

CHAPTER 270

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 93-154

BY SENATORS Wells, Casey, Johnson, and Traylor;
also REPRESENTATIVES Anderson, Fleming, and Lawrence.

AN ACT**CONCERNING CHILD SUPPORT OBLIGATIONS.**

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

SECTION 1. 14-10-115 (1.5) (b) (I), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended, and the said 14-10-115 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (1.5) (b) (I) If the court finds that it is appropriate for the parents to contribute to the costs of a program of postsecondary education, then the court shall terminate child support and enter an order requiring both parents to contribute a sum determined to be reasonable for the education expenses of the child, taking into account the resources of each parent and the child. UNDER NO CIRCUMSTANCES SHALL THE OBLIGOR BE ORDERED TO PAY MORE FOR POSTSECONDARY EDUCATION EXPENSES ANNUALLY THAN SUCH OBLIGOR WAS REQUIRED TO PAY ANNUALLY UNDER THE MOST RECENT CHILD SUPPORT ORDER. In no case shall the court issue orders providing for both child support and postsecondary education for the same child regardless of the age of the child. Either parent or the child may move for such an order ~~no later than one year after either the child's nineteenth birthday or the completion of high school, whichever is later.~~ AT ANY TIME BEFORE THE CHILD ATTAINS THE AGE OF TWENTY-ONE YEARS. Postsecondary education includes college and vocational education programs. If such an order is entered, the parents shall contribute to the total sum determined by the court in proportion to their adjusted gross incomes as defined in subparagraph (II) of paragraph (a) of subsection (10) of this section. The order for postsecondary education support may not extend beyond the earlier of the child's twenty-first birthday or the completion of an undergraduate degree. The court may order the support paid directly to the educational institution,

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

to the child, or in such other fashion as is appropriate to support the education of the child. If the child resides in the home of one parent while attending school or during periods of time in excess of thirty days when school is not in session, the court may order payments from one parent to the other for room and board. A child shall not be considered emancipated solely by reason of living away from home while in postsecondary education.

(e) FOR THE PURPOSES OF THIS SECTION, "POSTSECONDARY EDUCATION SUPPORT" MEANS SUPPORT FOR THE EXPENSES ASSOCIATED WITH ATTENDING A COLLEGE, UNIVERSITY, OR VOCATIONAL EDUCATION PROGRAM AND SHALL, IF APPROPRIATE, INCLUDE REASONABLE AND NECESSARY TRANSPORTATION EXPENSES, HEALTH INSURANCE EXPENSES, EXTRAORDINARY MEDICAL EXPENSES, ROOM AND BOARD, TUITION, BOOKS, SUPPLIES, AND FEES, INCLUDING APPLICATION FEES, CHARGED BY THE INSTITUTION.

SECTION 2. 14-10-122 (1) (a), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-10-122. Modification and termination of provisions for maintenance, support, and property disposition. (1) (a) Except as otherwise provided in section 14-10-112 (6), the provisions of any decree respecting maintenance may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of changed circumstances so substantial and continuing as to make the terms ~~unconscionable~~ UNFAIR, and the provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of changed circumstances that are substantial and continuing or on the ground that the order does not contain a provision regarding medical support, such as insurance coverage, payment for medical insurance deductibles and copayments, or unreimbursed medical expenses. The provisions as to property disposition may not be revoked or modified unless the court finds the existence of conditions that justify the reopening of a judgment.

SECTION 3. 14-5-115, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-5-115. Duty of initiating court. If the initiating court finds that the complaint sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and attach a single certification to each of three copies of the complaint and one copy of this article to be sent to the responding court. If the complaint is filed by a delegate child support enforcement unit, the initiating court shall send the documents through the central interstate registry to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court. UPON A FINDING BY THE COURT OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IN THE INITIATING STATE THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE PLACED UNREASONABLY AT

RISK BY THE DISCLOSURE OF IDENTIFYING INFORMATION, OR IF AN EXISTING ORDER SO PROVIDES, THE COURT OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IN THE INITIATING STATE SHALL NOT DISCLOSE THE ADDRESS OF A CHILD OR PARTY OR OTHER IDENTIFYING INFORMATION, EXCEPT FOR THE NAMES OF THE PARTIES AND THE CHILD, IN A PLEADING OR OTHER DOCUMENT FILED IN A PROCEEDING UNDER THIS ARTICLE.

