

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0409.01 Jane Ritter x4342

HOUSE BILL 16-1165

HOUSE SPONSORSHIP

Becker K. and Landgraf,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORY CHANGES BASED ON THE
102 RECOMMENDATIONS IN THE REPORT OF THE 2013-2015
103 COLORADO 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://www.leg.state.co.us/billsummaries>.)

The bill makes several changes to the Colorado child support guidelines and related statutes based on the work and final report of the 2013-2015 Colorado child support commission. The changes include:

- ! New legislation that permits the state child support enforcement agency to discover and administratively seize

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

- insurance claim payments, awards, and settlements for the purpose of meeting past-due child support obligations;
- ! Changes to the income adjustment formula when parents are obligated to support children with multiple co-parents and joint legal responsibilities for the children;
- ! An amendment to the definition of "shared physical care" so that overall parenting time with a child is considered rather than simply the number of overnights with a child;
- ! Changing the reasonable cost threshold percentage for the enforcement of court-ordered medical support from 20% to 5%;
- ! Adding statutory language requiring the annual exchange between parents of financial information, including verification of child care expenses;
- ! Limiting the time period for which a party may seek retroactive child support based upon a change in physical care to 5 years; and
- ! Adding language regarding providing notice to possible and presumptive fathers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-3-1115, **add** (7)
 3 as follows:

4 **10-3-1115. Improper denial of claims - prohibited - definitions**
 5 **- severability.** (7) THE PROVISIONS OF THIS SECTION AND SECTION
 6 10-3-1116 DO NOT APPLY TO ANY CLAIM PAYMENT THAT IS DELAYED OR
 7 DENIED BECAUSE OF THE INSURER'S PARTICIPATION IN THE CHILD SUPPORT
 8 ENFORCEMENT MECHANISM ESTABLISHED IN SECTION 26-13-122.7, C.R.S.

9 **SECTION 2.** In Colorado Revised Statutes, 14-10-122, **amend**
 10 (1.5) (c) (I) as follows:

11 **14-10-122. Modification and termination of provisions for**
 12 **maintenance, support, and property disposition - automatic lien.**
 13 (1.5) (c) **Lien on personal property other than wages, insurance**
 14 **claim payments, awards, and settlements, and moneys held by a**

1 **financial institution as defined in 42 U.S.C. sec. 669a (d) (1) or motor**
2 **vehicles.** (I) To evidence a lien on personal property, other than wages;
3 INSURANCE CLAIM PAYMENTS, AWARDS, AND SETTLEMENTS AS
4 AUTHORIZED IN SECTION 26-13-122.7, C.R.S.; and moneys held by a
5 financial institution as defined in 42 U.S.C. sec. 669a (d) (1) or motor
6 vehicles, created pursuant to this subsection (1.5), the state child support
7 enforcement agency shall file a notice of lien with the secretary of state
8 by means of direct electronic data transmission. From the time of filing
9 the notice of lien with the secretary of state, ~~such~~ THE lien ~~shall be~~ IS an
10 encumbrance in favor of the obligee, or the assignee of the obligee, and
11 ~~shall encumber~~ ENCUMBERS all personal property or any interest of the
12 obligor in any personal property.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 26-13-122.7 as
14 follows:

15 **26-13-122.7. Administrative lien and attachment of insurance**
16 **claim payments, awards, and settlements.** (1) (a) THE STATE CHILD
17 SUPPORT ENFORCEMENT AGENCY, OR ITS AGENT, MAY ISSUE A NOTICE OF
18 ADMINISTRATIVE LIEN AND ATTACHMENT TO ANY PERSON, INSURANCE
19 COMPANY, OR AGENCY TO ATTACH INSURANCE CLAIM PAYMENTS,
20 AWARDS, OR SETTLEMENTS DUE TO AN OBLIGOR WHO IS RESPONSIBLE FOR
21 THE PAST-DUE SUPPORT OF A CHILD OR CHILDREN ON WHOSE BEHALF AN
22 OBLIGEE IS RECEIVING SERVICES FROM THE STATE'S CHILD SUPPORT
23 ENFORCEMENT AGENCY OR A DELEGATE CHILD SUPPORT ENFORCEMENT
24 UNIT PURSUANT TO THIS ARTICLE. THE STATE CHILD SUPPORT
25 ENFORCEMENT AGENCY AND INSURANCE COMPANIES SHALL PARTICIPATE
26 IN THE CHILD SUPPORT LIEN NETWORK INSURANCE DATA MATCH, OR A
27 SIMILAR PROGRAM, TO FACILITATE DISCOVERY OF POTENTIAL CLAIM

