

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0288.01 Brita Darling x2241

HOUSE BILL 21-1220

HOUSE SPONSORSHIP

Froelich,

SENATE SPONSORSHIP

Fields,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTING RECOMMENDATIONS OF THE COLORADO**
102 **CHILD SUPPORT COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts recommendations of the Colorado child support commission concerning the establishment, calculation, and enforcement of child support, including:

- Technical amendments to clarify changes made to the child support guidelines pursuant to House Bill 19-1215 relating to a missing component of the schedule of basic child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- support obligations and clarifications relating to calculation of support;
- Defines the terms "child" and "parent" for purposes of commencing actions concerning the allocation of parental responsibilities and clarifies that the court shall determine legal parentage and join all necessary parties to the action;
 - Reduces the interest rate on unpaid child support;
 - Eliminates outdated provisions of the income assignment statute and brings the statute in compliance with federal law;
 - Clarifies notice requirements for income assignments and requires an employer to report and withhold from lump sum payments;
 - Clarifies that both the dependency and neglect court and the paternity and child support court have concurrent jurisdiction to address issues of parentage;
 - Removes a limitation on the amount of the increase for orders increasing support filed by the child support enforcement agency against an obligor for whom income information is not available;
 - Requires life insurance settlements to be reported to the child support enforcement agency commencing January 1, 2022; and
 - Adds contract employee to the state directory of new hires for child support enforcement purposes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 14-10-115, **amend**
3 (6)(b), (7)(a)(II)(C), and (7)(a)(II)(D); and **add** a \$1500 line to the
4 beginning of the combined adjusted gross income of (7)(b) as follows:

5 **14-10-115. Child support guidelines - purpose - determination**
6 **of income - schedule of basic child support obligations - adjustments**
7 **to basic child support - additional guidelines - child support**
8 **commission - definitions. (6) Adjustments to gross income. (b)** The
9 amount of the adjustment must not exceed the schedule of basic support
10 obligations listed in this section. FOR A PARENT WITH GROSS INCOME OF
11 LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS, THE ADJUSTMENT IS

1 SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF
2 BASIC CHILD SUPPORT OBLIGATIONS IN SUBSECTION (7)(b) OF THIS SECTION
3 THAT WOULD REPRESENT A CHILD SUPPORT OBLIGATION BASED ONLY UPON
4 THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS
5 FOR THE NUMBER OF CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE.
6 For a parent with gross income of ~~more than~~ one thousand five hundred
7 dollars OR MORE per month, the adjustment is seventy-five percent of the
8 amount listed under the schedule of basic CHILD support obligations in
9 subsection (7)(b) of this section that would represent a CHILD support
10 obligation based only upon the responsible parent's income, without any
11 other adjustments for the number of other children for whom the parent
12 is responsible. The amount calculated as set forth in this subsection (6)(b)
13 must be subtracted from the amount of the parent's gross income prior to
14 calculating the basic CHILD support obligation based upon both parents'
15 gross income, as provided in subsection (7) of this section.

16 (7) **Schedule of basic child support obligations.** (a) (II) (C) For
17 an obligor with an adjusted gross income that is less than OR EQUAL TO
18 one thousand five hundred dollars but more than six hundred fifty dollars,
19 the obligor's child support amount, as determined pursuant to subsection
20 (7)(a)(II)(B) of this section, MUST BE ADJUSTED PURSUANT TO
21 SUBSECTION (11)(c)(III) OF THIS SECTION. THE OBLIGOR'S CHILD SUPPORT
22 AMOUNT may be FURTHER adjusted to include a share of the work-related
23 and education-related child care costs, health insurance, extraordinary
24 medical expenses, and other extraordinary adjustments as described in
25 ~~subsections (9) to (11)~~ SUBSECTIONS (9), (10), (11)(a), AND (11)(b) of this
26 section. ~~if, after these adjustments are made, the obligor's child support~~
27 ~~amount does not exceed twenty percent of the obligor's adjusted gross~~

1 ~~income. Adjustments must not be made to the obligor's child support~~
2 ~~amount pursuant to this subsection (7)(a)(II)(C) if, within the same child~~
3 ~~support order, the number of children for whom a duty of support is owed~~
4 ~~results in a child support obligation that exceeds twenty percent of the~~
5 ~~obligor's adjusted gross income. HOWEVER, IF AT THE TIME THE CHILD~~
6 ~~SUPPORT OBLIGATION IS CALCULATED, ADJUSTMENTS MADE PURSUANT TO~~
7 ~~SUBSECTIONS (9), (10), (11)(a), AND (11)(b) OF THIS SECTION, TOGETHER~~
8 ~~WITH THE LOW-INCOME ADJUSTMENT AMOUNT, EXCEED TWENTY PERCENT~~
9 ~~OF THE OBLIGOR'S ADJUSTED GROSS INCOME, THE CHILD SUPPORT~~
10 ~~OBLIGATION MUST BE CAPPED AT TWENTY PERCENT OF THE OBLIGOR'S~~
11 ~~ADJUSTED GROSS INCOME. The low-income adjustment shall DOES not~~
12 ~~apply when each parent keeps the children more than ninety-two~~
13 ~~overnights each year as defined in subsection (8) of this section. In no~~
14 ~~case, however, shall the amount of child support ordered to be paid~~
15 ~~exceed the amount of child support that would otherwise be ordered to be~~
16 ~~paid if the parents did not share physical custody.~~

