

CHAPTER 29

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 07-015

BY SENATOR(S) Boyd, and Williams;
 also REPRESENTATIVE(S) Benefield, Carroll M., Gagliardi, Labuda, McGihon, Swalm, and Todd.

AN ACT

CONCERNING NONSUBSTANTIVE RECODIFICATION OF SECTION 14-10-115, COLORADO REVISED STATUTES, REGARDING CHILD SUPPORT.

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

SECTION 1. 14-10-115, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

14-10-115. Child support guidelines - purpose - definitions - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission. (1) **Purpose and applicability.** (a) **[Formerly 14-10-115 (3)(c)]** The child support ~~guideline~~ **has** GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS HAVE the following purposes:

(I) To establish as state policy an adequate standard of support for children, subject to the ability of parents to pay;

(II) To make awards more equitable by ensuring more consistent treatment of persons in similar circumstances; and

(III) To improve the efficiency of the court process by promoting settlements and giving courts and the parties guidance in establishing levels of awards.

(b) **[Formerly 14-10-115 (4)]** The child support ~~guideline does~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS DO the following:

~~(a)~~ (I) ~~Calculates~~ CALCULATE child support based upon the parents' combined adjusted gross income estimated to have been allocated to the child if the parents

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

and children were living in an intact household;

~~(b)~~ (II) ~~Adjusts~~ ADJUST the child support based upon the needs of the children for extraordinary medical expenses and work-related child care costs; AND

~~(c)~~ (III) ~~Allocates~~ ALLOCATE the amount of child support to be paid by each parent based upon physical care arrangements.

(c) **[Formerly 14-10-115 (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., regardless of when filed.

(2) **Duty of support - factors to consider.** (a) **[Formerly 14-10-115 (1)]** In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support and may order an amount determined to be reasonable under the circumstances for a time period that occurred after the date of the parties' physical separation or the filing of the petition or service upon the respondent, whichever date is latest, and prior to the entry of the support order, without regard to marital misconduct. ~~after considering all relevant factors including:~~

(b) IN DETERMINING THE AMOUNT OF SUPPORT UNDER THIS SUBSECTION (2), THE COURT SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING:

~~(a)~~ (I) The financial resources of the child;

~~(b)~~ (II) The financial resources of the custodial parent;

~~(c)~~ (III) The standard of living the child would have enjoyed had the marriage not been dissolved;

~~(d)~~ (IV) The physical and emotional condition of the child and his OR HER educational needs; and

~~(e)~~ (V) The financial resources and needs of the noncustodial parent.

(3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) **[Formerly a part of 14-10-115 (10)(a)(II)(A)]** "ADJUSTED GROSS INCOME" MEANS GROSS INCOME, AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, LESS PREEXISTING CHILD SUPPORT OBLIGATIONS AND LESS ALIMONY OR MAINTENANCE ACTUALLY PAID BY A PARENT.

(b) **[Formerly a part of 14-10-115 (10)(a)(II)(A)]** "COMBINED GROSS INCOME" MEANS THE COMBINED MONTHLY ADJUSTED GROSS INCOMES OF BOTH PARENTS.

(c) **[Formerly a part of the introductory portion to 14-10-115 (7)(a)]** "INCOME" MEANS THE ACTUAL GROSS INCOME OF A PARENT, IF EMPLOYED TO FULL

CAPACITY, OR POTENTIAL INCOME, IF UNEMPLOYED OR UNDEREMPLOYED. GROSS INCOME OF EACH PARENT SHALL BE DETERMINED ACCORDING TO SUBSECTION (5) OF THIS SECTION.

(d) **[Formerly a part of 14-10-115 (10)(a)(II)(A)]** "NUMBER OF CHILDREN DUE SUPPORT", AS USED IN THE SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS SPECIFIED IN SUBSECTION (7) OF THIS SECTION, MEANS CHILDREN FOR WHOM THE PARENTS SHARE JOINT LEGAL RESPONSIBILITY AND FOR WHOM SUPPORT IS BEING SOUGHT.

(e) **[Formerly a part of 14-10-115 (7)(d)]** "OTHER CHILDREN" MEANS CHILDREN WHO ARE NOT THE SUBJECT OF THE CHILD SUPPORT DETERMINATION AT ISSUE.

(f) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** "POSTSECONDARY EDUCATION" INCLUDES COLLEGE AND VOCATIONAL EDUCATION PROGRAMS.

(g) **[Formerly 14-10-115 (1.5)(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.

(h) **[Formerly 14-10-115 (8)]** ~~For the purposes of this section,~~ "Shared physical care", FOR THE PURPOSES OF THE CHILD SUPPORT GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS SPECIFIED IN THIS SECTION, AND AS FURTHER SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (8) OF THIS SECTION, means that each parent keeps the children overnight for more than ninety-two overnights each year and that both parents contribute to the expenses of the children in addition to the payment of child support.

(i) **[Formerly 14-10-115 (9)]** ~~For the purposes of this section,~~ "Split physical care", FOR THE PURPOSES OF THE CHILD SUPPORT GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS SPECIFIED IN THIS SECTION, AND AS FURTHER SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION, means that each parent has physical care of at least one of the children by means of that child or children residing with that parent the majority of the time.

(4) **Forms - identifying information.** (a) **[Formerly 14-10-115 (5)]** The child support ~~guideline~~ GUIDELINES shall be used with standardized child support guideline forms to be issued by the judicial department. The judicial department is responsible for promulgating and updating the Colorado child support guideline forms, schedules, WORKSHEETS, and instructions.

(b) **[Formerly 14-10-115 (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.

(5) **Determination of income.** (a) **[Formerly the introductory portion to 14-10-115 (7)(a)]** For the purposes of the ~~guideline~~ CHILD SUPPORT GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS specified in ~~subsections (3) to (14)~~ of this section, "income" means actual gross income of a parent, if employed

~~to full capacity, or potential income, if unemployed or underemployed~~ THE gross income of each parent shall be determined according to the following guidelines:

(I) **[Formerly 14-10-115 (7)(a)(I)(A)]** "Gross income" includes income from any source, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), and includes, but is not limited to:

(A) Income from salaries;

(B) Wages, including tips declared by the individual for purposes of reporting to the federal internal revenue service or tips imputed to bring the employee's gross earnings to the minimum wage for the number of hours worked, whichever is greater;

(C) Commissions;

(D) Payments received as an independent contractor for labor or services;

(E) Bonuses;

(F) Dividends;

(G) Severance pay;

(H) Pensions and retirement benefits, including but not limited to those paid pursuant to article 64 of title 22, C.R.S., articles 51, 54, 54.5, AND 54.6 ~~and 54.7~~ of title 24, C.R.S., and article 30 of title 31, C.R.S.;

(I) Royalties;

(J) Rents;

(K) Interest;

(L) Trust income;

(M) Annuities;

(N) Capital gains;

(O) Any moneys drawn by a self-employed individual for personal use;

(P) Social security benefits, including social security benefits actually received by a parent as a result of the disability of that parent or as the result of the death of the minor child's stepparent, but not including social security benefits received by a minor child or on behalf of a minor child as a result of the death or disability of a stepparent of the child;

(Q) Workers' compensation benefits;

(R) Unemployment insurance benefits;

(S) Disability insurance benefits;

(T) Funds held in or payable from any health, accident, disability, or casualty insurance to the extent that such insurance replaces wages or provides income in lieu of wages;

(U) Monetary gifts;

