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SENATE BILL 23-173

BY SENATOR(S) Fields and Liston, Buckner, Gardner, Ginal, Hansen, Lundeen, Marchman, Pelton R., Priola, Smallwood;
also REPRESENTATIVE(S) Bradley and Joseph, Bacon, Dickson, Duran, English, Epps, Froelich, Gonzales-Gutierrez, Hamrick, Jodeh, Kipp, Lindsay, McCormick, McLachlan, Michaelson Jenet, Pugliese, Ricks, Valdez, McCluskie.

CONCERNING RECOMMENDATIONS OF THE COLORADO CHILD SUPPORT COMMISSION.

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

SECTION 1. In Colorado Revised Statutes, 14-10-115, **amend** (2)(a) as follows:

14-10-115. Child support guidelines - purpose - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission - definitions. (2) **Duty of support - factors to consider.** (a) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

for the child's support and may order an amount determined to be reasonable under the circumstances for a time period that occurred after the date of the parties' physical separation or the filing of the petition or service upon the respondent, whichever date is latest, and prior to the ~~entry of the support order~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS, without regard to marital misconduct.

SECTION 2. In Colorado Revised Statutes, 14-10-115, **amend** (4)(a); and **add** (4)(c) and (14)(c) as follows:

14-10-115. Child support guidelines - purpose - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission - definitions. (4) Forms - identifying information - advisement. (a) The child support guidelines ~~shall~~ **MUST** be used with standardized child support guideline forms to be issued by the judicial department. The judicial department is responsible for promulgating and updating the Colorado child support guideline forms, schedules, worksheets, ~~and~~ instructions, AND ADVISEMENTS.

(c) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS ARTICLE 10 MUST INCLUDE A WRITTEN ADVISEMENT TO THE PARTIES THAT CONFORM WITH THE WRITTEN CHILD SUPPORT ADVISEMENT APPROVED BY THE JUDICIAL BRANCH, COVERING THE FOLLOWING TOPICS, IN PLAIN LANGUAGE:

(I) THAT A PARTY WHO DOES NOT PAY CHILD SUPPORT MAY BE SUBJECT TO JUDICIAL AND ADMINISTRATIVE ENFORCEMENT REMEDIES AND EXAMPLES OF THOSE REMEDIES;

(II) THE OPERATION OF INCOME ASSIGNMENTS;

(III) THE APPLICATION OF INTEREST ON ARREARS;

(IV) THE PARTIES' OBLIGATIONS CONCERNING PROOF OF PAYMENT;

(V) THE BASIS FOR A MODIFICATION OR CHANGE OF SUPPORT, INCLUDING THE DEFINITION OF A SUBSTANTIAL AND CONTINUING CHANGE OF CIRCUMSTANCES;

(VI) THE EFFECT OF AGREEMENTS TO MODIFY OR AMEND CHILD SUPPORT AND THE REQUIREMENT FOR COURT AUTHORIZATION OR ADMINISTRATIVE PROCESS ACTION OF ALL MODIFICATIONS OR AMENDMENTS;

(VII) THE EFFECT OF EMANCIPATION; AND

(VIII) THE EFFECT OF SPOUSAL MAINTENANCE.

(14) Advisement to parties - annual exchange of information.

(c) IN ANY STATUS CONFERENCE, ADMINISTRATIVE CONFERENCE, OR HEARING IN WHICH CHILD SUPPORT IS AT ISSUE, THE COURT OR THE DELEGATE CHILD SUPPORT UNIT SHALL VERBALLY ADVISE THE PARTIES THAT FAILURE TO PAY CHILD SUPPORT ORDERED BY THE COURT OR AS A RESULT OF AN ADMINISTRATIVE PROCESS ACTION MAY RESULT IN ENFORCEMENT ACTIONS AND THE ADDITION OF INTEREST ON ARREARS AND THAT AN AGREEMENT TO MODIFY CHILD SUPPORT IS NOT EFFECTIVE UNTIL APPROVED BY THE COURT, OR DELEGATE CHILD SUPPORT UNIT FOR ADMINISTRATIVE ORDERS, AND ENTERED AS AN ORDER.

