

## CHAPTER 136

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**CHILDREN AND DOMESTIC MATTERS**


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HOUSE BILL 06-1267

BY REPRESENTATIVE(S) Riesberg, Boyd, Stafford, Todd, and Vigil;  
also SENATOR(S) Mitchell.

**AN ACT****CONCERNING CHILD SUPPORT.***Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** The introductory portion to 14-10-115 (1.6), Colorado Revised Statutes, is amended to read:

**14-10-115. Child support - guidelines - schedule of basic child support obligations.** (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 without either party filing a motion when the **LAST OR ONLY** child attains nineteen years of age unless one or more of the following conditions exist:

**SECTION 2.** 19-4-105.5 (5) (b), Colorado Revised Statutes, is amended to read:

**19-4-105.5. Commencement of proceedings - summons.** (5) A summons issued upon commencement of a proceeding under this article shall contain the following advisements:

(b) That, if genetic tests are not obtained prior to a legal establishment of paternity and submitted into evidence prior to the entry of the final ~~decree of dissolution~~ **ORDER ESTABLISHING PATERNITY**, the genetic tests may not be allowed into evidence at a later date.

**SECTION 3.** 19-6-101 (6) (b), Colorado Revised Statutes, is amended to read:

**19-6-101. Initiation of proceedings - support - repayment of birth-related debt.** (6) A petition filed pursuant to this article shall contain the following advisements:

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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.*

(b) That, if genetic tests are not obtained prior to a legal establishment of paternity and submitted into evidence prior to the entry of the final ~~decree of dissolution~~ ORDER ESTABLISHING PATERNITY, the genetic tests may not be allowed into evidence at a later date.

**SECTION 4.** 19-4-110, Colorado Revised Statutes, is amended to read:

**19-4-110. Parties.** The child may be made a party to the action. If the child is a minor, the court may appoint a guardian ad litem. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section 19-4-105, and each man alleged to be the natural father shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. IF A MAN WHO IS ALLEGED TO BE THE NATURAL FATHER IS DECEASED, THE PERSONAL REPRESENTATIVE OF HIS ESTATE, IF ONE HAS BEEN APPOINTED, SHALL BE MADE A PARTY. IF A PERSONAL REPRESENTATIVE HAS NOT BEEN APPOINTED, THE DECEASED MAN'S SPOUSE OR AN IMMEDIATE BLOOD RELATIVE SHALL BE MADE A PARTY. IF A SPOUSE OR IMMEDIATE BLOOD RELATIVE IS NOT KNOWN OR DOES NOT EXIST, THE COURT SHALL APPOINT A REPRESENTATIVE FOR THE ALLEGED NATURAL FATHER WHO IS DECEASED. The court may align the parties.

**SECTION 5.** 26-13-123 (3) (a), Colorado Revised Statutes, is amended to read:

**26-13-123. Drivers' licenses - suspension for nonpayment of child support.**

(3) (a) At least on an annual basis, the state child support enforcement agency shall issue a written notice of noncompliance to any obligor identified in subsection (2) of this section. The notice of noncompliance shall include the name AND last-known address ~~and social security number~~ of the obligor and shall be sent to the obligor's last-known address.

**SECTION 6.** 26-13.5-103 (1) (h), Colorado Revised Statutes, is 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:

(h) That, in calculating the amount of monthly support obligation pursuant to the child support guidelines as set forth in section 14-10-115, C.R.S., the delegate child support enforcement unit shall set the monthly support obligation based upon reliable information concerning the ~~obligor's~~ PARENTS' income, which may include wage statements or other wage information obtained from the department of labor and employment, tax records, and verified statements ~~made by the obligee,~~ AND OTHER INFORMATION PROVIDED BY THE PARENTS and that, in the absence of any such information, the delegate child support enforcement unit ~~shall~~ MAY set the monthly support obligation based on the current minimum wage for a forty-hour workweek;

**SECTION 7. 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 (August 9, 2006, if adjournment sine die is on May 10, 2006); 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: April 18, 2006