

CHAPTER 269

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 96-204

BY SENATORS Wells, Hernandez, Johnson, Pascoe, Perlmutter, L. Powers, Rupert, and Wham;
also REPRESENTATIVES Gordon and Paschall.

AN ACT

CONCERNING THE DIVISION OF PUBLIC EMPLOYEE RETIREMENT BENEFITS PURSUANT TO DOMESTIC RELATIONS ORDERS.

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

SECTION 1. 14-10-113, Colorado Revised Statutes, 1987 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

14-10-113. Disposition of property. (6) (a) NOTWITHSTANDING ANY ANTI-ASSIGNMENT, ANTI-ALIENATION, OR OTHER PROVISION OF LAW TO THE CONTRARY, ALL RETIREMENT BENEFITS OF ANY NATURE FOR PUBLIC EMPLOYEES FROM A QUALIFIED PLAN ESTABLISHED PURSUANT TO COLORADO LAW SHALL BE, IN ALL ACTIONS FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, AND DECLARATION OF INVALIDITY OF MARRIAGE, DIVISIBLE DIRECTLY BY THE PLAN UPON WRITTEN AGREEMENT OF THE PARTIES TO SUCH AN ACTION PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (6).

(b) AS USED IN THIS SUBSECTION (6), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ALTERNATE PAYEE" MEANS A PARTY TO A DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY ACTION WHO IS NOT THE PARTICIPANT OF THE PUBLIC EMPLOYEE RETIREMENT PLAN DIVIDED OR TO BE DIVIDED BUT WHO IS MARRIED TO OR WAS MARRIED TO THE PARTICIPANT AND WHO IS TO RECEIVE, IS RECEIVING, OR HAS RECEIVED ALL OR A PORTION OF THE PARTICIPANT'S RETIREMENT BENEFIT BY MEANS OF A WRITTEN AGREEMENT AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (6).

(II) "DEFINED BENEFIT PLAN" MEANS A RETIREMENT PLAN THAT IS NOT A DEFINED

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

CONTRIBUTION PLAN AND THAT USUALLY PROVIDES BENEFITS AS A PERCENTAGE OF THE PARTICIPANT'S HIGHEST AVERAGE SALARY, BASED ON THE PLAN'S BENEFIT FORMULA AND THE PARTICIPANT'S AGE AND SERVICE CREDIT AT THE TIME OF RETIREMENT.

(III) "DEFINED CONTRIBUTION PLAN" MEANS A RETIREMENT PLAN THAT PROVIDES FOR AN INDIVIDUAL RETIREMENT ACCOUNT FOR EACH PARTICIPANT AND THE BENEFITS OF WHICH ARE BASED SOLELY ON THE AMOUNT CONTRIBUTED TO THE PARTICIPANT'S ACCOUNT AND THAT INCLUDES ANY INCOME, EXPENSES, GAINS, LOSSES, OR FORFEITURES OF ACCOUNTS OF OTHER PARTICIPANTS THAT MAY BE ALLOCATED TO THE PARTICIPANT'S ACCOUNT.

(IV) "PARTICIPANT" MEANS THE PERSON WHO IS AN ACTIVE, INACTIVE, OR RETIRED MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT PLAN.

(c) (I) THE PARTIES MAY ENTER INTO A MARITAL AGREEMENT PURSUANT TO PART 3 OF ARTICLE 2 OF THIS TITLE OR A SEPARATION AGREEMENT PURSUANT TO SECTION 14-10-112 CONCERNING THE DIVISION OF A PUBLIC EMPLOYEE RETIREMENT BENEFIT BETWEEN THE PARTIES PURSUANT TO A WRITTEN AGREEMENT.

(II) A WRITTEN AGREEMENT DIVIDING A PUBLIC EMPLOYEE RETIREMENT BENEFIT SHALL:

(A) SPECIFY THE FULL LEGAL NAME OF THE RETIREMENT PLAN OR PLANS TO WHICH IT APPLIES;

(B) SPECIFY THE NAME, SOCIAL SECURITY NUMBER, AND LAST-KNOWN MAILING ADDRESS OF THE PARTICIPANT AND THE ALTERNATE PAYEE AS WELL AS THE ALTERNATE PAYEE'S RELATIONSHIP TO THE PARTICIPANT;

(C) FOR AN AGREEMENT CONCERNING A DEFINED BENEFIT PLAN, SPECIFY THE ALTERNATE PAYEE DISTRIBUTION AS A FIXED MONETARY AMOUNT, SUBJECT, IF THE PLAN PERMITS, TO BENEFIT ADJUSTMENTS PAYABLE AT THE SAME TIME AND IN THE SAME MANNER AS ANY BENEFIT ADJUSTMENTS APPLIED TO THE PARTICIPANT'S DISTRIBUTION, OR AS A PERCENTAGE OF THE PAYMENT TO THE MEMBER OR RETIREE;

(D) FOR AN AGREEMENT CONCERNING A DEFINED CONTRIBUTION PLAN, SPECIFY THE ALTERNATE PAYEE'S PORTION OF THE PARTICIPANT'S ACCOUNT AS A FIXED LUMP-SUM AMOUNT, OR AS A PERCENTAGE, IN EITHER CASE, AS OF A SPECIFIED DATE, FROM SPECIFIC ACCOUNTS OF THE PARTICIPANT AND, UNLESS THE PLAN ADOPTS RULES AND REGULATIONS PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (6) PERMITTING THE PLAN TO RETAIN THE ALTERNATE PAYEE'S PORTION OF THE PARTICIPANT'S ACCOUNT, REQUIRE THAT DISTRIBUTION TO THE ALTERNATE PAYEE BE MADE WITHIN ONE HUNDRED TWENTY DAYS AFTER A CERTIFIED COURT ORDER APPROVING THE AGREEMENT HAS BEEN SUBMITTED TO AND RECEIVED BY THE PLAN;

