

CHAPTER 173

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 15-1198

BY REPRESENTATIVE(S) Foote, Fields, Kagan, Mitsch Bush, Young, Kraft-Tharp, Pettersen, Ryden, Tyler, Hullinghorst;
also SENATOR(S) Steadman, Crowder.

AN ACT

CONCERNING ENACTMENT OF THE 2008 AMENDMENTS TO THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT".

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

SECTION 1. In Colorado Revised Statutes, 14-5-102, **amend** (2), (4), (8), (9), (10), (12), (13), (14), (16), (17), (18), (19), (21), (22), (23), and (24); **repeal** (7); and **add** (2.5), (3.3), (3.4), (3.5), (8.5), and (13.5) as follows:

14-5-102. Definitions. In this article:

(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 OR FOREIGN COUNTRY.

(2.5) "CONVENTION" MEANS THE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE, CONCLUDED AT THE HAGUE ON NOVEMBER 23, 2007.

(3.3) "FOREIGN COUNTRY" MEANS A COUNTRY, INCLUDING A POLITICAL SUBDIVISION THEREOF, OTHER THAN THE UNITED STATES, THAT AUTHORIZES THE ISSUANCE OF SUPPORT ORDERS AND:

(A) WHICH HAS BEEN DECLARED UNDER THE LAW OF THE UNITED STATES TO BE A FOREIGN RECIPROCATING COUNTRY;

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

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

(C) WHICH HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR THE ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS ARTICLE; OR

(D) IN WHICH THE CONVENTION IS IN FORCE WITH RESPECT TO THE UNITED STATES.

(3.4) "FOREIGN SUPPORT ORDER" MEANS A SUPPORT ORDER OF A FOREIGN TRIBUNAL.

(3.5) "FOREIGN TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY, OR QUASI-JUDICIAL ENTITY OF A FOREIGN COUNTRY WHICH IS AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE OF A CHILD. THE TERM INCLUDES A COMPETENT AUTHORITY UNDER THE CONVENTION.

(4) "Home state" means the state OR FOREIGN COUNTRY 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 OR FOREIGN COUNTRY 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.

~~(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.~~

(8) "Initiating tribunal" means the ~~authorized tribunal in an initiating~~ OF A STATE OR FOREIGN COUNTRY FROM WHICH A PETITION OR COMPARABLE PLEADING IS FORWARDED OR IN WHICH A PETITION OR COMPARABLE PLEADING IS FILED FOR FORWARDING TO ANOTHER STATE OR FOREIGN COUNTRY.

(8.5) "ISSUING FOREIGN COUNTRY" MEANS THE FOREIGN COUNTRY IN WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A CHILD.

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

(10) "Issuing tribunal" means the tribunal OF A STATE OR FOREIGN COUNTRY that issues a support order or ~~renders~~ a judgment determining parentage OF A CHILD.

(12) "Obligee" means:

(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 OF A CHILD has been ~~rendered~~ ISSUED;

(B) A FOREIGN COUNTRY, state, or political subdivision OF A STATE 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~~ IN PLACE OF CHILD SUPPORT;

(C) An individual seeking a judgment determining parentage of the individual's child; OR

(D) A PERSON THAT IS A CREDITOR IN A PROCEEDING UNDER PART 7 OF THIS ARTICLE.

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

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

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

(C) ~~Who~~ Is liable under a support order; OR

(D) IS A DEBTOR IN A PROCEEDING UNDER PART 7 OF THIS ARTICLE.

(13.5) "OUTSIDE THIS STATE" MEANS A LOCATION IN ANOTHER STATE OR A COUNTRY OTHER THAN THE UNITED STATES, WHETHER OR NOT THE COUNTRY IS A FOREIGN COUNTRY.

(14) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, PUBLIC CORPORATION, government, OR governmental subdivision, agency, or instrumentality, ~~public corporation,~~ or any other legal or commercial entity.

(16) "Register" means to file IN A TRIBUNAL OF THIS STATE a support order or judgment determining parentage ~~in the appropriate location for the filing of foreign support orders~~ OF A CHILD ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY.

(17) "Registering tribunal" means a tribunal in which a support order OR JUDGMENT DETERMINING PARENTAGE OF A CHILD is registered.

(18) "Responding state" means a state in which a ~~proceeding~~ PETITION OR COMPARABLE PLEADING FOR SUPPORT OR TO DETERMINE PARENTAGE OF A CHILD is filed or to which a ~~proceeding~~ PETITION OR COMPARABLE PLEADING is forwarded for filing from an ~~initiating~~ ANOTHER state ~~under this article or a law or procedure substantially similar to this article~~ OR A FOREIGN COUNTRY.

(19) "Responding tribunal" means the authorized tribunal in a responding state OR FOREIGN COUNTRY.