1 PAYMENTS, AWARDS, OR SETTLEMENTS.

2 (b) (I) FOR THE PURPOSES OF THIS SECTION, AN INSURANCE CLAIM
3 PAYMENT, AWARD, OR SETTLEMENT IS LIMITED TO AN INDIVIDUAL WHO
4 RECEIVES MONEYS AFTER MAKING A CLAIM FOR PAYMENT UNDER AN
5 INSURANCE POLICY FOR:

6 (A) PERSONAL INJURY;

7 (B) WRONGFUL DEATH;

8 (C) WORKERS' COMPENSATION; OR

9 (D) PROCEEDS OF A LIFE INSURANCE POLICY OR ANNUITY
10 CONTRACT AND THE PROCEEDS FROM THE SALE OR ASSIGNMENT OF LIFE
11 INSURANCE OR ANNUITY BENEFITS.

12 (II) FOR THE PURPOSES OF THIS SECTION, AN INSURANCE CLAIM
13 PAYMENT:

14 (A) ONLY INCLUDES THE PORTION OF THE CLAIM, AWARD, OR
15 SETTLEMENT PAYABLE TO THE OBLIGOR OR THE OBLIGOR'S
16 REPRESENTATIVE. ANY PORTION OF AN INSURANCE CLAIM PAYMENT THAT
17 REPLACES WAGES OR PROVIDES INCOME IN LIEU OF WAGES IS SUBJECT TO
18 THE LIMITATIONS SET FORTH IN SECTION 13-54-104 (2), C.R.S.; AND

19 (B) DOES NOT INCLUDE ANY MONEYS PAYABLE AS ATTORNEY
20 FEES, WITNESS FEES, COURT COSTS, REASONABLE LITIGATION EXPENSES,
21 DOCUMENTED UNPAID EXPENSES INCURRED FOR MEDICAL TREATMENT
22 CAUSALLY RELATED TO THE CLAIM, OR ANY PORTION OF A CLAIM BASED
23 ON DAMAGE OR A LOSS OF REAL OR PERSONAL PROPERTY.

24 (2) AN INSURANCE COMPANY, AGENCY, OR CENTRAL REPORTING
25 ORGANIZATION, OR THE DIRECTORS, AGENTS, OR EMPLOYEES OF AN
26 INSURER, INSURANCE COMPANY, OR CENTRAL REPORTING ORGANIZATION,
27 ARE NOT LIABLE, AND NO CAUSE OF ACTION ACCRUES, FOR DAMAGES

1 BASED UPON ACTIONS TAKEN IN GOOD FAITH PURSUANT TO THIS SECTION.

2 (3) THE ADMINISTRATIVE LIEN AND ATTACHMENT REQUIRE THE
3 PERSON, INSURANCE COMPANY, OR AGENCY TO WITHHOLD THE INSURANCE
4 CLAIM PAYMENT, AWARD, OR SETTLEMENT. AN ADMINISTRATIVE LIEN AND
5 ATTACHMENT FOR THE COLLECTION FROM INSURANCE CLAIM PAYMENTS,
6 AWARDS, OR SETTLEMENTS FOR THE PAYMENT OF PAST-DUE CHILD
7 SUPPORT OBLIGATIONS OR PAST-DUE MAINTENANCE OR MAINTENANCE
8 WHEN COMBINED WITH CHILD SUPPORT OBLIGATIONS IS CONTINUING AND
9 REMAINS IN EFFECT UNTIL SUCH AMOUNT IS SATISFIED OR IS RELEASED IN
10 WRITING BY THE STATE CHILD SUPPORT ENFORCEMENT AGENCY.

