

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0861.01 Amber Paoloemilio x5497

**SENATE BILL 23-173**

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**SENATE SPONSORSHIP**

**Fields and Liston,**

**HOUSE SPONSORSHIP**

**Bradley,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

- 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.

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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 OF ALL  
16 MODIFICATIONS OR AMENDMENTS;

17 (VII) THE EFFECT OF EMANCIPATION; AND

18 (VIII) THE EFFECT OF SPOUSAL MAINTENANCE.

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

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

1 ADMINISTRATIVE ORDERS, AND ENTERED AS AN ORDER.

2 **SECTION 3.** In Colorado Revised Statutes, 14-10-115, **amend**  
3 (3)(a)(II), (5)(a)(I.5), (5)(a)(II)(C), (5)(b.5)(II)(N), (10)(e), (10)(h)(II),       
4      and (16)(d); and **add** (5)(a)(IV), (5)(b.5)(II)(I.5),      (10)(a.5), and  
5 (10)(h)(III)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. (3) Definitions.** As used in this section, unless  
10 the context otherwise requires:

11       
12 (a)(II) For purposes of this subsection (3)(a), if the alimony or  
13 maintenance actually paid by a parent is deductible for federal income tax  
14 purposes by that parent, AND THE ALIMONY OR MAINTENANCE IS PAID AND  
15 RECEIVED BY THE SAME PARTIES AS THE CHILD SUPPORT CALCULATION,  
16 then the actual amount of alimony or maintenance paid by that parent  
17 must be deducted from that parent's gross income. If the alimony or  
18 maintenance actually paid by a parent is not deductible for federal income  
19 tax purposes by that parent, then the amount of alimony or maintenance  
20 deducted from that parent's gross income is the amount of alimony or  
21 maintenance actually paid by that parent ~~multiplied by 1.25~~. SUBJECT TO  
22 THE FOLLOWING ADJUSTMENTS:

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

26 (B) IF THE COMBINED MONTHLY ADJUSTED GROSS INCOME OF THE  
27 PARTIES TO THE MAINTENANCE PAYMENT IS MORE THAN TEN THOUSAND

1 DOLLARS, THE MAINTENANCE ACTUALLY PAID WILL BE MULTIPLIED BY  
2 1.33; AND

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

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

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

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

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

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

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

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

22 (II) "Gross income" does not include:

23 (C) Income from additional jobs that result in the employment of  
24 the obligor more than forty hours per week or more than what would  
25 otherwise be considered to be full-time employment;

26 (IV) IF A PREEXISTING COURT-ORDERED ALIMONY OR  
27 MAINTENANCE OBLIGATION ACTUALLY RECEIVED BY A PARTY DOES NOT

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

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

10 (I.5) TRANSPORTATION;

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

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

27 (a.5) IF A CHILD IS COVERED BY INSURANCE, THE PARENT SECURING THE



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

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

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

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

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

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

24 == == ==

25 (d) Members of the child support commission, ~~shall~~ WITH THE  
26 EXCEPTION OF PARENT REPRESENTATIVES, ARE ~~not be~~ compensated for  
27 their services on the commission except as otherwise provided in section

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

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

8 **14-10-123. Commencement of proceedings concerning**  
9 **allocation of parental responsibilities - jurisdiction - automatic**  
10 **temporary injunction - enforcement - definitions.** (1) A proceeding  
11 concerning the allocation of parental responsibilities is commenced in the  
12 district court or as otherwise provided by law:

13 (a) By a parent:

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

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

20 **14-14-111.5. Income assignments for child support or**  
21 **maintenance.** (8) An employer, trustee, or other payer of funds subject  
22 to this section who:

23 (b) Wrongfully fails to withhold income OR DISTRIBUTE PAYMENT  
24 in accordance with the provisions of this section ~~shall be~~ IS liable for ~~both~~  
25 the accumulated amount the employer, trustee, or other payer of funds  
26 should have withheld AND NOT DISPERSED from the obligor's income,  
27 INCLUDING, UPON PERSONAL SERVICE PURSUANT TO RULE 4 OF THE

