

This is an amendment to 8.50.130 NMAC, Section 8 and 10, effective 7/1/2019.

8.50.130.8 ADMINISTRATIVE HEARINGS: The Title IV-D agency will provide for administrative hearings for:

- A.** an obligor requesting a review pertaining to income withholding, an adverse administrative order, ~~or~~ referral for federal tax intercept, referral for state tax intercept, referral for passport denial, referral for administrative offset, lien on lottery winnings, lien on gaming winnings, or referral for the FIDM program;
- B.** any IV-A recipient or former IV-A recipient who believes he or she is entitled to receive part or all of a support payment that was received by the Title IV-D agency but not disbursed to the recipient;
- C.** an obligor's spouse who requests the refund of more ~~than~~ than one-half of a state tax intercept; and
- D.** an owner as defined in 8.50.132.7 NMAC who is claiming an interest in undistributed collections. [8.50.130.8 NMAC – Rp, 12/30/2010; A, 7/1/2019]

8.50.130.10 NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION:

A. Notices to obligor of referral to tax-offset program: The IV-D agency sends written notice to inform an obligor that the amount of his or her past-due support will be referred for a tax refund offset. One or more of the following notices is sent:

- (1) FMS pre-offset notice (obligor);
- (2) taxation and revenue department pre-offset notice (obligor);
- (3) taxation and revenue department pre-offset notice (injured spouse);
- (4) IRS notice of offset; and
- (5) taxation and revenue department final distribution notice.

B. Notice to obligor of FIDM freeze order: The Title IV-D agency will mail a copy of the freeze order to the obligor at the last known address on file with the IV-D agency. The freeze order will inform the aggrieved party of the right to appeal the order by mailing a request for appeal within 15 calendar days by certified mail to the address indicated on the form provided by the IV-D agency.

C. Notice to obligor of administrative lien on lottery and gaming winnings: The Title IV-D agency will mail a copy of the notice of administrative lien to the obligor at the last known address on file with the IV-D agency.

D. Notice to obligor for passport referral: Notice regarding the referral for passport denial is included in the FMS offset notice and is sent to the obligor at the last known address on file with the IV-D agency.

E. Notice to owner of an undistributed collection: The Title IV-D agency will mail a copy of the notice of undistributed collection to the owner at the last known address on file with the IV-D agency.

F. Notice to obligor for administrative offset referral: Notice regarding the referral for administrative offset is included in the FMS offset notice and is sent to the obligor at the last known address on file with the IV-D agency.

[8.50.130.10 NMAC – RP, 12/30/2010; A, 7/1/2019]