

Kinship Guardianship

\$10.00

Resource List: Kinship Guardianship

Guardianship Legal Helpline

Albuquerque: (505) 217-1660

Statewide: 1-833-355-6944

Pegasus Legal Services for Children

3201 4th St NW

Albuquerque, NM 87107

Phone: (505) 244-1101

Kinship Navigator Hotline: 1-855-546-1212

<http://pegasuslaw.org/>

New Mexico Legal Aid

Phone: 1-833-545-4357

<http://www.nmlegalaid.org/>

State Bar of New Mexico (for attorney referrals)

Albuquerque: 505-797-6000

Statewide: 1-800-876-6227

www.nmbar.org

Legal Resources for the Elderly Program (for individuals 55 years of age and older)

Albuquerque: (505) 797-6005

Statewide: 800-876-6657

www.nmbar.org

Grandparents Raising Grandchildren (assists elders, persons with disabilities and caregivers in finding kinship/guardianship services and resources)

Phone: 1-800-432-2080

Kinship Guardianship: Petition Guide

**IMPORTANT: Read the “Use Notes” found on the last page of some of the forms.
All forms may be downloaded at the Second Judicial District Court website.
(<https://seconddistrictcourt.nmcourts.gov/home/family-forms>)**

1. Prepare a *Petition to Appoint Kinship Guardian*. Make four (4) copies of the *Petition to Appoint Kinship Guardian*.
2. If the parents consent to the appointment of a kinship guardian, the parents should sign a *Parental Consent to Appointment of Kinship Guardian and Waiver of Service of Process*, otherwise:
 - a. Prepare a *Summons* for Parent 1. Make two (2) copies of the *Summons*.
 - b. Prepare a *Summons* for Parent 2. Make two (2) copies of the *Summons*.
3. If the child is 14-years-old or older, the child may complete a *Nomination of Kinship Guardian* form. The *Nomination of Kinship Guardian* will serve as Notice.
 - a. Otherwise, if the child is 14-years-old or older and cannot complete a *Nomination of Kinship Guardian* form, prepare a *Summons* for the child. Make two (2) copies of this *Summons*.
4. Prepare an *Ex Parte Motion to Appoint Temporary Kinship Guardian*, a *Request for Hearing*, and an *Ex Parte Order Appointing Temporary Kinship Guardian*. **Leave section 7 and 8 blank.** The Court will complete these sections of the *Order*. Make five (5) copies of each form.
5. Submit your \$137.00 filing fee, original documents, and copies to the Domestic Relations Clerk’s office, first floor, Room #119, of the Bernalillo County Courthouse, at 400 Lomas Blvd. NW, Albuquerque, NM between the hours of **8:00 A.M. - 4:00 P.M., Monday - Friday**. NOTE: The Court accepts cash, money order, cashier’s check, mastercard, and visa.
6. After the documents are filed, serve an endorsed copy of the following documents on Parent 1, Parent 2, and the child (if 14-years-old or older):
 - an endorsed copy of the *Petition to Appoint Kinship Guardian*
 - an endorsed copy of the party’s *Summons*
 - an endorsed copy of the *Ex Parte Motion to Appoint Temporary Guardian*
 - an endorsed copy of the *Request for Hearing*
 - an endorsed copy of the *Ex Parte Order Appointing Kinship Guardian*

Note: If they have not previously completed a *Nomination of Kinship Guardian*, a child who is 14-year-old or older must also be served with a blank *Nomination of Kinship Guardian* form, along with the documents listed above.

7. After serving Parent 1, Parent 2, and child (if the child is 14-years old or older) the person who served them should complete the *Returns of Service* for the *Summons*, the *Motion* and *Request for Hearing*. Once completed, the *Returns of Service* should be filed in the Domestic Relations Clerk’s office, first floor, Room #119, of the Bernalillo County Courthouse, located at 400 Lomas Blvd. NW, Albuquerque, NM between the hours of **8:00 A.M. - 4:00 P.M., Monday - Friday**.

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)

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 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: _____

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: _____

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

4A-501. Petition to appoint kinship guardians.

STATE OF NEW MEXICO
COUNTY OF _____

_____ JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent(s).

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)*).

[] Petitioner(s) have a Guardianship Assistance Agreement with the Children, Youth and Family Department (“CYFD”). Attach a copy of the agreement (*check if applicable*).

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 he/she wants the named Petitioner(s) as the guardian(s)? _____ Yes⁵ _____ No

f. Is the child a Native American child?⁶ _____ Yes _____ No

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

Have you contacted/informed the tribe of this Petition? _____ Yes _____ No

If yes, who did you contact and how did you make contact?

Tribal contact information (address and phone number):

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 he/she wants the named Petitioner(s) as the guardian(s)? _____ Yes⁵ _____ No

f. Is the child a Native American child?⁶ _____ Yes _____ No

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

Have you contacted/informed the tribe of this Petition? _____ Yes _____ No

If yes, who did you contact and how did you make contact?

Tribal contact information (address and phone number):

C. INFORMATION ABOUT CHILD'S PARENTS (RESPONDENTS)⁷

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):

- 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).⁸
 - 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 including whether parent(s) have signed a Voluntary Placement Agreement with CYFD):

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):

- 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).⁸
 - 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 including whether parent(s) have signed a Voluntary Placement Agreement with CYFD*):

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.

