

May 18, 2010

Modification of Child Support in New Mexico

Often in a divorce or parentage cases, parents split up when a child is very young. In New Mexico, the courts keep jurisdiction over child support until a child reaches the age of 18, or past the age of 18 if the child is still in high school. However, New Mexico lawmakers understood that the circumstances on which an initial child support award is based can change substantially between the time child support is first calculated and the date the child turns 18.

In order to ensure that child support awards are fair and in keeping with the child support guidelines, the child support statute allows either parent to motion the court to modify child support. In order to ask for such a change, the parent seeking a change must file a motion informing that court that there has been a substantial change in circumstances that will cause child support to increase or decrease by at least 20%. A substantial change in circumstances can include things like one parent losing their job or getting a new job that pays more. A motion to modify child support can also be based on changes to the parents' time-sharing and visitation schedule that result in the child spending an increased amount of time with a particular parent or, in the case of child support awards for multiple children, one child turning 18 or graduating from high school.

If a parent believes that a change in child support is warranted, then it is very important to file the motion to modify as soon as possible because the court will only retroactively award support back to the date of the motion to modify. Unless jurisdiction has been changed, the motion to modify should be filed with the district court that issued the original child support award. If the parties cannot agree to a modification, the court will hold a hearing on the issue and will most likely order the parties to exchange updated income information. In some counties, including Bernalillo, Sandoval and Valencia, the court may refer child support modifications to a hearing officer who will have the same power as a judge to enforce a new child support award. No matter where you are, any parent thinking about filing a motion to modify child support should speak to a [New Mexico divorce and family law attorney](#) to make sure that they are in compliance with the child support statute.

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