17 (D) In any circumstance in which the obligor's monthly adjusted
18 gross income is less than OR EQUAL TO six hundred fifty dollars,
19 regardless of the monthly adjusted gross income of the obligee, the
20 obligor must be ordered to pay the minimum monthly order amount in
21 child support. The minimum order amount is ten dollars per month,
22 regardless of the number of children between these parties. The ten-dollar
23 minimum monthly order amount is not adjusted by the number of the
24 obligor's overnights with children.

25 (b) Schedule of basic child support obligations:

	Combined	One	Two	Three	Four	Five	Six
1							
2	Adjusted	Child	Children	Children	Children	Children	Children
3	Gross						
4	Income						
5	<i>1500</i>	<i>50</i>	<i>70</i>	<i>90</i>	<i>110</i>	<i>130</i>	<i>150</i>

6 **SECTION 2.** In Colorado Revised Statutes, 14-10-123, **add** (1.3)
7 and (1.8) as follows:

8 **14-10-123. Commencement of proceedings concerning**
9 **allocation of parental responsibilities - jurisdiction - automatic**
10 **temporary injunction - enforcement - definitions.** (1.3) AS USED IN
11 THIS SECTION, EXCLUDING SUBSECTION (1.5) OF THIS SECTION:

12 (a) "CHILD" HAS THE SAME MEANING AS SET FORTH IN SECTION
13 19-1-103 (18).

14 (b) "PARENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
15 19-1-103 (82)(a).

16 (1.8) THE COURT SHALL MAKE ALL NECESSARY PERSONS PARTIES
17 TO THE PROCEEDING PURSUANT TO THE REQUIREMENTS OF SECTION
18 19-4-110 AND SHALL MAKE A DETERMINATION PURSUANT TO SECTION
19 19-4-105 AS TO LEGAL PARENTAGE.

20 **SECTION 3.** In Colorado Revised Statutes, **amend** 14-14-106 as
21 follows:

22 **14-14-106. Interest.** (1) (a) Interest per annum at four percent
23 greater than the statutory rate set forth in section 5-12-101 ~~C.R.S.~~, on any
24 arrearages and child support debt due and owing BEFORE JULY 1, 2021,
25 may be compounded monthly and may be collected by the judgment
26 creditor; however, such interest may be waived by the judgment creditor
27 and such creditor ~~shall~~ IS not ~~be~~ required to maintain interest balance due

1 accounts. AFTER JULY 1, 2021, INTEREST ON CHILD SUPPORT ARREARAGES
2 AND CHILD SUPPORT DEBT ACCRUES AT THE INTEREST RATE SPECIFIED IN
3 SUBSECTION (1)(b) OF THIS SECTION.

4 (b) INTEREST PER ANNUM AT TWO PERCENT GREATER THAN THE
5 STATUTORY RATE SET FORTH IN SECTION 5-12-101 ON ANY ARREARAGES
6 AND CHILD SUPPORT DEBT DUE AND OWING ON AND AFTER JULY 1, 2021,
7 MAY BE COMPOUNDED ANNUALLY AND MAY BE COLLECTED BY THE
8 JUDGMENT CREDITOR; EXCEPT THAT SUCH INTEREST MAY BE WAIVED BY
9 THE JUDGMENT CREDITOR AND SUCH CREDITOR IS NOT REQUIRED TO
10 MAINTAIN INTEREST BALANCE DUE ACCOUNTS.

11 (2) IF THE JUDGMENT CREDITOR SEEKS INTEREST ON CHILD
12 SUPPORT ARREARAGES AS SET FORTH IN SUBSECTION (1) OF THIS SECTION,
13 THE DEBTOR OBLIGOR MAY APPLY TO THE COURT TO REQUEST THAT THE
14 COURT FIND GOOD CAUSE TO USE DISCRETION IN DISALLOWING THE
15 CALCULATED INTEREST, OR A PORTION THEREOF, ON CHILD SUPPORT
16 ARREARAGES. IN SO DOING, THE COURT SHALL CONSIDER BUT IS NOT
17 LIMITED TO THE FOLLOWING:

18 (a) WHETHER GOOD CAUSE EXISTED FOR THE NONPAYMENT OF THE
19 CHILD SUPPORT;

20 (b) WHETHER PAYMENT OF THE INTEREST WOULD RESULT IN
21 SUBSTANTIAL AND UNREASONABLE HARDSHIP FOR THE OBLIGOR OWING
22 THE INTEREST; AND

23 (c) WHETHER THE DISALLOWANCE OR REDUCTION OF INTEREST
24 WOULD RESULT IN SUBSTANTIAL AND UNREASONABLE HARDSHIP TO THE
25 PERSON TO WHOM THE INTEREST IS OWED.

