

**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

Ward,

House Committees

Health and Human Services
Appropriations

Senate Committees

State, Veterans & Military Affairs
Appropriations

A BILL FOR AN ACT

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

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

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.

HOUSE
3rd Reading Unamended
April 25, 2007

HOUSE
Amended 2nd Reading
April 24, 2007

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 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

1 entry of appearance on behalf of the department in any proceeding for
2 dissolution of marriage or legal separation under this article for purposes
3 of establishing, modifying, and enforcing child support and medical
4 support ~~of a child on whose behalf the custodian of said child~~ IF ANY
5 PARTY is receiving support enforcement services pursuant to section
6 26-13-106, C.R.S., and for purposes of establishing and enforcing
7 reimbursement of payments for ~~aid to families with dependent children~~
8 TEMPORARY ASSISTANCE TO NEEDY FAMILIES.

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

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

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

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

25 **SECTION 3.** The introductory portion to 14-10-115 (15) (b),
26 Colorado Revised Statutes, as amended by Senate Bill 07-015, enacted at
27 the First Regular Session of the Sixty-sixth General Assembly, is

1 amended, and the said 14-10-115 (15) (b) is further amended BY THE
2 ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

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

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

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

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

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

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

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

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

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

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

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

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

22 **14-10-115. Child support - guidelines - schedule of basic child**
23 **support obligations.** (7) **Determination of income.** (d.5) (I) At the
24 time of the initial establishment of a child support order, or in any
25 proceeding to modify a support order, if a parent is also legally
26 responsible for the support of other children ~~born prior to the children~~
27 ~~who are the subject of the child support order and for whom the parents~~

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

1 REPRESENT A SUPPORT OBLIGATION BASED ONLY UPON THE RESPONSIBLE
2 PARENT'S INCOME, WITHOUT ANY OTHER ADJUSTMENTS FOR THE NUMBER
3 OF OTHER CHILDREN FOR WHOM THE PARENT IS RESPONSIBLE. THE
4 AMOUNT CALCULATED AS SET FORTH IN THIS SUBPARAGRAPH (I) SHALL BE
5 SUBTRACTED FROM THE AMOUNT OF THE PARENT'S GROSS INCOME PRIOR
6 TO CALCULATING THE BASIC SUPPORT OBLIGATION BASED UPON BOTH
7 PARENTS' GROSS INCOME, AS PROVIDED IN SUBSECTION (10) OF THIS
8 SECTION.

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

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

1 **14-10-115. Child support - guidelines - schedule of basic child**
2 **support obligations. (6) Adjustments to gross income. (b) (I)** At the
3 time of the initial establishment of a child support order, or in any
4 proceeding to modify a support order, if a parent is also legally
5 responsible for the support of other children ~~born prior to the children~~
6 ~~who are the subject of the child support order and~~ for whom the parents
7 do not share joint legal responsibility, an adjustment shall be made
8 revising the parent's income prior to calculating the basic child support
9 obligation for the children who are the subject of the support order if the
10 children are living in the home of the parent seeking the adjustment or if
11 the children are living out of the home, and the parent seeking the
12 adjustment provides documented proof of money payments of support of
13 those children. The amount shall not exceed the schedule of basic
14 support obligations listed in this section. ~~An amount equal to the amount~~
15 ~~listed under the schedule of basic child support obligations in paragraph~~
16 ~~(b) of subsection (7) of this section that would represent a support~~
17 ~~obligation based only upon the responsible parent's gross income, without~~
18 ~~any other adjustments, for the number of other children for whom the~~
19 ~~parent is also responsible shall be subtracted from the amount of the~~
20 ~~parent's gross income prior to calculating the basic child support~~
21 ~~obligation based on both parents' gross income as provided in subsection~~
22 ~~(7) of this section.~~ FOR A PARENT WITH A GROSS INCOME OF ONE
23 THOUSAND EIGHT HUNDRED FIFTY DOLLARS OR LESS PER MONTH, THE
24 ADJUSTMENT SHALL BE SEVENTY-FIVE PERCENT OF THE AMOUNT
25 CALCULATED USING THE LOW-INCOME ADJUSTMENT DESCRIBED IN
26 SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH
27 (a) OF SUBSECTION (7) OF THIS SECTION BASED ONLY UPON THE

