

A Father's Guide to Child Support



COLORADO DEPARTMENT OF HUMAN SERVICES
Division of Child Support Enforcement



THIS HANDBOOK has been designed to help you understand how child support works. We all agree children have the right to support from both parents and do not lose this right when a parent is not in their home. This basic belief is why we have child support laws.

We hope this handbook helps you answer questions that you might have about child support. We would encourage you to freely communicate with your child support enforcement unit. Please ask questions and let them know if your employment changes or if you increase your parenting time with your children. We need to be able to keep you informed of changes that may occur. To do this we need you to let us know if you move or change your telephone number.

Thank you for being there for your children!

Colorado Division of
Child Support Enforcement

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They're Counting on You

For your children to grow and develop properly, they need love and support from *both* parents. Your son or daughter needs attention, care, and guidance from Mom AND Dad. The fact is, your children are counting on you to be there, no matter what your family situation may be.



Your help can come in many forms: the confidence you instill in your daughter when you assist her with a school project; the understanding you furnish your son when he's having a problem with his friends; and the camaraderie you share when eating ice cream cones together on a warm summer day.

A critical component of your relationship with your children is financial support. Though not as heartwarming as being there for your daughter's first steps or you son's first T-Ball game, the money both parents provide their children is, nonetheless, a significant part of parents' responsibility to their children. Besides providing for life's more basic needs, such as food, clothing, and shelter, this money helps children expand their horizons through activities like piano lessons, scouting, and hockey camp. Financial support is a key component of the responsibility you have to your children.

One of the most important parts parents can play in the lives of their children is that of role model. Children look to their parents for guidance and often adopt the behaviors they see in their parents. By being a responsible parent, you can give your child invaluable lessons in respect, duty, and honesty that can last a lifetime.

The money a parent provides is commonly known as "child support." Whether you've been paying support for many years or

are a new parent, this booklet explains how child support works in Colorado. The process of establishing, enforcing, and modifying a child support order can be a bewildering maze involving local child support units, courts, judges, unfamiliar legal terms, and daunting paperwork. We hope this booklet can answer some of your questions about the legal system as it relates to child support cases, as well as how your case will be handled by the child support enforcement unit.

The Child Support Enforcement (CSE) Unit

Due to the continuing lack of compliance with child support orders, the government has played an ever-increasing role in the child support process. In 1975, the United States Congress created a national child support program. This federal effort required each state to set up an organization for the establishment and enforcement of child support orders. In return, the federal government provides states with much of the funding needed to operate the child support program. While the focus was initially on recouping money states and counties paid to welfare recipients, the program now also includes families who are owed support but who are not receiving public assistance.

In Colorado, the child support program is operated at the county level. The child support enforcement unit is typically a branch of the county Department of Social Services.

You will probably encounter the term "IV-D" (pronounced "four dee"), as in "IV-D program" or "IV-D case." This phrase comes from the location of the original legislation that created the child support program within Title IV-D of the Social Security Act. Not all child support cases involve the child support enforcement unit. Many cases are handled by private attorneys or by the parents themselves with no governmental involvement. A child support matter becomes a IV-D case when the child and a parent receive public assistance OR a parent applies for services from the child support enforcement unit. Either parent may request that the IV-D agency become involved in a child support case.



Legal Representation

Colorado law specifies that the child support agency represents the people of the State of Colorado, not either of the parents in a child support case. The law goes on to say that there is not an attorney–client relationship created between a lawyer for the child support enforcement unit and a parent whose child support order is being enforced by that agency.

You are entitled to retain legal counsel at any stage of the process. A private attorney may represent you, for example, in a matter involving paternity, the entry of a child support order, or a modification of that order. It is up to you to determine whether you should seek legal counsel. It is also up to you to pay the bill for your attorney, as there are no free court-appointed attorneys available to you in a child support case. You can, however, seek the aid of free or low-cost attorneys from groups such as Legal Aid or your local Bar Association. Please see the listing of resources at the end of this booklet.