26 (3) THE COURT MAY DETERMINE AN EQUITABLE PERIOD OF
27 REPAYMENT OF ANY INTEREST AND ARREARS OWED, IF APPLICABLE, AS SET

1 FORTH IN THIS SECTION.

2 **SECTION 4.** In Colorado Revised Statutes, 14-14-111.5, **amend**
3 (2), (3) introductory portion, (3)(a)(I), (3)(a)(II) introductory portion,
4 (3)(a)(II)(B), (3)(b)(IV), (3)(b)(VII)(A), (3)(b)(VII)(C), (4), and (10)(b);
5 **repeal** (3)(b)(I), (3)(b)(II), (3)(b)(III), and (3)(b)(V); and **add** (4.7) as
6 follows:

7 **14-14-111.5. Income assignments for child support or**
8 **maintenance.** (2) ~~Notice requirements for income assignments.~~ Notice
9 of income assignments shall be given in accordance with the following
10 provisions based upon the date on which the order sought to be enforced
11 was entered:

12 (a) ~~Orders entered before July 10, 1987.~~ (I) For orders entered
13 before July 10, 1987, that do not include an order for income assignment
14 as described in paragraph (a) of subsection (3) of this section or an order
15 for immediate deductions for family support obligations as described in
16 former section 14-14-111, as it existed prior to July 1, 1996, a notice of
17 pending income assignment shall be sent by certified mail to the
18 last-known address of the obligor, or such notice shall be personally
19 served upon the obligor prior to the activation of an income assignment;
20 except that such notice shall not be required if the obligor was given such
21 notice prior to July 10, 1987, and such notice was in substantial
22 compliance with the requirements of this section. The notice shall be
23 given by the obligee, the obligee's representative, or the delegate child
24 support enforcement unit.

25 (II) ~~The notice of pending income assignment shall include the~~
26 ~~following information:~~

27 (A) ~~That an income assignment may be activated immediately or~~

1 at any other time at the request of the obligor, by agreement of the parties,
2 or at the request of an obligee who is receiving support enforcement
3 services from a delegate child support enforcement unit pursuant to
4 section 26-13-106, C.R.S., in accordance with state procedures. Such
5 state procedures require that the obligee request an income assignment in
6 writing and that, after the delegate child support enforcement unit
7 receives the request, it shall review the case to determine if it meets the
8 criteria for requiring income assignment, which criteria are that the
9 obligor is not meeting the terms of a written agreement for an alternative
10 arrangement, or that the reason for the original good cause determination
11 no longer exists, or that the obligor is currently paying child support but
12 has threatened to stop and the obligee documents and substantiates that
13 there has been a change in the obligor's circumstances that will lead the
14 obligor to stop paying child support. If none of the circumstances set forth
15 in this sub-subparagraph (A) exists, then the income assignment shall
16 remain pending unless the obligor fails to comply with the support order
17 by not making a full payment on its due date.

18 (B) That the activation of an income assignment is the notification
19 to the obligor's employer or employers, trustee, or other payor of funds to
20 withhold income for payment of the support obligation and arrears, if any;

21 (C) That, if any arrears accrue or already have accrued, an
22 additional payment on the arrears shall be added to the income
23 assignment pursuant to subparagraph (V) of paragraph (b) of subsection
24 (3) of this section;

25 (D) That the obligor has a right to object to the activation of the
26 income assignment raising the defenses that are available pursuant to
27 sub-subparagraph (B) of subparagraph (VII) of paragraph (b) of

1 subsection (3) of this section;

2 ~~(E) That the obligor shall notify the family support registry, if~~
3 ~~payments are required to be made through the registry, in writing, of any~~
4 ~~change of address or employment within ten days after the change.~~

5 ~~(b) **Orders entered on or after July 10, 1987, and before**~~
6 ~~**January 1, 1990.** For orders entered on or after July 10, 1987, and before~~
7 ~~January 1, 1990, no notice of pending income assignment as described in~~
8 ~~paragraph (a) of this subsection (2) shall be required.~~

9 ~~(c) **Orders entered in Title IV-D cases on or after January 1,**~~
10 ~~**1990, and before January 1, 1994.** For orders entered on or after~~
11 ~~January 1, 1990, and before January 1, 1994, in cases in which the~~
12 ~~custodian of the child is receiving support enforcement services from a~~
13 ~~delegate child support enforcement unit pursuant to section 26-13-106,~~
14 ~~C.R.S., no notice of pending income assignment as described in~~
15 ~~paragraph (a) of this subsection (2) shall be required.~~

16 ~~(d) **Orders entered in non-Title IV-D cases on or after July 10,**~~
17 ~~**1987, and before January 1, 1994.** For orders entered on or after July~~
18 ~~10, 1987, and before January 1, 1994, in cases in which the custodian of~~
19 ~~the child is not receiving support enforcement services from a delegate~~
20 ~~child support enforcement unit pursuant to section 26-13-106, C.R.S., no~~
21 ~~notice of pending income assignment as described in paragraph (a) of this~~
22 ~~subsection (2) shall be required.~~

