

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 16-0754.03 Debbie Haskins x2045

HOUSE BILL 16-1227

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A BILL FOR AN ACT

101 **CONCERNING EXEMPTIONS FROM CHILD SUPPORT ENFORCEMENT**
102 **REQUIREMENTS AS A CONDITION OF RECEIPT OF CHILD CARE**
103 **ASSISTANCE UNDER THE COLORADO CHILD CARE ASSISTANCE**
104 **PROGRAM.**

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>.)

Under current law, a county may impose as a condition of receiving low-income child care assistance under the Colorado child care assistance program (CCCAP) that an applicant who is not a Colorado

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.

works participant apply for and cooperate with child support establishment and enforcement, unless the applicant shows good cause to the county for an exemption from this requirement. Pursuant to this law, the state board of human services (state board) has adopted rules that give counties the option to require child support cooperation as a condition of receiving child care assistance for teen parents.

The bill exempts an applicant who is a teen parent, as defined by rule of the state board, from child support cooperation requirements as a condition of receiving child care assistance. Once a person who receives child care assistance no longer meets the definition of a teen parent, the county may require that person to cooperate with child support establishment and enforcement as a condition of continued receipt of child care assistance.

The bill exempts an applicant who is a victim of domestic violence, a sexual offense, harassment, or stalking from child support cooperation requirements or from establishing good cause for not cooperating as a condition of receiving child care assistance. The bill sets forth the requirements that a victim of domestic violence, a sexual offense, harassment, or stalking must establish to qualify for this exception.

A county may provide information about the importance of establishing child support to a teen parent or a victim of domestic violence, a sexual offense, harassment, or stalking who chooses not to engage in child support establishment and enforcement.

The state board is required to revise its rules on CCCAP to implement the exceptions from child support cooperation for teen parents and victims of domestic violence, sexual offense, harassment, or stalking.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-805, **amend** (5)
3 as follows:

4 **26-2-805. Services - eligibility - assistance provided - waiting**
5 **lists - rules - exceptions from cooperating with child support**
6 **establishment.** (5) (a) On and after July 1, 2014, AND EXCEPT AS
7 OTHERWISE PROVIDED IN PARAGRAPH (a.5) OR (a.7) OF THIS SUBSECTION
8 (5), a county may require a person who receives child care assistance
9 pursuant to this section and who is not otherwise a participant to apply,
10 pursuant to section 26-13-106 (2), for child support establishment,

1 modification, and enforcement services related to any support owed by
2 obligors to their children and to cooperate with the delegate child support
3 enforcement unit to receive these services; except that a person ~~shall~~ IS
4 not ~~be~~ required to submit a written application for child support
5 establishment, modification, and enforcement services if the person
6 shows good cause to the county implementing the Colorado child care
7 assistance program for not receiving these services.

8 (a.5) A COUNTY SHALL NOT REQUIRE AN APPLICANT WHO IS A TEEN
9 PARENT, AS DEFINED BY RULE OF THE STATE BOARD, AND WHO IS NOT
10 OTHERWISE A PARTICIPANT TO SUBMIT A WRITTEN APPLICATION FOR CHILD
11 SUPPORT ESTABLISHMENT, MODIFICATION, AND ENFORCEMENT SERVICES
12 AS A CONDITION OF RECEIVING CHILD CARE ASSISTANCE UNDER THIS
13 SECTION. ONCE A PERSON WHO RECEIVES CHILD CARE ASSISTANCE
14 PURSUANT TO THIS SECTION NO LONGER MEETS THE DEFINITION OF A TEEN
15 PARENT, THE COUNTY MAY REQUIRE THAT PERSON TO COOPERATE WITH
16 CHILD SUPPORT ESTABLISHMENT AND ENFORCEMENT AS A CONDITION OF
17 CONTINUED RECEIPT OF CHILD CARE ASSISTANCE. A COUNTY MAY PROVIDE
18 INFORMATION ABOUT THE IMPORTANCE OF ESTABLISHING CHILD SUPPORT
19 TO A TEEN PARENT WHO CHOOSES NOT TO ENGAGE IN CHILD SUPPORT
20 ESTABLISHMENT AND ENFORCEMENT.

