

PETITION FOR A NAME  
CHANGE FOR A MINOR  
UNDER AGE 14

---

**THIS PACKET IS FOR THE PARENT(S) OF A  
CHILD UNDER 14 WHO WANTS TO CHANGE  
THEIR NAME**

---

- Advisory
- Instructions
- Petition for Name Change
- Summons
- Giving Legal Notice
- Motion to Serve by Publication, Order and  
Newspaper Notice
- Request for Hearing
- Notice of Hearing
- Order for Change of Name

# STOP

## Please read this ADVISORY

1. REMEMBER – you are responsible for your case:
  - You must fill out the paperwork correctly,
  - You must request and attend hearings,
  - You must check whether the opposing party is filing paperwork
  - You must keep track of deadlines, etc.
2. READ the instructions. They are there to help you fill out these forms.
3. TAKE YOUR TIME filing out the forms. This paperwork will have some legal impact on your life.
4. Please, always use your case **caption** (example: Jane Doe v. John Doe, D-1329-DM-201300194) on all court papers, letters, and with the clerk's and judge's offices.
5. Please seek the advice of an attorney if:
  - a. you do not understand the forms
  - b. you are unsure about what to do
  - c. are uncomfortable with the information you must put on a form.

## INSTRUCTIONS FOR A PETITION FOR A NAME CHANGE

<p>✓ <b>STEP 1 – GETTING THE RIGHT FORM</b></p>	<p>This form is for you if the following is true:</p> <ol style="list-style-type: none"> <li>1. You wish to petition for a name change for a minor under the age of 14.</li> </ol>
<p>✓ <b>STEP 2 – FILL OUT THE PETITION</b></p>	<ol style="list-style-type: none"> <li>1. Completely fill out the Petition.</li> <li>2. The parent or guardian is the Petitioner who will sign the paperwork.</li> <li>3. Make two copies of your completed and signed Petition for Name Change. One copy is for your records. If the child has a parent or guardian who has not signed the petition, you have to give that parent notice by serving the second copy on the non-signing parent or guardian.</li> <li>4. If there is a parent who does not agree to the name change, fill out the Summons and make two copies.</li> <li>5. Once all this is done, you are ready to file the Petition for Name Change at your local district court. There is a filing fee of \$132. You must pay in cash or money order. If paying in cash you must bring exact change. No checks or cards accepted.</li> <li>6. You may fill out an Application for Free Process if you want to ask to have the fee reduced.</li> </ol>
<p>✓ <b>STEP 3 – FILE YOUR PETITION</b></p>	<ol style="list-style-type: none"> <li>1. Bring the original and two copies of the signed Petition (and Summons, if needed) to the court clerk's office.</li> <li>2. File the original and copies with the clerk's office.</li> <li>3. If both parents agree to the name change, the other parent can consent to the name change instead of being served. Proceed to step 5</li> </ol>
<p>✓ <b>STEP 4A – PERSONAL SERVICE ON NON-SIGNING PARENT</b></p>	<ol style="list-style-type: none"> <li>1. You must personally serve the non-signing parent or guardian with the Petition and Summons. (See attached "Giving Notice")</li> <li>2. Once the parent has been served, file the Return of Service with the court. Without service, the court will not grant the name change.</li> <li>3. The other parent has 30 days to respond after being served.</li> <li>4. If you do not know the address of the other parent you must publish in a local paper of their last known address.</li> </ol>
<p>✓ <b>STEP 4B- SERVICE BY PUBLICATION ON NON-SIGNING PARENT</b></p> <p><b>STEP 4-B CONTINUED</b></p>	<ol style="list-style-type: none"> <li>1. If you are unable to serve the other parent personally or by certified mail, you will need to request permission from the judge to publish notice of your case in a newspaper.</li> <li>2. Completely fill out the Motion for Service by Publication. The Order for Service of Process by Publication in a Newspaper should be filled out completely, except the signature line for the judge. Also you will need to fill out the Notice of Pendency of Action.</li> </ol>

