

CHAPTER 215

**CHILDREN AND DOMESTIC MATTERS**

SENATE BILL 98-139

BY SENATOR Wells;  
also REPRESENTATIVES Adkins, K. Alexander, Hagedorn, Mace, Taylor, and S. Williams.

**AN ACT**

CONCERNING SUPPORT OBLIGATIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 14-5-502 (b), Colorado Revised Statutes, is amended to read:

**14-5-502. Employer's compliance with income-withholding order of another state.** (b) The employer shall treat a certified copy of an income-withholding order OR AN AUTHENTICATED COPY OF AN ADMINISTRATIVE ORDER ISSUED BY THE EQUIVALENT OF A STATE CHILD SUPPORT ENFORCEMENT AGENCY OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANOTHER STATE issued in another state which appears regular on its face as if it had been issued by a tribunal of this state OR BY A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF THIS STATE.

**SECTION 2. Repeal.** 14-5-1001, Colorado Revised Statutes, is repealed as follows:

**14-5-1001. Venue.** ~~Venue in an initiating proceeding is proper in any county in which the child resides or is physically present, or in any county where a child support order exists, or in any county where public assistance is or was being paid on behalf of the child. Venue in a responding proceeding is proper in any county where the obligor parent resides, or in any county where the obligor parent is employed or derives income, or in any county where a child support order exists, or in any county where public assistance is or was being paid on behalf of the child. The tribunal shall not decline or refuse to accept and forward the complaint on the ground that it should be filed with some other tribunal of this or any other state where there is pending~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties.~~

**SECTION 3. Repeal.** 14-5-1002, Colorado Revised Statutes, is repealed as follows:

**14-5-1002. Jurisdiction by arrest.** ~~(1) If the tribunal of this state believes that the obligor may flee, it may:~~

~~(a) As an initiating tribunal, request in its certificate that the responding tribunal obtain the body of the obligor by appropriate process; or~~

~~(b) As a responding tribunal, obtain the body of the obligor by appropriate process. Thereupon, it may release the obligor upon such obligor's own recognizance or upon such obligor's giving a bond in an amount set by the tribunal to assure the obligor's appearance at the hearing.~~

**SECTION 4. Repeal.** 14-5-1003, Colorado Revised Statutes, is repealed as follows:

**14-5-1003. Duty of officials of this state as responding state.** ~~(1) The support enforcement agency shall prosecute the case diligently, shall take all action necessary in accordance with the laws of this state to enable the tribunal to obtain jurisdiction over the obligor or the obligor's property, and shall request the tribunal to set a time and place for a hearing and give notice thereof to the obligor in accordance with law. The support enforcement agency does not represent the obligee but represents the people of the state of Colorado. The actions of the support enforcement agency shall not be construed to create an attorney-client relationship between the attorney and any party other than the people of the state of Colorado.~~

~~(2) For purposes of this article, "support enforcement agency" also means any district attorney of this state or the public official in the appropriate place who has a duty to enforce criminal laws relating to the failure to provide for the support of any person. "Support enforcement agency" also includes any private attorney or county attorney of this state hired or contracted for by the state enforcement agency to provide child support services under this article.~~

**SECTION 5. Repeal.** 14-5-1007, Colorado Revised Statutes, is repealed as follows:

**14-5-1007. Enforcement of interstate income withholding.** ~~(1) If direct enforcement of an income withholding order is not utilized, a support enforcement agency in another state seeking the enforcement of a support order may compile and transmit to the clerk of the court all documentation required to enter a support order for the purpose of obtaining income withholding. The central interstate registry shall receive filings under Title IV-D of the federal "Social Security Act", as amended, and shall transmit such filings to the delegate child support enforcement unit, which shall promptly refer the documents to the clerk of the court. The clerk of the court shall file the documents which shall constitute entry of the support order under this article. A support order entered pursuant to this section does not nullify and is not nullified by a support order made by a court of this state or by a support order made by a court~~

~~of any other state. However, a support order entered pursuant to this section shall be modified in accordance with subsection (5) of this section.~~

~~(2) The following documentation is required for the entry of a support order of any jurisdiction:~~

~~(a) A certified copy of the support order with all modifications;~~

~~(b) A certified copy of an income withholding order, if any, still in effect;~~

~~(c) A copy of the portion of the income withholding statute of the jurisdiction which issued the support order stating the requirements for obtaining income withholding under the law of that jurisdiction;~~

~~(d) A sworn statement of the obligee or a certified statement of the agency regarding the arrearages and assignment of support rights, if any; and~~

~~(e) A statement which includes:~~

~~(I) The name, address, sex, and social security number of the obligor, if known, and the date of collection;~~

~~(II) The name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought; and~~

~~(III) The name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.~~

~~(3) If the documentation received by the clerk of the court in subsection (2) of this section does not conform to the requirements, the court or the delegate child support enforcement unit shall remedy any defect which the court or child support unit is able to remedy without the assistance of the requesting agency. If corrections cannot be made, the requesting agency shall immediately be notified of the necessary additions or corrections. In neither case shall the documentation be returned. The court or the delegate child support enforcement unit shall accept the documentation required by subsection (2) of this section even if it is not in the usual form required by state or local rules, so long as the substantive requirements are met.~~