SECTION 3. In Colorado Revised Statutes, 14-10-115, **amend** (3)(a)(II), (5)(a)(I.5), (5)(a)(II)(C), (5)(b.5)(II)(N), (5)(b.5)(II)(O), (10)(e), and (10)(h)(II); and **add** (3)(a)(III), (5)(a)(IV), (5)(b.5)(II)(P), (10)(a.5), and (10)(h)(III) as follows:

14-10-115. Child support guidelines - purpose - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission - definitions. (3) **Definitions.** As used in this section, unless the context otherwise requires:

(a) (II) For purposes of this subsection (3)(a), if the alimony or maintenance actually paid by a parent is deductible for federal income tax purposes by that parent, AND THE ALIMONY OR MAINTENANCE IS PAID AND RECEIVED BY THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION, then the actual amount of alimony or maintenance paid by that parent must be deducted from that parent's gross income. If the alimony or maintenance actually paid by a parent is not deductible for federal income tax purposes by that parent, then the amount of alimony or maintenance deducted from that parent's gross income is the amount of alimony or maintenance actually paid by that parent ~~multiplied by 1.25~~. SUBJECT TO THE FOLLOWING

ADJUSTMENTS:

(A) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE PARTIES TO THE MAINTENANCE PAYMENT IS TEN THOUSAND DOLLARS OR LESS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY 1.25;

(B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND DOLLARS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY 1.33; AND

(C) IF THE AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY PAID IS INCREASED AS DESCRIBED IN THIS SECTION BECAUSE IT IS NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES, THERE IS A REBUTTABLE PRESUMPTION THAT THE MULTIPLIER IS CORRECT. THE PRESUMPTION MAY BE REBUTTED WITH EVIDENCE INDICATING A DIFFERENT MULTIPLIER IS MORE ACCURATE DUE TO THE TAX IMPLICATIONS OF THE MAINTENANCE PAYMENT BEING DIFFERENT THAN THAT REFLECTED BY THE MULTIPLIER.

(III) IF A COURT-ORDERED ALIMONY OR MAINTENANCE OBLIGATION ACTUALLY PAID BY A PARTY DOES NOT INVOLVE THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION AND IS NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES BY THAT PARTY, THEN THE AMOUNT OF THE COURT-ORDERED ALIMONY OR MAINTENANCE THAT IS DEDUCTED FROM THAT PARTY'S GROSS INCOME IS THE AMOUNT ACTUALLY PAID BY THAT PARTY MULTIPLIED BY 1.25.

(5) **Determination of income.** (a) For the purposes of the child support guidelines and schedule of basic child support obligations specified in this section, the gross income of each parent shall be determined according to the following guidelines:

(I.5) For purposes of subsection (5)(a)(I)(Y) of this section, if the alimony or maintenance actually received by a parent is taxable income to that parent for federal income tax purposes, then the actual amount of alimony or maintenance received is included in that parent's gross income. If the alimony or maintenance actually received by a parent is not taxable income to that parent for federal income tax purposes, AND THE ALIMONY OR MAINTENANCE IS PAID AND RECEIVED BY THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION, then the amount of alimony or maintenance

that is included in that parent's gross income is the amount of alimony or maintenance received by that parent ~~multiplied by 1.25~~. SUBJECT TO THE FOLLOWING ADJUSTMENTS:

(A) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE PARTIES TO THE MAINTENANCE PAYMENT IS TEN THOUSAND DOLLARS OR LESS, THE MAINTENANCE ACTUALLY RECEIVED WILL BE MULTIPLIED BY 1.25;

(B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND DOLLARS, THE MAINTENANCE ACTUALLY RECEIVED WILL BE MULTIPLIED BY 1.33; AND

(C) IF THE AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY RECEIVED IS INCREASED AS DESCRIBED IN THIS SECTION BECAUSE IT IS NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES, THERE IS A REBUTTABLE PRESUMPTION THAT THE MULTIPLIER IS CORRECT. THE PRESUMPTION MAY BE REBUTTED WITH EVIDENCE INDICATING A DIFFERENT MULTIPLIER IS MORE ACCURATE DUE TO THE TAX IMPLICATIONS OF THE MAINTENANCE PAYMENT BEING DIFFERENT THAN THAT REFLECTED BY THE MULTIPLIER.

(II) "Gross income" does not include:

(C) Income from additional jobs that result in the employment of ~~the obligor~~ more than forty hours per week or more than what would otherwise be considered to be full-time employment;

(IV) IF A PREEXISTING COURT-ORDERED ALIMONY OR MAINTENANCE OBLIGATION ACTUALLY RECEIVED BY A PARTY DOES NOT INVOLVE THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION AND IS NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES BY THAT PARTY, THEN THE AMOUNT OF PREEXISTING COURT-ORDERED ALIMONY OR MAINTENANCE THAT IS DEDUCTED FROM THAT PARTY'S GROSS INCOME IS THE AMOUNT ACTUALLY RECEIVED BY THAT PARTY MULTIPLIED BY 1.25.