Obligor and Obligee

A number of unfamiliar terms and phrases may crop up in the context of a child support matter. The glossary at the back of this booklet defines the most common of these for you. Two new words merit special attention, however.

The parents in a child support case can be described in several ways. The easiest words to use are probably “mother” and “father.” However, it is not always the case that the mother is the party receiving the child support and the father is the one paying it. You may also hear the phrases “custodial party,” “custodial parent,” “noncustodial parent,” and “absent parent.”

Because these terms are often imperfect and inaccurate, the words “obligor” and “obligee” are frequently used. The obligor is the parent responsible for making the support payments, and the obligee is the recipient of these payments. These words have the virtue of being applicable in almost every child support case, regardless of which parent is in which role.

The Administrative Process

As the obligor in a child support matter, you help determine how your case will be handled by the child support enforcement unit. The basic choice you have is whether your case will be handled as a judicial matter by the courts or as an administrative matter by the IV-D unit.

The traditional route for a child support case to travel is through the court system. This means a formal litigation setting and all that goes with it. There may be discovery, delays, and continuances. There will probably be lawyers and their accompanying legal bills. When all is said and done, the end result will be a binding child support order.

Cases in the IV-D system may follow another path. Colorado law allows the child support enforcement unit to conduct many of the required activities regarding paternity, establishment, and modification without the need for court hearings. Rather, you will meet with child support personnel in a “*negotiation conference*” to determine if the issues in your case can be agreed upon instead of the case going to court. If you and the child support unit can reach an agreement, that agreement is then filed with the court and becomes an order of the court with the same force and effect as one issued by a judge. As with cases pursued through the formal court process, the end result of a case handled administratively is a binding child support order.

Your case can be handled more quickly through the administrative process than through the court system. You may also be able to avoid many of the costs associated with a full-blown court case. Most obligors do not pursue court proceedings after a case has been initiated administratively.

The administrative process begins when you receive a notice of the negotiation conference. Be sure to appear for this conference. If you fail to appear, the child support enforcement unit may seek a default order against you, meaning you would have no say in the amount of child support you would owe each month. If you can't make the appointment, be sure to call the child support office to request a continuance of the negotiation conference.

The choice about whether to accept the results of the negotiation conference is yours. If you accept, the agreement will be



filed with the court. If you are not in agreement, a temporary order will be entered. However, a court hearing will be requested. The case will then cease to be handled administratively and will be transferred to the traditional judicial process.

The administrative process has proven to be a cost effective method of handling child support cases for all parties involved. It not only reduces the amount of time and money you may spend on your case, it can also lessen your anxiety as well.

Establishing a Child Support Order

Before you can legally be compelled to pay child support, there must be a legal determination that you are the father of the child in question and that you have a legal responsibility to provide financial support for that child. Only then can an appropriate amount of support be calculated and a child support order entered, either through the court system or the administrative process.

If you are or were married to the mother of your child or your name appears on the child's birth certificate, you are generally presumed to be the father of the child, and no further determination of legal responsibility is necessary. The case can move directly to a calculation of the appropriate amount of child support.



Paternity

However, if you were never married to the mother of your child and your name is not on the child's birth certificate, further action will be necessary before a child support amount can be calculated. A legal parent-child relationship must be established before a support order can be entered. In other words, it must be shown that you are the father of the child before you can be ordered to provide financial support for that child.

Legally establishing the father-child relationship can be accomplished in a number of ways. You may choose to voluntarily admit that you are the father of the child. This can be done through the administrative process with the child support enforcement unit at the time of the initial negotiation conference. You may also have had the chance to make this voluntary admission in the hospital when your son or daughter was born.

If you are not convinced that you are the father of the child, you may request genetic tests. These tests will be conducted on blood or other tissue samples drawn from you, the mother, and the child. By comparing DNA markers and other factors, the tests can prove to an almost one hundred percent degree of certainty whether you are the father of the child. The results of the genetic

tests can also create a legal presumption of paternity and are admissible in court as evidence of the existence of a father–child relationship.

If you are still not persuaded that you are the father in the face of convincing blood test evidence, you can request a court trial before a judge. However, you will have to show extremely compelling evidence to overcome the presumption created by a genetic test indicating paternity.

