

## CHAPTER 130

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**CHILDREN AND DOMESTIC MATTERS**

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**SENATE BILL 96-2**

BY SENATORS Wells, Pascoe, and Weddig;  
also REPRESENTATIVES Kaufman and Hagedorn.

**AN ACT****CONCERNING SUPPORT OBLIGATIONS.**

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

**SECTION 1.** 13-54-104 (1) (b) and (3) (b) (II), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**13-54-104. Restrictions on garnishment and levy under execution or attachment.** (1) As used in this section, unless the context otherwise requires:

(b) (I) "Earnings" means:

(A) Compensation paid or payable for personal services, whether denominated as wages, ~~including tips calculated pursuant to the federal internal revenue service percentage of gross wages~~, salary, commission, or bonus;

(B) Funds held in or payable from any health, accident, or disability insurance.

(II) For the purposes of writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, "earnings" also means:

(A) Workers' compensation benefits; ~~and~~

(B) Any pension or retirement benefits or payments, including but not limited to those paid pursuant to article 64 of title 22, C.R.S., articles 51, 54, 54.5, and 54.6 of title 24, C.R.S., article 30 of title 31, C.R.S., and section 35-65-402 (2), C.R.S.;

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

(C) PAYMENT TO AN INDEPENDENT CONTRACTOR FOR LABOR OR SERVICES, DIVIDENDS, SEVERANCE PAY, ROYALTIES, MONETARY GIFTS, MONETARY PRIZES, EXCLUDING LOTTERY WINNINGS NOT REQUIRED BY THE RULES OF THE COLORADO LOTTERY COMMISSION TO BE PAID ONLY AT THE LOTTERY OFFICE, TAXABLE DISTRIBUTIONS FROM GENERAL PARTNERSHIPS, LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OR LIMITED LIABILITY COMPANIES, INTEREST, TRUST INCOME, ANNUITIES, CAPITAL GAINS, OR RENTS;

(D) ANY FUNDS HELD IN OR PAYABLE FROM ANY HEALTH, ACCIDENT, DISABILITY, OR CASUALTY INSURANCE TO THE EXTENT THAT SUCH INSURANCE REPLACES WAGES OR PROVIDES INCOME IN LIEU OF WAGES; AND

(E) TIPS DECLARED BY THE INDIVIDUAL FOR PURPOSES OF REPORTING TO THE FEDERAL INTERNAL REVENUE SERVICE OR TIPS IMPUTED TO BRING THE EMPLOYEE'S GROSS EARNINGS TO THE MINIMUM WAGE FOR THE NUMBER OF HOURS WORKED, WHICHEVER IS GREATER.

(III) For the purposes of writs of garnishment issued by the state agency responsible for administering the state medical assistance program, which writs are issued as a result of a judgment for medical support for child support or for medical support debt, "earnings" includes:

(A) Payments received from a third party to cover the health care cost of the child but which payments have not been applied to cover the child's health care costs;

(A.5) Unemployment insurance benefits; and

(B) State tax refunds.

(3) (b) (II) With respect to the disposable earnings of any individual for any workweek, the fifty percent specified in sub-subparagraph (A) of subparagraph (I) of this paragraph (b) shall be deemed to be fifty-five percent and the sixty percent specified in sub-subparagraph (B) of subparagraph (I) of this paragraph (b) shall be deemed to be sixty-five percent if and to the extent that such earnings are subject to garnishment or wage assignment OR INCOME ASSIGNMENT or levy under execution or attachment to enforce a support order with respect to a period ~~which~~ THAT is prior to the twelve-week period ~~which~~ THAT ends with the beginning of such workweek.

**SECTION 2.** 13-54.5-101 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**13-54.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) (a) "Earnings" means:

(I) Compensation paid or payable for personal services, whether denominated as wages, ~~including tips calculated pursuant to the federal internal revenue service percentage of gross wages~~, salary, commission, or bonus;

(II) Funds held in or payable from any health, accident, or disability insurance.

(b) For the purposes of writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, "earnings" also means:

(I) Workers' compensation benefits; ~~and~~

(II) Any pension or retirement benefits or payments, including but not limited to those paid pursuant to article 64 of title 22, C.R.S., articles 51, 54, 54.5, and 54.6 of title 24, C.R.S., article 30 of title 31, C.R.S., and section 35-65-402 (2), C.R.S.;

(III) PAYMENT TO AN INDEPENDENT CONTRACTOR FOR LABOR OR SERVICES, DIVIDENDS, SEVERANCE PAY, ROYALTIES, MONETARY GIFTS, MONETARY PRIZES, EXCLUDING LOTTERY WINNINGS NOT REQUIRED BY THE RULES OF THE COLORADO LOTTERY COMMISSION TO BE PAID ONLY AT THE LOTTERY OFFICE, TAXABLE DISTRIBUTIONS FROM GENERAL PARTNERSHIPS, LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OR LIMITED LIABILITY COMPANIES, INTEREST, TRUST INCOME, ANNUITIES, CAPITAL GAINS, OR RENTS;

(IV) ANY FUNDS HELD IN OR PAYABLE FROM ANY HEALTH, ACCIDENT, DISABILITY, OR CASUALTY INSURANCE TO THE EXTENT THAT SUCH INSURANCE REPLACES WAGES OR PROVIDES INCOME IN LIEU OF WAGES; AND

(V) TIPS DECLARED BY THE INDIVIDUAL FOR PURPOSES OF REPORTING TO THE FEDERAL INTERNAL REVENUE SERVICE OR TIPS IMPUTED TO BRING THE EMPLOYEE'S GROSS EARNINGS TO THE MINIMUM WAGE FOR THE NUMBER OF HOURS WORKED, WHICHEVER IS GREATER.

(c) For the purposes of writs of garnishment issued by the state agency responsible for administering the state medical assistance program, which writs are issued as a result of a judgment for medical support for child support or for medical support debt, "earnings" includes:

(I) Payments received from a third party to cover the health care cost of the child but which payments have not been applied to cover the child's health care costs; and

(II) State tax refunds.

**SECTION 3.** 14-5-101 (6), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-5-101. Definitions.** As used in this article, unless the context otherwise requires:

(6) "Income-withholding order" means an order or other legal process to withhold support from the income of the obligor directed to an obligor's employer, employers, or successor employers or other payor of funds as described in section ~~14-14-107~~ 14-14-111.5 relating to ~~wage~~ INCOME assignments ~~and in section 14-14-111~~ OR relating to immediate deductions for family support obligations.

**SECTION 4.** 14-5-301 (b) (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-5-301. Proceedings under this article.** (b) This article provides for the following proceedings:

(1) Establishment of an order for spousal support or child support pursuant to part 4 of this article; except that the support enforcement agency shall not be authorized to establish OR MODIFY a spousal support order.

**SECTION 5.** 14-5-1004, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is repealed as follows:

**14-5-1004. Proceedings not to be stayed.** ~~A responding tribunal shall not stay the proceeding or refuse a hearing under this article because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The tribunal shall hold a hearing and may issue a support order pendente lite. In aid thereof, the tribunal may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the complaint being heard, the tribunal shall conform its support order to the amount allowed in the other action or proceeding. Thereafter, the tribunal shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the tribunal in the other action or proceeding.~~

**SECTION 6.** 14-5-1007 (4) and (5) (a), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**14-5-1007. Enforcement of interstate income withholding.** (4) A support order entered under this section shall be enforceable by a ~~wage~~ AN INCOME assignment ~~against income~~ derived in this state in the same manner ~~beginning with an advance notice of activation~~ and with the same effect as set forth in section ~~14-14-107~~ 14-14-111.5. Entry of the order shall not confer jurisdiction on a court of this state or the delegate child support enforcement unit for any purpose other than income withholding of wages, as defined in section 14-14-102, state income tax refund offset, and interception of lottery winnings.

(5) (a) The clerk of the court or delegate child support enforcement unit, upon receiving a certified copy of any amendment or modification to a support order ~~which~~ THAT was entered pursuant to this section for the purpose of obtaining income withholding, shall initiate, as though it were a support order of this state, necessary procedures to amend or modify the ~~wage~~ INCOME assignment to conform to the modified support order.

**SECTION 7.** The introductory portion to 14-10-115 (1) and 14-10-115 (2), (3) (a), (3) (b) (II), (7) (a) (I) (A), (7) (a) (I) (C), (7) (b) (I), (10) (a) (II), (11) (a), (12), (13.5), and (16.5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**14-10-115. Child support - guidelines - schedule of basic child support obligations.** (1) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for ~~his~~

THE CHILD'S support AND MAY ORDER AN AMOUNT DETERMINED TO BE REASONABLE UNDER THE CIRCUMSTANCES FOR A TIME PERIOD THAT OCCURRED AFTER THE DATE OF THE PARTIES' PHYSICAL SEPARATION OR THE FILING OF THE PETITION OR SERVICE UPON THE RESPONDENT, WHICHEVER DATE IS LATEST, AND PRIOR TO THE ENTRY OF THE SUPPORT ORDER, without regard to marital misconduct, after considering all relevant factors including:

~~(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) (a) In any action to establish or modify child support, whether temporary or permanent, the child support guideline as set forth in this section shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guideline where its application would be inequitable, unjust, or inappropriate. Any such deviation shall be accompanied by written or oral findings by the court specifying the reasons for the deviation and the presumed amount under the guidelines without a deviation. These reasons may include, but are not limited to, the extraordinary medical expenses incurred for treatment of either parent or a current spouse, the gross disparity in income between the parents, the ownership by a parent of a substantial nonincome producing asset, consistent overtime not considered in gross income under sub-subparagraph(C) of subparagraph (I) of paragraph (a) of subsection (7) of this section, or income from employment that is in addition to a full-time job OR THAT RESULTS IN THE EMPLOYMENT OF THE OBLIGOR MORE THAN FORTY HOURS PER WEEK OR MORE THAN WHAT WOULD OTHERWISE BE CONSIDERED TO BE FULL-TIME EMPLOYMENT. The existence of a factor enumerated in this section does not require the court to deviate from the guidelines, but is a factor to be considered in the decision to deviate. The court may deviate from the guidelines even if no factor enumerated in this section exists.

(b) (II) When a child support order is entered or modified, the parties may agree or the court may require the parties to exchange financial information, INCLUDING VERIFICATION OF INSURANCE AND ITS COSTS, pursuant to paragraph (c) of subsection (7) of this section and other appropriate information once a year or less often, by

regular mail, for the purpose of updating and modifying the order without a court hearing. The parties shall use the approved standardized child support guideline forms in exchanging such financial information. Such forms shall be included with any agreed modification or an agreement that a modification is not appropriate at the time. If the agreed amount departs from the guidelines, the parties shall furnish statements of explanation, which shall be included with the forms and shall be filed with the court. The court shall review the agreement pursuant to this subparagraph (II) and inform the parties by regular mail whether or not additional or corrected information is needed, or that the modification is granted, or that the modification is denied. If the parties cannot agree, no modification pursuant to this subparagraph (II) shall be entered; however, either party may move for or the court may schedule, upon its own motion, a modification hearing.

(7) **Determination of income.** (a) For the purposes of the guideline specified in subsections (3) to (14) of this section, "income" means actual gross income of a parent, if employed to full capacity, or potential income, if unemployed or underemployed. Gross income of each parent shall be determined according to the following guidelines:

(I) (A) "Gross income" includes income from any source and includes, but is not limited to, income from salaries; wages, including tips ~~calculated pursuant to~~ DECLARED BY THE INDIVIDUAL FOR PURPOSES OF REPORTING TO the federal internal revenue service ~~percentage of gross wages~~ OR TIPS IMPUTED TO BRING THE EMPLOYEE'S GROSS EARNINGS TO THE MINIMUM WAGE FOR THE NUMBER OF HOURS WORKED, WHICHEVER IS GREATER; commissions; PAYMENTS RECEIVED AS AN INDEPENDENT CONTRACTOR FOR LABOR OR SERVICES; bonuses; dividends; severance pay; pensions AND RETIREMENT BENEFITS, INCLUDING BUT NOT LIMITED TO THOSE PAID PURSUANT TO ARTICLE 64 OF TITLE 22, C.R.S., ARTICLES 51, 54, 54.5, AND 54.6 OF TITLE 24, C.R.S., ARTICLE 30 OF TITLE 31, C.R.S., AND SECTION 35-65-402 (2), C.R.S.; ROYALTIES; RENTS; interest; trust income; annuities; capital gains; ANY MONEYS DRAWN BY A SELF-EMPLOYED INDIVIDUAL FOR PERSONAL USE; social security benefits, INCLUDING SOCIAL SECURITY BENEFITS ACTUALLY RECEIVED BY A PARENT AS A RESULT OF THE DISABILITY OF THAT PARENT OR AS THE RESULT OF THE DEATH OF THE MINOR CHILD'S STEPPARENT, BUT NOT INCLUDING SOCIAL SECURITY BENEFITS RECEIVED BY A MINOR CHILD OR ON BEHALF OF A MINOR CHILD AS A RESULT OF THE DEATH OR DISABILITY OF A STEPPARENT OF THE CHILD; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; FUNDS HELD IN OR PAYABLE FROM ANY HEALTH, ACCIDENT, DISABILITY, OR CASUALTY INSURANCE TO THE EXTENT THAT SUCH INSURANCE REPLACES WAGES OR PROVIDES INCOME IN LIEU OF WAGES; MONETARY gifts; MONETARY prizes, EXCLUDING LOTTERY WINNINGS NOT REQUIRED BY THE RULES OF THE COLORADO LOTTERY COMMISSION TO BE PAID ONLY AT THE LOTTERY OFFICE; ~~and~~ TAXABLE DISTRIBUTIONS FROM GENERAL PARTNERSHIPS, LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OR LIMITED LIABILITY COMPANIES; AND alimony or maintenance received. "Gross income" does not include child support payments received.

