



Child Support

The Child Support Enforcement Division of the Human Services Department collects child support from non-custodial parents, mostly for families receiving Temporary Assistance for Needy Families. The division collects payments on behalf of families receiving public assistance for free. Families not on assistance can also get the state's help on child support issues for a fee. In connection to collecting payments, the division is also involved in establishing paternity and court orders for support.

Establishing Support

New Mexico uses a set of guidelines to establish the level of support required of a noncustodial parent. The amount is based on the child's needs, the incomes of both parents and the amount of time the child spends with each parent. Divorce settlements typically include support orders when children are involved, except under extraordinary circumstances. However, any parent, whether previously married or not, can be ordered to pay child support.

New Mexico law assumes the husband at the time of birth is the father of a child. Unmarried fathers can voluntarily acknowledge paternity, and most hospitals provide unmarried fathers with the paperwork at the birth of their child. The Child Support Enforcement Division can order genetic testing to establish paternity. The division will also pursue child support court orders for custodial parents.

Collections

Support orders since January 1994 must include a provision for wage withholding unless both parents and the courts agree on other payment methods. Under wage withholding, the support payment is deducted from the noncustodial parent's paycheck just like taxes, insurance premiums and other items. The Child Support Enforcement Division then sends the check to the custodial parent.

A parent who fails to pay required child support can lose his or her professional or occupational license or driver's license. A noncompliant parent can also have any income tax refund intercepted. A noncustodial parent who flees a state to avoid paying child support can be arrested.

The Uniform Interstate Family Support Act adopted by all 50 states also allows for an enforcement official or a private attorney to refer a case for action in another state, provides for interstate wage withholding, and requires every state to defer to child support orders from the court of the child's home state.

The Child Support Enforcement Division can use the Federal Parent Locator Service to look for parents whose whereabouts are unknown. The service has access to Department of Defense records, the National Personnel Records Center, and the Social Security Administration, among other resources. Since 1997, states report newly hired employees to the National Directory of New Hires, also part of the Federal Parent Locator Service.

Child Support and Public Assistance

Public assistance families are required to cooperate with child support enforcement as a condition for receiving cash assistance. The division collects the child support payment and uses most of it to offset the assistance payment to the family. Part of the payment is passed through to the family as an incentive to cooperate with the division.

For More Information:

- General information on child support in New Mexico, including the child support guidelines and the fee schedule for child support services for families not receiving assistance, is available through the agencies website: www.hsd.state.nm.us/csed/.
- Most state laws related to child support are covered in Articles 4 through 6A of Chapter 40.