

This is an amendment to 8.50.100 NMAC, Sections 9, effective 7/1/2019.

**8.50.100.9 PROGRAM SERVICES:**

**A.** There are six major program services in child support enforcement, of which one or more may be appropriate for a particular case:

- (1) non-custodial parent location;
- (2) establishment of paternity;
- (3) establishment of a support obligation (including medical support);
- (4) collection and distribution of support payments (including spousal and medical support);
- (5) enforcement of support obligation, (including medical and spousal support); and
- (6) review and adjustment of support obligation.

**B.** ~~[A non-IV-A applicant may, upon payment of a fee, request the non-custodial parent be located so he/she can pursue support individually. Requests for parent locate only are processed by the state parent locate unit and the applicant is informed of the results.~~

~~C.]~~ **C.]** Spousal support: The IV-D agency does not take any action to establish an order for spousal support. It remains the obligee's responsibility to establish such an order. The responsibility of the IV-D agency is limited to enforcing existing spousal support orders. The IV-D agency may enforce spousal support when:

- (1) the payee has a previously established order for spousal support or the payee subsequently obtains an order for spousal support, and
- (2) the minor child and the payee are living in the same household, and
- (3) the child support obligation established will be enforced by the IV-D agency; existing spousal support orders must be enforced even if the spousal support and child support are in separate orders.

~~D.]~~ **C.]** Parental kidnapping and child custody cases: Federal and state parent locate services may be used to locate parents involved in parental kidnapping and custody cases pursuant to 42 USC 663 and 45 CFR 303.15. Any information obtained through the state or federal parent locate service shall be treated as confidential and shall be used solely for the purpose for which it was obtained and shall be safeguarded. A fee may be charged to cover the costs of processing requests for information. A separate fee may be charged to cover costs of searching for a social security number before processing a request for location information.

~~E.]~~ **D.]** Mandatory and optional services: As a condition of eligibility, IV-A and IV-E applicants are mandated to receive full services, including medical support, and do not have the option to refuse any IV-D services. Medicaid only referrals that include an assignment of rights, including SSI referrals, are mandated to receive medical support services, but have the option of receiving full service. The custodial party must cooperate in establishing paternity and medical support. Non-IV-A, non-medicare applicants may receive child support services, subject to service and the actual cost of fees.

[8.50.100.9 NMAC - Rp, 8.50.100.9 NMAC, 12/30/10; A, 7/1/2019]