

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0861.01 Amber Paoloemilio x5497

SENATE BILL 23-173

SENATE SPONSORSHIP

Fields and Liston, Buckner, Gardner, Ginal, Hansen, Lundeen, Marchman, Pelton R., Priola, Smallwood

HOUSE SPONSORSHIP

Bradley,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

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

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 from the state child support commission (commission), including the following:

- Requires that parents share the child's health insurance coverage information with each other and provides a time frame for parents to seek reimbursement for extraordinary medical expenses,

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

SENATE
3rd Reading Unamended
April 12, 2023

SENATE
Amended 2nd Reading
April 11, 2023

- including mental health expenses;
- Requires verbal and written advisement to parents and caretakers when child support orders are entered or modified and provides information to parents on child support law;
- Addresses penalties for fraud and failure to follow income withholding orders by reinstating a \$1,000 fine for the issuance of a fraudulent income withholding order and authorizes judgment to be issued against an employer that willfully refuses to comply with an income withholding order for child support;
- Excludes funeral or burial expenses from life insurance settlements relating to past-due child support and requires burial costs to be covered;
- Requires appointment of 2 obligors and 2 obligees to the commission;
- Requires the commission, as part of its review, to evaluate the following: Establishment of state practices, making awards more equitable, and improving efficiency;
- Changes the income adjustment for maintenance to reflect existing maintenance calculation and accounts for tax-deductibility for some maintenance payments;
- Removes the requirement to order overdue debt in temporary orders that will be recalculated in a permanent order and enables caretaker overdue debt and monthly support obligations to survive an order when the parties marry each other;
- Enables retroactive support to be ordered through the month the child support obligation begins and provides continuity of retroactive support for orders that have future commencement dates;
- Requires a parent to notify child support services and the other parent, if applicable, when lump sum social security payments for the child, based on the obligor's disability, are received and ensures obligors receive credit on debt owed for the benefits received; and
- Modifies the number of hours parents are expected to work for the imputation of income to 32 hours a week and 50 weeks a year, and includes transportation as a barrier to be considered when assessing if imputation of income is appropriate.

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

1 **SECTION 1.** In Colorado Revised Statutes, 14-10-115, **amend**
2 (2)(a) as follows:

3 **14-10-115. Child support guidelines - purpose - determination**
4 **of income - schedule of basic child support obligations - adjustments**
5 **to basic child support - additional guidelines - child support**
6 **commission - definitions. (2) Duty of support - factors to consider.**

7 (a) In a proceeding for dissolution of marriage, legal separation,
8 maintenance, or child support, the court may order either or both parents
9 owing a duty of support to a child of the marriage to pay an amount
10 reasonable or necessary for the child's support and may order an amount
11 determined to be reasonable under the circumstances for a time period
12 that occurred after the date of the parties' physical separation or the filing
13 of the petition or service upon the respondent, whichever date is latest,
14 and prior to the ~~entry of the support order~~ MONTH THE CHILD SUPPORT
15 OBLIGATION BEGINS, without regard to marital misconduct.

16 **SECTION 2.** In Colorado Revised Statutes, 14-10-115, **amend**
17 (4)(a); and **add** (4)(c) and (14)(c) as follows:

18 **14-10-115. Child support guidelines - purpose - determination**
19 **of income - schedule of basic child support obligations - adjustments**
20 **to basic child support - additional guidelines - child support**
21 **commission - definitions. (4) Forms - identifying information -**

22 **advisement. (a)** The child support guidelines ~~shall~~ **MUST** be used with
23 standardized child support guideline forms to be issued by the judicial
24 department. The judicial department is responsible for promulgating and
25 updating the Colorado child support guideline forms, schedules,
26 worksheets, ~~and~~ instructions, AND ADVISEMENTS.

27 (c) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS

1 ARTICLE 10 MUST INCLUDE A WRITTEN ADVISEMENT TO THE PARTIES THAT
2 CONFORM WITH THE WRITTEN CHILD SUPPORT ADVISEMENT APPROVED BY
3 THE JUDICIAL BRANCH, COVERING THE FOLLOWING TOPICS, IN PLAIN
4 LANGUAGE:

5 (I) THAT A PARTY WHO DOES NOT PAY CHILD SUPPORT MAY BE
6 SUBJECT TO JUDICIAL AND ADMINISTRATIVE ENFORCEMENT REMEDIES AND
7 EXAMPLES OF THOSE REMEDIES;

8 (II) THE OPERATION OF INCOME ASSIGNMENTS;

9 (III) THE APPLICATION OF INTEREST ON ARREARS;

10 (IV) THE PARTIES' OBLIGATIONS CONCERNING PROOF OF PAYMENT;

11 (V) THE BASIS FOR A MODIFICATION OR CHANGE OF SUPPORT,
12 INCLUDING THE DEFINITION OF A SUBSTANTIAL AND CONTINUING CHANGE
13 OF CIRCUMSTANCES;

14 (VI) THE EFFECT OF AGREEMENTS TO MODIFY OR AMEND CHILD
15 SUPPORT AND THE REQUIREMENT FOR COURT AUTHORIZATION OR
16 ADMINISTRATIVE PROCESS ACTION OF ALL MODIFICATIONS OR
17 AMENDMENTS;

18 (VII) THE EFFECT OF EMANCIPATION; AND

19 (VIII) THE EFFECT OF SPOUSAL MAINTENANCE.

