

**Title of Proposed Rule:** Implementation of Office of Child Support Enforcement Final Rule

**Rule-making#:** 17-06-06-01

Office, Division, & Program:  
OES, Child Support Services

Rule Author:  
Tracy Rumans

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### STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*(State what the rule says or does, explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. How do these rule changes align with the outcomes that we are trying to achieve, such as those measured in C-Stat?)*

The purpose of the proposed rule is to implement the Final Rule issued by the federal Office of Child Support Enforcement (OCSE) on December 20, 2016. Several areas of the Child Support Services program are affected by the provisions of the Final Rule, including the calculation of child support obligations, enforcement of child support orders through contempt proceedings, and criteria for closure of child support cases. In addition, technical cleanup is required in several areas, including the change in the name of the Colorado Child Support Services program.

The Final Rule issued by OCSE makes changes to child support guidelines in order to ensure that child support orders are consistent with the noncustodial parent's ability to pay. The rule enumerates several factors that must be considered when determining the income of a parent. These factors include the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other reemployment barriers. In order to comply with the Final Rule, Volume 6 should be revised to include the factors that must be reviewed when determining a parent's income. These factors apply when child support obligations are initially established, as well as during the review and adjustment process.

When a parent is incarcerated, that parent's ability to comply with existing child support obligations is severely restricted. In order to prevent a parent accumulating high levels of child support debt due to incarceration, the Final Rule requires the Child Support Services program to utilize a review and adjustment process. The county Child Support Services office will be required to provide notice to the parents of the right to request a review of the support order within 15 days of learning of the incarceration of the noncustodial parent for more than 180 calendar days, which will be accomplished through enhancements to the Automated Child Support Enforcement System (ACSES).

Contempt of court is a legal tool used by county Child Support Services offices to enforce child support obligations. The Final Rule mandates that cases are screened by the Child Support Services office prior to the filing of a civil contempt action that could result in the noncustodial parent being sent to jail. In addition, the contempt process must ensure due process to the noncustodial parent by providing clear notice that his or her ability to pay is critical issue determined by the court in the contempt action.

The Final Rule provides flexibility to the Child Support Services program by permitting case closure in situations where there is no current support order and all arrears are owed to the state, there is an intact two-parent household, or the parent is living with the child. The rule also permits case closure where the noncustodial parent lacks assets above subsistence level and is disabled or has entered long-term care. Finally, the rule reduces the amount of time required to perform diligent locate efforts before the case may be closed.

Several sections of Volume 6 require changes to incorrect citations to other program rules, outdated program names. In addition, the Division of Child Support Services changed the program's name to reflect the focus on providing services to the families that use the child support program. Therefore, Volume 6 should be revised to change "Enforcement" to "Services" in the program name throughout.

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**Authority for Rule:**

State Board Authority: 26-1-107, C.R.S. (2015) - State Board to promulgate rules; 26-1-109, C.R.S. (2015) - state department rules to coordinate with federal programs; 26-1-111, C.R.S. (2015) - state department to promulgate rules for public assistance and welfare activities.

**Program Authority:**

*(give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority)*

**Federal regulations:**

- 45 CFR 302.56 - concerning guidelines for setting child support orders;
  - 45 CFR 303.4 - concerning establishment of support obligations;
  - 45 CFR 303.6 - concerning enforcement of support obligations;
  - 45 CFR 303.8 - review and adjustment of child support orders;
  - 45 CFR 303.11 - case closure criteria;
  - 45 CFR 303.31 - concerning securing and enforcing medical support obligations.
- 

Does the rule incorporate material by reference?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

Does this rule repeat language found in statute?

If yes, please explain.

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The program has sent this proposed rule-making package to which stakeholders?

Office of Economic Security (OES) Sub-PAC  
County Human Services Directors and designees  
County Child Support Services Administrators  
Regional Partners—Federal Office of Child Support Enforcement  
IV-D Attorneys  
Colorado Judicial Department  
Colorado Legal Services  
Center on Fathering

[Note: Changes to rule text are identified as follows: deletions are shown as “~~strikethrough~~”, additions are in “all caps”, and changes made between initial review and final adoption are in brackets.]

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**Attachments:**

Regulatory Analysis  
Overview of Proposed Rule  
Stakeholder Comment Summary

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## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule:

*Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?*

Custodial parties and noncustodial parents receiving services through the Colorado Child Support Services program will benefit from this rule.

Both custodial parties and noncustodial parents will benefit from the thorough review of case circumstances to ensure the correct support amount that reflects their ability to pay is established when parents are voluntarily underemployed or unemployed.

Noncustodial parents that are incarcerated will benefit from receiving notice that their support orders may be reviewed to reflect their ability to pay while incarcerated.

Noncustodial parents will benefit from receiving due process through notice that the ability to pay is the critical issue determined by the court in a contempt hearing. Parents and the judicial system will benefit from increased scrutiny of cases when contempt actions are screened by county Child Support Services offices.

County Child Support Services offices will benefit from a reduced workload by removing the requirement for the federal required distribution notice to be generated manually. The Division of Child Support Services will bear the initial burden of developing an efficient process to produce the distribution notice.

### 2. Describe the qualitative and quantitative impact:

*How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?*

In the long term, custodial parties and noncustodial parents will benefit from support orders being established and modified based on the parents' ability to pay. By setting accurate orders, the likelihood that the parent will comply with the support order increases. This will lead to more custodial parties being able to rely on consistent support payments for their children.

The ability of a parent to pay support is incorporated into this rule change in several areas. Noncustodial parents that have been incarcerated for more than 180 days face a substantial reduction in their ability to pay a support order that may have been established based upon prior employment. By requiring the notice of the right to review that order, more parents will have their support orders modified to accurately reflect their present circumstances. This will reduce the number of cases where noncustodial parents face an insurmountable child support arrears balance upon their release from incarceration.

With more refined use of the civil contempt remedy to enforce child support orders, the courts and parents will benefit. By requiring screening prior to the filing of a contempt action, the remedy will be focused on those cases where it is appropriate, and will prevent the waste of judicial resources spent in court determining that a parent does not have the ability to pay.

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The expansion of case closure criteria will benefit county Child Support Services offices as resources may be directed to cases where collections are possible. This will, in turn, improve customer service and case management practices.

State staff will bear the burden, in the short-term, of updating ACSES programming, developing procedures, and conducting training of county staff. Staff resources that currently deliver training will be utilized.

### **3. Fiscal Impact:**

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources.*

**State Fiscal Impact** *(Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)*

Changes to the Automated Child Support Enforcement System (ACSES) will be completed with funds already available to the program.

Costs of training will be absorbed within current state positions that currently conduct training.

#### **County Fiscal Impact**

There are no expected county fiscal impacts associated with this rule change. There will be a reduction in workload for county offices due to the removal of the requirement to generate the federal distribution notice.

#### **Federal Fiscal Impact**

There are no federal fiscal impacts associated with this rule change.

#### **Other Fiscal Impact** *(such as providers, local governments, etc.)*

There are no other fiscal impacts associated with this rule change.

### **4. Data Description:**

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

Because this rule is required in order to implement the Office of Child Support Enforcement Final Rule, other data sources were not obtained in developing the rule.

### **5. Alternatives to this Rule-making:**

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative.*

No other alternatives to rule-making are available because the rules must be changed and created in order to comply with the Office of Child Support Enforcement Final Rule.

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**OVERVIEW OF PROPOSED RULE**

Compare and/or contrast the content of the current regulation and the proposed change.

<u>Section Numbers</u>	<u>Current Regulation</u>	<u>Proposed Change</u>	<u>Stakeholder Comment</u>	
			<u>Yes</u>	<u>No</u>
6.260.5	Notice and Reasons for Closure	Additional criteria authorized by federal rule change allows closure when noncustodial parent lacks assets above subsistence level and reduces time frame required to locate parents	X	
6.261.2	Notice of Right to Request Review	Adds requirement to notify parties to case of right to request review of child support order amount when noncustodial parent is incarcerated for more than 180 days		X
6.261.4	Conducting the Review	Provides required factors to be reviewed by child support caseworker during review process before imputing potential income to a voluntarily underemployed or unemployed parent		X
6.707.1	Determining Income	Provides required factors to be reviewed by child support caseworker before imputing potential income to a voluntarily underemployed or unemployed parent. Applies to establishment and review of support order amount		X
6.903.31	Civil Contempt Actions	Child support caseworker must screen cases prior to filing contempt action and notify noncustodial parent that the ability to pay is the critical question in a contempt action		X
6.240 (and Definitions section 6.002)	Medical Support	Definition of health care coverage includes public health care coverage under which medical services could be provided to the child	X	
Various	Child Support Enforcement	References to Child Support Enforcement were changed to Child Support Services to reflect program name change		X

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### STAKEHOLDER COMMENT SUMMARY

#### DEVELOPMENT

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Division of Child Support Services  
Arapahoe County CSS  
Boulder county CSS  
Broomfield County CSS  
El Paso County CSS  
Larimer County CSS  
Weld County CSS  
Colorado Judicial Department Child Support Liaison

#### THIS RULE-MAKING PACKAGE

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Office of Economic Security (OES) Sub-PAC  
County Human Services Directors and designees  
County Child Support Services Administrators  
Regional Partners—Federal Office of Child Support Enforcement  
IV-D Attorneys  
Colorado Judicial Department  
Colorado Legal Services  
Center on Fathering

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes  No

If yes, who was contacted and what was their input?

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes  No

Date presented: July 6, 2017

What issues were raised? None

If not presented, explain why.

Comments were received from stakeholders on the proposed rules:

Yes  No

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*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

**Section 6.240.2**

Julie Krow, Executive Director, El Paso County Department of Human Services

*Our team reviewed the changes to the child support regulations and think they are great, with one possible addition courtesy of Jeff Ball. See Below.*

*We are wondering if an explicit statement should be made in the medical support section. As proposed:*

**6.240.2 MEDICAL SUPPORT ENFORCEMENT [Eff. 4/1/13]**

The National Medical Support Notice (NMSN) must be sent to the obligor's employer if the obligor is ordered to provide health insurance, the obligor is eligible for health insurance, the health insurance is accessible to the child(ren), and the monthly premiums are reasonable in cost.

A. A notice must be sent to the obligor, informing him/her that the NMSN was sent to his/her employer and describing the rights and conditions regarding the issuance of the NMSN. The obligor has ten (10) calendar days from the date of the mailing to object with the Child Support Enforcement Unit if the obligor believes there is a mistake in identity and he/she is not the obligor, there is no order for the obligor to provide health insurance, the health insurance is not accessible to the children, or the monthly premiums are not reasonable in cost.

1. Health insurance is considered not accessible to the child(ren) if the child(ren) resides outside the geographic area of coverage.

2. A premium amount is considered reasonable in cost if the premium payments (child(ren)s' portion) are less than twenty percent (20%) of the paying parent's gross income or application of the premium payment (child(ren)s' portion) on the guidelines does not result in a Monthly Support Obligation of fifty dollars (\$50) or less.

B. The Child Support Enforcement Unit will have ten (10) calendar days from the date the objection is mailed to determine if the objection is valid. If the obligor objects to the enforcement of the NMSN claiming it exceeds the reasonable cost standard, the Child Support Enforcement Unit must determine if the premium amount is twenty percent (20%) or more of the obligors' gross monthly income.

C. If the obligor's objection is valid, the Child Support Enforcement Unit must send a notice of termination to the obligor's employer with a copy to the obligor. If the obligor's objection is not valid, the Child Support Enforcement Unit must notify the obligor that the NMSN will remain in effect and that the obligor has the right to object with the court.

D. In subsidized adoption cases, CSE units have the option of enforcing medical support through a NMSN. Verification of the subsidized adoption is required if the Child Support Enforcement Unit chooses not to enforce.

*Here is part of the OCSE new rule regarding medical support (from the December 19, 2016 Federal Register):*

**§ 303.31 Securing and enforcing medical support obligations.**

(a) \* \* \*

(2) Health care coverage includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

*We would add this sentence verbatim to 6.240.2, perhaps before the NMSN is mentioned.*

*Otherwise, we think the changes are very clear. (There may be a paternity only application option added at a later date.)*

Response: Based on this comment, the Division of Child Support Services has further reviewed the medical support provisions of the Final Rule issued by the Office of Child Support Enforcement, and agrees that this change in the definition should be included in the proposed revisions. The term "health insurance" was replaced by "health care coverage" and defined to include public health care coverage along with private health insurance. Therefore, the definition of "health insurance" has been included in the revisions, along with revisions to the language in section 6.240.1, medical support establishment, and section 6.240.2, medical support enforcement.

**Section 6.260.5**

Christian Maddy, Denver County Child Support Services

*Feedback for proposed changes to Volume 6 to implement Federal Office of Child Support Enforcement File Rule 2016*

*45 CFR 303.11(b)(7)(ii) - " The IV-D agency may elect to close of case if ... the noncustodial parent's location is unknown.... Over a 6-month period when there is not sufficient information to initiate an automated locate effort..."*

*There is no proposed change to Volume 6, 6.260.51, which requires a 1-year timeframe, at this time.*

*The federal 6-month will have the intended impact of improving the flexibility, efficiency, and modernization of the program. To keep to 1-year time frame in effect suggests that the program's manual locate abilities, tools and practices have not improved since the rules inception. While anecdotal evidence may suggest that either more or less time may be required to have a successful outcome for these cases, imperial data should be collected and analyzed before deciding to further limit the federal requirement at the state level. As such, the 6-month timeframe should be incorporated in Volume 6 until such time that data reveals that an additional six months significantly contributes to the likelihood of a positive outcome.*

*45 CFR 303.11(b)(9)(i) and (ii) - " The IV-D agency may elect to close of case if .... The non-custodial parent's sole income is from Supplemental Security Income (SSI) payments .... or ....*

*Both SSI and Social Security Disability Income (SSDI)....”*

*There is no proposed change to Volume 6, 6.260.51, which is silent to these specific situations, at this time.*

*45 CFR 303.11(b)(8) is a complex paragraph that contains a 7-part test to determine whether the case has met closure criteria. While paragraph 8 has been integrated in Volume 6, the integration of 45 CFR 303.11(b)(9)(i) and (ii) would greatly simplify the agencies decision making process, thus improving the program’s flexibility, efficiency, and modernization. Additionally, the inclusion of these paragraphs will prevent confusion at the county level as to whether these specific closure criteria apply by bridging the gap between federal and state regulations. Ultimately, our program will no longer face any ambiguity about perusing NCP’s who are, by definition, physically or mentally debilitated and have no other means to comply with their orders. It appears to be clear, at the federal level, that we should not.*

*Please let me know if I can be of any further assistance.*

Response: Based on this comment, the Division of Child Support Services has further reviewed the optional case closure criteria. With regard to 45 CFR 303.11(b)(7)(ii), when information on the noncustodial parent is added but no social security number is provided, the case is rejected by the Federal Case Registry, and requires further action by the case worker to obtain additional locate information. The Federal Case Registry pulls the case in 90-day increments to review for further locate information that can be used to find a social security number. Based on this process and possible delays in the intake step, several months may have elapsed before the actual locate request is made. Therefore, closing the case within 6 months would not allow sufficient time to fully utilize the tools available to locate the parent. However, we will pursue your suggestion of reviewing data to determine the rate of effectiveness of 6 months versus 1 year of locate efforts. As this case closure criterion is an optional part of the rule, depending on the results of that analysis, the rule can certainly be reviewed again in the future.

With regard to 45 CFR 303.11(b)(9), we have adopted your suggestion, and included a specific subsection to allow for closure of a case where the noncustodial parent’s sole source of income is SSI. Because of the importance of establishing paternity and support orders for the children benefiting from the services of the child support program, closure is limited in those situations to cases where paternity and support has been established. The proposed revisions to section 6.260.51 now include an additional subsection F to address these SSI cases.

DEPARTMENT OF HUMAN SERVICES

Child Support Enforcement Services

RULE MANUAL VOLUME 6, CHILD SUPPORT ENFORCEMENT SERVICES RULES

9 CCR 2504-1

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STATEMENT OF BASIS AND PURPOSE, AND, SPECIFIC STATUTORY AUTHORITY OF REVISIONS  
MADE TO THE CHILD SUPPORT ENFORCEMENT SERVICES STAFF MANUAL

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**6.000 CHILD SUPPORT ENFORCEMENT SERVICES PROGRAM**

**6.001 INTRODUCTION**

**6.001.1 PURPOSE**

The Colorado Child Support Enforcement Services (CSSE) Program is established to collect support, to reimburse, in part or whole, Title IV-A grants paid to families, help remove IV-A recipients from the IV-A program by assuring continuing support payments, and assist persons who do not receive IV-A or IV E foster care to remain financially independent. Such purpose is achieved by: locating noncustodial parents, establishing the paternity of children born out of wedlock, establishing child support obligations and health insurance, reviewing the order for a possible adjustment, and enforcing and collecting support. Although this program must be closely coordinated with the IV-A, Medicaid, Low-Income Child Care Assistance, and foster care programs, it is a separate and distinct program with defined functions, which must be performed by a distinct administrative unit.

This manual sets forth the policies and rules by which the Colorado Child Support Enforcement Services (CSSE) program must be administered and describes the coordination that must take place with the IV-A and foster care programs. IV-A and IV E foster care cases in these rules are also referred to as public assistance (PA) cases. Cases that do not contain IV-A or IV E recipients and cases receiving continued services are referred to as non public assistance (Non PA; NPA) cases. Non-IV-E foster care, Medicaid, and Low-Income Child Care Assistance cases are also included in NPA cases. The policies and rules for the IV-A, Medicaid, Low-Income Child Care Assistance, and foster care programs are set forth in the respective staff manuals.

**6.002 DEFINITIONS**

“Abandoned Collections Account” - the State IV-D account into which undeliverable collections are transferred once a determination has been made that the payment cannot be disbursed. This account is used to reimburse state expenditures.

“ACSES” - the acronym for the Automated Child Support Enforcement system, a comprehensive statewide on line computer system providing case management, financial management, reports, statistics and an extensive cross reference system.

“Adjustment” or “Modification” - is a legal action to change the amount of the child support or foster care fee order, which can increase or decrease based upon application of the state's presumptive guideline; or to add a provision for medical support or to change the party ordered to provide medical support.

“Administrative Costs” - the amount of court ordered costs that must be repaid to the Child Support ~~Enforcement Services~~ Unit such as genetic tests, service of process fees, or attorney’s costs.

“Administrative Lien and Attachment” - a notice to withhold child support, child support arrearages, child support debt, or retroactive support due from a noncustodial parent’s workers’ compensation benefits that is issued to any person, insurance company, or agency providing such benefits.

“Administrative Process Action (APA)” - determination of paternity and/or support obligations through a non-judicial process.

“Administrative Review” - a county or state level review of the following four issues only: the payments made, the arrearage amounts, the distribution of amounts collected, or a mistake in the identity of the person who owes the child support.

“Alleged Parent” - a person who has been identified as the possible biological parent of a child and/or who may be the legal parent of a child.

“Allocation” - the process of apportionment of a collection to a specific noncustodial parent’s obligation based on the legal order for support to satisfy the various classes of the noncustodial parent’s receivables.

“Application” - the state prescribed ~~form, CSE 6, which form which~~ indicates that the individual is applying for Child Support ~~Enforcement services~~ Services. The application is signed by the individual applying for services and a fee is paid or waived on basis of hardship, and then paid by the county.

“Arrearages” - the total amount of the court ordered support obligations that are past due and unpaid. Such amount is calculated by multiplying the amount of the support obligation (including any modification thereto) by the number of months that have elapsed since the inception of the order and subtracting from the product the amount of support paid by the noncustodial parent, through the court, directly to the obligee, Child Support ~~Enforcement Services~~ Unit, or Family Support Registry (FSR).

“Assignment of Support Rights” - the determination that a family is eligible for IV-A benefits automatically invokes a state law (Section 26-2-111(3), C.R.S., as amended) that assigns to the State Department all rights that the applicant may have to support from any other person on his/her own behalf or on behalf of any other family member for whom application is made. The assignment is effective for both current support and support that accrues as arrears during the period that the family receives assistance. The assignment is limited by the total amount of IV-A assistance received. When a child is placed in foster care, all rights to current and accrued child support for the benefit of the child are assigned to the State Department pursuant to Section 26-13-113, C.R.S.

“Automated Child Support Enforcement System (ACSES)” - the statewide computer program used by Child Support ~~Enforcement Services~~ for daily operations.

“Caretaker” - a person who is related to the dependent child by blood or by law, or who lives with the child and who exercises parental responsibility (care, control and supervision) of the child in the absence of the child’s parent.

“Case Category” - category of a case identifies the type of IV-D case. Case categories must be maintained on the automated child support system as prescribed by the State Department.

“Cash Medical Support” - see definition of “specific dollar amount for medical purposes”.

“Challenge” - when either party disagrees in writing with the review results because the guideline calculation contained an alleged mathematical or factual error. The parties’ right to challenge is included

in the Post Review Notice or the Administrative Process, Notice of Financial Responsibility for Modification.

"Child Support Enforcement Services (CSES) Unit" - the county unit administering or supervising the contract for another private or public entity to administer the Child Support Enforcement Services (CSSE) Program.

"Colorado Date of Receipt" (CDOR) - the date the child support payment is first received by the Child Support Enforcement Services program, either the Family Support Registry or the Child Support Enforcement Services Unit.

"Confidential" - privileged information of individuals which is private and not for release, disclosure, or distribution unless specifically authorized in statute, regulation, or rule.

"Consumer Credit Reporting Agency" - any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"Continued Services Cases" - non public assistance Child Support Enforcement Services cases in which the Child Support Enforcement Services Unit continues to provide services after IV-A financial or IV-E foster care eligibility ceases unless notified by the custodial party that continued services are not desired.

"Cost Effectiveness Ratio" - the ratio of total child support collections to total administrative costs.

"County Department" - a county department of social services, human services, housing and human services, or health and human services.

"C.R.S." - Colorado Revised Statutes.

"CSECSS Case" - a child support case in which services are provided to establish, modify, and enforce support and medical obligations pursuant to the state IV D plan.

"Custodial Party" - the legally responsible parent, blood relative, adoptive relative, adult who exercises responsibility for a dependent child(ren), or agency. Also known as the caretaker relative, custodial relative, custodian, government agency (for foster care cases) or, on ACSES, as the recipient/applicant and abbreviated as R/A.

"Date of Withholding" - the date the employer withheld the child support from the employee's wages.

"Disbursement" - processing of the payable to payees other than the Department of Human Services.

"Disposition" - the date on which a support order is officially established and/or recorded or the action is dismissed.

"Distribution" - application of the allocated collection to the IV D retained and/or payable accounts according to federal regulations based on assignment of rights to support, continued services, and application for services.

"EFPLS" - Expanded Federal Parent Locator Service

"Electronic Benefits Transfer (EBT) Notice" - the notice that is sent to the IV-A recipient at the beginning of each month informing him/her of how much public assistance money was deposited into his/her

account. The notice also contains information about how much child support was paid by the noncustodial parent during that month.

“Enforcing County” - Colorado county responsible for processing the case and providing Child Support ~~Enforcement~~ Services.

“Erroneous Disbursement” - see “Unfunded Disbursement”.

“Excess Pass Through Amount” – means an assigned child support collection (applied to current support) that the State elects to pay to the family rather than retain to reimburse for assistance provided to the family over the Pass Through Amount.

“Expedited Processes” - administrative or expedited judicial processes or both which increase effectiveness and meet specified processing timeframes and under which the presiding officer is not a judge of the court. Actions to establish or enforce support obligations in IV D cases must be completed within the timeframes specified in federal regulations.

“Family Support Registry (FSR)” - the contracted fiscal agent responsible for processing all child support payments.

“FFP” - Federal financial participation.

“Federal Tax Information (FTI)” - any information contained in, or that derived from, a federal tax return.

“Financial Institution Data Match (FIDM)” - Federal mandate requiring the state to do a periodic match of noncustodial parents who owe arrearages to accounts maintained at financial institutions.

“Financial Institution Data Match Lien and Levy” - a notice generated by the Colorado Department of Human Services, Division of Child Support ~~Enforcement~~ Services, to freeze and seize assets contained in financial accounts. The notice is issued to any financial institution or state entity maintaining accounts for obligors with child support arrearages, child support debt or retroactive support.

“FIPS” - Federal Information Processing Standard - a code number assigned to each state and county within the United States.

“Former Arrears Due (FAD) Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance but no longer receives ~~CSSE~~ services and where there are still assigned arrears due.

“Former Assistance Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance.

“Foster Care Fee Debt” - the amount of support due in a foster care case from the placing parent for the time period between the date the child was placed in out-of-home placement to the date the fee order was established.

“Foster Care Fee Order” - a monthly amount assessed by application of the Colorado Child Support guidelines, which are found under 14-10-115(7), C.R.S., to the legally responsible person(s) whose child(ren) are receiving substitute care through a foster care placement as ordered by a court or through administrative process by a county Child Support ~~Enforcement~~ Services Unit.

“FPLS” - Federal Parent Locator Service.

“Genetic Testing” - a scientific test that shows the probability of biological parentage of a child which can lead to the establishment of paternity.

~~“Health Insurance” – medical insurance or medical and dental insurance that may be provided through a parent’s employer or acquired individually by the parent.~~

~~“Health Care Coverage/Health Insurance” – Fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).~~

“HHS” - the U.S. Department of Health and Human Services.

“High Volume Automated Administrative Enforcement in Interstate Cases” - the use of automated data processing on interstate cases to search various state data bases and seize identified assets of delinquent obligors, using the same techniques as used in intrastate cases upon request of another state.

“Income Assignment” - the process whereby a noncustodial parent's child support payments are taken directly from his/her income and forwarded to the FSR through a notice to the employer, trustee, or other payor of funds.

“Initial Date of Receipt” (IDOR) - the date on which the support collection is initially received by the Title IV-D agency or the legal entity of any state or political subdivision actually making the collection or, if made via income assignment, the date of withholding, whichever is earliest.

“Initiating State/Jurisdiction” -

- A. The state/jurisdiction which requests **CSECSS** services from the state/jurisdiction where the noncustodial parent resides, has property, or derives income; or,
- B. The state where the custodial party resides if a modification has been requested and it is appropriate for that state to review the order.

“Intergovernmental Case” - a **CSECSS** services case which involves more than one state, country or tribe.

“Interstate Central Registry” - the Interstate Network unit within the Colorado Division of Child Support **Enforcement Services** (CSSE) which receives and distributes responding cases and has oversight responsibility for intergovernmental IV-D cases.

“Interstate Network” - the unit in the Colorado Division of Child Support **Enforcement Services** which has responsibility for interstate central registry functions.

“In-State Case” - a case being worked in Colorado with no other jurisdiction involved.

“IV-A Cash Assistance” - payments paid to or on behalf of families with children pursuant to Title IV-A of the Social Security Act.

“IV-A Case” - a case referred from the IV-A Unit to the **CSECSS** office for child support services when the family has been approved for IV-A financial benefits and/or medical benefits.

“IV-A Unit” - the county unit administering the IV-A cash assistance program.

“IV-D Program” - Child Support **Enforcement Services** Program pursuant to Title IV D of the Social Security Act.

“IV-E Foster Care Case” - a case with a child(ren) who qualifies for public assistance under Title IV-E of the Social Security Act. These cases are mandatory referrals to the **CSECSS** Unit.

“IV-E Payment” - payment made on behalf of a child for his/her foster care maintenance in accordance with Title IV E of the Social Security Act.

“Judgment” - by operation of law, a child support payment becomes a final money judgment when it is due and not paid. A missed payment, or a series of missed payments, may also be reduced into a single judgment by the court.

“Legal Father” - see “Paternity”.

“Locate” - information concerning the physical whereabouts of the noncustodial parent or the noncustodial parent’s employer(s), other sources of income, or assets, as appropriate, which is sufficient to take the next appropriate action in a case.

“Medicaid Referral Cases” - cases in which families, with a noncustodial parent, receive Medicaid and are referred to CSECSS from a Medicaid agency for CSECSS services if the Medicaid recipient voluntarily wants CSECSS services.

“Medical Coverage” - any health coverage provided for a child(ren), including: 1) private health insurance; 2) publicly-funded health coverage; 3) cash medical support; or 4) payment of medical bills, including dental or vision.

“Medical Support” - a subset of medical coverage which includes health coverage provided for a child(ren) in a IV-D case in which there is a medical support order. This includes: 1) private health insurance; 2) publicly-funded health coverage, if a parent is ordered by a court or administrative process to provide cash medical support payments to help pay the cost of Medicaid or State Child Health Insurance Program (SCHIP); 3) cash medical support, including payment of health insurance premiums; and 4) payment of medical bills, including dental or vision. Indian health service and tricare are acceptable forms of medical support.

“Modification” - see “Adjustment”.

“Monthly Amount Due” - the monthly amount the obligor is expected to pay toward the arrearages.

“Monthly Payment Due” - the monthly amount that the obligor is expected to pay each month; the amount includes the court ordered current support and the monthly amount due towards any arrears.

“Monthly Support Obligation” - the monthly obligation amount ordered by a court or through administrative process by a county Child Support Enforcement Services Unit to be paid on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“National Medical Support Notice (NMSN)” - a federally mandated notice sent to employers by the delegate CSECSS Units. The NMSN requires an employer to enroll a child(ren) in the employer’s health insurance plan if it is available, the employee is eligible, and it is reasonable in cost.

“Non-IV-E Foster Care Case” - a case with a child(ren) receiving Title IV-B foster care services who does not qualify for IV-E public assistance. These cases are classified by the State CSECSS Division on the automated child support system as a Non-PA case, but are treated like public assistance cases because they originate within Child Welfare Services and, pursuant to statute, contain an automatic assignment of support.

“Non-Public Assistance (Non-PA) Case” - a IV D case in which the family currently does not receive public assistance. Non-PA cases include Medicaid referral cases.

“Noncustodial Parent (NCP)” - the legally responsible parent, adoptive parent, or alleged parent who is not living with the dependent children. Also known on ACSES as the absent parent and abbreviated as “A/P”.

“Not in Child's Best Interest” - order would not be reviewed based on a good cause determination in cases with an assignment of rights as defined in Section 6.230.1.

“Notice of Collection” - a periodic report of Child Support collection information which is sent by the Child Support Enforcement Services Unit to current and former Colorado Works Program recipients who have assigned their rights to support.

“Obligee” - the party to whom an obligation of support is owed.