23 ~~(e) **Orders entered on or after January 1, 1994, and before**~~
24 ~~**July 1, 1996.** For orders entered on or after January 1, 1994, and before~~
25 ~~July 1, 1996, no notice of pending income assignment as described in~~
26 ~~paragraph (a) of this subsection (2) shall be required.~~

27 ~~(f) **Orders entered on or after July 1, 1996.** (f) (a) Whenever~~

1 an obligation for child support, maintenance, child support when
2 combined with maintenance, retroactive support, medical support, child
3 support arrears, or child support debt is initially determined, whether
4 temporary or permanent or whether modified, the amount of child
5 support, maintenance, child support when combined with maintenance,
6 retroactive support, medical support, child support arrears, or child
7 support debt shall be ordered by the court or delegate child support
8 enforcement unit to be activated immediately as an income assignment
9 subject to section 13-54-104 (3), ~~C.R.S.~~, from the income, as defined in
10 section 14-10-115 (3), that is due or is to become due in the future from
11 the obligor's employer, employers, or successor employers or other payor
12 of funds, regardless of the source, of the person obligated to pay the child
13 support, maintenance, child support when combined with maintenance,
14 retroactive support, medical support, child support arrears, or child
15 support debt.

16 ~~(H)~~ (b) Any order for support ~~shall~~ MUST include the following,
17 if available:

18 ~~(A)~~ (I) The name, date of birth, and sex of each child for whom
19 the support is ordered;

20 ~~(B)~~ (II) The obligee's name, ~~social security number~~, residential
21 and mailing addresses, and date of birth;

22 ~~(C)~~ (III) The total amount of current support to be paid monthly
23 in each category of support;

24 ~~(D)~~ (IV) The date of commencement of the order and the date or
25 dates of the month that the payments are due;

26 ~~(E)~~ (V) The total amount of arrears that is due, if any, in each
27 category of support as of the date of the order; and

1 ~~(F)~~ (VI) The obligor's name, ~~social security number~~, residential
2 and mailing addresses, and date of birth.

3 ~~(G) (Deleted by amendment, L. 99, p. 1085, § 3, effective July 1,~~
4 ~~1999.)~~

5 **(3) Activation of income assignment.** Income assignments ~~shall~~
6 MUST be activated in accordance with the following provisions:

7 **(a) Immediate activation of income assignments.** (I) (A) Upon
8 entry of an order for child support, maintenance, child support when
9 combined with maintenance, retroactive support, medical support, child
10 support arrears, or child support debt, ~~during the time periods described~~
11 ~~in paragraph (c), (e), or (f) of subsection (2) of this section~~, the obligee,
12 the obligee's representative, or the delegate child support enforcement
13 unit shall cause a notice of income assignment to be served immediately
14 as described in subsection (4) of this section.

15 (B) UNLESS AN INCOME ASSIGNMENT IS REQUIRED TO BE
16 IMMEDIATELY ACTIVATED PURSUANT TO SUBSECTION (3)(a)(I)(A) OF THIS
17 SECTION, OR THE INCOME ASSIGNMENT IS NOT SUBJECT TO IMMEDIATE
18 ACTIVATION PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, AN
19 INCOME ASSIGNMENT MAY BE IMMEDIATELY ACTIVATED BY THE OBLIGEE,
20 THE OBLIGEE'S REPRESENTATIVE, OR THE DELEGATE CHILD SUPPORT
21 ENFORCEMENT UNIT BY CAUSING A NOTICE TO WITHHOLD INCOME FOR
22 SUPPORT TO BE SERVED UPON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR
23 OF FUNDS PURSUANT TO SUBSECTION (4) OF THIS SECTION.

24 **(II) Exceptions to immediate activation of income assignments.**
25 Income ~~shall~~ IS not ~~be~~ subject to immediate activation of an income
26 assignment ~~under this paragraph (a)~~ PURSUANT TO THIS SUBSECTION (3)(a)
27 in any case in which:

1 (B) A written agreement is reached between both parties that
2 provides for an alternative arrangement, AND SUCH AGREEMENT IS
3 REVIEWED AND APPROVED IN THE RECORD BY THE COURT. For purposes of
4 this ~~sub-subparagraph (B)~~ SUBSECTION (3)(a)(II)(B), the delegate child
5 support enforcement unit ~~shall be~~ IS considered a party in all cases in
6 which the custodian of a child is receiving support enforcement services
7 from a delegate child support enforcement unit pursuant to section
8 26-13-106 (1) ~~C.R.S.~~, and as such ~~is required to~~ MUST consent to the
9 alternative written agreement. In all cases in which the custodian of a
10 child is receiving support enforcement services from a delegate child
11 support enforcement unit pursuant to section 26-13-106 (2), ~~C.R.S.~~, the
12 obligee or the obligee's representative shall provide the delegate child
13 support enforcement unit with notice of any agreement reached between
14 the parties pursuant to this ~~sub-subparagraph (B)~~ SUBSECTION
15 (3)(a)(II)(B).

