

KINSHIP / GUARDIANSHIP FORMS

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☐

FORM 4A-517 – Information Sheet

☐

FORM 4A-501 NMRA – Petition to Appoint Kinship Guardian(s)

☐

FORM 4A-505 NMRA – Parental Consent of Appointment of Kinship Guardian

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FORM 4A-514 NMRA – Department Consent to Appointment of Kinship Guardian and Waiver of Service of Process

and/or

☐

FORM 4-206 – Summons

☐

FORM 4A-506 – Nomination of Kinship Guardian(s)
(If the child is 14 years old or older, they can fill out this form.)

WAIT.....If consent is received by both parents and/or both parents have been served, you can proceed

☐

FORM 4A-511 – Order Appointing Kinship Guardian(s)

☐

Request for Setting – Kinship Guardianship Petition

☐

FORM 4A-516 – Letters of Guardianship

To be used for Emergency circumstances:

☐ FORM 4A-509 – Motion to Appoint Temporary Kinship Guardian(s)

☐ FORM 4A-510 – Order Appointing Temporary Kinship Guardian(s)

☐ Request for Setting – Motion for Temporary Kinship Guardianship

Or:

☐ FORM 4A-507 – Ex Parte Motion to Appoint Temporary Kinship Guardian(s)

☐ FORM 4A-508 – Ex Parte Order Appointing Temporary Kinship Guardian(s)

☐ Request for Setting – Ex Parte Motion for Temporary Kinship Guardian(s)

KINSHIP GUARDIANSHIP AND THE NEW MEXICO KINSHIP GUARDIANSHIP ACT

This information guide is general in nature and is not designed to give legal advice. The court does not guarantee the legal sufficiency of this information guide or that it meets your specific needs. Because the law is constantly changing, this guide may not be current. Therefore, you may wish to seek the advice and assistance of an attorney.

For basic information about representing yourself in District Court, and to read more about where to find New Mexico's laws and rules, see the *Representing Yourself – Basic Information* section of the Self-Help Guide. This document can be located under the Self-Help section at www.nmcourts.gov, or you may ask a clerk to provide you a copy.

In New Mexico, there are several laws that affect guardianship of a child. This section is about guardianship under the New Mexico Kinship Guardianship Act. You will find this Act at [Sections 40-10B-1 through 40-10B-15 NMSA 1978](#).

Since there are other laws that govern the care of a child, you may wish to talk to a lawyer to make sure this is the right procedure for your situation.

WHAT IS A KINSHIP GUARDIANSHIP?

When a parent has left a child in the care of an adult who is not the child's parent, that adult can ask the court to create a legal relationship between him/her and the child. This is called a kinship guardianship.

A kinship guardianship suspends most of the rights and duties of a child's parents and transfers those rights and duties to another adult, who then becomes the child's "legal guardian." There are some things the legal guardian cannot do, like agree to the child's adoption or take over any parental rights or duties that a court orders the parents to keep. Learn more at [Section 40-10B-13 NMSA 1978](#).

WHO CAN FILE A KINSHIP GUARDIANSHIP CASE?

An adult can file a kinship guardianship case if they are one of the following:

- The child's kinship caregiver - an adult (who is not the child's parent) with whom the child has been living for at least 90 days immediately before filing the kinship guardianship case. Learn more at [Sections 40-10B-3, 40-10B-5 and 40-10B-8 NMSA 1978](#).
- A caregiver (who is at least 21 years old) with whom the child has been living for 90 days immediately before filing the kinship guardianship case, **and** the child has asked that caregiver to be their legal guardian. This applies only if the child is at least 14 years old. Learn more at [Section 40-10B-5 NMSA 1978](#).
- A caregiver that the child's parent has chosen **in writing**. If both parents consent, there is no requirement that the child live with the caregiver for 90 days immediately before filing the kinship guardianship case. Learn more at [Section 40-10B-5 NMSA 1978](#).

HOW DO I BECOME A KINSHIP GUARDIAN?

To become a child's legal guardian, you must file a court case for kinship guardianship in the district court where the child lives or where the parent(s) live. Kinship guardianship forms are available on the New Mexico Supreme Court's website at <https://nmsupremecourt.nmcourts.gov/> and on many of the district courts' websites. You can also check with your local district court to see if the court offers a packet of forms for kinship guardianship.

FORMS USED IN A KINSHIP GUARDIANSHIP COURT CASE

If you are starting a court case for kinship guardianship, use this form:

- [Form 4A-501 NMRA](#) – Petition to appoint kinship guardian(s)

If the parents agree to the kinship guardianship, **each** parent must fill out the following form:

- [Form 4A-505 NMRA](#) – Parental consent to appointment of kinship guardian and waiver of service of process

If there is CYFD involvement, and CYFD agrees with the proposed kinship guardianship, then CYFD's attorney must fill out the following form:

- [Form 4A-514 NMRA](#) – department consent to appointment of kinship guardian and waiver of service of process

If the parents do not agree to the kinship guardianship, fill out one of these for **each** parent:

- [Form 4-206](#) - Summons
- [Form 4A-511](#) - Order appointing kinship guardian(s)

Optional – If the child is 14 years old or older, he/she can fill out this form:

- [Form 4A-506](#) - Nomination of kinship guardian(s)

Courts also require a form that asks the judge to schedule a court date (called a "hearing"). You will have to provide the following forms:

- [Form 4-110 NMRA](#) – Request for hearing
- [Form 4-111 NMRA](#) – Notice of hearing

Ask your local district court for more information.