~~(4) A support order entered under this section shall be enforceable by an income assignment derived in this state in the same manner and with the same effect as set forth in section 14-14-111.5. Entry of the order shall not confer jurisdiction on a court of this state or the delegate child support enforcement unit for any purpose other than income withholding of wages, as defined in section 14-14-102, state income tax refund offset, and interception of lottery winnings.~~

~~(5) (a) The clerk of the court or delegate child support enforcement unit, upon receiving a certified copy of any amendment or modification to a support order that was entered pursuant to this section for the purpose of obtaining income withholding, shall initiate, as though it were a support order of this state, necessary procedures to amend or modify the income assignment to conform to the modified support order.~~

~~(b) If the court or the delegate child support enforcement unit determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, the court or child support enforcement unit shall promptly notify the agency which requested the income withholding of the changes and shall forward to that agency all information the court or child support enforcement unit has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or all information the court or unit has or can obtain with respect to the obligor's other source of income. The court or the delegate child support enforcement unit shall include a certified copy of the income withholding order in effect in this state with the notice.~~

**SECTION 6.** 14-10-117 (1), (2), (3), (4), and (7), Colorado Revised Statutes, are amended to read:

**14-10-117. Payment of maintenance or child support.** (1) Upon its own motion or upon motion of either party, the court may at any time order that ~~maintenance or~~ CHILD support payments be made to the clerk of the court OR, IF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES HAS NOTIFIED THE STATE COURT ADMINISTRATOR THAT THE JUDICIAL DISTRICT ISSUING THE ORDER IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114 (5), C.R.S., THROUGH THE FAMILY SUPPORT REGISTRY, as trustee, for remittance to the person entitled to receive the payments. ~~THE COURT MAY NOT ORDER PAYMENTS TO BE MADE TO THE CLERK OF THE COURT ONCE PAYMENTS MAY BE MADE THROUGH THE FAMILY SUPPORT REGISTRY.~~ The payments shall be due on a certain date or dates of each month. If the support payments are required under THIS SECTION, TITLE 19, C.R.S., OR section 26-13-114 (1), C.R.S., to be made through the family support registry, the court shall order that payments be made through the registry in accordance with the procedures specified in section 26-13-114, C.R.S.

(2) The clerk of the court shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order ~~FOR THOSE PAYMENTS HE OR SHE RECEIVES THROUGH THE COURT REGISTRY.~~

(3) ~~IF PAYMENTS ARE TO BE MADE THROUGH THE FAMILY SUPPORT REGISTRY, the parties affected by the order shall inform the clerk of the court~~ FAMILY SUPPORT REGISTRY, AND IF PAYMENTS ARE TO BE MADE THROUGH THE COURT REGISTRY, THE PARTIES AFFECTED BY THE ORDER SHALL INFORM THE CLERK OF THE COURT of any change of address or of other conditions that may affect the administration of the order.

~~(4) If a party fails to make the required payment and qualifies under section 14-6-112 or section 14-10-116, the clerk of the court may send by registered or certified mail notice of the arrearage to the obligor. If payment of the sum due is not made to the clerk of the court within ten days after sending notice, the clerk may initiate contempt proceedings against the obligor or refer the matter to the attorney representing the party or the attorney appointed under section 14-10-116 for further proceedings.~~

(7) IN CASES IN WHICH A PARTY IS ORDERED TO MAKE PAYMENTS THROUGH THE COURT REGISTRY, upon receipt of a verified notice of a support obligation assigned

to the state, the clerk of the court shall, without further action by the court, pay the support to the county child support enforcement unit rather than to the obligee. When the state no longer has authorization to receive any support payments, the county child support enforcement unit shall notify the clerk of the court to stop sending the support payments to the county and to send the support payments directly to the obligee.

**SECTION 7.** The introductory portion to 14-14-112 (2), Colorado Revised Statutes, is amended to read:

**14-14-112. Deductions for health insurance.** (2) Notice of the deduction for health insurance shall be mailed by first class mail by the obligee, the obligee's representative, or the delegate child support enforcement unit to the obligor's employer. ~~upon the discovery of current or changed employment.~~ The notice of the deduction for health insurance shall contain:

**SECTION 8.** 26-13-106 (1), Colorado Revised Statutes, is amended to read:

**26-13-106. Eligibility for services.** (1) Support enforcement services shall be provided to those recipients of medicaid-only and Title IV-E foster care as required by federal law and to ~~recipients of aid to families with dependent children~~ PARTICIPANTS IN THE COLORADO WORKS PROGRAM IMPLEMENTED PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE who, as a condition of eligibility pursuant to federal law, must assign their rights to support to, and cooperate with, the state department in the establishment, modification, and enforcement of support obligations owed by absent parents to their children and the enforcement of maintenance owed by absent parents to their spouses or former spouses.