16 (b) (I) ~~Activation of an income assignment following notice.~~ An
17 ~~income assignment based on an order entered during the time periods~~
18 ~~described in paragraph (a), (b), or (d) of subsection (2) of this section~~
19 ~~shall not be activated unless:~~

20 (A) ~~The obligor requests that the income assignment be activated;~~

21 ~~or~~

22 (B) ~~The parties agree at the time of the entry or modification of a~~
23 ~~support order, or at any other time, that the income assignment is to be~~
24 ~~activated; or~~

25 (C) ~~The obligee files an advance notice of activation with any~~
26 ~~court having jurisdiction to enforce the support order because a payment~~
27 ~~was due under a support order and the obligor has failed to make a~~

1 payment in full as ordered.

2 (II) **Notice of activation.** When an income assignment is activated
3 pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph
4 (b), a copy of the advance notice of activation and a form for the obligor
5 to object to the activation listing the available defenses shall be mailed by
6 the obligee or the obligee's representative to the obligor's last-known
7 address. The notice of activation shall contain the following information:

8 (A) ~~The court that issued the support order;~~

9 (B) ~~The case number;~~

10 (C) ~~The date of the support order;~~

11 (D) ~~The facts establishing that a full support payment was not
12 made on or before it became due;~~

13 (E) ~~The amount of overdue support owed;~~

14 (F) ~~The amount of income to be withheld for current support and
15 the amount to be withheld for arrears per month;~~

16 (G) ~~A statement that, if section 13-54-104 (3), C.R.S., applies, the
17 employer may not withhold more than the limitations set by said section;~~

18 (H) ~~The name and address of the obligor's most recently known
19 employer and a statement that the obligor is required to inform the court
20 or the family support registry, if payments are to be made through the
21 registry, of any new employment;~~

22 (I) ~~A statement of the obligor's right to object to the activation of
23 the income assignment within fourteen days after the date the advance
24 notice of activation is sent to the obligor and the procedures available for
25 such objection;~~

26 (J) ~~The available defenses to the activation;~~

27 (K) ~~A statement that failure to object to the activation of an~~

1 income assignment within fourteen days after the date the advance notice
2 of activation was sent to the obligor will result in the activation of the
3 income assignment pursuant to subsection (4) of this section;

4 (L) A statement of the procedures the court will follow when an
5 objection is filed by the obligor;

6 (M) A statement that, if the court denies the objection of the
7 obligor, the income assignment shall be activated pursuant to subsection
8 (4) of this section;

9 (N) A statement that the income assignment is a continuing
10 assignment; and

11 (O) A statement that, if arrears have accrued, an additional
12 monthly payment shall be set pursuant to subparagraph (V) of this
13 paragraph (b) and that this payment may be modified if additional arrears
14 accrue.

15 (III) **Affidavit requirements.** The party activating an income
16 assignment based on an order entered during the time periods described
17 in paragraph (a), (b), or (d) of subsection (2) of this section shall prepare
18 an affidavit of arrears, which shall state the type and amount of support
19 ordered per month and the date upon which the payment was due and, if
20 the payments were to be made into the court registry or the family support
21 registry, state that the full payment was not received by the registry on or
22 before the due date or, if the payments were to be made to the obligee
23 directly, state that the obligee did not receive the full payment on or
24 before the due date, the date and amount of any modifications of the
25 order, the period or periods of time the arrears accrued, the total amount
26 of support that should have been paid, the total amount actually paid, and
27 the total arrears, plus interest, due. If the income assignment is being

1 activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of
2 this paragraph (b), the affidavit shall be filed with the court at the time of
3 activation. ~~If payments were ordered to be made through the family
4 support registry, a copy of the payment record maintained by the family
5 support registry shall be sufficient proof of payments made, and no
6 affidavit shall be required. If the income assignment is being activated
7 pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph
8 (b), the affidavit shall be filed with the advance notice of activation.~~

9 (IV) **Agreement to activate.** When an income assignment is
10 activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of
11 ~~this paragraph (b)~~ THIS SUBSECTION (3) and arrears are owed, as verified
12 by the affidavit of arrears, the parties may agree to an amount of payment
13 on the arrears, or the court OR DELEGATE CHILD SUPPORT ENFORCEMENT
14 UNIT may determine an appropriate amount for payment.

15 (V) **Arrears.** ~~When an income assignment is activated pursuant
16 to sub-subparagraph (C) of subparagraph (I) of this paragraph (b) and
17 arrears are owed, as verified by the affidavit of arrears, the income
18 assignment shall include a payment on the arrears in the amount of
19 one-twenty-fourth of the total amount due up to the date of the activation
20 of the income assignment. The payment on the arrears shall remain the
21 same until the arrears, plus interest, are paid unless the parties
22 subsequently agree to a larger or smaller arrears payment amount or
23 further arrears accrue. The total arrears due, plus interest, may be updated
24 periodically, and the amount of payment may be revised periodically, as
25 appropriate.~~

26 (VII) **Objections to income assignment.** (A) The obligor may
27 file with the court a written objection to the activation of an income

1 assignment pursuant to ~~sub-subparagraph (C) of subparagraph (I) of this~~
2 ~~paragraph (b) within fourteen days after the advance notice of activation~~
3 ~~is sent to the obligor pursuant to subparagraph (H) of this paragraph (b)~~
4 ~~unless the obligor alleges that the notice was not received, in which case~~
5 ~~an objection may be filed~~ THIS SUBSECTION (3) no later than fourteen days
6 after actual notice. The obligor shall mail a copy of the written objection
7 to the obligee or the obligee's representative.

