

4A-511. Order appointing kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF _____ JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren), and concerning
_____, Respondent(s).

**ORDER APPOINTING
KINSHIP GUARDIAN(S)**

THIS MATTER came before the Court on the Petition To Appoint Kinship Guardian(s) for the minor child(ren). Petitioner(s) _____ (name(s) of Petitioner(s)) appeared pro se. Respondent 1, _____ (name of Respondent 1), [] appeared pro se [] did not appear. Respondent 2, _____ (name of Respondent 2), [] appeared Pro Se [] did not appear. The Court having reviewed the petition, heard testimony, and being sufficiently advised FINDS:

1. The Court has jurisdiction under the Kinship Guardianship Act, Sections 40-10B-1 to -15 NMSA 1978.

2. All necessary parties have been given adequate notice of the proceedings.

3. The name and age of the minor child(ren) are as follows:

Child's name	Age
_____	_____
_____	_____
_____	_____

4. Petitioner(s) is/are the minor child(ren)'s _____ (relationship) and is/are proper person(s) to be Kinship Guardian(s) under the Kinship Guardianship Act.

5. (Select all that apply)

[] **Respondent 1** is the minor child(ren)'s legal parent and

[] consents to the appointment of Petitioner(s) as the guardian(s);

or

[] the minor child(ren) has/have resided with Petitioner(s) for at least ninety (90) days prior to filing the petition to appoint kinship guardian(s), and Respondent 1 was not residing in the home and is unable or unwilling to provide appropriate care, maintenance, and supervision for the minor child(ren).

[] **Respondent 2** is the minor child(ren)'s legal parent and

[] consents to the appointment of Petitioner(s) as the guardian(s);

or

[] the minor child(ren) has/have resided with Petitioner(s) for at least ninety (90) days prior to filing the petition to appoint kinship guardian(s), and Respondent 2 was not residing in the home and is unable or unwilling to provide appropriate care, maintenance, and supervision for the minor child(ren).

OR

[] There are **extraordinary circumstances** in this matter as follows:

6. Petitioner(s) is/are providing appropriate care, maintenance, and supervision for the minor child(ren).

7. The Indian Child Welfare Act, 25 U.S.C. §§ 1901 to 1963,

[] does not apply to this matter or

[] does apply to this matter.

8. The requirements of Section 40-10B-8(B) NMSA 1978 have been proven by clear and convincing evidence.

9. It is in the minor child(ren)'s best interests that Petitioner(s) be appointed as the minor child(ren)'s kinship guardian(s).

10. Other: _____

WHEREFORE IT IS ORDERED:

1. Petitioner(s) is/are appointed as the kinship guardian(s) of the minor child(ren).
2. The appointment of kinship guardianship shall remain in effect until the minor child(ren) reach(es) the age of eighteen (18) or until further order of the court, whichever comes first.
3. Under Section 40-10B-13(A) NMSA 1978, Petitioner(s) has/have the legal rights and duties of a parent except the right to consent to the adoption of the minor child(ren).
4. Respondents' parental rights pertaining to the minor child(ren) are hereby suspended until further Order of the Court.

5. Visitation shall be as follows:

Pursuant to the Kinship Guardianship Act, NMSA 1978 §40-10B-13(B), visitation between the legal parents and the minor child(ren), or any other persons shall be at the discretion of the guardian(s);

or

Visitation shall be as follows: _____

6. Child Support shall be as follows:

No child support is ordered because Petitioner(s) waive a request for child support at this time, but reserve their right to request child support at a later time;

or

Child support is ordered as follows: _____

7. Other: _____

District Court Judge

Signature of Petitioner 1

Printed Name

Address

Telephone Number

Signature of Petitioner 2

Printed Name

Address

Telephone Number

USE NOTE

1. Insert the initials of each child listed in the Petition To Appoint Kinship
Guardian(s).

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective
January 20, 2005; 4-988 recompiled and amended as 4A-511 by Supreme Court Order No. 16-
8300-020, effective for all pleadings and papers filed on or after December 31, 2016.]