

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

INTRODUCED

LLS NO. 23-0861.01 Amber Paoloemilio x5497

SENATE BILL 23-173

SENATE SPONSORSHIP

Fields and Liston,

HOUSE SPONSORSHIP

Bradley,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING RECOMMENDATIONS OF THE COLORADO CHILD SUPPORT**
102 **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 from the state child support commission (commission), including the following:

- Requires that parents share the child's health insurance coverage information with each other and provides a time frame for parents to seek reimbursement for extraordinary medical expenses,

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

- including mental health expenses;
- Requires verbal and written advisement to parents and caretakers when child support orders are entered or modified and provides information to parents on child support law;
- Addresses penalties for fraud and failure to follow income withholding orders by reinstating a \$1,000 fine for the issuance of a fraudulent income withholding order and authorizes judgment to be issued against an employer that willfully refuses to comply with an income withholding order for child support;
- Excludes funeral or burial expenses from life insurance settlements relating to past-due child support and requires burial costs to be covered;
- Requires appointment of 2 obligors and 2 obligees to the commission;
- Requires the commission, as part of its review, to evaluate the following: Establishment of state practices, making awards more equitable, and improving efficiency;
- Changes the income adjustment for maintenance to reflect existing maintenance calculation and accounts for tax-deductibility for some maintenance payments;
- Removes the requirement to order overdue debt in temporary orders that will be recalculated in a permanent order and enables caretaker overdue debt and monthly support obligations to survive an order when the parties marry each other;
- Enables retroactive support to be ordered through the month the child support obligation begins and provides continuity of retroactive support for orders that have future commencement dates;
- Requires a parent to notify child support services and the other parent, if applicable, when lump sum social security payments for the child, based on the obligor's disability, are received and ensures obligors receive credit on debt owed for the benefits received; and
- Modifies the number of hours parents are expected to work for the imputation of income to 32 hours a week and 50 weeks a year, and includes transportation as a barrier to be considered when assessing if imputation of income is appropriate.

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

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

3 **14-10-115. Child support guidelines - purpose - determination**
4 **of income - schedule of basic child support obligations - adjustments**
5 **to basic child support - additional guidelines - child support**
6 **commission - definitions. (2) Duty of support - factors to consider.**

7 (a) In a proceeding for dissolution of marriage, legal separation,
8 maintenance, or child support, the court may order either or both parents
9 owing a duty of support to a child of the marriage to pay an amount
10 reasonable or necessary for the child's support and may order an amount
11 determined to be reasonable under the circumstances for a time period
12 that occurred after the date of the parties' physical separation or the filing
13 of the petition or service upon the respondent, whichever date is latest,
14 and prior to the ~~entry of the support order~~ MONTH THE CHILD SUPPORT
15 OBLIGATION BEGINS, without regard to marital misconduct.

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

18 **14-10-115. Child support guidelines - purpose - determination**
19 **of income - schedule of basic child support obligations - adjustments**
20 **to basic child support - additional guidelines - child support**
21 **commission - definitions. (4) Forms - identifying information -**

22 **advisement.** (a) The child support guidelines ~~shall~~ **MUST** be used with
23 standardized child support guideline forms to be issued by the judicial
24 department. The judicial department is responsible for promulgating and
25 updating the Colorado child support guideline forms, schedules,
26 worksheets, ~~and~~ instructions, AND ADVISEMENTS.

27 (c) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS

1 ARTICLE 10 MUST INCLUDE A WRITTEN ADVISEMENT TO THE PARTIES THAT
2 CONFORM WITH THE WRITTEN CHILD SUPPORT ADVISEMENT APPROVED BY
3 THE JUDICIAL BRANCH, COVERING THE FOLLOWING TOPICS, IN PLAIN
4 LANGUAGE:

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

8 (II) THE OPERATION OF INCOME ASSIGNMENTS;

9 (III) THE APPLICATION OF INTEREST ON ARREARS;

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

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

14 (VI) THE EFFECT OF AGREEMENTS AND THE NEED FOR COURT
15 AUTHORIZATION OF AGREEMENTS;

16 (VII) THE EFFECT OF EMANCIPATION; AND

17 (VIII) THE EFFECT OF SPOUSAL MAINTENANCE.

