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PREGNANCY COUNSELING

STATEMENT OF LEGAL RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF BIOLOGICAL PARENTS

Introduction

La Familia, Inc., is providing you with this statement, because you are, or may be, the biological parent of a child, born or unborn, and you or the child's other parent have inquired into the possibility of relinquishing the child to La Familia, Inc. or terminating your parental rights to the child, for the purpose of adoption of the child.

IN PROVIDING THIS STATEMENT, LA FAMILIA DOES NOT INTEND OR ATTEMPT TO GIVE YOU LEGAL ADVICE AS TO WHICH OF THE FOLLOWING ALTERNATIVES IS BEST FOR YOU, OR AS TO THE PROCEDURAL OR LEGAL METHOD FOR ACCOMPLISHING ANY OF THE FOLLOWING ALTERNATIVES. IF YOU REQUIRE LEGAL ADVICE OR REPRESENTATION, LA FAMILIA RECOMMENDS THAT YOU OBTAIN THE ASSISTANCE OF INDEPENDENT LEGAL COUNSEL.

Your rights, obligations, and responsibilities with regard to the child may be summarized as follows:

(As used in the following paragraphs, the term "legal parents" means the biological parents of a child unless and until a court or government agency determines otherwise. For instance, once an adoption is granted, the "legal parents" of a child become the adoptive parents; the biological parents are no longer the legal parents. Similarly, if a court terminates the parental rights of a biological parent, the parent is no longer considered the "legal parent." The following paragraphs apply to the biological father of a child only to the extent that paternity has been established. If paternity has not been established, the section

regarding the "Putative Father," below, applies.)

1. Child support:

- The legal parents of a child are legally responsible for the support and maintenance of the child.
- Both legal parents are equally responsible, unless a court or government agency has determined otherwise.
- Financial assistance for the care of the child may be available. La Familia can provide you with additional information regarding such assistance.

2. Child Custody:

- The legal parents of a child are entitled to custody and control of the child.
- Both legal parents are equally entitled to custody and control, unless a court or government agency has determined otherwise.
- You should consult independent legal counsel if:
 - You believe you are entitled to sole custody of the child.
 - You believe the parental rights of the child's other parent should be terminated.
 - You believe you are wrongly being denied custody of the child.

3. Adoption:

You may relinquish your child for adoption either through La Familia, through another agency, or through an independent adoption. The following provisions apply to adoptions through La Familia and may or may not apply to other types of adoptions. If you seek an independent adoption, you should consult independent legal counsel.

- Generally, a child cannot be adopted unless both its legal parents consent to the adoption, or relinquish the child to an agency for the purpose of adoption.
- You are not required to consent to an adoption or relinquish your child for purpose of adoption.
- You should not let yourself feel pressured or coerced into consenting to adoption or relinquishing your child for the purpose of adoption. Make sure you understand all the alternatives before you sign any consent to adoption or relinquishment of your child.

- Your consent to adoption is not required in certain circumstances (such as your imprisonment, mental illness, willful desertion or neglect of the child, or if custody of the child has already legally been taken from you). If an adoption is sought without your consent, you are entitled to receive notice of the petition for adoption and a hearing on the issue of whether or not your parental rights should be terminated without your consent.
- If you agree to adoption through La Familia, La Familia will ask you to sign several documents. You should not sign those documents if you do not want your child to be adopted. Signing those documents will have the following effects:
 - ◆ You are agreeing to let your child be adopted.
 - ◆ La Familia may immediately place the child with potential adoptive parents.
 - ◆ You give up the right to appear in any adoption proceeding regarding the child.
 - ◆ You may regain custody of the child only if the prospective adoptive parents agree to withdraw their petition for adoption, or the court denies the adoption petition.
- You may have some input regarding the persons who adopt your child. You should discuss this with La Familia.
- Whether or not your identity will ever be disclosed to the adoptive parents or to your child is up to you. There are several different types of adoption, such as "cooperative or open," "semi-open," or "closed" adoption. You should discuss this with La Familia and/or with your attorney.
- You remain legally responsible for the child until the adoption is granted by the court.
- Once the child is legally adopted, you will have no further rights or obligations with regard to that child. That means you will have no obligation to support or maintain the child, and you will have no right to see, visit, or obtain custody of the child, unless otherwise arranged with the adoptive parents prior to placement.