Divorce or Legal Separation

When the question of child support arises from a divorce or separation, there is usually no question regarding the parents' duty to support the children. Unless you can prove that a child born to your wife during the marriage is not yours—through the use of genetic tests, for example—you and the mother will be ordered to provide financial and medical support for that child.

Remember that child support may be ordered prior to the entry of a dissolution of marriage. This can happen when a parent has left the family household, reducing the income that household had been relying upon. A support order entered in this situation is just as valid and enforceable as one entered in conjunction with a divorce decree.

The Child Support Guidelines

After the determination of a parent–child relationship, the next step is to calculate the appropriate amount of child support. The formula used in Colorado requires that a number of factors be considered in this calculation, such as the gross incomes of both parents, the amount of time the child spends with each parent, as well as costs for items such as child care and health insurance.

The formula used to calculate the appropriate amount of support is known as the child support guidelines. The guidelines came into effect in the mid-1980s as part of an effort to make the calculation less of a judgment call and more of a mathematical equation. Prior to the guidelines, it was not uncommon for two fathers in similar financial circumstances to be ordered to pay much different amounts of child support, depending on

which judge heard the case. Besides being unfair, this situation led parents to jockey for a hearing before the judge they believed would rule in their favor. This created much uncertainty and cynicism among all parents involved in child support cases.

The child support guidelines serve to take much of the decision making out of the hands of individual personalities so that parents in similar circumstances now pay similar amounts of child support, regardless of which judge—or the support enforcement unit—does the calculation. Both parents can know ahead of time about how much child support will be ordered for their children.

Calculating the Amount

Wisconsin uses a formula that bases child support on a percentage of the paying parent's income. For example, such a formula may say that the child support for one child is 20% of that parent's income, 25% for two children, and so on. While this approach has the virtue of simplicity, it fails to take into account the obligee's income and can yield grossly unfair results.

Colorado's child support guidelines follow a model used in about half of the states in the country. The basic concept is that children should be supported in a manner similar to what they would have been had the family stayed together. The child is said to be entitled to a share of his or her parents' total incomes. This leads the formula to be called the "income shares" model.

This model first computes a basic support amount based on the combined incomes of **BOTH** parents. Each parent is then assigned a portion of this amount based on each parent's percentage of that total gross income figure. Other expenses, such as health insurance and daycare, are then added in and similarly divided between the parents to arrive at a monthly support amount. The formula also allows for consideration of different parental responsibility arrangements, such as shared time and split time.

Begin the calculation by adding together your monthly gross income and the other parent's monthly gross income. Do **NOT** include the income from your or the other parent's new spouse or live-in partner. Gross income includes money from wages or salary as well as income from other sources, such as commissions, pensions, interest, workers' compensation, unemployment

insurance, and Social Security. The gross income figure for either parent may be reduced by the amount of maintenance or pre-existing child support payments a parent already makes.

Using the combined monthly gross income figure, turn to the table called the *Schedule of Basic Child Support Obligations*. Find the combined income figure in the column on the left. Next, move to the right until you reach the column for the relevant number of children. The number at the meeting point is the monthly **combined** child support obligation, not your obligation alone.

The amount derived from the *Schedule* is then divided between the parents based on their respective share of the combined income figure. If one parent makes 60% of the combined income, that parent will be assigned 60% of the child support obligation from the table. The other parent is assigned the remaining 40%.

After each parent's share of the total child support obligation is determined, the formula next considers certain expenses related to the children. If either parent makes direct payments for child care or health insurance, these amounts are added to the earlier amounts and are also divided between the parents. The first parent, for example, would be responsible for 60% of the cost of child care, with the other parent paying 40%. Extraordinary expenses for the child, such as costs for braces or special educational needs, may also be apportioned between the parents in this way. Finally, extraordinary income received by the child can be listed here to *reduce* the overall amount of child support due.

The resulting figures represent each parent's support obligation. The parent who keeps the child at his or her residence the majority of the time is presumed to spend the amount listed on the child, either directly or indirectly. The other parent's number is the amount due from that parent to the other parent as a monthly child support payment.

