
Colorado Statutes

Title 14. DOMESTIC MATTERS

CHILD SUPPORT

Article 14. Child Support Enforcement Procedures

Current through 2021 Legislative Session

§ 14-14-101. Short title

This article shall be known and may be cited as the "Colorado Child Support Enforcement Procedures Act".

Cite as (Casemaker) C.R.S. § 14-14-101

History. L. 81: Entire article added, p. 905, § 1, effective June 8.

§ 14-14-102. Definitions

As used in this article 14, unless the context otherwise requires:

- [\(1\)](#) "Court" means any court in this state having jurisdiction to determine the liability of persons for the support of another person.
- [\(2\)](#) "Delegate child support enforcement unit" means the unit of a county department of human or social services or its contractual agent that is responsible for carrying out the provisions of this article 14. The term "contractual agent" includes a private child support collection agency, operating as an independent contractor with a county department of human or social services, or a district attorney's office, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.
- [\(3\)](#) "Dependent child" means any person who is legally entitled to or the subject of a court order for the provision of proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well-being who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.
- [\(4\)](#) "Duty of support" means a duty of support imposed by law or by order, decree, or judgment of any court, whether interlocutory or final, or whether incidental to an action for divorce, separation, separate maintenance or otherwise. "Duty of support" includes the duty to pay arrearages of support past-due and unpaid.
- [\(4.3\)](#) "Employer", for purposes of income withholding pursuant to section [14-5-501](#), includes any person, company, or corporation, Pinnacle Assurance, or other insurance carrier paying any type of workers' compensation benefits pursuant to articles [40](#) to [47](#) of title [8](#), C.R.S.
- [\(4.5\)](#) "Family support registry" means a central registry maintained and operated by the state department of human services pursuant to section [26-13-114](#), C.R.S., that receives, processes, disburses, and maintains a record of the payment of child support, child support when combined with maintenance, maintenance, child support arrears, or child support debt.
- [\(4.7\)](#) "Health insurance" means medical insurance or medical and dental insurance coverage or both of human beings against bodily injury or illness. Such coverage may be provided

through a parent's employer or may be acquired individually by the parent.

- (5) "Obligee" means any person or agency to whom a duty of support is owed or any person or agency who has commenced a proceeding for the establishment or enforcement of an alleged duty of support.
- (6) "Obligor" means any person owing a duty of support, or against whom a proceeding for the establishment or enforcement of a duty of support is commenced.
- (6.5) "Plan" means a group health benefit plan or combination of plans, other than public assistance programs, that provides medical care or benefits for a child. "Plan" includes, but is not limited to, a health maintenance organization, self-funded group, state or local government group health plan, church group plan, medical or health service corporation, or other similar plan.
- (7) "Public assistance" means assistance payments and social services provided to or on behalf of eligible recipients through programs administered or supervised by the state department of human services, either in cooperation with the federal government or independently without federal aid, pursuant to article [2](#) of title [26](#), C.R.S.
- (8) "Support order" means any judgment, decree, or order of support in favor of an obligee, whether temporary or final or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.
- (9) "Wages" means income to an obligor in any form, including, but not limited to, actual gross income; compensation paid or payable for personal services, whether denominated as wages; earnings from an employer; salaries; payment to an independent contractor for labor or services; commissions; tips declared by the individual for purposes of reporting to the federal internal revenue service or tips imputed to bring the employee's gross earnings to the minimum wage for the number of hours worked, whichever is greater; rents; bonuses; severance pay; retirement benefits and pensions, including, but not limited to, those paid pursuant to articles [51](#), [54](#), [54.5](#), and [54.6](#) of title [24](#), and article [30](#) of title [31](#); workers' compensation benefits; social security benefits, including social security benefits actually received by a parent as a result of the disability of that parent or as the result of the death of the minor child's stepparent, but not including social security benefits received by a minor child or on behalf of a minor child as a result of the death or disability of a stepparent of the child; disability benefits; dividends; royalties; trust account distributions; any moneys drawn by a self-employed individual for personal use; funds held in or payable from any health, accident, disability, or casualty insurance to the extent that such insurance replaces wages or provides income in lieu of wages; monetary gifts; monetary prizes, excluding lottery winnings not required by the rules of the Colorado lottery commission to be paid only at the lottery office; taxable distributions from general partnerships, limited partnerships, closely held corporations, or limited liability companies; interest; trust income; annuities; payments received from a third party to cover the health care cost of the child but which payments have not been applied to cover the child's health care costs; state tax refunds; and capital gains. "Wages", for the purposes of child support enforcement, may also include unemployment compensation benefits, but only subject to the provisions and requirements of section [8-73-102\(5\)](#).

Cite as (Casemaker) C.R.S. § 14-14-102

History. Amended by [2020 Ch. 216, §24](#), eff. 6/30/2020.

Amended by [2018 Ch. 38, §16](#), eff. 8/8/2018.

L. 81: Entire article added, p. 905, § 1, effective June 8. L. 82: (3) amended, p. 281, § 4, effective April 2. L. 83: (3) amended, p. 651, § 1, effective March 3. L. 84: (9) added, p. 480, § 1, effective July 1. L. 87: (9) amended, p. 596, § 26, effective July 10. L. 89: (9) amended, p. 793, § 17, effective July 1. L. 90: (4.5) added, p. 1414, § 14, effective June 8; (2) and (9) amended, pp. 891, 564, §§ 12, 36, effective July 1. L. 92: (9) amended, p. 578, § 6, effective July 1; (4.7) added, p. 169, § 3, effective August 1. L. 93: (9) amended, p. 1872, § 6, effective June 1. L. 94: (9) amended, p. 1539, § 7, effective May 31; (4.5)(a) and (7) amended, p. 2646, § 109, effective July 1; (9) amended, p. 1253, § 7, effective July 1. L. 96: (4.5) and (9) amended, p. 599, § 9, effective July 1. L. 97: (4.3) added, p. 562, § 7, effective July 1. L. 98: (9) amended, p. 921, § 8, effective July 1. L. 99: (9) amended, p. 621, § 16, effective August 4. L. 2001: (4.3) amended, p. 721, § 3, effective May 31. L. 2002: (4.3) amended, p. 1892, § 52, effective July 1; (6.5) added, p. 23, § 1, effective July 1. L. 2003: (2) amended, p. 1265, § 52, effective July 1. L. 2004: (4.5) amended, p. 387, § 3, effective July 1. L. 2005: (2) amended, p. 498, § 2, effective August 8. L. 2009: (9) amended, [\(SB 09-282\), ch. 288, p. 1397, §60](#), effective January 1, 2010. L. 2018: IP and (2) amended, (SB 18-092), ch. 38, p. 401, § 16, effective August 8.

Editor's Note:

Amendments to subsection (9) by Senate Bill 94-088 and House Bill 94-1345 were harmonized.

Cross References:

For the legislative declaration contained in the 1994 act amending subsections (4.5)(a) and (7), see section 1 of chapter 345, Session Laws of Colorado 1994. For the legislative declaration in SB 18-092, see section 1 of chapter 38, Session Laws of Colorado 2018.

§ 14-14-103. Additional remedies

The remedies provided in this article are in addition to and not in substitution for any other remedies.

Cite as (Casemaker) C.R.S. § 14-14-103

History. L. 81: Entire article added, p. 906, § 1, effective June 8.

§ 14-14-104. Recovery for child support debt

- [\(1\)](#) Any payment of public assistance by a county department of human or social services made to or for the benefit of any dependent child or children creates a debt, which is due and owing to the county department of human or social services, recoverable by the county as a debt due to the state by the parent or parents who are responsible for support of the dependent child or children, or by the parent whose rights were terminated pursuant to section [19-5-105.5](#) and who was ordered to pay child support for the benefit of a dependent child, in an amount to be determined as follows:
- [\(a\)](#) Where there has been a court order directed to a parent, the child support debt of that parent is an amount equal to the amount of public assistance paid to the extent of the full amount of arrearages under the order. However, the county department of human or social services, through its delegate child support enforcement unit, may petition for modification of the order on the same grounds as a party to the action.
 - [\(b\)](#) Where there has been no court or administrative order for child support, the county department of human or 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 must be based on the amount of current child support due, or which would have been due if 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 must not exceed the total amount paid for public assistance. A child support debt established pursuant to this subsection (1)(b) is in addition to any subsequent

child support debt accrued pursuant to subsection (1)(a) of this section.

- (2) The county department of human or social services, through its delegate child support enforcement unit, must be subrogated to the right of the dependent child or children or person having legal and physical custody of said child or children or having been allocated decision-making authority with respect to the child or children to pursue any child support action existing under the laws of this state to obtain reimbursement of public assistance expended. If a court enters a judgment for or orders the payment of any amount of child support to be paid by an obligor, the county department of human or social services must be subrogated to the debt created by such judgment or order.
- (3) An agreement between any one parent or custodial person or person allocated parental responsibilities and the obligor, either relieving the obligor of any duty of support or responsibility therefor or purporting to settle past, present, or future child support obligations either as settlement or as prepayment, must not act to reduce or terminate any rights of the county department of human or social services to recover from that obligor for any public assistance provided unless the county department of human or social services, through its delegate child support enforcement unit, has consented to the agreement, in writing, and the written consent has been incorporated into and made a part of the agreement.
- (4) Any parental rights with respect to custody or decision-making responsibility with respect to a child or parenting time that are granted by a court of competent jurisdiction or are subject to court review must remain unaffected by the establishment or enforcement of a child support debt or obligation by the county department of human or social services or other person pursuant to the provisions of this article 14; and the establishment or enforcement of any such child support debt or obligation must also remain unaffected by such parental rights with respect to custody or decision-making responsibility with respect to a child or parenting time.
- (5) No child support debt under this section shall be created in the case of, or at any time collected from, a parent who receives assistance under the Colorado works program as described in part 7 of article [2](#) of title [26](#), C.R.S., for the period such parent is receiving such assistance, unless by order of a court of competent jurisdiction.
- (6) Creation of a child support debt pursuant to this section must not modify or extinguish any rights that the county department of human or social services has obtained or may obtain under an assignment of child support rights, including the right to recover and retain unreimbursed public assistance.
- (7) When a portion of a public assistance grant, paid to or for the benefit of a dependent child, includes moneys paid to provide the custodial parent or the parent with whom the child resides the majority of the time or caretaker relative with necessities including but not limited to shelter, medical care, clothing, or transportation, then those moneys are deemed to be paid to or for the benefit of the dependent child.
- (8) Notwithstanding rule 98 of the Colorado rules of civil procedure, venue for an action to establish child support debt is proper in any county where public assistance was or is being paid, in any county where the obligor parent resides, or in any county where the child resides.

