

HOW TO CHANGE A YOUR NAME

Disclaimer: This packet is designed to give assistance to those of you who are trying to “do it yourself.” 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 RESIDENT OF EITHER SANTA FE, RIO
ARRIBA OR LOS ALAMOS COUNTY
AND
FOURTEEN YEARS OF AGE OR MORE**

HOW TO GET STARTED?

1. PREPARE A “PETITION FOR CHANGE OF NAME” WITH THE CLERK OF THE DISTRICT COURT. BE SURE TO COMPLETE IT CAREFULLY AND TRUTHFULLY. MAKE SURE YOUR “PETITION” IS NOTARIZED.

A copy of a sample Petition is available from the court for a copying fee of \$0.35 per page.

Many of the people who work in the courthouse are Notary Publics will “notarize” your Petition at no charge.

2. FILE THE PETITION WITH THE CLERK OF THE COURT AND THE CLERK WILL ASSIGN THE CASE TO A JUDGE.

The Filing Fee is \$122.00

3. GO TO THE JUDGE’S OFFICE AND ASK FOR A “HEARING” TO BE SET IN ABOUT 30 DAYS. MAKE YOUR REQUEST IN WRITING.
4. GO TO A NEWSPAPER THAT PUBLISHES IN YOUR COUNTY AND ASK THEM TO PUBLISH A “NOTICE” AT LEAST ONCE A WEEK FOR TWO STRAIGHT WEEKS.

A sample for of “Notice” is included in this packet.

The newspapers charge to put such a notice in the “legal ads” and this charge must be paid. It can be over \$100.00. The judge cannot reduce or forgive this charge.

When it is done, the newspaper will provide a “PROOF OF PUBLICATION” which you should file with the Clerk of the Court and show to the judge. The Clerk will not charge you any filing fee for this document.

5. GO TO THE HEARING AND WHEN YOU TURN COMES, TELL THE JUDGE WHAT YOU WANT AND WHY. IF NO ONE OBJECTS, THE JUDGE WILL USUALLY GRANT YOUR REQUEST. GIVE THE JUDGE AN “ORDER” TO SIGN.

A sample form of “ORDER FOR CHANGE OF NAME” is included in this packet.

6. GO BACK TO THE COURT CLERK AND FILE THE ORIGINAL OF THE “ORDER” FOR SAFEKEEPING. ASK THE CLERK FOR A CERTIFIED COPY OF THE ORDER.

The fee for a certified copy is \$1.50 per page, which you must pay the Clerk. Regular copies are \$0.35 per page.

It is a good idea to get more than one copy for your own records and for other agencies like Motor Vehicle Division or Social Security.

7. GO TO THE COUNTY CLERK AND “RECORD” THE ORDER.

The County Clerk is located in the Old Santa Fe County Courthouse, which is 2 blocks south of the Judicial Complex.

The County Clerk will charge a “recording” fee of \$7.00 for the first page and \$2.00 for every page thereafter. This fee must be paid. The Judge cannot reduce or forgive this fee.

If you cannot afford to pay any court fee, you can ask a judge to allow free or reduced filing but you must prove that you really can’t afford it. A form for that purpose is available from the court.

This “packet” includes directions, a copy of the law and samples of all the forms you need. The packet is provided to you by:

The First Judicial District Court
Located at the corner of Grant Avenue and Catron Street
Post Office Box 2268
Santa Fe, New Mexico 87501-2268
Clerk of the Court 505-827-5035
FAX Number 505-827-5055

New Mexico Law on Changing a Name

Sec. 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.

Sec. 40-8-2. Notice of application; contents; publication. Before making application to the court for changing or establishing a name as above provided, the applicant must cause a notice thereof, stating therein the nature of the application, the time and place, when and where the same will be made, to be published in the county where such application is to be made, and where said applicant resides, said notice to be published at least once each week for two consecutive weeks, in some newspaper printed in said county, and if there be no newspaper published in the county where said applicant resides, then said notice shall be published in a newspaper printed in a county nearest to the residence of said person, and having a circulation in the county where such person resides.

Sec. 40-8-3. Hearing; final order. 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.

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

**IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF**

Case No.: _____

PETITION FOR CHANGE OF NAME

COMES NOW the Petitioner, _____, pursuant to Section 40-8-1 NMSA 1978, et seq., and state as follows:

1. Petitioner is resident of Santa Fe, Rio Arriba or Los Alamos Counties, State of New Mexico.
2. Petitioner is over the age of fourteen years.
3. Petitioner requests a change of name to:
_____ for the following
reasons: _____

WHEREFORE, Petitioner prays this Court for its order granting a change of name as requested.

(Signature) PETITIONER PRO SE

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.

Date

Signature of Petitioner

Sworn to before me this ____ day of _____, 200__.

My Commission expires: _____

Notary Public

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

**IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF**

Case No.: _____

REQUEST FOR HEARING

The Petitioner requests a HEARING on a PETITION FOR ORDER FOR CHANGE OF NAME.

1. Judge to Whom Assigned: _____
2. Disqualified Judges (if any): _____
3. Specific Matter to be heard: PETITION FOR NAME CHANGE
4. Estimated total time for hearing: 10 MINUTES
5. Names, addresses and phone numbers of all person who should be notified:

Submitted by:

Petitioner, Pro Se

Address

City, State, Zip

Telephone No.

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

**IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF**

Case No.: _____

NOTICE OF CHANGE OF NAME

TAKE NOTICE that in accordance with the provisions of Sec. 40-8-1 through Sec. 40-8-3 NMSA 1978, the Petitioner _____ will apply to the Honorable _____, District Judge of the First Judicial District at the Santa Fe Judicial Complex at Santa Fe, New Mexico at _____ a.m./p.m. on the _____ day of _____, 200__ for an ORDER FOR CHANGE OF NAME from _____ to _____.

STEPHEN T. PACHECO, District Court Clerk

By: _____

Deputy Court Clerk

Submitted by:

Petitioner, Pro Se

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

**IN THE MATTER OF A PETITION
FOR CHANGE OF NAME OF**

Case No.: _____

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 Sec. 40-8-1 NMSA 1978, et seq. and, being fully advised in the premises, **FINDS:**

1. The Petitioner has complied with all of the requirements of the law for a change of name, including the requirements of notice.
2. No sufficient cause has been shown why the name of the Petitioner should not be changed.

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

DISTRICT JUDGE

Submitted by: _____
Petitioner, Pro Se

Address

City, State, Zip

Telephone No.