

**1 Rule 1-156. Successor guardian.**

2       If a guardian appointed under the Kinship Guardianship Act dies or is incapacitated, a new  
3 petition for the appointment of a guardian may be filed by the new caregiver. The court is not  
4 bound by any agreements made between the Children, Youth and Families Department (“the  
5 department”) and a kin caregiver addressing a successor guardian in a guardianship assistance  
6 agreement, but under Section 40-10B-19(B) NMSA 1978, the department may be required to pay  
7 the costs associated with a qualified successor guardian in obtaining a subsidized guardianship of  
8 the child in an amount limited by the Kinship Guardianship Act.

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