	<ol style="list-style-type: none"> <li>3. Make a copy of all 3 documents and take them to the court clerk's office for filing, along with a self-addressed stamped envelope for the return of the documents.</li> <li>4. If the judge <b>grants</b> the Order for Service of Publication in a Newspaper, you will receive all your documents in the mail, along with the Notice of Pendency of Action issued by the clerk's office. Take the Notice to the newspaper that you indicated you were going to publish in the Order for publication. The publication must run once a week for <b>3 consecutive weeks</b>. <b>You</b> are responsible for paying the newspaper for the cost of publication.</li> <li>5. When publication is complete, the newspaper will send you an Affidavit of Publication. File this document with the court clerk's office before your hearing.</li> <li>6. If the judge does <b>not</b> grant the Order for Service of Process by Publication in a Newspaper, you will need to again try to serve the other parent or least again try to locate the other parent.</li> </ol>
<p>✓ <b>STEP 5- GO TO YOUR HEARING</b></p>	<ol style="list-style-type: none"> <li>1. Fill out page 2 of the Order for Name Change (A, B &amp; C if multiple children) and bring it with you to your hearing.</li> <li>2. The judge will review the Order, and may have questions for you.</li> <li>3. If the judge doesn't see any problems, the judge will sign the order.</li> </ol>
<p>✓ <b>STEP 10- FILE THE ORDER</b></p>	<ol style="list-style-type: none"> <li>1. After the judge signs the order, take the signed order to the court clerk's so they can officially file the order. Once the order is filed, the name change is official.</li> <li>2. Ask the court clerks to certify as many copies of the order as you need. You will need certified copies for schools, social security and the County Clerk. The fee for certified copies is \$1.50 per certification.</li> <li>3. Record a certified copy of the order with the County Clerk. The County Clerk is not the same as the court clerks. If you are not sure where your county clerk is located, check with the court clerk's office.</li> </ol>

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s)

1. \_\_\_\_\_, Petitioner (parent/guardian)

2. \_\_\_\_\_, Petitioner (parent/ guardian)

**PETITION FOR NAME CHANGE**

*(you must live in the county where you are filing this Petition)*

1. The Petitioner(s) live/s in \_\_\_\_\_ County, New Mexico.
2. This is a Petition for a name change involving a person(s) under the age of 14 years.
3. The Petitioner(s) understand/s that BOTH parents/guardians shall sign the Petition for Name Change, OR, the non-signing parent/guardian shall be served with the Petition for Name Change and given the opportunity to respond to the Petition.

**Please mark the appropriate box:**

The other parent/guardian is deceased and I have attached a death certificate, OR

Both parents/guardians will sign this Petition, OR

I will promptly serve the non-signing  mother, or  father, or  legal

guardian with a copy of this Petition. That person's name is

\_\_\_\_\_, and that person's address and telephone number is,

\_\_\_\_\_.



2. \_\_\_\_\_ for \_\_\_\_\_

Signature of the parent/guardian for a person(s) under 14 years of age

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**STATE OF NEW MEXICO** )

) ss.

**COUNTY OF** \_\_\_\_\_ )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2\_\_\_ by \_\_\_\_\_, the petitioner.

\_\_\_\_\_  
Notary Public My commission expires \_\_\_\_\_

(SEAL)

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s)  
\_\_\_\_\_, Petitioner (parent/guardian)

**SUMMONS  
THE STATE OF NEW MEXICO**

TO: \_\_\_\_\_, (other parent/guardian)  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

You are required to serve upon \_\_\_\_\_ (name of Petitioner or  
Petitioner's attorney) an answer in response to the petition which is attached to this summons  
within thirty (30) days after service of this summons upon you, not counting the day of service,  
and file your answer or motion with the court as provided in Rule 1-005 NMRA.

