

CHAPTER 163

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 03-079

BY SENATOR(S) Reeves, Groff, and Hagedorn;
also REPRESENTATIVE(S) Smith, Boyd, Carroll, Merrifield, and Romanoff.

AN ACT

CONCERNING SUPPORT OBLIGATIONS.

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

SECTION 1. 13-25-126, Colorado Revised Statutes, is amended to read:

13-25-126. Genetic tests to determine parentage. (1) (a) In any action, suit, or proceeding in which the parentage of any child is at issue, upon motion of the court or any of the interested parties, the court shall order the alleged mother, the child or children, and the alleged father to submit to genetic testing and other appropriate testing of inherited characteristics, including but not limited to blood and tissue type, for the purpose of determining probability of parentage. If any party refuses to submit to these tests, the court may resolve the question of parentage against such party to enforce its order if the rights of others and the interests of justice so require.

(b) The tests shall be conducted by a laboratory approved by an accreditation body designated by the secretary of the federal department of health and human services, utilizing any genetic test of a type generally acknowledged as reliable by such accreditation body. Costs of any such expert witness for the first test administered shall be fixed at a reasonable amount and shall be paid as the court orders. If the results of the tests or the expert analysis of inherited characteristics are disputed by any party, the court shall order that an additional test be made by the same or another laboratory at the expense of the party disputing the test results or analysis.

(c) ~~The chain of custody of blood or tissue specimens taken under this section may be established through verified documentation of the change of custody if such documentation was made at or near the time of the change of custody, if it was made in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the~~ Documentation FROM THE TESTING

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

LABORATORY OF THE FOLLOWING INFORMATION IS SUFFICIENT TO ESTABLISH A RELIABLE CHAIN OF CUSTODY THAT MAKES THE RESULTS OF GENETIC TESTING ADMISSIBLE WITHOUT TESTIMONY:

(I) THE NAMES AND PHOTOGRAPHS OF THE INDIVIDUALS FROM WHOM SPECIMENS HAVE BEEN TAKEN;

(II) THE NAMES OF THE INDIVIDUALS WHO COLLECTED THE SPECIMENS;

(III) THE PLACES AT WHICH AND DATES ON WHICH THE SPECIMENS WERE COLLECTED;

(IV) THE NAMES OF THE INDIVIDUALS WHO RECEIVED THE SPECIMENS IN THE TESTING LABORATORY; AND

(V) THE DATES THE SPECIMENS WERE RECEIVED.

~~(d) An objection to the tests performed on the blood or tissue specimens taken pursuant to this section, or the results thereof, shall be made prior to trial.~~ A SPECIMEN USED IN GENETIC TESTING MAY CONSIST OF ONE OR MORE SAMPLES OR A COMBINATION OF SAMPLES, OF BLOOD, BUCCAL CELLS, BONE, HAIR, OR OTHER BODY TISSUE OR FLUID. THE SPECIMEN USED IN THE TESTING NEED NOT BE OF THE SAME KIND FOR EACH INDIVIDUAL UNDERGOING GENETIC TESTING.

~~(e) The results of such tests shall have the following effect:~~

~~(f) If the court finds that the conclusion of the experts conducting the tests, as disclosed by the evidence based upon the tests, is that the alleged parent is not the parent of the child, the question of parentage shall be resolved accordingly.~~

~~(H) If the experts conducting the tests conclude that the genetic tests or other tests of inherited characteristics show that the alleged parent is not excluded and that the probability of the alleged parent's parentage is less than ninety-seven percent, this evidence must be admitted by the court and shall be weighed with other competent evidence of parentage.~~

~~(HH) If the experts conducting the tests conclude that the genetic tests or other tests of inherited characteristics show that the alleged parent is not excluded and that the probability of the alleged parent's parentage is ninety-seven percent or higher, the alleged parent is presumed to be the parent, and this evidence must be admitted. Other expert testimony can be offered to rebut the presumption, but cannot prohibit the presumption from attaching.~~

~~(IV) The presumption of legitimacy of a child born during wedlock is overcome if the court finds that the conclusion of the experts conducting the tests, as disclosed by the evidence based upon the tests, shows that the husband or wife is not the parent of the child.~~ SPECIMENS AND REPORTS ARE CONFIDENTIAL. AN INDIVIDUAL WHO INTENTIONALLY RELEASES AN IDENTIFIABLE SPECIMEN OF ANOTHER INDIVIDUAL FOR ANY PURPOSE OTHER THAN THAT RELEVANT TO THE PROCEEDING REGARDING PARENTAGE WITHOUT A COURT ORDER OR THE WRITTEN PERMISSION OF THE INDIVIDUAL WHO FURNISHED THE SPECIMEN COMMITS A CLASS 1 MISDEMEANOR AND,

UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 (1), C.R.S.

(f) A REPORT OF GENETIC TESTING SHALL BE IN A RECORD, DEFINED IN SECTION 19-1-103 (91.5), C.R.S., AND SIGNED UNDER PENALTY OF PERJURY BY A DESIGNEE OF THE TESTING LABORATORY. A REPORT MADE PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE IS SELF-AUTHENTICATING.

(g) UNDER THIS SECTION, A MAN IS PRESUMED TO BE THE FATHER OF A CHILD IF THE GENETIC TESTING COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND THE RESULTS DISCLOSE THAT THE MAN IS NOT EXCLUDED AND THAT THE MAN HAS AT LEAST A NINETY-SEVEN PERCENT PROBABILITY OF PATERNITY.

(h) A MAN PRESUMED TO BE THE FATHER OF THE CHILD PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION (1) MAY REBUT THE GENETIC TESTING RESULTS ONLY BY OTHER GENETIC TESTING THAT SATISFIES THE REQUIREMENTS OF THIS SECTION AND THAT:

- (I) EXCLUDES THE MAN AS THE GENETIC FATHER OF THE CHILD; OR
- (II) IDENTIFIES ANOTHER MAN AS THE FATHER OF THE CHILD.

(i) THE PRESUMPTION OF LEGITIMACY OF A CHILD BORN DURING WEDLOCK MAY BE OVERCOME, AS PROVIDED IN SECTION 19-4-105 (2) (a), C.R.S., IF THE COURT FINDS THAT THE CONCLUSION OF THE EXPERTS CONDUCTING THE TESTS, AS DISCLOSED BY THE EVIDENCE BASED UPON THE TESTS, SHOWS THAT THE HUSBAND OR WIFE IS NOT THE PARENT OF THE CHILD.

(2) Any objection to genetic testing results shall be made in writing not less than fifteen days before the first scheduled hearing at which the results may be introduced into evidence or fifteen days after motion for summary judgment is served on such person; except that a person shall object to the genetic testing results not less than twenty-four hours prior to the first scheduled hearing if such person did not receive the results fifteen or more days before such hearing. The test results shall be admissible as evidence of paternity in a paternity AN action filed pursuant to ARTICLE 10 OF TITLE 14, C.R.S., article 4 of title 19, C.R.S., or article 13.5 of title 26, C.R.S., without the need for foundation testimony or other proof of authenticity or accuracy.

(3) FOR GOOD CAUSE SHOWN, THE COURT MAY ORDER GENETIC TESTING OF A DECEASED INDIVIDUAL.

(4) THE COURT MAY ORDER GENETIC TESTING OF A BROTHER OF A MAN PRESUMED TO BE THE FATHER OF A CHILD IF THE MAN IS COMMONLY BELIEVED TO HAVE AN IDENTICAL BROTHER AND EVIDENCE SUGGESTS THAT THE BROTHER MAY BE THE GENETIC FATHER OF THE CHILD. IF GENETIC TESTING EXCLUDES NONE OF THE BROTHERS AS THE GENETIC FATHER, AND EACH BROTHER SATISFIES THE REQUIREMENTS AS THE PRESUMED FATHER OF THE CHILD UNDER SECTION 19-4-105, C.R.S., WITHOUT CONSIDERATION OF ANOTHER IDENTICAL BROTHER BEING PRESUMED TO BE THE FATHER OF THE CHILD, THE COURT MAY RELY ON NONGENETIC EVIDENCE TO ADJUDICATE WHICH BROTHER IS THE FATHER OF THE CHILD.

SECTION 2. Part 1 of article 5 of title 14, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

14-5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT".

14-5-102. [Formerly 14-5-101.] Definitions. In this article:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the income-withholding law of this state, to withhold support from the income of the obligor.

(7) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this article or a law or procedure substantially similar to this article. ~~the "Uniform Reciprocal Enforcement of Support Act", or the "Revised Uniform Reciprocal Enforcement of Support Act".~~

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

~~(i)~~ (A) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

~~(ii)~~ (B) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

~~(iii)~~ (C) An individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

~~(i)~~ (A) Who owes or is alleged to owe a duty of support;

~~(ii)~~ (B) Who is alleged but has not been adjudicated to be a parent of a child; or

~~(iii)~~ (C) Who is liable under a support order.

(14) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, PUBLIC CORPORATION, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(15) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

~~(14)~~ (16) "Register" means to file a support order or judgment determining parentage in the appropriate location for the filing of foreign support orders.

~~(15)~~ (17) "Registering tribunal" means a tribunal in which a support order is registered.

~~(16)~~ (18) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this article or a law or procedure substantially similar to this article. ~~the "Uniform Reciprocal Enforcement of Support Act", or the "Revised Uniform Reciprocal Enforcement of Support Act".~~

~~(17)~~ (19) "Responding tribunal" means the authorized tribunal in a responding state.

~~(18)~~ (20) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

~~(19)~~ (21) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(i) (A) An Indian tribe; and

(ii) (B) A foreign ~~jurisdiction~~ COUNTRY OR POLITICAL SUBDIVISION that:

(i) HAS BEEN DECLARED TO BE A FOREIGN RECIPROCATING COUNTRY OR POLITICAL SUBDIVISION UNDER FEDERAL LAW;

(ii) HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AS PROVIDED IN SECTION 14-5-308; OR

(iii) Has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this article. ~~the "Uniform Reciprocal Enforcement of Support Act", or the "Revised Uniform Reciprocal Enforcement of Support Act".~~

~~(20)~~ (22) "Support enforcement agency" means a public official or agency authorized to seek:

(i) (A) Enforcement of support orders or laws relating to the duty of support;

(ii) (B) Establishment or modification of child support;

~~(iii)~~ (C) Determination of parentage; ~~or~~

~~(iv)~~ (D) ~~To locate~~ LOCATION OF obligors or their assets; OR

(E) DETERMINATION OF THE CONTROLLING CHILD SUPPORT ORDER.

~~(21)~~ (23) "Support order" means a judgment, decree, ~~or~~ order, OR DIRECTIVE, whether temporary, final, or subject to modification, ISSUED BY A TRIBUNAL, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

~~(22)~~ (24) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

14-5-103. [Formerly 14-5-102.] Tribunals of this state. The court and the administrative agency are the tribunals of this state.

