

1 SENATE JOINT MEMORIAL 26

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Richard C. Martinez

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10 A JOINT MEMORIAL

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

14
15 WHEREAS, providing adequate financial support is important
16 when a couple with children divorce; and

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

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

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

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1 increase; and

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

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

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

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

15 WHEREAS, the nonresident parent may remarry or have
16 additional children, increasing the parent's financial
17 responsibilities but not the parent's income; and

18 WHEREAS, courts have failed to distinguish between
19 parents who can pay the required child support and those who
20 refuse to do so, and those parents who are unemployed or
21 underemployed and do not have the financial resources to make
22 the required payments;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that the administrative office of the
25 courts be requested to study equity in awarding child support

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1 and how child support payments are calculated; and

2 BE IT FURTHER RESOLVED that the administrative office of
3 the courts prepare a report and present its findings and
4 recommendations to the appropriate interim legislative
5 committee by November 1, 2014; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to the administrative office of the courts and the
8 human services department.

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