(9) A copy of the computer printout obtained from the state department of human services of the record of payments of assistance under the Colorado works program as described in part 7 of article [2](#) of title [26](#), C.R.S., made on behalf of a child whose custodian has been receiving child support enforcement services pursuant to section [26-13-106](#), C.R.S., shall be admissible into evidence as proof of such payments in any proceeding to establish child support debt and shall be prima facie evidence of the amount of child support debt owing on behalf of said child.

Cite as (Casemaker) C.R.S. § 14-14-104

History. Amended by [2018 Ch. 38, §17](#), eff. 8/8/2018.

Amended by [2013 Ch. 353, §11](#), eff. 5/28/2013.

L. 81: Entire article added, p. 906, § 1, effective June 8. L. 89: (1)(b) amended and (8) added, p. 793, § 18, effective July 1. L. 90: (9) added, p. 891, § 13, effective July 1. L. 91: (8) amended, p. 253, § 9, effective July 1. L. 93: (1) amended, p. 1560, § 9, effective June 6; (4) amended, p. 581, § 17, effective July 1. L. 94: (9) amended, p. 2646, § 110, effective July 1. L. 97: (5) and (9) amended, p. 1241, § 38, effective July 1. L. 98: (2), (3), (4), and (7) amended, p. 1401, § 51, effective February 1, 1999. L. 2007: (1)(b) amended, p. 1652, § 8, effective May 31. L. 2013: IP(1) amended, (SB 13-227), ch. 353, p. 2062, § 11, effective May 28. L. 2018: (1) to (4) and (6) amended, (SB 18-092), ch. 38, p. 401, § 17, effective August 8.

Case Notes:

ANNOTATION

A determination of accrued child support debt of an absent parent when there has been no prior order of support does not violate due process or equal protection provisions of the constitution nor subject the obligor to an ex post facto law or a retrospective statute. People ex rel. J.A.E.S., [7 P.3d 1021](#) (Colo. App. 2000).

Guidelines must be applied to the parent's current income, rather than to the income at the time the debt arose. This does not implicate due process or equal protection, since the current income standards requires consideration of parent's current ability to repay the debt. Montezuma Dept. of Soc. Servs. v. Laner, [937 P.2d 903](#) (Colo. App. 1997).

Trial court's ruling on the amount of debt could not stand where court applied a previous version of the statute in effect when the debt arose. The current version of the statute should be applied to determine the amount of the debt as the bill enacting the new statute applied to orders establishing debt on or after the date the statute took effect. Montezuma Dept. of Soc. Servs. v. Laner, [937 P.2d 903](#) (Colo. App. 1997).

A mother's assignment to department of social services of support rights against father for period in which mother received public assistance was total and unconditional and mother had no entitlement to either support payments or any interest thereon, barring any reassignment back to her. Edis v. Edis, [742 P.2d 954](#) (Colo. App. 1987).

In determining child support debt based on prior payments of public assistance, the trial court must enter an order equal to or more than the amount of public assistance paid. People in Interest of A.A.V. v. J.R., [815 P.2d 997](#) (Colo. App. 1991).

Section requires court to enter order in favor of county department of social services against responsible parent in the exact amount of public assistance paid, regardless of parent's ability to pay. In re Ward, [856 P.2d 67](#) (Colo. App. 1993).

An obligor is liable to the county department of social services for an amount not exceeding the full amount of public assistance paid during the period when no order for child support existed. People ex rel. J.A.E.S., [7 P.3d 1021](#) (Colo. App. 2000).

Subsection (2) provides that the county department of social services shall be subrogated to the debt created by a judgment or order for payment of child support by an obligor and to the right of the dependent child or children or person having legal or physical custody of such child or children to pursue any child support action to obtain reimbursement of public assistance expended. In re Cespedes, [895 P.2d 1172](#) (Colo. App. 1995).

Mother was a real party in interest and entitled to seek an increase in child support since only part of the mother's right to receive child support had been assigned to the department of human services for purposes of receiving AFDC payments. In re Cespedes, [895 P.2d 1172](#) (Colo. App. 1995).

Subsection (2) allows a custodial parent to seek an increase in child support that includes the amount of public assistance received, provided that any such increase is subject to the state's right to subrogation. In re Cespedes, [895 P.2d 1172](#) (Colo. App. 1995).

Even if it is assumed that the doctrine of laches applies against the department of social services, the trial court had ample support for rejection of the defense. Social services acted as promptly as it could and pursued efforts to obtain reimbursement shortly after confirming father's address and income. Montezuma Dept. of Soc. Servs. v. Laner, [937 P.2d 903](#) (Colo. App. 1997).

Applied in People in Interest of A.L.B., [683 P.2d 813](#) (Colo. App. 1984); People in Interest of E.P.G., [732 P.2d 250](#) (Colo. App. 1986).

Cross References:

For the legislative declaration contained in the 1993 act amending subsection (4), see section 1 of chapter 165, Session Laws of Colorado 1993.

§ 14-14-105. Continuing garnishment

- (1) A writ of garnishment for the collection from earnings of judgments for arrearages for child support, for maintenance when combined with child support, for child support debts, or for maintenance shall be continuing; shall have priority over any garnishment, lien, or income assignment other than a writ previously served on the same garnishee pursuant to this subsection (1) or a wage assignment activated pursuant to section [14-14-107](#) or section [14-14-111](#), as those sections existed prior to July 1, 1996, or an income assignment activated pursuant to section [14-14-111.5](#); and shall require the garnishee to withhold, pursuant to section [13-54-104\(3\)](#), C.R.S., the portion of earnings subject to garnishment at each succeeding earnings disbursement interval until such judgment is satisfied or the garnishment is released by the court or in writing by the judgment creditor.
- (2) No employer may discharge an employee solely for the reason that his earnings have been subjected to garnishment pursuant to this section. Any such discharge in violation of this subsection (2) shall subject the employer to liability for damages.

Cite as (Casemaker) C.R.S. § 14-14-105

History. L. 81: Entire article added, p. 907, § 1, effective June 8. L. 86: (1) amended, p. 725, § 4, effective July 1. L. 87: (1) amended, p. 591, § 10, effective July 10. L. 96: (1) amended, p. 600, § 10, effective July 1.

Case Notes:

ANNOTATION

Writ of garnishment for child support has priority over attorney's lien. Rios v. Mireles, [937 P.2d 840](#) (Colo. App. 1996).

Cross References:

For provisions concerning garnishment generally, see article [54.5](#) of title [13](#).

§ 14-14-106. Interest

- (1) (a) Interest per annum at four percent greater than the statutory rate set forth in section [5-12-101](#) on any arrearages and child support debt due and owing before July 1, 2021, may be compounded monthly and may be collected by the judgment creditor; however, such interest may be waived by the judgment creditor and such creditor is not required to maintain interest balance due accounts. After July 1, 2021, interest on child support arrearages and child support debt accrues at the interest rate specified in subsection (1)(b) of this section.
- (b) Interest per annum at two percent greater than the statutory rate set forth in section [5-12-101](#) on any arrearages and child support debt due and owing on and after July 1, 2021, may be compounded annually and may be collected by the judgment creditor; except that such interest may be waived by the judgment creditor and such creditor is not required to maintain interest balance due accounts.
- (2) If the judgment creditor seeks interest on child support arrearages as set forth in subsection (1) of this section, the debtor obligor may apply to the court to request that the court find good cause to use discretion in disallowing the calculated interest, or a portion

thereof, on child support arrearages. In so doing, the court shall consider but is not limited to the following:

- (a) Whether good cause existed for the nonpayment of the child support;
 - (b) Whether payment of the interest would result in undue hardship or substantial injustice for the obligor owing the interest; and
 - (c) Whether the disallowance or reduction of interest would result in undue hardship and substantial injustice to the person to whom the interest is owed.
- (3) The court may determine an equitable period of repayment of any interest and arrears owed, if applicable, as set forth in this section.

Cite as (Casemaker) C.R.S. § 14-14-106

History. Amended by [2021 Ch. 212, §3](#), eff. 7/1/2021.

L. 81: Entire article added, p. 908, § 1, effective June 8. L. 86: Entire section amended, p. 725, § 5, effective July 1. L. 88: Entire section amended, p. 633, § 9, effective July 1. L. 94: Entire section amended, p. 1539, § 8, effective May 31. L. 97: Entire section amended, p. 1241, § 39, effective July 1. L. 2003: Entire section amended, p. 1266, § 53, effective July 1.

Case Notes:

ANNOTATION

Law reviews. For article, "An Update of Appendices from Collecting Pre-and Past-judgment Interest in Colorado", see 15 Colo. Law. 990 (1986).

Interest on child support judgment. Trial court is without discretion to deny interest. Therefore, interest on child support arrearages accruing from the date each installment became due shall be included in the judgment. In re Schutte, [721 P.2d 160](#) (Colo. App. 1986).