20 (14) **Advisement to parties - annual exchange of information.**

21 (c) IN ANY STATUS CONFERENCE, ADMINISTRATIVE CONFERENCE, OR
22 HEARING IN WHICH CHILD SUPPORT IS AT ISSUE, THE COURT OR THE
23 DELEGATE CHILD SUPPORT UNIT SHALL VERBALLY ADVISE THE PARTIES
24 THAT FAILURE TO PAY CHILD SUPPORT ORDERED BY THE COURT OR AS A
25 RESULT OF AN ADMINISTRATIVE PROCESS ACTION MAY RESULT IN
26 ENFORCEMENT ACTIONS AND THE ADDITION OF INTEREST ON ARREARS AND
27 THAT AN AGREEMENT TO MODIFY CHILD SUPPORT IS NOT EFFECTIVE UNTIL

1 APPROVED BY THE COURT, OR DELEGATE CHILD SUPPORT UNIT FOR
2 ADMINISTRATIVE ORDERS, AND ENTERED AS AN ORDER.

3 **SECTION 3.** In Colorado Revised Statutes, 14-10-115, **amend**
4 (3)(a)(II), (5)(a)(I.5), (5)(a)(II)(C), (5)(b.5)(II)(N), (10)(e), (10)(h)(II),
5 and (16)(d); and **add** (5)(a)(IV), (5)(b.5)(II)(I.5), (10)(a.5), and
6 (10)(h)(III)as follows:

7 **14-10-115. Child support guidelines - purpose - determination**
8 **of income - schedule of basic child support obligations - adjustments**
9 **to basic child support - additional guidelines - child support**
10 **commission - definitions.** (3) **Definitions.** As used in this section, unless
11 the context otherwise requires:

12

13 (a) (II) For purposes of this subsection (3)(a), if the alimony or
14 maintenance actually paid by a parent is deductible for federal income tax
15 purposes by that parent, AND THE ALIMONY OR MAINTENANCE IS PAID AND
16 RECEIVED BY THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION,
17 then the actual amount of alimony or maintenance paid by that parent
18 must be deducted from that parent's gross income. If the alimony or
19 maintenance actually paid by a parent is not deductible for federal income
20 tax purposes by that parent, then the amount of alimony or maintenance
21 deducted from that parent's gross income is the amount of alimony or
22 maintenance actually paid by that parent ~~multiplied by 1.25~~. SUBJECT TO
23 THE FOLLOWING ADJUSTMENTS:

24 (A) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE
25 PARTIES TO THE MAINTENANCE PAYMENT IS TEN THOUSAND DOLLARS OR
26 LESS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY 1.25;

27 (B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE

1 PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND
2 DOLLARS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY
3 1.33; AND

4 (C) IF THE AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY
5 PAID IS INCREASED AS DESCRIBED IN THIS SECTION BECAUSE IT IS NOT
6 DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES, THERE IS A
7 REBUTTABLE PRESUMPTION THAT THE MULTIPLIER IS CORRECT. THE
8 PRESUMPTION MAY BE REBUTTED WITH EVIDENCE INDICATING A
9 DIFFERENT MULTIPLIER IS MORE ACCURATE DUE TO THE TAX IMPLICATIONS
10 OF THE MAINTENANCE PAYMENT BEING DIFFERENT THAN THAT REFLECTED
11 BY THE MULTIPLIER.

12 (III) IF A _____ COURT-ORDERED ALIMONY OR MAINTENANCE
13 OBLIGATION ACTUALLY PAID BY A PARTY DOES NOT INVOLVE THE SAME
14 PARTIES AS THE CHILD SUPPORT CALCULATION AND IS NOT DEDUCTIBLE
15 FOR FEDERAL INCOME TAX PURPOSES BY THAT PARTY, THEN THE AMOUNT
16 OF THE COURT-ORDERED ALIMONY OR MAINTENANCE THAT IS DEDUCTED
17 FROM THAT PARTY'S GROSS INCOME IS THE AMOUNT ACTUALLY PAID BY
18 THAT PARTY MULTIPLIED BY 1.25.

19 (5) **Determination of income.** (a) For the purposes of the child
20 support guidelines and schedule of basic child support obligations
21 specified in this section, the gross income of each parent shall be
22 determined according to the following guidelines:

23 (I.5) For purposes of subsection (5)(a)(I)(Y) of this section, if the
24 alimony or maintenance actually received by a parent is taxable income
25 to that parent for federal income tax purposes, then the actual amount of
26 alimony or maintenance received is included in that parent's gross
27 income. If the alimony or maintenance actually received by a parent is not

1 taxable income to that parent for federal income tax purposes, AND THE
2 ALIMONY OR MAINTENANCE IS PAID AND RECEIVED BY THE SAME PARTIES
3 AS THE CHILD SUPPORT CALCULATION, then the amount of alimony or
4 maintenance that is included in that parent's gross income is the amount
5 of alimony or maintenance received by that parent ~~multiplied by 1.25~~.
6 SUBJECT TO THE FOLLOWING ADJUSTMENTS:

7 (A) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE
8 PARTIES TO THE MAINTENANCE PAYMENT IS TEN THOUSAND DOLLARS OR
9 LESS, THE MAINTENANCE ACTUALLY RECEIVED WILL BE MULTIPLIED BY
10 1.25;

11 (B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE
12 PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND
13 DOLLARS, THE MAINTENANCE ACTUALLY RECEIVED WILL BE MULTIPLIED
14 BY 1.33; AND

15 (C) IF THE AMOUNT OF ALIMONY OR MAINTENANCE ACTUALLY
16 RECEIVED IS INCREASED AS DESCRIBED IN THIS SECTION BECAUSE IT IS NOT
17 DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES, THERE IS A
18 REBUTTABLE PRESUMPTION THAT THE MULTIPLIER IS CORRECT. THE
19 PRESUMPTION MAY BE REBUTTED WITH EVIDENCE INDICATING A
20 DIFFERENT MULTIPLIER IS MORE ACCURATE DUE TO THE TAX IMPLICATIONS
21 OF THE MAINTENANCE PAYMENT BEING DIFFERENT THAN THAT REFLECTED
22 BY THE MULTIPLIER.

