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An Act

HOUSE BILL 07-1349

BY REPRESENTATIVE(S) Kefalas, Borodkin, Buescher, Butcher, Fischer, Frangas, Gibbs, Judd, Labuda, McGihon, Peniston, Stafford, Summers, Todd, Madden, and May M.;
also SENATOR(S) Ward, Boyd, Gordon, Groff, Tochtrop, Tupa, and Williams.

CONCERNING CHILD SUPPORT OBLIGATIONS, AND MAKING AN
APPROPRIATION IN CONNECTION THEREWITH.

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

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

14-10-107.5. Entry of appearance to establish support. (1) The attorney for the county department of social services may file an entry of appearance on behalf of the department in any proceeding for dissolution of marriage or legal separation under this article for purposes of establishing, modifying, and enforcing child support and medical support ~~of a child on whose behalf the custodian of said child~~ IF ANY PARTY is receiving support enforcement services pursuant to section 26-13-106, C.R.S., and for purposes of establishing and enforcing reimbursement of payments for ~~aid to families with dependent children~~ TEMPORARY

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

ASSISTANCE TO NEEDY FAMILIES.

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (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 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:

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

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

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (15) (b) 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 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:

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

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

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (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:

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

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

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (13) **Emancipation.** (a) 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:

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

(V) IF THE CHILD ENTERS INTO ACTIVE MILITARY DUTY, THE CHILD

SHALL BE CONSIDERED EMANCIPATED.

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (7) **Determination of income.** (d.5) (I) 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 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 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) of this section which 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 parent is also responsible shall be subtracted from the amount of such parent's gross income prior to calculating the basic child support obligation based on both parents' gross income as provided in subsection (10) of this section.~~ FOR A PARENT WITH A GROSS INCOME OF ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS OR LESS PER MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT CALCULATED USING THE LOW-INCOME ADJUSTMENT DESCRIBED IN SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (10) OF THIS SECTION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. FOR A PARENT WITH A GROSS INCOME OF MORE THAN ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS PER MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF BASIC SUPPORT OBLIGATIONS IN PARAGRAPH (b) OF SUBSECTION (10) OF THIS SECTION THAT WOULD REPRESENT A SUPPORT OBLIGATION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. THE AMOUNT CALCULATED AS SET

FORTH IN THIS SUBPARAGRAPH (I) SHALL BE SUBTRACTED FROM THE AMOUNT OF THE PARENT'S GROSS INCOME PRIOR TO CALCULATING THE BASIC SUPPORT OBLIGATION BASED UPON BOTH PARENTS' GROSS INCOME, AS PROVIDED IN SUBSECTION (10) OF THIS SECTION.

(13.5) (a) **Health care expenditures for children.** 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. IF A PARENT HAS BEEN DIRECTED TO PROVIDE INSURANCE PURSUANT TO THIS SECTION AND THAT PARENT'S SPOUSE PROVIDES THE INSURANCE FOR THE BENEFIT OF THE CHILD OR CHILDREN EITHER DIRECTLY OR THROUGH EMPLOYMENT, A CREDIT ON THE CHILD SUPPORT WORKSHEET SHALL BE GIVEN TO THE PARENT IN THE SAME MANNER AS IF THE PREMIUM WERE PAID BY THE PARENT. At the same time, the court shall order payment of medical insurance or medical and dental insurance deductibles and copayments.

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

14-10-115. Child support - guidelines - schedule of basic child support obligations. (6) **Adjustments to gross income.** (b) (I) 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 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 schedule of basic 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 (7) of this section that would represent a support obligation based only upon the responsible parent's gross income, without any other adjustments, for the number of other children for whom the parent is also responsible shall be subtracted from the amount of the parent's gross income prior to calculating the basic child support obligation based on both parents' gross income as provided in subsection (7) of this section.~~ FOR A PARENT WITH A GROSS INCOME OF ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS OR LESS PER MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT CALCULATED USING THE LOW-INCOME ADJUSTMENT DESCRIBED IN SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (7) OF THIS SECTION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. FOR A PARENT WITH GROSS INCOME OF MORE THAN ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS PER MONTH, THE ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT LISTED UNDER THE SCHEDULE OF BASIC SUPPORT OBLIGATIONS IN PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION THAT WOULD REPRESENT A SUPPORT OBLIGATION BASED ONLY UPON THE RESPONSIBLE PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. THE AMOUNT CALCULATED AS SET FORTH IN THIS SUBPARAGRAPH (I) SHALL BE SUBTRACTED FROM THE AMOUNT OF THE PARENT'S GROSS INCOME PRIOR TO CALCULATING THE BASIC SUPPORT OBLIGATION BASED UPON BOTH PARENTS' GROSS INCOME, AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

(10) (a) Adjustments for health care expenditures for children.

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. IF A PARENT HAS BEEN DIRECTED TO PROVIDE INSURANCE PURSUANT TO THIS SECTION AND THAT PARENT'S SPOUSE PROVIDES THE INSURANCE FOR THE BENEFIT OF THE CHILD OR CHILDREN EITHER DIRECTLY OR THROUGH EMPLOYMENT, A CREDIT ON THE CHILD SUPPORT WORKSHEET SHALL BE GIVEN TO THE PARENT IN THE SAME MANNER AS IF THE PREMIUM WERE PAID BY THE PARENT. At the same time, the court

shall order payment of medical insurance or medical and dental insurance deductibles and copayments.

