

**4A-514. Department 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

\_\_\_\_\_,<sup>2</sup> (a) Child(ren) (*use initials only*), and concerning

\_\_\_\_\_, Respondent(s).

**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 child by way of an unrevoked Voluntary Placement Agreement (VPA) with the following parents:

a. Name and relationship to child(ren): \_\_\_\_\_

b. Name and relationship to child(ren): \_\_\_\_\_

c. Name and relationship to child(ren): \_\_\_\_\_

For 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)<sup>3</sup>

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).

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. 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.

2. Enter the initials of each child listed in the Petition to Appoint Kinship Guardian.

3. 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.

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