

CHAPTER 205

COURTS

SENATE BILL 94-002

BY SENATORS Cassidy, Bishop, Feeley, Gallagher, Hopper, Mares, Peterson, and Schroeder;
also REPRESENTATIVES Kreutz, Hernandez, and Pierson.

AN ACT**CONCERNING AN EXEMPTION FROM ANY LEVY AGAINST PROPERTY OWED FOR THE PAYMENT OF CHILD SUPPORT.**

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

SECTION 1. 13-54-102 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13-54-102. Property exempt. (1) The following property is exempt from levy and sale under writ of attachment or writ of execution:

(u) ANY CHILD SUPPORT OBLIGATION OR CHILD SUPPORT PAYMENT REQUIRED BY A SUPPORT ORDER IF THE REQUIREMENTS OF SECTION 13-54-102.5 ARE MET.

SECTION 2. Article 54 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-54-102.5. Child support payments - exemption - deposit into custodial account. (1) ANY PAST OR PRESENT CHILD SUPPORT OBLIGATION OWED BY A PARENT OR CHILD SUPPORT PAYMENT MADE BY A PARENT THAT IS REQUIRED BY A SUPPORT ORDER IS EXEMPT FROM LEVY UNDER WRIT OF ATTACHMENT OR WRIT OF EXECUTION FOR ANY DEBT OWED BY EITHER PARENT. A CHILD SUPPORT PAYMENT IS NO LONGER EXEMPT UNDER THE PROVISIONS OF THIS SECTION IF THE RECIPIENT OF THE PAYMENT INTERMINGLES THE PAYMENT WITH ANY OTHER MONEYS.

(2) A CHILD SUPPORT PAYMENT IS ONLY EXEMPT UNDER THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION AFTER THE PAYMENT IS DEPOSITED IN A BANK, SAVINGS AND LOAN, OR CREDIT UNION ACCOUNT IF THE ACCOUNT IS A CUSTODIAL

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

ACCOUNT FOR THE BENEFIT OF THE CHILD DESIGNATED FOR CHILD SUPPORT PAYMENTS AND IF NO MONEYS OTHER THAN CHILD SUPPORT PAYMENTS MADE PURSUANT TO A SUPPORT ORDER OR INTEREST EARNED ON THE MONEYS IN THE ACCOUNT ARE DEPOSITED INTO THE ACCOUNT.

SECTION 3. Effective date - applicability. This act shall take effect upon passage, and shall apply to any writ issued on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1994