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

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

SECTION 9. 19-1-108 (3) (a.5), Colorado Revised Statutes, as it will become effective July 1, 2007, is amended to read:

19-1-108. Magistrates - qualifications - duties - repeal. (3) (a.5) Magistrates shall conduct hearings in the manner provided for the hearing of cases by the court. During the initial advisement of the rights of any party, the magistrate shall inform the party that, except as provided in this subsection (3), he or she has the right to a hearing before the judge in the first instance and that he or she may waive that right but that, by waiving that right, he or she is bound by the findings and recommendations of the magistrate, subject to a request for review as provided in subsection (5) of this section. The right to require a hearing before a judge shall not apply to hearings at which a child is advised of his or her rights pursuant to section 19-2-706, detention hearings held pursuant to sections 19-2-507 and 19-2-508, preliminary hearings held pursuant to section 19-2-705, ~~and~~ temporary custody hearings held pursuant to section 19-3-403, PROCEEDINGS HELD PURSUANT TO ARTICLE 4 OF THIS TITLE, AND SUPPORT

PROCEEDINGS HELD PURSUANT TO ARTICLE 6 OF THIS TITLE. IN PROCEEDINGS HELD PURSUANT TO ARTICLE 4 OR 6 OF THIS TITLE, CONTESTED FINAL ORDERS REGARDING ALLOCATION OF PARENTAL RESPONSIBILITIES MAY BE HEARD BY THE MAGISTRATE ONLY WITH THE CONSENT OF ALL PARTIES.

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

26-2-805. Services - assistance provided - rules. (1) (d) On and after January 1, 2005, a county may require a person who receives child care assistance pursuant to this section and who is not otherwise a participant to apply, pursuant to section 26-13-106 (2), for child support establishment, modification, and enforcement services related to any support owed by ~~absent parents~~ OBLIGORS to their children and to cooperate with the delegate child support enforcement unit to receive these services; except that no person shall be required to submit a written application for child support establishment, modification, and enforcement services if the person shows good cause to the county implementing the Colorado child care assistance program for not receiving these services. On or before October 1, 2004, the state board shall promulgate rules for the implementation of this paragraph (d), including but not limited to rules establishing good cause for not receiving these services, and rules for the imposition of sanctions upon a person who fails, without good cause as determined by the county implementing the Colorado child care assistance program, to apply for child support enforcement services or to cooperate with the delegate child support enforcement unit as required by this paragraph (d).

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

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

SECTION 12. 26-13-106 (1), Colorado Revised Statutes, is

amended, and the said 26-13-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-13-106. Eligibility for services. (1) Support enforcement services shall be provided to those recipients of medicaid-only and Title IV-E foster care as required by federal law and to participants in the Colorado works program implemented pursuant to part 7 of article 2 of this title who, as a condition of eligibility pursuant to federal law, must assign their rights to support to, and cooperate with, the state department in the establishment, modification, and enforcement of support obligations owed by ~~absent parents~~ OBLIGORS to their children and the enforcement of maintenance owed by ~~absent parents~~ OBLIGORS to their spouses or former spouses.

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

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

26-13-119. Distribution of amounts collected. (2) Notwithstanding any provision in the Colorado rules of civil procedure to the contrary, any amounts collected by the delegate child support enforcement agency, except for federal income tax refund offsets, shall be allocated and distributed first to satisfy the required support obligation for the month in which the collection was received, EXCEPT WHEN THE PAYMENT IS DISTRIBUTED TO PAY THE FEE REQUIRED BY SECTION 26-13-106 (4). In cases where some portion of an amount collected pursuant to execution on a judgment is diverted to satisfy the required support obligation for the month in which the collection was received, the delegate child support enforcement agency shall file a partial satisfaction of judgment with the court that reflects the portion of the amount collected that is actually allocated and distributed to satisfy the judgment.

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

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

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

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

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

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

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

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

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

(2) The delegate child support enforcement unit shall ~~issue a notice of review accompanied by an affidavit with respect to child support when~~

~~one of the following conditions is met~~ REVIEW EACH REQUEST RECEIVED FROM A PARTY AND:

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

(b) If it has been fewer than thirty-six months since the last review ~~upon receipt of a written request for review~~ OF THE CURRENT CHILD SUPPORT ORDER, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL GRANT THE REQUEST FOR REVIEW if the requesting party provides a reason for ~~such~~ review ~~with~~ THAT COULD RESULT IN A CHANGE TO THE MONTHLY SUPPORT OBLIGATION BASED UPON THE APPLICATION OF THE COLORADO CHILD SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S. IF THE REASON FOR REVIEW ARISES FROM THE CIRCUMSTANCES OF THE REQUESTING PARTY, supporting documentation or ~~otherwise demonstrates~~ A DEMONSTRATION that there has been a substantial AND CONTINUING change in circumstances warranting a review of the child support amount SHALL BE INCLUDED WITH THE REQUEST. The delegate child support enforcement unit shall assess and consider the information provided to determine whether a review is warranted and should be conducted. IF A REQUEST IS DENIED PURSUANT TO THIS PARAGRAPH (b), THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOTIFY THE REQUESTING PARTY IN WRITING THAT THE DENIAL DOES NOT LIMIT THE PARTY'S RIGHT TO SEEK MODIFICATION OF A CHILD SUPPORT ORDER PURSUANT TO SECTION 14-10-122, C.R.S.