(V) Monetary prizes, excluding lottery winnings not required by the rules of the Colorado lottery commission to be paid only at the lottery office;

(W) Taxable distributions from general partnerships, limited partnerships, closely held corporations, or limited liability companies; ~~and alimony or maintenance received. "Gross income" does not include child support payments received.~~

(X) **[Formerly 14-10-115 (7)(a)(III)]** Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business ~~shall be counted as income~~ if they are significant and reduce personal living expenses;

(Y) **[Formerly a part of 14-10-115 (7)(a)(I)(A)]** ALIMONY OR MAINTENANCE RECEIVED; AND

(Z) **[Formerly 14-10-115 (7)(a)(I)(C)]** ~~"Gross income" includes~~ Overtime pay, only if the overtime is required by the employer as a condition of employment. ~~"Gross income" does not include income from additional jobs that result in the employment of the obligor more than forty hours per week or more than what would otherwise be considered to be full-time employment.~~

(II) "GROSS INCOME" DOES NOT INCLUDE:

(A) CHILD SUPPORT PAYMENTS RECEIVED;

(B) **[Formerly 14-10-115 (7)(a)(I)(B)]** ~~"Gross income" does not include~~ Benefits received from means-tested public assistance programs, including but not limited to assistance provided under the Colorado works program, as described in part 7 of article 2 of title 26, C.R.S., supplemental security income, food stamps, and general assistance;

(C) **[Formerly a part of 14-10-115 (7)(a)(I)(C)]** INCOME FROM ADDITIONAL JOBS THAT RESULT IN THE EMPLOYMENT OF THE OBLIGOR MORE THAN FORTY HOURS PER WEEK OR MORE THAN WHAT WOULD OTHERWISE BE CONSIDERED TO BE FULL-TIME EMPLOYMENT; AND

(D) **[Formerly a part of 14-10-115 (16.5)]** SOCIAL SECURITY BENEFITS RECEIVED BY THE MINOR CHILDREN, OR ON BEHALF OF THE MINOR CHILDREN, AS A RESULT OF THE DEATH OR DISABILITY OF A STEPPARENT ARE NOT TO BE INCLUDED AS INCOME FOR THE MINOR CHILDREN FOR THE DETERMINATION OF CHILD SUPPORT.

(III) **[Formerly 14-10-115 (7)(a)(II)]** (A) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or

closely held corporation, "gross income" ~~means~~ EQUALS gross receipts minus ordinary and necessary expenses, AS DEFINED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), required to produce such income.

(B) "Ordinary and necessary expenses" does not include amounts allowable by the internal revenue service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining gross income for purposes of calculating child support.

(b) (I) **[Formerly 14-10-115 (7)(b)(I)]** If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income; except that a determination of potential income shall not be made for a parent who is physically or mentally incapacitated or is caring for a child under the age of thirty months for whom the parents owe a joint legal responsibility.

(II) **[Formerly 14-10-115 (7)(b)(I.5)]** If a noncustodial parent who owes past-due child support is unemployed and not incapacitated and has an obligation of support to a child receiving assistance pursuant to part 7 of article 2 of title 26, C.R.S., the court or delegate child support enforcement unit may order ~~such~~ THE parent to pay such support in accordance with a plan approved by the court or to participate in work activities. Work activities may include one or more of the following:

(A) Private or public sector employment;

(B) Job search activities;

(C) Community service;

(D) Vocational training; or

(E) Any other employment-related activities available to that particular individual.

(III) **[Formerly 14-10-115 (7)(b)(III)]** For the purposes of this section, a parent shall not be deemed "underemployed" if:

(A) The employment is temporary and is reasonably intended to result in higher income within the foreseeable future; or

(B) The employment is a good faith career choice ~~which~~ THAT is not intended to deprive a child of support and does not unreasonably reduce the support available to a child; or

(C) The parent is enrolled in an educational program ~~which~~ THAT is reasonably intended to result in a degree or certification within a reasonable period of time and ~~which~~ THAT will result in a higher income, so long as the educational program is a good faith career choice ~~which~~ THAT is not intended to deprive the child of support and ~~which~~ THAT does not unreasonably reduce the support available to a child.

(c) **[Formerly 14-10-115 (7)(c)]** Income statements of the parents shall be verified with documentation of both current and past earnings. Suitable documentation of current earnings includes pay stubs, employer statements, or receipts and expenses if self-employed. Documentation of current earnings shall be supplemented with copies of the most recent tax return to provide verification of earnings over a longer period. A copy of wage statements or other wage information obtained from the computer data base maintained by the department of labor and employment shall be admissible into evidence for purposes of determining income under this subsection ~~(7)~~ (5).

(6) **Adjustments to gross income.** (a) **[Formerly 14-10-115 (7)(d)]** The amount of child support actually paid by a parent with an order for support of other children shall be deducted from that parent's gross income. ~~For the purposes of this section, "other children" means children who are not the subject of this particular child support determination.~~

(b) (I) **[Formerly 14-10-115 (7) (d.5)]** At the time of the initial establishment of a child support order, or in any proceeding to modify a support order, if a parent is also legally responsible for the support of other children born prior to the children who are the subject of the child support order and for whom the parents do not share joint legal responsibility, an adjustment shall be made revising ~~such~~ THE parent's income prior to calculating the basic child support obligation for the children who are the subject of the support order if the children are living in the home of the parent seeking the adjustment or if the children are living out of the home, and the parent seeking the adjustment provides documented proof of money payments of support of those children. The amount shall not exceed the ~~guidelines~~ SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS listed in this section. An amount equal to the amount listed under the schedule of basic child support obligations in paragraph (b) of subsection ~~(10)~~ (7) of this section ~~which~~ THAT would represent a support obligation based only upon the responsible parent's gross income, without any other adjustments, for the number of ~~such~~ other children for whom ~~such~~ THE parent is also responsible shall be subtracted from the amount of ~~such~~ THE parent's gross income prior to calculating the basic child support obligation based on both parents' gross income as provided in subsection ~~(10)~~ (7) of this section.

(II) The adjustment pursuant to ~~this paragraph (d.5)~~ THIS PARAGRAPH (b), based on the responsibility to support other children, shall not be made to the extent that the adjustment contributes to the calculation of a support order lower than a previously existing support order for the children who are the subject of the modification hearing at which an adjustment is sought.

(7) **Schedule of basic child support obligations.** (a) (I) **[Formerly 14-10-115 (10) (a)]** The basic child support obligation shall be determined using the schedule of basic child support obligations contained in paragraph (b) of this subsection ~~(10)~~ (7). The basic child support obligation shall be divided between the parents in proportion to their adjusted gross incomes.

(II) (A) ~~The category entitled "combined gross income" in the schedule means the combined monthly adjusted gross incomes of both parents. For the purposes of subsections (3) to (14) of this section, "adjusted gross income" means gross income less preexisting child support obligations and less alimony or maintenance actually~~

~~paid by a parent.~~ For combined gross income ~~amounts falling~~ THAT FALLS between amounts shown in the schedule OF BASIC CHILD SUPPORT OBLIGATIONS, basic child support amounts shall be interpolated. The category entitled "number of children due support" in the schedule OF BASIC CHILD SUPPORT OBLIGATIONS ~~means children for whom the parents share joint legal responsibility and for whom support is being sought~~ SHALL HAVE THE MEANING DEFINED IN SUBSECTION (3) OF THIS SECTION.