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

19 (c) IN ANY STATUS CONFERENCE, ADMINISTRATIVE CONFERENCE, OR
20 HEARING IN WHICH CHILD SUPPORT IS AT ISSUE, THE COURT SHALL
21 VERBALLY ADVISE THE PARTIES THAT FAILURE TO PAY CHILD SUPPORT
22 ORDERED BY THE COURT MAY RESULT IN ENFORCEMENT ACTIONS AND THE
23 ADDITION OF INTEREST ON ARREARS AND THAT AN AGREEMENT TO MODIFY
24 CHILD SUPPORT IS NOT EFFECTIVE UNTIL APPROVED BY THE COURT AND
25 ENTERED AS AN ORDER.

26 **SECTION 3.** In Colorado Revised Statutes, 14-10-115, **amend**
27 (3)(a), (5)(a)(I.5), (5)(b.5)(II)(N), (10)(e), (10)(h)(II), (11)(c)(II), (16)(b),

1 (16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G), (16)(c)(III), and (16)(d); and **add**
2 (5)(a)(IV), (5)(b.5)(II)(I.5), (5)(b.5)(II)(N.5), (10)(a.5), and (10)(h)(III) as
3 follows:

4 **14-10-115. Child support guidelines - purpose - determination**
5 **of income - schedule of basic child support obligations - adjustments**
6 **to basic child support - additional guidelines - child support**
7 **commission - definitions. (3) Definitions.** As used in this section, unless
8 the context otherwise requires:

9 (a) (I) "Adjusted gross income" means gross income, as specified
10 in subsection (5) of this section, less preexisting child support obligations
11 and less alimony or maintenance actually paid by a parent, EITHER TO A
12 PARTY OF THIS CASE OR A SPOUSE OF A DIFFERENT MARRIAGE, as described
13 in subsection (3)(a)(II) of this section.

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

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

1 (B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE
2 PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND
3 DOLLARS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY
4 1.33; AND

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

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

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

24 (I.5) For purposes of subsection (5)(a)(I)(Y) of this section, if the
25 alimony or maintenance actually received by a parent is taxable income
26 to that parent for federal income tax purposes, then the actual amount of
27 alimony or maintenance received is included in that parent's gross

1 income. If the alimony or maintenance actually received by a parent is not
2 taxable income to that parent for federal income tax purposes, AND THE
3 ALIMONY OR MAINTENANCE IS PAID AND RECEIVED BY THE SAME PARTIES
4 AS THE CHILD SUPPORT CALCULATION, then the amount of alimony or
5 maintenance that is included in that parent's gross income is the amount
6 of alimony or maintenance received by that parent ~~multiplied by 1.25~~.
7 SUBJECT TO THE FOLLOWING ADJUSTMENTS:

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

11 (B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE
12 PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND
13 DOLLARS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY
14 1.33; AND

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

23 (IV) IF A PREEXISTING COURT-ORDERED ALIMONY OR
24 MAINTENANCE OBLIGATION ACTUALLY PAID BY A PARTY DOES NOT
25 INVOLVE THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION AND IS
26 NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES BY THAT PARTY,
27 THEN THE AMOUNT OF PREEXISTING COURT-ORDERED ALIMONY OR

1 MAINTENANCE THAT IS DEDUCTED FROM THAT PARTY'S GROSS INCOME IS
2 THE AMOUNT ACTUALLY PAID BY THAT PARTY MULTIPLIED BY 1.25.

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

7 (I.5) TRANSPORTATION;

