

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0861.01 Stephen Miller

HOUSE BILL 07-1349

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

(None),

House Committees

Health and Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHILD SUPPORT OBLIGATIONS.**

Bill Summary

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

Modifies circumstances in which the attorney for a county department of social services ("county department") may enter an appearance in a dissolution proceeding. Specifies 2 situations in which a child is considered emancipated for purposes of determining when child support terminates. Modifies the calculation of certain adjustments to the income of a parent responsible for child support.

Specifies that, if a spouse of a parent provides health care insurance for the parent's child, a credit on the child support worksheet shall be given to the parent in the same manner as if the premium were

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.*

paid by the parent. Removes references to "absent parent" and replaces them with "obligor".

Specifies that the right to require a hearing before a judge does not apply to parentage proceedings or support proceedings held pursuant to the children's code. Specifies that contested final orders in those proceedings regarding the allocation of parental responsibilities may be heard by the juvenile court magistrate with the consent of the parties. Enables a county department to collect a fee from an obligee that never received public assistance, once \$500 in support has been received, as required by the federal "Deficit Reduction Act of 2005".

Requires a party to provide financial information when requesting a review of a current child support order. Requires the delegate child support enforcement unit, if the obligee is receiving temporary assistance to needy families, to review a child support order every 36 months, as required by the federal "Deficit Reduction Act of 2005".

Specifies the content required for the notice of review of a current child support order. Modifies the requirements for conducting the review. Requires the delegate child support enforcement unit to include a child support guideline worksheet with the review results and to provide the parties with the supporting financial documentation used to calculate the monthly support obligation.

Modifies the time frame for challenging the review results. Provides the delegate child support enforcement unit 15 days within which to respond to a challenge. Requires an amended notice of review to be issued if a challenge results in a change to the monthly support obligation. Requires that, if the review indicates modification is appropriate and there are no challenges or after all challenges have been addressed, the delegate child support enforcement unit shall file a motion to modify with the court. Modifies the procedure for the court to follow after the motion is filed.

Replaces the requirement to send the national medical support notice to the obligor with an additional advisement of rights.

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

2 **SECTION 1.** 14-10-107.5 (1), Colorado Revised Statutes, is
3 amended to read:

4 **14-10-107.5. Entry of appearance to establish support.**

5 (1) The attorney for the county department of social services may file an
6 entry of appearance on behalf of the department in any proceeding for
7 dissolution of marriage or legal separation under this article for purposes

1 of establishing, modifying, and enforcing child support and medical
2 support of a child on whose behalf the custodian of said child IF ANY
3 PARTY is receiving support enforcement services pursuant to section
4 26-13-106, C.R.S., and for purposes of establishing and enforcing
5 reimbursement of payments for aid to families with dependent children
6 TEMPORARY ASSISTANCE TO NEEDY FAMILIES.

7 **SECTION 2.** The introductory portion to 14-10-115 (1.5) (a),
8 Colorado Revised Statutes, is amended, and the said 14-10-115 (1.5) (a)
9 is further amended BY THE ADDITION OF THE FOLLOWING NEW
10 SUBPARAGRAPHS, to read:

11 **14-10-115. Child support - guidelines - schedule of basic child**
12 **support obligations.** (1.5) (a) For child support orders entered prior to
13 July 1, 1997, unless a court finds that a child is otherwise emancipated,
14 emancipation occurs and child support terminates WITHOUT EITHER PARTY
15 FILING A MOTION when the LAST OR ONLY child attains nineteen years of
16 age unless one or more of the following conditions exist:

17 (IV) IF THE CHILD MARRIES, THE CHILD SHALL BE CONSIDERED
18 EMANCIPATED AS OF THE DATE OF THE MARRIAGE. IF THE MARRIAGE IS
19 ANNULLED, DISSOLVED, OR DECLARED INVALID, CHILD SUPPORT MAY BE
20 REINSTATED.

21 (V) IF THE CHILD ENTERS INTO ACTIVE MILITARY DUTY, THE CHILD
22 SHALL BE CONSIDERED EMANCIPATED.

23 **SECTION 3.** The introductory portion to 14-10-115 (15) (b),
24 Colorado Revised Statutes, as amended by Senate Bill 07-015, enacted at
25 the First Regular Session of the Sixty-sixth General Assembly, is
26 amended, and the said 14-10-115 (15) (b) is further amended BY THE
27 ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

1 **14-10-115. Child support - guidelines - schedule of basic child**
2 **support obligations.** (15) (b) For child support orders entered prior to
3 July 1, 1997, unless a court finds that a child is otherwise emancipated,
4 emancipation occurs and child support terminates WITHOUT EITHER PARTY
5 FILING A MOTION when the LAST OR ONLY child attains nineteen years of
6 age unless one or more of the following conditions exist:

7 (IV) IF THE CHILD MARRIES, THE CHILD SHALL BE CONSIDERED
8 EMANCIPATED AS OF THE DATE OF THE MARRIAGE. IF THE MARRIAGE IS
9 ANNULLED, DISSOLVED, OR DECLARED INVALID, CHILD SUPPORT MAY BE
10 REINSTATED.

11 (V) IF THE CHILD ENTERS INTO ACTIVE MILITARY DUTY, THE CHILD
12 SHALL BE CONSIDERED EMANCIPATED.

13 **SECTION 4.** 14-10-115 (1.6), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF THE FOLLOWING NEW
15 PARAGRAPHS to read:

16 **14-10-115. Child support - guidelines - schedule of basic child**
17 **support obligations.** (1.6) For child support orders entered on or after
18 July 1, 1997, unless a court finds that a child is otherwise emancipated,
19 emancipation occurs and child support terminates without either party
20 filing a motion when the last or only child attains nineteen years of age
21 unless one or more of the following conditions exist:

22 (d) IF THE CHILD MARRIES, THE CHILD SHALL BE CONSIDERED
23 EMANCIPATED AS OF THE DATE OF THE MARRIAGE. IF THE MARRIAGE IS
24 ANNULLED, DISSOLVED, OR DECLARED INVALID, CHILD SUPPORT MAY BE
25 REINSTATED.

26 (e) IF THE CHILD ENTERS INTO ACTIVE MILITARY DUTY, THE CHILD
27 SHALL BE CONSIDERED EMANCIPATED.

