

BACK GROUND AND GENERAL INFORMATION

The District Court of New Mexico has jurisdiction to order a name change if the Petitioner is a resident of this state. The petition must be filed in the County in which the petitioner resides. A copy of the statute governing name change is included with these materials. There are special requirements if the name change is for someone under fourteen years of age. There is an outline of these requirements in the Name Change for Persons 14 and Under.

The forms in this packet are for handling your own court case Pro Se (without an attorney). If you feel you need further assistance or representation, please consult an attorney. As a self-represented litigant, it is your responsibility to comply with all court rules and procedures.

This packet gives basic information and instructions on preparing and filing a Petition and the other "pleadings" to complete the change of name process. You will have to read the instructions carefully and tailor everything to fit your own situation.

There are additional associated costs with name changes, including the filing fee of \$132.00

Publication Expenses	- \$45.00 (2 weeks in Health City Sun)
Certified copies	- \$1.50 each
Filing with the County Clerk	- \$25.00
Birth Certificate	- \$20.00

If you want to have other documents, such as your driver's license, social security records, credit cards, school records, etc., changed to show your new name, you should contact the agency or organization for requirements to update their records. Some of these agencies will want to have a certified copy of the Order; others will accept a photocopy of the Order.

If you were born in New Mexico and want to have your birth certificate changed to show the new name, send one of the certified copies of the Order to the Office of Vital Statistics in Santa Fe. This packet includes a sample letter to Vital Statistics in Santa Fe requesting a revised birth certificate. The cost for having the state's Vital Statistics records changed and obtaining a copy is \$20.00. Processing the name change and sending a revised birth certificate sometimes takes several weeks, so plan ahead if you are going to need a new birth certificate issued.

CHANGE OF NAME PROCEDURE (FOR PERSONS 14 AND UNDER)

Complete the following forms;

1. Petition for Change of Name
2. Mother's consent to Change Name
3. Father's consent to change Name
4. Notice of Petition for Change of Name
5. Name Affidavit of Publication
6. Final Order Changing Name
7. Request for Interpreter (if needed for court hearing)

Complete forms 1 through 4, and form 7 if an interpreter is needed at the hearing. Make two (2) copies of each form. The clerk can make copies for a charge of .35 a page, cash, cashier's check, or money order only. No checks, debit cards or credit cards accepted.

FILING THE PETITION (COST \$132.00)

File the Petition in the **Clerk's Office, Room 119, first floor**, of the Bernalillo County Courthouse at 400 Lomas Blvd. NW, between the hours of **8:00 A.M. and 5:00 P.M., Monday - Friday**. Submit the filing fee of **\$132.00** (the Court does not accept personal checks or credit cards) cash, money order, or cashier's check payable to Clerk of the District Court. A Judge is randomly assigned to your case.

SCHEDULING THE HEARING:

Once a Judge is assigned to your case, take your forms to that Judge's office and the assistant will schedule a date and time for your hearing. After a hearing date has been scheduled, **you must return to the Clerk's Office (room 119)** to file the **Notice of Petition to Change Name**. This Notice must be filed with the court before it is published in the paper. The clerk will file the original and return the endorsed copies to you.

PUBLICATION

New Mexico law requires that the Notice of Petition to Change Name be published in a printed paper in the county where the applicant resides for two consecutive weeks. Many papers publish legal notices in Bernalillo County for a fee, such as the Albuquerque Journal (505) 832-4444 and The Health City Sun. You may contact the Health City Sun at (505) 242-3010 between the hours of **9:00 A.M.-5:00 P.M. Monday through Thursday & 9:00 A.M.-3:00 P.M. Friday**. Bring **\$45.00 (cash or check only)** to publish an **ENDORSED** copy of the Notice of Petition to Change Name. This document must be published once a week for two (2) consecutive weeks.

FILING AFFIDAVIT OF PUBLICATION

After the last publication, the newspaper will send an Affidavit of Publication to you. Attach the affidavit to the Affidavit of Publication form in this packet. Make two (2) photo copies and return to the clerk's office at the Court (room 119) to file the original Affidavit of Publication; it is proof of publication as required by the Name Change Statute (law). The clerk will endorse stamp your copies and return them to you. Bring an endorsed copy at your hearing.