8 (N) Prevailing earnings level in the local community; ~~and~~

9 (N.5) THE TYPICAL HOURS AVAILABLE TO WORKERS IN THE
10 PARENT'S JOB SECTOR AS ESTABLISHED BY ANY RELIABLE SOURCE,
11 INCLUDING, BUT NOT LIMITED TO, VERIFIED STATEMENTS, WORK HISTORY,
12 THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR
13 STATISTICS OR OTHER RELIABLE COMPILATIONS, THE DEPARTMENT OF
14 LABOR AND EMPLOYMENT, OR OTHER INFORMATION PROVIDED BY THE
15 PARENT. IN THE ABSENCE OF ANY SUCH INFORMATION, THE COURT OR
16 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL DETERMINE THE
17 PARENT'S INCOME BASED ON A REASONABLE RATE OF PAY FOR A
18 THIRTY-TWO-HOUR WORKWEEK FOR FIFTY WEEKS EACH YEAR, SUBJECT TO
19 OTHER FACTORS SET FORTH IN THIS SECTION THAT MAY AFFECT THE
20 NUMBER OF HOURS THE PARENT IS CAPABLE OF WORKING, SUCH AS AGE,
21 HEALTH, OR THE SPECIFIC NEEDS OF THE SUBJECT CHILD.

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

23 (a.5) IF A CHILD IS COVERED BY INSURANCE, THE PARENT SECURING THE
24 COVERAGE, THE EMPLOYER PROVIDING THE COVERAGE, OR THE
25 INSURANCE PROVIDER SHALL PROVIDE, UPON REQUEST, THE INSURANCE
26 PROVIDER'S NAME, THE INSURANCE PROVIDER'S TELEPHONE NUMBER, THE
27 GROUP AND POLICY NUMBER, AND THE CLAIM ADDRESS TO THE

1 REQUESTING PARTY OR PARTIES. THE INFORMATION MUST BE PROVIDED
2 UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE SHOWN.
3 THIS SUBSECTION (10) AUTHORIZES THE RELEASE OF INFORMATION TO THE
4 OTHER PARTY OR PARTIES.

5 (e) Prior to allowing the health insurance adjustment, the parent
6 requesting the adjustment must submit proof that the child or children
7 have been enrolled in a health insurance plan and must submit proof of
8 the cost of the premium. ~~The court shall require the parent receiving the~~
9 ~~adjustment to submit annually proof of continued coverage of the child~~
10 ~~or children to the delegate child support enforcement unit and to the other~~
11 ~~parent~~ ANY PARENT PROVIDING INSURANCE COVERAGE FOR THE CHILD
12 PURSUANT TO THIS SECTION MUST NOTIFY THE OTHER PARTY OR PARTIES
13 AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANY CHANGE
14 OR DISCONTINUATION OF COVERAGE AS SOON AS PRACTICABLE, BUT NO
15 LATER THAN FOURTEEN DAYS AFTER THE CHANGE.

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

26 (III) (A) THE PARTY SEEKING REIMBURSEMENT FOR AN UNINSURED
27 MEDICAL EXPENSE MUST PROVIDE PROOF OF THE EXPENSE TO THE

1 REIMBURSING PARTY WITHIN A REASONABLE TIME AFTER INCURRING THE
2 EXPENSE. ABSENT EXTRAORDINARY CIRCUMSTANCES, FAILURE TO
3 PROVIDE PROOF OF THE EXPENSE TO THE REIMBURSING PARTY BY JULY 1
4 OF THE YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE EXPENSE
5 WAS INCURRED RESULTS IN A WAIVER OF THE REIMBURSEMENT.

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

17 (11)(c)(II) Absent good cause shown, the custodial ~~parent~~ PARTY
18 must apply for dependent benefits for the child or children within sixty
19 days after the custodial ~~parent~~ PARTY receives notification pursuant to
20 subsection (11)(c)(I) of this section, and shall cooperate with the
21 appropriate federal agency in completing any application for benefits.
22 THE CUSTODIAL PARTY SHALL PROVIDE THE NONCUSTODIAL PARENT AND
23 THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, IF A PARTY TO THE
24 CASE, WITH A COPY OF THE SOCIAL SECURITY BENEFIT VERIFICATION
25 LETTER OR OTHER CORRESPONDENCE FROM THE SOCIAL SECURITY
26 ADMINISTRATION PROVIDING THE AMOUNT OF THE LUMP SUM
27 RETROACTIVE PAYMENT AND THE DATES IT COVERS WITHIN SEVEN DAYS

1 AFTER RECEIPT.

2 (16) **Child support commission.** (b) As part of its review, the
3 commission must consider economic data on the cost of raising children
4 and analyze case data on the application of, and deviations from, the
5 guidelines and the schedule of basic child support obligations to be used
6 in the commission's review to ensure that deviations from the guidelines
7 and schedule of basic child support obligations are limited. FURTHER, AS
8 PART OF ITS REVIEW, THE COMMISSION MUST CONSIDER:

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

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

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

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

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

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

24 (G) AT LEAST FOUR parent representatives, AT LEAST TWO WHO
25 ARE PRESENT OR PAST OBLIGORS AND TWO WHO ARE PRESENT OR PAST
26 OBLIGEES.

