

This is an amendment to 8.50.114 NMAC, Sections 9 and 10, effective 01/27/2026.

8.50.114.9 FREEZE ORDER:

A. An obligor who has been on wage withholding for at least six months or who has made all payments (voluntary) for the last 12 months is exempt from this process.

B. Issuance and effect: ~~[When a match occurs showing the existence of an obligor's assets in an amount of more than \$2,000, the]~~ The Title IV-D agency may issue an administrative freeze order to the financial institution when a match occurs showing the existence of an obligor's assets in one or more accounts with a combined total in an amount of more than \$2,000, excluding federal thrift savings plan accounts, or when a match occurs showing the existence of an obligor's assets in a federal thrift savings plan account in an amount of more than \$5,000. Account funds shall not be released by the financial institution during the pendency of proceedings involving a freeze order. The financial institution shall send a copy of the notice of lien to the obligor and to all persons listed on the account by certified mail within three business days after the notice of lien is received by the financial institution. The institution shall reply within 10 days on the form provided by the Title IV-D agency.

C. Right to ~~[appeal]~~ an administrative hearing: The notice of lien shall notify the obligor that the obligor has 15 days from the date of the notice to ~~[contest or appeal the freeze]~~ request an administrative hearing.
[8.50.114.9 NMAC - Rp, 8.50.114.9 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]

8.50.114.10 SEIZE ORDER:

A. Seizure: If no ~~[written appeal]~~ request for administrative hearing is received, ~~[within the time frame for appeal,]~~ a final decision is found in favor of the Title IV-D agency or if ~~[an]~~ a judicial appeal is not upheld, a seize order will be issued by the Title IV-D agency. The financial institution must transfer the assets to the Title IV-D agency within three working days of the receipt of the seize order.

B. ~~[Appeals]~~ Requests for administrative hearings and judicial appeals: If ~~[an]~~ a request for administrative hearing or judicial appeal is received, it will be processed in accordance with the ~~[appeals]~~ process set forth in 8.50.130 NMAC.

[8.50.114.10 NMAC - Rp, 8.50.114.10 NMAC, 12/30/2010; A, 1/1/2022; A, 01/27/2026]