14-5-104. [Formerly 14-5-103.] Remedies cumulative. (a) Remedies provided by this article are cumulative and do not affect the availability of remedies under other law, INCLUDING THE RECOGNITION OF A SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF COMITY.

(b) THIS ARTICLE DOES NOT:

(1) PROVIDE THE EXCLUSIVE METHOD OF ESTABLISHING OR ENFORCING A SUPPORT ORDER UNDER THE LAWS OF THIS STATE; OR

(2) GRANT A TRIBUNAL OF THIS STATE JURISDICTION TO RENDER JUDGMENT OR

ISSUE AN ORDER RELATING TO CHILD CUSTODY OR VISITATION IN A PROCEEDING UNDER THIS ARTICLE.

SECTION 3. 14-5-201, Colorado Revised Statutes, is amended to read:

14-5-201. Bases for jurisdiction over nonresident. (a) In a proceeding to establish OR enforce ~~or modify~~ a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) The individual is personally served with a summons within this state;
- (2) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in this state;
- (4) The individual resided in this state and provided prenatal expenses or support for the child;
- (5) The child resides in this state as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or
- (7) There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(b) THE BASES OF PERSONAL JURISDICTION SET FORTH IN SUBSECTION (a) OF THIS SECTION OR IN ANY OTHER LAW OF THIS STATE MAY NOT BE USED TO ACQUIRE PERSONAL JURISDICTION FOR A TRIBUNAL OF THE STATE TO MODIFY A CHILD SUPPORT ORDER OF ANOTHER STATE UNLESS THE REQUIREMENTS OF SECTION 14-5-611 OR 14-5-615 ARE MET.

SECTION 4. 14-5-202, Colorado Revised Statutes, is amended to read:

14-5-202. Duration of personal jurisdiction. ~~A tribunal of this state exercising personal jurisdiction over a nonresident under section 14-5-201 may apply section 14-5-316 (Special rules of evidence and procedure) to receive evidence from another state, and section 14-5-318 (Assistance with discovery) to obtain discovery through a tribunal of another state. In all other respects, parts 3 through 7 of this article do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this article.~~ PERSONAL JURISDICTION ACQUIRED BY A TRIBUNAL OF THIS STATE IN A PROCEEDING UNDER THIS ARTICLE OR OTHER LAW OF THIS STATE RELATING TO A SUPPORT ORDER CONTINUES AS LONG AS A TRIBUNAL OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY ITS ORDER OR CONTINUING JURISDICTION TO ENFORCE ITS ORDER AS PROVIDED BY SECTIONS 14-5-205, 14-5-206, AND 14-5-211.

SECTION 5. 14-5-205, Colorado Revised Statutes, is amended to read:

14-5-205. Continuing, exclusive jurisdiction to modify child support order.

(a) A tribunal of this state ~~issuing~~ THAT HAS ISSUED a CHILD support order consistent with the law of this state has AND SHALL EXERCISE continuing, exclusive jurisdiction ~~over a~~ TO MODIFY ITS child support order IF THE ORDER IS THE CONTROLLING ORDER AND:

(1) ~~As long as~~ AT THE TIME OF THE FILING OF A REQUEST FOR MODIFICATION, this state ~~remains~~ IS the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) ~~Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction~~ EVEN IF THIS STATE IS NOT THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE, OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED, THE PARTIES CONSENT IN A RECORD OR IN OPEN COURT THAT THE TRIBUNAL OF THIS STATE MAY CONTINUE TO EXERCISE JURISDICTION TO MODIFY ITS ORDER.

(b) A tribunal of this state ~~issuing~~ THAT HAS ISSUED a child support order consistent with the law of this state may not exercise ~~its~~ continuing, EXCLUSIVE jurisdiction to modify the order if: ~~the order has been modified by a tribunal of another state pursuant to this article or a law substantially similar to this article.~~

(1) ALL OF THE PARTIES WHO ARE INDIVIDUALS FILE CONSENT IN A RECORD WITH THE TRIBUNAL OF THIS STATE THAT A TRIBUNAL OF ANOTHER STATE THAT HAS JURISDICTION OVER AT LEAST ONE OF THE PARTIES WHO IS AN INDIVIDUAL OR THAT IS LOCATED IN THE STATE OF RESIDENCE OF THE CHILD MAY MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION; OR

(2) ITS ORDER IS NOT THE CONTROLLING ORDER.

(c) ~~If a child support order of this state is modified by a tribunal of another state pursuant to this article or a law substantially similar to this article, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:~~ IF A TRIBUNAL OF ANOTHER STATE HAS ISSUED A CHILD SUPPORT ORDER PURSUANT TO THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT", OR A LAW SUBSTANTIALLY SIMILAR TO THAT ACT, WHICH MODIFIES A CHILD SUPPORT ORDER OF A TRIBUNAL OF THIS STATE, TRIBUNALS OF THIS STATE SHALL RECOGNIZE THE CONTINUING, EXCLUSIVE JURISDICTION OF THE TRIBUNAL OF THE OTHER STATE.

~~(1) Enforce the order that was modified as to amounts accruing before the modification;~~

~~(2) Enforce nonmodifiable aspects of that order; and~~

~~(3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

(d) ~~A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this article or a law substantially similar to this article.~~ A TRIBUNAL OF THIS STATE THAT LACKS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY A CHILD SUPPORT ORDER MAY SERVE AS AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO MODIFY A SUPPORT ORDER ISSUED IN THAT STATE.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) ~~A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.~~

SECTION 6. 14-5-206, Colorado Revised Statutes, is amended to read:

14-5-206. Continuing jurisdiction to enforce child support order. (a) A tribunal of this state THAT HAS ISSUED A CHILD SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE may serve as an initiating tribunal to request a tribunal of another state to enforce: ~~or modify a support order issued in that state.~~

(1) THE ORDER IF THE ORDER IS THE CONTROLLING ORDER AND HAS NOT BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSUANT TO THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT"; OR

(2) A MONEY JUDGMENT FOR ARREARS OF SUPPORT AND INTEREST ON THE ORDER ACCRUED BEFORE A DETERMINATION THAT AN ORDER OF ANOTHER STATE IS THE CONTROLLING ORDER.

(b) A tribunal of this state having continuing ~~exclusive~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 14-5-316 (Special rules of evidence and procedure) to receive evidence from another state and section 14-5-318 (Assistance with discovery) to obtain discovery through a tribunal of another state.~~

(c) ~~A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.~~

SECTION 7. 14-5-207, Colorado Revised Statutes, is amended to read:

14-5-207. Determination of controlling child support order. (a) If a proceeding is brought under this article and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this article, and two or more child support

orders have been issued by tribunals of this state or another state with regard to the same obligor and SAME child, a tribunal of this state HAVING PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND INDIVIDUAL OBLIGEE shall apply the following rules ~~in determining~~ AND BY ORDER SHALL DETERMINE which order CONTROLS: ~~to recognize for purposes of continuing, exclusive jurisdiction:~~

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this article, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this article:

(A) An order issued by a tribunal in the current home state of the child controls; ~~and must be so recognized;~~ but

(B) If an order has not been issued in the current home state of the child, the order most recently issued controls. ~~and must be so recognized.~~

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this article, the tribunal of this state ~~having jurisdiction over the parties~~ shall issue a child support order which controls. ~~and must be so recognized.~~

(c) If two or more child support orders have been issued for the same obligor and SAME child, ~~and if the obligor or the individual obligee resides in this state;~~ UPON REQUEST OF a party WHO IS AN INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY, ~~may request~~ a tribunal of this state HAVING PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND THE OBLIGEE WHO IS AN INDIVIDUAL SHALL ~~to determine~~ which order controls ~~and must be so recognized~~ under subsection (b) of this section. ~~The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.~~ THE REQUEST MAY BE FILED WITH A REGISTRATION FOR ENFORCEMENT OR REGISTRATION FOR MODIFICATION PURSUANT TO PART 6 OF THIS ARTICLE, OR MAY BE FILED AS A SEPARATE PROCEEDING.

(d) ~~The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section is the tribunal that has continuing, exclusive jurisdiction under section 14-5-205.~~ A REQUEST TO DETERMINE WHICH IS THE CONTROLLING ORDER SHALL BE ACCOMPANIED BY A COPY OF EVERY CHILD SUPPORT ORDER IN EFFECT AND THE APPLICABLE RECORD OF PAYMENTS. THE REQUESTING PARTY SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

(e) ~~A tribunal of this state which determines by order the identity of the controlling order under subsection (b) (1) or (2) of this section or which issues a new controlling order under subsection (b) (3) of this section shall state in that order the basis upon which the tribunal made its determination.~~ THE TRIBUNAL THAT ISSUED THE CONTROLLING ORDER UNDER SUBSECTION (a), (b), OR (c) OF THIS SECTION HAS CONTINUING JURISDICTION TO THE EXTENT PROVIDED IN SECTION 14-5-205 OR 14-5-206.

(f) ~~Within thirty days after issuance of an order determining the identity of the~~

~~controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.~~ A TRIBUNAL OF THIS STATE THAT DETERMINES BY ORDER WHICH IS THE CONTROLLING ORDER UNDER SUBSECTION (b) (1), (b) (2), OR (c) OF THIS SECTION, OR THAT ISSUES A NEW CONTROLLING ORDER UNDER SUBSECTION (b) (3) OF THIS SECTION, SHALL STATE IN THAT ORDER:

- (1) THE BASIS UPON WHICH THE TRIBUNAL MADE ITS DETERMINATION;
- (2) THE AMOUNT OF PROSPECTIVE SUPPORT, IF ANY; AND
- (3) THE TOTAL AMOUNT OF CONSOLIDATED ARREARS AND ACCRUED INTEREST, IF ANY, UNDER ALL OF THE ORDERS AFTER ALL PAYMENTS MADE ARE CREDITED AS PROVIDED BY SECTION 14-5-209.

(g) WITHIN THIRTY DAYS AFTER ISSUANCE OF AN ORDER DETERMINING WHICH IS THE CONTROLLING ORDER, THE PARTY OBTAINING THE ORDER SHALL FILE A CERTIFIED COPY OF IT IN EACH TRIBUNAL THAT ISSUED OR REGISTERED AN EARLIER ORDER OF CHILDSUPPORT. A PARTY OR SUPPORT ENFORCEMENT AGENCY OBTAINING THE ORDER THAT FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE CONTROLLING ORDER.

(h) AN ORDER THAT HAS BEEN DETERMINED TO BE THE CONTROLLING ORDER, OR A JUDGMENT FOR CONSOLIDATED ARREARS OF SUPPORT AND INTEREST, IF ANY, MADE PURSUANT TO THIS SECTION SHALL BE RECOGNIZED IN PROCEEDINGS UNDER THIS ARTICLE.

