

RIO ARRIBA COUNTY HOW TO CHANGE A CHILD'S 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 PARENT OR GUARDIAN OF THE CHILD
AND
A RESIDENT OF SANTA FE COUNTY
AND
THE CHILD MUST BE:** **UNDER THE AGE OF FOURTEEN**

HOW TO GET STARTED?

1. **PREPARE THE PETITION FOR CHANGE OF NAME, INTERPRETER FORM, AND REQUEST FOR HEARING. THE BIOLOGICAL MOTHER AND FATHER OF THE MINOR CHILD MUST COMPLETE A CONSENT FORM TO BE FILED WITH THE PETITION. BE SURE TO COMPLETE THE FORMS CAREFULLY AND TRUTHFULLY. PLEASE ATTACH COPIES OF ANY COURT ORDERS REGARDING CUSTODY OF THE NAMED CHILD. MAKE SURE THE “PETITION” AND “CONSENT” FORMS ARE NOTARIZED.**

Use blue or black ink only to complete the forms. Do not use white out or correction fluid on the forms. The Clerk's Office will not accept them for filing.

2. **IF YOU DO NOT PROVIDE A NOTARIZED CONSENT FORM FOR EACH PARENT, YOU MUST HAVE THE NON-CONSENTING PARENT(S) SERVED WITH A COPY OF THE PETITION AND A SUMMONS. YOU ARE REQUIRED TO FILL OUT A SUMMONS AND SUBMIT IT ALONG WITH YOUR PETITION.**
3. **FILE THE ORIGINAL PETITION, INTERPRETER FORM, REQUEST FOR HEARING, CONSENT FORMS AND/OR SUMMONS ALONG WITH THE \$132.00 FILING FEE WITH THE CLERK'S OFFICE. THE CLERK WILL ASSIGN A CASE NUMBER AND JUDGE TO YOUR CASE. IF YOU DO NOT PROVIDE COPIES, THE CLERK CAN MAKE YOU COPIES FOR 35 CENTS PER PAGE.**

The Clerk's Office only accepts cash, cashier's check or money order. If you cannot afford to pay the filing fee, you can complete an Application for Free Process and Affidavit of Indigency. You must submit this form to the judge for approval.

4. THE CLERK'S OFFICE WILL SUBMIT YOUR FORMS ALONG WITH THE NOTICE OF CHANGE OF NAME TO THE JUDGES OFFICE.
5. THE CLERK WILL CONTACT YOU WHEN YOUR FORMS ARE READY FOR PICK-UP. YOU MUST PUBLISH THE NOTICE OF CHANGE OF NAME IN A NEWSPAPER THAT CIRCULATES IN THE COUNTY YOUR CHILD RESIDES. PUBLISH THE "NOTICE OF CHANGE OF NAME" ONCE A WEEK FOR TWO STRAIGHT WEEKS.

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.

After the last date of publication, the newspaper will provide you with a "PROOF OF PUBLICATION" which you must file with the Clerk of the Court. This document must be filed before your hearing date.

6. IF YOU HAD THE NON-CONSENTING PARENT(S) SERVED WITH THE PETITION, BE SURE TO FILE THE RETURN OF SERVICE WITH THE CLERK'S OFFICE BEFORE YOUR HEARING DATE. YOU WILL BE ASKED BY THE JUDGE IF THE NON-CONSENTING PARENT HAS BEEN SERVED.

Your petition may not be granted if there is not a consent form on file for each parent or the other parent has not been served.

7. GO TO THE HEARING ON THE DATE PROVIDED ON THE NOTICE OF CHANGE OF NAME. BE SURE TO BRING THE ORDER FOR CHANGE OF NAME. IF NO ONE OBJECTS, THE JUDGE WILL USUALLY GRANT YOUR REQUEST. GIVE THE JUDGE THE "ORDER FOR CHANGE OF NAME" TO SIGN.
8. YOU WILL BE SENT DOWN TO THE CLERK'S OFFICE TO PURCHASE COPIES OF THE ORDER.