SECTION 4. 14-5-119 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-5-119. Duty of the court and officials of this state as responding state.

(1) (a) The central interstate registry shall receive filings under Title IV-D of the federal "Social Security Act", as amended, and shall transmit such filings to the delegate child support enforcement unit which shall promptly refer the documents to the clerk of the court when court action is necessary.

(b) After the responding court receives copies of the complaint, certificate, and this or a similar law from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(c) UPON A FINDING BY THE COURT OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IN THE INITIATING STATE THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD WOULD BE PLACED UNREASONABLY AT RISK BY THE DISCLOSURE OF IDENTIFYING INFORMATION, OR IF AN EXISTING ORDER SO PROVIDES, THE COURT OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IN THE RESPONDING STATE SHALL NOT DISCLOSE THE ADDRESS OF A CHILD OR PARTY OR OTHER IDENTIFYING INFORMATION, EXCEPT FOR THE NAMES OF THE PARTIES AND THE CHILD, IN A PLEADING OR OTHER DOCUMENT FILED IN A PROCEEDING UNDER THIS ARTICLE.

SECTION 5. 14-5-140 (3), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-5-140. Registration procedure - notice. (3) Registration of a foreign support order in a court of this state pursuant to this section does not confer personal jurisdiction over the petitioner and does not confer subject matter jurisdiction over any issues except for issues of ~~child~~ support and arrearages.

SECTION 6. 14-10-107.7, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-10-107.7. Required notice of involvement with department of social services. When filing a petition for dissolution of marriage or legal separation, A PETITION IN SUPPORT OR CUSTODY PROCEEDINGS, OR ANY OTHER MATTER PURSUANT TO THIS ARTICLE with the court, if the parties have joint legal responsibility for a child for whom the petition seeks an order of child support, the parties shall be required to indicate on a form prepared by the court whether or not the parties or the dependent children of the parties have received within the last five years or are currently receiving benefits or public assistance from either the state or county departments of social services. If the parties indicate that they have received such benefits or assistance, the court shall inform the appropriate delegate child support enforcement unit so that the unit can determine whether any support enforcement services are required. There shall be no penalty for failure to report as specified in this section.

SECTION 7. 14-10-115 (1.5) (b) (I), (2), and (10) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended, and the said 14-10-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (1.5) (b) (I) If the court finds that it is appropriate for the parents to contribute to the costs of a program of postsecondary education, then the court shall terminate child support and enter an order requiring both parents to contribute a sum determined to be reasonable for the education expenses of the child, taking into account the resources of each parent and the child. In no case shall the court issue orders providing for both child support and postsecondary education TO BE PAID FOR THE SAME TIME PERIOD for the same child regardless of the age of the child. Either parent or the child may move for such an order no later than one year after either the child's nineteenth birthday or the completion of high school, whichever is later. Postsecondary education includes college and vocational education programs. If such an order is entered, the parents shall contribute to the total sum determined by the court in proportion to their adjusted gross incomes as defined in subparagraph (II) of paragraph (a) of subsection (10) of this section. The order for postsecondary education support may not extend beyond the earlier of the child's twenty-first birthday or the completion of an undergraduate degree. The court may order the support paid directly to the educational institution, to the child, or in such other fashion as is appropriate to support the education of the child. If the child resides in the home of one parent while attending school or during periods of time in excess of thirty days when school is not in session, the court may order payments from one parent to the other for room and board. A child shall not be considered emancipated solely by reason of living away from home while in postsecondary education.

(2) (a) In orders issued pursuant to this section, the court shall order that either parent or both parents initiate the inclusion of the child under a medical insurance policy or medical and dental insurance policies currently in effect for their benefit, purchase medical insurance or medical and dental insurance for the child, or in some other manner provide for the current and future medical needs of the child. At the same time, the court shall order payment of medical insurance or medical and dental insurance deductibles and copayments. If a court has ordered a parent to provide medical insurance or medical and dental insurance, the court shall order that parent to provide separate coverage for any children who are not covered by that parent's insurance because the children reside outside the geographic coverage area of the policy if the court determines that such separate coverage is available at reasonable cost.