(b.5)(II) In determining potential income, the court or delegate child support enforcement unit shall consider, to the extent known, the specific circumstances of the parent, including consideration of the following information, when available:

(N) Prevailing earnings level in the local community. ~~and THE TYPICAL HOURS AVAILABLE TO WORKERS IN THE PARENT'S JOB SECTOR AS ESTABLISHED BY ANY RELIABLE SOURCE GENERALLY USED AND RELIED ON BY THE PUBLIC OR PERSONS IN A PARTICULAR OCCUPATION, INCLUDING, BUT NOT LIMITED TO, VERIFIED STATEMENTS, WORK HISTORY, THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS OR OTHER RELIABLE COMPILATIONS, THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR OTHER INFORMATION PROVIDED BY THE PARENT. IN THE ABSENCE OF ANY SUCH INFORMATION, THE COURT OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL DETERMINE THE PARENT'S INCOME BASED ON A REASONABLE RATE OF PAY FOR A THIRTY-TWO-HOUR WORKWEEK FOR FIFTY WEEKS EACH YEAR, SUBJECT TO OTHER FACTORS SET FORTH IN THIS SECTION THAT MAY AFFECT THE NUMBER OF HOURS THE PARENT IS CAPABLE OF WORKING, SUCH AS AGE, HEALTH, OR THE SPECIFIC NEEDS OF THE SUBJECT CHILD.~~

~~(O) Other relevant background factors in the case.~~
TRANSPORTATION; AND

(P) OTHER RELEVANT BACKGROUND FACTORS IN THE CASE.

(10) Adjustments for health-care expenditures for children.

(a.5) IF A CHILD IS COVERED BY INSURANCE, THE PARENT SECURING THE COVERAGE, THE EMPLOYER PROVIDING THE COVERAGE, OR THE INSURANCE PROVIDER SHALL PROVIDE, UPON REQUEST BY THE POLICY HOLDER OR BY COURT ORDER, THE INSURANCE PROVIDER'S NAME, THE INSURANCE PROVIDER'S TELEPHONE NUMBER, THE GROUP AND POLICY NUMBER, AND THE CLAIM ADDRESS TO THE NON-POLICY HOLDER. THE INFORMATION MUST BE PROVIDED UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE SHOWN. THIS SUBSECTION (10) AUTHORIZES THE RELEASE OF INFORMATION TO THE OTHER PARTY OR PARTIES. AFTER NOTICE TO THE PARTY OR PARTIES OF THIS OBLIGATION, THE COURT HAS THE AUTHORITY TO FINE THE PARENT SECURING COVERAGE FOR FAILURE TO PROVIDE THE REQUIRED INFORMATION.

(e) Prior to allowing the health insurance adjustment, the parent requesting the adjustment must submit proof that the child or children have been enrolled in a health insurance plan and must submit proof of the cost of the premium. ~~The court shall require the parent receiving the adjustment to submit annually proof of continued coverage of the child or children to~~

~~the delegate child support enforcement unit and to the other parent~~ ANY PARENT PROVIDING INSURANCE COVERAGE FOR THE CHILD PURSUANT TO THIS SECTION MUST NOTIFY THE OTHER PARTY OR PARTIES AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANY CHANGE OR DISCONTINUATION OF COVERAGE AS SOON AS PRACTICABLE, BUT NO LATER THAN FOURTEEN DAYS AFTER THE CHANGE.

(h) (II) Extraordinary medical expenses are uninsured expenses, including copayments and deductible amounts, in excess of two hundred fifty dollars per child per calendar year. Extraordinary medical expenses include, but need not be limited to, such reasonable costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, ~~and any uninsured chronic health problem. At the discretion of the court,~~ professional counseling or psychiatric therapy for ~~diagnosed~~ behavioral or mental health disorders, ~~may also be considered as an extraordinary medical expense~~ AND ANY UNINSURED CHRONIC HEALTH PROBLEM.

(III) (A) THE PARTY SEEKING REIMBURSEMENT FOR AN UNINSURED MEDICAL EXPENSE MUST PROVIDE PROOF OF THE EXPENSE TO THE REIMBURSING PARTY WITHIN A REASONABLE TIME AFTER INCURRING THE EXPENSE. ABSENT EXTRAORDINARY CIRCUMSTANCES, FAILURE TO PROVIDE PROOF OF THE EXPENSE TO THE REIMBURSING PARTY BY JULY 1 OF THE YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE EXPENSE WAS INCURRED RESULTS IN A WAIVER OF THE REIMBURSEMENT.