“Obligor” - the party bound by a court or administrative order to provide support.

“OCSE” - Office of Child Support Enforcement. The Health and Human Services agency responsible for the supervision of state child support enforcement programs pursuant to Title IV D of the Social Security Act.

“Original Order” - means the first support order that orders a parent to pay support for a child.

“Parties to the Action” - those individuals or entities named in a petition, motion, or administrative process notice of financial responsibility and joined, or to be joined, in a legal action.

“Pass Through Amount” – means an assigned child support collection (applied to current support) that the State elects to pay to the family rather than retain to reimburse for assistance provided to the family. In current-assistance cases, the federal share will be waived for up to \$100 per month for TANF families with one child and up to \$200 per month for families with two or more children, as long as both the federal and state share of the Pass Through are paid to the family and are disregarded in determining the TANF Basic Cash amount of assistance provided to the family.

“Paternity” - is the legal establishment of fatherhood for a child, either by court determination, administrative process, or voluntary acknowledgment.

“Permanently Assigned Arrears” - arrears which accrued under a court or administrative order and were assigned prior to October 1, 1997, plus all arrears which accrue while a family is receiving public assistance after October 1, 1997.

“Placing Parent” - the legally responsible parent who the child(ren) was living with prior to foster care placement.

“Post Assistance Arrears” - the arrears that accrue under a court or administrative order on a continued services case after the obligee discontinues IV-A services.

“Pre-Assistance Arrears” - the arrears that accrued from October 1, 1997, forward, under a court or administrative order before the obligee started receiving IV-A assistance.

“Pre-Offset Notice” - a notice generated yearly by the state Office of Child Support Enforcement Services notifying noncustodial parents of the enforcement remedies that may be applied to their cases and advising of their right(s) to request an administrative review.

“Pre-Review Screening” - an assessment of the IV-D case to determine the appropriateness for review.

“Presumed Father” - a man who is more likely than not to be the legal father of a child because certain facts exist.

“Primary Contact County” - the county that the obligee will contact to resolve issues concerning an unfunded disbursement balance.

“Procedure” - processes developed by county Child Support Enforcement Services Units and/or the State Department to implement state policy and rules.

“Public Assistance” - assistance payments provided to or on behalf of eligible recipients through programs administered or supervised by the State Department under Titles IV-A or IV-E of the Social Security Act or under Child Welfare Services.

“Public Assistance (PA) Case” - a case that has met established criteria by the IV-A or IV-E divisions to be referred to the CSECSS Unit for child support services.

“Responding State/Jurisdiction” - the state/jurisdiction where the obligor resides, has property, or derives income, which provides Child Support Enforcement Services Unit services upon request from another state/ jurisdiction.

“Retroactive Support Due” - the amount of support due for a time period prior to the entry of an order establishing paternity and/or support.

“Review” - an evaluation of the parties’ income information to determine the child support order amount and whether a medical support provision needs to be added to the child support order or if the party ordered to provide medical support needs to change.

“Service Fee” – the annual fee charged to an obligee who has never received cash public assistance.

“Specific Dollar Amount for Medical Purposes or Cash Medical Support” - an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another party through employment or otherwise, or for other medical costs not covered by insurance.

“SPLS” - the State Parent Locator Service.

“State Department” - the Colorado Department of Human Services.

“State Plan” - the comprehensive statement submitted by the State Department to the Department of Health and Human Services describing the nature and scope of its Child Support Enforcement Services Program and giving assurance that it will be administered in conformity with the specific requirements stipulated in Title IV D of the Social Security Act and other official issuances of Health and Human Services.

“Support” - a medical support order and/or financial amount ordered by a court or through administrative process by a county Child Support Enforcement Services Unit on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“Termination of Review and Adjustment” - the review/adjustment activity ceases based on specific criteria which are set forth in Section 6.261.5.

“Total Program Expenditures” - the total amount of costs associated with the Child Support Enforcement Services program billed to the federal government for reimbursement.

“UIFSA” - Uniform Interstate Family Support Act, Title 14, Article 5, Colorado Revised Statutes (C.R.S.) which governs interstate case processing.

“UMP” - Unreimbursed Maintenance Payments. The amount of IV E foster care maintenance payments which have not been reimbursed by child support collections or other recoveries.

“Unassigned Arrears” - any arrears that are not assigned to the state, either because the obligee never received public assistance or because, for an obligee who is or was receiving public assistance, the arrears accrued during a time period when the obligee was not receiving public assistance.

“Unfunded Disbursement” - a disbursement that is paid but subsequently found to contain an error or found to have insufficient funds to pay the disbursement.

“UPA” - Unreimbursed Public Assistance. The amount of IV-A payments which have not been reimbursed by child and spousal support collections or reduced by IV A established recoveries.

“URESAs” or “RURESAs” - The Revised Uniform Reciprocal Enforcement of Support Act, Title 14, Article 5, C.R.S., as amended. Repealed in Colorado on January 1, 1995, the effective date of Uniform Interstate Family Support Act.

## **6.100 ADMINISTRATION OF THE COLORADO CHILD SUPPORT ENFORCEMENT SERVICES PROGRAM**

### **6.101 STATE DEPARTMENT OF HUMAN SERVICES**

The State Department of Human Services is responsible for statewide supervision or administration and, as provided in these rules, direct administrative activities concerning the Child Support Enforcement Services Program as required by the federal government under its provisions for financial participation.

### **6.102 County Departments Of Social Services**

**6.102.1 County departments shall strictly administer the Child Support Enforcement Services Program in accordance with the rules set forth in this manual.**

### **6.102.2 Duties Of The County Department**

#### **6.102.21**

The duties of the county department or its delegate shall include the following:

- A. Establishing, maintaining, and implementing specific written procedures for the operation of the Child Support Enforcement Services Program in accordance with these rules;
- B. Maintaining the Child Support Enforcement Services staff manual, required state forms, and copies of county letters;
- C. Establishing and monitoring agreements with local law enforcement officials, legal services providers and other organizations for the provision of services in support of the Colorado Child Support Enforcement Services Program;
- D. Securing compliance with the requirements of the Colorado Child Support Enforcement Services Program in operations delegated under any agreement;
- E. Implementing and utilizing a statewide, comprehensive automated Child Support Enforcement system, as prescribed by the state department;
- F. Certifying delinquent cases to the state department for the interception of Internal Revenue Service refunds and for interception of state income tax refunds;

- G. Ensure the accuracy and integrity of the automatic child support system;
- H. ~~Send a quarterly notice of current support and arrearage payment collections to current and former IV-A recipients with support obligations who have assigned their rights to support. Collections shall be reported on Form CSE-33, as prescribed by the State Department. Conduct an administrative review at the request of the custodial party as a result of the quarterly notice of current support and arrearage payment posted to the CSS website by the State Department. The county will review its files prior to or at the administrative review as provided for in state regulations at Section 6.220. The quarterly notice will be posted for current and former IV-A recipients with support obligations who have assigned their rights to support~~ and shall contain:
1. Explanation of the assignment of support rights,
  2. Name of the noncustodial parent from whom the support is collected,
  3. The starting date of the period reported,
  4. The ending date of the period reported,
  5. A separate listing of payments collected from each noncustodial parent when more than one noncustodial parent owes support,
  6. Amount collected from each noncustodial parent which was retained to reimburse public assistance,
  7. Amount collected from each noncustodial parent which was paid to the family in the form of excess collections,
  - ~~8. An Advisement to the custodial party of his/her right to call or write the Child Support Enforcement Unit if he/she has questions or disagreements about the distribution. The Advisement will notice the custodial party that the family is entitled to:~~
    - ~~a. An administrative review,~~
    - ~~b. Bring a representative to the administrative review, and~~
    - ~~c. Review its files prior to or at the administrative review as provided for in state regulations at Section 6.220.~~
  - ~~9. Such other information as deemed appropriate by the State Department. \_\_\_~~
- I. Periodically, not less than annually, publicizing the availability of Child Support Enforcement Services services, including address and telephone number of the county Child Support Enforcement Services Unit;
- J. Establishing an order for either party to provide medical support in new or modified court or administrative orders for child support, and enforcing the medical support provision when health insurance is accessible and available at reasonable cost to the obligor;
- K. Obtaining information regarding the health insurance available through the custodial party and/or noncustodial parent when a change in circumstance occurs that would warrant a change in the health insurance status and reporting such information on the automated child support system. The automated child support system will generate a report to the state Medicaid Third Party Resource Section;

- L. Conducting administrative reviews of contested arrears;
- M. If the county director or the delegate exercises the option of referring Low-Income Child Care Assistance recipients to the Child Support Enforcement Services Unit, the county must comply with all provisions found in these rules and in Section 3.900, in the "Income Maintenance" rule manual (9 CCR 2503-9) relating to the referral of Low-Income Child Care Assistance recipients to the Child Support Enforcement Services Unit;
- N. Using diligent efforts to complete all actions appropriately and within the timeframes required by the applicable federal regulations, statute or rule. Diligent efforts shall include the following:
  - 1. Initiating a task within the required time period;
  - 2. Completion of the task, including any follow up activities within the required time period;
  - 3. Taking the necessary actions in response to receipt of information that indicates that the task may not be on track to be completed within the required timeframe.

**6.102.3 Establishment of the County Department Child Support Enforcement Services Unit**

Allocation of Staff: Sufficient staff shall be assigned to the Child Support Enforcement Services Unit to provide the following child support enforcement services functions: intake, locate, legal determination of parentage, establishment of the legal obligation, collection, enforcement, investigation and reporting as prescribed by these rules.

**6.103 - 6.109 (None)**

**6.110 None**

**6.120 REIMBURSEMENT OF EXPENDITURES**

**6.120.1**

The state department shall pass through to county departments of social services federal matching funds as prescribed by the state department for necessary expenditures for child support enforcement services and activities provided to PA recipients and NPA families in accordance with these rules.

**6.120.2 Federal matching funds will not be passed through to county departments of social services for:**

- 21 Activities not related to the Child Support Enforcement Services Program;
- 22 Construction or major renovations;
- 23 Purchases of child support enforcement services which are not secured in accordance with these rules and regulations;
- 24 Education and training programs and educational services except the direct costs of approved short-term training, as defined and approved by the state department;
- 25 Activities related to investigation or prosecution of fraud except for referring the discovery of same to the appropriate program;
- 26 Activities that are beyond the scope of these rules as determined by the state department;

- 27 Activities performed pursuant to an agreement that has expired and has not been renewed in accordance with these rules; and
- 28 The amount of any fees, costs, or interest on child support collections deposited in a financial institution and collected by the CSECSS Unit that have not been used to reduce county CSECSS program expenditures.

#### **6.130 STATE DEPARTMENT TO SUPERVISE CSECSS PROGRAM**

The Colorado Department of Human Services is responsible for statewide supervision and direct administrative activities concerning the CSECSS program as required by the Federal government under its provisions for financial participation.

County departments shall strictly administer the CSECSS program in accordance with the requirements of Title IV-D of the Social Security Act, and the federal and state rules and regulations which govern the operations of the CSECSS program.

#### **6.140 PENALTY FOR FAILURE TO COMPLY WITH STATE AND FEDERAL REGULATIONS**

If a county fails to comply with the requirements of Title IV-D of the Social Security Act, and the federal and state rules and regulations which govern the operations of the CSECSS program, the State Department may reduce or withhold incentive payments or take other actions as provided for in state statute or Department rules referenced in Colorado Department of Human Services' rule manual Volume 1 (9 CCR 2501-1).

#### **6.200 GENERAL PROVISIONS**

##### **6.201 Application Requirements**

County CSECSS Units shall establish procedures to ensure that all appropriate functions and activities regarding applications and information on available services are undertaken and completed within the timeframes specified and that all activities are documented on ACSES.

##### **6.201.1 Public Assistance (PA) Cases**

- A. Public assistance cases shall be provided full support services as required by the Child Support Enforcement Services program upon referral without an application requirement. Referral is defined as the Colorado Benefits Management System (CBMS) generated automated referral and the State prescribed Social Services Single Purposes Application (SSSPA) form or another county form containing, at a minimum, the information found in the State prescribed form.
- B. The following information shall be provided to PA clients on the appropriate state prescribed form:
1. The assignment of rights to support payments;
  2. Available services;
  3. The individual's rights and responsibilities;
  4. Fees, cost-recovery and distribution policies;
  5. Case categorization and the information necessary to change the category;
  6. The requirement, in appropriate cases, for good cause exemption from referral to the CSECSS Unit to be granted by the county director or the designate IV-A staff; and

7. The lack of an attorney-client relationship.
- C. Counties must document in the case record the date of referral, which is the date the recipient received the program information.

#### 6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES

A. Continued Services Cases

1. The Child Support Enforcement Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application or fee unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.
2. Form SMR-3, Notice to Recipient, will be generated and mailed to the recipient when they are discontinued from IV-A. The form will be sent to the recipient ten (10) days prior to the effective date of the discontinuation.
3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.

The Notice to Recipient (SMR-3) and the Notice of Social Service Action (SS-4) shall:

- a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSECSS Unit shall continue to provide CSECSS services unless the CSECSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;
  - b. Specify the CSECSS services that are available;
  - c. Inform the person that the quality of information provided will affect the category of the case;
  - d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,
  - e. Specify the household number;
  - f. Specify the unique case identifiers;
  - g. Require the signature of the person discontinued who wishes to terminate CSECSS services;
  - h. Specify the CSECSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.
  - i. Contain any other information deemed appropriate by the State Department.
4. The county Low-Income Child Care Assistance unit must provide written notice to the person whose IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSECSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs.

The county Low-Income Child Care Assistance Program must also notify the county Child Support ~~Enforcement Services~~ Unit within the same time frame.

B. Application Cases

1. Persons who do not receive public assistance or continued CSSE services may apply for full CSSE services by completing ~~CSE-6, the~~ Application for Child Support ~~Enforcement Services~~, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSSE Unit, the recipients must complete the State prescribed application for Child Support ~~Enforcement services~~Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.
2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.
3. The application on behalf of the child for child support ~~enforcement~~services may be made by either of the child's parents (custodial or non-custodial), an alleged father, legal guardian, or other person or agency.
4. When the applicant is not a parent of the child, an ~~CSE-6~~ application for child support services must be obtained for each noncustodial parent.
5. Requests for Application
  - a. When an individual requests an application or CSSE services in person, the CSSE Unit shall provide an application on the day requested.
  - b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSSE Unit within no more than five (5) business days from the date of request.
  - c. The application shall include the following information:
    - 1) available services;
    - 2) the individual's rights and responsibilities;
    - 3) fees, cost recovery and distribution policies;
    - 4) case categorization and the information necessary to change the category; and
    - 5) the lack of an attorney-client relationship.

- d. The ~~CSE~~CSS Unit must maintain a log of requests for services which includes the following information:
  - 1) name of person requesting an application;
  - 2) type of request (in person, phone, mail);
  - 3) date of request;
  - 4) date the application was mailed or provided;
  - 5) date the application is accepted.
6. The application for non-PA ~~CSE~~CSS services shall be made on the ~~form CSE-6,~~ Application for Child Support ~~Enforcement~~ Services, as prescribed by the state department. The standard Application for Child Support ~~Enforcement~~ Services shall include the following elements:
  - a. The full name of the noncustodial parent;
  - b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought;
  - c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application.
7. Acceptance of Applications
  - a. An application may be filed in any ~~CSSE~~ office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county.
  - b. An application shall be accepted on the day it and the application fee are received, if one or more of the children associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.
  - c. An application shall be accepted as filed on the date it is received in the ~~CSE~~CSS office if it includes the following information:
    - 1) applicant's name, address and social security number;
    - 2) the name of the noncustodial parent(s), if known;
    - 3) name, birth date, sex, place of birth and social security number, if available, for each child;
    - 4) applicant's signature.
  - d. Acceptance of an application involves recording the date of receipt on the application.
8. Upon application, the county ~~CSSE~~ Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of ~~CSSE~~ services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would

cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support enforcement services funds. The CSSE Unit may then choose to recover the fee from the noncustodial parent. County CSSE Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSSE program expenditures.

9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept and charged in addition to the twenty dollar (\$20) CSECSS application fee. The certification fee must be used to reduce CSECSS program expenditures.

If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.

10. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) service fee once five hundred dollars (\$500) has been disbursed to the family.

The service fee will be reported to the federal government as program income, and will be shared between the federal and county governments.

The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$500 disbursement threshold is reached.

C. Locate Only Cases

Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.

### 6.201.3 FOSTER CARE CASES

- A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Enforcement Services program upon referral. Cases that are not appropriate for referral shall not be initiated.
- B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSECSS Unit as the referral date on the ACSES.
- C. Child support enforcement services applications are not required for IV-E foster care cases. An CSE-6 application for child support enforcement services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.

### 6.201.4 LOW-INCOME CHILD CARE ASSISTANCE RECIPIENTS

- A. Appropriately referred Low-Income Child Care Assistance cases, pursuant to Section 3.904.4 3.905.1 of the CDHS "Income Maintenance" rule manual (9 CCR 2503-1) shall be provided the full

range of services as required by the Child Support Enforcement Services program upon referral and completion of the State prescribed application form. Referral is defined as receipt of the referral packet from the county Low-Income Child Care Assistance program.

- B. The CSECSS Unit must document the case record with the date of referral, which is the date the CSECSS Unit received the packet. The CSECSS Unit must also have a process in place to notify the Child Care Assistance program within five business days after the recipient provides the completed application to the CSECSS Unit.

#### **6.201.5 MEDICAID REFERRAL CASES**

Appropriately referred Medicaid cases shall be provided the full range of services required by the Child Support Enforcement Services (CSSE) program without an application requirement. "Appropriately referred" means that the Medicaid applicant requested CSECSS services.

#### **6.202 - 6.204 (None)**

#### **6.205 ENFORCING COUNTY**

Designation of the county responsible for accepting the Child Support Enforcement Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for support when an order exists.

Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Enforcement Services cases and for existing cases where there is a dispute regarding an enforcing county issue.

- A. The enforcing county is the county responsible for processing a case for Child Support Enforcement Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.

The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSECSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.

- B. For all cases, the enforcing county for a Colorado Child Support Enforcement Services case is the first county where a Child Support Enforcement Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Enforcement Services Unit.
- C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application, documents, and fee to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Enforcement Services (CSSE) Unit located in its county. The CSSE Unit will then communicate with the enforcing county.

- D. Unless the CSSE Units in the interested counties agree or there is enforcing county resolution to change enforcing county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.
- E. When a IV-D unit requests enforcing county designation and the interested CSSE Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSSE office shall refer the matter to the State Division of Child Support Enforcement Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.

### **6.205.1 ENFORCEMENT OF ORDER AND FINANCIAL MANAGEMENT**

- A. The enforcing county shall enforce the original order and any subsequent modifications, and modify, as appropriate. Copies of all legal actions, such as modifications, and judgments shall be filed into the original order.
- B. When IV-A or foster care placement costs (maintenance and services) have been expended in another Colorado county or counties, the enforcing county must contact all such counties and, within ten (10) working days, such counties shall provide the amount of unreimbursed public assistance or the costs for foster care placement to be included in the establishment of an order or to modify an order for UPA or foster care costs reimbursement. The enforcing county is responsible for coordinating arrearage balances of all interested counties.
- C. The enforcing county shall enforce the existing order to the extent possible even if the order was issued by another county. If a court hearing is necessary, the enforcing county may request the IV-D unit in the county of the existing order to have its GSECSS attorney appear on behalf of the enforcing county. When requested, the GSECSS attorney in the order-issuing county shall appear on behalf of the enforcing county and represent the case as if it were his/her own county's case.
- D. In cases in which the obligor has now become the obligee, known as role reversal, the county enforcing the existing order shall initiate the role reversal case and modify the existing court order to reflect the new change in circumstance, or initiate a reciprocal action to another jurisdiction, if appropriate, whether the role reversal occurred prior to or after the IV-D referral or application.

#### **6.205.11 Change of Venue**

Change of venue shall not be initiated for purposes of having the attorney for the order county take court action or to change the enforcing county for the case. A change of venue may be completed when the court determines it is in the best interests of the custodian, child, or non-custodial parent. Change of venue does not change the enforcing county, except upon agreement of the counties involved.

#### **6.205.12 Controlling Order**

In cases with multiple actions or orders, the enforcing county will determine the controlling order pursuant to Section 14-5-207, C.R.S., et seq.

#### **6.205.13 Registration Of Order**

In intergovernmental cases, the enforcing county may register a foreign order or enforce administratively, when enforcement is requested by the initiating agency.

There shall be no registration of Colorado orders.

## 6.205.2 INTERGOVERNMENTAL ENFORCING COUNTY

Responding intergovernmental cases are cases received from a jurisdiction outside Colorado requesting Child Support ~~Enforcement s~~Services because the noncustodial parent resides, is employed or derives income in Colorado. The county that shall work the responding intergovernmental case is determined as follows:

- A. If there is an existing open cases, a responding intergovernmental action shall be forwarded to the existing enforcing county.
- B. If there is no open enforcing county designation, the responding intergovernmental action will be forwarded to the county where a Colorado order has been entered or a foreign order registered that involves the same obligor and children.
- C. If there is no open enforcing county designation and no previous Colorado order or registration of a foreign order, a responding intergovernmental action will be forwarded to the county of the noncustodial parent's place of residence.
- D. If there is no open enforcing county designation, no previous Colorado order or registration of a foreign order, and a noncustodial parent's residential location cannot be identified or verified, a responding intergovernmental action will be forwarded to the county of the noncustodial parent's place of employment.
- E. If there is no open enforcing county designation, no previous Colorado order or registration of a foreign order, and a noncustodial parent's residential and employment location cannot be identified or verified, a responding intergovernmental action will be put into sixty (60) day closure by the Interstate Unit. It will be returned to the initiating state if the obligor's residence or employment cannot be verified in Colorado within that time frame. However, if the intergovernmental action was received from a foreign country, it will be forwarded to the county of the noncustodial parent's last known place of residence, if one was provided, or county of last known employment.
- F. If the responding case is the enforcing case and is closed by the other state, the current in-state case must take enforcing county designation. If there is more than one current case, the rules for determining the enforcing county shall be followed.

## 6.206 - 6.209 (None)

## 6.210 Safeguarding And Protecting Confidential Information

All information contained in electronic or paper case files of the Child Support ~~Enforcement~~Services program concerning the name(s) or identifying information of custodial parties, noncustodial parents, or children shall be considered confidential and shall be protected, except when otherwise provided for in this section.

### 6.210.1 Release Of Information

#### 6.210.11

Before any information is released and before any discussion is held with any individual or entity concerning an individual case, the requestor's identity must be verified and the purpose of the contact or request must be confirmed. If the request is made by fax, phone or Internet, information shall not be released until the requestor's identity has been verified by requiring the requestor to provide unique identifying information such as Social Security Number, dates of birth for self or child(ren), court case number, child support case number, or Family Support Registry account number.

## 6.210.12

Child Support ~~Enforcement Services~~ workers shall release the name, mailing and/or residential address, Social Security Number, place of employment, day care amount, income, health insurance information, and date of birth of custodial parties, noncustodial parents or children, and establishment or enforcement information concerning the legal obligation for support only in the following circumstances:

- A. When clarification of information is required to provide the next appropriate Child Support ~~Enforcement service~~Services Unit service authorized in Colorado law and described in the Child Support ~~Enforcement~~Services state plan. For example, if a worker from a clerk and recorder's office calls to clarify information contained in a Child Support ~~Enforcement Services~~ Unit's request for a lien to be placed on real property, the child support worker may confirm what action is being requested of the clerk and recorder.
- B. In the administration of the plan or any program approved under Part A (Temporary Assistance to Needy Families), Part B (Child Welfare), Part D (Child Support Enforcement), Part E (Foster Care) or Part F (Child Care Services) or Titles XIX (Medicaid) or XXI (State Children's Health Insurance Program) of the Social Security Act, and the Supplemental Nutrition Assistance Program, including data which is necessary for fraud investigation or audit.
  1. To assist any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such state plans or programs.
  2. To report to the appropriate state or county department staff information that has been reported, to a Child Support ~~Enforcement Services~~ worker, of suspected mental or physical injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support ~~enforcement-services~~ activity under circumstances which indicate that the child's health or welfare is threatened.
- C. In response to a request received from a party to the action or his/her attorney of record, the requester can receive information specific to himself/herself only, and not the other party. Each party may verify the accuracy of the information related to him/her only that is in the possession of the Child Support ~~Enforcement Services~~ Unit. If the requestor is shown as a child on the case action, even if the child has since reached the age of emancipation, that requestor is not a party to the action and the information shall not be released except upon issuance of a court order.
- D. To provide statutorily required information to the court on child support orders and other documents that are completed by the ~~CSECSS~~ Unit and then filed with the court, unless there has been a court order of non-disclosure entered to suppress such information on that particular party.
- E. To inform the parties of information regarding the amount of public assistance benefits paid to the family which could be used in an administrative or court proceeding to establish or enforce an order for the past assistance.

## 6.210.13 Disclosure

Disclosure of any Child Support ~~Enforcement Services~~ case information is prohibited in the following circumstances:

- A. At the request of all private collection agencies, unless the requesting agency is a state or county contractor and bonded as required by state or federal statute.

- B. In response to a written complaint from the party (constituent) received by a legislator. Child Support ~~Enforcement Services~~ Units may provide only information which indicates what progress is being made on the case or what action has or will be taken to move the case forward.
- C. At the request of any attorney who is not the attorney of record as reflected on the automated child support system or in the court files.
- D. At the request of a current spouse or other individual even if that person has a notarized statement from the noncustodial parent.
- E. Any information received from the Internal Revenue Service that has not been verified by an independent source. Such information can only be released to the taxpayer.
- F. Information obtained through the State Income and Eligibility Verification System (IEVS) shall not be disclosed to anyone. The information shall be used exclusively by the Child Support ~~Enforcement Services~~ program.
- G. Disclosure to any committee or legislative body (federal, state, or local) of any information that identifies any party to the action by name or address.
- H. Genetic test results can only be released to the parties of the action. Pursuant to Sections 19-1-308 and 25-1-122.5, Colorado Revised Statutes, the parties are prohibited from disclosing the information to anyone else.
- I. The information obtained from the access of records using the Social Security Number, pursuant to Section 14-14-113, C.R.S., shall only be used for the purposes of establishing paternity or child support ordered, modifying or enforcing child support orders.
- J. Upon receipt of a non-disclosure affidavit and required documentation from either party, the county child support ~~enforcement services~~ worker shall create the affidavit of non-disclosure and the affidavit shall be forwarded to the court of jurisdiction. In this instance an individual's identity or location can be released only upon receipt of a court order requiring the override of the non-disclosure. The county child support worker shall update the non-disclosure indicator on the automated child support system within five working days of the date of receipt of the affidavit. Interjurisdictional cases will be handled as follows:
  - 1. Initiating Interjurisdictional Cases: Treated the same as an in-state case with the exception that the affidavit will be sent to the responding jurisdiction along with the other required intergovernmental forms.
  - 2. Responding Interjurisdictional Cases: If the initiating jurisdiction indicates that there is a nondisclosure granted in that jurisdiction, the county child support worker shall update the non-disclosure indicator on the automated child support system within five working days of the date of receipt of the intergovernmental request.
- K. No Financial Institution Data Match information or Federal Tax information from the Internal Revenue Service may be disclosed outside of the administration of the Title IV-D program.
- L. No information from the National Directory of New Hires or the Federal Case Registry may be disclosed outside of the administration of the Title IV-D program except:

1. In the administration of the plan or any program approved under Part B and Part E of the Social Security Act to locate parents and putative fathers for the purpose of establishing parentage or establishing parental rights with respect to a child.
2. In the administration of the plan or any program approved under Part A, Part B, Part D, and Part E of the Social Security Act, which is incorporated by reference; no amendments or editions are included. They may be examined during regular business hours by contacting the Colorado Department of Human Services, Director of the Division of Child Support Enforcement Services, 1575 Sherman Street, Denver, Colorado 80203; or at any State Publications Depository Library. The Social Security Act is also available on-line at: [http://www.ssa.gov/op\\_home/ssact/ssact.htm](http://www.ssa.gov/op_home/ssact/ssact.htm).

## **6.210.2 PAYMENT RECORDS**

Child support payment records that do not identify the source of the payments are considered public records and may be released upon request of any person pursuant to Section 24-72-202, C.R.S. No federal tax information, address or any other location information shall be included in the documents provided to the requestor or included for use in any court.

## **6.210.3 CONFLICT OF INTEREST**

Child Support Enforcement Services Units shall establish processes in which certain case files are worked only by a supervisor or in a manner that provides limited access to case information. An example of these files: employee files or court ordered "sealed" files. Any employee with a personal interest in a case, including but not limited to his/her own case or a case of a relative or friend, shall not engage in any Child Support Enforcement Services activity related to that case and may not view any case information maintained on the automated child support system for that case.

## **6.210.4 RECORDS**

### **6.210.41 Taxpayer Records**

Federal tax return information obtained from the Internal Revenue Service shall be safeguarded to comply with Internal Revenue Service safeguarding standards, which include storing information in a locked cabinet or by shredding the information. Disclosure of, or access to, unverified data shall be restricted to individuals directly involved in the administration of the Child Support Enforcement Services program. "Unverified" means information which has not been independently verified with the taxpayer or through a third party collateral source. While obtaining verification of locate information, the Child Support Enforcement Services worker shall not divulge the source of the data being requested for verification.

### **6.210.42 Financial Records**

Financial records of an individual are to remain confidential, unless they are part of an action to establish a child support order or to complete a review and adjustment of an existing child support order, in which case, supporting financial documentation used to calculate the monthly support obligation shall be provided to both parties. Any person disclosing financial information inappropriately could face civil damages.

## **6.210.5 ADOPTION INFORMATION**

Adoption information such as adoptive parents' names, biological parents' names, or other identifying information shall not be data entered on the automated child support system. The date of adoption or relinquishment shall be documented in the case file to indicate that any prior arrears owed could be assigned to the state.

