

RIO ARRIBA COUNTY

HOW TO CHANGE AN ADULT'S, OR CHILD OVER AGE OF FOURTEEN'S NAME

Disclaimer: This packet is designed to give assistance to *Pro Se* parties. It isn't a guarantee or a promise; it's just some helpful hints. It's always a good idea to have a lawyer assist you in legal matters.

DO YOU QUALIFY UNDER THE LAW?

YOU MUST BE: Over the age of fourteen (14) and living in Rio Arriba County.

HOW TO GET STARTED

1. Prepare the Petition for Change of Name, the Interpreter form, and Request for Hearing.
2. Notice is no longer required to change your name if you are over the age of fourteen (14).
3. File the Petition, Interpreter Form, and Request for Hearing along with the \$132.00 Filing Fee with the Clerk's Office. The Clerk will assign a case number and Judge to your case. If you need copies of your documents, the Clerk can make you copies for 35 cents per page.

The Clerk's Office only accepts cash, cashier's check or money order. If you cannot afford to pay the filing fee, you can complete an Application for Free Process and Affidavit of Indigency. You must submit this form to the judge for approval.

4. The Clerk's Office will submit your forms to the Judges' Office.
5. The Clerk will contact you when your endorsed forms are ready for pick-up.
6. Go to the hearing on the date provided on the Notice of Hearing. Be sure to bring the Order for Change of Name. If no one objects, the Judge will usually grant your request. Give the Judge the Order for Change of Name to sign.
7. You may purchase copies of the signed Order for Change of Name at the Clerk's Office. It is a good idea to get more than one copy for your own records and for other agencies like Vital Records or Social Security. Please remember, the Clerk's Office only accepts cash, cashier's check or money order.
8. Go to the County Clerk's Office and record the Order for Change of Name. The Rio Arriba County Clerk has two locations. The Tierra Amarilla location's address is 10 State Road 531, Tierra Amarilla, NM 87575. The Espanola location's address is 1122 Industrial Park Road, Espanola, NM 87532. The County Clerk will charge a recording fee. For information regarding the cost of recording, please call the County Clerk's Office at (575) 588-7724 or

(505) 753-1780. The Judge cannot reduce or forgive fees required by the County Clerk's Office.

This informational packet includes directions and all the forms you need. The packet is provided to you by:

The First Judicial District Court

7 Main St,
Tierra Amarilla, NM 87575

Clerk of the Court: 505-455-8250

Fax Number: 505-455-8280

New Mexico Statutes on Name Changes

NMSA 1978, § 40-8-1 (amended in 2023): A. Any resident of this state fourteen years of age or older may, upon petition to the district court of the district in which the petitioner resides, if no sufficient cause is shown to the contrary, have the petitioner's name changed or established by order of the court. The legal parents or legal guardians 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, if no sufficient cause is shown to the contrary, have the name of the petitioner's 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, notice shall be given to all legal parents or legal guardians. 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 the county clerk for that purpose.

B. If the court finds that notice to one or more legal parents or legal guardians of a child who is under fourteen years of age will jeopardize the child's or the applicant's personal safety, the court shall not require notice. The court shall order all records regarding the petition 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.

NMSA 1978, § 40-8-3: That the hearing and determination of all proceedings instituted under the provisions of this chapter [40-8-1, 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.

STATE OF NEW MEXICO
COUNTY OF SANTA FE/RIO ARRIBA/LOS ALAMOS
FIRST JUDICIAL DISTRICT COURT

Case No.: D- _____ -CV- _____

IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME,

**This form must be
filled out.**

INTERPRETER FORM

1. Do you need an interpreter?: Yes No
2. An interpreter is requested for: Petitioner/Plaintiff Respondent/Defendant
 Witness in matter

(This party request is for the entire case.)