1 **SECTION 5.** 14-10-115 (13) (a), Colorado Revised Statutes, as
2 amended by Senate Bill 07-015, enacted at the First Regular Session of
3 the Sixty-sixth General Assembly, is amended BY THE ADDITION OF
4 THE FOLLOWING NEW SUBPARAGRAPHS to read:

5 **14-10-115. Child support - guidelines - schedule of basic child**
6 **support obligations.** (13) **Emancipation.** (a) For child support orders
7 entered on or after July 1, 1997, unless a court finds that a child is
8 otherwise emancipated, emancipation occurs and child support terminates
9 without either party filing a motion when the last or only child attains
10 nineteen years of age unless one or more of the following conditions
11 exist:

12 (IV) IF THE CHILD MARRIES, THE CHILD SHALL BE CONSIDERED
13 EMANCIPATED AS OF THE DATE OF THE MARRIAGE. IF THE MARRIAGE IS
14 ANNULLED, DISSOLVED, OR DECLARED INVALID, CHILD SUPPORT MAY BE
15 REINSTATED.

16 (V) IF THE CHILD ENTERS INTO ACTIVE MILITARY DUTY, THE CHILD
17 SHALL BE CONSIDERED EMANCIPATED.

18 **SECTION 6.** 14-10-115 (7) (d.5) (I) and (13.5) (a), Colorado
19 Revised Statutes, are amended to read:

20 **14-10-115. Child support - guidelines - schedule of basic child**
21 **support obligations.** (7) **Determination of income.** (d.5) (I) At the
22 time of the initial establishment of a child support order, or in any
23 proceeding to modify a support order, if a parent is also legally
24 responsible for the support of other children ~~born prior to the children~~
25 ~~who are the subject of the child support order~~ and for whom the parents
26 do not share joint legal responsibility, an adjustment shall be made
27 revising such parent's income prior to calculating the basic child support

1 obligation for the children who are the subject of the support order if the
2 children are living in the home of the parent seeking the adjustment or if
3 the children are living out of the home, and the parent seeking the
4 adjustment provides documented proof of money payments of support of
5 those children. The amount shall not exceed the guidelines listed in this
6 section. ~~An amount equal to the amount listed under the schedule of~~
7 ~~basic child support obligations in paragraph (b) of subsection (10) of this~~
8 ~~section which would represent a support obligation based only upon the~~
9 ~~responsible parent's gross income, without any other adjustments, for the~~
10 ~~number of such other children for whom such parent is also responsible~~
11 ~~shall be subtracted from the amount of such parent's gross income prior~~
12 ~~to calculating the basic child support obligation based on both parents'~~
13 ~~gross income as provided in subsection (10) of this section.~~ FOR A
14 PARENT WITH A GROSS INCOME OF ONE THOUSAND EIGHT HUNDRED FIFTY
15 DOLLARS OR LESS PER MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE
16 PERCENT OF THE AMOUNT CALCULATED USING THE LOW-INCOME
17 ADJUSTMENT DESCRIBED IN SUB-SUBPARAGRAPHS (B) AND (C) OF
18 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (10) OF THIS
19 SECTION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT
20 ANY OTHER ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR
21 WHOM THE PARENT IS RESPONSIBLE. FOR A PARENT WITH A GROSS INCOME
22 OF MORE THAN ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS PER
23 MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE
24 AMOUNT LISTED UNDER THE SCHEDULE OF BASIC SUPPORT OBLIGATIONS
25 IN PARAGRAPH (b) OF SUBSECTION (10) OF THIS SECTION THAT WOULD
26 REPRESENT A SUPPORT OBLIGATION BASED ONLY UPON THE RESPONSIBLE
27 PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER

1 OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. THE
2 AMOUNT CALCULATED AS SET FORTH IN THIS SUBPARAGRAPH (I) SHALL BE
3 SUBTRACTED FROM THE AMOUNT OF THE PARENT'S GROSS INCOME PRIOR
4 TO CALCULATING THE BASIC SUPPORT OBLIGATION BASED UPON BOTH
5 PARENTS' GROSS INCOME, AS PROVIDED IN SUBSECTION (10) OF THIS
6 SECTION.

7 (13.5) (a) **Health care expenditures for children.** In orders
8 issued pursuant to this section, the court shall also provide for the child's
9 or children's current and future medical needs by ordering either parent
10 or both parents to initiate medical or medical and dental insurance
11 coverage for the child or children through currently effective medical or
12 medical and dental insurance policies held by the parent or parents,
13 purchase medical or medical and dental insurance for the child or
14 children, or provide the child or children with current and future medical
15 needs through some other manner. IF A PARENT HAS BEEN DIRECTED TO
16 PROVIDE INSURANCE PURSUANT TO THIS SECTION AND THAT PARENT'S
17 SPOUSE PROVIDES THE INSURANCE FOR THE BENEFIT OF THE CHILD OR
18 CHILDREN EITHER DIRECTLY OR THROUGH EMPLOYMENT, A CREDIT ON THE
19 CHILD SUPPORT WORKSHEET SHALL BE GIVEN TO THE PARENT IN THE SAME
20 MANNER AS IF THE PREMIUM WERE PAID BY THE PARENT. At the same
21 time, the court shall order payment of medical insurance or medical and
22 dental insurance deductibles and copayments.

23 **SECTION 7.** 14-10-115 (6) (b) (I) and (10) (a), Colorado Revised
24 Statutes, as amended by Senate Bill 07-015, enacted at the First Regular
25 Session of the Sixty-sixth General Assembly, are amended to read:

26 **14-10-115. Child support - guidelines - schedule of basic child**
27 **support obligations.** (6) **Adjustments to gross income.** (b) (I) At the

1 time of the initial establishment of a child support order, or in any
2 proceeding to modify a support order, if a parent is also legally
3 responsible for the support of other children ~~born prior to the children~~
4 ~~who are the subject of the child support order~~ and for whom the parents
5 do not share joint legal responsibility, an adjustment shall be made
6 revising the parent's income prior to calculating the basic child support
7 obligation for the children who are the subject of the support order if the
8 children are living in the home of the parent seeking the adjustment or if
9 the children are living out of the home, and the parent seeking the
10 adjustment provides documented proof of money payments of support of
11 those children. The amount shall not exceed the schedule of basic
12 support obligations listed in this section. ~~An amount equal to the amount~~
13 ~~listed under the schedule of basic child support obligations in paragraph~~
14 ~~(b) of subsection (7) of this section that would represent a support~~
15 ~~obligation based only upon the responsible parent's gross income, without~~
16 ~~any other adjustments, for the number of other children for whom the~~
17 ~~parent is also responsible shall be subtracted from the amount of the~~
18 ~~parent's gross income prior to calculating the basic child support~~
19 ~~obligation based on both parents' gross income as provided in subsection~~
20 ~~(7) of this section.~~ FOR A PARENT WITH A GROSS INCOME OF ONE
21 THOUSAND EIGHT HUNDRED FIFTY DOLLARS OR LESS PER MONTH, THE
22 ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT
23 CALCULATED USING THE LOW-INCOME ADJUSTMENT DESCRIBED IN
24 SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH
25 (a) OF SUBSECTION (7) OF THIS SECTION BASED ONLY UPON THE
26 RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR
27 THE NUMBER OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE.

