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HOUSE BILL 31

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Christine Chandler

AN ACT

RELATING TO DOMESTIC AFFAIRS; ELIMINATING THE REQUIREMENT TO
FILE NOTICE WITH PROOF OF PUBLICATION; REPEALING SECTION 40-8-2
NMSA 1978 (BEING LAWS 1889, CHAPTER 3, SECTION 2, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 40-8-1 NMSA 1978 (being Laws 1889,
Chapter 3, Section 1, as amended) is amended to read:

"40-8-1. CHANGE OF NAME--PETITION AND ORDER.--

A. Any resident of this state [~~over the age of
fourteen years~~] fourteen years of age or older 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~~] the petitioner's name changed or
established by order of the court. The parent or guardian of

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1 any resident of this state under the age of fourteen years may,
2 upon petition to the district court of the district in which
3 the petitioner resides [~~and upon filing the notice required~~
4 ~~with proof of publication~~], if no sufficient cause is shown to
5 the contrary, have the name of [~~his~~] the petitioner's child or
6 ward changed or established by order of the court. When
7 residents under the age of fourteen years petition the district
8 court for a name change, [~~the required~~] notice shall [~~include~~
9 ~~notice~~] be given to both legal parents. The order shall be
10 entered at length upon the record of the court, and a copy of
11 the order, duly certified, shall be filed in the office of the
12 county clerk of the county in which the person resides. The
13 county clerk shall record the same in a record book to be kept
14 by [~~him~~] the county clerk for that purpose.

15 B. If the court finds that notice to one or more
16 legal parents of an applicant who is under fourteen years of
17 age will jeopardize the applicant's personal safety, the court
18 shall not require notice. The court shall order all records
19 regarding the petition to be sealed. The records shall only be
20 opened by court order based upon a showing of good cause or at
21 the applicant's request."

22 SECTION 2. REPEAL.--Section 40-8-2 NMSA 1978 (being Laws
23 1889, Chapter 3, Section 2, as amended) is repealed.