

A MEMORIAL

REQUESTING THE STATE BAR OF NEW MEXICO TO CONVENE A TASK FORCE TO STUDY HOW TO INCORPORATE THE CONSIDERATION AND PLANNING OF A CHILD'S POST-SECONDARY EDUCATION INTO THE DETERMINATION OF A PARENT'S CHILD SUPPORT OBLIGATION.

WHEREAS, current child support guidelines set forth and establish parents' obligations to financially support their children; and

WHEREAS, New Mexico statutes and case law provide that a parent is obligated to provide child support until the child graduates from high school if the child is emancipated only by age, or is under nineteen and is attending high school; and

WHEREAS, post-secondary education is not considered when determining child support obligations under the current child support guidelines; and

WHEREAS, a court may order and enforce child support for the maintenance and education of a child after high school only pursuant to a written agreement between the parties; and

WHEREAS, the opportunity for New Mexicans to attend a post-secondary educational institution to earn a degree or learn a professional skill serves both the short-term and long-term best interests of the state; and

WHEREAS, the state of New Mexico has a vested interest in encouraging New Mexicans to attend post-secondary

educational institutions so that they may earn professional degrees or learn professional skills and be committed to advancing themselves until they have reached their full potential;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state bar of New Mexico be requested to convene a task force to study how to incorporate the consideration and planning of a child's post-secondary education into the determination of child support obligation; and

BE IT FURTHER RESOLVED that the task force be composed of a family court judge who shall serve as chair; four attorneys who have practiced domestic relations law for not less than five years; one representative from the state bar of New Mexico; one settlement facilitator who practices primarily in domestic relations matters; two guardians ad litem; one mediator who practices primarily in domestic relations matters; and one representative from the child support enforcement division of the human services department; and

BE IT FURTHER RESOLVED that the task force provide an interim report to the legislative health and human services committee by November 1, 2011 and a final report to the legislative health and human services committee by November 1, 2012; and

BE IT FURTHER RESOLVED that copies of this memorial be

transmitted to the New Mexico supreme court, the governor, the human services department, the administrative office of the courts and the state bar of New Mexico.