

Rule 1-155. Appointment of guardian.

A. Letters of guardianship. When the court enters an order appointing a guardian, it shall issue letters of guardianship for the purpose of, without disclosing unnecessary information, clearly stating that the kinship guardian has all the authority of a parent, except the right to consent to adoption and any other rights the court orders be retained by a parent. If any rights are retained, those rights shall be clearly stated in the letter of guardianship.

B. Caption; department a party. If the Children, Youth and Families Department (“the department”) is a party to the case, all orders that are likely to be disclosed to a non-party, including the letters of guardianship, shall use the following caption only: “In the Matter of [initials of child],” and shall include the case number.

C. Caption; department not a party. If the department is not a party to the case, the case caption shall be “In the Matter of [initials of child],” and shall name the petitioner and respondents.

[Adopted by Supreme Court Order No. 22-8300-020, effective for all cases pending or filed on or after December 31, 2022.]

Committee commentary. — A letter of guardianship allows a kinship guardian to provide a short and easily-understood notice to all third parties (be it schools, doctors, or the Social Security Administration) that a child has a kinship guardian and the guardian is the legal custodian of that child. Many orders appointing kinship guardians include sensitive information about parents and have information that is not necessary for a third party to know (such as the amount of child support or whether the parents must test negative for drugs before visiting).

DOMESTIC RELATIONS
RULE 1-155
[NEW MATERIAL]

Supreme Court Approved
November 1, 2022

1 The form letter of guardianship, Form 4A-516 NMRA, excludes private information about
2 the parties and the child but provides information about what authority the kinship guardian has
3 regarding the child.
4 [Adopted by Supreme Court Order No. 22-8300-020, effective for all cases pending or filed on or
5 after December 31, 2022.]