8 (C) If THE OBLIGOR FILES an objection, ~~is filed by the obligor,~~ THE
9 COURT SHALL SET AND HOLD a hearing ~~shall be set and held by the court~~
10 within forty-two days after the date the ~~advance notice of activation was~~
11 ~~sent to the obligor pursuant to subparagraph (H) of this paragraph (b)~~
12 INCOME ASSIGNMENT WAS ISSUED. The court shall deny the objection
13 without hearing if a defense in ~~sub-subparagraph (B) of this subparagraph~~
14 ~~(VII) SUBSECTION (3)(a)(VII)(B) OF THIS SECTION~~ is not alleged.

15 (4) **Notice to withhold income for support.** (a) ~~Fourteen days~~
16 ~~after the date the advance notice of activation is mailed to the obligor for~~
17 ~~income assignments on orders entered during the time periods described~~
18 ~~in paragraphs (a), (b), and (d) of subsection (2) of this section or~~
19 ~~immediately for income assignments on orders entered during the time~~
20 ~~periods described in paragraphs (c), (e), and (f) of subsection (2) of this~~
21 ~~section, an income assignment may be activated by the obligee, the~~
22 ~~obligee's representative, or the delegate child support enforcement unit by~~
23 ~~causing~~ EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, a
24 notice to withhold income for support ~~to~~ MUST be served upon the
25 employer, trustee, or other payor of funds by first-class mail or by
26 electronic service if ~~such~~ THE employer, trustee, or other payor of funds
27 mutually agrees with the state child support enforcement agency to

1 receive such income assignments electronically. Receipt of notice by the
2 employer, trustee, or other payor of funds confers jurisdiction of the court
3 over the employer, trustee, or other payor of funds. ~~Income assignments~~
4 ~~activated for orders entered during the time periods described in~~
5 ~~paragraphs (c), (e), and (f) of subsection (2) of this section shall be paid~~
6 ~~through the family support registry pursuant to section 26-13-114, C.R.S.~~
7 ~~In circumstances in which the source of income to the obligor~~

8 (b) A NOTICE TO WITHHOLD INCOME FOR SUPPORT IS NOT
9 REQUIRED IF THE OBLIGOR'S SOURCE OF INCOME is unemployment
10 compensation benefits and the custodian of the child is receiving support
11 enforcement services pursuant to section 26-13-106. ~~C.R.S., no notice to~~
12 ~~withhold income for support shall be required.~~ In such cases, the state
13 child support enforcement agency shall electronically intercept the
14 unemployment compensation benefits through an automated interface
15 with the department of labor and employment.

16 (c) ~~In all other cases, the~~ A notice to withhold income for support
17 ~~shall~~ MUST BE PROVIDED ON A FEDERAL OFFICE OF MANAGEMENT AND
18 BUDGET-APPROVED INCOME WITHHOLDING FOR SUPPORT FORM AND MUST
19 contain the following information and, except in cases in which the
20 obligee is receiving child support enforcement services pursuant to
21 section 26-13-106, ~~C.R.S., shall have~~ MUST INCLUDE a certified copy of
22 the support order: ~~attached thereto:~~

23 (a) (I) The name and social security number of the obligor;

24 (b) (II) A statement that withholding must begin no later than the
25 first pay period that begins at least fourteen working days after the date
26 on the notice to withhold income for support;

27 (c) (III) Instructions concerning withholding the deductions,

1 including:

2 ~~(H)~~ (A) The amount to be withheld for current support and current
3 maintenance when included in the child support order, the amount to be
4 withheld for past due support, the amount to be withheld for past due
5 maintenance when included in the child support order, the amount to be
6 withheld for child support debt, the amount to be withheld for medical
7 support, the amount to be withheld for current maintenance, the amount
8 to be withheld for past due maintenance per month, and the amount to be
9 withheld for processing fees, if any. In the event that the pay periods of
10 the employer are more frequent, the employer shall withhold per pay
11 period an appropriate percentage of the monthly amount due so that the
12 total withheld during the month will total the monthly amount due.

