

CHAPTER 147

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 97-114

BY SENATORS Wells, Mutzebaugh, Powers, and Weddig;
also REPRESENTATIVES Kaufman and McPherson.

AN ACT

CONCERNING CHILD SUPPORT OBLIGATIONS.

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

SECTION 1. 8-72-107 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

8-72-107. Records and reports - fee - violation - penalty. (1) Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be retained for a period of not less than five years and shall be open to inspection and be subject to being copied by the division or its authorized representatives at any reasonable time and as often as may be necessary. The division or any referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which it or ~~he~~ **THE REFEREE** deems necessary for the effective administration of articles 70 to 82 of this title. Information thus obtained, or obtained from any individual pursuant to the administration of articles 70 to 82 of this title, except to the extent necessary for the proper presentation of a claim, or withholding tax account numbers if such numbers are obtained from the department of revenue pursuant to section 39-21-113, C.R.S., shall be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties, **TO AN AGENT OF A STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY PURSUANT TO SECTION 8-72-109 (9),** or to an agent of the division designated as such in writing for the purpose of accomplishing certain of the division's functions) in any manner revealing the individual's or employing unit's identity. Any interested party or ~~his~~ **SUCH PARTY'S** authorized representative, in preparation for and prior to any hearing

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

on a claim governed by articles 70 to 82 of this title, shall be entitled to examine and, upon the payment of a reasonable fee to the division, obtain a copy of any materials contained in such records to the extent necessary for proper presentation of ~~his~~ THE PARTY'S position at the hearing. Notwithstanding said provisions of this subsection (1), any applicant for work shall be entitled to examine and copy, or obtain a copy from the division upon payment of the costs of duplication, any letters of reference or other similar documents pertaining to the applicant which are in possession of the division. Any employee or member of the division or any referee who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

SECTION 2. 8-72-109, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-72-109. State-federal cooperation. (9) (a) INFORMATION OBTAINED BY A STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY PURSUANT TO SUBSECTION (8) OF THIS SECTION MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY SAID SUBSECTION (8) AND MAY NOT BE DISCLOSED BY SUCH AGENCY TO ANY PERSON OR ENTITY FOR THE PURPOSES OF ESTABLISHING, MODIFYING, OR COLLECTING CHILD SUPPORT OBLIGATIONS OR LOCATING INDIVIDUALS OWING SUCH OBLIGATIONS UNLESS SAFEGUARDS FOR THE CONFIDENTIALITY OF SUCH INFORMATION, CONSISTENT WITH SECTION 303 (e) (1) (B) OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, ARE ESTABLISHED BY AGREEMENT. NEITHER THE DIVISION NOR ITS EMPLOYEES SHALL BE LIABLE IN CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH SUBSECTION (8) OF THIS SECTION.

(b) THE LIMITATIONS ON DISCLOSURE OF INFORMATION OBTAINED PURSUANT TO SUBSECTION (8) OF THIS SECTION SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL APPLY TO ANY AGENT OF A STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY SPECIFIED IN SECTION 8-72-107 (1).

SECTION 3. 13-25-131 (2) (b), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-25-131. Civil actions - sexual assault - certain evidence presumed irrelevant. (2) Subsection (1) of this section notwithstanding, in any of the civil actions described in such subsection (1), evidence of the following shall be presumed to be relevant:

(b) Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease, or any similar evidence of sexual intercourse, including, but not limited to, ~~a blood test~~ GENETIC TESTING pursuant to section 13-25-126, offered for the purpose of showing that the act or acts alleged were or were not committed by the defendant in such civil action.

SECTION 4. 14-6-109 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-6-109. Forfeiture of bond - disposition of fines. (1) In accordance with the laws of this state, bond shall be set by the court. Pursuant to subsection (2) of this section, where the defendant has been released upon deposit of cash, stocks, or bonds, or upon surety bond secured by property, if the defendant fails to appear in accordance with the primary condition of the bond, the court shall declare a forfeiture. Notice of the order of forfeiture shall be mailed immediately by the court to the defendant and sureties, if any, at last known address. If the defendant does not appear and surrender to the court having jurisdiction within thirty days from the date of the forfeiture, or within that period satisfy the court that appearance and surrender by the defendant is impossible and without his THE DEFENDANT'S fault, the court shall enter judgment against the defendant AND THE SURETIES, IF ANY, for the amount of the bail and costs of the court proceedings.