This section is applicable only for support past due and unpaid by an obligor and not available against the Denver department of social services for amounts collected from obligor which the court ordered paid to ex-wife. People in Interest of D.C., [797 P.2d 840](#) (Colo. App. 1990).

This section does not apply to retroactive modification of support, since debt is not mature until after entry of order. In re Schutte, [721 P.2d 16](#) (Colo. App. 1986); In re Armit, [878 P.2d 101](#) (Colo. App. 1994).

Court does not have discretion as to amount of interest or whether interest is compounded monthly. Statute vests in the judgment creditor the option to collect the increased rate, to compound the interest monthly, and to waive the interest. In re Tognoni, [313 P.3d 655](#) (Colo. App. 2011).

Laches may be asserted as a defense to a claim for interest on child support arrearages. Although laches may not be asserted against the principal amount of the child support debt, laches may bar recovery of interest if the three elements of laches are met: (1) full knowledge of the facts by the party against whom the defense is asserted; (2) unreasonable delay by the party against whom the defense is asserted in pursuing an available remedy; and (3) intervening reliance by and prejudice to the party asserting the defense. In re Johnson, [2016 CO 67, 380 P.3d 150](#).

Cross References:

For the statutory rate of interest, see § [5-12-102](#).

§ 14-14-107. Wage assignment - applicability. (Repealed)

Cite as (Casemaker) C.R.S. § 14-14-107

History. L. 81: Entire article added, p. 908, § 1, effective June 8. L. 83: (1)(a) and IP(3) amended and (2) R&RE, pp. 652, 653, §§ 1-3, effective June 1. L. 84: (1)(a), IP(2)(a), (2)(a)(III), (2)(a)(IV), (2)(b), and (2)(c) amended and (2)(a)(V) and (3.5) added, pp. 480, 481, §§ 2, 3, effective July 1. L. 85: (1)(a), (2)(a) to (2)(c), IP(3), (3)(a)(IV), (3)(c), (3.5), (4)(d), and (9) amended and (1)(d), (1.5), (3.4), (4)(e), and (10) to (13) added, pp.592, 595, §§ 12-15, effective July 1. L. 86: (1)(a), (1)(b), (1.5)(a), (2)(a)(II), (2)(c), (3)(a)(I), (5), and (7) amended and (1)(e) to (1)(g) and (4)(f) added, pp. 725, 727, §§ 6-8, effective July 1. L. 87: Entire section R&RE, p. 580, § 1, effective July 10. L. 88: (5)(c)(IX), (5)(c)(XI), IP(7), (7)(d)(IV), and (9)(a) amended, p. 634, § 10, effective July 1. L. 89: (15) added, p. 810, § 2, effective June 5. L. 90: (2)(e), (5)(c)(VIII), (6)(b)(I), (7)(d)(III), (7)(d)(IV), and (7)(g) amended and (6)(b)(III) added, p. 1414, § 15, effective June 8; (15) amended, p. 892, § 14, effective July 1. L. 92: (2)(a), IP(7), (7)(c)(III), (7)(c)(IV), (9), and (11) amended and (7)(d.5) and (7)(d.6) added, p. 203, § 11, effective August 1. L. 93: (9) amended, p. 1561, § 10, effective September 1. L. 94: (9)(e), amended, p. 1539, § 9, effective May 31; IP(7) amended, p. 2048, § 8, effective June 3; (14) amended, p. 2646, § 111, effective July 1. L. 96: Entire section repealed, p. 600, § 11, effective July 1.

§ 14-14-108. Child support debt offset. (Repealed)

Cite as (Casemaker) C.R.S. § 14-14-108

History. L. 83: Entire section added, p. 654, § 1, effective June 10. L. 85: Entire section repealed, p. 604, § 24, effective July 1.

Cross References:

For present provisions concerning a state income tax refund offset for child support debts or child support arrearages, see § [26-13-111](#).

§ 14-14-109. Security, bond, or guarantee

- (1) In any action in which child support is ordered, an interested party may apply to the court for an order requiring that the obligor post security, a bond, or other form of guarantee to secure payment of the child support ordered. In considering such request, the court shall consider, among other factors, the nature of the obligor's employment and whether the obligor's income is unreachable by a wage assignment entered pursuant to section [14-14-107](#) prior to July 1, 1996, or by immediate deduction for a family support obligation pursuant to section [14-14-111](#) as it existed prior to July 1, 1996, or by an income assignment entered pursuant to section [14-14-111.5](#) on or after July 1, 1996.
- (2) If the request to post security, a bond, or other guarantee is made subsequent to the issuance of a child support order, a copy of the request shall be sent to the obligor at his last-known address by certified mail no later than twenty days prior to the date set for a hearing on the issue. Such notice shall contain a statement of the obligor's rights to appear and contest the request.
- (3) When a request to post security, a bond, or other guarantee is before the court, the court shall make findings on the appropriateness of the request based on the evidence presented and shall then either grant or deny the request.

Cite as (Casemaker) C.R.S. § 14-14-109

History. L. 85: Entire section added, p. 595, § 16, effective July 1. L. 96: (1) amended, p. 622, § 32, effective July 1.

§ 14-14-110. Contempt of court

- (1) Evidence of noncompliance with an order for child support, or maintenance when combined with child support, in the form of an affidavit from the clerk of the court or in the form of a copy of the record of payments certified by the clerk of the court or in the form of a copy of the record of payment maintained by the family support registry is prima facie evidence of contempt of court.
- (2) In determining whether or not the obligor is in contempt of court, the court may consider that the required payment has been made prior to the hearing to determine contempt or that owing to physical incapacity or other good cause the obligor was unable to furnish the support, care, and maintenance required by the order for the period of noncompliance alleged in the motion.
- (3) If, after personal service of the citation and a copy of the motion and affidavit, the obligor fails to appear at the time so designated, the court may issue a warrant for the obligor's arrest. Upon issuance of the warrant, the court shall direct by endorsement thereon the amount of the bond required.
- (4) Pursuant to subsection (3) of this section, where the obligor has been released upon deposit of cash, stocks, or bonds, or upon surety bond secured by property, if the obligor fails to appear in accordance with the primary condition of the bond, the court shall declare a forfeiture. Notice of the order of forfeiture shall be mailed immediately by the court to the obligor and sureties, if any, at the last-known address. If the obligor does not

appear and surrender to the court having jurisdiction within thirty days after the date of the forfeiture, or within that period satisfy the court that appearance and surrender by the obligor is impossible and without the obligor's fault, the court shall enter judgment against the obligor and the sureties, if any, for the amount of the bail and costs of the court proceedings.

- (5) Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the clerk of the court in which the bond is given to be applied to the child support obligation, including where the obligation is assigned to the department of human services pursuant to section [26-2-111\(3\)](#), C.R.S.

Cite as (Casemaker) C.R.S. § 14-14-110

History. L. 86: Entire section added, p. 730, § 1, effective May 1. L. 93: Entire section amended, p. 1561, § 11, effective September 1. L. 94: (1) amended, p. 1540, § 10, effective May 31; (5) amended, p. 2647, § 112, effective July 1. L. 97: (4) amended, p. 562, § 8, effective July 1; (5) amended, p. 1241, § 40, effective July 1.

Cross References:

For the legislative declaration contained in the 1994 act amending subsection (5), see section 1 of chapter 345, Session Laws of Colorado 1994.

§ 14-14-111. Immediate deductions for family support obligations - legislative declaration - procedures - applicability. (Repealed)

Cite as (Casemaker) C.R.S. § 14-14-111

History. L. 89: Entire section added, p. 805, § 1, effective June 5. L. 90: (2)(b)(I), (4)(b)(IV)(B), (4)(b)(IV)(C), (4)(b)(IV)(D), (4)(b)(VII), and (11) amended, p. 1415, § 16, effective June 8; (2)(a) and (4)(b)(IV)(B) amended, p. 892, § 15, effective July 1. L. 92: (2)(b), (2)(c), (4)(b)(III)(C), (6), and (16) amended and (4)(b)(IV.5) and (4)(b)(IV.6) added, p. 207, § 12, effective August 1. L. 93: (2)(b) amended, p. 1562, § 12, effective September 1. L. 94: (4)(a) amended, p. 2049, § 9, effective June 3. L. 96: Entire section repealed, p. 600, § 11, effective July 1.

§ 14-14-111.5. [Effective Until 3/1/2022] Income assignments for child support or maintenance

- (1) **Legislative declaration.** The general assembly hereby finds and declares that, for the good of the children of Colorado and to promote family self-sufficiency, there is a need to strengthen Colorado's child support enforcement laws and to simplify, streamline, and clarify the existing laws relating to wage assignments previously provided for in section [14-14-107](#) and immediate deductions for family support obligations previously provided for in section [14-14-111](#). In support of this effort, the general assembly hereby adopts the term "income assignment" to be used to provide consistency and standardization of the process for collecting child support and maintenance.

- (2) (a) Whenever an obligation for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt is initially determined, whether temporary or permanent or whether modified, the amount of child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt shall be ordered by the court or delegate child support enforcement unit to be activated immediately as an income assignment subject to section [13-54-104\(3\)](#), from the income, as defined in section [14-10-115\(3\)](#), that is due or is to become due in the future from the obligor's employer, employers, or successor employers or other payor of funds, regardless of the source, of the person obligated to pay the child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt.

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- (b) Any order for support must include the following, if available:
 - (I) The name, date of birth, and sex of each child for whom the support is ordered;
 - (II) The obligee's name, residential and mailing addresses, and date of birth;
 - (III) The total amount of current support to be paid monthly in each category of support;
 - (IV) The date of commencement of the order and the date or dates of the month that the payments are due;
 - (V) The total amount of arrears that is due, if any, in each category of support as of the date of the order; and
 - (VI) The obligor's name, residential and mailing addresses, and date of birth.

