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An Act

HOUSE BILL 21-1220

BY REPRESENTATIVE(S) Froelich, Bacon, Bernett, Bird, Cutter, Duran, Esgar, Exum, Gray, Hooton, Jackson, Jodeh, Lontine, McLachlan, Michaelson Jenet, Mullica, Ricks, Sandridge, Titone, Valdez A., Garnett, Boesenecker, Kipp, McCluskie, Young;
also SENATOR(S) Fields, Bridges, Buckner, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Lee, Moreno, Pettersen, Priola, Rankin, Smallwood, Story, Winter, Garcia.

CONCERNING IMPLEMENTING RECOMMENDATIONS OF THE COLORADO CHILD SUPPORT COMMISSION.

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

SECTION 1. In Colorado Revised Statutes, 14-10-115, **amend** (6)(b), (7)(a)(II)(C), and (7)(a)(II)(D); and **add** a \$1500 line to the beginning of the combined adjusted gross income of (7)(b) as follows:

14-10-115. Child support guidelines - purpose - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission - definitions. (6) **Adjustments to gross income.** (b) The amount of the adjustment must not exceed the schedule of basic support obligations listed

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

in this section. FOR A PARENT WITH GROSS INCOME OF LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS, THE ADJUSTMENT IS SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS IN SUBSECTION (7)(b) OF THIS SECTION THAT WOULD REPRESENT A CHILD SUPPORT OBLIGATION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER OF CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. For a parent with gross income of ~~more than~~ one thousand five hundred dollars OR MORE per month, the adjustment is seventy-five percent of the amount listed under the schedule of basic CHILD support obligations in subsection (7)(b) of this section that would represent a CHILD support obligation based only upon the responsible parent's income, without any other adjustments for the number of other children for whom the parent is responsible. The amount calculated as set forth in this subsection (6)(b) must be subtracted from the amount of the parent's gross income prior to calculating the basic CHILD support obligation based upon both parents' gross income, as provided in subsection (7) of this section.

(7) Schedule of basic child support obligations. (a) (II) (C) For an obligor with an adjusted gross income that is less than OR EQUAL TO one thousand five hundred dollars but more than six hundred fifty dollars, the obligor's child support amount, as determined pursuant to subsection (7)(a)(II)(B) of this section, MUST BE ADJUSTED PURSUANT TO SUBSECTION (11)(c)(III) OF THIS SECTION. THE OBLIGOR'S CHILD SUPPORT AMOUNT may be FURTHER adjusted to include a share of the work-related and education-related child care costs, health insurance, extraordinary medical expenses, and other extraordinary adjustments as described in ~~subsections (9) to (11)~~ SUBSECTIONS (9), (10), (11)(a), AND (11)(b) of this section. ~~if, after these adjustments are made, the obligor's child support amount does not exceed twenty percent of the obligor's adjusted gross income. Adjustments must not be made to the obligor's child support amount pursuant to this subsection (7)(a)(II)(C) if, within the same child support order, the number of children for whom a duty of support is owed results in a child support obligation that exceeds twenty percent of the obligor's adjusted gross income.~~ HOWEVER, IF AT THE TIME THE CHILD SUPPORT OBLIGATION IS CALCULATED, ADJUSTMENTS MADE PURSUANT TO SUBSECTIONS (9), (10), (11)(a), AND (11)(b) OF THIS SECTION, TOGETHER WITH THE LOW-INCOME ADJUSTMENT AMOUNT, EXCEED TWENTY PERCENT OF THE OBLIGOR'S ADJUSTED GROSS INCOME, THE CHILD SUPPORT OBLIGATION MUST BE CAPPED AT TWENTY PERCENT OF THE OBLIGOR'S

ADJUSTED GROSS INCOME. The low-income adjustment ~~shall~~ DOES not apply when each parent keeps the children more than ninety-two overnights each year as defined in subsection (8) of this section. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support that would otherwise be ordered to be paid if the parents did not share physical custody.

