

NAME CHANGE INSTRUCTIONS

This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.

In New Mexico, the laws about changing a name are found under “Change of Name” in [Sections 40-8-1 through 40-8-3 NMSA 1978](#).

Currently, there are no New Mexico Supreme Court approved forms for changing your name. Ask if your local district court offers a packet of forms for changing your name. If no forms are available, you may use forms from another New Mexico court and change the court name to your court. Check with the clerk’s office or self-help desk at your local courthouse if you have questions.

WHAT IS A NAME CHANGE?

In general, a name change is when someone changes their legal name to a different name. Changing your name or a child’s name requires a court order.

If you want to change your name on your birth certificate, check with the Department of Vital Records in the state where you born to learn that state’s requirements. At your name change hearing, the judge needs to know the requirements for the state where you were born so the court’s order will include those requirements.

WHO CAN FILE FOR A NAME CHANGE?

First, the person or the child must be a resident of New Mexico.

If you are 14 years old or older, you can file for a name change on your own.

If a child is 13 years old or younger, the child’s parent or legal guardian can file for a name change.

I AM 14 YEARS OLD OR OLDER

HOW DO I FILE FOR A NAME CHANGE?

To get started, you will need at least these forms:

- Petition for Name Change – This is the form that starts the court process.
- Order Changing Name – This is the form the judge uses to change your name. You are required to fill it out for the judge.

Next, file your name change case:

- Take the original forms and 1 copy of each form to the clerk’s office at your local district court. Some courts require more than 1 copy; check with your local district court.
- Pay the filing fee. Filing fees vary; check with the clerk’s office at your local district court for how much it costs to file your forms. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called “free process.” Ask the clerk’s office at your local district court for more information about free process.
- The clerk will file your petition. That starts your name change case.

I AM 14 YEARS OLD OR OLDER

WHAT HAPPENS AFTER I FILE THE PETITION? DO I HAVE TO DO ANYTHING ELSE?

YES. You must wait to hear back from the court regarding the date and time of your hearing which you must attend.

At the hearing, the judge will either approve or deny your name change.

MY CHILD IS 13 YEARS OLD OR YOUNGER

HOW DO I FILE FOR A NAME CHANGE?

To get started, you will need these forms:

- Petition for Name Change – This is the form that starts the court process.
- Consent to Name Change or a Summons – Because the child is under 14 years old, you have to give notice to the child's non-signing parent or guardian. If the non-signing parent or guardian **agrees** to the name change, they can sign a consent form. Otherwise, you **must** arrange delivery of a copy of the Summons and Petition to the non-signing parent or guardian. This delivery is called "service." One thing is very important – **you** do not serve these court papers; your job is to arrange for someone else to do this for you.
- Order Changing Name – This is the form the judge uses to change your name. You are required to fill it out for the judge.

Filing your name change case:

- Take the original forms and 1 copy of each form to the clerk's office at your local district court. Some courts require more than 1 copy; check with your local district court.
- Pay the filing fee. Filing fees vary; check with the clerk's office at your local district court for how much it costs to file your forms. If your income is below a certain level, you may be entitled to a waiver of the filing fee. This is called "free process." Ask the clerk's office at your local district court for more information about free process.
- The clerk will file the petition. That starts your child's name change case.

MY CHILD IS 13 YEARS OLD OR YOUNGER

WHAT HAPPENS AFTER I FILE THE PETITION? DO I HAVE TO DO ANYTHING ELSE?

YES. Because the child is under 14 years old, you have to give notice to the child's non-signing parent or guardian. If the non-signing parent or guardian did not or will not sign a consent form, you **must** arrange delivery of a copy of the Summons and Petition to the non-signing parent or guardian. This delivery is called "service." One thing is very important – **you** do not serve these court papers; your job is to arrange for someone else to do this for you.

You must wait to hear back from the court regarding the date and time of your hearing which you must attend.

At the hearing, the judge will either approve or deny your child's name change.

THE JUDGE APPROVED THE NAME CHANGE. AM I DONE?

NO. You are responsible for notifying the public that you have changed your name or changed your child's, name. To notify the public as required, take a stamped copy of the Order for Name Change to the county clerk's office in the county where you live or where your child lives and ask the clerk to record the order. There may be a fee for this.

CHANGING BIRTH CERTIFICATES AFTER A NAME CHANGE

If you want your name or your child's name changed on the birth certificate, contact the Department of Vital Records in the state where you or your child were born. Some departments will require special language in your Order for Name Change so it is important to contact them before you go to your hearing and find out what their procedures are.