13 ~~(H)~~ (B) A statement that the employer, trustee, or other payor of
14 funds may deduct a fee to defray the cost of withholding and that ~~such~~
15 THE employer, trustee, or other payor of funds shall refer to the laws
16 governing the work state of the employee for the allowable amount of
17 such fee; AND

18 ~~(H)~~ (C) That, if section 13-54-104 (3) ~~C.R.S.~~, applies, the
19 employer, trustee, or other payor of funds ~~may~~ SHALL not withhold more
20 than the limitations set by said section;

21 ~~(d)~~ (IV) Instructions about disbursing the withheld amounts,
22 including the requirements that each disbursement:

23 ~~(H)~~ (A) ~~Shall~~ MUST be forwarded within seven working days after
24 the date of each deduction and withholding would have been paid or
25 credited to the employee;

26 ~~(H)~~ (B) ~~Shall~~ MUST be forwarded to the address indicated on the
27 notice;

1 ~~(HH)~~ (C) ~~Shall~~ MUST be identified by the ~~case number~~
2 REMITTANCE IDENTIFIER, the name and social security number of each
3 obligor, the date the deduction was made, the amount of the payment, and
4 the family support registry account number for cases ordered to be paid
5 through the family support registry; and

6 ~~(IV)~~ (D) May be combined with other disbursements in a single
7 payment to the family support registry, if required to be sent to the
8 registry, if the individual amount of each disbursement is identified as
9 required by ~~subparagraph (HH) of this paragraph (d)~~ SUBSECTION
10 (4)(c)(IV)(C) OF THIS SECTION;

11 ~~(e)~~ (V) A statement specifying whether or not the obligor is
12 required to provide health insurance for the children who are the subject
13 of the order;

14 ~~(f) and (g)~~ ~~(Deleted by amendment, L. 2000, p. 1704, § 2,~~
15 ~~effective July 1, 2000.)~~

16 ~~(h)~~ (VI) A statement that, if the employer, trustee, or other payor
17 of funds fails to withhold income as the notice to withhold income for
18 support directs, the employer, trustee, or other payor of funds ~~shall be~~ IS
19 liable for both the accumulated amount that should have been withheld
20 from the obligor's income and any other penalties set by state law;

21 ~~(i)~~ (VII) A statement that the employer, trustee, or other payor of
22 funds ~~shall be~~ IS subject to a fine determined ~~under~~ PURSUANT TO state
23 law for discharging an obligor from employment, refusing to employ AN
24 OBLIGOR, or taking disciplinary action against an obligor because of a
25 notice to withhold income for support;

26 ~~(j)~~ (VIII) A statement that the employer shall notify the family
27 support registry, in writing, if payments are required to be made through

1 the registry promptly after the obligor terminates employment and THAT
2 THE EMPLOYER shall provide the family support registry, in writing, with
3 the obligor's name; date of separation; case identifier, which ~~shall be~~ IS
4 the family support registry account number; last-known home address;
5 and the name and address of the obligor's new employer, if known;

6 ~~(j.5)~~ (IX) A statement that withholding under the notice to
7 withhold income for support has priority over any other legal process
8 under state law against the same income, that federal tax levies in effect
9 before receipt of this notice to withhold income for support have priority,
10 and that the requesting agency should be contacted if there are federal tax
11 levies in effect;

12 ~~(k)~~ (X) A statement that as long as the obligor is employed by the
13 employer, the income assignment ~~shall~~ MUST not be terminated or
14 modified, except upon written notice by the obligee, the obligee's
15 representative, the delegate child support enforcement unit, or the court;

16 ~~(k.5)~~ (XI) A statement that the employer, trustee, or other payor
17 of funds ~~may be~~ IS required to report and withhold amounts from lump
18 sum payments such as bonuses, commissions, or severance pay;

19 ~~(l)~~ ~~(Deleted by amendment, L. 2000, p. 1704, § 2, effective July~~
20 ~~1, 2000.)~~

21 ~~(l.5)~~ (XII) A statement that Colorado employers, trustees, or other
22 payors of funds must comply with this section;

23 ~~(m)~~ (XIII) A statement that, if the designated field on the notice
24 to withhold income for support is checked, the employer, trustee, or other
25 payor of funds is required to provide a copy of the notice to withhold
26 income for support to the obligor; AND

27 ~~(n)~~ (XIV) A statement that a fraudulent submission of a notice to

1 withhold income for support ~~shall subject~~ SUBJECTS the person submitting
2 the notice to an employer, trustee, or other payor of funds to a fine of not
3 less than one thousand dollars and court costs and attorney fees.

4 (4.7) INCOME ASSIGNMENTS MUST BE PAID THROUGH THE FAMILY
5 SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114.

6 (10) (b) An income assignment ~~shall~~ MUST be modified when:

7 (I) The support order is modified by the court; OR

8 (II) The arrears payment is modified ~~by agreement between the~~
9 ~~parties pursuant to subparagraph (V) of paragraph (b) of subsection (3)~~
10 SUBSECTION (3)(b)(IV) of this section. ~~or~~

11 ~~(III) The arrears payment is modified when updated periodically~~
12 ~~pursuant to subparagraph (V) of paragraph (b) of subsection (3) of this~~
13 ~~section.~~

14 **SECTION 5.** In Colorado Revised Statutes, 19-4-109, **amend** (1)
15 as follows:

16 **19-4-109. Jurisdiction - venue.** (1) Without limiting the
17 jurisdiction of any other court, the juvenile court has jurisdiction of an
18 action brought ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 4. THE JUVENILE
19 COURT'S JURISDICTION INCLUDES CONCURRENT JURISDICTION WITH A
20 DEPENDENCY AND NEGLECT COURT, AS SET FORTH IN SECTION 19-3-205
21 (1), TO DETERMINE A PARENT-CHILD LEGAL RELATIONSHIP. A delegate
22 child support enforcement unit also has jurisdiction to establish paternity
23 in noncontested paternities in accordance with the procedures specified
24 in article 13.5 of title 26. ~~C.R.S.~~ The action may be joined with an action
25 in another court of competent jurisdiction for dissolution of marriage,
26 legal separation, declaration of invalidity of marriage, or support.