SECTION 8. 14-5-208, Colorado Revised Statutes, is amended to read:

14-5-208. Child support orders for two or more obligees. In responding to ~~multiple~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.

SECTION 9. 14-5-209, Colorado Revised Statutes, is amended to read:

14-5-209. Credit for payment. A TRIBUNAL OF THIS STATE SHALL CREDIT amounts collected ~~and credited~~ for a particular period pursuant to ~~a support order~~ ANY CHILD SUPPORT ORDER AGAINST THE AMOUNTS OWED FOR THE SAME PERIOD UNDER ANY OTHER CHILD SUPPORT ORDER FOR SUPPORT OF THE SAME CHILD issued by a tribunal of THIS OR another state. ~~must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.~~

SECTION 10. Part 2 of article 5 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

14-5-210. Application of article to nonresident subject to personal jurisdiction. A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A NONRESIDENT IN A PROCEEDING UNDER THIS ARTICLE, UNDER OTHER LAW OF THIS STATE RELATING TO A SUPPORT ORDER, OR RECOGNIZING A SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF COMITY MAY RECEIVE EVIDENCE FROM ANOTHER STATE PURSUANT TO SECTION 14-5-316, COMMUNICATE WITH A TRIBUNAL OF ANOTHER STATE PURSUANT TO SECTION 14-5-317, AND OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE PURSUANT TO SECTION 14-5-318. IN ALL OTHER RESPECTS, PARTS 3 TO 7 OF THIS ARTICLE DO NOT APPLY AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE.

14-5-211. Continuing, exclusive jurisdiction to modify spousal-support order.

(a) A TRIBUNAL OF THIS STATE ISSUING A SPOUSAL-SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY THE SPOUSAL-SUPPORT ORDER THROUGHOUT THE EXISTENCE OF THE SUPPORT OBLIGATION.

(b) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL-SUPPORT ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE HAVING CONTINUING, EXCLUSIVE JURISDICTION OVER THAT ORDER UNDER THE LAW OF THAT STATE.

(c) A TRIBUNAL OF THIS STATE THAT HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A SPOUSAL-SUPPORT ORDER MAY SERVE AS:

(1) AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE THE SPOUSAL-SUPPORT ORDER ISSUED IN THIS STATE; OR

(2) A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY ITS OWN SPOUSAL-SUPPORT ORDER.

SECTION 11. 14-5-301, Colorado Revised Statutes, is amended to read:

14-5-301. Proceedings under article. (a) Except as otherwise provided in this article, this part 3 applies to all proceedings under this article.

(b) ~~This article provides for the following proceedings:~~ AN INDIVIDUAL PETITIONER OR A SUPPORT ENFORCEMENT AGENCY MAY INITIATE A PROCEEDING AUTHORIZED UNDER THIS ARTICLE BY FILING A PETITION IN AN INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY FILING A PETITION OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF ANOTHER STATE WHICH HAS OR CAN OBTAIN PERSONAL JURISDICTION OVER THE RESPONDENT.

~~(1) Establishment of an order for spousal support or child support pursuant to part 4 of this article;~~

~~(2) Enforcement of a support order and income-withholding order of another state without registration pursuant to part 5 of this article;~~

~~(3) Registration of an order for spousal support or child support of another state for enforcement pursuant to part 6 of this article;~~

~~(4) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to part B of part 2 of this article;~~

~~(5) Registration of an order for child support of another state for modification pursuant to part 6 of this article;~~

~~(6) Determination of parentage pursuant to part 7 of this article; and~~

~~(7) Assertion of jurisdiction over nonresidents pursuant to part A of part 2 of this article.~~

~~(c) A petitioner or a support enforcement agency may commence a proceeding authorized under this article by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.~~

SECTION 12. 14-5-303, Colorado Revised Statutes, is amended to read:

14-5-303. Application of law of this state. Except as otherwise provided by IN this article, a responding tribunal of this state SHALL:

(1) ~~Shall~~ Apply the procedural and substantive law ~~including the rules on choice of law~~; generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

(2) ~~Shall~~ Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

SECTION 13. 14-5-304, Colorado Revised Statutes, is amended to read:

14-5-304. Duties of initiating tribunal. (a) Upon the filing of a petition authorized by this article, an initiating tribunal of this state shall forward ~~three copies of~~ the petition and its accompanying documents:

(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

~~(b) If a responding state has not enacted this article or a law or procedure substantially similar to this article,~~ REQUESTED BY THE RESPONDING TRIBUNAL, a tribunal of this state ~~may~~ SHALL issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign ~~jurisdiction~~ COUNTRY OR POLITICAL SUBDIVISION, UPON REQUEST the tribunal ~~may~~ SHALL specify the amount of support sought, ~~and~~ CONVERT THAT AMOUNT INTO THE EQUIVALENT AMOUNT IN THE FOREIGN CURRENCY UNDER APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED, AND provide ANY other documents necessary to satisfy the requirements of the responding state.

SECTION 14. 14-5-305 (a), the introductory portion to 14-5-305 (b), and 14-5-305 (b) (1), Colorado Revised Statutes, are amended, and the said 14-5-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

14-5-305. Duties and powers of responding tribunal. (a) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to ~~section 14-5-301 (c) (Proceedings under this article)~~ SECTION 14-5-301 (b), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of this state, to the extent ~~otherwise authorized~~ NOT PROHIBITED by OTHER law, may do one or more of the following:

(1) Issue or enforce a support order, modify a child support order, DETERMINE THE CONTROLLING CHILD SUPPORT ORDER, or ~~render a judgment to~~ determine parentage;

(f) IF REQUESTED TO ENFORCE A SUPPORT ORDER, ARREARS, OR JUDGMENT OR MODIFY A SUPPORT ORDER STATED IN A FOREIGN CURRENCY, A RESPONDING TRIBUNAL OF THIS STATE SHALL CONVERT THE AMOUNT STATED IN THE FOREIGN CURRENCY TO THE EQUIVALENT AMOUNT IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

SECTION 15. 14-5-306, Colorado Revised Statutes, is amended to read:

14-5-306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ THE TRIBUNAL shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

SECTION 16. 14-5-307, Colorado Revised Statutes, is amended to read:

14-5-307. Duties of support enforcement agency. (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this article.

(b) A support enforcement agency OF THIS STATE that is providing services to the petitioner ~~as appropriate~~ shall:

(1) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(2) Request an appropriate tribunal to set a date, time, and place for a hearing;

(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice IN A RECORD from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after

receipt of a written communication IN A RECORD from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

~~(c) This article does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.~~ A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRATION OF A CHILD SUPPORT ORDER IN THIS STATE FOR ENFORCEMENT OR FOR MODIFICATION SHALL MAKE REASONABLE EFFORTS:

(1) TO ENSURE THAT THE ORDER TO BE REGISTERED IS THE CONTROLLING ORDER;
OR

(2) IF TWO OR MORE CHILD SUPPORT ORDERS EXIST AND THE IDENTITY OF THE CONTROLLING ORDER HAS NOT BEEN DETERMINED, TO ENSURE THAT A REQUEST FOR SUCH A DETERMINATION IS MADE IN A TRIBUNAL HAVING JURISDICTION TO DO SO.

(d) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRATION AND ENFORCEMENT OF A SUPPORT ORDER, ARREARS, OR JUDGMENT STATED IN A FOREIGN CURRENCY SHALL CONVERT THE AMOUNTS STATED IN THE FOREIGN CURRENCY INTO THE EQUIVALENT AMOUNTS IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

(e) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE SHALL ISSUE OR REQUEST A TRIBUNAL OF THIS STATE TO ISSUE A CHILD SUPPORT ORDER AND AN INCOME-WITHHOLDING ORDER THAT REDIRECT PAYMENT OF CURRENT SUPPORT, ARREARS, AND INTEREST IF REQUESTED TO DO SO BY A SUPPORT ENFORCEMENT AGENCY OF ANOTHER STATE PURSUANT TO SECTION 14-5-319 OF THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT".

(f) THIS ARTICLE DOES NOT CREATE OR NEGATE A RELATIONSHIP OF ATTORNEY AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A SUPPORT ENFORCEMENT AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE INDIVIDUAL BEING ASSISTED BY THE AGENCY.

SECTION 17. 14-5-308, Colorado Revised Statutes, is amended to read:

14-5-308. Duty of attorney general. (a) If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this article or may provide those services directly to the individual.

(b) THE ATTORNEY GENERAL MAY DETERMINE THAT A FOREIGN COUNTRY OR POLITICAL SUBDIVISION HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AND TAKE APPROPRIATE ACTION FOR NOTIFICATION OF THE DETERMINATION.

SECTION 18. 14-5-310 (b) (2) and (b) (3), Colorado Revised Statutes, are amended to read:

14-5-310. Duties of state information agency. (b) The state information agency shall:

(2) Maintain a register of NAMES AND ADDRESSES OF tribunals and support enforcement agencies received from other states;

(3) Forward to the appropriate tribunal in the ~~place~~ COUNTY in this state in which the ~~individual~~ obligee WHO IS AN INDIVIDUAL or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state; and

SECTION 19. 14-5-311 (a), Colorado Revised Statutes, is amended to read:

14-5-311. Pleadings and accompanying documents. (a) IN A PROCEEDING UNDER THIS ARTICLE, a petitioner seeking to establish ~~or modify~~ a support order, ~~or~~ to determine parentage, ~~in a proceeding under this article~~ OR TO REGISTER AND MODIFY A SUPPORT ORDER OF ANOTHER STATE must ~~verify the~~ FILE A petition. Unless otherwise ordered under section 14-5-312, (~~Nondisclosure of information in exceptional circumstances~~), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee OR THE PARENT AND ALLEGED PARENT, and the name, sex, residential address, social security number, and date of birth of each child for ~~whom~~ WHOSE BENEFIT support is sought OR WHOSE PARENTAGE IS TO BE DETERMINED. UNLESS FILED AT THE TIME OF REGISTRATION, the petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~ KNOWN TO HAVE BEEN ISSUED BY ANOTHER TRIBUNAL. The petition may include any other information that may assist in locating or identifying the respondent.

SECTION 20. 14-5-312, Colorado Revised Statutes, is amended to read:

14-5-312. Nondisclosure of information in exceptional circumstances. ~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this article.~~ IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED BY DISCLOSURE OF SPECIFIC IDENTIFYING INFORMATION, THAT INFORMATION SHALL BE SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC. AFTER A HEARING IN WHICH A TRIBUNAL TAKES INTO CONSIDERATION THE HEALTH, SAFETY, OR LIBERTY OF THE PARTY OR CHILD, THE TRIBUNAL MAY ORDER DISCLOSURE OF INFORMATION THAT THE TRIBUNAL DETERMINES TO BE IN THE INTEREST OF JUSTICE.