SECTION 5. 14-10-115 (5) and (17), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (5) The child support guideline shall be used with standardized child support guideline forms to be issued by the supreme court, ~~on or before November 1, 1986~~, which FORMS shall be periodically updated when necessary.

(17) This section shall apply to all child support obligations, established or modified, as a part of any proceeding, including, but not limited to, articles 5, 6, and 10 of this title and articles 4 and 6 of title 19, C.R.S., ~~whether filed on, prior to, or subsequent to July 10, 1987~~ REGARDLESS OF WHEN FILED.

SECTION 6. 14-10-122 (1) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-10-122. Modification and termination of provisions for maintenance, support, and property disposition. (1) (c) In any action or proceeding in any court of this state in which child support, maintenance when combined with child support, or maintenance is ordered, a payment becomes a final money judgment, REFERRED TO IN THIS SECTION AS A SUPPORT JUDGMENT, when it is due and not paid. Such payment shall not be retroactively modified except pursuant to paragraph (a) of this subsection (1) and may be enforced as other judgments without further action by the court. A support judgment is entitled to full faith and credit and may be enforced in any court of this state or any other state. In order to enforce a SUPPORT judgment, the judgment OBLIGEE creditor shall file with the court that issued the order a verified entry of SUPPORT judgment specifying the period of time that the SUPPORT judgment covers and the total amount of the SUPPORT judgment for that period. THE OBLIGEE OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOT BE REQUIRED TO WAIT FIFTEEN DAYS TO EXECUTE ON SUCH SUPPORT JUDGMENT. A verified entry of SUPPORT judgment is not required to be signed by an attorney. A verified entry of SUPPORT judgment may be used to enforce a SUPPORT judgment for debt entered pursuant to section 14-14-104. THE FILING OF A VERIFIED ENTRY OF SUPPORT JUDGMENT SHALL REVIVE ALL INDIVIDUAL SUPPORT JUDGMENTS THAT HAVE ARISEN DURING THE PERIOD OF TIME SPECIFIED IN THE ENTRY OF SUPPORT JUDGMENT AND WHICH HAVE NOT BEEN SATISFIED, PURSUANT TO RULE 54 (h) OF THE COLORADO RULES OF CIVIL PROCEDURE, WITHOUT THE REQUIREMENT OF A SEPARATE MOTION, NOTICE, OR HEARING. Notwithstanding the provisions of this paragraph (c), no court

order for SUPPORT judgment nor verified entry of SUPPORT 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 to the department of revenue for purposes of intercepting a federal or state tax refund or lottery winnings.

SECTION 7. 14-14-102, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(4.3) "EMPLOYER", FOR PURPOSES OF INCOME ASSIGNMENTS PURSUANT TO SECTION 14-14-111.5 AND FOR PURPOSES OF INCOME WITHHOLDING PURSUANT TO SECTION 14-5-501, INCLUDES ANY PERSON, COMPANY, CORPORATION, THE COLORADO COMPENSATION INSURANCE AUTHORITY, OR INSURANCE CARRIER PAYING AMOUNTS AS TEMPORARY TOTAL DISABILITY OR TEMPORARY PARTIAL DISABILITY WORKERS' COMPENSATION BENEFITS, PURSUANT TO SECTION 8-42-105, C.R.S., OR SECTION 8-42-106, C.R.S., RESPECTIVELY.

SECTION 8. 14-14-110 (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

14-14-110. Contempt of court. (4) Pursuant to subsection (3) of this section, where the obligor has been released upon deposit of cash, stocks, or bonds, or upon surety bond secured by property, if the obligor fails to appear in accordance with the primary condition of the bond, the court shall declare a forfeiture. Notice of the order of forfeiture shall be mailed immediately by the court to the obligor and sureties, if any, at the last-known address. If the obligor does not appear and surrender to the court having jurisdiction within thirty days after the date of the forfeiture, or within that period satisfy the court that appearance and surrender by the obligor is impossible and without the obligor's fault, the court shall enter judgment against the obligor AND THE SURETIES, IF ANY, for the amount of the bail and costs of the court proceedings.