1 FOR A PARENT WITH GROSS INCOME OF MORE THAN ONE THOUSAND EIGHT
2 HUNDRED FIFTY DOLLARS PER MONTH, THE ADJUSTMENT SHALL BE
3 SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF
4 BASIC SUPPORT OBLIGATIONS IN PARAGRAPH (b) OF SUBSECTION (7) OF
5 THIS SECTION THAT WOULD REPRESENT A SUPPORT OBLIGATION BASED
6 ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER
7 ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR WHOM THE
8 PARENT IS RESPONSIBLE. THE AMOUNT CALCULATED AS SET FORTH IN THIS
9 SUBPARAGRAPH (I) SHALL BE SUBTRACTED FROM THE AMOUNT OF THE
10 PARENT'S GROSS INCOME PRIOR TO CALCULATING THE BASIC SUPPORT
11 OBLIGATION BASED UPON BOTH PARENTS' GROSS INCOME, AS PROVIDED IN
12 SUBSECTION (7) OF THIS SECTION.

13 (10)(a) **Adjustments for health care expenditures for children.**
14 In orders issued pursuant to this section, the court shall also provide for
15 the child's or children's current and future medical needs by ordering
16 either parent or both parents to initiate medical or medical and dental
17 insurance coverage for the child or children through currently effective
18 medical or medical and dental insurance policies held by the parent or
19 parents, purchase medical or medical and dental insurance for the child
20 or children, or provide the child or children with current and future
21 medical needs through some other manner. IF A PARENT HAS BEEN
22 DIRECTED TO PROVIDE INSURANCE PURSUANT TO THIS SECTION AND THAT
23 PARENT'S SPOUSE PROVIDES THE INSURANCE FOR THE BENEFIT OF THE
24 CHILD OR CHILDREN EITHER DIRECTLY OR THROUGH EMPLOYMENT, A
25 CREDIT ON THE CHILD SUPPORT WORKSHEET SHALL BE GIVEN TO THE
26 PARENT IN THE SAME MANNER AS IF THE PREMIUM WERE PAID BY THE
27 PARENT. At the same time, the court shall order payment of medical

1 insurance or medical and dental insurance deductibles and copayments.

2 **SECTION 8.** 14-14-104 (1) (b), Colorado Revised Statutes, is
3 amended to read:

4 **14-14-104. Recovery for child support debt.** (1) (b) Where
5 there has been no court or administrative order for child support, the
6 county department of social services through its delegate child support
7 enforcement unit may initiate a court or administrative action to establish
8 the amount of child support debt accrued, and the court or delegate child
9 support enforcement unit, after hearing or upon stipulation or upon a
10 default order, shall enter an order for child support debt. The debt shall
11 be based on the amount of current child support due, or which would ~~be~~
12 ~~HAVE BEEN~~ due if ~~the obligor were an absent parent~~ THERE WERE AN
13 EXISTING ORDER FOR CHILD SUPPORT, under the current child support
14 enforcement guidelines in effect on the date of the stipulation, default
15 order, or hearing to establish the child support debt, times the number of
16 months the family received public assistance. The total amount of child
17 support debt shall not exceed the total amount paid for public assistance.
18 A child support debt established pursuant to this paragraph (b) shall be in
19 addition to any subsequent child support debt accrued pursuant to
20 paragraph (a) of this subsection (1).

21 **SECTION 9.** 19-1-108 (3) (a.5), Colorado Revised Statutes, is
22 amended to read:

23 **19-1-108. Magistrates - qualifications - duties - repeal.**
24 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
25 the hearing of cases by the court. During the initial advisement of the
26 rights of any party, the magistrate shall inform the party that, except as
27 provided in this subsection (3), he or she has the right to a hearing before

1 the judge in the first instance and that he or she may waive that right but
2 that, by waiving that right, he or she is bound by the findings and
3 recommendations of the magistrate, subject to a request for review as
4 provided in subsection (5) of this section. The right to require a hearing
5 before a judge shall not apply to hearings at which a child is advised of
6 his or her rights pursuant to section 19-2-706, detention hearings held
7 pursuant to sections 19-2-507 and 19-2-508, preliminary hearings held
8 pursuant to section 19-2-705, ~~and~~ temporary custody hearings held
9 pursuant to section 19-3-403, PROCEEDINGS HELD PURSUANT TO ARTICLE
10 4 OF THIS TITLE, AND SUPPORT PROCEEDINGS HELD PURSUANT TO ARTICLE
11 6 OF THIS TITLE. IN PROCEEDINGS HELD PURSUANT TO ARTICLE 4 OR 6 OF
12 THIS TITLE, CONTESTED FINAL ORDERS REGARDING ALLOCATION OF
13 PARENTAL RESPONSIBILITIES MAY BE HEARD BY THE MAGISTRATE ONLY
14 WITH THE CONSENT OF ALL PARTIES.

15 **SECTION 10.** 26-2-805 (1) (d), Colorado Revised Statutes, is
16 amended to read:

17 **26-2-805. Services - assistance provided - rules.** (1) (d) On and
18 after January 1, 2005, a county may require a person who receives child
19 care assistance pursuant to this section and who is not otherwise a
20 participant to apply, pursuant to section 26-13-106 (2), for child support
21 establishment, modification, and enforcement services related to any
22 support owed by ~~absent parents~~ OBLIGORS to their children and to
23 cooperate with the delegate child support enforcement unit to receive
24 these services; except that no person shall be required to submit a written
25 application for child support establishment, modification, and
26 enforcement services if the person shows good cause to the county
27 implementing the Colorado child care assistance program for not

1 receiving these services. On or before October 1, 2004, the state board
2 shall promulgate rules for the implementation of this paragraph (d),
3 including but not limited to rules establishing good cause for not
4 receiving these services, and rules for the imposition of sanctions upon
5 a person who fails, without good cause as determined by the county
6 implementing the Colorado child care assistance program, to apply for
7 child support enforcement services or to cooperate with the delegate child
8 support enforcement unit as required by this paragraph (d).

