

1 **4A-510. Order appointing 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 **ORDER APPOINTING**
17 **TEMPORARY KINSHIP GUARDIAN(S)**
18 **[] AND NOTICE OF HEARING**
19

20 THIS MATTER came before the court on Petitioner(s)' motion to appoint temporary
21 kinship guardian of the minor child(ren). Petitioner(s), _____ (*name(s)*
22 *of Petitioner(s)*), appeared pro se. Respondent #1, _____ (*name of Respondent*
23 *#1*), [] appeared pro se [] did not appear. Respondent #2, _____ (*name of*
24 *Respondent #2*), [] appeared pro se [] did not appear. The court having reviewed the motion,
25 heard testimony, and being sufficiently advised, **FINDS:**

26
27 1. The court has jurisdiction under the Kinship Guardianship Act, Sections 40-10B-1
28 to -15 NMSA 1978.

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30 2. The court has the authority to appoint a temporary kinship guardian under
31 Section 40-10B-7 NMSA 1978.

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33 3. A Petition to Appoint Kinship Guardian(s) has been filed with this court.

34
35 4. Respondent #1

36
37 [] consents to the appointment of Petitioner(s) as the guardian(s);

38
39 OR

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41 [] does not consent to the appointment of Petitioner(s) as the guardian(s) and
42 the minor child(ren) has/have resided with Petitioner(s) for at least ninety (90) days prior
43 to filing the Petition for Kinship Guardianship, and Respondent #1 was not residing in the
44 home and is unable or unwilling to provide appropriate care, maintenance, and supervision
45 for the minor child(ren);
46

1 OR

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3 [] extraordinary circumstances justify granting the guardianship.²

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5 5. Respondent #2

6
7 [] consents to the appointment of Petitioner(s) as the guardian(s);

8
9 OR

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11 [] does not consent to the appointment of Petitioner(s) as the guardian(s) and
12 the minor child(ren) has/have resided with Petitioner(s) for at least 90 days prior to filing
13 the Petition for Kinship Guardianship, and Respondent #2 was not residing in the home
14 and is unable or unwilling to provide appropriate care, maintenance, and supervision for
15 the minor child(ren);

16
17 OR

18
19 [] extraordinary circumstances justify granting the guardianship.²

20
21 6. It is in the minor child(ren)'s best interests that Petitioner(s) be appointed as the
22 minor child(ren)'s temporary guardian(s).

23
24 7. [] A guardian *ad litem* shall be appointed.

25
26 8. Other: _____

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31 **WHEREFORE IT IS ORDERED:**

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33 1. Petitioner(s) is/are appointed as the temporary kinship guardian(s) of the minor
34 child(ren).

35
36 2. The appointment of temporary kinship guardianship shall remain in effect for one
37 hundred eighty (180) days from the date of filing of this order or until further order of the court,
38 whichever comes first.

39
40 3. Under Section 40-10B-13(A) NMSA 1978, Petitioner(s) has/have the legal rights
41 and duties of a parent except the right to consent to the adoption of the minor child(ren).

42
43 4. Respondents' parental rights pertaining to the minor child(ren) are temporarily
44 suspended until further order of the court. This means that while the guardianship is in effect, the
45 guardian(s) have the right to make all decisions about the health, education, and welfare of the
46 child(ren) unless otherwise ordered by the court.

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5. Interim visitation shall be as follows:

Visitation between the legal parents and the minor child(ren), or any other persons, shall be at the discretion of the temporary guardian(s) as provided in Section 40-10B-13(B) NMSA 1978;

OR

Visitation shall be as follows: _____

6. Interim child support shall be as follows:

No child support is ordered at this time;

OR

Child support is ordered as follows: _____

7. As this is a contested case, a guardian *ad litem* shall be appointed. A separate order will be entered appointing the guardian *ad litem*.³

8. Other: _____

9. A hearing on the Petition to Appoint Kinship Guardian is set for: _____

District Judge

USE NOTES

1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian(s).
2. In considering whether there are extraordinary circumstances, the court may consider, for example, whether the child lived with the petitioner(s) for so long that removing the child would cause anguish or harm to the child, and whether there are other reasons why the child should not be with the parent.
3. Use Form 4-402 NMRA to order the appointment of a guardian *ad litem*.

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2 [Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective
3 January 20, 2005; 4-987 recompiled and amended as 4A-510 by Supreme Court Order No. 16-
4 8300-020, effective for all pleadings and papers filed on or after December 31, 2016; as amended
5 by Supreme Court Order No. 22-8300-020, effective for all pleadings and papers filed on or after
6 December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2023-00052, effective
7 for all cases pending or filed on or after December 31, 2024.]