

4-986

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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

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

\_\_\_\_\_, Petitioner<sup>2</sup>

v.

\_\_\_\_\_ and \_\_\_\_\_, Respondents<sup>3</sup>

IN THE MATTER OF THE GUARDIANSHIP  
OF \_\_\_\_\_

**PARENTAL CONSENT TO APPOINTMENT OF GUARDIAN  
AND WAIVER OF SERVICE OF PROCESS**  
*(Paternity not admitted)*

I \_\_\_\_\_ (*name of parent*) upon my oath or affirmation state:

**1. RESPONDENT**

I, \_\_\_\_\_ (*list name*), am a respondent in the above case and  
without admitting that I am the father of:

Name: \_\_\_\_\_ (*Last name, first and  
middle*)

Date of birth: \_\_\_\_\_

Present address:

\_\_\_\_\_ (*street*)

\_\_\_\_\_ (*city*)

\_\_\_\_\_ (*state and zip code*)

I agree to the relief requested by the petitioners in the Petition for Order Appointing  
Kinship Guardian, a copy of which has been provided to me with this consent form.

**2. MY AGREEMENT**

I understand that by signing this paper:

A. I am giving the petitioners any legal rights and duties I have if it is later  
established that I am the father of the child;

- B. if it is later determined that I am the father of the above child, I may be required to pay child support;
- C. I will have no rights to visitation of the above child; and
- D. 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.

**3. 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.

**4. 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.

**5. 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.

\_\_\_\_\_  
Respondent'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 NOTE

1. This form should be used by a respondent who has not admitted paternity, but has no objection to an order appointing the petitioners as kinship guardians.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, October 14, 2004.]