

TITLE 8 SOCIAL SERVICES
CHAPTER 50 CHILD SUPPORT ENFORCEMENT PROGRAM
PART 124 INTERSTATE CASES

8.50.124.1 ISSUING AGENCY: New Mexico Human Services Department - Child Support Enforcement Division.

[8.50.124.1 NMAC - Rp, 8.50.124.1 NMAC, 12/30/10]

8.50.124.2 SCOPE: To the general public. For use by the IV-D agency and recipients of IV-D services.

[8.50.124.2 NMAC - Rp, 8.50.124.2 NMAC, 12/30/10]

8.50.124.3 STATUTORY AUTHORITY: Public Assistance Act, NMSA 1978, Section 27-2-27. 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.).

[8.50.124.3 NMAC - Rp, 8.50.124.3 NMAC, 12/30/10]

8.50.124.4 DURATION: Permanent.

[8.50.124.4 NMAC - Rp, 8.50.124.4 NMAC, 12/30/10]

8.50.124.5 EFFECTIVE DATE: December 30, 2010, unless a later date is cited at the end of a section.

[8.50.124.5 NMAC - Rp, 8.50.124.5 NMAC, 12/30/10]

8.50.124.6 OBJECTIVE: To provide regulations in accordance with federal and state laws and regulations.

[8.50.124.6 NMAC - Rp, 8.50.124.6 NMAC, 12/30/10]

8.50.124.7 DEFINITIONS: [RESERVED]

[See 8.50.100.7 NMAC]

8.50.124.8 INTERSTATE CASES: The IV-D agency extends the full range of services available under its program to other states or territories. In addition, services are extended to nations that have entered into reciprocal agreements for the establishment and enforcement of orders for support with the United States. These cases shall be handled by the IV-D agency in accordance with the requirements of 45 CFR 303.7 and NMSA 1978, Section 40-6A-101, et seq., Uniform Interstate Family Support Act (UIFSA).

[8.50.124.8 NMAC - Rp, 8.50.124.8 NMAC, 12/30/10]

8.50.124.9 HIGH VOLUME, AUTOMATED ADMINISTRATIVE ENFORCEMENT IN

INTERSTATE CASES: The Title IV-D agency may, by electronic or other means, transmit to another state a request for assistance in enforcing support orders through high-volume, automated administrative enforcement. The request must include such information as will enable the responding state to compare the case information sent by the IV-D agency to the information in the data bases of the responding state.

[8.50.124.9 NMAC - Rp, 8.50.124.13 NMAC, 12/30/10]

8.50.124.10 INTERSTATE WITHHOLDING: The Uniform Interstate Family Support Act authorizes direct interstate wage withholding without a requirement of registration. A Title IV-D worker in New Mexico can send a wage withholding directly to an employer in any other state, and any other state can send a wage withholding directly to a New Mexico employer.

[8.50.124.10 NMAC - Rp, 8.50.124.14 NMAC, 12/30/10]

8.50.124.11 FEES FOR GENETIC TESTING: In accordance with 45 CFR 303.7(d)(2) and (3), the Title IV-D agency in the initiating state must pay for the cost of genetic testing in actions to establish paternity. If paternity is established in New Mexico by the Title IV-D agency, the Title IV-D agency must attempt to obtain a judgment for the costs of genetic testing from the party who denied paternity and must reimburse the initiating state with any sums so collected.

[8.50.124.11 NMAC - Rp, 8.50.124.16 NMAC, 12/30/10]

8.50.124.12 COOPERATION DEFINED IN INTERSTATE CASES: In interstate cases, the Title IV-D agency works closely with the child support agency in another jurisdiction. It is important that the Title IV-D agency be made aware of all communication in interstate cases in order to stay fully aware of the status of the cases. Accordingly, a party to an interstate action must not communicate directly with a child support agency in another jurisdiction. If an individual communicates directly with a child support agency in another jurisdiction without utilizing the Title IV-D agency, this conduct may be deemed to be “non-cooperation” by the Title IV-D agency and may subject the party to sanction and case closure, as appropriate. Parties in interstate cases must also follow the cooperation guidelines set forth in 8.50.105.12 NMAC or be deemed to be “non-cooperative” and be subjected to sanction and case closure, as appropriate.
[8.50.124.12 NMAC - N, 12/30/10]

8.50.124.13 DOMESTIC VIOLENCE SAFEGUARDS:

A. Responding interstate cases: In all responding interstate cases (cases sent to the Title IV-D agency by another jurisdiction for the establishment or enforcement of a support obligation), the Title IV-D agency should review the documents received from the child support agency in the other jurisdiction to determine if the case has been noted as a non-disclosure case. If the case is a non-disclosure case, then the Title IV-D agency, in accordance with NMSA 1978, Section 40-6A-312 shall:

- (1) prepare appropriate documents requesting the temporary sealing of the court file;
- (2) upon issuance by the state district court of the temporary order sealing court file and notice of hearing, as appropriate, serve the non-custodial parent with redacted copies of all pleadings and attachments; the Title IV-D agency shall redact all addresses, telephone numbers, and social security numbers for the custodial party and the child(ren) in the initiating jurisdiction;
- (3) at the hearing on sealing of the court file, inform the custodial party that he or she shall testify as to why the court’s file should be permanently sealed to prevent the disclosure of contact information for the custodial party and the child(ren);
- (4) if the court enters an order permanently sealing the court file, only forward to the non-custodial party documents that have all contact information for the custodial party and the child(ren) redacted.

B. Initiating interstate cases: In all initiating interstate cases (cases sent by the Title IV-D agency to the child support agency of another jurisdiction), if the initiating individual (custodial party or non-custodial parent) requests non-disclosure status, then the IV-D agency shall require the party to complete documents relating to the non-disclosure request and forward the request to the other state or territory.
[8.50.124.13 NMAC - N, 12/30/10]

8.50.124.14 FOREIGN CURRENCY CONVERSION: If there is a need to convert the support or judgment amounts into foreign currency, refer to 8.50.117.9 NMAC for the Title IV-D agency’s process.
[8.50.124.14 NMAC - N, 12/30/10]

History of 8.50.124 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD CSEB 501.1100, State and Local Requirements, 6-23-80.

ISD CSEB 570.0000, Interjurisdictional Cases, 6-23-80.

NMAC History:

8 NMAC 5.CSE.000 through 8 NMAC 5.CSE.970, 12-30-94.

History of Repealed Material:

8 NMAC 5.CSE, Child Support Enforcement - Repealed effective 5/31/2001.

8.50.124 NMAC, Interstate Cases, filed 5/14/2001 - Repealed effective 12/30/2010.