23 (II) "Gross income" does not include:
24 (C) Income from additional jobs that result in the employment of
25 the obligor more than forty hours per week or more than what would
26 otherwise be considered to be full-time employment;

27 (IV) IF A PREEXISTING COURT-ORDERED ALIMONY OR

1 MAINTENANCE OBLIGATION ACTUALLY RECEIVED BY A PARTY DOES NOT
2 INVOLVE THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION AND IS
3 NOT DEDUCTIBLE FOR FEDERAL INCOME TAX PURPOSES BY THAT PARTY,
4 THEN THE AMOUNT OF PREEXISTING COURT-ORDERED ALIMONY OR
5 MAINTENANCE THAT IS DEDUCTED FROM THAT PARTY'S GROSS INCOME IS
6 THE AMOUNT ACTUALLY RECEIVED BY THAT PARTY MULTIPLIED BY 1.25.

7 (b.5) (II) In determining potential income, the court or delegate
8 child support enforcement unit shall consider, to the extent known, the
9 specific circumstances of the parent, including consideration of the
10 following information, when available:

11 (I.5) TRANSPORTATION;

12 (N) Prevailing earnings level in the local community. and THE
13 TYPICAL HOURS AVAILABLE TO WORKERS IN THE PARENT'S JOB SECTOR AS
14 ESTABLISHED BY ANY RELIABLE SOURCE GENERALLY USED AND RELIED ON
15 BY THE PUBLIC OR PERSONS IN A PARTICULAR OCCUPATION, INCLUDING,
16 BUT NOT LIMITED TO, VERIFIED STATEMENTS, WORK HISTORY, THE UNITED
17 STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS OR OTHER
18 RELIABLE COMPILATIONS, THE DEPARTMENT OF LABOR AND EMPLOYMENT,
19 OR OTHER INFORMATION PROVIDED BY THE PARENT. IN THE ABSENCE OF
20 ANY SUCH INFORMATION, THE COURT OR DELEGATE CHILD SUPPORT
21 ENFORCEMENT UNIT SHALL DETERMINE THE PARENT'S INCOME BASED ON
22 A REASONABLE RATE OF PAY FOR A THIRTY-TWO-HOUR WORKWEEK FOR
23 FIFTY WEEKS EACH YEAR, SUBJECT TO OTHER FACTORS SET FORTH IN THIS
24 SECTION THAT MAY AFFECT THE NUMBER OF HOURS THE PARENT IS
25 CAPABLE OF WORKING, SUCH AS AGE, HEALTH, OR THE SPECIFIC NEEDS OF
26 THE SUBJECT CHILD.

27 (10) **Adjustments for health-care expenditures for children.**

1 (a.5) IF A CHILD IS COVERED BY INSURANCE, THE PARENT SECURING THE
2 COVERAGE, THE EMPLOYER PROVIDING THE COVERAGE, OR THE
3 INSURANCE PROVIDER SHALL PROVIDE, UPON REQUEST BY THE POLICY
4 HOLDER OR BY COURT ORDER, THE INSURANCE PROVIDER'S NAME, THE
5 INSURANCE PROVIDER'S TELEPHONE NUMBER, THE GROUP AND POLICY
6 NUMBER, AND THE CLAIM ADDRESS TO THE REQUESTING PARTY OR
7 PARTIES. THE INFORMATION MUST BE PROVIDED UNLESS OTHERWISE
8 ORDERED BY THE COURT FOR GOOD CAUSE SHOWN. THIS SUBSECTION (10)
9 AUTHORIZES THE RELEASE OF INFORMATION TO THE OTHER PARTY OR
10 PARTIES. AFTER NOTICE TO THE PARTY OR PARTIES OF THIS OBLIGATION,
11 THE COURT HAS THE AUTHORITY TO FINE THE PARENT SECURING
12 COVERAGE FOR FAILURE TO PROVIDE THE REQUIRED INFORMATION.

13 (e) Prior to allowing the health insurance adjustment, the parent
14 requesting the adjustment must submit proof that the child or children
15 have been enrolled in a health insurance plan and must submit proof of
16 the cost of the premium. ~~The court shall require the parent receiving the~~
17 ~~adjustment to submit annually proof of continued coverage of the child~~
18 ~~or children to the delegate child support enforcement unit and to the other~~
19 ~~parent~~ ANY PARENT PROVIDING INSURANCE COVERAGE FOR THE CHILD
20 PURSUANT TO THIS SECTION MUST NOTIFY THE OTHER PARTY OR PARTIES
21 AND THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OF ANY CHANGE
22 OR DISCONTINUATION OF COVERAGE AS SOON AS PRACTICABLE, BUT NO
23 LATER THAN FOURTEEN DAYS AFTER THE CHANGE.

