



PRESIDING JUVENILE JUDGE ORDER 2022-03
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

POLICY re: **NAME CHANGES** and **BIRTH CERTIFICATES** in all
ADULT ADOPTION CASES

This administrative orderⁱ notifies parties of 1st Judicial District policy regarding Adult Adoptions pertaining to **name changes** and **birth certificates**.

NAME CHANGE

This court will **ONLY** consider requests by the Respondent/Heir at Law to change their **SURNAME TO THAT OF PETITIONER(S)**.

The Respondent/Heir at Law must open a separate civil case to petition for any other type of name change. The Colorado Judicial Branch provides detailed instructions on its website.

The court will **NOT** order a new birth certificate even if it GRANTS the name change request (see “Birth Certificate” below). Under law, the final decree of adoption (or certified copy) is evidence of the name change, much like a marriage license.

What happens if I request a name change that is not permitted? The court will **NOT** grant the requested name change on the final Decree of Adult Adoption. The court will cross out or otherwise render illegible the impermissible name change on JDF 531. You do not need to take any action.

BIRTH CERTIFICATE

This court will **NOT** consider requests to change the Respondent/Heir at Law’s birth certificate.ⁱⁱ

What happens if I request a new birth certificate? The court will **NOT** grant the request for new birth certificate. The court will cross out or otherwise render illegible the paragraph on JDF 531. If you submitted a Report of Adoption, the court will simply not process it. You do not need to take any action.

Why?

The purpose of an adult adoption petition is for the petitioner to establish an heir at law.ⁱⁱⁱ Under the law, an adult adoption is not equivalent to the adoption of a minor child.^{iv} For example, the petitioning party in an adult adoption does not become a legal parent of the heir at law.^v

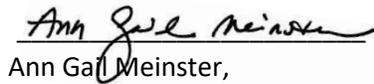
DEFINITIONS

Petitioner: the person or persons filing a Petition for Adult Adoption.

Respondent: The person who files a response to the Petition for Adult Adoption.

Heir at Law: A person entitled to inherit from the petitioner.

DONE AND SIGNED on this 6th day of May 2022



Ann Gail Meinster,
Presiding Juvenile Judge
First Judicial District

ⁱ This administrative order is created under the authority granted to the Presiding Juvenile Judge by CJO 19-20.

ⁱⁱ The law does not provide a mechanism for birth certificates to be changed for an heir at law in the same way as that for persons adopted as children. *Cf.* § 14-1-101; § 19-5-212(2) (the court “shall send to the state registrar an application for a birth certificate, signed by the **adoptive parents**. The state registrar shall thereupon issue a new birth certificate to the child, as provided in section 25-2-113.” Additionally, “adoptive parent” means an adult who has become a **parent of a minor** through the legal process of adoption. § 19-1-103(9) (emphasis added)).

ⁱⁱⁱ The purpose of an adult adoption is to “[c]reat[e] an heir at law of the petitioner and entitled to inherit from the petitioner any property in all respects as if such adopted person had been the petitioner’s child born in lawful wedlock, and such decree may or may not change the name of such adopted person . . . and such decree or certified copy thereof may be used as primary evidence in any court establishing the status of any person so adopted.” C.R.S. § 14-1-101(2); *see Martin v. Cuellar*, 279 P.2d 843, 121 (Colo. 1955) (The adult adoption statute’s “primary purpose is expressed in the first sentence: ‘Any person desiring to adopt a person over [21] years of age as heir at law’”)

^{iv} In adult adoptions, unlike an adoption of a child, “[n]o obligation whatsoever is placed upon the person adopted with respect to the adoptive parent. He is granted no rights whatever, other than the acquisition of an heir at law, who may or may not even bear his name. It is merely a means of giving effect to a personal transaction mutually agreeable between two adults.” *Martin v. Cuellar*, 279 P.2d 843, 122 (Colo. 1955); *accord* § 19-5-211(1) (“The person adopted [as a child] is, for all intents and purposes, the child of the petitioner. He or she is entitled to all the rights and privileges and is subject to all the obligations of a child born to the petitioner.”)

^v Likewise, the petitioning party in adult adoption cases does not become a parent of the heir at law/adult adoptee. The Colorado Supreme Court explained that “[n]o rights of the natural parents of the person adopted are taken from them, or even mentioned, where the purpose of the adoption is to acquire an adult ‘heir at law.’ Certainly the rights of the natural parents of such person so adopted may not be lost in a proceeding of which they receive no notice, and there is no requirement of service of notice upon them.” *Martin v. Cuellar*, 279 P.2d 843, 122 (Colo. 1955)