

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 27

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

AN ACT

RELATING TO FAMILIES; PROVIDING THAT A NONCUSTODIAL PARENT IS NOT LIABLE FOR CHILD SUPPORT WHEN A CHILD OVER EIGHTEEN YEARS OF AGE FAILS TO COMPLY WITH COURT-ORDERED VISITATION; PROVIDING FOR MOTIONS TO MODIFY OR TERMINATE SUPPORT.

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

**SECTION 1. CHILD SUPPORT--CHILDREN OVER EIGHTEEN--NONCOMPLIANCE WITH COURT-ORDERED VISITATION.--**

A. Upon a hearing before the district court, a noncustodial parent's obligation to pay ongoing support for a nondisabled child who is older than eighteen years of age and who is attending high school may be suspended or terminated when that child fails to comply with the terms of a court-ordered visitation schedule. No provision of this subsection shall be construed so as to compromise the state's claim for

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1 reimbursement of public assistance benefits expended on behalf  
2 of the child.

3 B. Upon a child's failure to comply with a court-  
4 ordered visitation schedule, a noncustodial parent of the child  
5 may file a motion to modify or terminate the support obligation  
6 for that child.

7 C. In a case in which child support is paid through  
8 the Title IV D agency, the noncustodial parent or the parent's  
9 counsel of record shall serve a court-endorsed copy of the  
10 motion to modify or terminate support on the Title IV D agency.  
11 As soon as is administratively feasible, the Title IV D agency  
12 shall place a hold on all payments collected by the Title IV D  
13 agency in that case to prevent any distribution of those funds  
14 until the court enters an order determining the amount of  
15 payments that the Title IV D agency is to distribute to the  
16 custodial parent or reimburse to the noncustodial parent.

17 D. In a case in which support is not being paid  
18 through the Title IV D agency, the noncustodial parent shall  
19 make the monthly support payment into either the court registry  
20 or into an attorney's trust fund account until the court rules  
21 on the motion to modify or terminate support.

22 E. A ruling by the court pursuant to this section  
23 shall be retroactive to the date the motion to modify or  
24 terminate support was filed. The ruling shall not affect  
25 support arrears that accrued up to the date of the filing of

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1 the motion to modify or terminate support.  
2

3 F. For the purposes of this section, "Title IV D  
4 agency" means an agency established pursuant to Title IV D of  
5 the federal Social Security Act to administer a state plan and  
6 program to enforce child support obligations.

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