(C) "Gross income" includes overtime pay only if the overtime is required by the employer as a condition of employment. "GROSS INCOME" DOES NOT INCLUDE INCOME FROM ADDITIONAL JOBS THAT RESULT IN THE EMPLOYMENT OF THE OBLIGOR MORE THAN FORTY HOURS PER WEEK OR MORE THAN WHAT WOULD OTHERWISE BE CONSIDERED TO BE FULL-TIME EMPLOYMENT.

(b) (I) If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income; except that a determination of potential income shall not be made for a parent who is physically or mentally incapacitated or is caring for a child ~~two years of age or younger~~ UNDER THE AGE OF THIRTY MONTHS for whom the parents owe a joint legal responsibility.

(10) **Basic child support obligation.** (a) (II) The category entitled "combined gross income" in the schedule means the combined monthly adjusted gross incomes of both parents. For the purposes of subsections (3) to (14) of this section, "adjusted gross income" means gross income less preexisting child support obligations and less alimony or maintenance actually paid by a parent. For combined gross income amounts falling between amounts shown in the schedule, basic child support amounts shall be extrapolated. The category entitled "number of children due support" in the schedule means children for whom the parents share joint legal responsibility and for whom support is being sought. The judge OR A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, PURSUANT TO SECTION 26-13.5-105 (4), C.R.S., may use ~~his judicial discretion in determining~~ TO DETERMINE child support in circumstances where a parent is living below a minimum subsistence level; except that a minimum child support payment of twenty to fifty dollars per month, based on resources and living expenses of the obligor, shall be required even in such instances. The judge may use ~~his judicial discretion in determining~~ TO DETERMINE child support in circumstances where combined adjusted gross income exceeds the uppermost levels of the guideline.

(11) **Child care costs.** (a) Net child care costs incurred on behalf of the children due to employment or job search OR THE EDUCATION of either parent shall be added to the basic obligation and shall be divided between the parents in proportion to their adjusted gross incomes.

~~(12) **Extraordinary medical expenses.** (a) Any extraordinary medical expenses incurred on behalf of the children shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross incomes.~~

~~(b) Extraordinary medical expenses are uninsured expenses in excess of one hundred dollars for a single illness or condition. Extraordinary medical expenses shall include, but need not be limited to, such reasonable costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, and any uninsured chronic health problem. At the discretion of the court, professional counseling or psychiatric therapy for diagnosed mental disorders may also be considered as an extraordinary medical expense.~~

(13.5) (a) **Health care expenditures for children.** IN ORDERS ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL ALSO PROVIDE FOR THE CHILD'S OR CHILDREN'S CURRENT AND FUTURE MEDICAL NEEDS BY ORDERING EITHER PARENT OR BOTH PARENTS TO INITIATE MEDICAL OR MEDICAL AND DENTAL INSURANCE COVERAGE FOR THE CHILD OR CHILDREN THROUGH CURRENTLY EFFECTIVE MEDICAL OR MEDICAL AND DENTAL INSURANCE POLICIES HELD BY THE PARENT OR PARENTS, PURCHASE MEDICAL OR MEDICAL AND DENTAL INSURANCE FOR THE CHILD OR CHILDREN, OR PROVIDE THE CHILD OR CHILDREN WITH CURRENT AND FUTURE MEDICAL NEEDS THROUGH SOME OTHER MANNER. AT THE SAME TIME, THE COURT SHALL ORDER PAYMENT OF MEDICAL INSURANCE OR MEDICAL AND DENTAL INSURANCE DEDUCTIBLES AND COPAYMENTS.

~~(a)~~ (b) **Health insurance premiums.** The payment of a premium to provide health insurance coverage on behalf of the children subject to the order shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross income.

~~(b)~~ (c) The ~~actual~~ amount to be added to the basic child support obligation shall be the actual amount of the total insurance premium that is attributable to the child who is the subject of the order. If this ~~premium~~ AMOUNT is not available or cannot be verified, the total cost of the premium should be divided by the total number of persons covered by the policy. The cost per person derived from this calculation shall be multiplied by the number of children who are the subject of the order and who are covered under the policy. This amount shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross incomes.

~~(c)~~ (d) After the total child support obligation is calculated and divided between the parents in proportion to their adjusted gross incomes, the amount calculated in paragraph ~~(b)~~ (c) of this subsection (13.5) shall be deducted from the obligor's share of the total child support obligation if the obligor is actually paying the premium. If the obligee is actually paying the premium, no further adjustment is necessary.

~~(d)~~ (e) Prior to allowing the health insurance adjustment, the parent requesting the adjustment must submit proof that the child OR CHILDREN ~~has~~ HAVE been enrolled in a health insurance plan and must submit proof of the cost of the premium. The court shall require the parent receiving the adjustment to submit annually proof of continued coverage of the child OR CHILDREN to the ~~court~~ or delegate child support enforcement unit AND TO THE OTHER PARENT.

(f) **Child residing in area not covered by health insurance policy.** IF A PARENT WHO IS ORDERED BY THE COURT TO PROVIDE MEDICAL OR MEDICAL AND DENTAL INSURANCE FOR THE CHILD OR CHILDREN HAS INSURANCE THAT EXCLUDES COVERAGE OF THE CHILD OR CHILDREN BECAUSE SUCH CHILD OR CHILDREN RESIDE OUTSIDE THE GEOGRAPHIC AREA COVERED BY THE INSURANCE POLICY, THE COURT SHALL ORDER SEPARATE COVERAGE FOR THE CHILD OR CHILDREN IF THE COURT DETERMINES COVERAGE IS AVAILABLE AT A REASONABLE COST.

(g) **Coverage for child's health insurance is an excessive amount of the order.** 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 COST.

(h) **Extraordinary medical expenses.** (I) ANY EXTRAORDINARY MEDICAL EXPENSES INCURRED ON BEHALF OF THE CHILDREN SHALL BE ADDED TO THE BASIC CHILD SUPPORT OBLIGATION AND SHALL BE DIVIDED BETWEEN THE PARENTS IN PROPORTION TO THEIR ADJUSTED GROSS INCOMES.

(II) EXTRAORDINARY MEDICAL EXPENSES ARE UNINSURED EXPENSES IN EXCESS OF



ONE HUNDRED DOLLARS FOR A SINGLE ILLNESS OR CONDITION. EXTRAORDINARY MEDICAL EXPENSES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, SUCH REASONABLE COSTS AS ARE REASONABLY NECESSARY FOR ORTHODONTIA, DENTAL TREATMENT, ASTHMA TREATMENTS, PHYSICAL THERAPY, AND ANY UNINSURED CHRONIC HEALTH PROBLEM. AT THE DISCRETION OF THE COURT, PROFESSIONAL COUNSELING OR PSYCHIATRIC THERAPY FOR DIAGNOSED MENTAL DISORDERS MAY ALSO BE CONSIDERED AS AN EXTRAORDINARY MEDICAL EXPENSE.

(16.5) In cases where the custodial parent receives periodic disability benefits granted by the federal "Old-age, Survivors, and Disability Insurance Act" on behalf of dependent children due to the disability of the noncustodial parent or receives employer-paid retirement benefits from the federal government on behalf of dependent children due to the retirement of the noncustodial parent, the noncustodial parent's share of the total child support obligation as determined pursuant to subsection (14) of this section shall be reduced in an amount equal to the amount of such benefits. SOCIAL SECURITY BENEFITS RECEIVED BY THE MINOR CHILDREN, OR ON BEHALF OF THE MINOR CHILDREN, AS A RESULT OF THE DEATH OR DISABILITY OF A STEPPARENT ARE NOT TO BE INCLUDED AS INCOME FOR THE MINOR CHILDREN FOR THE DETERMINATION OF CHILD SUPPORT. HOWEVER, ANY SOCIAL SECURITY BENEFITS ACTUALLY RECEIVED BY A PARENT AS A RESULT OF THE DISABILITY OF THAT PARENT, OR AS THE RESULT OF THE DEATH OF THE MINOR CHILD'S STEPPARENT, SHALL BE INCLUDED IN THE GROSS INCOME OF THAT PARENT.

**SECTION 8.** 14-10-118 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is repealed as follows:

**14-10-118. Enforcement of orders.** (1) ~~The court may order the person obligated to pay support or maintenance to make an assignment of a part of his or her periodic earnings or trust income to the person entitled to receive the payments. The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the person specified in the order. The payor may deduct from the remainder of the employee's earnings or trust income a sum not exceeding five dollars as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section. This section shall not apply to trusts commonly referred to as "spendthrift trusts". The provisions of this section relating to assignment for child support shall apply to retirement benefits and pensions, including but not limited to those paid pursuant to article 64 of title 22, articles 51, 54, 54.5, and 54.6 of title 24, article 30 of title 31, C.R.S., and section 35-65-402 (2), C.R.S.~~

**SECTION 9.** 14-14-102 (4.5) and (9), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**14-14-102. Definitions.** As used in this article, unless the context otherwise requires:

(4.5) ~~(a)~~ "Family support registry" means a central registry maintained and operated by the state department of human services pursuant to section 26-13-114,

C.R.S., ~~which~~ THAT receives, processes, disburses, and maintains a record of the payment of child support, child support when combined with maintenance, child support arrears, or child support debt.

~~(b) This subsection (4.5) is repealed, effective July 1, 1996.~~

(9) "Wages" means income to an obligor in any form, including, but not limited to, ACTUAL GROSS INCOME; COMPENSATION PAID OR PAYABLE FOR PERSONAL SERVICES, WHETHER DENOMINATED AS WAGES; earnings from an employer; SALARIES; payment to an independent contractor for labor or services; commissions; tips ~~calculated pursuant to~~ DECLARED BY THE INDIVIDUAL FOR PURPOSES OF REPORTING TO the federal internal revenue service ~~percentage of gross wages~~ OR TIPS IMPUTED TO BRING THE EMPLOYEE'S GROSS EARNINGS TO THE MINIMUM WAGE FOR THE NUMBER OF HOURS WORKED, WHICHEVER IS GREATER; rents; bonuses; SEVERANCE PAY; retirement benefits and pensions, including, but not limited to, those paid pursuant to article 64 of title 22, C.R.S., articles 51, 54, 54.5, and 54.6 of title 24, C.R.S., article 30 of title 31, C.R.S., and section 35-65-402 (2), C.R.S.; workers' compensation benefits; SOCIAL SECURITY BENEFITS, INCLUDING SOCIAL SECURITY BENEFITS ACTUALLY RECEIVED BY A PARENT AS A RESULT OF THE DISABILITY OF THAT PARENT OR AS THE RESULT OF THE DEATH OF THE MINOR CHILD'S STEPPARENT, BUT NOT INCLUDING SOCIAL SECURITY BENEFITS RECEIVED BY A MINOR CHILD OR ON BEHALF OF A MINOR CHILD AS A RESULT OF THE DEATH OR DISABILITY OF A STEPPARENT OF THE CHILD; DISABILITY BENEFITS; dividends; royalties; trust account distributions; ~~and~~ any moneys drawn by a self-employed individual for personal use; FUNDS HELD IN OR PAYABLE FROM ANY HEALTH, ACCIDENT, DISABILITY, OR CASUALTY INSURANCE TO THE EXTENT THAT SUCH INSURANCE REPLACES WAGES OR PROVIDES INCOME IN LIEU OF WAGES; MONETARY GIFTS; MONETARY PRIZES, EXCLUDING LOTTERY WINNINGS NOT REQUIRED BY THE RULES OF THE COLORADO LOTTERY COMMISSION TO BE PAID ONLY AT THE LOTTERY OFFICE; TAXABLE DISTRIBUTIONS FROM GENERAL PARTNERSHIPS, LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OR LIMITED LIABILITY COMPANIES; INTEREST; TRUST INCOME; ANNUITIES; PAYMENTS RECEIVED FROM A THIRD PARTY TO COVER THE HEALTH CARE COST OF THE CHILD BUT WHICH PAYMENTS HAVE NOT BEEN APPLIED TO COVER THE CHILD'S HEALTH CARE COSTS; STATE TAX REFUNDS; AND CAPITAL GAINS. "Wages", for the purposes of child support enforcement, may also include unemployment compensation benefits, but only subject to the provisions and requirements of section 8-73-102 (5), C.R.S.

