

Application for Full Services

New Mexico Human Services Department/Child Support Enforcement Division

Please print clearly in block letters:

Applicant's information: I am the primary caretaker or the non-custodial parent

1. Information on the person who has the child(ren):

Form for primary caretaker information including fields for First Name, MI, Last Name, SEX, Address, City, State, Zip, Date of Birth, Social Security Number, Relation to Child(ren), Home Phone, Work Phone, Cell Phone, Employer Name, Employer Address, Employer City, Empl State, Employer Zip, Employer Phone, and Mother's maiden name.

2. Non-custodial Parent's Information

Form for non-custodial parent information including fields for First Name, MI, Last Name, SEX, Address, City, State, Zip, Date of Birth, Social Security Number, Relation to Child(ren), Home Phone, Work Phone, Cell Phone, Employer Name, Employer Address, Employer City, Empl State, Employer Zip, and Employer Phone.

3. The child(ren):

Form for the first child including fields for First Name, MI, Last Name, SEX, City of Birth, State of birth, Date of Birth, Social Security Number, and a question about whether parents were married at the time of birth.

Form for the second child including fields for First Name, MI, Last Name, SEX, City of Birth, State of birth, Date of Birth, Social Security Number, and a question about whether parents were married at the time of birth.

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3. The child(ren) continued

First Name: MI: Last Name: SEX: M F
 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

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) State: Divorce Date: (mm/dd/yyyy) State: Separation Date:
 County of marriage: County of divorce:

6. Court Order Information (if there is a court order, please provide the following information and a copy of all court orders with a monthly payment record; a complete payment record is also required.)

Location/Court: Docket/Case Number: Monthly/Ongoing Support: \$
 Date of Last order: Payment due date: Total Arrears Judgment: \$ Monthly Arrears Pymt: \$

7. **ACKNOWLEDGMENT**

- a. Applicant hereby applies for the services of the Child Support Enforcement Division (CSED) and affirms that all statements in this application are true and correct to the best of the applicant's knowledge.
- b. The applicant understands the fee schedule and agrees that all necessary fees may be deducted from the support payments received in accordance with the regulations of the CSED and the Human Services Department. Applicant further understands that the CSED fee schedule may be periodically modified and applicant agrees to pay according to any modified schedule after having received proper notification.
- c. Applicant has received a copy of CSED form 538B, Fact Letter on Child Support Enforcement and acknowledges its contents, including the fee schedule, and has received the Statement of Understanding and has signed it to indicate acceptance and understanding.
- d. Applicant agrees to the conditions as explained in the fact letter and provides all documentation requested to proceed in this case.
- e. I acknowledge that my full cooperation is needed for CSED to work my case. If I fail to cooperate with CSED, I understand that CSED may close the case.
- f. **If there are issues of domestic violence, please request further information from the CSED worker regarding providing address information that can be used for legal process.**

Signature	Date: (mm/dd/yyyy) <input type="text"/>
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Please keep a copy of the Statement of Understanding and Form 538B Fact Letter on Child Support Enforcement.

Application for Full Services
New Mexico Human Services Department/Child Support Enforcement Division
I. STATEMENT OF UNDERSTANDING AND NOTICE OF NON-REPRESENTATION

The New Mexico Child Support Enforcement Division (CSED) is here to serve the State's interest in having children adequately supported by their parents, and to collect welfare money pursuant to State and Federal laws. Your case will be handled by non-attorney CSED personnel, who may or may not refer your case to a CSED Attorney. You may be required to appear as a witness in court, meet with a CSED Attorney, or meet with non-attorney CSED personnel to discuss your case.

The CSED Attorney represents the State of New Mexico only. Only CSED can direct a CSED Attorney to do something in a case. There is no Attorney-Client relationship between you and any CSED Attorney nor will there ever be one. The CSED Attorney is limited, by law, to representing 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 CSED or its attorney(s), or if you want an attorney to represent your interests, you may hire a private attorney to represent you without closing your case with CSED.