SECTION 21. 14-5-313 (c), Colorado Revised Statutes, is amended to read:

14-5-313. Costs and fees. (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under part 6 of this article, (~~Enforcement and modification of support order after registration~~), a hearing is presumed to have been requested

primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 22. 14-5-314 (a) and (c), Colorado Revised Statutes, are amended to read:

14-5-314. Limited immunity of petitioner. (a) Participation by a petitioner in a proceeding UNDER THIS ARTICLE before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this article committed by a party while PHYSICALLY present in this state to participate in the proceeding.

SECTION 23. 14-5-316 (a), (b), (e), and (f), Colorado Revised Statutes, are amended, and the said 14-5-316 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

14-5-316. Special rules of evidence and procedure. (a) The physical presence of ~~the petitioner~~ A NONRESIDENT PARTY WHO IS AN INDIVIDUAL in a ~~responding~~ tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) ~~A verified petition,~~ AN affidavit, A document substantially complying with federally mandated forms, ~~and~~ OR a document incorporated by reference in any of them, WHICH WOULD NOT BE excluded under the hearsay rule if given in person, is admissible in evidence if given under ~~oath~~ PENALTY OF PERJURY by a party or witness residing in another state.

(e) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original ~~writing~~ RECORD may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this article, a tribunal of this state ~~may~~ SHALL permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(j) A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY, CERTIFIED AS A TRUE COPY, IS ADMISSIBLE TO ESTABLISH PARENTAGE OF THE CHILD.

SECTION 24. 14-5-317, Colorado Revised Statutes, is amended to read:

14-5-317. Communications between tribunals. A tribunal of this state may communicate with a tribunal of another state OR FOREIGN COUNTRY OR POLITICAL SUBDIVISION in ~~writing~~ A RECORD, or by telephone or other means, to obtain information concerning the laws, ~~of that state,~~ the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state OR FOREIGN

COUNTRY OR POLITICAL SUBDIVISION. A tribunal of this state may furnish similar information by similar means to a tribunal of another state OR FOREIGN COUNTRY OR POLITICAL SUBDIVISION.

SECTION 25. 14-5-319, Colorado Revised Statutes, is amended to read:

14-5-319. Receipt and disbursement of payments. (a) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) IF NEITHER THE OBLIGOR, NOR THE OBLIGEE WHO IS AN INDIVIDUAL, NOR THE CHILD RESIDES IN THIS STATE, UPON REQUEST FROM THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE OR ANOTHER STATE, THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE OR A TRIBUNAL OF THIS STATE SHALL:

(1) DIRECT THAT THE SUPPORT PAYMENT BE MADE TO THE SUPPORT ENFORCEMENT AGENCY IN THE STATE IN WHICH THE OBLIGEE IS RECEIVING SERVICES; AND

(2) ISSUE AND SEND TO THE OBLIGOR'S EMPLOYER A CONFORMING INCOME-WITHHOLDING ORDER OR AN ADMINISTRATIVE NOTICE OF CHANGE OF PAYEE, REFLECTING THE REDIRECTED PAYMENTS.

(c) THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE RECEIVING REDIRECTED PAYMENTS FROM ANOTHER STATE PURSUANT TO A LAW SIMILAR TO SUBSECTION (b) OF THIS SECTION SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF THE OTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNT AND DATES OF ALL PAYMENTS RECEIVED.

SECTION 26. 14-5-401, Colorado Revised Statutes, is amended to read:

14-5-401. Petition to establish support order. (a) If a support order entitled to recognition under this article has not been issued, a responding tribunal of this state may issue a support order if:

(1) The individual seeking the order resides in another state; or

(2) The support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if THE TRIBUNAL DETERMINES THAT SUCH AN ORDER IS APPROPRIATE AND THE INDIVIDUAL ORDERED TO PAY IS:

(1) ~~The respondent has signed a verified statement acknowledging parentage;~~ A PRESUMED FATHER OF THE CHILD;

(2) ~~The respondent has been determined by or pursuant to law to be the parent;~~ or PETITIONING TO HAVE HIS PATERNITY ADJUDICATED;

(3) ~~There is other clear and convincing evidence that the respondent is the child's~~

~~parent~~: IDENTIFIED AS THE FATHER OF THE CHILD THROUGH GENETIC TESTING;

(4) AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO GENETIC TESTING;

(5) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE FATHER OF THE CHILD;

(6) AN ACKNOWLEDGED FATHER AS PROVIDED BY SECTION 19-4-105(1)(e), C.R.S.;

(7) THE MOTHER OF THE CHILD; OR

(8) AN INDIVIDUAL WHO HAS BEEN ORDERED TO PAY CHILD SUPPORT IN A PREVIOUS PROCEEDING AND THE ORDER HAS NOT BEEN REVERSED OR VACATED.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 14-5-305. (~~Duties and powers of responding tribunal~~):

SECTION 27. 14-5-501, Colorado Revised Statutes, is amended to read:

14-5-501. Employer's receipt of income-withholding order of another state.

An income-withholding order issued in another state may be sent BY OR ON BEHALF OF THE OBLIGEE, OR BY THE SUPPORT ENFORCEMENT AGENCY, to the person ~~or entity~~ defined as the obligor's employer under the income-withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

SECTION 28. 14-5-502 (c) (2), Colorado Revised Statutes, is amended to read:

14-5-502. Employer's compliance with income-withholding order of another state. (c) Except as otherwise provided in subsection (d) of this section and section 14-5-503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(2) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;

SECTION 29. 14-5-503, Colorado Revised Statutes, is amended to read:

14-5-503. Employer's compliance with two or more income-withholding orders. If an obligor's employer receives ~~multiple~~ TWO OR MORE income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple~~ TWO OR MORE child support obligees.

SECTION 30. 14-5-506, Colorado Revised Statutes, is amended to read:

14-5-506. Contest by obligor. (a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received

directly by an employer in this state BY REGISTERING THE ORDER IN A TRIBUNAL OF THIS STATE AND FILING A CONTEST TO THAT ORDER AS PROVIDED IN PART 6 OF THIS ARTICLE, OR OTHERWISE CONTESTING THE ORDER in the same manner as if the order had been issued by a tribunal of this state. ~~Section 14-5-604 (Choice of law) applies to the contest.~~

(b) The obligor shall give notice of the contest to:

(1) A support enforcement agency providing services to the obligee;

(2) Each employer that has directly received an income-withholding order RELATING TO THE OBLIGOR; and

(3) The person ~~or agency~~ designated to receive payments in the income-withholding order or if no person ~~or agency~~ is designated, to the obligee.

SECTION 31. 14-5-507 (a), Colorado Revised Statutes, is amended to read:

14-5-507. Administrative enforcement of orders. (a) A party OR SUPPORT ENFORCEMENT AGENCY seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

SECTION 32. 14-5-601, Colorado Revised Statutes, is amended to read:

14-5-601. Registration of order for enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

SECTION 33. 14-5-602, Colorado Revised Statutes, is amended to read:

14-5-602. Procedure to register order for enforcement. (a) A support order or income-withholding order of another state may be registered in this state by sending the following ~~documents~~ RECORDS and information to the appropriate tribunal in this state:

(1) A letter of transmittal to the tribunal requesting registration and enforcement;

(2) Two copies, including one certified copy, of ~~all orders~~ THE ORDER to be registered, including any modification of ~~an~~ THE order;

(3) A sworn statement by the ~~party seeking~~ PERSON REQUESTING registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) The name of the obligor and, if known:

(i) (A) The obligor's address and social security number;

(ii) (B) The name and address of the obligor's employer and any other source of income of the obligor; and

~~(iii)~~ (C) A description and the location of property of the obligor in this state not exempt from execution; and

(5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-5-312, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(d) IF TWO OR MORE ORDERS ARE IN EFFECT, THE PERSON REQUESTING REGISTRATION SHALL:

(1) FURNISH TO THE TRIBUNAL A COPY OF EVERY SUPPORT ORDER ASSERTED TO BE IN EFFECT IN ADDITION TO THE DOCUMENTS SPECIFIED IN THIS SECTION;

(2) SPECIFY THE ORDER ALLEGED TO BE THE CONTROLLING ORDER, IF ANY; AND

(3) SPECIFY THE AMOUNT OF CONSOLIDATED ARREARS, IF ANY.

(e) A REQUEST FOR A DETERMINATION OF WHICH IS THE CONTROLLING ORDER MAY BE FILED SEPARATELY OR WITH A REQUEST FOR REGISTRATION AND ENFORCEMENT OR FOR REGISTRATION AND MODIFICATION. THE PERSON REQUESTING REGISTRATION SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

SECTION 34. 14-5-604, Colorado Revised Statutes, is amended to read:

14-5-604. Choice of law. (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (d) OF THIS SECTION, the law of the issuing state governs:

(1) The nature, extent, amount, and duration of current payments ~~and other obligations of support and~~ UNDER A REGISTERED SUPPORT ORDER;

(2) The COMPUTATION AND payment of arrearages AND ACCRUAL OF INTEREST ON THE ARREARAGES ~~under the SUPPORT order;~~ AND

(3) THE EXISTENCE AND SATISFACTION OF OTHER OBLIGATIONS UNDER THE SUPPORT ORDER.

(b) In a proceeding for arrearages UNDER A REGISTERED SUPPORT ORDER, the statute of limitation ~~under the laws~~ of this state or of the issuing state, whichever is longer, applies.

(c) A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE PROCEDURES AND REMEDIES OF THIS STATE TO ENFORCE CURRENT SUPPORT AND TO COLLECT

ARREARAGES AND INTEREST DUE ON A SUPPORT ORDER OF ANOTHER STATE REGISTERED IN THIS STATE.

(d) AFTER A TRIBUNAL OF THIS OR ANOTHER STATE DETERMINES WHICH IS THE CONTROLLING ORDER AND ISSUES AN ORDER CONSOLIDATING ARREARAGES, IF ANY, A TRIBUNAL OF THIS STATE SHALL PROSPECTIVELY APPLY THE LAW OF THE STATE ISSUING THE CONTROLLING ORDER, INCLUDING ITS LAW ON INTEREST ON ARREARAGES, ON CURRENT AND FUTURE SUPPORT, AND ON CONSOLIDATED ARREARAGES.

SECTION 35. 14-5-605 (b) and (c), Colorado Revised Statutes, are amended, and the said 14-5-605 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

14-5-605. Notice of registration of order. (b) ~~The~~ A notice must inform the nonregistering party:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after notice;

(3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; ~~and precludes further contest of that order with respect to any matter that could have been asserted;~~ and

(4) Of the amount of any alleged arrearages.

