

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 20-0993.01 Brita Darling x2241

**HOUSE BILL 20-1350**

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**HOUSE SPONSORSHIP**

**Froelich,**

**SENATE SPONSORSHIP**

**Crowder,**

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**House Committees**

Public Health Care & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING IMPLEMENTING RECOMMENDATIONS OF THE COLORADO**  
102 **CHILD SUPPORT COMMISSION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill enacts recommendations of the Colorado child support commission concerning the establishment, calculation, and enforcement of child support, including:

- ! Technical amendments to clarify changes made to the child support guidelines pursuant to House Bill 19-1215 relating

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

to a missing component of the schedule of basic child support obligations and clarifications relating to calculation of support;

- ! Defines the terms "child" and "parent" for purposes of commencing actions concerning the allocation of parental responsibilities and clarifies that the court shall determine legal parentage and join all necessary parties to the action;
- ! Reduces the interest rate and adds a new statute of limitations to seek interest on unpaid child support;
- ! Eliminates outdated provisions of the income assignment statute and brings the statute in compliance with federal law;
- ! Clarifies notice requirements for income assignments and requires an employer to report and withhold from lump sum payments;
- ! Clarifies that both the dependency and neglect court and the paternity and child support court have concurrent jurisdiction to address issues or parentage;
- ! Removes a limitation on the amount of the increase for orders increasing support filed by the child support enforcement agency against an obligor for whom income information is not available;
- ! Requires life insurance settlements to be reported to the child support enforcement agency; and
- ! Adds contract employee to the state directory of new hires for child support enforcement purposes.

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

2           **SECTION 1.** In Colorado Revised Statutes, 14-10-115, **amend**  
3 **as they will become effective July 1, 2020,** (6)(b) and (7)(a)(II)(C); and  
4 **add** a \$1500 line to the combined adjusted gross income of (7)(b) **as it**  
5 **will become effective July 1, 2020,** as follows:

6           **14-10-115. Child support guidelines - purpose - determination**  
7 **of income - schedule of basic child support obligations - adjustments**  
8 **to basic child support - additional guidelines - child support**  
9 **commission - definitions.** (6) **Adjustments to gross income.** (b) The  
10 amount of the adjustment must not exceed the schedule of basic support

1 obligations listed in this section. FOR A PARENT WITH GROSS INCOME OF  
2 LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS, THE ADJUSTMENT IS  
3 SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF  
4 BASIC CHILD SUPPORT OBLIGATIONS IN SUBSECTION (7)(b) OF THIS SECTION  
5 THAT WOULD REPRESENT A SUPPORT OBLIGATION BASED ONLY UPON THE  
6 RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR  
7 THE NUMBER OF CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. For  
8 a parent with gross income of ~~more than~~ one thousand five hundred  
9 dollars OR MORE per month, the adjustment is seventy-five percent of the  
10 amount listed under the schedule of basic CHILD support obligations in  
11 subsection (7)(b) of this section that would represent a support obligation  
12 based only upon the responsible parent's income, without any other  
13 adjustments for the number of other children for whom the parent is  
14 responsible. The amount calculated as set forth in this subsection (6)(b)  
15 must be subtracted from the amount of the parent's gross income prior to  
16 calculating the basic support obligation based upon both parents' gross  
17 income, as provided in subsection (7) of this section.

18       **(7) Schedule of basic child support obligations.** (a) (II) (C) For  
19 an obligor with an adjusted gross income that is less than OR EQUAL TO  
20 one thousand five hundred dollars but more than OR EQUAL TO six  
21 hundred fifty dollars, the obligor's child support amount, as determined  
22 pursuant to subsection (7)(a)(II)(B) of this section, MUST BE ADJUSTED  
23 PURSUANT TO SUBSECTION (11)(c)(III) OF THIS SECTION. THE OBLIGOR'S  
24 CHILD SUPPORT AMOUNT may be FURTHER adjusted to include a share of  
25 the work-related and education-related child care costs, health insurance,  
26 extraordinary medical expenses, and other extraordinary adjustments as  
27 described in subsections (9) to (11) of this section, if, after these

1 adjustments are made, the obligor's child support amount does not exceed  
 2 twenty percent of the obligor's adjusted gross income. Adjustments must  
 3 not be made to the obligor's child support amount pursuant to this  
 4 subsection (7)(a)(II)(C) if, within the same child support order, the  
 5 number of children for whom a duty of support is owed results in a child  
 6 support obligation that exceeds twenty percent of the obligor's adjusted  
 7 gross income. The low-income adjustment ~~shall~~ DOES not apply when  
 8 each parent keeps the children more than ninety-two overnights each year  
 9 as defined in subsection (8) of this section. In no case, however, shall the  
 10 amount of child support ordered to be paid exceed the amount of child  
 11 support that would otherwise be ordered to be paid if the parents did not  
 12 share physical custody.

