

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0960.01 Jane Ritter x4342

HOUSE BILL 18-1363

HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

Crowder,

House Committees

Public Health Care & Human Services
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING LEGISLATIVE RECOMMENDATIONS OF THE CHILD**
102 **SUPPORT COMMISSION, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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 implements several recommendations from the child support commission, including:

- ! Authorizing a county delegate child support enforcement unit (county CSEU) to file a notice of withdrawal in any proceeding in which they are a party when the county

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

SENATE
3rd Reading Unamended
May 4, 2018

SENATE
2nd Reading Unamended
May 3, 2018

HOUSE
3rd Reading Unamended
May 1, 2018

HOUSE
Amended 2nd Reading
April 30, 2018

- CSEU case is closed;
- ! Authorizing a county CSEU to produce, issue, and serve a subpoena to compel a party in a juvenile case to provide a genetic test sample for purposes of determining paternity;
- ! Clarifying terms in child support enforcement statutes, including "administrative process action" or "APA", "APA-respondent", and "APA-petitioner";
- ! Establishing parameters for negotiation conferences to establish a child support obligation and parameters for missing such a scheduled conference;
- ! Allowing an APA-respondent to opt out of an administrative process action and request, in writing, a court hearing;
- ! Establishing timelines and guidelines for service of notice of financial responsibility;
- ! Clarifying the requirements allowing a court to issue an order of default;
- ! Establishing requirements for filing genetic testing results with the court;
- ! Requiring a party to an administrative process action that retains legal counsel to provide written notice of such legal counsel, or termination of legal counsel, to the county CSEU;
- ! Establishing the rights and duties of all parties to an administrative process action case; and
- ! Setting forth procedures for requesting a court hearing or transfer of jurisdiction or entering a default order of modification.

The bill requires the participation of county CSEUs and insurance companies in the child support insurance lien network data match, establishes the child support insurance lien fund (fund) and authorizes payments into the fund from fees collected by the state child support enforcement agency in its efforts to attach insurance claim payments, awards, and settlements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 14-10-107.5

3 as follows:

4 **14-10-107.5. Entry of appearance and notice of withdrawal by**

5 **delegate child support enforcement unit.** (1) The attorney for the

1 ~~county department of social services~~ DELEGATE CHILD SUPPORT
2 ENFORCEMENT UNIT may file an entry of appearance on behalf of the
3 COUNTY department OF HUMAN OR SOCIAL SERVICES in any proceeding for
4 dissolution of marriage or legal separation under this ~~article~~ ARTICLE 10
5 for purposes of establishing, modifying, and enforcing child support and
6 medical support if any party is receiving CHILD support ~~enforcement~~
7 services pursuant to section 26-13-106 ~~C.R.S.~~, and for purposes of
8 establishing and enforcing reimbursement of payments for temporary
9 assistance to needy families.

10 (2) The ~~county department of social services~~ DELEGATE CHILD
11 SUPPORT ENFORCEMENT UNIT, upon the filing of the entry of appearance
12 described in subsection (1) of this section or upon the filing of a legal
13 pleading to establish, modify, or enforce the support obligation, ~~shall be~~
14 IS from that date forward, without leave or order of court, a third-party
15 intervenor in the action for the purposes outlined in subsection (1) of this
16 section without the necessity of filing a motion to intervene.

17 (3) THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY
18 WITHDRAW AS A PARTY FROM A CASE WHEN THE CASE IS CLOSED WITHOUT
19 LEAVE OF THE COURT BY FILING A NOTICE PURSUANT TO THE COLORADO
20 RULES OF CIVIL PROCEDURE. UPON THE FILING OF SUCH NOTICE, THE
21 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS NO LONGER CONSIDERED
22 A PARTY TO THE ACTION WITHOUT THE NECESSITY OF FILING A MOTION TO
23 DISMISS PARTY.

24 **SECTION 2.** In Colorado Revised Statutes, **amend** 19-4-112 as
25 follows:

26 **19-4-112. Genetic or other tests - administrative subpoena to**
27 **compel genetic testing.** (1) Upon motion of the court or any of the

1 interested parties, genetic tests or other tests of inherited characteristics
2 shall be ordered and the results received in evidence, as provided in
3 section 13-25-126. ~~C.R.S.~~ Upon agreement of the mother and the
4 presumed or alleged father or fathers, genetic tests or other tests of
5 inherited characteristics may be administered prior to filing of an action.
6 If the action is then filed, the test results ~~shall~~ MUST be admitted into
7 evidence as provided in section 13-25-126. ~~C.R.S.~~

8 (2) (a) A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS
9 AUTHORIZED TO PRODUCE, ISSUE, AND SERVE A SUBPOENA TO COMPEL A
10 PARTY IN A JUVENILE COURT CASE TO APPEAR, AT A SPECIFIED LOCATION
11 AND TIME, FOR A GENETIC TEST SAMPLE THAT IS COLLECTED FOR
12 ASSISTANCE IN PATERNITY DETERMINATION. THE SUBPOENA MUST ALLOW
13 A LAB-CERTIFIED CHILD SUPPORT ENFORCEMENT UNIT SAMPLE COLLECTOR,
14 AN ACCREDITED GENETIC-TESTING LABORATORY COMPANY, A HEALTH
15 CLINIC, OR A HOSPITAL TO CONDUCT A BUCCAL SWAB OR OTHER
16 LAB-APPROVED COLLECTION METHOD OF THE ALLEGED FATHER, MOTHER,
17 AND CHILD WHOSE PATERNITY IS AT ISSUE. THE SAMPLE MAY THEN BE
18 USED FOR PATERNITY TESTING PURPOSES, PROVIDED APPROPRIATE
19 CHAIN-OF-CUSTODY DOCUMENTATION IS FOLLOWED. TEST RESULTS
20 OBTAINED THROUGH THE SUBPOENA MAY BE ADMITTED AS EVIDENCE
21 PURSUANT TO SECTION 13-25-126. THE SUBPOENA MAY BE SERVED BY
22 FIRST-CLASS MAIL OR BY ELECTRONIC MEANS, IF THAT NOTICE PREFERENCE
23 BY THE PARTY IS DOCUMENTED.

24 (b) IF A PARTY FAILS TO HONOR THE FIRST SUBPOENA, THE
25 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ISSUE A SECOND
26 SUBPOENA OR FILE THE APPROPRIATE MOTION WITH THE COURT TO COMPEL
27 COMPLIANCE WITH A JUDICIAL GENETIC TESTING ORDER PURSUANT TO

1 SECTION 13-25-126. IF THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT
2 ISSUES A SECOND SUBPOENA AND THAT SUBPOENA IS NOT HONORED, THE
3 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY FILE THE
4 APPROPRIATE MOTION WITH THE COURT TO COMPEL COMPLIANCE WITH A
5 JUDICIAL GENETIC TESTING ORDER PURSUANT TO SECTION 13-25-126. A
6 NONAPPEARANCE DEFAULT MAY BE SOUGHT AGAINST A NONAPPEARING
7 PARTY ONLY AFTER A JUDICIAL GENETIC TESTING ORDER IS NOT HONORED.

