

TITLE 8 SOCIAL SERVICES
CHAPTER 50 CHILD SUPPORT ENFORCEMENT PROGRAM
PART 114 FINANCIAL INSTITUTION DATA MATCH (FIDM)

8.50.114.1 ISSUING AGENCY: New Mexico Health Care Authority - Child Support Services Division.
[8.50.114.1 NMAC - Rp, 8.50.114.1 NMAC, 12/30/2010; A,7/1/2024]

8.50.114.2 SCOPE: To the general public. For use by the Title IV-D agency and recipients of Title IV-D services.
[8.50.114.2 NMAC - Rp, 8.50.114.2 NMAC, 12/30/2010; A, 1/1/2022]

8.50.114.3 STATUTORY AUTHORITY: Public Assistance Act, Section 27-2-27 et seq., NMSA 1978. The health care authority (HCA) 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 as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.50.114.3 NMAC - Rp, 8.50.114.3 NMAC, 12/30/2010; A, 1/1/2022; A,7/1/2024]

8.50.114.4 DURATION: Permanent.
[8.50.114.4 NMAC - Rp, 8.50.114.4 NMAC, 12/30/2010]

8.50.114.5 EFFECTIVE DATE: December 30, 2010, unless a later date is cited at the end of a section.
[8.50.114.5 NMAC - Rp, 8.50.114.5 NMAC, 12/30/2010]

8.50.114.6 OBJECTIVE: To provide regulations in accordance with federal and state laws and regulations.
[8.50.114.6 NMAC - Rp, 8.50.114.6 NMAC, 12/30/2010]

8.50.114.7 DEFINITIONS: [RESERVED]
[See 8.50.100.7 NMAC]

8.50.114.8 AGREEMENTS WITH FINANCIAL INSTITUTIONS: The department, through the Title IV-D agency, has developed procedures and forms by which it enters into agreements with financial institutions doing business in the state to develop and operate, in coordination with such financial institutions, a data match system for the purpose of identifying and seizing assets to satisfy past-due support. All references to the Title IV-D agency below are on behalf of the department.

A. Data match agreements: The Title IV-D agency has agreements with financial institutions for data match using a standard Title IV-D agency form. The institutions may elect to report through an agent.

B. Election of reporting methods: Financial institutions shall elect their method of reporting using forms provided by the Title IV-D agency and return reporting agreements to the Title IV-D agency within 30 days of notification of required reporting. Acceptable methods of reporting are contained in the federal office of child support enforcement's data match specification handbook (DMSH). The financial institution may elect to report through an agent authorized and identified to the Title IV-D agency by the financial institution.

C. Quarterly matches: Financial institutions shall conduct quarterly matches of their accounts against the names and social security numbers provided by the Title IV-D agency and report all accounts matched, or may elect to provide a quarterly list of all accounts in a format acceptable to the Title IV-D agency. Each calendar year, information matches shall be furnished no later than:

- (1) March 31 (first quarter);
- (2) June 30 (second quarter);
- (3) September 30 (third quarter); and
- (4) December 31 (fourth quarter).

D. Failure to report: Financial institutions failing to perform a quarterly match, return the reporting election forms, or furnish account information are subject to the penalties in 8.50.131 NMAC. If the financial institution is unable to perform a quarterly match due to circumstances outside of its control, it should immediately notify the Title IV-D agency to request an extension of time. If the Title IV-D agency grants an extension, a penalty shall not be assessed against the financial institution.

E. False statements: If false statements are used to obtain a release, penalties will be assessed as set forth in 8.50.131 NMAC.
[8.50.114.8 NMAC - Rp, 8.50.114.8 NMAC, 12/30/2010; A, 1/1/2022]

8.50.114.9 FREEZE ORDER:

A. An obligor who has been on wage withholding for at least six months or who has made all payments (voluntary) for the last 12 months is exempt from this process.

B. Issuance and effect: When a match occurs showing the existence of an obligor's assets in an amount of more than \$2,000, the Title IV-D agency may issue an administrative freeze order to the financial institution. Account funds shall not be released by the financial institution during the pendency of proceedings involving a freeze order. The financial institution shall send a copy of the notice of lien to the obligor and to all persons listed on the account by certified mail within three business days after the notice of lien is received by the financial institution. The institution shall reply within 10 days on the form provided by the Title IV-D agency.

C. Right to appeal: The notice of lien shall notify the obligor that the obligor has 15 days from the date of the notice to contest or appeal the freeze.

[8.50.114.9 NMAC - Rp, 8.50.114.9 NMAC, 12/30/2010; A, 1/1/2022]

8.50.114.10 SEIZE ORDER:

A. Seizure: If no written appeal is received within the time frame for appeal, or if an appeal is not upheld, a seize order will be issued by the Title IV-D agency. The financial institution must transfer the assets to the Title IV-D agency within three working days of the receipt of the seize order.

B. Appeals: If an appeal is received, it will be processed in accordance with the appeals process set forth in 8.50.130 NMAC.

[8.50.114.10 NMAC - Rp, 8.50.114.10 NMAC, 12/30/2010; A, 1/1/2022]

8.50.114.11 INTERSTATE FIDM ORDERS: A freeze or seize order issued by another state's Title IV-D agency will be treated as if it were issued by New Mexico's Title IV-D agency. Any institution failing to honor the order will be subject to all fines and penalties as if the institution had failed to honor an order of New Mexico's Title IV-D agency.

[8.50.114.11 NMAC - Rp, 8.50.114.11 NMAC, 12/30/2010]

8.50.114.12 SEIZED ASSETS: Assets seized from accounts will be distributed according to the Title IV-D agency distribution rules.

[8.50.114.12 NMAC - Rp, 8.50.114.12 NMAC, 12/30/2010; A, 1/1/2022]

8.50.114.13 DISTRIBUTION OF FIDM COLLECTIONS IN MULTIPLE CASES: FIDM collections will always be prorated to all open Title IV-D cases for an obligor based on the arrearage owed in each case. By operation of law, arrearages include all adjudicated arrears and delinquency on current support, plus accrued interest.

[8.50.114.13 NMAC - Rp, 8.50.114.13 NMAC, 12/30/2010; A, 1/1/2022]

History of 8.50.114 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.

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.

8.50.114 NMAC, Financial Institution Data Match (FIDM), filed 5/14/2001 - Repealed effective 12/30/2010.