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HOUSE MEMORIAL 71

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

INTRODUCED BY

Ben Lujan

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

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

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

8           WHEREAS, the state of New Mexico has a vested interest in  
9 encouraging New Mexicans to attend post-secondary educational  
10 institutions so that they may earn professional degrees or  
11 learn professional skills and be committed to advancing  
12 themselves until they have reached their full potential;

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

19           BE IT FURTHER RESOLVED that the task force be composed of  
20 a family court judge who shall serve as chair; four attorneys  
21 who have practiced domestic relations law for not less than  
22 five years; one representative from the state bar of New  
23 Mexico; one settlement facilitator who practices primarily in  
24 domestic relations matters; two guardians ad litem; one  
25 mediator who practices primarily in domestic relations matters;

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1 and one representative from the child support enforcement  
2 division of the human services department; and

3 BE IT FURTHER RESOLVED that the task force provide an  
4 interim report to the legislative health and human services  
5 committee by November 1, 2011 and a final report to the  
6 legislative health and human services committee by November 1,  
7 2012; and

8 BE IT FURTHER RESOLVED that copies of this memorial be  
9 transmitted to the New Mexico supreme court, the governor, the  
10 human services department, the administrative office of the  
11 courts and the state bar of New Mexico.