11 (4) IN ORDER TO ATTACH AND COLLECT INSURANCE CLAIM
12 PAYMENTS, AWARDS, OR SETTLEMENTS FOR THE PAYMENT OF PAST-DUE
13 CHILD SUPPORT OR PAST-DUE MAINTENANCE OR MAINTENANCE WHEN
14 COMBINED WITH CHILD SUPPORT OBLIGATIONS, THE STATE CHILD SUPPORT
15 ENFORCEMENT AGENCY IS AUTHORIZED TO SERVE, BY FIRST-CLASS MAIL
16 OR ELECTRONICALLY, IF MUTUALLY AGREED UPON, A NOTICE OF
17 ADMINISTRATIVE LIEN AND ATTACHMENT ON ANY PERSON, INSURANCE
18 COMPANY, OR AGENCY HOLDING INSURANCE CLAIM PAYMENTS, AWARDS,
19 OR SETTLEMENTS THAT ARE OWED TO AN OBLIGOR. A COPY OF THE
20 ADMINISTRATIVE LIEN AND ATTACHMENT SHALL BE PROVIDED TO THE
21 OBLIGOR AND MUST INCLUDE INFORMATION ON THE OBLIGOR'S RIGHT TO
22 OBJECT TO THE ADMINISTRATIVE LIEN AND ATTACHMENT AND TO REQUEST
23 AN ADMINISTRATIVE REVIEW PURSUANT TO RULES PROMULGATED BY THE
24 STATE BOARD.

25 (5) ANY REMITTANCE OF MONEYS DEDUCTED OR WITHHELD BY A
26 PERSON, INSURANCE COMPANY, OR AGENCY PURSUANT TO THIS SECTION
27 MUST INCLUDE THE OBLIGOR'S NAME AND IDENTIFYING NUMBER AS

1 ASSIGNED BY THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR THE
2 FAMILY SUPPORT REGISTRY. THE MONEYS MUST BE REMITTED TO THE
3 FAMILY SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114.

4 (6) THE STATE CHILD SUPPORT ENFORCEMENT AGENCY MAY
5 RECOVER FROM THE MONEYS COLLECTED ANY FEES ASSESSED UPON THE
6 STATE CHILD SUPPORT ENFORCEMENT AGENCY IN ITS EFFORTS TO ATTACH
7 INSURANCE CLAIM PAYMENTS, AWARDS, AND SETTLEMENTS.

8 (7) THIS SECTION APPLIES TO ALL CHILD SUPPORT OBLIGATIONS
9 AND TO ALL MAINTENANCE OR MAINTENANCE WHEN COMBINED WITH
10 CHILD SUPPORT OBLIGATIONS THAT WERE ORDERED AS PART OF ANY
11 PROCEEDING, REGARDLESS OF WHEN THE ORDER WAS ENTERED. ALL CHILD
12 SUPPORT OBLIGORS ARE SUBJECT TO THE NOTICE OF ADMINISTRATIVE LIEN
13 AND ATTACHMENT AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

14 (8) A LIEN OR ASSIGNMENT PERFECTED ON ANY INSURANCE CLAIM
15 PAYMENT, AWARD, OR SETTLEMENT PRIOR TO THE RECEIPT OF THE
16 ADMINISTRATIVE LIEN AND ATTACHMENT ISSUED BY THE STATE CHILD
17 SUPPORT ENFORCEMENT AGENCY SHALL BE HONORED PRIOR TO THE
18 ADMINISTRATIVE LIEN AND ATTACHMENT ISSUED BY THE STATE CHILD
19 SUPPORT ENFORCEMENT AGENCY. THE STATE CHILD SUPPORT
20 ENFORCEMENT AGENCY SHALL RECEIVE THE BALANCE, IF ANY, OF THE
21 REMAINING INSURANCE CLAIM PAYMENT, AWARD, OR SETTLEMENT UP TO
22 THE AMOUNT OWED BY THE OBLIGOR.

23 **SECTION 4.** In Colorado Revised Statutes, 14-10-115, **amend**
24 (6) as follows:

25 **14-10-115. Child support guidelines - purpose - definitions -**
26 **determination of income - schedule of basic child support obligations**
27 **- adjustments to basic child support - additional guidelines - child**

1 **support commission. (6) Adjustments to gross income. (a) The**
2 ~~amount of child support actually paid by a parent with an order for~~
3 ~~support of other children shall be deducted from that parent's gross~~
4 ~~income.~~ AT THE TIME A CHILD SUPPORT ORDER IS INITIALLY ESTABLISHED,
5 OR IN ANY PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, IF A PARENT
6 IS ALSO LEGALLY RESPONSIBLE FOR THE SUPPORT OF ANY OTHER CHILDREN
7 FOR WHOM THE PARENTS DO NOT SHARE JOINT LEGAL RESPONSIBILITY, THE
8 COURT SHALL MAKE AN ADJUSTMENT TO THE PARENT'S GROSS INCOME
9 PRIOR TO CALCULATING THE BASIC CHILD SUPPORT OBLIGATION FOR THE
10 CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE SUPPORT ORDER IN
11 QUESTION AS FOLLOWS:

