

**CHILDREN'S COURT FORM
10-541
[NEW MATERIAL]**

**Supreme Court Approved
November 1, 2020**

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^{1,2}**

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*).³

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*

CHILDREN'S COURT FORM
10-541
[NEW MATERIAL]

Supreme Court Approved
November 1, 2020

1 relinquishment of my parental rights under the following conditions:
2 _____.]
3

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

7 7. I understand that my child's right to inherit from me under state law
8 continues until the adoption is final.
9

10 8. I have been counseled by _____ (*name of person*
11 *providing relinquishment counseling, include agency name and licensure*), a certified
12 counselor. This counselor meets the requirements as set forth in Section 32A-5-22 NMSA
13 1978 and 8.26.3.25 B(1) NMAC. [*Or, if the individual relinquishing parental rights has*
14 *requested waiver of the counseling requirement: I request that the relinquishment*
15 *counseling requirement be waived because* _____ (*include reasons*
16 *supporting the request for waiver*).]
17

18 9. I understand that any informal agreement allowing contact between the
19 child and me will not be enforced by the court. I further understand that a post-adoption
20 contact agreement that has been included in the final adoption decree will be enforced.
21

22 10. I understand that this voluntary relinquishment of parental rights and
23 consent to adoption is final and cannot be withdrawn. [*Or, if ICWA applies to the child:*
24 *Under 25 U.S.C. § 1913(c) and 25 C.F.R. § 23.128, I understand that this voluntary*
25 *relinquishment of parental rights and consent to adoption is final, but may be withdrawn*
26 *for any reason at any time prior to the entry of a final decree of termination of parental*
27 *rights or adoption. I understand that to withdraw consent before entry of a final decree of*
28 *adoption, I must file a written document with the court, testify before the court, or use*
29 *another method authorized under State law.*]
30

31 11. I have received or been offered a copy of this relinquishment and consent
32 form.
33

34 12. The counseling narrative has been prepared pursuant to the New Mexico
35 Children, Youth and Families Department's regulations and is attached to this
36 relinquishment as Exhibit A. [*Or, if the individual relinquishing parental rights has*
37 *requested the waiver of the counseling requirement: No counseling narrative is attached*
38 *because* _____ (*name of individual relinquishing parental*
39 *rights*) *has requested the waiver of the counseling requirement.*]
40

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

CHILDREN'S COURT FORM
10-541
[NEW MATERIAL]

Supreme Court Approved
November 1, 2020

1
2 14. The New Mexico Children, Youth and Families Department consents to the
3 relinquishment of parental rights of _____ (*name of individual*
4 *relinquishing parental rights*).

5
6
7 _____
8 (*name of individual relinquishing parental rights*)
9

10 _____
11 Date

12
13 _____
14 Time

15
16 **USE NOTES**

17
18 1. To be used for relinquishment of parental rights to the Children, Youth and
19 Families Department.

20
21 2. No relinquishment of parental rights is valid if executed within forty-eight
22 (48) hours after a child's birth. NMSA 1978, § 32A-5-21(G) (2005). In cases in which the
23 Indian Child Welfare Act (ICWA) applies, no relinquishment given prior to or within ten
24 days after the birth of the Indian child shall be valid. 25 U.S.C. § 1913(a) (1978).
25

26 3. The Committee recommends that the best practice is to have a parent
27 relinquish his or her rights to each child in a separate document, especially when the
28 children will be adopted separately or when the ICWA, 25 U.S.C. §§ 1901, et seq. (1978),
29 applies to some, but not all of the children.
30

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

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