DO-IT-YOURSELF STEPS:

Step 1: Fill out the forms - choose the forms that fit your situation.

Step 2: File the forms - take the original and 3 copies of all documents to the clerk's office for filing. Check with your local district court for the filing fee. You may also ask the clerk about having the filing fee, or part of the filing fee, waived. Once the forms are filed, the court keeps the originals, stamps the copies and gives them back to you. One copy is for you and one copy is for each parent.

Step 3: Serve your court papers - **each** parent must receive a copy of your court papers. This is called "serving" your court papers. For more information about serving kinship guardianship papers, see **Sections 40-10B-6 and 45-1-401 NMSA 1978**. Even if you do not know where to find one or both parents, each parent still has to be served with your court papers. Please note that **you** do not serve these court papers on each parent. It is your job, however, to arrange for someone else to do this for you. In some circumstances, you may have to ask the court for permission to publish a notice in the newspaper. Please see [Rule 1-004 NMRA](#) carefully for more details.

Step 4: Go to your hearing - you will get a notice with your court date in the mail. Bring any documents that support your case. If you have any witnesses, make sure they attend the hearing.

HOW LONG BEFORE I GET A HEARING?

You should get a hearing on the petition between 30 and 90 days from when you filed the guardianship. If you also request a temporary guardianship, you should have a hearing on that request within 20 days of filing it.

I THINK THIS IS AN EMERGENCY - CAN I GET GUARDIANSHIP RIGHT AWAY?

Under certain circumstances you may be able to file for guardianship on an emergency basis. You may file a motion to appoint temporary kinship guardian at the same time as, or at any time after, you file the petition to appoint kinship guardian. The judge may grant the motion for temporary guardianship with or without a hearing. Use all the forms listed in "How Do I Become a Kinship Guardian" **plus:**

- [Form 4A-509 NMRA](#) - Motion to appoint temporary kinship guardian(s)
- [Form 4A-510 NMRA](#) - Order appointing temporary kinship guardian(s)

I HAVE BEEN SERVED WITH A PETITION FOR KINSHIP GUARDIANSHIP—HOW DO I TALK TO THE JUDGE ABOUT IT?

You cannot talk to the judge until you go to the court hearing, but you can file a response to the petition within 30 days after service of the petition. Learn more at [Rule 1-012 NMRA](#). Currently, there is not a New Mexico Supreme Court approved form available for a response to a kinship guardianship petition. However, you can answer each paragraph in the petition. Check with your local district court to see if the court offers a form.

If you do not file a response to the petition within 30 days, a "Judgment by Default" may be entered against you. Learn more at [Rule 1-055 NMRA](#).

CAN I CANCEL THE KINSHIP GUARDIANSHIP?

Canceling the guardianship is called "revoking" the guardianship. You will have to prove to the judge that circumstances have changed and that revoking the guardianship is in the best interests of the child. If you believe that it is time to revoke the guardianship, use this form:

- [Form 4A-512 NMRA](#) – Motion to revoke kinship guardianship

You must serve your motion on the guardians and other parent. One thing is very important - ***you*** do not serve these court papers; your job is to arrange for someone else to do this for you.

You will again have to submit a request for hearing. See [Form 4-110 NMRA](#).

LETTERS OF GUARDIANSHIP TO BE ISSUED AFTER ORDER APPOINTING KINSHIP GUARDIAN(S) FILED WITH COURT:

After the Court sends you a file-stamped copy of the Order Appointing Kinship Guardian(s), you must take a file-stamped copy of the Order Appointing Kinship Guardian(s) along with

- [Form 4A-516 NMRA](#) Letters of Guardianship

to the clerk's office to be issued by the district court clerk. Pre-fill the case caption information on [Form 4A-516 NMRA](#) Letters of Guardianship and take the original and two (2) extra copies to the district court clerk's office when you go to have the [Form 4A-512 NMRA](#) Letters of Guardianship issued. The district court clerk will keep one (1) of the [Form 4A-512 NMRA](#) Letters of Guardianship and return the other two (2) issued [Form 4A-512 NMRA](#) Letters of Guardianship to you after they are issued by the district court clerk.

4A-517. Kinship guardianship information sheet.