The Clerk will charge you 35 cents per page for copies and a \$1.50 per certification. The Clerk's Office only accepts cash.

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

9. GO TO THE COUNTY CLERK AND "RECORD" THE ORDER.

The County Clerk is located in the Old Santa Fe County Courthouse.

The County Clerk will charge a recording fee of \$10.00 when the party recording the Order for Change of Name is the person named in the order. A \$25.00 recording fee will be charged when someone other than the person named in the order takes the document to be recorded. These fees are subject to change. This fee must be paid. The Judge cannot reduce or forgive this fee.

This “packet” includes directions and all the forms you need. The packet is provided to you by:

The First Judicial District Court
225 Montezuma Avenue
Post Office Box 2268
Santa Fe, New Mexico 87504-2268
Clerk of the Court 505-455-8250
FAX Number 505-455-8280

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.

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

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

_____ , A MINOR CHILD. Case No.: _____
DOB: _____

PETITION FOR CHANGE OF NAME

COMES NOW the Petitioner _____,

pursuant to Section 40-8-1 NMSA 1978, et seq., and states as follows:

1. Petitioner and child are residents of _____, (city) Rio Arriba County, State of New Mexico.
2. The child is a person under the age of fourteen years.
3. The Petitioner is the child's natural mother/father.
or
 The Petitioner is not the child's natural mother/father. I have attached a copy of the court order(s) appointing the guardian or custodian.
4. Petitioner understands that both parents must consent to the petition, or the non-consenting parent must be served with the Petition for Name Change and be given time to respond to the Petition.

Please mark the appropriate box:

The parents/guardian(s) consent and have signed consent forms to be filed with this petition.

The other parent is deceased and a copy of the death certificate has been attached.

I will promptly serve the non-consenting parent _____
(name of parent(s)) at the following address: _____

5. Petitioner knows of other court cases involving this child (You must provide information on any cases that involve the minor child listed above. If you have a court order regarding custody, you must attach a copy).

Type of case _____

Case Number _____

Type of Case _____
Case Number _____

or

[] Petitioner knows of no other court cases involving this child.

6. Petitioner requests that the name of the Child be changed to:

_____ for the following reasons:

WHEREFORE, Petitioner prays this Court grants an Order for Change of Name as requested in paragraph 6.

Signature of Petitioner

Print Name

Address

Telephone

VERIFICATION

I _____, the Petitioner, being first duly sworn, hereby state that I have read the foregoing Petition for Change of Name and that the facts set forth are true to the best of my knowledge and belief.

Date

Signature of Petitioner

Acknowledged, subscribed and sworn to before me this ___ day of _____, 20___

by _____, the petitioner.

Notary Public

My commission expires

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

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

Case No.: _____

_____, **A MINOR CHILD**

DOB: _____

MOTHER'S CONSENT TO NAME CHANGE

I, _____ (mother's name) being sworn, certify that I am the birth or legal parent of the minor child named in this case.

I hereby consent that the minor child's name be changed from _____ (child's current name) to _____. I acknowledge that I have the right to revoke my consent at any time prior to the date an order changing the child's name is entered. I acknowledge that I was provided the opportunity to consult with legal counsel, if I so chose, before signing this Consent.

DATED this _____ day of _____ 20__.

Signature of Mother

Printed name

Mailing address

City, State & Zip Telephone

STATE OF NEW MEXICO)
COUNTY OF _____)

I, _____, being duly sworn upon my oath, depose and state that I am the natural mother of the minor in the above-entitled cause. I affirm under the penalties of perjury that the contents of the foregoing Consent are true to the best of my knowledge, information and belief.

Mother's Signature

Subscribed and sworn to before me this ____ day of _____,

20____, by _____.