24 (h) (II) Extraordinary medical expenses are uninsured expenses,
25 including copayments and deductible amounts, in excess of two hundred
26 fifty dollars per child per calendar year. Extraordinary medical expenses
27 include, but need not be limited to, such reasonable costs as are

1 reasonably necessary for orthodontia, dental treatment, asthma treatments,
2 physical therapy, vision care, ~~and any uninsured chronic health problem.~~
3 ~~At the discretion of the court,~~ professional counseling or psychiatric
4 therapy for ~~diagnosed~~ behavioral or mental health disorders, ~~may also be~~
5 ~~considered as an extraordinary medical expense~~ AND ANY UNINSURED
6 CHRONIC HEALTH PROBLEM.

7 (III) (A) THE PARTY SEEKING REIMBURSEMENT FOR AN UNINSURED
8 MEDICAL EXPENSE MUST PROVIDE PROOF OF THE EXPENSE TO THE
9 REIMBURSING PARTY WITHIN A REASONABLE TIME AFTER INCURRING THE
10 EXPENSE. ABSENT EXTRAORDINARY CIRCUMSTANCES, FAILURE TO
11 PROVIDE PROOF OF THE EXPENSE TO THE REIMBURSING PARTY BY JULY 1
12 OF THE YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE EXPENSE
13 WAS INCURRED RESULTS IN A WAIVER OF THE REIMBURSEMENT.

14 (B) THE PARTY SEEKING REIMBURSEMENT MAY FILE A MOTION FOR
15 JUDGMENT OF UNINSURED MEDICAL EXPENSES FOR THAT PARTICULAR
16 CALENDAR YEAR IF THE PARTY FAILS TO RESPOND AND REIMBURSE THE
17 EXPENSES OR REACH A PAYMENT ARRANGEMENT WITH THE REQUESTING
18 PARTY WITHIN FORTY-NINE DAYS AFTER THE DATE THE REQUEST WAS
19 RECEIVED. THE MOTION MUST SPECIFY THE AMOUNT OF THE EXPENSE
20 INCURRED, THE AMOUNT SOUGHT FROM THE OTHER PARTY PURSUANT TO
21 SUBSECTION (10)(h)(I) OF THIS SECTION, AND WHEN AND HOW THE
22 REQUEST FOR REIMBURSEMENT WAS MADE TO THE OTHER PARTY. ANY
23 RESPONSE TO THE MOTION MUST INCLUDE ANY OBJECTION TO THE COSTS
24 REQUESTED OR PROPOSED PAYMENT ARRANGEMENTS.

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26 (d) Members of the child support commission, ~~shall~~ WITH THE
27 EXCEPTION OF PARENT REPRESENTATIVES, ARE not ~~be~~ compensated for

1 their services on the commission except as otherwise provided in section
2 2-2-326, ~~C.R.S.~~, and except that members shall be reimbursed for actual
3 and necessary expenses for travel and mileage incurred in connection
4 with their duties. The child support commission is authorized, subject to
5 appropriation, to incur expenses related to its work, including the costs
6 associated with public hearings, printing, travel, and research.

7 **SECTION 4.** In Colorado Revised Statutes, 14-10-123, **add**
8 (1)(a)(III) as follows:

9 **14-10-123. Commencement of proceedings concerning**
10 **allocation of parental responsibilities - jurisdiction - automatic**
11 **temporary injunction - enforcement - definitions.** (1) A proceeding
12 concerning the allocation of parental responsibilities is commenced in the
13 district court or as otherwise provided by law:

14 (a) By a parent:

15 (III) BY FILING A MOTION SEEKING THE ALLOCATION OF PARENTAL
16 RESPONSIBILITIES WITH RESPECT TO A CHILD IN AN EXISTING JUVENILE
17 COURT CASE FILED PURSUANT TO ARTICLE 4 OR 6 OF TITLE 19 OR ARTICLE
18 13.5 OF TITLE 26; OR

19 **SECTION 5.** In Colorado Revised Statutes, 14-14-111.5, **amend**
20 (8)(b) and (19) as follows:

21 **14-14-111.5. Income assignments for child support or**
22 **maintenance.** (8) An employer, trustee, or other payer of funds subject
23 to this section who:

24 (b) Wrongfully fails to withhold income OR DISTRIBUTE PAYMENT
25 in accordance with the provisions of this section ~~shall be~~ IS liable for ~~both~~
26 the accumulated amount the employer, trustee, or other payer of funds
27 should have withheld AND NOT DISPERSED from the obligor's income,

1 INCLUDING, UPON PERSONAL SERVICE PURSUANT TO RULE 4 OF THE
2 COLORADO RULES OF CIVIL PROCEDURE, BEING SUBJECT TO THE
3 JURISDICTION OF THE COURT FOR PURPOSES OF ENTRY OF JUDGMENT
4 PURSUANT TO SECTIONS 13-52-101 TO 13-52-111 AND RULE 54 OF THE
5 COLORADO RULES OF CIVIL PROCEDURE, UP TO THE AMOUNT WRONGFULLY
6 WITHHELD AND COSTS ASSOCIATED WITH ESTABLISHING AND ENFORCING
7 THE JUDGMENT and any other penalties set by state law;

8 (19) A person submitting a fraudulent notice to withhold income
9 for support to an employer, trustee, or other payor of funds ~~commits a~~
10 ~~civil infraction~~ IS SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND
11 DOLLARS PLUS COURT COSTS AND ATTORNEY FEES.