8 **SECTION 3.** In Colorado Revised Statutes, 26-13-122.7, **amend**
9 (1)(a) and (6); and **add** (9) as follows:

10 **26-13-122.7. Administrative lien and attachment of insurance**
11 **claim payments, awards, and settlements - reporting - rules - fund.**

12 (1) (a) The state child support enforcement agency, or its agent, may
13 issue a notice of administrative lien and attachment to any person,
14 insurance company, or agency to attach insurance claim payments,
15 awards, or settlements due to an obligor who is responsible for the
16 past-due support of a child or children on whose behalf an obligee is
17 receiving services from the state's child support enforcement agency or
18 a delegate child support enforcement unit pursuant to this ~~article~~ ARTICLE
19 13. The state child support enforcement agency and insurance companies
20 ~~may~~ MUST participate in the child support lien network insurance data
21 match, or a similar program, to facilitate discovery of potential claim
22 payments, awards, or settlements. ~~The general assembly encourages the~~
23 ~~state child support enforcement agency and insurance companies to~~
24 ~~participate in the child support lien network insurance data match, or a~~
25 ~~similar program, for the benefit of the children of Colorado.~~

26 (6) The state child support enforcement agency may recover from
27 the ~~moneys~~ MONEY collected any fees assessed upon the state child

1 support enforcement agency in its efforts to attach insurance claim
2 payments, awards, and settlements. FEES COLLECTED PURSUANT TO THIS
3 SUBSECTION (6) MUST BE DEPOSITED IN THE CHILD SUPPORT INSURANCE
4 LIEN FUND CREATED PURSUANT TO SUBSECTION (9) OF THIS SECTION.

5 (9) THERE IS CREATED IN THE STATE TREASURY THE CHILD
6 SUPPORT INSURANCE LIEN FUND, REFERRED TO IN THIS SUBSECTION (9) AS
7 THE "FUND". THE FUND CONSISTS OF ANY MONEY CREDITED TO IT FROM
8 FEES COLLECTED PURSUANT TO SUBSECTION (6) OF THIS SECTION, AND ANY
9 OTHER MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE
10 GENERAL ASSEMBLY. MONEY IN THE FUND SHALL BE APPROPRIATED TO
11 THE STATE DEPARTMENT TO PAY COSTS RELATED TO PARTICIPATING IN THE
12 CHILD SUPPORT LIEN NETWORK. THE STATE TREASURER SHALL CREDIT ALL
13 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
14 MONEY IN THE FUND TO THE FUND. ANY MONEY APPROPRIATED TO THE
15 FUND FOR THE 2018-19 FISCAL YEAR AND FOR EACH FISCAL YEAR
16 THEREAFTER THAT IS UNEXPENDED AND UNENCUMBERED AT THE END OF
17 THE APPLICABLE FISCAL YEAR DOES NOT REVERT TO THE GENERAL FUND
18 AND MUST REMAIN IN THE FUND.

19 **SECTION 4.** In Colorado Revised Statutes, 26-13.5-102, **amend**
20 the introductory portion, (1), (3), (6), (8), (10), (11), (12), and (13); and
21 **add** (1.1), (1.2), (1.3), (5.5), and (10.5) as follows:

22 **26-13.5-102. Definitions.** As used in this ~~article~~ ARTICLE 13.5,
23 unless the context otherwise requires:

24 (1) "Administrative order" means an order that ~~involves payment~~
25 ~~or collection of support~~ ESTABLISHES PATERNITY, CHILD SUPPORT, OR
26 MEDICAL SUPPORT OBLIGATIONS OR MODIFIES THE MONTHLY SUPPORT
27 OBLIGATION OR MEDICAL SUPPORT PROVISIONS OF AN ADMINISTRATIVE

1 PROCESS ACTION ORDER issued by a delegate child support enforcement
2 unit or an administrative agency of another state or comparable
3 jurisdiction with similar authority. THE ADMINISTRATIVE ORDER MAY BE
4 STIPULATED, TEMPORARY, OR BY DEFAULT.

5 (1.1) "ADMINISTRATIVE PROCESS ACTION" OR "APA" MEANS AN
6 ADMINISTRATIVE ACTION CONDUCTED TO ESTABLISH OR MODIFY AN
7 ADMINISTRATIVE ORDER PURSUANT TO THIS ARTICLE 13.5.

8 (1.2) "APA-PETITIONER" MEANS THE PARTY WHO HAS APPLIED OR
9 BEEN MANDATORILY REFERRED FOR CHILD SUPPORT SERVICES PURSUANT
10 TO ARTICLE 13 OF THIS TITLE 26.

11 (1.3) "APA-RESPONDENT" MEANS THE PARTY THAT DID NOT APPLY
12 FOR CHILD SUPPORT SERVICES AND WAS NOT MANDATORILY REFERRED FOR
13 CHILD SUPPORT SERVICES PURSUANT TO ARTICLE 13 OF THIS TITLE 26.

14 (3) "Child support debt" means ~~in the case in which there is no~~
15 ~~existing order for child support, an amount ordered by the court pursuant~~
16 ~~to section 14-14-104, C.R.S.,~~ AN AMOUNT CALCULATED PURSUANT TO
17 SECTION 14-14-104 or by a delegate child support enforcement unit
18 pursuant to this ~~article~~ ARTICLE 13.5 for unreimbursed public assistance
19 provided to a family that has received or is receiving FOSTER CARE
20 PLACEMENT SERVICES, aid to families with dependent children, or
21 temporary assistance to needy families. ~~In the case in which there is an~~
22 ~~existing court or administrative order for support, "child support debt"~~
23 ~~means an amount equal to the amount of public assistance paid to the~~
24 ~~extent of the full amount of arrearages which have accrued as of the date~~
25 ~~of the court or administrative order that determines the child support debt.~~

26 (5.5) "CURRENTLY SCHEDULED NEGOTIATION CONFERENCE"
27 MEANS THE CONFERENCE DATE AND TIME SCHEDULED IN THE NOTICE OF

1 FINANCIAL RESPONSIBILITY OR THE DATE AND TIME SCHEDULED IN THE
2 LATEST NOTICE OF CONTINUANCE, WHICHEVER DATE IS LATER.

3 (6) "Custodian" means a parent, relative, legal guardian, or other
4 person or agency having physical ~~custody~~ CARE of a child.

5 (8) "Dependent child" means any person who is legally entitled to
6 or the subject of a court order OR ADMINISTRATIVE ORDER for the
7 provision of proper or necessary subsistence, education, medical care, or
8 any other care necessary for his OR HER health, guidance, or well-being
9 who is not otherwise emancipated, self-supporting, married, or a member
10 of the armed forces of the United States.

11 (10) "Monthly support obligation" means the monthly amount of
12 current child support OR FOSTER CARE PLACEMENT COSTS that an obligor
13 is ordered to pay by the court or by the delegate child support
14 enforcement unit pursuant to this ~~article~~ ARTICLE 13.5.

15 (10.5) "NOTICE OF FINANCIAL RESPONSIBILITY" MEANS THE NOTICE
16 DESCRIBED IN SECTIONS 26-13.5-103 AND 26-13.5-105 FOR AN
17 ADMINISTRATIVE PROCESS ESTABLISHMENT ACTION AND IN SECTION
18 26-13.5-112 FOR AN ADMINISTRATIVE PROCESS MODIFICATION ACTION.

19 (11) "Obligee" means any person or agency to whom a duty of
20 support is owed. ~~or any person or agency having commenced a~~
21 ~~proceeding for the establishment or enforcement of an alleged duty of~~
22 ~~support.~~

23 (12) "Obligor" means any person owing a duty of support. ~~or~~
24 ~~against whom a proceeding for the establishment or enforcement of a duty~~
25 ~~of support is commenced.~~

26 (13) "Receipt of notice" means either the date on which service of
27 process of a notice of financial responsibility is actually accomplished or

1 the date on the return receipt if service is by certified mail, ~~both~~ OR THE
2 DATE THE APA-RESPONDENT SIGNS A WAIVER OF SERVICE OF PROCESS, in
3 accordance with ~~one of the methods of service specified in~~ section
4 26-13.5-104.

