



*Colorado Legislative Council Staff*  
**NO FISCAL IMPACT**

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**Drafting Number:** LLS 05-0037

**Date:** January 15, 2005

**Prime Sponsor(s):** Rep. Cadman

**Bill Status:** House Judiciary

**Fiscal Analyst:** Janis Baron (303-866-3523)

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**TITLE:** CONCERNING AUTOMATIC TERMINATION OF CHILD SUPPORT.

### Summary of Assessment

The bill 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 reaches 19 years of age, absent specified circumstances. The bill is effective 90 days following adjournment of the General Assembly unless a referendum petition is filed (August 10, 2005).

Broadly speaking, the Department of Human Services, Child Support Enforcement, indicates that an obligor has the responsibility to comply with a child support order on either a "per child" or "flat" basis, accordingly:

*"Per Child" Support Order* — Assumes an obligor has a child support order of \$300 per month wherein it is a "per child" order of \$150 each for two children, and the order was entered after July 1, 1997. The month after the oldest child turns 19, the obligor begins to pay \$150 per month until the second child reaches 19. There is no need to file a motion, the child support order does not need to be recalculated.

*"Flat" Support Order* — Assumes an obligor has a child support order of \$300 per month wherein it is a "flat" order for two children and the order was entered after July 1, 1997. The month after the oldest child turns 19, the obligor must continue to pay \$300 per month until the youngest child reaches 19 unless the obligor files a motion for modification/recalculation of the order to reduce the monthly amount.

According to the Judicial Branch, child support orders are entered with an expiration date. Thus, parties are not required to file a motion to have a support order terminated. That said, there are situations wherein parties are required to come before the court in conjunction with the end of a child support order: the "flat" support order, when an obligor is paying support and arrears, and when an employer requires documentation on a wage assignment.

At this time, the bill is assessed at having no state fiscal impact. It is assumed that the bill merely clarifies existing law and does not require procedural changes for the court. In the event that the current procedure for terminating a child support order (i.e., the expiration date) is deemed insufficient, the bill will require modifications to the Judicial Branch computer system. The fiscal note assumes that should such costs arise, they will be addressed through the annual budget process.

### Departments Contacted

Human Services

Judicial