(3) (a) ~~If the delegate child support enforcement unit determines there has been a substantial change in circumstances, it shall issue a notice of review accompanied by an affidavit with respect to child support. The delegate child support enforcement unit shall send the notice of review and affidavits at least thirty days before the commencement of the review.~~ IF THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT GRANTS THE REQUEST FOR REVIEW, IT SHALL ISSUE A NOTICE OF REVIEW TO THE PARTIES. IN THE CASE OF AN AUTOMATIC REVIEW IN WHICH THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS, BOTH PARTIES SHALL BE CONSIDERED NON-REQUESTERS. THE NOTICE OF REVIEW SHALL ADVISE THE PARTIES THAT A REVIEW IS TO BE CONDUCTED AND ALLOW THE NON-REQUESTERS TWENTY DAYS FROM THE

DATE OF THE NOTICE TO PROVIDE THE FINANCIAL INFORMATION NECESSARY TO CALCULATE THE CHILD SUPPORT OBLIGATION PURSUANT TO SECTION 14-10-115, C.R.S. IF THE CHILD SUPPORT ORDER IS AN ADMINISTRATIVE ORDER ESTABLISHED PURSUANT TO ARTICLE 13.5 OF THIS TITLE, THE REVIEW SHALL BE CONDUCTED PURSUANT TO SECTION 26-13.5-112.

(b) THE REVIEW OF THE CHILD SUPPORT ORDER SHALL BE CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW IS SENT TO THE PARTIES. THE REVIEW MAY BE CONDUCTED IN PERSON AT THE DELEGATE CHILD SUPPORT ENFORCEMENT OFFICE OR VIA UNITED STATES MAIL OR VIA AN ELECTRONIC COMMUNICATION METHOD. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, NOT TO EXCEED THIRTY DAYS. DURING THE REVIEW, THE DETERMINATION OF THE MONTHLY SUPPORT OBLIGATION SHALL BE BASED ON THE CHILD SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S. TO OBTAIN INFORMATION NECESSARY TO CONDUCT THE REVIEW, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS AUTHORIZED TO SERVE, BY FIRST-CLASS MAIL OR BY ELECTRONIC MEANS IF MUTUALLY AGREED UPON, AN ADMINISTRATIVE SUBPOENA TO ANY PERSON, CORPORATION, PARTNERSHIP, OR OTHER ENTITY, PUBLIC EMPLOYEE RETIREMENT BENEFIT PLAN, FINANCIAL INSTITUTION, OR LABOR UNION FOR AN APPEARANCE OR FOR THE PRODUCTION OF RECORDS AND FINANCIAL DOCUMENTS.

(4) (a) AFTER THE REVIEW IS COMPLETED, THE CHILD SUPPORT ENFORCEMENT UNIT SHALL ~~send~~ PROVIDE A POST-REVIEW NOTICE ADVISING THE OBLIGOR AND OBLIGEE OF THE REVIEW RESULTS. THE REVIEW RESULTS SHALL INCLUDE A CHILD SUPPORT GUIDELINE WORKSHEET. IF THE REVIEW INDICATES THAT AN ADJUSTMENT TO THE CURRENT MONTHLY SUPPORT OBLIGATION SHOULD BE MADE, A PROPOSED ORDER SHALL ALSO BE INCLUDED. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL PROVIDE ALL SUPPORTING FINANCIAL DOCUMENTATION USED TO CALCULATE THE MONTHLY SUPPORT OBLIGATION TO BOTH PARTIES. THE REVIEW RESULTS SHALL ALSO CONTAIN AN ADVISEMENT TO THE PARTIES OF THE RIGHT TO CHALLENGE THE PROPOSED ORDER, THE TIME FRAME IN WHICH TO ASSERT THE CHALLENGE, AND THE METHOD FOR DOING SO.

(b) THE OBLIGOR AND OBLIGEE SHALL BE GIVEN ~~thirty~~ FIFTEEN DAYS FROM THE DATE OF THE POST-REVIEW NOTICE TO CHALLENGE THE REVIEW RESULTS. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE ISSUE OF

MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE MONTHLY SUPPORT OBLIGATION. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT AN EXTENSION OF UP TO FIFTEEN DAYS TO CHALLENGE THE REVIEW RESULTS BASED UPON A SHOWING OF GOOD CAUSE.

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

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

(5) (a) (I) IF THE REVIEW INDICATES THAT A CHANGE TO THE MONTHLY SUPPORT OBLIGATION IS APPROPRIATE AND THE REVIEW IS NOT CHALLENGED OR ALL CHALLENGES HAVE BEEN ADDRESSED, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL FILE A MOTION TO MODIFY WITH THE COURT. A COPY OF THE MOTION SHALL BE PROVIDED BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO THE OBLIGOR AND OBLIGEE AND SHALL CONTAIN AN ADVISEMENT THAT THE OBLIGOR AND OBLIGEE MAY FILE A WRITTEN RESPONSE WITH THE COURT SETTING FORTH ANY OBJECTIONS TO THE MOTION TO MODIFY.

