

1 **4A-507. Ex parte motion to appoint temporary kinship guardian(s).**

2

3 STATE OF NEW MEXICO

4 COUNTY OF _____

5 _____ JUDICIAL DISTRICT

6 _____, Petitioner(s)

7

8

No. _____

9

10 IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

11 _____, ¹ (a) Child(ren) (*use initials only*), and concerning

12 [_____, Respondent(s).]

13 _____, Respondent #1,

14 _____, Respondent #2.

15

16 **EX PARTE MOTION TO APPOINT**
17 **TEMPORARY KINSHIP GUARDIAN(S)²**

18

19 Petitioner, _____, (*name of Petitioner(s)*), move(s) the court to grant
20 this Ex Parte Motion to Appoint Temporary Kinship Guardian for the minor child(ren). In support
21 of the motion, Petitioner(s) state(s) as follows:

22

23 1. A Petition to Appoint Kinship Guardian(s) has been filed in this court under the
24 Kinship Guardianship Act for the following children:

25

26 Child's name	27 Birth year	28 Age
29 _____	_____	_____
_____	_____	_____
_____	_____	_____

30

31 2. Petitioner(s) incorporate all of the allegations contained in the Petition to Appoint
32 Kinship Guardian(s).

33

34 3. Section 40-10B-7(C) NMSA 1978 of the Kinship Guardianship Act allows this
35 court to appoint a temporary guardian ex parte for good cause, to serve for one hundred and eighty
36 (180) days or until the case is decided on the merits, whichever occurs first.

37

38 4. There is good cause to appoint a temporary guardian ex parte because (*explain why*
39 *the court should appoint a temporary guardian without a hearing*):

40

41

42

43 5. It is in the child(ren)'s best interests that Petitioner(s) be appointed the child(ren)'s
44 temporary guardian(s) until a hearing on the Petition to Appoint Kinship Guardian(s) is heard.

45

1 WHEREFORE, Petitioner(s) request(s) that the court appoint Petitioner(s) as Temporary
2 Kinship Guardian(s) of the minor child(ren), _____, to last one hundred
3 and eighty (180) days or until a hearing on the merits is heard, whichever occurs first. If the court
4 does not grant an Order on this Ex Parte Motion for Temporary Kinship Guardianship, Petitioner(s)
5 request(s) that a hearing be set within twenty (20) days of the filing of this motion as provided
6 under Section 40-10B-7(B) NMSA 1978.
7

Submitted by,

Signature

Printed Name

Address

Phone number and email address

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

8
9 Acknowledged, subscribed, and sworn to before me this _____ day of _____,
10 _____.

Notary Public

My commission expires: _____

11 USE NOTES
12
13

- 14 1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian.
15 2. An ex parte motion is used when one party asks the court to issue an order without
16 hearing from the other party. This is used only for emergency purposes.
17 3. An ex parte motion may be filed at the same time as the petition to appoint kinship
18 guardian(s), *see* Form 4A-501 NMRA, or after the petition is filed.
19

20 [Adopted by Supreme Court Order No. 16-8300-020, effective for all pleadings and papers filed
21 on or after December 31, 2016; as amended by Supreme Court Order No. 22-8300-020, effective
22 for all pleadings and papers filed on or after December 31, 2022; as amended by Supreme Court

1 Order No. S-1-RCR-2023-00052, effective for all cases pending or filed on or after December 31,
2 2024.]