TITLE 16   OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63   SOCIAL WORKERS
PART 20   PARENTAL RESPONSIBILITY ACT COMPLIANCE

16.63.20.1   ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87505.
[9/11/96; 16.63.20.1 NMAC - Rn, 16 NMAC 63.20.1, 06/19/02]

16.63.20.2   SCOPE: All Baccalaureate Social Workers, Master Social Workers, and Independent Social Workers.
[9/11/96; 16.63.20.2 NMAC - Rn, 16 NMAC 63.20.2, 06/19/02]

16.63.20.3   STATUTORY AUTHORITY: These rules are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/11/96; 16.63.20.3 NMAC - Rn, 16 NMAC 63.20.3, 06/19/02]

16.63.20.4   DURATION: Permanent
[9/11/96; 16.63.20.4 NMAC - Rn, 16 NMAC 63.20.4, 06/19/02]

16.63.20.5   EFFECTIVE DATE: November 2, 1995, unless a different date is cited at the end of a section.
[9/11/96; 16.63.20.5 NMAC – Rn & A, 16 NMAC 63.20.5, 06/19/02]

16.63.20.6   OBJECTIVE: This part establishes the requirements and possible penalties for non-compliance of the Parental Responsibility Act.
[11/2/95; 16.63.20.6 NMAC - Rn, 16 NMAC 63.20.6, 06/19/02]

16.63.20.7   DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this Section. As used in this Section:
        A.   "HSD" means the New Mexico Human Services Department;
        B.   "Statement of compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and
        C.   "Statement of non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and an order for support.
[11/2/95; 16.63.20.7 NMAC - Rn, 16 NMAC 63.20.7, 06/19/02]

16.63.20.8   AUTHORITY: The board adopts this Section pursuant to the Parental Responsibility Act (Ch.. 25, Laws of 1995).
[11/2/95; 16.63.20.8 NMAC - Rn, 16 NMAC 63.20.8, 06/19/02]

16.63.20.9   DISCIPLINARY ACTION: If an applicant or licensee is not in compliance with a judgment and order for support, the board:
        A.   shall deny an application for a license;
        B.   shall deny the renewal of a license; and
        C.   has grounds for suspension or revocation of the license.
[11/2/95; 16.63.20.9 NMAC - Rn, 16 NMAC 63.20.9, 06/19/02]

16.63.20.10   CERTIFIED LIST: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board licensees and applicants. Upon the later receipt of an application for license or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and licensees who are on the certified list and the action the board has taken in connection with such applicants and licensees.
[11/2/95; 16.63.20.10 NMAC - Rn, 16 NMAC 63.20.10, 06/19/02]

16.63.20.11   INITIAL ACTION: Upon determination that an applicant or licensee appears on the certified list, the Board shall:

A. commence a formal proceeding under 16.63.20.9 NMAC to take the appropriate action under subsection A or B of 16.63.20.9 NMAC
B. for current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the board with a subsequent statement of compliance from HSD by the earlier of the application for license renewal or a specified date not to exceed thirty (30) days. If the licensee fails to provide this statement, the board shall commence a formal proceeding under subsection C of 16.63.20.9 NMAC.
[11/2/95; 16.63.20.11 NMAC - Rn, 16 NMAC 63.20.11, 06/19/02]

16.63.20.12   NOTICE OF CONTEMPLATED ACTION: Prior to taking any action specified in 16.63.20.9 NMAC, the board shall serve upon the applicant or licensee a written notice stating that:
A. the board has grounds to take such action, and that the board shall take such action unless the licensee or applicant:
(1) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or
(2) provides the board, within thirty (30) days of the date of the notice, with a Statement of Compliance from HSD;
B. if the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD Child Support Enforcement Division.
[11/2/95; 16.63.20.12 NMAC - Rn, 16 NMAC 63.20.12, 06/19/02]

16.63.20.13   EVIDENCE OF PROOF: In any hearing under this Section, relevant evidence is limited to the following:
A. A statement of non-compliance is conclusive evidence that requires the board to take the appropriate action under 16.63.20.9 NMAC of this section, unless:
B. The applicant or licensee provides the board with a subsequent statement of compliance which shall preclude the board from taking any action under this Section.
[11/2/95; 16.63.20.13 NMAC - Rn, 16 NMAC 63.20.13, 06/19/02]

16.63.20.14   ORDER: When a disciplinary action is taken under this Section solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for reapplications or reinstatement of lapsed licensees.
[11/2/95; 16.63.20.14 NMAC - Rn, 16 NMAC 63.20.14, 06/19/02]

16.63.20.15   PROCEDURES: Proceedings under this Section shall be governed by the Uniform Licensing Act, Section 61-1-1 et seq.
[11/2/95; 16.63.20.15 NMAC - Rn, 16 NMAC 63.20.15, 06/19/02]

HISTORY OF 16.63.20 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:
Rule 20, Parental Responsibility Act Compliance, 10/2/95.

History of Repealed Material: [RESERVED]