(b) WHERE THE APPLICATION OF THE PREMIUM PAYMENT ON THE CHILD SUPPORT GUIDELINES RESULTS IN A CHILD SUPPORT ORDER OF FIFTY DOLLARS OR LESS, OR THE PREMIUM PAYMENT IS TWENTY PERCENT OR MORE OF THE PARENT'S GROSS INCOME, THE COURT OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ELECT NOT TO REQUIRE THE PARENT TO INCLUDE THE CHILD OR CHILDREN ON AN EXISTING POLICY OR TO PURCHASE INSURANCE. THE PARENT SHALL, HOWEVER, BE REQUIRED TO PROVIDE INSURANCE WHEN IT DOES BECOME AVAILABLE AT A REASONABLE RATE.

(3.5) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS ARTICLE SHALL PROVIDE THE SOCIAL SECURITY NUMBERS AND DATES OF BIRTH OF THE PARTIES AND OF THE CHILDREN WHO ARE THE SUBJECT OF THE ORDER.

(10) (c) **Basic child support obligation.** Because shared physical custody presumes that certain basic expenses for the children will be duplicated, an adjustment for shared physical custody is made by multiplying the basic child support obligation by ~~one and fifty one hundredths~~ ONE AND FIFTY ONE-HUNDREDTHS (1.50).

SECTION 8. 14-10-115 (18), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (18) (e) IN REVIEWING THE CHILD SUPPORT GUIDELINES AS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (18), THE CHILD SUPPORT COMMISSION SHALL STUDY THE MERITS OF AMENDING THE CHILD SUPPORT GUIDELINES TO MAKE CREDITS FOR SUPPORTING OTHER CHILDREN AND CREDITS ALLOWED TO AN ABSENT PARENT ONLY AVAILABLE FOR CURRENT SUPPORT AND ONLY AVAILABLE FOR PAYMENTS ACTUALLY BEING MADE.

SECTION 9. 14-14-104 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-104. Recovery for child support debt. (1) Any payment of public assistance by a county department of social services made to or for the benefit of any dependent child or children creates a debt, which is due and owing to the county department of social services, recoverable by the county as a debt due to the state by the parent or parents who are responsible for support of the dependent child or children in an amount ~~equal to the amount of public assistance so paid; except that~~ TO BE DETERMINED AS FOLLOWS:

(a) Where there has been a court order directed to a parent, the child support debt of that parent shall be an amount equal to the amount of public assistance paid to the extent of the full amount of arrearages under the order. However, the county department of social services through its delegate child support enforcement unit may petition for modification of the order on the same grounds as a party to the action;

(b) Where there has been no court OR ADMINISTRATIVE order FOR CHILD SUPPORT, the county department of social services through its delegate child support enforcement unit may initiate a court OR ADMINISTRATIVE action to establish the amount of child support debt accrued, and the court OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, after hearing or upon stipulation OR UPON A DEFAULT ORDER, ~~and after taking into consideration all relevant factors including those referred to in section 14-10-115, may~~ SHALL enter an order ~~equal to or more than the amount of public assistance paid~~ FOR CHILD SUPPORT DEBT. THE DEBT SHALL BE BASED ON THE AMOUNT OF CURRENT CHILD SUPPORT DUE, OR WHICH WOULD BE DUE IF THE OBLIGOR WERE AN ABSENT PARENT, UNDER THE CURRENT CHILD SUPPORT ENFORCEMENT GUIDELINES IN EFFECT ON THE DATE OF THE STIPULATION, DEFAULT ORDER, OR HEARING TO ESTABLISH THE CHILD SUPPORT DEBT TIMES THE NUMBER OF MONTHS THE FAMILY RECEIVED PUBLIC ASSISTANCE. THE TOTAL AMOUNT OF CHILD SUPPORT DEBT SHALL NOT EXCEED THE TOTAL AMOUNT PAID FOR PUBLIC ASSISTANCE. A child support debt established pursuant to this paragraph (b) shall be in addition to any subsequent child support debt accrued pursuant to paragraph (a) of this subsection (1).

SECTION 10. 14-14-107 (9), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-107. Wage assignment - applicability. (9) (a) The obligor may file with the court a written objection to the activation of a wage assignment pursuant to subparagraph (III) of paragraph (b) of subsection (5) of this section within ten days after the advance notice of activation is sent to the obligor pursuant to paragraph (c) of subsection (5) of this section unless the obligor alleges that the notice was not received, in which case an objection may be filed no later than ten days after actual notice. The obligor shall mail a copy of the written objection to the obligee or the obligee's representative.

(b) The objection shall be limited to the defenses that there is a mistake of fact such as an error in the identity of the absent parent or in the amount of the support.

