

**10-541. Voluntary relinquishment of parental rights and consent to adoption.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

No. \_\_\_\_\_

STATE OF NEW MEXICO ex rel.  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of \_\_\_\_\_, a Child, and Concerning  
\_\_\_\_\_, Respondent(s).

**VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS AND  
CONSENT TO ADOPTION<sup>1,2</sup>**

Under Sections 32A-5-17 and 32A-5-21 NMSA 1978, \_\_\_\_\_  
(*name of Respondent*) states:

1. This document is being executed on \_\_\_\_\_ (*date*), at  
the \_\_\_\_\_ (*indicate judicial district*) Judicial District Court, State of  
New Mexico, before the Honorable \_\_\_\_\_ (*name of judge*).

2. I, \_\_\_\_\_ (*full name of individual relinquishing  
parental rights*), born \_\_\_\_\_ (*date of birth*), state that I am the  
\_\_\_\_\_ (*indicate relationship to the child, including whether the  
relationship is biological*) of \_\_\_\_\_ (*name of child, including any  
names by which the child has been known*), a minor child born on  
\_\_\_\_\_ (*date of birth of child*) in \_\_\_\_\_ (*place  
of birth*).<sup>3</sup>

3. This child is not an Indian child as defined by 25 U.S.C. § 1903(4), and  
this case is not subject to the Indian Child Welfare Act (ICWA). [*Or, if ICWA applies to  
the child: This child is an Indian child as defined by 25 U.S.C. § 1903(4) and is a member  
of the following tribe(s): \_\_\_\_\_ (list tribal membership(s)).*]

4. I understand that the child is in the legal custody of the New Mexico  
Children, Youth and Families Department, which has responsibility for caring for the  
child and will retain legal custody until the adoption is final.

5. I understand that this relinquishment is an unconditional relinquishment of  
my parental rights. [*Or, if relinquishment is conditional: I am entering into a conditional  
relinquishment of my parental rights under the following conditions:*  
\_\_\_\_\_.]

6. I do hereby relinquish all my parental rights to the child so that the child  
may be placed for adoption.<sup>4</sup>

7. I understand that my child's right to inherit from me under state law  
continues until the adoption is final.

8. I have been counseled by \_\_\_\_\_ (*name of  
person providing relinquishment counseling, include agency name and licensure*), a

certified counselor. This counselor meets the requirements as set forth in Section 32A-5-22 NMSA 1978 and 8.26.3.25 B(1) NMAC. [*Or, if the individual relinquishing parental rights has requested waiver of the counseling requirement: I request that the relinquishment counseling requirement be waived because \_\_\_\_\_ (include reasons supporting the request for waiver).*]

9. I understand that any informal agreement allowing contact between the child and me will not be enforced by the court. I further understand that a post-adoption contact agreement that has been included in the final adoption decree will be enforced.

10. I understand that this voluntary relinquishment of parental rights and consent to adoption is final and cannot be withdrawn. [*Or, if ICWA applies to the child: Under 25 U.S.C. § 1913(c) and 25 C.F.R. § 23.128, I understand that this voluntary relinquishment of parental rights and consent to adoption is final, but may be withdrawn for any reason at any time prior to the entry of a final decree of termination of parental rights or adoption. I understand that to withdraw consent before entry of a final decree of adoption, I must file a written document with the court, testify before the court, or use another method authorized under State law.*]

11. I have received or been offered a copy of this relinquishment and consent form.

12. The counseling narrative has been prepared pursuant to the New Mexico Children, Youth and Families Department's regulations and is attached to this relinquishment as Exhibit A. [*Or, if the individual relinquishing parental rights has requested the waiver of the counseling requirement: No counseling narrative is attached because \_\_\_\_\_ (name of individual relinquishing parental rights) has requested the waiver of the counseling requirement.*]

13. I understand that I am not entitled to further notice of the adoption proceedings.

14. The New Mexico Children, Youth and Families Department consents to the relinquishment of parental rights of \_\_\_\_\_ (*name of individual relinquishing parental rights*).

\_\_\_\_\_  
(*name of individual relinquishing parental rights*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

#### USE NOTES

1. To be used for relinquishment of parental rights to the Children, Youth and Families Department.

2. No relinquishment of parental rights is valid if executed within forty-eight (48) hours after a child's birth. NMSA 1978, § 32A-5-21(G) (2005). In cases in which the Indian Child Welfare Act (ICWA) applies, no relinquishment given prior to or within ten days after the birth of the Indian child shall be valid. 25 U.S.C. § 1913(a) (1978).

3. The Committee recommends that the best practice is to have a parent

relinquish his or her rights to each child in a separate document, especially when the children will be adopted separately or when the ICWA, 25 U.S.C. §§ 1901, et seq. (1978), applies to some, but not all of the children.

4. NMSA 1978, § 32A-5-3(R) (2012) defines parental rights.

[Adopted by Supreme Court Order No. 20-8300-007, effective for all cases pending or filed on or after December 31, 2020.]