

CHANGE OF NAME FOR A PERSON UNDER 14 YEARS OF AGE

Instructions

1. Is this the correct court? This is the Eleventh Judicial District Court in San Juan County. This is the correct court to file your petition if the child lives in either San Juan or McKinley County, New Mexico.
2. Are these the correct forms? These are not the correct forms if the person whose name will be changed is 14 years old or older.
3. Costs. You must anticipate the following costs:

Court Filing fee	\$117 (The court accepts only cash or money order)
Photocopies at the court	\$.35 cents each
Certified copies	\$1.50 each document
Publication expense	
Filing fee with County Clerk	
Fee for obtaining a new birth certificate	

HOW THE PROCESS GENERALLY WORKS

Open your case

1. Bring the following to the District Court clerk at the courthouse in Aztec at 103 So. Oliver Dr.

• <i>Petition to Change Name</i>	original & 1 copy
• <i>Final Order Changing Name</i>	original
•\$117 for the Court filing fee (The court accepts only cash or money order)	
•A self-addressed stamped envelope	
2. Your case will be assigned to a Judge who may be located at the District Court in either Aztec or Farmington. Ask the court clerk where the Judge is located so you will know where to file papers later in your case.
3. The court clerk will write in a case number and file-stamp the copy of the *Petition to Change Name* that you have brought and return it to you. Keep this copy for your records.
4. The court clerk will take the original *Final Order Changing Name* that you have

prepared and see that the Judge is provided with this order. JUST BECAUSE YOU HAVE SUBMITTED THE *FINAL ORDER CHANGING NAME* DOES NOT MEAN THAT THE JUDGE WILL GRANT YOUR PETITION OR SIGN THE ORDER.

Next

5. Complete the *Notice of Petition to Change Name*. Take it to a newspaper that is published in San Juan County. If you live in McKinley County, it must also be published in a McKinley County newspaper. Ask the newspaper to publish your *Notice of Petition to Change Name* once a week for two consecutive weeks.

NOTE: If you believe that publication of your *Notice of Petition to Change Name* will jeopardize your personal safety, you should contact an attorney to assist you. There are no forms to assist you in this situation.

THE STATUTE (NMSA 1978 §40-8-1) REQUIRES THAT
“NOTICE SHALL INCLUDE NOTICE TO BOTH LEGAL PARENTS”
YOU ARE RESPONSIBLE FOR SATISFYING THIS STATUTORY
REQUIREMENT

See a Lawyer If You Have Questions

6. After the *Notice of Petition to Change Name* has been published once a week for two consecutive weeks, obtain an Affidavit of Publication from the newspaper(s). Make and keep a copy of this Affidavit of Publication for your records.
7. Staple the original Affidavit of Publication to the *Proof of Publication* form (included in this packet) that you have filled out. Go to the court house where the assigned Judge is located and file the *Proof of Publication* with the Affidavit of Publication stapled to it.

Later

8. The Judge will review all of the documents you have filed and decide whether to schedule a hearing. IF the Judge sets a hearing, a notice of hearing will be mailed to you in the self addressed stamped envelope you have provided. IF the Judge decides to grant the petition without a hearing and does not set a hearing, the Judge will sign the *Final Order Changing Name* that you prepared and it will be mailed to you in the self addressed stamped envelope you have provided.

Finally

9. If the Judge has scheduled a hearing, go to the courthouse on the date and time noted in the notice of hearing. Be sure to go to the correct court house.

If you have failed to notify other legal parents or guardians about the *Petition to Change Name*, the Judge may question you concerning that failure.

10. The Judge may or may not grant the *Petition to Change Name*. If the Judge grants the *Petition to Change Name*, the Judge will sign the *Final Order Changing Name* you provided earlier.
11. The court clerk can copy (at \$.35/page) and certify (at \$1.50 each) as many copies of the *Final Order Changing Name* as you would like. One certified copy of the *Final Order Changing Name* is required by statute to be filed with the County Clerk in the county where the child lives. (NMSA 1978 §40-8-1). The County Clerk's Office in San Juan County is located at 100 S. Oliver Drive in Aztec.
12. A certified copy of the *Final Order Changing Name* will be required if you request a new birth certificate with the child's new name. To request a new birth certificate, contact the state where the child was born. In New Mexico, contact the Bureau of Vital Records and Health Statistics at 1-866-534-0051. New Mexico's Department of Health web site may also be of assistance.
13. A certified copy of the *Final Order Changing Name* may be required to change other documents such as social security records or school records. You may obtain additional certified copies of the *Final Order Changing Name* from the court as necessary.

FILLING OUT THE FORMS

You must **type or print in ink** all of the information on the forms.

1. *Petition to Change Name*
Fill in the blanks as indicated on the form. Leave the space after "D-1116-CV..." blank. The court clerk will assign a case number and enter it in this space.

NMSA 1978 §40-8-1 REQUIRES THAT

“NOTICE SHALL INCLUDE NOTICE TO BOTH LEGAL PARENTS”

**YOU ARE RESPONSIBLE FOR SATISFYING THIS STATUTORY
REQUIREMENT**

If you have failed to notify other legal parents or guardians about the *Petition to Change Name*, the Judge may question you concerning that failure.

2. *Final Order Changing Name*

You will enter the number assigned by the court clerk to your case after “No. D-1116-CV...” This number will be assigned when you file your *Petition to Change Name*.

Leave blank the line for the Judge’s signature at the end of the form.

Fill in all remaining blanks as indicated on the form.

