

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 30, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB23-173 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, strike lines 14 and 15 and substitute:
2 (VI) THE EFFECT OF AGREEMENTS TO MODIFY OR AMEND CHILD
3 SUPPORT AND THE REQUIREMENT FOR COURT AUTHORIZATION OF ALL
4 MODIFICATIONS OR AMENDMENTS;
- 5 Page 4, line 20, after "COURT" insert "OR THE DELEGATE CHILD SUPPORT
6 UNIT".
- 7 Page 4, line 22, after "COURT" insert "OR AS A RESULT OF AN
8 ADMINISTRATIVE PROCESS ACTION".
- 9 Page 4, line 24, strike "COURT" and substitute "COURT, OR DELEGATE
10 CHILD SUPPORT UNIT FOR ADMINISTRATIVE ORDERS,".
- 11 Page 4, line 27, strike "(3)(a)," and substitute "(3)(a)(II),".
- 12 Page 4, line 27, after "(5)(a)(I.5)" insert "(5)(a)(II)(C),", and strike
13 "(11)(c)(II), (16)(b),".
- 14 Page 5, line 1, strike "(16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G),
15 (16)(c)(III)".
- 16 Page 5, line 2, strike "(5)(b.5)(II)(N.5),".
- 17 Page 5, strike lines 9 through 13.
- 18 Page 5, line 14, strike "(II)" and substitute "(a)(II)".

- 1 Page 6, line 13, strike "PREEXISTING".
- 2 Page 6, line 17, strike "PREEXISTING" and substitute "THE".
- 3 Page 7, after line 22, insert:
- 4 "(II) "Gross income" does not include:
- 5 (C) Income from additional jobs that result in the employment of
- 6 ~~the obligor~~ more than forty hours per week or more than what would
- 7 otherwise be considered to be full-time employment;".
- 8 Page 8, strike lines 8 and 9 and substitute:
- 9 "(N) Prevailing earnings level in the local community. ~~and THE~~
- 10 TYPICAL HOURS AVAILABLE TO WORKERS IN THE".
- 11 Page 8, line 10, strike "SOURCE," and substitute "SOURCE GENERALLY
- 12 USED AND RELIED ON BY THE PUBLIC OR PERSONS IN A PARTICULAR
- 13 OCCUPATION,".
- 14 Page 8, line 25, strike "REQUEST," and substitute "REQUEST BY THE POLICY
- 15 HOLDER OR BY COURT ORDER,".
- 16 Page 9, line 4, after "PARTIES." insert "AFTER NOTICE TO THE PARTY OR
- 17 PARTIES OF THIS OBLIGATION, THE COURT HAS THE AUTHORITY TO FINE
- 18 THE PARENT SECURING COVERAGE FOR FAILURE TO PROVIDE THE
- 19 REQUIRED INFORMATION.".
- 20 Page 10, strike lines 17 through 27.
- 21 Strike page 11.
- 22 Page 12, strike lines 1 and 2.
- 23 Page 13, line 4, after "withheld" insert "AND NOT DISPERSED".
- 24 Page 13, line 7, strike "SECTION 13-52-101" and substitute "SECTIONS
- 25 13-52-101 TO 13-52-111".
- 26 Page 16, line 15, strike "PATERNITY" and substitute "PARENTAGE".
- 27 Page 23, after line 5 insert:

1 **"SECTION 21.** In Colorado Revised Statutes, 14-10-115, **amend**
2 (16)(b), (16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G), (16)(c)(III), and (16)(d)
3 as 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.** (16) **Child support commission.** (b) As part
8 of its review, the commission ~~must~~ SHALL consider economic data on the
9 cost of raising children and analyze case data on the application of, and
10 deviations from, the guidelines and the schedule of basic child support
11 obligations to be used in the commission's review to ensure that
12 deviations from the guidelines and schedule of basic child support
13 obligations are limited. FURTHER, AS PART OF ITS REVIEW, THE
14 COMMISSION SHALL CONSIDER:

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

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

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

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

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

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

30 (G) AT LEAST FOUR parent representatives, AT LEAST TWO OF
31 WHOM ARE PRESENT OR PAST OBLIGORS AND TWO OF WHOM ARE PRESENT
32 OR PAST OBLIGEEES.

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

36 (d) Members of the child support commission, ~~shall not be~~
37 ~~compensated for their services on the commission except as otherwise~~
38 ~~provided in section 2-2-326, C.R.S., and except that members shall be~~
39 reimbursed for actual and necessary expenses for travel and mileage
40 incurred in connection with their duties. The child support commission
41 is authorized, subject to appropriation, to incur expenses related to its
42 work, including the costs associated with public hearings, printing, travel,
43 and research.

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

3 **19-4-105. Presumption of paternity.** (2) (b) A duly executed
4 voluntary acknowledgment of parentage takes effect upon the filing of the
5 document with the state registrar of vital statistics and may be rescinded
6 ~~on~~ WITHIN the earlier of:

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

9 **19-4-130. Temporary orders for allocation of parental**
10 **responsibilities.** (1) Upon the filing of any proceeding under this ~~article~~
11 ARTICLE 4 or under article 13.5 of title 26, ~~C.R.S.~~, the court shall, ~~as soon~~
12 ~~as practicable~~ UPON MOTION OF A PARTY, enter a temporary or permanent
13 order allocating parental responsibilities that ~~shall allocate~~ ALLOCATES the
14 decision-making responsibility and parenting time of the child until
15 further order of the court.

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

19 Renumber succeeding sections accordingly.

20 Page 23, after line 9 insert:

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

22 Renumber succeeding subsections accordingly.

23 Strike "PAID" and substitute "RECEIVED" on: **Page 7**, lines 10, 13, 16, and
24 24; and **Page 8**, line 2.

25 Strike "paternity" and substitute "paternity PARENTAGE" on: **Page 14**,
26 lines 5 and 6; **Page 19**, line 15, **Page 20**, line 2; **Page 21**, lines 9 two
27 times and 10; and **Page 22**, line 22.

28 Strike "APPROPRIATE PARTY" and substitute "OBLIGOR" on: **Page 14**, lines
29 22 and 23; **Page 15**, lines 6 and 9; and **Page 21**, lines 21 and 24.

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