4. Alternatives to Adoption:

- If you are not sure you want to relinquish your child for adoption, there are other places La Familia can refer you to that may help you with family, health, money, and other problems.
- You may have options with regard to the child other than adoption.

Those options may include:

- ◆ Keeping and caring for the child
- ◆ Placing the child with relatives
- ◆ Placing the child in foster care
- ◆ Terminating the pregnancy

5. Right to an attorney:

- You have the right to consult with independent legal counsel for advice and further clarification regarding any matter discussed in this statement.
- You should consult with independent legal counsel before signing any document regarding your adoption or your parental rights.
- La Familia will provide you with referrals for legal advice from an experienced attorney. However, under certain circumstances, you may be entitled to a court-appointed attorney to represent you in court proceedings. You should consult the court in which the court proceeding has been filed to determine whether or not you are eligible for a court-appointed attorney.

RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF PUTATIVE FATHER

(The following applies to men who believe they are or may be the biological father of a child, but for whom paternity has not been established. Once paternity is established, the paragraphs of the preceding section apply.)

- If you were married to the child's mother, and were not legally separated, when the child was conceived or when the child was born, you are legally presumed to be the child's biological father. Under such circumstances, your rights and obligations with regard to the child are the same as any legal parent as discussed above, unless and until it is established that you are not the biological father of the child.
- In all other situations, you have no legal rights or obligations with regard to the child until your legal paternity of the child is established.
- Your legal paternity of the child may be established in several ways:
 - ◆ By marrying the child's biological mother after the child is born.

- ◆ By signing a document with the child's biological mother, in which you both declare that you are the child's father. That document is called "Voluntary Acknowledgment of Paternity." It may be obtained from, and should be filed with, the New Mexico Vital Statistics Unit of the Health Division of the Department of Human Services. Note, however, the Voluntary Acknowledgment will not establish your legal paternity if a paternity test shows that you are not the biological father of the child.
- ◆ By court proceedings, called "filiation proceedings," to prove that you are the child's biological father. Those proceedings may be initiated by you, by the child's biological mother, or by certain other interested person or agencies.
- ◆ By any other legal mechanism for establishing your legal paternity.
- Once your legal paternity is established, you will then have all the legal obligations and responsibilities, as well as legal rights, of any legal parent.
- If your legal paternity to the child has not been established, the child may be adopted without your consent. However, in some situations, La Familia may ask for your consent anyway. By giving such consent, you are agreeing to an adoption whether or not you are found to be the biological parent of the child.
- In some circumstances, you may be entitled to notice of any adoption proceeding, and you may be allowed to object to a proposed adoption, even through your legal paternity has not been established. In order to be assured such notice and the right to object, you should do the following, before the child is placed in the physical custody of another for purposes of adoption:
 - ◆ Initiate filiation proceedings.
 - ◆ File written notice with the Vital Statistics Unit of the State's Department of Human Services that you have initiated filiation proceedings.
- If the child is placed in the physical custody of another for purposes of adoption before you establish your legal paternity to the child, or before you initiate filiation proceedings and notify the Vital Statistics Unit, as discussed in the previous paragraphs, you may not be allowed

to contest any adoption proceeding.

- The legal procedure for establishing paternity is complicated, and La Familia cannot give you legal advice or specific information in that regard. You should consult independent legal counsel if you have any questions about paternity, or in any of the following circumstances:
 - ◆ You wish to establish your legal paternity of a child.
 - ◆ You wish to resist the attempts of someone else to establish your legal paternity of a child.
 - ◆ You wish to be notified of any proposed adoption of a child.
 - ◆ You have been notified of a proposed adoption of a child, and you want to object to the proposed adoption.
- The provisions above, regarding the right to an attorney apply equally to you.

THE STATEMENT IS INTENDED TO PROVIDE ONLY A SUMMARY OF THE LEGAL RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF A LEGAL PARENT. FOR MORE DETAILED INFORMATION, FOR ASSISTANCE WITH ANY PARTICULAR PROCEDURE, AND FOR SPECIFIC LEGAL ADVICE, INDEPENDENT LEGAL COUNSEL SHOULD BE CONSULTED.

I HAVE READ THIS DOCUMENT AND UNDERSTAND ITS CONTENTS:

Client

Date