(c) ~~Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.~~ IF THE REGISTERING PARTY ASSERTS THAT TWO OR MORE ORDERS ARE IN EFFECT, A NOTICE MUST ALSO:

(1) IDENTIFY THE TWO OR MORE ORDERS AND THE ORDER ALLEGED BY THE REGISTERING PERSON TO BE THE CONTROLLING ORDER AND THE CONSOLIDATED ARREARAGES, IF ANY;

(2) NOTIFY THE NONREGISTERING PARTY OF THE RIGHT TO A DETERMINATION OF WHICH IS THE CONTROLLING ORDER;

(3) STATE THAT THE PROCEDURES PROVIDED IN SUBSECTION (b) OF THIS SECTION APPLY TO THE DETERMINATION OF WHICH IS THE CONTROLLING ORDER; AND

(4) STATE THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE ORDER ALLEGED TO BE THE CONTROLLING ORDER IN A TIMELY MANNER MAY RESULT IN CONFIRMATION THAT THE ORDER IS THE CONTROLLING ORDER.

(d) UPON REGISTRATION OF AN INCOME-WITHHOLDING ORDER FOR ENFORCEMENT, THE REGISTERING TRIBUNAL SHALL NOTIFY THE OBLIGOR'S EMPLOYER PURSUANT TO THE INCOME-WITHHOLDING LAW OF THIS STATE.

SECTION 36. 14-5-606 (a), Colorado Revised Statutes, is amended to read:

14-5-606. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 14-5-607. ~~(Contest of registration or enforcement).~~

SECTION 37. 14-5-607 (a) (6) and (a) (7), Colorado Revised Statutes, are amended, and the said 14-5-607 (a) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14-5-607. Contest of registration or enforcement. (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(6) Full or partial payment has been made; ~~or~~

(7) The statute of limitation under section 14-5-604 ~~(Choice of law)~~ precludes enforcement of some or all of the ALLEGED arrearages; OR

(8) THE ALLEGED CONTROLLING ORDER IS NOT THE CONTROLLING ORDER.

SECTION 38. 14-5-609, Colorado Revised Statutes, is amended to read:

14-5-609. Procedure to register child support order of another state for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in part A of this ~~article~~ PART 6 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

SECTION 39. 14-5-610, Colorado Revised Statutes, is amended to read:

14-5-610. Effect of registration for modification. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of section 14-5-611, 14-5-613, OR 14-5-615 ~~(Modification of child support order of another state)~~ have been met.

SECTION 40. 14-5-611, Colorado Revised Statutes, is amended to read:

14-5-611. Modification of child support order of another state. (a) ~~After~~ IF SECTION 14-5-613 DOES NOT APPLY, EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-5-615, UPON PETITION A TRIBUNAL OF THIS STATE MAY MODIFY a child support order issued in another state ~~has been~~ WHICH ORDER IS registered in this state ~~the~~ responding tribunal of this state may modify that order only if section 14-5-613 does

~~not apply and~~ IF, after notice and hearing, ~~it~~ THE TRIBUNAL finds that:

(1) The following requirements are met:

~~(i)~~ (A) NEITHER the child, NOR the ~~individual~~ obligee WHO IS AN INDIVIDUAL, ~~and~~ NOR the obligor ~~do not reside~~ RESIDES in the issuing state;

~~(ii)~~ (B) A petitioner who is a nonresident of this state seeks modification; and

~~(iii)~~ (C) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(2) THIS STATE IS THE STATE OF RESIDENCE OF the child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed ~~written~~ consents IN A RECORD in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction. ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this article, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-5-615, a tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, INCLUDING THE DURATION OF THE OBLIGATION OF SUPPORT. If two or more tribunals have issued child support orders for the same obligor and SAME child, the order that controls and must be so recognized under section 14-5-207 establishes the aspects of the support order which are nonmodifiable.

~~(d) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction. IN A PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, THE LAW OF THE STATE THAT IS DETERMINED TO HAVE ISSUED THE INITIAL CONTROLLING ORDER GOVERNS THE DURATION OF THE OBLIGATION OF SUPPORT. THE OBLIGOR'S FULFILLMENT OF THE DUTY OF SUPPORT ESTABLISHED BY THAT ORDER PRECLUDES IMPOSITION OF A FURTHER OBLIGATION OF SUPPORT BY A TRIBUNAL OF THIS STATE.~~

(e) ON ISSUANCE OF AN ORDER BY A TRIBUNAL OF THIS STATE MODIFYING A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE, THE TRIBUNAL OF THIS STATE BECOMES THE TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

SECTION 41. 14-5-612, Colorado Revised Statutes, is amended to read:

14-5-612. Recognition of order modified in another state. IF A CHILD SUPPORT ORDER ISSUED BY a tribunal of this state ~~shall recognize a modification of its earlier~~

~~child support order~~ IS MODIFIED by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this article and, upon request, ~~except as otherwise provided in this article, shall~~ THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT", A TRIBUNAL OF THIS STATE:

(1) MAY enforce ~~the~~ ITS order that was modified only as to ~~amounts~~ ARREARS AND INTEREST accruing before the modification;

(2) ~~Enforce only nonmodifiable aspects of that order~~ MAY PROVIDE APPROPRIATE RELIEF FOR VIOLATIONS OF ITS ORDER WHICH OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION; AND

(3) ~~Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and~~ SHALL RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, UPON REGISTRATION, FOR THE PURPOSE OF ENFORCEMENT.

(4) ~~Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.~~

SECTION 42. Part 6 of article 5 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

14-5-615. Jurisdiction to modify child support order of foreign country or political subdivision. (a) IF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT IS A STATE WILL NOT OR MAY NOT MODIFY ITS CHILD SUPPORT ORDER PURSUANT TO ITS LAWS, A TRIBUNAL OF THIS STATE MAY ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER AND BIND ALL INDIVIDUALS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL WHETHER OR NOT THE CONSENT TO MODIFICATION OF A CHILD SUPPORT ORDER OTHERWISE REQUIRED OF THE INDIVIDUAL PURSUANT TO SECTION 14-5-611 HAS BEEN GIVEN OR WHETHER THE INDIVIDUAL SEEKING MODIFICATION IS A RESIDENT OF THIS STATE OR OF THE FOREIGN COUNTRY OR POLITICAL SUBDIVISION.

(b) AN ORDER ISSUED PURSUANT TO THIS SECTION IS THE CONTROLLING ORDER.

SECTION 43. 14-5-701, Colorado Revised Statutes, is amended to read:

14-5-701. Proceeding to determine parentage. (a) A ~~tribunal~~ COURT of this state AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD may serve as ~~an initiating or~~ A responding tribunal in a proceeding TO DETERMINE PARENTAGE brought under this article or a law or procedure substantially similar to this article. ~~the "Uniform Reciprocal Enforcement of Support Act", or the "Revised Uniform Reciprocal Enforcement of Support Act" to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.~~

(b) ~~In a proceeding to determine parentage, a responding tribunal of this state shall apply the "Uniform Parentage Act" and the rules of this state on choice of law.~~

SECTION 44. 14-5-801 (b) (2), Colorado Revised Statutes, is amended to read:

14-5-801. Grounds for rendition. (b) The governor of this state may:

(2) On the demand ~~by~~ OF the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

SECTION 45. 14-5-802 (a) and (b), Colorado Revised Statutes, are amended to read:

14-5-802. Conditions of rendition. (a) Before making A demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this article or that the proceeding would be of no avail.

(b) If, under this article or a law substantially similar to this article, ~~the "Uniform Reciprocal Enforcement of Support Act", or the "Revised Uniform Reciprocal Enforcement of Support Act"~~, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

SECTION 46. 14-5-901, Colorado Revised Statutes, is amended to read:

14-5-901. Uniformity of application and construction. ~~This article shall be applied and construed to effectuate its general purpose to make uniform~~ IN APPLYING AND CONSTRUING THIS ARTICLE, CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF the law with respect to ~~the~~ ITS subject of ~~this article~~ MATTER among states ~~enacting~~ THAT ENACT it.

SECTION 47. Repeal. 14-5-902, Colorado Revised Statutes, is repealed as follows:

14-5-902. Short title. ~~This article may be cited as the "Uniform Interstate Family Support Act"~~.

SECTION 48. Repeal. 14-5-1005, Colorado Revised Statutes, is repealed as follows:

14-5-1005. Declaration of reciprocity. ~~When the attorney general is satisfied that reciprocal provisions will be made by any foreign jurisdiction for the enforcement therein of support orders made within this state, the attorney general may declare the foreign jurisdiction to be a reciprocating state for the purpose of this section, and any such declaration may be revoked by the attorney general. Such a declaration by the attorney general may be reviewed by the tribunal in an action brought pursuant to this title.~~

SECTION 49. Repeal. 14-5-1006, Colorado Revised Statutes, is repealed as follows:

14-5-1006. Interstate central registry - duties as the responding and initiating state. ~~(1) For purposes of this section, "interstate central registry" means a single unit or office within the state department of human services which receives, disseminates, and has oversight responsibility for initiated and responding interstate actions filed under Title IV-D of the federal "Social Security Act", as amended, including any proceedings filed pursuant to this article.~~

~~(2) The interstate central registry shall receive filings under title IV-D of the federal "Social Security Act", as amended, and shall transmit such filings for processing as the responding state to the appropriate delegate child support enforcement unit or transmit the filings to the other state's interstate central registry as the initiating state.~~

SECTION 50. 14-10-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

14-10-106. Dissolution of marriage - legal separation. (1) (c) IN A PROCEEDING TO DISSOLVE A MARRIAGE OR IN A PROCEEDING FOR LEGAL SEPARATION OR IN A PROCEEDING FOR DECLARATION OF INVALIDITY, THE COURT IS DEEMED TO HAVE MADE AN ADJUDICATION OF THE PARENTAGE OF A CHILD OF THE MARRIAGE IF THE COURT ACTS UNDER CIRCUMSTANCES THAT SATISFY THE JURISDICTIONAL REQUIREMENTS OF SECTION 14-5-201 AND THE FINAL ORDER:

(I) EXPRESSLY IDENTIFIES A CHILD AS A "CHILD OF THE MARRIAGE", "ISSUE OF THE MARRIAGE", OR SIMILAR WORDS INDICATING THAT THE HUSBAND IS THE FATHER OF THE CHILD; OR

(II) PROVIDES FOR SUPPORT OF THE CHILD BY THE HUSBAND UNLESS PATERNITY IS SPECIFICALLY DISCLAIMED IN THE ORDER.

(d) PATERNITY IS NOT ADJUDICATED FOR A CHILD NOT MENTIONED IN THE FINAL ORDER.