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

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

1 PARENT IN THE SAME MANNER AS IF THE PREMIUM WERE PAID BY THE
2 PARENT. At the same time, the court shall order payment of medical
3 insurance or medical and dental insurance deductibles and copayments.

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

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

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

25 **19-1-108. Magistrates - qualifications - duties - repeal.**
26 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
27 the hearing of cases by the court. During the initial advisement of the

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

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

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

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

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

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

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

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

1 assign their rights to support to, and cooperate with, the state department
2 in the establishment, modification, and enforcement of support
3 obligations owed by ~~absent parents~~ OBLIGORS to their children and the
4 enforcement of maintenance owed by ~~absent parents~~ OBLIGORS to their
5 spouses or former spouses.

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

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

14 **26-13-119. Distribution of amounts collected.**

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

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

3 **26-13-121. Review and modification of child support orders.**

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

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

12 **26-13-121. Review and modification of child support orders.**

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

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

23 (c) EITHER PARTY TO A CASE IN WHICH SERVICES ARE BEING
24 PROVIDED PURSUANT TO SECTION 26-13-106 MAY SUBMIT A WRITTEN
25 REQUEST FOR REVIEW OF THE CURRENT CHILD SUPPORT ORDER. THE
26 REQUEST SHALL INCLUDE THE FINANCIAL INFORMATION FROM THE
27 REQUESTING PARTY NECESSARY TO CONDUCT A CALCULATION PURSUANT

1 TO THE COLORADO CHILD SUPPORT GUIDELINES SET FORTH IN SECTION
2 14-10-115, C.R.S. THE REQUESTING PARTY SHALL PROVIDE HIS OR HER
3 FINANCIAL INFORMATION ON THE FORM REQUIRED BY THE DIVISION OF
4 CHILD SUPPORT ENFORCEMENT.

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

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

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

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

1 support amount SHALL BE INCLUDED WITH THE REQUEST. The delegate
2 child support enforcement unit shall assess and consider the information
3 provided to determine whether a review is warranted and should be
4 conducted. IF A REQUEST IS DENIED PURSUANT TO THIS PARAGRAPH (b),
5 THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL NOTIFY THE
6 REQUESTING PARTY IN WRITING THAT THE DENIAL DOES NOT LIMIT THE
7 PARTY'S RIGHT TO SEEK MODIFICATION OF A CHILD SUPPORT ORDER
8 PURSUANT TO SECTION 14-10-122, C.R.S.

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

26 (b) THE REVIEW OF THE CHILD SUPPORT ORDER SHALL BE
27 CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW

1 IS SENT TO THE PARTIES. THE REVIEW MAY BE CONDUCTED IN PERSON AT
2 THE DELEGATE CHILD SUPPORT ENFORCEMENT OFFICE OR VIA UNITED
3 STATES MAIL OR VIA AN ELECTRONIC COMMUNICATION METHOD. THE
4 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A
5 CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE
6 SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE
7 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, NOT TO EXCEED THIRTY
8 DAYS. DURING THE REVIEW, the determination of the monthly support
9 obligation shall be based on the child support guidelines set forth in
10 section 14-10-115, C.R.S. TO OBTAIN INFORMATION NECESSARY TO
11 CONDUCT THE REVIEW, the delegate child support enforcement unit is
12 authorized to serve, by first-class mail OR BY ELECTRONIC MEANS IF
13 MUTUALLY AGREED UPON, an administrative subpoena to any person,
14 corporation, partnership, or other entity, public employee retirement
15 benefit plan, financial institution, or labor union for an appearance or for
16 the production of records and financial documents.

