

**4A-510. 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

\_\_\_\_\_,<sup>1</sup> (a) Child(ren), and concerning  
\_\_\_\_\_, Respondent(s).

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

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 40-10B-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 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).

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).

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.

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 40-10B-13(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.  \_\_\_\_\_ is hereby appointed and shall serve as the guardian *ad litem*.<sup>2</sup>

8. Other: \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

USE NOTE

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

2. 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. 16-8300-020, effective for all pleadings and papers filed on or after December 31, 2016.]