#### **6.210.6 ACCESS TO INFORMATION**

- A. No on-line computer access to electronic records through the automated child support system or other systems or databases will be provided to parties or non-parties.
- B. Access to the automated child support system or other systems or databases for any personal reason is prohibited. Access is restricted to business use only and can only be accessed in the usual course of business.
- C. County directors of social services or their written designee shall establish written processes to assure that system access is only provided to employees which corresponds to each workers' case assignment.
- D. No other division within the state department shall have access to the automated child support system without specific approval from the state Division of Child Support ~~Enforcement~~Services. Child Support ~~Enforcement~~Services information will be released by granting access to specific automated child support system data elements or by making an extract file of case information available, at the state level, for other programs to access.
- E. County directors or their written designees must request from the state Child Support ~~Enforcement~~Services Unit access to the automated child support system, for companies or individuals who have entered into contracts or agreements with state and/or county Child Support ~~Enforcement~~Services Units, by including the request to access case information in the contract or agreement.
- F. State and county Child Support ~~Enforcement~~Services Units must perform a background check on all employees prior to authorizing access to Child Support ~~Enforcement~~Services information. The background check must include a criminal record check to obtain any criminal history and a Colorado civil court record check to obtain any child support case history of the employee.
- G. All information eligible for release to related agencies (such as Internal Revenue Service, lottery, Department of Labor, credit reporting agencies, Department of Revenue, Motor Vehicle, Workers' Compensation, financial institutions, state regulatory agencies, the state controller, and Social Security) will be made available at the state level.

#### **6.210.7 Access to Electronic Vital Records Maintained by the Colorado Department of Public Health and Environment (CDPHE)**

- A. In order to be granted access to the electronic vital records system maintained by the Colorado Department of Public Health and Environment (CDPHE), an employee of a county delegate Child Support ~~Enforcement~~Services Unit must complete and provide to CDPHE a criminal background check and all required forms.
- B. Each county delegate Child Support ~~Enforcement~~Services Unit must complete a safeguard assessment for each location where employees will be accessing the electronic vital records system using the form prescribed by CDPHE. The safeguard assessment will be completed on a yearly basis thereafter.

- C. Each county delegate Child Support Enforcement Services Unit shall ensure that its employees access the electronic vital records system maintained by CDPHE only for child support enforcement-services purposes.
- D. If a current or former child support enforcement-services employee's access to the electronic records system maintained by CDPHE is terminated or needs to be terminated due to a change of employment or job duties, the county delegate Child Support Enforcement Services Unit shall notify CDPHE and the Colorado Department of Human Services, Division of Child Support Enforcement Services, within two (2) business days. The county delegate Child Support Enforcement Services Unit shall request that access to the electronic vital records system be terminated when an employee no longer needs access for child support enforcement purposes. However, if there is an emergency situation involving a security breach, the county delegate Child Support Enforcement Services Unit shall notify CDPHE of the need to terminate access, at least on a temporary basis, by the end of the next business day following discovery of the breach. A security breach is defined in the access agreement signed by county delegate child support enforcement-services staff.
- E. If a county delegate Child Support Enforcement Services Unit determines that the electronic vital records system has been accessed or may have been accessed for non-child support enforcement-services purposes or accessed by anyone not authorized to do so, it shall report this to CDPHE and the Colorado Department of Human Services, Division of Child Support Enforcement Services, by the end of the next business day following discovery.
- F. A county delegate Child Support Enforcement Services Unit shall cooperate with any investigation into a security breach relating to the electronic vital records system, including providing any documentation requested to CDPHE and the Colorado Department of Human Services, Division of Child Support Enforcement Services.

**6.220 FEDERAL TAX INFORMATION**

- A. Federal Tax Information is not to be viewed, either on a computer screen or on a printout of a computer screen, by anyone other than Child Support Enforcement Services (CSSE) staff, CSSE contract staff, or CSSE attorneys. If an unauthorized person inspects or discloses Federal Tax Information, county CSSE staff must report this violation to the State Child Support Enforcement Services Internal Revenue Services point of contact.
- B. Federal Tax Information is not to be printed from the automated child support system except if that Federal Tax Information was originally provided by the taxpayer, unless the screen print is appropriately logged and either filed with secure storage controls or appropriately destroyed. The log must contain the following information:
  1. Which screen was printed;
  2. Who printed the screen;
  3. Who had access to the screen print;
  4. The name of the obligor;
  5. The IV-D case number;
  6. The storage location of the screen print; and,

7. The date, method of destruction, and person who destroyed the screen print.
- C. CSECSS Units are prohibited from transmitting Federal Tax Information via a facsimile device or via any form of electronic mail.
- D. Only an agency-owned computer and/or other device shall be used to remotely connect and gain access to the automated child support system.
- E. If a county uses a visitor's log in its CSECSS Unit, the log must include the following items:
1. Date;
  2. Visitor's name;
  3. Visitor's place of business;
  4. Driver's license number, state, and expiration date;
  5. The purpose of the visit;
  6. The person who escorted the visitor; and,
  7. The time the visitor came into the building and the time the visitor left the building.

## **6.230 COOPERATION BY CUSTODIAL PARTY**

### **6.230.1 Good Cause**

Good cause is defined as circumstances under which cooperation with the Child Support Enforcement Services Unit may not be "in the best interests of the child." In the case of a IV-A referral, the county director or the designate IV-A staff shall make the determination of good cause exemption from referral of a custodial party to the Child Support Enforcement Services Unit. In the case of a Low-Income Child Care Assistance referral, the county director or designee shall make the determination of good cause exemption from referral to the CSE Unit. The Child Support Enforcement Services Unit may provide information or participate with the county director or designate IV-A or Low-Income Child Care Assistance staff, as appropriate, to make the determination of good cause exemption.

### **6.230.11 Cooperation Requirements**

The custodial party is required to cooperate with the county Child Support Enforcement Services Unit in:

- A. Providing sufficient, verifiable information about the identity and location of the noncustodial parent(s) of the child(ren). Information is sufficient if it includes:
1. Noncustodial parent's full name and Social Security Number; or,
  2. Noncustodial parent's full name and at least two of the following items:
    - a. Noncustodial parent's date of birth;
    - b. Noncustodial parent's address;
    - c. Noncustodial parent's telephone number;

- d. Noncustodial parent's employer's name and address;
  - e. The names of the parents of the noncustodial parent;
  - f. Noncustodial parent's vehicle information (manufacturer, model and license);
  - g. Noncustodial parent's prison record;
  - h. Noncustodial parent's military record; or,
3. Noncustodial parent's full name and additional information which leads to the location of the noncustodial parent, or if unable to comply with any of the above.
- B. Provide all of the following that the custodial party has or can reasonably obtain that may lead to the identity of noncustodial parent:
- 1. If paternity has not been established, provide a sworn statement of sexual intercourse between the alleged father(s) and the custodial parent of the child during probable period of conception;
  - 2. Statements as to the identity or location of noncustodial parent from other individuals;
  - 3. Records or information as to the whereabouts of records, from specific agencies;
  - 4. Utility bills, parking tickets, credit card receipts, etc., that contain information about noncustodial parent;
  - 5. Telephone numbers or addresses of others who knew the noncustodial parent;
  - 6. Sworn statement documenting efforts taken by custodial party and obstacles encountered by custodial party in pursuit of information about the noncustodial parent;
  - 7. Any other information that may assist the **CSECSS** Unit in identifying or locating the noncustodial parent.
- C. Establishing parentage of children for whom parentage has not been legally established or is in dispute and for whom assistance or foster care services is requested or provided.
- D. Establishing orders for financial and medical support and obtaining medical support for each child, when available to either party, as ordered by the court.
- E. Obtaining support payments for the recipient/applicant and for each child for whom assistance or foster care services is requested or provided, and to which the department is entitled to collect pursuant to the assignment of support rights.
- F. Obtaining any other payments or property to which the custodial party and/or each child for whom assistance is provided may be entitled, and to which the department is entitled to collect, pursuant to the assignment of support rights.

**6.230.13 Cooperation in Foster Care Cases**

As a condition of continuing eligibility for assistance or to comply with part of the foster care treatment plan, unless exempted for good cause, the custodial party is required to make a good faith effort to provide information about the noncustodial parent(s) of the child(ren) to the Child Support **Enforcement Services** Unit.

### **6.230.2 Cooperation Defined**

“Cooperation”, as used in this context, is defined as, but not limited to:

- A. Appearing at the county department of social services office or other related agency to provide verbal and/or written information, or documentary evidence that is known by, in the possession of, or reasonably obtainable by the individual and which is relevant and necessary;
- B. Appearing as a witness in court or other relevant hearing or proceeding;
- C. Providing information or attesting to the lack of information requested, under penalty of perjury;
- D. Submitting to genetic tests during an administrative or court proceeding conducted to determine parentage;
- E. Paying to the **CSECSS** Unit of the county department of social services all child support payments received from an obligor or a court after being determined eligible for IV- A or foster care services; and,
- F. Signing legal documents, as appropriate.

### **6.230.3 Cooperation Determination**

The county IV-D administrator, or a designee, is responsible for making the determination of whether a PA, foster care, or Low-Income Child Care Assistance recipient has cooperated with the **CSECSS** Unit for the purposes of establishing and enforcing child or medical support.

### **6.230.4 Notification**

The county **CSECSS** Unit shall notify immediately the IV-A unit, foster care unit, Low-Income Child Care Assistance unit, or Medicaid unit of any IV-A recipient, foster care placing parent, Low-Income Child Care Assistance recipient, or Medicaid referral case recipient who fails to fulfill the cooperation requirements of this section. The notification shall describe the circumstances of the non-cooperation and the date(s) upon which it occurred. For Low-Income Child Care Assistance recipients, the notice will be the sixty (60) day advance notice of case closure for non-cooperation described in Section 6.260.52, B.

The county **CSECSS** Unit will not attempt to establish paternity and support or collect support or third party information for medical support in those cases where the custodial party is determined to have good cause for refusing to cooperate.

### **6.230.5 Custodial Party Cooperates**

After the **CSECSS** Unit has notified the IV-A, foster care, or Low-Income Child Care Assistance units of the custodial party's failure to cooperate, the custodial party may decide to cooperate rather than face penalties with the assistance grant, Low-Income Child Care Assistance or foster care treatment plan. Should this occur, the **CSECSS** Unit shall provide notification to the IV-A, foster care, or Low-Income Child Care Assistance units that the custodial party is now cooperating. The **CSECSS** Unit shall provide the notification to the IV-A, foster care, or Low-Income Child Care Assistance units within two (2) working days from the date the custodial party cooperated with the **CSECSS** Unit.

### **6.230.6 Request for Review Through Title IV-A**

When the custodial party requests a review through IV-A of the determination that he/she has failed to cooperate with the CSECSS Unit, the county IV-D administrator, or a designee, shall appear at the IV-A dispute resolution conference and/or state level hearings to provide information concerning the basis for the determination that the custodial party has failed to cooperate with the CSECSS Unit.

### **6.230.7 Request for Review Through Child Care Assistance Program**

If a Low-Income Child Care Assistance recipient requests a review through the Child Care Assistance Program to determine whether or not she should be granted a good cause exemption from cooperation with the Child Support Enforcement-Services Unit, the county CSSE administrator shall provide to the Low-Income Child Care Assistance Program any information in the possession of the CSSE Unit which may support a good cause exemption.

## **6.240 MEDICAL SUPPORT ESTABLISHMENT AND ENFORCEMENT**

### **6.240.1 MEDICAL SUPPORT ESTABLISHMENT**

For all cases in which current child support is being sought (including zero dollar orders), the Child Support Enforcement-Services Unit shall include a provision for either party to provide health care coverage/insurance for his/her child(ren).

### **6.240.2 MEDICAL SUPPORT ENFORCEMENT**

Unless the child(ren) is receiving public health care coverage, tThe National Medical Support Notice (NMSN) must be sent to the obligor's employer if the obligor is ordered to provide health insurance, the obligor is eligible for health insurance, the health insurance is accessible to the child(ren), and the monthly premiums are reasonable in cost.

- A. A notice must be sent to the obligor, informing him/her that the NMSN was sent to his/her employer and describing the rights and conditions regarding the issuance of the NMSN. The obligor has ten (10) calendar days from the date of the mailing to object with the Child Support Enforcement-Services Unit if the obligor believes there is a mistake in identity and he/she is not the obligor, there is no order for the obligor to provide health insurance, the health insurance is not accessible to the children, or the monthly premiums are not reasonable in cost.
  1. Health insurance is considered not accessible to the child(ren) if the child(ren) resides outside the geographic area of coverage.
  2. A premium amount is considered reasonable in cost if the premium payments (child(ren)'s portion) are less than five percent (5%) of the paying parent's gross income or application of the premium payment (child(ren)'s portion) on the guidelines does not result in a Monthly Support Obligation of fifty dollars(\$50) or less.
- B. The Child Support Enforcement-Services Unit will have ten (10) calendar days from the date the objection is mailed to determine if the objection is valid. If the obligor objects to the enforcement of the NMSN claiming it exceeds the reasonable cost standard, the Child Support Enforcement-Services Unit must determine if the premium amount is five percent (5%) or more of the obligor's gross monthly income.
- C. If the obligor's objection is valid, the Child Support Enforcement-Services Unit must send a notice of termination to the obligor's employer with a copy to the obligor. If the obligor's objection is not valid, the Child Support Enforcement-Services Unit must notify the obligor that the NMSN will remain in effect and that the obligor has the right to object with the court.

- D. In subsidized adoption cases, CSSE units have the option of enforcing medical support through a NMSN. Verification of the subsidized adoption is required if the Child Support Enforcement Services Unit chooses not to enforce.

## **6.250 PROVISION OF SERVICES IN INTERGOVERNMENTAL IV-D CASES BY CHILD SUPPORT ENFORCEMENT SERVICES (CSSE) UNITS**

### **6.250.1 INITIATING STATE/JURISDICTION RESPONSIBILITIES**

County CSECSS Units shall ensure management of the initiating intergovernmental CSECSS caseload to ensure provision of necessary services, including maintenance of case records and periodic review of program performance on interstate cases.

- A. When applicable, use long arm statutes to establish paternity or support. Also, determine if enforcement action can be completed through an in-state action such as direct income withholding to the noncustodial parent's out of state source of income.
- B. Within twenty (20) calendar days of locating the noncustodial parent in another state, Tribe or country, determine if the filing of an intergovernmental action is appropriate and refer the intergovernmental filing to the Interstate Central Registry of the appropriate state, to the Tribal IV-D program, or to the central authority of the foreign country, or take the next appropriate action.
- C. Ask the appropriate intrastate tribunal or refer the case to the appropriate responding state IV-D agency for a determination of the controlling order and a reconciliation of arrearages, if such a determination is necessary.
- D. The twenty (20) day time frame begins on the date the obligor's location is verified and/or necessary documentation to process the case is received, whichever date is later. UIFSA petitions are to be sent directly to the Interstate Central Registry of the appropriate state, to the Tribal IV-D program, or to the central authority of the foreign country.
- E. Provide sufficient and accurate information on appropriate standardized interstate forms with each action referred to enable the responding agency to take action. The Intergovernmental Child Support Enforcement Transmittal form and other standardized interstate forms, as prescribed by the state, shall be used for each intergovernmental action request.
- F. Request that the responding state include health insurance in all new and modified orders for support.
- G. Within thirty (30) calendar days of request, provide additional information and any order and payment record information requested by a state IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the requesting office when information will be provided.
- H. Within ten (10) working days of receipt of new case information, submit information to the CSECSS office in the responding agency. New information includes case status change or any new information that could assist the other agency in processing the case.
- I. Instruct the responding agency to close its intergovernmental case and to stop any withholding order or withholding notice that the responding agency has sent to an employer, before transmitting a withholding order or withholding notice, with respect to the same case, to the same or another employer, unless an alternative agreement is reached with the responding agency regarding how to proceed.

- J. Notify the responding agency within ten (10) working days when a case is closed and the reason for closure.
- K. The **CSECSS** Unit may provide any documentation, notification, or information through any electronic means, as long as the electronic transaction is appropriately documented in the case record.
- L. If the initiating agency has closed its case pursuant to Section 6.260.5 and has not notified the responding agency to close its corresponding case, the initiating agency must make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute, and disburse any payment received from a responding agency.

## 6.250.2 RESPONDING STATE/JURISDICTION RESPONSIBILITIES

County **CSECSS** Units shall ensure management of the interstate **CSECSS** caseload to ensure provision of necessary services, including maintenance of case records and periodic review of program performance on interstate cases.

- A. Ensure that organizational structure and staff are adequate to provide services in intergovernmental **CSECSS** cases.
- B. County **CSECSS** Units must initiate any electronic or manual referral from the interstate network within twenty (20) calendar days of the date of referral as found on the ACSES responding interstate recently referred list.
- C. If the noncustodial parent is located in another county within ten (10) working days of receipt of the intergovernmental case, the case shall be moved to the county of the noncustodial parent's residence unless:
  1. The county was the open enforcing county prior to the intergovernmental referral; or,
  2. The county has registered a foreign order; or,
  3. The county is the county of the original order.

If the case does need to be moved, the county shall contact the Interstate Network to move the case to the county of the noncustodial parent's residence.

- D. Within ten (10) working days of locating the noncustodial parent in another state or country, the **CSECSS** Unit will notify the initiating state of the new address. At the direction of the initiating agency, the case may be closed or the case may be forwarded to the appropriate Central Registry, to the Tribal IV-D program, or to the central authority of the foreign country in which the noncustodial parent now resides.

### 6.250.21 Provide Necessary **CSECSS** Services as Instate Title IV-D Cases

Provide all necessary **CSECSS** services as would be provided in instate IV-D cases by:

- A. Establishing paternity and attempting to obtain a judgment for costs if paternity is established; if paternity has been determined by another state, whether it was established through voluntary acknowledgment, administrative process or judicial process, it shall be enforced and otherwise treated in the same manner as an order of this state;
- B. Establishing child support obligations;

- C. Establishing an order for either party to provide medical support in all new or modified orders for child support, if not addressed in the original order;
- D. Processing and enforcing orders referred by another agency, pursuant to the UIFSA or other legal processes;
- E. Enforcing medical support if there is evidence that health insurance is accessible and available to the obligor at a reasonable cost;
- F. Collecting and monitoring support payments for the initiating agency and forwarding payments to the location specified by the initiating **CSECSS** office within two business days of the Colorado date of receipt;
- G. If a determination of controlling order has been requested, file the request as defined by Section 14-5-207, C.R.S., with the appropriate tribunal within thirty (30) calendar days of receipt of the request or location of the noncustodial parent, whichever occurs later. Notify the initiating agency, the controlling order state, and any state, country, or Tribe where a support order in the case was issued or registered of the controlling order determination and any reconciled arrearages within thirty (30) calendar days of receipt of the determination from the tribunal.
- H. Provide timely notice to the **CSECSS** office in the initiating agency of any formal hearing regarding establishment or modification of an order. Respond to inquiries regarding intergovernmental case activity within five (5) working days.
- I. Respond to inquiries regarding intergovernmental case activity within five (5) working days.
- J. Within ten working days of receipt of new information on a case, submit information to the initiating agency. New information includes case status change or any new information that could assist the other agency in processing the case.
- K. Notify the initiating state within ten (10) working days of the case closure when a case is closed.

### **6.250.3 PAYMENT AND RECOVERY OF COSTS IN INTERSTATE IV-D CASES**

The responding agency is responsible for payment of genetic tests for establishing paternity.

The responding agency is responsible for attempting to obtain judgment for genetic test costs.

The responding agency is responsible for payment of all costs it incurs in the processing of an interstate case.

The responding agency may not recover costs from a Foreign Reciprocating Country (FRC) or from a foreign obligee in that FRC, when providing services under Sections 454(32) and 459A of the Social Security Act. The documents are incorporated by reference; no amendments or editions are included. They may be examined during regular business hours at the Colorado Department of Human Services, Director of the Division of Child Support **Enforcement Services**, 1575 Sherman Street, Denver, Colorado 80203; or at any state publications depository library. The Social Security Act is also available on-line at: [http://www.ssa.gov/OP\\_Home/ssact/ssact.htm](http://www.ssa.gov/OP_Home/ssact/ssact.htm).

## **6.260 Case Management**

### **6.260.1 **CSECSS** Case Definition**

A **CSECSS** case is defined as a noncustodial parent who has a duty, or has been alleged to have a duty, of support (not necessarily a court order) whether or not there has been a collection of support. If the

noncustodial parent is responsible for the support of children in more than one family, the noncustodial parent is considered as a separate case with respect to each separate family.

## **6.260.2 Case Records**

### **6.260.21 Case Record Procedures**

County CSECCS Units shall establish procedures to ensure that all appropriate functions and activities related to opening a case record are undertaken and completed within the time frames specified. The time frames begin on the date of referral or acceptance of an application and end when the case is ready for the next appropriate activity, e.g. locate, establishment of paternity, establishment of a support order, or enforcement. All activities must be documented on ACSES within five working days.

### **6.260.22 Opening a Case**

Within twenty (20) calendar days of receipt of an application or referral of a case, the Child Support Enforcement Services (CSSE) Unit must:

- A. Open a case by initiating a case record on the State approved automated child support system by following established procedures.
- B. For Title IV-A inter-county transfer cases, the new county must initiate the case on the automated child support system within five (5) working days of referral from IV-A in the new county.
- C. Determine necessary action needed.
- D. Solicit necessary information from the custodial party or other sources.
- E. Initiate verification of information.
- F. If location information is inadequate, refer the case for further location.
- G. Initiate an automated ledger if an order for support exists, including posting Monthly Support Obligation to the correct class and initiating any arrears balances, if such information is known. If order information is unknown when the case is initiated, the ledger must be initiated within twenty (20) days of when the order information becomes available to the Child Support Enforcement Services Unit.

### **6.260.23 Maintenance of Records**

- A. For all cases, the Child Support Enforcement Services Unit shall maintain a case record for each noncustodial or alleged parent which contains all information collected pertaining to the case. Such information shall include, but is not limited to the following:
  1. A chronological listing of information maintained on the State approved automated child support system. Such information shall include:
    - a. Any contacts with the recipient of IV-A, or a Low-Income Child Care Assistance recipient, or foster care placing parent who is required to cooperate with the Child Support Enforcement Services Unit, the date and reason, and the results of such contact;
    - b. Any contacts with the non-PA or Low-Income Child Care Assistance custodial party for Child Support Enforcement Services, the date and reason, and the results of such contact;

- c. Any contacts with the noncustodial parent, the date and reason therefore, and the results of such contact;
  - d. Any contact with any other agency involved in the case.
  - e. Actions taken to establish or modify a support obligation, establish child support debt, establish parentage, or enforce a support obligation, the dates and results;
  - f. Identification of the reason for and date of case closure; and
  - g. Any other significant actions taken regarding the case as deemed necessary for caseload documentation and management.
2. The referral document received from the IV-A or foster care units, or the Application for Child Support Enforcement Services form;
  3. The written request from the recipient/applicant or the initiating jurisdiction in a responding intergovernmental case to terminate Child Support ~~Enforcement services~~Services;
  4. Information Concerning Noncustodial Parent form, as prescribed by the State Department or similar county created form;
  5. A record of efforts to utilize local locate resources and the dates and results of these efforts;
  6. A copy of the court or administrative order;
  7. A copy of communications to and from the IV-A or the foster care program;
  8. A copy of communications to and from the State Department;
  9. A copy of communications to and from other Child Support ~~Enforcement~~Services Units or agencies;
  10. A record of case categories and priorities assigned and reassigned to the case, the date of such determination, and identification of the individual who made the determination;
  11. A copy of notices to the noncustodial parent and decisions concerning contested arrears.
  12. An accurate and updated automated system ledger, including posting the court ordered Monthly Support Obligation and an accurate arrears balance.
- B. Child Support ~~Enforcement~~Services staff shall change case categories as prescribed by the state immediately on the automated child support system when the case is ready for the next activity in order to provide documentation that the time frames have been met.

### 6.260.3 CATEGORIZATION OF WORKLOAD

#### 6.260.31

The CS~~SE~~ Unit shall provide equal services to all cases in the caseload.

**6.260.32**      **The CS~~SE~~ Unit may utilize a case assessment and category system. Such system shall:**

- A. Include all cases in the system.
- B. Ensure that no service including location, establishment of paternity, establishment and enforcement of support obligation is systematically excluded by the system.
- C. Provide for notice to the custodial party that the information provided to the **CSECSS** Unit, either initially or subsequently, may affect the relative category of the case.
- D. Provide that case assessment and category setting shall occur only after the intake information has been reviewed for accuracy and completeness and an attempt has been made to obtain the missing information.
- E. Provide for periodic review of cases and notification to the custodial party in those cases that new information may result in a category change for the case.

**6.260.33 The ~~CSE~~ Unit shall modify the category of cases as case conditions change.**

**6.260.4 (None)**

**6.260.5 CLOSURE OF CASES**

**6.260.51 Notice and Reasons for Closure**

Unless otherwise noted, case closure requires a sixty (60) day advance notice of closure to the custodial party. For closure reasons that require notice, the Child Support **Enforcement Services** Unit must notify the custodial party of the unit's intent to close the case by sending a notice of closure on the form prescribed by the State Department either by paper or electronic notification sixty (60) calendar days prior to closing a public assistance or non-public assistance case. The case must be left open if the custodial party or initiating agency supplies information in response to the notice which could lead to the establishment of paternity or a support order or enforcement of an order. If the case is a responding interstate case, the notice shall be sent to the initiating agency. Responding intergovernmental cases can only be closed using closure reasons "G" or "H" of this section. If the case is a foster care case, the notice of closure is not required because the custodial party (county department) initiated the request for closure based on the child(ren)'s termination from foster care placement. All records of closed cases must be retained for a minimum of three years. All documentation concerning the closure must remain in the case file.

Public assistance and non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one or more of the reasons listed below or in Section 6.260.52 or 6.260.53. If the Low-Income Child Care Assistance case is closed, the county **CSECSS** Unit must notify the appropriate county Low-Income Child Care Assistance Program.

- A. There is no longer a current support order and either no arrearages are owed or arrearages are ~~under \$500 or~~ unenforceable under state law.
- B. The noncustodial parent or putative father is deceased and the death has been verified through sources such as:
  - 1. A newspaper obituary;
  - 2. A death certificate;
  - 3. Contact with the funeral home;
  - 4. The custodial party's statement has been recorded in the case record; or,

5. The Social Security Death Index, and no further action, including a levy against the estate, can be taken.
- C. The Child Support Enforcement Services Unit determines that parentage cannot be established because:
1. The child is at least 18 years old and the action is barred by a statute of limitations;
  2. The results of genetic testing have excluded the alleged parent as the father of the child;
  3. A court or administrative process has excluded the alleged father;
  4. The Child Support Enforcement Services Unit determines it is not in the best interest of the child to establish paternity in a case involving incest, rape, or in any case where legal proceedings for adoption are pending;
  5. The identity of the biological, alleged, putative, or presumed father is unknown and cannot be identified after diligent efforts, including at least one interview by the Child Support Enforcement Services Unit with the custodial party; or,
  6. The child(ren) in the case has had his/her adoption finalized.
- D. The noncustodial parent's location is unknown and the Child Support Enforcement Services Unit has made diligent efforts using multiple sources, pursuant to Section 6.500, all of which have been unsuccessful in locating the noncustodial parent:
1. Over a threetwo-year period when there is sufficient information to initiate an automated locate effort; or,
  2. Over a one-year period when there is not sufficient information to initiate an automated locate effort. Sufficient information is defined as a name and Social Security Number and/or Individual Tax Identification Number (ITIN).
  3. After a one-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security Number.
- All cases in the Child Support Enforcement Services caseload will be transmitted from the state case registry to the federal case registry. One step in the transmission will be to submit the case to the Enumeration Verification System (EVS) which will assist in identifying and verifying a Social Security Number.
- E. The noncustodial parent cannot pay support for the duration of the child's minority (or the child has reached the age of majority), because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential above the subsistence level, which is defined as the federal poverty level. The Child Support Enforcement Services Unit must determine that no income or assets are available to the noncustodial parent which could be levied or attached for support.
- F. The noncustodial parent's sole income is from Supplemental Security Income (SSI) payments, or both SSI payments and Social Security Disability Insurance (SSDI). This closure criterion does not apply when the parent is receiving only SSDI benefits. Paternity and support must be established in order to use this closure criterion.

- GF. The noncustodial parent is a citizen of, and lives in, a foreign country, and does not work for the United States government or a company which has its headquarters or offices in the United States and the noncustodial parent has no reachable domestic income or assets and the federal office and the state have been unable to establish reciprocity with the foreign country.
- HG. The initiating jurisdiction has requested in writing that the interstate case be closed. The sixty (60) day advance notice of closure is not required for these cases. Any income withholding order must be terminated and the responding case closed within ten (10) working days of the request from the initiating agency unless an alternative agreement is reached with that agency.
- IH. The Child Support Enforcement Services Unit documents failure by the initiating agency to take action which is essential for the next step in providing services.
- J. If a case was closed and then subsequently reopened to process child support payments received after case closure, the case should be closed once payment processing is completed. The sixty (60) day advance notice of closure is not required for these cases.
- KJ. There has been a change in legal custody in the case.
- LK. The custodial parent is deceased.
- ML. The responding jurisdiction does not have statutory authority to take the next appropriate action in the case.

#### **6.260.52 Closure of Non-Public Assistance Cases**

Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county GSECSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.

- A. The Child Support Enforcement Services Unit is unable to contact the custodial party within a 60 calendar day period ~~despite an attempt of at least one letter sent by first class mail to the last known address~~ despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open or be reopened without payment of an additional application fee.
- B. The Child Support Enforcement Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSSE Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.
- C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.

- D. The Child Support ~~Enforcement Services~~ Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.
- E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.
- F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.
- G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.

**6.260.53 Closure of Public Assistance Cases**

Public assistance cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60 day advance of closure (~~CSE-211~~) to the custodial party.

- A. The 60 day advance notice of closure is not required for these cases. There has been a finding by the county director or designated IV-A staff of good cause or other exceptions to cooperation with the Child Support ~~Enforcement Services~~ Unit and the county has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- B. The public assistance case has been closed and all possible assigned arrearages have been collected. ~~The arrearage balance is \$500 or less.~~ The Child Support ~~Enforcement Services~~ Unit is no longer providing services for the current monthly support obligation. The 60 day advance notice of closure is not required for these cases.
- C. The public assistance case has been closed, the obligor owes no public assistance arrearages, and a case has been subsequently opened as a Child Support ~~Enforcement Services~~ non-public assistance case. The 60 day advance notice of closure is not required for these cases.
- D. The public assistance case has been closed, there is no order for child support, child support debt, medical coverage, foster care fees, and where, pre 1984, the custodial parent did not request continued child support services (by signing the CSE-34), or post-1984, the obligee requested closure of his/her child support case in writing. The 60 day advance notice of closure is not required.
- E. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.
- F. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.