**SECTION 10.** 14-14-105 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**14-14-105. Continuing garnishment.** (1) A writ of garnishment for the collection from earnings of judgments for arrearages for child support, for maintenance when combined with child support, for child support debts, or for maintenance shall be continuing; shall have priority over any garnishment, lien, or ~~wage~~ INCOME assignment other than a writ previously served on the same garnishee pursuant to this subsection (1) or a wage assignment activated pursuant to section 14-14-107 OR SECTION 14-14-111, AS THOSE SECTIONS EXISTED PRIOR TO JULY 1, 1996, OR AN INCOME ASSIGNMENT ACTIVATED PURSUANT TO SECTION 14-14-111.5; and shall require the garnishee to withhold, pursuant to section 13-54-104 (3), C.R.S., the portion of earnings subject to garnishment at each succeeding earnings disbursement interval until such judgment is satisfied or the garnishment is released by the court or

in writing by the judgment creditor.

**SECTION 11. Repeal.** 14-14-107 and 14-14-111, Colorado Revised Statutes, 1987 Repl. Vol., as amended, are repealed.

**SECTION 12.** Article 14 of title 14, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**14-14-111.5. Income assignments for child support or maintenance.**

(1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR THE GOOD OF THE CHILDREN OF COLORADO AND TO PROMOTE FAMILY SELF-SUFFICIENCY, THERE IS A NEED TO STRENGTHEN COLORADO'S CHILD SUPPORT ENFORCEMENT LAWS AND TO SIMPLIFY, STREAMLINE, AND CLARIFY THE EXISTING LAWS RELATING TO WAGE ASSIGNMENTS PREVIOUSLY PROVIDED FOR IN SECTION 14-14-107 AND IMMEDIATE DEDUCTIONS FOR FAMILY SUPPORT OBLIGATIONS PREVIOUSLY PROVIDED FOR IN SECTION 14-14-111. IN SUPPORT OF THIS EFFORT, THE GENERAL ASSEMBLY HEREBY ADOPTS THE TERM "INCOME ASSIGNMENT" TO BE USED TO PROVIDE CONSISTENCY AND STANDARDIZATION OF THE PROCESS FOR COLLECTING CHILD SUPPORT AND MAINTENANCE.

(2) **Notice requirements for income assignments.** NOTICE OF INCOME ASSIGNMENTS SHALL BE GIVEN IN ACCORDANCE WITH THE FOLLOWING PROVISIONS BASED UPON THE DATE ON WHICH THE ORDER SOUGHT TO BE ENFORCED WAS ENTERED:

(a) **Orders entered before July 10, 1987.** (I) FOR ORDERS ENTERED BEFORE JULY 10, 1987, THAT DO NOT INCLUDE AN ORDER FOR INCOME ASSIGNMENT AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION OR AN ORDER FOR IMMEDIATE DEDUCTIONS FOR FAMILY SUPPORT OBLIGATIONS AS DESCRIBED IN FORMER SECTION 14-14-111, AS IT EXISTED PRIOR TO JULY 1, 1996, A NOTICE OF PENDING INCOME ASSIGNMENT SHALL BE SENT BY CERTIFIED MAIL TO THE LAST-KNOWN ADDRESS OF THE OBLIGOR, OR SUCH NOTICE SHALL BE PERSONALLY SERVED UPON THE OBLIGOR PRIOR TO THE ACTIVATION OF AN INCOME ASSIGNMENT; EXCEPT THAT SUCH NOTICE SHALL NOT BE REQUIRED IF THE OBLIGOR WAS GIVEN SUCH NOTICE PRIOR TO JULY 10, 1987, AND SUCH NOTICE WAS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE NOTICE SHALL BE GIVEN BY THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT.

(II) THE NOTICE OF PENDING INCOME ASSIGNMENT SHALL INCLUDE THE FOLLOWING INFORMATION:

(A) THAT AN INCOME ASSIGNMENT MAY BE ACTIVATED IMMEDIATELY OR AT ANY OTHER TIME AT THE REQUEST OF THE OBLIGOR, BY AGREEMENT OF THE PARTIES, OR AT THE REQUEST OF AN OBLIGEE WHO IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO SECTION 26-13-106, C.R.S., IN ACCORDANCE WITH STATE PROCEDURES. SUCH STATE PROCEDURES REQUIRE THAT THE OBLIGEE REQUEST AN INCOME ASSIGNMENT IN WRITING AND THAT, AFTER THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT RECEIVES THE REQUEST, IT SHALL REVIEW THE CASE TO DETERMINE IF IT MEETS THE CRITERIA FOR REQUIRING INCOME ASSIGNMENT, WHICH CRITERIA ARE THAT THE

OBLIGOR IS NOT MEETING THE TERMS OF A WRITTEN AGREEMENT FOR AN ALTERNATIVE ARRANGEMENT, OR THAT THE REASON FOR THE ORIGINAL GOOD CAUSE DETERMINATION NO LONGER EXISTS, OR THAT THE OBLIGOR IS CURRENTLY PAYING CHILD SUPPORT BUT HAS THREATENED TO STOP AND THE OBLIGEE DOCUMENTS AND SUBSTANTIATES THAT THERE HAS BEEN A CHANGE IN THE OBLIGOR'S CIRCUMSTANCES THAT WILL LEAD THE OBLIGOR TO STOP PAYING CHILD SUPPORT. IF NONE OF THE CIRCUMSTANCES SET FORTH IN THIS SUB-SUBPARAGRAPH (A) EXISTS, THEN THE INCOME ASSIGNMENT SHALL REMAIN PENDING UNLESS THE OBLIGOR FAILS TO COMPLY WITH THE SUPPORT ORDER BY NOT MAKING A FULL PAYMENT ON ITS DUE DATE.

(B) THAT THE ACTIVATION OF AN INCOME ASSIGNMENT IS THE NOTIFICATION TO THE OBLIGOR'S EMPLOYER OR EMPLOYERS, TRUSTEE, OR OTHER PAYOR OF FUNDS TO WITHHOLD INCOME FOR PAYMENT OF THE SUPPORT OBLIGATION AND ARREARS, IF ANY;

(C) THAT, IF ANY ARREARS ACCRUE OR ALREADY HAVE ACCRUED, AN ADDITIONAL PAYMENT ON THE ARREARS SHALL BE ADDED TO THE INCOME ASSIGNMENT PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION;

(D) THAT THE OBLIGOR HAS A RIGHT TO OBJECT TO THE ACTIVATION OF THE INCOME ASSIGNMENT RAISING THE DEFENSES THAT ARE AVAILABLE PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (VII) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION;

(E) THAT THE OBLIGOR SHALL NOTIFY THE COURT OR THE FAMILY SUPPORT REGISTRY, IF PAYMENTS ARE REQUIRED TO BE MADE THROUGH THE REGISTRY, IN WRITING, OF ANY CHANGE OF ADDRESS OR EMPLOYMENT WITHIN TEN DAYS AFTER THE CHANGE.

**(b) Orders entered on or after July 10, 1987, and before January 1, 1990.** FOR ORDERS ENTERED ON OR AFTER JULY 10, 1987, AND BEFORE JANUARY 1, 1990, NO NOTICE OF PENDING INCOME ASSIGNMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE REQUIRED.

**(c) Orders entered in Title IV-D cases on or after January 1, 1990, and before January 1, 1994.** FOR ORDERS ENTERED ON OR AFTER JANUARY 1, 1990, AND BEFORE JANUARY 1, 1994, IN CASES IN WHICH THE CUSTODIAN OF THE CHILD IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO SECTION 26-13-106, C.R.S., NO NOTICE OF PENDING INCOME ASSIGNMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE REQUIRED.

**(d) Orders entered in non-Title IV-D cases on or after July 10, 1987, and before January 1, 1994.** FOR ORDERS ENTERED ON OR AFTER JULY 10, 1987, AND BEFORE JANUARY 1, 1994, IN CASES IN WHICH 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., NO NOTICE OF PENDING INCOME ASSIGNMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE REQUIRED.

**(e) Orders entered on or after January 1, 1994, and before July 1, 1996.** FOR

ORDERS ENTERED ON OR AFTER JANUARY 1, 1994, AND BEFORE JULY 1, 1996, NO NOTICE OF PENDING INCOME ASSIGNMENT AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE REQUIRED.

(f) **Orders entered on or after July 1, 1996.** (I) WHENEVER AN OBLIGATION FOR CHILD SUPPORT, MAINTENANCE, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, RETROACTIVE SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT IS INITIALLY DETERMINED, WHETHER TEMPORARY OR PERMANENT OR WHETHER MODIFIED, THE AMOUNT OF CHILD SUPPORT, MAINTENANCE, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, RETROACTIVE SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT SHALL BE ORDERED BY THE COURT TO BE ACTIVATED IMMEDIATELY AS AN INCOME ASSIGNMENT SUBJECT TO SECTION 13-54-104 (3), C.R.S., FROM THE INCOME, AS DEFINED IN SECTION 14-10-115 (7), THAT IS DUE OR IS 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, RETROACTIVE SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT.

(II) ANY ORDER FOR SUPPORT SHALL INCLUDE THE FOLLOWING, IF AVAILABLE:

(A) THE NAME, DATE OF BIRTH, AND SEX OF EACH CHILD FOR WHOM THE SUPPORT IS ORDERED;

(B) THE OBLIGEE'S NAME, SOCIAL SECURITY NUMBER, MAILING ADDRESS, DATE OF BIRTH, AND SEX;

(C) THE TOTAL AMOUNT OF CURRENT SUPPORT TO BE PAID MONTHLY IN EACH CATEGORY OF SUPPORT;

(D) THE DATE OF COMMENCEMENT OF THE ORDER AND THE DATE OR DATES OF THE MONTH THAT THE PAYMENTS ARE DUE;

(E) THE TOTAL AMOUNT OF ARREARS THAT IS DUE, IF ANY, IN EACH CATEGORY OF SUPPORT AS OF THE DATE OF THE ORDER;

(F) THE OBLIGOR'S NAME, SOCIAL SECURITY NUMBER, MAILING ADDRESS, DATE OF BIRTH, AND SEX; AND

(G) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER OR EMPLOYERS.

(3) **Activation of income assignment.** INCOME ASSIGNMENTS SHALL BE ACTIVATED IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

(a) **Immediate activation of income assignments.** (I) UPON ENTRY OF AN ORDER FOR CHILD SUPPORT, MAINTENANCE, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, RETROACTIVE SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT DURING THE TIME PERIODS DESCRIBED IN PARAGRAPH (c), (e), OR (f) OF SUBSECTION (2) OF THIS SECTION, THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL

CAUSE A NOTICE OF INCOME ASSIGNMENT TO BE SERVED IMMEDIATELY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

**(II) Exceptions to immediate activation of income assignments.** INCOME SHALL NOT BE SUBJECT TO IMMEDIATE ACTIVATION OF AN INCOME ASSIGNMENT UNDER THIS PARAGRAPH (a) IN ANY CASE IN WHICH:

(A) ONE OF THE PARTIES DEMONSTRATES, AND THE COURT OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT FINDS IN WRITING, THAT THERE IS GOOD CAUSE NOT TO REQUIRE IMMEDIATE ACTIVATION OF AN INCOME ASSIGNMENT. FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH (A), "GOOD CAUSE" MEANS THE FOLLOWING: THERE IS A WRITTEN DETERMINATION AND EXPLANATION BY THE COURT OR DELEGATE CHILD SUPPORT ENFORCEMENT UNIT STATING WHY IMPLEMENTING IMMEDIATE ACTIVATION OF AN INCOME ASSIGNMENT WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD; AND THE OBLIGOR HAS SIGNED A WRITTEN AGREEMENT TO KEEP THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, THE OBLIGEE, OR THE OBLIGEE'S REPRESENTATIVE INFORMED OF THE OBLIGOR'S CURRENT EMPLOYER AND INFORMATION ON ANY HEALTH INSURANCE COVERAGE TO WHICH THE OBLIGOR HAS ACCESS; AND PROOF IS PROVIDED THAT THE OBLIGOR MADE TIMELY PAYMENTS WITHOUT THE NECESSITY OF INCOME ASSIGNMENT IN PREVIOUSLY ORDERED CHILD SUPPORT OBLIGATIONS.

