

This is an amendment to 8.50.112 NMAC, Sections 8 and adding 16, effective 7/1/2019.

**8.50.112.8 PARENTAL RESPONSIBILITY ACT (LICENSE SUSPENSION):** The IV-D agency submits a certified list of support obligors who are thirty (30) days or more delinquent on their monthly support obligation. The certified list is submitted to the appropriate boards, commissions, courts, or agencies responsible for issuing drivers, professional, occupational, and recreational licenses as detailed in the Parental Responsibility Act NMSA 1978, Sect. 40-5A-1 et seq.

**A.** Automated referral process: The IV-D agency provides a certified list of all obligors who meet referral criteria to various licensing boards. The licensing boards report back to the IV-D agency the action the board has taken in connection with the Parental Responsibility Act. The IV-D automated system will refer cases that meet the following criteria:

- (1) the obligor is delinquent ~~[thirty (30)]~~ 30 days or more in payment of court ordered support;
- (2) a notice of potential submittal has been sent to the obligor's last address of record with the IV-D agency;
- (3) there is no court order prohibiting the referral; and
- (4) ~~[thirty (30)]~~ 30 calendar days have elapsed since the transmittal of the notice.

**B.** Administrative hearing by the licensing boards: If requested in writing by the hearing officer of the licensing board, the IV-D agency will make available a witness to testify on the IV-D agency's behalf at an administrative hearing that may be held in connection with the Parental Responsibility Act.

**C.** Settlement:

- (1) In all cases, the IV-D agency must make every effort to obtain lump sum payments to satisfy all arrearages, including prior judgments, current delinquency, and accrued interest.
- (2) If an obligor has had his or her license suspended in multiple cases, the issuance of a certificate of compliance for one case will not release the license suspension(s) for obligor's other case(s). The obligor will have to make satisfactory arrangements for each case in order to be eligible for license reinstatement.

**D.** Arrears only cases: In an arrears only case, the monthly payment must be calculated using the current child support guidelines at NMSA 1978, Section 40-4-11.1, or a schedule that will fully pay the arrearages plus accumulated interest in ~~[seventy two]~~ 72 months or less.

**E.** Withdrawal of referral: If the obligor does not meet the minimum criteria for referral at the time of the referral, the referral will be withdrawn, and a certificate of compliance will be issued with a request to waive the reinstatement of fees.

**F.** Responsibilities of the obligor: ~~The [obligor has the following responsibilities:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ The] obligor must supply a valid mailing address for the processing of the certificate of compliance [to be mailed when complete.] The obligor may elect to have the certificate of compliance sent to his/her attorney of record, but must also provide the IV-D agency with a current, valid mailing address and physical address for the obligor.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ The obligor is entirely responsible for submitting the certificate(s) of compliance to all licensing agencies for the reinstatement of any and all licenses within thirty (30) days of date of the certificate of compliance is issued. Failure to comply with the licensing agency's requirements for license application approval or license reinstatement may result in the obligor's license(s) continued denial or suspension. The IV-D agency will not re-issue a certificate of compliance if the obligor fails to maintain compliance with all court orders for support.]~~  
[8.50.112.8 NMAC - Rp, 12/30/10; A, 7/1/2019]

**8.50.112.16 ADMINISTRATIVE OFFSET BY THE SECRETARY OF THE TREASURY:**

**A.** Referral for administrative offset: federal administrative offset is utilized to pay support arrearages, including child support, medical support, and spousal support. Cases meeting specific criteria are referred to the U.S. department of treasury's financial management service. When referring a case for administrative offset by the secretary of the treasury, the IV-D agency shall comply with the provision of 31 CFR § 285.1.

**B.** Notification of administrative offset:

(1) Written advance notice is sent to inform an obligor that the amount of his or her past due support will be referred to the secretary of the U.S. treasury for collection by administrative offset. The notice shall be sent to the obligor's last address of record with the IV-D agency. The IV-D agency shall inform the obligor:

(a) of the right to contest the department's determination that past due support is owed;

(b) of the right to contest the amount of the past due support;

(c) of the right to an administrative review; and

(d) of the procedures and time frame for requesting an administrative review.

C. Contesting referral for administrative offset: The obligor has 30 days from the date of notification of a referral for administrative offset to notify the IV-D agency that he or she contests the referral. The notification issued by the IV-D agency provides the address and telephone number to be contacted in order for the obligor to request a hearing to contest the referral.

(1) Upon receipt of an appeal request from the obligor, a notice is generated by the administrative law judge and sent to the obligor and the IV-D agency.

(2) The notice shall set forth the time and place of the administrative hearing. The hearing is conducted in accordance with 8.50.130 NMAC.

[8.50.112.16 NMAC - N, 7/1/2019]