**SECTION 9.** 26-13-107 (2) (c), (3) (a) (I), (3) (c), and (3) (f) (I) (A), Colorado Revised Statutes, are amended to read:

**26-13-107. State parent locator service.** (2) To effectuate the purposes of subsection (1) of this section, the executive director may request and shall receive from departments, boards, bureaus, or other agencies of the state, including but not limited to law enforcement agencies, or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the state department and delegate child support enforcement units or their authorized agents properly to carry out their powers and duties to locate such parents for the purpose of establishing parentage or establishing, modifying, or enforcing child support obligations. In addition, any federal agency or such agency's authorized agents properly carrying out their powers and duties to locate a parent for the purpose of establishing parentage or establishing, modifying, or enforcing child support obligations may request and shall have access to any motor vehicle or law enforcement system used by the state to locate an individual. Any records established pursuant to the provisions of this section shall be available only to the following:

(c) Courts having jurisdiction in support ~~and~~ OR abandonment proceedings or actions to establish child support against a noncustodial parent or to issue an order against a custodial parent for child custody or parenting time rights or any agent of such court;

(3) (a) (I) All departments and agencies of the state and local governments, including but not limited to law enforcement agencies, shall cooperate in the location of parents who have abandoned or deserted children ~~irrespective of whether such children are or are not receiving aid to families with dependent children~~ WHO QUALIFY UNDER SECTION 26-13-106; and, on request of a delegate child support enforcement unit or its authorized agent, the state department, or the district attorney of any judicial district in this state, they shall supply any information on hand, notwithstanding any other provisions of law making such information confidential, concerning:

(A) The location of any individual, INCLUDING THE INDIVIDUAL'S SOCIAL SECURITY NUMBER, MOST RECENT ADDRESS, AND THE NAME, ADDRESS, AND EMPLOYER IDENTIFICATION NUMBER OF THE INDIVIDUAL'S EMPLOYER, or facilitating the discovery of such individual's location, who is under an obligation to pay child support, against whom such an obligation is sought, or to whom such an obligation is owed;

(B) The individual's wages or other income from employment and any benefits of employment, including any right to or enrollment in group health care coverage; and

(C) The type, status, location, and amount of any assets of, or debts owed by or to, any such individual.

(c) The state parent locator service or ~~a delegate child support enforcement unit~~ THE EQUIVALENT OF A STATE CHILD SUPPORT ENFORCEMENT AGENCY OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANY OTHER STATE may initiate a request requiring any employer, trustee, ~~or~~ payor of funds, OR OTHER EMPLOYER located within this state or doing business in this state to provide any ~~employment-related information held by such employer, trustee, or payor of funds concerning the location, benefits, income, and assets of parents with a child support obligation.~~ INFORMATION ON THE EMPLOYMENT, COMPENSATION, AND BENEFITS OF ANY INDIVIDUAL FOR WHOM INFORMATION IS KNOWN. Compliance with such a request shall not subject the employer, trustee, or payor of funds to liability to the obligor for disclosing such information without a subpoena pursuant to this paragraph (c). THE STATE DEPARTMENT SHALL NOT USE THE PROVISIONS OF THIS PARAGRAPH (c) FOR THE INFORMATION-GATHERING PURPOSES OF THE FINANCIAL INSTITUTION DATA MATCH SYSTEM REQUIRED BY SECTION 26-13-128.

(f) (I) (A) ~~The state parent locator service may initiate an administrative subpoena requiring any public utility to verify whether an individual who owes or is owed an obligation for child support debt, retroactive child support, or child support arrearages or against whom a support obligation is sought is a customer or was a recipient of services of the public utility and to provide the name and address of such individual and the names and addresses of the employers of such individual as appearing in the customer records of the public utility. Compliance with such an administrative subpoena shall not subject the public utility to liability to the individual for disclosing such information.~~ THE STATE PARENT LOCATOR SERVICE OR THE EQUIVALENT OF A STATE CHILD SUPPORT ENFORCEMENT AGENCY OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANY OTHER STATE IS AUTHORIZED TO ISSUE AN ADMINISTRATIVE SUBPOENA TO GATHER FINANCIAL OR OTHER INFORMATION TO ESTABLISH, MODIFY, OR ENFORCE A SUPPORT ORDER. AN ADMINISTRATIVE SUBPOENA

IS AUTHORIZED TO BE ISSUED TO A PUBLIC UTILITY FOR RECORDS PERTAINING TO INDIVIDUALS WHO OWE OR ARE OWED CHILD SUPPORT OR AGAINST OR WITH RESPECT TO WHOM A SUPPORT OBLIGATION IS SOUGHT. SUCH SUBPOENA SHALL REQUIRE THE PUBLIC UTILITY TO FURNISH DOCUMENTATION PROVIDING THE NAMES AND ADDRESSES OF THESE INDIVIDUALS AND THE NAMES AND ADDRESSES OF THE EMPLOYERS OF SUCH INDIVIDUALS AS APPEARING IN THE CUSTOMER RECORDS OF THE PUBLIC UTILITY. A public utility responding to an administrative subpoena request shall be entitled to collect a reasonable fee for the processing of each such subpoena.