SECTION 9. 19-4-113 (1) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-4-113. Evidence relating to paternity. (1) Evidence relating to paternity may include:

(c) ~~Blood~~ GENETIC test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

SECTION 10. 19-4-114 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-4-114. Pretrial recommendations. (3) If a party refuses to accept a recommendation made under subsection (1) of this section and ~~blood~~ GENETIC tests have not been taken, the court shall require the parties to submit to ~~blood~~ GENETIC tests, if practicable. Thereafter, the judge or magistrate shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the

action shall be set for trial.

SECTION 11. 19-4-117, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-4-117. Costs. The court shall order reasonable fees of counsel, experts, and the child's guardian ad litem and other costs of the action and pretrial proceedings, including ~~blood~~ GENETIC tests, to be paid by the parties in proportions and at times determined by the court. In any action brought pursuant to article 13 or 13.5 of title 26, C.R.S., the final costs of any genetic tests or other tests of inherited characteristics shall be assessed against the nonprevailing party on the parentage issue.

SECTION 12. 26-13-106 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-13-106. Eligibility for services. (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 13. 26-13-107, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-13-107. State parent locator service. (5) THIS SECTION SHALL APPLY TO ALL CHILD SUPPORT OBLIGATIONS ORDERED AS A PART OF ANY PROCEEDING, REGARDLESS OF WHEN THE ORDER WAS ENTERED.

SECTION 14. 26-13-122, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-13-122. Administrative lien and attachment. (6) SUBSECTIONS (2) AND (3) OF THIS SECTION SHALL APPLY TO ALL CHILD SUPPORT OBLIGATIONS ORDERED AS PART OF ANY PROCEEDING, REGARDLESS OF WHEN THE ORDER WAS ENTERED, AND ALL SUCH CHILD SUPPORT OBLIGORS SHALL BE SUBJECT TO NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION.

SECTION 15. 26-13.5-102 (4), 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:

(4) "Costs of collection" means attorney fees, costs for administrative staff time, service of process fees, court costs, costs of ~~blood~~ GENETIC tests, and costs for certified mail. Attorney fees and costs for administrative time shall only be collected in accordance with federal law and rules and regulations.

SECTION 16. 26-13.5-103 (1) (b.5) (II) and (1) (b.5) (III), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are 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:

(b.5) That, if the notice is issued for the purpose of establishing the paternity of and financial responsibility for a child, the delegate child support enforcement unit shall issue an order of default establishing paternity and setting forth the amount of the obligor's duty of support, if:

(II) The obligor fails to take a ~~blood~~ GENETIC test or fails to appear for an appointment to take a ~~blood~~ GENETIC test without good cause; or

(III) The results of the ~~blood~~ GENETIC test indicate a ninety-seven percent or greater probability that the alleged father is the father of the child, and the obligor fails to appear for the negotiation conference as scheduled in the notice and fails to reschedule a negotiation conference prior to the date and time stated in the notice;

SECTION 17. 26-13.5-106 (1) (b) (II), (1) (b) (III), 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) (b) In an action to establish paternity and financial responsibility, the delegate child support enforcement unit shall issue an order of default establishing paternity and financial responsibility in accordance with the notice of financial responsibility if:

(II) The obligor fails to take a ~~blood~~ GENETIC test or fails to appear for an appointment to take a ~~blood~~ GENETIC test without good cause; or

(III) The results of the ~~blood~~ GENETIC test indicate a ninety-seven percent or greater probability that the alleged father is the father of the child, and the obligor fails to appear for the negotiation conference as scheduled in the notice of financial responsibility and fails to reschedule a negotiation conference prior to the date and time stated in the notice of financial responsibility.

(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~~ GENETIC 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 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 18. 26-13.5-110 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-13.5-110. Paternity - establishment - filing of order with court. (2) A copy of the order establishing paternity and financial responsibility and the sworn statements of the parents and, in the case of a default order establishing paternity and financial responsibility, the obligee's verified affidavit regarding paternity and the ~~blood~~ GENETIC 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 as otherwise provided in accordance with the provisions of section 26-13.5-105 (2). The order establishing paternity and financial responsibility shall have all the force, effect, and remedies of an order of the district court, and the order may be executed upon and enforced in the same manner as set forth in section 26-13.5-105 (2).

SECTION 19. 30-1-103 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-1-103. Fees of county clerk and recorders. (3) County governments shall be exempt from all fees authorized to be collected under the provisions of this section whenever the county or any agency thereof is the grantor or grantee of the document being recorded OR WHENEVER A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT FILES OR RECORDS DOCUMENTS FOR THE PURPOSE OF COLLECTING CHILD SUPPORT, CHILD SUPPORT ARREARS, MAINTENANCE, MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, RETROACTIVE SUPPORT, OR CHILD SUPPORT DEBT.