13 (7) **Schedule of basic child support obligations.** (b) Schedule  
 14 of basic child support obligations:

15	<b>Combined</b>	<b>One</b>	<b>Two</b>	<b>Three</b>	<b>Four</b>	<b>Five</b>	<b>Six</b>
16	<b>Adjusted</b>	<b>Child</b>	<b>Children</b>	<b>Children</b>	<b>Children</b>	<b>Children</b>	<b>Children</b>
17	<b>Gross</b>						
18	<b>Income</b>						
19	<i>1500</i>	<i>50</i>	<i>70</i>	<i>90</i>	<i>110</i>	<i>130</i>	<i>150</i>

20 **SECTION 2.** In Colorado Revised Statutes, 14-10-123, **add** (1.3)  
 21 and (1.8) as follows:

22 **14-10-123. Commencement of proceedings concerning**  
 23 **allocation of parental responsibilities - jurisdiction - automatic**  
 24 **temporary injunction - enforcement - definition.** (1.3) AS USED IN THIS  
 25 SECTION, EXCLUDING SUBSECTION (1.5) OF THIS SECTION:

26 (a) "CHILD" HAS THE SAME MEANING AS SET FORTH IN SECTION  
 27 19-1-103 (18).

1 (b) "PARENT" HAS THE SAME MEANING AS SET FORTH IN SECTION  
2 19-1-103 (82)(a).

3 (1.8) THE COURT SHALL MAKE ALL NECESSARY PERSONS PARTIES  
4 TO THE PROCEEDING PURSUANT TO THE REQUIREMENTS OF SECTION  
5 19-4-110 AND SHALL MAKE A DETERMINATION PURSUANT TO SECTION  
6 19-4-105 AS TO LEGAL PARENTAGE.

7 **SECTION 3.** In Colorado Revised Statutes, **amend** 14-14-106 as  
8 follows:

9 **14-14-106. Interest.** (1) (a) Interest per annum at four percent  
10 greater than the statutory rate set forth in section 5-12-101 ~~C.R.S.~~, on any  
11 arrearages and child support debt due and owing BEFORE JULY 1, 2020,  
12 may be compounded monthly and may be collected by the judgment  
13 creditor; however, such interest may be waived by the judgment creditor,  
14 and such creditor ~~shall~~ IS NOT ~~be~~ required to maintain interest balance due  
15 accounts. AFTER JULY 1, 2020, INTEREST ON CHILD SUPPORT ARREARAGES  
16 AND CHILD SUPPORT DEBT ACCRUES AT THE INTEREST RATE SPECIFIED IN  
17 SUBSECTION (1)(b) OF THIS SECTION.

18 (b) INTEREST PER ANNUM AT TWO PERCENT GREATER THAN THE  
19 STATUTORY RATE SET FORTH IN SECTION 5-12-101 ON ANY ARREARAGES  
20 AND CHILD SUPPORT DEBT DUE AND OWING ON AND AFTER JULY 1, 2020,  
21 MAY BE COMPOUNDED MONTHLY AND MAY BE COLLECTED BY THE  
22 JUDGMENT CREDITOR; HOWEVER, SUCH INTEREST MAY BE WAIVED BY THE  
23 JUDGMENT CREDITOR, AND SUCH CREDITOR IS NOT REQUIRED TO MAINTAIN  
24 INTEREST BALANCE DUE ACCOUNTS.

25 (2) A PARTY REQUESTING INTEREST ON A CHILD SUPPORT  
26 JUDGMENT MUST FILE A REQUEST FOR INTEREST NO LATER THAN  
27 SIXTY-THREE DAYS AFTER THE EMANCIPATION OF THE CHILD WHO IS THE

1 SUBJECT OF THE CHILD SUPPORT ORDER. IF MORE THAN ONE CHILD IS THE  
2 SUBJECT OF THE CHILD SUPPORT ORDER, A PARTY HAS UNTIL SIXTY-THREE  
3 DAYS AFTER THE EMANCIPATION OF THE LAST CHILD WHO IS THE SUBJECT  
4 OF THE CHILD SUPPORT ORDER TO MAKE THE REQUEST. THE COURT MAY  
5 EXTEND THE SIXTY-THREE-DAY FILING DEADLINE IF THE COURT FINDS  
6 GOOD CAUSE TO EXTEND THE PERIOD OF TIME IN WHICH A PARTY MAY FILE  
7 A REQUEST FOR INTEREST ON A CHILD SUPPORT JUDGMENT.

