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FISCAL IMPACT REPORT

SPONSOR HCPAC **ORIGINAL DATE** 02/20/11
LAST UPDATED _____ **HB** 27/HCPACS
SHORT TITLE No Child Support in Certain Cases **SB** _____
ANALYST Earnest

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	AOC General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Human Services Department (HSD)

SUMMARY

Synopsis of Bill

House Consumer and Public Affairs Committee (HCPAC) substitute for House Bill 27 authorizes the district courts to suspend or terminate court-ordered support obligation for a non-disabled child over 18 years old who is attending high school when the child fails to comply with the terms of a court-ordered visitation schedule. A non-custodial parent of the child may file a motion to modify or terminate the support obligation for that child. A court's ruling on the motion to modify or terminate shall be retroactive to the date the motion was filed, and shall not affect support arrears accrued to the date of the filing.

FISCAL IMPLICATIONS

The bill carries no significant fiscal impact, although the Courts estimate minimal additional administrative costs. See Administrative Implications section.

SIGNIFICANT ISSUES

AOC notes that the obligation to pay child support has never been contingent on the noncustodial parent having visitation. They are considered independent rights and obligations, and treated as

a contractual obligation between the parents. Furthermore, AOC states:

HB 27, as substituted, appears to treat the child as a party to the case, when in fact, the child is generally *not* a named party to a custody case. The motion referenced in Section B would be served on the custodial parent, not the child. If the goal of the proposed legislation is to control the actions or conduct of the child, it is not clear that terminating child support to the custodial party will achieve that goal.

The court has no authority to enforce any visitation or time sharing order after a child turns 18. Because of this limitation, it would be difficult to condition payment of support on any compliance with a prior court order.

The Child Support Enforcement Division of HSD – the state’s Title IV-D agency – would be required to place payments on hold upon notification of the filing, and then would be required to distribute held monies in accordance with the court’s ruling on the motion. According to HSD, this requirement is “within scope of routine processing for the agency.”

ADMINISTRATIVE IMPLICATIONS

AOC finds the bill will have a minimal administrative cost for statewide update, distribution and documentation of statutory changes. “Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law, and the number of additional hearings by the court to consider modification or termination of the child support obligation, including when the 18-year-old refuses to visit the noncustodial parent. New hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.”

BE/svb