

Application for Full Services
New Mexico Human Services Department/Child Support Services Division

Applicant's information: I am the primary custodian for the child(ren) I am the non-custodial party

1. Information about the person with whom the child(ren) live(s):

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
Address: _____ Residential Mailing
City: _____ State: _____ Zip Code: _____
Date of Birth (mm/dd/yyyy): _____ Social Security Number: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____
Email Address: _____
Employer Name: _____ Employer Phone: _____
Employer Address: _____
Relationship to Child(ren): _____ Maiden Name: _____

If you are not the parent of the child(ren), do you have a court order that places them in your care, such as a kinship guardianship?
Yes No If so, please include a copy of your order with this application.

Are there issues of domestic violence? Yes No Is there a no contact order or other domestic violence order that has been issued involving the custodial party and the noncustodial parent(s)? Yes No If so, please provide copies.

If there are issues of domestic violence, please see page 3, #7 Acknowledgement below.

Do you need an interpreter? Yes No If so, what type? _____

Do you have an attorney who represents you in any matters related to the children? Yes No

If so, please provide attorney's name and phone number: _____

If you are a caretaker, and not the parent of the child(ren) when did the child(ren) begin to live with you? _____

2. Non-custodial Party Information:

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
Address: _____ Residential Mailing
City: _____ State: _____ Zip Code: _____
Date of Birth (mm/dd/yyyy): _____ Social Security Number: _____
Home Phone: _____ Work Phone: _____ Cell Phone: _____
Email Address: _____
Employer Name: _____ Employer Phone: _____
Employer Address: _____
Relationship to Child(ren): _____ Maiden Name: _____

Is the non-custodial party currently incarcerated? Yes No If so, where? _____

Is non-custodial party on probation or parole? Yes No

Is non-custodial party currently serving in the armed forces? Yes No If so, which branch? _____

Are there issues of domestic violence? Yes No If there are issues of domestic violence, please see page 3, #7 Acknowledgement below.

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3. The child(ren): (Attach additional sheets as needed for all children.)

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
City of Birth: _____ State of Birth: _____
Date of Birth: _____ Social Security Number: _____
Were the parents married to each other at the birth of the child? Yes No
Was the child adopted by the parents? Yes No
Did the father sign an Acknowledgement of Paternity? Yes No If so, please provide a copy.

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
City of Birth: _____ State of Birth: _____
Date of Birth: _____ Social Security Number: _____
Were the parents married to each other at the birth of the child? Yes No
Was the child adopted by the parents? Yes No
Did the father sign an Acknowledgement of Paternity? Yes No If so, please provide a copy.

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
City of Birth: _____ State of Birth: _____
Date of Birth: _____ Social Security Number: _____
Were the parents married to each other at the birth of the child? Yes No
Was the child adopted by the parents? Yes No
Did the father sign an Acknowledgement of Paternity? Yes No If so, please provide a copy.

First Name: _____ MI: _____
Last Name: _____ Sex: Male Female
City of Birth: _____ State of Birth: _____
Date of Birth: _____ Social Security Number: _____
Were the parents married to each other at the birth of the child? Yes No
Was the child adopted by the parents? Yes No
Did the father sign an Acknowledgement of Paternity? Yes No If so, please provide a copy.

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4. Parents' relationship to each other:

Married Divorced Separated Never Married Common Law Widowed

5. Marriage information (If parents were married to each other):

Marriage Date (mm/dd/yyyy): _____ County: _____ State: _____
Divorce Date (mm/dd/yyyy): _____ County: _____ State: _____
Living Apart or Separated: Yes No Legal Separation Date (mm/dd/yyyy): _____

6. Court Order Information (if there is a court order that addresses custody and/or child support, please provide copies of the court order, and a complete payment record.)

Location/Court: _____ Docket/Case #: _____ Date of Last Order: _____
Monthly Ongoing Support: _____ Monthly Arrears Payment: _____
Total Arrears Judgment: _____ Payment Due Date: _____

7. ACKNOWLEDGMENT

- a. I hereby apply for Child Support Services Division (CSSD) services and declare that all statements in this application are true and correct to the best of my knowledge.
- b. I understand the fee schedule and agree that all necessary fees may be deducted from my child support payments or charged to my obligated balance in accordance with CSSD regulations. I further understand that the CSSD fee schedule may be modified periodically. I agree to pay according to any modified fee schedule, after being properly notified of the fee schedule modification.
- c. I have received a copy of CSSD Form 538B, Fact Letter on Child Support Services, and I acknowledge its contents, including the fee schedule.
- d. I accept, understand, and have signed the Statement of Understanding.
- e. I agree with the conditions as explained in the Fact Letter. I will provide all documentation requested so that CSSD can move forward with my case.
- f. I acknowledge my full cooperation is necessary for CSSD to work the case. If I fail to cooperate, CSSD may close the case.
- g. **Some of the information you provide may become available to the other party, such as your address and phone number. If you feel that pursuing child support poses a threat, and could result in physical or emotional harm to you or your child(ren), please request further information from the CSSD worker, including good cause case closure, or a nondisclosure process that will safeguard your personal information.**