**6.260.54 Closure of Foster Care Cases**

- A. In addition to the same closure reasons as public assistance cases under Section 6.260.53, foster care fee cases may also be closed because:

1. The child(ren)'s foster care placement has been terminated; and,
  2. There is no longer a current support order; and,
  3. Either no arrears are owed or arrearages are under \$500 or unenforceable under state law.
- B. If the child(ren) is in foster care placement, a foster care fee or foster care child support case may be closed:
1. If there is an order terminating parental rights; and,
  2. There is no longer a current support order; and,
  3. Either no arrears are owed or arrearages are under \$500 or unenforceable under state law.

A sixty day advance notice of closure is required to close a foster care child support case, but is not required to close a foster care fee case.

#### **6.260.55 Closure of Caretaker Relative Cases**

Child support staff shall not close, at the request of the caretaker relative, one of the two cases against biological parents in caretaker relative cases where each of the biological parents have child support cases.

#### **6.260.56 Closure of Tribal IV-D Cases**

Specific codes will be used by the county Child Support Services Unit when dealing with Tribal IV-D programs. These codes will designate the different closure requests made by the Tribal Nations.

#### **6.260.6 MICROFILM AND IMAGING**

Certified microfilm and/or other forms of the imaging of the case records may be substituted for the original case records upon prior written approval by the State Department.

Such approval may be granted when the Child Support Enforcement Services Unit provides the State Department with the methods and procedures that conform to federal standards for microfilming and other forms of the imaging of records.

#### **6.260.7 EXPEDITED PROCESSES FOR CHILD SUPPORT ESTABLISHMENT AND ENFORCEMENT ACTIONS**

County child support units must develop, have in effect, and use procedures for all cases which ensure compliance with expedited process requirements. The procedures must include meeting the expedited process time frames for processing CSECSS actions based upon the following criteria:

- A. Actions to establish an order for support (and paternity, if not previously established) must be completed from the date of service of process to the time of disposition within the following time frames:
1. Seventy five percent (75%) in six (6) months; and,
  2. Ninety percent (90%) in twelve (12) months.

- B. When an order is established using long arm jurisdiction and disposition occurs within twelve (12) months of service of process on the alleged father or noncustodial parent, the case may be counted as a success within the six-month tier of the expedited process time frame, regardless of when disposition actually occurs within those twelve (12) months.

## **6.261 REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS**

The Child Support Enforcement Services Unit is responsible for the following functions in sub-sections 6.261.2 through 6.261.8 regarding the review and adjustment of child support orders for all cases.

### **6.261.1 (NONE)**

### **6.261.2 NOTICE OF RIGHT TO REQUEST REVIEW**

Both parties or their attorney(s) of record, if any, subject to an order must be notified of their right to request a review.

- A. The obligee shall receive notification of his/her right to request a review on the Social Services Single Purpose Application (SSSPA), the Child Support Enforcement application for services, and/or on the Administrative Process Orders or Judicial Order forms for cases having a support order established or modified by the Child Support Enforcement Services Unit. At least every thirty-six months, the obligee or his/her attorney of record shall receive notification of his/her right to request a review via the right to request notice which is automatically generated when a residence or mailing address exists on the obligee's personal record and the order date or the notice date is thirty-six months or older. The obligee (county department) in foster care cases has received a one-time notice of their right to request a review for all foster care cases.
- B. The obligor or his/her attorney of record shall receive notification of his/her right to request a review via the right to request notice which is automatically generated when a residence or mailing address exists on the obligor's personal record and the order date or the notice date is thirty-six months or older, whichever is later. The right to request notice generated by the Automated Child Support Enforcement System document generation will automatically be documented in chronology. The obligor or his/her attorney of record shall also receive notification on the administrative process orders or judicial order forms for cases having a support order established or modified by the Child Support Enforcement Services Unit.
- C. The enforcing county delegate Child Support Enforcement Services Unit must respond to the Automated Child Support Enforcement System's calendar review message indicating the automatic generation of the right to request review notice of each party or his/her attorney of record. The calendar review alerts the worker when a child(ren) has reached the age of emancipation. Within five (5) business days of receiving the calendar review message and the generation of the right to request review notices, the worker must read the active order and determine if the child(ren) included in the order is emancipated pursuant to Section 14-10-115, Colorado Revised Statutes. If the child(ren) is emancipated and is not the last or only child on the order, the worker shall mail a right to request review notice to each party or his/her attorney of record.
- D. The obligee or his/her attorney of record and the obligor or his/her attorney of record shall receive notification of his/her right to request a review via the right to request notice which is automatically generated within 15 business days of when incarceration information is populated as verified indicating incarceration for more than 180 days on the obligor's personal record. The right to request notice generated by the Automated Child Support Enforcement System document generation program will automatically be documented in chronology.

### 6.261.3 CASES SUBJECT TO REVIEW AND ADJUSTMENT

- A. Either party in cases with an active order may request a review of the order. The request shall include the financial information from the requesting party necessary to conduct a calculation pursuant to the Colorado Child Support guidelines. The requesting party shall provide his or her financial information on the form required by the Division of Child Support Enforcement Services.

If the requestor fails to provide the necessary financial information with their request, the review process shall not be initiated.

- B. The delegate Child Support Enforcement Services Unit may initiate a review of a current child support order upon its own request.
- C. In cases containing an active assignment of rights, the Child Support Enforcement Services Unit shall review the order at least once every thirty six (36) months to determine if an adjustment of the order is appropriate.

In the case of an automatic review with an active assignment of rights, both parties are considered non-requestors and have twenty days from the date of the review notice to provide the necessary financial information.

- D. Only the enforcing county delegate Child Support Enforcement Services Unit shall assess a request for review of a child support order and deny it or grant it and initiate a review.
- E. If the current county receives the written request for review, the request must be forwarded to the enforcing county within five calendar days of receipt of the request.
- F. Within fifteen (15) business days of receipt of a written request for review, the worker shall determine whether Colorado or another jurisdiction has authority (Continuing, Exclusive Jurisdiction (CEJ)) to conduct the review and modify the child support order. If Colorado has CEJ, the worker will make the assessment as to whether the request for review will be granted or denied pursuant to the standards set forth in paragraph H, below.

- G. If another jurisdiction has CEJ:

1. The Child Support Enforcement Services worker shall determine whether or not a full UIFSA action is needed. If this is needed, the worker shall initiate the reciprocal and generate the general testimony and the uniform support petition. If not, the worker shall generate the last two pages of the Interstate Income and Expense Affidavit. The appropriate forms shall be sent to the requester within five (5) business days of the determination.
2. The forms generated from the automated child support system document generation will automatically be documented in chronology.
3. The requester shall return the last two pages of the Income and Expense Affidavit to the enforcing county within twenty (20) calendar days.
4. If the requester fails to return the requested documentation within twenty (20) calendar days, the process stops.
5. Within twenty (20) calendar days of receipt of the information from the requester, the Child Support Enforcement Services worker shall send it to the other state that is to conduct the review.

H. If Colorado has CEJ, and:

1. It has been thirty-six (36) months or more since the last review or adjustment of the support order, the child support ~~enforcement services~~ worker shall begin the review process following the procedures set forth in Section 6.261.4, unless:
  - a. It is a request for review of a spousal maintenance order;
  - b. It is a request for the emancipation of a child who has not emancipated in accordance with Section 14-10-115, C.R.S.;
  - c. There is a pending administrative process action or court action for modification;
  - d. It is a request for a change in the allocation of parental responsibility or parenting time;
  - e. The IV-D case is closed; if so, the requester will be advised in writing that s/he may apply for services;
  - f. The delegate county Child Support ~~Enforcement Services~~ Unit is enforcing only arrearages; or,
  - g. The last or only child is within one year of the legal age of emancipation and the modification process may not be able to be completed before the child reaches the legal age of emancipation; the requesting party will be informed of the right to request a modification through court.
2. It has been fewer than thirty-six (36) months since the last review or adjustment of the support order, the child support ~~enforcement services~~ worker shall begin the review process following the procedures set forth in Section 6.261.4, unless:
  - a. The requester has not provided a reason for such review or the reason for review arises from the circumstances of the requesting party and the requesting party fails to provide supporting documentation or otherwise fails to demonstrate that there has been a substantial and continuing change in circumstances as set forth in Section 14-10-122, C.R.S., with their request;
  - b. It is a request for review of a spousal maintenance order;
  - c. It is a request for the emancipation of a child who has not emancipated in accordance with Section 14-10-115, C.R.S.;
  - d. It is a request for a change in the allocation of parental responsibility or parenting time;
  - e. There is a pending administrative process action or court action for modification;
  - f. The IV-D case is closed, if so the requester will be advised in writing that s/he may apply for services;
  - g. The delegate county Child Support ~~Enforcement Services~~ Unit is enforcing only arrearages; or,
  - h. The last or only child is within one year of the legal age of emancipation and the modification process may not be able to be completed before the child reaches

the legal age of emancipation; the requesting party will be informed of the right to request a modification through court.

- I. If a request for review of a child support order is denied pursuant to paragraph H, the worker shall inform the requesting party in writing within five (5) business days. The worker shall also document the date of the request and the reason for the denial in the Automated Child Support Enforcement System. If the request is granted the worker shall initiate the review process within five (5) business days pursuant to Section 6.261.4.
- J. If a county delegate Child Support Enforcement Services Unit who is enforcing a current monthly support obligation receives a request for review of a child support order, which does not contain medical support provisions or which contains a request to change the party ordered to provide medical support, the request shall be granted and the review conducted regardless of the date of the last review or adjustment.

#### **6.261.4 CONDUCTING THE REVIEW**

- A. The Child Support Enforcement Services worker shall send the following documents to the requesting party or his/her attorney of record, except in foster care cases where the requesting party is the county department, at least thirty (30) calendar days prior to commencement of the review:
  - 1. The Review Notice; and,
  - 2. At county option, the county may choose to send the Administrative Subpoena to obtain additional income/financial information.

The forms generated from the automated child support system document generation will automatically be documented in chronology.

- B. The Child Support Enforcement Services worker shall send the following documents to the non-requesting party or his/her attorney of record, except in foster care cases where the non-requesting party is the county department, thirty (30) calendar days prior to commencement of the review. In interjurisdictional cases, a copy shall also be sent to the other agency involved in the case:
  - 1. The Review Notice; and,
  - 2. The Income and Expense Affidavit.

The forms generated from the automated child support system document generation will automatically be documented in chronology.

- C. The Child Support Enforcement Services worker shall conduct the review on or before the thirtieth calendar day following the date the Review Notice is sent to the parties using income information from each party's Income and Expense Affidavit and/or the Department of Labor and Employment records and/or other reliable financial/wage information. The review may be conducted in person at the Child Support Enforcement Services office, via United States mail, or via an electronic communication method.
- D. The delegate Child Support Enforcement Services Unit may grant a continuance of the review for good cause. The continuance shall be for a reasonable period of time and shall not exceed thirty (30) calendar days.

- E. When conducting the review, the Child Support Enforcement Services worker shall apply the child support guidelines to determine any inconsistencies between the existing child support award amount and the amount resulting from application of the child support guidelines.
- F. If the non-requesting party or his/her attorney of record fails to provide financial or wage information, the Child Support Enforcement Services worker shall use income information which is available to the Child Support Enforcement Services Unit through Colorado Department of Labor and Employment records and/or other verified sources such as the State Parent Locator Service, the Expanded Federal Parent Locator Service, and the State Employment Security Administration.
- G. ~~If income information is not available for either party, the Child Support Enforcement worker shall:~~
  - 1. ~~File a Motion to Compel with the court requesting the court to order the party to provide the information, or~~
  - 2. ~~Impute income based on potential earnings or the current minimum wage, which may be calculated for up to a forty hour work week.~~

If the Child Support Services Unit determines that a parent is voluntarily unemployed or underemployed or in the absence of reliable information, the Child Support Services Unit shall then determine, and document for the record, the parent's potential income. In determining potential income, the Child Support Services Unit shall consider the specific circumstances of the parent to the extent known, including consideration of the following when said information is available: the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors in the case. All steps taken to obtain financial information must be documented.
- H. In conducting the review, the Child Support Enforcement Services worker shall examine the existing order to determine if a medical support provision needs to be added.

#### **6.261.5 TERMINATION OF REVIEW**

If a non-public assistance obligee requests termination of the review, s/he must also request closure of the IV-D case in accordance with the applicable case closure criteria as defined in Section 6.260.51, C.

#### **6.261.6 (Reserved for Future Use)**

#### **6.261.7 REVIEW RESULTS, NO ADJUSTMENT REQUIRED**

Judicial and Administrative Process Orders: After completion of the review, the child support enforcement services worker may determine that there is no adjustment required in the ordered child support amount because the guideline calculation does not indicate at least a ten percent change in the ordered child support amount and/or the provision for medical support is already a part of the order.

Within five (5) business days of completing the review, the Child Support Enforcement Services worker shall provide to each party or his/her attorney of record, including the foster care agency and other child support agencies:

- A. The Post Review Notice.

- B. The Guideline Calculation Worksheets.
- C. The forms generated by the automated child support system document generation will automatically be documented in chronology.

#### **6.261.8 REVIEW RESULTS, ADJUSTMENT REQUIRED**

- A. Judicial Orders: After completion of the review, the Child Support Enforcement Services worker may determine an adjustment is necessary because the guideline calculation indicates at least a ten percent change in the ordered child support amount and/or a change in or addition of medical support provision is needed.
  - 1. Within five (5) business days of completing the review and determining that an adjustment is required, the Child Support Enforcement Services worker shall provide to the obligor and obligee or his/her attorney of record and to the other agency involved in interjurisdictional cases:
    - a. The Post Review notice;
    - b. The guideline calculation worksheets;
    - c. All supporting financial documentation used to calculate the monthly support obligation; and,
    - d. The order/stipulation.
  - 2. Either party may file a challenge to the review results based on the post review notice or the proposed order:
    - a. The challenge must be received no later than the fifteenth day following the Post Review Notice date.
    - b. The challenge must be in writing.
    - c. The challenge must be based on alleged mathematical or factual error in the calculation of the monthly support obligation.
    - d. The delegate Child Support Enforcement Services Unit may grant an extension of up to fifteen (15) calendar days to challenge the review results based upon a showing of good cause.
    - e. The delegate Child Support Enforcement Services Unit shall have fifteen (15) calendar days from the date of receipt of the challenge to respond to the challenge.
    - f. If a challenge results in a change in the monthly support obligation, the delegate Child Support Enforcement Services Unit shall provide an amended notice of review and a new order/stipulation to the parties.
    - g. Both parties are then given fifteen (15) calendar days from the date of the amended notice of review to challenge the results of any subsequent review.
  - 3. Within five (5) business days of determining that a review indicates that a change to the monthly support obligation is appropriate, and the review is not challenged or all

challenges have been addressed, the delegate Child Support Enforcement Services Unit shall file with the court:

- a. A Motion to Modify; and,
  - b. The order/stipulation.
4. Upon receipt of the order/stipulation from the court, the Child Support Enforcement Services worker shall send copies to the parties or their attorneys of record and to the other agency involved in interjurisdictional cases. The Child Support Enforcement Services worker shall document the automated child support system chronology with this activity.
5. Within five (5) business days of determining that a challenge cannot be resolved, the Child Support Enforcement Services worker shall file with the court:
- a. A Motion to Modify;
  - b. The order/stipulation;
  - c. The Guideline Calculation Worksheets; and,
  - d. Income and Expense Affidavits of the parties.
6. Within eighteen (18) days of determining that a challenge cannot be resolved, the Child Support Enforcement Services worker shall check for the court's signature on the order; if the court has not signed the order, set a hearing pursuant to local court rules.
7. After a hearing has been set, the Child Support Enforcement Services worker shall send copies of the notice of hearing to the parties or their attorneys of record and to the other agency involved in interjurisdictional cases and document the automated child support system's chronology with this activity.
8. If the obligor's employer's address is known, the delegate Child Support Enforcement Services Unit shall, unless another agency is enforcing an interjurisdictional case or the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(II)(A), C.R.S.:
- a. Send a notice to withhold income for support within fifteen (15) calendar days of the date the modified order is entered;
  - b. Send a notice to withhold income for support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires;
  - c. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the modified order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.
- B. Administrative Process Orders: After completion of the review the Child Support Enforcement Services worker may determine an adjustment is necessary because the guideline calculation

indicates at least a ten percent change in the ordered child support amount and/or a change to or an addition of a medical support provision is needed.

1. Within five business days of completing the review and determining that an adjustment is required, the Child Support Enforcement Services worker shall provide to the obligor and obligee or his/her attorney of record and to the other agency involved in interjurisdictional cases:
  - a. The Administrative Process Notice of Financial Responsibility for Modification form, which schedules a negotiation conference fifteen (15) days from the review date,
  - b. The Guideline Calculation Worksheets,
  - c. All supporting financial documentation used to calculate the monthly support obligation; and,
  - d. The Administrative Process Modified Order of Financial Responsibility.
2. Either party may file a challenge to the review results based on the Administrative Process Notice of Financial Responsibility for Modification or the Administrative Process Modified Order of Financial Responsibility:
  - a. The challenge must be received no later than the fifteenth day following the Notice of Financial Responsibility for Modification, and will be addressed at the scheduled negotiation conference to be held on the fifteenth day following the review date.
  - b. The challenge must be based on alleged mathematical or factual error in the calculation of the monthly support obligation.
  - c. The delegate Child Support Enforcement Services Unit may grant an extension of up to fifteen (15) calendar days to challenge the review results based upon a showing of good cause.
  - d. The delegate Child Support Enforcement Services Unit shall have fifteen (15) calendar days from the date of receipt of the challenge to respond to the challenge.
  - e. If a challenge results in a change in the monthly support obligation, the delegate Child Support Enforcement Services Unit shall provide an amended notice of review to the parties and to the other agency involved in interjurisdictional cases.
  - f. Both parties are then given fifteen (15) calendar days from the date of the amended notice of review to challenge the results of any subsequent review.
3. If the obligor or his/her attorney of record signs the Administrative Process Modified Order of Financial Responsibility at the negotiation conference or returns it in the mail prior to the negotiation conference date, the employee of the delegate Child Support Enforcement Services Unit designated in writing by the County Director, signs the Administrative Process Modified Order of Financial Responsibility. The Child Support Enforcement Services worker shall, within five (5) business days, file with the court:
  - a. The Administrative Process Notice of Financial Responsibility for Modification;

- b. Income and Expense Affidavits of the parties;
  - c. The Guideline Calculation Worksheets; and,
  - d. The Administrative Process Modified Order of Financial Responsibility.
4. The Administrative Process Modified Order of Financial Responsibility shall also be provided to the parties and to the other agency involved in interjurisdictional cases on the same date it is filed with the court. It shall include an advisement to the parties informing them that they have fifteen (15) calendar days to file a written objection with the court.
5. If an objection has not been received by the court within fifteen (15) calendar days after the Administrative Process Modified Order of Financial Responsibility is filed with the court, the order becomes final.
6. If the obligor or his/her attorney of record does not sign and return the Administrative Process Modified Order of Financial Responsibility, but:
- a. The obligor or his/her attorney of record appears at the negotiation conference and does not agree, the Child Support Enforcement Services worker shall file with the court within five (5) business days:
    - 1) The Administrative Process Notice of Financial Responsibility for Modification;
    - 2) The Guideline Calculation Worksheet;
    - 3) The delegate Child Support Enforcement Services Unit's request for court hearing; and,
    - 4) Income and Expense Affidavits of the parties.

After a hearing is set, the Child Support Enforcement Services worker shall file a Notice of Hearing with the court and send copies of the Notice of Hearing to the parties or their attorneys of record and to the other agency involved in interjurisdictional cases.
  - b. The obligor or his/her attorney of record does not appear at the negotiation conference, the Child Support Enforcement Services worker, within five (5) business days shall file with the court:
    - 1) The Administrative Process Notice of Financial Responsibility for Modification;
    - 2) Income and Expense Affidavits of the parties;
    - 3) The Guideline Calculation Worksheets;
    - 4) The Affidavit of Non-Appearance for modification; and,
    - 5) The Administrative Process Default Order of Financial Responsibility (modified).

- c. Upon receipt of a copy of the default order with signed approval by the judge or magistrate, the Child Support Enforcement Services worker shall send copies to the parties or their attorneys of record and to the other agency involved in interjurisdictional cases.
  - d. The Child Support Enforcement Services worker shall document this activity on the automated child support system.
7. If the obligor's employer's address is known, the delegate Child Support Enforcement Services Unit shall, unless another agency is enforcing an interjurisdictional case or the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(II)(A), C.R.S.:
- a. Send a notice to withhold income for support within fifteen (15) calendar days of the date the modified order is entered;
  - b. Send a notice to withhold income for support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires,
  - c. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the modified order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.

## **6.270 CHILD SUPPORT ENFORCEMENT SERVICES PROGRAM PLAN**

Each county department shall forward its CSSE County Program Plan for the next calendar year to the State Department by December 31 of each year. The plan shall be submitted to the State Department on prescribed State form. If the plan is disapproved, the county department will negotiate mutually acceptable goals with the State Department. If agreement cannot be reached, counties may request reconsideration by the Executive Director or a designee of the Colorado Department of Human Services. The county department will be bound by the decision of the Executive Director or designee. Satisfactory completion of this process is required to ensure the county department receives continued federal financial participation.

### **6.270.3**

Each county's program plan must set county goals in order to meet annual statewide goals set by the State Division of Child Support Enforcement Services.

- A. If a county fails to:
  - 1. Submit an annual county program plan; revised annual county program plan as required by the state office; or
  - 2. Submit a plan which establishes goals consistent with statewide goals,
- B. Then the State Division will take appropriate corrective action to ensure that a satisfactory county program plan is submitted and approved.

## 6.280 REPORTING

County departments shall provide the State Department with reports and fiscal information as deemed necessary by the State Department.

## 6.300 (None)

## 6.400 INTAKE

County Child Support Enforcement Services Units shall establish procedures to ensure that all activities regarding intake are undertaken and completed within the time frames, along with appropriate and specified functions pursuant to Section 6.260.22. The time frames begin when the application or referral is received and end when the case is ready for the next appropriate activity, e.g., locate, paternity establishment, establishment of a support order, or enforcement. All activities must be documented on the automated child support system.

### 6.400.1 INTAKE FUNCTIONS

The following functions are the responsibility of the Child Support Enforcement Services Unit with regard to intake of child support enforcement services cases:

- A. The Child Support Enforcement Services Unit shall assure that for each noncustodial or alleged parent of children for whom Child Support Enforcement Services services are sought for non-public assistance cases, a Form CSSE-6 shall be completed by the applicant; however, an application is not required in a responding intergovernmental case. The Child Support Enforcement Services Unit shall provide an application to the applicant pursuant to Section 6.201.2.
- B. The Child Support Enforcement Services Unit shall assure that for all cases for which IV-A and/or foster care is being provided that the custodial party cooperate, unless a finding of good cause exemption from referral to the Child Support Enforcement Services Unit has been granted by the county director or designee, in:
  1. Location of noncustodial or alleged parents;
  2. Determination of parentage;
  3. Establishment and modification of support orders, both financial and medical; and,
  4. Enforcement of support orders.
- C. Upon receipt of a good cause determination from the county director or designee, the Child Support Enforcement Services Unit shall close the Child Support Enforcement Services case.
- D. The Child Support Enforcement Services Unit shall assure that written explanations about Child Support Enforcement Services services and custodial party rights and responsibilities are provided to public assistance recipients receiving Child Support Enforcement services Services pursuant to Section 6.201.1.
- E. Within twenty (20) calendar days of receipt of an application or referral, the Child Support Enforcement Services Unit must open a case and take appropriate action pursuant to Section 6.260.22.

- F. The Child Support Enforcement Services Unit shall assure that Form CSSE-7 be forwarded to the IV-A unit or that other written notice be sent to the foster care unit within five (5) working days of failure to cooperate by the custodial party of a child receiving IV-A or by the placing parent of a child in foster care placement, unless good cause exemption from referral to the Child Support Enforcement Services Unit has been granted by the county director or designee.
- G. The Child Support Enforcement Services Unit shall assure that for each noncustodial or alleged parent, a unique case number is established to identify the case.
- H. The Child Support Enforcement Services Unit shall assure that all cases are categorized as set forth in these rules.
- I. The Child Support Enforcement Services Unit shall assure that case records and financial records be established for each child support enforcement services case according to these rules and procedures prescribed by the State Department.

## **6.500 LOCATE**

Attempts to determine the physical whereabouts of noncustodial parents, placing parents, or the noncustodial or placing parents' employer(s), other sources of income or assets, as appropriate, for paternity establishment, establishment or modification of a child support order or enforcement of an order are a required service of the Child Support Enforcement Services program. Locate activity is provided for all cases.

### **6.501 LOCATE PROCEDURES**

County Child Support Enforcement Services Units shall establish procedures to ensure that all appropriate locate activities are undertaken and completed within the time frames specified. The time frames begin when it is determined that location of the noncustodial or placing parent is necessary and end when the noncustodial or placing parent is located and the case is ready for the next appropriate activity, e.g. establishment of paternity, establishment or modification of a support order or foster care fee order, or enforcement. All locate activities must be documented by source (Division of Motor Vehicles, Department of Labor and Employment, no hit, etc.) on the automated child support system.

### **6.502 LOCATE FUNCTIONS**

#### **6.502.1**

Within seventy-five calendar days of determining that location is necessary, the Child Support Enforcement Services Unit must access all appropriate locate sources including transmitting appropriate cases to the Expanded Federal Parent Locator Service and ensuring that information is sufficient to take the next appropriate action in a case. In intergovernmental cases, it is the responsibility of the initiating agency, rather than the responding state, to access the Expanded Federal Parent Locator Service when appropriate, and provide new locate information to the responding agency. However, if the initiating agency is a foreign country, the responding agency should access the expanded Federal Parent Locator Service.

#### **6.502.2**

The Child Support Enforcement Services Unit must assess each locate case to determine appropriate locate sources. Available locate sources include:

- A. State locate sources such as the Department of Labor and Employment and the Division of Motor Vehicle, Workers' Compensation and state directory of new hires;

- B. Current or past employers;
- C. Local telephone company, United States Postal Service, financial references, unions, fraternal organizations, parole and probation records and police records;
- D. Expanded Federal Parent Locator Service and other state parent locators;
- E. Local offices administering public assistance, general assistance, medical assistance, ~~food stamps~~food ~~and assistance, and~~ social services;
- F. Custodial party, friends, and relatives of noncustodial parents;
- G. Credit reporting agencies.
  1. A full credit report may be obtained only if a child support order exists, except as provided in Section 6.709.3.
  2. If a child support order does not exist, an inquiry using the Social Security Number will provide residential and employment information, if available.

### 6.502.3

A Child Support ~~Enforcement Services~~ Unit may obtain information from public utilities through the utilization of an administrative subpoena. The Child Support ~~Enforcement Services~~ Unit must submit a request for administrative subpoena to the State parent locator by documenting in the chronology of the case the following:

- A. All locate resources have been accessed.
- B. No location information has been obtained.

### 6.503 LOCATION IN INTERGOVERNMENTAL CASES

The initiating agency must forward a State Parent Locate Service (SPLS) request through manual or electronic means to the IV-D agency of any other jurisdiction within twenty (20) calendar days of receiving information that the noncustodial or alleged parent may be in another jurisdiction. However, if the initiating agency is a foreign country, the responding agency should access the expanded Federal Parent Locator Service.

Upon receipt of information regarding the noncustodial or alleged parent, all appropriate follow up must be completed by the Child Support ~~Enforcement Services~~ Unit to verify the location information received.

### 6.504 REPEATED LOCATION ATTEMPTS

Location attempts, except for Federal Parent Locator Service (FPLS), shall be repeated quarterly or immediately upon receipt of new information when adequate identifying and other information exists which may aid in location, whichever occurs sooner.

- A. Quarterly attempts may be limited to automated sources, but must include accessing the Department of Labor and Employment files.

- B. When repeated location attempts are necessary because of new information, all appropriate locate sources must be accessed within seventy-five (75) calendar days.

## **6.600 ESTABLISHMENT OF PATERNITY**

### **6.600.1 STATUTE OF LIMITATIONS**

In a IV-D case involving a child for whom parentage has not been legally established, the Child Support Enforcement Services Unit shall attempt to establish the paternity of such child at any time prior to the child's eighteenth birthday:

- A. Unless a good cause exemption on a mandatory referral to the Child Support Enforcement Services Unit has been determined by the county director or designated staff.
- B. If the statute of limitations in effect at the time of the child's birth was less than eighteen years, the county Child Support Enforcement Services Unit may bring an action on behalf of the child at any time prior to the child's twenty-first birthday.
- C. An action brought solely to establish paternity must be done through the courts, not administratively.

### **6.601 PATERNITY ESTABLISHMENT TIME FRAMES**

County Child Support Enforcement Services Units shall establish procedures to ensure that all appropriate paternity establishment activities are undertaken and completed within the timeframes specified. The timeframes begin when the alleged or presumed father is located and end when paternity and a support obligation are established or the alleged or presumed father is excluded. All paternity establishment activities must be documented on the automated child support system.

- A. Within ninety (90) calendar days of locating the alleged father, the Child Support Enforcement Services Unit must:
  - 1. Document unsuccessful attempts to serve process, or,
  - 2. Complete service of process, establish paternity, and establish an order for support.
- B. Repeated unsuccessful service of process attempts are not a valid reason for not meeting the timeframes. If service of process is unsuccessful because of a poor address, the case shall be referred back to the locate function.

#### **6.601.1 GOOD CAUSE**

If good cause exemption has not been established and the custodial party or placing parent fails to cooperate with the Child Support Enforcement Services Unit, the Child Support Enforcement Services Unit shall complete a Notice of Non-Cooperation of Caretaker and forward the notice to the county IV-A unit, or the Division of Child Welfare.

### **6.602 PRESUMPTION OF PATERNITY**

The Child Support Enforcement Services Unit shall determine whether the alleged father's name is on the child's birth certificate prior to initiating a paternity establishment action.

- A. The Child Support Enforcement Services Unit shall not pursue the establishment of paternity but shall pursue the establishment of a support only order if a father's name is listed on the child's

birth certificate, and no party contests paternity for that child and there is no credible evidence that another alleged or presumed father exists.

