

This is an amendment to 8.50.108 NMAC, Sections 3 and 12, effective 1/1/2022.

8.50.108.3 **STATUTORY AUTHORITY:** Public Assistance Act, [~~NMSA 1978, Section 27-2-27~~] Section 27-2-27 et seq., NMSA 1978. The human services department is designated as the single state agency for the enforcement of child and spousal support obligations pursuant to Title IV-D of the Social Security Act (42 USC 651 et. seq.).
[8.50.108.3 NMAC - Rp/E, 8.50.108.3 NMAC, 1/1/2010; A, 1/1/2022]

8.50.108.12 **MODIFICATION OF CHILD SUPPORT ORDERS:** Either party may request the IV-D agency to provide the service of seeking the modification of a child support order. Applicable fees will be charged to the requesting party in compliance with 8.50.125.10 NMAC. The IV-D agency may seek a modification if the non-custodial parent will be incarcerated for more than 180 calendar days. The IV-D agency will not review a child support order for modification without request by a party, unless the custodial [~~parent~~]party is currently receiving public assistance. In accordance with federal and state laws, a modification of a support order is retroactive only to the time period that a petition or motion was filed with a court and was pending a decision.
[8.50.108.12 NMAC - Rp/E, 8.50.108.14 NMAC, 1/1/2010; A, 12/30/2010; A, 7/1/2021; A, 1/1/2022]