8 **SECTION 4.** In Colorado Revised Statutes, 14-14-111.5, **amend**  
9 (2), (3) introductory portion, (3)(a)(I), (3)(a)(II) introductory portion,  
10 (3)(a)(II)(B), (3)(b)(IV), (3)(b)(VII)(A), (3)(b)(VII)(C), and (4); **repeal**  
11 (3)(b)(I), (3)(b)(II), (3)(b)(III), and (3)(b)(V); and **add** (4.7) as follows:

12 **14-14-111.5. Income assignments for child support or**  
13 **maintenance.** (2) **Notice requirements for income assignments.** Notice  
14 of income assignments shall be given in accordance with the following  
15 provisions based upon the date on which the order sought to be enforced  
16 was entered:

17 (a) **Orders entered before July 10, 1987.** (1) For orders entered  
18 before July 10, 1987, that do not include an order for income assignment  
19 as described in paragraph (a) of subsection (3) of this section or an order  
20 for immediate deductions for family support obligations as described in  
21 former section 14-14-111, as it existed prior to July 1, 1996, a notice of  
22 pending income assignment shall be sent by certified mail to the  
23 last-known address of the obligor, or such notice shall be personally  
24 served upon the obligor prior to the activation of an income assignment;  
25 except that such notice shall not be required if the obligor was given such  
26 notice prior to July 10, 1987, and such notice was in substantial  
27 compliance with the requirements of this section. The notice shall be

1 given by the obligee, the obligee's representative, or the delegate child  
2 support enforcement unit.

3 (H) The notice of pending income assignment shall include the  
4 following information:

5 (A) That an income assignment may be activated immediately or  
6 at any other time at the request of the obligor, by agreement of the parties,  
7 or at the request of an obligee who is receiving support enforcement  
8 services from a delegate child support enforcement unit pursuant to  
9 section 26-13-106, C.R.S., in accordance with state procedures. Such  
10 state procedures require that the obligee request an income assignment in  
11 writing and that, after the delegate child support enforcement unit  
12 receives the request, it shall review the case to determine if it meets the  
13 criteria for requiring income assignment, which criteria are that the  
14 obligor is not meeting the terms of a written agreement for an alternative  
15 arrangement, or that the reason for the original good cause determination  
16 no longer exists, or that the obligor is currently paying child support but  
17 has threatened to stop and the obligee documents and substantiates that  
18 there has been a change in the obligor's circumstances that will lead the  
19 obligor to stop paying child support. If none of the circumstances set forth  
20 in this sub-subparagraph (A) exists, then the income assignment shall  
21 remain pending unless the obligor fails to comply with the support order  
22 by not making a full payment on its due date.

23 (B) That the activation of an income assignment is the notification  
24 to the obligor's employer or employers, trustee, or other payor of funds to  
25 withhold income for payment of the support obligation and arrears, if any;

26 (C) That, if any arrears accrue or already have accrued, an  
27 additional payment on the arrears shall be added to the income

1 assignment pursuant to subparagraph (V) of paragraph (b) of subsection  
2 (3) of this section;

3 ~~(D) That the obligor has a right to object to the activation of the~~  
4 ~~income assignment raising the defenses that are available pursuant to~~  
5 ~~sub-subparagraph (B) of subparagraph (VII) of paragraph (b) of~~  
6 ~~subsection (3) of this section;~~

7 ~~(E) That the obligor shall notify the family support registry, if~~  
8 ~~payments are required to be made through the registry, in writing, of any~~  
9 ~~change of address or employment within ten days after the change.~~

10 ~~(b) **Orders entered on or after July 10, 1987, and before**~~  
11 ~~**January 1, 1990.** For orders entered on or after July 10, 1987, and before~~  
12 ~~January 1, 1990, no notice of pending income assignment as described in~~  
13 ~~paragraph (a) of this subsection (2) shall be required.~~

14 ~~(c) **Orders entered in Title IV-D cases on or after January 1,**~~  
15 ~~**1990, and before January 1, 1994.** For orders entered on or after~~  
16 ~~January 1, 1990, and before January 1, 1994, in cases in which the~~  
17 ~~custodian of the child is receiving support enforcement services from a~~  
18 ~~delegate child support enforcement unit pursuant to section 26-13-106,~~  
19 ~~C.R.S., no notice of pending income assignment as described in~~  
20 ~~paragraph (a) of this subsection (2) shall be required.~~

21 ~~(d) **Orders entered in non-Title IV-D cases on or after July 10,**~~  
22 ~~**1987, and before January 1, 1994.** For orders entered on or after July~~  
23 ~~10, 1987, and before January 1, 1994, in cases in which the custodian of~~  
24 ~~the child is not receiving support enforcement services from a delegate~~  
25 ~~child support enforcement unit pursuant to section 26-13-106, C.R.S., no~~  
26 ~~notice of pending income assignment as described in paragraph (a) of this~~  
27 ~~subsection (2) shall be required.~~

1           ~~(e) Orders entered on or after January 1, 1994, and before~~  
2           ~~July 1, 1996.~~ For orders entered on or after January 1, 1994, and before  
3           July 1, 1996, no notice of pending income assignment as described in  
4           paragraph (a) of this subsection ~~(2)~~ shall be required.

