

HOUSE BILL 31

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

INTRODUCED BY

Christine Chandler

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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.--

.223679.1AIC February 6, 2023 (9:29am)

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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 HJC→parent←HJC HJC→legal parents←HJC or HJC→guardian←HJC HJC→legal guardians←HJC 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~~] the petitioner's 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~~] be given to HJC→both←HJC HJC→all←HJC legal parents HJC→or legal guardians←HJC . 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~~] the county clerk for that purpose.

B. If the court finds that notice to one or more legal parents HJC→or legal guardians←HJC of HJC→an applicant←HJC HJC→a child←HJC who is under fourteen years of

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age will jeopardize the HJC→child's or the←HJC applicant's personal safety, the court shall not require notice. The court shall order all records regarding the petition to be sealed. The records shall only be opened by court order based upon a showing of good cause or at the applicant's request."

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 REPEAL.--Section 40-8-2 NMSA 1978 (being Laws 1889, Chapter 3, Section 2, as amended) is repealed.

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