(c) If an objection is filed by the obligor, a hearing shall be set and held by the court within forty-five days of the date the notice was sent to the obligor pursuant to paragraph (c) of subsection (5) of this section. The court shall deny the objection without hearing if a defense in paragraph (b) of this subsection (9) is not alleged.

(d) At a hearing on an objection, the sole issue before the court is whether there was a mistake of fact as specified in paragraph (b) of this subsection (9).

(e) At a hearing on an objection, REASONABLE attorney fees and costs shall be awarded to the prevailing party.

(f) If an objection is based on the amount of arrears, the wage assignment may be activated and enforced as to current support obligations, and the activation of the wage assignment as to arrears shall be stayed pending the outcome of a hearing on such objection.

SECTION 11. 14-14-110, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

14-14-110. Contempt of court. (1) Evidence of noncompliance with an order for child support, or maintenance when combined with child support, in the form of an affidavit from the clerk of the court or in the form of a copy of the record of payments certified by the clerk of the court is prima facie evidence of contempt of court.

(2) In determining whether or not the obligor is in contempt of court, the court may consider that the required payment has been made prior to the hearing to determine contempt or that owing to physical incapacity or other good cause the obligor was unable to furnish the support, care, and maintenance required by the order for the period of noncompliance alleged in the motion.

(3) IF, AFTER PERSONAL SERVICE OF THE CITATION AND A COPY OF THE MOTION AND AFFIDAVIT, THE OBLIGOR FAILS TO APPEAR AT THE TIME SO DESIGNATED, THE COURT MAY ISSUE A WARRANT FOR THE OBLIGOR'S ARREST. UPON ISSUANCE OF THE WARRANT, THE COURT SHALL DIRECT BY ENDORSEMENT THEREON THE AMOUNT OF THE BOND REQUIRED.

(4) PURSUANT TO SUBSECTION (3) OF THIS SECTION, WHERE THE OBLIGOR HAS BEEN RELEASED UPON DEPOSIT OF CASH, STOCKS, OR BONDS, OR UPON SURETY BOND SECURED BY PROPERTY, IF THE OBLIGOR FAILS TO APPEAR IN ACCORDANCE WITH THE PRIMARY CONDITION OF THE BOND, THE COURT SHALL DECLARE A FORFEITURE. NOTICE OF THE ORDER OF FORFEITURE SHALL BE MAILED IMMEDIATELY BY THE COURT TO THE OBLIGOR AND SURETIES, IF ANY, AT THE LAST KNOWN ADDRESS. IF THE OBLIGOR DOES NOT APPEAR AND SURRENDER TO THE COURT HAVING JURISDICTION WITHIN THIRTY DAYS AFTER THE DATE OF THE FORFEITURE, OR WITHIN THAT PERIOD SATISFY THE COURT THAT APPEARANCE AND SURRENDER BY THE OBLIGOR IS IMPOSSIBLE AND WITHOUT THE OBLIGOR'S FAULT, THE COURT SHALL ENTER JUDGMENT AGAINST THE OBLIGOR FOR THE AMOUNT OF THE BAIL AND COSTS OF THE COURT PROCEEDINGS.

(5) ANY MONEYS COLLECTED OR PAID UPON ANY SUCH EXECUTION OR IN ANY CASE UPON SAID BOND SHALL BE TURNED OVER TO THE CLERK OF THE COURT IN WHICH THE BOND IS GIVEN TO BE APPLIED TO THE CHILD SUPPORT OBLIGATION, INCLUDING WHERE THE OBLIGATION IS ASSIGNED TO THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO SECTION 26-2-111 (3) (g), C.R.S.

SECTION 12. 14-14-111 (2) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-111. Immediate deductions for family support obligations - legislative declaration - procedures - applicability. (2) (b) (I) With respect to all child support orders where the custodian of the child is not receiving support enforcement services from a delegate child support enforcement unit pursuant to section 26-13-106, C.R.S., on and after January 1, 1994, whenever an obligation for child support, maintenance, child support when combined with maintenance, or child support arrears is initially determined, whether temporary or permanent, or modified by the court, the amount of child support, maintenance, child support when combined with maintenance, or child support arrears shall be ordered by the court to be deducted and withheld, subject to section 13-54-104 (3), C.R.S., from the income, as defined in section 14-10-115 (7), which is due or to become due in the future from the obligor's employer, employers, or successor employers, or other payor of funds, regardless of the source, of the person obligated to pay the child support, maintenance, child support when combined with maintenance, or child support arrears.