KINSHIP GUARDIANSHIP INFORMATION SHEET.
NOTE TO CLERK: DO NOT FILE THE INFORMATION
SHEET *Type or print responses. Use only for kinship guardianship cases.*

1. Petitioner's attorney information. *(Complete only if Petitioner has an attorney.)*

Petitioner's name: _____
Attorney's name: _____
Attorney's address: _____
City: _____
State: _____
Zip code: _____
Telephone: _____
Email address: _____

2. Information regarding Petitioner(s) and Respondent(s). There may be multiple petitioners and respondents. Fill out the information for each petitioner and respondent. *(Do not use an attorney's mailing address. Use a separate sheet if necessary.)*

Petitioner 1

Name: _____

(Last name, first, middle)

Other names *(e.g., maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

Petitioner 2 (if applicable)

Name: _____

(Last name, first, middle)

Other names *(e.g., maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

Respondent 1

Name: _____

(Last name, first, middle)

Other names *(e.g., maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

Respondent 2

Name: _____

(Last name, first, middle)

Other names *(e.g., maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

Respondent 3 (if applicable) Respondent 4 (if applicable)

Name: _____
(Last name, first, middle)

Other names (e.g., maiden name): _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Other names (e.g., maiden name): _____

Address: _____

City: _____

State: _____

Zip code: _____

Email address: _____

Date of birth: _____

Social Security number: _____

3. Minor children. (Provide the date of birth and social security number for each minor child. Use a separate sheet if necessary.)

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____
(Last name, first, middle)

Date of birth: _____

Social Security number: _____

4A-501. Petition to appoint kinship guardians.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

PETITION TO APPOINT KINSHIP GUARDIAN(S)²

Petitioner(s),³ _____, request(s) the court to grant an Order
Appointing Kinship Guardian(s) of the minor child(ren), _____.

The court has jurisdiction of the parties and the subject matter of the cause of action.

A. INFORMATION ABOUT PETITIONER(S)³

1. Petitioner #1 Name and address:

2. Petitioner #2 Name and address:

3. Petitioner(s) are currently providing adequate care, maintenance, and supervision for
_____ (*names of minor child(ren)*).

B. INFORMATION ABOUT THE CHILD(REN)⁴

1. Child's Name _____
 - a. Address _____
 - b. Place and year of birth _____
City _____
State _____
Month and year of birth _____

c. Are Petitioner(s) related to the child? _____ Yes _____ No

d. If yes, what is the relationship?

If no, describe Petitioner(s)'s connection with the child.

e. Is the child fourteen (14) years of age or older? _____ Yes _____ No If yes, has the child stated that they want the named Petitioner(s) as the guardian(s)? _____ Yes⁵ _____ No

f. Is the child an enrolled member of an Indian tribe or eligible for membership? _____ Yes _____ No

If yes, what tribe is the child enrolled with or eligible to be enrolled with?

_____ Have you notified the tribe of this Petition? _____ Yes _____ No

If yes, list the specific actions you have taken to notify the tribe and the results of those contacts, including the names addresses, titles, and telephone numbers of the persons contacted. Attach copies of all correspondence with the Indian tribe.

2. Child's Name _____

a. Address _____

b. Place and year of birth _____

City _____

State _____

Month and year of birth _____

c. Are Petitioner(s) related to the child? _____ Yes _____ No

d. If yes, what is the relationship?

If no, describe Petitioner(s)'s connection with the child.

e. Is the child fourteen (14) years of age or older? _____ Yes _____ No If yes, has the child stated that they want the named Petitioner(s) as the guardian(s)? _____ Yes⁵ _____ No

f. Is the child an enrolled member of an Indian tribe or eligible for membership? _____ Yes _____ No

If yes, what tribe is the child enrolled with or eligible to be enrolled with?

_____ Have you notified the tribe of this Petition? _____ Yes _____ No

If yes, list the specific actions you have taken to notify the tribe and the

results of those contacts, including the names addresses, titles, and telephone numbers of the persons contacted. Attach copies of all correspondence with the Indian tribe.

C. INFORMATION ABOUT CHILD'S PARENTS (RESPONDENTS)⁶

1. Respondent #1

- a. _____ (*name of Respondent-parent if known*) is the parent of _____.
- b. This Respondent-parent is _____ alive _____ deceased (*if deceased, provide proof of death*)
- c. If alive, list address (*include physical street address, city, state, and zip code*):

Is Respondent #1 an enrolled member of an Indian tribe or eligible for membership in an Indian tribe? _____ Yes _____ No

If yes, what tribe is Respondent #1 enrolled with or eligible to be enrolled with?

- d. On information and belief, (*complete only one choice below*)
- i. Respondent-parent _____ (*name*) consents to the appointment of Petitioner(s) as Kinship Guardian(s).⁷
- Or
- ii. This legal parent is unable or unwilling to provide adequate care, maintenance, and supervision for the minor child(ren) named in this petition (*explain why you think this parent is unable or unwilling to provide care*):

2. Respondent #2

- a. _____ (*name of Respondent-parent if known*) is the parent of _____.
- b. This Respondent-parent is _____ alive _____ deceased (*if deceased, provide proof of death*)

- c. If alive, list address (*include physical street address, city, state, and zip code*):

_____.

Is Respondent #2 an enrolled member of an Indian tribe or eligible for membership in an Indian tribe? _____ Yes _____ No

If yes, what tribe is Respondent #2 enrolled with or eligible to be enrolled with?