(D) In any circumstance in which the obligor's monthly adjusted gross income is less than OR EQUAL TO six hundred fifty dollars, regardless of the monthly adjusted gross income of the obligee, the obligor must be ordered to pay the minimum monthly order amount in child support. The minimum order amount is ten dollars per month, regardless of the number of children between these parties. The ten-dollar minimum monthly order amount is not adjusted by the number of the obligor's overnights with children.

(b) Schedule of basic child support obligations:

Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
<i>1500</i>	<i>50</i>	<i>70</i>	<i>90</i>	<i>110</i>	<i>130</i>	<i>150</i>

SECTION 2. In Colorado Revised Statutes, 14-10-123, **add** (1.3) and (1.8) as follows:

14-10-123. Commencement of proceedings concerning allocation of parental responsibilities - jurisdiction - automatic temporary injunction - enforcement - definitions. (1.3) AS USED IN THIS SECTION, EXCLUDING SUBSECTION (1.5) OF THIS SECTION:

(a) "CHILD" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103 (18).

(b) "PARENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103 (82)(a).

(1.8) THE COURT SHALL MAKE ALL NECESSARY PERSONS PARTIES TO

THE PROCEEDING PURSUANT TO THE REQUIREMENTS OF SECTION 19-4-110 AND SHALL MAKE A DETERMINATION PURSUANT TO SECTION 19-4-105 AS TO LEGAL PARENTAGE.

SECTION 3. In Colorado Revised Statutes, **amend** 14-14-106 as follows:

14-14-106. Interest. (1) (a) Interest per annum at four percent greater than the statutory rate set forth in section 5-12-101 ~~C.R.S.~~, on any arrearages and child support debt due and owing BEFORE JULY 1, 2021, may be compounded monthly and may be collected by the judgment creditor; however, such interest may be waived by the judgment creditor and such creditor ~~shall~~ IS NOT BE required to maintain interest balance due accounts. AFTER JULY 1, 2021, INTEREST ON CHILD SUPPORT ARREARAGES AND CHILD SUPPORT DEBT ACCRUES AT THE INTEREST RATE SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION.

(b) INTEREST PER ANNUM AT TWO PERCENT GREATER THAN THE STATUTORY RATE SET FORTH IN SECTION 5-12-101 ON ANY ARREARAGES AND CHILD SUPPORT DEBT DUE AND OWING ON AND AFTER JULY 1, 2021, MAY BE COMPOUNDED ANNUALLY AND MAY BE COLLECTED BY THE JUDGMENT CREDITOR; EXCEPT THAT SUCH INTEREST MAY BE WAIVED BY THE JUDGMENT CREDITOR AND SUCH CREDITOR IS NOT REQUIRED TO MAINTAIN INTEREST BALANCE DUE ACCOUNTS.

(2) IF THE JUDGMENT CREDITOR SEEKS INTEREST ON CHILD SUPPORT ARREARAGES AS SET FORTH IN SUBSECTION (1) OF THIS SECTION, THE DEBTOR OBLIGOR MAY APPLY TO THE COURT TO REQUEST THAT THE COURT FIND GOOD CAUSE TO USE DISCRETION IN DISALLOWING THE CALCULATED INTEREST, OR A PORTION THEREOF, ON CHILD SUPPORT ARREARAGES. IN SO DOING, THE COURT SHALL CONSIDER BUT IS NOT LIMITED TO THE FOLLOWING:

(a) WHETHER GOOD CAUSE EXISTED FOR THE NONPAYMENT OF THE CHILD SUPPORT;

(b) WHETHER PAYMENT OF THE INTEREST WOULD RESULT IN UNDUE HARDSHIP OR SUBSTANTIAL INJUSTICE FOR THE OBLIGOR OWING THE INTEREST; AND

(c) WHETHER THE DISALLOWANCE OR REDUCTION OF INTEREST

WOULD RESULT IN UNDUE HARDSHIP AND SUBSTANTIAL INJUSTICE TO THE PERSON TO WHOM THE INTEREST IS OWED.