12 **SECTION 6.** In Colorado Revised Statutes, 19-4-111, **amend** (1)
13 as follows:

14 **19-4-111. Pretrial proceedings.** (1) As soon as practicable after
15 an action to declare the existence or nonexistence of the father-child
16 relationship has been brought, an informal hearing shall be held if it is
17 determined by the court to be in the child's best interest. The court may
18 order that the hearing be held before a magistrate. The public ~~shall~~ MUST
19 be barred from the hearing if it is determined by the court to be in the best
20 interest of any of the parties. A record of the proceeding or any portion
21 thereof ~~shall~~ MUST be kept if any party requests or the court orders. Rules
22 of evidence need not be observed. At the informal hearing, the judge or
23 magistrate shall give a verbal advisement to the parties that a request for
24 genetic tests ~~shall~~ MUST not prejudice the requesting party in matters
25 concerning allocation of parental responsibilities pursuant to section
26 14-10-124 (1.5). ~~C.R.S.~~ The judge or magistrate shall further advise the
27 parties that, if genetic tests are not obtained prior to the legal

1 establishment of paternity PARENTAGE and submitted into evidence prior
2 to the entry of the final order establishing paternity PARENTAGE, the
3 genetic tests may not be allowed into evidence at a later date. THE JUDGE
4 OR MAGISTRATE SHALL FURTHER ADVISE THE PARTIES THAT SUBSEQUENT
5 TO AN ADJUDICATION OF PARENTAGE, UPON MOTION, THE COURT SHALL
6 ENTER ORDERS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES
7 PURSUANT TO SECTION 14-10-124 (1.5); EXCEPT THAT, IN MATTERS
8 INVOLVING A NONRESIDENT PARTY, THE COURT SHALL FIRST DETERMINE
9 WHETHER IT HAS AUTHORITY TO ISSUE AN ORDER ALLOCATING PARENTAL
10 RESPONSIBILITIES PURSUANT TO ARTICLE 13 OF TITLE 14.

11 **SECTION 7.** In Colorado Revised Statutes, 19-4-116, **amend** (4)
12 as follows:

13 **19-4-116. Judgment or order - birth-related costs - evidence.**
14 (4) Support judgments or orders ordinarily ~~shall~~ MUST be for periodic
15 payments which may vary in amount. In the best interest of the child, a
16 lump-sum payment or the purchase of an annuity may be ordered in lieu
17 of periodic payments of support. The court or delegate child support
18 enforcement unit may enter an order directing the ~~father~~ OBLIGOR to pay
19 for support of the child, in an amount as may be determined by the court
20 or delegate child support enforcement unit to be reasonable under the
21 circumstances, for a time period ~~which~~ THAT occurred prior to the ~~entry~~
22 ~~of the order establishing paternity~~ MONTH THE CHILD SUPPORT
23 OBLIGATION BEGINS. The court may limit the ~~father's~~ APPROPRIATE
24 PARTY'S liability for past support of the child to the proportion of the
25 expenses already incurred that the court deems just.

26 **SECTION 8.** In Colorado Revised Statutes, 19-6-104, **amend** (1)
27 as follows:

1 **19-6-104. Hearing - orders.** (1) If the court or delegate child
2 support enforcement unit finds that the ~~respondent~~ OBLIGOR has an
3 obligation to support the child or children mentioned in the petition or
4 notice, the court or delegate child support enforcement unit may enter an
5 order directing the ~~respondent~~ OBLIGOR to pay such sums for support as
6 may be reasonable under the circumstances, taking into consideration the
7 factors found in section 19-4-116 (6). The court or delegate child support
8 enforcement unit may also enter an order directing the appropriate party
9 to pay for support of the child, in an amount as may be determined by the
10 court or delegate child support enforcement unit to be reasonable under
11 the circumstances, for a time period which occurred prior to the ~~entry of~~
12 ~~the support order established~~ MONTH THE CHILD SUPPORT OBLIGATION
13 BEGINS under this ~~article~~ ARTICLE 6.

14 **SECTION 9.** In Colorado Revised Statutes, 19-6-104, **amend**
15 (3.5) as follows:

16 **19-6-104. Hearing - orders.** (3.5) Upon the filing of a
17 proceeding under this ~~article~~ ARTICLE 6 or upon the filing of a proceeding
18 originating under article 13.5 of title 26, ~~C.R.S.~~ THE JUDGE OR
19 MAGISTRATE SHALL ADVISE THE PARTIES THAT SUBSEQUENT TO AN
20 ADJUDICATION OF PARENTAGE, UPON MOTION, the court ~~may~~ SHALL enter
21 an order allocating parental responsibilities pursuant to section 14-10-124
22 (1.5); ~~C.R.S.~~, except that, in matters involving a nonresident party, the
23 court shall first determine whether it has authority to issue an order
24 allocating parental responsibilities pursuant to article 13 of title 14,
25 ~~C.R.S.~~ Nothing in this subsection (3.5) shall be construed to authorize a
26 delegate child support enforcement unit to negotiate or mediate the
27 allocation of parental responsibilities in any proceeding initiated under

1 this article or article 13.5 of title 26. ~~C.R.S.~~

2 **SECTION 10.** In Colorado Revised Statutes, **add** 19-6-107 as
3 follows:

4 **19-6-107. Orders for allocation of parental responsibilities in**
5 **support actions.** UPON THE FILING OF ANY PROCEEDING UNDER THIS
6 ARTICLE 6 OR UNDER ARTICLE 13.5 OF TITLE 26, THE COURT SHALL, AS
7 SOON AS PRACTICABLE, ENTER A TEMPORARY OR PERMANENT ORDER
8 ALLOCATING PARENTAL RESPONSIBILITIES THAT ALLOCATES
9 DECISION-MAKING RESPONSIBILITY AND PARENTING TIME FOR THE CHILD
10 UNTIL FURTHER ORDER OF THE COURT. THIS SECTION DOES NOT APPLY TO
11 ANY PARENTAGE DETERMINATION MADE PURSUANT TO SECTION 14-5-402.