5           ~~(f) Orders entered on or after July 1, 1996.~~ (f) (a) Whenever  
6           an obligation for child support, maintenance, child support when  
7           combined with maintenance, retroactive support, medical support, child  
8           support arrears, or child support debt is initially determined, whether  
9           temporary or permanent or whether modified, the amount of child  
10          support, maintenance, child support when combined with maintenance,  
11          retroactive support, medical support, child support arrears, or child  
12          support debt shall be ordered by the court or delegate child support  
13          enforcement unit to be activated immediately as an income assignment  
14          subject to section 13-54-104 (3), ~~C.R.S.~~, from the income, as defined in  
15          section 14-10-115 (3), that is due or is to become due in the future from  
16          the obligor's employer, employers, or successor employers or other payor  
17          of funds, regardless of the source, of the person obligated to pay the child  
18          support, maintenance, child support when combined with maintenance,  
19          retroactive support, medical support, child support arrears, or child  
20          support debt.

21          ~~(H)~~ (b) Any order for support ~~shall~~ MUST include the following,  
22          if available:

23          ~~(A)~~ (I) The name, date of birth, and sex of each child for whom  
24          the support is ordered;

25          ~~(B)~~ (II) The obligee's name, ~~social security number~~, residential  
26          and mailing addresses, and date of birth;

27          ~~(C)~~ (III) The total amount of current support to be paid monthly

1 in each category of support;

2 ~~(D)~~ (IV) The date of commencement of the order and the date or  
3 dates of the month that the payments are due;

4 ~~(E)~~ (V) The total amount of arrears that is due, if any, in each  
5 category of support as of the date of the order; and

6 ~~(F)~~ (VI) The obligor's name, ~~social security number~~, residential  
7 and mailing addresses, and date of birth.

8 ~~(G) (Deleted by amendment, L. 99, p. 1085, § 3, effective July 1,~~  
9 ~~1999.)~~

10 (3) **Activation of income assignment.** Income assignments shall  
11 MUST be activated in accordance with the following provisions:

12 (a) **Immediate activation of income assignments.** (I) (A) Upon  
13 entry of an order for child support, maintenance, child support when  
14 combined with maintenance, retroactive support, medical support, child  
15 support arrears, or child support debt, ~~during the time periods described~~  
16 ~~in paragraph (c), (e), or (f) of subsection (2) of this section~~, the obligee,  
17 the obligee's representative, or the delegate child support enforcement  
18 unit shall cause a notice of income assignment to be served immediately  
19 as described in subsection (4) of this section.

20 (B) UNLESS AN INCOME ASSIGNMENT IS REQUIRED TO BE  
21 IMMEDIATELY ACTIVATED PURSUANT TO SUBSECTION (3)(a)(I)(A) OF THIS  
22 SECTION, OR THE INCOME ASSIGNMENT MUST NOT BE IMMEDIATELY  
23 ACTIVATED PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, AN  
24 INCOME ASSIGNMENT MAY BE IMMEDIATELY ACTIVATED BY THE OBLIGEE,  
25 THE OBLIGEE'S REPRESENTATIVE, OR THE DELEGATE CHILD SUPPORT  
26 ENFORCEMENT UNIT BY CAUSING A NOTICE TO WITHHOLD INCOME FOR  
27 SUPPORT TO BE SERVED UPON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR

1 OF FUNDS PURSUANT TO SUBSECTION (4) OF THIS SECTION.

2 (II) **Exceptions to immediate activation of income assignments.**

3 Income ~~shall~~ IS not ~~be~~ subject to immediate activation of an income  
4 assignment under this ~~paragraph (a)~~ SUBSECTION (3)(a) in any case in  
5 which:

6 (B) A written agreement is reached between both parties that  
7 provides for an alternative arrangement AND SUCH AGREEMENT IS  
8 REVIEWED AND APPROVED IN THE RECORD BY THE COURT. For purposes of  
9 this ~~sub-subparagraph (B)~~ SUBSECTION (3)(a)(II)(B), the delegate child  
10 support enforcement unit ~~shall be~~ IS considered a party in all cases in  
11 which the custodian of a child is receiving support enforcement services  
12 from a delegate child support enforcement unit pursuant to section  
13 26-13-106 (1), ~~C.R.S.~~, and as such ~~is required to~~ MUST consent to the  
14 alternative written agreement. In all cases in which the custodian of a  
15 child is receiving support enforcement services from a delegate child  
16 support enforcement unit pursuant to section 26-13-106 (2), ~~C.R.S.~~, the  
17 obligee or the obligee's representative shall provide the delegate child  
18 support enforcement unit with notice of any agreement reached between  
19 the parties pursuant to this ~~sub-subparagraph (B)~~ SUBSECTION  
20 (3)(a)(II)(B).

