

NAME CHANGES



CANNON LAW CENTER 2006

There are three methods for accomplishing a change of name: pursuant to an adoption, pursuant to marriage or divorce; and a general change of name not in connection with an adoption or divorce. Normally an original marriage license or divorce order will permit you to obtain name changes on official documents, such as a driver's license, military identification card, financial and credit card accounts, etc. Generally, the law recognizes the right of any person to adopt any name by which the person may become known and by which he/she may transact business, execute contracts, sue or be sued.

I. ADOPTION AND NAME CHANGES

In all cases of legal adoption of a child, the court where the proceedings are held may change the name of any child at the time of adoption. The name change must be included in and recorded with the adoption order. Any child who has been previously adopted by law, may change his or her name if the parents file a petition of name change on behalf of the child.

II. DIVORCE AND NAME CHANGES

Upon the granting of a final divorce, the party who assumed a new name upon marriage, may request to discontinuing using the married name. The Court must change the party's name to either the name at birth of the party or any other former name the party wishes to use. The change of name is made party of the final divorce decree.

III. PETITIONING FOR NAME CHANGE IN NEW MEXICO

New Mexico Name Change Law:

New Mexico Statutes 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. History: Laws 1889, Ch. 3, § 1; C.L. 1897, § 2910; Code 1915, § 3807; C.S. 1929, § 92-101; Laws 1937, Ch. 162, § 1; 1941 Comp., § 25-501; 1953 Comp., § 22-5-1; Laws 1979, Ch. 14, § 1; 1989, Ch. 161, § 1.

New Mexico Statutes 40-8-2.

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. History: Laws 1889, Ch. 3, § 2; C.L. 1897, § 2911; Code 1915, § 3808; C.S. 1929, § 92-102; 1941 Comp., § 25-502; 1953 Comp., § 22-5-2.

New Mexico Statutes 40-8-3.

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. History: Laws 1889, Ch. 3, § 3; C.L. 1897, § 2912; Code 1915, § 3809; C.S. 1929, § 92-103; 1941 Comp., § 25-503; 1953 Comp., § 22-5-3.

III. EFFECT OF A NAME CHANGE

A legal name change requires you to update all your military records, driver's license, and other forms of identification. Remember you will be required to present or submit a copy of the court order whenever making changes to official records.

This outline has been designed to give you a basic understanding of law on changing a legal name. If you have more specific questions make a Legal Assistance appointment by calling 981-2042 or speak with a civilian attorney.