Keep a copy of this form for your records

3. *Notice of Petition to Change Name*

You are called the Petitioner. Print your full name following “In the Matter of the Petition of ...”

Print the child’s full current name following “For Change of Name of ...”

Enter the number assigned by the court clerk to your case after “No. D-1116-CV...”

Print your full name following “Notice is hereby given that ...”

Print the day, month and year on which you filed your *Petition to Change Name*

Print the child’s full current name following “...Child’s name from ...”

Print the child’s full new name following “...to the name of ...”

Keep a copy of this form for your records

4. *Proof of Publication*

Enter the number assigned by the court clerk to your case after “No. D-1116-CV...”

Fill in all remaining blanks as indicated on the form.

Staple to this form the original Affidavit of Publication you obtained from the newspaper or newspapers.

Keep a copy of this form for your records

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE PETITION OF

_____ (parent/guardian's full name)

FOR CHANGE OF NAME OF

_____ (child's current full name)

No. D-1116-CV

PETITION TO CHANGE NAME

(Person Under 14 Years of Age)

COMES NOW the Petitioner, _____ (print
parent/guardian's full name), pursuant to NMSA 1978 §40-8-1 (2010) and states that:

1. The Child who is the subject of this petition is a resident of _____
(name of city) in the County of _____ (name of county) in the State of New
Mexico.

2. Petitioner is the parent or guardian of the Child who is the subject of this petition. The
Child, _____ (print child's current full name) was
born on the _____ day of _____ (month), _____ (year of birth) and is currently _
_____ years of age.

3. Petitioner desires to change the Child's name from his / her (circle his or her) current name
of _____ (print child's current full name) to the
following _____ (print the full new name of the child).

4. The Petitioner certifies (choose one alternative):

[] The Petitioner is the sole parent or legal guardian of the Child who is the
subject of this petition. There is no other parent or legal guardian to notify
concerning this petition.

[] The Petitioner has notified the Child's other parent(s) or legal guardian(s) concerning this petition. Notification was made in the following manner:

[] The Petitioner has not notified the Child's other parent(s) or legal guardian(s) concerning this petition because: _____

_____.

5. Petitioner knows of no sufficient cause why Child's name should not be changed to and established as _____ (*print the full new name of the child*)

WHEREFORE, Petitioner prays that the Court enter its Final Order Changing Name.

Signature

Printed Name

Mailing address

Telephone including area code

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE PETITION OF

_____ (parent/guardian's full name)

FOR CHANGE OF NAME OF

_____ (child's current full name)

No. D-1116-CV _____

FINAL ORDER CHANGING NAME

(Person Under 14 Years of Age)

THIS MATTER having come before the Court on the Petition to Change Name (*Person Under 14 Years of Age*) filed herein and the Court having considered said Petition and being fully advised in the premises finds as follows:

1. This Court has jurisdiction over the subject matter and the Child who is the subject of this petition.

2. Petitioner, _____ (*print parent/guardian's full name*), is the parent or guardian of the Child. The Child, _____ (*print child's current full name*) was born on the _____ day of _____ (*month*), _____ (*year of birth*) and is currently _____ years of age.

3. The Child is a resident of _____ (*name of city*) in the county of _____ (*name of county*) in the State of New Mexico.

4. A Notice of Petition to Change Name of Person Under 14 Years of Age was published, as required by law, in San Juan County and [] (*check if applicable*) McKinley County, the Child's County of residence.

5. Notice to the Child's other parent(s) or legal guardian(s), if any, appears to be Constitutionally adequate.

6. No person has objected to the change of name requested herein.

THIS COURT CONCLUDES that the petition should be granted because there is no sufficient cause why the Child's name should not be changed as requested.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED that pursuant to NMSA 1978 §§40-8-1 to 40-8-3, Child's name be, and hereby is, changed from the current name of _____ (*print child's current full name*) to, and established as, the following _____ (*print the full new name of the child*).

DISTRICT COURT JUDGE

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE PETITION OF

FOR CHANGE OF NAME OF

No. D-1116-CV-_____

**NOTICE OF PETITION TO CHANGE NAME OF
PERSON UNDER 14 YEARS OF AGE**

NOTICE IS HEREBY GIVEN THAT _____ filed a Petition
to Change Name in the Eleventh Judicial District Court in San Juan County, New Mexico at 103 So.
Oliver Drive, Aztec, on the _____ day of _____, 20____. The Petitioner is the
parent or legal guardian of the Child and seeks to change the Child's name from _____
_____ to the name of _____.

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

IN THE MATTER OF THE PETITION OF

_____ (parent/guardian's full name)

FOR CHANGE OF NAME OF

_____ (child's current full name)

No. D-1116-CV

PROOF OF PUBLICATION

(Person Under 14 Years of Age)

COMES NOW the Petitioner, _____ (print your full name),

and states that pursuant to NMSA 1978 §40-8-2 (2010):

1. A Notice of Petition to Change Name of Person Under 14 Years of Age was published at least once each week for two consecutive weeks in the _____

(name of newspaper) which is printed and/or circulated in San Juan County.

2. The Child who is the subject of this petition is a resident of _____

(name of city) in the County of _____ (name of county) in the State of New

Mexico.

[] (Check this option only if applicable) Because the Child is a resident of McKinley County, the Notice was also published in the _____ (name

of newspaper) which is printed and/or circulated in McKinley County.

3. The newspaper's affidavit of publication is attached hereto as an exhibit.

Signature

Printed Name

Mailing address

Telephone including area code