

This is an amendment to 8.50.111 NMAC, Section 12, effective 1/1/2020.

**8.50.111.12 CONTEMPT PROCEEDINGS:** ~~[Contempt proceedings are used to enforce an existing order when the non-custodial parent has failed to make support payments as ordered.]~~ The IV-D agency will pursue contempt provisions ~~[as appropriate]~~ when the non-custodial parent has an ability to pay or otherwise comply with the order. If an obligor is found by a court to be in contempt of court, the IV-D agency may request the court issue a bench warrant for the arrest of the obligor. Any bond requested by the IV-D agency in a bench warrant shall be a cash only bond to be paid to the IV-D agency and distributed in accordance with federal and state laws regarding distribution of support payments.

A. The IV-D agency will screen the case for information regarding the non-custodial parent's ability to pay or otherwise comply with the order.

B. The IV-D agency will provide the court with information regarding the non-custodial parent's ability to pay or otherwise comply with the order.

C. The IV-D agency will provide clear notice to the non-custodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.

[8.50.111.12 NMAC - Rp, 8.50.111.16 NMAC, 12/30/2010: A, 1/1/2020]