

**NEW MEXICO HUMAN SERVICES DEPARTMENT  
CHILD SUPPORT ENFORCEMENT DIVISION**

**NON-IVD INCOME WITHHOLDING PAYMENT PROCESSING**

The information necessary for the Child Support Enforcement Division to process a Non-IVD Income Withholding case must be supplied by the applicant on the attached CSED 102 application for Non-IVD services.

Once this information is received by this office the information will be entered into the Child Support Enforcement Division's computer system, which will then issue a case identification number (id) that is unique to the Non-Custodial Parent and to the Custodial Parent. This ID number will be provided to your office. **The Child Support Enforcement Division Case Id and the following address must be included in the legal document which directs the employer to withhold and remit the child support payments from the Obligor's income. PAYMENTS MUST BE MADE PAYABLE AND MAILED TO:**

**CHILD SUPPORT ENFORCEMENT DIVISION  
ACCOUNTING SECTION  
FOR CHILD SUPPORT ENFORCEMENT DIVISION CASE ID: \_\_\_\_\_  
P. O. BOX 25109  
ALBUQUERQUE, NEW MEXICO 87125**

This information must be included or the Child Support Enforcement Division cannot accept and process these payments. If the information is not included, you will be asked to amend the legal document to include this information.

After the Child Support Enforcement Division Case ID has been provided to your office and the legal document with the Notice to Withhold Income has been entered by the Court, the following documents must be provided to this office (see return address) in order to ensure that the payments are properly processed:

1. A copy of the Notice to Withhold Income or the Court Order which includes the provision for the employer to withhold and remit the payments to Child Support Enforcement Division and the effective date for the payment; any monthly obligated amount to be paid on a child support judgment as well as the total amount of judgment due.
2. A copy of a current delinquency calculation verified by the Obligee; and
3. A copy of the Certificate of Service indicates that the employer has been served with the necessary document(s) to commence withholding.

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**APPLICATION FOR NON-IVD  
PAYMENT PROCESSING**

**1. PERSON RECEIVING CHILD SUPPORT**

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 CHILD SUPPORT**

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

**3. Dependent Children**

Name(s):	Married at time of birth?	Social Security Number:	Birth 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, the name is: \_\_\_\_\_ Address: \_\_\_\_\_**

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**6. PLEASE READ THE FOLLOWING INFORMATION AND SIGN:**

- a) I understand that I am not applying for Child Support Enforcement Services, but am only providing information to facilitate the processing of my Court ordered child support through Child Support Enforcement Division.
- b) I understand that I must give, in writing (notarized) or Web access if available, any change of employer to whom the Notice to Withhold is served; this notice should include a copy of the new Notice to Withhold as well as the name, address and phone number of the new employer.
- c) I understand that I must give, in writing (notarized) or Web access if available, any change of my address or phone number, to ensure correct processing and delivery of child support payments.
- d) I understand that any attorney fees **must** be sent directly to my attorney; any payments received by CSED from the employer will be treated as child support payments.
- e) I understand that I will be charged a processing fee of \$25.00 per year, and that this fee will be retained by the Child Support Enforcement Division from support collected.
- f) I understand that I may apply for Child Support Enforcement Services at any time by completing and signing CSED Form 538. If I choose to apply for Child Support Enforcement Services I will not be charged the \$25.00 annual processing fee.

**NOTE: By applying for Child Support Enforcement Services your payments will be disbursed within 24 hours of processing.**

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**Signature**

**Date**

## Child Support Enforcement Division

### 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 former spouse, 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, 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 Payment processing (also known as Wage Withholding Only or Pass-Through) services. If you wish to apply for full services, fill out the application 538, front and back, as completely as possible, including the Statement of Understanding and Notice of Non-Representation. Please review the section on this FACT SHEET that explains the only services available for Wage Withholding Only cases. (If you have been on public assistance and wish to continue receiving child support services, you are not required to fill out the 538 application.)

**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 the CSED personnel to supply crucial data on the non-custodial parent which CSED will rely on: name, home and work addresses, and Social Security number--this last information forms the basis for automated location efforts.

**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 requires CSED to petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the non-custodial parent at a reasonable cost.

**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.

**NON-TANF 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)		