12 (I) IF A PARENT IS OBLIGATED TO PAY SUPPORT FOR ANOTHER
13 CHILD PURSUANT TO AN ORDER, THE AMOUNT ACTUALLY PAID ON THE
14 ORDER MUST BE DEDUCTED FROM THAT PARENT'S GROSS INCOME;

15 (II) IF THE OTHER CHILD IS RESIDING IN THE HOME OF A PARENT,
16 THE COURT SHALL DEDUCT FROM THAT PARENT'S GROSS INCOME THE
17 AMOUNT CALCULATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
18 (6);

19 (III) IF ANOTHER CHILD OF A PARENT IS RESIDING OUTSIDE THE
20 HOME OF THAT PARENT, THE COURT SHALL DEDUCT FROM THAT PARENT'S
21 GROSS INCOME THE AMOUNT OF DOCUMENTED MONEY PAYMENTS
22 ACTUALLY PAID BY THE PARENT FOR THE SUPPORT OF THE OTHER CHILD,
23 NOT TO EXCEED THE SCHEDULE OF BASIC SUPPORT OBLIGATIONS SET
24 FORTH IN SUBSECTION (7) OF THIS SECTION.

25 (b) ~~(f) At the time of the initial establishment of a child support~~
26 ~~order, or in any proceeding to modify a support order, if a parent is also~~
27 ~~legally responsible for the support of other children for whom the parents~~

1 ~~do not share joint legal responsibility, an adjustment shall be made~~
2 ~~revising the parent's income prior to calculating the basic child support~~
3 ~~obligation for the children who are the subject of the support order if the~~
4 ~~children are living in the home of the parent seeking the adjustment or if~~
5 ~~the children are living out of the home, and the parent seeking the~~
6 ~~adjustment provides documented proof of money payments of support of~~
7 ~~those children. The amount shall OF THE ADJUSTMENT MUST not exceed~~
8 ~~the schedule of basic support obligations listed in this section. For a~~
9 ~~parent with a gross income of one thousand nine hundred dollars or less~~
10 ~~per month, the adjustment shall be IS seventy-five percent of the amount~~
11 ~~calculated using the low-income adjustment described in~~
12 ~~sub-subparagraphs (B) and (C) of subparagraph (II) of paragraph (a) of~~
13 ~~subsection (7) of this section based only upon the responsible parent's~~
14 ~~income, without any other adjustments for the number of other children~~
15 ~~for whom the parent is responsible. For a parent with gross income of~~
16 ~~more than one thousand nine hundred dollars per month, the adjustment~~
17 ~~shall be IS seventy-five percent of the amount listed under the schedule~~
18 ~~of basic support obligations in paragraph (b) of subsection (7) of this~~
19 ~~section that would represent a support obligation based only upon the~~
20 ~~responsible parent's income, without any other adjustments for the~~
21 ~~number of other children for whom the parent is responsible. The amount~~
22 ~~calculated as set forth in this subparagraph (I) shall PARAGRAPH (b) MUST~~
23 ~~be subtracted from the amount of the parent's gross income prior to~~
24 ~~calculating the basic support obligation based upon both parents' gross~~
25 ~~income, as provided in subsection (7) of this section.~~

26 (H) ~~The adjustment pursuant to this paragraph (b), based on the~~
27 ~~responsibility to support other children, shall not be made to the extent~~

1 ~~that the adjustment contributes to the calculation of a support order lower~~
2 ~~than a previously existing support order for the children who are the~~
3 ~~subject of the modification hearing at which an adjustment is sought.~~

4 **SECTION 5.** In Colorado Revised Statutes, 14-10-115, **amend**
5 (8) (e) as follows:

6 **14-10-115. Child support guidelines - purpose - definitions -**
7 **determination of income - schedule of basic child support obligations**
8 **- adjustments to basic child support - additional guidelines - child**
9 **support commission. (8) Computation of basic child support - shared**
10 **physical care - split physical care - stipulations - deviations - basis for**
11 **periodic updates. (e)** In ~~any~~ AN action to establish or modify child
12 support, whether temporary or permanent, the guidelines and schedule of
13 basic child support obligations ~~as~~ set forth in subsection (7) of this section
14 shall be used as a rebuttable presumption for the establishment or
15 modification of the amount of child support. ~~Courts~~ A COURT may deviate
16 from the guidelines and schedule of basic child support obligations where
17 its application would be inequitable, unjust, or inappropriate. Any such
18 deviation shall be accompanied by written or oral findings by the court
19 specifying the reasons for the deviation and the presumed amount under
20 the guidelines and schedule of basic child support obligations without a
21 deviation. These reasons may include, but are not limited to, THE AMOUNT
22 OF TIME A PARENT SPENDS WITH A CHILD, WHICH NEED NOT INCLUDE
23 OVERNIGHTS, the extraordinary medical expenses incurred for treatment
24 of either parent or a current spouse, extraordinary costs associated with
25 parenting time, the gross disparity in income between the parents, the
26 ownership by a parent of a substantial nonincome producing asset,
27 consistent overtime not considered in gross income under

1 sub-subparagraph (C) of subparagraph (II) of paragraph (a) of subsection
2 (5) of this section, or income from employment that is in addition to a
3 full-time job or that results in the employment of the obligor more than
4 forty hours per week or more than what would otherwise be considered
5 to be full-time employment. The existence of a factor enumerated in this
6 section does not require the court to deviate from the guidelines and basic
7 schedule of child support obligations but ~~is~~ MAY BE a factor to be
8 considered in the decision to deviate. The court may deviate from the
9 guidelines and basic schedule of child support obligations even if ~~no~~ A
10 factor enumerated in this section ~~exists~~ DOES NOT EXIST.

11 **SECTION 6.** In Colorado Revised Statutes, 14-10-115, **amend**
12 (10) (g) as follows:

13 **14-10-115. Child support guidelines - purpose - definitions -**
14 **determination of income - schedule of basic child support obligations**
15 **- adjustments to basic child support - additional guidelines - child**
16 **support commission. (10) Adjustments for health care expenditures**
17 **for children.** (g) Where the application of the premium payment on the
18 guidelines and schedule of basic child support obligations results in a
19 child support order of fifty dollars or less, or the premium payment is
20 ~~twenty~~ FIVE percent or more of the parent's gross income, the court or
21 delegate child support enforcement unit may elect not to require the
22 parent to include the child or children on an existing policy or to purchase
23 insurance. The parent ~~shall, however, be~~ IS, HOWEVER, required to provide
24 insurance when it ~~does become~~ BECOMES available at a reasonable cost.

25 **SECTION 7.** In Colorado Revised Statutes, 14-10-115, **amend**
26 (14) (a) as follows:

27 **14-10-115. Child support guidelines - purpose - definitions -**

1 **determination of income - schedule of basic child support obligations**
2 **- adjustments to basic child support - additional guidelines - child**
3 **support commission. (14) Annual exchange of information.** (a) When

4 a child support order is entered or modified, the parties ~~may agree or the~~
5 ~~court may require the parties to exchange financial information~~ SHALL
6 EXCHANGE FINANCIAL INFORMATION, including verification of CHILD
7 CARE AND ITS COSTS AND VERIFICATION OF insurance and its costs,
8 pursuant to paragraph (c) of subsection (5) of this section and other
9 appropriate information once a year or less often, ~~by regular mail~~, for the
10 purpose of updating and modifying the order without a court hearing. The
11 parties shall use the approved standardized child support forms specified
12 in subsection (4) of this section in exchanging financial information. THE
13 PARENTS SHALL INCLUDE the forms ~~shall be included~~ with any agreed
14 modification or an agreement that a modification is not appropriate at the
15 time. If the agreed amount departs from the guidelines and schedule of
16 basic child support obligations, the parties shall furnish statements of
17 explanation ~~that shall be included~~ with the forms and shall ~~be filed~~ FILE
18 THE DOCUMENTS with the court. The court shall review the agreement
19 pursuant to this paragraph (a) and inform the parties by regular mail
20 whether or not additional or corrected information is needed, or that the
21 modification is granted, or that the modification is denied. If the parties
22 cannot agree, ~~no~~ A modification pursuant to this paragraph (a) shall NOT
23 be entered; however, either party may move for or the court may
24 schedule, upon its own motion, a modification hearing.