SECTION 51. 14-10-115 (10) (a) (II) (B), (10) (a) (II) (C), and (10) (a) (II) (D), Colorado Revised Statutes, are amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (10) **Basic child support obligations.** (a) (II) (B) Except as otherwise provided in sub-subparagraph (D) of this subparagraph (II), in circumstances in which the parents' combined monthly adjusted gross income is LESS THAN eight hundred fifty dollars, ~~or less,~~ a child support payment of fifty dollars per month shall be required OF THE OBLIGOR. THE MINIMUM ORDER OF FIFTY DOLLARS SHALL 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.

(C) Except as otherwise provided in sub-subparagraph (D) of this subparagraph (II), in circumstances in which the parents' combined monthly adjusted gross income is ~~more than~~ eight hundred fifty dollars OR MORE, but in which the parent with the least number of overnights per year with the child has a monthly adjusted gross income of less than one thousand eight hundred fifty dollars, the court or delegate child support enforcement unit, pursuant to section 26-13.5-105 (4), C.R.S., shall perform a low-income adjustment calculation of child support as follows: The court or delegate child support enforcement unit shall determine each parent's monthly adjusted gross income, as that term is defined in sub-subparagraph (A) of this subparagraph (II). Based upon the parents' combined monthly adjusted gross incomes, the court or delegate child support enforcement unit shall determine the monthly basic child support obligation, using the schedule of basic child support obligations set forth in paragraph (b) of this subsection (10) and shall determine each parent's presumptive proportionate share of said obligation. The court or delegate child support enforcement unit shall then adjust the income of the parent with the fewest number of overnights per year with the child by subtracting nine hundred dollars from that parent's monthly adjusted gross income. The court shall multiply the resulting amount by a factor of forty percent. The product of the multiplication shall be added to the following basic minimum child support amount as additional minimum support, unless the product of the multiplication amount is zero or a negative figure, in which case the court shall add zero to the following basic minimum child support amount: Seventy-five dollars for one child; one hundred fifty dollars for two children; two hundred twenty-five dollars for three children; two hundred seventy-five dollars for four children; three hundred twenty-five dollars for five children; and three hundred fifty dollars for six or more children. The court or delegate child support enforcement unit shall compare the product of this addition to the parent's presumptive proportionate share of the monthly basic support obligation determined previously from the schedule of basic child support obligations. The lesser of the two amounts shall be the basic monthly support obligation to be paid by the low-income parent, as adjusted by the low-income parent's proportionate share of the work-related and education-related child care costs, health insurance, extraordinary medical expenses, and other extraordinary adjustments as described in subsections (11) to (13.5) of this section. THE LOW-INCOME ADJUSTMENT SHALL 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 eight hundred fifty dollars, regardless of the monthly adjusted gross income of the obligee, the obligor shall be ordered to pay fifty dollars per month in child support. THE MINIMUM ORDER OF FIFTY DOLLARS SHALL 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.

SECTION 52. 14-14-102 (2), Colorado Revised Statutes, is amended to read:

14-14-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Delegate child support enforcement unit" means the unit of a county department of social services or its contractual agent which is responsible for carrying out the provisions of THIS article. ~~13 of title 26, C.R.S.~~ THE TERM CONTRACTUAL AGENT SHALL INCLUDE A PRIVATE CHILD SUPPORT COLLECTION AGENCY, OPERATING AS AN INDEPENDENT CONTRACTOR WITH A COUNTY DEPARTMENT OF SOCIAL SERVICES, THAT CONTRACTS TO PROVIDE ANY SERVICES THAT THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS REQUIRED BY LAW TO PROVIDE.

SECTION 53. 14-14-106, Colorado Revised Statutes, is amended to read:

14-14-106. Interest. 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 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 not be required to maintain interest balance due accounts. ~~In cases in which the delegate child support enforcement unit is providing support enforcement services pursuant to section 26-13-106, C.R.S., interest collected on arrearages and child support debt shall be treated as a child support collection and distributed in accordance with federal regulations. Interest collected on obligations due recipients receiving assistance under the Colorado works program, as described in part 7 of article 2 of title 26, C.R.S., shall be deposited in the county social services fund and shall be distributed in accordance with the provisions of section 26-13-108, C.R.S.~~

SECTION 54. 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(44.5) "DONOR", AS USED IN SECTION 19-4-106, MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR SPERM USED FOR ASSISTED REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION. "DONOR" DOES NOT INCLUDE A HUSBAND WHO PROVIDES SPERM, OR A WIFE WHO PROVIDES EGGS, TO BE USED FOR ASSISTED REPRODUCTION BY THE WIFE.

(91.5) "RECORD", AS USED IN SECTION 19-4-106, MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

SECTION 55. 19-1-302 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-1-302. Legislative declaration. (1) (d) THE GENERAL ASSEMBLY RECOGNIZES THE IMPORTANCE OF CHILDREN RECEIVING SUPPORT FROM ALL RESPONSIBLE PARTIES AND FURTHER FINDS THAT THE STATE CHILD SUPPORT ENFORCEMENT AGENCY AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNITS HAVE A NEED TO EXCHANGE INFORMATION WITH OTHER STATE, FEDERAL, AND LOCAL AGENCIES IN ORDER TO EFFECTIVELY LOCATE RESPONSIBLE PARTIES; ESTABLISH PATERNITY AND CHILD

SUPPORT, INCLUDING CHILD SUPPORT DEBT PURSUANT TO SECTION 14-14-104, C.R.S.; ENFORCE SUPPORT ORDERS; DISBURSE COLLECTED CHILD SUPPORT PAYMENTS; AND FACILITATE THE EFFICIENT AND EFFECTIVE DELIVERY OF SERVICES UNDER ARTICLES 13 AND 13.5 OF TITLE 26, C.R.S. THEREFORE, THE GENERAL ASSEMBLY RECOGNIZES THAT THE STATE CHILD SUPPORT ENFORCEMENT AGENCY AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNITS NEED ACCESS TO THE RECORDS AND DATABASES OF THE JUDICIAL DEPARTMENT, THE CONTENTS OF WHICH ARE OTHERWISE PROTECTED UNDER THE PROVISIONS OF THIS PART 3. THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT ANY SUCH INFORMATION SHARING MANDATES AN AWARENESS OF RESPONSIBILITY ON THE PART OF THE STATE CHILD SUPPORT ENFORCEMENT AGENCY AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNITS RECEIVING INFORMATION THAT IT BE USED ONLY FOR ITS INTENDED PURPOSES AS AUTHORIZED BY LAW AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-13-102.7, C.R.S., AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION BE PRESERVED.

SECTION 56. 19-1-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty. (4.4) THE JUDICIAL DEPARTMENT, WITH RESPECT TO DEPENDENCY OR NEGLECT CASES OR ANY OTHER PROVISIONS UNDER THIS TITLE, SHALL EXCHANGE INFORMATION, TO THE EXTENT NECESSARY, WITH THE STATE CHILD SUPPORT ENFORCEMENT AGENCY AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNITS FOR THE PURPOSES OF EFFECTIVELY LOCATING RESPONSIBLE PARTIES, ESTABLISHING PATERNITY AND CHILD SUPPORT, INCLUDING CHILD SUPPORT DEBT PURSUANT TO SECTION 14-14-104, C.R.S., ENFORCING SUPPORT ORDERS, DISBURSING COLLECTED CHILD SUPPORT PAYMENTS, AND FACILITATING THE EFFICIENT AND EFFECTIVE DELIVERY OF SERVICES UNDER ARTICLES 13 AND 13.5 OF TITLE 26, C.R.S.

SECTION 57. 19-1-308, Colorado Revised Statutes, is amended to read:

19-1-308. Parentage information. Notwithstanding any other law concerning public hearings and records, any hearing or trial held under article 4 of this title shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. In addition to access otherwise provided for pursuant to section 19-1-303, all papers and records pertaining to the action or proceeding which are part of the permanent record of the court are subject to inspection by the parties to the action and their attorneys of record, and such parties and their attorneys shall be subject to a court order which shall be in effect against all parties to the action prohibiting such parties from disclosing the genetic testing information contained in the court's record. Such court papers and records shall not be subject to inspection by any person not a party to the action except THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR DELEGATE CHILD SUPPORT ENFORCEMENT UNITS FOR THE PURPOSES SET FORTH IN SECTION 19-1-303 (4.4) OR upon consent of the court and all parties to the action, or, in exceptional cases only, upon an order of the court for good cause shown. All papers and records in the custody of the county department of social services shall be available for inspection by the parties to the action only upon the consent of all parties to the action and as provided by section 26-1-114, C.R.S., or by the rules governing discovery, but such papers and records shall not be subject to inspection by any person not a party to the action except upon consent of all parties

to the action; except that the results of genetic testing may be provided to all parties, when available, notwithstanding laws governing confidentiality and without the necessity of formal discovery. Any person receiving or inspecting paternity information in the custody of the county department of social services shall be subject to a court order which shall be in effect prohibiting such persons from disclosing the genetic testing information contained in the department's record.

SECTION 58. Part 3 of article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-309.3. Exchange of information for child support purposes - process.

THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES, OR THEIR DESIGNEES, SHALL DESIGN A PROCESS FOR EXCHANGING INFORMATION RELATED TO DEPENDENCY OR NEGLECT ACTIONS, PARENTAGE ACTIONS, AND ANY OTHER ACTIONS BROUGHT PURSUANT TO THIS TITLE, AS CONTEMPLATED IN SECTIONS 19-1-303 (4.4), 19-1-308, AND 19-1-309, FOR PURPOSES OF LOCATING RESPONSIBLE PARTIES TO PAY CHILD SUPPORT, ESTABLISHING PATERNITY AND CHILD SUPPORT, INCLUDING CHILD SUPPORT DEBT PURSUANT TO SECTION 14-14-104, C.R.S., ENFORCING CHILD SUPPORT ORDERS, DISBURSING COLLECTED CHILD SUPPORT PAYMENTS, AND FACILITATING THE EFFICIENT AND EFFECTIVE DELIVERY OF SERVICES UNDER ARTICLES 13 AND 13.5 OF TITLE 26, C.R.S. THE PROCESS SHALL ALLOW FOR THE EXCHANGE OF INFORMATION BY THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNITS PRIOR TO OR AFTER INTERVENTION BY THE AGENCY OR UNITS IN AN ACTION BROUGHT PURSUANT TO THIS TITLE. EXCEPT FOR THE LIMITED PURPOSES OF THE DUTIES DESCRIBED IN THIS SECTION, THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION RECEIVED PURSUANT TO THIS PART 3 AND SUCH INFORMATION SHALL NOT BE SUBJECT TO DISCOVERY.