21 (b) (I) **Activation of an income assignment following notice.** ~~An~~  
22 ~~income assignment based on an order entered during the time periods~~  
23 ~~described in paragraph (a), (b), or (d) of subsection (2) of this section~~  
24 ~~shall not be activated unless:~~

25 (A) ~~The obligor requests that the income assignment be activated;~~

26 ~~or~~

27 (B) ~~The parties agree at the time of the entry or modification of a~~

1 support order, or at any other time, that the income assignment is to be  
2 activated; or

3 ~~(C) The obligee files an advance notice of activation with any~~  
4 ~~court having jurisdiction to enforce the support order because a payment~~  
5 ~~was due under a support order and the obligor has failed to make a~~  
6 ~~payment in full as ordered.~~

7 (II) **Notice of activation.** When an income assignment is activated  
8 pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph  
9 (b), a copy of the advance notice of activation and a form for the obligor  
10 to object to the activation listing the available defenses shall be mailed by  
11 the obligee or the obligee's representative to the obligor's last-known  
12 address. The notice of activation shall contain the following information:

13 (A) ~~The court that issued the support order;~~

14 (B) ~~The case number;~~

15 (C) ~~The date of the support order;~~

16 (D) ~~The facts establishing that a full support payment was not~~  
17 ~~made on or before it became due;~~

18 (E) ~~The amount of overdue support owed;~~

19 (F) ~~The amount of income to be withheld for current support and~~  
20 ~~the amount to be withheld for arrears per month;~~

21 (G) ~~A statement that, if section 13-54-104(3), C.R.S., applies, the~~  
22 ~~employer may not withhold more than the limitations set by said section;~~

23 (H) ~~The name and address of the obligor's most recently known~~  
24 ~~employer and a statement that the obligor is required to inform the court~~  
25 ~~or the family support registry, if payments are to be made through the~~  
26 ~~registry, of any new employment;~~

27 (I) ~~A statement of the obligor's right to object to the activation of~~

1 the income assignment within fourteen days after the date the advance  
2 notice of activation is sent to the obligor and the procedures available for  
3 such objection;

4 (J) ~~The available defenses to the activation;~~

5 (K) ~~A statement that failure to object to the activation of an  
6 income assignment within fourteen days after the date the advance notice  
7 of activation was sent to the obligor will result in the activation of the  
8 income assignment pursuant to subsection (4) of this section;~~

9 (L) ~~A statement of the procedures the court will follow when an  
10 objection is filed by the obligor;~~

11 (M) ~~A statement that, if the court denies the objection of the  
12 obligor, the income assignment shall be activated pursuant to subsection  
13 (4) of this section;~~

14 (N) ~~A statement that the income assignment is a continuing  
15 assignment; and~~

16 (O) ~~A statement that, if arrears have accrued, an additional  
17 monthly payment shall be set pursuant to subparagraph (V) of this  
18 paragraph (b) and that this payment may be modified if additional arrears  
19 accrue.~~

20 (III) **Affidavit requirements.** ~~The party activating an income  
21 assignment based on an order entered during the time periods described  
22 in paragraph (a), (b), or (d) of subsection (2) of this section shall prepare  
23 an affidavit of arrears, which shall state the type and amount of support  
24 ordered per month and the date upon which the payment was due and, if  
25 the payments were to be made into the court registry or the family support  
26 registry, state that the full payment was not received by the registry on or  
27 before the due date or, if the payments were to be made to the obligee~~

1 directly, ~~state that the obligee did not receive the full payment on or~~  
2 ~~before the due date, the date and amount of any modifications of the~~  
3 ~~order, the period or periods of time the arrears accrued, the total amount~~  
4 ~~of support that should have been paid, the total amount actually paid, and~~  
5 ~~the total arrears, plus interest, due. If the income assignment is being~~  
6 ~~activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of~~  
7 ~~this paragraph (b), the affidavit shall be filed with the court at the time of~~  
8 ~~activation. If payments were ordered to be made through the family~~  
9 ~~support registry, a copy of the payment record maintained by the family~~  
10 ~~support registry shall be sufficient proof of payments made, and no~~  
11 ~~affidavit shall be required. If the income assignment is being activated~~  
12 ~~pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph~~  
13 ~~(b), the affidavit shall be filed with the advance notice of activation.~~

14 (IV) **Agreement to activate.** When an income assignment is  
15 activated pursuant to sub-subparagraph (A) or (B) of subparagraph (I) of  
16 ~~this paragraph (b)~~ and arrears are owed, as verified by the affidavit of  
17 arrears, the parties may agree to an amount of payment on the arrears, or  
18 the court OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT may  
19 determine an appropriate amount for payment.

20 (V) **Arrears.** ~~When an income assignment is activated pursuant~~  
21 ~~to sub-subparagraph (C) of subparagraph (I) of this paragraph (b) and~~  
22 ~~arrears are owed, as verified by the affidavit of arrears, the income~~  
23 ~~assignment shall include a payment on the arrears in the amount of~~  
24 ~~one-twenty-fourth of the total amount due up to the date of the activation~~  
25 ~~of the income assignment. The payment on the arrears shall remain the~~  
26 ~~same until the arrears, plus interest, are paid unless the parties~~  
27 ~~subsequently agree to a larger or smaller arrears payment amount or~~

1 further arrears accrue. The total arrears due, plus interest, may be updated  
2 periodically, and the amount of payment may be revised periodically, as  
3 appropriate.

