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[ ] is living and has consented in writing to the appointment of a guardian and the consent has not been withdrawn; ~~consents to the appointment of Petitioner(s) as the guardian(s);~~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; as amended by Supreme Court Order No. S-1-RCR-2024-00089, effective for all cases filed on or after December 31, 2026.]