

DOMESTIC RELATIONS FORMS
RULE 4A-515
[NEW MATERIAL]

Supreme Court Approved
November 1, 2022

Form 4A-515. Order appointing guardian ad litem.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

No: _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF
_____, (a) Child(ren) (*use initials only*), and concerning
_____, Respondent(s).

ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER came before the court on _____, 20__.

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
motion, heard testimony, and being sufficiently advised, **FINDS:**

1. The court has jurisdiction over the parties and subject matter. The court has
jurisdiction under the Kinship Guardianship Act, Sections 40-10B- 1 to -15 NMSA 1978.

2. This action concerns the following minor [child] [children]:

_____, year of birth _____, age _____;
_____, year of birth _____, age _____;
_____, year of birth _____, age _____;
_____, year of birth _____, age _____;

3. Good cause exists to appoint a guardian *ad litem* (GAL) under the Kinship Guardianship
Act, Section 40-10B-9 NMSA 1978, and Rule 1-152 NMRA to represent the [child's] [children's]
best interests in this case.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. Appointment and duties to the court: _____ is hereby appointed as
GAL.

2. The GAL shall perform each of the following duties on behalf of the court:

a. If the appointment is to determine if a petition for kinship guardianship
should be granted or denied

(i) make a diligent investigation of the circumstances surrounding the
petition for guardianship;

(ii) visit the [child] [children] in the home;

(iii) if the [child] [children] are six (6) years old or older, interview the
[child] [children] face to face

(iv) interview the person(s) proposed as guardian(s);

1 (v) interview the parents of the [child] [children], if available;
2 (vi) interview any mental health professionals working with the [child]
3 [children], Petitioner(s), and Respondent(s); and
4 (vii) recommend an appropriate transition plan if the [child] [children]
5 is/are residing with Petitioner(s) and the petition for kinship guardianship is not granted or is
6 revoked.

7 b. If the appointment is to determine if a petition or motion for revocation of
8 a guardianship should be granted or denied

9 (i) conduct an investigation of the [child] [children]'s best interests as
10 described in Subsections (a)(ii) through (vi) above; and

11 (ii) recommend an appropriate transition plan in the event the
12 guardianship is revoked; and

13 c. In any kinship guardianship case

14 (i) submit, but do not file, a written report of investigation and
15 separate written recommendations to all parties and counsel at least eleven (11) days before the
16 recommendations are filed with the court, except in the case of emergency;

17 (ii) file the recommendations, but not the report, with the court; and

18 (iii) at a hearing held in connection with proceedings described in
19 sections (a) or (b) above, report to the court concerning the best interests of the [child] [children]
20 and the [child] [children]'s position on the requested relief.

21 d. In addition to the foregoing, the court directs the GAL to:
22
23

24 3. Adoption of GAL recommendations.

25 a. If the parties are willing to adopt the GAL's recommendations, they shall
26 submit a stipulated order adopting the recommendations within eleven (11) days after the
27 recommendations are filed.

28 b. If any of the parties are not willing to adopt the recommendations, that
29 party may file objections to the recommendations within eleven (11) days after the
30 recommendations are filed along with a request and notice for hearing on the objections. The
31 objections shall specifically state what recommendations are objected to and the basis for the
32 objection. The court may set a hearing on the objections.

33 c. A party's failure to file timely objections to the recommendations of the
34 GAL shall be deemed a waiver of the right to object, and the court shall, without the necessity of
35 a hearing, enter an order adopting the GAL's recommendations.

36 4. Acceptance of appointment. If the named GAL is willing to serve, the named
37 GAL shall forthwith file an entry of appearance. If the named GAL is unable or unwilling to
38 serve, the named GAL shall promptly advise the court.

39 5. Expiration of appointment. This appointment shall expire on _____.

40 6. Immunity of GAL. The GAL serves as an arm of the court and assists the court in
41 discharging its duty to adjudicate the [child's] [children's] best interests.

42 7. Duties of parties. The parties and minor children over the age of fourteen (14)
43 shall assist the GAL in carrying out the duties set forth in this order, including providing
44 information and documents requested by the GAL and signing any releases requested by the
45 GAL.

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1 8. GAL fees.
2 a. On or before _____, 20____, Petitioner(s) shall advance
3 \$_____, Respondent 1 shall advance \$_____, and Respondent 2 shall
4 advance \$_____ to the GAL as a retainer toward the GAL's fees and expenses. The
5 GAL shall be paid at an hourly rate of \$_____. When the GAL fees exceed the
6 retainer, Petitioner(s) shall pay_____% , Respondent 1 shall pay _____%, and Respondent
7 2 shall pay _____% of the additional GAL fees.
8 b. The GAL shall submit itemized monthly invoices for professional services
9 to the parties.
10 c. The GAL may recommend reallocation of GAL fees and expenses.
11 d. Either party or the GAL may request a hearing on the GAL fees and costs.
12 The GAL shall request a review hearing if the GAL fees and expenses exceed \$_____.
13 e. GAL fees are considered in the nature of support of the child.
14 f. The GAL shall not begin work until receiving an endorsed copy of the
15 order appointing the GAL and full payment of the retainer.
16 [] The court finds that the parties are unable to pay for the services of a GAL and
17 therefore, the court directs that [] Administrative Office of the Court funds shall be used to pay
18 for the GAL or [] the GAL takes the case pro bono.
19 9. Hearings. The GAL may request an expedited hearing if there is non-compliance
20 with this order.
21 10. The parties shall immediately contact the GAL to set up an initial appointment.
22 The GAL's name is _____, phone number is _____, and email is _____.

District Court Judge

CERTIFICATE OF MAILING

29 I, _____, certify that I caused an endorsed copy of this order
30 appointing guardian ad litem to be served on the following persons by (delivery) (mail) (or
31 email) on this
32 _____ day of _____, _____:

(Name of Petitioner)

(Name of Petitioner's attorney)

(Name of Respondent 1)

(Name of Respondent 1's attorney)

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1 _____
2 (Name of Respondent 2)
3 _____
4 _____
5 (Name of Respondent 2's attorney)
6 _____
7 _____
8 (Name of guardian *ad litem*)
9 _____
10 _____
11 (Name of person signing certificate)
12 _____
13 [Adopted by Supreme Court Order No. 22-8300-020, effective for all pleadings and papers filed
14 on or after December 31, 2022.]