**If you fail to file a timely answer, the name change may be granted without your  
input.**

Petitioner or Petitioner's attorney:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street or P.O. Box

\_\_\_\_\_  
City, state & zip code

\_\_\_\_\_  
Telephone number

WITNESS the Honorable \_\_\_\_\_, District Judge of the  
Thirteenth Judicial District Court of the State of New Mexico, and the seal of the district court  
of \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Court Manager

By \_\_\_\_\_  
Judicial Specialist

Dated: \_\_\_\_\_

(SEAL)

**RETURN**

STATE OF NEW MEXICO )

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 \_\_\_\_\_, 2\_\_\_\_, by delivering a copy of this summons, with a copy of the petition attached, in the following manner: **(check one box and fill in the appropriate blanks)**

to the respondent \_\_\_\_\_ *(used when respondent accepts a copy of the summons and petition or refuses to accept the summons and petition)*

to the respondent 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 petition on the respondent by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of the petition attached, in the following manner:

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

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

to \_\_\_\_\_, an agent authorized to receive service of process for respondent \_\_\_\_\_.

to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of respondent \_\_\_\_\_ *(used when respondent is a minor or an incompetent person)*

\_\_\_\_\_  
**Signature of person making service**

\_\_\_\_\_  
**Title (if any)**

\_\_\_\_\_  
**Fees (if any)**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
**Judge, notary or other official  
authorized to administer oaths**

\_\_\_\_\_  
**Official Title**

# What Is “Giving Legal Notice” or “Service”?

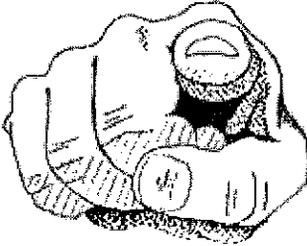
---

PETITIONER = YOU

v.

RESPONDENT = THE OTHER PARTY

(your spouse, your ex-boyfriend, your ex-girlfriend, etc.)



## YOU MUST

- ✓ legally notify the Respondent that you have filed a petition (**Summons**)
- ✓ file proof with the Court that you notified the Respondent (**Return of Service**)
- ✓ have a copy of all the paperwork you filed  
**AND**
- ✓ a copy of all the paperwork the Court issued when you filed your petition, delivered to the Respondent

The Court **WILL NOT** do this for you

## How Do I Give Legal Notice?

---



### PERSONAL SERVICE – COURTS PREFER

Anywhere the Respondent can be found: For Example, at work, at home or other place.

1. Deliver a copy of all the paperwork to the Respondent using one of the following:
  - a. Sheriff's Deputy
  - b. Anyone (NOT YOU) 18 or older with a valid ID OR
  - c. A private process server
2. You yourself **CANNOT** serve the Respondent with the paperwork.

### MAIL – NEXT BEST OPTION

1. You have a good address for the Respondent:
  - a. send paperwork by CERTIFIED MAIL – RETURN RECEIPT.
  - b. The Respondent, and only the Respondent, must sign for the legal paperwork.
  - c. Restricted delivery to the Respondent helps.



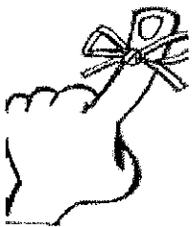
### NEWSPAPER – LAST RESORT

**Q:** What if I don't know where the Respondent works, lives, or can be found?

**A:** You can ask the court's permission to publish in the newspaper. (*Motion for Service by Publication*) – The court **cannot** waive the publishing fee. You will have to pay this.

## I Served the Respondent, Now What?

---



### FILE PROOF OF SERVICE

**REMEMBER:** The Court doesn't know if the Respondent was legally notified unless YOU file the right paperwork at the court clerk's office that proves it.

1. Return of Service Form = Personal Service Complete
2. Green Return Card = Certified Mail Signed by Respondent  
**OR**
3. Affidavit of Publication = After Publication in a Newspaper

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s).  
\_\_\_\_\_, Petitioner (parent/guardian)

**MOTION FOR SERVICE BY PUBLICATION**

Petitioner \_\_\_\_\_ states that after careful and thorough search efforts, he/she has been unable to serve process on the other parent/guardian, \_\_\_\_\_, personally or by mail.