5 **SECTION 5.** In Colorado Revised Statutes, 26-13.5-103, **amend**
6 (1) introductory portion, (1)(a), (1)(a.5), (1)(b), (1)(b.5), (1)(f), (1)(l),
7 (1)(o), (1)(r), (1)(s), and (1)(t); and **add** (1)(a.3) and (1)(r.5) as follows:

8 **26-13.5-103. Notice of financial responsibility issued -**
9 **contents.** (1) The delegate child support enforcement unit shall issue a
10 notice of financial responsibility to THE APA-RESPONDENT WHO IS THE
11 OBLIGEE OR an obligor who owes a child support debt or who is
12 responsible for the support of a child ~~on whose behalf~~ OR TO the
13 custodian of ~~that~~ A child WHO is receiving support enforcement services
14 from the delegate child support enforcement unit pursuant to article 13 of
15 this ~~title~~ TITLE 26. IF THE OBLIGOR HAS APPLIED FOR CHILD SUPPORT
16 SERVICES, THE NOTICE MUST BE SERVED ON THE OBLIGEE. The notice ~~shall~~
17 MUST advise the ~~obligor~~ APA-RESPONDENT:

18 (a) That the ~~obligor~~ APA-RESPONDENT is required to appear ON
19 THE DATE AND at the time and location stated in the notice for a
20 negotiation conference, ~~to determine the obligor's duty of support~~ OR, IF
21 THE NEGOTIATION CONFERENCE IS CONTINUED, THE DATE AND TIME OF
22 THE CURRENTLY SCHEDULED NEGOTIATION CONFERENCE TO ESTABLISH A
23 CHILD SUPPORT OBLIGATION;

24 (a.3) THAT, IF THE APA-PETITIONER FAILS TO APPEAR FOR THE
25 CURRENTLY SCHEDULED NEGOTIATION CONFERENCE, THE DELEGATE CHILD
26 SUPPORT ENFORCEMENT UNIT MAY PROCEED TO ESTABLISH AN APA
27 ORDER OR TAKE SUCH OTHER ACTION AS APPROPRIATE UNDER THE LAW;

1 (a.5) That A PARTY MAY CONTEST PATERNITY AND OBTAIN
2 GENETIC TESTING IF PATERNITY OF THE CHILD HAS NOT ALREADY BEEN
3 ESTABLISHED BY COURT OR ADMINISTRATIVE ORDER OR DETERMINED
4 PURSUANT TO THE LAWS OF ANOTHER STATE AND a request for genetic
5 tests shall WILL not prejudice ~~the obligor~~ A PARTY in matters concerning
6 allocation of parental responsibilities pursuant to section 14-10-124 (1.5),
7 ~~C.R.S.~~, and that, if genetic tests are not obtained prior to the legal
8 establishment of paternity and submitted into evidence prior to the entry
9 of the final order establishing paternity, the genetic tests may not be
10 allowed into evidence at a later date;

11 (b) That the delegate child support enforcement unit shall issue an
12 order of default setting forth the ~~amount of the obligor's duty of support,~~
13 ~~if the obligor~~ CHILD SUPPORT OBLIGATIONS IF THE APA-RESPONDENT:

14 (I) Fails to appear for the negotiation conference as scheduled in
15 the notice; and

16 (II) Fails to reschedule a negotiation conference prior to the date
17 and time ~~stated in the notice~~ OF THE CURRENTLY SCHEDULED
18 NEGOTIATION CONFERENCE; and

19 (III) Fails to send the delegate child support enforcement unit a
20 written request for a court hearing prior to the ~~time scheduled for the~~
21 CURRENTLY SCHEDULED negotiation conference;

22 (b.5) That, if the notice is issued for the purpose of establishing
23 the paternity of and financial responsibility for a child, the delegate child
24 support enforcement unit shall issue an order of default establishing
25 paternity and setting forth the amount of the obligor's duty of support, if:

26 (I) The ~~obligor~~ APA-RESPONDENT fails to appear for the initial
27 negotiation conference as scheduled in the notice of financial

1 responsibility and fails to reschedule a negotiation conference prior to the
2 date and time stated in the notice of financial responsibility OR FAILS TO
3 APPEAR FOR THE CURRENTLY SCHEDULED NEGOTIATION CONFERENCE; or

4 (II) The ~~obligor~~ APA-RESPONDENT fails to take a genetic test or
5 fails to appear for an appointment to take a genetic test without good
6 cause; or

7 (III) The results of the genetic test indicate a ninety-seven percent
8 or greater probability that the alleged father is the father of the child, and
9 the ~~obligor~~ APA-RESPONDENT fails to appear for the CURRENTLY
10 SCHEDULED negotiation conference; ~~as scheduled in the notice and fails~~
11 ~~to reschedule a negotiation conference prior to the date and time stated in~~
12 ~~the notice;~~

13 (f) The name of the custodian of the child on whose behalf
14 support is being sought and the name AND birth date ~~and social security~~
15 ~~number~~ of such child;

16 (l) That the costs of collection, as defined in ~~section 26-13.5-102~~
17 ~~(3)~~ SECTION 26-13.5-102 (4), may be assessed against and collected from
18 the ~~obligor~~ APA-RESPONDENT;

19 (o) That the ~~obligor~~ APA-RESPONDENT may assert the following
20 objections in the negotiation conference and that, if such objections are
21 not resolved, the delegate child support enforcement unit shall schedule
22 a court hearing pursuant to section 26-13.5-105 (3):

23 (I) That ~~he is not~~ NEITHER THE APA-PETITIONER NOR THE
24 APA-RESPONDENT IS the parent of the dependent child; ~~however~~ EXCEPT
25 THAT, if parentage has been previously determined by or pursuant to the
26 law of another state, the ~~obligor is~~ APA-PETITIONER AND
27 APA-RESPONDENT ARE advised that any challenge to the determination

1 of parentage must be resolved in the state where the determination of
2 parentage was made;

3 (II) That the dependent child has been adopted by a person other
4 than the ~~obligor~~ APA-RESPONDENT;

5 (III) That the dependent child is emancipated; or

6 (IV) That there is an existing court or administrative order of
7 support as to the monthly support obligation;

8 (r) That the ~~obligor is~~ APA-PETITIONER AND APA-RESPONDENT
9 ARE responsible for notifying the delegate child support enforcement unit
10 of any change of address or employment within ten days of such change;

11 (r.5) THAT THE APA-RESPONDENT MAY OPT OUT OF THE
12 ADMINISTRATIVE PROCESS ACTION AND HAVE ALL ISSUES DECIDED BY A
13 COURT BY DELIVERING TO THE DELEGATE CHILD SUPPORT ENFORCEMENT
14 UNIT PRIOR TO THE DATE AND TIME OF THE CURRENTLY SCHEDULED
15 NEGOTIATION CONFERENCE A WRITTEN REQUEST FOR A COURT HEARING;

16 (s) That, if the ~~obligor has~~ APA-PETITIONER OR APA-RESPONDENT
17 HAS any questions, ~~the obligor~~ HE OR SHE should telephone or visit the
18 delegate child support enforcement unit;

19 (t) That the ~~obligor has~~ APA-PETITIONER OR APA-RESPONDENT
20 HAS the right to consult an attorney and the right to be represented by an
21 attorney at the negotiation conference; and

22 **SECTION 6.** In Colorado Revised Statutes, 26-13.5-104, **amend**
23 (1) introductory portion and (3); and **add** (4), (5), and (6) as follows:

24 **26-13.5-104. Service of notice of financial responsibility.**

25 (1) The delegate child support enforcement unit shall serve a notice of
26 financial responsibility on the ~~obligor not less than ten~~ APA-RESPONDENT
27 AT LEAST FOURTEEN days prior to the date stated in the notice for the

1 negotiation conference:

2 (3) If process has been served pursuant to this section, ~~no~~
3 additional service of process ~~shall be~~ IS NOT necessary if the case is
4 referred to court for further ACTION OR review.

5 (4) AN APA-RESPONDENT MAY WAIVE SERVICE BY SIGNING A
6 WAIVER OF SERVICE OF PROCESS AND THEREBY WAIVES THE
7 FOURTEEN-DAY NOTICE PERIOD REQUIRED BY SUBSECTION (1) OF THIS
8 SECTION.

9 (5) SERVICE OF PROCESS ON THE APA-PETITIONER IS NOT
10 REQUIRED. THE APA-PETITIONER VOLUNTARILY SUBMITS HIMSELF OR
11 HERSELF TO THE JURISDICTION OF THE DELEGATE CHILD SUPPORT
12 ENFORCEMENT UNIT AND THE COURT IN CONNECTION WITH ANY APA
13 CASE.

14 (6) A COPY OF THE NOTICE OF FINANCIAL RESPONSIBILITY MUST BE
15 PROVIDED TO THE APA-PETITIONER BY FIRST-CLASS MAIL, HAND
16 DELIVERY, OR ELECTRONIC TRANSMISSION IF AGREED TO BY THE
17 APA-PETITIONER, AT LEAST FOURTEEN DAYS PRIOR TO THE DATE OF THE
18 NEGOTIATION CONFERENCE. THE APA-PETITIONER MAY WAIVE THE RIGHT
19 TO THIS FOURTEEN-DAY NOTICE PERIOD.

20 **SECTION 7.** In Colorado Revised Statutes, 26-13.5-105, **amend**
21 (1) introductory portion, (2), and (3) as follows:

22 **26-13.5-105. Negotiation conference - issuance of order of**
23 **financial responsibility - filing of order with district court.** (1) Every
24 ~~obligor~~ APA-RESPONDENT who has been served with a notice of financial
25 responsibility pursuant to section 26-13.5-104 shall appear at the time and
26 location stated in the notice for a negotiation conference or shall
27 reschedule a negotiation conference prior to the date and time stated in

1 the notice. The negotiation conference ~~shall~~ MUST be scheduled not more
2 than ~~thirty~~ THIRTY-FIVE days after the date of the issuance of the notice
3 of financial responsibility. A negotiation conference ~~shall not~~ MAY be
4 rescheduled ~~more than once and shall not be rescheduled for a date more~~
5 ~~than ten days after the date and time stated in the notice without~~ BY A
6 REQUEST FOR A STANDARD CONTINUANCE BY THE APA-PETITIONER OR
7 APA-RESPONDENT. A STANDARD CONTINUANCE MUST NOT BE MORE THAN
8 SEVEN DAYS AFTER THE DATE OF THE CURRENTLY SCHEDULED
9 NEGOTIATION CONFERENCE. THE NEGOTIATION CONFERENCE MAY ALSO BE
10 CONTINUED FOR good cause as defined in rules ~~and regulations~~
11 promulgated pursuant to section 26-13.5-113. If a negotiation conference
12 is continued, the ~~obligor shall~~ APA-PETITIONER AND APA-RESPONDENT
13 MUST be notified of such continuance by first-class mail, ~~or by hand~~
14 delivery, OR ELECTRONIC MEANS IF AGREED TO BY BOTH PARTIES. If a
15 stipulation is agreed upon at the negotiation conference as to the obligor's
16 duty of support, the delegate child support enforcement unit shall issue an
17 administrative order of financial responsibility setting forth the following:
18 (2) ~~A copy of the administrative order of financial responsibility~~
19 ~~issued pursuant to subsection (1) of this section, along with proof of~~
20 ~~service, shall be filed with the clerk of the district court in the county in~~
21 ~~which the notice of financial responsibility was issued or in the district~~
22 ~~court where an action relating to support is pending or an order exists but~~
23 ~~is silent on the issue of child support. The clerk shall stamp the date of~~
24 ~~receipt of the copy of the order and shall assign the order a case number.~~
25 The order of financial responsibility ~~shall have~~ HAS all the force, effect,
26 and remedies of an order of the court, including, but not limited to, wage
27 assignments issued prior to July 1, 1996, or income assignments issued

1 thereafter or contempt of court. Execution may be issued on the order in
2 the same manner and with the same effect as if it were an order of the
3 court. In order to enforce a judgment based on an order issued pursuant
4 to this ~~article~~ ARTICLE 13.5, the judgment creditor shall file with the court
5 a verified entry of judgment specifying the period of time that the
6 judgment covers and the total amount of the judgment for that period.
7 Notwithstanding the provisions of this subsection (2), ~~no~~ A court order for
8 judgment ~~nor~~ OR verified entry of judgment ~~shall be~~ IS NOT required in
9 order for the ~~county and state~~ DELEGATE child support enforcement units
10 to certify past-due amounts of child support to the internal revenue
11 service or state department of revenue for purposes of intercepting a
12 federal or state tax refund.

13 (3) (a) If ~~no~~ A stipulation is NOT agreed upon at the negotiation
14 conference because the ~~obligor~~ APA-PETITIONER OR APA-RESPONDENT
15 contests the issue of paternity, the delegate child support enforcement unit
16 shall issue an order for genetic testing IF PATERNITY HAS NOT ALREADY
17 BEEN ESTABLISHED BY A COURT OR ADMINISTRATIVE ORDER OR
18 DETERMINED PURSUANT TO THE LAWS OF ANOTHER STATE and continue
19 the negotiation conference to allow for the receipt of the genetic testing
20 results. The delegate child support enforcement unit shall pay the costs of
21 the genetic testing and may recover any testing costs from the presumed
22 or alleged father if paternity is established. IF PATERNITY HAS ALREADY
23 BEEN ESTABLISHED OR DETERMINED, AN APA TEMPORARY ORDER MUST
24 BE ESTABLISHED WITHOUT CONDUCTING GENETIC TESTING.

25 (b) If ~~no~~ A stipulation is NOT agreed upon at the continued
26 negotiation conference AND GENETIC TESTING IS REQUIRED and the
27 evidence relating to paternity does not meet the requirements set forth in

1 section 13-25-126 (1)(g), ~~C.R.S.~~, the delegate child support enforcement
2 unit may dismiss the action or take such other appropriate action as
3 allowed by law.

4 (c) If ~~no~~ A stipulation is NOT agreed upon at the negotiation
5 conference and paternity is not an issue, or, if paternity is an issue and
6 either the evidence relating to paternity meets the requirements set forth
7 in section 13-25-126 (1)(g), ~~C.R.S.~~, or parentage has been previously
8 determined by another state, the delegate child support enforcement unit
9 shall:

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

13 (II) File the notice of financial responsibility and proof of service
14 with the clerk of the district court in the county in which the notice of
15 financial responsibility was issued; and ~~shall~~

16 (III) Request the court to set a hearing for the matter.

17 (d) Notwithstanding any rules of the Colorado rules of civil
18 procedure, a complaint is not required in order to initiate a court action
19 pursuant to this subsection (3). The court shall inform the delegate child
20 support enforcement unit of the date and location of the hearing and the
21 court or the delegate child support enforcement unit shall send a notice to
22 the ~~obligor~~ APA-PETITIONER AND APA-RESPONDENT informing ~~the~~
23 ~~obligor~~ EACH PARTY of the date and location of the hearing. In order to
24 meet federal requirements of expedited process for child support
25 enforcement, the court shall hold a hearing and decide only the issue of
26 child support within ninety days after receipt of notice, as defined in
27 section 26-13.5-102 (13), or within six months after receipt of notice, as

1 defined in section 26-13.5-102 (13), if the obligor APA-PETITIONER OR
2 APA-RESPONDENT is contesting the issue of paternity. If the obligor raises
3 issues relating to the allocation of parental responsibilities,
4 decision-making responsibility, or parenting time and the court has
5 jurisdiction to hear such matters, the court shall set a separate hearing for
6 those issues after entry of the order of support. In any action, including an
7 action for paternity, no additional service beyond that originally required
8 pursuant to section 26-13.5-104 shall be IS NOT required if no A
9 stipulation is NOT reached at the negotiation conference and the court is
10 requested to set a hearing in the matter.

11 **SECTION 8.** In Colorado Revised Statutes, **amend** 26-13.5-106
12 as follows:

13 **26-13.5-106. Default - issuance of order of default - filing of**
14 **order with district court - rules.** (1) (a) If an obligor APA-RESPONDENT
15 fails to appear for a CURRENTLY SCHEDULED negotiation conference, as
16 ~~scheduled in the notice of financial responsibility, and fails to reschedule~~
17 ~~a negotiation conference prior to the date and time stated in the notice of~~
18 ~~financial responsibility,~~ the delegate child support enforcement unit shall
19 issue an order of default in accordance with the notice of financial
20 responsibility. ~~If an obligor fails to appear for a rescheduled negotiation~~
21 ~~conference, the delegate child support enforcement unit shall issue an~~
22 ~~order of default in accordance with the notice of financial responsibility.~~

23 (b) In an action to establish paternity and financial responsibility,
24 the delegate child support enforcement unit shall issue an order of default
25 establishing paternity and financial responsibility in accordance with the
26 notice of financial responsibility if:

27 (I) The obligor APA-RESPONDENT fails to appear for the initial

1 negotiation conference as scheduled in the notice of financial
2 responsibility and fails to reschedule a negotiation conference prior to the
3 date and time stated in the notice of financial responsibility; or

4 (II) The ~~obligor~~ APA-RESPONDENT fails to take a genetic test or
5 fails to appear for an appointment to take a genetic test without good
6 cause; or

7 (III) The results of the genetic test indicate a ninety-seven percent
8 or greater probability that the alleged father is the father of the child, and
9 the ~~obligor~~ APA-RESPONDENT fails to appear for the negotiation
10 conference as scheduled in the notice of financial responsibility and fails
11 to reschedule a negotiation conference prior to the date and time stated in
12 the notice of financial responsibility.

13 (b.5) The state board shall promulgate rules defining what
14 constitutes good cause for failure to appear at a negotiation conference.

15 (c) ~~Such order of default shall be approved by the court and shall~~
16 THE COURT SHALL APPROVE THE ORDER OF DEFAULT, WHICH MUST include
17 the following:

18 (I) The amount of the monthly support obligation and instructions
19 on the manner in which it ~~shall~~ MUST be paid;

20 (II) The amount of child support debt due and owing to the state
21 department and instructions on the manner in which it ~~shall~~ MUST be paid;

22 (III) The amount of arrearages due and owing and instructions on
23 the manner in which it ~~shall~~ MUST be paid;

24 (IV) The name of the ~~custodian of the child~~ CHILD'S CUSTODIAN
25 and the name, birth date, and social security number of the child for
26 whom support is being sought;

27 (V) The information required by section 14-14-111.5 (2)(f)(II);

1 ~~C.R.S.~~

2 (VI) In a default order establishing paternity, a statement that the
3 obligor has been determined to be the natural parent of the child;

4 (VII) Such other information set forth in rules ~~and regulations~~
5 promulgated pursuant to section 26-13.5-113.

6 (d) ~~Such~~ THE order for default may direct the obligor to pay for
7 support of the child, in an amount ~~as may be~~ determined by the court or
8 delegate child support enforcement unit to be reasonable under the
9 circumstances, for a time period prior to the entry of the order
10 establishing paternity.

11 (e) TO APPROVE THE DEFAULT ORDER, THE COURT SHALL CONFIRM
12 THAT:

13 (I) THE DEFAULT ORDER AND ALL OTHER DOCUMENTS REQUIRED
14 TO BE FILED WITH THE COURT PURSUANT TO THIS SECTION WERE IN FACT
15 FILED WITH THE COURT; AND

16 (II) NOTICE WAS SERVED ON THE APA-RESPONDENT OR A WAIVER
17 OF SERVICE WAS EXECUTED BY THE APA-RESPONDENT PURSUANT TO
18 SECTION 26-13.5-104.

19 (f) IN APPROVING A DEFAULT ORDER, THE COURT SHALL NOT:

20 (I) RECALCULATE THE AMOUNT OF ANY CHILD SUPPORT
21 OBLIGATION CONTAINED IN THE APA ORDER;

22 (II) SCHEDULE OR CONDUCT A COURT HEARING; OR

23 (III) REQUIRE THE FILING OF ADDITIONAL DOCUMENTS WITH THE
24 COURT.

25 (g) (I) IF THE COURT HAS NOT APPROVED OR DENIED APPROVAL OF
26 THE DEFAULT ORDER WITHIN THIRTY-SIX DAYS AFTER FILING WITH THE
27 COURT, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOTIFY

1 THE COURT THAT THE DEADLINE FOR APPROVAL OR DENIAL IS IN SEVEN
2 DAYS ON THE FORTY-SECOND DAY.

3 (II) THE COURT MAY CONDUCT A JUDICIAL REVIEW OF THE ORDER
4 PURSUANT TO SECTION 26-13.5-107.

5 (2) A copy of any ~~order of~~ default ORDER issued pursuant to
6 subsection (1) of this section, along with proof of service, and, in the case
7 of a default order establishing paternity and financial responsibility ~~under~~
8 ~~paragraph (b) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(b) of this
9 section, the ~~obligee's~~ APA-PETITIONER'S verified affidavit regarding
10 paternity and the genetic test results, if any, shall be filed ~~with the clerk~~
11 ~~of the district court in the county in which the notice of financial~~
12 ~~responsibility was issued or in the district court where an action relating~~
13 ~~to child support is pending or an order exists but is silent on the issue of~~
14 ~~child support~~ WITH THE COURT. BEFORE FILING WITH THE COURT, A
15 SUPERVISOR, ADMINISTRATOR, ATTORNEY, OR DIRECTOR OF A COUNTY
16 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL REVIEW THE ORDER
17 AND OTHER DOCUMENTS. The clerk shall stamp the date of receipt of the
18 copy of the ~~order of~~ default ORDER and shall assign the order a case
19 number. The ~~order of~~ default ~~shall have~~ ORDER HAS all the force, effect,
20 and remedies of an order of the court, including, but not limited to, wage
21 assignments issued prior to July 1, 1996, or income assignments issued
22 thereafter or contempt of court. Execution may be issued on the order in
23 the same manner and with the same effect as if it were an order of the
24 court. In order to enforce a judgment based on an order issued pursuant
25 to this ~~article~~ ARTICLE 13.5, the judgment creditor shall file with the court
26 a verified entry of judgment specifying the period of time that the
27 judgment covers and the total amount of the judgment for that period.

1 Notwithstanding the provisions of this subsection (2), ~~no~~ A court order for
2 judgment ~~nor~~ OR verified entry of judgment ~~shall be~~ IS NOT required in
3 order for the ~~county and state~~ child support enforcement units to certify
4 past-due amounts of child support to the internal revenue service or state
5 department of revenue for purposes of intercepting a federal or state tax
6 refund.

7 **SECTION 9.** In Colorado Revised Statutes, **amend** 26-13.5-107
8 as follows:

9 **26-13.5-107. Orders - duration - effect of court**
10 **determinations.** (1) A copy of any order of financial responsibility or of
11 any ~~order of~~ default ORDER or of any temporary order of financial
12 responsibility issued by the delegate child support enforcement unit ~~shall~~
13 MUST be sent by such unit by first-class mail to the ~~obligor~~
14 APA-PETITIONER AND APA-RESPONDENT or his OR HER attorney of record
15 and to the custodian of the child.

16 (2) Any order of financial responsibility, any DEFAULT order, ~~of~~
17 ~~default~~, and any temporary order of financial responsibility ~~shall~~ MUST
18 continue ~~notwithstanding the fact that~~ UNTIL MODIFIED BY
19 ADMINISTRATIVE OR COURT ORDER, EVEN IF the child is no longer
20 receiving benefits under the programs listed in section 26-13-102.5 (2)(a),
21 unless the child is emancipated or is otherwise no longer entitled to
22 support. ~~Any order of financial responsibility, any order of default, and~~
23 ~~any temporary order of financial responsibility shall continue until~~
24 ~~modified by administrative order or court order. or by emancipation of the~~
25 ~~child.~~ In the event that the order of financial responsibility, DEFAULT
26 order, ~~of default~~, or temporary order of financial responsibility is entered
27 in a case at a time when there is a court action on the same case, the court

1 may credit a portion of a monthly amount paid under the administrative
2 process order towards future payments due in the court case only if the
3 order in the court case is established at a lower amount than the
4 administrative process order and only to the extent of the difference
5 between the amount of the court order and the amount of the
6 administrative process order.

7 (3) Nothing contained in this ~~article shall deprive~~ ARTICLE 13.5
8 DEPRIVES a court of competent jurisdiction from determining the duty of
9 support of an obligor against whom an administrative order is issued
10 pursuant to this ~~article~~ ARTICLE 13.5. Such a determination by the court
11 ~~shall supersede~~ SUPERSEDES the administrative order as to support
12 payments due subsequent to the entry of the order by the court but ~~shall~~
13 DOES not affect any arrearage which may have accrued under the
14 administrative order.

15 (4) ANY PARTY TO AN APA ORDER MAY FILE A REQUEST FOR
16 RELIEF FROM AN APA JUDGMENT OR ORDER. THE REQUEST MUST BE IN
17 WRITING AND FILED WITH THE COURT AFTER THE APA ORDER BECOMES
18 EFFECTIVE. THE COURT MAY NOT CONDUCT A REVIEW OF A PENDING APA
19 ORDER. THE REVIEW MUST BE PURSUANT TO C.R.C.P. 60.

20 **SECTION 10.** In Colorado Revised Statutes, **amend** 26-13.5-110
21 as follows:

22 **26-13.5-110. Paternity - establishment - filing of order with**
23 **court.** (1) The delegate child support enforcement unit may issue an
24 order establishing paternity of and financial responsibility for a child in
25 the course of a support proceeding ~~under this article when both parents~~
26 ~~sign sworn statements~~ PURSUANT TO THIS ARTICLE 13.5 WHEN A PARENT
27 SIGNS A STATEMENT that the paternity of the child for whom support is

1 sought has not been legally established and that the parents are the ~~natural~~
2 LEGAL parents of the child and if neither parent is contesting the issue of
3 paternity or may issue ~~an~~ A DEFAULT order ~~of default~~ establishing
4 paternity and financial responsibility in accordance with section
5 26-13.5-106. Prior to issuing an order ~~under~~ PURSUANT TO this section,
6 the delegate child support enforcement unit shall advise both parents in
7 writing as prescribed by rule ~~and regulation~~ promulgated pursuant to
8 section 26-13.5-113 of their legal rights concerning the determination of
9 paternity.

10 (2) A copy of the order establishing paternity and financial
11 responsibility and the sworn ~~statements of the parents~~ STATEMENT OF THE
12 PARENT and, in the case of a default order establishing paternity and
13 financial responsibility, the ~~obligee's~~ APA-PETITIONER'S verified affidavit
14 regarding paternity and the genetic test results, if any, ~~shall~~ MUST be filed
15 with the clerk of the district court in the county in which the notice of
16 financial responsibility was issued or as otherwise provided in accordance
17 with ~~the provisions of~~ section 26-13.5-105 (2). The order establishing
18 paternity and financial responsibility ~~shall have~~ HAS all the force, effect,
19 and remedies of an order of the district court, and the order may be
20 executed upon and enforced in the same manner as ~~set forth in section~~
21 ~~26-13.5-105 (2)~~ AN ORDER OF THE COURT.

22 (3) If the order establishing paternity is at variance with the child's
23 birth certificate, the delegate child support enforcement unit shall order
24 that a new birth certificate be issued ~~under~~ PURSUANT TO section
25 19-4-124. ~~C.R.S.~~

26 (4) Service of process to establish paternity and financial
27 responsibility may be made ~~under this article by~~ PURSUANT TO THIS

1 ARTICLE 13.5 BY ANY METHOD OF SERVICE, INCLUDING certified mail, as
2 specified in section 26-13.5-104. ~~or by any of the other methods of~~
3 ~~service specified in said section.~~

4 **SECTION 11.** In Colorado Revised Statutes, **add** 26-13.5-110.5
5 as follows:

6 **26-13.5-110.5. Filing genetic testing results with court - no**
7 **administrative process action order.** (1) WHENEVER GENETIC TESTING
8 HAS BEEN CONDUCTED PURSUANT TO SECTION 26-13.5-105 AND THE
9 RESULTS SHOW A LESS THAN NINETY-SEVEN PERCENT PROBABILITY OF
10 PARENTAGE, AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT
11 ISSUES A NOTICE OR ORDER OF DISMISSAL OF THE APA CASE, THE GENETIC
12 TESTING RESULTS MUST BE FILED WITH THE CLERK OF THE DISTRICT COURT
13 IN THE COUNTY IN WHICH THE NOTICE OF FINANCIAL RESPONSIBILITY WAS
14 ISSUED, WHEN THERE IS A COURT ACTION RELATING TO CHILD SUPPORT
15 PENDING, OR WHERE AN ORDER EXISTS BUT IS SILENT ON THE ISSUE OF
16 CHILD SUPPORT.

17 (2) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE
18 13.5 TO THE CONTRARY, THE COURT HAS JURISDICTION TO RECEIVE AN
19 OBJECTION TO GENETIC TEST RESULTS AND TO TAKE ANY OTHER
20 APPROPRIATE ACTION RELATING TO SUCH TEST RESULTS.

21 **SECTION 12.** In Colorado Revised Statutes, 26-13.5-112,
22 **amend** (1), (1.5), (1.7)(b), and (1.9) as follows:

23 **26-13.5-112. Modification of an order.** (1) At any time after the
24 entry of an order of financial responsibility or an order of default ~~under~~
25 ~~this article~~ PURSUANT TO THIS ARTICLE 13.5, in order to add, alter, or
26 delete any provisions to such an order, the delegate child support
27 enforcement unit may issue a notice of financial responsibility

1 MODIFICATION to the obligor and obligee advising the obligor and obligee
2 of the possible modification of the existing administrative order issued
3 pursuant to this ~~article~~ ARTICLE 13.5. The delegate child support
4 enforcement unit shall serve the obligor and the obligee with a notice of
5 financial responsibility MODIFICATION by first-class mail or by electronic
6 means if mutually agreed upon. The obligor or the obligee may file a
7 written request for modification of an administrative order issued ~~under~~
8 ~~this article~~ PURSUANT TO THIS ARTICLE 13.5 with the delegate child
9 support enforcement unit. If the delegate child support enforcement unit
10 denies the request for modification based upon the failure to demonstrate
11 a showing of changed circumstances required pursuant to section
12 14-10-122, ~~C.R.S.~~, the delegate child support enforcement unit shall
13 advise the requesting party of the party's right to seek a modification
14 pursuant to section 14-10-122. ~~C.R.S.~~

15 (1.5) (a) The review of the administrative order ~~shall~~ MUST be
16 conducted on or before the thirtieth day after notice of review is sent to
17 the parties. During the review, the determination of the monthly support
18 obligation ~~shall~~ MUST be based on the child support guidelines set forth
19 in section 14-10-115. ~~C.R.S.~~ The delegate child support enforcement unit
20 may grant a continuance of the review for good cause. The continuance
21 ~~shall~~ MUST be for a reasonable period of time to be determined by the
22 delegate child support enforcement unit, not to exceed thirty days.

23 (b) In order to obtain information necessary to conduct the review,
24 the delegate child support enforcement unit is authorized, pursuant to
25 sections 26-13.5-103 (1) and 26-13-121 (3)(d), to serve, by first-class
26 mail, HANDDELIVERY, or by electronic means if mutually agreed upon, an
27 administrative subpoena to any person, corporation, partnership, public

1 employee retirement benefit plan, financial institution, labor union, or
2 other entity to appear or for the production of records and financial
3 documents.

