

NAME CHANGES FOR MINORS IN New Mexico



What are the legal requirements?

The parent or guardian of a minor under the age of fourteen may file a petition with the district court of the county in which the minor resides. The petitioner must publish notice of the name change in a newspaper, unless the court determines publication will jeopardize the minor's safety. *N.M. Stat. Ann. § 40-8-1*

Where should I file the petition?

File the petition in the district court in the county in which the minor resides and has resided for at least six months prior to filing the petition. You can find an interactive map of the NM courts here: <https://www.nmcourts.gov/state-courts.aspx>

What is the process and what forms should I use?

Although the forms are generally the same for each county, you need to find county specific forms on the New Mexico Courts website: <https://www.nmcourts.gov>. Select the applicable district court and follow the menu to access the correct forms.

The application will consist of the following documentation:

- (i) Petition for Change of Name;
- (ii) Mother's consent to Change Name;
- (iii) Father's consent to change Name;
- (iv) Notice of Petition for Change of Name;
- (v) Affidavit of Publication;
- (vi) Final Order Changing Name; and
- (vii) Request for Interpreter (if needed for court hearing).

You may want to request more than one certified copy of the name change order, since certified copies may be required to update the minor's legal name with other agencies.

Does the process require parental consent?

Notice of the petition to request a minor's name change must include notice to both legal parents. *N.M. Stat. Ann. § 40-8-1*

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Does the process require publication?

Publication is required. Publish notice of the name change request in a newspaper circulated in the county in which the minor resides, at least once a week for two consecutive weeks, including the nature of the application and when and where it will be filed.

If the court determines that publication of a minor's name will jeopardize the minor's personal safety, then the court will not require publication. The court will order all records regarding the application to be sealed, and the records will be opened only by court order based upon a showing of good cause or at the applicant's request. *N.M. Stat. Ann. § 40-8-2*

What will the judge consider?

The judge will consider evidence from all interested parties, and, if satisfied that there is no reasonable objection to the minor's request for name change, then the court will sign an order granting the name change request.