(B) A WRITTEN AGREEMENT IS REACHED BETWEEN BOTH PARTIES THAT PROVIDES FOR AN ALTERNATIVE ARRANGEMENT. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL BE CONSIDERED A PARTY IN ALL CASES IN WHICH THE CUSTODIAN OF A CHILD IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO SECTION 26-13-106 (1), C.R.S., AND AS SUCH IS REQUIRED TO CONSENT TO THE ALTERNATIVE WRITTEN AGREEMENT. IN ALL CASES IN WHICH THE CUSTODIAN OF A CHILD IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO SECTION 26-13-106 (2), C.R.S., THE OBLIGEE OR THE OBLIGEE'S REPRESENTATIVE SHALL PROVIDE THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT WITH NOTICE OF ANY AGREEMENT REACHED BETWEEN THE PARTIES PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

**(b) (I) Activation of an income assignment following notice.** AN INCOME ASSIGNMENT BASED ON AN ORDER ENTERED DURING THE TIME PERIODS DESCRIBED IN PARAGRAPH (a), (b), OR (d) OF SUBSECTION (2) OF THIS SECTION SHALL NOT BE ACTIVATED UNLESS:

(A) THE OBLIGOR REQUESTS THAT THE INCOME ASSIGNMENT BE ACTIVATED; OR

(B) THE PARTIES AGREE AT THE TIME OF THE ENTRY OR MODIFICATION OF A SUPPORT ORDER, OR AT ANY OTHER TIME, THAT THE INCOME ASSIGNMENT IS TO BE ACTIVATED; OR

(C) THE OBLIGEE FILES AN ADVANCE NOTICE OF ACTIVATION WITH ANY COURT HAVING JURISDICTION TO ENFORCE THE SUPPORT ORDER BECAUSE A PAYMENT WAS DUE UNDER A SUPPORT ORDER AND THE OBLIGOR HAS FAILED TO MAKE A PAYMENT IN FULL AS ORDERED.

**(II) Notice of activation.** WHEN AN INCOME ASSIGNMENT IS ACTIVATED PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), A COPY OF THE ADVANCE NOTICE OF ACTIVATION AND A FORM FOR THE OBLIGOR TO OBJECT TO THE ACTIVATION LISTING THE AVAILABLE DEFENSES SHALL BE MAILED BY THE OBLIGEE OR THE OBLIGEE'S REPRESENTATIVE TO THE OBLIGOR'S LAST-KNOWN ADDRESS. THE NOTICE OF ACTIVATION SHALL CONTAIN THE FOLLOWING INFORMATION:

(A) THE COURT THAT ISSUED THE SUPPORT ORDER;

(B) THE CASE NUMBER;

(C) THE DATE OF THE SUPPORT ORDER;

(D) THE FACTS ESTABLISHING THAT A FULL SUPPORT PAYMENT WAS NOT MADE ON OR BEFORE IT BECAME DUE;

(E) THE AMOUNT OF OVERDUE SUPPORT OWED;

(F) THE AMOUNT OF INCOME TO BE WITHHELD FOR CURRENT SUPPORT AND THE AMOUNT TO BE WITHHELD FOR ARREARS PER MONTH;

(G) A STATEMENT THAT, IF SECTION 13-54-104 (3), C.R.S., APPLIES, THE EMPLOYER MAY NOT WITHHOLD MORE THAN THE LIMITATIONS SET BY SAID SECTION;

(H) THE NAME AND ADDRESS OF THE OBLIGOR'S MOST RECENTLY KNOWN EMPLOYER AND A STATEMENT THAT THE OBLIGOR IS REQUIRED TO INFORM THE COURT OR THE FAMILY SUPPORT REGISTRY, IF PAYMENTS ARE TO BE MADE THROUGH THE REGISTRY, OF ANY NEW EMPLOYMENT;

(I) A STATEMENT OF THE OBLIGOR'S RIGHT TO OBJECT TO THE ACTIVATION OF THE INCOME ASSIGNMENT WITHIN TEN DAYS AFTER THE DATE THE ADVANCE NOTICE OF ACTIVATION IS SENT TO THE OBLIGOR AND THE PROCEDURES AVAILABLE FOR SUCH OBJECTION;

(J) THE AVAILABLE DEFENSES TO THE ACTIVATION;

(K) A STATEMENT THAT FAILURE TO OBJECT TO THE ACTIVATION OF AN INCOME ASSIGNMENT WITHIN TEN DAYS AFTER THE DATE THE ADVANCE NOTICE OF ACTIVATION WAS SENT TO THE OBLIGOR WILL RESULT IN THE ACTIVATION OF THE INCOME ASSIGNMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(L) A STATEMENT OF THE PROCEDURES THE COURT WILL FOLLOW WHEN AN OBJECTION IS FILED BY THE OBLIGOR;

(M) A STATEMENT THAT, IF THE COURT DENIES THE OBJECTION OF THE OBLIGOR, THE INCOME ASSIGNMENT SHALL BE ACTIVATED PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(N) A STATEMENT THAT THE INCOME ASSIGNMENT IS A CONTINUING ASSIGNMENT;  
AND

(O) A STATEMENT THAT, IF ARREARS HAVE ACCRUED, AN ADDITIONAL MONTHLY PAYMENT SHALL BE SET PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (b) AND THAT THIS PAYMENT MAY BE MODIFIED IF ADDITIONAL ARREARS ACCRUE.

(III) **Affidavit requirements.** THE PARTY ACTIVATING AN INCOME ASSIGNMENT BASED ON AN ORDER ENTERED DURING THE TIME PERIODS DESCRIBED IN PARAGRAPH (a), (b), OR (d) OF SUBSECTION (2) OF THIS SECTION SHALL PREPARE AN AFFIDAVIT OF ARREARS, WHICH SHALL STATE THE TYPE AND AMOUNT OF SUPPORT ORDERED PER MONTH AND THE DATE UPON WHICH THE PAYMENT WAS DUE AND, IF THE PAYMENTS WERE TO BE MADE INTO THE COURT REGISTRY, STATE THAT THE FULL PAYMENT WAS NOT RECEIVED BY THE REGISTRY ON OR BEFORE THE DUE DATE OR, IF THE PAYMENTS WERE TO BE MADE TO THE OBLIGEE DIRECTLY, STATE THAT THE OBLIGEE DID NOT RECEIVE THE FULL PAYMENT ON OR BEFORE THE DUE DATE, THE DATE AND AMOUNT OF ANY MODIFICATIONS OF THE ORDER, THE PERIOD OR PERIODS OF TIME THE ARREARS ACCRUED, THE TOTAL AMOUNT OF SUPPORT THAT SHOULD HAVE BEEN PAID, THE TOTAL AMOUNT ACTUALLY PAID, AND THE TOTAL ARREARS, PLUS INTEREST, DUE. IF THE INCOME ASSIGNMENT IS BEING ACTIVATED PURSUANT TO SUB-SUBPARAGRAPH (A) OR (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE AFFIDAVIT SHALL BE FILED WITH THE COURT AT THE TIME OF ACTIVATION. IF PAYMENTS WERE ORDERED TO BE MADE THROUGH THE FAMILY SUPPORT REGISTRY, A COPY OF THE PAYMENT RECORD MAINTAINED BY THE FAMILY SUPPORT REGISTRY SHALL BE SUFFICIENT PROOF OF PAYMENTS MADE, AND NO AFFIDAVIT SHALL BE REQUIRED. IF THE INCOME ASSIGNMENT IS BEING ACTIVATED PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE AFFIDAVIT SHALL BE FILED WITH THE ADVANCE NOTICE OF ACTIVATION.

(IV) **Agreement to activate.** WHEN AN INCOME ASSIGNMENT IS ACTIVATED PURSUANT TO SUB-SUBPARAGRAPH (A) OR (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND ARREARS ARE OWED, AS VERIFIED BY THE AFFIDAVIT OF ARREARS, THE PARTIES MAY AGREE TO AN AMOUNT OF PAYMENT ON THE ARREARS, OR THE COURT MAY DETERMINE AN APPROPRIATE AMOUNT FOR PAYMENT.

(V) **Arrears.** WHEN AN INCOME ASSIGNMENT IS ACTIVATED PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND ARREARS ARE OWED, AS VERIFIED BY THE AFFIDAVIT OF ARREARS, THE INCOME ASSIGNMENT SHALL INCLUDE A PAYMENT ON THE ARREARS IN THE AMOUNT OF ONE-TWENTY-FOURTH OF THE TOTAL AMOUNT DUE UP TO THE DATE OF THE ACTIVATION OF THE INCOME ASSIGNMENT. THE PAYMENT ON THE ARREARS SHALL REMAIN THE SAME UNTIL THE ARREARS, PLUS INTEREST, ARE PAID UNLESS THE PARTIES SUBSEQUENTLY AGREE TO A LARGER OR SMALLER ARREARS PAYMENT AMOUNT OR FURTHER ARREARS ACCRUE. THE TOTAL ARREARS DUE, PLUS INTEREST, MAY BE UPDATED PERIODICALLY, AND THE AMOUNT OF PAYMENT MAY BE REVISED PERIODICALLY, AS APPROPRIATE.

(VI) A PAYMENT ON ARREARS, PLUS INTEREST, FOR SUPPORT, IF ANY, SHALL BE INCLUDED IN AN ACTIVATED INCOME ASSIGNMENT; HOWEVER, THE COMBINED PAYMENT ON CURRENT SUPPORT AND ARREARS IS SUBJECT TO SECTION 13-54-104(3), C.R.S.

(VII) **Objections to income assignment.** (A) THE OBLIGOR MAY FILE WITH THE COURT A WRITTEN OBJECTION TO THE ACTIVATION OF AN INCOME ASSIGNMENT



PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) WITHIN TEN DAYS AFTER THE ADVANCE NOTICE OF ACTIVATION IS SENT TO THE OBLIGOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) 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 DEFENSE THAT THERE IS A MISTAKE OF FACT SUCH AS AN ERROR IN THE IDENTITY OF THE OBLIGOR 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 AFTER THE DATE THE ADVANCE NOTICE OF ACTIVATION WAS SENT TO THE OBLIGOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). THE COURT SHALL DENY THE OBJECTION WITHOUT HEARING IF A DEFENSE IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (VII) 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 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (VII).

(E) AT A HEARING ON AN OBJECTION, REASONABLE ATTORNEY FEES AND COSTS MAY BE AWARDED TO THE PREVAILING PARTY.

(F) IF AN OBJECTION IS BASED ON THE AMOUNT OF ARREARS, THE INCOME ASSIGNMENT MAY BE ACTIVATED AND ENFORCED AS TO CURRENT SUPPORT OBLIGATIONS, AND THE ACTIVATION OF THE INCOME ASSIGNMENT AS TO ARREARS SHALL BE STAYED PENDING THE OUTCOME OF A HEARING ON SUCH OBJECTION.