(3) THE COURT MAY DETERMINE AN EQUITABLE PERIOD OF REPAYMENT OF ANY INTEREST AND ARREARS OWED, IF APPLICABLE, AS SET FORTH IN THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 14-14-111.5, **amend** (2), (3) introductory portion, (3)(a)(I), (3)(a)(II) introductory portion, (3)(a)(II)(B), (3)(b)(IV), (3)(b)(VII)(A), (3)(b)(VII)(C), (4), and (10)(b); **repeal** (3)(b)(I), (3)(b)(II), (3)(b)(III), and (3)(b)(V); and **add** (4.7) as follows:

14-14-111.5. Income assignments for child support or maintenance. ~~(2) Notice requirements for income assignments.~~ Notice of income assignments shall be given in accordance with the following provisions based upon the date on which the order sought to be enforced was entered:

~~(a) Orders entered before July 10, 1987. (I) For orders entered before July 10, 1987, that do not include an order for income assignment as described in paragraph (a) of subsection (3) of this section or an order for immediate deductions for family support obligations as described in former section 14-14-111, as it existed prior to July 1, 1996, a notice of pending income assignment shall be sent by certified mail to the last-known address of the obligor, or such notice shall be personally served upon the obligor prior to the activation of an income assignment; except that such notice shall not be required if the obligor was given such notice prior to July 10, 1987, and such notice was in substantial compliance with the requirements of this section. The notice shall be given by the obligee, the obligee's representative, or the delegate child support enforcement unit.~~

~~(II) The notice of pending income assignment shall include the following information:~~

~~(A) That an income assignment may be activated immediately or at any other time at the request of the obligor, by agreement of the parties, or at the request of an obligee who is receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106, C.R.S., in accordance with state procedures. Such state~~

~~procedures require that the obligee request an income assignment in writing and that, after the delegate child support enforcement unit receives the request, it shall review the case to determine if it meets the criteria for requiring income assignment, which criteria are that the obligor is not meeting the terms of a written agreement for an alternative arrangement, or that the reason for the original good cause determination no longer exists, or that the obligor is currently paying child support but has threatened to stop and the obligee documents and substantiates that there has been a change in the obligor's circumstances that will lead the obligor to stop paying child support. If none of the circumstances set forth in this sub-subparagraph (A) exists, then the income assignment shall remain pending unless the obligor fails to comply with the support order by not making a full payment on its due date.~~

~~(B) That the activation of an income assignment is the notification to the obligor's employer or employers, trustee, or other payor of funds to withhold income for payment of the support obligation and arrears, if any;~~

~~(C) That, if any arrears accrue or already have accrued, an additional payment on the arrears shall be added to the income assignment pursuant to subparagraph (V) of paragraph (b) of subsection (3) of this section;~~

~~(D) That the obligor has a right to object to the activation of the income assignment raising the defenses that are available pursuant to sub-subparagraph (B) of subparagraph (VII) of paragraph (b) of subsection (3) of this section;~~

~~(E) That the obligor shall notify the family support registry, if payments are required to be made through the registry, in writing, of any change of address or employment within ten days after the change.~~

~~**(b) Orders entered on or after July 10, 1987, and before January 1, 1990.** For orders entered on or after July 10, 1987, and before January 1, 1990, no notice of pending income assignment as described in paragraph (a) of this subsection (2) shall be required.~~

~~**(c) Orders entered in Title IV-D cases on or after January 1, 1990, and before January 1, 1994.** For orders entered on or after January 1, 1990, and before January 1, 1994, in cases in which the custodian of the child is receiving support enforcement services from a delegate child~~

~~support enforcement unit pursuant to section 26-13-106, C.R.S., no notice of pending income assignment as described in paragraph (a) of this subsection (2) shall be required.~~

~~(d) **Orders entered in non-Title IV-D cases on or after July 10, 1987, and before January 1, 1994.** For orders entered on or after July 10, 1987, and before January 1, 1994, in cases in which the custodian of the child is not receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106, C.R.S., no notice of pending income assignment as described in paragraph (a) of this subsection (2) shall be required.~~

