

1 HOUSE BILL 204

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Deborah A. Armstrong

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10 AN ACT

11 RELATING TO DOMESTIC AFFAIRS; ELIMINATING THE REQUIREMENT TO
12 FILE NOTICE WITH PROOF OF PUBLICATION; REPEALING SECTION 40-8-2
13 NMSA 1978 (BEING LAWS 1889, CHAPTER 3, SECTION 2, AS AMENDED).
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "40-8-1. CHANGE OF NAME--PETITION AND ORDER.--

19 A. Any resident of this state over the age of
20 fourteen years may, upon petition to the district court of the
21 district in which the petitioner resides [~~and upon filing the~~
22 ~~notice required with proof of publication~~], if no sufficient
23 cause is shown to the contrary, have [~~his~~] the petitioner's
24 name changed or established by order of the court. The parent
25 or guardian of any resident of this state under the age of

.219082.1

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

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