

TITLE 8 SOCIAL SERVICES
CHAPTER 50 CHILD SUPPORT ENFORCEMENT PROGRAM
PART 131 PENALTIES

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

[8.50.131.1 NMAC - Rp, 8.50.131.1 NMAC, 12/30/10]

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

[8.50.131.2 NMAC - Rp, 8.50.131.2 NMAC, 12/30/10]

8.50.131.3 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.).

[8.50.131.3 NMAC - Rp, 8.50.131.3 NMAC, 12/30/10]

8.50.131.4 DURATION: Permanent.

[8.50.131.4 NMAC - Rp, 8.50.131.4 NMAC, 12/30/10]

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

[8.50.131.5 NMAC - Rp, 8.50.131.5 NMAC, 12/30/10]

8.50.131.6 OBJECTIVE: To provide regulations in accordance with federal and state law and regulations.

[8.50.131.6 NMAC - Rp, 8.50.131.6 NMAC, 12/30/10]

8.50.131.7 DEFINITIONS: [RESERVED]

[See 8.50.100.7 NMAC]

8.50.131.8 PENALTIES: In cases of non-compliance with an administrative subpoena or order, the IV-D agency may levy penalties as provided by these rules. If no response is made to a mailed subpoena or administrative order, it may be personally served and the charges for the service may be awarded against the person or entity failing to respond. Monetary penalty amounts shall include the following.

A. For financial institutions' failure to execute and return a FIDM reporting election form: One hundred dollars (\$100) per day commencing on the date the response was due until the required information is furnished to the IV-D agency.

B. For failure to file quarterly match or for failure to file in proper form: One thousand dollars (\$1,000) per day commencing on the day the response was due, except in circumstances outside the control of the financial institution and approved by the IV-D agency.

C. For failure to comply with a freeze order: The amount of any assets released up to the amount of the subpoena or freeze order, plus ten percent.

D. For failure to comply with a seize order: The amount of any assets released up to the amount of the subpoena or seize order, plus ten percent.

E. For failure to comply with an administrative subpoena: The value of any assets released up to the amount to satisfy judgment, plus ten percent.

F. For failure to comply with an increase in the amount of withholding: One hundred dollars (\$100) per day, plus the amount(s) which was or were not withheld.

G. For failure to comply with an order for withholding: One hundred dollars per (\$100) day, plus the amount(s) that were not withheld.

H. For failure to comply with an order for genetic testing: One hundred dollars (\$100) per day.

I. For failure to comply with an order to provide information: One hundred dollars (\$100) per day.

J. For failure to comply with any other administrative order issued by the IV-D agency: One hundred dollars (\$100) per day.

K. For obtaining release of assets through false statements: One thousand dollars (\$1,000) per occurrence, plus the value of any assets released. Persons submitting fraudulent material may also be referred for criminal prosecution.

L. For deliberate falsification of a financial institution data match form: One thousand dollars (\$1,000) per account plus the value of any assets released. Persons submitting fraudulent material may also be referred for criminal prosecution.

M. A reasonable cost may also be levied for the expense of an enforcement action under these regulations.

N. The IV-D agency will impose a civil penalty of twenty dollars (\$20) on employers for each instance of failure to comply with the provisions of 8.50.106.18 NMAC, unless the failure is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report, in which case the penalty will be five hundred dollars (\$500) on the employer for each instance. An employer may appeal a penalty as provided in 8.50.130 NMAC.
[8.50.131.8 NMAC - Rp, 8.50.131.8 NMAC, 12/30/10]

History of 8.50.131 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.

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.

8.50.131 NMAC, Penalties, filed 5/14/2001 - Repealed effective 12/30/2010.