(3) **Activation of income assignment.** Income assignments must be activated in accordance with the following provisions:

(a) **Immediate activation of income assignments.**

(I) (A) Upon entry of an order for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt, the obligee, the obligee's representative, or the delegate child support enforcement unit shall cause a notice of income assignment to be served immediately as described in subsection (4) of this section.

(B) Unless an income assignment is required to be immediately activated pursuant to subsection (3)(a)(I)(A) of this section, or the income assignment is not subject to immediate activation pursuant to subsection (3)(a)(II) of this section, an income assignment may be immediately activated by the obligee, the obligee's representative, or the delegate child support enforcement unit by causing a notice to withhold income for support to be served upon the employer, trustee, or other payor of funds pursuant to subsection (4) of this section.

(II) **Exceptions to immediate activation of income assignments.** Income is not subject to immediate activation of an income assignment pursuant to this subsection (3)(a) in any case in which:

(A) One of the parties demonstrates, and the court or the delegate child support enforcement unit finds in writing, that there is good cause not to require immediate activation of an income assignment. For the purposes of this sub-subparagraph (A), "good cause" means the following: There is a written determination and explanation by the court or delegate child

support enforcement unit stating why implementing immediate activation of an income assignment would not be in the best interests of the child; and the obligor has signed a written agreement to keep the delegate child support enforcement unit, the obligee, or the obligee's representative informed of the obligor's current employer and information on any health insurance coverage to which the obligor has access; and proof is provided that the obligor made timely payments without the necessity of income assignment in previously ordered child support obligations.

(B) A written agreement is reached between both parties that provides for an alternative arrangement, and such agreement is reviewed and approved in the record by the court. For purposes of this subsection (3)(a)(II)(B), the delegate child support enforcement unit is considered a party in all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section [26-13-106\(1\)](#) and as such must consent to the alternative written agreement. In all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section [26-13-106\(2\)](#), the obligee or the obligee's representative shall provide the delegate child support enforcement unit with notice of any agreement reached between the parties pursuant to this subsection (3)(a)(II)(B).

(b) (I) [Repealed by 2021 amendment.]

(II) [Repealed by 2021 amendment.]

(III) [Repealed by 2021 amendment.]

(IV) **Agreement to activate.** When an income assignment is activated pursuant to this subsection (3) and arrears are owed, as verified by the affidavit of arrears, the parties may agree to an amount of payment on the arrears, or the court or delegate child support enforcement unit may determine an appropriate amount for payment.

(V) [Repealed by 2021 amendment.]

(VI) A payment on arrears, plus interest, for support, if any, shall be included in an activated income assignment; however, the combined payment on current support and arrears is subject to section [13-54-104\(3\)](#), C.R.S.

(VII) **Objections to income assignment.**

(A) The obligor may file with the court a written objection to the activation of an income assignment pursuant to this subsection (3) no later than fourteen days after actual notice. The obligor

shall mail a copy of the written objection to the obligee or the obligee's representative.

- (B) The objection shall be limited to the defense that there is a mistake of fact such as an error in the identity of the obligor or in the amount of the support.
- (C) If the obligor files an objection, the court shall set and hold a hearing within forty-two days after the date the income assignment was issued. The court shall deny the objection without hearing if a defense in subsection (3)(a)(VII)(B) of this section is not alleged.
- (D) At a hearing on an objection, the sole issue before the court is whether there was a mistake of fact as specified in subparagraph (B) of this subparagraph (VII).
- (E) At a hearing on an objection, reasonable attorney fees and costs may be awarded to the prevailing party.
- (F) If an objection is based on the amount of arrears, the income assignment may be activated and enforced as to current support obligations, and the activation of the income assignment as to arrears shall be stayed pending the outcome of a hearing on such objection.

(4) Notice to withhold income for support.

- (a) Except as provided in subsection (4)(b) of this section, a notice to withhold income for support must be served upon the employer, trustee, or other payor of funds by first-class mail or by electronic service if the employer, trustee, or other payor of funds mutually agrees with the state child support enforcement agency to receive such income assignments electronically. Receipt of notice by the employer, trustee, or other payor of funds confers jurisdiction of the court over the employer, trustee, or other payor of funds.
- (b) A notice to withhold income for support is not required if the obligor's source of income is unemployment compensation benefits and the custodian of the child is receiving support enforcement services pursuant to section [26-13-106](#) . In such cases, the state child support enforcement agency shall electronically intercept the unemployment compensation benefits through an automated interface with the department of labor and employment.
- (c) A notice to withhold income for support must be provided on a federal office of management and budget-approved income withholding for support form and must contain the following information and, except in cases in which the obligee is receiving child support enforcement services pursuant to section [26-13-106](#) , must include a certified copy of the support order:
 - (l) The name and social security number of the obligor;

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- (II) A statement that withholding must begin no later than the first pay period that begins at least fourteen working days after the date on the notice to withhold income for support;
 - (III) Instructions concerning withholding the deductions, including:
 - (A) The amount to be withheld for current support and current maintenance when included in the child support order, the amount to be withheld for past due support, the amount to be withheld for past due maintenance when included in the child support order, the amount to be withheld for child support debt, the amount to be withheld for medical support, the amount to be withheld for current maintenance, the amount to be withheld for past due maintenance per month, and the amount to be withheld for processing fees, if any. In the event that the pay periods of the employer are more frequent, the employer shall withhold per pay period an appropriate percentage of the monthly amount due so that the total withheld during the month will total the monthly amount due.
 - (B) A statement that the employer, trustee, or other payor of funds may deduct a fee to defray the cost of withholding and that the employer, trustee, or other payor of funds shall refer to the laws governing the work state of the employee for the allowable amount of such fee; and
 - (C) That, if section [13-54-104\(3\)](#) applies, the employer, trustee, or other payor of funds shall not withhold more than the limitations set by said section;
 - (IV) Instructions about disbursing the withheld amounts, including the requirements that each disbursement:
 - (A) must be forwarded within seven working days after the date of each deduction and withholding would have been paid or credited to the employee;
 - (B) must be forwarded to the address indicated on the notice;
 - (C) must be identified by the remittance identifier, the name and social security number of each obligor, the date the deduction was made, the amount of the payment, and the family support registry account number for cases ordered to be paid through the family support registry; and
 - (D) May be combined with other disbursements in a single payment to the family support registry, if required to be sent to the registry, if the individual amount of each disbursement is identified as required by subsection (4)(c)(IV)(C) of this section;
 - (V) A statement specifying whether or not the obligor is required to provide health insurance for the children who are the subject of the order;

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- (VI) A statement that, if the employer, trustee, or other payor of funds fails to withhold income as the notice to withhold income for support directs, the employer, trustee, or other payor of funds is liable for both the accumulated amount that should have been withheld from the obligor's income and any other penalties set by state law;
 - (VII) A statement that the employer, trustee, or other payor of funds is subject to a fine determined pursuant to state law for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of a notice to withhold income for support;
 - (VIII) A statement that the employer shall notify the family support registry, in writing, if payments are required to be made through the registry promptly after the obligor terminates employment and that the employer shall provide the family support registry, in writing, with the obligor's name; date of separation; case identifier, which is the family support registry account number; last-known home address; and the name and address of the obligor's new employer, if known;
 - (IX) A statement that withholding under the notice to withhold income for support has priority over any other legal process under state law against the same income, that federal tax levies in effect before receipt of this notice to withhold income for support have priority, and that the requesting agency should be contacted if there are federal tax levies in effect;
 - (X) A statement that as long as the obligor is employed by the employer, the income assignment must not be terminated or modified, except upon written notice by the obligee, the obligee's representative, the delegate child support enforcement unit, or the court;
 - (XI) A statement that the employer, trustee, or other payor of funds is required to report and withhold amounts from lump sum payments such as bonuses, commissions, or severance pay;
 - (XII) A statement that Colorado employers, trustees, or other payors of funds must comply with this section;
 - (XIII) A statement that, if the designated field on the notice to withhold income for support is checked, the employer, trustee, or other payor of funds is required to provide a copy of the notice to withhold income for support to the obligor; and
 - (XIV) A statement that a fraudulent submission of a notice to withhold income for support subjects the person submitting the notice to an employer, trustee, or other payor of funds to a fine of not less than one thousand dollars and court costs and attorney fees.

(4.5) When a Colorado employer receives an income assignment, or its equivalent, issued by another state, the employer shall apply the income assignment law of the obligor's

principal state of employment. The obligor's principal state of employment shall be presumed to be Colorado unless there is a specific employment contract to the contrary.

[\(4.7\)](#) Income assignments must be paid through the family support registry pursuant to section 26-13-114.

[\(5\)](#) When activated, an income assignment shall be a continuing income assignment and shall remain in effect and shall be binding upon any employer, trustee, or other payor of funds upon whom it is served until further notice from the obligee, the obligee's representative, the delegate child support enforcement unit, or the court.

[\(6\)](#) **Priority.**

[\(a\)](#) A notice of income assignment for support shall have priority over any garnishment, attachment, or lien.

[\(b\)](#) If there is more than one income assignment for support for the same obligor, the total amount withheld, which is subject to the limits specified in section [13-54-104\(3\)](#), C.R.S., shall be distributed in accordance with the priorities set forth in this paragraph (b):

[\(I\)](#) [\(A\)](#) First priority shall be given to income assignments for orders for current monthly child support obligations and maintenance when included in the child support order.

[\(B\)](#) If the amount withheld is sufficient to pay the current monthly support and maintenance for all orders, the employer or other payor of funds shall distribute the amount to all orders and proceed to the second priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the current monthly support and maintenance in all orders, the employer shall add the current monthly support and maintenance in all orders for a total and then divide the amount of current monthly support and maintenance in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

[\(II\)](#) [\(A\)](#) Second priority shall be given to income assignments for all orders for medical support when there is a specific amount ordered for medical support.