27 (III) In making appointments to the commission, the governor

1 shall attempt to assure RACIAL, ECONOMIC, GENDER, AND geographical
2 diversity.

3 (d) Members of the child support commission, ~~shall~~ WITH THE
4 EXCEPTION OF PARENT REPRESENTATIVES, ARE not ~~be~~ compensated for
5 their services on the commission except as otherwise provided in section
6 2-2-326, ~~C.R.S.~~, and except that members shall be reimbursed for actual
7 and necessary expenses for travel and mileage incurred in connection
8 with their duties. The child support commission is authorized, subject to
9 appropriation, to incur expenses related to its work, including the costs
10 associated with public hearings, printing, travel, and research.

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

13 **14-10-123. Commencement of proceedings concerning**
14 **allocation of parental responsibilities - jurisdiction - automatic**
15 **temporary injunction - enforcement - definitions.** (1) A proceeding
16 concerning the allocation of parental responsibilities is commenced in the
17 district court or as otherwise provided by law:

18 (a) By a parent:

19 (III) BY FILING A MOTION SEEKING THE ALLOCATION OF PARENTAL
20 RESPONSIBILITIES WITH RESPECT TO A CHILD IN AN EXISTING JUVENILE
21 COURT CASE FILED PURSUANT TO ARTICLE 4 OR 6 OF TITLE 19 OR ARTICLE
22 13.5 OF TITLE 26; OR

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

25 **14-14-111.5. Income assignments for child support or**
26 **maintenance.** (8) An employer, trustee, or other payer of funds subject
27 to this section who:

1 (b) Wrongfully fails to withhold income OR DISTRIBUTE PAYMENT
2 in accordance with the provisions of this section ~~shall be~~ IS liable for ~~both~~
3 the accumulated amount the employer, trustee, or other payer of funds
4 should have withheld from the obligor's income, INCLUDING, UPON
5 PERSONAL SERVICE PURSUANT TO RULE 4 OF THE COLORADO RULES OF
6 CIVIL PROCEDURE, BEING SUBJECT TO THE JURISDICTION OF THE COURT FOR
7 PURPOSES OF ENTRY OF JUDGMENT PURSUANT TO SECTION 13-52-101 AND
8 RULE 54 OF THE COLORADO RULES OF CIVIL PROCEDURE, UP TO THE
9 AMOUNT WRONGFULLY WITHHELD AND COSTS ASSOCIATED WITH
10 ESTABLISHING AND ENFORCING THE JUDGMENT and any other penalties set
11 by state law;

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

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

18 **19-4-111. Pretrial proceedings.** (1) As soon as practicable after
19 an action to declare the existence or nonexistence of the father-child
20 relationship has been brought, an informal hearing shall be held if it is
21 determined by the court to be in the child's best interest. The court may
22 order that the hearing be held before a magistrate. The public ~~shall~~ MUST
23 be barred from the hearing if it is determined by the court to be in the best
24 interest of any of the parties. A record of the proceeding or any portion
25 thereof ~~shall~~ MUST be kept if any party requests or the court orders. Rules
26 of evidence need not be observed. At the informal hearing, the judge or
27 magistrate shall give a verbal advisement to the parties that a request for

1 genetic tests ~~shall~~ MUST not prejudice the requesting party in matters
2 concerning allocation of parental responsibilities pursuant to section
3 14-10-124 (1.5). ~~C.R.S.~~ The judge or magistrate shall further advise the
4 parties that, if genetic tests are not obtained prior to the legal
5 establishment of paternity and submitted into evidence prior to the entry
6 of the final order establishing paternity, the genetic tests may not be
7 allowed into evidence at a later date. THE JUDGE OR MAGISTRATE SHALL
8 FURTHER ADVISE THE PARTIES THAT SUBSEQUENT TO AN ADJUDICATION OF
9 PARENTAGE, UPON MOTION, THE COURT SHALL ENTER ORDERS FOR
10 ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO SECTION
11 14-10-124 (1.5); EXCEPT THAT, IN MATTERS INVOLVING A NONRESIDENT
12 PARTY, THE COURT SHALL FIRST DETERMINE WHETHER IT HAS AUTHORITY
13 TO ISSUE AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES PURSUANT
14 TO ARTICLE 13 OF TITLE 14.