(B) THE PARTY SEEKING REIMBURSEMENT MAY FILE A MOTION FOR JUDGMENT OF UNINSURED MEDICAL EXPENSES FOR THAT PARTICULAR CALENDAR YEAR IF THE PARTY FAILS TO RESPOND AND REIMBURSE THE EXPENSES OR REACH A PAYMENT ARRANGEMENT WITH THE REQUESTING PARTY WITHIN FORTY-NINE DAYS AFTER THE DATE THE REQUEST WAS RECEIVED. THE MOTION MUST SPECIFY THE AMOUNT OF THE EXPENSE INCURRED, THE AMOUNT SOUGHT FROM THE OTHER PARTY PURSUANT TO SUBSECTION (10)(h)(I) OF THIS SECTION, AND WHEN AND HOW THE REQUEST FOR REIMBURSEMENT WAS MADE TO THE OTHER PARTY. ANY RESPONSE TO THE MOTION MUST INCLUDE ANY OBJECTION TO THE COSTS REQUESTED OR PROPOSED PAYMENT ARRANGEMENTS.

SECTION 4. In Colorado Revised Statutes, 14-10-123, **add** (1)(a)(III) as follows:

14-10-123. Commencement of proceedings concerning allocation of parental responsibilities - jurisdiction - automatic temporary injunction - enforcement - definitions. (1) A proceeding concerning the allocation of parental responsibilities is commenced in the district court or as otherwise provided by law:

(a) By a parent:

(III) BY FILING A MOTION SEEKING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD IN AN EXISTING JUVENILE COURT CASE FILED PURSUANT TO ARTICLE 4 OR 6 OF TITLE 19 OR ARTICLE 13.5 OF TITLE 26; OR

SECTION 5. In Colorado Revised Statutes, 14-14-111.5, **amend** (4)(c)(XIV), (8)(b), and (19) as follows:

14-14-111.5. Income assignments for child support or maintenance. (4) **Notice to withhold income for support.** (c) A notice to withhold income for support must be provided on a federal office of management and budget-approved income withholding for support form and must contain the following information and, except in cases in which the obligee is receiving child support enforcement services pursuant to section 26-13-106, must include a certified copy of the support order:

(XIV) A statement that a fraudulent submission of a notice to withhold income for support subjects the person submitting the notice to an employer, trustee, or other payor of funds to a fine of not less than one ~~thousand~~ HUNDRED dollars and court costs and attorney fees.

(8) An employer, trustee, or other payer of funds subject to this section who:

(b) Wrongfully fails to withhold income OR DISTRIBUTE PAYMENT in accordance with the provisions of this section ~~shall be~~ IS liable for ~~both~~ the accumulated amount the employer, trustee, or other payer of funds should have withheld AND NOT DISBURSED from the obligor's income, INCLUDING, UPON PERSONAL SERVICE PURSUANT TO RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE, BEING SUBJECT TO THE JURISDICTION OF THE COURT FOR PURPOSES OF ENTRY OF JUDGMENT PURSUANT TO SECTIONS 13-52-101 TO 13-52-111 AND RULE 54 OF THE

COLORADO RULES OF CIVIL PROCEDURE, UP TO THE AMOUNT WRONGFULLY WITHHELD AND COSTS ASSOCIATED WITH ESTABLISHING AND ENFORCING THE JUDGMENT and any other penalties set by state law;

(19) A person submitting a fraudulent notice to withhold income for support to an employer, trustee, or other payor of funds ~~commits a civil infraction~~ IS SUBJECT TO A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS PLUS COURT COSTS AND ATTORNEY FEES.

SECTION 6. In Colorado Revised Statutes, 19-4-111, **amend** (1) as follows:

19-4-111. Pretrial proceedings. (1) As soon as practicable after an action to declare the existence or nonexistence of the ~~father-child~~ PARENT-CHILD relationship has been brought, an informal hearing shall be held if it is determined by the court to be in the child's best interest. The court may order that the hearing be held before a magistrate. The public ~~shall~~ MUST be barred from the hearing if it is determined by the court to be in the best interest of any of the parties. A record of the proceeding or any portion thereof ~~shall~~ MUST be kept if any party requests or the court orders. Rules of evidence need not be observed. At the informal hearing, the judge or magistrate shall give a verbal advisement to the parties that a request for genetic tests ~~shall~~ MUST not prejudice the requesting party in matters concerning allocation of parental responsibilities pursuant to section 14-10-124 (1.5). ~~C.R.S.~~ The judge or magistrate shall further advise the parties that, if genetic tests are not obtained prior to the legal establishment of ~~paternity~~ PARENTAGE and submitted into evidence prior to the entry of the final order establishing ~~paternity~~ PARENTAGE, the genetic tests may not be allowed into evidence at a later date. THE JUDGE OR MAGISTRATE SHALL FURTHER ADVISE THE PARTIES THAT SUBSEQUENT TO AN ADJUDICATION OF PARENTAGE, UPON MOTION, THE COURT SHALL ENTER ORDERS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO SECTION 14-10-124 (1.5); EXCEPT THAT, IN MATTERS INVOLVING A NONRESIDENT PARTY, THE COURT SHALL FIRST DETERMINE WHETHER IT HAS AUTHORITY TO ISSUE AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES PURSUANT TO ARTICLE 13 OF TITLE 14.