(E) NOT PROVIDE FOR PAYMENTS TO THE ALTERNATE PAYEE OR TO THE PARTICIPANT FOR WHICH HE OR SHE WOULD NOT OTHERWISE BE ELIGIBLE IF THERE WERE NO DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY ACTION PENDING;

(F) FOR AN AGREEMENT CONCERNING A DEFINED BENEFIT PLAN, NOT REQUIRE THE PLAN TO PAY THE ALTERNATE PAYEE PRIOR TO THE DATE PAYMENTS COMMENCE TO THE PARTICIPANT OR PRIOR TO THE PARTICIPANT ATTAINING AGE SIXTY-FIVE OR ACTUAL RETIREMENT DATE, WHICHEVER DATE IS EARLIER, OR AT SUCH LATER DATE AS THE PARTIES MAY OTHERWISE AGREE IN WRITING;

(G) FOR AN AGREEMENT CONCERNING A DEFINED BENEFIT PLAN, PROVIDE THAT THE ALTERNATE PAYEE'S RIGHTS TO PAYMENTS TERMINATE UPON THE INVOLUNTARY TERMINATION OF BENEFITS PAYABLE TO THE PARTICIPANT OR UPON THE DEATH OF THE ALTERNATE PAYEE, WHICHEVER OCCURS FIRST, UNLESS THE PARTIES AGREE TO ELECT, OR HAVE ALREADY ELECTED, A BENEFIT OPTION UNDER THE PLAN THAT PROVIDES FOR A COBENEFICIARY BENEFIT TO THE ALTERNATE PAYEE;

(H) PROVIDE THAT THE MANNER OF PAYMENT SHALL BE IN A FORM OR TYPE PERMISSIBLE UNDER THE PLAN. THE AGREEMENT SHALL NOT REQUIRE THROUGH THIS SUBSECTION (6) THE PAYMENT OF A BENEFIT, BENEFIT AMOUNT, OR DISTRIBUTION OPTION NOT OTHERWISE SET OUT IN THE PLAN DOCUMENT OR STATUTE.

(I) NOT REQUIRE THE PLAN TO PAY BENEFITS THAT ARE ALREADY REQUIRED TO BE PAID TO ANOTHER ALTERNATE PAYEE OR ARE ALREADY SUBJECT TO AN ASSIGNMENT OR LIEN;

(J) SPECIFY THAT IT SHALL APPLY TO SUCCESSOR PLANS;

(K) COMPLY WITH ANY RULES OR PROCEDURES PROMULGATED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (6); AND

(L) SPECIFY THAT, ONCE APPROVED BY THE COURT, THE ORDER APPROVING THE AGREEMENT SHALL BE CERTIFIED BY THE CLERK OF THE COURT AND SUBMITTED TO AND RECEIVED BY THE RETIREMENT PLAN AT LEAST THIRTY DAYS BEFORE IT MAY BECOME EFFECTIVE.

(d) THE TRUSTEES OR THE ADMINISTRATOR OF EACH RETIREMENT PLAN MAY PROMULGATE RULES OR PROCEDURES GOVERNING THE IMPLEMENTATION OF THIS SUBSECTION (6) WITH RESPECT TO PUBLIC EMPLOYEE RETIREMENT PLANS THAT THEY ADMINISTER. SUCH RULES OR PROCEDURES MAY INCLUDE THE REQUIREMENT THAT A STANDARDIZED FORM BE USED BY THE PARTIES AND THE COURT FOR AN ORDER APPROVING THE PARTIES AGREEMENT TO BE EFFECTIVE AS WELL AS OTHER PROVISIONS CONSISTENT WITH THE PURPOSE OF THIS SUBSECTION (6).

(e) COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION (6) BY A PUBLIC EMPLOYEE RETIREMENT PLAN SHALL NOT SUBJECT THE PLAN TO ANY PORTIONS OF THE FEDERAL "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974", AS AMENDED, THAT DO NOT OTHERWISE AFFECT GOVERNMENTAL PLANS GENERALLY. ANY PLAN THAT REASONABLY COMPLIES WITH AN ORDER APPROVING AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (6) SHALL BE RELIEVED OF LIABILITY FOR PAYMENTS MADE TO THE PARTIES SUBJECT TO SUCH ORDER.

(f) A COURT SHALL HAVE NO JURISDICTION TO ENTER AN ORDER DIVIDING A PUBLIC EMPLOYEE RETIREMENT BENEFIT EXCEPT UPON WRITTEN AGREEMENT OF THE PARTIES PURSUANT TO THIS SUBSECTION (6). A COURT SHALL HAVE NO JURISDICTION TO

MODIFY AN ORDER APPROVING A WRITTEN AGREEMENT OF THE PARTIES DIVIDING A PUBLIC EMPLOYEE RETIREMENT BENEFIT; EXCEPT THAT A COURT MAY RETAIN JURISDICTION TO SUPERVISE THE IMPLEMENTATION OF THE ORDER DIVIDING THE RETIREMENT BENEFITS.

SECTION 2. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 3. 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, 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, AND FOR PAYMENTS FROM THE ASSOCIATION IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 4. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 5. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 6. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 7. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 8. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 9. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 10. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 11. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 12. 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, 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, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 13. 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., ~~and except~~ for writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 14. 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., ~~and except~~ for writs of garnishment that are the result of a judgment taken for arrearages for child support or for child support debt, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., 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 15. Effective date - applicability. This act shall take effect January 1, 1997, and shall apply to causes of action filed on or after said date; except that sections 13 and 14 of this act shall take effect only if Senate Bill 96-11 becomes law.

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

Approved: June 1, 1996