

1 SENATE BILL 302

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

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5 and Linda M. López

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10 AN ACT

11 RELATING TO CHILDREN; PROVIDING FOR THE PAYMENT OF FILING FEES
12 BY A CHILD, THE FAMILY OF A CHILD OR A PERSON FILING ON BEHALF
13 OF A CHILD IN ANY PROCEEDING UNDER THE CHILDREN'S CODE.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 32A-1-19 NMSA 1978 (being Laws 1993,
17 Chapter 77, Section 28, as amended) is amended to read:

18 "32A-1-19. COURT COSTS AND EXPENSES.--

19 A. The following expenses shall be a charge upon
20 the funds of the court upon their certification by the court:

21 (1) reasonable compensation for services and
22 related expenses for counsel appointed by the court;

23 (2) reasonable compensation for services and
24 related expenses of a guardian ad litem or a child's attorney
25 appointed by the court; ~~and~~

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1 (3) the expenses of service of summonses,
2 notices, subpoenas, traveling expenses of witnesses and other
3 like expenses incurred in any proceeding under the Children's
4 Code; and

5 (4) the expenses of filing fees by a child,
6 the family of a child or a person filing on behalf of a child
7 in any proceeding under the Children's Code.

8 B. A child, the family of a child or a person
9 legally obligated to care for and support a child who is
10 subject to the provisions of the Delinquency Act shall not be
11 required to pay any court costs, expenses pursuant to
12 Subsection A of this section, fees or fines.

13 C. Whenever legal custody of an adjudicated child
14 is vested in someone other than the child's parents, including
15 an agency, institution or department of this state, if the
16 court, after notice to the parents or other persons legally
17 obligated to support the child and after a hearing, finds that
18 the parents or other legally obligated persons are financially
19 able to pay all or part of the costs and expenses of the
20 support and treatment, the court may order the parents or other
21 legally obligated persons to pay to the custodian in the manner
22 the court directs a reasonable sum that will cover all or part
23 of the expenses of the support and treatment of the child
24 subsequent to the entry of the custody order. The court may
25 use the child support guidelines set forth in Section 40-4-11.1

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1 NMSA 1978 to calculate a reasonable payment. If the parents or
2 other legally obligated persons willfully fail or refuse to pay
3 the sum ordered, the court may proceed with contempt charges
4 and the order for payment may be filed and if filed shall have
5 the effect of a civil judgment."

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