

PRO SE FORMS – NAME CHANGE UNDER 14 YEARS OF AGE

Chapter 40 - Domestic Affairs

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.

THIS PACKET CONTAINS:

1. **Instructions**
2. **Petition for Change of Name for a Child Under the Age of Fourteen Years**
3. **Appearance, Waiver and Consent**
4. **Notice of Petition to Change Name**
5. **Final Order Changing the Name of a Person Under the Age of Fourteen Years**



PLEASE READ

- **REMEMBER - As a self-represented litigant you are responsible for your case.** The District Court Clerk's Office will not provide any information as to how you should proceed with your case nor can they fill in any blanks on forms on your behalf.
- **You must fill out the paperwork correctly, request and attend hearings, file all necessary documents, keep track of deadlines, etc.**
- **Type or print your forms.**
- **Make sure the pleadings are signed.**
- **File the forms with the court.**
- **Required number of copies:** An original and at least one (1) copy of each form must be filed.
- **Pay the filing fee:** \$132 – cash, money order, debit/credit card, cashier check unless free process is approved.

HOW TO CHANGE THE NAME OF A CHILD UNDER 14 YEARS OF AGE

DISCLAIMER: This packet is designed to give assistance to those of you who are trying to “do it yourself.” The following information provides some helpful hints, but is not a substitute for an attorney. Court personnel can sell you these forms, but they cannot provide you legal advice. You must consult an attorney of your choice, if you want or need legal advice.

To qualify under the law (NMSA 1978, § 40-8-1 *et seq.*)

- The child must be under the age of 14 years.
- You must be the child’s parent/guardian.
- You must be a resident of the district in which you file the petition.

FILING YOUR CASE:

1. Once you have obtained a name change packet from the District Court, prepare the **Petition** – carefully, completely, and truthfully. It must be typed or legibly printed. Sign the **Petition** before a Notary Public.
2. Have the other parent/guardian sign the **Appearance, Waiver, and Consent** form (if possible) and file it with the Court.
3. File the **Petition** with the District Court Clerk. Be prepared to pay a filing fee.¹
4. The District Court Clerk will assign a number and a Judge to your case.
5. Provide the **Notice of Petition to Change Name** to the District Court Clerk. The Clerk will contact the Judge’s Office to obtain a hearing date to be entered on the notice. Then file the **Notice**.

IF YOU HAVE NOT FILED AN APPEARANCE, WAIVER, AND CONSENT, YOU MUST PROVIDE THE OTHER PARENT/GUARDIAN WITH NOTICE.

1. To give notice, you must serve the parent/guardian with a copy of both a **Summons** and the **Petition**. You may request a **Summons** from the District Court Clerk. Ask the District Court Clerk to sign the **Summons** form(s) and return it to you.
2. You must engage someone, other than yourself, who is over 18 years old to serve the parent/guardian. The person making service must complete the **Return** on the second page of the **Summons**. If the person making the service is not a Deputy Sheriff, the **Return** must be notarized.
3. Once the **Summons** and **Petition** are served and the **Return** is complete, file the **Return** with the District Court Clerk. As an alternative to the above procedure, you may serve the

¹If you cannot afford the filing fee you can request the Judge grant you free process and waive the filing fee. The District Court Clerk has a Free Process Packet you can use. If the Application for Free Process is for the name change of a person under 18 years of age, the application must be submitted by a parent/guardian and reflect that parent/guardian’s income and assets. Do **not** submit an Application for Free Process in the name of a child.

²If you are the child’s guardian (not a parent/guardian), then both legal parent/guardians must be served a Summons along with a copy of the Petition for Name Change unless the parent/guardians have signed the Appearance, Waiver and Consent.

parent/guardian by sending the **Summons** and **Petition** to the parent/guardian by certified mail, return receipt requested with restricted delivery if you have a good address for the parent/guardian. You would then file the receipt that is signed by the parent/guardian. If serving the parent/guardian may jeopardize the child's or the applicant's personal safety, do not proceed to serve the parent/guardian. However, be prepared to explain your reason with the Judge at the time of your scheduled hearing.

