

4-985. Parental consent to appointment of guardian and waiver of service of process (paternity admitted).

[Kinship Guardianship Act, Sections 40-10B-1 to 40-10B-14 NMSA 1978]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Petitioner

v.

No. _____

_____, Respondent

IN THE MATTER OF THE GUARDIANSHIP
OF _____

**PARENTAL CONSENT TO APPOINTMENT OF GUARDIAN
AND WAIVER OF SERVICE OF PROCESS
(Paternity admitted)**

I, _____ (*name of parent*) upon my oath or affirmation state:

1. PARENTS OF THE CHILD

I, _____ (*list name*), am the [mother] [father]¹ of (*circle one*) of:

Name: _____ (*last name, first and middle*)

Date of birth: _____

Present address:

_____ (*street*)

_____ (city)

_____ (state and zip code)

2. MY AGREEMENT TO GIVE THE KINSHIP GUARDIANS MY LEGAL RIGHTS AND DUTIES AS A PARENT

I understand that by signing this paper:

A. I am giving _____ (name of petitioner or petitioners)

(1) my legal rights and duties as a parent, except for the right to consent to adoption and the duty to pay child support; and

(2) unless we have agreed upon visitation, the authority to make all decisions when and if I may visit with my [child] [children].

B. If I want to terminate the kinship guardianship of the above child, I will have to prove that the circumstances surrounding the signing of this paper have changed and that it is in the best interest of my [child] [children] that the guardianship be terminated.

C. I agree that it is in the best interest of the above child that the above named petitioners be named as kinship guardians for the above child.

3. CHILD SUPPORT OBLIGATION

I understand that the petitioners are not requesting child support in this proceeding.

I agree to pay child support as follows: _____.

I understand that the court may require me to pay child support and understand that the

amount ordered can be changed by the court at any time in the future.

4. CONSENT TO APPOINTMENT OF GUARDIAN

I consent to the appointment of _____ (*list guardian's or guardians' names*) as [guardian] [guardians] of the above [child] [children].

5. WAIVER OF RIGHT TO SERVICE OF SUMMONS AND PETITION

I have copies of the Petition for Order Appointing Kinship Guardian filed in this case and waive service of the summons and additional pleadings.

I have not been given anything in exchange for signing this consent form.

6. RIGHT NOT TO SIGN

I UNDERSTAND THAT I DO NOT HAVE TO SIGN THIS CONSENT FORM AND THAT I HAVE THE RIGHT TO CONTEST THIS ACTION. I AM KNOWINGLY AND VOLUNTARILY SIGNING THIS FORM.

When I sign below, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

7. RIGHT TO WITHDRAW CONSENT

I understand that I may withdraw this consent at any time before the court enters an order granting the petition for kinship guardianship by filing with the court a motion notifying the court of my withdrawal of consent.²

Respondent's (parent's) signature

Printed name

Address: _____

Telephone: _____

STATE OF NEW MEXICO)

) ss

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____
by _____, the petitioner.

My commission expires: _____

Notary Public

USE NOTES

1. This form should be used only if both respondents admit that they are the parents of the child. If paternity has not been established, Civil Forms 4A-331 and 4A-332 NMRA may be used to establish paternity. It is not necessary to establish paternity for the court to enter a kinship guardianship order, however, child support may not be ordered to be paid by a respondent who has been named as the father of the child unless paternity has been established.
2. If a respondent wishes to withdraw consent prior to the final court order appointing the petitioner as kinship guardian, Form 4-991 NMRA may be used.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective January 20, 2005.]