(B) Except as otherwise provided in sub-subparagraph (D) of this subparagraph (II), in circumstances in which the parents' combined monthly adjusted gross income is less than eight hundred fifty dollars, a child support payment of fifty dollars per month shall be required of the obligor. The minimum order of fifty dollars shall not apply when each parent keeps the children more than ninety-two overnights each year as defined in ~~subsection (8)~~ PARAGRAPH (h) OF SUBSECTION (3) of this section. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support that would otherwise be ordered to be paid if the parents did not share physical custody.

(C) Except as otherwise provided in sub-subparagraph (D) of this subparagraph (II), in circumstances in which the parents' combined monthly adjusted gross income is eight hundred fifty dollars or more, but in which the parent with the least number of overnights per year with the child has a monthly adjusted gross income of less than one thousand eight hundred fifty dollars, the court or delegate child support enforcement unit, pursuant to section 26-13.5-105 (4), C.R.S., shall perform a low-income adjustment calculation of child support as follows: The court or delegate child support enforcement unit shall determine each parent's monthly adjusted gross income, as that term is defined in ~~sub-subparagraph (A) of this subparagraph (H)~~ SUBSECTION (3) OF THIS SECTION. Based upon the parents' combined monthly adjusted gross incomes, the court or delegate child support enforcement unit shall determine the monthly basic child support obligation, using the schedule of basic child support obligations set forth in paragraph (b) of this subsection ~~(10)~~ (7) and shall determine each parent's presumptive proportionate share of said obligation. The court or delegate child support enforcement unit shall then adjust the income of the parent with the fewest number of overnights per year with the child by subtracting nine hundred dollars from that parent's monthly adjusted gross income. The court shall multiply the resulting amount by a factor of forty percent. The product of the multiplication shall be added to the following basic minimum child support amount as additional minimum support, unless the product of the multiplication amount is zero or a negative figure, in which case the court shall add zero to the following basic minimum child support amount: Seventy-five dollars for one child; one hundred fifty dollars for two children; two hundred twenty-five dollars for three children; two hundred seventy-five dollars for four children; three hundred twenty-five dollars for five children; and three hundred fifty dollars for six or more children. The court or delegate child support enforcement unit shall compare the product of this addition to the parent's presumptive proportionate share of the monthly basic support obligation determined previously from the schedule of basic child support obligations. The lesser of the two amounts shall be the basic monthly support obligation to be paid by the low-income parent, as adjusted by the low-income parent's proportionate share of the work-related and education-related child care costs, health insurance, extraordinary medical expenses, and other extraordinary adjustments as described in subsections ~~(11) to (13.5)~~ (9) TO (11) of this section. The low-income adjustment

shall not apply when each parent keeps the children more than ninety-two overnights each year as defined in subsection (8) of this section. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support that would otherwise be ordered to be paid if the parents did not share physical custody.

(D) In any circumstance in which the obligor's monthly adjusted gross income is less than eight hundred fifty dollars, regardless of the monthly adjusted gross income of the obligee, the obligor shall be ordered to pay fifty dollars per month in child support. The minimum order of fifty dollars shall not apply when each parent keeps the children more than ninety-two overnights each year as defined in subsection (8) of this section. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support that would otherwise be ordered to be paid if the parents did not share physical custody.

(E) The judge may use discretion to determine child support in circumstances where combined adjusted gross income exceeds the uppermost levels of the ~~guideline~~ SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS; except that the presumptive basic child support obligation shall not be less than it would be based on the highest level of adjusted gross income set forth in the ~~guideline~~ SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS.

(b) [Formerly 14-10-115 (10) (b)] Schedule of basic child support obligations:

COMBINED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX OR MORE CHILDREN
100	ORDER OF \$50 PER MONTH					
200						
300						
400						
500						
600						
700						
800						
850	184	269	319	352	382	409
900	193	282	334	369	400	428

950	202	294	349	386	418	447
1000	211	307	364	402	436	467
1050	220	320	379	419	455	486
1100	228	333	395	436	473	506
1150	237	346	410	453	491	525
1200	246	359	425	470	509	545
1250	255	372	440	487	528	565
1300	264	385	456	504	546	584
1350	273	397	471	520	564	603
1400	281	410	486	537	582	622
1450	290	422	500	553	599	641
1500	298	435	515	569	617	660
1550	307	447	530	586	635	679
1600	315	460	545	602	652	698
1650	324	472	559	618	670	717
1700	333	485	574	634	688	736
1750	341	497	589	651	705	755
1800	350	510	604	667	723	774
1850	358	522	619	683	741	793
1900	367	535	633	700	759	812
1950	375	547	648	716	776	830
2000	383	558	661	730	792	847
2050	391	570	674	745	807	864

2100	399	581	687	759	823	881
2150	407	592	700	774	839	898
2200	415	604	714	789	855	915
2250	423	615	727	803	871	931
2300	431	626	740	818	886	948
2350	439	638	753	832	902	965
2400	447	649	766	847	918	982
2450	455	660	779	861	934	999
2500	462	672	793	876	949	1016
2550	470	683	806	890	965	1033
2600	479	694	819	905	981	1050
2650	487	706	833	920	997	1067
2700	495	718	846	935	1013	1084
2750	503	729	859	950	1029	1101
2800	511	741	873	964	1045	1119
2850	519	752	886	979	1061	1136
2900	527	763	898	993	1076	1151
2950	533	772	910	1005	1089	1166
3000	540	782	921	1017	1103	1180
3050	547	792	932	1030	1116	1194
3100	554	801	943	1042	1130	1209
3150	560	811	954	1054	1143	1223
3200	567	821	965	1067	1156	1237

3250	574	831	977	1080	1171	1253
3300	581	841	989	1093	1185	1268
3350	589	851	1002	1107	1200	1284
3400	596	862	1014	1120	1214	1299
3450	603	872	1026	1133	1229	1315
3500	610	882	1038	1147	1243	1330
3550	617	892	1050	1160	1258	1346
3600	624	903	1062	1173	1272	1361
3650	631	913	1074	1187	1287	1377
3700	638	923	1086	1200	1301	1392
3750	645	934	1098	1214	1315	1408
3800	652	944	1110	1227	1330	1423
3850	660	954	1122	1240	1344	1439
3900	667	964	1135	1254	1359	1454
3950	673	973	1145	1266	1372	1468
4000	677	980	1153	1274	1381	1478
4050	682	987	1161	1283	1391	1488
4100	686	993	1169	1292	1400	1498
4150	691	1000	1177	1301	1410	1509
4200	695	1006	1185	1310	1420	1519
4250	700	1013	1193	1318	1429	1529
4300	704	1020	1201	1327	1439	1539
4350	708	1026	1209	1336	1448	1550

4400	713	1033	1217	1345	1458	1560
4450	717	1039	1225	1354	1467	1570
4500	722	1046	1233	1362	1477	1580
4550	726	1053	1241	1371	1486	1590
4600	731	1059	1249	1380	1496	1601
4650	735	1066	1257	1389	1505	1611
4700	739	1071	1262	1395	1512	1618
4750	742	1075	1267	1400	1517	1623
4800	745	1079	1271	1405	1523	1629
4850	748	1083	1276	1410	1528	1635
4900	751	1088	1280	1415	1533	1641
4950	755	1092	1285	1420	1539	1647
5000	758	1096	1289	1425	1544	1652
5050	761	1100	1294	1430	1550	1658
5100	764	1105	1298	1435	1555	1664
5150	768	1109	1303	1440	1560	1670
5200	771	1113	1307	1445	1566	1676
5250	774	1117	1312	1450	1571	1681
5300	777	1122	1316	1455	1577	1687
5350	781	1126	1321	1460	1582	1693
5400	784	1130	1326	1465	1588	1699
5450	787	1135	1331	1470	1594	1705
5500	790	1139	1336	1476	1600	1712