12 **SECTION 11.** In Colorado Revised Statutes, 26-13-122.7,
13 **amend** (1)(c)(I)(D) and (1)(c)(II)(B) as follows:

14 **26-13-122.7. Administrative lien and attachment of insurance**
15 **claim payments, awards, and settlements - reporting - rules - fund.**

16 (1) (c) (I) For the purposes of this section, an insurance claim payment,
17 award, or settlement is limited to an individual who receives money in
18 excess of one thousand dollars after making a claim for payment under an
19 insurance policy for:

20 (D) A life insurance policy or annuity contract ~~and the proceeds~~
21 ~~from the sale or assignment of life insurance or annuity benefits~~ PAYABLE
22 TO A BENEFICIARY.

23 (II) For the purposes of this section, an insurance claim payment:

24 (B) Does not include any ~~moneys~~ MONEY payable as attorney fees,
25 witness fees, court costs, reasonable litigation expenses, documented
26 unpaid expenses incurred for medical treatment causally related to the
27 claim, ~~or~~ any portion of a claim based on damage or a loss of real or

1 personal property, OR ANY MONEY ASSIGNED OR DESIGNATED AS FUNERAL
2 OR BURIAL EXPENSES.

3 **SECTION 12.** In Colorado Revised Statutes, 26-13.5-102,
4 **amend** (1.2) and (1.3) as follows:

5 **26-13.5-102. Definitions.** As used in this article 13.5, unless the
6 context otherwise requires:

7 (1.2) "APA-petitioner" means, PURSUANT TO ARTICLE 13 OF THIS
8 TITLE 26:

9 (a) The party who has applied ~~or been mandatorily referred~~ for
10 child support services; ~~pursuant to article 13 of this title 26.~~ OR

11 (b) THE PARTY WHO WAS MANDATORILY REFERRED FOR CHILD
12 SUPPORT SERVICES, EXCEPT IN FOSTER CARE FEE CASES, IN WHICH THE
13 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT OR THE PARENT MAY BE
14 THE PETITIONER.

15 (1.3) "APA-respondent" means, PURSUANT TO ARTICLE 13 OF THIS
16 TITLE 26:

17 (a) The party that did not apply for child support services; ~~and;~~ OR

18 (b) THE PARTY THAT was not mandatorily referred for child
19 support services, ~~pursuant to article 13 of this title 26~~ EXCEPT IN FOSTER
20 CARE FEE CASES, IN WHICH THE PARENT WHO WAS REFERRED MAY BE THE
21 RESPONDENT.

22 **SECTION 13.** In Colorado Revised Statutes, 26-13.5-103,
23 **amend** (1)(i) as follows:

24 **26-13.5-103. Notice of financial responsibility issued -**
25 **contents.** (1) The delegate child support enforcement unit shall issue a
26 notice of financial responsibility to the APA-respondent who is the
27 obligee or an obligor who owes a child support debt or who is responsible

1 for the support of a child or to the custodian of a child who is receiving
2 support enforcement services from the delegate child support enforcement
3 unit pursuant to article 13 of this title 26. If the obligor has applied for
4 child support services, the notice must be served on the obligee. The
5 notice must advise the APA-respondent:

6 (i) That the delegate child support enforcement unit may issue an
7 administrative subpoena to obtain income information; ~~from the obligor;~~

8 **SECTION 14.** In Colorado Revised Statutes, 26-13.5-103,
9 **amend** (1)(s) as follows:

10 **26-13.5-103. Notice of financial responsibility issued -**
11 **contents.** (1) The delegate child support enforcement unit shall issue a
12 notice of financial responsibility to the APA-respondent who is the
13 obligee or an obligor who owes a child support debt or who is responsible
14 for the support of a child or to the custodian of a child who is receiving
15 support enforcement services from the delegate child support enforcement
16 unit pursuant to article 13 of this title 26. If the obligor has applied for
17 child support services, the notice must be served on the obligee. The
18 notice must advise the APA-respondent:

19 (s) That, if the APA-petitioner or APA-respondent has any
20 questions, ~~he or she~~ THE APA-PETITIONER OR APA-RESPONDENT should
21 telephone, E-MAIL, or visit the delegate child support enforcement unit;

22 **SECTION 15.** In Colorado Revised Statutes, 26-13.5-105,
23 **amend** (3)(d) as follows:

24 **26-13.5-105. Negotiation conference - issuance of order of**
25 **financial responsibility - filing of order with district court.**

26 (3) (d) Notwithstanding any rules of the Colorado rules of civil
27 procedure, a complaint is not required in order to initiate a court action

1 pursuant to this subsection (3). The court shall inform the delegate child
2 support enforcement unit of the date and location of the hearing and the
3 court or the delegate child support enforcement unit shall send a notice to
4 the APA-petitioner and APA-respondent informing each party of the date
5 and location of the hearing. In order to meet federal requirements of
6 expedited process for child support enforcement, the court shall hold a
7 hearing and decide only the issue of child support within ninety days after
8 receipt of notice, as defined in section 26-13.5-102 (13), or within six
9 months after receipt of notice, as defined in section 26-13.5-102 (13), if
10 the APA-petitioner or APA-respondent is contesting the issue of paternity
11 PARENTAGE. THE JUDGE OR MAGISTRATE SHALL ADVISE THE PARTIES THAT
12 SUBSEQUENT TO AN ADJUDICATION OF PARENTAGE, UPON REQUEST, THE
13 COURT SHALL ENTER AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES
14 PURSUANT TO SECTION 14-10-124 (1.5); EXCEPT THAT, IN MATTERS
15 INVOLVING A NONRESIDENT PARTY, THE COURT SHALL FIRST DETERMINE
16 WHETHER IT HAS AUTHORITY TO ISSUE AN ORDER ALLOCATING PARENTAL
17 RESPONSIBILITIES PURSUANT TO ARTICLE 13 OF TITLE 14. If ~~the obligor~~
18 ~~raises issues~~ EITHER PARTY REQUESTS ORDERS relating to the allocation
19 of parental responsibilities, decision-making responsibility, or parenting
20 time and the court has jurisdiction to hear such matters BUT IS UNABLE TO
21 HOLD A HEARING TO ADDRESS ALL ISSUES WITHIN THE FEDERALLY
22 REQUIRED TIME FRAME FOR EXPEDITED PROCESS FOR CHILD SUPPORT
23 ENFORCEMENT DESCRIBED ABOVE, the court shall set a separate hearing
24 for those issues after entry of the order of support. In any action,
25 including an action for paternity PARENTAGE, additional service beyond
26 that originally required pursuant to section 26-13.5-104 is not required if
27 a stipulation is not reached at the negotiation conference and the court is

1 requested to set a hearing in the matter.

2 **SECTION 16.** In Colorado Revised Statutes, 26-13.5-105,
3 **amend** (1) introductory portion, (1)(d), and (3)(c)(I) as follows:

4 **26-13.5-105. Negotiation conference - issuance of order of**
5 **financial responsibility - filing of order with district court.** (1) Every
6 APA-respondent who has been served with a notice of financial
7 responsibility pursuant to section 26-13.5-104 shall appear at the time and
8 location stated in the notice for a negotiation conference or shall
9 reschedule a negotiation conference prior to the date and time stated in
10 the notice. The negotiation conference must be scheduled not more than
11 thirty-five days after the date of the issuance of the notice of financial
12 responsibility. A negotiation conference may be rescheduled by a request
13 for a standard continuance by the APA-petitioner or APA-respondent. A
14 standard continuance must not be more than seven days after the date of
15 the currently scheduled negotiation conference. The negotiation
16 conference may also be continued for good cause as defined in rules
17 promulgated pursuant to section 26-13.5-113. If a negotiation conference
18 is continued, the APA-petitioner and APA-respondent must be notified
19 of such continuance by first-class mail, hand delivery, or electronic means
20 if agreed to by both parties. A STIPULATION IN AN ESTABLISHMENT ACTION
21 MAY BE SIGNED BY THE APA-RESPONDENT AND THE DELEGATE CHILD
22 SUPPORT ENFORCEMENT UNIT, WITH OR WITHOUT THE SIGNATURE OF THE
23 APA-PETITIONER. If a stipulation is agreed upon at the negotiation
24 conference as to the obligor's duty of support, the delegate child support
25 enforcement unit shall issue an administrative order of financial
26 responsibility setting forth the following:

27 (d) The names and dates of birth of the parties and of the children

1 for whom support is being sought and the parties' residential and mailing
2 addresses, UNLESS THAT INFORMATION MUST NOT BE DISCLOSED
3 PURSUANT TO SECTION 26-13-102.8.

4 (3) (c) If a stipulation is not agreed upon at the negotiation
5 conference and paternity PARENTAGE is not an issue, or, if paternity
6 PARENTAGE is an issue and either the evidence relating to paternity
7 PARENTAGE meets the requirements set forth in section 13-25-126 (1)(g),
8 or parentage has been previously determined by another state, the
9 delegate child support enforcement unit shall:

10 (I) Issue temporary orders establishing current child support,
11 ~~arrears, foster care maintenance, AND medical support; and reasonable~~
12 ~~support for a time period prior to the entry of the order for support;~~

13 **SECTION 17.** In Colorado Revised Statutes, 26-13.5-105,
14 **amend** (5) as follows:

15 **26-13.5-105. Negotiation conference - issuance of order of**
16 **financial responsibility - filing of order with district court.** (5) If the
17 court or delegate child support enforcement unit finds that the ~~respondent~~
18 OBLIGOR has an obligation to support the child or children mentioned in
19 the petition or notice, the court or delegate child support enforcement unit
20 may enter an order directing the ~~respondent~~ OBLIGOR to pay such sums for
21 support as may be reasonable under the circumstances, taking into
22 consideration the factors found in section 19-4-116 (6). ~~C.R.S.~~ The court
23 or delegate child support enforcement unit may also enter an order
24 directing the appropriate party to pay for support of the child, in an
25 amount as may be determined by the court or delegate child support
26 enforcement unit to be reasonable under the circumstances, for a time
27 period which occurred prior to the ~~entry of the support order established~~

1 MONTH THE CHILD SUPPORT OBLIGATION BEGINS pursuant to section
2 19-6-104. ~~C.R.S.~~

3 **SECTION 18.** In Colorado Revised Statutes, 26-13.5-106,
4 **amend** (1)(c)(IV) as follows:

5 **26-13.5-106. Default - issuance of establishment order of**
6 **default - filing of order with district court - rules.** (1) (c) The court
7 shall approve the order of default, which must include the following:

8 (IV) The name of the child's custodian and the name AND birth
9 date ~~and social security number~~ of the child for whom support is being
10 sought;

11 **SECTION 19.** In Colorado Revised Statutes, 26-13.5-106,
12 **amend** (1)(d) as follows:

13 **26-13.5-106. Default - issuance of establishment order of**
14 **default - filing of order with district court - rules.** (1) (d) The order for
15 default may direct the obligor to pay for support of the child, in an
16 amount determined by the court or delegate child support enforcement
17 unit to be reasonable under the circumstances, for a time period prior to
18 the ~~entry of~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS in the order
19 establishing FINANCIAL RESPONSIBILITY AND paternity PARENTAGE.

