

# ALBUQUERQUE DIVORCE LAWYER BLOG

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## Changing Names in a New Mexico Divorce

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When considering whether or not to get a [divorce in New Mexico](#), most people are focused on the big issues, such as: [child custody and time-sharing](#); determining who will keep the marital residence; and, dividing retirement accounts. In thinking about myriad of life changes they face upon completion of a divorce, a spouse's first thought may not be about changing their name.

A change of name is an important consideration because if parties forget to include language in their divorce documents allowing parties to change their names it can be difficult to go back and change their name later. In the past, the issue of name changes applied only to women wishing to return to their maiden names, but it could also apply to a man getting divorced if he took on his wife's surname or a hyphenated name when the parties got married.

A party's decision to change their name as part of a divorce is a personal choice that may depend on things like: the length of a marriage; wanting to keep the same surname as their children; and, a professional or political reputation that depends on recognition of the party based on their married name.

The court will not force a party to return their maiden, or previous name, even upon request of the opposing party. As such, one party as a point of pride, vindictiveness or any or other reason cannot force the change on the other. On the other hand, either party may elect to return to their former names and the other party cannot prevent it.

If a party to a divorce wants to return to their previous name, they will need to include language clearly identifying that change in the Final Decree of Dissolution of Marriage that completes their divorce. Once the Final Decree is signed by the Judge and entered by the Court it becomes a

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binding order and the party seeking to change their name can provide the Final Decree to all necessary parties.

For instance, government bodies like the Motor Vehicle Division, the Social Security Administration and the Internal Revenue Service will require the Final Decree in order to change their records and so will many banks and credit card companies. Given all of the formal documents and other paperwork that may need to be updated after a divorce, it becomes clear just how important it is to address a name change as part of that divorce action.

On a broader note, any New Mexico resident over the age of fourteen (14) can petition the district court in their area for a name change pursuant to the name change section of the domestic relations statutes. So if the name change does not take place upon dissolution of marriage, the parties may change names afterwards. However, that requires the opening a separate civil action, and payment of the associated filing fee, and publication of notice, which can be time consuming and costly.

Thus, it is much simpler to complete a divorce-related name change at the time of the divorce, but it is not impossible for a divorcing party to change their name later. The benefits and pitfalls of a name change are just one of the important topics that any party facing a divorce should discuss with an experienced family law attorney.

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