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

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

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

13 **19-4-111. Pretrial proceedings.** (1) As soon as practicable after  
14 an action to declare the existence or nonexistence of the father-child  
15 relationship has been brought, an informal hearing shall be held if it is  
16 determined by the court to be in the child's best interest. The court may  
17 order that the hearing be held before a magistrate. The public ~~shall~~ MUST  
18 be barred from the hearing if it is determined by the court to be in the best  
19 interest of any of the parties. A record of the proceeding or any portion  
20 thereof ~~shall~~ MUST be kept if any party requests or the court orders. Rules  
21 of evidence need not be observed. At the informal hearing, the judge or  
22 magistrate shall give a verbal advisement to the parties that a request for  
23 genetic tests ~~shall~~ MUST not prejudice the requesting party in matters  
24 concerning allocation of parental responsibilities pursuant to section  
25 14-10-124 (1.5). ~~C.R.S.~~ The judge or magistrate shall further advise the  
26 parties that, if genetic tests are not obtained prior to the legal  
27 establishment of paternity PARENTAGE and submitted into evidence prior

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

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

12 **19-4-116. Judgment or order - birth-related costs - evidence.**  
13 (4) Support judgments or orders ordinarily ~~shall~~ MUST be for periodic  
14 payments which may vary in amount. In the best interest of the child, a  
15 lump-sum payment or the purchase of an annuity may be ordered in lieu  
16 of periodic payments of support. The court or delegate child support  
17 enforcement unit may enter an order directing the ~~father~~ OBLIGOR to pay  
18 for support of the child, in an amount as may be determined by the court  
19 or delegate child support enforcement unit to be reasonable under the  
20 circumstances, for a time period ~~which~~ THAT occurred prior to the ~~entry~~  
21 ~~of the order establishing paternity~~ MONTH THE CHILD SUPPORT  
22 OBLIGATION BEGINS. The court may limit the ~~father's~~ APPROPRIATE  
23 PARTY'S liability for past support of the child to the proportion of the  
24 expenses already incurred that the court deems just.

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

27 **19-6-104. Hearing - orders.** (1) If the court or delegate child

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

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

15 **19-6-104. Hearing - orders.** (3.5) Upon the filing of a  
16 proceeding under this ~~article~~ ARTICLE 6 or upon the filing of a proceeding  
17 originating under article 13.5 of title 26, ~~C.R.S.~~ THE JUDGE OR  
18 MAGISTRATE SHALL ADVISE THE PARTIES THAT SUBSEQUENT TO AN  
19 ADJUDICATION OF PARENTAGE, UPON MOTION, the court ~~may~~ SHALL enter  
20 an order allocating parental responsibilities pursuant to section 14-10-124  
21 (1.5); ~~C.R.S.~~, except that, in matters involving a nonresident party, the  
22 court shall first determine whether it has authority to issue an order  
23 allocating parental responsibilities pursuant to article 13 of title 14,  
24 ~~C.R.S.~~ Nothing in this subsection (3.5) shall be construed to authorize a  
25 delegate child support enforcement unit to negotiate or mediate the  
26 allocation of parental responsibilities in any proceeding initiated under  
27 this article or article 13.5 of title 26. ~~C.R.S.~~

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

3           **19-6-107. Orders for allocation of parental responsibilities in**  
4 **support actions.** UPON THE FILING OF ANY PROCEEDING UNDER THIS  
5 ARTICLE 6 OR UNDER ARTICLE 13.5 OF TITLE 26, THE COURT SHALL, AS  
6 SOON AS PRACTICABLE, ENTER A TEMPORARY OR PERMANENT ORDER  
7 ALLOCATING PARENTAL RESPONSIBILITIES THAT ALLOCATES  
8 DECISION-MAKING RESPONSIBILITY AND PARENTING TIME FOR THE CHILD  
9 UNTIL FURTHER ORDER OF THE COURT. THIS SECTION DOES NOT APPLY TO  
10 ANY PARENTAGE DETERMINATION MADE PURSUANT TO SECTION 14-5-402.