Parent(s) signed a Voluntary Placement Agreement with CYFD, placing the children in CYFD's legal custody, and to the best of Petitioner's knowledge, the Voluntary Placement Agreement has not been revoked.

Petitioner(s) signed a Guardianship Assistance Agreement with CYFD and to the best of petitioner(s) knowledge, it has not been revoked.

3. If a Respondent-parent is willing and able to parent the child(ren), are there extraordinary circumstances that justify granting the guardianship?⁹

____ Yes (*please explain*) ____ No

E. OTHER INFORMATION

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

If yes, please provide:

Case Number _____

Type of case _____

2. Is there current CYFD involvement?

_____ 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)?¹⁰

_____ 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)?¹⁰

_____ 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. If a child is fourteen (14) years of age or older and does not want the petitioner(s) to be the child's guardian, the court will not appoint the petitioner(s). *See* NMSA 1978, § 40-10B-11(B) (2001). If the child is fourteen (14) years of age or older and consents to the petitioner(s) as guardian(s), please use the Nomination of Kinship Guardian Form, Form 4A-506 NMRA.

6. The Indian Child Welfare Act defines "Indian child" as "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe, or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." *See* 25 U.S.C. § 1903(4) (1978).

7. 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 has waived service in writing; (b) the parent is deceased; or (c) the parent's rights as a parent have been terminated by a court order.

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

9. 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?

10. 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.

11. 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 address and contact information for the address and person that will accept service on behalf of CYFD.

12. 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. 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.]

SUMMONS	
District Court: Second Bernalillo County, New Mexico Court Address: 400 Lomas Blvd. NW Albuquerque, NM 87102 Court Telephone Number: 505-841-7438	Case Number: Judge:
Petitioner(s): v. In The Matter Of The Kinship Guardianship Of _____, Child(ren), and concerning _____, Respondent(s).	Respondent Name: Address:

TO THE ABOVE NAMED RESPONDENT(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 Petitioner or
 Petitioner 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.

RETURN¹

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 complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

- to the Respondent _____ *(used when Respondent accepts a copy of summons and complaint or refuses to accept the summons and complaint)*
- to the Respondent 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 Respondent 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 Respondent _____, *(used when the Respondent is not presently at place of abode)* and by mailing by first class mail to the Respondent at _____ *(insert Respondent'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 Respondent and by mailing by first class mail to the Respondent at _____ *(insert Respondent's business address)* and by mailing the summons and complaint by first class mail to the Respondent at _____ *(insert Respondent's last known mailing address).*
- to _____, an agent authorized to receive service of process for Respondent _____.
- to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Respondent _____ *(used when Respondent is a minor or an incompetent person).*
- to _____ *(name of person), _____, (title of person authorized to receive service. Use this alternative when the Respondent 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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

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 Respondent.

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-505. Parental consent to appointment of kinship guardian and waiver of service of process.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent(s).

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

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.

8. I understand that I do not have to sign this consent form, and that I have the right to appear in court to contest the guardianship.

9. I understand that I may withdraw this consent before the court enters an order granting the guardianship. I also understand that to withdraw my consent I must notify the court in writing.

10. I understand that if I desire at a later date to revoke the guardianship, I will have to petition the court using Form 4A-512 NMRA and will have to prove that the circumstances have changed and that revocation is in the child(ren)'s best interests.

Signature of Respondent-parent

Address

Telephone number and email address

STATE OF NEW MEXICO)
) ss
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, Respondent-parent.

Notary Public
My commission expires: _____

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.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, effective January 20, 2005; 4-985 recompiled and amended as 4A-505 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.]

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

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent(s).

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. 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.]

Signature of Person making service

Title *(if any)*

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
20 ____, by _____ (name of person making service).

Notary Public

My commission expires:

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

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent(s).

**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.]

**STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT**

_____, Petitioner(s)

No. _____

IN THE MATTER OF THE KINSHIP GUARDIANSHIP OF

_____, ¹ (a) Child(ren), and concerning

_____, Respondent(s).

**REQUEST FOR HEARING
(domestic relations actions)**

Assigned judge: _____

Matters to be heard: _____

Hearings presently set: _____

Amount of time requested: _____

(Provide names, mailing addresses, and telephone numbers of parties who need to be notified — attach a list if necessary.)

_____	_____
_____	_____
_____	_____
_____	_____

Hearing requested by:

Signature of party

Name (*print*)

Mailing address (*print*)

City, state, and zip code (*print*)

Telephone number

VERIFICATION OF SERVICE

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 request by United States mail, postage prepaid, to:
Name: _____
Mailing address: _____
City, state, and zip code: _____;

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

- [] faxed a copy of this request to _____ (the other party or the other party's attorney) using the following fax number: _____. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m.) (p.m.) on _____ (date).

Signature of party

Date of signature

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. Enter the initials of each child listed in the Petition To Appoint Kinship Guardian(s).

4A-508. Ex parte 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

_____,¹ (a) Child(ren) (*use initials only*), and concerning

_____, Respondent(s).

**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.

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.]