[\(B\)](#) If the amount withheld is sufficient to pay the medical support for all orders, the employer shall distribute the amount to all orders and proceed to the third priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the medical support in all orders, the employer shall add the medical support in all orders for a total and then divide the amount of medical support in each order by the total to determine the

percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

- (III) (A) Third priority shall be given to income assignments for child support debt and support arrears, including medical support arrears.

(B) If the amount withheld is sufficient to pay the child support debt and support arrears for all orders, the employer shall distribute the amount to all orders and proceed to the fourth priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the child support debt and support arrears in all orders, the employer shall add the child support debt and support arrears in all orders for a total and then divide the amount of child support debt and support arrears in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

- (IV) (A) Fourth priority shall be given to income assignments for orders for maintenance only.

(B) If the amount withheld is sufficient to pay the maintenance only for all orders, the employer shall distribute the amount to all orders. If the amount withheld is not sufficient to pay the maintenance only in all orders, the employer shall add the maintenance only in all orders for a total and then divide the amount of maintenance only in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(7) No employer, trustee, or other payor of funds who complies with a notice of income assignment issued pursuant to this section and as provided in subsection (8) of this section shall be liable to the obligor for wrongful withholding.

- (8) An employer, trustee, or other payor of funds subject to this section who:
- (a) Fails to abide by the terms enumerated in the notice of income assignment may be held in contempt of court;
 - (b) Wrongfully fails to withhold income in accordance with the provisions of this section shall be liable for both the accumulated amount the employer, trustee, or

other payor of funds should have withheld from the obligor's income and any other penalties set by state law;

(c) Discharges, refuses to hire, or takes disciplinary action against an employee because of the entry or service of an income assignment pursuant to this section may be held in contempt of court or be subject to a fine.

(9) If an employer discharges an employee in violation of the provisions of this section, the employee may, within ninety-one days, bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall be lost wages not to exceed six weeks, costs, and reasonable attorney fees.

(10) (a) The obligee, the obligee's representative, the delegate child support enforcement unit, or the court shall promptly notify the employer, trustee, or other payor of funds, in writing, when an income assignment is modified or terminated.

(b) An income assignment must be modified when:

(I) The support order is modified by the court; or

(II) The arrears payment is modified pursuant to subsection (3)(b)(IV) of this section.

(c) An income assignment shall be terminated when all current maintenance when included in the child support order, past due support, past due maintenance when included in the child support order, child support debt, medical support, current monthly child support, current maintenance, past due maintenance, and processing fees, if any, owed under the support order are paid in full.

(11) Disbursements received from the employer, trustee, or other payor of funds by a delegate child support enforcement unit shall be promptly distributed.

(12) The clerk of the court shall provide, upon request, any information required by the parties about any support order or any order affecting an order for support, including judgments and registered orders.

(13) The department of human services is hereby designated as the income withholding agency as required by the federal "Social Security Act", as amended.

(14) This section applies to any action brought under this article or article 5, 6, or 10 of this title or under article 4 or 6 of title 19, C.R.S., or under article [13.5](#) of title [26](#), C.R.S.

(15) Nothing in this section shall affect the availability of any other method for collecting child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt.

(16) Income assignments under this section shall be issued by a delegate child support enforcement unit under the provisions of the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", created in article [13.5](#) of title [26](#), C.R.S.

- [\(16.3\)](#) The employer, trustee, or other payor of funds shall include with the first disbursement an indication of whether dependent health insurance coverage is available to the obligor and whether the obligor has elected to enroll the dependents who are the subject of the order in such coverage and that such information shall be included in a disbursement at least annually thereafter or at the next disbursement in the event of any change in the status of health insurance availability or coverage.
- [\(16.5\)](#) The employer shall not be required to collect, possess, or control the obligor's tips, and any such tips shall not be owed by an employer to an obligor.
- [\(16.7\)](#) The employer, trustee, or other payor of funds may extract a processing fee of up to five dollars per month from the remainder of the obligor's income after the deduction and withholding.
- [\(17\)](#) For purposes of this section, unless the context otherwise requires, "income" means wages as defined in section [14-14-102\(9\)](#).
- [\(18\)](#) (Deleted by amendment, L. 2000, p. 1704, § 2, effective July 1, 2000.)
- [\(19\)](#) A person submitting a fraudulent notice to withhold income for support to an employer, trustee, or other payor of funds shall be subject to a fine of not less than one thousand dollars and court costs and attorney fees.

Cite as (Casemaker) C.R.S. § 14-14-111.5

History. Amended by [2021 Ch. 212, §4](#), eff. 7/1/2021.

L. 96: Entire section added, p. 600, § 12, effective July 1. L. 97: (2)(f), IP(4), (4)(d)(I), (4)(i), and (8)(c) amended and (4.5) and (18) added, p. 1271, § 10, effective July 1. L. 98: (3)(b)(III) amended, p. 766, § 15, effective July 1. L. 99: (2)(f)(II) amended, p. 1085, § 3, effective July 1. L. 2000: (2)(a)(II)(E), IP(4), (4), (8)(b), (10)(c), and (18) amended and (4)(m), (4)(n), (16.3), (16.5), (16.7), and (19) added, pp. 1704, 1708, §§ 2, 3, effective July 1. L. 2002: IP(4) amended, p. 23, § 2, effective July 1. L. 2007: (2)(f)(I) amended, p. 108, § 4, effective March 16. L. 2011: IP(4) amended, ([SB 11-123, ch. 46, p. 119, §4](#), effective August 10. L. 2012: (3)(b)(II)(I), (3)(b)(II)(K), (3)(b)(VII)(A), (3)(b)(VII)(C), IP(4), and (9) amended, (SB 12-175), ch. 208, p. 835, § 38, effective July 1.

Note: *This section is set out twice. See also C.R.S. § [14-14-111.5](#), as amended by [2021 Ch. 462, §161](#), eff. 3/1/2022.*

Case Notes:

ANNOTATION

Law reviews. For article, "Legislative Update", see 12 Colo. Law. 1257 (1983). For article, "Domestic Case Update", see 14 Colo. Law. 209 (1985).

Annotator's note. Since § 14-14-111.5 is similar to § [14-14-107](#) as it existed prior to the 1996 repeal of said section, relevant cases construing that provision have been included in the annotations to this section.

Statutory language is clear that an order for wage assignment is mandatory if the obligor cannot establish one of the two specified defenses. Purpose of new subsection (2) was to effect a mandatory and expedited procedure for wage assignment when default in a child support payment occurred; provision for a limited hearing was included to afford the obligor due process. In re Barnes, [692 P.2d 329](#) (Colo. App. 1984).

Section clearly applies to maintenance, whether or not combined with child support. In re Connell, [831 P.2d 913](#) (Colo. App. 1992).

Defense against wage assignment that the full amount claimed is not due is contemplated by section and therefore success on such defense authorizes an award of attorney fees under section. In re Watters, [782 P.2d 1220](#) (Colo. App. 1989); In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

Attorney fee award to obligor must be reconsidered by trial court where obligee also prevails in part. In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

There was a hearing on an objection where the amount due was stipulated prior to the hearing because the issues at the hearing are limited to the identity of the obligor and the amount of the obligation, and an award of fees to the prevailing party is intended to discourage exaggerated claims or attempts to delay payment of valid claims. In re Vivens, [885 P.2d 301](#) (Colo. App. 1994).

Wage assignment is mandatory if the obligor cannot establish one of the specified defenses. In re Barnes, [692 P.2d 329](#) (Colo. App. 1984); In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990); In re Connell, [831 P.2d 913](#) (Colo. App. 1992).

Obligor may be subjected to more than one wage assignment. In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

Denver department of social services entitled to keep proceeds from wage assignment even though assignment by ex-wife would take precedence since ex-wife did not file wage assignment. Department's actions did not deprive ex-wife of right or ability to receive current support since she could file her own assignment. People in Interest of D.C., [797 P.2d 840](#) (Colo. App. 1990).

Accumulated deductions in a PERA member's contribution account are not subject to assignment for payment of future child support obligations. In re Riggs, [786 P.2d 504](#) (Colo. App. 1989), cert. denied, 797 P.2d 744 (Colo. 1990).

Cross References:

For the legislative declaration contained in the 1997 act amending subsection (2)(f), the introductory portion to subsection (4), and subsections (4)(d)(I), (4)(i), and (8)(c) and enacting subsections (4.5) and (18), see section 1 of chapter 236, Session Laws of Colorado 1997.

§ 14-14-111.5. [Effective 3/1/2022] Income assignments for child support or maintenance

(1) Legislative declaration. The general assembly hereby finds and declares that, for the good of the children of Colorado and to promote family self-sufficiency, there is a need to strengthen Colorado's child support enforcement laws and to simplify, streamline, and clarify the existing laws relating to wage assignments previously provided for in section [14-14-107](#) and immediate deductions for family support obligations previously provided for in section [14-14-111](#). In support of this effort, the general assembly hereby adopts the term "income assignment" to be used to provide consistency and standardization of the process for collecting child support and maintenance.

(2) (a) Whenever an obligation for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt is initially determined, whether temporary or permanent or whether modified, the amount of child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt shall be ordered by the court or delegate child support enforcement unit to be activated immediately as an income assignment subject to section [13-54-104\(3\)](#), from the income, as defined in section [14-10-115\(3\)](#), that is due or is to become due in the future from the obligor's employer, employers, or successor employers or other payor of funds, regardless of the source, of the person obligated to pay the child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt.

(b) Any order for support must include the following, if available:

- (I)** The name, date of birth, and sex of each child for whom the support is ordered;
- (II)** The obligee's name, residential and mailing addresses, and date of birth;
- (III)** The total amount of current support to be paid monthly in each category of support;
- (IV)** The date of commencement of the order and the date or dates of the month that the payments are due;
- (V)** The total amount of arrears that is due, if any, in each category of support as of the date of the order; and

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- (VI) The obligor's name, residential and mailing addresses, and date of birth.