SECTION 59. 19-4-105 (2) (a), Colorado Revised Statutes, is amended to read:

19-4-105. Presumption of paternity. (2) (a) A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man. IN DETERMINING WHICH OF TWO OR MORE CONFLICTING PRESUMPTIONS SHOULD CONTROL, BASED UPON THE WEIGHTIER CONSIDERATIONS OF POLICY AND LOGIC, THE JUDGE OR MAGISTRATE SHALL CONSIDER ALL PERTINENT FACTORS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(I) THE LENGTH OF TIME BETWEEN THE PROCEEDING TO DETERMINE PARENTAGE AND THE TIME THAT THE PRESUMED FATHER WAS PLACED ON NOTICE THAT HE MIGHT NOT BE THE GENETIC FATHER;

(II) THE LENGTH OF TIME DURING WHICH THE PRESUMED FATHER HAS ASSUMED THE ROLE OF FATHER OF THE CHILD;

(III) THE FACTS SURROUNDING THE PRESUMED FATHER'S DISCOVERY OF HIS POSSIBLE NONPATERNITY;

(IV) THE NATURE OF THE FATHER-CHILD RELATIONSHIP;

(V) THE AGE OF THE CHILD;

(VI) THE RELATIONSHIP OF THE CHILD TO ANY PRESUMED FATHER OR FATHERS;

(VII) THE EXTENT TO WHICH THE PASSAGE OF TIME REDUCES THE CHANCES OF ESTABLISHING THE PATERNITY OF ANOTHER MAN AND A CHILD SUPPORT OBLIGATION IN FAVOR OF THE CHILD; AND

(VIII) ANY OTHER FACTORS THAT MAY AFFECT THE EQUITIES ARISING FROM THE DISRUPTION OF THE FATHER-CHILD RELATIONSHIP BETWEEN THE CHILD AND THE PRESUMED FATHER OR FATHERS OR THE CHANCE OF OTHER HARM TO THE CHILD.

SECTION 60. 19-4-106, Colorado Revised Statutes, is amended to read:

19-4-106. Assisted reproduction. (1) If, under the supervision of a licensed physician and with the consent of her husband, a wife ~~is inseminated artificially~~ CONSENTS TO ASSISTED REPRODUCTION with ~~semen~~ SPERM donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. IF, UNDER THE SUPERVISION OF A LICENSED PHYSICIAN AND WITH THE CONSENT OF HER HUSBAND, A WIFE CONSENTS TO ASSISTED REPRODUCTION WITH AN EGG DONATED BY ANOTHER WOMAN, TO CONCEIVE A CHILD FOR HERSELF, NOT AS A SURROGATE, THE WIFE IS TREATED IN LAW AS IF SHE WERE THE NATURAL MOTHER OF A CHILD THEREBY CONCEIVED. ~~The BOTH THE husband's AND THE WIFE'S consent~~ must be in writing and signed by ~~him and his wife~~ EACH OF THEM. The physician shall certify their signatures and the date of the ~~insemination~~ ASSISTED REPRODUCTION and shall file the ~~husband's consent~~ CONSENTS with the department of public health and environment, where ~~it~~ THEY shall be kept confidential and in a sealed file; however, the physician's failure to do so does not affect the father and child relationship OR THE MOTHER AND CHILD RELATIONSHIP. All papers and records pertaining to the ~~insemination~~ ASSISTED REPRODUCTION, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

(2) ~~The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived.~~ A DONOR IS NOT A PARENT OF A CHILD CONCEIVED BY MEANS OF ASSISTED REPRODUCTION, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(3) IF A HUSBAND PROVIDES SPERM FOR, OR CONSENTS TO, ASSISTED REPRODUCTION BY HIS WIFE AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, HE IS THE FATHER OF THE RESULTING CHILD.

(4) THE REQUIREMENT FOR CONSENT SET FORTH IN SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO THE DONATION OF EGGS BY A MARRIED WOMAN FOR ASSISTED REPRODUCTION BY ANOTHER WOMAN OR TO THE DONATION OF SPERM BY A MARRIED MAN FOR ASSISTED REPRODUCTION BY A WOMAN WHO IS NOT HIS WIFE.

(5) FAILURE OF THE HUSBAND TO SIGN A CONSENT REQUIRED BY SUBSECTION (1) OF THIS SECTION BEFORE OR AFTER THE BIRTH OF THE CHILD DOES NOT PRECLUDE A FINDING THAT THE HUSBAND IS THE FATHER OF A CHILD BORN TO HIS WIFE PURSUANT TO SECTION 19-4-105 (2) (a).

(6) IF THERE IS NO SIGNED CONSENT FORM, THE NONEXISTENCE OF THE FATHER-CHILD RELATIONSHIP SHALL BE DETERMINED PURSUANT TO SECTION 19-4-107 (1) (b).

(7) (a) IF A MARRIAGE IS DISSOLVED BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS, THE FORMER SPOUSE IS NOT A PARENT OF THE RESULTING CHILD UNLESS THE FORMER SPOUSE CONSENTED IN A RECORD THAT IF ASSISTED REPRODUCTION WERE TO OCCUR AFTER A DISSOLUTION OF MARRIAGE, THE FORMER SPOUSE WOULD BE A PARENT OF THE CHILD.

(b) THE CONSENT OF A FORMER SPOUSE TO ASSISTED REPRODUCTION MAY BE WITHDRAWN BY THAT INDIVIDUAL IN A RECORD AT ANY TIME BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS.

(8) IF A SPOUSE DIES BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS, THE DECEASED SPOUSE IS NOT A PARENT OF THE RESULTING CHILD UNLESS THE DECEASED SPOUSE CONSENTED IN A RECORD THAT IF ASSISTED REPRODUCTION WERE TO OCCUR AFTER DEATH, THE DECEASED SPOUSE WOULD BE A PARENT OF THE CHILD.

(9) THIS SECTION DOES NOT APPLY TO THE BIRTH OF A CHILD CONCEIVED BY MEANS OF SEXUAL INTERCOURSE.

(10) FOR PURPOSES OF THIS SECTION, "DONOR" IS DEFINED IN SECTION 19-1-103 (44.5).

SECTION 61. 19-4-114 (3), Colorado Revised Statutes, is amended to read:

19-4-114. Pretrial recommendations - temporary orders. (3) If a party refuses to accept a recommendation made under subsection (1) of this section and genetic tests have not been taken, the court shall require the parties to submit to genetic tests, if practicable. Thereafter, the judge or magistrate shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial. If the evidence relating to paternity meets the requirements set forth in section ~~13-25-126 (1) (c) (iii)~~, 13-25-126 (1) (g), C.R.S., the court shall issue temporary orders establishing current child support, foster care maintenance, and medical support to remain in effect pending a final disposition of the proceeding.

SECTION 62. 26-13-102.5 (1), Colorado Revised Statutes, is amended to read:

26-13-102.5. Definitions. As used in this article, unless the context otherwise requires:

(1) "Delegate child support enforcement unit" means the unit of a county department of social services or its contractual agent which is responsible for carrying out the provisions of this article. THE TERM CONTRACTUAL AGENT SHALL

INCLUDE A PRIVATE CHILD SUPPORT COLLECTION AGENCY, OPERATING AS AN INDEPENDENT CONTRACTOR WITH A COUNTY DEPARTMENT OF SOCIAL SERVICES, THAT CONTRACTS TO PROVIDE ANY SERVICES THAT THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS REQUIRED BY LAW TO PROVIDE.

SECTION 63. 26-13-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-13-108. Recovery of public assistance paid for child support and maintenance - interest collected on support obligations. (4) ANY INTEREST COLLECTED ON SUPPORT OBLIGATIONS PURSUANT TO THE "COLORADO CHILD SUPPORT ENFORCEMENT PROCEDURES ACT", ARTICLE 14 OF TITLE 14, C.R.S., WHICH SUPPORT OBLIGATIONS WERE DUE TO RECIPIENTS RECEIVING ASSISTANCE UNDER THE COLORADO WORKS PROGRAM, AS DESCRIBED IN PART 7 OF ARTICLE 2 OF THIS TITLE, SHALL BE DEPOSITED IN THE COUNTY SOCIAL SERVICES FUND AND SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

SECTION 64. 26-13.5-102 (7), Colorado Revised Statutes, is amended to read:

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

(7) "Delegate child support enforcement unit" means the unit of a county department of social services or its contractual agent which is responsible for carrying out the provisions of article 13 of this title. THE TERM CONTRACTUAL AGENT SHALL INCLUDE A PRIVATE CHILD SUPPORT COLLECTION AGENCY, OPERATING AS AN INDEPENDENT CONTRACTOR WITH A COUNTY DEPARTMENT OF SOCIAL SERVICES, THAT CONTRACTS TO PROVIDE ANY SERVICES THAT THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS REQUIRED BY LAW TO PROVIDE.

SECTION 65. Repeal. 26-13.5-111, Colorado Revised Statutes, is repealed as follows:

26-13.5-111. Establishment and enforcement of duties of support upon request of agency of another state. ~~(1) The delegate child support enforcement unit may establish all duties of support, including the duty to pay arrearages and to pay child support debt and may enforce such duties of support from an obligor pursuant to the provisions of this article if that action is requested by an agency of another state which is operating under Title IV-D of the federal "Social Security Act", as amended.~~

~~(2) If the delegate child support enforcement unit proceeds against an obligor under subsection (1) of this section, it shall seek establishment and enforcement of the liability imposed by the laws of the state where the obligor was located during the period for which support is sought. The obligor is presumed to have been present in this state during that period until otherwise shown.~~

~~(3) If the obligee is absent from this state and the obligor presents evidence which constitutes a defense, the obligor shall request a court hearing as provided in section 26-13.5-108.~~

~~(4) The remedies provided by this section are additional to those remedies provided by the "Uniform Interstate Family Support Act", article 5 of title 14, C.R.S.~~

SECTION 66. 26-13-118 (1) and (2), Colorado Revised Statutes, are amended to read:

26-13-118. Lottery winnings offset. (1) (a) The state department shall periodically certify to the department of revenue information regarding persons who owe a child support debt OR CHILD SUPPORT COSTS to the state pursuant to section 14-14-104, C.R.S., or who owe child support arrearages as requested as a part of an enforcement action pursuant to article 5 of title 14, C.R.S., or who owe child support arrearages OR CHILD SUPPORT COSTS which are the subject of enforcement services provided pursuant to section 26-13-106.

(b) Such information shall include the social security number of the person owing the child support debt, ~~or~~ arrearages, OR CHILD SUPPORT COSTS, the amount of same, and any other identifying information required by the department of revenue.

~~(2) Prior to the payment of lottery winnings required by rule and regulation of the commission to be paid only at the lottery offices, the department of revenue shall check the social security number of each winner with those certified by the state department. If the social security number of a lottery winner appears among those certified by the state department, the department of revenue shall obtain the current address of the winner, shall suspend the payment of the winnings, and shall notify the state department. UPON RECEIVING NOTIFICATION FROM THE DEPARTMENT OF REVENUE THAT A LOTTERY WINNER APPEARS AMONG THOSE CERTIFIED BY THE STATE DEPARTMENT PURSUANT TO SECTION 24-35-212, C.R.S., the state department shall notify the obligated parent, in writing, that the state intends to offset in the following order of priority; the parent's current monthly child support obligation, child support debt, ~~or~~ child support arrearages, AND CHILD SUPPORT COSTS against the parent's winnings from the state lottery. Such notification shall include information on the parent's right to object to the offset and to request an administrative review pursuant to the rules and regulations of the state board of human services.~~

SECTION 67. 24-35-201 (1), Colorado Revised Statutes, is amended, and the said 24-35-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-35-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) ~~"Commission" means the Colorado lottery commission.~~ "CASH PRIZE" MEANS ANY PRIZE PAID IN CASH IN ITS ENTIRETY.

(1.5) "COMMISSION" MEANS THE COLORADO LOTTERY COMMISSION.

(7) "NON-CASH PRIZE" MEANS ANY PRIZE PAID IN MERCHANDISE OR A COMBINATION OF CASH AND MERCHANDISE.

SECTION 68. 24-35-212 (5), Colorado Revised Statutes, is amended to read:

24-35-212. Prizes. (5) (a) Prior to the payment of any lottery ~~winnings~~ CASH PRIZE OR NON-CASH PRIZE required by rule and regulation of the commission to be paid only at the lottery offices AND SUBJECT TO STATE AND FEDERAL TAX REPORTING, the department of revenue shall require the winner to submit the winner's social security number and federal employer identification number, if applicable, and shall check the social security number of the winner with those certified by the department of human services for the purpose of the state lottery winnings offset as provided in section 26-13-118, C.R.S. The social security number and the federal employer identification number shall not become part of the public record of the department of revenue. If the social security number of a lottery winner appears among those certified by the department of human services, the department of revenue shall OBTAIN THE CURRENT ADDRESS OF THE WINNER, NOTIFY THE DEPARTMENT OF HUMAN SERVICES, AND suspend the payment of ~~such winnings~~ THE CASH PRIZE OR NON-CASH PRIZE until the requirements of section 26-13-118, C.R.S., are met. If, after consulting with the department of human services, the department of revenue determines that the lottery winner owes a child support debt OR CHILD SUPPORT COSTS pursuant to section 14-14-104, C.R.S., or owes child support arrearages as part of an enforcement action pursuant to article 5 of title 14, C.R.S., or owes child support arrearages OR CHILD SUPPORT COSTS which are the subject of enforcement services provided pursuant to section 26-13-106, C.R.S., then the department of revenue shall withhold from the amount of ~~winnings~~ THE CASH PRIZE paid to the lottery winner an amount equal to the amount of child support debt, ~~or~~ child support arrearages, AND CHILD SUPPORT COSTS which are due or, if the amount of ~~winnings~~ THE CASH PRIZE is less than or equal to the amount of child support debt, ~~or~~ arrearages, AND COSTS due, shall withhold the entire amount of the lottery ~~winnings~~ CASH PRIZE. Any ~~moneys~~ CASH PRIZE so withheld shall be transmitted to the state treasurer for disbursement by the department of human services as directed in section 26-13-118, C.R.S.

(b) A LOTTERY WINNER OF A NON-CASH PRIZE WHO OWES CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT COSTS SHALL FORFEIT THE PRIZE, UNLESS:

(I) (A) ALL OF THE CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, AND CHILD SUPPORT COSTS ARE PAID BY THE LOTTERY WINNER WITHIN TEN WORKING DAYS AFTER CLAIMING THE SUSPENDED NON-CASH PRIZE; AND

(B) THE DEPARTMENT OF HUMAN SERVICES HAS NOTIFIED THE DEPARTMENT OF REVENUE THAT PAYMENT HAS BEEN RECEIVED; OR

(II) AN ADMINISTRATIVE REVIEW IS REQUESTED PURSUANT TO SECTION 26-13-118 (2), C.R.S., AND THE REQUIREMENTS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (5) ARE MET.

(c) IF AN ADMINISTRATIVE REVIEW IS REQUESTED PURSUANT TO SECTION 26-13-118 (2), C.R.S., THE NON-CASH PRIZE SHALL REMAIN SUSPENDED UNTIL THE DEPARTMENT OF HUMAN SERVICES NOTIFIES THE DEPARTMENT OF REVENUE THAT THE ADMINISTRATIVE REVIEW PROCESS HAS BEEN COMPLETED PURSUANT TO RULES OF THE STATE BOARD OF HUMAN SERVICES. IF AT THE ADMINISTRATIVE REVIEW IT IS DETERMINED THAT THE WINNER OWES CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT COSTS, THE WINNER SHALL FORFEIT THE NON-CASH

PRIZE UNLESS:

(I) THE WINNER PAYS THE CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, AND CHILD SUPPORT COSTS IN FULL WITHIN TEN DAYS AFTER THE DATE OF THE LETTER INFORMING THE LOTTERY WINNER OF THE RESULTS OF THE ADMINISTRATIVE REVIEW; AND

(II) THE DEPARTMENT OF HUMAN SERVICES NOTIFIES THE DEPARTMENT OF REVENUE THAT PAYMENT HAS BEEN RECEIVED.

(d) IF FORFEITED BY THE LOTTERY WINNER, THE NON-CASH PRIZE SHALL BE DISBURSED AS DETERMINED BY THE DIRECTOR.

SECTION 69. Repeal. Section 2 of House Bill 03-1036, enacted at the First Regular Session of the Sixty-fourth General Assembly, is repealed.

SECTION 70. Part 2 of article 35 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-35-212.5. Prizes - lottery winnings offset for restitution. (1) PRIOR TO THE PAYMENT OF ANY LOTTERY WINNINGS REQUIRED BY RULE AND REGULATION OF THE COMMISSION TO BE PAID ONLY AT THE LOTTERY OFFICES, THE DEPARTMENT OF REVENUE SHALL REQUIRE THE WINNER TO SUBMIT THE WINNER'S SOCIAL SECURITY NUMBER AND FEDERAL EMPLOYER IDENTIFICATION NUMBER, IF APPLICABLE, AND SHALL CHECK THE SOCIAL SECURITY NUMBER OF THE WINNER WITH THOSE CERTIFIED BY THE JUDICIAL DEPARTMENT FOR THE PURPOSE OF THE STATE LOTTERY WINNINGS OFFSET AS PROVIDED IN SECTION 16-18.5-106.5, C.R.S. THE SOCIAL SECURITY NUMBER AND THE FEDERAL EMPLOYER IDENTIFICATION NUMBER SHALL NOT BECOME PART OF THE PUBLIC RECORD OF THE DEPARTMENT OF REVENUE.

(2) IF THE SOCIAL SECURITY NUMBER OF A LOTTERY WINNER APPEARS AMONG THOSE CERTIFIED BY THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF REVENUE SHALL SUSPEND THE PAYMENT OF SUCH WINNINGS UNTIL THE REQUIREMENTS OF SECTION 16-18.5-106.5, C.R.S., ARE MET. IF, AFTER CONSULTING WITH THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF REVENUE DETERMINES THAT THE LOTTERY WINNER IS OBLIGATED TO PAY THE AMOUNTS CERTIFIED UNDER 16-18.5-106.5, C.R.S., THEN THE DEPARTMENT OF REVENUE SHALL WITHHOLD FROM THE AMOUNT OF WINNINGS PAID TO THE LOTTERY WINNER AN AMOUNT EQUAL TO THE AMOUNT OF RESTITUTION WHICH IS DUE OR, IF THE AMOUNT OF WINNINGS IS LESS THAN OR EQUAL TO THE AMOUNT OF RESTITUTION DUE, SHALL WITHHOLD THE ENTIRE AMOUNT OF THE LOTTERY WINNINGS. ANY MONEYS SO WITHHELD SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DISBURSEMENT AS DIRECTED IN SECTION 16-18.5-106.5 (3), C.R.S.

(3) IF A LOTTERY WINNER OWES A CHILD SUPPORT DEBT OR ARREARAGES OR CHILD SUPPORT COSTS AS DESCRIBED IN SECTION 24-35-212 (5), AND ALSO OWES RESTITUTION AS DESCRIBED IN THIS SECTION, THE LOTTERY WINNINGS OFFSET AGAINST THE CHILD SUPPORT DEBT OR ARREARAGES OR COSTS SHALL TAKE PRIORITY AND BE APPLIED FIRST. THE REMAINING LOTTERY WINNING MONEYS, IF ANY, SHALL BE APPLIED TOWARD THE PAYMENT OF OUTSTANDING RESTITUTION AND PROCESSED IN ACCORDANCE WITH THIS SECTION.

SECTION 71. 16-18.5-106.5 (3) (a) and (5), Colorado Revised Statutes, as enacted by House Bill 03-1036, enacted at the First Regular Session of the Sixty-fourth General Assembly, are amended to read:

16-18.5-106.5. Lottery winnings offset. (3) (a) Except as otherwise provided in subsection (5) of this section, upon notification by the department of revenue of amounts deposited with the state treasurer pursuant to ~~section 24-35-212~~, SECTION 24-35-212.5, C.R.S., and upon the transfer of the amounts by the state treasurer to the court in which the restitution obligation is pending, the court shall disburse the amounts in accordance with this subsection (3).

(5) If a lottery winner owes restitution in a criminal case and also owes a child support debt or arrearages as described in section 26-13-118 (1), C.R.S., the lottery winnings offset described in sections ~~24-35-212 (5) (b)~~ 24-35-212 (5) and 26-13-118, C.R.S., shall take priority and be applied first. Any remaining lottery winnings shall be disbursed and distributed in accordance with this section.

SECTION 72. Effective date - applicability. (1) This section and sections 65 through 68 and section 73 of this act shall take effect upon passage.

(2) Sections 52 through 58, section 60, section 62, section 63, and section 64 of this act shall take effect July 1, 2003.

(3) Section 1 of this act shall take effect July 1, 2003, and shall apply to offenses committed on or after said date.

(4) Sections 59 and 61 of this act shall take effect July 1, 2003, and shall apply to actions filed on or after said date.

(5) Section 50 of this act shall take effect July 1, 2003, and shall apply to notices of financial responsibility, orders, and decrees entered on or after said date.

(6) Section 51 of this act shall take effect July 1, 2003, and shall apply to orders establishing or modifying child support entered on or after said date.

(7) Sections 2 through 49 of this act shall take effect July 1, 2004.

(8) (a) Sections 69, 70, and 71 of this act shall take effect only if House Bill 03-1036 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law.

(b) Sections 69, 70, and 71 of this act shall take effect at the same time that House Bill 03-1036, as enacted at the First Regular Session of the Sixty-fourth General Assembly, becomes effective.

SECTION 73. 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: April 22, 2003