- d. On information and belief, (*complete only one choice below*)

i. Respondent-parent _____ (*name*) consents to the appointment of Petitioner(s) as Kinship Guardian(s).⁷

Or

ii. This legal parent is unable or unwilling to provide adequate care, maintenance, and supervision for the minor child(ren) named in this petition (*explain why you think this parent is unable or unwilling to provide care*):

D. FACTS REGARDING REQUEST FOR GUARDIANSHIP

1. Consent to Guardianship

- a. Does Respondent #1 consent to the guardianship? _____ Yes _____ No
If no, has the child(ren) lived with Petitioner(s) without Respondent #1 in the home for ninety (90) days immediately prior to filing this petition?
_____ Yes _____ No
- b. Does Respondent #2 consent to the guardianship? _____ Yes _____ No
If no, has the child(ren) lived with Petitioner(s) without Respondent #2 in the home for 90 days immediately prior to filing this petition?
_____ Yes _____ No

2. Describe how the child came to reside with you and why you want guardianship.

3. If a Respondent-parent is willing and able to parent the child(ren), are there extraordinary circumstances that justify granting the guardianship?⁸ _____ Yes (*please explain*)

_____ No _____

E. OTHER INFORMATION

1. Are there any other court cases involving these children? ____ Yes ____ No

____ Unsure

If yes, please provide:

Case Number _____

Type of case _____

2. Is there current CYFD involvement?¹⁰

____ Yes ____ No

- a. If yes, what is the contact information for the CYFD case worker?

Name: _____

Position (if known): _____

Phone Number and/or email address: _____

- b. If yes, does CYFD have legal custody of any of the child(ren) named in this petition? Yes ____ No ____ . If yes, CYFD must be served with a copy of this petition.¹⁰

- c. If yes, does CYFD consent to this guardianship?

____ Yes ____ No ____ Don't know (*please explain*):

3. Has CYFD filed a court case against the parents concerning this child?

____ Yes ____ No

4. Do any other person(s) have or claim to have court ordered custody of the child(ren)?⁹ ____ Yes ____ No

If yes, the name(s), phone number(s), and address(es) are:

5. Do any other person(s) have court ordered visitation with the child(ren)?⁹

____ Yes ____ No

If yes, the name(s), phone number(s), and address(es) are:

6. Petitioner(s) are requesting child support from Respondents.¹¹

____ Yes ____ No

7. Petitioners accept the duties and responsibilities of guardianship, including providing for the care, maintenance, and supervision of the child(ren).

8. No guardian of the child(ren) is currently appointed under a provision of the Uniform Probate Code, Section 45-1-101 NMSA 1978.
9. It is in the best interests of the child(ren) that Petitioner(s) be appointed as kinship guardian(s).

WHEREFORE, Petitioner(s) respectfully request(s) an Order Appointing Kinship Guardian(s) of the minor child(ren).

VERIFICATION

Petitioner #1:

I, _____, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause; that I have read the Petition to Appoint Kinship Guardian(s); and that the contents of the petition are true and correct to the best of my information and belief.

Date

Signature of Petitioner #1

Address, phone number, and email for
Petitioner #1

Petitioner #2:

I, _____, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause; that I have read the Petition to Appoint Kinship Guardian(s); and that the contents of the petition are true and correct to the best of my information and belief.

Date

Signature of Petitioner #2

Address, phone number, and email
for Petitioner #2

USE NOTES

1. Enter the initials of each child. Each child should be listed in the petition under Section A.
2. Forms 4A-501 to -513 NMRA are required to be used by persons representing themselves in kinship guardianship proceedings. Parties represented by an attorney may use other forms that serve the same purpose.
3. A petitioner must be an adult with whom the child has a significant bond. *See* NMSA 1978, Section 40-10B-5 (2022) for persons who may file as a petitioner under the Kinship Guardianship Act.
4. Fill out Section B for each child you are seeking guardianship over. If you are applying for guardianship of more than two children, repeat the sections as necessary for each child.

5. Any minor child fourteen (14) years of age or older must be served with a copy of this petition. A child fourteen (14) years of age or older may nominate a person to be their kinship guardian using Nomination of Kinship Guardian(s) Form, Form 4A-506 NMRA. The court shall appoint a person nominated by a child who is fourteen (14) years of age or older unless the court finds the nomination contrary to the best interests of the child. Additionally, the court shall not appoint a person as the kinship guardian if a child who is fourteen (14) years of age or older files a written objection in the proceeding before the person accepts appointment as kinship guardian unless the court makes a specific finding that is in the best interests of the child. *See* NMSA 1978, § 40-10B-11(B) (2023).

6. If there are more than two parents for the children involved, repeat the information for each additional parent. Unless the child's parent is deceased or the parent's parental rights have been terminated, use Form 4-206 NMRA for service of process on each parent named in the petition unless (a) the parent is deceased; or (b) the parent's rights as a parent have been terminated by a court order.

7. Form 4A-505 NMRA must be signed, notarized, and filed with the court for each respondent-parent who consents to the guardianship.

8. For example: Has the child lived with the petitioner(s) for so long that removing the child would cause anguish or harm to the child? Are there other reasons why the child should not be with the parent? Explain why neither parent can care for the children.

