

# **RIO ARRIBA COUNTY HOW TO CHANGE 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 RIO ARRIBA COUNTY  
   AND  
   FOURTEEN YEARS OF AGE OR MORE**

## **HOW TO GET STARTED?**

1.    **PREPARE YOUR PETITION FOR CHANGE OF NAME, INTERPRETER FORM AND REQUEST FOR HEARING. BE SURE TO COMPLETE IT CAREFULLY AND TRUTHFULLY. MAKE SURE YOUR “PETITION” IS NOTARIZED.**

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

2.    **FILE THE PETITION, INTERPRETER FORM AND REQUEST FOR HEARING WITH THE CLERK OF THE COURT AND THE CLERK WILL ASSIGN THE CASE TO A JUDGE.**

The Filing Fee is \$132.00 (cash, cashier’s check or money order only).

3.    **THE CLERK’S OFFICE WILL SUBMIT YOUR FORMS ALONG WITH THE NOTICE OF CHANGE OF NAME TO THE JUDGES OFFICE AND CONTACT YOU WITH FURTHER INFORMATION REGARDING YOUR CASE.**

4.    **AFTER YOUR CASE HAS BEEN FILED, GO TO A NEWSPAPER THAT PUBLISHES IN YOUR COUNTY AND ASK THEM TO PUBLISH THE “NOTICE OF CHANGE OF NAME” AT LEAST 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.

When it is done, the newspaper will provide a “PROOF OF PUBLICATION” which you should file with the Clerk of the Court before your hearing.

5. GO TO THE HEARING AND WHEN YOUR TURN COMES, TELL THE JUDGE WHAT YOU WANT AND WHY. IF NO ONE OBJECTS, THE JUDGE WILL USUALLY GRANT YOUR REQUEST. GIVE THE JUDGE THE “ORDER FOR CHANGE OF NAME” TO SIGN.
6. 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 for payment.

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 \$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. This fee must be paid. The Judge cannot reduce or waive this fee.

**If you cannot afford to pay the \$132.00 filing 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 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 87501-2268  
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**

**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 Rio Arriba County, 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 \_\_\_\_\_, 20\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**STATE OF NEW MEXICO**

**COUNTY OF \_\_\_\_\_  
FIRST JUDICIAL DISTRICT COURT**

**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.

**STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
FIRST JUDICIAL DISTRICT COURT**

**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, 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 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**

\_\_\_\_\_

**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.