

**N.M. Ct. R. Form 10-470**  
New Mexico Rules  
State Court Rules  
Children's Court Rules and Forms  
Article 4. Children's Court Forms

**Form 10-470. Motion for Termination of Parental Rights**

[10-330]

STATE OF NEW MEXICO  
\_\_\_\_\_ COUNTY No. \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

\_\_\_\_\_  
Petitioner

v.  
\_\_\_\_\_  
Respondent.

**MOTION FOR TERMINATION OF PARENTAL RIGHTS**

I, \_\_\_\_\_ (name of petitioner) state that:

1. The petitioner is the [department] \_\_\_\_\_  
(set forth the relationship of the moving party to the child)<sup>1</sup>; and
2. The [respondent is] [respondents are] the [father] [and] [mother] of the  
following children who reside in this state:  
Name Date of birth  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If anyone other than the parties to this proceeding has either physical  
custody or claims to have custody or visitation rights of a child listed  
above, complete the following for each child:

| Child's name | Person claiming rights |
|--------------|------------------------|
| _____        | _____                  |
| _____        | _____                  |
| _____        | _____                  |

(use applicable alternative)

4. [The child is not subject to the Indian Child Welfare Act;]<sup>2</sup>

[The child is subject to the federal Indian Child Welfare Act of 1978.

(a) The child's father is a member of \_\_\_\_\_ (tribal affiliation)

The child's mother is a member of \_\_\_\_\_ (tribal affiliation)

(b) The [department] [moving party] has taken the following actions to notify the parents' tribes:

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(set forth the actions taken, the names, address, titles and telephone numbers of the persons contacted)

The results of the contacts are as follows:

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The following correspondence with the tribes is attached as exhibits:

\_\_\_\_\_ (Attach copies of any correspondence with the tribes as exhibits to the petition);]

(c) The following specific efforts were made to comply with the placement preferences set forth in the federal Indian Child Welfare Act of 1978 or the placement preferences of the appropriate Indian tribes:

\_\_\_\_\_.]<sup>3</sup>

5. [A New Mexico court, a tribal court or a court in another state has previously set conditions of child custody or child support for any or all of the children listed above in \_\_\_\_\_ (style of case and docket number).]<sup>4</sup>

6. As grounds for termination of the parental rights of respondent, the [petitioner] [moving party] states:

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7. The facts and circumstances supporting the grounds for termination are as

follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The following persons or agencies should be considered by the court to take custody of the respondent's children:

\_\_\_\_\_  
\_\_\_\_\_

9. \_\_\_\_\_ (name of child) resides or has resided with \_\_\_\_\_, a foster parent, who [desires]<sup>5</sup> [does not desire] to adopt this child;

10. [This motion has been filed by the [petitioner] [moving party] in contemplation of adoption proceedings.]

[Adoption of \_\_\_\_\_ (name of child) is not contemplated at this time;]

11. It is in the best interest of \_\_\_\_\_ (name of child) that the parental rights of \_\_\_\_\_ be terminated.

WHEREFORE, [petitioner] [the moving party] requests the court:

- 1. For termination of respondent's parental rights and continuing the child in the legal custody of the department until the child is adopted or until further order of the court;
- 2. For such other relief as appropriate.

VERIFICATION

STATE OF NEW MEXICO            )  
COUNTY OF \_\_\_\_\_ ) ss  
TRIBE OR PUEBLO \_\_\_\_\_ )

I have read and understand the contents of this petition and the statements made are true and correct to the best of my information and belief.

I understand that I can be punished both civilly and criminally if statements I have made in this petition are false.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of petitioner or  
moving party

\_\_\_\_\_  
Petitioner's or moving party's  
street address

\_\_\_\_\_  
Petitioner's or moving party's  
City, state and zip code

Signed and sworn before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public

USE NOTES

1. Section 32A-4-29 NMSA 1978 permits a motion to terminate to be filed by the department, a licensed child placement agent of any other person having a legitimate interest in the matter. Rule 10-330 requires the person to be a party.

2. If the child is not subject to the Indian Child Welfare Act, this paragraph must be included. If the child is subject to that act, this paragraph may be deleted.

3. If the child is subject to the Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq., the petition must include the following:

(a) the tribal affiliations of the child's parents;

(b) the specific actions taken by the moving party to notify the parents' tribes and the results of the contacts, including the names, addresses, titles and telephone numbers of the persons contacted. Copies of any correspondence with the tribes shall be attached as exhibits to the petition; and

(c) what specific efforts were made to comply with the placement preferences set forth in the federal Indian Child Welfare Act of 1978 or the placement preferences of the appropriate Indian tribes.

4. If the child is subject to the Indian Child Welfare Act, this paragraph must be completed. If the child is not subject to that act, this paragraph may be deleted.

5. Use only applicable alternative. Inapplicable alternatives may be deleted.