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

17 **19-4-116. Judgment or order - birth-related costs - evidence.**
18 (4) Support judgments or orders ordinarily ~~shall~~ MUST be for periodic
19 payments which may vary in amount. In the best interest of the child, a
20 lump-sum payment or the purchase of an annuity may be ordered in lieu
21 of periodic payments of support. The court or delegate child support
22 enforcement unit may enter an order directing the ~~father~~ APPROPRIATE
23 PARTY to pay for support of the child, in an amount as may be determined
24 by the court or delegate child support enforcement unit to be reasonable
25 under the circumstances, for a time period ~~which~~ THAT occurred prior to
26 the ~~entry of the order establishing paternity~~ MONTH THE CHILD SUPPORT
27 OBLIGATION BEGINS. The court may limit the ~~father's~~ APPROPRIATE

1 PARTY'S liability for past support of the child to the proportion of the
2 expenses already incurred that the court deems just.

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

5 **19-6-104. Hearing - orders.** (1) If the court or delegate child
6 support enforcement unit finds that the ~~respondent~~ APPROPRIATE PARTY
7 has an obligation to support the child or children mentioned in the petition
8 or notice, the court or delegate child support enforcement unit may enter
9 an order directing the ~~respondent~~ APPROPRIATE PARTY to pay such sums
10 for support as may be reasonable under the circumstances, taking into
11 consideration the factors found in section 19-4-116 (6). The court or
12 delegate child support enforcement unit may also enter an order directing
13 the appropriate party to pay for support of the child, in an amount as may
14 be determined by the court or delegate child support enforcement unit to
15 be reasonable under the circumstances, for a time period which occurred
16 prior to the ~~entry of the support order established~~ MONTH THE CHILD
17 SUPPORT OBLIGATION BEGINS under this ~~article~~ ARTICLE 6.

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

20 **19-6-104. Hearing - orders.** (3.5) Upon the filing of a
21 proceeding under this ~~article~~ ARTICLE 6 or upon the filing of a proceeding
22 originating under article 13.5 of title 26, ~~C.R.S.~~ THE JUDGE OR
23 MAGISTRATE SHALL ADVISE THE PARTIES THAT SUBSEQUENT TO AN
24 ADJUDICATION OF PARENTAGE, UPON MOTION, the court ~~may~~ SHALL enter
25 an order allocating parental responsibilities pursuant to section 14-10-124
26 (1.5); ~~C.R.S.~~, except that, in matters involving a nonresident party, the
27 court shall first determine whether it has authority to issue an order

1 allocating parental responsibilities pursuant to article 13 of title 14,
2 ~~C.R.S.~~ Nothing in this subsection (3.5) shall be construed to authorize a
3 delegate child support enforcement unit to negotiate or mediate the
4 allocation of parental responsibilities in any proceeding initiated under
5 this article or article 13.5 of title 26. ~~C.R.S.~~

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

8 **19-6-107. Orders for allocation of parental responsibilities in**
9 **support actions.** UPON THE FILING OF ANY PROCEEDING UNDER THIS
10 ARTICLE 6 OR UNDER ARTICLE 13.5 OF TITLE 26, THE COURT SHALL, AS
11 SOON AS PRACTICABLE, ENTER A TEMPORARY OR PERMANENT ORDER
12 ALLOCATING PARENTAL RESPONSIBILITIES THAT ALLOCATES
13 DECISION-MAKING RESPONSIBILITY AND PARENTING TIME FOR THE CHILD
14 UNTIL FURTHER ORDER OF THE COURT. THIS SECTION DOES NOT APPLY TO
15 ANY PATERNITY DETERMINATION MADE PURSUANT TO SECTION 14-5-402.