**SECTION 10.** 26-13-114 (1), (2), (3), (4), (5), (6), the introductory portion to (7), (7) (f), and (9), Colorado Revised Statutes, are amended to read:

**26-13-114. Family support registry - collection and disbursement of child support and maintenance - rules - legislative declaration.** (1) The general assembly hereby finds, determines, and declares that it has been demonstrated that the establishment and operation of ~~an~~ ONE automated central payment registry for the processing of child support payments ~~would be~~ IS beneficial to the state in the collection and enforcement of family support obligations. ~~particularly with respect to Title IV-D cases.~~ It is the intent of the general assembly by enacting this section to authorize the implementation of ~~a~~ ONE central family support registry for the collection, receipt, and disbursement of payments with respect to:

(a) Child support obligations for children whose custodians are receiving child support enforcement services from delegate child support enforcement units (IV-D cases); AND

~~(b) It is the intent of the general assembly that, after the completion of the conversion of all IV-D cases to payment through the registry, the state department of human services shall evaluate and analyze the operation of the family support registry in order to determine the feasibility of expanding the registry to include the processing of some or all of the non-IV-D cases through the family support registry.~~ CHILD SUPPORT OBLIGATIONS FOR CHILDREN WHOSE CUSTODIANS ARE NOT RECEIVING CHILD SUPPORT ENFORCEMENT SERVICES FROM DELEGATE CHILD SUPPORT ENFORCEMENT UNITS (NON-IV-D CASES), IF THE COURT ORDERS SUCH OBLIGATIONS TO BE PAID THROUGH THE FAMILY SUPPORT REGISTRY PURSUANT TO THIS TITLE, SECTION 14-10-117, C.R.S., OR TITLE 19, C.R.S., AND IF THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT HAS NOTIFIED THE STATE COURT ADMINISTRATOR PURSUANT TO SUBSECTION (5) OF THIS SECTION THAT THE JUDICIAL DISTRICT IN WHICH THE COURT ISSUING THE ORDER IS SITUATED IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY.

(2) "Family support registry" means a central registry maintained and operated by the state department of human services acting as the child support enforcement agency ~~which~~ THAT receives, processes, disburses, and maintains a record of the payment of child support, child support when combined with maintenance, child support arrears, or child support debt made pursuant to court order or administrative order. ~~The family support registry shall be used only for the collection and processing of child support payments for IV-D cases or IV-D orders.~~

(3) The child support enforcement agency is authorized to establish and maintain or contract for the establishment and maintenance of a family support registry to

receive, process, and disburse support payments. ~~for IV-D cases or IV-D orders.~~ Development and operation of the family support registry shall be subject to available appropriations.

(4) In ~~implementing~~ OPERATING the family support registry, the child support enforcement agency is authorized to:

(a) Receive, process, and disburse payments for child support, child support when combined with maintenance, child support arrears, or child support debt; ~~for any IV-D case or IV-D order;~~

(b) Maintain records of any payments collected, processed, and disbursed through the family support registry;

(c) ~~Establish and maintain a separate record for payments made through the registry as a result of a judgment remedy;~~

(d) Answer inquiries from authorized parties concerning payments processed through the family support registry;

(e) Collect a fee for the processing of insufficient funds checks and issue a notice to the originator of any insufficient funds check that no further checks will be accepted from such person and that future payments shall be required to be paid by cash or certified funds. IN THE EVENT THAT A DISBURSEMENT TO THE OBLIGEE BECOMES UNFUNDED DUE TO INSUFFICIENT FUNDS, STOP PAYMENT, OR OTHER REASON, THE UNFUNDED DISBURSEMENT MAY BE RECOVERED FROM THE NEXT PAYMENT. The department of human services shall insure that provisions are available for obligors to make cash payments through their county child support enforcement units.

(5) ~~On and after July 1, 1991, the child support enforcement agency shall begin implementing the family support registry in particular counties and judicial districts as designated by the executive director of the state department of human services. The executive director of the state department of human services shall inform the state court administrator when a particular county or judicial district is ready to implement and participate in the family support registry.~~ ON AND AFTER JULY 1, 1998, THE CHILD SUPPORT ENFORCEMENT AGENCY AND THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL JOINTLY BEGIN IMPLEMENTING THE FAMILY SUPPORT REGISTRY IN PARTICULAR COUNTIES AND JUDICIAL DISTRICTS WITH RESPECT TO NON-IV-D CASES AND ORDERS IN WHICH PAYMENTS ARE DIRECTED TO BE PAID THROUGH THE FAMILY SUPPORT REGISTRY, AS MUTUALLY AGREED BY THE EXECUTIVE DIRECTOR AND THE STATE COURT ADMINISTRATOR. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL INFORM THE STATE COURT ADMINISTRATOR WHEN A PARTICULAR COUNTY OR JUDICIAL DISTRICT IS READY TO IMPLEMENT AND PARTICIPATE IN THE FAMILY SUPPORT REGISTRY FOR NON-IV-D CASES. THE FAMILY SUPPORT REGISTRY SHALL BE AVAILABLE FOR USE BY ALL COUNTIES AND JUDICIAL DISTRICTS NO LATER THAN OCTOBER 1, 1999.