~~(e) **Orders entered on or after January 1, 1994, and before July 1, 1996.** For orders entered on or after January 1, 1994, and before July 1, 1996, no notice of pending income assignment as described in paragraph (a) of this subsection (2) shall be required.~~

~~(f) **Orders entered on or after July 1, 1996.** (f) (a) Whenever an obligation for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt is initially determined, whether temporary or permanent or whether modified, the amount of child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt shall be ordered by the court or delegate child support enforcement unit to be activated immediately as an income assignment subject to section 13-54-104 (3), C.R.S., from the income, as defined in section 14-10-115 (3), that is due or is to become due in the future from the obligor's employer, employers, or successor employers or other payor of funds, regardless of the source, of the person obligated to pay the child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt.~~

~~(H) (b) Any order for support shall MUST include the following, if available:~~

~~(A) (I) The name, date of birth, and sex of each child for whom the support is ordered;~~

~~(B) (II) The obligee's name, social security number, residential and~~

mailing addresses, and date of birth;

~~(C)~~ (III) The total amount of current support to be paid monthly in each category of support;

~~(D)~~ (IV) The date of commencement of the order and the date or dates of the month that the payments are due;

~~(E)~~ (V) The total amount of arrears that is due, if any, in each category of support as of the date of the order; and

~~(F)~~ (VI) The obligor's name, ~~social security number~~, residential and mailing addresses, and date of birth.

~~(G) (Deleted by amendment, L. 99, p. 1085, § 3, effective July 1, 1999.)~~

(3) Activation of income assignment. Income assignments shall MUST be activated in accordance with the following provisions:

(a) **Immediate activation of income assignments.** (I) (A) Upon entry of an order for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt, ~~during the time periods described in paragraph (c), (e), or (f) of subsection (2) of this section~~, the obligee, the obligee's representative, or the delegate child support enforcement unit shall cause a notice of income assignment to be served immediately as described in subsection (4) of this section.

(B) UNLESS AN INCOME ASSIGNMENT IS REQUIRED TO BE IMMEDIATELY ACTIVATED PURSUANT TO SUBSECTION (3)(a)(I)(A) OF THIS SECTION, OR THE INCOME ASSIGNMENT IS NOT SUBJECT TO IMMEDIATE ACTIVATION PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, AN INCOME ASSIGNMENT MAY BE IMMEDIATELY ACTIVATED BY THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT BY CAUSING A NOTICE TO WITHHOLD INCOME FOR SUPPORT TO BE SERVED UPON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(II) Exceptions to immediate activation of income assignments.

Income ~~shall~~ IS not be subject to immediate activation of an income assignment ~~under this paragraph (a)~~ PURSUANT TO THIS SUBSECTION (3)(a) in any case in which:

(B) A written agreement is reached between both parties that provides for an alternative arrangement, AND SUCH AGREEMENT IS REVIEWED AND APPROVED IN THE RECORD BY THE COURT. For purposes of this ~~sub-subparagraph (B)~~ SUBSECTION (3)(a)(II)(B), the delegate child support enforcement unit ~~shall be~~ IS considered a party in all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106 (1) C.R.S.; and as such ~~is required to~~ MUST consent to the alternative written agreement. In all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106 (2), C.R.S., the obligee or the obligee's representative shall provide the delegate child support enforcement unit with notice of any agreement reached between the parties pursuant to this ~~sub-subparagraph (B)~~ SUBSECTION (3)(a)(II)(B).

~~(b) (I) **Activation of an income assignment following notice.** An income assignment based on an order entered during the time periods described in paragraph (a), (b), or (d) of subsection (2) of this section shall not be activated unless:~~

~~(A) The obligor requests that the income assignment be activated;~~
or

~~(B) The parties agree at the time of the entry or modification of a support order, or at any other time, that the income assignment is to be activated; or~~

~~(C) The obligee files an advance notice of activation with any court having jurisdiction to enforce the support order because a payment was due under a support order and the obligor has failed to make a payment in full as ordered.~~

~~(II) **Notice of activation.** When an income assignment is activated pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph (b), a copy of the advance notice of activation and a form for the obligor to object to the activation listing the available defenses shall be mailed by the~~