4 (c) An adjustment to the administrative order ~~shall be~~ IS
5 appropriate only if the standard set forth in section 14-10-122 (1)(b)
6 ~~C.R.S.~~, is met.

7 (1.7) (b) The obligor and obligee ~~shall~~ MUST be given fifteen days
8 ~~from~~ AFTER the date of the post-review notice to challenge the review
9 results. The grounds for the challenge ~~shall be~~ ARE limited to the issue of
10 mathematical or factual error in the calculation of the monthly support
11 obligation. The delegate child support enforcement unit may grant an
12 extension of up to fifteen days to challenge the review results based upon
13 a showing of good cause. Any challenge may be presented at the
14 negotiation conference scheduled pursuant to ~~section 26-13.5-103~~
15 SECTION 26-13.5-105 via first-class mail or via an electronic
16 communication method.

17 (1.9) (a) If the review indicates that a change to the monthly
18 support obligation is appropriate and the review is not challenged or all
19 challenges have been addressed, the delegate child support enforcement
20 unit shall file the notice of financial responsibility, the order of financial
21 responsibility accompanied by the guideline worksheet, and the
22 supporting financial documentation with the court. ~~When the order of~~
23 ~~financial responsibility is filed with the court, it shall be provided to the~~
24 ~~parties and shall contain an advisement that the parties have fifteen days~~
25 ~~from the date of filing to file a written objection to the order of financial~~
26 ~~responsibility with the court.~~

27 (b) ~~If the delegate child support enforcement unit has filed an~~

1 order of financial responsibility modifying the monthly support obligation
2 and an objection has not been received by the court within fifteen days
3 after the order is filed with the court, the order of financial responsibility
4 shall become final. If an objection is received within the fifteen-day
5 period, the court may affirm the order of financial responsibility as
6 submitted, issue an order revising the monthly support obligation, or set
7 the matter for a hearing. If a hearing is necessary, the court shall hold a
8 hearing within forty-five days after the filing of the order of financial
9 responsibility, and the court shall decide only the issues of child support
10 and medical support. Any documentary evidence provided by the obligee
11 or the obligor or by the delegate child support enforcement unit may be
12 admitted into evidence by the court without the necessity of laying a
13 foundation for its admissibility, and the court may determine the relative
14 weight or credibility to give any such documentation.

15 **SECTION 13.** In Colorado Revised Statutes, **add** 26-13.5-116,
16 26-13.5-117, 26-13.5-118, 26-13.5-119, 26-13.5-120, 26-13.5-121,
17 26-13.5-122, and 26-13.5-123 as follows:

18 **26-13.5-116. Attorney of record in administrative process**
19 **action case.** (1) IF A PARTY RETAINS LEGAL COUNSEL TO REPRESENT HIM
20 OR HER IN AN APA CASE, A WRITTEN NOTICE OF REPRESENTATION SIGNED
21 BY BOTH THE PARTY AND HIS OR HER ATTORNEY MUST BE RECEIVED BY
22 THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT. THE NOTICE OF
23 REPRESENTATION IS NOT EFFECTIVE UNTIL DELIVERED TO THE DELEGATE
24 CHILD SUPPORT ENFORCEMENT UNIT.

25 (2) IF A PARTY TERMINATES LEGAL REPRESENTATION, THE PARTY
26 SHALL DELIVER WRITTEN NOTICE OF SUCH TERMINATION TO THE DELEGATE
27 CHILD SUPPORT ENFORCEMENT UNIT. THE TERMINATION IS EFFECTIVE

1 UPON RECEIPT OF DELIVERY.

2 (3) EXCEPT FOR SERVICE OF THE NOTICE UPON THE
3 APA-RESPONDENT, AN ATTORNEY OF RECORD MUST, ON BEHALF OF HIS OR
4 HER CLIENT, RECEIVE A COPY OF ALL DOCUMENTS DELIVERED TO THE
5 PARTIES IN AN APA CASE.

6

7 **26-13.5-117. Administrative process action case - rights of the**
8 **parties.** (1) AN APA CASE MAY BE CONDUCTED IF THE OBLIGEE OR THE
9 OBLIGOR IS AN APPLICANT FOR CHILD SUPPORT SERVICES PURSUANT TO
10 ARTICLE 13 OF THIS TITLE 26.

11 (2) BOTH PARTIES HAVE THE RIGHT TO A ONE-TIME STANDARD
12 CONTINUANCE NOT TO EXCEED SEVEN DAYS AFTER THE DATE OF THE
13 CURRENTLY SCHEDULED NEGOTIATION CONFERENCE.

14 (3) BOTH PARTIES HAVE THE RIGHT TO CONTEST PATERNITY OF A
15 CHILD IF LEGAL PARENTAGE OF THAT CHILD HAS NOT ALREADY BEEN
16 ESTABLISHED BY THE COURT OR BY ADMINISTRATIVE ORDER OR
17 DETERMINED PURSUANT TO THE LAWS OF ANOTHER STATE.

18 (4) BOTH PARTIES MAY ATTEND AND PARTICIPATE IN AN APA
19 NEGOTIATION CONFERENCE CONDUCTED PURSUANT TO THIS ARTICLE 13.5.

20 **26-13.5-118. Exchange and delivery of evidence.** (1) ALL
21 DOCUMENTS THAT ARE USED IN CALCULATING THE CHILD SUPPORT
22 GUIDELINES WORKSHEET AND ADMINISTRATIVE ORDER MUST BE PROVIDED
23 TO THE OTHER PARTY AT THE TIME OF OR PRIOR TO THE DATE AND TIME OF
24 THE CURRENTLY SCHEDULED NEGOTIATION CONFERENCE.

25 (2) IF NONDISCLOSURE OF INFORMATION HAS BEEN REQUESTED BY
26 A PARTY PURSUANT TO SECTION 14-5-312 OR 26-13-102.8, THE DELEGATE
27 CHILD SUPPORT ENFORCEMENT UNIT SHALL NOT DISCLOSE INFORMATION

1 RELATING TO THE LOCATION OF THE REQUESTING PARTY OR THE
2 DEPENDENT CHILD. UNLESS OTHERWISE PROVIDED BY LAW, IF A PARTY
3 HAS NOT REQUESTED NONDISCLOSURE OF INFORMATION, THE DELEGATE
4 CHILD SUPPORT ENFORCEMENT UNIT HAS NO DUTY TO REDACT OTHER
5 INFORMATION CONTAINED IN THE DOCUMENT. THE DELEGATE CHILD
6 SUPPORT ENFORCEMENT UNIT SHALL BE HELD HARMLESS FOR THE RELEASE
7 OF SUCH INFORMATION PURSUANT TO THIS SECTION.

8 **26-13.5-119. Request for court hearing - transfer of**
9 **jurisdiction.** (1) AT ANY TIME AFTER EFFECTING SERVICE OF PROCESS
10 PURSUANT TO SECTION 26-13.5-104, THE DELEGATE CHILD SUPPORT
11 ENFORCEMENT UNIT MAY REFER THE CASE TO COURT BY REQUESTING A
12 COURT HEARING FOR THE ESTABLISHMENT OR MODIFICATION OF CHILD
13 SUPPORT WITHOUT ADDITIONAL SERVICE OF PROCESS WHEN:

14 (a) THE APA-RESPONDENT IS INCARCERATED AND DOES NOT
15 PARTICIPATE IN A NEGOTIATION CONFERENCE OR SIGN A STIPULATED
16 ORDER;

17 (b) AN ALLEGED OR PRESUMED PARENT IS EXCLUDED BY GENETIC
18 TESTING RESULTS PURSUANT TO SECTION 13-25-126;

19 (c) A PARENT RECEIVES AN ADOPTION SUBSIDY FOR A DEPENDENT
20 CHILD; OR

21 (d) ANY OTHER REASON SET FORTH IN RULE.