IF YOU CANNOT FIND THE PARENT/GUARDIAN:

1. You must make a diligent effort to locate the other parent/guardian. If after making a diligent search you cannot locate the parent/guardian to be served, you should return to the Clerk's office and request a **Motion for Service by Publication** and **Order for Service of Process by Publication in a Newspaper**. Be prepared to explain to the Judge at the hearing what you did to locate the parent/guardian and why the parent/guardian could not be found.
2. To serve the parent/guardian by publication, you will file the **Motion for Service by Publication**. A copy of the **Notice of Petition to Change Name** to be published must be attached to the motion. Provide the original **Order for Service of Process by Publication** to the District Court Clerk for the Judge's review and approval.
3. Upon approval of the **Order for Service of Process by Publication**, deliver a copy of the **Notice of Petition to Change Name** to a newspaper of general circulation in the county where the action is pending. Unless a newspaper of general circulation in the county where the action is pending is the newspaper most likely to give the parent/guardian notice of the name change, the court shall also order that a notice of petition to change name be published in a newspaper of general circulation in the county which reasonably appears is most likely to give the other parent/guardian notice of the action.
4. Service by publication shall be made once a week for three consecutive weeks unless the court, for good cause shown, orders otherwise. Service is complete on the date of the last publication.
5. After publication is complete, you should receive proof of publication from the newspaper. You must file your proof with the District Court Clerk.

THE HEARING:

1. Complete the **Final Judgment Changing the Name of a Person Under the Age of Fourteen Years**.
2. Appear at the hearing set by the Judge.
3. When the Judge calls your case, explain to the Judge what you want and why you want it.
4. Listen carefully to the Judge if the Judge has questions or concerns about your petition.
5. If the Judge approves your petition, present the proposed **Final Judgment Changing the Name** to the Judge for signing.

AFTER THE HEARING:

1. Ask the District Court Clerk for certified copies of the **Final Judgment Changing Name**.
2. Be prepared to pay the fee for these copies (*cash, money order, debit/credit card or cashier check only*).
3. Record a copy of the **Final Order Changing Name** with the County Clerk of the county where you filed.
4. Be prepared to pay a recording fee to the County Clerk.
5. Send a certified copy of the **Final Judgment Changing Name** to:

**Registrar
New Mexico Health Department Vital Records
Post Office Box 26110
Santa Fe, NM 87502**

along with the appropriate fee to obtain a corrected Birth Certificate pursuant to NMSA 1978, §24-14-25(B) (1981).

[Effective in all cases filed or pending on or after June 16, 2023.]

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF

_____. No. D-____-_____

**PETITION FOR CHANGE OF NAME
FOR A CHILD UNDER THE AGE OF FOURTEEN YEARS**

COMES NOW, the Petitioner, _____, pursuant to NMSA
1978, § 40-8-1, *et seq.* who states as follows:

1. Petitioner is a resident of _____ County, New Mexico and either a parent or the guardian of the child, _____.
2. The child is a person under the age of fourteen years.
3. The Child's legal parents/legal guardians and their last known addresses are:

Father/Guardian

Mother/Guardian

4. Petitioner requests the name of the child be changed to _____
for the following reasons: _____

_____.

WHEREFORE, the Petitioner prays this Court enter and order granting a change of name as requested.

PETITIONER
Print Name: _____
Address: _____
City/State/Zip: _____
Telephone No.: _____

VERIFICATION

I have read this Petition for Change of Name and it is true to the best of my knowledge and belief.

Petitioner

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
_____.

Notary Public

My Commission Expires: _____

[Effective in all cases filed or pending on or after June 16, 2023.]

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF

_____. No. D-____-_____

APPEARANCE, WAIVER, AND CONSENT

COMES NOW the Parent/Guardian, _____, in the above-entitled and numbered action, and acknowledges receipt of a copy of the **Petition for Change of Name for a Child Under the Age of Fourteen Years**; enters Respondent's personal appearance herein; waives the issuance and service of Summons; consents that said action may be heard at any time convenient to the Court without further notice; and consents to the entry of a Judgment as prayed for in the Petition for Change of Name of the Child filed in the above-captioned matter.

