

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RICHARD L. WHITE,

Petitioner,

vs.

TERRI WHITE,

Respondent/Movant,

Federal Ct No. CIV 08-00381
District Court Numbers
DM 2001-2753, Related to
DV 01-907 and DV 02-074

08 MAY -2 AM 11:46
CLERK ALBUQUERQUE

RESPONSE TO LETTER DATED APRIL 21, 2008
FROM ATTORNEY GENERAL

On Friday, April 18, 2008, Mr. Tourek advised this Respondent/Movant that the state would enter the case and file a Motion to Dismiss. The Attorney General engages in a deceptive practice all too familiar to the families mired in courts throughout New Mexico. The state has allowed courts to engage in practices, which throw out rules of evidence, and procedure that should be part of the judicial process.

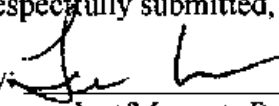
The State of New Mexico has been out of compliance with the mandated requirements of child support enforcement since 1996, when comprehensive amendments changed the Aid to Families with Dependent Children (AFDC) program to the Temporary Assistance to Needy Families (TANF) program. While AFDC did not require states give express due process in child support enforcement proceedings, TANF does so expressly. The state wants this Court to continue to ignore that it has never revised its draconian laws passed in 1994 for child support enforcement that place child support enforcement ahead of the best interests of children and families.

By choosing to send a letter requesting dismissal illustrates more a desire to avoid the rules of this Court and constitutional law that protect the interests of the citizens of the United States residing in New Mexico. The state should be required to act properly and file a Motion to Dismiss that Respondent/Movant may respond to instead of trying to engage this court in approving New Mexico's disregard for the fundamental rights of parents and their children. This Respondent/Movant has at least tried to follow the rules of this court. The state's position is that only federal taxation laws should be enforced. New Mexico has chosen and continues to treat child support as a form of taxation, placing its right to collect this revenue above all other considerations.

Respondent/Movant requests this Court require New Mexico to comply with Federal Rule of Procedure 12 and properly file their Motion to Dismiss.

Dated: May 2, 2008

Respectfully submitted,

By: 
Respondent/Movant, *Pro se*