SECTION 7. In Colorado Revised Statutes, 19-4-116, **amend** (4) as follows:

19-4-116. Judgment or order - birth-related costs - evidence.

(4) Support judgments or orders ordinarily ~~shall~~ MUST be for periodic payments which may vary in amount. In the best interest of the child, a lump-sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court or delegate child support enforcement unit may enter an order directing the ~~father~~ OBLIGOR to pay for support of the child, in an amount as may be determined by the court or delegate child support enforcement unit to be reasonable under the circumstances, for a time period ~~which~~ THAT occurred prior to the ~~entry of the order establishing paternity~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS. The court may limit the ~~father's~~ OBLIGOR'S liability for past support of the child to the proportion of the expenses already incurred that the court deems just.

SECTION 8. In Colorado Revised Statutes, 19-6-104, **amend** (1) as follows:

19-6-104. Hearing - orders. (1) If the court or delegate child support enforcement unit finds that the ~~respondent~~ OBLIGOR has an obligation to support the child or children mentioned in the petition or notice, the court or delegate child support enforcement unit may enter an order directing the ~~respondent~~ OBLIGOR to pay such sums for support as may be reasonable under the circumstances, taking into consideration the factors found in section 19-4-116 (6). The court or delegate child support enforcement unit may also enter an order directing the appropriate party to pay for support of the child, in an amount as may be determined by the court or delegate child support enforcement unit to be reasonable under the circumstances, for a time period which occurred prior to the ~~entry of the support order established~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS under this ~~article~~ ARTICLE 6.

SECTION 9. In Colorado Revised Statutes, 19-6-104, **amend** (3.5) as follows:

19-6-104. Hearing - orders. (3.5) Upon the filing of a proceeding under this ~~article~~ ARTICLE 6 or upon the filing of a proceeding originating under article 13.5 of title 26, ~~C.R.S.~~ THE JUDGE OR MAGISTRATE SHALL ADVISE THE PARTIES THAT SUBSEQUENT TO AN ADJUDICATION OF PARENTAGE, UPON MOTION, the court ~~may~~ SHALL enter an order allocating parental responsibilities pursuant to section 14-10-124 (1.5); ~~C.R.S.~~, except

that, in matters involving a nonresident party, the court shall first determine whether it has authority to issue an order allocating parental responsibilities pursuant to article 13 of title 14, ~~C.R.S.~~ Nothing in this subsection (3.5) shall be construed to authorize a delegate child support enforcement unit to negotiate or mediate the allocation of parental responsibilities in any proceeding initiated under this article or article 13.5 of title 26. ~~C.R.S.~~

SECTION 10. In Colorado Revised Statutes, **add** 19-6-107 as follows:

19-6-107. Orders for allocation of parental responsibilities in support actions. UPON THE FILING OF ANY PROCEEDING UNDER THIS ARTICLE 6 OR UNDER ARTICLE 13.5 OF TITLE 26, THE COURT SHALL, AS SOON AS PRACTICABLE, ENTER A TEMPORARY OR PERMANENT ORDER ALLOCATING PARENTAL RESPONSIBILITIES THAT ALLOCATES DECISION-MAKING RESPONSIBILITY AND PARENTING TIME FOR THE CHILD UNTIL FURTHER ORDER OF THE COURT. THIS SECTION DOES NOT APPLY TO ANY PARENTAGE DETERMINATION MADE PURSUANT TO SECTION 14-5-402.

SECTION 11. In Colorado Revised Statutes, 26-13-122.7, **amend** (1)(c)(I)(D) and (1)(c)(II)(B) as follows:

26-13-122.7. Administrative lien and attachment of insurance claim payments, awards, and settlements - reporting - rules - fund. (1) (c) (I) For the purposes of this section, an insurance claim payment, award, or settlement is limited to an individual who receives money in excess of one thousand dollars after making a claim for payment under an insurance policy for:

(D) A life insurance policy or annuity contract ~~and the proceeds from the sale or assignment of life insurance or annuity benefits~~ PAYABLE TO A BENEFICIARY.

