

HINZO V. HINZO

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**LORRIE M. HINZO,
Petitioner-Appellee,
v.
JASON P. HINZO,
Respondent-Appellant,
STATE OF NEW MEXICO ex. rel
HUMAN SERVICES DEPARTMENT,
Intervenor.**

No. 34,352

COURT OF APPEALS OF NEW MEXICO

August 25, 2016

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Mary W. Rosner,
District Judge

COUNSEL

Advanced Legal Resolutions, LLC, Sarah Van Cott, Las Cruces, NM, for Appellee

Jason P. Hinzo, Sioux Fall, SD, Pro Se Hector B. Balderas, Attorney General, Lila Bird,
Special Assistan Attorney General, Santa Fe, NM, for Intervenor

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: LINDA M. VANZI, Judge, STEPHEN
G. FRENCH, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Chief Judge.

{1} Respondent appeals the district court's denial of his motion to modify child support. This Court's second notice of proposed summary disposition proposed to affirm various findings of the district court, but to reverse the judgment below because it awarded support for periods during which Respondent could not be characterized as a noncustodial parent for purposes of NMSA 1978, Section 27-2-28(A) (2009). [2CN 4] That notice proposed to remand this case to the district court for entry of a support order that is consistent with the requirements of Section 27-2-28. [Id.] The State has filed no response. Respondent, however, has filed a document in which he does not oppose the proposed summary disposition. We, therefore, reverse the judgment entered below and remand to the district court for the entry of an appropriate order of support.

{2} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

LINDA M. VANZI, Judge

STEPHEN G. FRENCH, Judge