25 **SECTION 8.** In Colorado Revised Statutes, 14-10-122, **amend**
26 (5) as follows:

27 **14-10-122. Modification and termination of provisions for**

1 **maintenance, support, and property disposition - automatic lien.**

2 (5) Notwithstanding the provisions of subsection (1) of this section,
3 when a court-ordered, voluntary, or mutually agreed upon change of
4 physical care occurs, the provisions for child support of the obligor under
5 the existing child support order, if modified pursuant to this section, will
6 be modified or terminated as of the date when physical care was changed.
7 The provisions for the establishment of a child support order based on a
8 court-ordered, voluntary, or mutually agreed upon change of physical care
9 may also be entered retroactively to the date when the physical care was
10 changed. When a court-ordered, voluntary, or mutually agreed upon
11 change of physical care occurs, parties are encouraged to avail themselves
12 of the provision set forth in section 14-10-115 (14) (a) for updating and
13 modifying a child support order without a court hearing. THE COURT
14 SHALL NOT MODIFY CHILD SUPPORT PURSUANT TO THIS SUBSECTION (5)
15 FOR ANY TIME MORE THAN FIVE YEARS PRIOR TO THE FILING OF THE
16 MOTION TO MODIFY CHILD SUPPORT, UNLESS THE COURT FINDS THAT ITS
17 APPLICATION WOULD BE SUBSTANTIALLY INEQUITABLE, UNJUST, OR
18 INAPPROPRIATE. THE FIVE-YEAR PROHIBITION ON RETROACTIVE
19 MODIFICATION DOES NOT PRECLUDE A REQUEST FOR RELIEF PURSUANT TO
20 ANY STATUTE OR COURT RULE.

21 **SECTION 9.** In Colorado Revised Statutes, **amend** 19-4-110 as
22 follows:

23 **19-4-110. Parties.** The child may be made a party to the action.
24 If the child is a minor, the court may appoint a guardian ad litem. The
25 child's mother or father may not represent the child as guardian or
26 otherwise. THE COURT SHALL MAKE the natural mother, each man
27 presumed to be the father under section 19-4-105, and each man alleged

1 to be the natural father ~~shall be made~~ parties or, if not subject to the
2 jurisdiction of the court, ~~shall be given~~ PROVIDE notice of the action in a
3 manner prescribed by the court and an opportunity to be heard. If a man
4 who is alleged to be the natural father is deceased, THE COURT SHALL
5 MAKE the personal representative of his estate, if one has been appointed,
6 ~~shall be made~~ a party. If a personal representative has not been appointed,
7 THE COURT SHALL MAKE the deceased man's spouse or an immediate
8 blood relative ~~shall be made~~ a party. If a spouse or immediate blood
9 relative is not known or does not exist, the court shall appoint a
10 representative for the alleged natural father who is deceased. The court
11 may align the parties. WHEN THE PERSON TO BE SERVED HAS NO
12 RESIDENCE WITHIN COLORADO AND HIS OR HER PLACE OF RESIDENCE IS
13 NOT KNOWN OR WHEN HE OR SHE CANNOT BE FOUND WITHIN THE STATE
14 AFTER DUE DILIGENCE, SERVICE MUST BE BY PUBLICATION PURSUANT TO
15 RULE 4 (g) OF THE COLORADO RULES OF CIVIL PROCEDURE; EXCEPT THAT
16 SERVICE MUST BE BY A SINGLE PUBLICATION AND MUST BE COMPLETED
17 NOT LESS THAN FIVE DAYS PRIOR TO THE TIME SET FOR HEARING ON
18 PATERNITY ADJUDICATION.

19 **SECTION 10.** In Colorado Revised Statutes, 14-10-114, **amend**
20 (8) (a) (I) as follows:

21 **14-10-114. Spousal maintenance - guidelines - legislative**
22 **declaration - definitions.** (8) **Definitions.** As used in this section, unless
23 the context otherwise requires:

24 (a) (I) "Adjusted gross income" means gross income as defined in
25 paragraph (c) of this subsection (8), less preexisting court-ordered child
26 support obligations actually paid by a party, preexisting court-ordered
27 alimony or maintenance obligations actually paid by a party, and the

1 adjustment to a party's income as determined pursuant to section
2 14-10-115 (6) (b) ~~(f)~~, for any children who are not children of the
3 marriage for whom the party has a legal responsibility to support.

4 **SECTION 11. Act subject to petition - effective date.** This act
5 takes effect January 1, 2017; except that, if a referendum petition is filed
6 pursuant to section 1 (3) of article V of the state constitution against this
7 act or an item, section, or part of this act within the ninety-day period
8 after final adjournment of the general assembly, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2016 and, in such case, will take
11 effect on January 1, 2017, or on the date of the official declaration of the
12 vote thereon by the governor, whichever is later.