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

1 WHICH TO ASSERT THE CHALLENGE, AND THE METHOD FOR DOING SO.

2 (b) The obligor and obligee shall be given ~~thirty~~ FIFTEEN days
3 FROM THE DATE OF THE POST-REVIEW NOTICE to challenge the review
4 results. THE GROUNDS FOR THE CHALLENGE SHALL BE LIMITED TO THE
5 ISSUE OF MATHEMATICAL OR FACTUAL ERROR IN THE CALCULATION OF THE
6 MONTHLY SUPPORT OBLIGATION. THE DELEGATE CHILD SUPPORT
7 ENFORCEMENT UNIT MAY GRANT AN EXTENSION OF UP TO FIFTEEN DAYS
8 TO CHALLENGE THE REVIEW RESULTS BASED UPON A SHOWING OF GOOD
9 CAUSE.

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

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

24 (5) (a) (I) IF THE REVIEW INDICATES THAT A CHANGE TO THE
25 MONTHLY SUPPORT OBLIGATION IS APPROPRIATE AND THE REVIEW IS NOT
26 CHALLENGED OR ALL CHALLENGES HAVE BEEN ADDRESSED, THE DELEGATE
27 CHILD SUPPORT ENFORCEMENT UNIT SHALL FILE A MOTION TO MODIFY

1 WITH THE COURT. A COPY OF THE MOTION SHALL BE PROVIDED BY THE
2 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO THE OBLIGOR AND
3 OBLIGEE AND SHALL CONTAIN AN ADVISEMENT THAT THE OBLIGOR AND
4 OBLIGEE MAY FILE A WRITTEN RESPONSE WITH THE COURT SETTING FORTH
5 ANY OBJECTIONS TO THE MOTION TO MODIFY.

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

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

20 (5.7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT A
21 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT'S RIGHT TO FILE A MOTION
22 TO MODIFY WITH THE COURT PURSUANT TO SECTION 14-10-122, C.R.S.

23 **SECTION 16.** 26-13-121.5 (2) and the introductory portion to
24 26-13-121.5 (3) (a), Colorado Revised Statutes, are amended to read:

25 **26-13-121.5. Enforcement of obligation to maintain health**
26 **insurance.** (2) The national medical support notice shall be sent to the
27 employer by means of first-class mail. ~~A copy of the notice shall also be~~

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

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

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

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

1 attachment shall be provided to the obligor and shall include information
2 on the obligor's right to object to the administrative lien and attachment
3 and to request an administrative review pursuant to the rules ~~and~~
4 ~~regulations~~ of the state board.

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

8 **26-13.5-112. Modification of an order.** (1) At any time after the
9 entry of an order of financial responsibility or an order of default under
10 this article, in order to add, alter, or delete any provisions to such an
11 order, the delegate child support enforcement unit may issue a notice of
12 financial responsibility to ~~an~~ THE obligor ~~requesting~~ AND OBLIGEE
13 ADVISING THE OBLIGOR AND OBLIGEE OF the POSSIBLE modification of ~~an~~
14 THE existing administrative order issued pursuant to this article. The
15 delegate child support enforcement unit shall serve the obligor AND THE
16 OBLIGEE with a notice of financial responsibility by first class mail ~~and~~
17 ~~shall proceed as set forth in this article~~ OR BY ELECTRONIC MEANS IF
18 MUTUALLY AGREED UPON. The obligor or the obligee may file a written
19 request for modification of an administrative order issued under this
20 article with the delegate child support enforcement unit. ~~by serving the~~
21 ~~delegate child support enforcement unit by first class mail or in person.~~
22 If ~~such~~ THE DELEGATE CHILD SUPPORT ENFORCEMENT unit ~~objects to~~
23 DENIES the request for modification based upon the failure to demonstrate
24 a showing of changed circumstances required pursuant to section
25 14-10-122, C.R.S., the delegate child support enforcement unit shall
26 advise the requesting party of the party's right to ~~request the court to set~~
27 ~~the matter for a court hearing. The court shall hold a hearing and decide~~

