

1 **4A-511. Order appointing 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 \_\_\_\_\_, <sup>1</sup> (a) Child(ren) (*use initials only*), and concerning

12 [\_\_\_\_\_, Respondent(s):]

13 \_\_\_\_\_, Respondent #1,

14 \_\_\_\_\_, Respondent #2.

15  
16 **ORDER APPOINTING**  
17 **KINSHIP GUARDIAN(S)**

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19 THIS MATTER came before the court on \_\_\_\_\_ (*insert date*) regarding the Petition  
20 to Appoint Kinship Guardian(s) for the minor child(ren). Petitioner(s)  
21 \_\_\_\_\_ (*name(s) of Petitioner(s)*) appeared pro se. Respondent  
22 #1, \_\_\_\_\_ (*name of Respondent #1*), [ ] appeared pro se [ ] did not appear.  
23 Respondent #2, \_\_\_\_\_ (*name of Respondent #2*), [ ] appeared pro se [ ] did not  
24 appear. The court having reviewed the petition, heard testimony, and being sufficiently  
25 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. All necessary parties have been given adequate notice of the proceedings.

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

33 34 <b>Child's name</b>	34 35 <b>Birth year</b>	34 35 <b>Age</b>
36 _____	36 _____	36 _____
37 _____	37 _____	37 _____
38 _____	38 _____	38 _____

39 4. Petitioner(s) is/are the minor child(ren)'s \_\_\_\_\_ (*relationship*)  
40 and is/are proper person(s) to be kinship guardian(s) under the Kinship Guardianship Act.

41  
42 5. (*Select all that apply*)

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

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

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**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 during that time;

**OR**

There are **extraordinary circumstances** in this matter as follows, which include that Respondent #1 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 during that time;

**OR**

There are **extraordinary circumstances** in this matter as follows, which include that Respondent #2 is unable or unwilling to provide appropriate care, maintenance, and supervision for the minor child(ren):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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. §§ 1901-1963, and the Indian Family Protection Act, Sections 32A-28-1 through 32A-28-42 NMSA 1978:

~~does~~ do not apply to this matter or

~~does~~ do apply to this matter.

1         If the Indian Family Protection Act applies in this matter, the court makes the following  
2 additional findings regarding the domicile and residence of the minor child, and how the minor  
3 child will continue to participate in the cultural learning and activity of their  
4 tribe: \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
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11 \_\_\_\_\_

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13         [ ] A Cultural Compact between the minor child’s kinship guardian(s) and the minor  
14 child(ren)’s tribe is attached and incorporated by reference herein.

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

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

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22           10.     Other: \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25

26           **WHEREFORE IT IS ORDERED:**

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

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30           2.       The appointment of kinship guardianship shall remain in effect until the minor  
31 child(ren) reach(es) the age of eighteen (18) or until further order of the court, whichever comes  
32 first.

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

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37           4.       Respondents’ parental rights pertaining to the minor child(ren) are hereby  
38 suspended until further order of the court.

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40           5.       Visitation shall be as follows:

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42                   [ ]       Under the Kinship Guardianship Act, Section 40-10B-13(B) NMSA,  
43 visitation between the legal parents and the minor child(ren), or any other persons shall be at the  
44 discretion of the guardian(s);

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46                   or

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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 his/her/their right to request child support at a later time;

Or

Child support is ordered as follows: \_\_\_\_\_

\_\_\_\_\_

7. This order allows the kinship guardian to apply for State programs and assistance on behalf of the minor child(ren) without reference to the kinship guardian(s)'s income.

8. Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
District Court Judge

\_\_\_\_\_  
Signature of Petitioner #1

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number and email address

\_\_\_\_\_  
Signature of Petitioner #2

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number and email address

\_\_\_\_\_  
Signature of Respondent #1

\_\_\_\_\_

Printed name

\_\_\_\_\_  
Address

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Telephone number and email address

\_\_\_\_\_  
Signature of Respondent #2

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number and email address

USE NOTES

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3           1.       Insert the initials of each child listed in the Petition to Appoint Kinship Guardian(s).  
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5 [Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective  
6 January 20, 2005; 4-988 recompiled and amended as 4A-511 by Supreme Court Order No. 16-  
7 8300-020, effective for all pleadings and papers filed on or after December 31, 2016; as amended  
8 by Supreme Court Order No. 22-8300-020, effective for all pleadings and papers filed on or after  
9 December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2023-00052, effective  
10 for all cases pending or filed on or after December 31, 2024.]