

## CHAPTER 19

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**CHILDREN AND DOMESTIC MATTERS**

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**HOUSE BILL 99-1073**

BY REPRESENTATIVES Gordon, Chavez, Kaufman, Saliman, and Vigil;  
also SENATORS Blickensderfer, Hernandez, Pascoe, and Weddig.

**AN ACT**

CONCERNING THE DIVISION OF PUBLIC EMPLOYEE RETIREMENT BENEFITS IN A DOMESTIC RELATIONS ACTION.

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

**SECTION 1.** 14-10-113 (6) (c) (I), (6) (c) (II) (L), and (6) (f), Colorado Revised Statutes, are amended to read:

**14-10-113. Disposition of property.** (6) (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. The parties shall submit such written agreement to the plan administrator ~~at the time of the~~ WITHIN NINETY DAYS AFTER ENTRY OF THE DECREE AND THE PERMANENT ORDERS REGARDING PROPERTY DISTRIBUTION IN A PROCEEDING FOR dissolution of marriage, legal separation, or declaration of invalidity of marriage.

(II) A written agreement dividing a public employee retirement benefit shall:

(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~~ THE PLAN MAY MAKE ITS FIRST PAYMENT.

(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~~ UNLESS THE PARTIES HAVE AGREED IN WRITING TO THE MODIFICATION. A court

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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.*

may retain jurisdiction to supervise the implementation of the order dividing the retirement benefits.

**SECTION 2. 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: March 15, 1999