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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **LORRIE M. HINZO,**

3 Petitioner-Appellee,

4 v.

No. 34,352

5 **JASON P. HINZO,**

6 Respondent-Appellant,

7 **STATE OF NEW MEXICO ex. rel**

8 **HUMAN SERVICES DEPARTMENT,**

9 Intervenor.

10 **APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY**

11 **Mary W. Rosner, District Judge**

12 Advanced Legal Resolutions, LLC

13 Sarah Van Cott

14 Las Cruces, NM

15 for Appellee

16 Jason P. Hinzo

17 Sioux Fall, SD

18 Pro Se

19 Hector B. Balderas, Attorney General

20 Lila Bird, Special Assistan Attorney General

1 Santa Fe, NM

2 for Intervenor

3 **MEMORANDUM OPINION**

4 **VIGIL, Chief Judge.**

5 {1} Respondent appeals the district court's denial of his motion to modify child
6 support. This Court's second notice of proposed summary disposition proposed to
7 affirm various findings of the district court, but to reverse the judgment below because
8 it awarded support for periods during which Respondent could not be characterized
9 as a noncustodial parent for purposes of NMSA 1978, Section 27-2-28(A) (2009).
10 [2CN 4] That notice proposed to remand this case to the district court for entry of a
11 support order that is consistent with the requirements of Section 27-2-28. [Id.] The
12 State has filed no response. Respondent, however, has filed a document in which he
13 does not oppose the proposed summary disposition. We, therefore, reverse the
14 judgment entered below and remand to the district court for the entry of an appropriate
15 order of support.

16 {2} **IT IS SO ORDERED.**

17
18

MICHAEL E. VIGIL, Chief Judge

1 **WE CONCUR:**

2

3 **LINDA M. VANZI, Judge**

4

5 **STEPHEN G. FRENCH, Judge**