(3) **Activation of income assignment.** Income assignments must be activated in accordance with the following provisions:

(a) **Immediate activation of income assignments.**

(I) (A) Upon entry of an order for child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt, the obligee, the obligee's representative, or the delegate child support enforcement unit shall cause a notice of income assignment to be served immediately as described in subsection (4) of this section.

(B) Unless an income assignment is required to be immediately activated pursuant to subsection (3)(a)(I)(A) of this section, or the income assignment is not subject to immediate activation pursuant to subsection (3)(a)(II) of this section, an income assignment may be immediately activated by the obligee, the obligee's representative, or the delegate child support enforcement unit by causing a notice to withhold income for support to be served upon the employer, trustee, or other payor of funds pursuant to subsection (4) of this section.

(II) **Exceptions to immediate activation of income assignments.** Income is not subject to immediate activation of an income assignment pursuant to this subsection (3)(a) in any case in which:

(A) One of the parties demonstrates, and the court or the delegate child support enforcement unit finds in writing, that there is good cause not to require immediate activation of an income assignment. For the purposes of this sub-subparagraph (A), "good cause" means the following: There is a written determination and explanation by the court or delegate child support enforcement unit stating why implementing immediate activation of an income assignment would not be in the best interests of the child; and the obligor has signed a written agreement to keep the delegate child support enforcement unit, the obligee, or the obligee's representative informed of the obligor's current employer and information on any health insurance coverage to which the obligor has access; and proof is provided that the obligor made timely payments without the necessity of income assignment in previously ordered child support obligations.

(B) A written agreement is reached between both parties that provides for an alternative arrangement, and such agreement is reviewed and approved in the record by the court. For purposes

of this subsection (3)(a)(II)(B), the delegate child support enforcement unit is considered a party in all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section [26-13-106\(1\)](#) and as such must consent to the alternative written agreement. In all cases in which the custodian of a child is receiving support enforcement services from a delegate child support enforcement unit pursuant to section [26-13-106\(2\)](#), the obligee or the obligee's representative shall provide the delegate child support enforcement unit with notice of any agreement reached between the parties pursuant to this subsection (3)(a)(II)(B).

- (b) (I) [Repealed by 2021 amendment.]
- (II) [Repealed by 2021 amendment.]
- (III) [Repealed by 2021 amendment.]
- (IV) **Agreement to activate.** When an income assignment is activated pursuant to this subsection (3) and arrears are owed, as verified by the affidavit of arrears, the parties may agree to an amount of payment on the arrears, or the court or delegate child support enforcement unit may determine an appropriate amount for payment.
- (V) [Repealed by 2021 amendment.]
- (VI) A payment on arrears, plus interest, for support, if any, shall be included in an activated income assignment; however, the combined payment on current support and arrears is subject to section [13-54-104\(3\)](#), C.R.S.
- (VII) **Objections to income assignment.**
- (A) The obligor may file with the court a written objection to the activation of an income assignment pursuant to this subsection (3) no later than fourteen days after actual notice. The obligor shall mail a copy of the written objection to the obligee or the obligee's representative.
- (B) The objection shall be limited to the defense that there is a mistake of fact such as an error in the identity of the obligor or in the amount of the support.
- (C) If the obligor files an objection, the court shall set and hold a hearing within forty-two days after the date the income assignment was issued. The court shall deny the objection without hearing if a defense in subsection (3)(a)(VII)(B) of this section is not alleged.
- (D) At a hearing on an objection, the sole issue before the court is whether there was a mistake of fact as specified in sub-

subparagraph (B) of this subparagraph (VII).

- (E) At a hearing on an objection, reasonable attorney fees and costs may be awarded to the prevailing party.
- (F) If an objection is based on the amount of arrears, the income assignment may be activated and enforced as to current support obligations, and the activation of the income assignment as to arrears shall be stayed pending the outcome of a hearing on such objection.

(4) Notice to withhold income for support.

- (a) Except as provided in subsection (4)(b) of this section, a notice to withhold income for support must be served upon the employer, trustee, or other payor of funds by first-class mail or by electronic service if the employer, trustee, or other payor of funds mutually agrees with the state child support enforcement agency to receive such income assignments electronically. Receipt of notice by the employer, trustee, or other payor of funds confers jurisdiction of the court over the employer, trustee, or other payor of funds.
- (b) A notice to withhold income for support is not required if the obligor's source of income is unemployment compensation benefits and the custodian of the child is receiving support enforcement services pursuant to section [26-13-106](#) . In such cases, the state child support enforcement agency shall electronically intercept the unemployment compensation benefits through an automated interface with the department of labor and employment.
- (c) A notice to withhold income for support must be provided on a federal office of management and budget-approved income withholding for support form and must contain the following information and, except in cases in which the obligee is receiving child support enforcement services pursuant to section [26-13-106](#) , must include a certified copy of the support order:
 - (I) The name and social security number of the obligor;
 - (II) A statement that withholding must begin no later than the first pay period that begins at least fourteen working days after the date on the notice to withhold income for support;
 - (III) Instructions concerning withholding the deductions, including:
 - (A) The amount to be withheld for current support and current maintenance when included in the child support order, the amount to be withheld for past due support, the amount to be withheld for past due maintenance when included in the child support order, the amount to be withheld for child support debt, the amount to be withheld for medical support, the amount to be withheld for current maintenance, the amount to be withheld for past due maintenance per month, and the amount to be withheld for processing fees, if any. In the event that the pay periods of

the employer are more frequent, the employer shall withhold per pay period an appropriate percentage of the monthly amount due so that the total withheld during the month will total the monthly amount due.

- (B) A statement that the employer, trustee, or other payor of funds may deduct a fee to defray the cost of withholding and that the employer, trustee, or other payor of funds shall refer to the laws governing the work state of the employee for the allowable amount of such fee; and
- (C) That, if section [13-54-104\(3\)](#) applies, the employer, trustee, or other payor of funds shall not withhold more than the limitations set by said section;
- (IV) Instructions about disbursing the withheld amounts, including the requirements that each disbursement:

 - (A) must be forwarded within seven working days after the date of each deduction and withholding would have been paid or credited to the employee;
 - (B) must be forwarded to the address indicated on the notice;
 - (C) must be identified by the remittance identifier, the name and social security number of each obligor, the date the deduction was made, the amount of the payment, and the family support registry account number for cases ordered to be paid through the family support registry; and
 - (D) May be combined with other disbursements in a single payment to the family support registry, if required to be sent to the registry, if the individual amount of each disbursement is identified as required by subsection (4)(c)(IV)(C) of this section;
- (V) A statement specifying whether or not the obligor is required to provide health insurance for the children who are the subject of the order;
- (VI) A statement that, if the employer, trustee, or other payor of funds fails to withhold income as the notice to withhold income for support directs, the employer, trustee, or other payor of funds is liable for both the accumulated amount that should have been withheld from the obligor's income and any other penalties set by state law;
- (VII) A statement that the employer, trustee, or other payor of funds is subject to a fine determined pursuant to state law for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of a notice to withhold income for support;
- (VIII) A statement that the employer shall notify the family support registry, in

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-) writing, if payments are required to be made through the registry promptly after the obligor terminates employment and that the employer shall provide the family support registry, in writing, with the obligor's name; date of separation; case identifier, which is the family support registry account number; last-known home address; and the name and address of the obligor's new employer, if known;
 - (IX) A statement that withholding under the notice to withhold income for support has priority over any other legal process under state law against the same income, that federal tax levies in effect before receipt of this notice to withhold income for support have priority, and that the requesting agency should be contacted if there are federal tax levies in effect;
 - (X) A statement that as long as the obligor is employed by the employer, the income assignment must not be terminated or modified, except upon written notice by the obligee, the obligee's representative, the delegate child support enforcement unit, or the court;
 - (XI) A statement that the employer, trustee, or other payor of funds is required to report and withhold amounts from lump sum payments such as bonuses, commissions, or severance pay;
 - (XII) A statement that Colorado employers, trustees, or other payors of funds must comply with this section;
 - (XIII) A statement that, if the designated field on the notice to withhold income for support is checked, the employer, trustee, or other payor of funds is required to provide a copy of the notice to withhold income for support to the obligor; and
 - (XIV) A statement that a fraudulent submission of a notice to withhold income for support subjects the person submitting the notice to an employer, trustee, or other payor of funds to a fine of not less than one thousand dollars and court costs and attorney fees.

(4.5) When a Colorado employer receives an income assignment, or its equivalent, issued by another state, the employer shall apply the income assignment law of the obligor's principal state of employment. The obligor's principal state of employment shall be presumed to be Colorado unless there is a specific employment contract to the contrary.

(4.7) Income assignments must be paid through the family support registry pursuant to section 26-13-114.

(5) When activated, an income assignment shall be a continuing income assignment and shall remain in effect and shall be binding upon any employer, trustee, or other payor of funds upon whom it is served until further notice from the obligee, the obligee's representative, the delegate child support enforcement unit, or the court.

(6) **Priority.**

(a) A notice of income assignment for support shall have priority over any

garnishment, attachment, or lien.

(b) If there is more than one income assignment for support for the same obligor, the total amount withheld, which is subject to the limits specified in section 13-54-104(3), C.R.S., shall be distributed in accordance with the priorities set forth in this paragraph (b):

(I) (A) First priority shall be given to income assignments for orders for current monthly child support obligations and maintenance when included in the child support order.