9 **SECTION 11.** 26-13-102, Colorado Revised Statutes, is amended
10 to read:

11 **26-13-102. Legislative declaration.** The purposes of this article
12 are to provide for enforcing the support obligations owed by ~~absent~~
13 ~~parents~~ OBLIGORS, to locate ~~absent parents~~ OBLIGORS, to establish
14 parentage, to establish and modify child support obligations, and to obtain
15 support in cooperation with the federal government pursuant to Title
16 IV-D of the federal "Social Security Act", as amended, and other
17 applicable federal regulations.

18 **SECTION 12.** 26-13-106 (1), Colorado Revised Statutes, is
19 amended, and the said 26-13-106 is further amended BY THE
20 ADDITION OF A NEW SUBSECTION, to read:

21 **26-13-106. Eligibility for services.** (1) Support enforcement
22 services shall be provided to those recipients of medicaid-only and Title
23 IV-E foster care as required by federal law and to participants in the
24 Colorado works program implemented pursuant to part 7 of article 2 of
25 this title who, as a condition of eligibility pursuant to federal law, must
26 assign their rights to support to, and cooperate with, the state department
27 in the establishment, modification, and enforcement of support

1 obligations owed by ~~absent parents~~ OBLIGORS to their children and the
2 enforcement of maintenance owed by ~~absent parents~~ OBLIGORS to their
3 spouses or former spouses.

4 (4) AFTER MORE THAN FIVE HUNDRED DOLLARS HAS BEEN
5 COLLECTED FROM AN OBLIGOR DURING A YEAR, THE COUNTY DEPARTMENT
6 SHALL RECOVER A FEE OF TWENTY-FIVE DOLLARS FROM THE OBLIGEE IF
7 THE OBLIGEE HAS NEVER RECEIVED PUBLIC ASSISTANCE. THE COUNTY
8 DEPARTMENT SHALL WITHHOLD THE FEE FROM THE FIRST AMOUNT
9 COLLECTED THAT EXCEEDS THE FIVE-HUNDRED-DOLLAR THRESHOLD.

10 **SECTION 13.** 26-13-119 (2), Colorado Revised Statutes, is
11 amended to read:

12 **26-13-119. Distribution of amounts collected.**

13 (2) Notwithstanding any provision in the Colorado rules of civil
14 procedure to the contrary, any amounts collected by the delegate child
15 support enforcement agency, except for federal income tax refund offsets,
16 shall be allocated and distributed first to satisfy the required support
17 obligation for the month in which the collection was received, EXCEPT
18 WHEN THE PAYMENT IS DISTRIBUTED TO PAY THE FEE REQUIRED BY
19 SECTION 26-13-106 (4). In cases where some portion of an amount
20 collected pursuant to execution on a judgment is diverted to satisfy the
21 required support obligation for the month in which the collection was
22 received, the delegate child support enforcement agency shall file a
23 partial satisfaction of judgment with the court that reflects the portion of
24 the amount collected that is actually allocated and distributed to satisfy
25 the judgment.

26 **SECTION 14.** 26-13-121, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **26-13-121. Review and modification of child support orders.**

2 (2.5) IF THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS, THE DELEGATE
3 CHILD SUPPORT ENFORCEMENT UNIT SHALL REVIEW THE CHILD SUPPORT
4 ORDER ONCE EVERY THIRTY-SIX MONTHS TO DETERMINE IF AN
5 ADJUSTMENT OF THE CHILD SUPPORT ORDER IS APPROPRIATE.

6 **SECTION 15.** 26-13-121 (1), (2), (3) (a), (3) (b), (4), and (5) (a),
7 Colorado Revised Statutes, are amended, and the said 26-13-121 is
8 further amended BY THE ADDITION OF THE FOLLOWING NEW
9 SUBSECTIONS, to read:

10 **26-13-121. Review and modification of child support orders.**

11 (1) (a) The general assembly finds that review of child support orders is
12 required in order for this state to comply with the federal "Family Support
13 Act of 1988", ~~and~~ the federal "Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996", AND THE FEDERAL "DEFICIT
15 REDUCTION ACT OF 2005".

16 (b) The delegate child support enforcement unit shall
17 provide the obligor and obligee not less than once every thirty-six months
18 notice of their right to request a review of a child support order. The
19 notice may be included in the support order. ~~Either party to the action~~
20 ~~may submit a written request for review of a child support order.~~

21 (c) EITHER PARTY TO A CASE IN WHICH SERVICES ARE BEING
22 PROVIDED PURSUANT TO SECTION 26-13-106 MAY SUBMIT A WRITTEN
23 REQUEST FOR REVIEW OF THE CURRENT CHILD SUPPORT ORDER. THE
24 REQUEST SHALL INCLUDE THE FINANCIAL INFORMATION FROM THE
25 REQUESTING PARTY NECESSARY TO CONDUCT A CALCULATION PURSUANT
26 TO THE COLORADO CHILD SUPPORT GUIDELINES SET FORTH IN SECTION
27 14-10-115, C.R.S. THE REQUESTING PARTY SHALL PROVIDE HIS OR HER

1 FINANCIAL INFORMATION ON THE FORM REQUIRED BY THE DIVISION OF
2 CHILD SUPPORT ENFORCEMENT.

3 (d) THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY
4 INITIATE A REVIEW OF A CURRENT CHILD SUPPORT ORDER UPON ITS OWN
5 REQUEST.

6 (2) The delegate child support enforcement unit shall ~~issue a~~
7 ~~notice of review accompanied by an affidavit with respect to child~~
8 ~~support when one of the following conditions is met~~ REVIEW EACH
9 REQUEST RECEIVED FROM A PARTY AND:

10 (a) If it has been thirty-six months or more since the last review
11 ~~upon receipt of a written request for review or upon its own request to an~~
12 ~~obligor and obligee who have an existing order for the support of a child~~
13 OF THE CURRENT CHILD SUPPORT ORDER, THE DELEGATE CHILD SUPPORT
14 ENFORCEMENT UNIT SHALL GRANT THE REQUEST FOR REVIEW; or

15 (b) If it has been fewer than thirty-six months since the last review
16 ~~upon receipt of a written request for review~~ OF THE CURRENT CHILD
17 SUPPORT ORDER, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT
18 SHALL GRANT THE REQUEST FOR REVIEW if the requesting party provides
19 a reason for ~~such~~ review ~~with~~ THAT COULD RESULT IN A CHANGE TO THE
20 MONTHLY SUPPORT OBLIGATION BASED UPON THE APPLICATION OF THE
21 COLORADO CHILD SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115,
22 C.R.S. IF THE REASON FOR REVIEW ARISES FROM THE CIRCUMSTANCES OF
23 THE REQUESTING PARTY, supporting documentation or ~~otherwise~~
24 ~~demonstrates~~ A DEMONSTRATION that there has been a substantial AND
25 CONTINUING change in circumstances warranting a review of the child
26 support amount SHALL BE INCLUDED WITH THE REQUEST. The delegate
27 child support enforcement unit shall assess and consider the information

1 provided to determine whether a review is warranted and should be
2 conducted. IF A REQUEST IS DENIED PURSUANT TO THIS PARAGRAPH (b),
3 THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOTIFY THE
4 REQUESTING PARTY IN WRITING THAT THE DENIAL DOES NOT LIMIT THE
5 PARTY'S RIGHT TO SEEK MODIFICATION OF A CHILD SUPPORT ORDER
6 PURSUANT TO SECTION 14-10-122, C.R.S.

7 (3) (a) ~~If the delegate child support enforcement unit determines~~
8 ~~there has been a substantial change in circumstances, it shall issue a~~
9 ~~notice of review accompanied by an affidavit with respect to child~~
10 ~~support. The delegate child support enforcement unit shall send the~~
11 ~~notice of review and affidavits at least thirty days before the~~
12 ~~commencement of the review.~~ IF THE DELEGATE CHILD SUPPORT
13 ENFORCEMENT UNIT GRANTS THE REQUEST FOR REVIEW, IT SHALL ISSUE A
14 NOTICE OF REVIEW TO THE PARTIES. IN THE CASE OF AN AUTOMATIC
15 REVIEW IN WHICH THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS, BOTH
16 PARTIES SHALL BE CONSIDERED NON-REQUESTERS. THE NOTICE OF REVIEW
17 SHALL ADVISE THE PARTIES THAT A REVIEW IS TO BE CONDUCTED AND
18 ALLOW THE NON-REQUESTERS TWENTY DAYS FROM THE DATE OF THE
19 NOTICE TO PROVIDE THE FINANCIAL INFORMATION NECESSARY TO
20 CALCULATE THE CHILD SUPPORT OBLIGATION PURSUANT TO SECTION
21 14-10-115, C.R.S. IF THE CHILD SUPPORT ORDER IS AN ADMINISTRATIVE
22 ORDER ESTABLISHED PURSUANT TO ARTICLE 13.5 OF THIS TITLE, THE
23 REVIEW SHALL BE CONDUCTED PURSUANT TO SECTION 26-13.5-112.

24 (b) THE REVIEW OF THE CHILD SUPPORT ORDER SHALL BE
25 CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW
26 IS SENT TO THE PARTIES. THE REVIEW MAY BE CONDUCTED IN PERSON AT
27 THE DELEGATE CHILD SUPPORT ENFORCEMENT OFFICE OR VIA UNITED

1 STATES MAIL OR VIA AN ELECTRONIC COMMUNICATION METHOD. THE
2 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A
3 CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE
4 SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE
5 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT. DURING THE REVIEW, the
6 determination of the monthly support obligation shall be based on the
7 child support guidelines set forth in section 14-10-115, C.R.S. TO
8 OBTAIN INFORMATION NECESSARY TO CONDUCT THE REVIEW, the delegate
9 child support enforcement unit is authorized to serve, by first-class mail
10 OR BY ELECTRONIC MEANS IF MUTUALLY AGREED UPON, an administrative
11 subpoena to any person, corporation, partnership, or other entity, public
12 employee retirement benefit plan, financial institution, or labor union for
13 an appearance or for the production of records and financial documents.

14 (4) (a) AFTER THE REVIEW IS COMPLETED, the child support
15 enforcement unit shall ~~send~~ PROVIDE a post-review notice advising the
16 obligor and obligee of the review results. THE REVIEW RESULTS SHALL
17 INCLUDE A CHILD SUPPORT GUIDELINE WORKSHEET. IF THE REVIEW
18 INDICATES THAT AN ADJUSTMENT TO THE CURRENT MONTHLY SUPPORT
19 OBLIGATION SHOULD BE MADE, A PROPOSED ORDER SHALL ALSO BE
20 INCLUDED. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
21 PROVIDE ALL SUPPORTING FINANCIAL DOCUMENTATION USED TO
22 CALCULATE THE MONTHLY SUPPORT OBLIGATION TO BOTH PARTIES. THE
23 REVIEW RESULTS SHALL ALSO CONTAIN AN ADVISEMENT TO THE PARTIES
24 OF THE RIGHT TO CHALLENGE THE PROPOSED ORDER, THE TIME FRAME IN
25 WHICH TO ASSERT THE CHALLENGE, AND THE METHOD FOR DOING SO.

26 (b) The obligor and obligee shall be given ~~thirty~~ FIFTEEN days
27 FROM THE DATE OF THE POST-REVIEW NOTICE to challenge the review

1 results. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE
2 ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE
3 MONTHLY SUPPORT OBLIGATION. THE DELEGATE CHILD SUPPORT
4 ENFORCEMENT UNIT MAY GRANT AN EXTENSION OF UP TO FIFTEEN DAYS
5 TO CHALLENGE THE REVIEW RESULTS BASED UPON A SHOWING OF GOOD
6 CAUSE.