5550	792	1143	1341	1482	1606	1718
5600	795	1147	1346	1487	1612	1725
5650	798	1152	1351	1493	1618	1731
5700	801	1156	1356	1498	1624	1738
5750	804	1160	1361	1504	1630	1744
5800	807	1164	1365	1509	1636	1750
5850	809	1168	1370	1514	1641	1756
5900	812	1172	1375	1520	1647	1762
5950	815	1176	1380	1525	1653	1769
6000	818	1180	1385	1530	1659	1775
6050	820	1184	1390	1536	1664	1781
6100	823	1188	1394	1541	1670	1787
6150	826	1193	1400	1547	1677	1794
6200	831	1199	1407	1555	1686	1804
6250	836	1206	1415	1563	1695	1813
6300	840	1212	1422	1572	1704	1823
6350	845	1219	1430	1580	1713	1833
6400	849	1225	1437	1588	1722	1842
6450	854	1232	1445	1597	1731	1852
6500	858	1238	1452	1605	1740	1861
6550	863	1245	1460	1613	1749	1871
6600	868	1251	1467	1621	1758	1881
6650	872	1258	1475	1630	1767	1890

6700	877	1264	1482	1638	1775	1900
6750	882	1271	1491	1647	1785	1910
6800	887	1278	1499	1656	1795	1921
6850	892	1285	1507	1665	1805	1932
6900	897	1293	1515	1675	1815	1942
6950	902	1300	1524	1684	1825	1953
7000	907	1307	1532	1693	1835	1963
7050	912	1314	1540	1702	1845	1974
7100	917	1321	1549	1711	1855	1985
7150	922	1328	1557	1720	1865	1995
7200	927	1336	1565	1729	1875	2006
7250	932	1343	1573	1738	1884	2016
7300	937	1349	1581	1747	1893	2026
7350	942	1356	1588	1755	1902	2036
7400	946	1362	1596	1763	1912	2045
7450	951	1369	1603	1772	1921	2055
7500	955	1375	1611	1780	1930	2065
7550	960	1382	1619	1789	1939	2075
7600	965	1389	1626	1797	1948	2084
7650	969	1395	1634	1805	1957	2094
7700	974	1402	1641	1814	1966	2104
7750	979	1408	1649	1822	1975	2113
7800	983	1415	1657	1830	1984	2123

7850	988	1422	1664	1839	1993	2133
7900	993	1428	1672	1847	2002	2143
7950	997	1435	1679	1856	2011	2152
8000	1002	1441	1687	1864	2021	2162
8050	1006	1448	1694	1872	2030	2172
8100	1011	1454	1702	1881	2039	2181
8150	1016	1461	1710	1889	2048	2191
8200	1020	1468	1717	1898	2057	2201
8250	1025	1474	1725	1906	2066	2211
8300	1030	1481	1732	1914	2075	2220
8350	1034	1487	1740	1923	2084	2230
8400	1039	1494	1748	1931	2093	2240
8450	1043	1501	1755	1939	2102	2250
8500	1048	1507	1763	1948	2111	2259
8550	1053	1514	1770	1956	2121	2269
8600	1057	1520	1778	1965	2130	2279
8650	1062	1527	1785	1973	2139	2288
8700	1066	1533	1793	1981	2148	2298
8750	1070	1539	1800	1989	2157	2308
8800	1075	1546	1808	1998	2166	2317
8850	1079	1552	1815	2006	2175	2327
8900	1083	1558	1823	2014	2184	2336
8950	1088	1565	1830	2023	2193	2346

9000	1092	1571	1838	2031	2202	2356
9050	1096	1577	1845	2039	2211	2365
9100	1101	1583	1853	2048	2220	2375
9150	1105	1590	1860	2056	2228	2384
9200	1110	1596	1868	2064	2237	2394
9250	1114	1602	1875	2072	2246	2404
9300	1118	1609	1883	2081	2255	2413
9350	1123	1615	1890	2089	2264	2423
9400	1127	1621	1898	2097	2273	2433
9450	1131	1628	1905	2106	2282	2442
9500	1136	1634	1913	2114	2291	2452
9550	1140	1640	1920	2122	2300	2461
9600	1144	1647	1928	2130	2309	2471
9650	1149	1653	1935	2139	2318	2481
9700	1153	1659	1943	2147	2327	2490
9750	1157	1666	1950	2155	2336	2500
9800	1162	1672	1958	2164	2345	2510
9850	1166	1678	1965	2172	2354	2519
9900	1170	1685	1973	2180	2363	2529
9950	1175	1691	1981	2188	2372	2538
10000	1179	1697	1988	2197	2381	2548
10050	1183	1703	1995	2204	2389	2557
10100	1187	1709	2002	2212	2398	2565

10150	1191	1715	2008	2219	2406	2574
10200	1195	1720	2015	2227	2414	2583
10250	1199	1726	2022	2234	2422	2592
10300	1203	1732	2029	2242	2430	2601
10350	1207	1738	2036	2250	2439	2609
10400	1211	1744	2043	2257	2447	2618
10450	1215	1749	2050	2265	2455	2627
10500	1219	1755	2056	2272	2463	2636
10550	1223	1761	2063	2280	2471	2644
10600	1227	1767	2070	2288	2480	2653
10650	1231	1773	2077	2295	2488	2662
10700	1235	1778	2084	2303	2496	2671
10750	1239	1784	2091	2310	2504	2680
10800	1243	1790	2098	2318	2513	2688
10850	1247	1796	2104	2325	2521	2697
10900	1251	1802	2111	2333	2529	2706
10950	1255	1808	2118	2341	2537	2715
11000	1259	1813	2125	2348	2545	2724
11050	1263	1819	2132	2356	2554	2732
11100	1267	1825	2139	2363	2562	2741
11150	1271	1831	2146	2371	2570	2750
11200	1275	1837	2152	2378	2578	2759
11250	1279	1842	2159	2386	2586	2768

11300	1283	1848	2166	2394	2595	2776
11350	1287	1854	2173	2401	2603	2785
11400	1291	1860	2180	2409	2611	2794
11450	1295	1866	2187	2417	2619	2803
11500	1299	1871	2194	2424	2628	2812
11550	1303	1877	2201	2432	2636	2821
11600	1307	1883	2208	2440	2644	2830
11650	1311	1889	2215	2447	2653	2838
11700	1315	1895	2222	2455	2661	2847
11750	1319	1900	2229	2463	2669	2856
11800	1322	1906	2235	2470	2678	2865
11850	1326	1912	2242	2478	2686	2874
11900	1330	1918	2249	2486	2694	2883
11950	1334	1923	2256	2493	2703	2892
12000	1338	1929	2263	2501	2711	2901
12050	1342	1935	2270	2508	2719	2909
12100	1346	1940	2276	2515	2726	2917
12150	1349	1945	2283	2522	2734	2925
12200	1353	1951	2289	2529	2742	2934
12250	1357	1956	2295	2536	2749	2942
12300	1360	1961	2302	2543	2757	2950
12350	1364	1967	2308	2551	2765	2958
12400	1367	1972	2315	2558	2772	2966