(B) If the amount withheld is sufficient to pay the current monthly support and maintenance for all orders, the employer or other payor of funds shall distribute the amount to all orders and proceed to the second priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the current monthly support and maintenance in all orders, the employer shall add the current monthly support and maintenance in all orders for a total and then divide the amount of current monthly support and maintenance in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(II) (A) Second priority shall be given to income assignments for all orders for medical support when there is a specific amount ordered for medical support.

(B) If the amount withheld is sufficient to pay the medical support for all orders, the employer shall distribute the amount to all orders and proceed to the third priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the medical support in all orders, the employer shall add the medical support in all orders for a total and then divide the amount of medical support in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(III) (A) Third priority shall be given to income assignments for child support debt and support arrears, including medical support arrears.

(B) If the amount withheld is sufficient to pay the child support debt and support arrears for all orders, the employer shall distribute the amount to all orders and proceed to the fourth priority to

distribute any remaining withholding. If the amount withheld is not sufficient to pay the child support debt and support arrears in all orders, the employer shall add the child support debt and support arrears in all orders for a total and then divide the amount of child support debt and support arrears in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(IV) (A) Fourth priority shall be given to income assignments for orders for maintenance only.

(B) If the amount withheld is sufficient to pay the maintenance only for all orders, the employer shall distribute the amount to all orders. If the amount withheld is not sufficient to pay the maintenance only in all orders, the employer shall add the maintenance only in all orders for a total and then divide the amount of maintenance only in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(7) No employer, trustee, or other payor of funds who complies with a notice of income assignment issued pursuant to this section and as provided in subsection (8) of this section shall be liable to the obligor for wrongful withholding.

(8) An employer, trustee, or other payor of funds subject to this section who:

(a) Fails to abide by the terms enumerated in the notice of income assignment may be held in contempt of court;

(b) Wrongfully fails to withhold income in accordance with the provisions of this section shall be liable for both the accumulated amount the employer, trustee, or other payor of funds should have withheld from the obligor's income and any other penalties set by state law;

(c) Discharges, refuses to hire, or takes disciplinary action against an employee because of the entry or service of an income assignment pursuant to this section may be held in contempt of court or be subject to a fine.

(9) If an employer discharges an employee in violation of the provisions of this section, the employee may, within ninety-one days, bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall be lost wages not to exceed six weeks, costs, and reasonable attorney fees.

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- [\(10\)](#)
- [\(a\)](#) The obligee, the obligee's representative, the delegate child support enforcement unit, or the court shall promptly notify the employer, trustee, or other payor of funds, in writing, when an income assignment is modified or terminated.
 - [\(b\)](#) An income assignment must be modified when:
 - [\(I\)](#) The support order is modified by the court; or
 - [\(II\)](#) The arrears payment is modified pursuant to subsection (3)(b)(IV) of this section.
 - [\(c\)](#) An income assignment shall be terminated when all current maintenance when included in the child support order, past due support, past due maintenance when included in the child support order, child support debt, medical support, current monthly child support, current maintenance, past due maintenance, and processing fees, if any, owed under the support order are paid in full.
- [\(11\)](#) Disbursements received from the employer, trustee, or other payor of funds by a delegate child support enforcement unit shall be promptly distributed.
- [\(12\)](#) The clerk of the court shall provide, upon request, any information required by the parties about any support order or any order affecting an order for support, including judgments and registered orders.
- [\(13\)](#) The department of human services is hereby designated as the income withholding agency as required by the federal "Social Security Act", as amended.
- [\(14\)](#) This section applies to any action brought under this article or article 5, 6, or 10 of this title or under article 4 or 6 of title 19, C.R.S., or under article [13.5](#) of title [26](#), C.R.S.
- [\(15\)](#) Nothing in this section shall affect the availability of any other method for collecting child support, maintenance, child support when combined with maintenance, retroactive support, medical support, child support arrears, or child support debt.
- [\(16\)](#) Income assignments under this section shall be issued by a delegate child support enforcement unit under the provisions of the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", created in article [13.5](#) of title [26](#), C.R.S.
- [\(16.3\)](#) The employer, trustee, or other payor of funds shall include with the first disbursement an indication of whether dependent health insurance coverage is available to the obligor and whether the obligor has elected to enroll the dependents who are the subject of the order in such coverage and that such information shall be included in a disbursement at least annually thereafter or at the next disbursement in the event of any change in the status of health insurance availability or coverage.
- [\(16.5\)](#) The employer shall not be required to collect, possess, or control the obligor's tips, and any such tips shall not be owed by an employer to an obligor.
- [\(16.7\)](#) The employer, trustee, or other payor of funds may extract a processing fee of up to five dollars per month from the remainder of the obligor's income after the deduction and withholding.

(17) For purposes of this section, unless the context otherwise requires, "income" means wages as defined in section [14-14-102\(9\)](#).

(18) (Deleted by amendment, L. 2000, p. 1704, § 2, effective July 1, 2000.)

(19) A person submitting a fraudulent notice to withhold income for support to an employer, trustee, or other payor of funds commits a civil infraction.

Cite as (Casemaker) C.R.S. § 14-14-111.5

History. Amended by [2021 Ch. 462, §161](#), eff. 3/1/2022.

Amended by [2021 Ch. 212, §4](#), eff. 7/1/2021.

L. 96: Entire section added, p. 600, § 12, effective July 1. L. 97: (2)(f), IP(4), (4)(d)(I), (4)(i), and (8)(c) amended and (4.5) and (18) added, p. 1271, § 10, effective July 1. L. 98: (3)(b)(III) amended, p. 766, § 15, effective July 1. L. 99: (2)(f)(II) amended, p. 1085, § 3, effective July 1. L. 2000: (2)(a)(II)(E), IP(4), (4), (8)(b), (10)(c), and (18) amended and (4)(m), (4)(n), (16.3), (16.5), (16.7), and (19) added, pp. 1704, 1708, §§ 2, 3, effective July 1. L. 2002: IP(4) amended, p. 23, § 2, effective July 1. L. 2007: (2)(f)(I) amended, p. 108, § 4, effective March 16. L. 2011: IP(4) amended, ([SB 11-123](#)), [ch. 46, p. 119, §4](#), effective August 10. L. 2012: (3)(b)(II)(I), (3)(b)(II)(K), (3)(b)(VII)(A), (3)(b)(VII)(C), IP(4), and (9) amended, (SB 12-175), ch. 208, p. 835, § 38, effective July 1.

Note: [2021 Ch. 462](#), was passed without a safety clause. See Colo. Const. art. V, § 1(3).

Note: *This section is set out twice. See also C.R.S. § [14-14-111.5](#), effective until 3/1/2022.*

Case Notes:

ANNOTATION

Law reviews. For article, "Legislative Update", see 12 Colo. Law. 1257 (1983). For article, "Domestic Case Update", see 14 Colo. Law. 209 (1985).

Annotator's note. Since § 14-14-111.5 is similar to § [14-14-107](#) as it existed prior to the 1996 repeal of said section, relevant cases construing that provision have been included in the annotations to this section.

Statutory language is clear that an order for wage assignment is mandatory if the obligor cannot establish one of the two specified defenses. Purpose of new subsection (2) was to effect a mandatory and expedited procedure for wage assignment when default in a child support payment occurred; provision for a limited hearing was included to afford the obligor due process. In re Barnes, [692 P.2d 329](#) (Colo. App. 1984).

Section clearly applies to maintenance, whether or not combined with child support. In re Connell, [831 P.2d 913](#) (Colo. App. 1992).

Defense against wage assignment that the full amount claimed is not due is contemplated by section and therefore success on such defense authorizes an award of attorney fees under section. In re Watters, [782 P.2d 1220](#) (Colo. App. 1989); In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

Attorney fee award to obligor must be reconsidered by trial court where obligee also prevails in part. In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

There was a hearing on an objection where the amount due was stipulated prior to the hearing because the issues at the hearing are limited to the identity of the obligor and the amount of the obligation, and an award of fees to the prevailing party is intended to discourage exaggerated claims or attempts to delay payment of valid claims. In re Vivens, [885 P.2d 301](#) (Colo. App. 1994).

Wage assignment is mandatory if the obligor cannot establish one of the specified defenses. In re Barnes, [692 P.2d 329](#) (Colo. App. 1984); In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990); In re Connell, [831 P.2d 913](#) (Colo. App. 1992).

Obligor may be subjected to more than one wage assignment. In re Sabala, [802 P.2d 1163](#) (Colo. App. 1990).

Denver department of social services entitled to keep proceeds from wage assignment even though assignment by ex-wife would take precedence since ex-wife did not file wage assignment. Department's actions did not deprive ex-wife of right or ability to receive current support since she could file her own assignment. People in Interest of D.C., [797 P.2d 840](#) (Colo. App. 1990).

Accumulated deductions in a PERA member's contribution account are not subject to assignment for payment of future child support obligations. In re Riggs, [786 P.2d 504](#) (Colo. App. 1989), cert. denied, 797 P.2d 744 (Colo. 1990).

Cross References:

For the legislative declaration contained in the 1997 act amending subsection (2)(f), the introductory portion to subsection (4), and subsections (4)(d)(I), (4)(i), and (8)(c) and enacting subsections (4.5) and (18), see section 1 of chapter 236, Session Laws of Colorado 1997.

§ 14-14-112. Deductions for health insurance

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- (1) In all orders which direct the obligor to provide health insurance for any child, the court or delegate child support enforcement unit shall include a provision directing the obligor's employer to enroll such child and the obligor, if enrollment of the obligor is a requirement of the plan, in the health insurance plan and to deduct from the wages due the obligor an amount sufficient to provide for premiums for health insurance when such insurance is offered by the employer, including any employer subject to the provisions of section 607 (1) of the federal "Employee Retirement Income Security Act of 1974", as amended. For all orders entered prior to August 1, 1992, which direct the obligor to provide health insurance for any child, the obligee or the obligee's representative shall send a copy of the notice of the deduction for health insurance, by first-class mail, to the obligor concurrent with mailing of the notice to the obligor's employer pursuant to subsection (2) of this section. The court or the delegate child support enforcement unit shall direct the obligor to notify the court, or unit if the delegate child support enforcement unit is a party to the court action, in writing, of any change of address or employment within ten days after the change.
- (1.5) Effective July 1, 2002, the delegate child support enforcement unit shall follow the procedure set forth in section [26-13-121.5](#), C.R.S., for the enforcement of orders for health insurance.
- (2) The obligee or the obligee's representative shall mail notice of the deduction for health insurance to the obligor's employer. The notice of the deduction for health insurance must contain:
- (a) The name, address, and social security number of the obligor;
 - (b) The name, birthdate, and social security number of any of the children to be covered by the health insurance;
 - (c) A statement that the employer shall enroll an obligor's child in the health insurance plan in which the obligor is enrolled if the child can be covered under that plan or, if the obligor is not enrolled, in the least costly plan otherwise available to the child, regardless of the marital status of the child's parents when he or she was born or whether the child is claimed as a dependent on the obligor's federal or state income tax return, lives with the obligor, or lives within the insurer's service area, notwithstanding any other provision of law restricting enrollment to persons who reside in an insurer's service area;
 - (d) A statement that the deduction for health insurance is to take effect no later than the first pay period after fourteen days from the date on which the notice is mailed to the employer or from the date on which the obligor submits an oral or written request to the employer, whichever occurs sooner, and that the deduction for health insurance is treated as a significant life change under open enrollment requirements;
 - (e) A statement that compliance with the notice to deduct for health insurance shall not subject the employer to liability to the obligor for wrongful withholding;
 - (f) A statement that noncompliance with the notice to deduct for health insurance may subject the employer to the liability and sanctions specified in subsection (5) of this section;
 - (g) A statement that the employer shall promptly notify the court, obligee, or

delegate child support enforcement unit in writing within fourteen days after the obligor terminates employment and shall provide, if known, the name of the obligor's new employer;

- (h) A statement that, as long as the obligor is employed by the employer, the notice to deduct for health insurance shall not be terminated or modified, except as follows:
 - (I) Upon written notice by the court, obligee, or delegate child support enforcement unit;
 - (II) Upon written verification, provided by the obligor to the employer, the employer determines that the child has been enrolled in a comparable health insurance plan that takes effect no later than the effective date on which the child is no longer enrolled under the plan offered by the obligor's employer; or
 - (III) Upon the employer's elimination of family health coverage for all employees;
- (i) A statement that the employer may not discharge or refuse to hire or take disciplinary action against an employee because of the entry or service of a notice to deduct for health insurance issued and executed pursuant to this section and that such a violation may result in a finding of contempt of court;
- (j) A statement that if the obligor or employer enrolls the dependents who are the subject of the order in health insurance coverage available through the employer, the employer shall send a copy of such enrollment to the location identified on the notice;
- (k) A statement that when a child is no longer enrolled under a family health plan for the reasons described in subparagraphs (I) to (III) of paragraph (h) of this subsection (2), the employer within fourteen days after the termination of coverage shall send to the location described on the health insurance premium notice a written notice of cancellation of enrollment or a copy of the verification provided by the obligor to the employer that the child is enrolled in a comparable health plan;
- (l) A statement that the obligor may file an objection to the notice of the deduction for health insurance with the court if the premium amount does not meet the definition of reasonable cost as provided in section [14-10-115\(10\)\(g\)](#). A premium amount that results in a child support order of fifty dollars or less or that is twenty percent or more of the obligor's gross income shall not be considered reasonable.

[\(2.5\)](#) If an obligor enrolls a child in a health insurance plan other than one provided through the obligor's employment, the obligee, the obligee's representative, or the delegate child support enforcement unit shall send, by first-class mail, a written notice to such health insurance provider with whom the obligor enrolls the child stating that:

- [\(a\)](#) The obligor is under a court order to provide health insurance coverage for a child;

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- (b) The insurance provider shall notify the obligee, the obligee's representative, or the delegate child support enforcement unit of any cancellation of the coverage.
- (3) No employer who complies with a notice to deduct for health insurance benefits pursuant to this section shall be liable to the obligor for wrongful withholding.
- (4) No employer shall discharge or refuse to hire or take disciplinary action against an employee because of the entry or service of a notice to deduct for health insurance issued and executed pursuant to this section. Any person who violates this subsection (4) may be deemed by the court to be subject to contempt of court.
- (5) An employer who wrongfully fails to deduct for health insurance in accordance with the provisions of this section may be held liable for an amount up to the accumulated amount of such premiums the employer or payor should have withheld from the obligor's wages.
- (6) When an employer is served with a notice to deduct for health insurance pursuant to this section, and the obligor is no longer employed by the employer, the employer shall promptly notify the court in writing of the obligor's last-known address, social security number, and the name of the obligor's new employer, if known.
- (7) If an employer discharges an employee in violation of the provisions of this section, the employee may, within ninety days, bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall be lost wages not to exceed six weeks, costs, and reasonable attorney fees.
- (8) A notice to deduct for health insurance issued and served pursuant to this section shall be continuing and shall remain in effect and be binding on any current or successor employer upon whom it is served until further notice by the court, obligee, obligee's representative, or delegate child support enforcement unit.
- (9) The court, obligee, obligee's representative, or delegate child support enforcement unit shall promptly notify the employer, in writing, when a notice to deduct for health insurance is modified or terminated. A notice to deduct for health insurance shall be terminated when the court order requiring health insurance is terminated.
- (10) Deductions for health insurance shall also be ordered by a delegate child support enforcement unit under the provisions of the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", created in article [13.5](#) of title [26](#), C.R.S.

Cite as (Casemaker) C.R.S. § 14-14-112

History. Amended by [2018 Ch. 96, §10](#), eff. 8/8/2018.

L. 92: Entire section added, p. 169, § 4, effective August 1. L. 93: (2)(c) amended and (2)(j) added, p. 1563, § 13, effective September 1. L. 94: (1) amended, p. 1540, § 11, effective July 1; (1), (2)(c), (2)(d), and (2)(h) amended and (2)(k) added, p. 1596, § 5, effective July 1. L. 96: (2.5) added, p. 586, § 1, effective July 1. L. 97: IP(2) amended and (2)(l) added, p. 1273, § 11, effective July 1. L. 98: IP(2) amended, p. 757, § 7, effective July 1. L. 2002: (1), IP(2), (2)(l), and (6) amended and (1.5) added, p. 24, § 3, effective July 1. L. 2007: (2)(l) amended, p. 108, § 5, effective March 16. L. 2012: (2)(g) amended, (SB 12-175), ch. 208, p. 836, § 39, effective July 1. L. 2018: IP(2) and (2)(c) amended, (SB 18-095), ch. 96, p. 754, § 10, effective August 8.

Editor's Note:

Amendments to subsection (1) by Senate Bill 94-088 and Senate Bill 94-164 were harmonized.

Cross References:

(1) For the legislative declaration contained in the 1997 act amending the introductory portion to subsection (2) and enacting subsection (2)(I), see section 1 of chapter 236, Session Laws of Colorado 1997. For the legislative declaration in SB 18-095, see section 1 of chapter 96, Session Laws of Colorado 2018.

(2) For the "Employee Retirement Income Security Act of 1974", see Pub.L. 93-406, codified at [29 U.S.C. sec. 1001](#) et seq.

§ 14-14-113. Recordation of social security numbers in certain family matters

- (1)
- (a)
- (I) Except as otherwise provided in subparagraph (II) of this paragraph (a), effective July 1, 1997, every application for, or application for the renewal of, a professional or occupational license or certificate, a commercial driver's license pursuant to section [42-2-403](#), C.R.S., or a marriage license pursuant to section [14-2-105](#) sought by an individual person shall require the applicant's social security number. Such social security number shall be recorded on the application regardless of the licensing agency's use of another number on the social security field on the license. Nothing in this paragraph (a) shall be construed to require that a person's social security number appear on the professional or occupational license, commercial driver's license, or marriage license.
- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), if an applicant for a professional or occupational license, commercial driver's license, or marriage license submits a sworn statement, together with the application, stating that the applicant does not have a social security number, such applicant shall not be required to provide a social security number on his or her application as required in subparagraph (I) of this paragraph (a).
- (b) The judicial department shall maintain records of the parties' and children's social security numbers in family matters filed under articles [10](#) and [14](#) of this title, articles [4](#) and [6](#) of title [19](#), C.R.S., and article [13.5](#) of title [26](#), C.R.S. Nothing in this paragraph (b) shall require that a person's social security number appear on the face of the court order.
- (c) All death certificates issued pursuant to section [25-2-110](#), C.R.S., shall identify the decedent's social security number, if available.
- (2)
- (a) Access to records via the social security number provided in subsection (1) of this section and the security of those records shall be in accordance with section [26-13-107](#), C.R.S. Access shall be limited to the department of human services only for the purposes of establishing, modifying, or enforcing child support.
- (b) Access to records via the social security number provided in subsection (1) of this section may be made by departments within their area of regulatory authority.
- (3) In addition to the provisions of subsection (2) of this section, the child support enforcement agency and the delegate child support enforcement units, when exercising authority pursuant to this section, shall be subject to the privacy provisions of section [26-13-102.7](#), C.R.S.

History. L. 97: Entire section added, p. 1274, § 12, effective July 1. L. 99: (3) amended, p. 622, § 17, effective August 4. L. 2000: (1)(a) amended, p. 1715, § 12, effective July 1. L. 2008: (1)(b) amended, p. 1347, § 2, effective July 1.

Cross References:

For the legislative declaration contained in the 1997 act enacting this section, see section 1 of chapter 236, Session Laws of Colorado 1997.