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Several Ways New Mexico Child Support Enforcement Division Enlisted in a Case

Every New Mexico divorce or family law case involving children should at some point include an award of child support. The Child Support Enforcement Division (known as CSED for short) is part of the New Mexico Human Services Department. As the name implies, CSED is charged with enforcing child support obligations and collecting child support payments.

However, CSED does not get involved in every child support case. Many parents will pay their child support directly to the custodial parent and never have to deal with CSED. In order to get CSED involved, one of the parents must request their assistance. Typically, but surprisingly not always, the request would come from the custodial parent who is not receiving child support as ordered by the court.

The typical way that CSED gets involved and intervenes in a case is when the custodial parent (the parent who should be receiving child support) is receiving public assistance like TANF or Medicaid. CSED is charged with and very aggressive at going after non-paying parents when the children are on public assistance. Clearly, the State has an interest in ensuring that parents, not taxpayers, are paying for their children.

In these public assistance cases, if no child support has ever been established, CSED may file a parentage case in order to establish paternity and support. If support has already been established but is not being paid, CSED may just get involved (intervene) to collect the support payments from the non-paying parent.

CSED may also intervene in a child support case upon the request of either parent. Again, this would typically be the custodial parent. A parent who is not receiving public assistance may still request the assistance of CSED for the collection of court ordered child support. CSED may charge a nominal fee for enforcing support in these type of cases.

Finally, the Court or judge may order that CSED intervene. The Court often will do this upon the request of one of the parties in particularly contention child support cases. There are even occasions where a CSED case is opened upon the request of the non-custodial parent in order to document child support payments. This would occur where the

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custodial parent is receiving child support as ordered, but denying receipt of the payments. This happens much more often than one would think.

Whatever the reason for CSED's involvement, once CSED becomes involved in a case, things can progress quickly and parents need to be prepared to respond appropriately. It is generally advisable to seek legal assistance if at all possible. Otherwise, the CSED experience can be confusing and frustrating.

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