9. If there are other people claiming to have court-ordered custody or court-ordered visitation of the child(ren), they must also be served with a copy of the petition and notice of the hearing.

10. If CYFD has legal custody of any child named in this petition, CYFD must be served with a copy of this petition. CYFD has designated addresses and individuals to accept service of the petition. Court clerks and the local CYFD office will supply the contact information for the address and person that will accept service on behalf of CYFD.

11. Both parents may be ordered to pay child support. The petitioners' income should not be used for calculation of child support.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective

January 20, 2005; 4-981 recompiled and amended as 4A-501 by Supreme Court Order No. 168300-020, 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.]

4A-505. Parental consent to appointment of kinship guardian.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

PARENTAL CONSENT TO APPOINTMENT OF KINSHIP GUARDIAN

1. I, _____ (*name of parent*), am the adoptive or biological parent of _____ (*name(s) of child(ren)*). I do hereby knowingly and voluntarily consent to the following: (*select all that apply*)²

☐ The appointment of Petitioner(s) as TEMPORARY kinship guardian(s) for no more than one hundred eighty (180) days.

☐ The appointment of Petitioner(s) as PERMANENT kinship guardian(s).³

2. I understand that the purpose of the guardianship is to establish a legal relationship between _____ (*child(ren)*) and _____ (*Petitioner(s)*).

3. I agree that it is in the child(ren)'s best interests that Petitioner(s) be named as the child(ren)'s Kinship Guardian(s).

4. I understand that while the guardianship is in effect, Petitioner(s) will have the right to make all decisions about visitation and the health, education, and welfare of the child(ren) unless otherwise ordered by the court.

5. I understand that I might not have visitation and it may be up to Petitioner(s) if I have visitation with my child(ren).

6. I request to be notified of hearings in this case at the address listed below. I understand that I must notify the court of any changes in my address.

7. I understand that the court may require me to pay child support.

4A-514. Department consent to appointment of kinship guardian and waiver of service of process.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

**DEPARTMENT CONSENT TO APPOINTMENT OF KINSHIP GUARDIAN
AND WAIVER OF SERVICE OF PROCESS**

1. The Children, Youth and Families Department has legal custody of the following child(ren):

(include full names and dates of birth):

2. The Children, Youth and Families Department is the legal custodian and has received a copy of the Petition to Appoint Kinship Guardian(s) filed by (name(s) of Petitioner(s)):

_____;

3. The Children, Youth and Families Department hereby knowingly and voluntarily consents to the following: (select all that apply)²

☐ The appointment of Petitioner(s) as TEMPORARY kinship guardian(s) for no more than one hundred eighty (180) days.

☐ The appointment of Petitioner(s) as PERMANENT kinship guardian(s).³

4. The Children, Youth and Families Department understands that the purpose of the guardianship is to establish a legal relationship between _____
(child(ren)) and _____ (Petitioner(s)).

5. The Children, Youth and Families Department states that it is in the child(ren)'s best interests that Petitioner(s) be named as the child(ren)'s kinship guardian(s).

6. The Children, Youth and Families Department understands that while the guardianship is in effect, Petitioner(s) will have the right to make all decisions about visitation and the health, education, and welfare of the child(ren) unless otherwise ordered by the court.

7. The Children, Youth and Families Department waives the right to be served with the Petition, and understands it will be made a party to this case and concurs.

8. The Children, Youth and Families Department understands that the Department or the parents may withdraw a consent before the court enters an order granting the guardianship. The Children, Youth and Families Department understands that to withdraw its consent, it must notify the court in writing.

9. The Children, Youth and Families Department understands that if it desires at a later date to revoke the guardianship, a petition to revoke the guardianship must be filed.

Signature of counsel for CYFD

Address

Telephone number

Email address

USE NOTES

1. Enter the initials of each child listed in the Petition to Appoint Kinship Guardian.
2. You may select either option or both options, depending on whether you consent to the appointment of a temporary kinship guardian or a permanent kinship guardian or both.
3. As used in this form, a permanent kinship guardian is a guardian whose appointment continues until the child's eighteenth birthday or until the guardianship is revoked based on proof that the circumstances justifying the appointment have changed and that revocation is in the child(ren)'s best interests.

[Adopted 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.]

SUMMONS	
THIRD JUDICIAL DISTRICT COURT COUNTY OF DONA ANA STATE OF NEW MEXICO 201 W. Picacho Las Cruces NM 88005 Phone: (575) 523-8200	Case Number: _____ Judge: _____
Plaintiff(s): _____ v. Defendant(s): _____	Defendant Name: _____ Address: _____ _____

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at _____, New Mexico, this ____ day of _____, 20__.

CLERK OF COURT

By: _____

Deputy

Attorney for Plaintiff or Plaintiff Pro Se

Name: _____

Address: _____

Telephone No.: _____

Fax No.: _____

Email Address: _____

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN ¹

STATE OF NEW MEXICO)

)ss

COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of petition attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ *(used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)*

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service).*

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ *(insert defendant's business address)* and by mailing the summons and complaint by first class mail to the defendant at _____ *(insert defendant's last known mailing address).*

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ *(used when defendant is a minor or an incompetent person).*

[] to _____ (name of person), _____,
(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____.²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective

March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]

4A-506. Nomination of kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

NOMINATION OF KINSHIP GUARDIAN(S)

I, _____ (*name of minor child*), was born in the year
_____ and am _____ years old (*current age*).

