

NOTICE OF MINOR, NONSUBSTANTIVE CORRECTION

The New Mexico Human Services Department, Child Support Enforcement Division, gives Notice of a Minor, Nonsubstantive Correction.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all published and electronic copies of the following rule:

Original paragraph (1) of Subsection B of 8.50.112.16 NMAC was deleted (due to lack of a paragraph (2)).

The Section has been re-formatted to read:

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: 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:

- (1) of the right to contest the department's determination that past due support is owed;
- (2) of the right to contest the amount of the past due support;
- (3) of the right to an administrative review; and
- (4) 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]

A copy of this Notification will be filed with the official version of the above rule.