Signature: _____ Date (mm/dd/yyyy): _____

❖ Please keep a copy of the Statement of Understanding and Form 538B Fact Letter on Child Support Services.

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I. STATEMENT OF UNDERSTANDING AND NOTICE OF NON-REPRESENTATION

The New Mexico Child Support Services Division (CSSD) serves the State's interest in having children adequately supported by their parents. CSSD also pursues reimbursement for TANF and Medicaid assignments, pursuant to State and Federal laws. Your case will be primarily handled by non-attorney CSSD staff, who may or may not refer your case to a CSSD Attorney. You will likely be required to appear as a witness in court, meet with a CSSD Attorney, and/or meet with non-attorney CSSD personnel to discuss your case.

The CSSD Attorney represents the State of New Mexico only. There is no express or implied attorney-client relationship between you and any CSSD Attorney. And there is no confidential relationship between you and the CSSD attorney. The information you provide the CSSD attorney is not confidential and may be revealed to the other party. By law, the CSSD Attorney represents the State of New Mexico only, and the way he or she handles cases is also limited by law. If you are not satisfied with the actions taken by CSSD or its attorney(s), you may file your own pleadings with the court, or you may hire a private attorney to represent you.

II. CONFLICT OF INTEREST

The CSSD Attorney only represents the interests of the State. There may be times when the State's interests are different from the custodian's personal interests. The CSSD Attorney is required by law to act in the best interests of the State. For example, the State may ask that a judgment be entered in favor of the State only, if you fail to appear for a hearing when you had proper notice. All payments shall be made and processed through the CSSD State Disbursement Unit (SDU) and shall be distributed according to State and Federal laws. A CSSD Attorney may settle only the State's interest in your case without your input or approval.

Your interests may conflict with the interests of another child support customer; some of your information may be available to the other parent. If the non-custodial parent of your child has more than one child support case with CSSD your case will not receive preferential treatment. CSSD personnel working on the non-custodial parent's other case(s) will have access to information you provided to CSSD.

The amount of your monthly support obligation may be modified based on State and Federal laws. At the request of either party, your support order may be reviewed by CSSD for modification. If the review shows that the amount of support should be changed, CSSD may proceed to seek a modification. The support amount could be increased or decreased, based on the current circumstances of both parties and the child(ren). If a motion for modification is filed, a judge or hearing officer will make the final decision, based on New Mexico law. Your case will be subject to this review and modification process.

III. CONFIDENTIALITY

Not all information you provide to any CSSD employee is confidential. Some information may be revealed to the other party. There is no Attorney-Client relationship between you and any CSSD employees, including CSSD attorneys. Any information you provide to any CSSD employee will be available to everyone employed by CSSD, including the staff working on the other parent's case (if the other parent also receives CSSD services) and CSSD staff working on other custodial parents' cases, who share with you a common non-custodial parent. It is even possible that information provided by you to a CSSD employee may be used against you in certain circumstances. Such circumstances include, but are not limited to, revealing information that may lead to charges of welfare fraud against you. For example, if you received benefits, such as TANF, and you failed to report child support or other income to the Income Support Division.

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IV. LIMITATION OF CSSD ACTION

By law, the role of CSSD or its attorneys is limited solely to the issue of child support and medical support. CSSD will not provide services relating to other issues such as visitation, custody, property settlements, or other similar matters. If any issues other than support arise, you may contact a private attorney, Legal Aid, or you may consult with the self-help division at your courthouse.

IMPORTANT

DO NOT SIGN BELOW UNLESS YOU FULLY UNDERSTAND AND AGREE TO ALL THE ABOVE. If you have any questions concerning the above, you may want to discuss them with an attorney before applying for CSSD services.

I have read and understand the above terms. I understand that the CSSD attorney does not represent me. I agree to the above terms.

Applicant/Recipient Signature: _____ Date (mm/dd/yyyy): _____

FACT LETTER ON CHILD SUPPORT SERVICES

The Child Support Program is a Federal/State effort to find non-custodial parties, their employers and/or assets; establish parentage; and establish and enforce child support orders.

Continuing concern for the well-being of children who live with only one, or with neither of their parents, and a desire to reduce the costs to taxpayers for the public assistance (TANF) program prompted Congress to strengthen child support laws. Major improvements to the Federal/State Child Support Program required include:

- Immediate wage withholding for **all** orders, unless both parents and/or the court agree to a different plan;
- Child support guidelines **must** be used unless it can be shown that to use them would be unjust or inappropriate;
- Genetic testing may be appropriate in certain disputed paternity cases;
- States must notify both parties of their right to have CSSD review their cases every three years for possible modification.

State and federal laws require child support payments to be withheld from an obligated parent's paycheck from the time child support is ordered, regardless of whether there is an arrearage.

The main beneficiaries of an effective child support program are, of course, children and custodial parties. Experience has shown that wage withholding is the tool that works best for enforcing child support orders. It taps the parent's income at its source: child support is deducted as automatically as income tax, social security, or union dues. With regular wage deductions for child support, children get their support payments on time and in most cases, the correct amount. Arrearage - overdue child support - can be eliminated, and a stable pattern of payments is set up from the beginning.

Wage withholding has advantages for the parent who is ordered to pay child support as well. It offers a clear record of child support payments that have been made. Wage withholding is a convenient way for a parent to fulfill a legal responsibility. A parent paying by wage withholding does not have to write checks or take payments to the other parent, child support office, or court every week or month. When child support payments are missed, the court may order an additional payment each month until the arrearage is eliminated. A parent who is delinquent could face court proceedings. And a delinquency could result in poor credit ratings. Wage withholding avoids missed payments.

The **Child Support Services Division (CSSD)** provides an array of services subject to restrictions and availability of time and personnel. Cases are handled by non-attorney CSSD personnel who may or may not refer your case to a CSSD Attorney. Neither CSSD nor its attorneys represent individual parties. CSSD attorneys represent CSSD's interests only, and **NO ATTORNEY-CLIENT RELATIONSHIP**, express or implied, exists between the attorney and any other party.

Application. Attached is the necessary form for applying for full child support enforcement and collection services. Please read carefully this explanation about our services and policies. If you wish to apply, fill out the application entirely, as completely as possible, including the Statement of Understanding and Notice of Non-Representation. (If you have been on public assistance and wish to continue receiving child support services, you are not required to fill out an application. However, you must complete and return the Statement of Understanding and Notice of Non-Representation.)

Locate. Under Federal law, CSSD is required to locate parents who are not financially supporting their children. **All other services are dependent upon accurate locate.** Generally, the primary source of locate information is the custodial party who will supply crucial data on the non-custodial party that CSSD relies on: name, home and work addresses, and Social Security number. This information forms the basis for automated locate efforts available to CSSD.

Parentage Establishment. This step is necessary if parentage has not been determined. If the alleged father denies parentage, we can assist by providing genetic testing, which involves testing you, the child, and the alleged father. Once parentage is determined, a court order for child support can be obtained.

Establishment of Support The fair amount of child support that a parent should pay is decided by using the child support guidelines. The needs of the child, the number of children who must be supported, and the ability of the parents to pay are all taken into consideration.

Enforcement of Support. In addition to income withholding, other enforcement mechanisms include liens against real and personal property, garnishment, civil contempt, offset of Federal and State tax refunds, bonds and other forms of security, suspension of licenses issued by the State, and reports to consumer reporting agencies (credit bureaus).

Tax Intercept. CSSD can intercept the tax refunds of delinquent payor(s), which includes the spouse's refund. If your case meets certain conditions, it may be submitted to the Internal Revenue Service (IRS) or the New Mexico Taxation and Revenue (TRD) to have any refunds intercepted. There is no guarantee any amount will be collected on the custodian's behalf. If taxes are intercepted, the State has the authority to hold certain refunds up to six months before disbursing them. If you have received public assistance, a tax intercept collection may first be applied to satisfy any child support debt owed to the State.

Credit Bureau Referral. Once a child support order has been obtained and a debt identified, the non-custodial party may be referred to national credit rating agencies. CSSD provides this service for all cases that meet the referral criteria. The purpose of the referral is to discourage the non-custodial party from acquiring credit obligations that could interfere with the ability to make child support payments.

Interstate Cases. If the non-custodial party lives in another state, CSSD can have the case referred to the other state's child support agency to assist with taking proper action.