(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~~ UNDER the jurisdiction of the United States. The term ~~includes:~~ INCLUDES

~~(A) An~~ AN Indian NATION OR tribe. ~~and~~

~~(B) A foreign 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.~~

(22) "Support enforcement agency" means a public official, GOVERNMENTAL ENTITY, or PRIVATE agency authorized to: ~~seek:~~

(A) SEEK enforcement of support orders or laws relating to the duty of support;

(B) SEEK establishment or modification of child support;

(C) REQUEST determination of parentage OF A CHILD;

~~(D) Location of~~ ATTEMPT TO LOCATE obligors or their assets; or

(E) REQUEST determination of the controlling child support order.

(23) "Support order" means a judgment, decree, order, DECISION, or directive, whether temporary, final, or subject to modification, issued ~~by a tribunal,~~ IN A STATE OR FOREIGN COUNTRY for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, RETROACTIVE SUPPORT, or reimbursement ~~and~~ FOR FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT. THE TERM may include related costs and fees, interest, income withholding, AUTOMATIC ADJUSTMENT, REASONABLE attorney's fees, and other relief.

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

SECTION 2. In Colorado Revised Statutes, **amend** 14-5-103 as follows:

14-5-103. State tribunals and support enforcement agency. (a) The court and the administrative agency are the tribunals of this state.

(b) THE COUNTY AND STATE CHILD SUPPORT SERVICES AGENCIES ARE THE SUPPORT ENFORCEMENT AGENCIES OF THIS STATE.

SECTION 3. In Colorado Revised Statutes, 14-5-104, **amend** (a) as follows:

14-5-104. Remedies cumulative. (a) Remedies provided by this article are cumulative and do not affect the availability of remedies under other law ~~including~~ OR the recognition of a FOREIGN support order ~~of a foreign country or political subdivision~~ on the basis of comity.

SECTION 4. In Colorado Revised Statutes, **add** 14-5-105 as follows:

14-5-105. Application of article to resident of foreign country and foreign support proceeding. (a) A TRIBUNAL OF THIS STATE SHALL APPLY PARTS 1 THROUGH 6 OF THIS ARTICLE AND, AS APPLICABLE, PART 7 OF THIS ARTICLE, TO A SUPPORT PROCEEDING INVOLVING:

- (1) A FOREIGN SUPPORT ORDER;
- (2) A FOREIGN TRIBUNAL; OR
- (3) AN OBLIGEE, OBLIGOR, OR CHILD RESIDING IN A FOREIGN COUNTRY.

(b) A TRIBUNAL OF THIS STATE THAT IS REQUESTED TO RECOGNIZE AND ENFORCE A SUPPORT ORDER ON THE BASIS OF COMITY MAY APPLY THE PROCEDURAL AND SUBSTANTIVE PROVISIONS OF PARTS 1 THROUGH 6.

(c) PART 7 OF THIS ARTICLE APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF PART 7 OF THIS ARTICLE IS INCONSISTENT WITH PARTS 1 THROUGH 6 OF THIS ARTICLE, PART 7 OF THIS ARTICLE CONTROLS.

SECTION 5. In Colorado Revised Statutes, **amend** 14-5-201 as follows:

14-5-201. Bases for jurisdiction over nonresident. (a) In a proceeding to establish or enforce a support order or to determine parentage OF A CHILD, 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 IN A RECORD, 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~~ THIS state to modify a child support order of another state unless the requirements of section 14-5-611 ~~or 14-5-615~~ are met, OR IN THE CASE OF A FOREIGN

SUPPORT ORDER, UNLESS THE REQUIREMENTS OF SECTION 14-5-615 ARE MET.

SECTION 6. In Colorado Revised Statutes, **amend** 14-5-203 as follows:

14-5-203. Initiating and responding tribunals of this state. Under this article, a tribunal of this state may serve as an initiating tribunal to forward proceedings to A TRIBUNAL OF another state, and as a responding tribunal for proceedings initiated in another state OR A FOREIGN COUNTRY.

SECTION 7. In Colorado Revised Statutes, **amend** 14-5-204 as follows:

14-5-204. Simultaneous proceedings. (a) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a ~~petition or comparable~~ pleading is filed in another state OR A FOREIGN COUNTRY only if:

(1) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state OR THE FOREIGN COUNTRY for filing a responsive pleading challenging the exercise of jurisdiction by the other state OR THE FOREIGN COUNTRY;

(2) The contesting party timely challenges the exercise of jurisdiction in the other state OR THE FOREIGN COUNTRY; and

(3) If relevant, this state is the home state of the child.

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state OR A FOREIGN COUNTRY if:

(1) The petition or comparable pleading in the other state OR FOREIGN COUNTRY is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(2) The contesting party timely challenges the exercise of jurisdiction in this state; and

(3) If relevant, the other state OR FOREIGN COUNTRY is the home state of the child.

SECTION 8. In Colorado Revised Statutes, 14-5-206, **amend** (a) (2) as follows:

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:

(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of A TRIBUNAL OF another state is the controlling order.

SECTION 9. In Colorado Revised Statutes, 14-5-207, **amend** (a), (b), and (c)

as follows:

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, OR A FOREIGN COUNTRY 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 and by order shall determine which order controls AND MUST BE RECOGNIZED:

(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; ~~but~~ OR

(B) If an order has not been issued in the current home state of the child, the order most recently issued controls.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this article, the tribunal of this state shall issue a child support order, which controls.

(c) If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or THAT IS a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this section. 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.

SECTION 10. In Colorado Revised Statutes, **amend** 14-5-208 as follows:

14-5-208. Child support orders for two or more obligees. In responding to 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 OR A FOREIGN COUNTRY, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

SECTION 11. In Colorado Revised Statutes, **amend** 14-5-209 as follows:

14-5-209. Credit for payment. A tribunal of this state shall credit amounts collected for a particular period pursuant to 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~~ STATE, another state, OR A FOREIGN

COUNTRY.

SECTION 12. In Colorado Revised Statutes, **amend** 14-5-210 as follows:

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 FOREIGN support order ~~of a foreign country or political subdivision on the basis of comity~~ may receive evidence from ~~another~~ OUTSIDE THIS state pursuant to section 14-5-316, communicate with a tribunal ~~of another~~ OUTSIDE THIS state pursuant to section 14-5-317, and obtain discovery through a tribunal ~~of another~~ OUTSIDE THIS state pursuant to section 14-5-318. In all other respects, parts 3 to 7 6 of this article do not apply, and the tribunal shall apply the procedural and substantive law of this state.

SECTION 13. In Colorado Revised Statutes, 14-5-211, **amend** (b) as follows:

14-5-211. Continuing, exclusive jurisdiction to modify spousal-support order. (b) A tribunal of this state may not modify a spousal-support order issued by a tribunal of another state OR A FOREIGN COUNTRY having continuing, exclusive jurisdiction over that order under the law of that state OR FOREIGN COUNTRY.

SECTION 14. In Colorado Revised Statutes, 14-5-301, **amend** (b) as follows:

14-5-301. Proceedings under article. (b) 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 OR FOREIGN COUNTRY which has or can obtain personal jurisdiction over the respondent.

SECTION 15. In Colorado Revised Statutes, 14-5-304, **amend** (b) as follows:

14-5-304. Duties of initiating tribunal. (b) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~state~~ TRIBUNAL IS IN a foreign country, ~~or political subdivision~~, upon request the tribunal OF THIS STATE shall specify the amount of support sought, 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~~ FOREIGN TRIBUNAL.

SECTION 16. In Colorado Revised Statutes, 14-5-305, **amend** (b) (1) and (b) (8) as follows:

14-5-305. Duties and powers of responding tribunal. (b) A responding tribunal of this state, to the extent not prohibited by other law, may do one or more of the following:

(1) ~~Issue~~ ESTABLISH or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage OF A CHILD;

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, ELECTRONIC-MAIL ADDRESS, telephone number, employer, address of employment, and telephone number at the place of employment;

SECTION 17. In Colorado Revised Statutes, **amend** 14-5-306 as follows:

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

SECTION 18. In Colorado Revised Statutes, 14-5-307, **amend** (b) (1), (b) (4), (b) (5), and (e) as follows:

14-5-307. Duties of support enforcement agency. (b) A support enforcement agency of this state that is providing services to the petitioner shall:

(1) Take all steps necessary to enable an appropriate tribunal ~~in~~ OF this state, ~~or~~ another state, OR A FOREIGN COUNTRY to obtain jurisdiction over the respondent;

(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

(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".~~

SECTION 19. In Colorado Revised Statutes, 14-5-308, **amend** (b) as follows:

14-5-308. Duty of attorney general. (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 20. In Colorado Revised Statutes, 14-5-310, **amend** (b) (3) as follows:

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

(3) Forward to the appropriate tribunal in the county in this state in which the 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~~ ANOTHER state OR A FOREIGN COUNTRY; and

SECTION 21. In Colorado Revised Statutes, 14-5-311, **amend** (a) as follows:

14-5-311. Pleadings and accompanying documents. (a) In a proceeding under this article, a petitioner seeking to establish a support order, to determine parentage OF A CHILD, or to register and modify a support order OF A TRIBUNAL of another state OR A FOREIGN COUNTRY must file a petition. Unless otherwise ordered under section 14-5-312, 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 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 copy of any support order 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 22. In Colorado Revised Statutes, 14-5-313, **amend** (b) as follows:

14-5-313. Costs and fees. (b) If an obligee prevails, a responding tribunal OF THIS STATE may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state OR FOREIGN COUNTRY, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

SECTION 23. In Colorado Revised Statutes, 14-5-316, **amend** (a), (b), (d), (e), and (f) as follows:

14-5-316. Special rules of evidence and procedure. (a) The physical presence of a nonresident party who is an individual in a 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 OF A CHILD.

