

CHAPTER 143

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 05-1200

BY REPRESENTATIVE(S) Todd, Borodkin, Garcia, Hodge, McGihon, Berens, Butcher, Merrifield, and Paccione;
also SENATOR(S) Hagedorn.

AN ACT

CONCERNING THE DISTRICT ATTORNEY'S AUTHORITY WITH RESPECT TO SUPPORT ENFORCEMENT.

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

SECTION 1. Repeal. 14-10-117 (5) and (6), Colorado Revised Statutes, are repealed as follows:

~~14-10-117. Payment of maintenance or child support. (5) The district attorney shall assist the court on behalf of a person entitled to receive maintenance or support in all proceedings initiated under this section to enforce compliance with the order.~~

~~(6) If the person obligated to pay support has left or is beyond the jurisdiction of the court, the district attorney may institute any other proceeding available under the laws of this state for the enforcement of duties of support and maintenance.~~

SECTION 2. 14-14-102 (2), Colorado Revised Statutes, is amended to read:

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

(2) "Delegate child support enforcement unit" means the unit of a county department of social services or its contractual agent which is responsible for carrying out the provisions of this article. The term contractual agent shall include a private child support collection agency, operating as an independent contractor with a county department of social services, OR A DISTRICT ATTORNEY'S OFFICE, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.

SECTION 3. 26-13.5-102 (7), Colorado Revised Statutes, is amended to read:

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

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

(7) "Delegate child support enforcement unit" means the unit of a county department of social services or its contractual agent which is responsible for carrying out the provisions of article 13 of this title. The term contractual agent shall include a private child support collection agency, operating as an independent contractor with a county department of social services, OR A DISTRICT ATTORNEY'S OFFICE, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.

SECTION 4. 20-1-102 (3), Colorado Revised Statutes, is amended to read:

20-1-102. Appear on behalf of state and counties. (3) The district attorney, when enforcing support laws pursuant to statute OR contract, ~~or request of the court~~, may use any remedy, either civil or criminal, available under the laws of this state and may appear on behalf of the people of the state of Colorado in any judicial district in this state. When doing so, the district attorney represents the people of the state of Colorado, and nothing within this section shall be construed to create an attorney-client relationship between the district attorney and any party, other than the people of the state of Colorado, or witness to the action; except that any district attorney who is a contractual agent for a county department of social services shall collect a fee pursuant to section 26-13-106 (2), C.R.S.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 12, 2005