

## WHAT IS KINSHIP GUARDIANSHIP?

An order for Kinship Guardianship suspends the rights of a child's parents and transfers most of those rights to a guardian.

## ALTERNATIVES TO KINSHIP GUARDIANSHIP

### Power of Attorney

- Allows a caregiver to make school and medical decisions about a child.
- The Power of attorney (POA) must be signed by a parent and is only valid for 6 months. A POA does not grant custody.
- The POA can be revoked at any time by the parent.

### Caregiver's Affidavit

The caregiver's affidavit has the same effect as the power of attorney but does not need to be signed by a parent. Many medical professionals will not accept a caregiver's affidavit. It is only valid for 6 months and does not grant custody.

### CYFD Placement

CYFD can voluntarily place a child with a caregiver without granting the caregiver custody. These placements are called voluntary placement agreements or safety plans. The agreement is signed by a parent in order to keep a child out of CYFD custody.

## THE GUARDIANSHIP LEGAL HELPLINE

Need Representation or Legal Advice about Kinship Guardianship?

Call (505) 217-1660 or 1-833-355-6944  
**Leave your name and phone number.** Someone will return your call within 7 business days.

### If you have an emergency or need someone to check on the child

If you are reporting abuse or neglect call 1-855-333-7233 or #7233 from a cell phone.

If you need someone to check on the child's wellbeing but you are unsure whether the child is actually in danger call your local police station and request a welfare check on the child.



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 **PEGASUS**  
Legal Services for Children

**KINSHIP  
GUARDIANSHIP**  
Are you raising someone  
else's child?

## KINSHIP GUARDIANSHIP REQUIREMENTS

A proposed guardian must file in District Court in the county where the child lives. The proposed guardian must prove the following in court:

### 1. Relationship to the Child

The guardian can be a relative, godparent, member of the child's clan or tribe, or an adult with a significant bond to the child

**2) Parents are unable or unwilling to care for the child**

**3) Child has resided with the guardian for 90 days without a parent in home**

If a parent is living in the home, that parent must consent in writing to the guardian's appointment. In emergency situations a court can find an exception to waiting the 90 days.

**4) Guardianship is in the child's best interest; and**

**5) If the child is 14 years old or older, that child must nominate the guardian in writing.**



## EFFECT OF KINSHIP GUARDIANSHIP ORDER

A final order issued by a court suspends the parents rights and grants those rights to the guardian, except the right to consent to adoption or any other rights retained by the court for the parents.

The rights include the right to make medical and school decisions for the child and to decide who and when the child visits certain people, including the parents.

Kinship Guardianship lasts until the child turns 18 years old or until the Court revokes the guardianship and returns the rights to the parent.

## PROCESS FOR OBTAINING KG

Documents are available for a low fee to fill out at the District Court in your County.

You must file out the documents; File them in District Court; Serve the parents, personally, by certified mail, and if both those options fail, you can request the Judge allow you to publish in the newspaper; and Appear in Court during your scheduled Court dates and prove the Kinship Guardianship requirements.

## REVOCATION

If a parent, guardian, or child 14 years old or older wants to revoke the guardianship they have to file in the Court that issued the original guardianship order and ask for a revocation.

The filing party must:

File out the revocation document documents; File them in District Court; Serve the parties, personally, by certified mail, and if both those options fail, you can request the Judge allow you to publish in the newspaper; and Appear in Court during your scheduled Court dates and prove the circumstances have changed and revocation would be in the child's best interest.

**OUR MISSION IS  
TO PROMOTE AND  
DEFEND THE RIGHTS OF  
CHILDREN AND YOUTH  
TO SAFE, STABLE HOMES,  
QUALITY EDUCATION  
AND HEALTHCARE,  
AND A VOICE IN  
DECISIONS THAT  
AFFECT THEIR LIVES.**