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A JOINT MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY THE EQUITY OF REQUIREMENTS FOR THE DETERMINATION OF CHILD SUPPORT PAYMENTS.

WHEREAS, providing adequate financial support is important when a couple with children divorce; and

WHEREAS, in New Mexico, child support is determined using child support guidelines, which are established by the legislature and revised periodically; and

WHEREAS, the child support amount is calculated using a set formula based on a percent of the income of both parents; and

WHEREAS, a parent who gets a higher-paying job after a child support payment schedule has been established must have child support amounts recalculated, including the salary increase; and

WHEREAS, the child support amount is calculated on gross income, while a parent receives net wages; and

WHEREAS, circumstances for the nonresident parent may change after a support payment schedule has been established, making support payments difficult; and

WHEREAS, if a parent loses a job or wages have been cut, courts will not reduce child support amounts retroactively, and the parent making payments is held responsible for any

1 unpaid child support payments; and

2 WHEREAS, if a parent is out of work for an extended  
3 period of time, the parent's ability to catch up on  
4 delinquent child support payments in the future while paying  
5 current child support payments is challenging; and

6 WHEREAS, the nonresident parent may remarry or have  
7 additional children, increasing the parent's financial  
8 responsibilities but not the parent's income; and

9 WHEREAS, courts have failed to distinguish between  
10 parents who can pay the required child support and those who  
11 refuse to do so, and those parents who are unemployed or  
12 underemployed and do not have the financial resources to make  
13 the required payments;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
15 STATE OF NEW MEXICO that the administrative office of the  
16 courts be requested to study equity in awarding child support  
17 and how child support payments are calculated; and

18 BE IT FURTHER RESOLVED that the administrative office of  
19 the courts prepare a report and present its findings and  
20 recommendations to the appropriate interim legislative  
21 committee by November 1, 2014; and

22 BE IT FURTHER RESOLVED that copies of this memorial be  
23 transmitted to the administrative office of the courts and  
24 the human services department. \_\_\_\_\_