

REGULATORY IMPACT FORM

SECTION I: GENERAL INFORMATION

Agency: Human Services Dept.

Short Title and

Legal Citation: 8.50.100.9 Program Services
 8.50.110.8 Income Withholding
 8.50.112.8 Parental Responsibility
 8.50.112.16 Admin. Offset
 8.50.125.10 Collection of Fees
 8.50.125.11 Distribution of Coll.
 8.50.130.8 Admin Hearings
8.50.130.10 Notice of Admin Enf

Enactment

Date: 07/01/2019

Last Updated:

12/21/2018

SECTION II: FISCAL IMPACT

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$0.0	\$0.0	\$0.0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: EXPLANATION

BACKGROUND:

1) Provide a brief summary of the proposed rule’s intended purposes, goals, and the specific problem(s) that it addresses:

8.50.100.9 NMAC Program Services: Deleted language in section B stating that a non IV-A applicant may request location of a non-custodial parent so he/she can pursue support individually. Section C-D was renumbered after section B was deleted.

8.50.110.8 NMAC Income Withholding: Deleted language in section A and added new language stating that the IV-D agency complies with language found at 45 CFR § 303.100. Section C deleted outdated language stating that the department will take actions to institute income withholding upon the request of an obligor.

8.50.112.8 NMAC Parental Responsibility Act: Revised language in part “1” to state that the obligor address will be used for the processing of the certificate of compliance. Deleted outdated language in parts “1-2” stating the certificate of compliance will be mailed when complete and the obligor will be responsible for submitting the certificate of compliance to licensing agencies.

8.50.112.16 NMAC Administrative Offset: The new 8.50.112.16 NMAC rule states administrative offset by the Secretary of the Treasury is utilized to pay support arrearages, including child support, medical support and spousal support. Cases meeting specific criteria are referred to the U.S. Department of Treasury’s financial management service. When referring a case for administrative offset by the Secretary of the Treasury, the IV-D agency shall comply with the provision of 31 CFR § 285.1.

8.50.112.16 NMAC Collection of Fees/Recoupments: Section A deleted part “5” providing for a parent locate only fee of \$60 and renumbered parts 6-16”. A new part “16” was added to incorporate administrative offset federal fee.

8.50.125.11 NMAC Distribution of Collections: Section I: Language was revised to state that collected funds will be distributed to the resident parent, legal guardian, caretaker relative having custody of or responsibility for the child or children, judicially-appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or alternate caretaker designated in a record by the custodial parent.

8.50.130.8 NMAC Administrative Hearings: Section A: Current language was revised for clarity. Language was added for income withholding and administrative offset. Section C: Current language was revised for clarity.

8.50.130.10 NMAC Notice of Administrative Enforcement Action: Section F: Added a new section (“F”) stating that a notice regarding the referral for administrative offset is sent to the obligor at the last known address on file with the IV-D agency.

2) How does this rule advance the agency’s mission?

The mission of the Human Services Department is to reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance. These rule changes assist with the task of supporting families’ financial stability by removing barriers to child support orders and collections

ALTERNATIVE APPROACHES:

1) What non-regulatory alternatives were considered?

No alternatives were considered due to needing to comply with federal regulations.

2) Briefly explain the costs and benefits of each alternative that were considered:

There is no cost being enforced with the proposed rules. The benefit is that the state of NM is complying with federal regulations.

3) How is this rule the best solution to the identified problem?

The rules that are being proposed are the best solution to follow federal regulations from the federal Office of Child Support Enforcement (OCSE).

IMPACTS:

1) How will this rule increase or decrease the costs for businesses within the affected industry?

These rules will not affect any of New Mexico business industry.

2) How will this rule increase or decrease the prices of goods and services for consumers? These rules will not make any changes to prices of goods and services for consumers.

3) How will this rule promote economic competition and growth in the state?

These rules will not promote economic competition and growth in the state.

4) How will this rule impact public health and safety?

These rules will not impact public health and safety.

5) What would be the consequences of not adopting this rule?

The consequences of not adopting these rules would be the State of NM Child Support Enforcement Department is not complying with federal regulations from the OCSE.

MEASURES OF SUCCESS:

1) What quantitative indicators will the agency use to measure effectiveness?

N/A. No fiscal impact to state and as rules are required by federal regulations.

2) Describe how the agency will use the indicators listed above to monitor progress over time:

N/A. No fiscal impact to state and as rules are required by federal regulations.