DATED this ____ day of _____, _____.

Signature of the Respondent

Mailing Address

City, State, Zip

Phone Number

ACKNOWLEDGMENT

STATE OF NEW MEXICO §

COUNTY OF _____ §

On this ____ day of _____, _____, before me personally appeared, _____, known to me to be the person described in and who executed the foregoing Appearance, Waiver, and Consent and acknowledged that Respondent executed the same as Respondent's free act and deed.

In **Witness Whereof**, I set my hand and affix my official seal on the day and year last written above.

Notary Public in and for the State of New Mexico

My Commission Expires: _____

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF

_____. No. D-____-_____

NOTICE OF PETITION TO CHANGE NAME

STATE OF NEW MEXICO TO: _____ and all interested parties
parent(s)/guardians

TAKE NOTICE that in accordance with the provisions of NMSA 1978, § 40-8-1 *et seq.*
the Petitioner _____ will apply to the Honorable
_____, District Judge for the Sixth Judicial District Court of _____
County, New Mexico on the _____ day of _____, 20_____ at _____ . m for
an order changing the name of the Child from _____ to
_____.

(SEAL)

District Court Clerk

By: _____
Deputy Clerk

Submitted by:

_____, Petitioner, Pro Se
Signed

[Effective in all cases filed or pending on or after June 16, 2023.]

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF

_____. No. D-____-_____

**FINAL JUDGMENT CHANGING THE NAME OF A
PERSON UNDER THE AGE OF FOURTEEN YEARS**

THIS MATTER CAME ON FOR HEARING before the Court on the Petition filed by the Petitioner, _____, to change the name of the Child from _____ to _____. The Court having considered said Petition and being otherwise advised finds:

1. The Court has jurisdiction of both the subject matter and the parties herein.
2. The Petitioner is either the parent or guardian of _____ who was born on _____, 20____, whose age is _____ years.
3. Petitioner and Child are both residents of _____ County, New Mexico.
4. The requirement of notice to all legal parents/legal guardians of these proceedings was addressed at the time of the hearing.
5. No person has objected to the change of name as requested herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. That the Petition be and hereby is granted.
- B. That the Child's name is changed from _____ to _____.

- C. *Check only if applicable:* [] The court will seal all records regarding the petition.
- D. Upon the request of Petitioner, the Office of Vital Records of the New Mexico Department of Health, and its successors, shall amend the Certificate of Birth to reflect the name change of the child.

DISTRICT COURT JUDGE

[Effective in all cases filed or pending on or after June 16, 2023.]

Date: _____

Registrar
New Mexico Health Department Vital Records
P.O. Box 26110
Santa Fe, NM 87502

To whom it may concern:

Recently, the name of my child was changed and I would like to amend their birth certificate.

My child's former name was _____ and was born in _____
County on _____ (*date of birth*).

I have enclosed the following documents:

1. A certified copy of the Order changing my child's name bearing the court's embossed seal;
2. A check of money order for \$20.00;
3. A completed Birth Record Search Application obtained from the New Mexico Bureau of Vital Records (<https://www.nmhealth.org/about/erd/bvrhs/vrp/birth/>);
4. My child's old birth certificate; and
5. A photocopy of my child's I.D., if available.

Sincerely,

Parent/Guardian

(Address)

(City, State, Zip Code)

(Telephone)

New Mexico Vital Records and Statistics:

7.2.2.25 NAMING: For all parts of this section, any document in which a name is created or amended, the name given must comply with the following requirements:

- A. must include a first and last name;
- B. must be a full name and may not include initials;
- C. may not be obscene, offensive, bizarre, or unduly lengthy;
- D. may not be used for fraudulent purposes; and
- E. may only use the 26 letters of the English alphabet and may not contain characters except hyphens, apostrophes, and periods.

[7.2.2.25 NMAC - N, 12/27/2022]

Updated: July 11, 2023