~~obligee or the obligee's representative to the obligor's last-known address. The notice of activation shall contain the following information:~~

~~(A) The court that issued the support order;~~

~~(B) The case number;~~

~~(C) The date of the support order;~~

~~(D) The facts establishing that a full support payment was not made on or before it became due;~~

~~(E) The amount of overdue support owed;~~

~~(F) The amount of income to be withheld for current support and the amount to be withheld for arrears per month;~~

~~(G) A statement that, if section 13-54-104 (3), C.R.S., applies, the employer may not withhold more than the limitations set by said section;~~

~~(H) The name and address of the obligor's most recently known employer and a statement that the obligor is required to inform the court or the family support registry, if payments are to be made through the registry, of any new employment;~~

~~(I) A statement of the obligor's right to object to the activation of the income assignment within fourteen days after the date the advance notice of activation is sent to the obligor and the procedures available for such objection;~~

~~(J) The available defenses to the activation;~~

~~(K) A statement that failure to object to the activation of an income assignment within fourteen days after the date the advance notice of activation was sent to the obligor will result in the activation of the income assignment pursuant to subsection (4) of this section;~~

~~(L) A statement of the procedures the court will follow when an objection is filed by the obligor;~~

~~(M) A statement that, if the court denies the objection of the obligor, the income assignment shall be activated pursuant to subsection (4) of this section;~~

~~(N) A statement that the income assignment is a continuing assignment; and~~

~~(O) A statement that, if arrears have accrued, an additional monthly payment shall be set pursuant to subparagraph (V) of this paragraph (b) and that this payment may be modified if additional arrears accrue.~~

~~(III) **Affidavit requirements.** The party activating an income assignment based on an order entered during the time periods described in paragraph (a), (b), or (d) of subsection (2) of this section shall prepare an affidavit of arrears, which shall state the type and amount of support ordered per month and the date upon which the payment was due and, if the payments were to be made into the court registry or the family support registry, state that the full payment was not received by the registry on or before the due date or, if the payments were to be made to the obligee directly, state that the obligee did not receive the full payment on or before the due date, the date and amount of any modifications of the order, the period or periods of time the arrears accrued, the total amount of support that should have been paid, the total amount actually paid, and the total arrears, plus interest, due. If the income assignment is being activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of this paragraph (b), the affidavit shall be filed with the court at the time of activation. If payments were ordered to be made through the family support registry, a copy of the payment record maintained by the family support registry shall be sufficient proof of payments made, and no affidavit shall be required. If the income assignment is being activated pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph (b), the affidavit shall be filed with the advance notice of activation.~~

~~(IV) **Agreement to activate.** When an income assignment is activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of this paragraph (b) THIS SUBSECTION (3) and arrears are owed, as verified by the affidavit of arrears, the parties may agree to an amount of payment on the arrears, or the court OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT may determine an appropriate amount for payment.~~

~~(V) **Arrears.** When an income assignment is activated pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph (b) and arrears are owed, as verified by the affidavit of arrears, the income assignment shall include a payment on the arrears in the amount of one-twenty-fourth of the total amount due up to the date of the activation of the income assignment. The payment on the arrears shall remain the same until the arrears, plus interest, are paid unless the parties subsequently agree to a larger or smaller arrears payment amount or further arrears accrue. The total arrears due, plus interest, may be updated periodically, and the amount of payment may be revised periodically, as appropriate.~~

~~(VII) **Objections to income assignment.** (A) The obligor may file with the court a written objection to the activation of an income assignment pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph (b) within fourteen days after the advance notice of activation is sent to the obligor pursuant to subparagraph (H) of this paragraph (b) unless the obligor alleges that the notice was not received, in which case an objection may be filed THIS SUBSECTION (3) no later than fourteen days after actual notice. The obligor shall mail a copy of the written objection to the obligee or the obligee's representative.~~