SECTION 20. 14-10-115 (1.5), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended, and the said 14-10-115 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (1.5) (a) FOR CHILD SUPPORT ORDERS ENTERED PRIOR TO JULY 1, 1997, unless a court finds that a child is otherwise emancipated, emancipation occurs and child support terminates when the child attains nineteen years of age unless one or more of the following conditions exist:

(I) The parties agree otherwise in a written stipulation after July 1, 1991.

(II) If the child is mentally or physically disabled, the court or the delegate child support enforcement unit may order child support, including payments for medical expenses or insurance or both, to continue beyond the age of nineteen.

(III) If the child is still in high school or an equivalent program, support continues until the end of the month following graduation, unless there is an order for

postsecondary education, in which case support continues through postsecondary education as provided in subparagraph (I) of paragraph (b) of this subsection (1.5). A child who ceases to attend high school prior to graduation and later reenrolls is entitled to support upon reenrollment AND UNTIL THE END OF THE MONTH FOLLOWING GRADUATION, but not beyond age twenty-one.

(b) (I) If the court finds that it is appropriate for the parents to contribute to the costs of a program of postsecondary education, then the court shall terminate child support and enter an order requiring both parents to contribute a sum determined to be reasonable for the education expenses of the child, taking into account the resources of each parent and the child. In determining the amount of each parent's contribution to the costs of a program of postsecondary education for a child, the court shall be limited to an amount not to exceed the amount listed under the schedule of basic child support obligations in paragraph (b) of subsection (10) of this section for the number of children receiving postsecondary education. The amount of contribution which each parent is ordered to pay pursuant to this paragraph (b) shall be subtracted from the amount of each parent's gross income, respectively, prior to calculating the basic child support obligation for any remaining children pursuant to subsection (10) of this section. In no case shall the court issue orders providing for both child support and postsecondary education to be paid for the same time period for the same child regardless of the age of the child. Either parent or the child may move for such an order at any time before the child attains the age of twenty-one years. Either a child seeking an order for postsecondary education expenses or on whose behalf postsecondary education expenses are sought, or the parent from whom the payment of postsecondary education expenses are sought, may request that the court order the child and such parent to seek mediation prior to a hearing on the issue of postsecondary education expenses. Mediation services shall be provided in accordance with section 13-22-305, C.R.S. The court may order the parties to seek mediation if the court finds that mediation is appropriate. Postsecondary education includes college and vocational education programs. If such an order is entered, the parents shall contribute to the total sum determined by the court in proportion to their adjusted gross incomes as defined in subparagraph (II) of paragraph (a) of subsection (10) of this section. The order for postsecondary education support may not extend beyond the earlier of the child's twenty-first birthday or the completion of an undergraduate degree. The court may order the support paid directly to the educational institution, to the child, or in such other fashion as is appropriate to support the education of the child. If the child resides in the home of one parent while attending school or during periods of time in excess of thirty days when school is not in session, the court may order payments from one parent to the other for room and board until the child attains the age of nineteen. A child shall not be considered emancipated solely by reason of living away from home while in postsecondary education.

(II) If the court orders support pursuant to subparagraph (I) of this paragraph (b), the court or delegate child support enforcement unit may also order that the parents provide health insurance for the child or pay medical expenses of the child or both for the duration of such order. Such order shall provide that these expenses be paid in proportion to their adjusted gross incomes as defined in subparagraph (II) of paragraph (a) of subsection (10) of this section. The court or delegate child support enforcement unit shall order a parent to provide health insurance if the child is eligible for coverage as a dependent on that parent's insurance policy or if health

insurance coverage for the child is available at reasonable cost.

(c) This subsection (1.5) shall apply to all child support obligations established or modified as a part of any proceeding, including but not limited to articles 5, 6, and 10 of this title and articles 4 and 6 of title 19, C.R.S., ~~whether filed on, prior to or subsequent to July 1, 1991; 1997. except that paragraph (a) of this subsection (1.5) does not apply to modifications of child support obligations with respect to a child whose nineteenth birthday falls before July 1, 1991.~~ THIS SUBSECTION (1.5) SHALL NOT APPLY TO CHILD SUPPORT ORDERS ESTABLISHED ON OR AFTER JULY 1, 1997, WHICH SHALL BE GOVERNED BY SUBSECTION (1.6) OF THIS SECTION.