27 **SECTION 6.** In Colorado Revised Statutes, 26-13-121, **amend**

1 (5.3) as follows:

2 **26-13-121. Review and modification of child support orders.**

3 (5.3) If income information is not available for the obligor, the delegate
4 child support enforcement unit may file a motion to modify child support
5 with the court. ~~The court may enter an order increasing the child support~~
6 ~~obligation by an increment not to exceed ten percent per year for each~~
7 ~~year after the support order was entered or last modified.~~

8 **SECTION 7.** In Colorado Revised Statutes, 26-13-122.7, **amend**
9 (1)(c)(I) introductory portion, (1)(c)(I)(B), and (1)(c)(I)(C); and **add**
10 (1)(c)(I)(D) as follows:

11 **26-13-122.7. Administrative lien and attachment of insurance**
12 **claim payments, awards, and settlements - reporting - rules - fund.**

13 (1) (c) (I) For the purposes of this section, an insurance claim payment,
14 award, or settlement is limited to an individual who receives ~~moneys~~
15 MONEY in excess of one thousand dollars after making a claim for
16 payment under an insurance policy for:

17 (B) Wrongful death; ~~or~~

18 (C) Workers' compensation; OR

19 (D) A LIFE INSURANCE POLICY OR ANNUITY CONTRACT AND THE
20 PROCEEDS FROM THE SALE OR ASSIGNMENT OF LIFE INSURANCE OR
21 ANNUITY BENEFITS.

22 **SECTION 8.** In Colorado Revised Statutes, 26-13-125, **amend**
23 (1)(a), (1)(b), and (3) as follows:

24 **26-13-125. State directory of new hires - definitions.** (1) As
25 used in this section, unless the context otherwise requires:

26 (a) "Employee" means a natural person who is employed by an
27 employer in this state for compensation, which employer ~~withholds~~

1 ~~federal or state tax liabilities from the employee's compensation~~ IS
2 REQUIRED TO REPORT THE COMPENSATION TO THE FEDERAL INTERNAL
3 REVENUE SERVICE. "EMPLOYEE" INCLUDES A SELF-EMPLOYED OR
4 CONTRACTEEMPLOYEE. "Employee" does not include an employee hired
5 to perform intelligence or counterintelligence functions for an agency of
6 the United States government, as those terms are defined in the federal
7 "Intelligence Organization Act of 1992", 50 U.S.C. sec. 401a, when the
8 head of ~~such~~ THE agency has determined that reporting the employee
9 could endanger the safety of the employee or compromise an ongoing
10 investigation or intelligence mission.

11 (b) "Employer" means a person or entity doing business in the
12 state that engages an employee for compensation and for whom the
13 employer ~~withholds federal or state tax liabilities from the employee's~~
14 ~~compensation~~ IS REQUIRED TO REPORT THE COMPENSATION TO THE
15 FEDERAL INTERNAL REVENUE SERVICE. "Employer" also includes any
16 governmental entity and any labor organization.

17 (3) Effective October 1, 1997, each employer shall submit to the
18 state directory of new hires a copy of the W-4 form, THE W-9 FORM, or,
19 at the option of the employer, an equivalent form for each newly hired
20 employee in Colorado. The report may be transmitted to the state
21 department by first class mail, magnetically, or electronically. The report
22 must contain the newly hired employee's name, address, social security
23 number, and the date services for remuneration were first performed by
24 the newly hired employee. The report must contain the name and address
25 of the employer and the identifying number assigned to the employer
26 under section 6109 of the federal "Internal Revenue Code of 1986", as
27 amended. ~~No liability shall attach to any~~ AN employer IS NOT LIABLE for

1 furnishing information pursuant to this section. ~~No~~ AN employer shall be
2 IS NOT required to submit to the state directory of new hires a report
3 concerning any employee hired for less than thirty days.

4 **SECTION 9.** In Colorado Revised Statutes, 26-13.5-106, **amend**
5 (1)(c)(V) as follows:

6 **26-13.5-106. Default - issuance of order of default - filing of**
7 **order with district court - rules.** (1) (c) The court shall approve the
8 order of default, which must include the following:

9 (V) The information required by section ~~14-14-111.5 (2)(f)(H)~~
10 14-14-111.5 (2);

11 **SECTION 10. Effective date.** This act takes effect July 1, 2021;
12 except that section 7 of this act takes effect January 1, 2022.

13 **SECTION 11. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.