- B. The Child Support Enforcement Services Unit shall pursue the establishment of paternity and support if there is no father's name listed on the birth certificate,
  - 1. And the custodial party or the non-custodial parent is contesting paternity; or,
  - 2. There is credible evidence that another alleged or presumed father exists; and,
  - 3. Paternity or child support has not been established by a Colorado judicial or administrative order or pursuant to the laws of another state.

### **6.603 VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY**

County Child Support Enforcement Services Units shall provide all parents who are applying for services with or are referred to the Child Support Enforcement Services Unit with the opportunity to voluntarily acknowledge paternity at the Child Support Enforcement Services office. The Child Support Enforcement Services Unit shall provide to parents the voluntary acknowledgment form prescribed and furnished by the state registrar and oral and written state prescribed standardized notices stating the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. Either the Child Support Enforcement Services Unit or a party of the case shall forward the completed acknowledgement of paternity form to the Department of Public Health and Environment, the Division of Health Statistics and Vital Records, according to the instructions provided on the form.

#### **6.603.1 RESCISSION OF A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY**

- A. A signed voluntary paternity acknowledgment is considered a legal finding of paternity, subject to the right of either party who signed the acknowledgment to rescind the acknowledgment within the earlier of:
  - 1. Sixty (60) calendar days from the date signed; or,
  - 2. The date of a prior administrative or judicial proceeding relating to the child in which the person who signed the paternity acknowledgment is a party.
- B. When a party in a IV-D case notifies the Child Support Enforcement Services Unit of his/her desire to rescind his/her signature on a voluntary acknowledgement of paternity or to contest paternity based on a voluntary acknowledgement of paternity and the voluntary acknowledgement of paternity was filed with the Colorado Department of Public Health and Environment, Division of Health Statistics and Vital Records, and paternity has not been established by or pursuant to the laws of another state, the Child Support Enforcement Services Unit shall, through administrative process, if appropriate, pursue the establishment of paternity and support and order genetic testing.
  - 1. If the results of the genetic testing establish a threshold of probability of paternity of ninety-seven percent (97%) or higher and the party continues to contest paternity, the Child Support Enforcement Services Unit shall proceed with administrative process procedures to establish a temporary support order and request a court hearing to obtain a court finding and order.
  - 2. If the results of the genetic testing establish a threshold of probability of paternity of ninety-seven percent (97%) or higher and the party does not continue to contest paternity, the Child Support Enforcement Services Unit shall proceed with administrative

process procedures to establish an appropriate administrative process paternity and support order.

3. If the results of the genetic testing do not establish a threshold of probability of paternity of at least ninety-seven percent (97%) and the non-custodial parent will not sign a stipulated order, the Child Support Enforcement Services Unit may dismiss the action or take such other appropriate action as allowed by law, including filing a request for court hearing.
4. If the court finds that the parent who signed the voluntary acknowledgment of paternity is not the legal father of the child and orders that such parent's name be removed from that child's birth certificate, the Child Support Enforcement Services Unit shall notify the Department of Public Health and Environment, Division of Health Statistics and Vital Records, and request that they remove the party's name from the child's birth certificate. The notification shall be either a certified copy of the court order or a modified report of paternity determination, as prescribed by the Division of Health Statistics and Vital Records.

#### **6.603.2 CONTESTING PATERNITY ESTABLISHED BY A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY**

- A. When a party in a IV-D case notifies the county Child Support Enforcement Services Unit of the desire to rescind his/her signature on or contests paternity established by a voluntary acknowledgement of paternity and there has been a prior administrative process or judicial proceeding involving the party concerning the support of the child, the party shall be advised to contact the court for resolution.
- B. When a party in a IV-D case notifies the county Child Support Enforcement Services Unit of the desire to rescind his/her signature on or contests paternity established by a voluntary acknowledgement of paternity and there has been no prior administrative process or judicial proceeding involving the party concerning the paternity or support of the child, and the current proceeding is being conducted through an administrative process action and it has been sixty or more calendar days since the acknowledgment was signed and the father's name is on the child(ren)'s birth certificate, and paternity has not been established by or pursuant to the laws of another state, the Child Support Enforcement Services Unit shall:
  1. Enter an administrative process order for genetic testing, then
  2. Establish an administrative process temporary order of financial responsibility and request a court hearing to obtain a permanent court finding and order if the genetic testing results show a ninety seven percent (97%) or greater probability of parentage and the party continues to contest paternity, or
  3. If the genetic testing results show a less than ninety-seven percent (97%) probability of parentage, the county Child Support Enforcement Services Unit may dismiss the action or take such other appropriate action as allowed by law.
- C. If the party withdraws his/her contest of paternity at any time, even after genetic testing has been done and the father's name is on the child's birth certificate, the delegate Child Support Enforcement Services Unit shall enter the appropriate administrative process order if the genetic testing results do show a ninety-seven percent (97%) or greater probability of paternity.

## 6.604 CONTESTING PATERNITY BASED ON OTHER PRESUMPTIONS OF PATERNITY

Whether or not a father's name is listed on a child's birth certificate, if one or more presumptions of paternity of a child exist pursuant to Section 19-4-105, C.R.S., including the execution of a voluntary acknowledgment of paternity for one or more possible fathers, the delegate Child Support Enforcement Services Unit shall pursue the establishment of paternity and support for that child and shall use administrative process, if appropriate. If administrative process is not appropriate and/or there is credible evidence that more than one possible father exists, the action shall be pursued judicially and all alleged and/or presumed fathers shall be joined as parties in the case, if possible, pursuant to Section 19-4-110, C.R.S.

However, if child support or paternity has already been established against a father by an administrative or judicial order or paternity has been established pursuant to the laws of another state, a support only order shall be pursued against such father.

### 6.604.1 CONTESTING PATERNITY – NO IV-D CASE

Parties who do not have a IV-D case and request the Child Support Enforcement Services Unit to assist them in rescinding a voluntary acknowledgment of paternity, and it has been less than sixty (60) days since the voluntary acknowledgment of paternity was signed, and there has been no prior administrative process or judicial proceeding involving the party concerning the support of the child, shall be advised that he or she may apply for full child support services, or he or she may contact the court for assistance. If it has been more than sixty (60) days since the voluntary acknowledgment of paternity was signed, or there has been a prior administrative process or judicial proceeding involving the party concerning the support of the child, or he or she wants to disestablish paternity, he or she shall be referred to the court.

## 6.605 GENETIC TESTING

- A. County Child Support Enforcement Services Units shall require that the child and all other parties in a contested paternity case submit to genetic testing, upon the request of any party, except in cases:
  1. Where good cause has been determined; or,
  2. Where paternity has been determined by or pursuant to the laws of another state; or,
  3. Where paternity has been established by a Colorado administrative process or judicial order.
- B. The parties are required to use the genetic testing laboratory designated by the Child Support Enforcement Services Unit.
- C. Counties, or the state Division of Child Support Enforcement Services on behalf of counties, shall competitively procure, according to county or state procedures, services from genetic testing laboratories which have been accredited. The state Division of Child Support Enforcement Services shall provide a list of genetic testing laboratories which have been accredited to the county Child Support Enforcement Services Units. Genetic testing laboratories procured by the counties must perform, at reasonable cost, legally and medically acceptable genetic tests to identify the father or exclude the alleged father. Proof of competitive procurement may be requested by the Colorado Department of Human Services at any time.
- D. County Child Support Enforcement Services Units shall pay the costs of the genetic testing for all parties for instate cases, including long-arm paternity establishment. For interstate cases, the responding state is responsible for the genetic testing costs, as stated in Section 6.605.2.

### **6.605.1 OBJECTION TO GENETIC TESTING**

Any objection to the genetic testing results shall be made in writing at least fifteen (15) days before the hearing where the results may be introduced, or fifteen (15) days after the Motion for Summary Judgment is served. If, however, the results were not received at least fifteen days before the hearing, the objection to the genetic testing results shall be made at least twenty-four (24) hours prior to the hearing. If no objection is made, the test results shall be entered as evidence of paternity in a paternity action without the need for proof of authenticity or accuracy.

Upon receipt of an objection to the genetic testing results, the delegate Child Support **Enforcement Services** Unit will take the following action:

- A. If the case is an Administrative Process case, establish a temporary order if appropriate, and file a Child Support **Enforcement Services** Unit Request for Court Hearing as required in Section 6.713.
- B. If the case has been filed through the Judicial process, request the court to set a hearing to resolve the objection and decide the issue of paternity and child support.
- C. The Notice of Hearing must be sent to the parties by the delegate Child Support **Enforcement Services** Unit.

### **6.605.2 GENETIC TESTING COSTS**

In all cases, when paternity is adjudicated, the county Child Support **Enforcement Services** Units shall attempt to enter a judgment for the costs of genetic testing against the alleged father for full payment or prorated payment with a specified monthly amount due to liquidate those costs. In intergovernmental cases, the responding jurisdiction is responsible for the cost of genetic testing.

### **6.606 REPORTING THE DETERMINATION OF PATERNITY TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, DIVISION OF HEALTH STATISTICS AND VITAL RECORDS**

- A. After a child's paternity has been established, either judicially or administratively, the Child Support **Enforcement Services** Unit shall complete and file the State prescribed forms with the Colorado Department of Public Health and Environment, Division of Health Statistics and Vital Records, to ensure that the parent's name is added to the child's birth record. These documents shall be filed with the Division of Health Statistics and Vital Records within ten (10) days of the judicial or administrative order establishing paternity.
- B. The Child Support **Enforcement Services** Unit shall document in the Automated Child Support Enforcement System the date on which the State prescribed forms are sent to the Colorado Department of Public Health and Environment, Division of Health Statistics and Vital Records.
- C. If the child was born in Colorado, within forty five (45) days after the State prescribed forms are sent to the Colorado Department of Public Health and Environment, Division of Health Statistics and Vital Records, the Child Support **Enforcement Services** Unit shall attempt to determine whether or not the parent's name has been added to the child's birth record. If the Child Support **Enforcement Services** Unit determines that the parent's name has not been added to the child's birth certificate, they shall attempt to determine why the name has not been added and take all reasonable steps to correct the situation including requesting assistance from the State Division of Child Support **Enforcement Services** where appropriate.
- D. If the Child Support **Enforcement Services** Unit has contact with the Colorado Department of Public Health and Environment, Division of Health Statistics and Vital Records, about corrections

needed to the State prescribed forms, the worker shall take all steps reasonably necessary and within his/her ability to resolve the issue so that the parent's name can be added to the child's birth record. This may include requesting assistance from the State Division of Child Support [EnforcementServices](#) where appropriate.

- E. The Child Support [EnforcementServices](#) Unit shall document in the automated child support system the date on which the parent's name has been verified to be on the child's birth record.

## **6.700 ESTABLISHMENT OF SUPPORT OBLIGATIONS**

The following functions are the responsibility of the Child Support [EnforcementServices](#) Unit with regard to the establishment of child support obligations for all Child Support [EnforcementServices](#) cases.

### **6.700.1 EXPEDITED PROCESS**

- A. County Child Support [EnforcementServices](#) Units shall establish procedures to ensure that all appropriate functions and activities to establish support obligations are undertaken and completed within the timeframes specified. The timeframes begin when the noncustodial parent is located and end when a temporary or permanent order is established or service of process is unsuccessful. All support activities must be documented on the automated child support system.
- B. Within ninety calendar days of locating the alleged father or noncustodial parent, the Child Support [EnforcementServices](#) Unit must check to ensure that the child(ren) has not reached the age of emancipation; and,
  1. Document unsuccessful attempts to serve process, or
  2. Complete service of process and establish an order for support (and paternity, if not already established).
- C. Actions subject to expedited process must be completed from the time of successful service of process to the time of disposition within the required timeframes.
- D. Repeated unsuccessful service of process attempts are not a valid reason for not meeting the timeframes. If service of process is unsuccessful because of a poor address, the case shall be referred back to the locate function.

### **6.701 ESTABLISHING SUPPORT OBLIGATIONS**

- A. All child support obligations must be established using the Colorado child support guidelines as found in Section 14-10-115, C.R.S., to determine the amount to be ordered. Child Support [EnforcementServices](#) staff shall not deviate from the guidelines. Child Support [EnforcementServices](#) Units shall refer to Section 6.707 for rules on how to determine income to use in the guideline calculation.
- B. In the instance of adoption assistance services, when establishing an order against the adoptive parents, the amount of the monthly support order cannot exceed the amount of the monthly adoption assistance payment. If the calculated guideline amount for the monthly support order exceeds the amount of the monthly adoption assistance payment, the Child Support [EnforcementServices](#) Unit must treat this as a deviation and request a court hearing pursuant to Section 6.713 to request the court to accept the adoption assistance payment amount as the order.
- C. In all cases, the Child Support [EnforcementServices](#) Unit shall attempt to establish child support obligations and medical support from any person who is legally liable for support of a child.

1. In a foster care referral case, the county Child Support EnforcementServices Unit shall attempt to establish a foster care fee obligation.
  2. In public assistance, foster care, and low-income child care assistance referral cases, the Child Support EnforcementServices Unit shall not pursue the establishment of a child support obligation, child support debt, retroactive support or medical support if good cause exemption has been determined by the county director or designee.
- D. Establishing the legal obligation to provide child support includes activities related to establishing the amount of retroactive support due, determining the ability of both parents to provide support, and determining the amount of the support obligation.

### **6.701.1 HEALTH INSURANCE**

For all cases in which current child support is being sought, including zero dollar orders, the Child Support EnforcementServices Unit shall include a provision for either party to provide health insurance for his/her children.

### **6.702 ESTABLISHING DEBT OR RETROACTIVE SUPPORT**

The Child Support EnforcementServices Unit has the discretion to establish an obligation for child support debt, foster care fee debt, and/or retroactive support due based on the county's procedure.

#### **6.702.1 DEBT**

Action taken to establish debt must be pursued in accordance with Section 14-14-104, C.R.S. Debt may be established on public assistance and foster care referral cases.

#### **6.702.2 RETROACTIVE SUPPORT**

- A. An order for a reasonable amount of retroactive support due may be included in any action, except a paternity-only or debt-only action if requested by a custodial party, if there is a time period which occurred prior to the receipt of public assistance benefits for which such support can be established.
- B. The custodial party shall be required to complete an "Affidavit of Retroactive Support" and return it to the Child Support EnforcementServices Unit before the initiation of any judicial or administrative action to establish retroactive support. A Child Support EnforcementServices Unit shall not establish an order for retroactive support unless an "Affidavit for Retroactive Support" has been received from the custodial party. The county Child Support EnforcementServices Unit shall use the State prescribed "Affidavit of Retroactive Support".
- C. If the custodial party is waiving the right to retroactive support, this shall be reflected in the support order. If the Child Support EnforcementServices Unit does not establish retroactive support on behalf of custodial parties, the order shall contain a statement to this effect and also an advisement to the non-custodial parent that the custodial party may pursue the establishment of retroactive support separately.
- D. Retroactive support will not be established for:
  1. Any months for which the custodial party received public assistance.
  2. Any months for which the children did not reside with the custodial party, including months in which the child(ren) were in out of home placement.

3. Any months when the custodial party, non-custodial parent, and the children lived in the same household.
4. If the retroactive support is being established in a divorce or legal separation action, the amount of retroactive support will be based upon the number of months after the date of physical separation of the parents, the filing date of the action, or the date of service upon the respondent, whichever date is latest.

### 6.702.3 CALCULATING RETROACTIVE SUPPORT AND CHILD SUPPORT DEBT

- A. If action is taken to establish debt in a public assistance case, including Title IV-A, Title IV-E foster care, and non-IV-E foster care referral cases, because no order for a monthly support obligation existed at the time public assistance was paid, the Child Support EnforcementServices Unit shall use the current monthly support order amount determined by using the Colorado Child Support Guidelines times the number of months that the custodial party received public assistance or the total amount of public assistance paid, whichever amount is lower as the initial basis for the amount of child support debt owed by the noncustodial parent.
  1. In a IV-E foster care case, the amount of the foster care fee debt is limited by the total of the unreimbursed maintenance payments for that child(ren).
  2. In a non-IV-E foster care case, the amount of the foster care fee debt is limited by the total cost of placement for that child(ren).
- B. If action is taken to establish retroactive support, the Child Support EnforcementServices Unit shall use the current monthly support order amount determined by using the Colorado child support guidelines times the number of months that the children lived in the custodial party's home without the presence of the noncustodial parent as the initial basis for the amount of retroactive support owed by the noncustodial parent.
- C. The Child Support EnforcementServices Unit may take the following factors into consideration in determining whether the initial amount of child support debt, foster care fee debt, or retroactive support calculated pursuant to paragraphs A and B, above, is appropriate and reasonable:
  1. An increase in the parent's income since the date of child's birth that may result in the current monthly child support order being higher than it would have been at the time of the child's birth.
  2. The length of time that a custodial party waited before requesting the services for the establishment of retroactive support, including whether the noncustodial parent knew or should have known about the existence of the children.
  3. Special circumstances that may have inhibited the custodial party from requesting assistance from Child Support EnforcementServices at an earlier date.
  4. Direct cash or in-kind support provided by the noncustodial parent to custodial party for the children for periods prior to the entry of the support order.
  5. Any circumstances beyond the control of the noncustodial parent which might have lengthened the time periods for which child support debt or retroactive support are being established including, but not limited to, non-cooperation by the custodial party.
- D. If either the custodial or noncustodial parent does not agree to the proposed amount of retroactive support, a temporary order, according to Section 6.712, must be established and the

case referred for a court hearing. The temporary order may not include any amount for child support debt or retroactive support.

### **7.703 DISMISSAL**

If the court or administrative authority dismisses a party or a case for a support order without prejudice, the Child Support **EnforcementServices** Unit shall, at the time of dismissal, examine the reasons for dismissal and determine when it would be appropriate to seek an order in the future, and seek a support order at that time. This shall be documented on automated child support system chronology and a review date set.

### **6.704 ADMINISTRATIVE PROCEDURES TO ESTABLISH CHILD SUPPORT AND PATERNITY**

Pursuant to Article 13.5 of Title 26, C.R.S., the delegate Child Support **EnforcementServices** Unit is authorized to establish certain paternity and child support obligations through administrative procedures.

#### **6.704.1 CASES SUBJECT TO ADMINISTRATIVE PROCESS**

- A. Administrative procedures to establish a monthly support obligation, foster care fee order, child support debt, foster care debt, or retroactive support, or to modify an order established by administrative process shall be used by the delegate Child Support **EnforcementServices** Unit in all cases to establish these obligations as appropriate, unless:
1. A court order exists that was issued in this or any other state, tribe, or reciprocating country, which establishes a monthly child support obligation; or,
  2. An administrative order exists that was issued in this or any other state, tribe, or reciprocating country, which establishes a monthly child support obligation for the child(ren) of the case but excluding appropriate administrative process add a child actions; or,
  3. The case requires paternity establishment and the case involves multiple presumed and/or alleged father(s); or,
  4. One or both of the parents is under age eighteen (18); or,
  5. In intergovernmental cases, the case requires only paternity establishment and no support is being established; or,
  6. A hearing has been scheduled by the court or a request for hearing has been filed with the court by any party on the issue of child support; or,
  7. An objection has been filed with the court regarding an order of modification; or,
  8. The court has exercised jurisdiction over a child support-related matter; or,
  9. The applicant for child support services is the non-custodial parent.
- B. Administrative process shall be utilized in cases in which a divorce decree is silent on the issue of child support and service in the divorce was by publication. In these cases, the administrative process action (APA) will be filed under a new court number.
- C. In cases in which there is a pending court action in which child support is at issue, the Child Support **EnforcementServices** Unit shall proceed to utilize administrative process as set forth in

these rules. Copies of all documents shall be filed by the Child Support EnforcementServices Unit in the existing court case, utilizing the case number of the existing court case.

#### **6.704.2 ESTABLISHING AN ORDER FOR WORK ACTIVITIES**

A delegate Child Support EnforcementServices Unit may establish an administrative order for a noncustodial parent who is unemployed, not incapacitated, and has an obligation of support to a child receiving assistance. The order would require the noncustodial parent to enter into one or more of the following work activities: private or public employment, job search activities, community service, vocational training, or any other employment related activities available to that particular individual.

#### **6.704.3 ENFORCING COUNTY APPLICATION TO ADMINISTRATIVE PROCESS**

Only the enforcing county delegate Child Support EnforcementServices Unit may initiate an administrative process action (APA). The enforcing county must close an open APA on ACSES before the enforcing county designation can be changed.

#### **6.705 NOTICE OF FINANCIAL RESPONSIBILITY, NOTICE OF FINANCIAL RESPONSIBILITY-PATERNITY ACTION OR AMENDED NOTICE OF FINANCIAL RESPONSIBILITY**

- A. A Notice of Financial Responsibility or amended Notice of Financial Responsibility for add a child cases, as prescribed by the State Department, shall be issued in all cases subject to administrative procedure within forty-five (45) days of locating the noncustodial parent by the enforcing county delegate Child Support EnforcementServices Unit.
- B. "Issued" shall be defined to mean the date the Notice of Financial Responsibility or amended Notice of Financial Responsibility is delivered to: the United States mail for service by certified mail, or the delegate Child Support EnforcementServices Unit employee authorized to serve the noncustodial parent, or the delegate Child Support EnforcementServices Unit's contractual process server, or the U.S. mail for service by first class mail only in an action to modify an existing administrative order.
- C. The Notice of Financial Responsibility or amended Notice of Financial Responsibility shall be signed by the county director or an employee of the delegate Child Support EnforcementServices Unit designated in writing by the county director.
- D. The delegate Child Support EnforcementServices Unit issuing a Notice of Financial Responsibility or amended Notice of Financial Responsibility shall:
  1. Check on the automated child support system, R/A Financial History, and the Colorado Benefits Management System (CBMS) to determine all amounts of public assistance expended for the children's benefit by all Colorado counties and include the total amount on the Certification of Official Record.
  2. Check the automated child support system to determine the total unreimbursed maintenance payments for Title IV-E foster care cases and with the foster care unit to determine the total unreimbursed costs of foster care placement for non-IV-E foster care cases and include the total amount on the Foster Care Arrearage/Unreimbursed Maintenance Payment Calculation or similar form used by the county Child Support EnforcementServices Unit.
  3. Schedule a negotiation conference date on the Notice of Financial Responsibility or amended Notice of Financial Responsibility thirty (30) calendar days from the date the Notice or amended Notice is issued, and

4. Data enter the issuance date and negotiation conference date on the automated child support system within five (5) working days of issuing the Notice of Financial Responsibility.

In any instance in which the thirtieth (30th) day would fall on a Saturday, Sunday or holiday, the Child Support EnforcementServices Unit shall set the negotiation conference on the next working day immediately following.

#### **6.705.1 SUBPOENA TO PRODUCE**

- A. A Subpoena to Produce, as prescribed by the State Department, shall be served on the noncustodial parent with every Notice of Financial Responsibility or amended Notice of Financial Responsibility.
- B. The subpoena to produce shall be signed by the county director or an employee of the delegate Child Support EnforcementServices Unit so designated in writing by the county director.

#### **6.705.2 INCOME AND EXPENSE AFFIDAVIT**

The delegate Child Support EnforcementServices Unit shall include an income and expense affidavit as prescribed by the State Department with every Notice or amended Notice of Financial Responsibility issued.

#### **6.705.3 SERVICE OF THE NOTICE OF FINANCIAL RESPONSIBILITY**

- A. The delegate Child Support EnforcementServices Unit shall serve the Notice or amended Notice of Financial Responsibility on the noncustodial parent at least eleven calendar days prior to the date stated in the Notice or amended Notice for the negotiation conference.
- B. The following forms shall be included in the packet served on the obligor.
  1. Notice or amended Notice of Financial Responsibility,
  2. Subpoena to Produce, and
  3. Income and Expense Affidavit.
- C. Either a Return of Service or a Waiver of Service must be obtained in all cases. Within five (5) working days of receipt of a Return of Service or a Waiver of Service, the delegate Child Support EnforcementServices Unit shall data enter the date of service or the waiver on the automated child support system and send notice of the negotiation conference to all parties or his/her attorney of record and the other state, if appropriate.
- D. If service was by certified mail restricted delivery, the return receipt shall be attached to the return of service. If service was effected by the county director or delegate Child Support EnforcementServices Unit employee designated in writing by the county director, he/she shall complete the return of service within five (5) working days of effecting service of process.

#### **6.706 NEGOTIATION CONFERENCE**

The county director shall be responsible for determining and authorizing in writing which Child Support EnforcementServices Unit employees may conduct negotiation conferences based upon the employee's classification and experience, and shall be responsible for assuring that only those employees with adequate skills, knowledge and training conduct negotiation conferences. Child Support EnforcementServices Unit employees authorized by their county director to conduct administrative

process must also be certified by the State Division of Child Support [EnforcementServices](#) and comply with all State Division of Child Support [EnforcementServices](#) certification training and testing requirements before conducting administrative process.

#### **6.706.1 STANDARD CONTINUANCES**

- A. Upon request of the noncustodial parent, the negotiation conference shall be continued once, not to exceed ten (10) calendar days from the originally scheduled date.
- B. If a continuance is requested by the noncustodial parent, the delegate Child Support [EnforcementServices](#) Unit shall issue a Notice of Continuance of Negotiation Conference to the noncustodial parent, the custodial party, or their attorneys of record and the other state if appropriate. The notice shall contain the rescheduled date and shall be provided by first class mail or hand delivery.
- C. If a continuance is requested by the noncustodial parent, the delegate Child Support [EnforcementServices](#) Unit shall data enter the type and reason for the continuance and the date for the rescheduled negotiation conference on the automated child support system.

#### **6.706.2 CONTINUANCES FOR GOOD CAUSE**

- A. More than one continuance and for any number of days may be granted only for good cause as defined in Section 6.708.
- B. Continuances for good cause may be granted only by the county director or delegate Child Support [EnforcementServices](#) employee designated in writing by the county director.
- C. If a continuance for good cause is granted, the delegate Child Support [EnforcementServices](#) Unit shall issue a Notice of Continuance of Negotiation Conference to the noncustodial parent, the custodial party, or their attorney of record and the other state if appropriate. The notice shall contain the rescheduled date and will be provided by first class mail or hand delivery.
- D. If a continuance for good cause is granted, the delegate Child Support [EnforcementServices](#) Unit shall data enter the type and reason for the continuance and the date for the rescheduled negotiation conference on the automated child support system.
- E. A finding of good cause may be made for the following reasons:
  - 1. The case involves a paternity determination and the noncustodial parent has stipulated to submit to genetic tests and the results are needed to proceed; or,
  - 2. A valid contest of paternity is made and paternity has not been established pursuant to the laws of another state; or,
  - 3. Additional time is needed to verify income or other information necessary to calculate a child support order pursuant to the Colorado Child Support Guidelines, Section 14 10 115, C.R.S. as amended; or,
  - 4. An allegation of fraud and referral for investigation; or,
  - 5. The noncustodial parent or his/her attorney, is unable to appear at the negotiation conference due to a sudden severe illness, an accident, or other particular occurrence which, by its emergency nature and drastic effect, prevents the noncustodial parent or his/her attorney's appearance at the negotiation conference, the burden of proof to show cause of this type shall be upon the noncustodial parent; or,

6. No Child Support EnforcementServices Unit employee authorized to conduct negotiation conferences is able to attend the negotiation conference due to a sudden severe illness, an accident, or other particular occurrence which, by its emergency nature and drastic effect, prevents an authorized Child Support EnforcementServices Unit employee from attending the negotiation conference.

#### **6.707 CALCULATING THE MONTHLY CHILD SUPPORT OBLIGATION**

- A. In any order for financial responsibility, the delegate Child Support EnforcementServices Unit shall calculate the monthly child support obligation pursuant to the Colorado Child Support Guidelines, Section 14-10-115, C.R.S. The delegate Child Support EnforcementServices Unit shall not deviate from the amount calculated pursuant to Section 14-10-115, C.R.S.
- B. In the instance of adoption assistance services, when establishing an order against the adoptive parents, the amount of the monthly support order cannot exceed the amount of the monthly adoption assistance payment. If the calculated guideline amount for the monthly support order exceeds the amount of the monthly adoption assistance payment, the Child Support EnforcementServices Unit must treat this as a deviation and request a court hearing pursuant to Section 6.713 to request the court to accept the adoption assistance payment amount as the order.

#### **6.707.1 DETERMINING INCOME**

- A. The delegate Child Support EnforcementServices Unit shall calculate the monthly support obligation using reliable information concerning the parents' actual and/or potential income, as appropriate, which may include, but is not limited to, the following:
  1. Wage statements; or,
  2. Wage information obtained from the Department of Labor and Employment; or,
  3. Tax records; or,
  4. Verified statement by the obligee, as prescribed by the State Department; or,
  5. Income and Expense Affidavit, as prescribed by the State Department.
- B. The delegate Child Support EnforcementServices Unit may obtain credit reports for purposes of establishing a child support order. Prior to obtaining a credit report for the noncustodial parent the Child Support EnforcementServices Unit must verify that paternity has been established or acknowledged. If paternity is not an issue, the Child Support EnforcementServices Unit must:
  1. Send a ten-day notice to the noncustodial parent or attorney of record by certified mail or registered mail that a full credit report will be obtained, or
  2. Obtain a waiver from the noncustodial parent or attorney of record to obtain a full credit report.
- C. In the absence of any reliable information concerning a parent's income, the monthly support obligation shall be computed based on the current minimum wage rate for the parent's state of residence, which may be calculated for up to a forty hour work week. If the Child Support Services Unit determines that a parent is voluntarily unemployed or underemployed or in the absence of reliable information, the Child Support Services Unit shall then determine, and document for the record, the parent's potential income. In determining potential income, the Child Support Services Unit shall consider the specific circumstances of the parent to the extent known,

including consideration of the following when said information is available: the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors in the case. All steps taken to obtain financial information must be documented.

#### **6.707.2 NEGOTIATE DEBT AMOUNT**

The delegate CSECSS Unit shall not negotiate the amount of child support or foster care debt unless:

- A. No other county or state has unreimbursed public assistance or unreimbursed maintenance payments or unreimbursed costs of foster care placement (for non-IV-E cases); or,
- B. All other counties and states with UPA or UMP or unreimbursed costs of foster care placement (for non-IV-E cases) have agreed to the negotiated amount in writing; and,
- C. Automated child support system chronology is updated by the enforcing county delegate Child Support EnforcementServices Unit to document the agreed upon negotiation.