Finally, the *Schedule's* guidelines do not apply in situations involving very low or very high incomes. If the combined monthly income of the parents or the obligor is \$850 or less, a child support order of \$50 per month will be entered. For cases involving combined monthly incomes exceeding \$20,000 per month, an amount beyond that called for in the *Schedule of Basic Child Support Obligations* will be used.

Sample Worksheet A

District Court, _____ County, Colorado			
Court Address: _____			
In Re _____			
Petitioner: <u>Jeannie</u>			
v.			
Respondent/Co-Petitioner: <u>John</u>		COURT USE ONLY	
Attorney or Party Without Attorney (Name and Address): _____		Case Number: _____	
Phone Number: _____	E-mail: _____	Division: _____	Courtroom: _____
FAX Number: _____	Atty. Reg. #: _____		
WORKSHEET A – CHILD SUPPORT OBLIGATION; SOLE PHYSICAL CARE			
Children	Date of Birth	Children	Date of Birth
<u>Brandon</u>	<u>4-12-99</u>		
<u>Aaron</u>	<u>8-15-96</u>		
Check box of parent with 273 or more overnights per year*		<input checked="" type="checkbox"/> Mother	<input type="checkbox"/> Father
1. MONTHLY GROSS INCOME		\$ 1,000	\$ 1,000
a. Plus maintenance received		+ 0	+ 0
b. Minus maintenance paid		- 0	- 0
c. Minus ordered child support payments for other children [14-10-115(7)(d), C.R.S.]		- 0	- 0
d. Minus legal responsibility for prior born children not of this marriage/relationship [14-10-115(7)(d.5), C.R.S.]		- 0	- 0
e. Minus ordered post-secondary education contributions**		- 0	- 0
2. MONTHLY ADJUSTED GROSS INCOME (If either the paying parent's income or Combined Income is less than \$850, enter \$50 on line 11 for paying parent)		\$ 1,000	\$ 1,000
3. PERCENTAGE SHARE OF INCOME (Each parent's income from line 2 divided by Combined Income)		50 %	50 %
4. a. BASIC COMBINED OBLIGATION (Apply line 2 Combined column to Child Support Schedule)			\$ 558
b. Each parent's share of basic support obligation (Each parent's percentage from line 3 times Combined obligation in 4a)		\$ 279	\$ 279
5. LOW-INCOME ADJUSTMENT (If paying parent's income in line 2 is less than \$1850, see Low-income Worksheet on page 2)		\$	\$ 190
6. ADJUSTMENTS (Expenses paid directly by each parent)			
a. Work-related Child Care Costs [Actual costs minus Federal Tax Credit. 14-10-115(11), C.R.S.]		\$ 225	\$ 0
b. Education-related Child Care Costs [14-10-115(11), C.R.S.]		\$ 0	\$ 0
c. Health Insurance premium costs – Children's portion only [14-10-115(13.5), C.R.S.] (See page 2 for calculation worksheet)		\$ 0	\$ 75
d. Extraordinary Medical Expenses [Uninsured only. 14-10-115(13.5), C.R.S.]		\$ 0	\$ 0
e. Extraordinary Expenses [Agreed to by parents or by order of the court. 14-10-115(13), C.R.S.]		\$ 0	\$ 0
f. Minus Extraordinary Adjustments [14-10-115(13)(b), C.R.S.]		\$ 0	\$ 0
7. TOTAL ADJUSTMENTS (For each column, add 6a, 6b, 6c, 6d and 6e. Subtract line 6f. Add two totals for Combined column amount)		\$ 225	\$ 75
8. EACH PARENT'S FAIR SHARE OF ADJUSTMENTS (Line 7 Combined column times line 3 for each parent)		\$ 150	\$ 150
9. EACH PARENT'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION (Add lines 4b (or line 5 if less) and line 8 for each parent)		\$ 279	\$ 340
10. PAYING PARENT'S ADJUSTMENT (Enter line 7 for parent with less parenting time only)		\$	\$ 75
11. RECOMMENDED CHILD SUPPORT ORDER (Subtract line 10 from line 9 for the paying parent only. Leave receiving parent column blank)		\$	\$ 265

COMMENTS:

*The children reside with one parent for 273 or more overnights per year. If this is not the case, use Worksheet B.
 **This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to § 14-10-115(1.5) (b) (I), C.R.S.