(4) **Notice of income assignment.** TEN DAYS AFTER THE DATE THE ADVANCE NOTICE OF ACTIVATION IS MAILED TO THE OBLIGOR FOR INCOME ASSIGNMENTS ON ORDERS ENTERED DURING THE TIME PERIODS DESCRIBED IN PARAGRAPHS (a), (b), AND (d) OF SUBSECTION (2) OF THIS SECTION OR IMMEDIATELY FOR INCOME ASSIGNMENTS ON ORDERS ENTERED DURING THE TIME PERIODS DESCRIBED IN PARAGRAPHS (c), (e), AND (f) OF SUBSECTION (2) OF THIS SECTION, AN INCOME ASSIGNMENT MAY BE ACTIVATED BY THE OBLIGEE BY CAUSING A NOTICE OF INCOME ASSIGNMENT TO BE SERVED UPON THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR, IN A CASE WHERE THE DEPARTMENT OF HUMAN SERVICES IS THE TRUSTEE FOR PURPOSES OF AN UNEMPLOYMENT BENEFIT INTERCEPT PURSUANT TO SECTION 8-73-102 (5), C.R.S., BY ELECTRONIC SERVICE. RECEIPT OF NOTICE BY THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS CONFERS JURISDICTION OF THE COURT OVER THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS. IN CIRCUMSTANCES IN WHICH THE SOURCE OF INCOME TO THE OBLIGOR IS UNEMPLOYMENT COMPENSATION BENEFITS AND THE CUSTODIAN OF THE CHILD IS RECEIVING SUPPORT ENFORCEMENT SERVICES PURSUANT TO SECTION 26-13-106, C.R.S., NO NOTICE OF INCOME ASSIGNMENT SHALL BE REQUIRED. IN SUCH CASES, THE STATE CHILD SUPPORT ENFORCEMENT AGENCY SHALL ELECTRONICALLY INTERCEPT THE UNEMPLOYMENT COMPENSATION BENEFITS THROUGH AN AUTOMATED INTERFACE WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT. IN ALL OTHER CASES, THE NOTICE OF INCOME ASSIGNMENT SHALL CONTAIN:

(a) THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF THE OBLIGOR;

(b) A STATEMENT THAT THE INCOME ASSIGNMENT IS TO TAKE EFFECT NO LATER THAN THE FIRST PAY PERIOD THAT BEGINS AT LEAST FOURTEEN DAYS AFTER THE MAILING DATE ON THE NOTICE OF INCOME ASSIGNMENT;

(c) INSTRUCTIONS CONCERNING WITHHOLDING THE DEDUCTIONS, INCLUDING:

(I) THE AMOUNT TO BE WITHHELD FOR CURRENT SUPPORT AND THE AMOUNT TO BE WITHHELD FOR ARREARS PER MONTH AND, IN THE EVENT THAT THE PAY PERIODS OF THE EMPLOYER ARE MORE FREQUENT, THAT THE EMPLOYER SHALL WITHHOLD PER PAY PERIOD AN APPROPRIATE PERCENTAGE OF THE MONTHLY AMOUNT DUE SO THAT THE TOTAL WITHHELD DURING THE MONTH WILL TOTAL THE MONTHLY AMOUNT DUE;

(II) THAT THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS MAY EXTRACT A PROCESSING FEE OF UP TO FIVE DOLLARS PER MONTH FROM THE REMAINDER OF THE OBLIGOR'S INCOME AFTER THE DEDUCTIONS AND WITHHOLDING;

(III) THAT, IF SECTION 13-54-104 (3), C.R.S., APPLIES, THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS MAY NOT WITHHOLD MORE THAN THE LIMITATIONS SET BY SAID SECTION AND THE TYPES OF SUPPORT TO BE WITHHELD SHALL HAVE THE FOLLOWING PRIORITY: CURRENT MONTHLY CHILD SUPPORT AND MAINTENANCE WHEN INCLUDED IN THE CHILD SUPPORT ORDER; MEDICAL SUPPORT; CHILD SUPPORT DEBT AND ARREARS, INCLUDING MEDICAL SUPPORT ARREARS; ORDERS FOR MAINTENANCE ONLY; AND PROCESSING FEES, IF ANY;

(d) INSTRUCTIONS ABOUT DISBURSING THE WITHHELD AMOUNTS, INCLUDING THE REQUIREMENTS THAT EACH DISBURSEMENT:

(I) SHALL BE FORWARDED WITHIN TEN DAYS AFTER THE DATE OF EACH DEDUCTION AND WITHHOLDING;

(II) SHALL BE FORWARDED TO THE ADDRESS INDICATED ON THE NOTICE;

(III) SHALL BE IDENTIFIED BY THE CASE NUMBER, THE NAME AND SOCIAL SECURITY NUMBER OF EACH OBLIGOR, THE DATE THE DEDUCTION WAS MADE, AND THE AMOUNT OF THE PAYMENT AND THE FAMILY SUPPORT REGISTRY ACCOUNT NUMBER FOR CASES ORDERED TO BE PAID THROUGH THE FAMILY SUPPORT REGISTRY; AND

(IV) MAY BE COMBINED WITH OTHER DISBURSEMENTS IN A SINGLE PAYMENT TO A SINGLE COURT OR TO THE FAMILY SUPPORT REGISTRY, IF REQUIRED TO BE SENT TO THE REGISTRY, IF THE INDIVIDUAL AMOUNT OF EACH DISBURSEMENT IS IDENTIFIED AS REQUIRED BY SUBPARAGRAPH (III) OF THIS PARAGRAPH (d);

(e) A STATEMENT SPECIFYING WHETHER OR NOT THE OBLIGOR IS REQUIRED TO PROVIDE HEALTH INSURANCE FOR THE CHILDREN WHO ARE THE SUBJECT OF THE ORDER;

(f) INSTRUCTIONS THAT THE FIRST DISBURSEMENT SHALL CONTAIN AN INDICATION OF WHETHER DEPENDENT HEALTH INSURANCE COVERAGE IS AVAILABLE TO THE OBLIGOR AND WHETHER THE OBLIGOR HAS ELECTED TO ENROLL THE DEPENDENTS

WHO ARE THE SUBJECT OF THE ORDER IN SUCH COVERAGE AND THAT SUCH INFORMATION SHALL BE INCLUDED IN A DISBURSEMENT AT LEAST ANNUALLY THEREAFTER OR AT THE NEXT DISBURSEMENT IN THE EVENT OF ANY CHANGE IN THE STATUS OF HEALTH INSURANCE AVAILABILITY OR COVERAGE;

(g) A STATEMENT THAT COMPLIANCE WITH THE INCOME ASSIGNMENT SHALL NOT SUBJECT THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS TO LIABILITY TO THE OBLIGOR FOR WRONGFUL WITHHOLDING;

(h) A STATEMENT THAT NONCOMPLIANCE WITH THE INCOME ASSIGNMENT MAY SUBJECT THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS TO THE LIABILITY AND SANCTIONS SPECIFIED IN SUBSECTIONS (8) AND (9) OF THIS SECTION;

(i) A STATEMENT THAT NO EMPLOYER SHALL DISCHARGE OR REFUSE TO HIRE OR TAKE DISCIPLINARY ACTION AGAINST AN EMPLOYEE BECAUSE OF THE ENTRY OR SERVICE OF A NOTICE OF INCOME ASSIGNMENT ISSUED AND EXECUTED PURSUANT TO THIS SECTION AND THAT A VIOLATION OF THE SAME MAY RESULT IN A FINDING OF CONTEMPT OF COURT;

(j) A STATEMENT THAT THE EMPLOYER SHALL NOTIFY THE COURT OR THE FAMILY SUPPORT REGISTRY, IF PAYMENTS ARE REQUIRED TO BE MADE THROUGH THE REGISTRY, IN WRITING, WITHIN TEN DAYS AFTER THE OBLIGOR TERMINATES EMPLOYMENT AND SHALL PROVIDE THE COURT OR THE FAMILY SUPPORT REGISTRY, IF APPLICABLE, IN WRITING, WITH THE OBLIGOR'S LAST-KNOWN ADDRESS AND SOCIAL SECURITY NUMBER AND THE NAME OF THE OBLIGOR'S NEW EMPLOYER, IF KNOWN;

(k) A STATEMENT THAT, AS LONG AS THE OBLIGOR IS EMPLOYED BY THE EMPLOYER, THE INCOME ASSIGNMENT SHALL NOT BE TERMINATED OR MODIFIED, EXCEPT UPON WRITTEN NOTICE BY THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, OR THE COURT;

(l) A STATEMENT THAT AN EMPLOYER SHALL NOT BE REQUIRED TO COLLECT, POSSESS, OR CONTROL THE OBLIGOR'S TIPS, AND ANY SUCH TIPS SHALL NOT BE OWED BY AN EMPLOYER TO AN OBLIGOR.

(5) WHEN ACTIVATED, AN INCOME ASSIGNMENT SHALL BE A CONTINUING INCOME ASSIGNMENT AND SHALL REMAIN IN EFFECT AND SHALL BE BINDING UPON ANY EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS UPON WHOM IT IS SERVED UNTIL FURTHER NOTICE FROM THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, OR THE COURT.

(6) **Priority.** (a) A NOTICE OF INCOME ASSIGNMENT FOR SUPPORT SHALL HAVE PRIORITY OVER ANY GARNISHMENT, ATTACHMENT, OR LIEN.

(b) IF THERE IS MORE THAN ONE INCOME ASSIGNMENT FOR SUPPORT FOR THE SAME OBLIGOR, THE TOTAL AMOUNT WITHHELD, WHICH IS SUBJECT TO THE LIMITS SPECIFIED IN SECTION 13-54-104 (3), C.R.S., SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE PRIORITIES SET FORTH IN THIS PARAGRAPH (b):

(I) (A) FIRST PRIORITY SHALL BE GIVEN TO INCOME ASSIGNMENTS FOR ORDERS FOR CURRENT MONTHLY CHILD SUPPORT OBLIGATIONS AND MAINTENANCE WHEN

INCLUDED IN THE CHILD SUPPORT ORDER.

(B) IF THE AMOUNT WITHHELD IS SUFFICIENT TO PAY THE CURRENT MONTHLY SUPPORT AND MAINTENANCE FOR ALL ORDERS, THE EMPLOYER OR OTHER PAYOR OF FUNDS SHALL DISTRIBUTE THE AMOUNT TO ALL ORDERS AND PROCEED TO THE SECOND PRIORITY TO DISTRIBUTE ANY REMAINING WITHHOLDING. IF THE AMOUNT WITHHELD IS NOT SUFFICIENT TO PAY THE CURRENT MONTHLY SUPPORT AND MAINTENANCE IN ALL ORDERS, THE EMPLOYER SHALL ADD THE CURRENT MONTHLY SUPPORT AND MAINTENANCE IN ALL ORDERS FOR A TOTAL AND THEN DIVIDE THE AMOUNT OF CURRENT MONTHLY SUPPORT AND MAINTENANCE IN EACH ORDER BY THE TOTAL TO DETERMINE THE PERCENT OF THE TOTAL FOR EACH ORDER. THE PERCENT FOR EACH ORDER DERIVED FROM SUCH CALCULATION SHALL BE MULTIPLIED BY THE TOTAL AMOUNT WITHHELD TO DETERMINE WHAT PROPORTIONATE SHARE OF THE AMOUNT WITHHELD SHALL BE PAID FOR EACH ORDER.

(II) (A) SECOND PRIORITY SHALL BE GIVEN TO INCOME ASSIGNMENTS FOR ALL ORDERS FOR MEDICAL SUPPORT WHEN THERE IS A SPECIFIC AMOUNT ORDERED FOR MEDICAL SUPPORT.

(B) IF THE AMOUNT WITHHELD IS SUFFICIENT TO PAY THE MEDICAL SUPPORT FOR ALL ORDERS, THE EMPLOYER SHALL DISTRIBUTE THE AMOUNT TO ALL ORDERS AND PROCEED TO THE THIRD PRIORITY TO DISTRIBUTE ANY REMAINING WITHHOLDING. IF THE AMOUNT WITHHELD IS NOT SUFFICIENT TO PAY THE MEDICAL SUPPORT IN ALL ORDERS, THE EMPLOYER SHALL ADD THE MEDICAL SUPPORT IN ALL ORDERS FOR A TOTAL AND THEN DIVIDE THE AMOUNT OF MEDICAL SUPPORT IN EACH ORDER BY THE TOTAL TO DETERMINE THE PERCENT OF THE TOTAL FOR EACH ORDER. THE PERCENT FOR EACH ORDER DERIVED FROM SUCH CALCULATION SHALL BE MULTIPLIED BY THE TOTAL AMOUNT WITHHELD TO DETERMINE WHAT PROPORTIONATE SHARE OF THE AMOUNT WITHHELD SHALL BE PAID FOR EACH ORDER.

(III) (A) THIRD PRIORITY SHALL BE GIVEN TO INCOME ASSIGNMENTS FOR CHILD SUPPORT DEBT AND SUPPORT ARREARS, INCLUDING MEDICAL SUPPORT ARREARS.

(B) IF THE AMOUNT WITHHELD IS SUFFICIENT TO PAY THE CHILD SUPPORT DEBT AND SUPPORT ARREARS FOR ALL ORDERS, THE EMPLOYER SHALL DISTRIBUTE THE AMOUNT TO ALL ORDERS AND PROCEED TO THE FOURTH PRIORITY TO DISTRIBUTE ANY REMAINING WITHHOLDING. IF THE AMOUNT WITHHELD IS NOT SUFFICIENT TO PAY THE CHILD SUPPORT DEBT AND SUPPORT ARREARS IN ALL ORDERS, THE EMPLOYER SHALL ADD THE CHILD SUPPORT DEBT AND SUPPORT ARREARS IN ALL ORDERS FOR A TOTAL AND THEN DIVIDE THE AMOUNT OF CHILD SUPPORT DEBT AND SUPPORT ARREARS IN EACH ORDER BY THE TOTAL TO DETERMINE THE PERCENT OF THE TOTAL FOR EACH ORDER. THE PERCENT FOR EACH ORDER DERIVED FROM SUCH CALCULATION SHALL BE MULTIPLIED BY THE TOTAL AMOUNT WITHHELD TO DETERMINE WHAT PROPORTIONATE SHARE OF THE AMOUNT WITHHELD SHALL BE PAID FOR EACH ORDER.