#### **6.708 ISSUANCE OF ORDER OF FINANCIAL RESPONSIBILITY**

- A. If a stipulation is agreed upon at the negotiation conference, the delegate Child Support EnforcementServices Unit shall prepare and issue an Order of Financial Responsibility, as prescribed by the State Department.
- B. The order shall be signed by the noncustodial parent and by the county director or employee of the delegate Child Support EnforcementServices Unit designated in writing by the county director.
- C. The order shall specify that the noncustodial parent send all payments to the Family Support Registry.
- D. The order shall be prepared and signed at the conclusion of the negotiation conference. The order shall advise the noncustodial parent that the unpaid child support balance is entered as judgment.
- E. The original order and one copy shall be filed with the clerk of the district court in the county which issued the notice of financial responsibility or in the district court where an action relating to child support is pending or an order exists but is silent on the issue of child support within five (5) business days of the negotiation conference.
- F. The following documents shall be filed with the order:
  - 1. Notice or amended Notice of Financial Responsibility;
  - 2. Return of Service or Waiver of Service: if service was by certified mail, the return receipt must be attached to the Return of Service;
  - 3. Guidelines worksheets;
  - 4. Income and Expense Affidavit for noncustodial parent and custodial party;
  - 5. Subpoena to Produce;

6. Retroactive support affidavit, if the action is for support of the child(ren) prior to entry of the support order; and,
  7. Adoption Assistance Agreement, if applicable.
- G. Upon receipt of a copy of the order with a docket number assigned by the court, the delegate Child Support **EnforcementServices** Unit shall within five (5) working days:
1. Update automated child support system with court order and initiate a ledger; and,
  2. Send a copy of the order to the noncustodial parent, or his/her attorney of record, and to the custodial party of the child by first class mail.
  3. For intergovernmental cases, send a copy to the initiating agency.

#### **7.708.1 NOTICE TO WITHHOLD INCOME**

If the obligor's employer's address is known, the delegate Child Support **EnforcementServices** Unit shall, unless the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(II)(A), C.R.S.:

- A. Send a notice to withhold income for support within fifteen (15) calendar days of the date the order is entered;
- B. Send a notice to withhold income for support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires;
- C. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.

#### **6.709 ISSUANCE OF ORDER ESTABLISHING PATERNITY AND FINANCIAL RESPONSIBILITY**

- A. The delegate Child Support **EnforcementServices** Unit shall issue an order establishing paternity and financial responsibility after a negotiation conference if:
  1. Neither the custodial party nor the noncustodial parent is contesting the issue of paternity, and
  2. A Father's Paternity Advisement and Admission and a Mother's Parentage Advisement and Admission, as prescribed by the State Department, is provided to and signed by the noncustodial parent and the mother.
- B. The order shall be signed by the noncustodial parent and by the county director or the employee of the delegate Child Support **EnforcementServices** Unit designated in writing by the county director.
- C. The order shall be prepared and signed at the conclusion of the negotiation conference. The order shall advise the obligor that the unpaid child support balance is entered as judgment.

### 6.709.1 CONTESTING PATERNITY

- A. If the noncustodial parent asserts a valid objection that he or she is not the parent of the dependent child or contests paternity, the delegate Child Support EnforcementServices Unit shall issue an Order for Genetic Testing. The negotiation conference may be continued in accordance with the provision of Section 6.706.2.
- B. A finding of good cause to reschedule genetic testing may be made for the following reasons:
  - 1. The noncustodial parent is unable to appear at the appointed time or place for genetic testing due to a sudden severe illness, an accident, or other particular occurrence which, by its emergency nature and drastic effect, prevents the noncustodial parent's appearance at the time or place for genetic testing. The burden of proof to show good cause of this type shall be upon the noncustodial parent.
  - 2. Any other reason beyond the noncustodial parent's control (i.e., if the person authorized to collect the genetic testing sample is unable to appear or fails to appear at the time and place for genetic testing).
- C. Rescheduling of the time and place for genetic testing may be granted only by the county director or delegate Child Support EnforcementServices employee designated in writing by the county director.
- D. If rescheduling for good cause is granted, the delegate Child Support EnforcementServices Unit shall issue an Order for Genetic Testing to the noncustodial parent with the new date for the genetic testing which shall be served on the noncustodial parent by first class mail or by hand delivery.
- E. If the mother and child(ren) fail to appear for or submit to genetic testing, the case shall be set for hearing pursuant to Section 6.713. Upon receipt of the test results, if a stipulation is not reached, the case shall be set for hearing pursuant to Section 6.713.

### 6.709.2 REQUEST FOR COURT HEARING WHEN PATERNITY IS AT ISSUE

If no stipulation is agreed upon at the negotiation conference because the noncustodial parent contests the issue of paternity, the delegate Child Support EnforcementServices Unit shall file the Notice of Financial Responsibility and proof of service with the clerk of the court, and shall request the court set a hearing in accordance with Section 6.713.

### 6.709.3 FILING THE ORDER

The original order and one copy shall be filed with the clerk of the district court in the county which issued the notice of financial responsibility or in the district court where an action relating to child support is pending or an order exists but is silent on the issue of child support within five (5) working days of the negotiation conference.

- A. The following documents shall be filed with the order:
  - 1. Notice or amended Notice of Financial Responsibility (Paternity Action);
  - 2. Return of Service or Waiver of Service: if service was by certified mail, the return receipt must be attached to the Return of Service.
  - 3. Father's Paternity Advisement and Admission;

4. Mother's Parentage Advisement and Admission;
  5. Guideline Worksheets;
  6. Income and Expense Affidavits;
  7. Subpoena to Produce;
  8. Retroactive support affidavit, if the action is for support of the child(ren) prior to the entry of the order establishing paternity; and,
  9. Adoption Assistance Agreement, if applicable.
- B. Upon receipt of a copy of the order with a docket number assigned by the court, the delegate Child Support EnforcementServices Unit shall within five (5) working days:
1. Update automated child support system with paternity, court order and initiate a ledger, and
  2. Send a copy of the order to the noncustodial parent, the custodial party, or his/her attorney, and the initiating agency, if appropriate, by first class mail.
- C. If the obligor's employer's address is known, the delegate child support enforcementServices unit shall, unless the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(ii)(a), C.R.S.:
1. Send a notice to withhold income for support within fifteen (15) calendar days of the date the order is entered;
  2. Send a notice to withhold income for support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires.
- D. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.
- E. The order shall specify that the noncustodial parent send all payments to the Family Support Registry.

#### **6.710 ISSUANCE OF DEFAULT ORDER OF FINANCIAL RESPONSIBILITY**

- A. After service pursuant to Section 6.705.3, if the noncustodial parent fails to appear for the negotiation conference as stated in the Notice or amended Notice of Financial Responsibility, and fails to reschedule the negotiation conference prior to the date and time stated in the Notice or amended Notice of Financial Responsibility, or fails to appear for a rescheduled negotiation conference, the delegate Child Support EnforcementServices Unit shall:
1. Within five (5) working days of the date of the negotiation conference; or,

2. Within fifteen (15) calendar days of the negotiation conference if the delegate Child Support EnforcementServices Unit has mailed the non-custodial parent a stipulated order and it has not been signed and returned by the non-custodial parent or a rescheduled negotiation conference has not been conducted within the fifteen (15) days.

File an original Order of Default, as prescribed by the State Department, and one copy with the clerk of the district court in the county in which the Notice of Financial Responsibility was issued, or in the district court where an action relating to child support is pending or an order exists but is silent on the issue of child support.

- B. A Default Order of Financial Responsibility will not be issued when the noncustodial parent is incarcerated and fails to appear for the negotiation conference or the rescheduled negotiation conference. In these circumstances, the delegate Child Support EnforcementServices Unit's worker shall close the administrative process action for the reason that a hearing has been requested. The delegate Child Support EnforcementServices Unit's worker shall follow the process for requesting a court hearing pursuant to Section 6.713.

#### **6.710.1 FILING THE ORDER OF DEFAULT**

- A. The following documents shall be filed with the Order of Default:
  1. Return of Service or Waiver of Service and, if service was by certified mail, the return receipt must be attached to the Return of Service.
  2. Affidavit of Non-Appearance as prescribed by the State Department; and,
  3. Notice or amended Notice of Financial Responsibility; and,
  4. Verified Statement of Oblige, as prescribed by the State Department, used to set the monthly support obligation, or other documentation supporting the guideline calculation of the monthly support obligation such as wage information obtained from the Department of Labor and Employment; and,
  5. Affidavit and Certification of Official Record or Foster Care Arrearage/Unreimbursed Maintenance Payment Calculation as prescribed by the State Department, or documentation supporting the calculation of child support debt such as public assistance payment records, foster care payment records, or arrears calculation information, if appropriate; and,
  6. Guidelines worksheets; and,
  7. Subpoena to Produce; and,
  8. Income and Expense Affidavit for each parent, if available; and,
  9. Retroactive Support Affidavit, if any; and,
  10. Adoption Assistance Agreement, if applicable.
- B. The default order shall be signed by the county director or employee of the delegate Child Support EnforcementServices Unit designated in writing by the county director.
- C. The delegate Child Support EnforcementServices Unit shall not take any action to enforce the default order until a copy signed by the court approving the default order is received.

- D. If the obligor's employer's address is known, the delegate Child Support EnforcementServices Unit shall, unless the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(ii)(A), C.R.S.:
1. Send a Notice to Withhold Income for Support within fifteen (15) calendar days of the date the order is entered;
  2. Send a Notice to Withhold Income for Support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires;
  3. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.
- E. The order shall specify that the noncustodial parent send all payments through the Family Support Registry.
- F. The effective date of the default order shall be the date signed by the court approving the default order.
- G. If the default order is returned to the Child Support EnforcementServices Unit by the court as not approved, the delegate Child Support EnforcementServices Unit shall take appropriate action to cure the defect stated by the court as grounds for disapproval.

#### **6.710.2 RECEIPT OF THE ORDER OF DEFAULT**

Upon receipt of a copy of the default order approved by the court, the delegate Child Support EnforcementServices Unit shall within five (5) working days:

- A. Update automated child support system with court order and initiate a ledger, and
- B. Send a copy of the order to the noncustodial parent, the custodial party, or his/her attorney, and to the initiating agency, if appropriate, by first class mail.

#### **6.711 ISSUANCE OF DEFAULT ORDER ESTABLISHING PATERNITY AND FINANCIAL RESPONSIBILITY**

- A. A default order may be issued in cases where paternity is at issue if, after service pursuant to Section 6.705.2:
1. The alleged father fails to appear for the initial negotiation conference as scheduled in the Notice of Financial Responsibility and fails to reschedule a negotiation conference prior to the date and time stated in the Notice of Financial Responsibility or fails to appear for a rescheduled negotiation conference;
  2. The alleged father fails to take or appear for a genetic test and a finding of good cause as described in Section 6.709.1 has not been made; or,
  3. The genetic test results show a ninety-seven percent (97%) or greater probability that the alleged father is the father of the child(ren), and he fails to appear at the negotiation conference and fails to reschedule the negotiation conference.

- B. The delegate Child Support EnforcementServices Unit shall within five (5) working days of the date of the negotiation conference, or the date of the scheduled genetic test, or within fifteen (15) calendar days of the negotiation conference if the delegate Child Support EnforcementServices Unit has mailed the noncustodial parent a stipulated order and it has not been signed and returned by the noncustodial parent or a rescheduled negotiation conference has not been conducted within the fifteen (15) days, file an original Order of Default, as prescribed by the State Department, and one copy with the clerk of the District Court in the county in which the Notice or amended Notice of Financial Responsibility-Paternity Action was issued, or in the District Court where an action relating to paternity and child support is pending.
- C. A Default Order Establishing Paternity and Financial Responsibility will not be issued when the noncustodial parent is incarcerated and fails to appear for the negotiation conference or the rescheduled negotiation conference. In these circumstances, the delegate Child Support EnforcementServices Unit's worker shall close the administrative process action for the reason that a hearing has been requested. The delegate Child Support EnforcementServices Unit's worker shall follow the process for requesting a court hearing pursuant to Section 6.713.

#### **6.711.1 FILING THE ORDER OF DEFAULT**

- A. The following documents shall be filed with the Order of Default:
  - 1. Return of Service or Waiver of Service: if service was by certified mail, the return receipt must be attached to the Return of Service;
  - 2. Affidavit of Non-Appearance as prescribed by the State Department;
  - 3. Notice or amended Notice of Financial Responsibility (Paternity Action);
  - 4. Verified Affidavit of Obligee as prescribed by the State Department, regarding paternity and genetic tests, if any;
  - 5. Other documentation supporting the guideline calculation of the monthly support obligation such as wage information obtained from the Department of Labor and Employment;
  - 6. Affidavit and Certification of Official Record or foster care arrearage/unreimbursed maintenance payment calculation, as prescribed by the State Department, or documentation supporting the calculation of child support debt such as public assistance payment records, foster care payment records, or arrears calculation information, if appropriate;
  - 7. Guidelines worksheets;
  - 8. Subpoena to Produce;
  - 9. Income and Expense Affidavit for each parent if available;
  - 10. Retroactive Support Affidavit, if any; and,
  - 11. Adoption Assistance Agreement, if applicable.
- B. The default order shall be signed by the county director or employee of the delegate Child Support EnforcementServices Unit designated in writing by the county director.

- C. The delegate Child Support EnforcementServices Unit shall not take any action to enforce the default order until a copy signed by the court approving the default order is received.
- D. If the obligor's employer's address is known, the delegate Child Support EnforcementServices Unit shall, unless the case meets one of the good cause criteria specified in Section 14-14-111.5(3)(a)(ii)(A), C.R.S.:
  - 1. Send a Notice to Withhold Income for Support within fifteen (15) calendar days of the date the order is entered;
  - 2. Send a Notice to Withhold Income for Support to the obligor's employer within two (2) business days from the report of the obligor's employment through the state directory of new hires;
  - 3. Send a National Medical Support Notice to initiate health insurance coverage within fifteen (15) calendar days of the date the order is entered or within two (2) business days from the report of the obligor's employment through the state directory of new hires, if the obligor is the party ordered to provide health insurance and the employer has health insurance available at reasonable cost, as defined in Section 6.240.2, A, 2.
- E. The court shall specify that the noncustodial parent send all payments through the Family Support Registry.
- F. The effective date of the default order shall be the date signed by the court approving the default order.
- G. If the default order is returned to the Child Support EnforcementServices Unit by the court as not approved, the delegate Child Support EnforcementServices Unit shall take appropriate action to cure the defect stated by the court as grounds for disapproval.
- H. Upon receipt of a copy of the default order approved by the court, the delegate Child Support EnforcementServices Unit shall within five (5) working days:
  - 1. Update automated child support system with court order, paternity information and initiate a ledger, and
  - 2. Send a copy of the order to the noncustodial parent or his attorney of record to the custodial party and the initiating agency, if appropriate, by first class mail.

## 6.712 ISSUANCE OF A TEMPORARY ORDER IF NO STIPULATION IS REACHED

If no stipulation is agreed upon at the negotiation conference and paternity is not an issue, or if the obligor contests paternity and the genetic test results are ninety-seven percent (97%) or higher probability of paternity or parentage has previously been determined by another state, the delegate Child Support EnforcementServices Unit shall issue temporary orders establishing the monthly support obligation only. The Notice or amended Notice of Financial Responsibility and proof of service shall then be filed with the clerk of the court. The Child Support EnforcementServices Unit shall file a request for hearing in accordance with Section 6.713.

## 6.713 REQUEST FOR COURT HEARING

A request for a court hearing is made when:

- A. No stipulation is agreed upon at a negotiation conference and a temporary order is completed; or,

- B. A case is referred to court without entry of an administrative order because a deviation is required in the case of adoption assistance services; or,
- C. An order needs to be established but for other reasons cannot be established at the negotiation conference.

In these instances, a hearing shall be held and appropriate permanent orders shall be entered without the necessity of a complaint being issued or served on the parties. The delegate Child Support EnforcementServices Unit shall request the court to set a hearing in the matter by:

- A. Filing a Child Support EnforcementServices Unit Request for Court Hearing, as prescribed by the State Department, with the clerk of the district court in the county in which the Notice of Financial Responsibility was issued or in the district court where an action relating to child support is pending or an order exists but is silent on the issue of child support.
- B. Attaching to the Child Support EnforcementServices Unit Request for Court Hearing the following:
  - 1. Notice of Hearing, as prescribed by the State Department;
  - 2. Notice of Financial Responsibility;
  - 3. Return of Service or Waiver of Service: if service was by certified mail, the return receipt must be attached to the Return of Service;
  - 4. Income and Expense Affidavits of each parent, if available;
  - 5. Temporary Order of Financial Responsibility;
  - 6. Adoption Assistance Agreement, if applicable.
- D. The delegate Child Support EnforcementServices Unit shall file a request for hearing within ninety (90) days of service of the Notice of Financial Responsibility or Notice of Financial Responsibility-Paternity Action on the noncustodial parent.
- E. The Notice of Hearing must be sent to the noncustodial parent or the noncustodial parent's attorney and the custodial party and other agency, if appropriate, by the delegate Child Support EnforcementServices Unit if delegated and authorized by the court in writing.
- F. The delegate Child Support EnforcementServices Unit is responsible for notifying the court of the last day for a hearing to be held in order to decide the issue of child support within ninety days after receipt of notice, commencing on the date the service of the Notice or amended Notice of Financial Responsibility is accomplished. This is the date on the return receipt if service is by certified mail or the date on the return of service, if through personal services.

#### **6.714 MODIFICATION OF ADMINISTRATIVE ORDERS**

Colorado administrative orders of financial responsibility and administrative default orders shall be modified by administrative process, if appropriate, by the delegate Child Support EnforcementServices Unit.

## 6.800 COLLECTION

### 6.801 PROCESSING COLLECTIONS

#### 6.801.1 Family Support Registry

- A. All support collections shall be receipted timely by the Family Support Registry and the county department of social services as prescribed by the state.
- B. All child support collections receipted in the Family Support Registry or the county department of social services shall be processed on the automated child support system.

#### 6.801.2 Colorado Date of Receipt

Collections shall be entered on the automated child support system screens using the Colorado Date of Receipt.

#### 6.801.3 County Processes

The county department shall assure that procedures for processing the flow of support payments be established and maintained, including the following functions:

- A. Establish, maintain, and employ procedures which assure that persons responsible for handling cash receipts of support payments are not responsible for accounting functions of processing and monitoring such payments;
- B. Ensure that only collections received by the Child Support Enforcement Services Unit or the Family Support Registry are recorded as IV-D payments on the Automated Child Support Enforcement System (ACSES) ledger or the Automated Child Support Enforcement System 360 series of screens and reported to the state office as child support enforcement Services collections;
- C. Establish, maintain, and employ procedures which assure that all support payments received are accounted for in the financial records; and,
- D. Establish, maintain, and employ procedures which provide for the allocation, distribution, and disbursement of child and spousal support payments and/or specific medical dollar order amounts.

#### 6.801.4 Information on Automated Systems

Amounts allocated, distributed, and disbursed according to the information available on the automated child support system, the Colorado Benefits Management System, and Trails regarding the public assistance or placement status of a child(ren) during an eligible month shall remain as such even if the eligibility or placement status of the child changes in the current or a later month.

## 6.802 ALLOCATION

- A. The court-ordered Monthly Support Obligation (MSO) shall be posted each month on all IV-D ledgers where a current obligation is due for the current accounting month. The monthly support obligation shall be retroactively posted for each month that it was due for which the CSECSS Unit was responsible for enforcing the MSO that month, but it was previously not posted.

- B. If there is a Monthly Medical Obligation (MMO) due, the entire monthly support obligation, monthly medical obligation, and arrears balances shall be posted on a manual ledger for all IV-D cases where a current medical obligation is due for the current accounting month.
- C. Allocations shall be made at a child level.
- D. All collections shall be allocated within two (2) business days after being received in the Family Support Registry or the Child Support ~~Enforcement~~Services Unit.
- E. All manual overrides of allocation on the automated child support system shall be documented in the automated child support system case chronology.
- F. Allocation to multiple arrears obligations on the same ledger shall prorate to class of balances as listed below under Section 6.802.2, "Collections on Cases with Support Orders".
- G. Allocation to multiple arrears obligations on the same ledger shall satisfy the most recent obligation first based on the beginning accrual date of the obligation.

#### **6.802.1 Voluntary Collections on Cases With No Support Orders**

If collections are received on a case that has no support order established yet, the county will first initiate a voluntary ledger. The collections shall then be allocated to the ledger in the following order:

- A. The collection will first satisfy any noncustodial parent erroneous disbursement ledger balance.
- B. If there is any remaining amount, the user shall first post the Monthly Support Obligation to zero and then shall allocate the payment to the Monthly Support Obligation.

#### **6.802.2 Collections on Cases With Support Orders**

All collections, except those from a federal income tax intercept or designated as a judgment payment, shall be allocated to the ledger as follows:

- A. First, to the Monthly Support Obligation (MSO) where the Monthly Support Obligation has been posted for the current accounting month, prorated among each class of Monthly Support Obligation posted on the ledger.
- B. Second, to A Monthly Medical Obligation (MMO) when there is a specific dollar amount ordered.
- C. Third, to non-assigned arrears balances. Arrears payments are allocated in the following order to the various types of balances due. Within those types of balances due, an arrears payment will allocate to: 1) non-IV-A, either never assistance or post assistance, ordered specific dollar amounts for medical, non-IV-E foster care, or non-IV-D, and 2) IV-A unassigned pre-assistance, and shall be prorated across ledger balances.
  - 1. In-state current delinquency.
  - 2. In-state non-judgment obligations.
  - 3. In-state judgment obligations.
  - 4. Out-of-state current delinquency.
  - 5. Out-of-state non-judgment obligations.

6. Out-of-state judgment obligations.
- D. Fourth, to obligor erroneous disbursement ledger balances.
- E. Fifth, to costs due, in the following order:
1. Judgment costs due the county.
  2. In-state costs due the Child Support Enforcement Services Unit that incurred the cost.
  3. Out-of-state costs due another state.
  4. Costs due to the custodial party.
- F. Sixth, to Title IV-A or Title IV-E assigned arrears balances. Arrears payments are allocated in the following order to the various types of balances due, and shall be prorated across ledger balances:
1. In-state current delinquency.
  2. In-state non-judgment obligations.
  3. In-state judgment obligations.
  4. Out-of-state current delinquency.
  5. Out-of-state non-judgment obligations.
  6. Out-of-state judgment obligations.
- If there is a balance for IV-A assigned pre-assistance arrears for an accounting period prior to October 1, 2009, these arrears will be paid before permanently assigned arrears.
- G. Seventh, to prepay if an ongoing monthly support obligation exists. Counties must research the ledger to ensure that the payments should be considered prepay payments.
- H. Eighth, to obligor over collect, if no obligation or arrears balance exists on the ledger. Counties must research the ledger to ensure that the payments should be considered over collect payments prior to disbursing to the obligor.

### **6.802.3 IRS Collections**

Collections made via an IRS refund shall be allocated to the ledger as follows:

- A. First, to any pre-assistance arrears owed to the state.
- B. Second, to title IV-A, Title IV-E, or medical assigned arrears balances. Arrears payments are allocated in the following order to the various types of balances due and shall be prorated across ledger balances:
1. In-state current delinquency.
  2. In-state non-judgment obligations.
  3. In-state judgment obligations.

4. Out-of-state current delinquency.
  5. Out-of-state non-judgment obligations.
  6. Out-of-state judgment obligations.
- C. Third, to non-assigned arrears balances, including non-IV-A post, non-IV-A never, or non-IV-E. Arrears payments are allocated in the following order to the various types of balances due and shall be prorated across ledger balances:
1. In-state current delinquency.
  2. In-state non-judgment obligations.
  3. In-state judgment obligations.
  4. Out-of-state current delinquency.
  5. Out-of-state non-judgment obligations.
  6. Out-of-state judgment obligations.
- D. Fourth, to obligor over collect, and shall be refunded to the noncustodial parent. If the intercepted collection was based on a joint tax return, the over collect refund will be issued in both joint filers' names.

#### **6.802.4 Judgment Collections**

Collections made specifically for a judgment arrears balance shall be allocated to the ledger as follows:

- A. First, to the Monthly Support Obligation (MSO) where the Monthly Support Obligation has been posted for the current accounting month, prorated among each class of Monthly Support Obligation posted on the ledger.
- B. Second, to a Monthly Medical Obligation (MMO) when there is a specified dollar amount ordered.
- C. Third, to non-assigned judgment balances, pro rated across ledger balances.
- D. Fourth, to judgment costs due the department.
- E. Fifth, to Title IV-A, Title IV-E, or medical assigned judgment balances, prorated across balances. Any assigned pre-assistance balance for an accounting period prior to October 1, 2009, shall be paid before a permanently assigned balance.
- F. Sixth, to noncustodial parent over collect, if no obligation or arrears balance exists on the ledger. Counties must research the ledger to ensure that the payments should be considered over collect payments prior to disbursing to the obligor.

### **6.803 DISTRIBUTION OF SUPPORT COLLECTIONS**

#### **6.803.1 Distribution from a Title IV-A Allocation**

The Pass Through of current child support collections is dependent upon legislative funding availability. When Pass Through is funded, the Deficit Reduction Act (DRA) distribution rules shall apply. When Pass Through is not funded, standard distribution rules shall apply.

DRA Distribution of collections from a Title IV-A allocation shall be as follows:

- A. Amounts applied to the monthly support obligation (MSO) shall be applied in the following order:
  - 1. First towards any unfunded disbursement balance according to the agreement with the obligee, up to 10% of the payment received or \$10.00, whichever is greater, from current support; to the family if there is no unfunded disbursement balance.
- B. Amounts applied to a IV-A arrears balance shall first apply towards any obligee unfunded disbursement balance and then toward any unreimbursed public assistance and/or unreimbursed specific medical dollar order amounts.
  - 1. Unreimbursed public assistance will be satisfied first in the enforcing county for all periods of public assistance, then Last In First Out (LIFO) for all other counties for all periods of public assistance for each county until all IV-A assigned arrears are collected. Payments to other counties will be made by means of an inter-county transfer of funds as prescribed by the state.
  - 2. In the event no other county has such monetary interest in the case, excess over unreimbursed public assistance will be paid to the obligee.

STANDARD Distribution of collections from a Title IV-A allocation shall be as follows:

- A. Amounts applied to the monthly support obligation (MSO):
  - 1. Shall apply towards any obligee unfunded disbursement balance.
  - 2. Shall be used to reimburse the total unreimbursed public assistance (UPA) provided to the family.
  - 3. Shall be sent to the family as excess over unreimbursed public assistance if there is no unreimbursed public assistance (UPA) balance.
- B. Amounts applied to a IV-A arrears balance shall first apply towards any obligee unfunded disbursement balance, and are then used to reimburse unreimbursed public assistance and/or unreimbursed specific medical dollar order amounts.
  - 1. Unreimbursed public assistance will be satisfied first in the enforcing county for all periods of public assistance, and then Last in First Out (LIFO) for all other counties for all periods of public assistance for each county until all IV-A assigned arrears are collected. Payments to other counties will be made by means of an inter-county transfer of funds as prescribed by the state.
  - 2. In the event no other county has such monetary interest in the case, excess over unreimbursed public assistance will be paid to the obligee.

### **6.803.2 Distribution From a Title IV-E Allocation**

Distribution of collections from a Title IV-E allocation shall be as follows:

- A. Amounts applied to the monthly support obligation (MSO):
  - 1. Shall be used to reimburse the foster care maintenance payment for the month in which the maintenance payment was made.

2. Shall be forwarded to the county business office to be applied according to the state's reporting and accounting procedures, if the amounts applied to the monthly support obligation exceed the foster care maintenance payment.
3. Amounts of the foster care maintenance payment that exceed the monthly support collection are added to the balance of unreimbursed maintenance payments (UMP).

B. Amounts applied to Title IV-E assigned arrears balances:

1. Shall be used to reimburse unreimbursed maintenance payments.
2. Shall be used to reimburse unreimbursed public assistance, if any exists on the case and there is no unreimbursed maintenance payments balance. Any remaining collections are paid to other counties that have a monetary interest in the case.

Unreimbursed public assistance and/or unreimbursed maintenance payments will be satisfied first in the enforcing county for all periods of public assistance, then Last in First Out (LIFO) for all other counties for all periods of public assistance for each county until all IV-A OR IV-E assigned arrears are collected. Payments to other counties will be made by means of an inter-county transfer of funds as prescribed by the state.

3. In the event no other county has such monetary interest in the case:
  - a. Any remaining collections are forwarded to the county business office if the child is actively in placement at the time the payment was allocated; or,
  - b. Forwarded to the obligee if the child is not actively in placement at the time the payment was allocated.

### **6.803.3 Distribution From a Non-IV-A Allocation**

Distribution of collections from a non-IV-A allocation shall be as follows:

A. Amounts applied to the monthly support obligation (MSO) or any arrears balance:

1. Shall first apply towards any unfunded disbursement balance according to the agreement with the obligee.
2. Shall then be applied to any non-PA service fee still owed by the obligee, whether or not such fee has already been reported to the federal government.
3. Shall be paid to the family.
4. Amounts that represent payment on the required support obligation for future months shall be applied to those future months and shall be paid to the family.

- B. Non IV-A applicants shall be charged a twenty-five dollar (\$25) certification fee only if an actual federal tax intercept occurs. The certification fee shall be deducted yearly from the first Federal Income Tax refund intercept that occurs, regardless of the number of obligors. If the total yearly amount of all tax refunds for a case is less than twenty-five dollars (\$25), that amount will satisfy the certification fee.

### **6.803.4 Distribution From a Non-IV-E Allocation**

Distribution of collections from a non-IV-E allocation shall be as follows:

All payments allocated to the current monthly amount due or to any arrears balances shall be forwarded to the county business office.

#### **6.804 DISBURSEMENT OF SUPPORT COLLECTIONS**

Any disbursement to a family shall be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child(ren).

##### **6.804.1 Disbursement from a Title IV-A Allocation**

Disbursement of collections from a title IV-A allocation shall be as follows:

- A. Disbursements of Pass Through or Excess Pass Through amounts shall be paid to the family within two (2) business days from the Colorado date of receipt if sufficient information identifying the payee is provided.
- B. Disbursements to excess over UPA shall be paid to the family within two (2) business days of the end of the month in which the collection was received if sufficient information identifying the payee is provided.
- C. If the collection was received from a federal income tax return, the excess over unreimbursed public assistance payment must be sent to the family within thirty (30) calendar days of the Colorado date of receipt unless based on a joint tax return (see Section 6.804.6).

