

DOMESTIC RELATIONS FORMS  
Form 4A-510

Supreme Court Approved  
November 1, 2022

4A-510. Order appointing temporary kinship guardian(s).

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_, Petitioner(s)

No. \_\_\_\_\_

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

\_\_\_\_\_,<sup>1</sup> (a) Child(ren) (*use initials only*), and concerning  
\_\_\_\_\_, Respondent(s).

**ORDER APPOINTING  
TEMPORARY KINSHIP GUARDIAN(S)  
[ ] AND NOTICE OF HEARING**

THIS MATTER came before the [~~Court~~] court on Petitioner(s)' motion to appoint temporary kinship guardian of 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~~] pro se [ ] did not appear. The [~~Court~~] court having reviewed the motion, heard testimony, and being sufficiently advised, **FINDS:**

1. The [~~Court~~] court has jurisdiction under the Kinship Guardianship Act, Sections 40-10B-1 to -15 NMSA 1978.

2. The [~~Court~~] court has the authority to appoint a temporary kinship guardian under Section 40-10B-7 NMSA 1978.

3. A Petition to Appoint Kinship Guardian(s) has been filed with this [~~Court~~] court.

4. Respondent 1

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

OR

[ ] does not consent to the appointment of Petitioner(s) as the guardian(s) and

**DOMESTIC RELATIONS FORMS**  
**Form 4A-510**

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the minor child(ren) has/have resided with Petitioner(s) for at least ~~[90]~~ ninety (90) days prior to filing the Petition for Kinship Guardianship, and Respondent 1 was not residing in the home and is unable or unwilling to provide appropriate care, maintenance, and supervision for the minor child(ren);~~[-]~~

OR

☐ extraordinary circumstances justify granting the guardianship.<sup>2</sup>

5. Respondent 2

☐ consents to the appointment of Petitioner(s) as the guardian(s);

OR

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

OR

☐ extraordinary circumstances justify granting the guardianship.<sup>2</sup>

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

7. ☐ A guardian *ad litem* shall be appointed.

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

**WHEREFORE IT IS ORDERED:**

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

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

**DOMESTIC RELATIONS FORMS**  
**Form 4A-510**

**Supreme Court Approved**  
**November 1, 2022**

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 temporarily suspended until further order of the court.

5. Interim ~~[Visitation]~~ 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]~~ child support shall be as follows:

☐ No child support is ordered at this time;

OR

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

7. ☐ ~~[\_\_\_\_\_ is hereby]~~ As this is a contested case, a guardian *ad litem* shall be appointed and shall serve as the guardian *ad litem*. A separate order will be entered appointing the guardian *ad litem*.<sup>3</sup>

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

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

**DOMESTIC RELATIONS FORMS**  
**Form 4A-510**

**Supreme Court Approved**  
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District Court Judge

**USE NOTES**

1. Insert the initials of each child listed in the Petition [Tø] 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.

[2.]3. Use Form 4-402 NMRA to order the appointment of a guardian *ad litem*.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective January 20, 2005; 4-987 recompiled and amended as 4A-510 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.]