PREPARED BY:

DATE:

LOW-INCOME ADJUSTMENT WORKSHEET

If the parents' combined monthly adjusted gross income is more than \$850 and the monthly adjusted gross income of the parent with fewer overnights per year is less than \$1850, use this calculation worksheet to determine the adjustment allowed for that parent.

Low-income adjustment calculation

Adjusted monthly gross income of parent with fewer overnights (paying parent) from line 2
 \$ 1,000 minus \$900 = \$ 100 times 40% (.40) = \$ 40

Plus one of the following, according to number of children

1 child = \$75 2 children = \$150 3 children = \$225
 4 children = \$275 5 children = \$325 6 or more children = \$350 + \$ 150

Low-income adjustment amount \$ 190

If this amount is less than the amount on line 4b (on page 1) for the parent with fewer overnights per year, this parent qualifies for the Low-income Adjustment. Enter this amount on line 5 in that parent's column on page 1. If this number is a negative or zero, enter zero.

HEALTH INSURANCE PREMIUM CALCULATION

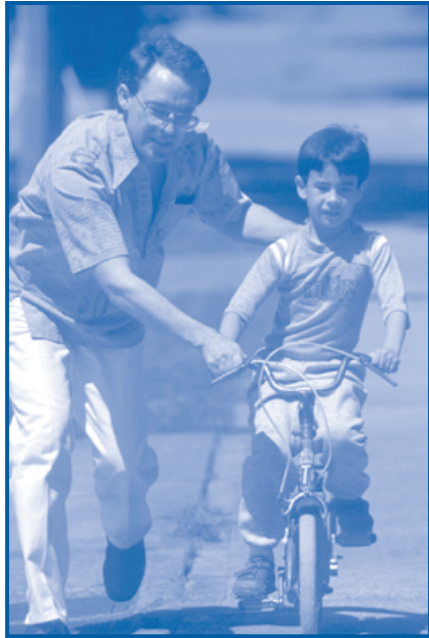
If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 6c on page 1 of this form.

$$\begin{array}{ccccccc}
 \$ & + & = \$ & \times & = & & \\
 \text{Total} & & \text{Per Person Cost} & & \text{Children's Portion of} & & \\
 \text{Premium} & & & & \text{Cost of Health} & & \\
 & & \text{by the Policy} & & \text{Insurance Premium} & & \\
 & & & & \text{(Enter on line 6c)} & & \\
 & & & & & &
 \end{array}$$

Deviations from the Guidelines

In the overwhelming number of cases, the amount that results from the child support guidelines calculation is the amount of support that will be due. The law presumes that the results of a guidelines calculation are fair and appropriate.

It is possible to overcome the presumption and deviate from the amount of support indicated by the guidelines calculation. This can be done when a parent can show the court that using that amount would be unjust or inappropriate. Usually this will require a very compelling reason, such as catastrophic medical bills or a similar devastating expense. The fact that a monthly child support payment could make it difficult for a parent to afford a cabin in the mountains won't cut it. This ruling can only be made by a judge.



The Family Support Registry

After a determination of legal responsibility and the calculation of a support amount have been done, a child support order will be entered. It will state the monthly amount due, on what date each month it is due, and where the payments should be sent.

Your child support payments will not be made directly to the other parent or the local court. Instead, your checks will go to the Family Support Registry (FSR). The FSR is an operation devoted solely to the receipt and disbursement of child support payments. Upon receipt of your payment, the FSR will record the date and the amount of the payment and, if appropriate, forward the money to the other parent in a matter of days.