Medical Support. State and federal laws require the inclusion of medical support as part of any child support order. A parent may be required to provide coverage if health care coverage is available at a reasonable cost. This is generally provided through the parent's employer. If health care coverage is not available to a parent, or not available at a reasonable cost, orders should include a cash medical support payment.

Modification and Review. All CSSD cases with child support orders should be reviewed for modification at least once every three years. If the review shows that application of the guidelines results in a change of 20% more or less in the monthly obligation, the court can modify the order without any further justification. CSSD is required by law to share financial data with the parties, including when the data indicates a downward adjustment would be appropriate.

Kidnapping and Child Custody Cases. CSSD has an agreement with the Office of Child Support Services (OCSS) to use the Federal Parent Locator Service (FPLS) to assist in locating persons who are being sought in relation to child custody and parental kidnapping. Because of this agreement, an authorized person may request FPLS to locate persons sought relating to child custody and parental kidnapping cases. Neither parents nor their

private legal representative may apply directly to CSSD for this service. A parent can request appropriate state officials who are authorized persons to make a locate request. An "authorized person" is any U.S. Attorney, Attorney General, District Attorney, Sheriff, Agents and Attorneys who are empowered to act on behalf of the State to enforce a child custody determination. Private attorneys are not considered agents of the court since they do not have the authority to make or enforce a child custody determination.

Custodial Party Cooperation. CSSD may request additional information or documents in order to proceed with your requesting in establishing and enforcing a support order. CSSD may terminate its services for your failure to provide requested information, or refusal to comply with CSSD policies or procedures, or if your actions are detrimental to the operation of the CSSD program.

Direct Payments from the Non-Custodial Party. All child support payments you receive directly from the non-custodial party must be reported immediately to CSSD. Failure to comply could result in closure of your case.

Fees. CSSD charges fees for legally establishing parentage, obtaining a court order for child support, enforcing a court order, and various other services listed in the attachment to this Fact Letter. These fees are one-time only charges per action against the same non-custodial parent. If the same service is provided for two non-custodial parties, you will be charged two fees.

Deduction for Fees. All fees, except for wage withholding only services, are deducted from your child support payments collected from the non-custodial party. The amount we deduct is 10% from each payment, until the fees are paid in full. Once the fees are paid, the entire support payment should be forwarded to you.

Wage Withholding Only or Pass-Through Services. Individuals choosing to apply for payment processing services only, and not full services will be required to pay a \$25.00 annual processing fee. This fee will be deducted from the payments collected from the non-custodial party once a year. This fee cannot be waived.

Overpayment. Occasionally, CSSD makes payments to custodial parties in error. The custodial party is personally liable for the paying back any amounts received which were paid erroneously. This includes any amounts paid out, which must then be returned, due to the filing of an amended return by the non-custodial party's non-obligated spouse. An amended return can be filed within six years from the end of the tax year that resulted in the intercept.

Fraud. Any applicant who intentionally gives misleading or false statements to CSSD may be refused CSSD services and could be liable for prosecution.

Fee schedule on last page

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NON-TANF/NON- IV-E/NON- TITLE XIX/ RECIPIENT FEES

| | | | | |
|----|---------------------------------|--------------------------|----------|--|
| a. | ESTABLISHMENT OF SUPPORT ORDER | | \$250.00 | |
| b. | PATERNITY ESTABLISHMENT | | \$250.00 | |
| c. | ORDER MODIFICATION | | \$150.00 | |
| d. | ENFORCEMENT ACTIONS | | \$250.00 | |
| e. | PARENTAL KIDNAPPING LOCATOR FEE | | \$60.00 | |
| f. | ANNUAL FEE FOR WAGE WITHHOLDING | | \$25.00 | |
| g. | BAD CHECK | (ACTUAL) | | |
| h. | FILING FEE | (ACTUAL COST) | | |
| i. | WITNESS FEE | (ACTUAL COST) | | |
| j. | GENETIC TESTING | (ACTUAL COST) | | |
| k. | SERVICE OF PROCESS | (ACTUAL COST) | | |
| l. | EXPERT WITNESS FEE | (ACTUAL COST) | | |
| m. | COURT COSTS | (ACTUAL COST) | | |
| n. | IRS FULL SERVICE COLLECTION | (ACTUAL COST) | | |
| o. | IRS TAX INTERCEPT SERVICE | (PER INTERCEPT) | \$25.00 | |
| p. | TRD TAX INTERCEPT SERVICE | (PER INTERCEPT) | \$20.00 | |
| q. | ADMINISTRATIVE OFFSET | (APPLICABLE FEDERAL FEE) | | |
| r. | RECOUPMENT | (ACTUAL) | | |