

AN ACT
RELATING TO DOMESTIC AFFAIRS; AMENDING A CERTAIN SECTION OF
THE UNIFORM PARENTAGE ACT.

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

Section 1. Section 40-11-15 NMSA 1978 (being Laws 1986, Chapter 47, Section 15, as amended) is amended to read:

"40-11-15. JUDGMENT OR ORDER. --

A. The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

B. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued.

C. The judgment or order may contain any other provision directed against or on behalf of the appropriate party to the proceeding concerning the duty of past and future support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment or any other matter within the jurisdiction of the court. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy, birth and confinement. The court shall order child support retroactive to the date of the child's birth pursuant to the provisions of Sections 40-4-11 through

40-4-11.3 NMSA 1978; provided that, in deciding whether or how long to order retroactive support, the court shall consider:

(1) whether the alleged or presumed father has absconded or could not be located; and

(2) whether equitable defenses are applicable.

D. A determination of parentage and adjudication of support is binding on:

(1) a signatory on an acknowledgment of paternity;

(2) a nonresident party subject to the court's jurisdiction pursuant to Section 40-6A-201 NMSA 1978; and

(3) the child, if:

(a) the determination was based on an acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;

(b) the child was a party or was represented in the proceeding by a guardian ad litem;

(c) there is a stipulation or admission in the final order that the parties are the parents of the child; or

(d) in a proceeding to dissolve a marriage or establish support, a final order expressly identified the child as a "child of the marriage", "issue of

the marriage", "child of the parties" or similar words that indicate the parties are the parents of the child and, if applicable, the court had personal jurisdiction over any nonresident party pursuant to Section 40-6A-201 NMSA 1978.

E. Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump-sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support; provided, however, nothing in this section shall deprive a state agency of its right to reimbursement from an appropriate party should the child be a past or future recipient of public assistance.

F. In determining the amount to be paid by a parent for support of the child, a court, child support hearing officer or master shall make such determination in accordance with the provisions of the child support guidelines of Section 40-4-11.1 NMSA 1978.

G. Bills for pregnancy, childbirth and genetic testing are admissible as evidence without requiring third-party foundation testimony and constitute prima facie evidence of amounts incurred. "_____

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