(II) For the purposes of this section, an insurance claim payment:

(B) Does not include any ~~moneys~~ MONEY payable as attorney fees, witness fees, court costs, reasonable litigation expenses, documented unpaid expenses incurred for medical treatment causally related to the claim, ~~or any~~ portion of a claim based on damage or a loss of real or personal property, OR ANY MONEY ASSIGNED OR DESIGNATED AS FUNERAL OR BURIAL

EXPENSES.

SECTION 12. In Colorado Revised Statutes, 26-13.5-102, **amend** (1.2) and (1.3) as follows:

26-13.5-102. Definitions. As used in this article 13.5, unless the context otherwise requires:

(1.2) "APA-petitioner" means, PURSUANT TO ARTICLE 13 OF THIS TITLE 26:

(a) The party who has applied ~~or been mandatorily referred~~ for child support services; ~~pursuant to article 13 of this title 26.~~ OR

(b) THE PARTY WHO WAS MANDATORILY REFERRED FOR CHILD SUPPORT SERVICES, EXCEPT IN FOSTER CARE FEE CASES, IN WHICH THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OR THE PARENT MAY BE THE PETITIONER.

(1.3) "APA-respondent" means, PURSUANT TO ARTICLE 13 OF THIS TITLE 26:

(a) The party that did not apply for child support services; ~~and;~~ OR

(b) THE PARTY THAT was not mandatorily referred for child support services, ~~pursuant to article 13 of this title 26~~ EXCEPT IN FOSTER CARE FEE CASES, IN WHICH THE PARENT WHO WAS REFERRED MAY BE THE RESPONDENT.

SECTION 13. In Colorado Revised Statutes, 26-13.5-103, **amend** (1)(i) as follows:

26-13.5-103. Notice of financial responsibility issued - contents.

(1) The delegate child support enforcement unit shall issue a notice of financial responsibility to the APA-respondent who is the obligee or an obligor who owes a child support debt or who is responsible for the support of a child or to the custodian of a child who is receiving support enforcement services from the delegate child support enforcement unit pursuant to article 13 of this title 26. If the obligor has applied for child support services, the notice must be served on the obligee. The notice must

advise the APA-respondent:

(i) That the delegate child support enforcement unit may issue an administrative subpoena to obtain income information; ~~from the obligor;~~

SECTION 14. In Colorado Revised Statutes, 26-13.5-103, **amend** (1)(s) as follows:

26-13.5-103. Notice of financial responsibility issued - contents.

(1) The delegate child support enforcement unit shall issue a notice of financial responsibility to the APA-respondent who is the obligee or an obligor who owes a child support debt or who is responsible for the support of a child or to the custodian of a child who is receiving support enforcement services from the delegate child support enforcement unit pursuant to article 13 of this title 26. If the obligor has applied for child support services, the notice must be served on the obligee. The notice must advise the APA-respondent:

(s) That, if the APA-petitioner or APA-respondent has any questions, ~~he or she~~ THE APA-PETITIONER OR APA-RESPONDENT should telephone, E-MAIL, or visit the delegate child support enforcement unit;

SECTION 15. In Colorado Revised Statutes, 26-13.5-105, **amend** (3)(d) as follows:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court.

(3) (d) Notwithstanding any rules of the Colorado rules of civil procedure, a complaint is not required in order to initiate a court action pursuant to this subsection (3). The court shall inform the delegate child support enforcement unit of the date and location of the hearing and the court or the delegate child support enforcement unit shall send a notice to the APA-petitioner and APA-respondent informing each party of the date and location of the hearing. In order to meet federal requirements of expedited process for child support enforcement, the court shall hold a hearing and decide only the issue of child support within ninety days after receipt of notice, as defined in section 26-13.5-102 (13), or within six months after receipt of notice, as defined in section 26-13.5-102 (13), if the APA-petitioner or APA-respondent is contesting the issue of ~~paternity~~ PARENTAGE. THE JUDGE OR MAGISTRATE SHALL ADVISE THE PARTIES THAT