12450	1371	1977	2321	2565	2780	2975
12500	1375	1983	2327	2572	2788	2983
12550	1378	1988	2334	2579	2795	2991
12600	1382	1993	2340	2586	2803	2999
12650	1386	1998	2347	2593	2811	3007
12700	1389	2004	2353	2600	2818	3016
12750	1393	2009	2359	2607	2826	3024
12800	1397	2014	2366	2614	2834	3032
12850	1400	2020	2373	2622	2842	3041
12900	1405	2026	2380	2630	2851	3050
12950	1409	2032	2387	2638	2859	3059
13000	1413	2038	2394	2646	2868	3069
13050	1417	2044	2402	2654	2877	3078
13100	1421	2050	2409	2662	2885	3087
13150	1425	2056	2416	2670	2894	3096
13200	1429	2062	2423	2678	2902	3106
13250	1433	2068	2430	2685	2911	3115
13300	1437	2074	2437	2693	2920	3124
13350	1441	2080	2445	2701	2928	3133
13400	1445	2086	2452	2709	2937	3142
13450	1449	2092	2459	2717	2945	3152
13500	1453	2098	2466	2725	2954	3161
13550	1457	2104	2473	2733	2963	3170

13600	1461	2110	2481	2741	2971	3179
13650	1465	2116	2488	2749	2980	3189
13700	1469	2122	2495	2757	2989	3198
13750	1473	2128	2502	2765	2997	3207
13800	1477	2134	2509	2773	3006	3216
13850	1481	2140	2517	2781	3014	3225
13900	1485	2146	2524	2789	3023	3235
13950	1489	2152	2531	2797	3032	3244
14000	1493	2158	2538	2805	3040	3253
14050	1497	2164	2545	2813	3049	3262
14100	1501	2170	2553	2821	3058	3272
14150	1505	2176	2560	2829	3066	3281
14200	1509	2181	2567	2836	3075	3290
14250	1514	2187	2574	2844	3083	3299
14300	1518	2193	2581	2852	3092	3308
14350	1522	2199	2589	2860	3101	3318
14400	1526	2205	2596	2868	3109	3327
14450	1530	2211	2603	2876	3118	3336
14500	1534	2217	2610	2884	3126	3345
14550	1538	2223	2617	2892	3135	3354
14600	1542	2229	2624	2900	3144	3364
14650	1546	2235	2632	2908	3152	3373
14700	1550	2241	2639	2916	3161	3382

14750	1554	2247	2646	2924	3170	3391
14800	1558	2253	2653	2932	3178	3401
14850	1562	2259	2660	2940	3187	3410
14900	1566	2265	2668	2948	3195	3419
14950	1570	2271	2675	2956	3204	3428
15000	1574	2277	2682	2964	3213	3437
15050	1578	2283	2689	2972	3221	3447
15100	1582	2289	2696	2980	3230	3456
15150	1586	2295	2704	2987	3238	3465
15200	1590	2301	2711	2995	3247	3474
15250	1594	2307	2718	3003	3256	3484
15300	1598	2313	2725	3011	3264	3493
15350	1602	2319	2732	3019	3273	3502
15400	1606	2325	2740	3027	3282	3511
15450	1610	2330	2746	3034	3289	3519
15500	1613	2334	2750	3039	3294	3525
15550	1615	2338	2755	3044	3300	3531
15600	1618	2342	2759	3049	3305	3537
15650	1621	2346	2764	3054	3311	3542
15700	1624	2350	2768	3059	3316	3548
15750	1626	2353	2773	3064	3322	3554
15800	1629	2357	2778	3069	3327	3560
15850	1632	2361	2782	3074	3332	3566

15900	1634	2365	2787	3079	3338	3572
15950	1637	2369	2791	3084	3343	3577
16000	1640	2373	2796	3089	3349	3583
16050	1643	2377	2800	3094	3354	3589
16100	1645	2381	2805	3099	3360	3595
16150	1648	2385	2809	3104	3365	3601
16200	1651	2389	2814	3109	3371	3607
16250	1654	2392	2818	3114	3376	3612
16300	1656	2396	2823	3119	3381	3618
16350	1659	2400	2828	3124	3387	3624
16400	1662	2404	2832	3129	3392	3630
16450	1665	2408	2837	3134	3398	3636
16500	1667	2412	2841	3140	3403	3641
16550	1670	2416	2846	3145	3409	3647
16600	1673	2420	2850	3150	3414	3653
16650	1675	2424	2855	3155	3420	3659
16700	1678	2428	2859	3160	3425	3665
16750	1681	2431	2864	3165	3430	3671
16800	1684	2435	2868	3170	3436	3676
16850	1686	2439	2873	3175	3441	3682
16900	1689	2443	2878	3180	3447	3688
16950	1692	2447	2882	3185	3452	3694
17000	1695	2451	2887	3190	3458	3700

17050	1697	2455	2891	3195	3463	3706
17100	1700	2459	2896	3200	3469	3711
17150	1703	2463	2900	3205	3474	3717
17200	1705	2467	2905	3210	3479	3723
17250	1708	2471	2909	3215	3485	3729
17300	1711	2474	2914	3220	3490	3735
17350	1714	2478	2918	3225	3496	3740
17400	1716	2482	2923	3230	3501	3746
17450	1719	2486	2928	3235	3507	3752
17500	1722	2490	2932	3240	3512	3758
17550	1725	2494	2937	3245	3518	3764
17600	1727	2498	2941	3250	3523	3770
17650	1730	2502	2946	3255	3528	3775
17700	1733	2506	2950	3260	3534	3781
17750	1736	2510	2955	3265	3539	3787
17800	1738	2513	2959	3270	3545	3793
17850	1741	2517	2964	3275	3550	3799
17900	1744	2521	2968	3280	3556	3805
17950	1746	2525	2973	3285	3561	3810
18000	1749	2529	2978	3290	3567	3816
18050	1752	2533	2982	3295	3572	3822
18100	1755	2537	2987	3300	3577	3828
18150	1757	2541	2991	3305	3583	3834

18200	1760	2545	2996	3310	3588	3839
18250	1763	2549	3000	3315	3594	3845
18300	1766	2552	3005	3320	3599	3851
18350	1768	2556	3009	3325	3605	3857
18400	1771	2560	3014	3330	3610	3863
18450	1774	2564	3018	3335	3616	3869
18500	1776	2568	3023	3340	3621	3874
18550	1779	2572	3027	3345	3626	3880
18600	1782	2576	3032	3350	3632	3886
18650	1785	2580	3037	3355	3637	3892
18700	1787	2584	3041	3360	3643	3898
18750	1790	2588	3046	3365	3648	3904
18800	1793	2592	3050	3370	3654	3909
18850	1796	2595	3055	3376	3659	3915
18900	1798	2599	3059	3381	3664	3921
18950	1801	2603	3064	3386	3670	3927
19000	1804	2607	3068	3391	3675	3933
19050	1807	2611	3073	3396	3681	3938
19100	1809	2615	3077	3401	3686	3944
19150	1812	2619	3082	3406	3692	3950
19200	1815	2623	3087	3411	3697	3956
19250	1817	2627	3091	3416	3703	3962
19300	1820	2631	3096	3421	3708	3968