A key goal of the FSR is to provide effective customer service to both parents. You may call at ([303] 299-9123 or 1-800-374-6558 if you have questions about your payments. Customer service representatives are available from 8 a.m. to 6 p.m. Monday through Friday. During other hours, you can access payment information using an automated voice response system in both English and Spanish. County child support enforcement units have computer access to the information on the FSR, enabling them to instantly track payments in their child support cases.

Duration of a Child Support Order

So how long does your support order stay in effect? Generally speaking, the order lasts until the child reaches age 19. If the child is still in high school when he or she turns 19, the duty to provide support continues until the month following graduation. You may have to take court action to see that your child support obligation is formally stopped. An order may also stay in effect past the child's 19th birthday if the child is mentally or physically disabled and continues to need financial support.

The Importance of Current Information

By law, you are required to keep the county child support enforcement unit informed regarding any changes in your address, phone number, and employment. This ensures that the payments you make continue to be credited to your account, and that your children continue to receive the support you provide. Just call the child support office to report any changes.

Modifying a Child Support Order

As you know, the initial calculation of child support is done at the time the original child support order is entered. However, the law recognizes that circumstances, as well as income and expenses, may change over time. The process of updating an existing child support order to reflect these changes is called *modification*.

The law says that a modification of the amount of a support order is called for if a recalculation of the support amount using the child support guidelines shows a change of *at least* 10% when compared to the existing support order. This means ten percent

up OR down. If you think a change in your income, the other parent's income, or some related expense necessitates a change in the support amount, your first step should be to run the numbers through a new child support calculation. If the resulting figure differs from the current child support order by more than 10% either way, a modification may be in order.

Some of the more common situations that may lead to a modification include:

- a significant change in parental responsibility time, such as the number of nights a child spends at a parent's residence
- a parent's loss of employment
- the return of a parent to school

Remember, though, that the key factor is still whether the event in question leads to a continuing change in the support order of at least 10%. The above events may—or may not—by themselves lead to a change in the amount.

You may think you are entitled to a modification if your ex-spouse has remarried. However, the guidelines only take into account the incomes of the two parents of the child in question. So it doesn't matter if your ex marries a brain surgeon who makes a fortune—that income will not be counted in your child support calculation.

Likewise, if you were to remarry someone who had children, you may want to receive credit for the amount of money your new household devotes to your stepchildren. But you can't. Again, the relevant incomes are those of the children's parents—in this case, your new spouse and her ex. You can claim these children as a deduction from your gross income for purposes of child support *only* if you legally adopt them.

If you believe you are entitled to a modification of your support amount, you may contact the child support enforcement unit in writing to seek their assistance. You may also try to bring a legal action to modify your support order to court independently, with or without the assistance of an attorney.

Enforcing a Child Support Order— the Income Assignment

As you're probably aware, the non-payment of child support in the United States is an all too common problem. To address the high rate of non-compliance, child support agencies have been given special tools to collect child support not granted by law to other kinds of creditors.

The most widely used and effective mechanism for child support collection is the income assignment. Also sometimes called a wage assignment, the income assignment works in much the same way as a conventional garnishment. A notice is sent to the obligor's employer directing the employer to withhold an amount for child support directly from the obligor's pay. The employer then forwards the money to the Family Support Registry.

An income assignment has a number of advantages over a regular garnishment, however. First, while a garnishment is effective for 90 days, an income assignment can run for the entire length of the child support obligation without ever having to be renewed. An income assignment may be used not only on salary and wages, but also on sources of income such as retirement benefits, workers' compensation payments, dividends, capital gains distributions, and unemployment compensation.

In many cases, an income assignment will be put into effect immediately upon the entry of a child support order. In this way, the support can begin flowing to the children right away without the need for you to ever write a monthly support check. Employers are quite accustomed to dealing with income assignments, and they send tens of thousands of payments to the Family Support Registry each month.

If you are paying child support via an income assignment and subsequently change jobs, you must immediately notify the child support enforcement unit. Let them know who your new employer is so that a new income assignment can be activated and no future child support payments will be missed. By doing this, you can avoid becoming the target of one of the many other enforcement tools the child support enforcement unit has at its disposal. You should also be sure to have a new income assignment sent to your employer if your child support amount is ever modified.