(6) Upon implementation of the family support registry in a particular county or judicial district, the following procedures shall be followed:

(a) All court orders entered or modified and all administrative orders issued



~~pursuant to article 13.5 of this title with respect to a IV-D case or IV-D order shall include an order that support payments for child support, child support when combined with maintenance, child support arrears, or child support debt shall be made through the family support registry~~ PURSUANT TO THIS TITLE OR TITLE 14 OR 19, C.R.S., THAT REQUIRE PAYMENTS FOR CHILD SUPPORT, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT TO BE PAID THROUGH A REGISTRY SHALL BE MADE THROUGH THE FAMILY SUPPORT REGISTRY EXCEPT AS PROVIDED BY SECTION 14-14-111.5 (3) (a) (II), C.R.S.

(b) ~~The delegate child support enforcement unit for each county implementing the family support registry shall send or cause to be sent a notice to redirect payments, by first class mail.~~ FOR NON-IV-D CASES OR ORDERS THAT REQUIRE PAYMENTS TO BE MADE TO THE CLERK OF THE COURT, THE DISTRICT COURT FOR EACH COUNTY AND THE DENVER JUVENILE COURT SHALL SEND OR CAUSE TO BE SENT A NOTICE TO REDIRECT PAYMENTS TO THE FAMILY SUPPORT REGISTRY ONCE THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT HAS NOTIFIED THE STATE COURT ADMINISTRATOR THAT THE JUDICIAL DISTRICT IN WHICH THE COURT IS SITUATED, PURSUANT TO SUBSECTION (5) OF THIS SECTION, IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY. The notice shall BE SENT BY FIRST-CLASS MAIL AND SHALL state that all payments shall be made to the family support registry. The notice shall be sent to the following persons:

(I) ~~Any obligor who is obligated to make payments for child support, child support when combined with maintenance, child support arrears, or child support debt under a court order or administrative order in a IV-D case where the order does not already specify paying through the family support registry;~~ IN NON-IV-D CASES IN WHICH THERE IS AN ORDER TO MAKE THE PAYMENTS THROUGH A REGISTRY, ANY OBLIGOR WHO IS OBLIGATED TO PAY CHILD SUPPORT OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE WHERE THE ORDER DOES NOT ALREADY SPECIFY PAYING THROUGH THE FAMILY SUPPORT REGISTRY;

(II) Any employer or trustee who has been withholding wages under a wage assignment pursuant to section 14-14-107, C.R.S., as it existed prior to July 1, 1996;

(III) Any employer or other payor of funds who has been withholding income pursuant to an income assignment pursuant to section 14-14-111, C.R.S., as it existed prior to July 1, 1996, or section 14-14-111.5, C.R.S.;

(IV) Any obligor or employer who receives a notice to redirect payments as specified in subparagraph (I) of this paragraph (b) who fails to make the payments to the family support registry and who continues to make payments to the court or to the delegate child support enforcement unit shall be sent a second notice to redirect payments. The second notice shall be sent certified mail, return receipt requested. Such notice shall contain all of the information required to be included in the first notice to redirect payments and shall further state that the obligor or employer has failed to make the payments to the correct agency and that ~~he~~ THE OBLIGOR OR EMPLOYER shall redirect the payments to the family support registry at the address indicated in the notice. Failure to make payments to the family support registry after a second notice shall be grounds for filing a motion for contempt.

(c) Any payment required to be made to the family support registry ~~which~~ THAT

is received by the court or by a delegate child support enforcement unit shall be forwarded to the family support registry within five working days after receipt. Any such payments forwarded shall be identified with the information specified by the family support registry, including but not limited to, the court case number, the county where the court case originated, and the name of the obligor. A copy of the notice to redirect payments described in subparagraph (I), (II), (III), or (IV) of paragraph (b) of this subsection (6) shall be mailed to the obligee ~~and the court~~. AND TO THE COURT IN CASES OF A IV-D CASE OR ORDER, BY FIRST CLASS MAIL.

(d) ~~If the delegate child support enforcement unit is no longer required to provide enforcement services pursuant to section 26-13-106 and payments are received through the family support registry, the registry may refer such payments to the court where the order was established and notify the obligor to direct future payments to such court.~~

(7) All support orders ~~entered or modified after July 1, 1990~~, shall contain:

(f) A statement that the parties are required to notify the family support registry, IF THE SUPPORT ORDER REQUIRES PAYMENTS TO BE MADE THROUGH THE FAMILY SUPPORT REGISTRY, of any change in residential AND MAILING address of the obligor or obligee or of any change in address of the employer or payor of funds or any other changes that may affect the administration of the support order, including changes in employment of the obligor.

(9) (a) The judicial department and the department of human services shall cooperate in the transfer of the functions relating to the collection of child support from the judicial department to the department of human services.

(b) THE COURT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE FAMILY SUPPORT REGISTRY, IF AVAILABLE, IN THOSE CASES IN WHICH THE COURT ORDERS PAYMENT TO BE MADE THROUGH THE FAMILY SUPPORT REGISTRY:

- (I) THE DATE OF THE ORDER;
- (II) THE COURT CASE NUMBER;
- (III) THE NAME AND ADDRESS OF THE OBLIGOR;
- (IV) THE NAME AND ADDRESS OF THE OBLIGEE; AND
- (V) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER.