(c.5) AN ORDER FOR POSTSECONDARY EDUCATION EXPENSES ENTERED BETWEEN JULY 1, 1991, AND JULY 1, 1997, MAY BE MODIFIED PURSUANT TO THIS SUBSECTION (1.5) TO PROVIDE FOR POSTSECONDARY EDUCATION EXPENSES SUBJECT TO THE STATUTORY PROVISIONS FOR DETERMINING THE AMOUNT OF A PARENT'S CONTRIBUTION TO THE COSTS OF POSTSECONDARY EDUCATION, THE LIMITATIONS ON THE AMOUNT OF A PARENT'S CONTRIBUTION, AND THE CHANGES TO THE DEFINITION OF POSTSECONDARY EDUCATION CONSISTENT WITH THIS SECTION AS IT EXISTED ON JULY 1, 1994. AN ORDER FOR CHILD SUPPORT ENTERED PRIOR TO JULY 1, 1997, THAT DOES NOT PROVIDE FOR POSTSECONDARY EDUCATION EXPENSES SHALL NOT BE MODIFIED PURSUANT TO THIS SUBSECTION (1.5).

(d) Postsecondary education support may be established or modified in the same manner as child support under this article.

(e) For the purposes of this section, "postsecondary education support" means support for the following expenses associated with attending a college, university, or vocational education program: Tuition, books, and fees.

(1.6) FOR CHILD SUPPORT ORDERS ENTERED ON OR AFTER JULY 1, 1997, UNLESS A COURT FINDS THAT A CHILD IS OTHERWISE EMANCIPATED, EMANCIPATION OCCURS AND CHILD SUPPORT TERMINATES WHEN THE CHILD ATTAINS NINETEEN YEARS OF AGE UNLESS ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

(a) THE PARTIES AGREE OTHERWISE IN A WRITTEN STIPULATION AFTER JULY 1, 1997.

(b) IF THE CHILD IS MENTALLY OR PHYSICALLY DISABLED, THE COURT OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ORDER CHILD SUPPORT, INCLUDING PAYMENTS FOR MEDICAL EXPENSES OR INSURANCE OR BOTH, TO CONTINUE BEYOND THE AGE OF NINETEEN.

(c) IF THE CHILD IS STILL IN HIGH SCHOOL OR AN EQUIVALENT PROGRAM, SUPPORT CONTINUES UNTIL THE END OF THE MONTH FOLLOWING GRADUATION. A CHILD WHO CEASES TO ATTEND HIGH SCHOOL PRIOR TO GRADUATION AND LATER REENROLLS IS ENTITLED TO SUPPORT UPON REENROLLMENT AND UNTIL THE END OF THE MONTH FOLLOWING GRADUATION, BUT NOT BEYOND AGE TWENTY-ONE.

(1.7) NOTHING IN SUBSECTION (1.5) OR (1.6) OF THIS SECTION SHALL PRECLUDE THE PARTIES FROM AGREEING IN A WRITTEN STIPULATION OR AGREEMENT ON OR AFTER JULY 1, 1997, TO CONTINUE CHILD SUPPORT BEYOND THE AGE OF NINETEEN OR

TO PROVIDE FOR POSTSECONDARY EDUCATION EXPENSES FOR A CHILD AND TO SET FORTH THE DETAILS OF THE PAYMENT OF SUCH EXPENSES. IF SUCH STIPULATION OR AGREEMENT IS APPROVED BY THE COURT AND MADE PART OF A DECREE OF DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION, THE TERMS OF SUCH AGREEMENT SHALL BE ENFORCED AS PROVIDED IN SECTION 14-10-112.

SECTION 21. Effective date - applicability. (1) Sections 14, 15, 21, and 22 of this act shall take effect upon passage.

(2) Section 6 of this act shall take effect July 1, 1997, and shall apply to orders entered on or after said date.

(3) Sections 1 through 5, sections 7 through 13, and sections 16 through 19 of this act shall take effect July 1, 1997, and shall apply to orders entered on, before, or after said date.

(4) Section 20 of this act shall take effect July 1, 1997.

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

Became Law: April 29, 1997