21 (a.7) (I) A COUNTY SHALL NOT REQUIRE AN APPLICANT TO SUBMIT
22 A WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT,
23 MODIFICATION, AND ENFORCEMENT SERVICES AS A CONDITION OF
24 RECEIVING CHILD CARE ASSISTANCE OR TO ESTABLISH GOOD CAUSE FOR
25 NOT COOPERATING WITH CHILD SUPPORT ESTABLISHMENT AS A CONDITION
26 OF RECEIVING CHILD CARE ASSISTANCE IF THE APPLICANT:

27 (A) SUBMITS A STATEMENT THAT HE OR SHE IS A VICTIM OF

1 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND
2 IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.; OR A VICTIM OF A SEXUAL
3 OFFENSE, AS DESCRIBED IN PART 4 OF ARTICLE 3 OF TITLE 18, C.R.S.,
4 SECTION 18-6-301, C.R.S., OR SECTION 18-6-302, C.R.S.; OR A VICTIM OF
5 HARASSMENT, AS DESCRIBED IN SECTION 18-9-111, C.R.S.; OR A VICTIM
6 OF STALKING, AS DESCRIBED IN SECTION 18-3-602, C.R.S.;

7 (B) INDICATES IN THAT STATEMENT THAT HE OR SHE FEARS FOR HIS
8 OR HER SAFETY OR THE SAFETY OF HIS OR HER CHILDREN IF THE APPLICANT
9 WERE TO PURSUE CHILD SUPPORT ENFORCEMENT PURSUANT TO SECTION
10 26-13-106 (2); AND

11 (C) SUBMITS EVIDENCE THAT HE OR SHE IS A VICTIM OF DOMESTIC
12 VIOLENCE, A SEXUAL OFFENSE, HARASSMENT, OR STALKING AS DESCRIBED
13 IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I).

14 (II) FOR PURPOSES OF SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH
15 (I) OF THIS PARAGRAPH (a.7), SUFFICIENT EVIDENCE INCLUDES, BUT IS NOT
16 LIMITED TO, EVIDENCE IDENTIFIED FOR PARTICIPATION IN THE ADDRESS
17 CONFIDENTIALITY PROGRAM INCLUDED IN SECTION 24-30-2105 (3) (c) (I)
18 TO (3) (c) (IV), C.R.S., OR FROM A "VICTIM'S ADVOCATE", AS DEFINED IN
19 SECTION 13-90-107 (1) (k) (II), C.R.S, FROM WHOM THE APPLICANT HAS
20 SOUGHT ASSISTANCE.

21 (III) A COUNTY MAY PROVIDE INFORMATION ABOUT THE
22 IMPORTANCE OF ESTABLISHING CHILD SUPPORT TO A VICTIM OF DOMESTIC
23 VIOLENCE, A SEXUAL OFFENSE, HARASSMENT, OR STALKING WHO CHOOSES
24 NOT TO ENGAGE IN CHILD SUPPORT ESTABLISHMENT OR TO PURSUE A GOOD
25 CAUSE WAIVER FROM COOPERATION.

26 (b) The state board shall promulgate rules for the implementation
27 of this subsection (5), including but not limited to rules establishing good

1 cause for not receiving these services, and rules for the imposition of
2 sanctions upon a person who fails, without good cause as determined by
3 the county implementing the Colorado child care assistance program, to
4 apply for child support enforcement services or to cooperate with the
5 delegate child support enforcement unit as required by this subsection (5).

6 THE STATE BOARD SHALL REVISE ITS RULES REGARDING THE OPTION OF
7 COUNTIES TO MAKE COOPERATION WITH CHILD SUPPORT ESTABLISHMENT
8 AND ENFORCEMENT A CONDITION OF RECEIVING CHILD CARE ASSISTANCE
9 FOR TEEN PARENTS AND FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL
10 OFFENSE, HARASSMENT, OR STALKING.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.