Throughout this motion, the following terms will be used, which correspond to their common definitions. Transgender: a person assigned either male or female at birth, but whose gender identity is inconsistent with that assignation, also referred to as trans or trans\*. Cisgender: a person whose assigned sex matches their gender identity. Out: to reveal one’s identity as transgender. Pass: for transgender people, to appear to society as the person’s correct gender identity, not the gender a person was assigned at birth. [↑](#footnote-ref-1)
2. *In re Knight*, 36 Colo. App. 187, 537 P.2d 1085 (1975) (*citing* 57 Am.Jur.2d §§ 10 and 11). [↑](#footnote-ref-2)
3. *See* “Addressing Anti-Transgender Violence,” Human Rights Campaign. (undated) Available at <http://hrc-assets.s3-website-us-east-1.amazonaws.com//files/assets/resources/HRC-AntiTransgenderViolence-0519.pdf> (Last visited 22 September 2017). [↑](#footnote-ref-3)
4. *See* <https://en.wikipedia.org/wiki/List_of_unlawfully_killed_transgender_people> (Last visited 22 September 2017). [↑](#footnote-ref-4)
5. “Lesbian, Gay, Bisexual, Transgender, Queer and HIV-affected Hate Violence in 2014,” National Coalition of Anti-Violence Programs, at page 8. (2015). Available at <http://www.avp.org/storage/documents/Reports/2014_HV_Report-Final.pdf> (Last visited 22 September 2017). [↑](#footnote-ref-5)
6. *See* Spellman, J. “Transgender murder, hate crime conviction a first. (23 Apr 2009) Available at <http://edition.cnn.com/2009/CRIME/04/22/transgender.slaying.trial> (Last visited 22 September 2017). [↑](#footnote-ref-6)
7. Haas, A.P, Rodgers, P.L., & Herman, J.L. “Suicide Attempts among Transgender and Gender Non-Conforming Adults” (Jan 2014) available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf> (Last visited 22 September 2017). [↑](#footnote-ref-7)
8. *Id*. at pg 15. [↑](#footnote-ref-8)
9. Mottet, L. “Modernizing State Vital Statistics Statutes and Policies to Ensure Accurate Gender Markers on Birth Certificates: A Good Government Approach to Recognizing the Lives of Transgender People,” 19 Mich. J. Gender & L. 373 (2013). Available at: <http://repository.law.umich.edu/mjgl/vol19/iss2/4> (Last visited 22 September 2017). [↑](#footnote-ref-9)
10. *See generally In re Knight*. [↑](#footnote-ref-10)
11. *In re Knight*, at 1085 (quoting In re M., 91 N.J.Super. 296, 219 A.2d 906). [↑](#footnote-ref-11)
12. *See* Annot., 53 A.L.R.2d 914. [↑](#footnote-ref-12)
13. *In re Knight*, at 1085. [↑](#footnote-ref-13)
14. *In* *re Marriage of Nguyen*, 684 P.2d 258, 260 (Colo. App. Ct. 1983) (emphasis added). [↑](#footnote-ref-14)
15. Social Security Administration’s Frequently Asked Questions, available at <https://faq.ssa.gov/link/portal/34011/34019/Article/3789/Can-I-change-my-Social-Security-number> (Last visited 22 September 2017). [↑](#footnote-ref-15)
16. *Id*. [↑](#footnote-ref-16)
17. *See* *O’Brien v. Tilson*, 523 F. Supp. 494, 496 (E.D.N.C. 1981) (holding that parents’ right to name their child is encompassed within the right to privacy protected by the 14th Amendment); *Jech v. Burch*, 466 F. Supp. 714, 718–19 (D. Haw. 1979) (same). Although both courts found that the offending statutes failed the rational basis test, citations to cases such as *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), and *Griswold v. Connecticut*, 381 U.S. 479 (1965), implied that they viewed the parental naming right as part of the privacy rights rubric. The right may thus be subject to higher scrutiny, though the courts in *Jech* and *O’Brien* found such analysis unnecessary. In fact, the court in *O’Brien* explicitly stated that it “need not decide whether the state must show a compelling state interest or some lesser interest . . . because even under the most relaxed of standards . . . the statute proves to be patently defective.” *O’Brien*, 523 F. Supp. at 496. [↑](#footnote-ref-17)
18. *Burghartz v. Switzerland*, App. No. 16213/90, 18 Eur. H.R. Rep. 101 (1994). [↑](#footnote-ref-18)
19. *Id*. at 108–10. [↑](#footnote-ref-19)
20. *See* Roberts, M. “Top Ten States for Divorce -- and Where Colorado Ranks.” Westword. 15 January 2015. Available at <http://www.westword.com/news/photos-top-ten-states-for-divorce-and-where-colorado-ranks-6282730>. (Last visited 22 September 2017). [↑](#footnote-ref-20)
21. California Assembly Bill 1123 [↑](#footnote-ref-21)
22. California Senate Judiciary analysis, dated 1 July 2013. [↑](#footnote-ref-22)
23. *Id*. [↑](#footnote-ref-23)
24. *See* D.C. Law 20-37, Japarker Deoni Jones Birth Certificate Equality Amendment Act of 2013. Available at <http://lims.dccouncil.us/Download/29298/B20-0142-SignedAct.pdf> (Last visited 12 September 2016). [↑](#footnote-ref-24)
25. Kushner, J.S., “The Right to Control One’s Name.” 57 UCLA L. Rev. 313 (2009). [↑](#footnote-ref-25)