

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0521.01 Jane Ritter

HOUSE BILL 06-1267

HOUSE SPONSORSHIP

Riesberg,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CHILD SUPPORT.

Bill Summary

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

Clarifies language to specify that a child support obligation does not terminate until the last or only child emancipates.

Changes language in statutes concerning entry of genetic tests into evidence in paternity cases from "decree of dissolution" to an "order establishing paternity".

Adds language to the uniform parentage act to allow a personal representative of the estate or a relative of a deceased alleged parent to be named as a party in a paternity action.

Removes the requirement that a child support obligor's social

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.

security number appear on child support notices.

Changes from "shall" to "may" the language regarding imputation of minimum wage for a 40-hour work week to parents when a child support order is established or modified.

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

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

4 **14-10-115. Child support - guidelines - schedule of basic child**
5 **support obligations.** (1.6) For child support orders entered on or after
6 July 1, 1997, unless a court finds that a child is otherwise emancipated,
7 emancipation occurs and child support terminates without either party
8 filing a motion when the LAST OR ONLY child attains nineteen years of age
9 unless one or more of the following conditions exist:

10 **SECTION 2.** 19-4-105.5 (5) (b), Colorado Revised Statutes, is
11 amended to read:

12 **19-4-105.5. Commencement of proceedings - summons.** (5) A
13 summons issued upon commencement of a proceeding under this article
14 shall contain the following advisements:

15 (b) That, if genetic tests are not obtained prior to a legal
16 establishment of paternity and submitted into evidence prior to the entry
17 of the final ~~decree of dissolution~~ ORDER ESTABLISHING PATERNITY, the
18 genetic tests may not be allowed into evidence at a later date.

19 **SECTION 3.** 19-6-101 (6) (b), Colorado Revised Statutes, is
20 amended to read:

21 **19-6-101. Initiation of proceedings - support - repayment of**
22 **birth-related debt.** (6) A petition filed pursuant to this article shall
23 contain the following advisements:

1 (b) That, if genetic tests are not obtained prior to a legal
2 establishment of paternity and submitted into evidence prior to the entry
3 of the final ~~decree of dissolution~~ ORDER ESTABLISHING PATERNITY, the
4 genetic tests may not be allowed into evidence at a later date.

5 **SECTION 4.** 19-4-110, Colorado Revised Statutes, is amended
6 to read:

7 **19-4-110. Parties.** The child may be made a party to the action.
8 If the child is a minor, the court may appoint a guardian ad litem. The
9 child's mother or father may not represent the child as guardian or
10 otherwise. The natural mother, each man presumed to be the father under
11 section 19-4-105, and each man alleged to be the natural father shall be
12 made parties or, if not subject to the jurisdiction of the court, shall be
13 given notice of the action in a manner prescribed by the court and an
14 opportunity to be heard. IF A MAN WHO IS ALLEGED TO BE THE NATURAL
15 FATHER IS DECEASED, THE PERSONAL REPRESENTATIVE OF HIS ESTATE, IF
16 ONE HAS BEEN APPOINTED, SHALL BE MADE A PARTY. IF A PERSONAL
17 REPRESENTATIVE HAS NOT BEEN APPOINTED, THE DECEASED MAN'S SPOUSE
18 OR AN IMMEDIATE BLOOD RELATIVE SHALL BE MADE A PARTY. IF A SPOUSE
19 OR IMMEDIATE BLOOD RELATIVE IS NOT KNOWN OR DOES NOT EXIST, THE
20 COURT SHALL APPOINT A REPRESENTATIVE FOR THE ALLEGED NATURAL
21 FATHER WHO IS DECEASED. The court may align the parties.

22 **SECTION 5.** 26-13-123 (3) (a), Colorado Revised Statutes, is
23 amended to read:

24 **26-13-123. Drivers' licenses - suspension for nonpayment of**
25 **child support.** (3) (a) At least on an annual basis, the state child support
26 enforcement agency shall issue a written notice of noncompliance to any
27 obligor identified in subsection (2) of this section. The notice of

1 noncompliance shall include the name AND last-known address ~~and social~~
2 ~~security number~~ of the obligor and shall be sent to the obligor's
3 last-known address.

4 **SECTION 6.** 26-13.5-103 (1) (h), Colorado Revised Statutes, is
5 amended to read:

6 **26-13.5-103. Notice of financial responsibility issued -**
7 **contents.** (1) The delegate child support enforcement unit shall issue a
8 notice of financial responsibility to an obligor who owes a child support
9 debt or who is responsible for the support of a child on whose behalf the
10 custodian of that child is receiving support enforcement services from the
11 delegate child support enforcement unit pursuant to article 13 of this title.
12 The notice shall advise the obligor:

13 (h) That, in calculating the amount of monthly support obligation
14 pursuant to the child support guidelines as set forth in section 14-10-115,
15 C.R.S., the delegate child support enforcement unit shall set the monthly
16 support obligation based upon reliable information concerning the
17 ~~obligor's~~ PARENTS' income, which may include wage statements or other
18 wage information obtained from the department of labor and
19 employment, tax records, and verified statements ~~made by the obligee,~~
20 AND OTHER INFORMATION PROVIDED BY THE PARENTS and that, in the
21 absence of any such information, the delegate child support enforcement
22 unit ~~shall~~ MAY set the monthly support obligation based on the current
23 minimum wage for a forty-hour workweek;

24 **SECTION 7. Effective date.** This act shall take effect at 12:01
25 a.m. on the day following the expiration of the ninety-day period after
26 final adjournment of the general assembly that is allowed for submitting
27 a referendum petition pursuant to article V, section 1 (3) of the state

1 constitution (August 9, 2006, if adjournment sine die is on May 10,
2 2006); except that, if a referendum petition is filed against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part, if approved by the people, shall take effect on the date of
5 the official declaration of the vote thereon by proclamation of the
6 governor.