

**NEW MEXICO HEALTH CARE AUTHORITY
CHILD SUPPORT SERVICES DIVISION**

**REQUEST FOR
NON-IV-D INCOME WITHHOLDING PAYMENT PROCESSING**

The information necessary for the Child Support Services Division (CSSD) to process a Non-IV-D Income Withholding Payment Processing case must be provided by the requester on the attached CSSD 102 Request for Payment Processing (Non-IV-D) form. This service can be provided for income withholding payments only. If payments other than income withholding are received or income withholding payments cease to be sent to CSSD, the case will be closed.

Once this information is received by the CSSD office, the information will be entered into the CSSD's automated system, which will then issue a case identification number (Case ID) that is unique to the Non-Custodial Parent (NCP) and to the Custodial Party (CP). This Case ID number will be provided to each party. **The CSSD Case ID and the following address must be included in the legal document that directs the employer to withhold and remit the support payments from the Non-Custodial Parent's income. PAYMENTS MUST BE MADE PAYABLE AND MAILED TO:**

**STATE OF NEW MEXICO
CHILD SUPPORT STATE DISBURSEMENT UNIT
FOR CHILD SUPPORT SERVICES DIVISION CASE ID: _____
P. O. BOX 200796
Dallas, TX 75320-0796**

Along with the CSSD Form 102, the following documents must be provided to the local CSSD office (see return address, not the mailing address listed above) to ensure that payments are properly processed:

1. A court endorsed copy of the Notice to Withhold Income that includes the provision for the employer to withhold and remit the payments to the CSSD;
2. A court endorsed copy of the Court Order that includes the provision for the employer to withhold and remit the payments to the CSSD, the effective date for the support payment, the amount of the judgment for arrears, if any; and, the amount to be paid on the arrears judgment, if any; and
3. A copy of the Proof of Service indicating that the employer has been served with the Notice to Withhold Income pursuant to NMSA 1978, 40-4A-5(B).

The CSSD cannot accept and process payments without the CSSD Form 102 and all supporting documentation. If the Notice to Withhold Income and/or the support order do not contain language similar to that above, one or both of these documents may need to be amended by the Court. CSSD takes no responsibility for drafting, filing, or modifying any legal paperwork or notifying the employer of the NCP's obligation to pay support. The parties are solely responsible for any legal documentation required to initiate, modify, or terminate the obligation to withhold income and to calculate any remaining amounts owed. CSSD will only provide an accounting of payments made through CSSD.

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**REQUEST FOR NON-IV-D
PAYMENT PROCESSING**

1. PERSON RECEIVING SUPPORT (Obligee)

Person Requesting Services is the Obligee: Yes No

Recipient Name:	Date of Birth:	Social Security Number:	Home Telephone:
Home Address:	City / State / Zip:	Place of Employment:	Work Telephone:
Bank Name:	Branch Address:	Account Number:	

2. PERSON PAYING SUPPORT (Obligor)

Name:	Date of Birth:	Social Security Number:	Home Telephone:
Home Address:	City:	State:	ZIP:

3. DEPENDENT CHILD(REN)

Name(s):	Married at time of birth?	Social Security Number:	Birth Date:

If married, what is the date of the marriage _____ Divorced Yes No Date: _____

Was income withholding ordered by the Court No Yes If yes, complete section 4.

4. INCOME WITHHOLDING INFORMATION

Employer Name:	Employer's Address:	City:
State:	ZIP:	Employer phone Number:

5. Are you currently being represented by an Attorney? Yes No

If so, Attorney's name is: _____ Address: _____

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6. PLEASE READ THE FOLLOWING INFORMATION AND SIGN:

- a) I understand that I am not applying for full Child Support Services, but am requesting that my court ordered support payments paid via income withholding be processed through the CSSD.
- b) I understand that I must give, in writing or by Web access if available, any change of employer to whom the Notice to Withhold Income is served; this notice should include a copy of the new Notice to Withhold Income that includes the name, address and phone number of the new employer and a copy of the Proof of Service. (CSSD will not forward a Notice to Withhold Income to a new employer. This is the responsibility of the person receiving child support or the attorney.)
- c) I understand that CSSD is not responsible for initiating, modifying, or terminating the income withholding for the support payments owed to me or by me. If CSSD closes this case, the parties are solely responsible for terminating the income withholding through CSSD. I further understand that CSSD is not responsible for maintaining a balance or producing an audit of what is owed to me or by me for this case. CSSD will only provide a record of payments made through CSSD upon the written request of a court or party.
- d) I understand that I must provide any change of my address or phone number, to ensure correct processing and delivery of support payments.
- e) I understand that any attorney fees or other types of payments must be sent directly to me or my attorney; all payments received by CSSD from the employer will be treated as support payments.
- f) I understand that I may apply for full Child Support Services at any time by completing and signing an Application for Full Service (CSSD Form 538). Any change from payment processing services only to full CSSD services will require a full services application and will occur at month end.
- g) Payments made through CSSD for payment processing services must be by income withholding only. Any payments that are not made by income withholding or if income withholding ceases to be paid, I understand that CSSD will close my case. I may keep my case open by applying for full CSSD services.
- h) I understand that the Custodial Party (obligee) must receive support payments through Electronic Funds Transfer (EFT) via direct deposit to my bank account or the New Mexico Pre-Paid Debit Card. All payments will be processed and disbursed in accordance with federal and state law to the obligee.

NOTE: By requesting payment processing services, all payments will be disbursed in accordance with federal and state law to the obligee through EFT via direct deposit or the New Mexico Pre-Paid Debit Card.

Signature

Date

New Mexico Health Care Authority/Child Support Services Division

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 orders. The New Mexico **Child Support Services Division (CSSD)** provides an array of services. Neither CSSD nor its attorneys represent individual parties in a case. CSSD attorneys represent CSSD’s interests, and NO ATTORNEY-CLIENT RELATIONSHIP, express or implied, exists between the attorney and any other party.

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 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 (3) 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.

Studies have 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. In addition, a delinquency could result in administrative enforcement actions. Wage withholding avoids missed payments.

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 in its entirety, 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 may to locate parents who have outstanding child support orders. **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, such as: name, date of birth, home and work addresses, and Social Security number. This information forms the basis for automated locate efforts available to CSSD.

Paternity Establishment. This step is necessary if parentage has not been determined. Genetic testing is available upon request and under certain circumstances. 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 and schedule. 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 payor(s), which includes the spouse's portion of the refund. If your case meets certain conditions, it may be submitted to the Internal Revenue Service (IRS) or the New Mexico Taxation and Revenue Department (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. Collections are applied in accordance to the New Mexico Administrative Code (NMAC) Fees, Payments and Distributions Part 8.50.125.11 and 8.50.125.12.

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.

Intergovernmental 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 support order. Medical support includes any one of the following: private health insurance, health care coverage (health, dental, or vision) provided by a public entity (Medicaid), coverage through the Indian Health Services (IHS), the Defense Enrollment Eligibility Reporting Services (DEERS), cash medical support, or a percentage split of uncovered medical expenses for the minor child(ren). If medical support is ordered, either party may be required to provide health care coverage such as insurance through an employer or health care coverage provided by a public entity (Medicaid).

Modification and Review. All CSSD cases with child support orders should be reviewed for modification at least once every three (3) 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. If custody of the child(ren) changes at any time, a modification may be requested.

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.

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

Wage Withholding Only or Payment Processing Services (non-IV-D). Individuals choosing to apply for payment processing services only will not be charged an annual processing fee.

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

Recoupments/Overpayments. Occasionally, CSSD makes payments to custodial parties in error. The custodial party is personally liable for paying back any amounts received which were paid erroneously. When this occurs, CSSD will automatically retain a portion of the outgoing collection(s) until the amount owed is paid in full. This is referred to as a recoupment. CSSD will recoup from the custodial party's outgoing collection(s) as follows:

Reason	Amount
Insufficient funds (NSF)	No more than 100% of any future payment to the custodial party
Amended tax return of the non-custodial party or reversal of part or all of the intercepted tax refund	No more than 25% of any future payment to the custodial party
Any other overpayment reason	No more than 25% of any future payment to the custodial party