7 (b.5) THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
8 HAVE FIFTEEN DAYS FROM THE DATE OF RECEIPT OF THE CHALLENGE TO
9 RESPOND TO A CHALLENGE BASED UPON A MATHEMATICAL OR FACTUAL
10 ERROR. IF A CHALLENGE RESULTS IN A CHANGE TO THE MONTHLY SUPPORT
11 OBLIGATION, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
12 PROVIDE AN AMENDED NOTICE OF REVIEW TO THE OBLIGOR AND OBLIGEE.
13 THE OBLIGOR AND OBLIGEE SHALL BE GIVEN TEN DAYS FROM THE DATE OF
14 THE AMENDED NOTICE OF REVIEW TO CHALLENGE THE RESULTS OF ANY
15 SUBSEQUENT REVIEW. THE GROUNDS FOR THE CHALLENGE SHALL BE
16 LIMITED TO THE ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN
17 CALCULATION OF THE MONTHLY SUPPORT OBLIGATION.

18 ~~(c) If the obligor and the obligee agree with the review results, a~~
19 ~~stipulation or administrative process order shall be filed with the court.~~
20 ~~If either party disagrees, a motion to modify may be filed with the court.~~

21 (5) (a) (I) IF THE REVIEW INDICATES THAT A CHANGE TO THE
22 MONTHLY SUPPORT OBLIGATION IS APPROPRIATE AND THE REVIEW IS NOT
23 CHALLENGED OR ALL CHALLENGES HAVE BEEN ADDRESSED, THE DELEGATE
24 CHILD SUPPORT ENFORCEMENT UNIT SHALL FILE A MOTION TO MODIFY
25 WITH THE COURT. A COPY OF THE MOTION SHALL BE PROVIDED BY THE
26 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO THE OBLIGOR AND
27 OBLIGEE AND SHALL CONTAIN AN ADVISEMENT THAT THE OBLIGOR AND

1 OBLIGEE MAY FILE A WRITTEN RESPONSE WITH THE COURT SETTING FORTH
2 ANY OBJECTIONS TO THE MOTION TO MODIFY.

3 (II) If a motion to modify is filed with the court, ~~and a response~~
4 ~~is not filed within fifteen days thereafter,~~ the court may enter an order
5 granting the motion, ~~If no income information is available, the court may~~
6 ~~enter an order increasing the child support obligation by an increment not~~
7 ~~to exceed ten percent per year for each year since the support order was~~
8 ~~entered or last modified.~~ ISSUE A REVISED ORDER, OR SET A HEARING.
9 REGARDLESS OF WHETHER THE ORDER HAS BEEN APPROVED BY THE
10 OBLIGOR AND OBLIGEE, THE COURT MAY GRANT THE MOTION TO MODIFY.

11 (5.3) IF INCOME INFORMATION IS NOT AVAILABLE FOR THE
12 OBLIGOR, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY FILE A
13 MOTION TO MODIFY CHILD SUPPORT WITH THE COURT. THE COURT MAY
14 ENTER AN ORDER INCREASING THE CHILD SUPPORT OBLIGATION BY AN
15 INCREMENT NOT TO EXCEED TEN PERCENT PER YEAR FOR EACH YEAR
16 AFTER THE SUPPORT ORDER WAS ENTERED OR LAST MODIFIED.

17 (5.7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT A
18 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT'S RIGHT TO FILE A MOTION
19 TO MODIFY WITH THE COURT PURSUANT TO SECTION 14-10-122, C.R.S.

20 **SECTION 16.** 26-13-121.5 (2) and the introductory portion to
21 26-13-121.5 (3) (a), Colorado Revised Statutes, are amended to read:

22 **26-13-121.5. Enforcement of obligation to maintain health**
23 **insurance.** (2) The national medical support notice shall be sent to the
24 employer by means of first-class mail. ~~A copy of the notice shall also be~~
25 ~~sent to the obligor by first-class mail.~~ The notice shall be continuing and
26 shall remain in effect and be binding upon any current or successor
27 employer upon whom it is served until further notice by the court or by

1 the delegate child support enforcement unit. Receipt of the national
2 medical support notice by the employer shall confer jurisdiction of the
3 court over the employer. A NOTICE DESCRIBING THE RIGHTS AND
4 CONDITIONS IN PARAGRAPHS (a) TO (c) OF SUBSECTION (3) OF THIS
5 SECTION SHALL BE SENT TO THE OBLIGOR BY FIRST-CLASS MAIL.

6 (3) (a) THE OBLIGOR SHALL BE PROVIDED WITH A COPY OF THE
7 NATIONAL MEDICAL SUPPORT NOTICE UPON SUBMITTING A WRITTEN
8 REQUEST TO THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT. The
9 obligor shall have ten days from the date the ~~national medical support~~
10 notice DESCRIBING THE RIGHTS AND CONDITIONS IN PARAGRAPHS (a) TO
11 (c) OF THIS SUBSECTION (3) is mailed to the obligor in which to file a
12 written objection with the delegate child support enforcement unit based
13 only upon one of the following mistakes of fact:

14 **SECTION 17.** 26-13-122 (3), Colorado Revised Statutes, is
15 amended to read:

16 **26-13-122. Administrative lien and attachment.** (3) In order
17 to attach and collect workers' compensation income for current child
18 support, child support debt, retroactive child support, medical support,
19 child support arrearages, or child support when combined with
20 maintenance, the state child support enforcement agency is authorized to
21 serve, by first-class mail OR BY ELECTRONIC MEANS IF MUTUALLY AGREED
22 UPON, a notice of administrative lien and attachment on any person,
23 insurance company, or agency holding workers' compensation benefits
24 that are owed to an obligor. A copy of the administrative lien and
25 attachment shall be provided to the obligor and shall include information
26 on the obligor's right to object to the administrative lien and attachment
27 and to request an administrative review pursuant to the rules ~~and~~

1 regulations of the state board.

2 **SECTION 18.** 26-13.5-112 (1), Colorado Revised Statutes, is
3 amended, and the said 26-13.5-112 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **26-13.5-112. Modification of an order.** (1) At any time after the
6 entry of an order of financial responsibility or an order of default under
7 this article, in order to add, alter, or delete any provisions to such an
8 order, the delegate child support enforcement unit may issue a notice of
9 financial responsibility to ~~an~~ THE obligor ~~requesting~~ AND OBLIGEE
10 ADVISING THE OBLIGOR AND OBLIGEE OF the POSSIBLE modification of ~~an~~
11 THE existing administrative order issued pursuant to this article. The
12 delegate child support enforcement unit shall serve the obligor AND THE
13 OBLIGEE with a notice of financial responsibility by first class mail ~~and~~
14 ~~shall proceed as set forth in this article~~ OR BY ELECTRONIC MEANS IF
15 MUTUALLY AGREED UPON. The obligor or the obligee may file a written
16 request for modification of an administrative order issued under this
17 article with the delegate child support enforcement unit. ~~by serving the~~
18 ~~delegate child support enforcement unit by first class mail or in person.~~
19 If ~~such~~ THE DELEGATE CHILD SUPPORT ENFORCEMENT unit ~~objects to~~
20 DENIES the request for modification based upon the failure to demonstrate
21 a showing of changed circumstances required pursuant to section
22 14-10-122, C.R.S., the delegate child support enforcement unit shall
23 advise the requesting party of the party's right to ~~request the court to set~~
24 ~~the matter for a court hearing.~~ The court shall ~~hold a hearing and decide~~
25 ~~only the issue of modification within ninety days of such request.~~ If the
26 ~~delegate child support enforcement unit does not object to the obligor's~~
27 ~~or obligee's request for modification, the unit shall serve the obligor with~~

1 a notice of financial responsibility by first class mail and shall proceed as
2 set forth in this article. ~~Within thirty days of receipt of the request for~~
3 ~~modification, the delegate child support enforcement unit shall either~~
4 ~~advise the requesting party of the party's right to request a court hearing~~
5 ~~or shall issue a notice of financial responsibility. If the child for whom~~
6 ~~the order applies is no longer in the custody of a person receiving public~~
7 ~~assistance or receiving support enforcement services from the delegate~~
8 ~~child support enforcement unit pursuant to article 13 of this title, the~~
9 ~~delegate child support enforcement unit shall certify the matter for~~
10 ~~hearing to the district court in which the order was filed.~~ SEEK A
11 MODIFICATION PURSUANT TO SECTION 14-10-122, C.R.S.

12 (1.2) AT ANY TIME AFTER ENTRY OF AN ADMINISTRATIVE ORDER
13 ISSUED PURSUANT TO THIS ARTICLE, AN OBLIGOR OR OBLIGEE MAY FILE A
14 WRITTEN REQUEST FOR REVIEW OF THE ORDER WITH THE DELEGATE CHILD
15 SUPPORT ENFORCEMENT UNIT. THE WRITTEN REQUEST FOR REVIEW SHALL
16 INCLUDE FINANCIAL INFORMATION OF THE REQUESTING PARTY NECESSARY
17 TO CONDUCT A CALCULATION PURSUANT TO THE COLORADO CHILD
18 SUPPORT GUIDELINES DESCRIBED IN SECTION 14-10-115, C.R.S. THE
19 REQUESTING PARTY SHALL PROVIDE HIS OR HER FINANCIAL INFORMATION
20 ON THE FORM REQUIRED BY THE DIVISION OF CHILD SUPPORT
21 ENFORCEMENT. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT
22 SHALL REVIEW EACH REQUEST RECEIVED AND GRANT OR DENY THE
23 REQUEST USING THE STANDARDS DESCRIBED IN SECTION 26-13-121 (2) (a)
24 OR (2) (b).

25 (1.3) IF THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS, THE
26 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL, ONCE EVERY
27 THIRTY-SIX MONTHS, REVIEW THE ADMINISTRATIVE ORDER TO DETERMINE

1 IF AN ADJUSTMENT OF THE ADMINISTRATIVE ORDER IS APPROPRIATE.

2 (1.4) IF THE REQUEST FOR REVIEW IS GRANTED OR IN CASE OF AN
3 AUTOMATIC REVIEW WHERE THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS,
4 A NOTICE OF REVIEW SHALL BE ISSUED TO THE REQUESTING AND
5 NON-REQUESTING PARTIES. IN THE CASE OF A REVIEW IN WHICH THERE IS
6 AN ACTIVE ASSIGNMENT OF RIGHTS, THE OBLIGOR AND OBLIGEE SHALL BE
7 CONSIDERED NON-REQUESTERS. THE NOTICE OF REVIEW SHALL ADVISE
8 THE OBLIGOR AND OBLIGEE THAT A REVIEW IS TO BE CONDUCTED AND
9 PROVIDE THE NON-REQUESTERS TWENTY DAYS WITHIN WHICH TO PROVIDE
10 THE FINANCIAL INFORMATION NECESSARY TO CALCULATE THE CHILD
11 SUPPORT OBLIGATION PURSUANT TO THE COLORADO CHILD SUPPORT
12 GUIDELINES DESCRIBED IN SECTION 14-10-115, C.R.S.

13 (1.5) (a) THE REVIEW OF THE ADMINISTRATIVE ORDER SHALL BE
14 CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW
15 IS SENT TO THE PARTIES. DURING THE REVIEW, THE DETERMINATION OF
16 THE MONTHLY SUPPORT OBLIGATION SHALL BE BASED ON THE CHILD
17 SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S. THE
18 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A
19 CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE
20 SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE
21 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT.

22 (b) IN ORDER TO OBTAIN INFORMATION NECESSARY TO CONDUCT
23 THE REVIEW, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS
24 AUTHORIZED, PURSUANT TO SECTIONS 26-13.5-103 (1) AND 26-13-121 (3)
25 (d), TO SERVE, BY FIRST-CLASS MAIL OR BY ELECTRONIC MEANS IF
26 MUTUALLY AGREED UPON, AN ADMINISTRATIVE SUBPOENA TO ANY
27 PERSON, CORPORATION, PARTNERSHIP, PUBLIC EMPLOYEE RETIREMENT

1 BENEFIT PLAN, FINANCIAL INSTITUTION, LABOR UNION, OR OTHER ENTITY
2 TO APPEAR OR FOR THE PRODUCTION OF RECORDS AND FINANCIAL
3 DOCUMENTS.

4 (c) AN ADJUSTMENT TO THE ADMINISTRATIVE ORDER SHALL BE
5 APPROPRIATE ONLY IF THE STANDARD SET FORTH IN SECTION 14-10-122
6 (1) (b), C.R.S., IS MET.

7 (1.7) (a) AFTER THE REVIEW IS COMPLETED, THE DELEGATE CHILD
8 SUPPORT ENFORCEMENT UNIT SHALL PROVIDE A POST-REVIEW NOTICE AND
9 CHILD SUPPORT GUIDELINE WORKSHEET ADVISING THE OBLIGOR AND
10 OBLIGEE OF THE REVIEW RESULTS. IF A REVIEW INDICATES THAT AN
11 ADJUSTMENT SHOULD BE MADE, A NOTICE OF FINANCIAL RESPONSIBILITY
12 AND A PROPOSED ORDER OF FINANCIAL RESPONSIBILITY SHALL BE
13 INCLUDED. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
14 PROVIDE ALL SUPPORTING FINANCIAL DOCUMENTATION USED TO
15 CALCULATE THE MONTHLY SUPPORT OBLIGATION TO BOTH PARTIES. THE
16 NOTICE OF FINANCIAL RESPONSIBILITY SHALL ADVISE THE PARTIES OF THE
17 RIGHT TO CHALLENGE THE POST-REVIEW NOTICE OF THE REVIEW RESULTS,
18 THE TIME FRAME FOR CHALLENGING THE REVIEW RESULTS, AND THE
19 METHOD FOR ASSERTING THE CHALLENGE.

20 (b) THE OBLIGOR AND OBLIGEE SHALL BE GIVEN FIFTEEN DAYS
21 FROM THE DATE OF THE POST-REVIEW NOTICE TO CHALLENGE THE REVIEW
22 RESULTS. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE
23 ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE
24 MONTHLY SUPPORT OBLIGATION. THE DELEGATE CHILD SUPPORT
25 ENFORCEMENT UNIT MAY GRANT AN EXTENSION OF UP TO FIFTEEN DAYS
26 TO CHALLENGE THE REVIEW RESULTS BASED UPON A SHOWING OF GOOD
27 CAUSE. ANY CHALLENGE MAY BE PRESENTED AT THE NEGOTIATION

1 CONFERENCE SCHEDULED PURSUANT TO SECTION 26-13.5-103 VIA
2 FIRST-CLASS MAIL OR VIA AN ELECTRONIC COMMUNICATION METHOD.

3 (c) THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
4 HAVE FIFTEEN DAYS FROM THE DATE OF RECEIPT OF THE CHALLENGE TO
5 RESPOND TO A CHALLENGE BASED UPON A MATHEMATICAL OR FACTUAL
6 ERROR. IF A CHALLENGE RESULTS IN A CHANGE TO THE MONTHLY SUPPORT
7 OBLIGATION, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL
8 PROVIDE AN AMENDED NOTICE OF REVIEW TO THE OBLIGOR AND OBLIGEE.
9 THE PARTIES SHALL BE GIVEN TEN DAYS FROM THE DATE OF THE AMENDED
10 NOTICE OF REVIEW TO CHALLENGE THE RESULTS OF ANY SUBSEQUENT
11 REVIEW. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE
12 ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE
13 MONTHLY SUPPORT OBLIGATION.

14 (1.9) (a) IF THE REVIEW INDICATES THAT A CHANGE TO THE
15 MONTHLY SUPPORT OBLIGATION IS APPROPRIATE AND THE REVIEW IS NOT
16 CHALLENGED OR ALL CHALLENGES HAVE BEEN ADDRESSED, THE DELEGATE
17 CHILD SUPPORT ENFORCEMENT UNIT SHALL FILE THE NOTICE OF FINANCIAL
18 RESPONSIBILITY, THE ORDER OF FINANCIAL RESPONSIBILITY ACCOMPANIED
19 BY THE GUIDELINE WORKSHEET, AND THE SUPPORTING FINANCIAL
20 DOCUMENTATION WITH THE COURT. WHEN THE ORDER OF FINANCIAL
21 RESPONSIBILITY IS FILED WITH THE COURT, IT SHALL BE PROVIDED TO THE
22 PARTIES AND SHALL CONTAIN AN ADVISEMENT THAT THE PARTIES HAVE
23 FIFTEEN DAYS FROM THE DATE OF FILING TO FILE A WRITTEN OBJECTION TO
24 THE ORDER OF FINANCIAL RESPONSIBILITY WITH THE COURT.

25 (b) IF THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT HAS
26 FILED AN ORDER OF FINANCIAL RESPONSIBILITY MODIFYING THE MONTHLY
27 SUPPORT OBLIGATION AND AN OBJECTION HAS NOT BEEN RECEIVED BY THE

1 COURT WITHIN FIFTEEN DAYS AFTER THE ORDER IS FILED WITH THE COURT,
2 THE ORDER OF FINANCIAL RESPONSIBILITY SHALL BECOME FINAL. IF AN
3 OBJECTION IS RECEIVED WITHIN THE FIFTEEN-DAY PERIOD, THE COURT MAY
4 AFFIRM THE ORDER OF FINANCIAL RESPONSIBILITY AS SUBMITTED, ISSUE
5 AN ORDER REVISING THE MONTHLY SUPPORT OBLIGATION, OR SET THE
6 MATTER FOR A HEARING. IF A HEARING IS NECESSARY, THE COURT SHALL
7 HOLD A HEARING WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE
8 ORDER OF FINANCIAL RESPONSIBILITY, AND THE COURT SHALL DECIDE
9 ONLY THE ISSUES OF CHILD SUPPORT AND MEDICAL SUPPORT. ANY
10 DOCUMENTARY EVIDENCE PROVIDED BY THE OBLIGEE OR THE OBLIGOR OR
11 BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY BE ADMITTED
12 INTO EVIDENCE BY THE COURT WITHOUT THE NECESSITY OF LAYING A
13 FOUNDATION FOR ITS ADMISSIBILITY, AND THE COURT MAY DETERMINE
14 THE RELATIVE WEIGHT OR CREDIBILITY TO GIVE ANY SUCH
15 DOCUMENTATION.

16 **SECTION 19. Effective date.** (1) Except as otherwise provided
17 in subsection (5) of this section, sections 1, 2, 4, 8, 9, 10, 11, 16, 17, and
18 20 of this act and this section shall take effect upon passage.

19 (2) Sections 12, 13, and 14 of this act shall take effect October 1,
20 2007.

21 (3) Except as otherwise provided in subsection (5) of this section,
22 section 6 of this act shall take effect January 1, 2008.

23 (4) Sections 15 and 18 of this act shall take effect July 1, 2008.

24 (5) If Senate Bill 07-015 is enacted at the first regular session of
25 the sixty-sixth general assembly and becomes law, sections 2, 4, and 6 of
26 this act shall not take effect and:

27 (a) Sections 3 and 5 of this act shall take effect upon passage; and

1 (b) Section 7 of this act shall take effect January 1, 2008.

2 **SECTION 20. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.