

NOTICE OF PUBLIC RULE HEARING

The Human Services Department through the Child Support Enforcement Division (CSED), (n/k/a the Child Support Services Division, CSSD) is proposing a repeal and replacement of rule 8.50.108 NMAC - Establishment and Modification of Support Order, (specifically sections 7, 8, 9, 10, 11, 13, 14 and 15). The purpose of replacing this rule is to establish the basic child support guideline schedule by rule and provide an explanation of when a self-support reserve should be applied.

A repeal and replacement of rule 8.50.109 NMAC - Medical Support, (specifically sections 7, 8, 9, 10, 11, 12, 13, 15 and 16). The purpose of replacing this rule is to remove the need for the IV-D agency to include a cash medical support obligation when child(ren)'s health care coverage is provided by a public entity. Health care coverage for child(ren) by a public entity satisfies health care coverage requirements.

There are proposed amendments to rule 8.50.125.10 NMAC - Collections of Fees/Recoupments; 8.50.125.12 NMAC Distribution of Collections through Federal Income Tax Refund Offset and 8.50.125.15 NMAC Assigned Medical Support Collections to update the fee schedule, clarify distribution of tax refund offsets and removes language pertaining to cash medical support collection.

The Human Services Department is authorized to propose and adopt rules under the Public Assistance Act, Section 27-2-1; Domestic Affairs Act Section 40-4-11.1 and 40-4C-3 NMSA 1978 (1992 Repl.).

Summary of proposed changes include:

8.50.108 NMAC Repeal/replace to comply with federal regulations, state statutes, as well as NMAC rule requirements. (Specifically, sections 7, 8, 9, 10, 11, 13, 14, 15).

8.50.108.7 NMAC Adding and defining "self-support reserve".

8.50.108.8 NMAC Deleting and adding gender neutral language and adding language about health care coverage through a public entity and adding child(ren).

8.50.108.9 NMAC Adding language to consider labor market data when imputing income; adding language about the basic child support schedule and references to appendix. Adding language for statement of deviation. Deleting "will" and adding "may".

8.50.108.10 NMAC Adding new title "Child Support Guideline Schedule and Self-Support Reserve" and the incorporation of Appendix 1 as the child support guideline schedule. Adding information about the basic support schedule, self support reserve, and shared responsibility arrangements. Deleting Default Judgment language and text and moving it to 8.50.108.11.

8.50.108.11 NMAC Adding title and text for Default Judgment. Deleting title and text of Furnishing Consumer Reports for Certain Purposes Relating to Child Support to move to 8.50.108.15.

8.50.108.13 NMAC Deleting and adding gender neutral language and adding new language.

8.50.108.14 NMAC Deleting language referring to money collected. Deleting "in favor" adding language for legal action, mutually agreed upon, between and the IV-D agency.

8.50.108.15 NMAC Add new section for Furnishing Consumer Reports for Certain Purposes Relating to Child Support that was moved from section 8.50.108.11.

8.50.109 NMAC Repeal/replace to comply with federal regulations, state statutes, as well as NMAC rule requirements. (Specifically, sections 7, 8, 9, 10, 11, 12, 13, 15, 16 and 17).

8.50.109.7 NMAC Updating definition of “cash medical support” to remove language of payment toward the cost of health care coverage provided by a public entity and broadening definition of “health care coverage”.

8.50.109.8 NMAC Adding language of what is medical support includes. Removing language that IV-D agency will request a provision of cash medical support. Adding and deleting wording in reference to children and minor child(ren), Medicaid health coverage. Adding health care coverage. Clarifying reasonableness of cost and removing language pertaining to reasonable of cost.

8.50.109.9 NMAC Adding and deleting wording of paternity to parentage; order to orders and an to a support order. Removing wording - child or medical.

8.50.109.10 NMAC Removing child support order and replacing with support order. Adding the words “the” and child(ren) instead of children. Removing “not including Title XIX Medicaid”. Deleting wording of child support award, children, employers, party. Adding in child(ren), employer(s), parent, and minor child(ren).

8.50.109.11 NMAC Adding and deleting wording in reference to parents, parties, medical, health, dependent child and minor child(ren).

8.50.109.12 NMAC Adding language that the medical support obligor maintains recertification requirements as letter “T”. Deleting wording of children, health care coverage plan. Adding minor child(ren), qualified health care coverage plan and medical support. Deleting and relettering subsections.

8.50.109.13 NMAC Removing children and adding child(ren).

8.50.109.15 NMAC Removing language that “IV-D agency will request a provision of cash medical support only if the children are actively enrolled in Title XIX Medicaid”. Deleting “court” and adding support.

8.50.109.16 NMAC Remove language pertaining to distribution and clarifying cash medical support distribution to the custodial parent. Adding language that IV-D agency will not pursue cash medical support on cases where the child(ren) receive health care coverage through a public entity.

8.50.109.17 NMAC Removing children and adding minor child(ren).

8.50.125.10 NMAC Deleting language related to fee types. Removing “tax intercept related”. Adding “parental kidnapping locator”; “bad check” and “recoupment” to fees. Re-numbering.

8.50.125.12 NMAC Clarifying: distribution rules for collections made effective on or before January 23, 2023 in former assistance cases.
Clarifying: distribution rules for collections made effective on or after January 23, 2023 in former assistance cases.
Adding: Re-numbering and adding information to subsection B.

8.50.125.15 NMAC Deleting: language pertaining to the collection and distribution a specific dollar amount of medical support with an assignment to the state as recovery for Title XIX (Medicaid).
Adding language that cash medical support for reimbursement of the Title XIX will no longer be pursued.

The register for these proposed amendments and changes to these rules will be available September 12, 2023 on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting CSSD at (505) 709-5755.

A public hearing to receive testimony on these proposed rules will be held at 10 am - 11 am (MST) October 12, 2023 at 1474 Rodeo Rd, Santa Fe, NM in the HSD/ASD large conference room. This meeting is also available online:

Please join my meeting from your computer, tablet or smartphone.
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Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATTN: Child Support Services Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 709-5755. Electronic comments may be submitted to john.lujan2@hsd.nm.gov. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. The public comment period is from September 12, 2023 to October 12, 2023, all comments must be received no later than 5:00 p.m (MDT) on October 12, 2023. All written comments will be posted on the HSD website within 3 days of receipt.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-800-432-6217. The Department's TDD system may be accessed toll-free at 1-800-659-8331. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the CSSD upon request by providing copies directly to a requestor or by making them available on the CSSD website or at a location within the county of the requestor.