

32A-5-3 Definitions

As used in the Adoption Act

- A. “adoptee” means any person who is the subject of an adoption petition;
- B. “agency” means any person certified, licensed or otherwise specially empowered by law
- C. to place a child in a home in this or any other state for the purpose of adoption;
- D. “agency adoption” means an adoption when the child is in the custody of any agency;
- E. “acknowledged father” means a father who:
 - a. Acknowledges paternity of the adoptee pursuant to the putative father registry, as provided for in Section 32A-5-20 NMSA 1978;
 - b. Is named, with his consent, as the adoptee’s father on the adoptee’s birth certificate;
 - c. Is obligated to support the adoptee under a written voluntary promise or pursuant to a court order;
 - d. Has openly held out the adoptee as his own child; or
 - e. Has established a custodial, personal or financial relationship with the child. The relationship may be established prior to the child’s birth.
- F. “alleged father” means an individual whom the biological mother has identified as the biological father, but the individual has not acknowledged paternity or registered with the putative father registry, as provided for in Section 32A-5-20 NMSA 1978;
- G. “consent” means a document:
 - a. Signed by a biological parent whereby the parent grants consent to the adoption of the parent’s child by another; or
 - b. Whereby the department or an agency grants its consent to the adoption of a child in its custody;
- H. “counselor” means a person certified by the department to conduct adoption counseling in independent adoptions;
- I. “department adoption” means an adoption when the child is in the custody of the department;
- J. “former parent” means a parent whose parental rights have been terminated or relinquished;
- K. “full disclosure” means mandatory and continuous disclosure by the investigator, agency, department or petitioner throughout the adoption proceeding and after finalization of the adoption of all known, non-identifying information regarding the adoptee, including:
 - a. Health history;
 - b. Psychological history;
 - c. Mental history;

- d. Hospital history;
 - e. Medication history;
 - f. Genetic history;
 - g. Physical descriptions;
 - h. Social history
 - i. Placement history; and
 - j. Education
- L. “independent adoption” means an adoption when the child is not in the custody of the department or an agency;
- M. “investigator” means an individual certified by the department to conduct pre-placement studies and post-placement reports;
- N. “office” means a place for the regular transaction of business or performance of particular services;
- O. “parental rights” means all rights of a parent with reference to a child, including parental rights to control, to withhold consent to an adoption or to receive notice of a hearing on a petition for adoption;
- P. “placement” means the selection of a family for an adoptee or matching of a family with an adoptee and physical transfer of the adoptee to the family in all adoption proceedings, except in adoptions filed pursuant to Paragraphs (1) and (2) of Subsection C of Section 32A-5-12 NMSA 1978, in which case placement occurs when the parents consent to the adoption, parental rights are terminated or parental consent is implied;
- Q. “post-placement report” means a written evaluation of the adoptive family and the adoptee after the adoptee is placed for adoption;
- R. “pre-placement study” means a written evaluation of the adoptive family, the adoptee’s biological family and the adoptee;
- S. “presumed father” means:
- a. The husband of the biological mother at the time the adoptee was born;
 - b. An individual who was married to the mother and either the adoptee was born during the term of the marriage or the adoptee was born within three hundred days after the marriage was terminated by death, annulment, declaration of invalidity or divorce; or
 - c. Before the adoptee’s birth, an individual who attempted to marry the adoptee’s biological mother by marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared invalid and if the attempted marriage:
 - i. Could be declared invalid only by a court, the adoptee was born during the attempted marriage or within three hundred days after its termination by death, annulment, declaration of invalidity or divorce; or

- ii. Is invalid without a court order, the adoptee was born within three hundred days after the termination of cohabitation;
- T. “putative father” means the alleged father of the adoptee who has not acknowledged paternity of the adoptee pursuant to the putative father registry, as provided for in Section 32A-5-20 NMSA 1978;
- U. “record” means any petition, affidavit, consent or relinquishment form, transcript or notes of testimony, deposition, power of attorney, report decree, order, judgment, correspondence, document, photograph, invoice, receipt, certificate or other printed, written, videotaped or tape recorded material pertaining to an adoption proceeding;
- V. “relinquishment” means the document by which a parent relinquishes parental rights to the department or an agency to enable placement of the parent’s child for adoption;
- W. “resident” means a person who, prior to filing an adopting petition, has lived in the state for at least six months immediately preceding filing of the petition for adoption or a person who has become domiciled in the state by establishing legal residence with the intention of maintaining the residency indefinitely;
- X. “service” means the performance or delivery of a notice by an authorized person, to a person who is thereby officially notified of some action or proceeding in which he/she is concerned, and is thereby advised or warned of some action or step which he is instructed to take or to abandon.
- Y. “stepparent adoption” means an adoption of the adoptee by the adoptee’s stepparent when the adoptee has lived with the stepparent for at least one year following the marriage of the stepparent to the custodial parent.
- Z. “verified” means to prove to be true; to confirm or establish the truth or truthfulness of; to check or test the accuracy of exactness of; to confirm or establish the authenticity of; to authenticate; to maintain; to affirm; to support.