PREPARING FINAL ORDER AND HEARING

Complete the Final Order Changing Name form and make to copies 2 copies. Bring these forms to your scheduled hearing along with an endorsed copy of the Affidavit of Publication. Be on time for the scheduled hearing. Check in with the judge's assistant as soon as you arrive. **Failure to attend the hearing or to properly publish may result in your case being dismissed by the judge.**

FILING YOUR NAME CHANGE ORDER

If the judge signs your Final Order Changing Name, you must return to the **Clerk's Office** to have the Order filed. The Order **IS NOT EFFECTIVE UNTIL IT IS FILED BY THE CLERK. DO NOT TAKE THE ORIGINAL ORDER OUT OF THE COURTHOUSE.** This step completes the Name Change process.

NOTE: You may want several certified copies of the Final Order. Ask the clerk to certify as many copies as you require. The cost is \$1.50 per certification: cash, money order, or cashier's check only.

FILING ORDER WITH COUNTY CLERK

The last part of §40-8-1, NMSA 1978, the change of name statute, requires you take a certified copy of the Order to the County Clerk's office for filing. The fee for filing a certified copy of the Order is \$25.00.

SPECIAL INSTRUCTIONS FOR NAME CHANGE FOR PERSON UNDER THE AGE OF 14 YEARS

Procedure when both parties agree to name change.

The child must reside in New Mexico. If both parents agree that the child's name should be changed, it is possible for both parents to be petitioners. It is also possible for one parent to be the Petitioner and the other parent sign a consent form (included in this packet). The fact that the father's name is not shown on the child's birth certificate does not change the requirement that the father must be notified. Notice to the child's father is still needed, whether or not the father's name is shown on the child's original birth certificate.

Procedure when a parent(s) whereabouts' are unknown.

The child must reside in New Mexico and the petition can be filed by one parent or the guardian on behalf of the child. **BOTH LEGAL PARENTS MUST BE NOTIFIED OF THE PETITION FOR CHANGE OF NAME.** It may be possible for a single parent petitioning to change a child's name to establish to the satisfaction of the Judge assigned to the case that the other parent's address is unknown and cannot be located, that notice is therefore impossible, and have the Judge determine that the change of name order should be signed. Whether this can be done in any individual case depends on what **PROOF** of attempts to locate the missing parent is shown at the time of the hearing, and whether the Judge determines that the proof shown is sufficient under the law. If only one of the parents is petitioning to change the child's name, then you must serve the other parent(s) with the Notice to Change name and file the completed Return of Service with the Court Clerk before the hearing date. The Self Help Center has information about serving the other party. If the parent(s) cannot be located for service than you must motion the Court for Service by Publication and publish notice in the city of the other parties last known address. You must prove to the Court that you have attempted to locate the other parent(s). The Judge will have to determine whether you have proved that you complied with all the requirements of the statute, including the one that says: "the required notice shall include notice to both legal parents."

Text of Statute for Change of Name
§§40-8-1 through 40-8-3, NMSA 1978 as amended

§40-8-1 Change of name: Petition and Order.

Any resident of this state over the age of fourteen years may, upon petition to the district court of the district in which the petitioner resides and upon filing the notice required with proof of publication, if no sufficient cause is shown to the contrary, have his name changed or established by order of the court. The parent or guardian of any resident of this state under the age of fourteen years may, upon petition to the district court of the district in which the petitioner resides and upon filing the notice required with proof of publication, if no sufficient cause is shown to the contrary, have the name of his child or ward changed or established by order of the court. When residents under the age of fourteen years petition the district court for a name change, the required notice shall include notice to both legal parents. The order shall be entered at length upon the record of the court, and a copy of the order, duly certified, shall be filed in the office of the county clerk of the county in which the person resides. The county clerk shall record the same in a record book to be kept by him for that purpose.

§40-8-2 Notice of petition; exception.

A. Before making application to the court for changing or establishing a name as provided in Section 40-8-1 NMSA, the applicant must cause a notice thereof, stating the nature of the application, the time and place, when and where the application will be made, to be published in the county where the application is to be made, and where the applicant resides, the notice to be published at least once each week for two consecutive weeks, in some newspaper printed in the county. If there be no newspaper published in the county where the applicant resides, then the notice shall be published in a newspaper printed in the county nearest to the residence of the person, and having a circulation in the county where the person resides.

B. If the court finds that publication of an applicant's name will jeopardize the applicant's personal safety, the court shall not require publication. The court shall order all records regarding the application to be sealed. The records shall only be opened by court order based upon a showing of good cause or at the applicant's request.

§40-8-3 Hearing at regular term in county of petitioner's residence.

That the hearing and determination of all proceedings instituted under the provisions of this chapter (§40-8-1 to §40-8-3 NMSA 1978), and the final order of the court therein, shall be had and made at some regular term of the district court sitting within and for the county wherein said petitioner resides,