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

18 **26-13-122.7. Administrative lien and attachment of insurance**
19 **claim payments, awards, and settlements - reporting - rules - fund.**

20 (1) (c) (I) For the purposes of this section, an insurance claim payment,
21 award, or settlement is limited to an individual who receives money in
22 excess of one thousand dollars after making a claim for payment under an
23 insurance policy for:

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

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

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

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

9 **26-13.5-102. Definitions.** As used in this article 13.5, unless the
10 context otherwise requires:

11 (1.2) "APA-petitioner" means, PURSUANT TO ARTICLE 13 OF THIS
12 TITLE 26:

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

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

19 (1.3) "APA-respondent" means, PURSUANT TO ARTICLE 13 OF THIS
20 TITLE 26:

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

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

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

1 **26-13.5-103. Notice of financial responsibility issued -**
2 **contents.** (1) The delegate child support enforcement unit shall issue a
3 notice of financial responsibility to the APA-respondent who is the
4 obligee or an obligor who owes a child support debt or who is responsible
5 for the support of a child or to the custodian of a child who is receiving
6 support enforcement services from the delegate child support enforcement
7 unit pursuant to article 13 of this title 26. If the obligor has applied for
8 child support services, the notice must be served on the obligee. The
9 notice must advise the APA-respondent:

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

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

14 **26-13.5-103. Notice of financial responsibility issued -**
15 **contents.** (1) The delegate child support enforcement unit shall issue a
16 notice of financial responsibility to the APA-respondent who is the
17 obligee or an obligor who owes a child support debt or who is responsible
18 for the support of a child or to the custodian of a child who is receiving
19 support enforcement services from the delegate child support enforcement
20 unit pursuant to article 13 of this title 26. If the obligor has applied for
21 child support services, the notice must be served on the obligee. The
22 notice must advise the APA-respondent:

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

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

1 **26-13.5-105. Negotiation conference - issuance of order of**
2 **financial responsibility - filing of order with district court.**

3 (3) (d) Notwithstanding any rules of the Colorado rules of civil
4 procedure, a complaint is not required in order to initiate a court action
5 pursuant to this subsection (3). The court shall inform the delegate child
6 support enforcement unit of the date and location of the hearing and the
7 court or the delegate child support enforcement unit shall send a notice to
8 the APA-petitioner and APA-respondent informing each party of the date
9 and location of the hearing. In order to meet federal requirements of
10 expedited process for child support enforcement, the court shall hold a
11 hearing and decide only the issue of child support within ninety days after
12 receipt of notice, as defined in section 26-13.5-102 (13), or within six
13 months after receipt of notice, as defined in section 26-13.5-102 (13), if
14 the APA-petitioner or APA-respondent is contesting the issue of
15 paternity. THE JUDGE OR MAGISTRATE SHALL ADVISE THE PARTIES THAT
16 SUBSEQUENT TO AN ADJUDICATION OF PARENTAGE, UPON REQUEST, THE
17 COURT SHALL ENTER AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES
18 PURSUANT TO SECTION 14-10-124 (1.5); EXCEPT THAT, IN MATTERS
19 INVOLVING A NONRESIDENT PARTY, THE COURT SHALL FIRST DETERMINE
20 WHETHER IT HAS AUTHORITY TO ISSUE AN ORDER ALLOCATING PARENTAL
21 RESPONSIBILITIES PURSUANT TO ARTICLE 13 OF TITLE 14. ~~If the obligor~~
22 ~~raises issues~~ EITHER PARTY REQUESTS ORDERS relating to the allocation
23 of parental responsibilities, decision-making responsibility, or parenting
24 time and the court has jurisdiction to hear such matters BUT IS UNABLE TO
25 HOLD A HEARING TO ADDRESS ALL ISSUES WITHIN THE FEDERALLY
26 REQUIRED TIME FRAME FOR EXPEDITED PROCESS FOR CHILD SUPPORT
27 ENFORCEMENT DESCRIBED ABOVE, the court shall set a separate hearing

1 for those issues after entry of the order of support. In any action,
2 including an action for paternity, additional service beyond that originally
3 required pursuant to section 26-13.5-104 is not required if a stipulation
4 is not reached at the negotiation conference and the court is requested to
5 set a hearing in the matter.