##### **6.804.2 Disbursement From a Title IV-E Allocation**

Disbursement of collections from a Title IV-E allocation shall be as follows:

- A. Disbursements to the IV-E agency shall be forwarded to the business office within fifteen (15) business days of the end of the month in which the collection was received.
- B. Disbursements to excess over UMP which are due to the obligee and not child welfare shall be paid to the obligee within two (2) business days of the end of the month in which the collection was received if sufficient information identifying the payee is provided.
- C. If the collection was received from a federal income tax return, the collection must be forwarded to the IV-E agency or to the family as appropriate, within thirty (30) calendar days of the Colorado initial date of receipt unless based on a joint tax return (see Section 6.804.6).

##### **6.804.3 Disbursement from a Non-IV-A Allocation**

Disbursement of collections from a non-IV-A allocation shall be as follows:

- A. If any moneys are owed for the non-PA service fee, those moneys will be held from any disbursement being sent to the obligee, whether from the current monthly support obligation or from an arrears or judgment disbursement.
- B. All disbursements for the monthly support amount and arrears amounts shall be paid to the family within two (2) business days from the Colorado initial date of receipt if sufficient information identifying the payee is provided unless the collection was received from a federal IRS tax return (see Section 6.804.6).

##### **6.804.4 DISBURSEMENT FROM A NON-IV-E ALLOCATION**

Disbursement of collections from a non-IV-E allocation shall be as follows:

- A. Disbursements to child welfare shall be paid within fifteen (15) business days of the end of the month in which the collection was received.
- B. If the collection was received from a federal income tax return, the collection must be forwarded to child welfare within thirty (30) calendar days of the Colorado initial date of receipt unless based on a joint tax return (see Section 6.804.6).

#### **6.804.5 Disbursement in Intergovernmental Cases**

Disbursement of collections on intergovernmental cases shall be as follows:

- A. In responding intergovernmental cases, for which collections are made on behalf of another child support enforcementServices agency, the payment must be forwarded to the location specified by the initiating child support enforcementServices agency. Collections must be forwarded to the initiating child support enforcementServices agency within two (2) business days of the Colorado date of receipt if sufficient information identifying the payee is provided and within thirty (30) calendar days of the date the payment is received from tax offset collections.
- B. In transmitting collections, the responding child support enforcementServices agency must provide the initiating child support enforcementServices agency with sufficient information to identify the case, the initial date of receipt, and the responding agency's FIPS code.

#### **6.804.6 Disbursements From Federal Income Tax Return Allocations**

Disbursements of collections from federal income tax return allocations must be sent to the family within thirty (30) calendar days of the Colorado initial date of receipt, except if a disbursement is from a joint federal income tax refund, the county Child Support EnforcementServices Unit may delay disbursement to the family until:

- A. The Child Support EnforcementServices Unit is notified that the unobligated spouse's proper share of the refund has been paid; or,
- B. For a period not to exceed six months from notification of offset, whichever date is earlier.
- C. A disbursement to obligor over-collect must be sent within a reasonable time period.

#### **6.804.7 Erroneous Intercept Collection**

When an intercept collection is identified as an erroneous certification intercept collection such as the amount was not owed at the time of certification or the wrong person was intercepted, the Child Support EnforcementServices Unit shall refund the collection within two (2) working days from the time the erroneously intercepted person provides notice of intercept. This payment shall be disbursed even if the erroneous intercept collection has not been received by the county Child Support EnforcementServices Unit.

#### **6.804.8 Erroneous Collection From an Enforcement Remedy**

When a collection from any enforcement remedy is identified as an erroneous withholding, the Child Support EnforcementServices Unit shall refund the withheld monies within two (2) working days from the date the obligor provides notice of erroneous withholding. This payment shall be disbursed to the obligor even if the erroneous withholding was not retained by the Child Support EnforcementServices Unit.

## **6.805 ADMINISTRATIVE REVIEW OF CONTESTED ARREARS**

### **6.805.1 COUNTY LEVEL REVIEW**

- A. The county department shall establish procedures for reviewing arrearage amounts that are to be reported to a consumer credit reporting agency or have been certified for the administrative offset program, administrative lien and levy, tax offset, lottery intercept, workers' compensation attachment, state vendor offset program, gambling intercept, license suspension, or administrative lien and attachment of insurance claim payments, awards, and settlements.
- B. Upon written request for an administrative review, within the time frame specified on the advance notice for reporting arrears to a consumer credit reporting agency, the pre offset notice for tax purposes, the notice of intercept of lottery winnings, the Administrative Lien and Attachment for workers' compensation benefits, the notice for license suspension, the notice of administrative lien and levy, the notice for state vendor offset program, the notice of intercept of gambling winnings, the notice for federal administrative offset program, or the notice of administrative lien and attachment of insurance claim payments, awards, and settlements, the county Child Support ~~Enforcement~~Services Unit shall:
1. Schedule and advise the obligor, and the obligee in a non public assistance case, of the date, time and place of the review and initiate administrative review information on the administrative review tracking system screen in the automated child support system.
  2. Request from the obligor copies of any modifications of the support order.
  3. Request from the obligor records of payments made by the obligor.
  4. Advise the obligor this review is a review of the records only and not a judicial determination.
  5. Request proof from the obligor if he/she has contested being the obligor.
  6. Advise the obligor that a decision will be rendered within thirty (30) days of the request for a review.
- C. The county department shall notify the obligor that an administrative review will only be held if the request for an administrative review concerns an issue of mistaken identity of the obligor or the amount of arrearages specified on the advance notice for reporting to a consumer credit reporting agency, the pre-offset notice for tax offset, the notice for lottery intercept, administrative lien and attachment for workers' compensation benefits, the notice of license suspension, the notice for federal administrative offset program, the notice for state vendor offset program, the notice of intercept of gambling winnings, the notice for administrative lien and levy, or the notice of administrative lien and attachment of insurance claim payments, awards, and settlements.
- D. On the date established, the county department shall review the child support case record and the documents submitted by the obligor and determine the arrears.
- E. Within ten (10) calendar days of the decision rendered, the county department shall update the automated child support system, take any additional action appropriate to reflect the decision, notify the obligor, and the obligee in a non-public assistance case, of the decision rendered. The written decision shall include the timeframes reviewed, balance due for that timeframe, court

orders reviewed including the child support terms of those orders, payment records reviewed, and amounts credited based on those records.

- F. The county department shall notify the obligor of his/her right to request a further review by the State Department. The obligor must be advised that the request must be made in writing and be received by the state office within thirty (30) calendar days of the mailing of the county decision to the obligor.

#### **6.805.2 STATE LEVEL REVIEW**

Upon written request from the obligor to the State Department for review of arrearage amounts, that are to be reported to a consumer credit reporting agency, or have been certified for tax offset, for lottery intercept, for workers' compensation benefits attachment, license suspension, federal administrative offset program, state vendor offset program, gambling intercept, administrative lien and levy, and administrative lien and attachment of insurance claim payments, awards, and settlements, the State Department shall

- A. Determine if a county level administrative review occurred.
  - 1. If not and the obligor is within the time frame specified on the notice, forward the request to the appropriate county and ensure that the county conducts an administrative review within thirty (30) calendar days of receiving the request from the State Department.
  - 2. If not and the obligor is outside of the time frame specified on the notice, the obligor has lost the right to contest the arrears through the administrative review process.
  - 3. If yes, set a date, time, and place for the review, which shall be within thirty (30) calendar days from the date the written request for review was received by the State Department.
- B. Provide a written notice to the obligor, and the obligee in a non-public assistance case, of the date, time, and place of the review. This notice shall contain a statement which advises the parties:
  - 1. The only issues to be reviewed are a mistake in the identity of the obligor or a disagreement of the amount of arrears.
  - 2. The review is a review of the records only and not a judicial determination.
  - 3. The obligor must provide all records of his or her support payments.
  - 4. That a decision will be rendered within thirty (30) days of the review.
- C. Request that the county provide:
  - 1. The records that established the arrearages; and,
  - 2. A copy of its decision if not previously provided by the noncustodial parent.
- D. On the date established for the review, the State Department shall review the records and determine the arrears. If more time is required to review the records or render a decision, the State Department may extend the time for rendering a decision by an additional thirty (30) days.
- E. Within ten (10) calendar days of the decision rendered, the State Department shall notify, in writing, the obligor, the obligee in a non-public assistance case, and the county Child Support Enforcement Services Unit of the decision rendered. Any party shall have the right to appeal the

decision. The written decision shall include the timeframes reviewed, balance due for those timeframes, court orders reviewed including the child support terms of those orders, payment records reviewed, and amount credited based on those records.

- F. Update the Automated Child Support Enforcement system to reflect the administrative review.
- G. A decision will be rendered within thirty (30) calendar days of the receipt of the written request for review unless the parties fail to provide the required information.

**6.805.21 Reflect Decision Rendered**

The county department, upon receiving the decisions rendered by the State Department after a state level review, shall, within ten (10) calendar days, adjust the Automated Child Support Enforcement System records to reflect the decision rendered and take any additional action appropriate.

**6.805.3 Intergovernmental Review**

Procedure for Reviewing arrearage amounts that have been certified and submitted for a federal income tax refund offset on an intergovernmental case.

- A. Within ten (10) calendar days of the receipt of a written request for an administrative review where Colorado is the submitting state and the requester has requested that the order-issuing state conduct the review or Colorado, as the submitting state, cannot resolve the matter, the county **CSECSS** Unit shall notify the order-issuing state and send all necessary information which was considered in the decision of an arrearage amount. Colorado, as the submitting state, shall be bound by the decision of the order-issuing state.
- B. Within ten (10) calendar days of the receipt of a written request for an administrative review where Colorado is the order-issuing state and the requester has requested that the order-issuing state conduct the review or the submitting state cannot resolve the matter, the county Child Support **Enforcement Services** Unit shall:
  - 1. Schedule and advise the obligor, and the obligee in a non public assistance case, and the other state, of the date, time, and place of the administrative review.
  - 2. Advise the obligor, and the obligee in a non public assistance case and the other state that a decision will be rendered within forty five (45) calendar days of the receipt of the submitting state's request and information.
  - 3. On the date established, the order-issuing state shall review the child support case record, and the documents submitted by the requester and forwarded by the submitting state, and determine the arrears.
  - 4. Within ten (10) calendar days of the decision rendered, the order-issuing state shall notify in writing, the obligor, the obligee, and the submitting state of the decision rendered. The written decision shall include the timeframes reviewed, balance due for those timeframes, court orders reviewed including the child support terms of those orders, payment records reviewed, and amounts credited based on those records.
  - 5. The county department shall notify the obligor of his/her right to request a further review by the State Department. The obligor must be advised that the request must be made in writing and be received by the state office within thirty (30) calendar days of the mailing of the county decision to the obligor.

6. The county department, upon receiving the decisions rendered by the other state shall, within ten (10) calendar days, adjust the Automated Child Support Enforcement System records to reflect the decision rendered and take any additional appropriate action.

#### **6.805.4 Administrative Review of Contested Distribution of Amounts Collected**

##### **6.805.41 County Responsibility**

- A. Following verbal or written contact from an obligee regarding questions or disagreement about distribution of amounts collected, the CSECSS unit shall review the distribution and respond verbally or in writing. The obligee must be advised that if there is still disagreement, he/she must submit a written request for an administrative review by the Child Support EnforcementServices Unit.
- B. Within ten (10) calendar days of the receipt of a written request for an administrative review, the Child Support EnforcementServices unit shall:
  1. Schedule and advise the obligee of the date, time and place of the review;
  2. Request from the obligee copies of any modification of the support order that have not been previously provided to the Child Support EnforcementServices Unit;
  3. Request from the obligee records of any payments made directly to the family from the obligor;
  4. Advise the obligee that a written decision will be rendered within thirty (30) days of the date of the review;
  5. Request from the obligee any other information to support his/her contention that the collections were distributed in error.
- C. If the request for an administrative review concerns an issue other than the distribution of current support and/or arrearage payments, the Child Support EnforcementServices unit shall notify the obligee that a review will not be held.
- D. On the date established for the administrative review, the Child Support EnforcementServices unit shall review the child support case record and any information submitted by the obligee and determine if the distribution of the amounts collected was correct.
- E. The Child Support EnforcementServices unit shall promptly notify the obligee in writing of the decision rendered and will provide a copy of the decision to the State Department within five (5) days of the date the decision is rendered.
- F. The Child Support EnforcementServices Unit shall notify the obligee in writing of his/her right to request a further review by the State Department. The obligee will be advised that the written request must be received by the state office within thirty (30) calendar days of the mailing of the county decision to the obligee.
- G. The Child Support EnforcementServices Unit, upon receiving the decision rendered by the State Department after a state level review shall, within ten (10) calendar days, adjust the automated child support enforcement system records to reflect the decision rendered and take any additional action as appropriate.

#### **6.805.42 State Responsibilities**

Upon written request for further administrative review, the State Department shall:

- A. Provide notice to the obligee, which shall contain:
  - 1. A statement that the only issue to be reviewed is the distribution of current support and/or arrearage payments collected;
  - 2. A statement that the review is a review of the records only and not a judicial determination and that the review will be limited to the documentation in the **CSECSS** file and any written material the obligee wishes to present.
- B. Request from the **CSECSS** Unit or obtain from the automated child support system, the records used for the distribution;
- C. Request from the **CSECSS** Unit a copy of its decision;
- D. Request from the county records of support payment paid directly to the family which were provided by the obligee during the administrative review;
- E. Advise the obligee that a written decision will be made within thirty calendar days of the receipt of the request;
- F. Advise the obligee of his/her right to appeal the state determination to State District Court on Judicial Review within thirty calendar days of the mailing of the decision.

#### **6.805.43 Notify of Decision Rendered**

The State Department shall, within thirty days of the date of the state level review, promptly notify in writing the obligee and the county **CSECSS** Unit of the decision rendered.

#### **6.805.5 Appeal of Joint Account Collection From FIDM**

When a FIDM notice of lien and levy is made on a joint or shared ownership account, as defined at Section 15-15-201(5), C.R.S., the non-debtor account holder may appeal the seizure of his or her share of the funds (see Section 6.906.5), first through the Colorado Department of Human Services, Division of Child Support **EnforcementServices**, and then, if still disputed, judicially. If the appeal is approved, the Colorado Department of Human Services, Division of Child Support **EnforcementServices**, shall release all or part of the lien and levy within two (2) working days from the date the appeal decision is made by the Colorado Department of Human Services, Division of Child Support **EnforcementServices**, or within two working days of the receipt of the judicial order approving the appeal. In the event that the financial institution has already remitted payment to the Family Support Registry at the time of the appeal ruling, the payment shall be refunded to the non-debtor account holder pursuant to the appeal ruling.

#### **6.806 INTEREST**

Collection of interest is optional for county Child Support **EnforcementServices** Units. If a county chooses to collect interest, the following rules shall apply.

- A. Interest on support collections that are deposited in a financial institution in interest bearing accounts shall be used to reduce administrative costs as prescribed by the State Department.
- B. Interest collected through support arrears/debt shall be considered a support collection and shall be used to reduce the UPA/UMP balances or, for non IV-A cases, paid to the family.

1. In order to collect interest on a Colorado order, the interest rate will be calculated as prescribed by the State Department on the balance past due at the current interest rate in effect as set forth in Sections 5-12-101 and 14-14-106, C.R.S.
2. Interest on arrears balances will be calculated for a specific amount of arrearages/debt covering a specific period of time. The amount of interest will be listed separately from the amount listed for child support arrears/debt and shall be added to the IV-D ledger on the automated child support enforcement system using the appropriate interest adjustment reason codes. The two figures will be added together to show the total amount of judgment or non-judgment balances.
3. A county may charge interest on a Colorado child support order according to statute. If a county intends to calculate interest, it must:
  - a. Send a written notice to the obligor or his/her attorney of record, if one exists, that interest will be assessed on the order.
  - b. Only assess interest beginning with the date of the notice referenced in paragraph a, of this section.
  - c. Complete an updated interest calculation every six (6) months for all cases where notice, in paragraph "a" of this section, was provided and shall provide written notification of the amount of interest assessed to the obligor or his/her attorney of record, if one exists.
  - d. Notify the responding agency in an initiating reciprocal action, at least annually, and upon request in an individual case, of interest charges, if any, owed on overdue support.
4. The county Child Support **EnforcementServices** Unit may waive the collection of interest if it wishes to use interest as a negotiating tool to reach a payment settlement on both public assistance and non public assistance cases.
5. Counties must collect interest on responding interjurisdictional cases if they are enforcing another jurisdiction's order and the initiating jurisdiction requests collection of interest.

#### **6.807 DISBURSEMENTS ON HOLD**

- A. If a disbursement returns as undeliverable mail, if there is no existing address on the automated child support system, or if a disbursement has been reported as lost or stolen, the user shall put all disbursements for that ledger on hold until the issue is resolved.
- B. Child Support **EnforcementServices** Units shall ensure that procedures are established in the county to work the scheduled disbursements daily.
- C. The county Child Support **EnforcementServices** Unit shall utilize all appropriate local, state, and federal sources to determine the location of the payee.
- D. If the obligee cannot be located within ninety (90) calendar days of the original warrant issue date, the Child Support **EnforcementServices** worker shall allocate the payment(s) first to any obligor erroneous disbursement balance and second to any assigned arrears balance.
- E. If there are no obligor erroneous disbursement or assigned arrears balances, the Child Support **EnforcementServices** worker shall allocate the payment to obligor over collect and disburse to the obligor.

- F. If the obligor cannot be located within one hundred eighty (180) calendar days of the original warrant issue date, the Child Support EnforcementServices worker shall, by the one hundred eighty-first (181st) calendar day, mark the collection to transfer to the abandoned collections account on the disbursement record on the automated child support enforcement system.

The automated child support enforcement system will automatically reimburse any obligee unfunded disbursement balance on the ledger before the payment is transferred to the abandoned collections account.

- G. If the payee requests payment of the disbursement once it has been transferred to the abandoned collections account, the transfer will be reversed through a problem log to the state office, and the disbursement will be scheduled.

#### **6.808 UNFUNDED DISBURSEMENTS**

- A. The county Child Support EnforcementServices Unit shall make every reasonable effort to recover unfunded disbursements.
- B. If the payment was allocated to the wrong account, the county Child Support EnforcementServices Unit shall allocate and disburse the payment to the correct account within five (5) working days of discovering the error, even if the county has not received a recovery from the payee who received the original disbursement.

##### **6.808.1 Notification**

- A. The county Child Support EnforcementServices Unit must ensure that the obligee or the initiating jurisdiction has received notification of the unfunded disbursement prior to automatic recovery of the unfunded disbursement amount. This notification may occur through the application for Colorado Works, Child Support Enforcement-servicesServices, or through the automated child support system noticing process.
- B. The county Child Support EnforcementServices Unit must have an agreement with the obligee in order to recover the unfunded disbursement. If the obligee does not agree to the unfunded disbursement recovery, county Child Support EnforcementServices Units may pursue recovery through civil means or may write off the unfunded disbursement amount.
- C. The notice of the unfunded disbursement amount will inform the obligee or the initiating jurisdiction of her/his responsibility to repay the balance and will state that failure to respond to the notice constitutes an agreement of her/his part.

##### **6.808.2 Recovery**

- A. The primary contact county shall be responsible for any negotiations with the obligee and for ensuring that the statewide unfunded disbursement balance is paid. The automated child support enforcement system will determine the primary county.
- B. Any county CSECSS Unit can accept a cash payment from the obligee to recover the unfunded disbursement amount.
- C. The automated process will recover one hundred percent (100%) of any Title IV-A distribution. County CSECSS staff can negotiate a percent or amount of recovery with the obligee on a non-IV-A distribution but the automated child support system will automatically recover at least ten percent (10%) of the payment or ten dollars (\$10), whichever is greater.

### 6.808.3 Balance Statement

The county Child Support ~~Enforcement~~Services Unit must send an unfunded disbursement balance statement to the obligee if one is requested. Balance statements requested on intergovernmental cases will be sent to the other agency.

### 6.808.4 Balance Write-Off

The Automated Child Support Enforcement System will automatically write off unfunded disbursement balances for obligees who have no open cases anywhere in Colorado and with no financial history activity throughout the State for seven years.

## 6.809 CHILD SUPPORT INCENTIVE PAYMENTS

Child support incentives distributed to counties shall be the total amount of the federal incentives paid to the state plus no less than one-half of the state share of retained collections. Child support incentives shall be paid to counties quarterly. The federal and state share incentives shall be calculated separately but using the same formula.

### 6.809.1 Incentive Formula

The following formula to calculate incentives is used at the federal level to calculate incentives to distribute to states and shall be used in Colorado to calculate incentives to distribute to counties.

- |    |   |   |  |
|----|---|---|--|
| A. | Two (2) X (collections for current and former IV-A and IV-E cases) + collections for non-PA and non-IV-E cases                      | = | "Collections Base"   |
| B. | Total "collections base" X the weight for each performance measure  | = | County "collections base amount" for each performance measure  |
| C. | Convert each actual performance ratio using the conversion table  | = | "Performance incentive factor" for each performance measure  |
| E. | Each county's "unadjusted incentive amount" ÷ state total of "unadjusted incentive amounts"   | = | Each county's percent of the state "unadjusted incentive amount"                                       |
| F. | Each county's percent of the "unadjusted incentive amount" X the statewide incentive to be distributed for each performance measure | = | "County incentive" for each performance measure  |
| G. | Sum of the "county incentive" for each performance measure  | = | Total "county quarterly federal incentive payment" or "county quarterly state share incentive payment" |
| H. | Sum of county quarterly federal and state share incentives  | = | Total "county quarterly incentive payment"   |

### 6.809.2 Performance Measures

All incentives will be distributed to counties based on five (5) performance measures. Each performance measure will be calculated at the end of the quarter for each county.

- A. Paternity establishment percentage (PEP) is:

The total number of children born out of wedlock in the IV-D caseload with paternity established as of the end of the present month divided by the total number of children born out of wedlock in the IV-D caseload as of the end of the corresponding month of the previous year.

- B. The percent of caseload with support orders is:

The total number of cases with an order for support as of the end of the present month divided by the total number of cases in the caseload as of the end of the present month.

- C. The percent of current support paid is:

The total dollar amount of child support payments made to current monthly support obligations from the beginning of the year to the present time divided by the total dollar amount of current monthly support obligations due from the beginning of the year to the present time.

- D. The percent of arrears cases with a payment is:

The total number of cases with a payment made to an arrears obligation or current delinquency balance during the previous 12 months divided by the total number of cases with an arrears obligation or current delinquency owed as of the end of the present month.

- E. The cost effectiveness ratio is:

The total county combined collections divided by the total county administrative costs.

The paternity establishment percentage, the percent of caseload with orders, and the percent of current support paid shall have a weight of one hundred percent (100%). The percent of arrears cases with a payment and the cost effectiveness ratio shall have a weight of seventy-five percent (75%).

### **6.809.3 “Statewide Incentive Amount” for Each Performance Measure**

The total amount of incentives to be distributed shall be the quarterly estimated incentive amount received from the federal government plus the state share incentive.

### **6.809.4 Conversion Tables**

Each performance measure has a bottom threshold; no incentives will be paid for performance ratios below the bottom threshold. The bottom threshold is fifty percent (50%) for the paternity establishment percentage and the percent of caseload with orders. The bottom threshold of the table is forty percent (40%) for the percent of current support paid and the percent of arrears cases with a payment.

Each performance ratio, except for the cost effectiveness ratio, converts, by means of the following table, to a performance incentive factor.

If the performance ratio is at least	But is less than	The performance incentive factor equals:	If the performance ratio is at least	But is less than	The performance incentive factor equals:
80%		100%	59%	60%	69%
79%	80%	98%	58%	59%	68%
78%	79%	96%	57%	58%	67%
77%	78%	94%	56%	57%	66%
76%	77%	92%	55%	56%	65%
75%	76%	90%	54%	55%	64%
74%	75%	88%	53%	54%	63%
73%	74%	86%	52%	53%	62%
72%	73%	84%	51%	52%	61%
71%	72%	82%	50%	51%	60%
70%	71%	80%	49%	50%	59%
69%	70%	79%	48%	49%	58%
68%	69%	78%	47%	48%	57%
67%	68%	77%	46%	47%	56%
66%	67%	76%	45%	46%	55%
65%	66%	75%	44%	45%	54%
64%	65%	74%	43%	44%	53%
63%	64%	73%	42%	43%	52%
62%	63%	72%	41%	42%	51%
61%	62%	71%	40%	41%	50%
60%	61%	70%			

The cost effectiveness ratio converts, by means of the following table, to a performance incentive factor. No incentives will be paid for a cost effectiveness ratio under two dollars (\$2.00).

If the CER is at least	But is less than	The performance incentive factor equals:
\$5.00	--	100%
\$4.50	\$4.99	90%
\$4.00	\$4.49	80%
\$3.50	\$3.99	70%
\$3.00	\$3.49	60%
\$2.50	\$2.99	50%
\$2.00	\$2.49	40%

### 6.809.5 Adjustment

An annual adjustment will be done at the end of the federal fiscal year, replacing the estimated state incentive with the actual statewide incentive payment received from the federal office of Child Support Enforcement. The adjustment is done in the quarter following the date the state office receives the adjustment letter from the federal office. The adjusted amounts are incorporated into the current quarter's incentive payments. If there are counties that have a negative incentive amount in the adjusted quarter, they will be billed for this amount by the state Division of Accounting.

### 6.809.6 Reinvestment

- A. Federal regulations require that all federal incentives received be reinvested into the child support program to ensure continued improvement, adequate resources, and maintenance of a high performance level for the child support enforcementservices program.
- B. When a county's federal incentives for a calendar year exceed the county thirty-four percent (34%) share of county administrative expenditures, the county shall demonstrate to the state Child Support EnforcementServices Unit how the excess federal incentives are reinvested in the child support program. Counties shall report this information to the state Child Support EnforcementServices Unit within two calendar years of receipt of the federal incentives, or if counties are unable or unwilling to reinvest the federal incentives in the child support program, they shall return that amount to the state office.
- C. Counties must gain state approval of any plan to reinvest federal incentives that exceed their thirty-four percent (34%) share of county administrative expenditures by presenting to the state Child Support EnforcementServices Unit a written proposal of their plan. The reinvestment can be made directly into the Child Support EnforcementServices program or can be made to a program not approved for IV-D federal participation of expenditures, as long as the county can demonstrate to the state office how the proposed program will benefit the Child Support EnforcementServices program. The cost effectiveness ratio converts, by means of the following table, to a performance incentive factor. No incentives will be paid for a cost effectiveness ratio under two dollars (\$2.00).

**6.900 ENFORCEMENT**

**6.901 ENFORCEMENT PROCEDURES**

The county Child Support EnforcementServices Units shall establish procedures to ensure that the full range of enforcement activities are undertaken and completed within the timeframes specified. The timeframes begin when the obligor is located or on the date the obligor fails to make a payment or when other support related non-compliance occurs. The timeframes end when enforcement action is taken. All enforcement activities must be documented in the automated child support system.

**6.902 ENFORCEMENT FUNCTIONS**

**6.902.1**

The following functions are the responsibility of the Child Support EnforcementServices Unit with regard to the enforcement of child support obligations for all CSSE cases.

**6.902.11 County Procedures**

Within thirty calendar days of identifying a delinquency or other non-compliance with the order, or location of the obligor, whichever occurs later, the Child Support EnforcementServices Unit must take appropriate enforcement action. The Child Support EnforcementServices Unit must assess each enforcement case to determine appropriate enforcement actions pursuant to Section 6.903.11.

- A. When an obligor fails to make full payment in the month the payment is due, appropriate enforcement action shall be taken.
- B. Income Assignment
  - 1. For support orders entered on or after January first, nineteen ninety (1990), the Notice to Withhold Income for Support must be sent within two business days after receipt of an income source.

2. For support orders entered before January first, nineteen ninety (1990), if income assignment is not included in the court order, the Notice of Pending Income Assignment, the Advance Notice to Activate an Income Assignment and the Objection to Activate an Income Assignment must be sent within two business days after receipt of an income source. If the obligor does not file an objection to the activation of the income assignment, the Notice to Withhold Income for Support must be sent within two business days of the end of the fourteen (14) day objection period.
3. A copy of the Notice to Withhold Income for Support shall be provided to the obligor by the employer.
4. Exception to automated income assignments. If an automated income assignment can not be issued due to an exception, the automated child support system will electronically generate a message to the enforcing county and the county child support enforcement services worker shall complete the following within two working days of the date of the receipt of the message:
  - a. Research the case to determine whether the exception is valid and correct the exception data if possible;
  - b. Document the findings and the actions taken to correct the exception in the automated child support system;
  - c. Issue the income assignment to the employer, if appropriate.

C. Service of Process

1. If service of process is necessary, service must be completed and enforcement action taken within 60 calendar days of identifying a delinquency or of locating the obligor, whichever occurs later.
2. Repeated unsuccessful service of process attempts are not a valid reason for not meeting the timeframes. If service of process is unsuccessful because of a poor address, the case shall be referred back to the locate function.

**6.902.12 Public Assistance Cases**

In public assistance and foster care cases, the Child Support Enforcement Services Unit shall enforce court-ordered child support obligations from any person who is legally liable for such support until such obligations are satisfied, including assigned arrearages, unless good cause exemption from referral to the Child Support Enforcement Services Unit has been determined to exist by the county director or designee. Spousal maintenance must also be enforced if established in the same court action and if the former spouse has physical custody of the children.

**6.902.13 Non-Public Assistance Cases**

In non-public assistance cases, the Child Support Enforcement Services Unit shall enforce court-ordered child support obligations from any person who is legally liable for such support until such obligations are satisfied or services are no longer requested. Spousal maintenance must also be enforced if established in the same court action and if the former spouse has physical custody of the children. When the current

support order and/or the child support arrears are no longer being enforced, the Child Support EnforcementServices Unit shall cease enforcement of spousal maintenance.

#### **6.902.14 Arrears Calculation**

For all cases, the Child Support EnforcementServices Unit is required to calculate arrearages from the date the child support order is entered, including those cases where the date of the order is prior to the date of referral or application.

#### **6.902.15 National Medical Support Notice**

The Child Support EnforcementServices Unit shall enforce a medical support order when health insurance for the child(ren) is no longer being provided, by issuance of the National Medical Support Notice to the obligor's employer, when such an employer is known, or unless the court or administrative order contains alternative health care coverage.

