

CHAPTER 274

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 99-075

BY SENATOR Reeves;
also REPRESENTATIVES Kaufman, Coleman, Hagedorn, Tochtrop, and Tupa.**AN ACT**

CONCERNING SUPPORT OBLIGATIONS.

*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 13-32-101 (1) (a.5), Colorado Revised Statutes, is amended to read:

13-32-101. Docket fees in civil actions - support registry fund created - repeal. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a.5) (I) By a person directed to make support payments through the registry of the court:

(A) An initial one-time fee, in an amount to be determined annually by the chief justice of the Colorado supreme court, but not greater than thirty dollars, to cover the direct and indirect costs associated with the establishment of an account for that person, which fee shall be paid by such person at the time of the entry of such decree or order; and

(B) A minimal processing fee, in an amount to be determined annually by the chief justice of the Colorado supreme court, but not greater than three dollars, to cover the direct and indirect costs associated with processing a support payment, for each and every support payment made by such person THROUGH THE REGISTRY OF THE COURT, which fee shall be paid by such person each time a support payment is made.

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

(II) The fees collected pursuant to subparagraph (I) of this paragraph (a.5) shall be transmitted to the state treasurer, who shall credit the same to the support registry fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of processing and distributing support payments required to be paid through the court registry.

(III) This paragraph (a.5) is repealed, effective ~~October 1, 1999~~ JANUARY 1, 2001.

SECTION 2. 14-10-115 (3.5), Colorado Revised Statutes, is amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations - repeal. (3.5) All child support orders entered pursuant to this article shall provide the social security numbers and dates of birth of the PARTIES AND OF THE children who are the subject of the order AND THE PARTIES' RESIDENTIAL AND MAILING ADDRESSES. ~~and the following information about the parties:~~

- ~~(a) The parties' social security numbers;~~
- ~~(b) The parties' residential and mailing addresses;~~
- ~~(c) The parties' telephone numbers;~~
- ~~(d) The parties' driver's license numbers; and~~
- ~~(e) The name, address, and telephone number of the parties' employers.~~

SECTION 3. 14-14-111.5 (2) (f) (II), Colorado Revised Statutes, is amended to read:

14-14-111.5. Income assignments for child support or 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:

(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 or delegate child support enforcement unit 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, sex, residential address, telephone number, and driver's license number and the name, address, and telephone number of the obligee's employer~~ RESIDENTIAL AND MAILING ADDRESSES, AND DATE OF BIRTH;

(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; AND

(F) The obligor's name, social security number, ~~mailing address, sex, residential address, telephone number, and driver's license number; and~~ RESIDENTIAL AND MAILING ADDRESSES, AND DATE OF BIRTH;

(G) ~~The name, telephone number, and address of the obligor's employer or employers.~~

SECTION 4. 19-1-108 (5), Colorado Revised Statutes, is amended to read:

19-1-108. Magistrates - qualifications - duties. (5) A request for review shall be filed within fifteen days for proceedings under ~~article 2~~ ARTICLES 2, 4, AND 6 of this title or within five days for proceedings under article 3 of this title after the parties have received notice of the magistrate's ruling and shall clearly set forth the grounds relied upon. Such review shall be solely upon the record of the hearing before the magistrate and shall be reviewable upon the grounds set forth in rule 59 of the Colorado rules of civil procedure. A petition for review shall be a prerequisite before an appeal may be filed with the Colorado court of appeals or Colorado supreme court. The judge may, on his or her own motion, remand a case to another magistrate after action is taken on a petition for review.

SECTION 5. 19-4-116 (2) and (9), Colorado Revised Statutes, are amended to read:

19-4-116. Judgment or order - birth-related costs - evidence - repeal. (2) If the judgment or order of the court is at variance with the child's birth certificate OR IF THE COURT ENTERS A JUDGMENT OR ORDER DETERMINING THE EXISTENCE OF A PARENT AND CHILD RELATIONSHIP DURING THE COURSE OF A PROCEEDING HELD PURSUANT TO ARTICLE 3 OF THIS TITLE, the court shall order that a new birth certificate be issued under section 19-4-124.