(b) An affidavit, a document substantially complying with federally mandated forms, 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 penalty of perjury by a party or witness residing ~~in another~~ OUTSIDE THIS state.

(d) Copies of bills for testing for parentage OF A CHILD, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from ~~another~~ OUTSIDE THIS state to a tribunal of this state by telephone, telecopier, or other ELECTRONIC means that do not provide an original 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 shall permit a party or witness residing ~~in another~~ OUTSIDE THIS state to be deposed or to testify UNDER PENALTY OF PERJURY 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 ~~OTHER tribunals of other states~~ in designating an appropriate location for the deposition or testimony.

SECTION 24. In Colorado Revised Statutes, **amend** 14-5-317 as follows:

14-5-317. Communications between tribunals. A tribunal of this state may communicate with a tribunal ~~of another~~ OUTSIDE THIS state ~~or foreign country or political subdivision~~ in a record, or by telephone, ELECTRONIC MAIL, or other means, to obtain information concerning the laws, 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~~ OUTSIDE THIS state. ~~or foreign country or political subdivision.~~

SECTION 25. In Colorado Revised Statutes, **amend** 14-5-318 as follows:

14-5-318. Assistance with discovery. A tribunal of this state may:

- (1) Request a tribunal ~~of another~~ OUTSIDE THIS state to assist in obtaining discovery; and
- (2) Upon request, compel a person over ~~whom~~ WHICH it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ OUTSIDE THIS state.

SECTION 26. In Colorado Revised Statutes, 14-5-319, **amend** (a) as follows:

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 OR A FOREIGN COUNTRY a certified statement by the custodian of the record of the amounts and dates of all payments received.

SECTION 27. In Colorado Revised Statutes, **amend** part 4 of article 5 of title 14 as follows:

PART 4
ESTABLISHMENT OF SUPPORT ORDER
OR DETERMINATION OF PARENTAGE

14-5-401. Establishment of support order. (a) If a support order entitled to recognition under this article has not been issued, a responding tribunal of this state WITH PERSONAL JURISDICTION OVER THE PARTIES may issue a support order if:

- (1) The individual seeking the order resides ~~in another~~ OUTSIDE THIS state; or

(2) The support enforcement agency seeking the order is located ~~in another~~ OUTSIDE THIS 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) A presumed father of the child;
- (2) Petitioning to have his paternity adjudicated;
- (3) 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.

14-5-402. Proceeding to determine parentage. A TRIBUNAL OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE PARENTAGE OF A CHILD BROUGHT UNDER THIS ARTICLE OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS ARTICLE.

SECTION 28. In Colorado Revised Statutes, **amend** 14-5-504 as follows:

14-5-504. Immunity from civil liability. An employer ~~who~~ THAT complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

SECTION 29. In Colorado Revised Statutes, **amend** 14-5-505 as follows:

14-5-505. Penalties for noncompliance. An employer ~~who~~ THAT willfully fails to comply with an income-withholding order issued ~~by~~ IN another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

SECTION 30. In Colorado Revised Statutes, 14-5-507, **amend** (a) as follows:

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~~ IN another state OR A FOREIGN SUPPORT ORDER

may send the documents required for registering the order to a support enforcement agency of this state.

SECTION 31. In Colorado Revised Statutes, **amend** part 6 of article 5 of title 14 as follows:

PART 6
REGISTRATION, ENFORCEMENT, AND MODIFICATION
OF SUPPORT ORDER

PART A. REGISTRATION FOR ENFORCEMENT
OF SUPPORT ORDER

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

14-5-602. Procedure to register order for enforcement. (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-5-706, a support order or income-withholding order of another state OR A FOREIGN SUPPORT ORDER may be registered in this state by sending the following 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 the order to be registered, including any modification of the order;
- (3) A sworn statement by the 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:
 - (A) The obligor's address and social security number;
 - (B) The name and address of the obligor's employer and any other source of income of the obligor; and
 - (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 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 AN ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN SUPPORT ORDER, 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.

14-5-603. Effect of registration for enforcement. (a) A support order or income-withholding order issued in another state OR A FOREIGN SUPPORT ORDER is registered when the order is filed in the registering tribunal of this state.

(b) A registered SUPPORT order issued in another state OR A FOREIGN COUNTRY is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in this part 6, a tribunal of this state shall recognize and enforce, but may not modify, a registered SUPPORT order if the issuing tribunal had jurisdiction.

14-5-604. Choice of law. (a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state OR FOREIGN COUNTRY governs:

(1) The nature, extent, amount, and duration of current payments 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~~ ARREARS under a registered support order, the statute of limitation of this state, or of the issuing state OR FOREIGN COUNTRY, 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~~ ARREARS and interest due on a support order of another state OR A FOREIGN COUNTRY registered in this state.

(d) After a tribunal of this STATE or another state determines which is the

controlling order and issues an order consolidating ~~arrearages~~ ARREARS, if any, a tribunal of this state shall prospectively apply the law of the state OR FOREIGN COUNTRY issuing the controlling order, including its law on interest on ~~arrearages~~ ARREARS, on current and future support, and on consolidated ~~arrearages~~ ARREARS.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT

14-5-605. Notice of registration of order. (a) When a support order or income-withholding order issued in another state OR A FOREIGN SUPPORT ORDER is registered, the registering tribunal OF THIS STATE shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) 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 UNLESS THE REGISTERED ORDER IS UNDER SECTION 14-5-707;

(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

(4) Of the amount of any alleged arrearages.

(c) 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~~ PARTY to be the controlling order and the consolidated ~~arrearages~~ ARREARS, 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 SUPPORT ENFORCEMENT AGENCY OR the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

14-5-606. Procedure to contest validity or enforcement of registered support order. (a) A nonregistering party seeking to contest the validity or enforcement of a registered SUPPORT order in this state shall request a hearing within ~~twenty days~~

~~after notice of the registration~~ THE TIME REQUIRED BY SECTION 14-5-605. 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.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered SUPPORT order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered SUPPORT order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

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

(1) The issuing tribunal lacked personal jurisdiction over the contesting party;

(2) The order was obtained by fraud;

(3) The order has been vacated, suspended, or modified by a later order;

(4) The issuing tribunal has stayed the order pending appeal;

(5) There is a defense under the law of this state to the remedy sought;

(6) Full or partial payment has been made;

(7) The statute of limitation under section 14-5-604 precludes enforcement of some or all of the alleged arrearages; or

(8) The alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal may stay enforcement of ~~the~~ A registered SUPPORT order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered SUPPORT order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of ~~the~~ A REGISTERED SUPPORT order, the registering tribunal shall issue an order confirming the order.

14-5-608. Confirmed order. Confirmation of a registered SUPPORT order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C. REGISTRATION AND MODIFICATION
OF CHILD SUPPORT ORDER OF ANOTHER STATE

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 part 6~~ SECTIONS 14-5-601 THROUGH 14-5-608 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.

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 SUPPORT order may be modified only if the requirements of section 14-5-611 OR 14-5-613 ~~or 14-5-615~~ have been met.

14-5-611. Modification of child support order of another state. (a) 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 which order is registered in this state if, after notice and hearing, the tribunal finds that:

(1) The following requirements are met:

(A) Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

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

(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 consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

(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) 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.

(f) NOTWITHSTANDING SUBSECTIONS (a) THROUGH (e) OF THIS SECTION AND SECTION 14-5-201 (b), A TRIBUNAL OF THIS STATE RETAINS JURISDICTION TO MODIFY AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE IF:

- (1) ONE PARTY RESIDES IN ANOTHER STATE; AND
- (2) THE OTHER PARTY RESIDES OUTSIDE THE UNITED STATES.

14-5-612. Recognition of order modified in another state. If a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to the "Uniform Interstate Family Support Act", a tribunal of this state:

- (1) May enforce its order that was modified only as to arrears and interest accruing before the modification;
- (2) May provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- (3) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.
- (4) (Deleted by amendment, L. 2003, p. 1261, § 41, effective July 1, 2004.)

14-5-613. Jurisdiction to modify child support order of another state when individual parties reside in this state. (a) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of parts 1 and 2 of this article, this part 6, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Parts 3, 4, 5, 7, and 8 of this article do not apply.

14-5-614. Notice to issuing tribunal of modification. Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. 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 modified order of the new tribunal having continuing, exclusive jurisdiction.

PART D. REGISTRATION AND MODIFICATION
OF FOREIGN CHILD SUPPORT ORDER

14-5-615. Jurisdiction to modify child support order of foreign country.

(a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-5-711, if a foreign country ~~or political subdivision that is a state will not or may not~~ LACKS OR REFUSES TO EXERCISE JURISDICTION TO 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 BY A TRIBUNAL OF THIS STATE MODIFYING A FOREIGN CHILD SUPPORT ORDER pursuant to this section is the controlling order.

14-5-616. Procedure to register child support order of foreign country for modification. A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE CONVENTION MAY REGISTER THAT ORDER IN THIS STATE UNDER SECTIONS 14-5-601 THROUGH 14-5-608 IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR AT ANOTHER TIME. THE PETITION MUST SPECIFY THE GROUNDS FOR MODIFICATION.

SECTION 32. In Colorado Revised Statutes, **repeal and reenact, with amendments**, part 7 of article 5 of title 14 as follows:

PART 7
SUPPORT PROCEEDING UNDER CONVENTION

14-5-701. Definitions. IN THIS PART 7:

(1) "APPLICATION" MEANS A REQUEST UNDER THE CONVENTION BY AN OBLIGEE OR OBLIGOR, OR ON BEHALF OF A CHILD, MADE THROUGH A CENTRAL AUTHORITY FOR ASSISTANCE FROM ANOTHER CENTRAL AUTHORITY.

