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SENATE BILL 800

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO DOMESTIC AFFAIRS; AMENDING A CERTAIN SECTION OF
THE UNIFORM PARENTAGE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-11-15 NMSA 1978 (being Laws 1986,
Chapter 47, Section 15, as amended) is amended to read:

"40-11-15. JUDGMENT OR ORDER. --

A. The judgment or order of the court determining
the existence or nonexistence of the parent and child
relationship is determinative for all purposes.

B. If the judgment or order of the court is at
variance with the child's birth certificate, the court shall
order that a new birth certificate be issued.

C. The judgment or order may contain any other
provision directed against or on behalf of the appropriate

underscored material = new
[bracketed material] = delete

1 party to the proceeding concerning the duty of past and future
2 support, the custody and guardianship of the child, visitation
3 with the child, the furnishing of bond or other security for
4 the payment of the judgment or any other matter within the
5 jurisdiction of the court. The judgment or order may direct
6 the father to pay the reasonable expenses of the mother's
7 pregnancy, birth and confinement. The court [~~shall~~] may order
8 child support retroactive to the date of the child's birth
9 pursuant to the provisions of Sections 40-4-11 through
10 40-4-11.3 NMSA 1978; provided that, in deciding whether or how
11 long to order retroactive support, the court shall consider:

12 (1) whether the action could have been
13 brought at an earlier time;

14 (2) whether the alleged or presumed father
15 has absconded or could not be located; and

16 (3) whether other equitable defenses are
17 applicable.

18 D. A determination of parentage and adjudication
19 of support is binding on:

20 (1) a signatory on an acknowledgment of
21 paternity;

22 (2) a nonresident party subject to the
23 court's jurisdiction pursuant to Section 40-6A-201 NMSA 1978;
24 and

25 (3) the child, if:

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[bracketed material] = delete

1 (a) the determination was based on an
2 acknowledgment of paternity and the acknowledgment is
3 consistent with the results of genetic testing;

4 (b) the child was a party or was
5 represented in the proceeding by a guardian ad litem;

6 (c) there is a stipulation or admission
7 in the final order that the parties are the parents of the
8 child; or

9 (d) in a proceeding to dissolve a
10 marriage or establish support, a final order expressly
11 identified the child as a "child of the marriage", "issue of
12 the marriage", "child of the parties" or similar words that
13 indicate the parties are the parents of the child and, if
14 applicable, the court had personal jurisdiction over any
15 nonresident party pursuant to Section 40-6A-201 NMSA 1978.

16 ~~[D.]~~ E. Support judgments or orders ordinarily
17 shall be for periodic payments which may vary in amount. In
18 the best interest of the child, a lump-sum payment or the
19 purchase of an annuity may be ordered in lieu of periodic
20 payments of support; provided, however, a lump-sum payment
21 shall not thereafter deprive a state agency of its right to
22 reimbursement from an appropriate party should the child
23 become a recipient of public assistance.

24 ~~[E.]~~ F. In determining the amount to be paid by a
25 parent for support of the child, a court, child support

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1 hearing officer or master shall make such determination in
2 accordance with the provisions of the child support guidelines
3 of Section 40-4-11.1 NMSA 1978.

4 [F-] G. Bills for pregnancy, childbirth and
5 genetic testing are admissible as evidence without requiring
6 third-party foundation testimony and constitute prima facie
7 evidence of amounts incurred. "