(9) All child support orders entered pursuant to this article shall include the social security numbers and dates of birth of the PARTIES AND OF THE children who are the subject of the order AND THE PARTIES' RESIDENTIAL AND MAILING ADDRESSES. ~~and the following information about the parties:~~

- ~~(a) The parties' social security numbers;~~
- ~~(b) The parties' residential and mailing addresses;~~
- ~~(c) The parties' telephone numbers;~~
- ~~(d) The parties' driver's license numbers; and~~
- ~~(e) The name, address, and telephone number of the parties' employers.~~

SECTION 6. 19-6-104 (5.5), Colorado Revised Statutes, is amended to read:

19-6-104. Hearing - orders. (5.5) All child support orders entered pursuant to this article shall include the social security account numbers and dates of birth of the PARTIES AND OF THE children who are the subjects of the order AND THE PARTIES' RESIDENTIAL AND MAILING ADDRESSES. ~~and the following information about the parties:~~

- ~~(a) The parties' social security numbers;~~
- ~~(b) The parties' residential and mailing addresses;~~
- ~~(c) The parties' telephone numbers;~~
- ~~(d) The parties' driver's license numbers; and~~
- ~~(e) The name, address, and telephone number of the parties' employers.~~

SECTION 7. 26-13-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-13-112. Child support incentive payments - repeal. (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2000.

SECTION 8. Article 13 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-13-112.5 Child support incentive payments. (1) IN FEDERAL FISCAL YEAR 2000 AND EACH FEDERAL FISCAL YEAR THEREAFTER, ONE HUNDRED PERCENT OF THE FEDERAL INCENTIVES RECEIVED BY THE STATE SHALL BE PASSED THROUGH TO THE COUNTY DEPARTMENTS. THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING PERFORMANCE MEASURES PURSUANT TO WHICH INCENTIVES SHALL BE DISTRIBUTED TO THE COUNTY DEPARTMENTS.

(2) A COUNTY TO WHICH A PAYMENT IS MADE PURSUANT TO THIS SECTION SHALL EXPEND THE FULL AMOUNT OF THE PAYMENT TO SUPPLEMENT, AND NOT SUPPLANT, OTHER FUNDS USED BY THE COUNTY DEPARTMENT FOR ANY OF THE FOLLOWING PURPOSES:

- (a) TO CARRY OUT THE APPROVED STATE PLAN; OR

(b) FOR ANY ACTIVITY, INCLUDING COST-EFFECTIVE CONTRACTS, APPROVED BY THE STATE DIVISION OF CHILD SUPPORT ENFORCEMENT, WHETHER OR NOT THE EXPENDITURES FOR THE ACTIVITY ARE ELIGIBLE FOR FEDERAL REIMBURSEMENT, THAT MAY CONTRIBUTE TO IMPROVING THE EFFECTIVENESS OR EFFICIENCY OF THE CHILD SUPPORT PROGRAM.

(3) IF FEDERAL INCENTIVES PAID TO ANY COUNTY DEPARTMENT ARE GREATER THAN ITS SHARE OF CHILD SUPPORT ADMINISTRATIVE COSTS, THEN THAT COUNTY DEPARTMENT SHALL DEMONSTRATE HOW THE FEDERAL INCENTIVE MONEY IS EXPENDED AND CONTRIBUTES TO THE PROGRAM AS DEFINED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(4) ALL FEDERAL AND STATE INCENTIVES PAID TO COUNTIES PURSUANT TO SECTION 26-13-108 SHALL BE DIVIDED AND DISTRIBUTED TO THE COUNTY DEPARTMENTS ACCORDING TO THE DISTRIBUTION FORMULA AS PROMULGATED IN STATE RULE BY THE STATE BOARD, TO BE PROMULGATED NO LATER THAN JANUARY 1, 2000.

(5) THE STATE DEPARTMENT SHALL PAY INCENTIVES TO COUNTY DEPARTMENTS ON A QUARTERLY BASIS.

(6) THIS SECTION SHALL TAKE EFFECT JANUARY 1, 2000.

