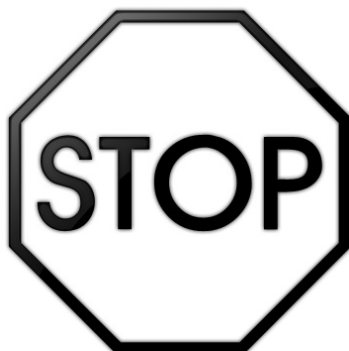


CHANGE OF NAME

(ADULTS)

\$5.25



Did you request this packet with the goal of changing your name in order to receive a Real ID Driver's License? If so, read the document titled FAQs regarding Vital Records and Real ID located on the last two pages of this packet prior to completion as there may be other options available to you.

Background and General Information

This packet is designed to help you through the process of completing a Change of Name case. You must be 14 years of age or older in order to use this packet. There are special requirements if the name change is for someone under 14 years of age. The Center for Self Help and Dispute Resolution has a separate packet for Change of Name (Under 14).

INCLUDED DOCUMENTS

- Text of Statute for Change of Name
- Petition to Change Name (Adult)
- Notice of Petition to Change Name (Adult)
- Final Order Changing Name (Adult)
- Order Sealing Final Order to Change Name
- Request for Interpreter
- Sample Letter to Vital Statistics
- FAQs regarding Vital Records and Real ID

BACKGROUND

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. 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

Certified copies	- \$1.50 each
Filing with the County Clerk	- \$25.00
Birth Certificate	- \$20.00

COMPLETING AND FILING THE PETITION AND NOTICE OF PETITION

1. Complete the Petition for Name Change and Notice of Petition for Name Change forms and make two (2) copies of each. The clerk can make copies for a charge of \$0.35 per page, cash, debit/credit card, cashier's check, or money order only. No checks accepted.
2. Prepare the caption on the *Petition to Change Name*. The caption is the upper third of the page. The caption will be the same on all of the documents that you prepare.

3. Leave blank the line that has “No.” The Court Clerk will assign you a file number and stamp the number on the first set of papers. You will write this number on the other captions.
4. In the second space on the caption that states “In the Matter of the Petition of _____ for Change of Name” write the name(s) that you want to change. In this space, you should write the name that you are seeking to change. This name is generally the name on your birth certificate or your social security card. ***If you have questions about the names, you should seek the advice of an attorney.***
5. In Paragraph 1 of the *Petition*, write the name that you want to change just as you wrote it above.
6. In Paragraph 4 of the *Petition*, “Current Name” refers to the name that you want to change and “Proposed Name” refers to the new legal name that you would like to have. Current Name and Proposed Name will be mentioned several times in these documents and should always be the same as listed on the *Petition*.
7. Complete the *Notice of Petition for Name Change*. The Judge's name goes in the space following “This Petition will be heard before the Honorable _____”. If you have this form ready when you file the *Petition*, the Clerk will probably use a stamp to put the Judge's name on this blank.
8. Leave the spaces blank for the date and time of the hearing. The Judge's assistant will fill these blanks scheduling the hearing.
9. 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 4:00 P.M.*, Monday - Friday. Submit the filing fee of \$132.00 (the Court does not accept personal checks) cash, credit/debit card, money order, or cashier's check, payable to Clerk of the District Court. A Judge is randomly assigned to your case.

*Hours subject to change. Call 505-841-7438 to confirm hours.

SCHEDULING THE HEARING:

1. 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.
2. 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*.
3. This *Notice* must be filed with the court. The clerk will file the original and return the endorsed copies to you.

PREPARING FINAL ORDER, ORDER TO SEAL, AND HEARING

1. Complete the *Final Order Changing Name* and the *Order Sealing Final Order to Change Name* and make two copies of each.
2. Bring these forms to your scheduled hearing. Be on time for the scheduled hearing. Check in with the judge's assistant as soon as you arrive. Failure to attend the hearing may result in your case being dismissed by the judge.

FILING YOUR NAME CHANGE ORDER

1. If the judge signs the *Final Order Changing Name* and the *Order Sealing Final Order to Change Name*, you must return to the Clerk's Office to have both Orders filed.
2. The Orders are NOT EFFECTIVE UNTIL FILED BY THE CLERK. DO NOT TAKE THE ORIGINAL ORDERS OUT OF THE COURTHOUSE.

NOTE: You may want several certified copies of the *Final Order to Change Name*. Ask the clerk to certify as many copies as you require. The cost is \$1.50 per certification: cash, credit/debit card, money order, or cashier's check only. Copies cost \$0.35 per page.

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 *Final Order* to the County Clerk's office for filing. The fee for filing a certified copy of the *Final Order* is \$25.00.

OTHER INFORMATION

1. 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 a certified copy of the *Final Order*; others will accept a photocopy of the *Final Order*.
2. 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 *Final 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.

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

§ 40-8-1. Change of name; petition and order.

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.

Repealed: NM ST § 40-8-2

SECTION 2. REPEAL.—Section 40-8-2 NMSA 1978 (being Laws 1889, Chapter 3, Section 2, as amended) is repealed. Approved March 24, 2023. Current through Chapters 3, 9, and 25 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

§ 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, 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.

Credits

L. 1889, Ch. 3, § 3.

Formerly C.L. 1897, § 2912; Code 1915, § 3809; C.S. 1929, § 92-103; 1941 Comp., § 25-503; 1953 Comp., § 22-5-3.

NMSA 1978, § 40-8-3, NM ST § 40-8-3

Current through Chapters 3, 9, and 25 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023.

The General Effective date is June 16, 2023.