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

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

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

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

26-13-121.5. Enforcement of obligation to maintain health insurance. (2) The national medical support notice shall be sent to the employer by means of first-class mail. ~~A copy of the notice shall also be sent to the obligor by first-class mail.~~ The notice shall be continuing and shall remain in effect and be binding upon any current or successor employer upon whom it is served until further notice by the court or by the delegate child support enforcement unit. Receipt of the national medical support notice by the employer shall confer jurisdiction of the court over the employer. A NOTICE DESCRIBING THE RIGHTS AND CONDITIONS IN PARAGRAPHS (a) TO (c) OF SUBSECTION (3) OF THIS SECTION SHALL BE SENT TO THE OBLIGOR BY FIRST-CLASS MAIL.

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

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

26-13-122. Administrative lien and attachment. (3) In order to attach and collect workers' compensation income for current child support,

child support debt, retroactive child support, medical support, child support arrearages, or child support when combined with maintenance, the state child support enforcement agency is authorized to serve, by first-class mail OR BY ELECTRONIC MEANS IF MUTUALLY AGREED UPON, a notice of administrative lien and attachment on any person, insurance company, or agency holding workers' compensation benefits that are owed to an obligor. A copy of the administrative lien and attachment shall be provided to the obligor and shall include information on the obligor's right to object to the administrative lien and attachment and to request an administrative review pursuant to the rules ~~and regulations~~ of the state board.

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

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

~~either advise the requesting party of the party's right to request a court hearing or shall issue a notice of financial responsibility. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the delegate child support enforcement unit pursuant to article 13 of this title, the delegate child support enforcement unit shall certify the matter for hearing to the district court in which the order was filed. SEEK A MODIFICATION PURSUANT TO SECTION 14-10-122, C.R.S.~~

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

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

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

(1.5) (a) THE REVIEW OF THE ADMINISTRATIVE ORDER SHALL BE

CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW IS SENT TO THE PARTIES. DURING THE REVIEW, THE DETERMINATION OF THE MONTHLY SUPPORT OBLIGATION SHALL BE BASED ON THE CHILD SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, NOT TO EXCEED THIRTY DAYS.

(b) IN ORDER TO OBTAIN INFORMATION NECESSARY TO CONDUCT THE REVIEW, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS AUTHORIZED, PURSUANT TO SECTIONS 26-13.5-103 (1) AND 26-13-121 (3) (d), TO SERVE, BY FIRST-CLASS MAIL OR BY ELECTRONIC MEANS IF MUTUALLY AGREED UPON, AN ADMINISTRATIVE SUBPOENA TO ANY PERSON, CORPORATION, PARTNERSHIP, PUBLIC EMPLOYEE RETIREMENT BENEFIT PLAN, FINANCIAL INSTITUTION, LABOR UNION, OR OTHER ENTITY TO APPEAR OR FOR THE PRODUCTION OF RECORDS AND FINANCIAL DOCUMENTS.

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

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

(b) THE OBLIGOR AND OBLIGEE SHALL BE GIVEN FIFTEEN DAYS FROM THE DATE OF THE POST-REVIEW NOTICE TO CHALLENGE THE REVIEW RESULTS. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE

MONTHLY SUPPORT OBLIGATION. THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT AN EXTENSION OF UP TO FIFTEEN DAYS TO CHALLENGE THE REVIEW RESULTS BASED UPON A SHOWING OF GOOD CAUSE. ANY CHALLENGE MAY BE PRESENTED AT THE NEGOTIATION CONFERENCE SCHEDULED PURSUANT TO SECTION 26-13.5-103 VIA FIRST-CLASS MAIL OR VIA AN ELECTRONIC COMMUNICATION METHOD.

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

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

(b) IF THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT HAS FILED AN ORDER OF FINANCIAL RESPONSIBILITY MODIFYING THE MONTHLY SUPPORT OBLIGATION AND AN OBJECTION HAS NOT BEEN RECEIVED BY THE COURT WITHIN FIFTEEN DAYS AFTER THE ORDER IS FILED WITH THE COURT, THE ORDER OF FINANCIAL RESPONSIBILITY SHALL BECOME FINAL. IF AN OBJECTION IS RECEIVED WITHIN THE FIFTEEN-DAY PERIOD, THE COURT MAY AFFIRM THE ORDER OF FINANCIAL RESPONSIBILITY AS SUBMITTED, ISSUE AN ORDER REVISING THE MONTHLY SUPPORT OBLIGATION, OR SET THE MATTER FOR A HEARING. IF A HEARING IS NECESSARY, THE COURT SHALL HOLD A

HEARING WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE ORDER OF FINANCIAL RESPONSIBILITY, AND THE COURT SHALL DECIDE ONLY THE ISSUES OF CHILD SUPPORT AND MEDICAL SUPPORT. ANY DOCUMENTARY EVIDENCE PROVIDED BY THE OBLIGEE OR THE OBLIGOR OR BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY BE ADMITTED INTO EVIDENCE BY THE COURT WITHOUT THE NECESSITY OF LAYING A FOUNDATION FOR ITS ADMISSIBILITY, AND THE COURT MAY DETERMINE THE RELATIVE WEIGHT OR CREDIBILITY TO GIVE ANY SUCH DOCUMENTATION.

SECTION 19. Article 35 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 6
GAMBLING PAYMENT INTERCEPT ACT

24-35-601. Short title. THIS PART 6 SHALL BE KNOWN AND MAY BE CITED AS THE "GAMBLING PAYMENT INTERCEPT ACT".

24-35-602. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) PARENTS SHOULD PROVIDE FINANCIAL SUPPORT TO THEIR MINOR CHILDREN WHO CANNOT CARE FOR THEMSELVES.

(b) THE STATE SHOULD INTERVENE WHEN PARENTS FAIL TO MEET THEIR SUPPORT OBLIGATIONS.

(c) CHILDREN ARE ADVERSELY AFFECTED WHEN PARENTS DIVERT THEIR FINANCIAL SUPPORT TO LIMITED GAMING AND PARI-MUTUEL WAGERING.

(d) A PARENT'S WINNINGS FROM MONEY DIVERTED FROM A CHILD'S SUPPORT SHOULD BE APPLIED TO THE PARENT'S OUTSTANDING SUPPORT OBLIGATIONS.

(e) SECTION 12-47.1-102 (1) (c), C.R.S., OF THE "LIMITED GAMING ACT OF 1991" RECOGNIZES THAT THE LIMITED GAMING INDUSTRY MUST BE ASSISTED IN PROTECTING THE GENERAL WELFARE OF THE PEOPLE OF THE STATE.

24-35-603. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "LICENSEE" MEANS A LICENSEE AS DEFINED IN SECTION 12-60-102 (17), C.R.S., OR AN OPERATOR OR RETAIL GAMING LICENSEE UNDER SECTION 12-47.1-501 (1) (b) OR (1) (c), C.R.S.

(2) "OUTSTANDING DEBT" MEANS UNPAID CHILD SUPPORT DEBT OR CHILD SUPPORT COSTS TO THE STATE PURSUANT TO SECTION 14-14-104, C.R.S., AND ARREARAGES OF CHILD SUPPORT REQUESTED AS PART OF AN ENFORCEMENT ACTION PURSUANT TO ARTICLE 5 OF TITLE 14, C.R.S., OR ARREARAGES OF CHILD SUPPORT THAT ARE THE SUBJECT OF ENFORCEMENT SERVICES PROVIDED PURSUANT TO SECTION 26-13-106, C.R.S.

(3) "PAYMENT" MEANS CASH WINNINGS FROM LIMITED GAMING OR FROM PARI-MUTUEL WAGERING ON HORSE OR GREYHOUND RACING PAYABLE BY A LICENSEE FOR WHICH THE LICENSEE IS REQUIRED TO FILE FORM W-2G, OR A SUBSTANTIALLY EQUIVALENT FORM, WITH THE UNITED STATES INTERNAL REVENUE SERVICE.

(4) "REGISTRY" MEANS THE REGISTRY CREATED AND MAINTAINED BY OR FOR THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 24-35-604.

(5) "REGISTRY OPERATOR" MEANS THE DEPARTMENT OF REVENUE OR THE PRIVATE ENTITY THAT MAINTAINS THE REGISTRY UNDER THE DIRECTION AND CONTROL OF THE DEPARTMENT.

24-35-604. Registry - creation - information. (1) THE DEPARTMENT OF REVENUE SHALL CREATE AND MAINTAIN, OR CONTRACT WITH A PRIVATE ENTITY PURSUANT TO SECTION 24-35-607 TO CREATE AND MAINTAIN, THE REGISTRY IN ACCORDANCE WITH THIS SECTION.

(2) THE DEPARTMENT OF HUMAN SERVICES SHALL CERTIFY TO THE REGISTRY OPERATOR THE INFORMATION INDICATED IN SUBSECTION (4) OF THIS SECTION REGARDING EACH CHILD SUPPORT OBLIGOR WITH AN OUTSTANDING DEBT AS DEFINED IN SECTION 24-35-603 (2).

(3) THE REGISTRY OPERATOR SHALL ENTER IN THE REGISTRY THE INFORMATION CERTIFIED TO THE REGISTRY OPERATOR BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(4) THE REGISTRY SHALL CONTAIN THE FOLLOWING INFORMATION:

(a) THE NAME OF EACH PERSON WITH AN OUTSTANDING DEBT;

(b) THE SOCIAL SECURITY NUMBER OF EACH PERSON WITH AN OUTSTANDING DEBT;

(c) THE ACCOUNT OR CASE IDENTIFIER ASSIGNED TO THE OUTSTANDING DEBT BY THE DEPARTMENT OF HUMAN SERVICES;

(d) THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE DEPARTMENT OF HUMAN SERVICES; AND

(e) THE AMOUNT OF THE OUTSTANDING DEBT.

24-35-605. Payments - limited gaming and pari-mutuel wagering licensees - procedures. (1) ON AND AFTER JULY 1, 2008:

(a) A LICENSEE SHALL HAVE THE MEANS TO COMMUNICATE WITH THE REGISTRY OPERATOR.