**SECTION 11.** 26-13-115.5, Colorado Revised Statutes, is amended to read:

**26-13-115.5. Family support registry fund created.** There is hereby created in the state treasury a fund to be known as the family support registry fund, which shall consist of any moneys credited thereto ~~pursuant to section 26-13-108. Moneys in the fund shall be used to implement and operate the family support registry created in section 26-13-114.~~ FROM THE INVESTMENT EARNINGS ON MONEYS DEPOSITED WITH THE STATE TREASURER, ACCRUING FROM COLLECTIONS FOR CHILD SUPPORT RECEIVED BY THE FAMILY SUPPORT REGISTRY, OR ACCRUING FROM MISCELLANEOUS SOURCES

SUCH AS UNDELIVERABLE CHILD SUPPORT PAYMENTS. MONEYS IN THE FAMILY SUPPORT REGISTRY FUND SHALL BE USED TO REIMBURSE THE FAMILY SUPPORT REGISTRY FOR UNFUNDED PAYMENTS BY NONCUSTODIAL PARENTS OR OTHER INCIDENTAL EXPENDITURES ASSOCIATED WITH THE OPERATION OF THE FAMILY SUPPORT REGISTRY. The moneys in the family support registry fund shall not be credited or transferred to the general fund or any other fund of the state.

**SECTION 12.** 26-13-119 (2), Colorado Revised Statutes, is amended to read:

**26-13-119. Distribution of amounts collected.** (2) Notwithstanding any provision in the Colorado rules of civil procedure to the contrary, any amounts collected by the delegate child support enforcement agency, except for federal income tax refund offsets, ~~and state income tax refund offsets~~, shall be allocated and distributed first to satisfy the required support obligation for the month in which the collection was received. In cases where some portion of an amount collected pursuant to execution on a judgment is diverted to satisfy the required support obligation for the month in which the collection was received, the delegate child support enforcement agency shall file a partial satisfaction of judgment with the court ~~which~~ THAT reflects the portion of the amount collected that is actually allocated and distributed to satisfy the judgment.

**SECTION 13.** 26-13-127 (2) and (3), Colorado Revised Statutes, are amended to read:

**26-13-127. State case registry.** (2) The judicial department shall collect and electronically transfer on a weekly basis, or more frequently as mutually agreeable, to the state department, or its agent, the following basic elements of all child support orders established or modified on or after October 1, 1998, which shall be stored in the state case registry:

- (a) The name of the court, the county, and the case number;
- (b) The names of the obligor, ~~and~~ the obligee, AND THE CHILDREN WHO ARE THE SUBJECT OF THE ORDER;
- (c) The social security number of each parent;
- (d) THE DATE OF BIRTH OF EACH CHILD FOR WHOM THE ORDER REQUIRES THE PAYMENT OF CHILD SUPPORT;
- ~~(d)~~ (e) The date the child support order was established or modified;
- (f) THE AMOUNT OF MONTHLY OR OTHER PERIODIC SUPPORT OWED UNDER THE ORDER.

(3) For each case in which services are being provided under Title IV-D of the federal "Social Security Act", as amended, and for which a support order has been established or modified, the state case registry shall include the basic information listed in subsection (2) of this section and the following additional information:

- (a) ~~The amount of monthly support owed under the order and other~~ Amounts owed,

including arrears, interest, or late payment penalties and fees, due or past-due, under the order;

(b) The distribution of collected amounts;

~~(c) The date of birth of any child for whom the order requires the payment of support;~~

(d) The amount of any lien imposed with respect to the order pursuant to section 14-10-122 (1.5), C.R.S.

**SECTION 14.** 14-10-122 (1) (a), (1) (c), (1) (d), and (5), Colorado Revised Statutes, are amended to read:

**14-10-122. Modification and termination of provisions for maintenance, support, and property disposition - automatic lien.** (1) (a) Except as otherwise provided in section 14-10-112 (6), the provisions of any decree respecting maintenance may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of changed circumstances so substantial and continuing as to make the terms unfair, and, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, the provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of changed circumstances that are substantial and continuing or on the ground that the order does not contain a provision regarding medical support, such as insurance coverage, payment for medical insurance deductibles and copayments, or unreimbursed medical expenses. The provisions as to property disposition may not be revoked or modified unless the court finds the existence of conditions that justify the reopening of a judgment.

(c) In any action or proceeding in any court of this state in which child support, maintenance when combined with child support, or maintenance is ordered, a payment becomes a final money judgment, referred to in this section as a support judgment, when it is due and not paid. Such payment shall not be retroactively modified except pursuant to paragraph (a) of this subsection (1) and may be enforced as other judgments without further action by the court; EXCEPT THAT AN EXISTING CHILD SUPPORT ORDER WITH RESPECT TO CHILD SUPPORT PAYABLE BY THE OBLIGOR MAY BE MODIFIED RETROACTIVELY TO THE TIME THAT A MUTUALLY AGREED UPON CHANGE OF PHYSICAL CUSTODY OCCURS PURSUANT TO SUBSECTION (5) OF THIS SECTION. A support judgment is entitled to full faith and credit and may be enforced in any court of this state or any other state. In order to enforce a support judgment, the obligee shall file with the court that issued the order a verified entry of support judgment specifying the period of time that the support judgment covers and the total amount of the support judgment for that period. The obligee or the delegate child support enforcement unit shall not be required to wait fifteen days to execute on such support judgment. A verified entry of support judgment is not required to be signed by an attorney. A verified entry of support judgment may be used to enforce a support judgment for debt entered pursuant to section 14-14-104. The filing of a verified entry of support judgment shall revive all individual support judgments that have arisen during the period of time specified in the entry of support judgment and ~~which~~ THAT have not been satisfied, pursuant to rule 54 (h) of the Colorado rules of

civil procedure, without the requirement of a separate motion, notice, or hearing. Notwithstanding the provisions of this paragraph (c), no court order for support judgment nor verified entry of support judgment shall be required in order for the county and state child support enforcement units to certify past-due amounts of child support to the internal revenue service or to the department of revenue for purposes of intercepting a federal or state tax refund or lottery winnings.

(d) If maintenance or child support is modified pursuant to this section, the modification should be effective as of the date of the filing of the motion, unless the court finds that it would cause undue hardship or substantial injustice OR UNLESS THERE HAS BEEN A MUTUALLY AGREED UPON CHANGE OF PHYSICAL CUSTODY AS PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION. In no instance shall the order be retroactively modified prior to the date of filing, UNLESS THERE HAS BEEN A MUTUALLY AGREED UPON CHANGE OF PHYSICAL CUSTODY. The court may modify installments of maintenance or child support due between the filing of the motion and the entry of the order even if the circumstances justifying the modification no longer exist at the time the order is entered.

(5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, when a ~~voluntary~~ MUTUALLY AGREED UPON change of physical custody occurs, the provisions for CHILD support OF THE OBLIGOR UNDER THE EXISTING CHILD SUPPORT ORDER, if modified pursuant to this section, will be modified as of the date when physical custody was changed. When a ~~voluntary~~ MUTUALLY AGREED UPON change of physical custody occurs, parties are encouraged to avail themselves of the provision for updating and modifying a child support order without a court hearing, ~~which~~ THAT is set forth in section 14-10-115 (3) (b) (II).

**SECTION 15.** 14-14-111.5 (3) (b) (III), Colorado Revised Statutes, is amended to read:

**14-14-111.5. Income assignments for child support or maintenance.**  
(3) **Activation of income assignment.** Income assignments shall be activated in accordance with the following provisions:

(b) (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.

**SECTION 16.** 19-4-118 (2), Colorado Revised Statutes, is amended to read:

**19-4-118. Enforcement of judgment or order.** (2) The court may order support payments to be made to the ~~mother~~ OBLIGEE, the clerk of the court, IN THOSE CASES IN WHICH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES HAS NOTIFIED THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION 26-13-114 (5), C.R.S., THAT THE JUDICIAL DISTRICT IN WHICH THE COURT IS SITUATED IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY, THROUGH THE FAMILY SUPPORT REGISTRY, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court. THE COURT MAY NOT ORDER PAYMENTS TO BE MADE TO THE CLERK OF THE COURT ONCE PAYMENTS MAY BE MADE THROUGH THE FAMILY SUPPORT REGISTRY.

**SECTION 17.** 26-2-716 (2) (f), Colorado Revised Statutes, is amended to read:

**26-2-716. County duties - appropriations - penalties - incentives.** (2) In connection with administering a county block grant, a county department shall:

(f) Provide Title IV-D services to participants and require assignment of rights to child support by participants and participant cooperation with establishment and collection of child support, EXCEPT AS TO PARTICIPANTS RECEIVING A DIVERSION GRANT AS THAT TERM IS DEFINED IN SECTION 26-2-703 (10);

**SECTION 18. Repeal.** 13-32-101 (1) (a.5), Colorado Revised Statutes, is repealed as follows:

**13-32-101. Docket fees in civil actions - support registry fund created.** (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a.5) ~~(I) By a person directed to make support payments through the registry of the court:~~

~~(A) An initial one-time fee, in an amount to be determined annually by the chief justice of the Colorado supreme court, but not greater than thirty dollars, to cover the direct and indirect costs associated with the establishment of an account for that person, which fee shall be paid by such person at the time of the entry of such decree or order; and~~

~~(B) A minimal processing fee, in an amount to be determined annually by the chief justice of the Colorado supreme court, but not greater than three dollars, to cover the direct and indirect costs associated with processing a support payment, for each and every support payment made by such person, which fee shall be paid by such person each time a support payment is made.~~

~~(H) The fees collected pursuant to subparagraph (I) of this paragraph (a.5) shall be transmitted to the state treasurer, who shall credit the same to the support registry fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of processing and distributing support payments required to be paid through the court registry.~~