SUBSEQUENT TO AN ADJUDICATION OF PARENTAGE, UPON REQUEST, THE COURT SHALL ENTER AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES PURSUANT TO SECTION 14-10-124 (1.5); EXCEPT THAT, IN MATTERS INVOLVING A NONRESIDENT PARTY, THE COURT SHALL FIRST DETERMINE WHETHER IT HAS AUTHORITY TO ISSUE AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES PURSUANT TO ARTICLE 13 OF TITLE 14. ~~If the obligor raises issues~~ EITHER PARTY REQUESTS ORDERS relating to the allocation of parental responsibilities, decision-making responsibility, or parenting time and the court has jurisdiction to hear such matters BUT IS UNABLE TO HOLD A HEARING TO ADDRESS ALL ISSUES WITHIN THE FEDERALLY REQUIRED TIME FRAME FOR EXPEDITED PROCESS FOR CHILD SUPPORT ENFORCEMENT DESCRIBED ABOVE, the court shall set a separate hearing for those issues after entry of the order of support. In any action, including an action for ~~paternity~~ PARENTAGE, additional service beyond that originally required pursuant to section 26-13.5-104 is not required if a stipulation is not reached at the negotiation conference and the court is requested to set a hearing in the matter.

SECTION 16. In Colorado Revised Statutes, 26-13.5-105, **amend** (1) introductory portion, (1)(d), (3)(c) introductory portion, and (3)(c)(I) as follows:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court. (1) Every APA-respondent who has been served with a notice of financial responsibility pursuant to section 26-13.5-104 shall appear at the time and location stated in the notice for a negotiation conference or shall reschedule a negotiation conference prior to the date and time stated in the notice. The negotiation conference must be scheduled not more than thirty-five days after the date of the issuance of the notice of financial responsibility. A negotiation conference may be rescheduled by a request for a standard continuance by the APA-petitioner or APA-respondent. A standard continuance must not be more than seven days after the date of the currently scheduled negotiation conference. The negotiation conference may also be continued for good cause as defined in rules promulgated pursuant to section 26-13.5-113. If a negotiation conference is continued, the APA-petitioner and APA-respondent must be notified of such continuance by first-class mail, hand delivery, or electronic means if agreed to by both parties. A STIPULATION IN AN ESTABLISHMENT ACTION MAY BE SIGNED BY THE APA-RESPONDENT AND THE DELEGATE CHILD SUPPORT ENFORCEMENT

UNIT, WITH OR WITHOUT THE SIGNATURE OF THE APA-PETITIONER. If a stipulation is agreed upon at the negotiation conference as to the obligor's duty of support, the delegate child support enforcement unit shall issue an administrative order of financial responsibility setting forth the following:

(d) The names and dates of birth of the parties and of the children for whom support is being sought and the parties' residential and mailing addresses, UNLESS THAT INFORMATION MUST NOT BE DISCLOSED PURSUANT TO SECTION 26-13-102.8.

(3) (c) If a stipulation is not agreed upon at the negotiation conference and ~~paternity~~ PARENTAGE is not an issue, or, if ~~paternity~~ PARENTAGE is an issue and either the evidence relating to ~~paternity~~ PARENTAGE meets the requirements set forth in section 13-25-126 (1)(g), or parentage has been previously determined by another state, the delegate child support enforcement unit shall:

(I) Issue temporary orders establishing current child support, ~~arrears,~~ foster care maintenance, AND medical support; ~~and reasonable support for a time period prior to the entry of the order for support;~~

SECTION 17. In Colorado Revised Statutes, 26-13.5-105, **amend** (5) as follows:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court. (5) If the court or delegate child support enforcement unit finds that the ~~respondent~~ OBLIGOR has an obligation to support the child or children mentioned in the petition or notice, the court or delegate child support enforcement unit may enter an order directing the ~~respondent~~ OBLIGOR to pay such sums for support as may be reasonable under the circumstances, taking into consideration the factors found in section 19-4-116 (6). ~~C.R.S.~~ The court or delegate child support enforcement unit may also enter an order directing the appropriate party to pay for support of the child, in an amount as may be determined by the court or delegate child support enforcement unit to be reasonable under the circumstances, for a time period which occurred prior to the ~~entry of the support order established~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS pursuant to section 19-6-104. ~~C.R.S.~~

SECTION 18. In Colorado Revised Statutes, 26-13.5-106, **amend**

(1)(c)(IV) as follows:

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

(IV) The name of the child's custodian and the name AND birth date ~~and social security number~~ of the child for whom support is being sought;

SECTION 19. In Colorado Revised Statutes, 26-13.5-106, **amend** (1)(d) as follows:

26-13.5-106. Default - issuance of establishment order of default - filing of order with district court - rules. (1) (d) The order for default may direct the obligor to pay for support of the child, in an amount determined by the court or delegate child support enforcement unit to be reasonable under the circumstances, for a time period prior to the ~~entry of~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS IN the order establishing FINANCIAL RESPONSIBILITY AND ~~paternity~~ PARENTAGE.