~~(II) This paragraph (b) is repealed, effective January 1, 1994, unless the general assembly acts by bill to repeal this subparagraph (II). The purpose of this provision is to require the general assembly to approve the implementation of this paragraph (b) during the second regular session of the fifty-ninth general assembly.~~

SECTION 13. 14-14-112 (2) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended, and the said 14-14-112 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14-14-112. Deductions for health insurance. (2) Notice of the deduction for health insurance shall be mailed by certified mail, return receipt requested, by the obligee, the obligee's representative, or the delegate child support enforcement unit, to the obligor's employer. The notice of the deduction for health insurance shall

contain:

(c) A statement that children shall be enrolled in the health insurance plan in which the obligor is enrolled IF THE CHILDREN CAN BE COVERED UNDER THAT PLAN or, if the obligor is not enrolled, in the least costly plan otherwise available and accessible to the child;

(j) A STATEMENT THAT IF THE OBLIGOR OR EMPLOYER ENROLLS THE DEPENDENTS WHO ARE THE SUBJECT OF THE ORDER IN HEALTH INSURANCE COVERAGE AVAILABLE THROUGH THE EMPLOYER, THE EMPLOYER SHALL SEND A COPY OF SUCH ENROLLMENT TO THE LOCATION IDENTIFIED ON THE NOTICE.

SECTION 14. 13-52-102 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-52-102. Property subject to execution - lien - real estate. (1) All goods and chattels, lands, tenements, and real estate of every person against whom any judgment is obtained in any court of record, either at law or in equity, for any debt, damages, costs, or other sum of money are liable to be sold on execution to be issued upon such judgment. The transcript of the docket entry of any judgment in the judgment docket, certified by the clerk, may be filed with the recorder of any county; and from the time of filing such transcript the judgment shall become a lien upon all the real property of such judgment debtor, not exempt from execution in such county, owned by him or which he may afterwards acquire until said lien expires. The lien shall continue for six years from the entry of judgment unless the judgment is previously satisfied. If the underlying judgment is a judgment for child support OR maintenance OR arrears THEREOF or CHILD SUPPORT debt, the lien shall remain in effect for the life of the judgment without the necessity of renewal every six years. Upon satisfaction of the judgment for child support OR maintenance OR arrears THEREOF or CHILD SUPPORT debt, the delegate child support enforcement unit, or the party filing the lien, shall promptly file a satisfaction of the lien with the recorder of such county.

SECTION 15. 19-6-103 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-6-103. Summons. (2) Service of the summons shall be by personal service as provided in the Colorado rules of civil procedure. IN ADDITION TO ANY OTHER METHOD PROVIDED BY RULE OR STATUTE, INCLUDING RULE 4 (f) OF THE COLORADO RULES OF CIVIL PROCEDURE, PERSONAL JURISDICTION OVER AN INDIVIDUAL OUTSIDE THIS STATE MAY BE ACQUIRED BY DELIVERING A COPY OF THE SUMMONS, TOGETHER WITH A COPY OF THE PETITION UPON WHICH IT WAS ISSUED, TO THE INDIVIDUAL SERVED. SUCH SERVICE MAY BE BY PRIVATE PROCESS SERVER OR BY SENDING SUCH COPIES TO SUCH INDIVIDUAL BY CERTIFIED MAIL WITH PROOF OF ACTUAL RECEIPT BY SUCH INDIVIDUAL.

SECTION 16. 19-6-104, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-6-104. Hearing - orders. (5.5) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS ARTICLE SHALL INCLUDE THE SOCIAL SECURITY ACCOUNT

NUMBERS AND DATES OF BIRTH OF THE PARTIES AND OF THE CHILDREN WHO ARE THE SUBJECTS OF THE ORDER.

