

REGULATORY IMPACT FORM

SECTION I: GENERAL INFORMATION

Agency: Human Services Dept.

Short Title and

Legal Citation: 8.50.111.12 Contempt Proceedings
8.50.130.13 Contesting Tax Refund
Intercept In Responding
Interstate Cases

Enactment

Date: 01/01/2020

Last Updated:

06/19/2019

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:

8.50.111.12 NMAC Contempt Proceedings: Deleted language stating that contempt proceeding are used to enforce an existing order when the non-custodial parent has failed to make support payments as ordered. Revised language IV-D agency will peruse contempt provisions when the non-custodial parent has an ability to pay or otherwise comply with the order. A new section (A-C) was adding language stating the IV-D agency will screen case, provide court information regarding the non-custodial parent ability to pay or otherwise comply with the order. IV-D agency will provide clear notice to non-custodial parent that his or her ability to pay constitutes

the critical question in the civil contempt action.

8.50.130.13 NMAC Contesting Tax Refund Intercept In Responding Interstate Cases: Deleted language stating at the same time, the central registry sends the OCSE and update to report that the matter is being transferred to the initiating state for the purpose of conducting an administrative hearing.

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.