SECTION 20. In Colorado Revised Statutes, 26-13.5-122, **amend** (4) as follows:

26-13.5-122. Survivability of an administrative process action order - applicability. (4) ~~If an APA order contains a judgment for retroactive support that is owed to a nonparent caretaker of a dependent child, such judgment survives pursuant to this section~~ IF THE APA ORDER ESTABLISHES A SUPPORT OBLIGATION THAT IS OWED TO A NONPARENT CARETAKER, THE SUPPORT OBLIGATION, INCLUDING ANY RETROACTIVE SUPPORT, UNPAID SUPPORT, AND MONTHLY SUPPORT OWED TO THE NONPARENT CARETAKER SURVIVE PURSUANT TO THIS SECTION.

SECTION 21. In Colorado Revised Statutes, 14-10-115, **amend** (16)(b), (16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G), (16)(c)(III), and (16)(d) as follows:

14-10-115. Child support guidelines - purpose - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission - definitions. (16) **Child support commission.** (b) As part of its review,

the commission ~~must~~ SHALL consider economic data on the cost of raising children and analyze case data on the application of, and deviations from, the guidelines and the schedule of basic child support obligations to be used in the commission's review to ensure that deviations from the guidelines and schedule of basic child support obligations are limited. FURTHER, AS PART OF ITS REVIEW, THE COMMISSION SHALL CONSIDER:

(I) ESTABLISHING AN ADEQUATE STANDARD OF SUPPORT FOR CHILDREN, SUBJECT TO THE PARENTS' ABILITY TO PAY;

(II) MAKING AWARDS MORE EQUITABLE BY ENSURING MORE CONSISTENT TREATMENT OF PERSONS IN SIMILAR CIRCUMSTANCES; AND

(III) IMPROVING THE EFFICIENCY OF THE COURT PROCESS BY PROMOTING SETTLEMENTS AND GIVING COURTS AND THE PARTIES GUIDANCE ON ESTABLISHING LEVELS OF AWARDS.

(c) (I) The child support commission consists of no more than twenty-one members. THE COMMISSION IS DEDICATED TO INCLUDING DIVERSE PERSPECTIVES IN ITS RECOMMENDATIONS.

(II) The governor shall appoint up to nineteen persons to the commission, who must include:

(B) The director of the division in the state department of human services, who is responsible for child support ~~enforcement~~ SERVICES, or the director's designee;

(G) AT LEAST FOUR parent representatives, AT LEAST TWO OF WHOM ARE PRESENT OR PAST OBLIGORS AND TWO OF WHOM ARE PRESENT OR PAST OBLIGEES.

(III) In making appointments to the commission, the governor shall attempt to assure RACIAL, ECONOMIC, GENDER, AND geographical diversity.

(d) Members of the child support commission, ~~shall not be compensated for their services on the commission except as otherwise provided in section 2-2-326, C.R.S., and except that members shall be reimbursed for actual and necessary expenses for travel and mileage incurred in connection with their duties.~~ The child support commission is

authorized, subject to appropriation, to incur expenses related to its work, including the costs associated with public hearings, printing, travel, and research.

SECTION 22. In Colorado Revised Statutes, 19-4-105, **amend** (2)(b) introductory portion as follows:

19-4-105. Presumption of paternity. (2) (b) A duly executed voluntary acknowledgment of parentage takes effect upon the filing of the document with the state registrar of vital statistics and may be rescinded ~~on~~ WITHIN the earlier of:

SECTION 23. In Colorado Revised Statutes, **amend** 19-4-130 as follows:

19-4-130. Temporary orders for allocation of parental responsibilities. (1) Upon the filing of any proceeding under this ~~article~~ ARTICLE 4 or under article 13.5 of title 26, ~~C.R.S.~~, the court shall, ~~as soon as practicable~~ UPON MOTION OF A PARTY, enter a temporary or permanent order allocating parental responsibilities that ~~shall allocate~~ ALLOCATES the decision-making responsibility and parenting time of the child until further order of the court.

(2) Subsection (1) of this section ~~shall~~ DOES not apply to any ~~paternity~~ PARENTAGE determination made pursuant to section 14-5-402. ~~C.R.S.~~

SECTION 24. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 3, 4, 6, 9, 10, 12, 13, 14, 15, 16, 18, and 20 of this act take effect July 1, 2023.

(3) Section 21 of this act takes effect August 1, 2023.

(4) Sections 1, 7, 8, 11, 17, and 19 of this act take effect September 1, 2023.

(5) Section 2 of this act takes effect July 1, 2024.

SECTION 25. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO