

TITLE 8 SOCIAL SERVICES
CHAPTER 50 CHILD SUPPORT ENFORCEMENT PROGRAM
PART 106 LOCATION

8.50.106.1 ISSUING AGENCY: New Mexico Health Care Authority (HCA) - Child Support Services Division.
[8.50.106.1 NMAC - Rp 8.50.106.1 NMAC, 7/1/2024]

8.50.106.2 SCOPE: To the general public. For use by the Title IV-D agency and recipients of Title IV-D services.
[8.50.106.2 NMAC - Rp 8.50.106.2 NMAC, 7/1/2024]

8.50.106.3 STATUTORY AUTHORITY: Public Assistance Act, Section 27-2-27 et seq., NMSA 1978. The health care authority 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.). Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.50.106.3 NMAC - Rp 8.50.106.3 NMAC, 7/1/2024]

8.50.106.4 DURATION: Permanent.
[8.50.106.4 NMAC - Rp 8.50.106.4 NMAC, 7/1/2024]

8.50.106.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[8.50.106.5 NMAC - Rp 8.50.106.5 NMAC, 7/1/2024]

8.50.106.6 OBJECTIVE: To provide regulations in accordance with federal and state laws and regulations.
[8.50.106.6 NMAC - Rp 8.50.106.6 NMAC, 7/1/2024]

8.50.106.7 DEFINITIONS: [RESERVED]
[8.50.106.7 NMAC - Rp 8.50.106.7 NMAC, 7/1/2024]

8.50.106.8 LOCATION OF NON-CUSTODIAL PARENTS: The state is required to use appropriate federal, interstate, and local location sources and to use appropriate state agencies and departments as authorized by state law in locating the non-custodial parent, or their employer, and all sources of income and assets.
[8.50.106.8 NMAC - Rp 8.50.106.8 NMAC, 7/1/2024]

8.50.106.9 TIME FRAMES FOR PARENT LOCATE: Federal regulations require that within 75 calendar days of determining that location is necessary, the Title IV-D agency will access all appropriate location sources.
[8.50.106.9 NMAC - Rp 8.50.106.9 NMAC, 7/1/2024]

8.50.106.10 VERIFICATION OF LOCATION: Location information must be verified prior to service of process. Federal regulations require that the Title IV-D case record contain documentation of the date, time, and name of each location source, even when the source failed to provide helpful information.

A. Location sources will be verified by a second source verification when necessary.
B. The following location sources are acceptable forms of location verification for single source verification:

- (1) employer letter;
- (2) driver's license or vehicle registration with a date of issuance which is 90 days or less;
- (3) federal, state and local agencies and departments sources; and
- (4) personal knowledge as to the non-custodial parent's whereabouts where the person is

willing to testify to that fact.

[8.50.106.10 NMAC - Rp 8.50.106.10 NMAC, 7/1/2024]

8.50.106.11 THE STATE PARENT LOCATOR SERVICE: The New Mexico Title IV-D agency established a state parent locator service (SPLS) that operates out of the agency's central office. The state parent locator service is authorized to submit location information requests to the federal parent locator service. If all

attempts to locate a non-custodial parent fail at the local office level, these cases may be referred to the state parent locator service provided that at least the non-custodial parent's full name and either an approximate date of birth or social security number are known.

[8.50.106.11 NMAC - Rp 8.50.106.11 NMAC, 7/1/2024]

8.50.106.12 FEDERAL PARENT LOCATOR SERVICE (FPLS): The Title IV-D agency may utilize the FPLS in accordance with 42 USC 653 and 45 CFR § 303.70. All information obtained is subject to federal and state laws regarding confidentiality of information. Neither parties nor their respective private legal representative may apply directly to the SPLS for FPLS information in parental kidnapping and child custody cases. Parties or their respective legal representative may, however, petition a state district court to request location information from the FPLS concerning the absconding parent and missing child. A party can request appropriate state officials who are authorized persons to make a locate request. A state district court may request FPLS information in connection with a child custody determination in adoption and parental rights determination cases.

[8.50.106.12 NMAC - Rp 8.50.106.12 NMAC, 7/1/2024]

8.50.106.13 DECEASED PARTIES: If a party or dependent is reported as deceased, the death must be verified. Verification may consist of written verification from the vital statistics bureau, office of the medical investigator or from any other accepted official source.

[8.50.106.13 NMAC - Rp 8.50.106.13 NMAC, 7/1/2024]

8.50.106.14 STATE CASE REGISTRY: The Title IV-D agency established a state case registry that contains records with respect to:

A. each case in which services are being provided on or after October 1, 1998, by the state Title IV-D agency; and

B. each support order established or modified in the state on or after October 1, 1998, whether or not the order was obtained by the Title IV-D agency. (Section 27-1-8 et seq., NMSA 1978).

[8.50.106.14 NMAC - Rp 8.50.106.14 NMAC, 7/1/2024]

8.50.106.15 LOCATOR INFORMATION FROM INTERSTATE NETWORKS: The state Title IV-D agency is authorized to have access to any system used by the state to locate an individual for purposes relating to motor vehicle or law enforcement.

[8.50.106.15 NMAC - Rp 8.50.106.15 NMAC, 7/1/2024]

8.50.106.16 STATE DIRECTORY OF NEW HIRES: The HCA established a state directory of new hires pursuant to the state directory of New Hires Act ("Act"), Section 50-13-1 et seq., NMSA 1978. The HCA may, at its discretion, contract this service, as appropriate. All information required by the act may be provided to a contractor designated by the HCA.

[8.50.106.16 NMAC - Rp 8.50.106.16 NMAC, 7/1/2024]

History of 8.50.106 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, 6/23/1980.

ISD CSEB 531.0000, Location Efforts at the Local Level, 6/23/1980.

ISD CSEB 539.0000, Use of the Federal Parent Locator Service (FPLS) in Parental Kidnapping and Child Custody Cases, 2/15/1983.

NMAC History:

8 NMAC 5.CSE.000 through 8 NMAC 5.CSE.970, 12/30/1994.

History of Repealed Material:

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

8.50.106 NMAC, Location, filed 5/14/2001 - Repealed effective 12/30/2010.

8.50.106 NMAC, Location, filed 12/30/2010 - Repealed effective 7/1/2024.

Other: 8.50.106 NMAC, Location, filed 12/30/2010 Replaced by 8.50.106 NMAC, Location, effective 7/1/2024.