(b) BEFORE MAKING A PAYMENT TO A WINNER, THE LICENSEE SHALL OBTAIN THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF THE WINNER FROM FORM W-2G, OR A SUBSTANTIALLY EQUIVALENT FORM, TO BE FILED WITH THE UNITED STATES INTERNAL REVENUE SERVICE AND SUBMIT THE REQUIRED INFORMATION TO THE REGISTRY OPERATOR. THE REGISTRY OPERATOR SHALL INFORM THE LICENSEE WHETHER THE WINNER IS LISTED IN THE REGISTRY. THE LICENSEE SHALL COMPLY WITH SUBSECTION (2) OF THIS SECTION.

(2)(a) IF THE REGISTRY OPERATOR REPLIES THAT THE WINNER IS NOT LISTED IN THE REGISTRY OR IF THE LICENSEE IS UNABLE TO RECEIVE INFORMATION FROM THE REGISTRY OPERATOR AFTER ATTEMPTING IN GOOD FAITH TO DO SO, THE LICENSEE MAY MAKE THE PAYMENT TO THE WINNER.

(b) IF THE REGISTRY OPERATOR REPLIES THAT THE WINNER IS LISTED IN THE REGISTRY:

(I) THE REPLY FROM THE REGISTRY OPERATOR TO THE LICENSEE SHALL INDICATE THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE

DEPARTMENT OF HUMAN SERVICES AND THE AMOUNT OF THE WINNER'S OUTSTANDING DEBT.

(II) THE LICENSEE SHALL WITHHOLD FROM THE AMOUNT OF THE PAYMENT AN AMOUNT EQUAL TO THE AMOUNT CERTIFIED PURSUANT TO SECTION 24-35-604 (2). IF THE AMOUNT OF THE PAYMENT IS LESS THAN OR EQUAL TO THE AMOUNT CERTIFIED, THE LICENSEE SHALL WITHHOLD THE ENTIRE AMOUNT OF THE PAYMENT. THE LICENSEE SHALL REFER THE WINNER TO THE DEPARTMENT OF HUMAN SERVICES.

(III) WITHIN TWENTY-FOUR HOURS AFTER WITHHOLDING A PAYMENT PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE LICENSEE SHALL SEND THE AMOUNT WITHHELD TO THE REGISTRY OPERATOR AND REPORT TO THE REGISTRY OPERATOR THE FULL NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF THE WINNER, THE ACCOUNT OR CASE IDENTIFIER ASSIGNED BY THE DEPARTMENT OF HUMAN SERVICES, THE DATE AND AMOUNT OF THE PAYMENT, AND THE NAME AND LOCATION OF THE LICENSEE.

(IV) THE REGISTRY OPERATOR SHALL SEND TO THE DEPARTMENT OF HUMAN SERVICES THE MONEYS AND INFORMATION RECEIVED FROM A LICENSEE PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b).

(V) THE DEPARTMENT OF HUMAN SERVICES SHALL PROCESS MONEYS RECEIVED FROM THE REGISTRY OPERATOR PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b) IN ACCORDANCE WITH SECTION 26-13-118.7, C.R.S.

24-35-606. Liability - immunity. (1) A LICENSEE THAT FAILS TO COMPLY WITH THE PROVISIONS OF SECTION 24-35-605 SHALL BE SUBJECT TO SANCTIONS BY ITS LICENSING AUTHORITY PURSUANT TO SECTIONS 12-47.1-525 (1) AND 12-60-507 (1), C.R.S.

(2) A LICENSEE THAT MAKES A PAYMENT TO A WINNER IN VIOLATION OF SECTION 24-35-605 SHALL NOT BE LIABLE TO THE PERSON TO WHOM THE WINNER OWES AN OUTSTANDING DEBT.

(3) EXCEPT AS PROVIDED IN SECTION 24-35-606, A LICENSEE SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR ACTING IN COMPLIANCE WITH THE PROVISIONS OF THIS PART 6.

24-35-607. Contracting authority - memoranda of understanding - rules. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY ENTER INTO A CONTRACT WITH A PRIVATE ENTITY, IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE, TO CREATE AND MAINTAIN THE REGISTRY.

(2) THE DEPARTMENT OF REVENUE MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT THIS PART 6. IF THE REGISTRY IS OPERATED BY A PRIVATE ENTITY PURSUANT TO THIS SECTION, THE REGISTRY OPERATOR MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT THIS PART 6.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE TO IMPLEMENT THIS PART 6. THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, RULES REGARDING:

(a) THE REMOVAL FROM THE REGISTRY OF INFORMATION REGARDING PERSONS WHO SATISFY THEIR OUTSTANDING DEBTS;

(b) THE MANNER IN WHICH A LICENSEE SHALL COMMUNICATE WITH THE REGISTRY, INCLUDING THE INFORMATION A LICENSEE SHALL SUBMIT TO THE REGISTRY AND THE PROCEDURES TO BE FOLLOWED IF THE REGISTRY IS INACCESSIBLE DUE TO TECHNICAL OR OTHER PROBLEMS; AND

(c) THE PROTECTION OF THE CONFIDENTIALITY OF INFORMATION IN THE REGISTRY.

(4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROMULGATE A RULE IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE ALLOWING A LICENSEE TO RETAIN A PORTION OF A PAYMENT WITHHELD PURSUANT TO THIS PART 6 TO COVER THE LICENSEE'S COSTS OF COMPLIANCE WITH THIS PART 6, WHICH AMOUNT SHALL BE ADDED TO THE DEBTOR'S OUTSTANDING DEBT.

24-35-608. Conditional repeal of part. (1) THIS PART 6 SHALL BE REPEALED IF, WITHIN TWELVE MONTHS BEGINNING JULY 1, 2008, THERE IS NO WINNER IDENTIFIED AS LISTED IN THE REGISTRY TO WHOM PAYMENT WOULD OTHERWISE BE PAYABLE BY A LICENSEE. IF THERE IS NO SUCH

WINNER IDENTIFIED AS LISTED IN THE REGISTRY WITHIN THE TWELVE-MONTH PERIOD, THE REGISTRY OPERATOR SHALL, AT THE EXPIRATION OF THE TWELVE-MONTH PERIOD, IMMEDIATELY NOTIFY THE REVISOR OF STATUTES, IN WRITING.

(2) THIS PART 6 SHALL BE REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 20. 12-14-103 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-14-103. Definitions. As used in this article, unless the context otherwise requires:

(2) (b) "Collection agency" does not include:

(IX) A LIMITED GAMING OR RACING LICENSEE ACTING PURSUANT TO PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S.

SECTION 21. The introductory portion to 12-47.1-525 (1), Colorado Revised Statutes, is amended to read:

12-47.1-525. Suspension or revocation of license - grounds - penalties. (1) Any license granted pursuant to this article may be suspended for up to six months or revoked for any cause ~~which~~ THAT would have prevented its issuance, or for any violation by the licensee or any officer, director, agent, member, or employee of a licensee of this article, ~~or any rule or regulation~~ promulgated by the commission, ANY PROVISION OF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., OR ANY RULE PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 24-35-607 (3), C.R.S., or for conviction of a crime involving moral turpitude or a felony, after notice to the licensee and a hearing upon proof by a preponderance of the evidence as determined by the commission. In addition to revocation or suspension, or in lieu of revocation or suspension, the commission may impose a reprimand or a monetary penalty not to exceed the following amounts:

SECTION 22. Part 5 of article 47.1 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47.1-531. Payments of winnings - intercept - conditional repeal. (1) BEFORE MAKING A PAYMENT OF CASH GAMING WINNINGS FOR WHICH THE LICENSEE IS REQUIRED TO FILE FORM W-2G, OR A SUBSTANTIALLY EQUIVALENT FORM, WITH THE UNITED STATES INTERNAL REVENUE SERVICE, A LICENSEE SHALL COMPLY WITH THE REQUIREMENTS OF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S.

(2) THIS SECTION SHALL BE REPEALED IF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., IS REPEALED PURSUANT TO SECTION 24-35-608, C.R.S.

SECTION 23. 12-47.1-817 (1), Colorado Revised Statutes, is amended to read:

12-47.1-817. Failure to pay winners. (1) It is unlawful for any licensee to willfully refuse to pay the winner of any limited gaming game, EXCEPT AS AUTHORIZED BY SECTION 24-35-605 (2) (b) (II), C.R.S.

SECTION 24. 12-60-507 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-60-507. Investigation - denial, suspension, and revocation actions against licensees - unlawful acts - conditional repeal. (1) The commission upon its own motion may, and upon complaint in writing of any person shall, investigate the activities of any licensee or applicant within the state or any person upon the premises of any facility licensed pursuant to this article. In addition to its authority under any other provision of this article, the commission may issue a letter of admonition to a licensee, fine a licensee, suspend a license, deny an application for a license, or revoke a license, if such person has committed any of the following violations:

(w) (I) FAILING TO COMPLY WITH THE REQUIREMENTS OF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., OR ANY RULE PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 24-35-607 (3), C.R.S.

(II) THIS PARAGRAPH (w) SHALL BE REPEALED IF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., IS REPEALED PURSUANT TO SECTION 24-35-608, C.R.S.

SECTION 25. Part 5 of article 60 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-60-513. Payments of winnings - intercept - conditional repeal.

(1) BEFORE MAKING A PAYMENT OF CASH WINNINGS FROM PARI-MUTUEL WAGERING ON HORSE OR GREYHOUND RACING FOR WHICH THE LICENSEE IS REQUIRED TO FILE FORM W-2G, OR A SUBSTANTIALLY EQUIVALENT FORM, WITH THE UNITED STATES INTERNAL REVENUE SERVICE, THE LICENSEE SHALL COMPLY WITH THE REQUIREMENTS OF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S.

(2) THIS SECTION SHALL BE REPEALED IF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., IS REPEALED PURSUANT TO SECTION 24-35-608, C.R.S.