4 (VII) **Objections to income assignment.** (A) The obligor may  
5 file with the court a written objection to the activation of an income  
6 assignment pursuant to ~~sub-subparagraph (C)~~ of subparagraph (I) of this  
7 paragraph (b) within fourteen days after the advance notice of activation  
8 is sent to the obligor pursuant to subparagraph (H) of this paragraph (b)  
9 unless the obligor alleges that the notice was not received, in which case  
10 an objection may be filed no later than fourteen days after actual notice.  
11 The obligor shall mail a copy of the written objection to the obligee or the  
12 obligee's representative.

13 (C) If an objection is filed by the obligor, a hearing shall MUST be  
14 set and held by the court within forty-two days after the date the advance  
15 notice of activation was sent to the obligor pursuant to subparagraph (H)  
16 of this paragraph (b) INCOME ASSIGNMENT WAS ISSUED. The court shall  
17 deny the objection without hearing if a defense in ~~sub-subparagraph (B)~~  
18 of this subparagraph (VII) SUBSECTION (3)(a)(VII)(B) OF THIS SECTION is  
19 not alleged.

20 (4) **Notice to withhold income for support.** (a) Fourteen days  
21 after the date the advance notice of activation is mailed to the obligor for  
22 income assignments on orders entered during the time periods described  
23 in paragraphs (a), (b), and (d) of subsection (2) of this section or  
24 immediately for income assignments on orders entered during the time  
25 periods described in paragraphs (c), (e), and (f) of subsection (2) of this  
26 section, An income assignment may be activated by the obligee, the  
27 obligee's representative, or the delegate child support enforcement unit by

1 ~~causing~~ EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, a  
2 notice to withhold income for support ~~to~~ MUST be served upon the  
3 employer, trustee, or other payor of funds, by first-class mail or by  
4 electronic service, if such employer, trustee, or other payor of funds  
5 mutually agrees with the state child support enforcement agency to  
6 receive such income assignments electronically. Receipt of notice by the  
7 employer, trustee, or other payor of funds confers jurisdiction of the court  
8 over the employer, trustee, or other payor of funds. ~~Income assignments~~  
9 ~~activated for orders entered during the time periods described in~~  
10 ~~paragraphs (c), (e), and (f) of subsection (2) of this section shall be paid~~  
11 ~~through the family support registry pursuant to section 26-13-114, C.R.S.~~  
12 ~~In circumstances in which the source of income to the obligor~~

13 (b) A NOTICE TO WITHHOLD INCOME FOR SUPPORT IS NOT  
14 REQUIRED IF THE OBLIGOR'S SOURCE OF INCOME is unemployment  
15 compensation benefits and the custodian of the child is receiving support  
16 enforcement services pursuant to section 26-13-106, C.R.S., ~~no notice to~~  
17 ~~withhold income for support shall be required.~~ In such cases, the state  
18 child support enforcement agency shall electronically intercept the  
19 unemployment compensation benefits through an automated interface  
20 with the department of labor and employment.

21 (c) ~~In all other cases, the~~ A notice to withhold income for support  
22 ~~shall~~ MUST BE PROVIDED ON A FEDERAL OFFICE OF MANAGEMENT AND  
23 BUDGET-APPROVED INCOME WITHHOLDING FOR SUPPORT FORM AND MUST  
24 contain the following information and, except in cases in which the  
25 obligee is receiving child support enforcement services pursuant to  
26 section 26-13-106, C.R.S., ~~shall have~~ MUST INCLUDE a certified copy of  
27 the support order attached thereto:

1           (a) (I) The name and social security number of the obligor;

2           (b) (II) A statement that withholding must begin no later than the  
3 first pay period that begins at least fourteen working days after the date  
4 on the notice to withhold income for support;

5           (c) (III) Instructions concerning withholding the deductions,  
6 including:

7           (H) (A) The amount to be withheld for current support and current  
8 maintenance when included in the child support order, the amount to be  
9 withheld for past due support, the amount to be withheld for past due  
10 maintenance when included in the child support order, the amount to be  
11 withheld for child support debt, the amount to be withheld for medical  
12 support, the amount to be withheld for current maintenance, the amount  
13 to be withheld for past due maintenance per month, and the amount to be  
14 withheld for processing fees, if any. In the event that the pay periods of  
15 the employer are more frequent, the employer shall withhold per pay  
16 period an appropriate percentage of the monthly amount due so that the  
17 total withheld during the month will total the monthly amount due.