Notary Public

My Commission Expires

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

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

Case No.: _____

_____, **A MINOR CHILD**

DOB: _____

FATHER'S CONSENT TO NAME CHANGE

I, _____ (father's name) being sworn, certify that I am the birth or legal parent of the minor child named in this case.

I hereby consent that the minor child's name be changed from _____ (child's current name) to _____. I acknowledge that I have the right to revoke my consent at any time prior to the date an order changing the child's name is entered. I acknowledge that I was provided the opportunity to consult with legal counsel, if I so chose, before signing this Consent.

DATED this _____ day of _____ 20__.

Signature of Father

Printed name

Mailing address

City, State & Zip Telephone

STATE OF NEW MEXICO)
COUNTY OF _____)

I, _____, being duly sworn upon my oath, depose and state that I am the natural father of the minor in the above-entitled cause. I affirm under the penalties of perjury that the contents of the foregoing Consent are true to the best of my knowledge, information and belief.

Father's Signature

Subscribed and sworn to before me this ____ day of _____,

20____, by _____.

Notary Public

My Commission Expires

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

Case No.: _____

**IN THE MATTER OF A PETITION FOR
CHANGE OF NAME OF _____, A MINOR CHILD**

PETITIONER,

**SUMMONS
THE STATE OF NEW MEXICO**

TO: _____parent(s)/guardian(s)

ADDRESS: _____

TO THE ABOVE NAMED PARENT(S) OR GUARDIAN(S): Take notice that:

1. A Petition for Change of Name has been filed. A copy of the petition is attached. The Court issued this Summons.
2. You must respond to this petition in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA)
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the petition.
4. If you do not respond in writing, the Court may enter judgment as requested in the petition.
5. If you need an interpreter, you must ask for one in writing.

Dated at _____, New Mexico, this ____ day of _____, 20__.

**KATHLEEN VIGIL
CLERK OF DISTRICT COURT**

Attorney for Petitioner or Petitioner pro se
Name:
Address:
Telephone No:
Email Address:

By: _____
Deputy

RETURN

STATE OF NEW MEXICO)
)ss
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 _____, _____, by delivering a copy of this summons, with a copy of petition attached, in the following manner:

(check one box and fill in appropriate blanks)

- to _____ (used when the party accepts a copy of summons and petition or refuses to accept the summons and petition)
- to _____ 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 party by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of petition attached, in the following manner:

- to _____, a person over fifteen (15) years of age and residing at the usual place of abode of _____, (used when the party is not presently at place of abode) and by mailing by first class mail to the party at _____ (insert party'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 party and by mailing by first class mail to the party at _____ (insert the party's business address) and by mailing the summons and petition by first class mail to the party at _____ (insert the party's last known mailing address).
- to _____, an agent authorized to receive service of process for party _____.
- to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of the party _____ (used when the party is a minor or an incompetent person).

Signature of person making service Title (if any) Fees (in any)

Subscribed and sworn before me this ____ day of _____, _____.

Judge, notary or official authorized to administer oath Official Title

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

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

_____, **A CHILD.**

Case No.: _____

DOB: _____

REQUEST FOR HEARING

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

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.

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

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

_____, **A CHILD.**

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, et. seq. the Petitioner _____ will apply to the Honorable _____, District Judge of the First Judicial District at the Rio Arriba County Courthouse, 7 Mainstreet, in Tierra Amarilla, New Mexico at _____ a.m./p.m. on the ___ day of _____, 20__ for an ORDER FOR CHANGE OF NAME of the child from _____ to _____.

KATHLEEN VIGIL, District Court Clerk

By: _____
Deputy Court Clerk

Submitted by:

Petitioner, Pro Se

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

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

_____, **A CHILD.**

Case No.: _____

DOB: _____

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 Child should not be changed.

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

DISTRICT JUDGE

Submitted by: _____
Petitioner, Pro Se

Address

City, State, Zip

Telephone No.