

SANTA FE COUNTY
HOW TO CHANGE A CHILD'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: A Parent or Guardian of the Child,
and a resident of Santa Fe County.

THE CHILD MUST BE: Under the Age of Fourteen

HOW TO GET STARTED

1. Prepare the Petition for Change of Name, the Interpreter form, and Request for Hearing.
2. Legal parents and guardians must receive notice of the name change unless providing notice to one or more parent or guardian will jeopardize the Child's personal safety. If possible, please provide Consent Forms signed by the Child's parents or guardians.
3. File the Petition, Interpreter Form, Request for Hearing, Consent Forms, and/or Summons 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. If you had a non-consenting parent(s) or guardian(s) served with the Petition, be sure to file the Return of Service with the Clerk's Office before your hearing date. You will be asked by the Judge if the non-consenting parent or guardian has been served. Your petition may not be granted if there is not a consent form on file for each parent or guardian or if the other parent or guardian has not been served. If you did not serve the other parent or guardian because you are concerned that providing notice to one or more parent or guardian

will jeopardize the Child's personal safety, please be prepared to explain that to the Judge during the hearing.

7. 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.
8. 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.
9. Go to the County Clerk's Office and record the Order for Change of Name. The Santa Fe County Clerk is located at 240 Grant Ave, Santa Fe, NM 87501. The County Clerk will charge a recording fee. For information regarding the cost of recording, please call the County Clerk's Office at (505) 986-6280. 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
225 Montezuma Ave.,
Post Office Box 2268
Santa Fe, New Mexico 87504-2268

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
(OF PERSON UNDER 14 YEARS OF AGE)**

1. **COMES NOW** the Petitioner, _____ who is making this application to change the legal name of _____ (“the Child”) pursuant to NMSA 1978, Section 40-8-1(A) (2023).
2. The Child is under the age of fourteen (14) years.
3. The Petitioner is the Child’s adoptive or natural mother/father, or legal guardian and is representing the Child’s interests in this matter.
4. The Child and the Petitioner are residents of _____, in the First Judicial District.
5. The Petitioner seeks the following name change for the Child:

Current Name	Proposed Name	Year of Birth

6. Petitioner is aware that NMSA 1978, Section 40-8-1(A), requires that notice be given to both legal parents and will provide proof of the required notice at the time of the hearing, unless indicated below.
7. Petitioner asserts (select one):
 - a. _____ Notice has been given to both legal parents or guardians and Petitioner will provide proof of the required notice at the time of the hearing.
 - b. _____ 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).

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 the Child's name as stated in paragraph 5 of this Petition.

Respectfully Submitted,

Signature, Petitioner, pro se

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
DOB: _____**

**FATHER'S CONSENT TO NAME CHANGE
(OF PERSON UNDER 14 YEARS OF AGE)**

I, _____ (Father's name) being sworn, certify that I am the birth father or legal parent of the minor child named in this case. I hereby consent that the minor child's name be changed from _____ (child's current name) to _____ . I acknowledge that I have the right to revoke my consent at any time prior to the date an order changing the child's name is entered. I acknowledge that I was provided the opportunity to consult with legal counsel, if I so chose, before signing this Consent.

DATED this ____ day of _____ 20____.

Signature of Father

Name: _____

Mailing Address: _____

Phone Number: _____

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

I, _____, being duly sworn upon my oath, depose and state that I am the father of the minor in the above-entitled cause. I affirm under the penalties of perjury that the contents of the foregoing Consent are true to the best of my knowledge, information and belief.

Legal Guardian's Signature

Subscribed and sworn to before me this ____ day of _____ 20____,
by _____.

Notary Public

My Commission Expires

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

No. _____

**IN THE MATTER OF THE PETITION OF _____
FOR CHANGE OF NAME
DOB: _____**

**MOTHER'S CONSENT TO NAME CHANGE
(OF PERSON UNDER 14 YEARS OF AGE)**

I, _____ (Mother's name) being sworn, certify that I am the birth mother or legal parent of the minor child named in this case. I hereby consent that the minor child's name be changed from _____ (child's current name) to _____ . I acknowledge that I have the right to revoke my consent at any time prior to the date an order changing the child's name is entered. I acknowledge that I was provided the opportunity to consult with legal counsel, if I so chose, before signing this Consent.

DATED this ____ day of _____ 20____.

Signature of Mother

Name: _____

Mailing Address: _____

Phone Number: _____

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

I, _____, being duly sworn upon my oath, depose and state that I am the mother of the minor in the above-entitled cause. I affirm under the penalties of perjury that the contents of the foregoing Consent are true to the best of my knowledge, information and belief.

Legal Guardian's Signature

Subscribed and sworn to before me this ____ day of _____ 20____,

by _____.

Notary Public

My Commission Expires

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

No. _____

**IN THE MATTER OF THE PETITION OF _____
FOR CHANGE OF NAME
DOB: _____**

**LEGAL GUARDIAN'S CONSENT TO NAME CHANGE
(OF PERSON UNDER 14 YEARS OF AGE)**

I, _____ (legal guardian's name) being sworn, certify that I am the legal guardian of the minor child named in this case. I have attached copies of the court order(s) appointing guardian or custodian to the Petition for Change of Name. I hereby consent that the minor child's name be changed from _____ (child's current name) to _____. I acknowledge that I have the right to revoke my consent at any time prior to the date an order changing the child's name is entered. I acknowledge that I was provided the opportunity to consult with legal counsel, if I so chose, before signing this Consent.

DATED this ____ day of _____ 20____.

Signature, legal guardian

Name: _____

Mailing Address: _____

Phone Number: _____

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

I, _____, being duly sworn upon my oath, depose and state that I am the legal guardian of the minor in the above-entitled cause. I affirm under the penalties of perjury that the contents of the foregoing Consent are true to the best of my knowledge, information and belief.

Legal Guardian's Signature

Subscribed and sworn to before me this ____ day of _____ 20____,
by _____.

Notary Public

My Commission Expires

SUMMONS	
District Court: _____ _____ County, New Mexico Court Address: Court Telephone Number:	Case Number: Judge:
To: _____ (Parent or Guardian)	Address: _____ _____

TO THE ABOVE NAMED PARENT(S) OR GUARDIAN(S): Take notice that

1. A Petition for Change of Name has been filed. A copy of the Petition is attached. The Court issued this Summons.

2. You must respond to this Petition in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA)

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the Petition.

4. If you do not respond in writing, the Court may enter the Judgment requested in the Petition.

5. If you need an interpreter, you must ask for one in writing.

Dated at _____, New Mexico, this ____ day of _____, 20__.

CLERK OF COURT

Attorney for Plaintiff or Petitioner Pro Se
 Address:
 Telephone No.:
 Fax No.:
 Email Address:

By: _____
 Deputy

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the ____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

to the party _____ *(used when party accepts a copy of summons and petition or refuses to accept the summons and petition)*

to the party by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service).*

After attempting to serve the summons and complaint on the party by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

to _____, a person over fifteen (15) years of age and residing at the usual place of abode of party _____, *(used when the party is not presently at place of abode)* and by mailing by first class mail to the party at _____ *(insert party's last known mailing address)* a copy of the summons and complaint.

to _____, the person apparently in charge at the actual place of business or employment of the party and by mailing by first class mail to the party at _____ *(insert party's business address)* and by mailing the summons and complaint by first class mail to the party at _____ *(insert party's last known mailing address).*

to _____, an agent authorized to receive service of process for party _____.

to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of party _____ *(used when party is a minor or an incompetent person).*

to _____ *(name of person), _____, (title of person authorized to receive service. Use this alternative when the party is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Signature of person making service Title (if any) Fees (if any)
Subscribed and sworn to before me this _____ day of _____, _____.

Judge, notary or other officer authorized to administer oaths

Official title

**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 _____