(IV) (A) FOURTH PRIORITY SHALL BE GIVEN TO INCOME ASSIGNMENTS FOR ORDERS FOR MAINTENANCE ONLY.

(B) IF THE AMOUNT WITHHELD IS SUFFICIENT TO PAY THE MAINTENANCE ONLY FOR ALL ORDERS, THE EMPLOYER SHALL DISTRIBUTE THE AMOUNT TO ALL ORDERS. IF THE AMOUNT WITHHELD IS NOT SUFFICIENT TO PAY THE MAINTENANCE ONLY IN ALL

ORDERS, THE EMPLOYER SHALL ADD THE MAINTENANCE ONLY IN ALL ORDERS FOR A TOTAL AND THEN DIVIDE THE AMOUNT OF MAINTENANCE ONLY IN EACH ORDER BY THE TOTAL TO DETERMINE THE PERCENT OF THE TOTAL FOR EACH ORDER. THE PERCENT FOR EACH ORDER DERIVED FROM SUCH CALCULATION SHALL BE MULTIPLIED BY THE TOTAL AMOUNT WITHHELD TO DETERMINE WHAT PROPORTIONATE SHARE OF THE AMOUNT WITHHELD SHALL BE PAID FOR EACH ORDER.

(7) NO EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS WHO COMPLIES WITH A NOTICE OF INCOME ASSIGNMENT ISSUED PURSUANT TO THIS SECTION AND AS PROVIDED IN SUBSECTION (8) OF THIS SECTION SHALL BE LIABLE TO THE OBLIGOR FOR WRONGFUL WITHHOLDING.

(8) AN EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS SUBJECT TO THIS SECTION WHO:

(a) FAILS TO ABIDE BY THE TERMS ENUMERATED IN THE NOTICE OF INCOME ASSIGNMENT MAY BE HELD IN CONTEMPT OF COURT;

(b) WRONGFULLY FAILS TO WITHHOLD INCOME IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION MAY BE HELD LIABLE FOR AN AMOUNT UP TO THE ACCUMULATED AMOUNT THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS SHOULD HAVE WITHHELD FROM THE OBLIGOR'S INCOME;

(c) DISCHARGES, REFUSES TO HIRE, OR TAKES DISCIPLINARY ACTION AGAINST AN EMPLOYEE BECAUSE OF THE ENTRY OR SERVICE OF AN INCOME ASSIGNMENT PURSUANT TO THIS SECTION MAY BE HELD IN CONTEMPT OF COURT.

(9) IF AN EMPLOYER DISCHARGES AN EMPLOYEE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, THE EMPLOYEE MAY, WITHIN NINETY DAYS, BRING A CIVIL ACTION FOR THE RECOVERY OF WAGES LOST AS A RESULT OF THE VIOLATION AND FOR AN ORDER REQUIRING THE REINSTATEMENT OF THE EMPLOYEE. DAMAGES RECOVERABLE SHALL BE LOST WAGES NOT TO EXCEED SIX WEEKS, COSTS, AND REASONABLE ATTORNEY FEES.

(10) (a) THE OBLIGEE, THE OBLIGEE'S REPRESENTATIVE, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, OR THE COURT SHALL PROMPTLY NOTIFY THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS, IN WRITING, WHEN AN INCOME ASSIGNMENT IS MODIFIED OR TERMINATED.

(b) AN INCOME ASSIGNMENT SHALL BE MODIFIED WHEN:

(I) THE SUPPORT ORDER IS MODIFIED BY THE COURT;

(II) THE ARREARS PAYMENT IS MODIFIED BY AGREEMENT BETWEEN THE PARTIES PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION; OR

(III) THE ARREARS PAYMENT IS MODIFIED WHEN UPDATED PERIODICALLY PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

(c) AN INCOME ASSIGNMENT SHALL BE TERMINATED WHEN THE COURT ORDER FOR SUPPORT IS TERMINATED.

(11) DISBURSEMENTS RECEIVED FROM THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS BY A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL BE PROMPTLY DISTRIBUTED.

(12) THE CLERK OF THE COURT SHALL PROVIDE, UPON REQUEST, ANY INFORMATION REQUIRED BY THE PARTIES ABOUT ANY SUPPORT ORDER OR ANY ORDER AFFECTING AN ORDER FOR SUPPORT, INCLUDING JUDGMENTS AND REGISTERED ORDERS.

(13) THE DEPARTMENT OF HUMAN SERVICES IS HEREBY DESIGNATED AS THE INCOME WITHHOLDING AGENCY AS REQUIRED BY THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

(14) THIS SECTION APPLIES TO ANY ACTION BROUGHT UNDER THIS ARTICLE OR ARTICLE 5, 6, OR 10 OF THIS TITLE OR UNDER ARTICLE 4 OR 6 OF TITLE 19, C.R.S., OR UNDER ARTICLE 13.5 OF TITLE 26, C.R.S.

(15) NOTHING IN THIS SECTION SHALL AFFECT THE AVAILABILITY OF ANY OTHER METHOD FOR COLLECTING CHILD SUPPORT, MAINTENANCE, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, RETROACTIVE SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARS, OR CHILD SUPPORT DEBT.

(16) INCOME ASSIGNMENTS UNDER THIS SECTION SHALL BE ISSUED BY A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT UNDER THE PROVISIONS OF THE "COLORADO ADMINISTRATIVE PROCEDURE ACT FOR THE ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT", CREATED IN ARTICLE 13.5 OF TITLE 26, C.R.S.

(17) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "INCOME" MEANS WAGES AS DEFINED IN SECTION 14-14-102 (9).

**SECTION 13.** 19-4-105.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-4-105.5. Commencement of proceedings - summons.** (1) All proceedings under this article shall be commenced in the manner provided by the Colorado rules of civil procedure or as otherwise provided in this section or section ~~26-13.5-105~~; 26-13.5-104, C.R.S.

(2) Upon commencement of a proceeding under this article by one of the parties, the other parties shall be served in the manner set forth in section 19-4-109 (2), the Colorado rules of civil procedure, or as otherwise provided in section ~~26-13.5-105~~; 26-13.5-104, C.R.S.

**SECTION 14.** 19-4-130, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-4-130. Temporary custody orders.** (1) Upon the filing of any proceeding under this article or under article 13.5 of title 26, C.R.S., the court shall, as soon as practicable, enter a temporary or permanent custody order ~~which~~ THAT shall

determine the legal custody of the child until further order of the court.

(2) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY PATERNITY DETERMINATION MADE PURSUANT TO SECTION 14-5-701, C.R.S.

**SECTION 15.** Part 1 of article 5 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-5-108. When notice of relinquishment proceedings required.** IF THE CUSTODIAL PARENT HAS ASSIGNED RIGHTS TO SUPPORT FOR A CHILD WHO IS THE SUBJECT OF RELINQUISHMENT PROCEEDINGS TO THE DEPARTMENT OF HUMAN SERVICES, NOTICE OF THE RELINQUISHMENT PROCEEDINGS SHALL BE GIVEN, BY THE PARENT PROPOSING TO RELINQUISH A CHILD OR BY THAT PARENT'S COUNSEL, TO THE APPROPRIATE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IN CASES WHERE THERE IS NO ADOPTION PROCEEDING PENDING.

**SECTION 16.** 19-6-103 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-6-103. Summons.** (1) Upon filing of the petition, the clerk of the court OR THE ATTORNEY FOR THE PETITIONER OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT shall issue a summons stating the substance of the petition and requiring the respondent to appear at the time and place set for hearing on the petition.

**SECTION 17.** 20-1-201 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**20-1-201. Deputies - chief deputies - staff.** (1) (d) TO PROSECUTE FELONY NONSUPPORT ACTIONS PURSUANT TO ARTICLE 6 OF TITLE 14, C.R.S., THE DISTRICT ATTORNEY IN EVERY JUDICIAL DISTRICT IS AUTHORIZED TO APPOINT ANY ATTORNEY PERFORMING CHILD SUPPORT ENFORCEMENT SERVICES FOR THE COUNTY DEPARTMENT OF SOCIAL SERVICES PURSUANT TO ARTICLE 13 OF TITLE 26, C.R.S., AS A SPECIAL DEPUTY DISTRICT ATTORNEY, WHETHER SUCH ATTORNEY IS EMPLOYED BY THE DEPARTMENT DIRECTLY, AS A CONTRACTUAL AGENT FOR THE DEPARTMENT, OR THROUGH THE SERVICES OF A PRIVATE COMPANY UNDER CONTRACT WITH THE DEPARTMENT. IN NO EVENT SHALL A SPECIAL DEPUTY DISTRICT ATTORNEY APPOINTED PURSUANT TO THIS SUBSECTION (1) BE GRANTED ALL OF THE POWERS ENUMERATED IN SECTION 18-1-901 (3) (I) (II) (A), C.R.S. THE POWERS GRANTED BY THIS APPOINTMENT SHALL BE LIMITED TO THE PROSECUTIONS DELINEATED IN THIS SUBSECTION (1).

**SECTION 18.** 20-1-201 (3), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**20-1-201. Deputies - chief deputies - staff.** (3) Before such deputy district attorneys, ~~or~~ chief deputy district attorneys, OR SPECIAL DEPUTY DISTRICT ATTORNEYS enter upon the duties of their office, they shall file with the secretary of state the oath of office required by law to be filed by district attorneys and may be required, as the district attorney shall direct, to file a like bond as that required to be filed by district attorneys.

**SECTION 19.** 25-2-107 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-2-107. Reports of adoption, dissolution of marriage, parentage, and other court proceedings affecting vital statistics - tax on court action affecting vital statistics.** (1) The clerk of each court OR, FOR PARENTAGE PROCEEDINGS, THE CLERK OF THE COURT OR A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT shall prepare a report containing such information and using such form as may be prescribed and furnished by the state registrar with respect to every decree entered by the court with respect to parentage, legitimacy, adoption, change of name, dissolution of marriage, legal separation, or declaration of invalidity of marriage and every decree amending or nullifying such a decree and also with respect to every decree entered pursuant to section 25-2-114. On or before the tenth day of each month, or more frequently if so requested by the state registrar, such clerk shall forward to the state registrar the reports for all such decrees entered during the preceding period.

**SECTION 20.** 26-13-106, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**26-13-106. Eligibility for services.** (1) Support enforcement services shall be provided to those recipients of medicaid-only and Title IV-E foster care as required by federal law and to recipients of aid to families with dependent children who, as a condition of eligibility pursuant to federal law, must assign their rights to support to, and cooperate with, the state department in the establishment, modification, and enforcement of support obligations owed by absent parents to their children and the enforcement of maintenance owed by absent parents to their spouses or former spouses.

(2) Child support establishment, modification, and enforcement services UNDER STATE LAW AND UNDER THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT", ARTICLE 5 OF TITLE 14, C.R.S., shall be provided to any person who completes a written application and pays the required fee; EXCEPT THAT THE COUNTY MAY ELECT TO PAY THE FEE OUT OF COUNTY CHILD SUPPORT ENFORCEMENT FUNDS. The state department shall establish, by rule, a fee to be charged for services provided under this section. Such fee shall be ~~used to reimburse~~ APPLIED TOWARD REIMBURSING expenditures incurred by the child support enforcement program. County departments and their contractual agents for legal services, including district and county attorneys, shall ~~diligently~~ MAY pursue such fee, notwithstanding any other provision of law. Nonpayment of any fee charged by the state department for services provided under this section shall not be the basis for any criminal prosecution or order of contempt of the court.

(3) THE COUNTY DEPARTMENT MAY RECOVER ANY COSTS INCURRED IN EXCESS OF FEES FROM EITHER THE OBLIGOR OR OBLIGEE IN A CASE IN WHICH AN INDIVIDUAL IS RECEIVING CHILD SUPPORT ENFORCEMENT SERVICES UNDER SUBSECTION (2) OF THIS SECTION.

**SECTION 21.** 26-13-107 (2) and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 26-13-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:



**26-13-107. State parent locator service.** (2) To effectuate the purposes of subsection (1) of this section, the executive director may request and shall receive from departments, boards, bureaus, or other agencies of the state or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the state department and county departments or their authorized agents properly to carry out their powers and duties to locate such parents and to enforce their liability for the support of their children. Any records established pursuant to the provisions of this section shall be available only to the FOLLOWING:

(a) ANY state ~~department, the county departments,~~ OR LOCAL AGENCY OR OFFICIAL SEEKING TO COLLECT CHILD SUPPORT UNDER THE STATE PLAN OR ~~their~~ THE AGENCY'S OR OFFICIAL'S authorized agents;

(b) The attorney general, ~~and the~~ district attorneys, AND county attorneys; ~~and~~

(c) Courts having jurisdiction in support and abandonment proceedings or actions to establish child support or to establish parentage;

(d) THE CUSTODIAL PARENT, LEGAL GUARDIAN, ATTORNEY, OR AGENT OF A CHILD WHO IS NOT RECEIVING AID UNDER TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, WHEN A COURT ORDER IS PROVIDED; AND

(e) UNITED STATES AGENTS OR ATTORNEYS FOR USE WITH THE FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH A PARENTAL KIDNAPPING OR CHILD CUSTODY CASE, AS AUTHORIZED BY FEDERAL LAW.

