

ALBUQUERQUE DIVORCE LAWYER BLOG

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New Mexico Legislative Proposals on Child Support for College?

The current New Mexico law governing child support as set forth in the New Mexico Child Support Guidelines provides that child support terminates once a child turns eighteen (18) or once the child is nineteen (19) if the child is still in high school. However, given the increasing importance of higher education in this country, many researchers across the country believe that parents should be ordered to pay child support for their children while they are in college.

The 2011 New Mexico legislature listened to those opinions and passed House Memorial 71, sponsored by Speaker Ben Lujan, which requires the New Mexico State Bar to form a task force to investigate how consideration and planning for children's post-secondary education should be incorporated into the existing law regarding child support.

The task force will be chaired by a family court judge and will consist of lawyers that practice in the area of divorce and family law as well as other professionals that work in related fields. The task force is required to report back to the legislature with an interim report by November, 2011, and a final report by November, 2012.

Any law changing the child support guidelines to require parents to pay for their children's post-secondary educations will have a major, long-term effect on divorce and paternity actions across this State. How any such an obligation would be implemented leads to a variety of questions.

For instance, will the support continue no matter where the child goes to school? Do parents have to agree on where the child goes to school? Will parents have to pay the entire cost of tuition, etc.? How will child support be calculated? Will children be required to work while in college? What is the obligation of the child to attend class and maintain performance? What grounds might there be for terminating college support?

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Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958

<http://www.albuquerquedivorcelawyerblog.com/>

There are certainly many other questions that will come up depending on the law's language and the circumstances of a particular case. While this discussion is clearly in the earliest stages, it is important for both lawyers and parents to pay attention to any reports issued by the task force. Any law that places further obligations on parents and families such as this should be viewed with great scrutiny. Parents and voters would do well to voice their opinions on this issue with their respective legislators.

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