1. The following efforts were made to locate and serve the above-named other parent/guardian personally with a summons and petition:

*Please check **all** that apply:*

- personal service was attempted, but failed.
- service by mail or courier service was attempted, but failed.
- Other parent/guardian's last known address is:  
\_\_\_\_\_  
To my knowledge, the other parent/guardian is no longer at this address.
- I tried to locate other parent/guardian's address by checking with other parent/guardian's family or friends, but failed to locate an address.
- I tried to locate the other parent/guardian's home address, work location, or other contact information (such as phone number or e-mail address) by using the internet (Google, Bing, Facebook, MySpace, mylife.com, WhitePages.com, NM Courts Case Lookup, etc.), but failed to locate a home address, work location, or any contact information.
- I contacted the post office for a last known address or a forwarding address, without success.
- I checked with the motor vehicle division for other parent/guardian's listed address, but there is no listed address or the listed address is wrong.

- [ ] I have been in contact with the other parent/guardian as recently as \_\_\_\_\_ (month/year), but other parent/guardian indicated to me that he/she will not give me his/her address.
- [ ] I have been separated from other parent/guardian since \_\_\_\_\_ (month/year), and we have had no contact since then. I have no idea where other parent/guardian might be now.
- [ ] I have some information (for example, phone number, e-mail address, or job location) about other parent/guardian, but it still hasn't led to an address at which other parent/guardian can be served with the summons and petition/complaint.
- [ ] Other parent/guardian wasn't from New Mexico, and had little or no family in or connections to New Mexico.
- [ ] I have made the following particular efforts to locate other parent/guardian:  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Despite the efforts described above, I can't locate the other parent/guardian in order to complete service of process. Service of process cannot be reasonably made except by publication. *See* Rule 1-004(J),(K), NMRA
3. I will publish notice of my case in a newspaper of general circulation in the county where I live. The Albuquerque Journal meets the requirements for every county in New Mexico.
4. **(Complete only if you know the county where the other parent/guardian is most likely to be found outside New Mexico.)**
  - a. To my knowledge, the other parent/guardian is most likely to be found in the following place: \_\_\_\_\_
  - b. A newspaper of general circulation is the \_\_\_\_\_, and I will also publish the Notice of Pendency of Action in this newspaper.
5. This case **does not** involve real estate (such as a home you own or land you own).

6. I state upon my oath or affirmation that this Motion for Service by Publication and the statements in it are true and correct to the best of my information and belief.

Date: \_\_\_\_\_

**Petitioner's notarized signature:**

**STATE OF NEW MEXICO** )  
 ) ss.  
**COUNTY OF** \_\_\_\_\_ )

\_\_\_\_\_  
Petitioner's signature  
Address:

Acknowledged, subscribed and sworn to  
before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_ by \_\_\_\_\_  
\_\_\_\_\_, the petitioner.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
(SEAL)

STATE OF NEW MEXICO  
COUNTY OF SANDOVAL  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s)

\_\_\_\_\_, Petitioner (parent/guardian)

**ORDER FOR SERVICE OF PROCESS  
BY PUBLICATION IN A NEWSPAPER**

Petitioner has filed a motion requesting that the court approve service of process upon other parent/guardian \_\_\_\_\_ by publication in a newspaper.

THE COURT finds that the Petitioner has made careful and thorough efforts to make personal service or service by mail, but has not been able to complete service of process.

THE COURT further finds:

A newspaper of general circulation in this county is the Albuquerque Journal

\*\*In addition, other parent/guardian is most likely to be found in

\_\_\_\_\_, and a newspaper of general circulation in that place is the

\_\_\_\_\_.

THEREFORE, IT IS HEREBY ORDERED that the Petitioner serve process on other parent/guardian by publication once a week for three consecutive weeks in:

The Albuquerque Journal;

\*\*The \_\_\_\_\_, a newspaper of general circulation where other parent/guardian is most likely to be found.

The Petitioner shall file proof(s) of service with a copy of the affidavit(s) of publication when service has been completed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
District Judge

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s)

1. \_\_\_\_\_, Petitioner (parent/guardian)

**NOTICE OF PENDENCY OF ACTION**  
(newspaper service/notice to other parent/guardian)

STATE OF NEW MEXICO to \_\_\_\_\_, parent/guardian

**GREETINGS:**

You are hereby notified that the above-named Petitioner has filed in the above-titled Court and case, the general object thereof being:  
**a Petition for a Name Change for a child under 14 years of age** for whom you are a parent or guardian.

