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HOUSE BILL 847

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PATSY G. TRUJILLO

FOR THE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CHILD SUPPORT; PROHIBITING STATE AGENCIES FROM CONTRACTING WITH PERSONS IN ARREARS ON CHILD SUPPORT PAYMENTS; PROHIBITING APPOINTMENTS TO STATE BOARDS, COMMISSIONS OR OTHER APPOINTED POSITIONS; INCREASING THE AMOUNT OF CHILD SUPPORT NOT COUNTED AS INCOME FOR PUBLIC ASSISTANCE; INCREASING CHILD SUPPORT ENFORCEMENT PERSONNEL; MAKING APPROPRIATIONS.

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

Section 1. [NEW MATERIAL] PROFESSIONAL SERVICES CONTRACTS-- PROHIBITIONS-- CHILD SUPPORT PAYMENT ARREARAGES. -- A state agency shall not contract for professional services with any person who is more than three months in arrears on child support payments or who has not arranged with the child support enforcement division of the human services department to pay arrearages. Before entering into a professional services

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1 contract, the state agency shall contact the division to  
2 determine if the potential contractor is in compliance with a  
3 child support order or child support payment schedule of the  
4 division.

5 Section 2. [NEW MATERIAL] BOARDS AND COMMISSIONS--  
6 APPOINTMENTS--LIMITATIONS.--The governor, the chief justice, the  
7 president pro tempore of the senate, the speaker of the house of  
8 representatives, the New Mexico legislative council or other  
9 appointing authority shall not appoint a person to any state  
10 board, commission or other appointed position if the person is  
11 more than three months in arrears in child support payments or  
12 he has not arranged with the child support enforcement division  
13 of the human services department to pay arrearages. The  
14 appointing authority shall contact the division to determine if  
15 the potential appointee is in compliance with a child support  
16 order or child support payment schedule of the division.

17 Section 3. Section 27-2-3 NMSA 1978 (being Laws 1973,  
18 Chapter 376, Section 3, as amended) is amended to read:

19 "27-2-3. STANDARD OF NEED--INCOME DETERMINATION.--

20 A. Consistent with the federal act and subject to  
21 the availability of federal and state funds, the ~~[board]~~ income  
22 support division of the human services department shall adopt a  
23 standard of need, which shall establish a reasonable level of  
24 subsistence.

25 B. Consistent with the federal act, the ~~[board]~~

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1 income support division shall define by regulation exempt and  
2 nonexempt income and resources. Medical expenses shall not be  
3 deducted from either income or resources in determining  
4 eligibility.

5 C. The first one hundred dollars (\$100) of child  
6 support received by the custodial parent pursuant to Section  
7 27-2-27 NMSA 1978 shall not be included as income for  
8 determining eligibility."

9 Section 4. Section 27-2-27 NMSA 1978 (being Laws 1981,  
10 Chapter 90, Section 1, as amended) is amended to read:

11 "27-2-27. SINGLE STATE AGENCY-- POWERS AND DUTIES. --

12 A. The department is designated as the single state  
13 agency for the enforcement of child and spousal support  
14 obligations pursuant to Title IV D of the federal act with the  
15 following duties and powers:

16 [~~A-~~] (1) establish the paternity of a child in  
17 the case of the child born out of wedlock with respect to whom  
18 an assignment of support rights has been executed in favor of  
19 the department;

20 [~~B-~~] (2) establish an order of support for  
21 children receiving [~~aid to families with dependent children~~]  
22 temporary assistance for needy families and, at the option of  
23 the department, for the spouse or former spouse with whom such  
24 children are living, but only if a support obligation has been  
25 established with respect to such spouse or former spouse, for

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1 whom no order of support [~~presently~~] currently exists and seek  
2 modification, based upon the noncustodial parent's ability to  
3 pay, of existing orders in which the support order is inadequate  
4 to properly care for the child and the spouse or former spouse  
5 with whom the child is living;

6 [~~C.-~~] (3) enforce as the real party in interest  
7 any existing order for the support of children who are receiving  
8 [~~aid to families with dependent children or of the spouse or~~  
9 ~~former spouse with whom such children are living~~] temporary  
10 assistance for needy families, and the first one hundred dollars  
11 (\$100) collected in child support shall be given to the  
12 custodial parent with whom the children are living and shall not  
13 be counted as income for the purposes of determining  
14 eligibility; and

15 [~~D.-~~] (4) provide services to non-aid families  
16 with dependent children in the establishment and enforcement of  
17 paternity and child support obligations, including locating the  
18 absent parent. For these services, the department is authorized  
19 to establish and collect fees, costs and charges permitted or  
20 required by federal law or by regulations adopted pursuant to  
21 that federal law.

22 [~~E.-~~] B. In all cases handled by the department  
23 pursuant to the provisions of this section, the child support  
24 enforcement division of the department and any attorney employed  
25 by the division represent the department in establishing,

1 modifying and enforcing support obligations. "

2 Section 5. APPROPRIATION. -- Seven hundred twenty-four  
3 thousand eight hundred dollars (\$724,800) is appropriated from  
4 the general fund to the child support enforcement division of  
5 the human services department for expenditure in fiscal year  
6 1998 to increase child support enforcement personnel. Any  
7 unexpended or unencumbered balance remaining at the end of  
8 fiscal year 1998 shall revert to the general fund.

9 Section 6. EFFECTIVE DATE. -- The effective date of the  
10 provisions of this act is July 1, 1998.

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 847

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, line 11, strike the word "or" and insert in  
lieu thereof "and".,

and thence referred to the APPROPRIATIONS AND FINANCE  
COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

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Thomas P. Foy, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Pederson, Rios

Absent: None

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