#### **6.902.16 Notice of Emancipation of a Child**

The enforcing Child Support EnforcementServices Unit must respond to the automated child support system's electronic message indicating the automatic generation of the right to request review notice for each party or his/her attorney of record. The electronic message alerts the worker when a child(ren) has reached the age of emancipation. Within five working days of receiving the electronic message and the generation of the right to request review notices, the worker must read the active order and determine if the child(ren) included in the order is emancipated pursuant to Section 14-10-115, Colorado Revised Statutes. If the child(ren) is emancipated and is not the youngest child on the order, the worker shall mail a right to request review notice to each party or his/her attorney of record.

#### **6.902.17 Credit Reporting (CRA)**

##### **6.902.171 Selection**

Obligors shall be selected for referral on all of their court orders when the following two conditions exist in the same accounting period on at least one court order: 1) current balance exceeds five hundred dollars (\$500) and 2) there is an amount that is at least sixty calendar days past due. The Colorado Department of Human Services, Division of Child Support EnforcementServices, will generate a report which displays the orders that have been selected for credit reporting. The Child Support EnforcementServices Units shall take the following actions within thirty calendar days of the generation date of the credit reporting agency notification list:

- A. Ensure that the monthly support obligation, monthly amount due, monthly payment due and current balance are correct; and,
- B. Ensure that the arrears in the inactive ledgers are not a duplication of those in the active ledgers; and,
- C. Ensure that the Social Security Number is correct; and,
- D. Clear any financial holds; and,
- E. Electronically send a request for suppression of the court order to the "SEU CRA" mailbox if selection has been made on an incorrect person.
- F. Document in the automated child support system all changes or other actions taken.

#### **6.902.172 Notice**

The Colorado Department of Human Services, Division of Child Support EnforcementServices, generates the pre-referral notice, thirty calendar days after the case is selected for credit bureau reporting. The obligor has thirty calendar days from the date of the pre-referral notice to pay the past-due obligation, pay a lump sum toward the current balance or submit a written request for an administrative review. If a written request for administrative review is received, the county child support enforcement worker shall follow Section 6.805.

Once sixty (60) calendar days have lapsed, the child support data will be submitted to the credit reporting agencies.

#### **6.902.173 Disputes**

If, during the monthly referral to the credit reporting agencies, the obligor contacts the county child support enforcement worker to dispute the information contained in his/her credit report, the county child support enforcement worker shall:

- A. Enter the dispute code in the automated child support system within one working day of contact.
- B. Research the case to determine if the information is correct or incorrect. If incorrect, the necessary changes must be made to the child support case. The changes will be reflected in the next monthly update to the credit reporting agencies.
- C. Document in the automated child support system all changes or other actions taken.

The county Child Support EnforcementServices Units shall respond to requests from the Division of Child Support EnforcementServices within two working days for payoff amounts and status information and within six working days for information needed to complete the investigation of a consumer credit dispute. If the Child Support EnforcementServices Unit receives a request for information from a lender, credit reporting agency or obligor, it shall follow Section 6.~~210.14~~902.174.

#### **6.902.174 Limited Point of Contact**

The Fair Credit Reporting Act, which governs credit reporting agencies, requires a limited point of contact between credit reporting agencies and users of credit information. When a Child Support EnforcementServices Unit receives a request for credit status information from a lender, an underwriter, a mortgage company, a credit verifier, an obligor or from a credit reporting agency, the request shall be forwarded to the Colorado Department of Human Services, Division of Child Support EnforcementServices, which shall respond to the request for information or to the request for confirmation or clarification of information submitted to credit reporting agencies by the Child Support EnforcementServices program. All requests for credit reporting status letters shall be forwarded to the Colorado Department of Human Services, Division of Child Support EnforcementServices.

#### **6.902.175 Arrears or Payoff Requests**

If the Colorado Department of Human Services, Division of Child Support EnforcementServices, requests arrears or payoff information as referenced in Section 6.902.174, the Child Support EnforcementServices Unit shall provide the information within two (2) working days, as required at Section 6.902.173.

#### **6.902.2 SELECTION FOR DRIVER'S LICENSE SUSPENSION PROCESS**

The obligor's court orders will be selected for the drivers' license suspension process if the monthly support obligation is not paid in full each month.

The Colorado Department of Human Services, Division of Child Support [Enforcement Services](#), is the single point of contact between Child Support [Enforcement Services](#) and the Colorado Department of Revenue, Division of Motor Vehicles.

#### **6.902.21 Reports**

- A. A report is generated by the Colorado Department of Human Services, Division of Child Support [Enforcement Services](#), indicating any cases that have changed status with regards to driver's license suspension. County Child Support Enforcement workers shall take the following actions within thirty calendar days of the generation date of the EM-008, County License Suspension Action Report:
  - 1. Suppress driver's license suspension action, if appropriate. A suppression may be entered at the court order level by the county child support enforcement worker or the technician may request a suppression at the person level, by electronically sending a request to the "SEU DLS" mailbox.
  - 2. Document in the automated child support system all changes or other actions taken.
- B. A report is generated by the Colorado Department of Human Services, Division of Child Support [Enforcement Services](#), indicating cases that have been suppressed from the driver's license suspension process. County child support enforcement workers shall review the case within thirty calendar days of the generation date of the combined suppression report and take the following actions:
  - 1. If appropriate, remove the court case level suppression or request a release of the suppression at the obligor level, by electronically sending a release request to the "SEU DLS" mailbox.
  - 2. Document in the automated child support system all changes or other actions taken.

#### **6.902.22 Notices**

The following notices are generated by the state office based on the specifics of each case.

- A. The obligor has thirty calendar days from the notice of noncompliance date to meet the paying criteria, pay the past due obligation, negotiate a payment plan or request, in writing, an administrative review. If a written request for an administrative review is received, the county child support enforcement worker shall follow Section 6.8053.
- B. If a new payment plan is reached with the obligor, the county child support enforcement worker shall enter the new payment plan on the automated child support system pursuant to Section 6.902.3.
- C. If the obligor has not paid the past due obligation, negotiated a new payment plan, requested an administrative review or met the paying criteria after the notice of noncompliance is issued, and at least thirty calendar days have lapsed, the automated child support system will electronically send an initial notice of failure to comply to the Colorado Department of Revenue, Division of Motor Vehicles, to suspend the license. A paper copy of the initial notice of failure to comply is sent to the obligor at the same time.

- D. If the obligor complies and is sent a notice of compliance after the initial notice of failure to comply and then subsequently fails to meet the paying criteria, the automated child support system will electronically send a subsequent notice of failure to comply to the Colorado Department of Revenue, Division of Motor Vehicles, asking that the license be suspended. A paper copy of the subsequent notice of failure to comply is sent to the obligor at the same time.
- E. When a manual notice of compliance is needed to stop a suspension, the county child support ~~enforcement services~~ worker shall electronically request a manual notice of compliance from the Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, which will determine if the request is warranted. If the request is approved, within one working day from the date of the decision, Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, shall fax a manual notice of compliance to the Colorado Department of Revenue, Division of Motor Vehicles.

### **6.902.23 Rescission**

- A. Within one working day of the discovery that an erroneous suspension of an obligor's driver's license has occurred due to a county or state Child Support ~~Enforcement Services~~ office error only, the county child support ~~enforcement services~~ worker shall electronically notify the Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, via the "SEU DLS" mailbox. The message shall contain the date of the erroneous suspension, the specific error that caused the erroneous suspension, and any other relevant facts.
- B. Within two working days from the receipt of the electronic message, the Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, shall review the case to verify whether an error occurred and whether the error is documented in the automated child support system:
  - 1. If the Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, determines that the suspension occurred erroneously, the Colorado Department of Revenue, Division of Motor Vehicles, shall be notified that the erroneous suspension must be rescinded.
  - 2. If the Colorado Department of Human Services, Division of Child Support ~~Enforcement Services~~, determines that the suspension was not erroneous, the county child support ~~enforcement services~~ worker shall be electronically notified within two working days of the determination.

### **6.902.3 PAYMENT PLAN**

The payment plan displays the monthly payment due. The monthly payment due consists of the monthly support obligation and Monthly Amount Due (MAD) on the arrears. The total monthly payment due shall not exceed the maximum amount of disposable income that is eligible to be withheld pursuant to Section 13-54-104(3)(b)(I & II), C.R.S.

- A. If the obligor has a court ordered MAD on the arrears balance, the county child support worker must enter this amount and the correct code on the court ordered screen in the automated child support system. The code and amount must be removed when the court ordered MAD is no longer valid.
- B. If the obligor has a MAD set by the county child support worker, the following must be done when an obligor contacts the county to request a reduction of the MAD:

1. The county child support worker shall inform the obligor that documentation of their current income must be provided to adjust the MAD. The obligor must provide one of the following types of documentation:
    - a. Pay check stubs for the last three months;
    - b. Business bank statements for the last year;
    - c. Federal/State tax return for the last three years;
    - d. Documentation of disability; or,
    - e. Letter from parole/probation officer of current financial circumstances.
  2. The county child support worker shall enter the monthly gross income amount for the obligor, as determined by the documentation provided, into the income data screens on the automated child support system.
  3. If the obligor has more than one child support ~~enforcement~~services case, all counties must honor the income data entered on the income data screens by changing the MAD for their case to between the automated child support system calculated fair share MAD and the minimum MAD.
  4. Income documentation from the obligor shall be required in order for the county child support worker to update the income data screens. The income data can only be changed upon receipt of updated income documentation as outlined above in Number 1.
  5. Income documentation shall be retained in the county case file.
  6. When the pay plan amounts change, the county child support worker shall issue an amended order/notice to withhold income for support to reflect the new pay plan amount.
- C. If the obligor has a MAD set by the child support system that is not a previously technician set MAD, the county shall review the case and ensure the default MAD amount is appropriate and document findings in chronology.

#### **6.902.4 UNEMPLOYMENT COMPENSATION BENEFITS (UCB)**

Automated, electronic income assignments are sent to the Colorado Department of Labor and Employment, Division of Unemployment Benefits (UCB), to attach an obligor's unemployment compensation benefits.

The Colorado Department of Human Services, Division of Child Support ~~Enforcement~~Services, is the single point of contact between Child Support ~~Enforcement~~Services and the Colorado Department of Labor and Employment, Division of Unemployment Compensation Benefits.

When a case is unable to attach to a valid unemployment compensation claim, the county child support ~~enforcement~~services worker shall take the following actions as appropriate within two working days of being electronically notified:

- A. Name mismatch – research the case to determine whether the correct name is entered and make any necessary corrections.
- B. Exclusion – research the case to determine whether the exclusion is valid and make any necessary corrections.

- C. All changes or other actions taken to resolve the exclusions shall be documented in the automated child support system by the county child support enforcement services worker.

## **6.903 ENFORCEMENT ACTIVITIES**

### **6.903.1**

The county department shall assure that the full range of enforcement activities are utilized, as applicable, for all CSECSS cases pursuant to CSECSS caseload categorization requirements as contained in these rules and consistent with cost-benefit caseload management.

#### **6.903.11 Enforcement Remedies**

The following enforcement remedies shall be utilized as appropriate:

- A. One of two processes of assignment from any type of income through a Notice to Withhold Income for Support:
  - 1. Immediate income assignment - the process whereby the income assignment is ordered in the original or modified court or administrative order or where the original or modified support order was issued after a certain date and takes effect immediately without any further notice to the obligor;
  - 2. Other income assignment - the process whereby the order for income assignment is not part of the original order or the original order was issued before a certain date and the obligor is afforded due process through advance notification.
- B. Immediate health insurance premium withholding through a National Medical Support Notice (NMSN) - notice of health insurance premium withholding shall be included in the original or modified court or administrative order and take effect immediately without any further notice to the parties. The NMSN shall be issued in accordance with Section 6.240.
- C. Judgment for arrearages - the process of filing with the court of record a verified entry of judgment or motion and order for judgment for the amount of arrearages owed by the noncustodial parent.
- D. Post Judgment remedies - the execution of legal remedies that are available in state law and procedure that are used to satisfy judgment. Such remedies include, but are not limited to:
  - 1. Garnishment of earnings;
  - 2. Garnishment of assets;
  - 3. Liens upon real property;
  - 4. Liens upon personal property;
  - 5. Forced sale of real or personal property;
  - 6. Liens upon motor vehicles.
- E. Intercept Program Participation - the participation in state and federal intercept programs which includes:

- IRS income tax refunds,
  - State lottery winnings,
  - Unemployment Compensation Benefits,
  - State income tax refunds,
  - Gambling intercepts;
  - Federal administrative offset, and
  - State vendor offset.
- F. Billings and delinquency notices - the process of billing noncustodial parents or noticing delinquent noncustodial parents as a reminder of support obligations due and past due.
- G. Contempt Actions - the process of demonstrating to the court of record at a court hearing that the noncustodial parent has failed to comply with a court order and therefore should be held in contempt of court;
- H. Criminal Non-Support Actions - the process of demonstrating to the court of record at a court hearing that the noncustodial parent should be held criminally liable for the failure to support his/her family;
- I. Payment Guarantee Action - request to the court to order the obligor to post security, bond, or other form of guarantee to secure payment of the child support order;
- J. Contact with the noncustodial parent - the process of obtaining a support collection by contacting the noncustodial parent by telephone or in writing;
- K. Internal Revenue Service full collection service - levy by Internal Revenue Service against noncustodial parent's income or assets;
- L. Denial, Revocation, or Limitation of Passports - certifying to the United States Secretary of Health and Human Services the names of noncustodial parents that have failed to comply with a court order to pay child support and who owe the amount of federally mandated arrears for the purpose of denying, revoking, or limiting their passports;
- M. Fraudulent Transfers - a petition to the court to void transfers of property by an noncustodial parent to another party;
- N. Refer case for prosecution under the Federal Child Support Recovery Act;
- O. Administrative Lien and Attachment - form used to attach noncustodial parent's Department of Corrections inmate accounts.

## **6.903.2 PRIORITY OF OBLIGATION ENFORCEMENT**

### **6.903.21**

The county Child Support Enforcement Services Units shall utilize enforcement activities based upon the type of obligation and the results to be achieved. The order of effectiveness of obligation enforcement is as follows:

- A. Enforcement activities that will result in regular collections to satisfy the monthly support obligation for public assistance and non-public assistance cases.
- B. Enforcement activities that will result in the collection of arrearages insofar as such enforcement does not interrupt the regular payment of the monthly support obligation by affecting the noncustodial parent's wages.
- C. Enforcement activities that will result in the collection of court-ordered costs due to the county department.

**6.903.31 Civil Contempt Actions**

The county Child Support Services Unit may file civil contempt actions with the local court. The CSS Unit must:

- A. Screen the case for information regarding the noncustodial parent's ability to pay or otherwise comply with the order;
- B. Provide the court with such information regarding the noncustodial parent's ability to pay or otherwise comply with the order, which may assist the court in making a factual determination regarding the noncustodial parent's ability to pay the purge amount or comply with purge conditions; and
- C. Provide clear notice to the noncustodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.

**6.904 ADMINISTRATIVE LIEN AND ATTACHMENT OF INSURANCE CLAIM PAYMENTS, AWARDS, AND SETTLEMENTS**

The Colorado Department of Human Services, Division of Child Support Services, shall attach the insurance claim payments, awards, or settlements due to an obligor who is responsible for the payment of past-due child support obligations or past-due maintenance or maintenance when combined with child support obligations.

**6.904.1 SELECTION**

- A. The State Child Support ~~Enforcement~~Services Unit shall attach claim payments, awards, or settlements or obligors who owe more than \$500.00, across all court orders, in past-due child support, past-due maintenance or a combination thereof.
- B. Pursuant to Section 26-13-122.7, C.R.S., for purposes of this section 6.904, an insurance claim payment, award, or settlement is defined as an individual's receipt of moneys in excess of \$1,000.00 after making a claim for payment under an insurance policy for:
  - 1. Personal injury under a policy for liability;
  - 2. Wrongful death; or
  - 3. Workers' compensation.
- C. Such insurance claim payment, award, or settlement only includes the portion payable to the obligor or the obligor's representative, and does not include any monies payable as attorney fees

or litigation expenses, documented unpaid medical expenses, or payment for damage or loss to real or personal property.

- D. The State Child Support EnforcementServices Unit shall recover any fees assessed from the monies collected under the administrative lien. If it chooses not to pursue collection under the administrative lien, the county Child Support EnforcementServices Unit is still responsible for fees assessed by the State Department related to the lien, including a data match fee.

#### **6.904.2 NOTICES**

The State Child Support EnforcementServices Unit shall send a notice of administrative lien and attachment to the insurance company, and send to the obligor a copy of the notice of administrative lien and attachment along with notice of the obligor's right to request an administrative review. The notices shall be sent via first class mail or electronically, if mutually agreed upon. The obligor has thirty (30) calendar days from the date on the notice to request, in writing, an administrative review. When a written request is timely received, the county Child Support EnforcementServices worker shall follow section 6.805.

#### **6.904.3 POINT OF CONTACT**

The Colorado Department of Human Services, Division of Child Support Services, is the single point of contact between Child Support EnforcementServices and the Child Support Lien Network, or similar program, and the insurance companies.

#### **6.905 PROFESSIONAL OCCUPATIONAL LICENSE SUSPENSION PROCESS**

Referral will be made to the appropriate licensing board to suspend the professional or occupational license of obligors who:

- A. Meet the selection criteria;
- B. Have been sent the required notices; and,
- C. Have failed to comply with a support order.

#### **6.905.1 SELECTION**

Obligor will be selected for the professional occupational license process if they owe more than six months' gross dollar amount of child support and are paying less than fifty percent (50%) of their current, monthly child support obligation.

#### **6.905.2 REPORTS**

The reports that are generated by the Colorado Department of Human Services, Division of Child Support EnforcementServices, and used by county CSECSS Units to process professional occupational license suspension cases must be worked within thirty (30) days of receipt and all changes or other actions taken must be documented in the automated child support enforcement system.

#### **6.905.3 NOTICES**

- A. The obligor has thirty calendar days from the notice of noncompliance date to pay the past-due obligation, to negotiate a new payment plan or to request, in writing, an Administrative Review. When a written request is received, the county child support enforcementservices worker shall follow Section 6.805~~3~~.

- B. When a new payment plan is negotiated with the obligor, the county child support enforcement services worker shall enter the new payment plan into the automated child support system pursuant to Section 6.902.3.
- C. If the obligor has not paid the past-due obligation, negotiated a new payment plan, requested an Administrative Review or met the paying criteria after the notice of noncompliance, an initial notice of failure to comply shall be electronically sent to the licensing board asking the licensing board to suspend the license. A paper copy shall be sent to the obligor.
- D. If the obligor is issued a notice of compliance after the initial notice of failure to comply, but has again become delinquent, a subsequent notice of failure to comply shall be electronically sent to the licensing board asking the licensing board to suspend the license. A paper copy shall be sent to the obligor.
- E. When a notice of compliance is needed in less than twenty-four hours to stop the license suspension, the county child support enforcement services worker shall electronically request a manual notice of compliance from the Colorado Department of Human Services, Division of Child Support Enforcement Services, which will fax a notice of compliance to the licensing agency.
- F. All changes or other actions taken shall be documented in the automated child support system by the county child support enforcement services worker.

#### **6.905.4 POINT OF CONTACT**

The Colorado Department of Human Services, Division of Child Support Enforcement Services, is the single point of contact between child support enforcement services and the Department of Regulatory Agencies representing the licensing boards. County child support enforcement services workers shall contact the Division of Child Support Enforcement Services for assistance with questions or concerns through the automated child support system. The Division of Child Support Enforcement Services shall resolve the questions or concerns with the Department of Regulatory Agencies and communicate the resolution to the county child support enforcement services worker through the automated child support system.

#### **6.906 SELECTION FOR FINANCIAL INSTITUTION DATA MATCH (FIDM)**

The Colorado Department of Human Services, Division of Child Support Enforcement Services, is the single point of contact between Child Support Enforcement Services and the financial institutions.

Obligors shall be selected for Financial Institution Data Match on all of their court orders after they have been advised of their due process rights by the issuance of the annual pre-offset notice and the following selection criteria:

- A. Arrears balance is \$1,000.00 or greater; and,
- B. Full monthly support obligation is not paid each month.

The Colorado Department of Human Services, Division of Child Support Enforcement Services, shall exclude partnership, custodial, and commercial accounts or accounts otherwise precluded by law. Pursuant to Section 26-13-128, C.R.S., and the "Uniform Transfers to Minors Act" and trust accounts of monies held in trust by a third party shall not be attached, encumbered or surrendered.

## 6.906.1 REVIEW OF SELECTED CASES

Within seven (7) calendar days of the date the electronic notification is generated from the automated child support system, the county child support enforcement services worker shall review the accepted match to ensure that the ledger is accurate and to ensure that issuing a lien and levy against the obligor's financial account is appropriate.

All changes or other actions taken shall be documented in the automated child support system by the county child support enforcement services worker.

## 6.906.2 SUPPRESSION

### 6.906.21 Temporary Suppression

The county Child Support Enforcement Services worker may, within the allotted seven (7) calendar days, suppress the accepted court order match on a temporary basis by updating the suppression code on the automated child support system.

### 6.906.22 Indefinite Suppression

The request for an indefinite suppression shall be submitted to the "SEU FIDM" mailbox electronically by the administrator of the Child Support Enforcement Services Unit.

## 6.906.3 CREATION OF THE LIEN AND LEVY

If the court order match has not been suppressed, the automated child support system will create a lien and levy document on the eighth calendar day after the accepted match. The Colorado Department of Human Services, Division of Child Support Enforcement Services, will submit the lien and levy to the financial institution.

Seven calendar days after the lien and levy document has been sent to the financial institution, the Colorado Department of Human Services, Division of Child Support Enforcement Services, will notify the obligor and any non-debtor account holders of the lien and levy of the account along with the exception/exemption policy and/or the appeal policy.

## 6.906.4 EXCEPTION OR EXEMPTION CLAIM

- A. Within twenty (20) calendar days from the date of the lien, the obligor may request an exception claim per State policy from the Colorado Department of Human Services, Division of Child Support Enforcement Services, if there is terminal illness of the obligor or the obligor's biological or adopted child.
- B. Within 20 calendar days from the date of the lien, the obligor may request an exemption claim per State statute from the Colorado Department of Human Services, Division of Child Support Enforcement Services, if there is:
  - 1. Misidentification; or,
  - 2. A custodial account created pursuant to the "Colorado Uniform Transfers to Minors Act", Article 50 of Title 11, C.R.S., or a trust account of moneys held in trust for a third party; or,

3. An account held with a corporate tax identification number; or,
4. An account used to receive deposits of Supplemental Social Security Income benefits, Social Security survivors benefits, Veterans Administration disability benefits, child support payments, or public assistance benefits; or,
5. An account used to receive "earnings" as defined in Section 13-54-104, C.R.S. The maximum percentage amount of the account balance that can be seized will be determined based upon the documentation provided by the obligor. Documentation requirements are specified on the notice that the obligor receives.

The obligor is responsible for providing the Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), documentation in support of the above situations.

The Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), shall review the claim and document its decision whether to approve or deny the claim. The claim shall be reviewed within three business days of receipt based upon the documentation outlined in the lien and levy exception/exemption policy that is included with the Notice of Lien and Levy. If the claim is approved, the Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), will issue a release of lien and levy to the financial institution. If the claim is denied, the lien and levy will remain in effect. The Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), shall notify the obligor and the county child support [enforcementservices](#) worker of the claim decision.

#### **6.906.5 APPEAL PROCESS FOR JOINT ACCOUNTS**

The lien placed on any and all types of joint account(s) shall require the financial institution to freeze one hundred percent (100%) of the assets on deposit as of the date of the lien. "Joint accounts" means multiple party accounts as defined in Section 15-15-201(5), C.R.S. The Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), shall take the following actions:

- A. The non-debtor account holders are noticed that they have twenty (20) calendar days from the date of the lien to request an appeal of the frozen funds on the basis that there is proof of contribution of the funds on deposit up to one hundred percent (100%) as of the date of the lien as governed by Section 15-15-211, C.R.S.
- B. The request for appeal and the required documentation shall be reviewed by the Division of Child Support [EnforcementServices](#) within three working days of receipt.
  1. If the appeal is approved, the Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), will issue a release of lien and levy to the financial institution releasing the contribution of the non-debtor account holder.
  2. If the appeal is denied, the lien and levy will remain in effect as to the amount frozen at the time of the lien.
  3. The Colorado Department of Human Services, Division of Child Support [EnforcementServices](#), shall notify the non-debtor account holder and the county child support [enforcementservices](#) worker of the appeal decision.

#### **6.906.6 ALLOCATION OF FUNDS**

The levied funds are sent to the Family Support Registry and are allocated according to the obligor's court orders that were included on the FIDM lien and levy.

## 6.907 VENDOR OFFSET

This enforcement remedy allows the State Controller's Office to intercept monies from vendors/contractors who perform work for the State of Colorado and owe child support arrearages.

The Colorado Department of Human Services, Division of Child Support EnforcementServices, is the single point of contact between Child Support EnforcementServices and the State Controller's Office.

### 6.907.1 SELECTION AND REFERRAL TO VENDOR OFFSET

Obligors shall be selected for referral on their court order when the monthly support obligation is not paid in full.

The selection criteria is applied to each court order and subsequent court orders for the obligor. When a match is made between the obligor record and the vendor offset table, the county child support enforcementservices worker will be notified electronically through the automated child support system. The vendor offset table is maintained by the controller's office and lists all vendors used by the State of Colorado.

### 6.907.2 REVIEW OF SELECTED CASES

When the county child support enforcementservices worker is notified that the case has been selected for vendor offset, he/she shall review the case to ensure that the ledger balances are correct. If the county child support enforcementservices worker determines that vendor offset is not appropriate for the case, an electronic message must be sent through the automated child support system to the "SEU VO" mailbox to request suppression. The case will remain suppressed until the county child support enforcementservices worker electronically requests the Colorado Department of Human Services, Division of Child Support EnforcementServices, lift the suppression.

### 6.907.3 NOTICE

The Colorado Department of Human Services, Division of Child Support EnforcementServices, generates a Notice of State Vendor Payment Offset when there is a match with the obligor with the vendor table and the match is not suppressed by the county Child Support EnforcementServices Unit. The obligor has thirty calendar days from the generation date of the Notice of State Vendor Payment Offset to take one of the following actions to stop the intercept of the vendor payment:

- A. Contact the county child support enforcementservices worker and enter into a payment plan and pay the monthly payment due (MPD). If a payment plan is reached with the obligor, the county child support enforcementservices worker shall update the payment plan on the automated child support system pursuant to Section 6.902.3 concerning maintenance of the payment plan; or,
- B. Pay the total amount due on the court order; or,
- C. Submit a written request for an administrative review. If an administrative review is received, the county Child Support EnforcementServices worker shall follow Section 6.8053.

All changes or other actions taken shall be documented in the automated child support system by the county child support enforcementServices worker.

## 6.908 RECREATIONAL LICENSE SUSPENSION

Referral will be made to the Colorado Department of Natural Resources, ~~Division of Wildlife~~Parks and Wildlife, to suspend the recreational license of obligors who:

- A. Meet the selection criteria;
- B. Have been sent the required notices; and,
- C. Have failed to comply with a support order.

### 6.908.1 SELECTION

Obligors will be selected for the recreational license suspension process if they owe more than six months' gross dollar amount of child support and are paying less than fifty percent of their current monthly child support obligation.

### 6.908.2 NOTICES

- A. The obligor has thirty calendar days from the notice of the noncompliance date to pay the past-due obligation, to enter into a payment plan and begin paying the required amount within the 30 days or to request, in writing, an administrative review. If a written request is received, the county child support ~~enforcement~~services worker shall follow Section 6.8053.
- B. If the obligor enters into a payment plan, the county child support ~~enforcement~~services worker must enter the payment plan on the automated child support system pursuant to Section 6.902.3.
- C. All changes or other actions taken shall be documented in the automated child support system by the county child support ~~enforcement~~services worker.
- D. The automated child support system will electronically send a failure notice to the Department of Natural Resources, Parks and Wildlife to suspend the license privilege and shall send a paper copy to the obligor in the following circumstances:
  - 1. Obligor has not paid the past-due obligation;
  - 2. Obligor entered into a new payment plan but failed to make a payment within 30 days of the pay plan; or,
  - 3. Obligor failed to request an administrative review.

### 6.908.3 REPORT

The reports that are generated by the Colorado Department of Human Services, Division of Child Support ~~Enforcement~~Services, and used by county ~~CSECSS~~ units to process recreational license suspension cases must be worked within thirty days of receipt and all changes or other action taken must be documented in the automated child support enforcement system.

### 6.908.4 POINT OF CONTACT

The Colorado Department of Human Services, Division of Child Support ~~Enforcement~~Services, is the only point of contact with the Department of Natural Resources, ~~Division of Wildlife~~Parks and Wildlife. County child support ~~enforcement~~Services workers shall electronically contact the Colorado Department of Human Services, Division of Child Support ~~Enforcement~~Services, with any questions or concerns through

the automated child support system. The Colorado Department of Human Services, Division of Child Support EnforcementServices, shall resolve child support enforcement issues with the Department of Natural Resources, Parks and Wildlife and electronically communicate the resolution to the county child support enforcementServices worker through the automated child support system.

#### **6.908.5 MISTAKEN IDENTITY**

In cases of mistaken identity, the county child support enforcementServices worker shall notify the Colorado Department of Human Services, Division of Child Support EnforcementServices, through the automated child support system of the error. The county child support enforcementServices worker shall not enter the name of the innocent party into the alias screen in the automated child support system. The Colorado Department of Human Services, Division of Child Support EnforcementServices, shall notify the Colorado Department of Natural Resources, Division of WildlifeParks and Wildlife, to resolve the error.

#### **6.908.6 POINT OF CONTACT**

The Colorado Department of Human Services, Division of Child Support EnforcementServices, is the only point of contact with the Department of Natural Resources, Division of WildlifeParks and Wildlife. County child support enforcementServices workers shall electronically contact the Colorado Department of Human Services, Division of Child Support EnforcementServices, with any questions or concerns through the automated child support system. The Colorado Department of Human Services, Division of Child Support EnforcementServices, shall resolve child support enforcement issues with the Department of Natural Resources, Parks and Wildlife and electronically communicate the resolution to the county child support enforcementServices worker through the automated child support system.