19350	1823	2634	3100	3426	3713	3973
19400	1826	2638	3105	3431	3719	3979
19450	1828	2642	3109	3436	3724	3985
19500	1831	2646	3114	3441	3730	3991
19550	1834	2650	3118	3446	3735	3997
19600	1837	2654	3123	3451	3741	4003
19650	1839	2658	3127	3456	3746	4008
19700	1842	2662	3132	3461	3752	4014
19750	1845	2666	3137	3466	3757	4020
19800	1847	2670	3141	3471	3762	4026
19850	1850	2674	3146	3476	3768	4032
19900	1853	2677	3150	3481	3773	4037
19950	1856	2681	3155	3486	3779	4043
20000	1858	2685	3159	3491	3784	4049

(8) Computation of basic child support - shared physical care - split physical care - stipulations - deviations - basis for periodic updates. (a) **[Formerly 14-10-115 (14) and 14-10-115 (10)(c)]** Except in cases of shared physical care or split physical care as defined in ~~subsections (8) and (9)~~ PARAGRAPHS (h) AND (i) OF SUBSECTION (3) of this section, a total child support obligation is determined by adding each parent's respective obligations for the basic child support obligation, AS DETERMINED THROUGH THE GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS SPECIFIED IN SUBSECTION (7) OF THIS SECTION, work-related net child care costs, extraordinary medical expenses, and extraordinary adjustments to the schedule OF BASIC CHILD SUPPORT OBLIGATIONS. The parent receiving a child support payment shall be presumed to spend his or her total child support obligation directly on the children. The parent paying child support to the other parent shall owe his or her total child support obligation as child support to the other parent minus any ordered payments included in the calculations made directly on behalf of the children for work-related net child care costs, extraordinary medical expenses, or extraordinary adjustments to the schedule OF BASIC CHILD SUPPORT OBLIGATIONS.

(b) **[Formerly 14-10-115 (10)(c)]** Because shared physical care presumes that certain basic expenses for the children will be duplicated, an adjustment for shared

physical care is made by multiplying the basic child support obligation by one and fifty ~~one-hundredths~~ HUNDREDTHS (1.50). In cases of shared physical care, each parent's adjusted basic child support obligation obtained by application of paragraph ~~(c)~~ (b) of subsection ~~(10)~~ (7) of this section shall first be divided between the parents in proportion to their respective adjusted gross incomes. Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent. To these amounts shall be added each parent's proportionate share of work-related net child care costs, extraordinary medical expenses, and extraordinary adjustments to the schedule OF BASIC CHILD SUPPORT OBLIGATIONS. The parent owing the greater amount of child support shall owe the difference between the two amounts as a child support order minus any ordered direct payments made on behalf of the children for work-related net child care costs, extraordinary medical expenses, or extraordinary adjustments to THE schedule OF BASIC CHILD SUPPORT OBLIGATIONS. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support that would otherwise be ordered to be paid if the parents did not share physical custody.

(c) (I) In cases of split physical care, a child support obligation shall be computed separately for each parent based upon the number of children living with the other parent in accordance with subsections ~~(10)~~, ~~(11)~~, ~~(12)~~, and ~~(13)~~ (7), (9), (10), AND (11) of this section. The amount so determined shall be a theoretical support obligation due each parent for support of the child or children for whom he or she has primary physical custody. The obligations so determined shall then be offset, with the parent owing the larger amount owing the difference between the two amounts as a child support order.

(II) If the parents also share physical care as outlined in paragraph (b) of this subsection ~~(14)~~ (8), an additional adjustment for shared physical care shall be made as provided in paragraph (b) of this subsection ~~(14)~~ (8).

(d) **[Formerly 14-10-115 (3) (b) (I)]** Stipulations presented to the court shall be reviewed by the court for approval. No hearing shall be required; however, the court shall use the ~~guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS to review the adequacy of child support orders negotiated by the parties as well as the financial affidavit ~~which~~ THAT fully discloses the financial status of the parties as required for use of the ~~guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS.

(e) **[Formerly 14-10-115 (3) (a)]** In any action to establish or modify child support, whether temporary or permanent, the ~~child support guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS as set forth in SUBSECTION (7) OF this section shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the ~~guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS where its application would be inequitable, unjust, or inappropriate. Any such deviation shall be accompanied by written or oral findings by the court specifying the reasons for the deviation and the presumed amount under the guidelines AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS without a deviation. These reasons may include, but are not limited to, the extraordinary medical expenses incurred for

treatment of either parent or a current spouse, extraordinary costs associated with parenting time, the gross disparity in income between the parents, the ownership by a parent of a substantial nonincome producing asset, consistent overtime not considered in gross income under sub-subparagraph (C) of subparagraph (II) of paragraph (a) of subsection (7) (5) of this section, or income from employment that is in addition to a full-time job or that results in the employment of the obligor more than forty hours per week or more than what would otherwise be considered to be full-time employment. The existence of a factor enumerated in this section does not require the court to deviate from the guidelines AND BASIC SCHEDULE OF CHILD SUPPORT OBLIGATIONS, but is a factor to be considered in the decision to deviate. The court may deviate from the guidelines AND BASIC SCHEDULE OF CHILD SUPPORT OBLIGATIONS even if no factor enumerated in this section exists.

(f) **[Formerly 14-10-115 (6)]** The ~~child support guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS may be used by the parties as the basis for periodic updates of child support obligations.

(9) Adjustments for child care costs. (a) **[Formerly 14-10-115 (11)]** Net child care costs incurred on behalf of the children due to employment or job search or the education of either parent shall be added to the basic obligation and shall be divided between the parents in proportion to their adjusted gross incomes.

(b) Child care costs shall not exceed the level required to provide quality care from a licensed source for the children. The value of the federal income tax credit for child care shall be subtracted from actual costs to arrive at a figure for net child care costs.

(10) Adjustments for health care expenditures for children. (a) **[Formerly 14-10-115 (13.5)]** In orders issued pursuant to this section, the court shall also provide for the child's or children's current and future medical needs by ordering either parent or both parents to initiate medical or medical and dental insurance coverage for the child or children through currently effective medical or medical and dental insurance policies held by the parent or parents, purchase medical or medical and dental insurance for the child or children, or provide the child or children with current and future medical needs through some other manner. At the same time, the court shall order payment of medical insurance or medical and dental insurance deductibles and copayments.

(b) The payment of a premium to provide health insurance coverage on behalf of the children subject to the order shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross income.

(c) The amount to be added to the basic child support obligation shall be the actual amount of the total insurance premium that is attributable to the child who is the subject of the order. If this amount is not available or cannot be verified, the total cost of the premium should be divided by the total number of persons covered by the policy. The cost per person derived from this calculation shall be multiplied by the number of children who are the subject of the order and who are covered under the policy. This amount shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross

incomes.

(d) After the total child support obligation is calculated and divided between the parents in proportion to their adjusted gross incomes, the amount calculated in paragraph (c) of this subsection (~~13.5~~) (10) shall be deducted from the obligor's share of the total child support obligation if the obligor is actually paying the premium. If the obligee is actually paying the premium, no further adjustment is necessary.

(e) Prior to allowing the health insurance adjustment, the parent requesting the adjustment must submit proof that the child or children have been enrolled in a health insurance plan and must submit proof of the cost of the premium. The court shall require the parent receiving the adjustment to submit annually proof of continued coverage of the child or children to the delegate child support enforcement unit and to the other parent.

(f) If a parent who is ordered by the court to provide medical or medical and dental insurance for the child or children has insurance that excludes coverage of the child or children because ~~such~~ THE child or children reside outside the geographic area covered by the insurance policy, the court shall order separate coverage for the child or children if the court determines coverage is available at a reasonable cost.

