

## ***Who can get a name change in New Mexico?***

Anyone aged 14 or over who is a resident of the state can get a court order allowing a change of name, so long as no one else gives the court a good reason not to allow it. It is possible for someone under the age of 14 to get a court-ordered name change, but there are special requirements.

It is also possible to change your name “at common law”. That means that you don’t go to court at all. You just start using a new name for everything you do, all the time. Unfortunately, it takes time to become known by another name, and for a while you may have problems doing such simple things as registering to vote, opening a post office box, getting a driver’s license, traveling by commercial airline, or getting a Social Security number or passport. Getting a court-ordered name change avoids these problems.

Changing your name at common law is not lawful if you are doing it to avoid paying your bills or to hide from the police or the government.

## ***What would be a good reason for a court not to allow a name change?***

Someone who objects to someone else’s case to get a name change

might convince a judge not to agree to the change if:

- there is good reason to believe that the person is trying to avoid paying his or her bills
- the person is trying to hide from the police
- the person wants to commit crimes using other names
- the person wants to adopt a new name that is trademarked or copyrighted

Sometimes a parent will object to the other parent’s wanting to change a child’s last name from the objecting parent’s last name. The objecting parent may say that the other parent is trying to hurt the relationship between the child and the objecting parent.

Sometimes a prisoner, probationer, or ex-convict wants a new name to make a break with the past, but law enforcement authorities may object because it is difficult for them to track where the person is. In the case of sex crime convictions, where an ex-offender must be monitored, a court is unlikely to grant a name change.

A court would likely not allow someone to change his or her name to “General Motors” or other trademarked name. And several courts have refused to allow names that they think are obscene.

## ***How does a person get a court-ordered name change?***

To get a name change, you must:

- file a notarized petition for it at the district court in the county where you live
- give official notice of your wish to change your name—by publishing a legal notice in a general newspaper
- attend a hearing where anyone can object and where the judge makes a decision
- get certified copies of the judge's order allowing the name change (as proof of your new name when you go to DMV, Social Security, etc.)
- file a certified copy of the judge's order at the county clerk's office

You can, but do not have to, get a new birth certificate that shows your new name.

### ***How much does it cost to get a court-ordered name change?***

By the time you file your petition, put legal notices in a newspaper, filed your court order in the county clerk's office, and obtained several copies of the court order, the cost is likely to be around \$200. If your income is very low and you have few assets, you may qualify to have the filing fee cost (around \$100) waived or deferred, but you will still have to pay all the other costs of the name change.

### ***Does a person have to publish notice of the name change if the reason is to escape violence?***

A person who fears for his or her safety if found by a stalker or an abuser can ask the court to allow the name change without publishing notice in a newspaper. The court also has the authority to seal the court record of the name change.

Someone who wants to change the name of a child under age 14 for the same reason may have difficulty getting a court to allow the change without notice to the other parent. It is important to get legal advice about how to handle this kind of situation.

For more information about protection from domestic violence, see LawHelpNewMexico topic "**Domestic Violence**".