**SECTION 19.** 26-1-114 (3) (c) (I), Colorado Revised Statutes, is amended to read:

**26-1-114. Records confidential - authorization to obtain records of assets - release of location information to law enforcement agencies - outstanding felony arrest warrants.** (3) (c) (I) In order to determine if applicants for or recipients of public or medical assistance have assets within eligibility limits, the state department of human services or the state department of health care policy and financing may provide a list of information identifying these applicants or recipients to any financial institution, as defined in section 15-15-201 (4), C.R.S., or to any insurance company. This information may include identification numbers or social security numbers. The state department of human services or the state department of health care policy and financing may require any such financial institution or insurance company to provide a written statement disclosing any assets held on behalf of individuals adequately identified on the list provided. Before a termination notice is sent to the recipient, the county department in verifying the accuracy of the information obtained as a result of the match shall contact the recipient and inform him OR HER of the apparent results of the computer match and give the recipient the opportunity to explain or correct any erroneous information secured by the match. The requirement to run a computerized match shall apply only to information ~~which~~ THAT is entered in the financial institution's or insurance company's data processing system on the date the match is run and shall not be deemed to require any such institution or company to change its data or make new entries for the purpose of comparing identifying information. The cost of providing such computerized match shall be borne by the appropriate state department. THE STATE DEPARTMENT OF HUMAN SERVICES SHALL NOT USE THE PROVISIONS OF THIS SUBPARAGRAPH (I) FOR THE INFORMATION-GATHERING PURPOSES OF THE FINANCIAL INSTITUTION DATA MATCH SYSTEM REQUIRED BY SECTION 26-13-128.

**SECTION 20. Repeal.** 42-2-127.5 (5), Colorado Revised Statutes, is repealed as follows:

**42-2-127.5. Authority to suspend license - violation of child support order.** (5) ~~This section is repealed, effective July 1, 1998.~~

**SECTION 21.** 14-10-115 (3) (a), (7) (d.5) (I), and (13) (a) (II), Colorado Revised Statutes, are amended to read:

**14-10-115. Child support - guidelines - schedule of basic child support obligations.** (3) (a) In any action to establish or modify child support, whether temporary or permanent, the child support guideline as set forth in this section shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guideline where its application would be inequitable, unjust, or inappropriate. Any such deviation shall be accompanied by written or oral findings by the court specifying the reasons for the

deviation and the presumed amount under the guidelines without a deviation. These reasons may include, but are not limited to, the extraordinary medical expenses incurred for treatment of either parent or a current spouse, EXTRAORDINARY COSTS ASSOCIATED WITH PARENTING TIME, the gross disparity in income between the parents, the ownership by a parent of a substantial nonincome producing asset, consistent overtime not considered in gross income under sub-subparagraph (C) of subparagraph (I) of paragraph (a) of subsection (7) of this section, or income from employment that is in addition to a full-time job or that results in the employment of the obligor more than forty hours per week or more than what would otherwise be considered to be full-time employment. The existence of a factor enumerated in this section does not require the court to deviate from the guidelines, but is a factor to be considered in the decision to deviate. The court may deviate from the guidelines even if no factor enumerated in this section exists.

(7) **Determination of income.** (d.5) (I) At the time of the initial establishment of a child support order, or in any proceeding to modify a support order, if a parent is also legally responsible for the support of other children BORN PRIOR TO THE CHILDREN WHO ARE THE SUBJECT OF THE CHILD SUPPORT ORDER AND for whom the parents do not share joint legal responsibility, an adjustment shall be made revising such parent's income prior to calculating the basic child support obligation for the children who are the subject of the support order if the children are living in the home of the parent seeking the adjustment or if the children are living out of the home, and the parent seeking the adjustment provides documented proof of money payments of support of those children. The amount shall not exceed the guidelines listed in this section. An amount equal to the amount listed under the schedule of basic child support obligations in paragraph (b) of subsection (10) of this section which would represent a support obligation based only upon the responsible parent's gross income, without any other adjustments, for the number of such other children for whom such parent is also responsible shall be subtracted from the amount of such parent's gross income prior to calculating the basic child support obligation based on both parents' gross income as provided in subsection (10) of this section.

(13) **Extraordinary adjustments to schedule.** (a) By agreement of the parties or by order of court, the following reasonable and necessary expenses incurred on behalf of the child shall be divided between the parents in proportion to their adjusted gross income:

(II) Any expenses for transportation of the child, OR THE CHILD AND AN ACCOMPANYING PARENT IF THE CHILD IS LESS THAN TWELVE YEARS OF AGE, between the homes of the parents.

**SECTION 22. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of human services, for the fiscal year beginning July 1, 1998, the sum of seven hundred twenty-three thousand twenty-four dollars (\$723,024), or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-five thousand six hundred dollars (\$25,600) is for allocation to the office of information technology services, and six hundred ninety-seven thousand four hundred twenty-four dollars (\$697,424) is for allocation to self-sufficiency, child support enforcement. Of said sum, one hundred sixty thousand eight hundred twenty-eight dollars (\$160,828) shall be from the general fund, eighty-five thousand dollars (\$85,000) shall be cash funds from the family



support registry fund created in section 26-13-115.5, Colorado Revised Statutes, one hundred sixty-five thousand dollars (\$165,000) shall be cash funds exempt from the family support registry fund, and three hundred twelve thousand one hundred ninety-six dollars (\$312,196) shall be from federal funds. The amount appropriated from the general fund is exempt from the statutory limit on state general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado Revised Statutes.

**SECTION 23. Effective date.** This act shall take effect July 1, 1998; except that section 11 of this act shall take effect upon passage, and section 18 of this act shall take effect October 1, 1999.

**SECTION 24. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1998