~~(C) If THE OBLIGOR FILES an objection, is filed by the obligor, THE COURT SHALL SET AND HOLD a hearing shall be set and held by the court within forty-two days after the date the advance notice of activation was sent to the obligor pursuant to subparagraph (H) of this paragraph (b) INCOME ASSIGNMENT WAS ISSUED. The court shall deny the objection without hearing if a defense in sub-subparagraph (B) of this subparagraph (VII) SUBSECTION (3)(a)(VII)(B) OF THIS SECTION is not alleged.~~

~~(4) **Notice to withhold income for support.** (a) Fourteen days after the date the advance notice of activation is mailed to the obligor for income assignments on orders entered during the time periods described in paragraphs (a), (b), and (d) of subsection (2) of this section or immediately for income assignments on orders entered during the time periods described in paragraphs (c), (e), and (f) of subsection (2) of this section, an income assignment may be activated by the obligee, the obligee's representative, or the delegate child support enforcement unit by causing EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, a notice to withhold income for support to MUST be served upon the employer, trustee, or other payor of funds by first-class mail or by electronic service if such THE~~

employer, trustee, or other payor of funds mutually agrees with the state child support enforcement agency to receive such income assignments electronically. Receipt of notice by the employer, trustee, or other payor of funds confers jurisdiction of the court over the employer, trustee, or other payor of funds. ~~Income assignments activated for orders entered during the time periods described in paragraphs (c), (c), and (f) of subsection (2) of this section shall be paid through the family support registry pursuant to section 26-13-114, C.R.S. In circumstances in which the source of income to the obligor~~

(b) A NOTICE TO WITHHOLD INCOME FOR SUPPORT IS NOT REQUIRED IF THE OBLIGOR'S SOURCE OF INCOME is unemployment compensation benefits and the custodian of the child is receiving support enforcement services pursuant to section 26-13-106. ~~C.R.S., no notice to withhold income for support shall be required.~~ In such cases, the state child support enforcement agency shall electronically intercept the unemployment compensation benefits through an automated interface with the department of labor and employment.

(c) ~~In all other cases, the~~ A notice to withhold income for support ~~shall~~ MUST BE PROVIDED ON A FEDERAL OFFICE OF MANAGEMENT AND BUDGET-APPROVED INCOME WITHHOLDING FOR SUPPORT FORM AND MUST contain the following information and, except in cases in which the obligee is receiving child support enforcement services pursuant to section 26-13-106, ~~C.R.S., shall have~~ MUST INCLUDE a certified copy of the support order: ~~attached thereto:~~

(a) (I) The name and social security number of the obligor;

(b) (II) A statement that withholding must begin no later than the first pay period that begins at least fourteen working days after the date on the notice to withhold income for support;

(c) (III) Instructions concerning withholding the deductions, including:

(A) The amount to be withheld for current support and current maintenance when included in the child support order, the amount to be withheld for past due support, the amount to be withheld for past due maintenance when included in the child support order, the amount to be

withheld for child support debt, the amount to be withheld for medical support, the amount to be withheld for current maintenance, the amount to be withheld for past due maintenance per month, and the amount to be withheld for processing fees, if any. In the event that the pay periods of the employer are more frequent, the employer shall withhold per pay period an appropriate percentage of the monthly amount due so that the total withheld during the month will total the monthly amount due.

~~(H)~~ (B) A statement that the employer, trustee, or other payor of funds may deduct a fee to defray the cost of withholding and that ~~such~~ THE employer, trustee, or other payor of funds shall refer to the laws governing the work state of the employee for the allowable amount of such fee; AND

~~(H)~~ (C) That, if section 13-54-104 (3) ~~C.R.S.~~, applies, the employer, trustee, or other payor of funds ~~may~~ SHALL not withhold more than the limitations set by said section;

~~(d)~~ (IV) Instructions about disbursing the withheld amounts, including the requirements that each disbursement:

~~(H)~~ (A) ~~Shall~~ MUST be forwarded within seven working days after the date of each deduction and withholding would have been paid or credited to the employee;

~~(H)~~ (B) ~~Shall~~ MUST be forwarded to the address indicated on the notice;