I nominate and request the court to appoint _____ (*name(s)*
of Petitioner(s)) as my guardian(s).

I affirm under penalty of perjury under the laws of the State of New Mexico that the
statements in this document are true and correct.

Date

Signature of Minor Child

USE NOTES

1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective January 20, 2005; 4-983 recompiled and amended as 4A-506 by Supreme Court Order No. 168300-020, 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.]

4A-511. Order appointing kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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

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

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;

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

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

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 #2 was not residing in the home during that time;

OR

☐ There are **extraordinary circumstances** in this matter as follows, which include that Respondent #2 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. 168300-020, 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.]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____, Petitioner,
(print first, middle and last name)

Case No. _____

v.

Judge: _____

_____, Respondent.
(print first, middle and last name)

REQUEST FOR SETTING

Specific matters to be heard: **KINSHIP GUARDIANSHIP PETITION, MUST BE HEARD
BETWEEN 30-90 DAYS OF FILING OF THIS PETITION**

Time requested for hearing (*check one*): ☐ 15 minutes ☐ 30 minutes ☐ other

Any hearing presently set in this matter (*check one*): ☐ NO ☐ YES (When? _____)

I request interpretation services (check on) : ☐ NO ☐ YES

If yes, please describe what you need:

Requested by (*check one*) ☐ PETITIONER ☐ RESPONDENT

Below provide names, mailing addresses and telephone numbers of parties who need to be notified of the hearing - attach a list if necessary.

	Respondent	Respondent	CYFD (If Necessary)
(Name)			
(Address)			
(City/State/Zip)			
(Telephone)			

I hereby certify that I have caused a copy of this Request for Setting to be [mailed] [delivered] to the above persons on the _____ day of _____, 20_____.

(SIGN YOUR NAME)
(PRINT YOUR NAME) _____
(YOUR MAILING ADDRESS) _____
(CITY/STATE/ZIP) _____
(YOUR TELEPHONE) _____

.....

4A-516. Letters of guardianship.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

No. _____

In the Matter of _____, (a) Child(ren), (*use initials only*) and Concerning

_____, Petitioner(s)

_____, Respondent #1,

_____, Respondent #2.

LETTERS OF GUARDIANSHIP

On _____, 20__ this court entered an order appointing
_____ (Petitioner(s)) as the guardian(s) of
_____ (minor child(ren))
under Sections 40-10B-1 to 21 NMSA 1978 and Rule 1-155 NMRA.

WHEREFORE, the order appointing kinship guardian(s) suspends the rights of the Respondent(s) and vests in the guardian(s) all rights and responsibilities of a parent, except for the right to consent to adoption of the child(ren), including but not limited to:

1. Petitioner(s) is/are permitted to consent to medical, mental health, and dental services and treatment for the minor child(ren) not prohibited by other law;
2. Petitioner(s) is/are permitted to seek tribal, state, and federal benefits on behalf of the child(ren) without reference to the income of Petitioners (the benefits should be based on the parent(s)' income);
3. Petitioner(s) is/are permitted to enroll the child(ren) in school and extracurricular activities, including religious activities and ceremonies;
4. Petitioner(s) shall be considered the education decision maker or surrogate parent under Section 300.519 of the Individuals with Disabilities Education Act.
5. Petitioner(s) is/are permitted to obtain and modify vital records for the child(ren);

6. Petitioner(s) is/are permitted to

WITNESS, the Honorable _____, District Court Judge, and the seal of the
Third Judicial District Court on _____.

CLERK OF THE DISTRICT COURT

[SEAL]

Deputy

[Adopted 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.]

4A-509. Motion to appoint temporary kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

**MOTION TO APPOINT
TEMPORARY KINSHIP GUARDIAN(S)²**

Petitioner(s), _____, (*name of Petitioner(s)*), move(s) the court to grant this Motion to Appoint Temporary Kinship Guardian for the minor child(ren) under the Kinship Guardianship Act. In support of the motion, Petitioner(s) state(s) as follows:

1. A Petition to Appoint Kinship Guardian(s) has been filed in this court under the Kinship Guardianship Act for the following child(ren):

Child's name	Birth year	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Petitioner(s) incorporate(s) all of the allegations contained in the Petition to Appoint Kinship Guardian(s).

3. Petitioner(s) request(s) appointment of a temporary guardian(s) because (*explain why a temporary guardianship is requested before a final hearing is held on the Petition*):

_____.

4. It is in the child(ren)'s best interests that Petitioner(s) be appointed the child(ren)'s temporary guardian(s) until a hearing on the Petition to Appoint Kinship Guardian(s) is heard.

WHEREFORE, Petitioner(s) request(s) that the court appoint Petitioner(s) as Temporary Kinship Guardian(s) of the minor child(ren).

Submitted by,

Signature

Printed Name

Address

Phone number and email address

VERIFICATION

Petitioner #1:

I, _____, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above entitled cause; that I have read the Petition to Appoint Temporary Kinship Guardian(s); and that the contents of the petition are true and correct to the best of my information and belief.

Date

Signature of Petitioner #1

Petitioner #2:

I, _____, Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above entitled cause; that I have read the Petition to Appoint Temporary Kinship Guardian(s); and that the contents of the petition are true and correct to the best of my information and belief.

Date

Signature of Petitioner #2

VERIFICATION OF SERVICE³

I affirm under penalty of perjury under the laws of the State of New Mexico that on _____ (date), I (check the applicable item below and fill in all information) [

] mailed a copy of this motion by United States mail, postage prepaid, to:

Name: _____

Mailing address: _____

City, state, and zip code: _____;

[] delivered a copy of this motion to _____ (the other party or the other party's attorney); or

[] emailed a copy of this motion to _____ (the other party or the other party's attorney) using the following email address: _____. The time and date of the email was _____ (a.m.) (p.m.) on _____ (date).

Signature of person who made service

Date of signature

USE NOTES

1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian.
2. This motion may be filed at the same time as, or at anytime after, the Petition to Appoint Kinship Guardian is filed.
3. All respondents must be served with this motion. The Children, Youth and Families Department must be served with a copy of this motion if it has custody of the minor child(ren).

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective January 20, 2005; 4-984 recompiled and amended as 4A-509 by Supreme Court Order No. 168300-020, 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.]

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

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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
TEMPORARY KINSHIP GUARDIAN(S)
[] AND NOTICE OF HEARING**

THIS MATTER came before the 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 [] did not appear. The court having reviewed the motion, 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. The court has the authority to appoint a temporary kinship guardian under Section 4010B-7 NMSA 1978.

3. A Petition to Appoint Kinship Guardian(s) has been filed with this 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 the minor child(ren) has/have resided with Petitioner(s) for at least 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.²

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.²

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 (180) days from the date of filing of this order 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 temporarily suspended until further order of the court. This means that while the guardianship is in effect, the guardian(s) have the right to make all decisions about the health, education, and welfare of the child(ren) unless otherwise ordered by the court.

5. Interim 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 40-10B13(B) NMSA 1978;

OR

☐ Visitation shall be as follows: _____

6. Interim child support shall be as follows:

☐ No child support is ordered at this time;

OR

☐ Child support is ordered as follows: _____

7. ☐ As this is a contested case, a guardian *ad litem* shall be appointed. A separate order will be entered appointing the guardian *ad litem*.³

8. Other: _____

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

District Judge

USE NOTES

1. Insert the initials of each child listed in the Petition 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.
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. 168300-020, 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.]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____, Petitioner,
(print first, middle and last name)

Case No. _____

v.

Judge: _____

_____, Respondent.
(print first, middle and last name)

REQUEST FOR SETTING

Specific matters to be heard: **MOTION FOR TEMPORARY KINSHIP GUARDIANSHIP**
(Must be Heard within Twenty (20) days from the date of filing of the
Motion pursuant to § 40-10B-7 B NMSA 1978.

Time requested for hearing (*check one*): ☐ 15 minutes ☐ 30 minutes ☐ other

Any hearing presently set in this matter (*check one*): ☐ NO ☐ YES (When? _____)

I request interpretation services (check on): : ☐ NO ☐ YES

If yes, please describe what you need:

Requested by (*check one*) ☐ PETITIONER ☐ RESPONDENT

Below provide names, mailing addresses and telephone numbers of parties who need to be notified of the hearing - attach a list if necessary.

	Respondent	Respondent	CYFD (If Necessary)
(Name)			
(Address)			
(City/State/Zip)			
(Telephone)			

I hereby certify that I have caused a copy of this Request for Setting to be [mailed] [delivered] to the above persons on the _____ day of _____, 20_____.

(SIGN YOUR NAME)
(PRINT YOUR NAME) _____
(YOUR MAILING ADDRESS) _____
(CITY/STATE/ZIP) _____
(YOUR TELEPHONE) _____

.....

4A-507. Ex parte motion to appoint temporary kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

**EX PARTE MOTION TO APPOINT
TEMPORARY KINSHIP GUARDIAN(S)²**

Petitioner, _____, (*name of Petitioner(s)*), move(s) the court to grant this Ex Parte Motion to Appoint Temporary Kinship Guardian for the minor child(ren). In support of the motion, Petitioner(s) state(s) as follows:

1. A Petition to Appoint Kinship Guardian(s) has been filed in this court under the Kinship Guardianship Act for the following children:

Child's name	Birth year	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Petitioner(s) incorporate all of the allegations contained in the Petition to Appoint Kinship Guardian(s).

3. Section 40-10B-7(C) NMSA 1978 of the Kinship Guardianship Act allows this court to appoint a temporary guardian ex parte for good cause, to serve for one hundred and eighty (180) days or until the case is decided on the merits, whichever occurs first.