20 **SECTION 20.** In Colorado Revised Statutes, 26-13.5-122,
21 **amend** (4) as follows:

22 **26-13.5-122. Survivability of an administrative process action**
23 **order - applicability.** (4) ~~If an APA order contains a judgment for~~
24 ~~retroactive support that is owed to a nonparent caretaker of a dependent~~
25 ~~child, such judgment survives pursuant to this section~~ IF THE APA ORDER
26 ESTABLISHES A SUPPORT OBLIGATION THAT IS OWED TO A NONPARENT
27 CARETAKER, THE SUPPORT OBLIGATION, INCLUDING ANY RETROACTIVE

1 SUPPORT, UNPAID SUPPORT, AND MONTHLY SUPPORT OWED TO THE
2 NONPARENT CARETAKER SURVIVE PURSUANT TO THIS SECTION.

3 **SECTION 21. In Colorado Revised Statutes, 14-10-115, amend**
4 **(16)(b), (16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G), (16)(c)(III), and (16)(d)**
5 **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. (16) Child support commission. (b) As part**
10 **of its review, the commission must SHALL consider economic data on the**
11 **cost of raising children and analyze case data on the application of, and**
12 **deviations from, the guidelines and the schedule of basic child support**
13 **obligations to be used in the commission's review to ensure that**
14 **deviations from the guidelines and schedule of basic child support**
15 **obligations are limited. FURTHER, AS PART OF ITS REVIEW, THE**
16 **COMMISSION SHALL CONSIDER:**

17 **(I) ESTABLISHING AN ADEQUATE STANDARD OF SUPPORT FOR**
18 **CHILDREN, SUBJECT TO THE PARENTS' ABILITY TO PAY;**

19 **(II) MAKING AWARDS MORE EQUITABLE BY ENSURING MORE**
20 **CONSISTENT TREATMENT OF PERSONS IN SIMILAR CIRCUMSTANCES; AND**

21 **(III) IMPROVING THE EFFICIENCY OF THE COURT PROCESS BY**
22 **PROMOTING SETTLEMENTS AND GIVING COURTS AND THE PARTIES**
23 **GUIDANCE ON ESTABLISHING LEVELS OF AWARDS.**

24 **(c) (I) The child support commission consists of no more than**
25 **twenty-one members. THE COMMISSION IS DEDICATED TO INCLUDING**
26 **DIVERSE PERSPECTIVES IN ITS RECOMMENDATIONS.**

27 **(II) The governor shall appoint up to nineteen persons to the**

1 commission, who must include:

2 (B) The director of the division in the state department of human
3 services, who is responsible for child support enforcement SERVICES, or
4 the director's designee;

5 (G) AT LEAST FOUR parent representatives, AT LEAST TWO OF
6 WHOM ARE PRESENT OR PAST OBLIGORS AND TWO OF WHOM ARE PRESENT
7 OR PAST OBLIGEES.

8 (III) In making appointments to the commission, the governor
9 shall attempt to assure RACIAL, ECONOMIC, GENDER, AND geographical
10 diversity.

11 (d) Members of the child support commission, shall not be
12 compensated for their services on the commission except as otherwise
13 provided in section 2-2-326, C.R.S., and except that members shall be
14 reimbursed for actual and necessary expenses for travel and mileage
15 incurred in connection with their duties. The child support commission
16 is authorized, subject to appropriation, to incur expenses related to its
17 work, including the costs associated with public hearings, printing, travel,
18 and research.

19 **SECTION 22.** In Colorado Revised Statutes, 19-4-105, amend
20 (2)(b) as follows:

21 **19-4-105. Presumption of paternity.** (2) (b) A duly executed
22 voluntary acknowledgment of parentage takes effect upon the filing of the
23 document with the state registrar of vital statistics and may be rescinded
24 on ~~or~~ WITHIN the earlier of:

25 **SECTION 23.** In Colorado Revised Statutes, amend 19-4-130 as
26 follows:

27 **19-4-130. Temporary orders for allocation of parental**

1 responsibilities. (1) Upon the filing of any proceeding under this article
2 ARTICLE 4 or under article 13.5 of title 26, C.R.S., the court shall, as soon
3 as practicable UPON MOTION OF A PARTY, enter a temporary or permanent
4 order allocating parental responsibilities that shall allocate ALLOCATES the
5 decision-making responsibility and parenting time of the child until
6 further order of the court.

7 (2) Subsection (1) of this section shall DOES not apply to any
8 paternity PARENTAGE determination made pursuant to section 14-5-402.
9 C.R.S.

10 **SECTION 24. Effective date.** (1) Except as otherwise provided
11 in this section, this act takes effect upon passage.

12 (2) Sections 3, 4, 6, 9, 10, 12, 13, 14, 15, 16, 18, and 20 take
13 effect July 1, 2023.

14 (3) Section 21 takes effect August 1, 2023.

15 (4) Sections 1, 7, 8, 11, 17, and 19 take effect September 1, 2023.

16 (5) Section 2 takes effect July 1, 2024.

17 **SECTION 25. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.