(2) "CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY THE UNITED STATES OR A FOREIGN COUNTRY DESCRIBED IN SECTION 14-5-102 (3.3) (D) TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

(3) "CONVENTION SUPPORT ORDER" MEANS A SUPPORT ORDER OF A TRIBUNAL OF A FOREIGN COUNTRY DESCRIBED IN SECTION 14-5-102 (3.3) (D).

(4) "DIRECT REQUEST" MEANS A PETITION FILED BY AN INDIVIDUAL IN A TRIBUNAL OF THIS STATE IN A PROCEEDING INVOLVING AN OBLIGEE, OBLIGOR, OR CHILD

RESIDING OUTSIDE THE UNITED STATES.

(5) "FOREIGN CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY A FOREIGN COUNTRY DESCRIBED IN SECTION 14-5-102 (3.3) (D) TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

(6) "FOREIGN SUPPORT AGREEMENT":

(A) MEANS AN AGREEMENT FOR SUPPORT IN A RECORD THAT:

- (i) IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF ORIGIN;
- (ii) HAS BEEN:

(I) FORMALLY DRAWN UP OR REGISTERED AS AN AUTHENTIC INSTRUMENT BY A FOREIGN TRIBUNAL; OR

(II) AUTHENTICATED BY, OR CONCLUDED, REGISTERED, OR FILED WITH A FOREIGN TRIBUNAL; AND

(iii) MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL; AND

(B) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC INSTRUMENT UNDER THE CONVENTION.

(7) "UNITED STATES CENTRAL AUTHORITY" MEANS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

14-5-702. Applicability. THIS PART 7 APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF THIS PART 7 IS INCONSISTENT WITH PARTS 1 THROUGH 6 OF THIS ARTICLE, THIS PART 7 CONTROLS.

14-5-703. Relationship of state department of human services to United States central authority. THE STATE DEPARTMENT OF HUMAN SERVICES OF THIS STATE IS RECOGNIZED AS THE AGENCY DESIGNATED BY THE UNITED STATES CENTRAL AUTHORITY TO PERFORM SPECIFIC FUNCTIONS UNDER THE CONVENTION.

14-5-704. Initiation by state department of human services of support proceeding under Convention. (a) IN A SUPPORT PROCEEDING UNDER THIS PART 7, THE STATE DEPARTMENT OF HUMAN SERVICES OF THIS STATE SHALL:

(1) TRANSMIT AND RECEIVE APPLICATIONS; AND

(2) INITIATE OR FACILITATE THE INSTITUTION OF A PROCEEDING REGARDING AN APPLICATION IN A TRIBUNAL OF THIS STATE.

(b) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN OBLIGEE UNDER THE CONVENTION:

(1) RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER;

(2) ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN THIS STATE;

(3) ESTABLISHMENT OF A SUPPORT ORDER IF THERE IS NO EXISTING ORDER, INCLUDING, IF NECESSARY, DETERMINATION OF PARENTAGE OF A CHILD;

(4) ESTABLISHMENT OF A SUPPORT ORDER IF RECOGNITION OF A FOREIGN SUPPORT ORDER IS REFUSED UNDER SECTION 14-5-708 (b) (2), (4), OR (9);

(5) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

(6) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

(c) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE CONVENTION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT ORDER:

(1) RECOGNITION OF AN ORDER SUSPENDING OR LIMITING ENFORCEMENT OF AN EXISTING SUPPORT ORDER OF A TRIBUNAL OF THIS STATE;

(2) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

(3) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

(d) A TRIBUNAL OF THIS STATE MAY NOT REQUIRE SECURITY, BOND, OR DEPOSIT, HOWEVER DESCRIBED, TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES IN PROCEEDINGS UNDER THE CONVENTION.

14-5-705. Direct request. (a) A PETITIONER MAY FILE A DIRECT REQUEST SEEKING ESTABLISHMENT OR MODIFICATION OF A SUPPORT ORDER OR DETERMINATION OF PARENTAGE OF A CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE APPLIES.

(b) A PETITIONER MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE PROCEEDING, SECTIONS 14-5-706 THROUGH 14-5-713 APPLY.

(c) IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A CONVENTION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:

(1) A SECURITY, BOND, OR DEPOSIT IS NOT REQUIRED TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES; AND

(2) AN OBLIGEE OR OBLIGOR THAT IN THE ISSUING COUNTRY HAS BENEFITTED FROM FREE LEGAL ASSISTANCE IS ENTITLED TO BENEFIT, AT LEAST TO THE SAME EXTENT, FROM ANY FREE LEGAL ASSISTANCE PROVIDED FOR BY THE LAW OF THIS STATE UNDER THE SAME CIRCUMSTANCES.

(d) A PETITIONER FILING A DIRECT REQUEST IS NOT ENTITLED TO ASSISTANCE

FROM THE STATE CHILD SUPPORT SERVICES AGENCY IN THE STATE DEPARTMENT OF HUMAN SERVICES.

(e) THIS PART 7 DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS STATE THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT.

