

**PROPOSED REVISIONS TO THE DOMESTIC RELATIONS FORMS
PROPOSAL 2026-019**

March 6, 2025

The Domestic Relations Rules Committee has recommended amendments to Form 4A-511 NMRA for the Supreme Court’s consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court’s website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court’s website for public viewing.

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) (*use initials only*), and concerning
_____, Respondent #1,
_____, Respondent #2.

**ORDER APPOINTING
KINSHIP GUARDIAN(S)**

THIS MATTER came before the court on _____ (*insert date*) regarding 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	Birth year	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

is living and has consented in writing to the appointment of a guardian and the consent has not been withdrawn; consents to the appointment of Petitioner(s) as the guardian(s);

OR

is living and their parental rights have been terminated or suspended by prior court order;

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 the minor child(ren) has/have resided with Petitioner(s) without a parent for a period of ninety (90) days or more immediately preceding the date the petition is filed and a parent having legal custody of the child(ren) is currently unwilling or unable to provide adequate care, maintenance and supervision for the minor child(ren);

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

is living and has consented in writing to the appointment of a guardian and the consent has not been withdrawn; consents to the appointment of Petitioner(s) as the guardian(s);

OR

is living and their parental rights have been terminated or suspended by prior court order;

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 the minor child(ren) has/have resided with Petitioner(s) without a parent for a period of ninety (90) days or more immediately preceding the date the petition is filed and a

parent having legal custody of the child(ren) is currently unwilling or unable to provide adequate care, maintenance and supervision for the minor child(ren);

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):~~

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:

[] do not apply to this matter or

[] do apply to this matter.

If the Indian Family Protection Act applies in this matter, the court makes the following additional findings regarding the domicile and residence of the minor child, and how the minor child will continue to participate in the cultural learning and activity of their tribe:

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

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:

Under the Kinship Guardianship Act, Section 40-10B-13(B) NMSA, 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 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

Telephone number and email address

Signature of Respondent #2

Printed name

Address

Telephone number and email address

USE NOTES

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; as amended by Supreme Court Order No. 22-8300-020, effective for all pleadings and papers filed on or after December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2023-00052, effective for all cases pending or filed on or after December 31, 2024.]

**No Comments
Received**