~~(H)~~ (C) ~~Shall~~ MUST be identified by the ~~case number~~ REMITTANCE IDENTIFIER, the name and social security number of each obligor, the date the deduction was made, the amount of the payment, and the family support registry account number for cases ordered to be paid through the family support registry; and

~~(H)~~ (D) May be combined with other disbursements in a single payment to the family support registry, if required to be sent to the registry, if the individual amount of each disbursement is identified as required by ~~subparagraph (H) of this paragraph~~ ~~(d)~~ SUBSECTION (4)(c)(IV)(C) OF THIS SECTION;

~~(e)~~ (V) A statement specifying whether or not the obligor is required

to provide health insurance for the children who are the subject of the order;

~~(f) and (g) (Deleted by amendment, L. 2000, p. 1704, § 2, effective July 1, 2000.)~~

~~(h)~~ (VI) A statement that, if the employer, trustee, or other payor of funds fails to withhold income as the notice to withhold income for support directs, the employer, trustee, or other payor of funds ~~shall be~~ IS liable for both the accumulated amount that should have been withheld from the obligor's income and any other penalties set by state law;

~~(i)~~ (VII) A statement that the employer, trustee, or other payor of funds ~~shall be~~ IS subject to a fine determined ~~under~~ PURSUANT TO state law for discharging an obligor from employment, refusing to employ AN OBLIGOR, or taking disciplinary action against an obligor because of a notice to withhold income for support;

~~(j)~~ (VIII) A statement that the employer shall notify the family support registry, in writing, if payments are required to be made through the registry promptly after the obligor terminates employment and THAT THE EMPLOYER shall provide the family support registry, in writing, with the obligor's name; date of separation; case identifier, which ~~shall be~~ IS the family support registry account number; last-known home address; and the name and address of the obligor's new employer, if known;

~~(j.5)~~ (IX) A statement that withholding under the notice to withhold income for support has priority over any other legal process under state law against the same income, that federal tax levies in effect before receipt of this notice to withhold income for support have priority, and that the requesting agency should be contacted if there are federal tax levies in effect;

~~(k)~~ (X) A statement that as long as the obligor is employed by the employer, the income assignment ~~shall~~ MUST not be terminated or modified, except upon written notice by the obligee, the obligee's representative, the delegate child support enforcement unit, or the court;

~~(k.5)~~ (XI) A statement that the employer, trustee, or other payor of funds ~~may be~~ IS required to report and withhold amounts from lump sum payments such as bonuses, commissions, or severance pay;

~~(l) (Deleted by amendment, L. 2000, p. 1704, § 2, effective July 1, 2000.)~~

(1.5) (XII) A statement that Colorado employers, trustees, or other payors of funds must comply with this section;

~~(m)~~ (XIII) A statement that, if the designated field on the notice to withhold income for support is checked, the employer, trustee, or other payor of funds is required to provide a copy of the notice to withhold income for support to the obligor; AND

~~(n)~~ (XIV) A statement that a fraudulent submission of a notice to withhold income for support ~~shall subject~~ SUBJECTS the person submitting the notice to an employer, trustee, or other payor of funds to a fine of not less than one thousand dollars and court costs and attorney fees.

(4.7) INCOME ASSIGNMENTS MUST BE PAID THROUGH THE FAMILY SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114.

(10) (b) An income assignment ~~shall~~ MUST be modified when:

(I) The support order is modified by the court; OR

(II) The arrears payment is modified ~~by agreement between the parties pursuant to subparagraph (V) of paragraph (b) of subsection (3)~~ SUBSECTION (3)(b)(IV) of this section. ~~or~~

~~(HH) The arrears payment is modified when updated periodically pursuant to subparagraph (V) of paragraph (b) of subsection (3) of this section.~~

SECTION 5. In Colorado Revised Statutes, 19-4-109, **amend** (1) as follows:

19-4-109. Jurisdiction - venue. (1) Without limiting the jurisdiction of any other court, the juvenile court has jurisdiction of an action brought ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 4. THE JUVENILE COURT'S JURISDICTION INCLUDES CONCURRENT JURISDICTION WITH A DEPENDENCY AND NEGLECT COURT, AS SET FORTH IN SECTION 19-3-205 (1), TO DETERMINE A PARENT-CHILD LEGAL RELATIONSHIP. A delegate child

support enforcement unit also has jurisdiction to establish paternity in noncontested paternities in accordance with the procedures specified in article 13.5 of title 26, C.R.S. The action may be joined with an action in another court of competent jurisdiction for dissolution of marriage, legal separation, declaration of invalidity of marriage, or support.