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

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

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

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

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

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

1 OR BURIAL EXPENSES.

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

4 **26-13.5-102. Definitions.** As used in this article 13.5, unless the  
5 context otherwise requires:

6 (1.2) "APA-petitioner" means, PURSUANT TO ARTICLE 13 OF THIS  
7 TITLE 26:

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

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

14 (1.3) "APA-respondent" means, PURSUANT TO ARTICLE 13 OF THIS  
15 TITLE 26:

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

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

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

23 **26-13.5-103. Notice of financial responsibility issued -**  
24 **contents.** (1) The delegate child support enforcement unit shall issue a  
25 notice of financial responsibility to the APA-respondent who is the  
26 obligee or an obligor who owes a child support debt or who is responsible  
27 for the support of a child or to the custodian of a child who is receiving



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

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

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

9 **26-13.5-103. Notice of financial responsibility issued -**  
10 **contents.** (1) The delegate child support enforcement unit shall issue a  
11 notice of financial responsibility to the APA-respondent who is the  
12 obligee or an obligor who owes a child support debt or who is responsible  
13 for the support of a child or to the custodian of a child who is receiving  
14 support enforcement services from the delegate child support enforcement  
15 unit pursuant to article 13 of this title 26. If the obligor has applied for  
16 child support services, the notice must be served on the obligee. The  
17 notice must advise the APA-respondent:

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

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

23 **26-13.5-105. Negotiation conference - issuance of order of**  
24 **financial responsibility - filing of order with district court.**

25 (3) (d) Notwithstanding any rules of the Colorado rules of civil  
26 procedure, a complaint is not required in order to initiate a court action  
27 pursuant to this subsection (3). The court shall inform the delegate child

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

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

3           **26-13.5-105. Negotiation conference - issuance of order of**  
4   **financial responsibility - filing of order with district court.** (1) Every  
5   APA-respondent who has been served with a notice of financial  
6   responsibility pursuant to section 26-13.5-104 shall appear at the time and  
7   location stated in the notice for a negotiation conference or shall  
8   reschedule a negotiation conference prior to the date and time stated in  
9   the notice. The negotiation conference must be scheduled not more than  
10   thirty-five days after the date of the issuance of the notice of financial  
11   responsibility. A negotiation conference may be rescheduled by a request  
12   for a standard continuance by the APA-petitioner or APA-respondent. A  
13   standard continuance must not be more than seven days after the date of  
14   the currently scheduled negotiation conference. The negotiation  
15   conference may also be continued for good cause as defined in rules  
16   promulgated pursuant to section 26-13.5-113. If a negotiation conference  
17   is continued, the APA-petitioner and APA-respondent must be notified  
18   of such continuance by first-class mail, hand delivery, or electronic means  
19   if agreed to by both parties. A STIPULATION IN AN ESTABLISHMENT ACTION  
20   MAY BE SIGNED BY THE APA-RESPONDENT AND THE DELEGATE CHILD  
21   SUPPORT ENFORCEMENT UNIT, WITH OR WITHOUT THE SIGNATURE OF THE  
22   APA-PETITIONER. If a stipulation is agreed upon at the negotiation  
23   conference as to the obligor's duty of support, the delegate child support  
24   enforcement unit shall issue an administrative order of financial  
25   responsibility setting forth the following:

26           (d) The names and dates of birth of the parties and of the children  
27   for whom support is being sought and the parties' residential and mailing

1 addresses, UNLESS THAT INFORMATION MUST NOT BE DISCLOSED  
2 PURSUANT TO SECTION 26-13-102.8.

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

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

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

14 **26-13.5-105. Negotiation conference - issuance of order of**  
15 **financial responsibility - filing of order with district court.** (5) If the  
16 court or delegate child support enforcement unit finds that the ~~respondent~~  
17 OBLIGOR has an obligation to support the child or children mentioned in  
18 the petition or notice, the court or delegate child support enforcement unit  
19 may enter an order directing the ~~respondent~~ OBLIGOR to pay such sums for  
20 support as may be reasonable under the circumstances, taking into  
21 consideration the factors found in section 19-4-116 (6). ~~C.R.S.~~ The court  
22 or delegate child support enforcement unit may also enter an order  
23 directing the appropriate party to pay for support of the child, in an  
24 amount as may be determined by the court or delegate child support  
25 enforcement unit to be reasonable under the circumstances, for a time  
26 period which occurred prior to the ~~entry of the support order established~~  
27 MONTH THE CHILD SUPPORT OBLIGATION BEGINS pursuant to section

1 19-6-104. C.R.S.

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

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

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

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

12 **26-13.5-106. Default - issuance of establishment order of**  
13 **default - filing of order with district court - rules.** (1) (d) The order for  
14 default may direct the obligor to pay for support of the child, in an  
15 amount determined by the court or delegate child support enforcement  
16 unit to be reasonable under the circumstances, for a time period prior to  
17 the ~~entry of~~ MONTH THE CHILD SUPPORT OBLIGATION BEGINS IN the order  
18 establishing FINANCIAL RESPONSIBILITY AND paternity PARENTAGE.

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

21 **26-13.5-122. Survivability of an administrative process action**  
22 **order - applicability.** (4) ~~If an APA order contains a judgment for~~  
23 ~~retroactive support that is owed to a nonparent caretaker of a dependent~~  
24 ~~child, such judgment survives pursuant to this section~~ IF THE APA ORDER  
25 ESTABLISHES A SUPPORT OBLIGATION THAT IS OWED TO A NONPARENT  
26 CARETAKER, THE SUPPORT OBLIGATION, INCLUDING ANY RETROACTIVE  
27 SUPPORT, UNPAID SUPPORT, AND MONTHLY SUPPORT OWED TO THE

1 NONPARENT CARETAKER SURVIVE PURSUANT TO THIS SECTION.

2 **SECTION 21. In Colorado Revised Statutes, 14-10-115, amend**  
3 **(16)(b), (16)(c)(I), (16)(c)(II)(B), (16)(c)(II)(G), (16)(c)(III), and (16)(d)**  
4 **as follows:**

5 **14-10-115. Child support guidelines - purpose - determination**  
6 **of income - schedule of basic child support obligations - adjustments**  
7 **to basic child support - additional guidelines - child support**  
8 **commission - definitions. (16) Child support commission. (b) As part**  
9 **of its review, the commission must SHALL consider economic data on the**  
10 **cost of raising children and analyze case data on the application of, and**  
11 **deviations from, the guidelines and the schedule of basic child support**  
12 **obligations to be used in the commission's review to ensure that**  
13 **deviations from the guidelines and schedule of basic child support**  
14 **obligations are limited. FURTHER, AS PART OF ITS REVIEW, THE**  
15 **COMMISSION SHALL CONSIDER:**

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

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

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

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

26 **(II) The governor shall appoint up to nineteen persons to the**  
27 **commission, who must include:**

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

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

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

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

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

20           **19-4-105. Presumption of paternity.** (2) (b) A duly executed  
21 voluntary acknowledgment of parentage takes effect upon the filing of the  
22 document with the state registrar of vital statistics and may be rescinded  
23 on ~~or~~ WITHIN the earlier of:

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

26           **19-4-130. Temporary orders for allocation of parental**  
27 **responsibilities.** (1) Upon the filing of any proceeding under this article

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

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

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

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

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

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

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

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