3. The type of interpreter needed: Spanish American Sign Language
 _____ speaker
(language)

Dated: _____

(Name)

 Petitioner/Plaintiff Pro Se
 Respondent/Defendant Pro Se

(Street Address)

(City, State and Zip Code)

(Telephone Number – Indicate If None)

(Email)

**STATE OF NEW MEXICO
COUNTY OF _____
FIRST JUDICIAL DISTRICT COURT**

No. _____

IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME

**PETITION TO CHANGE
NAME (ADULT or CHILD
OVER FOURTEEN)**

1. **COMES NOW** the Petitioner, _____
Print Name
pursuant to §40-8-1, NMSA 1978, and states as follows:
2. Petitioner is over the age of fourteen (14) years.
3. Petitioner is a resident of _____,
City of Residence
County, New Mexico.
4. The Petitioner seeks the following name change:

<i>Current Name</i>	<i>Proposed Name</i>	<i>Year of Birth</i>

5. There is no sufficient cause to the contrary why his/her name should not be changed to and established as stated in paragraph 4 of this petition.

WHEREFORE, Petitioner prays:

1. That the Court set a hearing in this matter; and
2. Following the time set for the hearing, the Court enter its Order changing and establishing Petitioner's name as stated in paragraph 4 of this petition.

Respectfully submitted,

Signature, Petitioner, pro se (sign your current name)

Name: _____

Mailing Address: _____

Phone number _____

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

No. _____

IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME

REQUEST FOR HEARING

The Petitioner requests a HEARING on a Petition for Order for Change of Name of a Child under the Age of 14.

Assigned judge: _____
Matters to be heard: PETITION FOR NAME CHANGE
Time requested by Petitioner: 10 MINUTES

(Provide names and addresses of parties who need to be notified – attach a list if necessary.)²

I hereby certify that I have caused a copy of the foregoing to be [mailed] [delivered] [faxed] to each of the opposing parties listed above on or before _____ (date of service).

Hearing requested by:

Signature
Printed name: _____
Address: _____

Telephone: _____

**STATE OF NEW MEXICO
COUNTY OF SANTA FE/RIO ARRIBA/ LOS ALAMOS
FIRST JUDICIAL DISTRICT**

No. _____

IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME,

NOTICE OF HEARING

PLEASE TAKE NOTICE that the above-entitled cause has been scheduled for a hearing before the HONORABLE _____, District Judge for the date, time, and place set forth below:

Date: _____

Time: _____

Place: _____

Matter: **PETITION FOR CHANGE OF NAME**

Time Allotted: _____

Trial Court Administrative Assistant

I hereby certify that I mailed, emailed, electronically served, or hand delivered a copy of the foregoing Notice of Hearing on the date of filing acceptance to:

Trial Court Administrative Assistant

**STATE OF NEW MEXICO
COUNTY OF _____
FIRST JUDICIAL DISTRICT COURT**

No. _____

**IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME**

ORDER FOR CHANGE OF NAME

THIS MATTER came before the Court for hearing upon a Petition for Change of Name. The court examined the matter pursuant to NMSA 1978, Section 40-8-1 (2023), and being fully advised, FINDS:

1. The Petitioner has complied with all of the requirements of the law for a change of name, including the requirements of notice because:
 - a. _____ Notice has been given to both legal parents and Petitioner has provided proof of the required notice.
 - b. _____ No notice is required because notice to one or more legal parents or legal guardians will jeopardize the Child's or the Applicant's personal safety under NMSA 1978, §40-8-1(B).
 - c. _____ No notice is required because the applicant is over the age of 14.
2. No sufficient cause has been shown why the name of the Petitioner should not be changed.
3. The name shall be changed as follows:

Former Name	Newly Ordered Name	Year of Birth

IT IS THEREFORE ORDERED that the name of the Petitioner be and hereby is CHANGED to _____ (new name).

IT IS FURTHER ORDERED that the Department of Vital Statistics shall change the name on the Petitioner's birth certificate to reflect Petitioner's new legal name.

The Honorable Judge _____