1 ~~only the issue of modification within ninety days of such request. If the~~
2 ~~delegate child support enforcement unit does not object to the obligor's~~
3 ~~or obligee's request for modification, the unit shall serve the obligor with~~
4 ~~a notice of financial responsibility by first class mail and shall proceed as~~
5 ~~set forth in this article. Within thirty days of receipt of the request for~~
6 ~~modification, the delegate child support enforcement unit shall either~~
7 ~~advise the requesting party of the party's right to request a court hearing~~
8 ~~or shall issue a notice of financial responsibility. If the child for whom~~
9 ~~the order applies is no longer in the custody of a person receiving public~~
10 ~~assistance or receiving support enforcement services from the delegate~~
11 ~~child support enforcement unit pursuant to article 13 of this title, the~~
12 ~~delegate child support enforcement unit shall certify the matter for~~
13 ~~hearing to the district court in which the order was filed. SEEK A~~
14 ~~MODIFICATION PURSUANT TO SECTION 14-10-122, C.R.S.~~

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

1 (1.3) IF THERE IS AN ACTIVE ASSIGNMENT OF RIGHTS, THE
2 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT SHALL, ONCE EVERY
3 THIRTY-SIX MONTHS, REVIEW THE ADMINISTRATIVE ORDER TO DETERMINE
4 IF AN ADJUSTMENT OF THE ADMINISTRATIVE ORDER IS APPROPRIATE.

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

16 (1.5) (a) THE REVIEW OF THE ADMINISTRATIVE ORDER SHALL BE
17 CONDUCTED ON OR BEFORE THE THIRTIETH DAY AFTER NOTICE OF REVIEW
18 IS SENT TO THE PARTIES. DURING THE REVIEW, THE DETERMINATION OF
19 THE MONTHLY SUPPORT OBLIGATION SHALL BE BASED ON THE CHILD
20 SUPPORT GUIDELINES SET FORTH IN SECTION 14-10-115, C.R.S. THE
21 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY GRANT A
22 CONTINUANCE OF THE REVIEW FOR GOOD CAUSE. THE CONTINUANCE
23 SHALL BE FOR A REASONABLE PERIOD OF TIME TO BE DETERMINED BY THE
24 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, NOT TO EXCEED THIRTY
25 DAYS.

26 (b) IN ORDER TO OBTAIN INFORMATION NECESSARY TO CONDUCT
27 THE REVIEW, THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS

1 AUTHORIZED, PURSUANT TO SECTIONS 26-13.5-103 (1) AND 26-13-121 (3)
2 (d), TO SERVE, BY FIRST-CLASS MAIL OR BY ELECTRONIC MEANS IF
3 MUTUALLY AGREED UPON, AN ADMINISTRATIVE SUBPOENA TO ANY
4 PERSON, CORPORATION, PARTNERSHIP, PUBLIC EMPLOYEE RETIREMENT
5 BENEFIT PLAN, FINANCIAL INSTITUTION, LABOR UNION, OR OTHER ENTITY
6 TO APPEAR OR FOR THE PRODUCTION OF RECORDS AND FINANCIAL
7 DOCUMENTS.

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

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

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

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

7 (c) 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 PARTIES SHALL BE GIVEN FIFTEEN DAYS FROM THE DATE OF THE
14 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 THE
17 CALCULATION OF THE MONTHLY SUPPORT OBLIGATION.

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

1 THE ORDER OF FINANCIAL RESPONSIBILITY WITH THE COURT.

2 (b) IF THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT HAS
3 FILED AN ORDER OF FINANCIAL RESPONSIBILITY MODIFYING THE MONTHLY
4 SUPPORT OBLIGATION AND AN OBJECTION HAS NOT BEEN RECEIVED BY THE
5 COURT WITHIN FIFTEEN DAYS AFTER THE ORDER IS FILED WITH THE COURT,
6 THE ORDER OF FINANCIAL RESPONSIBILITY SHALL BECOME FINAL. IF AN
7 OBJECTION IS RECEIVED WITHIN THE FIFTEEN-DAY PERIOD, THE COURT MAY
8 AFFIRM THE ORDER OF FINANCIAL RESPONSIBILITY AS SUBMITTED, ISSUE
9 AN ORDER REVISING THE MONTHLY SUPPORT OBLIGATION, OR SET THE
10 MATTER FOR A HEARING. IF A HEARING IS NECESSARY, THE COURT SHALL
11 HOLD A HEARING WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE
12 ORDER OF FINANCIAL RESPONSIBILITY, AND THE COURT SHALL DECIDE
13 ONLY THE ISSUES OF CHILD SUPPORT AND MEDICAL SUPPORT. ANY
14 DOCUMENTARY EVIDENCE PROVIDED BY THE OBLIGEE OR THE OBLIGOR OR
15 BY THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY BE ADMITTED
16 INTO EVIDENCE BY THE COURT WITHOUT THE NECESSITY OF LAYING A
17 FOUNDATION FOR ITS ADMISSIBILITY, AND THE COURT MAY DETERMINE
18 THE RELATIVE WEIGHT OR CREDIBILITY TO GIVE ANY SUCH
19 DOCUMENTATION.

20

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21 SECTION 19. 26-13-114 (4) (e), Colorado Revised Statutes, is
22 amended to read:

23 26-13-114. Family support registry - collection and
24 disbursement of child support and maintenance - rules - legislative
25 declaration. (4) In operating the family support registry, the child
26 support enforcement agency is authorized to:

27 (e) Collect a fee for the processing of insufficient funds checks.

1 and THE CHILD SUPPORT ENFORCEMENT AGENCY SHALL issue a notice to
2 the originator of any THE SECOND insufficient funds check RECEIVED
3 WITHIN ANY SIX-MONTH PERIOD that no further checks will be accepted
4 from such THE person and that future payments FOR A PERIOD OF SIX
5 MONTHS FOLLOWING THE ISSUANCE OF THE NOTICE shall be required to be
6 paid by cash or certified funds. In the event that a disbursement to the
7 obligee becomes unfunded due to insufficient funds, stop payment, or
8 other reason, the unfunded disbursement may be recovered from the next
9 payment. The department of human services shall ensure that provisions
10 are available for obligors to make cash payments through their county
11 child support enforcement units.

12 **SECTION 20. Appropriation.** (1) In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 general fund not otherwise appropriated, to the department of human
15 services, office of self sufficiency, child support enforcement, automated
16 child support enforcement system, for the fiscal year beginning July 1,
17 2007, the sum of forty thousand four hundred forty dollars (\$40,440), or
18 so much thereof as may be necessary, for the implementation of this act.
19 Said amount is exempt from the statutory limit on state general fund
20 appropriations pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado
21 Revised Statutes. The general assembly anticipates that, for the fiscal
22 year beginning July 1, 2007, the department of human services will
23 receive the sum of seventy-eight thousand five hundred three dollars
24 (\$78,503) in federal funds for the implementation of this act. Although
25 these funds are not appropriated in this act, they are noted for the purpose
26 of indicating the assumptions used relative to these funds.

27 (2) In addition to any other appropriation, there is hereby

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

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

11 **SECTION 21. Effective date.** (1) Except as otherwise
12 provided in subsection (5) of this section, sections 1, 2, 4, 8, 9, 10, 11, 16,
13 17, 19, 20, and 22 of this act and this section shall take effect upon
14 passage.

15 (2) Sections 12, 13, and 14 of this act shall take effect October 1,
16 2007.

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

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

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

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

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

25 _____
26 **SECTION 22. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.