SECTION 17. 26-5-102, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5-102. Provision of child welfare services. The state department shall adopt rules and regulations to establish a program of child welfare services, administered by the state department or supervised by the state department and administered by the county departments, and, where applicable, in accordance with the conditions accompanying available federal funds for such purpose. Said rules and regulations shall ~~include~~ ESTABLISH a fee schedule based upon ability to pay; THE CHILD SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S., requiring those persons legally responsible for the child ~~who are financially able as determined by the state department~~ to pay for all or a portion of the services provided under this article. Upon appropriate request and within available appropriations, child welfare services shall be provided for any child residing or present in the state of Colorado who is in need of such services. Foster care fees shall be considered child support obligations, and all remedies for the enforcement and collection of child support shall apply. Foster care fees established pursuant to ~~this section~~ SECTION 14-10-115, C.R.S., may be collected pursuant to the administrative procedures to establish child support enforcement set forth in article 13.5 of this title. Due process is guaranteed in all actions regarding any such administrative process concerning foster care fees, and ~~any obligor may request~~ a court hearing of the matter before the district court MAY BE OBTAINED in the manner prescribed in section ~~26-13.5-108~~ 26-13.5-105. Nothing contained in article 13.5 of this title shall be construed to deprive a court of competent jurisdiction from determining the duty of support of any obligor against whom an administrative order is issued pursuant to this article.

SECTION 18. 26-13-118 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-13-118. Lottery winnings offset. (2) Prior to the payment of lottery winnings required by rule and regulation of the commission to be paid only at the lottery offices, the department of revenue shall check the social security number of each winner with those certified by the state department. If the social security number of a lottery winner appears among those certified by the state department, the department of revenue shall obtain the current address of the winner, shall suspend the payment of the winnings, and shall notify the state department. The state department shall notify the obligated parent, in writing, that the state intends to offset, IN THE FOLLOWING ORDER OF PRIORITY, the parent's CURRENT MONTHLY CHILD SUPPORT OBLIGATION, child support debt, or CHILD SUPPORT arrearages against the parent's winnings from the state lottery. Such notification shall include information on the parent's right to object to the offset and to request an administrative review pursuant to the rules and regulations of the state board of social services.

SECTION 19. 26-13-120 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-13-120. Administrative review of child support orders. (2) In order to obtain financial information for conducting the review pursuant to subsection (1) of

this section, the delegate child support enforcement unit is authorized to serve, by ~~certified~~ REGULAR mail, ~~or personal service~~, an administrative subpoena on any person, corporation, partnership, financial institution, or labor union, for an appearance or for production of records and financial documents. The delegate child support enforcement unit may make application to the district court to compel and enforce the appearance, production, and testimony relating to the review.

SECTION 20. 26-13.5-105 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court. (3) If no stipulation is agreed upon at the negotiation conference because the obligor contests the issue of paternity, the delegate child support enforcement unit shall file the notice of financial responsibility and proof of service with the clerk of the district court in the county in which the notice of financial responsibility was issued or in the district court where an action relating to child support is pending or an order exists but is silent on the issue of child support, and shall request the court to set a hearing for the matter. If no stipulation is agreed upon at the negotiation conference and paternity is not an issue, the delegate child support enforcement unit shall issue temporary orders establishing CURRENT child support, CHILD SUPPORT DEBT, ARREARS, FOSTER CARE MAINTENANCE, AND MEDICAL SUPPORT and shall file the notice of financial responsibility and proof of service with the clerk of the district court in the county in which the notice of financial responsibility was issued and shall request the court to set a hearing for the matter. Notwithstanding any rules of the Colorado rules of civil procedure, a complaint is not required in order to initiate a court action pursuant to this subsection (3). The court shall inform the delegate child support enforcement unit of the date and location of the hearing and the court or the delegate child support enforcement unit shall send a notice to the obligor informing the obligor of the date and location of the hearing. In order to meet federal requirements of expedited process for child support enforcement, the court shall hold a hearing and decide only the issue of child support within ninety days after receipt of notice, as defined in section 26-13.5-102 (13), or within one year after receipt of notice, as defined in section 26-13.5-102 (13), if the obligor is contesting the issue of paternity. If the obligor raises issues relating to custody or visitation and the court has jurisdiction to hear such matters, the court shall set a separate hearing for those issues after entry of the order of support. In any action, including an action for paternity, no additional service beyond that originally required pursuant to section 26-13.5-104 shall be required if no stipulation is reached at the negotiation conference and the court is requested to set a hearing in the matter.

SECTION 21. Effective date - applicability. (1) Sections 1 and 2 of this act shall take effect July 1, 1993. Section 1 of this act shall apply to child support obligations established or modified on or after said date.

(2) Sections 3 through 20 of this act shall take effect September 1, 1993; except that this section and sections 9 and 22 shall take effect upon passage and section 9 shall apply only to orders establishing debt entered on or after said date.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993