II. CONFLICT OF INTEREST

The CSED Attorney only represents the interests of the State. There may be times when the State's interest or CSED's interests are different from your personal interests. The CSED Attorney is required by law to act in the best interests of the State, not in your best interests. For example, this may result in the State keeping payments from the non-custodial parent to repay an existing public assistance debt before paying your past due support. CSED will insist that all money in your case be processed through the CSED state Disbursement Unit in Santa Fe and be distributed according to State and Federal laws.

Your interests may conflict with the interests of another parent; your information will not be confidential from another parent. If the non-custodial parent of your child has more than one child support case, your case will not receive preferential treatment. The other custodial parent(s) and the CSED personnel working on their case(s) will have access to information you provided to CSED. A CSED Attorney may settle the State's interest in your case and the other support cases (if any) without your input or approval.

The amount of your support may be modified by the CSED based on State and Federal laws. At the request of either party, your support order may be reviewed by CSED personnel for modification. If the review shows that the amount of support should be changed, CSED may recommend that the order be modified. The support amount could be raised or lowered, based on the circumstances of both parents and the child(ren) at the time of the review. If CSED decides to take this matter to Court, a judge or hearing officer will make the final decision, based on New Mexico law. If you choose to receive services from CSED, your case will be subject to this review and modification process.

III. CONFIDENTIALITY

All information you provide to any CSED employee is not confidential and may be revealed to any other party. There is no Attorney-Client relationship between you and CSED employees (not even a CSED attorney working on your case). CSED owes you no special duty of confidentiality. Any information you provide to any CSED employee will be available to everyone employed by CSED, including the CSED personnel working on the other parent's case (if the other parent also receives CSED services) and CSED personnel 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 CSED 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, if you failed to report child support or other income to the Human Services Department; or revealing information necessary to collect support for another family, if you or your spouse become a non-custodial parent.

IV. LIMITATION OF CSED ACTION

By law, the role of CSED or its attorneys shall be limited solely to the issue of support. Neither CSED nor its attorney will provide services relating to other issues such as visitation, custody, property settlements, or other similar matters. If any issues other than support arise, you should contact a private attorney.

IMPORTANT

DO NOT SIGN BELOW UNLESS YOU UNDERSTAND AND AGREE TO ALL OF THE ABOVE. If you have any questions concerning the above, you should discuss them with an attorney before applying for support services from CSED.

I have read and understand the above terms of my relationship with the New Mexico CSED. I understand that I will not be represented personally by any CSED Attorney. I agree to the above terms.

Applicant Signature:	Date: <table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 25%;"></td><td style="width: 5%; text-align: center;">/</td><td style="width: 25%;"></td><td style="width: 5%; text-align: center;">/</td><td style="width: 25%;"></td><td style="width: 20%;"></td></tr></table>		/		/		
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FACT LETTER ON CHILD SUPPORT ENFORCEMENT

The Child Support Enforcement (CSE) Program is a Federal/State effort to find non-custodial parents, their employers and/or assets; establish paternity if necessary; and establish and enforce child support orders.

Continuing concern for the well-being of children who live with only one of their parents and a desire to reduce the costs to taxpayers of public assistance (TANF) program prompted Congress to strengthen child support laws. Major improvements to the Federal/State Child Support Enforcement Program required between 1989 and 1994 include:

- Immediate wage withholding for **all** orders in the State 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 in a particular case;
- Genetic testing must be provided in disputed paternity cases at the request of either party;
- States must notify both parties of their right to review CSE cases every three years.

The Family Support Act of 1988 requires child support payments to be withheld from an obligated parent's paycheck from the time child support is ordered regardless of whether payments are in arrears. Immediate wage withholding began on January 1, 1994, for child support orders that are established through an attorney or office outside of the CSE program.

The main beneficiaries of an effective child support enforcement program are, of course, children and custodial parents. 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 the correct amount. Arrearage - overdue child support - can be eliminated, and a stable pattern of payments 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 that child support payments have been made in full, on time, as ordered. 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, a parent must make bigger payments until the arrearage is eliminated. The delinquent parent can face court proceedings and can easily develop poor credit ratings. Wage withholding avoids missed payments.