14-5-706. Registration of Convention support order. (a) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 7, A PARTY WHO IS AN INDIVIDUAL OR THAT IS A SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A CONVENTION SUPPORT ORDER SHALL REGISTER THE ORDER IN THIS STATE AS PROVIDED IN PART 6 OF THIS ARTICLE.

(b) NOTWITHSTANDING SECTIONS 14-5-311 AND 14-5-602 (a), A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MUST BE ACCOMPANIED BY:

(1) A COMPLETE TEXT OF THE SUPPORT ORDER OR AN ABSTRACT OR EXTRACT OF THE SUPPORT ORDER DRAWN UP BY THE ISSUING FOREIGN TRIBUNAL, WHICH MAY BE IN THE FORM RECOMMENDED BY THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW;

(2) A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE IN THE ISSUING COUNTRY;

(3) IF THE RESPONDENT DID NOT APPEAR AND WAS NOT REPRESENTED IN THE PROCEEDINGS IN THE ISSUING COUNTRY, A RECORD ATTESTING, AS APPROPRIATE, EITHER THAT THE RESPONDENT HAD PROPER NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD OR THAT THE RESPONDENT HAD PROPER NOTICE OF THE SUPPORT ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A TRIBUNAL;

(4) A RECORD SHOWING THE AMOUNT OF ARREARS, IF ANY, AND THE DATE THE AMOUNT WAS CALCULATED;

(5) A RECORD SHOWING A REQUIREMENT FOR AUTOMATIC ADJUSTMENT OF THE AMOUNT OF SUPPORT, IF ANY, AND THE INFORMATION NECESSARY TO MAKE THE APPROPRIATE CALCULATIONS; AND

(6) IF NECESSARY, A RECORD SHOWING THE EXTENT TO WHICH THE APPLICANT RECEIVED FREE LEGAL ASSISTANCE IN THE ISSUING COUNTRY.

(c) A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF THE ORDER.

(d) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A CONVENTION SUPPORT ORDER WITHOUT THE FILING OF A CONTEST UNDER SECTION 14-5-707 ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT RECOGNITION AND ENFORCEMENT OF THE ORDER WOULD BE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.

(e) THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE REGISTRATION OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION SUPPORT ORDER.

14-5-707. Contest of registered Convention support order. (a) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 7, SECTIONS 14-5-605 THROUGH 14-5-608 APPLY TO A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER.

(b) A PARTY CONTESTING A REGISTERED CONVENTION SUPPORT ORDER SHALL FILE A CONTEST NOT LATER THAN THIRTY DAYS AFTER NOTICE OF THE REGISTRATION, BUT IF THE CONTESTING PARTY DOES NOT RESIDE IN THE UNITED STATES, THE CONTEST MUST BE FILED NOT LATER THAN SIXTY DAYS AFTER NOTICE OF THE REGISTRATION.

(c) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBSECTION (b), THE ORDER IS ENFORCEABLE.

(d) A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER MAY BE BASED ONLY ON GROUNDS SET FORTH IN SECTION 14-5-708. THE CONTESTING PARTY BEARS THE BURDEN OF PROOF.

(e) IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A TRIBUNAL OF THIS STATE:

(1) IS BOUND BY THE FINDINGS OF FACT ON WHICH THE FOREIGN TRIBUNAL BASED ITS JURISDICTION; AND

(2) MAY NOT REVIEW THE MERITS OF THE ORDER.

(f) A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS DECISION.

(g) A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT OF A CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES.

14-5-708. Recognition and enforcement of registered Convention support order. (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b) OF THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A REGISTERED CONVENTION SUPPORT ORDER.

(b) THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A REGISTERED CONVENTION SUPPORT ORDER:

(1) RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING TRIBUNAL TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE NOTICE AND AN OPPORTUNITY TO BE HEARD;

(2) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION CONSISTENT WITH

SECTION 14-5-201;

(3) THE ORDER IS NOT ENFORCEABLE IN THE ISSUING COUNTRY;

(4) THE ORDER WAS OBTAINED BY FRAUD IN CONNECTION WITH A MATTER OF PROCEDURE;

(5) A RECORD TRANSMITTED IN ACCORDANCE WITH SECTION 14-5-706 LACKS AUTHENTICITY OR INTEGRITY;

(6) A PROCEEDING BETWEEN THE SAME PARTIES AND HAVING THE SAME PURPOSE IS PENDING BEFORE A TRIBUNAL OF THIS STATE AND THAT PROCEEDING WAS THE FIRST TO BE FILED;

(7) THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE MORE RECENT SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS ARTICLE IN THIS STATE;

(8) PAYMENT, TO THE EXTENT ALLEGED ARREARS HAVE BEEN PAID IN WHOLE OR IN PART;

(9) IN A CASE IN WHICH THE RESPONDENT NEITHER APPEARED NOR WAS REPRESENTED IN THE PROCEEDING IN THE ISSUING FOREIGN COUNTRY:

(A) IF THE LAW OF THAT COUNTRY PROVIDES FOR PRIOR NOTICE OF PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD; OR

(B) IF THE LAW OF THAT COUNTRY DOES NOT PROVIDE FOR PRIOR NOTICE OF THE PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A TRIBUNAL; OR

(10) THE ORDER WAS MADE IN VIOLATION OF SECTION 14-5-711.