SECTION 9. 26-13-114 (1), (2), (4) (a), (5), (6) (a), (6) (b) (I), (8), and (9) (a), Colorado Revised Statutes, are amended, and the said 26-13-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-13-114. Family support registry - collection and disbursement of child support and maintenance - rules - legislative declaration. (1) The general assembly hereby finds, determines, and declares that it has been demonstrated that the establishment and operation of one automated central payment registry for the processing of child support, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, AND MAINTENANCE payments is beneficial to the state in the collection and enforcement of family support obligations. It is the intent of the general assembly by enacting this section to authorize the implementation of one central family support registry for the collection, receipt, and disbursement of payments with respect to:

(a) Child support obligations for children whose custodians are receiving child support enforcement services from delegate child support enforcement units (IV-D cases); ~~and~~

(b) Child support obligations for children whose custodians are not receiving child support enforcement services from delegate child support enforcement units (non-IV-D cases), if the court orders such obligations to be paid through the family support registry pursuant to this title, section 14-10-117, C.R.S., or title 19, C.R.S., and if the executive director of the state department has notified the state court administrator pursuant to subsection (5) of this section that the judicial district in which the court issuing the order is situated is ready to participate in the family support registry; AND

(c) MAINTENANCE OBLIGATIONS, IF THE COURT ORDERS PAYMENTS FOR SUCH OBLIGATIONS TO BE PAID THROUGH THE FAMILY SUPPORT REGISTRY PURSUANT TO

THIS TITLE OR SECTION 14-10-117, C.R.S., AND IF THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT HAS NOTIFIED THE STATE COURT ADMINISTRATOR THAT THE JUDICIAL DISTRICT IN WHICH THE COURT ISSUING THE ORDER IS SITUATED IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY AND THE FAMILY SUPPORT REGISTRY IS READY TO ACCEPT SUCH MAINTENANCE PAYMENTS.

(2) "Family support registry" means a central registry maintained and operated by the state department acting as the child support enforcement agency that receives, processes, disburses, and maintains a record of the payment of child support, child support when combined with maintenance, MAINTENANCE, child support arrears, or child support debt made pursuant to court order or administrative order.

(4) In operating the family support registry, the child support enforcement agency is authorized to:

(a) Receive, process, and disburse payments for child support, child support when combined with maintenance, MAINTENANCE, child support arrears, or child support debt;

(5) On and after July 1, 1998, the child support enforcement agency and the office of the state court administrator shall jointly begin implementing the family support registry in particular counties and judicial districts with respect to non-IV-D cases and orders in which payments are directed to be paid through the family support registry, as mutually agreed by the executive director and the state court administrator. The executive director of the state department shall inform the state court administrator when a particular county or judicial district is ready to implement and participate in the family support registry for non-IV-D cases. The family support registry shall be available FOR SUPPORT ORDERS for use by all counties and judicial districts ~~no later than October 1, 1999~~ CONSISTENT WITH FEDERAL LAW.

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

(a) All court orders entered or modified and all administrative orders issued pursuant to this title or title 14 or 19, C.R.S., that require payments for child support, child support when combined with maintenance, MAINTENANCE, child support arrears, or child support debt to be paid through a registry shall be made through the family support registry except as provided by section 14-14-111.5 (3) (a) (II), C.R.S.

(b) For non-IV-D cases or orders that require payments to be made to the clerk of the court, the district court for each county and the Denver juvenile court shall send or cause to be sent a notice to redirect payments to the family support registry once the executive director of the state department has notified the state court administrator that the judicial district in which the court is situated, pursuant to subsection (5) of this section, is ready to participate in the family support registry. The notice shall be sent by first-class mail and shall state that all payments shall be made to the family support registry. The notice shall be sent to the following persons:

(I) In non-IV-D cases in which there is an order to make the payments through a registry, any obligor who is obligated to pay child support, ~~or~~ child support when combined with maintenance, OR MAINTENANCE where the order does not already

specify paying through the family support registry;

(8) The clerk of the court shall notify the family support registry within five working days after any entry of judgment is filed in relation to any child support, CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, OR MAINTENANCE case where payments are required to be paid through the family support registry, whether by order of court or verified entry of judgment, including the inclusive dates of the judgment and the judgment amount.

(9) (a) The judicial department and the state department shall cooperate in the transfer of the functions relating to the collection of child support AND MAINTENANCE from the judicial department to the state department.

(13) (a) A PARTY TO A CASE IDENTIFIED BY THE COURT AS ONE IN WHICH THE PARTY IS DIRECTED TO MAKE MAINTENANCE PAYMENTS THROUGH THE FAMILY SUPPORT REGISTRY, SHALL PAY A MINIMAL PER TRANSACTION PROCESSING FEE, IN AN AMOUNT TO BE DETERMINED ANNUALLY BY RULE OF THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH PROCESSING THE MAINTENANCE PAYMENT, WHICH FEE SHALL BE PAID BY SUCH PERSON EACH TIME THE MAINTENANCE PAYMENT IS MADE THROUGH THE FAMILY SUPPORT REGISTRY.

(b) THE FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (13) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FAMILY SUPPORT REGISTRY FUND, CREATED PURSUANT TO SECTION 26-13-115.5.

SECTION 10. 26-13-127 (2), Colorado Revised Statutes, is amended to read:

26-13-127. State case registry. (2) The judicial department shall collect and electronically transfer on a weekly basis, or more frequently as mutually agreeable, to the state department, or its agent, the following basic elements of all child support orders established or modified on or after October 1, 1998, which shall be stored in the state case registry:

(a) The name of the court, the county, and the case number;

(b) The names of the obligor, the obligee, and the children who are the subject of the order;

(c) The social security number of each parent AND EACH CHILD WHO IS THE SUBJECT OF THE ORDER;

(d) The date of birth OF EACH PARENT AND of each child for whom the order requires the payment of child support;

(e) The date the child support order was established or modified;

(f) The amount of monthly or other periodic support owed under the order.

SECTION 11. 14-10-117 (1), Colorado Revised Statutes, is amended to read:

14-10-117. Payment of maintenance or child support. (1) Upon its own motion or upon motion of either party, the court may at any time order that MAINTENANCE OR child support payments be made to the clerk of the court or, if the executive director of the department of human services has notified the state court administrator that the judicial district issuing the order is ready to participate in the family support registry pursuant to section 26-13-114 (5), C.R.S., AND, FOR PAYMENTS FOR MAINTENANCE OBLIGATIONS, THE FAMILY SUPPORT REGISTRY IS READY TO ACCEPT MAINTENANCE PAYMENTS, through the family support registry, as trustee, for remittance to the person entitled to receive the payments. The court may not order payments to be made to the clerk of the court once payments may be made through the family support registry. The payments shall be due on a certain date or dates of each month. If the support payments are required under this section, title 19, C.R.S., or section 26-13-114 (1), C.R.S., to be made through the family support registry, the court shall order that payments be made through the registry in accordance with the procedures specified in section 26-13-114, C.R.S.

SECTION 12. 26-13.5-105 (1) (d), (1) (e), and (1) (f), Colorado Revised Statutes, 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:

(d) The name, birth date, and social security number of the ~~child~~ PARTIES AND OF THE CHILDREN for whom support is being sought AND THE PARTIES' RESIDENTIAL AND MAILING ADDRESSES. ~~and the following information about the parties:~~

~~(I) The parties' social security numbers;~~

~~(II) The parties' residential and mailing addresses;~~

~~(III) The parties' telephone numbers;~~

~~(IV) The parties' driver's license numbers; and~~

~~(V) The name, address, and telephone numbers of the parties' employers;~~

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

(f) ~~Such other information set forth in rules and regulations promulgated pursuant to section 26-13.5-113.~~

SECTION 13. Effective date - applicability. (1) This act shall take effect July 1, 1999; except that section 8 of this act shall take effect January 1, 2000.

(2) (a) Sections 4 and 5 of this act shall apply to orders entered on or after July 1, 1999.

(b) Section 9 of this act shall apply to orders entered before, on, or after July 1, 1999.

(c) Section 10 of this act shall apply to orders entered or modified on or after July 1, 1999.

SECTION 14. 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 29, 1999

Editor's note: This act is not shown in the order that it was signed by the Governor, because it was delivered for printing out of the signing sequence order.