(3) (a) All departments and agencies of the state and local governments shall cooperate in the location of parents who have abandoned or deserted children, irrespective of whether such children are or are not receiving aid to families with dependent children; and, on request of a county department or its authorized agent, the state department, or the district attorney of any judicial district in this state, they shall supply any information on hand, notwithstanding any other provisions of law making such information confidential, concerning the location, employment, income, and property of such absent parents and any other information on hand relative to the enforcement of support. The department of revenue shall furnish, at no cost to inquiring departments and agencies, such information as may be necessary to effectuate the purposes of this article. ANY INFORMATION SO PROVIDED MAY BE TRANSMITTED TO THOSE PERSONS OR ENTITIES SPECIFIED IN PARAGRAPH (a.5) OF THIS SUBSECTION (3). The procedures whereby this information will be requested and provided shall be established pursuant to rules and regulations of the state department. The state department or county departments shall use such information only for the purposes of administering child support enforcement under this title, and the district attorney shall use it only for the purpose of establishing and enforcing the support liability of such absent parents and shall not use the information, or disclose it, for any other purpose.

(a.5) THE STATE PARENT LOCATOR SERVICE SHALL ONLY ACCEPT APPLICATIONS FROM AND TRANSMIT COLORADO AND FEDERAL PARENT LOCATOR INFORMATION TO:

(I) ANY STATE OR LOCAL AGENCY OR OFFICIAL SEEKING TO COLLECT CHILD SUPPORT UNDER THE STATE PLAN OR THE AGENCY'S OR OFFICIAL'S AUTHORIZED

AGENTS;

(II) THE ATTORNEY GENERAL, DISTRICT ATTORNEYS, AND COUNTY ATTORNEYS;

(III) COURTS HAVING JURISDICTION IN SUPPORT AND ABANDONMENT PROCEEDINGS OR ACTIONS TO ESTABLISH CHILD SUPPORT OR TO ESTABLISH PARENTAGE;

(IV) THE CUSTODIAL PARENT, LEGAL GUARDIAN, ATTORNEY, OR AGENT OF A CHILD WHO IS NOT RECEIVING AID UNDER TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, WHEN A COURT ORDER IS PROVIDED; AND

(V) UNITED STATES AGENTS OR ATTORNEYS FOR USE WITH THE FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH A PARENTAL KIDNAPPING OR CHILD CUSTODY CASE, AS AUTHORIZED BY FEDERAL LAW.

(b) Nothing in this subsection (3) shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this state, if such information is required to be kept confidential by the federal law or regulations relating to such program, or to compel the disclosure of any information disclosed in any document, report, or return made confidential by section 39-21-113, C.R.S.

(c) The state parent locator service or a local child support enforcement unit may INITIATE A request REQUIRING any employer located within this state or doing business in this state to provide any employment-related information held by such employer concerning the location, benefits, income, and assets of parents with a child support obligation. Compliance with such a request shall not subject the employer to liability to the obligor for disclosing such information without a subpoena pursuant to this paragraph (c).

(d) The state parent locator service or a delegate child support enforcement unit may obtain information from credit bureaus on the whereabouts, income, and assets of individuals pursuant to the provisions of the federal "Fair Credit Reporting Act" in order to provide the services set forth in section 26-13-105.

(e) THE STATE PARENT LOCATOR SERVICE OR A LOCAL CHILD SUPPORT ENFORCEMENT UNIT MAY INITIATE A REQUEST REQUIRING ANY FINANCIAL INSTITUTION OR ANY PERSON LOCATED WITHIN THIS STATE OR DOING BUSINESS IN THIS STATE WHO IS IN POSSESSION OR CONTROL OF PERSONAL PROPERTY OR INFORMATION CONCERNING THE LOCATION, BENEFITS, INCOME, AND ASSETS OF PARENTS WITH A CHILD SUPPORT OBLIGATION TO PROVIDE SUCH INFORMATION TO THE REQUESTING AGENCY. COMPLIANCE WITH SUCH REQUEST SHALL NOT SUBJECT THE HOLDER TO LIABILITY TO THE OBLIGOR FOR DISCLOSING SUCH INFORMATION WITHOUT A SUBPOENA PURSUANT TO THIS PARAGRAPH (e). A FINANCIAL INSTITUTION SHALL NOT BE REQUIRED TO PROVIDE INFORMATION WITHOUT A SUBPOENA IF COMPLIANCE WITH SUCH A REQUEST VIOLATES STATE OR FEDERAL LAW OR COULD RESULT IN LIABILITY UNDER STATE OR FEDERAL LAW.

(4) THE STATE PARENT LOCATOR SERVICE MAY ESTABLISH FEES TO BE CHARGED FOR THE PROVISION OF SERVICES IN PARAGRAPHS (d) AND (e) OF SUBSECTION (2) OF THIS SECTION AND IN SUBPARAGRAPHS (IV) AND (V) OF PARAGRAPH (a.5) OF

SUBSECTION (3) OF THIS SECTION.

**SECTION 22.** 26-13-116 (3), (4), and (5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-13-116. Debt information made available to consumer reporting agencies - notice to noncustodial parent - fees - rules and regulations - repeal.** (3) Prior to furnishing any information pursuant to ~~subsection (2)~~ SUBSECTIONS (2) AND (2.5) of this section, the child support enforcement agency shall provide advance notice to the obligor parent regarding the proposed release of the information to the consumer reporting agency. Such notice shall contain an explanation of the obligor parent's right to contest the accuracy of the information to be released.

~~(4) The state department shall establish fees to be collected for providing the information specified in this section. The fees shall not exceed the cost of providing such information.~~

(5) The state board shall promulgate rules and regulations, pursuant to section 24-4-103, C.R.S., to implement this section, including, but not limited to, the following:

- (a) Application procedures;
- (b) Notification of the obligor parent; AND
- (c) Procedures for contesting the accuracy of the information. ~~and~~
- ~~(d) Fee schedules.~~

**SECTION 23.** 26-13-122 (2) and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-13-122. Administrative lien and attachment.** (2) An administrative lien and attachment for the collection from workers' compensation benefits for child support obligations, child support arrearages, and child support debt shall be continuing and shall have priority over any garnishment, lien, or wage assignment other than a notice previously served pursuant to this subsection (2) or a wage assignment activated pursuant to section 14-14-107 or 14-14-111, C.R.S., AS THOSE SECTIONS EXISTED PRIOR TO JULY 1, 1996, OR SECTION 14-14-111.5, C.R.S. Such administrative lien and attachment shall require the person, insurance company, or agency providing workers' compensation insurance benefits to withhold, pursuant to section 13-54-104 (3), C.R.S., the portion of earnings subject to attachment at each succeeding disbursement interval until such amount is satisfied or the attachment is released in writing by the state child support enforcement agency.

(3) In order to attach and collect workers' compensation income FOR CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE SUPPORT DUE, MEDICAL SUPPORT, AND CHILD SUPPORT ARREARAGES, the state child support enforcement agency ~~shall file with the court that issued the order a verified entry of judgment pursuant to section 14-10-122 (1) (e), C.R.S., if one has not been previously filed, and the state child support enforcement agency is authorized to serve, by certified~~

FIRST-CLASS mail, a notice of administrative lien and attachment on any person, insurance company, or agency holding workers' compensation benefits ~~which~~ THAT are owed to an obligor. A COPY OF THE ADMINISTRATIVE LIEN AND ATTACHMENT SHALL BE PROVIDED TO THE OBLIGOR AND SHALL INCLUDE INFORMATION ON THE OBLIGOR'S RIGHT TO OBJECT TO THE ADMINISTRATIVE LIEN AND ATTACHMENT AND TO REQUEST AN ADMINISTRATIVE REVIEW PURSUANT TO THE RULES AND REGULATIONS OF THE STATE BOARD.

**SECTION 24.** Article 13 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-13-124. Privatization of child support enforcement programs.** THE STATE DEPARTMENT SHALL CONSULT WITH THE COUNTIES TO DETERMINE WHAT SERVICES OF THE CHILD SUPPORT ENFORCEMENT PROGRAM MAY BE ADVANTAGEOUS TO PRIVATIZE. THE STATE DEPARTMENT IS AUTHORIZED TO PROCURE SUCH SERVICES ON BEHALF OF PARTICIPATING COUNTIES IF THE PARTICIPATING COUNTIES AND THE STATE DEPARTMENT AGREE TO SUCH PROCUREMENT. THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE ON OR BEFORE JANUARY 1, 1998, REGARDING THE EFFORTS UNDERTAKEN PURSUANT TO THIS SECTION AND THE RESULTS OF SUCH EFFORTS.

**SECTION 25.** 26-13.5-102 (9), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

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

(9) "Duty of support" means a duty of support imposed by law, by order, decree, or judgment of any court, or by administrative order, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise. "Duty of support" includes the duty to pay a monthly support obligation, a child support debt, ANY RETROACTIVE SUPPORT DUE, support of children in foster care, MEDICAL SUPPORT, and any arrearages.

**SECTION 26.** 26-13.5-103 (1) (d), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-13.5-103. Notice of financial responsibility issued - contents.** (1) The delegate child support enforcement unit shall issue a notice of financial responsibility to an obligor who owes a child support debt or who is responsible for the support of a child on whose behalf the custodian of that child is receiving support enforcement services from the delegate child support enforcement unit pursuant to article 13 of this title. The notice shall advise the obligor:

(d) That the order of default shall be filed with the clerk of the district court in the county in which the notice of financial responsibility was issued; that, as soon as the order of default is filed, it shall have all the force, effect, and remedies of an order of the court, including, but not limited to, wage ~~assignment~~ ASSIGNMENTS ISSUED PRIOR TO JULY 1, 1996, OR INCOME ASSIGNMENTS ISSUED THEREAFTER or contempt of court; and that execution may be issued on the order in the same manner and with the same effect as if it were an order of the court;

**SECTION 27.** The introductory portion to 26-13.5-105 (1) and 26-13.5-105 (1) (e), (2), and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court.** (1) Every obligor who has been served with a notice of financial responsibility pursuant to section 26-13.5-104 shall appear at the time and location stated in the notice for a negotiation conference or shall reschedule a negotiation conference prior to the date and time stated in the notice. The negotiation conference shall be scheduled not more than thirty days after the date of the issuance of the notice of financial responsibility. A negotiation conference shall not be rescheduled more than once and shall not be rescheduled for a date more than ten days after the date and time stated in the notice without good cause as defined in rules and regulations promulgated pursuant to section 26-13.5-113. If a negotiation conference is continued, the obligor shall be notified of such continuance by first-class mail OR BY HAND DELIVERY. If a stipulation is agreed upon at the negotiation conference as to the obligor's duty of support, the delegate child support enforcement unit shall issue an administrative order of financial responsibility setting forth the following:

(e) The information required by section ~~14-14-107(1)(b)~~; 14-14-111.5 (2) (f) (II), C.R.S.;

(2) A copy of the administrative order of financial responsibility issued pursuant to subsection (1) of this section, along with proof of service, shall be filed 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 support is pending or an order exists but is silent on the issue of child support. The clerk shall stamp the date of receipt of the copy of the order and shall assign the order a case number. The order of financial responsibility shall have all the force, effect, and remedies of an order of the court, including, but not limited to, wage ~~assignment~~ ASSIGNMENTS ISSUED PRIOR TO JULY 1, 1996, OR INCOME ASSIGNMENTS ISSUED THEREAFTER or contempt of court. Execution may be issued on the order in the same manner and with the same effect as if it were an order of the court. In order to enforce a judgment based on an order issued pursuant to this article, the judgment creditor shall file with the court a verified entry of judgment specifying the period of time that the judgment covers and the total amount of the judgment for that period. Notwithstanding the provisions of this subsection (2), no court order for judgment nor verified entry of judgment shall be required in order for the county and state child support enforcement units to certify past-due amounts of child support to the internal revenue service or state department of revenue for purposes of intercepting a federal or state tax refund.