SECTION 6. In Colorado Revised Statutes, 26-13-121, **amend** (5.3) as follows:

26-13-121. Review and modification of child support orders. (5.3) If income information is not available for the obligor, the delegate child support enforcement unit may file a motion to modify child support with the court. ~~The court may enter an order increasing the child support obligation by an increment not to exceed ten percent per year for each year after the support order was entered or last modified.~~

SECTION 7. In Colorado Revised Statutes, 26-13-122.7, **amend** (1)(c)(I) introductory portion, (1)(c)(I)(B), and (1)(c)(I)(C); and **add** (1)(c)(I)(D) as follows:

26-13-122.7. Administrative lien and attachment of insurance claim payments, awards, and settlements - reporting - rules - fund. (1) (c) (I) For the purposes of this section, an insurance claim payment, award, or settlement is limited to an individual who receives ~~moneys~~ MONEY in excess of one thousand dollars after making a claim for payment under an insurance policy for:

(B) Wrongful death; or

(C) Workers' compensation; OR

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

SECTION 8. In Colorado Revised Statutes, 26-13-125, **amend** (1)(a), (1)(b), and (3) as follows:

26-13-125. State directory of new hires - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Employee" means a natural person who is employed by an employer in this state for compensation, which employer ~~withholds federal or state tax liabilities from the employee's compensation~~ IS REQUIRED TO REPORT THE COMPENSATION TO THE FEDERAL INTERNAL REVENUE SERVICE. "EMPLOYEE" INCLUDES A SELF-EMPLOYED OR CONTRACTED EMPLOYEE FOR WHOM THE EMPLOYER IS REQUIRED TO REPORT COMPENSATION TO THE FEDERAL INTERNAL REVENUE SERVICE. "Employee" does not include an employee hired to perform intelligence or counterintelligence functions for an agency of the United States government, as those terms are defined in the federal "Intelligence Organization Act of 1992", 50 U.S.C. sec. 401a, when the head of ~~such~~ THE agency has determined that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(b) "Employer" means a person or entity doing business in the state that engages an employee for compensation and for whom the employer ~~withholds federal or state tax liabilities from the employee's compensation~~ IS REQUIRED TO REPORT THE COMPENSATION TO THE FEDERAL INTERNAL REVENUE SERVICE. "Employer" also includes any governmental entity and any labor organization.

(3) Effective October 1, 1997, each employer shall submit to the state directory of new hires a copy of the W-4 form, THE W-9 FORM, or, at the option of the employer, an equivalent form for each newly hired employee in Colorado. The report may be transmitted to the state department by first class mail, magnetically, or electronically. The report must contain the newly hired employee's name, address, social security number, and the date services for remuneration were first performed by the newly hired employee. The report must contain the name and address of the employer and the identifying number assigned to the employer under section 6109 of the federal "Internal Revenue Code of 1986", as amended. ~~No liability shall attach to any~~ AN employer IS NOT LIABLE for furnishing information pursuant to this section. ~~No~~ AN employer ~~shall be~~ IS NOT required to submit to the state directory of new hires a report concerning any employee hired for less than thirty days.

SECTION 9. In Colorado Revised Statutes, 26-13.5-106, **amend** (1)(c)(V) as follows:

26-13.5-106. Default - issuance of order of default - filing of

order with district court - rules. (1) (c) The court shall approve the order of default, which must include the following:

(V) The information required by section ~~14-14-111.5 (2)(f)(H)~~ 14-14-111.5 (2);

SECTION 10. Effective date. This act takes effect July 1, 2021; except that section 7 of this act takes effect January 1, 2022.

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO