

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 05-0037.01 Beth Kane

HOUSE BILL 05-1038

HOUSE SPONSORSHIP

Cadman

SENATE SPONSORSHIP

Gordon

House Committees

Judiciary

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING AUTOMATIC TERMINATION OF CHILD SUPPORT.**

Bill Summary

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

Clarifies that, 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 automatically, without either party filing a motion, when the child attains 19 years of age, absent specified circumstances.

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

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.

SENATE
Amended 2nd Reading
March 7, 2005

HOUSE
3rd Reading Unamended
February 1, 2005

HOUSE
2nd Reading Unamended
January 28, 2005

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

3 **14-10-115. Child support - guidelines - schedule of basic child**
4 **support obligations.** (1.6) For child support orders entered on or after
5 July 1, 1997, unless a court finds that a child is otherwise emancipated,
6 emancipation occurs and child support terminates _____ WITHOUT EITHER
7 PARTY FILING A MOTION when the child attains nineteen years of age
8 unless one or more of the following conditions exist:

9 (a) The parties agree otherwise in a written stipulation after July
10 1, 1997.

11 (b) If the child is mentally or physically disabled, the court or the
12 delegate child support enforcement unit may order child support,
13 including payments for medical expenses or insurance or both, to
14 continue beyond the age of nineteen.

15 (c) If the child is still in high school or an equivalent program,
16 support continues until the end of the month following graduation. A
17 child who ceases to attend high school prior to graduation and later
18 reenrolls is entitled to support upon reenrollment and until the end of the
19 month following graduation, but not beyond age twenty-one.

20 **SECTION 2. Effective date - applicability.** (1) This act shall
21 take effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly that is
23 allowed for submitting a referendum petition pursuant to article V,
24 section 1 (3) of the state constitution (August 10, 2005, if adjournment
25 sine die is on May 11, 2005); except that, if a referendum petition is filed
26 against this act or an item, section, or part of this act within such period,
27 then the act, item, section, or part, if approved by the people, shall take

1 effect on the date of the official declaration of the vote thereon by
2 proclamation of the governor.

3 (2) The provisions of this act shall apply to child support orders
4 entered on or after July 1, 1997.