

TITLE 8 SOCIAL SERVICES
CHAPTER 50 CHILD SUPPORT ENFORCEMENT PROGRAM
PART 117 INTERNATIONAL CHILD SUPPORT ENFORCEMENT

8.50.117.1 ISSUING AGENCY: New Mexico Health Care Authority - Child Support Services Division.
[8.50.117.1 NMAC - Rp, 8.50.117.1 NMAC, 12/30/2010; A, 7/1/2024]

8.50.117.2 SCOPE: To the general public. For use by the IV-D agency and recipients of IV-D services.
[8.50.117.2 NMAC - Rp, 8.50.117.2 NMAC, 12/30/2010]

8.50.117.3 STATUTORY AUTHORITY: Public Assistance Act, NMSA 1978, Section 27-2-27. The health care authority - child support division 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.
[8.50.117.3 NMAC - Rp, 8.50.117.3 NMAC, 12/30/2010; A, 7/1/2024]

8.50.117.4 DURATION: Permanent.
[8.50.117.4 NMAC - Rp, 8.50.117.4 NMAC, 12/30/2010]

8.50.117.5 EFFECTIVE DATE: December 30, 2010, unless a later date is cited at the end of a section.
[8.50.117.5 NMAC - Rp, 8.50.117.5 NMAC, 12/30/2010]

8.50.117.6 OBJECTIVE: To provide regulations in accordance with federal and state laws and regulations.
[8.50.117.6 NMAC - Rp, 8.50.117.6 NMAC, 12/30/2010]

8.50.117.7 DEFINITIONS: [RESERVED]
[See 8.50.100.7 NMAC]

8.50.117.8 INTERNATIONAL SUPPORT ENFORCEMENT: Special enabling legislation allows the state of New Mexico, and all other states, to directly enter into agreements for child support enforcement services with foreign nations. (42 USC 659 (A)). With Mexico and Canada, these agreements are arranged on a state-by-state or province-by-province basis.
[8.50.117.8 NMAC -Rp, 8.50.117.8 NMAC, 12/30/2010]

8.50.117.9 FOREIGN CURRENCY CONVERSION: Some interstate cases handled by the IV-D agency are received from foreign nations or are initiated to foreign nations.

- A.** Responding international cases:
- (1)** Establishment of an obligation for support: If the IV-D agency is asked to establish an order for support by the child support agency of a foreign nation, the IV-D agency shall:
 - (a)** file the action in the appropriate state district court;
 - (b)** convert the custodial party's income into United States dollars, provided that it is appropriate to utilize the custodial party's income in a calculation of support under the laws of New Mexico;
 - (c)** utilize the non-custodial parent's actual or imputed income, in United States dollars;
 - (d)** obtain a support order to be paid in United States dollars; and
 - (e)** all payments collected by the IV-D agency's SDU shall be remitted to the child support agency in the foreign nation in United States dollars.
 - (2)** Enforcement of a foreign nation's order for support: If the IV-D agency is asked to enforce an existing order for support from a foreign nation, the IV-D agency shall:
 - (a)** register the order for support in the appropriate state district court;
 - (b)** at the time of registration of the foreign support order, the amount of the obligation registered for enforcement shall be in United States dollars; if the initiating jurisdiction has not already converted the monetary amount into United States dollars, the IV-D agency shall convert the obligation from the currency of the foreign nation into United States dollars; the currency exchange rate used for the conversion of the foreign currency into United States dollars shall be obtained by the IV-D agency from the internet websites of

respected financial journals or news organizations; the IV-D agency shall, at the time of the conversion, print out and retain in its file a copy of the dated exchange rate information relied upon by the IV-D agency in calculating the correct amount of the obligation to be enforced in United States dollars.

B. Initiating international cases: In all cases initiated by the IV-D agency to the child support agency of a foreign nation, regardless of whether for the establishment or the enforcement of an obligation of support, the IV-D agency shall ensure all financial records or information sent by the IV-D agency reflect United States dollars. [8.50.117.9 NMAC - N, 12/30/2010]

History of 8.50.117 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 5/15/2001.

8.50.117 NMAC, International Child Support Enforcement, filed 5/14/2001 - Repealed effective 12/30/2010.