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

8 **26-13.5-105. Negotiation conference - issuance of order of**
9 **financial responsibility - filing of order with district court.** (1) Every
10 APA-respondent who has been served with a notice of financial
11 responsibility pursuant to section 26-13.5-104 shall appear at the time and
12 location stated in the notice for a negotiation conference or shall
13 reschedule a negotiation conference prior to the date and time stated in
14 the notice. The negotiation conference must be scheduled not more than
15 thirty-five days after the date of the issuance of the notice of financial
16 responsibility. A negotiation conference may be rescheduled by a request
17 for a standard continuance by the APA-petitioner or APA-respondent. A
18 standard continuance must not be more than seven days after the date of
19 the currently scheduled negotiation conference. The negotiation
20 conference may also be continued for good cause as defined in rules
21 promulgated pursuant to section 26-13.5-113. If a negotiation conference
22 is continued, the APA-petitioner and APA-respondent must be notified
23 of such continuance by first-class mail, hand delivery, or electronic means
24 if agreed to by both parties. A STIPULATION IN AN ESTABLISHMENT ACTION
25 MAY BE SIGNED BY THE APA-RESPONDENT AND THE DELEGATE CHILD
26 SUPPORT ENFORCEMENT UNIT, WITH OR WITHOUT THE SIGNATURE OF THE
27 APA-PETITIONER. If a stipulation is agreed upon at the negotiation

1 conference as to the obligor's duty of support, the delegate child support
2 enforcement unit shall issue an administrative order of financial
3 responsibility setting forth the following:

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

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

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

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

18 **26-13.5-105. Negotiation conference - issuance of order of**
19 **financial responsibility - filing of order with district court.** (5) If the
20 court or delegate child support enforcement unit finds that the ~~respondent~~
21 APPROPRIATE PARTY has an obligation to support the child or children
22 mentioned in the petition or notice, the court or delegate child support
23 enforcement unit may enter an order directing the ~~respondent~~
24 APPROPRIATE PARTY to pay such sums for support as may be reasonable
25 under the circumstances, taking into consideration the factors found in
26 section 19-4-116 (6). ~~C.R.S.~~ The court or delegate child support
27 enforcement unit may also enter an order directing the appropriate party

1 to pay for support of the child, in an amount as may be determined by the
2 court or delegate child support enforcement unit to be reasonable under
3 the circumstances, for a time period which occurred prior to the ~~entry of~~
4 ~~the support order established~~ MONTH THE CHILD SUPPORT OBLIGATION
5 BEGINS pursuant to section 19-6-104. ~~C.R.S.~~

6 **SECTION 18.** In Colorado Revised Statutes, 26-13.5-106,
7 **amend** (1)(c)(IV) as follows:

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

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

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

16 **26-13.5-106. Default - issuance of establishment order of**
17 **default - filing of order with district court - rules.** (1) (d) The order for
18 default may direct the obligor to pay for support of the child, in an
19 amount determined by the court or delegate child support enforcement
20 unit to be reasonable under the circumstances, for a time period prior to
21 the ~~entry of~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS IN the order
22 establishing FINANCIAL RESPONSIBILITY AND paternity.

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

25 **26-13.5-122. Survivability of an administrative process action**
26 **order - applicability.** (4) ~~If an APA order contains a judgment for~~
27 ~~retroactive support that is owed to a nonparent caretaker of a dependent~~

1 ~~child, such judgment survives pursuant to this section~~ IF THE APA ORDER
2 ESTABLISHES A SUPPORT OBLIGATION THAT IS OWED TO A NONPARENT
3 CARETAKER, THE SUPPORT OBLIGATION, INCLUDING ANY RETROACTIVE
4 SUPPORT, UNPAID SUPPORT, AND MONTHLY SUPPORT OWED TO THE
5 NONPARENT CARETAKER SURVIVE PURSUANT TO THIS SECTION.

6 **SECTION 21. Effective date.** (1) Except as otherwise provided
7 in this section, this act takes effect upon passage.

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

10 (3) Sections 1, 7, 8, 11, 17, and 19 take effect September 1, 2023.

11 (4) Section 2 takes effect July 1, 2024.

12 **SECTION 22. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.