18           (H) (B) A statement that the employer, trustee, or other payor of  
19 funds may deduct a fee to defray the cost of withholding and that such  
20 employer, trustee, or other payor of funds shall refer to the laws  
21 governing the work state of the employee for the allowable amount of  
22 such fee; AND

23           (H) (C) That, if section 13-54-104 (3) ~~C.R.S.~~, applies, the  
24 employer, trustee, or other payor of funds ~~may~~ SHALL not withhold more  
25 than the limitations set by said section;

26           (d) (IV) Instructions about disbursing the withheld amounts,  
27 including the requirements that each disbursement:

1           ~~(H)~~ (A) Shall be forwarded within seven working days after the  
2 date of each deduction and withholding would have been paid or credited  
3 to the employee;

4           ~~(H)~~ (B) Shall be forwarded to the address indicated on the notice;

5           ~~(H)~~ (C) Shall be identified by the ~~case number~~ REMITTANCE  
6 IDENTIFIER, the name and social security number of each obligor, the date  
7 the deduction was made, the amount of the payment, and the family  
8 support registry account number for cases ordered to be paid through the  
9 family support registry; and

10           ~~(IV)~~ (D) May be combined with other disbursements in a single  
11 payment to the family support registry, if required to be sent to the  
12 registry, if the individual amount of each disbursement is identified as  
13 required by ~~subparagraph (H) of this paragraph (d)~~ SUBSECTION  
14 (4)(c)(IV)(C) OF THIS SECTION;

15           ~~(e)~~ (V) A statement specifying whether or not the obligor is  
16 required to provide health insurance for the children who are the subject  
17 of the order;

18           ~~(f) and (g) (Deleted by amendment, L. 2000, p. 1704, § 2,  
19 effective July 1, 2000.)~~

20           ~~(h)~~ (VI) A statement that, if the employer, trustee, or other payor  
21 of funds fails to withhold income as the notice to withhold income for  
22 support directs, the employer, trustee, or other payor of funds ~~shall be~~ IS  
23 liable for both the accumulated amount that should have been withheld  
24 from the obligor's income and any other penalties set by state law;

25           ~~(i)~~ (VII) A statement that the employer, trustee, or other payor of  
26 funds ~~shall be~~ IS subject to a fine determined under state law for  
27 discharging an obligor from employment, refusing to employ, or taking

1 disciplinary action against an obligor because of a notice to withhold  
2 income for support;

3 (j) (VIII) A statement that the employer shall notify the family  
4 support registry, in writing, if payments are required to be made through  
5 the registry promptly after the obligor terminates employment and shall  
6 provide the family support registry, in writing, with the obligor's name;  
7 date of separation; case identifier, which shall be IS the family support  
8 registry account number; last-known home address; and the name and  
9 address of the obligor's new employer, if known;

10 (j.5) (IX) A statement that withholding under the notice to  
11 withhold income for support has priority over any other legal process  
12 under state law against the same income, that federal tax levies in effect  
13 before receipt of this notice to withhold income for support have priority,  
14 and that the requesting agency should be contacted if there are federal tax  
15 levies in effect;

16 (k) (X) A statement that as long as the obligor is employed by the  
17 employer, the income assignment shall not be terminated or modified,  
18 except upon written notice by the obligee, the obligee's representative, the  
19 delegate child support enforcement unit, or the court;

20 (k.5) (XI) A statement that the employer, trustee, or other payor  
21 of funds may be IS required to report and withhold amounts from lump  
22 sum payments such as bonuses, commissions, or severance pay;

23 (l) (Deleted by amendment, L. 2000, p. 1704, § 2, effective July  
24 1, 2000.)

25 (l.5) (XII) A statement that Colorado employers, trustees, or other  
26 payors of funds must comply with this section;

27 (m) (XIII) A statement that, if the designated field on the notice

1 to withhold income for support is checked, the employer, trustee, or other  
2 payor of funds is required to provide a copy of the notice to withhold  
3 income for support to the obligor; AND

4 ~~(n)~~ (XIV) A statement that a fraudulent submission of a notice to  
5 withhold income for support ~~shall subject~~ SUBJECTS the person submitting  
6 the notice to an employer, trustee, or other payor of funds to a fine of not  
7 less than one thousand dollars and court costs and attorney fees.

8 (4.7) INCOME ASSIGNMENTS MUST BE PAID THROUGH THE FAMILY  
9 SUPPORT REGISTRY PURSUANT TO SECTION 26-13-114.

10 **SECTION 5.** In Colorado Revised Statutes, 19-4-109, **amend** (1)  
11 as follows:

12 **19-4-109. Jurisdiction - venue.** (1) Without limiting the  
13 jurisdiction of any other court, the juvenile court has jurisdiction of an  
14 action brought under this ~~article~~ ARTICLE 4. THE JUVENILE COURT'S  
15 JURISDICTION INCLUDES CONCURRENT JURISDICTION WITH A DEPENDENCY  
16 AND NEGLECT COURT, AS SET FORTH IN SECTION 19-3-205 (1), TO  
17 DETERMINE A PARENT-CHILD LEGAL RELATIONSHIP. A delegate child  
18 support enforcement unit also has jurisdiction to establish paternity in  
19 noncontested paternities in accordance with the procedures specified in  
20 article 13.5 of title 26. ~~C.R.S.~~ The action may be joined with an action in  
21 another court of competent jurisdiction for dissolution of marriage, legal  
22 separation, declaration of invalidity of marriage, or support.

