

CHAPTER 137

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 09-053

BY SENATOR(S) Tochtrop, Boyd, Carroll M., Gibbs, Groff, Hudak, Isgar, Newell;
also REPRESENTATIVE(S) Schafer S., Gerou, Kefalas, Labuda, Ryden, Todd.

AN ACT

CONCERNING SUPPORT ARREARAGES THAT ACCRUE PRIOR TO AN APPLICANT'S ELIGIBILITY FOR PUBLIC ASSISTANCE.

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

SECTION 1. 26-2-111 (3) (a), Colorado Revised Statutes, is amended, and the said 26-2-111 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26-2-111. Eligibility for public assistance. (3) Colorado works program.

(a) ~~A person~~ By signing an application for the works program created in part 7 of this article, A PERSON assigns, by operation of law, to the state department all rights the applicant may have to support from any other person on his or her own behalf or on behalf of any other family member for whom application is made. For the purposes of this subsection (3), the assignment:

(I) Is effective for ~~both current and accrued~~ support DUE AND OWING DURING THE PERIOD OF TIME THE PERSON IS RECEIVING PUBLIC ASSISTANCE UNDER THE WORKS PROGRAM;

(II) Takes effect upon a determination that the applicant is eligible for the works program; AND

(III) Shall remain in effect with respect to ~~the amounts of any unpaid support obligation accrued~~ THAT ACCRUES under the assignment, ~~that was owed prior to the termination of works program assistance to a recipient~~ up to the amount of the cost of assistance provided. ~~and~~

(IV) ~~Shall remain in effect, whether the assignment occurred prior to, on, or after~~

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

~~July 1, 1997.~~

(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3), ASSIGNMENTS MADE PRIOR TO OCTOBER 1, 2009, MAY INCLUDE SUPPORT ARREARAGES THAT ACCRUED PRIOR TO THE DATE THE APPLICANT IS DETERMINED TO BE ELIGIBLE FOR THE WORKS PROGRAM.

SECTION 2. Act subject to petition - effective date. (1) This act shall take effect October 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: April 20, 2009