

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0458.01 Jennifer Gilroy

HOUSE BILL 04-1083

HOUSE SPONSORSHIP

Sinclair

SENATE SPONSORSHIP

(None)

House Committees

Information & Technology

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TERMINATION OF CHILD SUPPORT OBLIGATIONS BASED
102 UPON DNA EVIDENCE OF NONPARENTAGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Specifies that conclusive DNA genetic testing results demonstrating that a person is not the biological parent of a child shall constitute a substantial and continuing change in circumstances warranting modification of child support. Directs the court in such cases to terminate the child support installments accruing after the filing of the motion for modification based on the genetic testing results.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** 14-10-122 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **14-10-122. Modification and termination of provisions for**
5 **maintenance, support, and property disposition - automatic lien.**

6 (1) (b.5) (I) GENETIC TESTING RESULTS BASED ON DNA TESTING THAT
7 CONCLUSIVELY DEMONSTRATE THAT A PERSON IS NOT THE BIOLOGICAL
8 PARENT OF A CHILD SHALL CONSTITUTE CHANGED CIRCUMSTANCES THAT
9 ARE SUBSTANTIAL AND CONTINUING PURSUANT TO PARAGRAPH (a) OF THIS
10 SUBSECTION (1). IN SUCH CASES, THE COURT SHALL MODIFY THE
11 PROVISIONS OF ANY DECREE RESPECTING CHILD SUPPORT BY TERMINATING
12 THE CHILD SUPPORT OBLIGATION AS TO INSTALLMENTS ACCRUING
13 SUBSEQUENT TO THE FILING OF THE MOTION FOR MODIFICATION BASED ON
14 THE GENETIC TESTING RESULTS.

15 (II) FOR PURPOSES OF THIS PARAGRAPH (b.5), "DNA" MEANS
16 DEOXYRIBONUCLEIC ACID.

17 **SECTION 2. Effective date.** This act shall take effect at 12:01
18 a.m. on the day following the expiration of the ninety-day period after
19 final adjournment of the general assembly that is allowed for submitting
20 a referendum petition pursuant to article V, section 1 (3) of the state
21 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
22 except that, if a referendum petition is filed against this act or an item,
23 section, or part of this act within such period, then the act, item, section,
24 or part, if approved by the people, shall take effect on the date of the
25 official declaration of the vote thereon by proclamation of the governor.