If you do not file a response in this case on or before thirty days after the third publication of this Notice, a default judgment may be entered against you. Your response must be filed with the above-titled Court.

This case **does not** involve real property.

Name, mailing address and telephone number of Petitioner or Petitioner's attorney:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

WITNESS the Honorable \_\_\_\_\_, District Court Judge of the Thirteenth  
Judicial District Court of the State of New Mexico and the seal of the District Court of  
\_\_\_\_\_ County this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Court Manager

(SEAL)

By: \_\_\_\_\_

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
13TH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s).

1. \_\_\_\_\_, Petitioner (parent/guardian)
2. \_\_\_\_\_, Petitioner (parent/guardian)

**REQUEST FOR HEARING**

Assigned judge: \_\_\_\_\_

Matters to be heard: ORDER FOR CHANGE OF NAME

Submitted by:

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s).

1. \_\_\_\_\_, Petitioner (parent/guardian)
2. \_\_\_\_\_, Petitioner (parent/guardian)

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the above-entitled cause is scheduled for hearing before the  
Honorable \_\_\_\_\_, District Judge, for the date, time and place below:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- Place:  District Courthouse, Highway 314 & Morris Road, Los Lunas, New Mexico  
 District Courthouse, 1500 Idalia Road, Building A, Bernalillo, New Mexico  
 District Courthouse, 700 E. Roosevelt Ave., Suite 60, Grants, New Mexico

Matter to be heard: ORDER FOR CHANGE OF NAME

Time allocated: \_\_\_\_\_

\_\_\_\_\_  
Trial Court Administrative Assistant

Parties entitled to notice:

a.	b.
----	----

**PLEASE SUBMIT THIS WITH STAMPED ENVELOPES  
ADDRESSED TO ALL PARTIES OR ATTORNEYS ENTITLED TO  
NOTICE; THE JUDGE'S ASSISTANT WILL USE THOSE ENVELOPES TO  
GIVE PARTIES AND ATTORNEYS NOTICE OF THE HEARING DATE**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
THIRTEENTH JUDICIAL DISTRICT COURT

No. \_\_\_\_\_

IN THE MATTER OF A PETITION  
FOR NAME CHANGE FOR \_\_\_\_\_, minor(s).

1. \_\_\_\_\_, Petitioner (parent/guardian)
2. \_\_\_\_\_, Petitioner (parent/guardian)

**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 Sections 40-8-1 to 40-8-3 and, being fully advised in the premises, FINDS:

1. This is a Petition for a name change involving a person(s) under the age of 14 years  
(parent/guardian filed for child)

2. Court finds:

Both parents/guardians signed the Petition; or,

The non-signing parent/guardian was properly served with a copy of the Petition for Name Change and said parent/guardian was afforded sufficient time to respond to the Petition.

The Petitioner(s) has complied with all of the requirements of the law for service by publication, including the requirement of publication of Notice of Pendency of Action once a week, for three weeks in a newspaper of general circulation in all counties in New Mexico or where the other parent/guardian was most likely to be found if the other parent is not in the State of New Mexico.

3. No sufficient cause has been shown why the name(s) of the minor(s) should not be changed.

IT IS THEREFORE ORDERED that:

A. The minor currently named \_\_\_\_\_ born on \_\_\_\_\_ is hereby granted a NAME CHANGE to \_\_\_\_\_, and, that the Vital Statistics Bureau of the state where the minor's birth certificate is filed is ORDERED to amend and reissue the birth certificate to reflect the above name change.

**Complete section B and C for additional children if necessary.**

B. The minor currently named \_\_\_\_\_ born on \_\_\_\_\_ is hereby granted a NAME CHANGE to \_\_\_\_\_, and, that the Vital Statistics Bureau of the state where the minor's birth certificate is filed is ORDERED to amend and reissue the birth certificate to reflect the above name change.

C. The minor currently named \_\_\_\_\_ born on \_\_\_\_\_ is hereby granted a NAME CHANGE to \_\_\_\_\_, and, that the Vital Statistics Bureau of the state where the minor's birth certificate is filed is ORDERED to amend and reissue the birth certificate to reflect the above name change.

\_\_\_\_\_  
District Court Judge