(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 REASONABLE SUPPORT FOR A TIME PERIOD PRIOR TO THE ENTRY OF THE ORDER FOR 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~~ SIX MONTHS 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 parenting time 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 28.** 26-13.5-106 (1) (c) (V) and (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-13.5-106. Default - issuance of order of default - filing of order with district court.** (1) (c) Such order of default shall be approved by the court and shall include the following:

(V) The information required by section ~~14-14-107 (1) (b)~~, 14-14-111.5 (2) (f) (II), C.R.S.;

(2) A copy of any order of default issued pursuant to subsection (1) of this section, along with proof of service, and, in the case of a default order establishing paternity and financial responsibility under paragraph (b) of subsection (1) of this section, the obligee's verified affidavit regarding paternity and the blood test results, if any, shall be filed 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. The clerk shall stamp the date of receipt of the copy of the order of default and shall assign the order a case number. The order of default shall have all the force, effect, and remedies of an order of the court, including, but not limited to, wage ~~assignment~~ ASSIGNMENTS ISSUED PRIOR TO JULY 1, 1996, OR INCOME ASSIGNMENTS ISSUED THEREAFTER or contempt of court. Execution may be issued on the order in the same manner and with the same effect as if it were an order of the court. In order to enforce a judgment based on an order issued pursuant to this article, the judgment creditor shall file with the court a verified entry of judgment specifying the period of time that the judgment covers and the total amount of the judgment for that period. Notwithstanding the provisions of this subsection (2), no court order for judgment nor verified entry of judgment shall be required in order for the county and state child support enforcement units to certify past-due amounts of child support to the internal revenue service or state department of revenue for purposes of intercepting a federal

or state tax refund.

**SECTION 29.** 8-42-124 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-42-124. Assignability and exemption of claims - payment to employers - when.** (6) Nothing in this section shall be construed to limit in any way the right of any employee to full payment of any award which may be granted to said employee for permanent partial or permanent total disability under the provisions of articles 40 to 47 of this title; except that benefits for permanent total disability shall be subject to wage assignment OR INCOME ASSIGNMENT as wages pursuant to section 14-14-102 (9), C.R.S., and subject to garnishment as earnings pursuant to section 13-54.5-101 (2) (b), C.R.S., and subject to administrative lien and attachment pursuant to section 26-13-122, C.R.S., for purposes of enforcement of court-ordered child support.

**SECTION 30.** 13-54.5-103 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-54.5-103. Property or earnings subject to garnishment.** (1) Any earnings owed by the garnishee to the judgment debtor at the time of service of the writ of continuing garnishment upon the garnishee and all earnings accruing from the garnishee to the judgment debtor from such date of service up to and including the ninetieth day thereafter shall be subject to the process of continuing garnishment. A GARNISHEE SHALL NOT BE REQUIRED TO COLLECT, POSSESS, OR CONTROL THE JUDGMENT DEBTOR'S TIPS, AND ANY SUCH TIPS SHALL NOT BE OWED BY A GARNISHEE TO A JUDGMENT DEBTOR.

**SECTION 31.** 14-10-120 (5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-10-120. Decree.** (5) Whenever child support has been ordered, ~~the decree of dissolution shall contain notice of the intent to activate a wage assignment in the event of default in child support, pursuant to section 14-14-107. In those cases governed by section 14-14-111,~~ the decree of dissolution, legal separation, declaration of invalidity, custody, or support shall contain an order for ~~immediate deductions for family support obligations~~ AN INCOME ASSIGNMENT pursuant to section ~~14-14-111~~ 14-14-111.5.

**SECTION 32.** 14-14-109 (1), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**14-14-109. Security, bond, or guarantee.** (1) In any action in which child support is ordered, an interested party may apply to the court for an order requiring that the obligor post security, a bond, or other form of guarantee to secure payment of the child support ordered. In considering such request, the court shall consider, among other factors, the nature of the obligor's employment and whether the obligor's income is unreachable by a wage assignment ENTERED pursuant to section 14-14-107 PRIOR TO JULY 1, 1996, OR BY IMMEDIATE DEDUCTION FOR A FAMILY SUPPORT OBLIGATION PURSUANT TO SECTION 14-14-111 AS IT EXISTED PRIOR TO JULY 1, 1996, OR BY AN INCOME ASSIGNMENT ENTERED PURSUANT TO SECTION 14-14-111.5 ON OR AFTER JULY 1, 1996.

**SECTION 33.** 22-64-120, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-64-120. Funds not subject to process.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, none of the moneys, payments, or other benefits mentioned in this article shall be assignable either in law or in equity nor be subject to execution, levy, attachment, garnishment, or other legal process.

**SECTION 34.** 24-51-212, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-51-212. Funds not subject to legal process.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, none of the moneys, trust funds, reserves, accounts, contributions pursuant to parts 4 and 5 of this article, or benefits referred to in this article shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, bankruptcy proceedings, or other legal process. Member contributions are subject to garnishment resulting from a judgment taken for arrearages for child support or for child support debt only if the membership has terminated and the member is not vested.

**SECTION 35.** 24-54-111, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-54-111. Funds not subject to process.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, none of the moneys, funds, annuities, individual accounts, or other benefits specified in this article shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

**SECTION 36.** 24-54.5-107, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-54.5-107. Moneys not subject to legal process.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, no annuity contract or certificate purchased under an optional retirement plan established pursuant to the provisions of this article



shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

**SECTION 37.** 24-54.6-106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-54.6-106. Moneys not subject to legal process.** Except for assignments for child support as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, no annuity contract or certificate purchased under a student employee retirement plan established pursuant to the provisions of this article shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

**SECTION 38.** 26-13-114 (6) (b) (II), (6) (b) (III), (6) (d), and (12), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**26-13-114. Family support registry - collection and disbursement of child support and maintenance - rules and regulations - legislative declaration.**

(6) Upon implementation of the family support registry in a particular county or judicial district, the following procedures shall be followed:

(b) The delegate child support enforcement unit for each county implementing the family support registry shall send or cause to be sent a notice to redirect payments, by first class mail. The notice shall state that all payments shall be made to the family support registry. The notice shall be sent to the following persons:

(II) Any employer or trustee who has been withholding wages under a wage assignment pursuant to section 14-14-107, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 1996;

(III) Any employer or other payor of funds who has been ~~deducting income for family support obligations~~ WITHHOLDING INCOME PURSUANT TO AN INCOME ASSIGNMENT pursuant to section 14-14-111, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 1996, OR SECTION 14-14-111.5, C.R.S.;

(d) If the delegate child support enforcement unit is no longer required to provide enforcement services pursuant to section 26-13-106 ~~it may continue to process payments through the registry unless both parties stipulate on the form required by the family support registry that any future payments shall be made directly from the obligor to the obligee and a copy of such form is provided to the family support registry and the court~~ AND PAYMENTS ARE RECEIVED THROUGH THE FAMILY SUPPORT REGISTRY, THE REGISTRY MAY REFER SUCH PAYMENTS TO THE COURT WHERE THE ORDER WAS ESTABLISHED AND NOTIFY THE OBLIGOR TO DIRECT FUTURE PAYMENTS TO SUCH COURT.

(12) ~~This section is repealed, effective July 1, 1996.~~

**SECTION 39.** 31-30-313 (1), Colorado Revised Statutes, 1986 Repl. Vol., as

amended, is amended to read:

**31-30-313. Fund not subject to attachment.** (1) Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ **which** THAT are the result of a judgment taken for arrearages for child support or for child support debt, no part of such pension fund, either before or after any order for the distribution thereof to the members or beneficiaries of such fund or to the surviving spouses or guardians of any such children of any such deceased, disabled, or retired members of said department, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, judgment, writ, interlocutory, or other order, decree, process, or proceeding of any nature whatsoever issued out of or by any court in this or any other state for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand, judgment, fine, or amercement of the municipality, or of such member or the surviving spouse or children of such member, or of any beneficiaries designated by such member. Except as provided in subsection (2) of this section, the fund shall be sacredly kept, secured, and distributed for the purpose of pensioning and protecting the persons named in this part 3 and for no other purpose whatsoever, but said board may annually expend such sum as it may deem proper from such fund for the necessary expenses connected therewith.

**SECTION 40.** 31-30-412 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-30-412. Exemption from levy.** (1) Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ **which** THAT are the result of a judgment taken for arrearages for child support or for child support debt, no part of such pension fund, either before or after any order for distribution thereof to the members or beneficiaries of such fund or the surviving spouses or guardians of any children of any such deceased, disabled, or retired member, officer, or employee of the fire department, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, protest, or proceeding of any nature whatsoever issued out of or by any court in this or any other state for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand, judgment, fine, or amercement of the municipality or the fire protection district, or of such member or the surviving spouse or children of such member, or of any beneficiaries designated by such member. Except as provided in subsection (2) of this section, the fund shall be kept, secured, and distributed for the purposes of pensioning and protecting the persons named in this part 4 and for no other purpose whatsoever; but said board may annually expend such sum as it may deem proper and necessary from such fund for the necessary expenses connected therewith.

**SECTION 41.** 31-30-518, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-30-518. Fund not subject to levy.** Except for assignments for child support

purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, no portion of the fund, before or after its order for distribution by the board to the persons entitled thereto, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or process or proceeding whatsoever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the city or city and county, the fire department, or the beneficiary of the fund. No pension or any part thereof shall be assignable by the beneficiary, but said fund shall be held and distributed for the purposes of this part 5 and for no other purpose whatsoever.

**SECTION 42.** 31-30-616, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-30-616. Fund not subject to levy.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, no portion of the fund, before or after its order for distribution by the board to the persons entitled thereto, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or process or proceeding whatsoever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the city or police department or the beneficiary of said fund. Said fund shall be held and distributed for the purposes of this part 6 and for no other purpose whatsoever.

**SECTION 43.** 31-30-1016, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-30-1016. Fund not subject to levy.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment ~~which~~ THAT are the result of a judgment taken for arrearages for child support or for child support debt, no portion of the funds created pursuant to sections 31-30-1005.3, 31-30-1012, and 31-30-1012.3, before or after their order for distribution by the board to the persons entitled thereto, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or process or proceeding whatsoever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the fire and police pension association or employers that belong to such association or the beneficiary of said funds. Said funds shall be held and distributed for the purpose of this part 10 and for no other purpose whatsoever.

**SECTION 44.** 31-30-1117 (1), Colorado Revised Statutes, 1986 Repl. Vol., as

amended, is amended to read:

**31-30-1117. Exemption from levy.** (1) Except for an assignment for child support purposes as provided in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and a writ of garnishment that is the result of a judgment taken for arrearages for child support or for child support debt, no part of the fund, either before or after any order for distribution of the fund to a fire department member, retired fire department member, or beneficiary of the fund or the surviving spouse or guardian of any child of a deceased or disabled fire department member or of a deceased, disabled, or retired fire department member shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, protest, or proceeding of any nature whatsoever issued out of or by any court in this or any other state for the payment or satisfaction of all or part of any debt, damages, claim, demand, judgment, fine, or amercement of the municipality or district or of a fire department member, retired fire department member, or their surviving spouses, dependent children, or designated beneficiaries.

**SECTION 45.** 31-30.5-208, Colorado Revised Statutes, 1986 Repl. Vol., as enacted by Senate Bill 96-11, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

**31-30.5-208. Fund not subject to levy.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, C.R.S., AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, no portion of the fund, before or after its order for distribution by the board to the persons entitled thereto, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or process or proceeding whatsoever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the employer or the beneficiary of the fund. Said fund shall be held and distributed for the purposes of this article and for no other purpose whatsoever.

**SECTION 46.** 31-31-203, Colorado Revised Statutes, 1986 Repl. Vol., as enacted by Senate Bill 96-11, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

**31-31-203. Fund not subject to levy.** Except for assignments for child support purposes as provided for in sections 14-10-118 (1) and 14-14-107, C.R.S., AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, no portion of the funds created pursuant to sections 31-31-301, 31-31-502, and 31-31-703, before or after their order for distribution by the board to the persons entitled thereto, shall be held, seized, taken, subjected to, detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or process or proceeding whatsoever issued out

of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the fire and police pension association or employers that belong to such association or the beneficiary of such funds. The funds shall be held and distributed for the purpose of this article and for no other purpose whatsoever.

**SECTION 47.** 35-65-402 (2) (c), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-65-402. Retirement plans for employees of authority.** (2) (c) Except for assignments for child support as provided in sections 14-10-118 (1) and 14-14-107, AS THEY EXISTED PRIOR TO JULY 1, 1996, AND EXCEPT FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., and except for writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, no benefits accrued or payable under the retirement plan for temporary employees established pursuant to the provisions of this subsection (2) shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment, or other legal process.

**SECTION 48. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to orders entered on or after said date; except that the provisions of section 12 of this act shall apply to orders entered before, on, or after said date and except that sections 45 and 46 of this act shall take effect only if Senate Bill 96-11 becomes law.

**SECTION 49. 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 1, 1996