(g) Where the application of the premium payment on the ~~child support~~ guidelines AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS results in a child support order of fifty dollars or less or the premium payment is twenty percent or more of the parent's gross income, the court or delegate child support enforcement unit may elect not to require the parent to include the child or children on an existing policy or to purchase insurance. The parent shall, however, be required to provide insurance when it does become available at a reasonable cost.

(h) (I) Any extraordinary medical expenses incurred on behalf of the children shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted gross incomes.

(II) Extraordinary medical expenses are uninsured expenses, including copayments and deductible amounts, in excess of two hundred fifty dollars per child per calendar year. Extraordinary medical expenses shall include, but need not be limited to, such reasonable costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, and any uninsured chronic health problem. At the discretion of the court, professional counseling or psychiatric therapy for diagnosed mental disorders may also be considered as an extraordinary medical expense.

(11) **Extraordinary adjustments to the schedule of basic child support obligations - periodic disability benefits.** (a) [Formerly 14-10-115 (13)] By agreement of the parties or by order of court, the following reasonable and necessary expenses incurred on behalf of the child shall be divided between the parents in proportion to their adjusted gross income:

(I) Any expenses for attending any special or private elementary or secondary

schools to meet the particular educational needs of the child; AND

(II) Any expenses for transportation of the child, or the child and an accompanying parent if the child is less than twelve years of age, between the homes of the parents.

(b) Any additional factors that actually diminish the basic needs of the child may be considered for deductions from the basic child support obligation.

(c) **[Formerly 14-10-115 (16.5)]** In cases where the custodial parent receives periodic disability benefits granted by the federal "Old-age, Survivors, and Disability Insurance Act" on behalf of dependent children due to the disability of the noncustodial parent or receives employer-paid retirement benefits from the federal government on behalf of dependent children due to the retirement of the noncustodial parent, the noncustodial parent's share of the total child support obligation as determined pursuant to subsection ~~(14)~~ (8) of this section shall be reduced in an amount equal to the amount of such THE benefits. ~~Social security benefits received by the minor children, or on behalf of the minor children, as a result of the death or disability of a stepparent are not to be included as income for the minor children for the determination of child support. However, any social security benefits actually received by a parent as a result of the disability of that parent, or as the result of the death of the minor child's stepparent, shall be included in the gross income of that parent.~~

(12) **Dependency exemptions. [Formerly 14-10-115 (14.5)]** Unless otherwise agreed upon by the parties, the court shall allocate the right to claim dependent children for income tax purposes between the parties. These rights shall be allocated between the parties in proportion to their contributions to the costs of raising the children. A parent shall not be entitled to claim a child as a dependent if he or she has not paid all court-ordered child support for that tax year or if claiming the child as a dependent would not result in any tax benefit.

(13) **Emancipation.** (a) **[Formerly 14-10-115 (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:

~~(a)~~ (I) The parties agree otherwise in a written stipulation after July 1, 1997;

~~(b)~~ (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;

~~(c)~~ (III) 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.

(b) **[Formerly 14-10-115 (1.7)]** Nothing in ~~subsection (1.5) or (1.6)~~ PARAGRAPH

(a) OF THIS SUBSECTION (13) OR SUBSECTION (15) 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~~ THE expenses. If ~~such~~ THE 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~~ THE agreement shall be enforced as provided in section 14-10-112.

(14) [Formerly 14-10-115 (3)(b)(II)] Annual exchange of information.

(a) When a child support order is entered or modified, the parties may agree or the court may require the parties to exchange financial information, including verification of insurance and its costs, pursuant to paragraph (c) of subsection ~~(7)~~ (5) of this section and other appropriate information once a year or less often, by regular mail, for the purpose of updating and modifying the order without a court hearing. The parties shall use the approved standardized child support ~~guideline~~ forms SPECIFIED IN SUBSECTION (4) OF THIS SECTION in exchanging ~~such~~ financial information. ~~Such~~ THE forms shall be included with any agreed modification or an agreement that a modification is not appropriate at the time. If the agreed amount departs from the guidelines AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS, the parties shall furnish statements of explanation ~~which~~ THAT shall be included with the forms and shall be filed with the court. The court shall review the agreement pursuant to this ~~subparagraph (H)~~ PARAGRAPH (a) and inform the parties by regular mail whether or not additional or corrected information is needed, or that the modification is granted, or that the modification is denied. If the parties cannot agree, no modification pursuant to this ~~subparagraph (H)~~ PARAGRAPH (a) shall be entered; however, either party may move for or the court may schedule, upon its own motion, a modification hearing.

(b) **[Formerly 14-10-115 (3)(b)(III)]** Upon request of the noncustodial parent, the court may order the custodial parent to submit an annual update of financial information using the approved standardized child support ~~guideline~~ forms, AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, including information on the actual expenses relating to the children of the marriage for whom support has been ordered. The court shall not order the custodial parent to update ~~such~~ THE financial information pursuant to this ~~subparagraph (H)~~ PARAGRAPH (b) in circumstances where the noncustodial parent has failed to exercise parenting time rights or when child support payments are in arrears or where there is documented evidence of domestic violence, child abuse, or a violation of a protection order on the part of the noncustodial parent. The court may order the noncustodial parent to pay the costs involved in preparing an update to the financial information. If the noncustodial parent claims, based upon the information in the updated form, that the custodial parent is not spending the child support for the benefit of the children, the court may refer the parties to a mediator to resolve the differences. If there are costs for such mediation, the court shall order that the party requesting the mediation pay such costs.

(15) (a) **Post-secondary education. [Formerly 14-10-115 (1.5)(c)]** This subsection ~~(1.5)~~ (15) 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., prior to July 1, 1997. This subsection ~~(1.5)~~ (15) shall not apply to child support orders established on or after

July 1, 1997, which shall be governed by PARAGRAPH (a) OF subsection ~~(1.6)~~ (13) of this section.

(b) **[Formerly 14-10-115 (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; OR

(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 (f) of paragraph (b) of this subsection (1.5)~~ (15). 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.

(c) **[Formerly 14-10-115 (1.5)(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 ~~(1.0)~~ (7) of this section for the number of children receiving postsecondary education. 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 PARAGRAPH (a) SUBSECTION (3) OF THIS SECTION. The amount of contribution ~~which~~ THAT each parent is ordered to pay pursuant to this ~~paragraph (b)~~ SUBSECTION (15) 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 ~~(1.0)~~ (7) 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 (H) 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.~~

(d) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** 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.

(e) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** EITHER PARENT OR THE CHILD MAY MOVE FOR AN ORDER AT ANY TIME BEFORE THE CHILD ATTAINS THE AGE OF TWENTY-ONE YEARS. 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.

(f) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** 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 THE 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.

(g) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** 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.

(h) **[Formerly a part of 14-10-115 (1.5)(b)(I)]** A CHILD SHALL NOT BE CONSIDERED EMANCIPATED SOLELY BY REASON OF LIVING AWAY FROM HOME WHILE IN POSTSECONDARY EDUCATION. 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.

(i) **[Formerly 14-10-115 (1.5)(b)(II)]** If the court orders support pursuant to ~~subparagraph (f) of this paragraph (b)~~ THIS SUBSECTION (15), 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~~ THE order. ~~Such~~ THE order shall provide that these expenses be paid in proportion to their adjusted gross incomes as defined in ~~subparagraph (H) of~~

~~paragraph (a) of subsection (10) (3) 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.~~

(j) **[Formerly 14-10-115 (1.5)(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) (15)~~ 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) (15)~~.

(k) **[Formerly 14-10-115 (1.5)(d)]** Postsecondary education support may be established or modified in the same manner as child support under this article.

(16) **Child support commission.** (a) **[Formerly 14-10-115 (18)(a)]** The child support guidelines, INCLUDING THE SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS, and general child support issues shall be reviewed and the results of such review and any recommended changes shall be reported to the governor and to the general assembly on or before December 1, 1991, and at least every four years thereafter by a child support commission, which commission is hereby created.

(b) As part of its review, the commission must consider economic data on the cost of raising children and analyze case data on the application of, and deviations from, the guidelines AND THE SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS to be used in the commission's review to ensure that deviations from the guidelines AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS are limited. In addition, the commission shall review issues identified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104-193, including out-of-wedlock births and the prevention of teen pregnancy.

(c) The child support commission shall consist of no more than twenty-one members. The governor shall appoint persons to the commission who are representatives of the judiciary and the Colorado bar association. Members of the commission appointed by the governor shall also include the director of the division in the state department of human services ~~which~~ THAT is responsible for child support enforcement, or his or her designee, a director of a county department of social services, the child support liaison to the judicial department, interested parties, a certified public accountant, and parent representatives. In making his or her appointments to the commission, the governor shall attempt to appoint persons as parent representatives or as other representatives on the commission who include a male custodial parent, a female custodial parent, a male noncustodial parent, a female noncustodial parent, a joint custodial parent, and a parent in an intact family. In making his or her appointments to the commission, the governor shall attempt to assure geographical diversity by appointing at least one member from each of the congressional districts in the state. The remaining two members of the commission shall be a member of the house of representatives appointed by the speaker of the house of representatives and a member of the senate appointed by the president of

the senate and shall not be members of the same political party.

(d) Members of the child support commission shall not be compensated for their services on the commission; except that members shall be reimbursed for actual and necessary expenses for travel and mileage incurred in connection with their duties. The child support commission is authorized, subject to appropriation, to incur expenses related to its work, including the costs associated with public hearings, printing, travel, and research.

(e) **[Formerly 14-10-115 (18)(f)]** In reviewing the child support guidelines AND THE SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS as required in paragraph (a) of this subsection ~~(18)~~ (16), the child support commission shall study the following issues:

(I) The merits of a statutory time limitation or the application of the doctrine of laches or such other time-limiting provision on the enforcement of support judgments that arise pursuant to the provisions of section 14-10-122;

(II) Whether different time limitations on the enforcement of support judgments should apply depending on whether support payments are made directly to an obligee or whether such payments are made through the family support registry;

(III) The merits of support judgments arising automatically as provided in section 14-10-122 (1) (c); and

(IV) Whether support obligors should receive additional notice and an opportunity for hearing prior to execution on such judgments.

SECTION 2. 14-10-114 (2) (b) (IV) (A), Colorado Revised Statutes, is amended to read:

14-10-114. Maintenance. (2) (b) (IV) (A) For purposes of this section, "income" shall have the same meaning as that term is described in section 14-10-115 ~~(7)~~ (3).

SECTION 3. 14-10-122 (1) (b), (4), and (5), Colorado Revised Statutes, are amended to read:

14-10-122. Modification and termination of provisions for maintenance, support, and property disposition - automatic lien. (1) (b) Application of the child support ~~guideline~~ GUIDELINES AND SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS set forth in section 14-10-115 ~~(3)~~ to ~~(16)~~ to the circumstances of the parties at the time of the filing of a motion for modification of the child support order which results in less than a ten percent change in the amount of support due per month shall be deemed not to be a substantial and continuing change of circumstances.

(4) Notwithstanding the provisions of subsection (1) of this section, the provisions of any decree respecting child support may be modified as a result of the change in age for the duty of support as provided in section 14-10-115 ~~(1.5)~~ (15), but only as to installments accruing subsequent to the filing of the motion for

modification; except that section 14-10-115 ~~(1.5) (a)~~ (15) (b) does not apply to modifications of child support orders with respect to a child who has already achieved the age of nineteen as of July 1, 1991.

(5) Notwithstanding the provisions of subsection (1) of this section, when a mutually agreed upon change of physical care occurs, the provisions for child support of the obligor under the existing child support order, if modified pursuant to this section, will be modified as of the date when physical care was changed. When a mutually agreed upon change of physical care occurs, parties are encouraged to avail themselves of the provision SET FORTH IN SECTION 14-10-115 (14) (a) for updating and modifying a child support order without a court hearing. ~~that is set forth in section 14-10-115 (3) (b) (H).~~

SECTION 4. 14-14-111.5 (2) (f) (I), 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)~~ (3), 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.

SECTION 5. 14-14-112 (2) (I), Colorado Revised Statutes, is amended to read:

14-14-112. Deductions for health insurance. (2) Notice of the deduction for health insurance shall be mailed by first-class mail by the obligee or the obligee's representative to the obligor's employer. The notice of the deduction for health insurance shall contain:

(I) A statement that the obligor may file an objection to the notice of the deduction for health insurance with the court if the premium amount does not meet the definition of reasonable cost as provided in section 14-10-115 ~~(13.5) (g)~~ (10) (g). A premium amount that results in a child support order of fifty dollars or less or that is twenty percent or more of the obligor's gross income shall not be considered reasonable.

SECTION 6. 26-13-121.5 (1) and (5) (e), Colorado Revised Statutes, are

amended to read:

26-13-121.5. Enforcement of obligation to maintain health insurance. (1) If a parent has been ordered to provide health insurance, as defined in section 14-14-102 (4.7), C.R.S., and such insurance is available at a reasonable cost consistent with the provisions of section 14-10-115 ~~(13.5)~~ (10) (g), C.R.S., the delegate child support enforcement unit shall use the federally mandated national medical support notice to provide notice of the insurance provision to that parent's employer unless the child or children are already enrolled in a health insurance plan in accordance with the order.

(5) (e) Promptly after enrollment, the plan administrator shall notify the obligor that coverage of the child or children is or will become available and the date the coverage takes effect. The obligor may file a written objection with the court after the date of the notice of such enrollment by the plan administrator if the premium amount does not meet the definition of reasonable cost as provided in section 14-10-115 ~~(13.5)~~ (10) (g), C.R.S. Upon any determination by the court which results in a finding in favor of the obligor, the delegate child support enforcement unit shall immediately mail a notice of termination of the national medical support notice to the obligor and to the employer by first-class mail. The termination of the health insurance shall only be prospective and the obligor shall not be entitled to any reimbursement for any premiums withheld or deducted from his or her wage prior to the plan administrator's prompt termination of the deduction for health insurance.

SECTION 7. 26-13.5-103 (1) (p), 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:

(p) That the duty to provide medical support shall be established under this article in accordance with section 14-10-115, ~~(2)~~; C.R.S.;

SECTION 8. 26-13.5-105 (6), Colorado Revised Statutes, is amended to read:

26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court. (6) If a parent is unemployed and not incapacitated, the delegate child support enforcement unit may order such parent to pay such support in accordance with a plan approved by the delegate child support enforcement unit or to participate in work activities, as described in section 14-10-115 ~~(7) (b) (1.5)~~ (5) (b) (II), C.R.S., as deemed appropriate by that delegate child support enforcement unit, as a condition of the child support order.

SECTION 9. 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 16, 2007