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

Application. Attached is the necessary form for applying for child support enforcement and collection services. Please carefully read this explanation about our services and policies. If you wish to apply for our services, 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, CSED is charged with locating parents and alleged fathers who are not financially supporting their children. **All other services are dependent upon this one.** Generally, the primary source of locate information is the custodial parent who will be asked by CSED personnel to supply crucial data on the non-custodial parent that CSED will rely on: name, home and work addresses, and Social Security number - this last information forms the basis for automated location efforts.

Locate Only. Using information supplied by the applicant, CSED can check State and local resources to try and locate the non-custodial parent. The information provided by CSED is made available to the applicant with the understanding that all information obtained will be used solely for the establishment or enforcement of a support obligation.

Paternity Establishment. This step is necessary if paternity has not been previously determined. If the person you name as the father denies paternity, we can assist in proving paternity, usually through genetic testing of you, the child, and the alleged father. Once paternity is proven, a court order for child support can be obtained.

Establishment. The fair amount of child support that a parent should pay is decided by using 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. 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, and reports to consumer reporting agencies (credit bureaus).

Tax Intercept. CSED is able to intercept the tax refunds of delinquent payor(s). Your case must meet certain conditions for submittal to the Internal Revenue Service (IRS) or the New Mexico Taxation and Revenue (TRD). There is no guarantee monies will be collected on your behalf. If an offset is made on your behalf, the State has the authority to hold the refund up to six months before sending the collection to you. If you have received public assistance in the past, 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 parent may be referred to national credit rating agencies. CSED provides this service to custodial parents free of charge for all cases that meet the referral criteria. The purpose of the referral is to discourage the non-custodial parent from acquiring credit obligations that would interfere with the ability to make child support payments.

Interstate Cases. If the non-custodial parent lives in another state, our agency can act to transfer the case to the state and agency with the authority to take proper action.

Medical Support. The Child Support Enforcement Amendments of 1984 and Federal regulatory changes in 2008 require CSED to petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to a parent at a reasonable cost. If health care coverage is not available to a parent at a reasonable cost, CSED will petition for the inclusion of a cash medical support payment.

Modification and Review. All CSED cases with support orders may be reviewed for modification once every three years. If the review shows that application of the guidelines results in an obligation 20% more or less than the existing obligation, the court can modify the order without any further justification. CSED is required by law to share financial data with the non-custodial parent, even if the data indicates a downward adjustment would be appropriate.

Kidnapping and Child Custody Cases. CSED has an agreement with the Office of Child Support Enforcement (OCSE) to use the Federal Parent Locator Service (FPLS) to locate persons sought in connection with child custody and parental kidnapping cases. As a result of this agreement, an authorized person may request FPLS to locate persons sought in connection with child custody and parental kidnapping cases. Neither parents nor their private legal representative may apply directly to CSED 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 Parent Cooperation. CSED may terminate its services to you if you refuse to comply with CSED policies or procedures or if your actions are detrimental to the operation of the CSED program.

Direct Payments from the Non-Custodial Parent. Any and all support payments you receive directly from the non-custodial parent must be reported to CSED as a condition of your case remaining open.

Fees. CSED charges fees for locating the non-custodial parent, legally establishing paternity, 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 parents, you will be charged two fees. The CSED caseworker assigned to your case can explain the fee schedule to you.

Deduction for Fees. All fees, except for wage withholding only services, are deducted from payments we collect from the non-custodial parent. The amount we deduct from each payment may only go up to 10% of each payment. Once fees are paid, the entire support payment is forwarded to you.

Wage Withholding Only or Pass-Through Services. Individuals choosing not to apply for full CSED 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 parent once a year. This fee cannot be waived.

Overpayment. Occasionally, CSED makes payments to custodial parents in error. You are personally liable for the return of any amounts you received which were paid erroneously, including any amounts which must be returned due to the filing of an amended return by the non-custodial parent's current non-obligated spouse within six years following the end of the tax year.

Fraud. Any applicant who intentionally gives misleading or false statements to CSED in an attempt to wrongfully collect support may be refused CSED services and will be liable for prosecution.

Fee schedule on last page

NON-TANF RECIPIENT FEES

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