23 **SECTION 6.** In Colorado Revised Statutes, 26-13-121, **amend**  
24 (5.3) as follows:

25 **26-13-121. Review and modification of child support orders.**  
26 (5.3) If income information is not available for the obligor, the delegate  
27 child support enforcement unit may file a motion to modify child support

1 with the court. ~~The court may enter an order increasing the child support~~  
2 ~~obligation by an increment not to exceed ten percent per year for each~~  
3 ~~year after the support order was entered or last modified.~~

4 **SECTION 7.** In Colorado Revised Statutes, 26-13-122.7, **amend**  
5 (1)(c)(I) introductory portion, (1)(c)(I)(B), and (1)(c)(I)(C); and **add**  
6 (1)(c)(I)(D) as follows:

7 **26-13-122.7. Administrative lien and attachment of insurance**  
8 **claim payments, awards, and settlements - reporting - rules - fund.**

9 (1) (c) (I) For the purposes of this section, an insurance claim payment,  
10 award, or settlement is limited to an individual who receives ~~moneys~~  
11 MONEY in excess of one thousand dollars after making a claim for  
12 payment under an insurance policy for:

13 (B) Wrongful death; ~~or~~

14 (C) Workers' compensation; OR

15 (D) A LIFE INSURANCE POLICY OR ANNUITY CONTRACT AND THE  
16 PROCEEDS FROM THE SALE OR ASSIGNMENT OF LIFE INSURANCE OR  
17 ANNUITY BENEFITS.

18 **SECTION 8.** In Colorado Revised Statutes, 26-13-125, **amend**  
19 (1)(a), (1)(b), and (3) as follows:

20 **26-13-125. State directory of new hires - definitions.** (1) As  
21 used in this section, unless the context otherwise requires:

22 (a) "Employee" means a natural person who is employed by an  
23 employer in this state for compensation, which employer ~~withholds~~  
24 ~~federal or state tax liabilities from the employee's compensation~~ IS  
25 REQUIRED TO REPORT THE COMPENSATION TO THE FEDERAL INTERNAL  
26 REVENUE SERVICE. "EMPLOYEE" INCLUDES A SELF-EMPLOYED OR  
27 CONTRACTED EMPLOYEE. "Employee" does not include an employee hired

1 to perform intelligence or counterintelligence functions for an agency of  
2 the United States government, as those terms are defined in the federal  
3 "Intelligence Organization Act of 1992", 50 U.S.C. sec. 401a, when the  
4 head of such agency has determined that reporting the employee could  
5 endanger the safety of the employee or compromise an ongoing  
6 investigation or intelligence mission.

7 (b) "Employer" means a person or entity doing business in the  
8 state that engages an employee for compensation and for whom the  
9 employer ~~withholds federal or state tax liabilities from the employee's~~  
10 ~~compensation~~ IS REQUIRED TO REPORT THE COMPENSATION TO THE  
11 FEDERAL INTERNAL REVENUE SERVICE. "Employer" also includes any  
12 governmental entity and any labor organization.

13 (3) Effective October 1, 1997, each employer shall submit to the  
14 state directory of new hires a copy of the W-4 form, THE W-9 FORM, or,  
15 at the option of the employer, an equivalent form for each newly hired  
16 employee in Colorado. The report may be transmitted to the state  
17 department by first class mail, magnetically, or electronically. The report  
18 must contain the newly hired employee's name, address, social security  
19 number, and the date services for remuneration were first performed by  
20 the newly hired employee. The report must contain the name and address  
21 of the employer and the identifying number assigned to the employer  
22 under section 6109 of the federal "Internal Revenue Code of 1986", as  
23 amended. ~~No liability shall attach to any AN employer~~ IS NOT LIABLE for  
24 ~~furnishing information pursuant to this section. No AN employer shall be~~  
25 ~~IS NOT~~ required to submit to the state directory of new hires a report  
26 concerning any employee hired for less than thirty days.

27 **SECTION 9.** In Colorado Revised Statutes, 26-13.5-106, **amend**

1 (1)(c)(V) as follows:

2 **26-13.5-106. Default - issuance of order of default - filing of**  
3 **order with district court - rules.** (1) (c) The court shall approve the  
4 order of default, which must include the following:

5 (V) The information required by section ~~14-14-111.5 (2)(f)(H)~~  
6 14-14-111.5 (2);

7 **SECTION 10. Effective date.** This act takes effect July 1, 2020.

8 **SECTION 11. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, or safety.