4. There is good cause to appoint a temporary guardian ex parte because (*explain why the court should appoint a temporary guardian without a hearing*):

5. It is in the child(ren)'s best interests that Petitioner(s) be appointed the child(ren)'s temporary guardian(s) until a hearing on the Petition to Appoint Kinship Guardian(s) is heard.

WHEREFORE, Petitioner(s) request(s) that the court appoint Petitioner(s) as Temporary Kinship Guardian(s) of the minor child(ren), _____, to last one hundred and eighty (180) days or until a hearing on the merits is heard, whichever occurs first. If the court does not grant an Order on this Ex Parte Motion for Temporary Kinship Guardianship, Petitioner(s) request(s) that a hearing be set within twenty (20) days of the filing of this motion as provided under Section 40-10B-7(B) NMSA 1978.

Submitted by,

Signature

Printed Name

Address

Phone number and email address

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

Acknowledged, subscribed, and sworn to before me this _____ day of _____,
_____.

Notary Public

My commission expires: _____

USE NOTES

1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian.
2. An ex parte motion is used when one party asks the court to issue an order without hearing from the other party. This is used only for emergency purposes.

3. An ex parte motion may be filed at the same time as the petition to appoint kinship guardian(s), *see* Form 4A-501 NMRA, or after the petition is filed.

[Adopted 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.]

4A-508. Ex parte order appointing temporary kinship guardian(s).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD 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.

**EX PARTE ORDER APPOINTING
TEMPORARY KINSHIP GUARDIAN(S)**

[] AND NOTICE OF HEARING

THIS MATTER, coming before the court ex parte on _____ (*date*) on
Petitioner(s)' Ex Parte Motion to Appoint Temporary Kinship Guardian for the minor child(ren),
and the court being sufficiently advised, FINDS:

1. Section 40-10B-7 NMSA 1978 of the Kinship Guardianship Act allows this court to appoint a temporary guardian ex parte on good cause shown, to serve for one hundred and eighty (180) days.

2. A petition to appoint kinship guardian has been filed regarding the following children:

Child's name	Birth year	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Based on the Motion, there is good cause for the ex parte appointment of a temporary guardian.

4. If a party files an objection to this Order and submits a copy to the assigned judge with a request for hearing, the court shall schedule a hearing to be held within ten (10) days of the date the objection is filed, as provided in Section 40-10B-7(C) NMSA 1978.

WHEREFORE IT IS ORDERED:

1. Petitioner(s) is/are appointed as the temporary guardian(s) of the following children:

Child's name	Birth year	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. The appointment of temporary kinship guardian(s) shall expire in one hundred and eighty (180) days from the date of the filing of this order or further order of this court, whichever occurs first.

3. The guardian(s) has/have the legal rights and duties of a parent except the right to consent to the adoption of the child(ren), as provided in Section 40-10B-13(A) NMSA 1978.

4. The parental rights and duties of _____ (*names of Respondents*) pertaining to the child(ren) are hereby temporarily suspended. This means that while the guardianship is in effect, the guardian(s) have the right to make all decisions about the health, education, and welfare of the child(ren) unless otherwise ordered by the court.

5. Visitation between the legal parents and the minor child(ren), or any other persons, shall be at the discretion of the guardian(s), as provided in Section 40-10B-13(B) NMSA 1978.

6. Petitioner shall immediately have the Petition to Appoint Kinship Guardian(s), this Ex Parte Order Appointing Temporary Kinship Guardian(s), and a copy of the summons personally served on each of the named Respondents.

7. Other orders: _____

8. A hearing on the Petition to Appoint Kinship Guardian is set for: _____

District Court Judge

USE NOTES

1. Insert the initials of each child listed in the Petition to Appoint Kinship Guardian.

[Adopted 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.]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____, Petitioner,
(print first, middle and last name)

Case No. _____

v.

Judge: _____

_____, Respondent.
(print first, middle and last name)

REQUEST FOR SETTING

Specific matters to be heard: **EX PARTE MOTION TO APPOINT TEMPORARY KINSHIP
GUARDIAN(S)**

**(Must be heard within Twenty (20) days from the date of filing of the
Motion pursuant to § 40-10B-7 NMSA 1978)**

Time requested for hearing (*check one*): ☐ 15 minutes ☐ 30 minutes ☐ other

Any hearing presently set in this matter (*check one*): ☐ NO ☐ YES (When? _____)

I request interpretation services (check on): ☐ NO ☐ YES

If yes, please describe what you need: _____

Requested by (*check one*) ☐ PETITIONER ☐ RESPONDENT

Below provide names, mailing addresses and telephone numbers of parties who need to be notified of the hearing
- attach a list if necessary.

	Respondent	Respondent	CYFD (If Necessary)
(Name)			
(Address)			
(City/State/Zip)			
(Telephone)			

I hereby certify that I have caused a copy of this Request for Setting to be [mailed] [delivered] to the above persons
on the _____ day of _____, 20_____.

(SIGN YOUR NAME)
(PRINT YOUR NAME) _____
(YOUR MAILING ADDRESS) _____
(CITY/STATE/ZIP) _____
(YOUR TELEPHONE) _____

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