(c) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE A CONVENTION SUPPORT ORDER UNDER SUBSECTION (b) (2), (4), OR (9) OF THIS SECTION:

(1) THE TRIBUNAL MAY NOT DISMISS THE PROCEEDING WITHOUT ALLOWING A REASONABLE TIME FOR A PARTY TO REQUEST THE ESTABLISHMENT OF A NEW CONVENTION SUPPORT ORDER; AND

(2) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL TAKE ALL APPROPRIATE MEASURES TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION FOR RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER SECTION 14-5-704.

14-5-709. Partial enforcement. IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE AND ENFORCE A CONVENTION SUPPORT ORDER IN ITS ENTIRETY, IT SHALL ENFORCE ANY SEVERABLE PART OF THE ORDER. AN APPLICATION OR DIRECT

REQUEST MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF A CONVENTION SUPPORT ORDER.

14-5-710. Foreign support agreement. (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (c) AND (d) OF THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN SUPPORT AGREEMENT REGISTERED IN THIS STATE.

(b) AN APPLICATION OR DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE ACCOMPANIED BY:

(1) A COMPLETE TEXT OF THE FOREIGN SUPPORT AGREEMENT; AND

(2) A RECORD STATING THAT THE FOREIGN SUPPORT AGREEMENT IS ENFORCEABLE AS AN ORDER OF SUPPORT IN THE ISSUING COUNTRY.

(c) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A FOREIGN SUPPORT AGREEMENT ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT RECOGNITION AND ENFORCEMENT WOULD BE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.

(d) IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF IT FINDS:

(1) RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY;

(2) THE AGREEMENT WAS OBTAINED BY FRAUD OR FALSIFICATION;

(3) THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS ARTICLE IN THIS STATE; OR

(4) THE RECORD SUBMITTED UNDER SUBSECTION (b) OF THIS SECTION LACKS AUTHENTICITY OR INTEGRITY.

(e) A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE SUSPENDED DURING THE PENDENCY OF A CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

14-5-711. Modification of Convention child support order. (a) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY WHERE THE SUPPORT ORDER WAS ISSUED UNLESS:

(1) THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE OPPORTUNITY; OR

(2) THE FOREIGN TRIBUNAL LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS SUPPORT ORDER OR ISSUE A NEW SUPPORT ORDER.

(b) IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, SECTION 14-5-708 (c) APPLIES.

14-5-712. Personal information - limit on use. PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS PART 7 MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR TRANSMITTED.

14-5-713. Record in original language - English. A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS PART 7 MUST BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION.

SECTION 33. In Colorado Revised Statutes, **recreate and reenact, with amendments**, 14-5-902 as follows:

14-5-902. Transitional provision. THIS ARTICLE, AS AMENDED BY HOUSE BILL 15-1198, ENACTED IN 2015, APPLIES TO PROCEEDINGS BEGUN ON OR AFTER JULY 1, 2015, TO ESTABLISH A SUPPORT ORDER OR DETERMINE PARENTAGE OF A CHILD OR TO REGISTER, RECOGNIZE, ENFORCE, OR MODIFY A PRIOR SUPPORT ORDER, DETERMINATION, OR AGREEMENT, WHENEVER ISSUED OR ENTERED.

SECTION 34. In Colorado Revised Statutes, 2-5-102, **add** (13) as follows:

2-5-102. Inclusions - nonstatutory. (13) THE REVISOR OF STATUTES SHALL INCLUDE IN THE PUBLICATION OF THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT" AS NONSTATUTORY MATTER, FOLLOWING EACH AMENDED OR ADDED SECTION, THE FULL TEXT OF THE OFFICIAL COMMENTS TO THAT SECTION CONTAINED IN THE 2008 OFFICIAL TEXT OF THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT" ISSUED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, WITH ANY CHANGES IN THE OFFICIAL COMMENTS TO CORRESPOND TO COLORADO CHANGES IN THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT". THE COMMENTS SHALL BE PREPARED BY THE REVISOR OF STATUTES AND APPROVED FOR PUBLICATION BY THE COMMITTEE ON LEGAL SERVICES.

SECTION 35. In Colorado Revised Statutes, 19-4-130, **amend** (2) as follows:

19-4-130. Temporary orders. (2) Subsection (1) of this section shall not apply to any paternity determination made pursuant to section ~~14-5-701~~, 14-5-402, C.R.S.

SECTION 36. Effective date. This act takes effect July 1, 2015.

SECTION 37. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 11, 2015