22 (2) AN APA-RESPONDENT MAY OPT OUT OF THE APA
23 PROCEEDINGS AND A COURT HEARING MUST BE SCHEDULED PURSUANT TO
24 THIS SECTION IF, PRIOR TO THE DATE AND TIME OF THE CURRENTLY
25 SCHEDULED NEGOTIATION CONFERENCE, THE APA-RESPONDENT DELIVERS
26 TO THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT A WRITTEN
27 REQUEST FOR A COURT HEARING.

1 **26-13.5-120. Default order of modification.** (1) IF BOTH PARTIES
2 FAIL TO ATTEND THE CURRENTLY SCHEDULED NEGOTIATION CONFERENCE
3 ON MODIFICATION OF A STIPULATED ORDER OR MODIFICATION IS NOT
4 AGREED TO BY THE PARTIES, THE DELEGATE CHILD SUPPORT
5 ENFORCEMENT UNIT SHALL ENTER A DEFAULT ORDER OF MODIFICATION.

6 (2) TO APPROVE THE DEFAULT ORDER OF MODIFICATION, THE
7 COURT SHALL CONFIRM THAT THE DEFAULT ORDER AND ALL OTHER
8 DOCUMENTS REQUIRED TO BE FILED WITH THE COURT PURSUANT TO
9 SECTION 26-13.5-112 WERE IN FACT FILED WITH THE COURT. PRIOR TO
10 FILING WITH THE COURT, A SUPERVISOR, ADMINISTRATOR, ATTORNEY, OR
11 COUNTY DIRECTOR OF HUMAN OR SOCIAL SERVICES SHALL REVIEW THE
12 DEFAULT ORDER AND OTHER DOCUMENTS.

13 (3) IN APPROVING A DEFAULT ORDER OF MODIFICATION, A COURT
14 SHALL NOT:

15 (a) RECALCULATE THE AMOUNT OF ANY CHILD SUPPORT
16 OBLIGATION CONTAINED IN THE ADMINISTRATIVE ORDER;

17 (b) SCHEDULE OR CONDUCT A COURT HEARING; OR

18 (c) REQUIRE THE FILING OF ADDITIONAL DOCUMENTS WITH THE
19 COURT.

20 (4) (a) IF THE COURT HAS NOT APPROVED OR DENIED APPROVAL OF
21 THE DEFAULT ORDER WITHIN THIRTY-SIX DAYS AFTER FILING WITH THE
22 COURT, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOTIFY
23 THE COURT THAT THE DEADLINE FOR APPROVAL OR DENIAL IS IN SEVEN
24 DAYS ON THE FORTY-SECOND DAY.

25 (b) THE COURT MAY CONDUCT A JUDICIAL REVIEW OF THE
26 DEFAULT ORDER OF MODIFICATION PURSUANT TO SECTION 26-13.5-107.

27 **26-13.5-121. When administrative process action order is**

1 **effective.** (1) AN APA STIPULATED OR TEMPORARY ORDER OF
2 ESTABLISHMENT OR AN APA STIPULATED ORDER OF MODIFICATION IS
3 EFFECTIVE UPON FILING WITH THE CLERK OF COURT.

4 (2) AN APA DEFAULT ORDER OF ESTABLISHMENT OR AN APA
5 DEFAULT ORDER OF MODIFICATION IS EFFECTIVE UPON APPROVAL BY THE
6 COURT OR BY OPERATION OF LAW PURSUANT TO SECTION 26-13.5-106 OR
7 26-13.5-120.

8 **26-13.5-122. Survivability of an administrative process action**
9 **order - applicability.** (1) IF AN APA ORDER IS FILED INTO A PENDING
10 COURT CASE AND THAT COURT CASE IS SUBSEQUENTLY DISMISSED, THE
11 APA ORDER SURVIVES SUCH DISMISSAL AND CONTINUES TO BE VALID AND
12 ENFORCEABLE UNLESS THE COURT SPECIFICALLY ORDERS THE DISMISSAL
13 OF THE APA ORDER.

14 (2) IF AN APA ORDER CONTAINS A JUDGMENT ESTABLISHING
15 PATERNITY, A JUDGMENT FOR CHILD SUPPORT DEBT PURSUANT TO SECTION
16 14-14-104, OR FOR COSTS OF COLLECTION AS DEFINED IN SECTION
17 26-13.5-102 (4), AND THE PARENTS SUBSEQUENTLY MARRY EACH OTHER,
18 SUCH JUDGMENTS SURVIVE THE MARRIAGE AND CONTINUE TO BE VALID
19 AND ENFORCEABLE.

20 (3) THIS SECTION APPLIES EVEN IF ONLY ONE PARENT IS A PARTY
21 TO THE APA ORDER AND EVEN IF THE APA ORDER IS FOR FOSTER CARE
22 PLACEMENT FEES.

23 (4) IF AN APA ORDER CONTAINS A JUDGMENT FOR RETROACTIVE
24 SUPPORT THAT IS OWED TO A NONPARENT CARETAKER OF A DEPENDENT
25 CHILD, SUCH JUDGMENT SURVIVES PURSUANT TO THIS SECTION.

26 (5) IF THE APA ORDER ESTABLISHES A MONTHLY SUPPORT
27 OBLIGATION THAT IS OR HAS BEEN ASSIGNED TO THE COUNTY, STATE, OR

1 OTHER JURISDICTION, THAT PORTION OF THE ORDER FOR A MONTHLY
2 SUPPORT OBLIGATION DURING THE PERIOD OF ASSIGNMENT SURVIVES
3 PURSUANT TO THIS SECTION.

4 **26-13.5-123. Where administrative process action order filed**
5 **- electronic filing of order data - custodian of the record -**

6 **applicability.** (1) A STIPULATED, TEMPORARY, OR DEFAULT ORDER MUST
7 BE FILED WITH THE CLERK OF THE DISTRICT COURT IN THE COUNTY IN
8 WHICH THE NOTICE OF FINANCIAL RESPONSIBILITY WAS ISSUED, OR IN THE
9 DISTRICT COURT WHERE AN ACTION RELATING TO SUPPORT IS PENDING OR
10 WHERE AN ORDER EXISTS BUT IS SILENT ON THE ISSUE OF CHILD SUPPORT.

11 (2) A STIPULATED OR DEFAULT ORDER OF MODIFICATION MUST BE
12 FILED IN THE COUNTY AND CASE WHERE THE INITIAL APA ORDER WAS
13 FILED.

14 (3) IN APPROPRIATE CASES, THE DELEGATE CHILD SUPPORT
15 ENFORCEMENT UNIT SHALL TRANSMIT DATA ELEMENTS OF THE ORDER,
16 RETURN OF SERVICE OF PROCESS, AND OTHER APA DOCUMENTS TO THE
17 CLERK OF THE COURT IN THE COUNTY WHERE THE NOTICE OF FINANCIAL
18 RESPONSIBILITY WAS ISSUED IN LIEU OF FILING THE ORDER AND OTHER
19 DOCUMENTS WITH THE COURT.

20 (4) WHEN THE ORIGINAL ORDER IS NOT FILED WITH THE COURT,
21 THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL BE THE
22 CUSTODIAN OF THE RECORD UNTIL THE ORDER IS FILED WITH THE COURT.

23 (5) THIS SECTION APPLIES TO BOTH ESTABLISHMENT AND
24 MODIFICATION CASES.

25 **SECTION 14. Appropriation.** For the 2018-19 state fiscal year,
26 \$122,996 is appropriated to the department of human services for use by
27 the office of self sufficiency. This appropriation is from the child support

1 insurance lien fund created in section 26-13-122.7 (9), C.R.S. To
2 implement this act, the office of self sufficiency may use this
3 appropriation for child support enforcement.

4 **SECTION 15. Act subject to petition - effective date.** Sections
5 4 through 13 of this act take effect July 1, 2019, and the remainder of this
6 act takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor; except that
15 sections 4 through 13 of this act take effect July 1, 2019.