SECTION 26. Article 13 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-13-118.7. Gambling winnings - interception - conditional repeal. (1) PURSUANT TO SECTION 24-35-604 (2), C.R.S., THE STATE DEPARTMENT SHALL PERIODICALLY CERTIFY TO THE REGISTRY OPERATOR INFORMATION REGARDING PERSONS WHO OWE A CHILD SUPPORT DEBT OR CHILD SUPPORT COSTS TO THE STATE PURSUANT TO SECTION 14-14-104, C.R.S., OR WHO OWE CHILD SUPPORT ARREARAGES REQUESTED AS PART OF AN ENFORCEMENT ACTION PURSUANT TO ARTICLE 5 OF TITLE 14, C.R.S., OR WHO OWE CHILD SUPPORT ARREARAGES OR CHILD SUPPORT COSTS THAT ARE THE SUBJECT OF ENFORCEMENT SERVICES PROVIDED PURSUANT TO SECTION 26-13-106. THE INFORMATION SHALL INCLUDE THE SOCIAL SECURITY NUMBER OF THE PERSON OWING THE CHILD SUPPORT DEBT, ARREARAGES, OR CHILD SUPPORT COSTS, THE AMOUNT OWED, AND THE OTHER INFORMATION REQUIRED BY THE REGISTRY OPERATOR PURSUANT TO SECTION 24-35-604 (4), C.R.S.

(2) UPON RECEIPT FROM THE REGISTRY OPERATOR OF A PAYMENT AND ACCOMPANYING INFORMATION PURSUANT TO SECTION 24-35-605 (2) (b), C.R.S., THE STATE DEPARTMENT SHALL NOTIFY THE OBLIGATED PARENT IN WRITING THAT THE STATE INTENDS TO OFFSET THE PARENT'S CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT COSTS AGAINST THE PARENT'S WINNINGS FROM LIMITED GAMING OR FROM PARI-MUTUEL WAGERING ON HORSE OR GREYHOUND RACING. THE NOTICE SHALL INCLUDE INFORMATION ON THE PARENT'S RIGHT TO OBJECT TO THE

OFFSET AND TO REQUEST AN ADMINISTRATIVE REVIEW PURSUANT TO THE RULES OF THE STATE BOARD.

(3) THE STATE DEPARTMENT SHALL DEPOSIT A PAYMENT RECEIVED FROM THE REGISTRY OPERATOR PURSUANT TO SECTION 24-35-605 (2) (b), C.R.S., WITH THE STATE TREASURER. AFTER THE FINAL DISPOSITION OF ANY ADMINISTRATIVE REVIEW REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL DISBURSE THE PAYMENT TO THE FAMILY SUPPORT REGISTRY CREATED IN SECTION 26-13-114 FOR PROCESSING OR FOR DISTRIBUTION TO THE INDIVIDUAL RECEIVING SUPPORT ENFORCEMENT SERVICES PURSUANT TO SECTION 26-13-106, AS APPROPRIATE.

(4) THE STATE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING PROCEDURES TO IMPLEMENT THIS SECTION.

(5) THE STATE DEPARTMENT SHALL SEND THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF ANY PERSON SUBJECT TO THE INTERCEPTION OF GAMBLING WINNINGS PROVIDED BY THE REGISTRY OPERATOR TO THE RESPECTIVE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS DEFINED IN SECTION 14-14-102 (2), C.R.S.

(6) THIS SECTION SHALL BE REPEALED IF PART 6 OF ARTICLE 35 OF TITLE 24, C.R.S., IS REPEALED PURSUANT TO SECTION 24-35-608, C.R.S.

SECTION 27. 26-13-114 (4) (e), Colorado Revised Statutes, is amended to read:

26-13-114. Family support registry - collection and disbursement of child support and maintenance - rules - legislative declaration. (4) In operating the family support registry, the child support enforcement agency is authorized to:

(e) Collect a fee for the processing of insufficient funds checks. ~~and~~ THE CHILD SUPPORT ENFORCEMENT AGENCY SHALL issue a notice to the originator of ~~any~~ THE SECOND insufficient funds check RECEIVED WITHIN ANY SIX-MONTH PERIOD that no further checks will be accepted from ~~such~~ THE person and that future payments FOR A PERIOD OF SIX MONTHS FOLLOWING THE ISSUANCE OF THE NOTICE shall be required to be paid by

cash or certified funds. In the event that a disbursement to the obligee becomes unfunded due to insufficient funds, stop payment, or other reason, the unfunded disbursement may be recovered from the next payment. The department of human services shall ensure that provisions are available for obligors to make cash payments through their county child support enforcement units.

SECTION 28. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, office of self sufficiency, child support enforcement, automated child support enforcement system, for the fiscal year beginning July 1, 2007, the sum of forty thousand four hundred forty dollars (\$40,440), or so much thereof as may be necessary, for the implementation of this act. Said amount is exempt from the statutory limit on state general fund appropriations pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado Revised Statutes. The general assembly anticipates that, for the fiscal year beginning July 1, 2007, the department of human services will receive the sum of seventy-eight thousand five hundred three dollars (\$78,503) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for allocation to the taxpayer service division, for the fiscal year beginning July 1, 2007, the sum of two thousand five hundred seventy-five dollars (\$2,575), or so much thereof as may be necessary, for the implementation of this act.

(3) For the implementation of this act, the appropriation made in section 21 of the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by two thousand five hundred seventy-five dollars (\$2,575).

SECTION 29. Effective date. (1) Except as otherwise provided in subsection (5) of this section, sections 1, 2, 4, 8, 9, 10, 11, 16, 17, 27, 28, and 30 of this act and this section shall take effect upon passage.

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

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

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

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

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

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

(6) Sections 19 through 26 of this act shall take effect January 1, 2008.

SECTION 30. 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.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO