

CHAPTER 63

COURTS

SENATE BILL 04-122

BY SENATOR(S) Reeves;
also REPRESENTATIVE(S) Hefley, McGihon, and Williams S.

AN ACT

CONCERNING THE REPEAL OF FAMILY LAW MAGISTRATES.

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

SECTION 1. Repeal. Part 3 of article 5 of title 13, Colorado Revised Statutes, is repealed as follows:

~~13-5-301. Family law magistrates - qualifications - duties. (1) Pursuant to section 13-3-105, family law magistrates shall be appointed in each judicial district as needed in order to expedite the issuance, modification, and enforcement of child support orders, subject to available appropriations and subject to approval by the chief justice of the supreme court, except that a family law magistrate need not be appointed if the judicial district has a magistrate appointed pursuant to part 2 of this article who can undertake the duties specified in this part 3.~~

~~(2) A family law magistrate shall be a qualified attorney-at-law admitted to practice in this state and in good standing.~~

~~(3) Subject to the provision that no magistrate may preside in any trial by jury, family law magistrates shall have the following duties, powers, and authority:~~

~~(a) To hear motions for temporary and permanent orders for the establishment and modification for child support;~~

~~(b) To conduct proceedings for the enforcement of orders for child support;~~

~~(c) To accept stipulated agreements to pay child support and voluntary acknowledgments of support liability;~~

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

~~(d) To conduct hearings under the "Uniform Interstate Family Support Act", article 5 of title 14, C.R.S.;~~

~~(e) To conduct hearings under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., including:~~

~~(f) Temporary orders;~~

~~(H) Noncontested permanent orders;~~

~~(HH) Contempt of court;~~

~~(IV) Restraining orders and the modification thereof;~~

~~(V) Parenting time, and the modification thereof, including motions to restrict parenting time or parental contact, where the allocation of parental responsibilities is not an issue;~~

~~(V.5) Hearings upon motions;~~

~~(VI) And upon the consent of all parties:~~

~~(A) Contested permanent orders;~~

~~(B) (Deleted by amendment, L. 90, p. 900, § 27, effective July 1, 1990.)~~

~~(VII) And in furtherance of the above duties, powers, and authority, to conduct hearings on the following matters:~~

~~(A) Default and entry of judgments pursuant to Rule 55, C.R.C.P.;~~

~~(B) Postjudgment proceedings;~~

~~(C) Settlement conferences;~~

~~(D) As a master pursuant to Rule 53, C.R.C.P.; and~~

~~(E) As an arbitrator pursuant to Rule 109, C.R.C.P.;~~

~~(f) To exercise such other duties, powers, and authority as determined by rule of the supreme court;~~

~~(g) To solemnize marriages pursuant to the procedures in section 14-2-109, C.R.S.~~

13-5-302. Powers of magistrates. Pursuant to rules promulgated by the supreme court, when hearing matters specified in section 13-5-301, family law magistrates shall have all of the powers of a district court judge.

13-5-303. Rules - procedure. ~~(1) The supreme court shall adopt such rules and regulations as it deems necessary or proper to carry out the provisions of this part 3, including, but not limited to, matters of procedure.~~

(2) Procedure in matters heard by a family law magistrate shall be determined by statute and rules promulgated by the supreme court.

13-5-304. When magistrate not necessary. ~~If, within a judicial district, ninety percent of the actions to establish or enforce child support obligations are completed in three months, ninety-eight percent of such actions are completed in six months, and one hundred percent of such actions are completed in twelve months, the judicial department may determine that the appointment of a family law magistrate is not required within that district. The judicial department shall notify the department of human services when a determination has been made that the appointment of a family law magistrate is not required within that district.~~

13-5-305. Review of magistrate's decision. ~~Any party may appeal a decision of a family law magistrate pursuant to rules promulgated by the supreme court.~~

SECTION 2. Effective date. This act shall take effect July 1, 2004.

SECTION 3. 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 1, 2004