Keep in mind that the activation of an income assignment does not stop the possibility that a tax refund, lottery intercept or other enforcement activity could occur if payments are not regularly paid as agreed upon or if you owe a child support arrearage.

Other Enforcement Tools

Colorado law gives the child support enforcement unit the power to compel compliance with a support order in several other ways. Among these are:

- ✓ **Deductions for Health Insurance:** this involves a notice similar to that used for an income assignment that is sent to an employer directing the employer to enroll the children in the employer's health insurance plan and to deduct the premium payments from the obligor's pay.
- ✓ **Liens on Bank Accounts:** if the support enforcement unit discovers an obligor has an account at a financial institution, it will freeze the account to cover the amount of any back child support due.
- ✓ **Tax Refund Intercepts:** an obligor owing child support may see his state and federal tax refunds intercepted by the child support enforcement unit to cover the amount of the support arrearage.
- ✓ **Lottery Intercepts:** if you're lucky enough to pick the right numbers in the lotto drawing, you may lose your winnings if you owe unpaid child support.
- ✓ **Suspension of licenses:** the child support enforcement unit can seek to have your driver's license, hunting or fishing license, and license to practice your occupation suspended if you are behind in your child support payments.
- ✓ **Directory of New Hires:** it is no longer possible to avoid paying support by frequently changing jobs. All Colorado employers must report their new hires to the IV-D agency, who will then match this information against its list of child support obligors. An income assignment is sure to follow.
- ✓ **Reporting to Credit Bureaus:** the IV-D agency regularly reports child support orders to the major U.S. credit bureaus. Unpaid child support amounts could mar an obligor's credit report

and make obtaining credit very difficult, while a consistently paid child support order could help a credit report.

- ✓ **Liens on Real and Personal Property:** the child support enforcement unit can place liens on real estate as well as on personal property like cars and boats if large amounts of unpaid child support accumulate.
- ✓ **Contempt:** an obligor who repeatedly fails to comply with a child support order can be brought before a court on contempt charges. The possible punishments include jail time.
- ✓ **Interstate Cases:** fleeing to another state to avoid a child support obligation usually doesn't work. Every state has its own IV-D agency that will help Colorado enforce a support order across state lines. Colorado also has the ability to send an income assignment directly to employers in other states.

As you can see, the child support enforcement unit has broad powers to enforce support orders. The best way to avoid being on the receiving end of one or more of these enforcement tools is to stay current in your child support payments.

Parenting Time and Decision-Making Responsibilities

These two subjects—which used to be known as “visitation” and “custody”—are of primary importance to all parents. They can also be significant to the calculation used to determine child support.

However, by law, the child support enforcement unit *cannot* assist either parent in establishing or changing parenting time or decision making. This is a legally separate issue from child support. If you need assistance with these matters, you should retain legal counsel.

The Colorado Fatherhood Connection has a helpful booklet that explains in more detail many of the legal wrinkles associated with parenting time and decision-making responsibilities. This booklet can be obtained by calling (303) 837-8466 x121 or it can be found on the web at www.coloradofoundation.org.

Mediation

Mediation can be an effective alternative approach to resolving the issues that arise in paternity and dissolution of marriage cases. Mediation provides a less adversarial method for both parents to work out plans for parental responsibility, parenting time, and other hard-to-solve matters. Mediation is almost always less expensive than court litigation.

Mediation provides parents with an opportunity to express their needs and wishes in a confidential setting. The goal of mediation is to reach an agreement that both parents had a voice in determining. The mediator assists in the process, but cannot force either party to agree to something they can't live with.

Although mediators in Colorado are not formally licensed, most have been through extensive training, including many who specialize in family mediation. Be sure to ask about a mediator's qualifications before you enter the mediation process.

You may seek a private mediator on your own. Try the Yellow Pages under "Mediation," or call your local Bar Association for references. You may also use the services of the Office of Dispute Resolution (ODR) of the Colorado court system. The Office of Dispute Resolution has mediators in almost every area of the state. You can contact the ODR mediation program in your area at the following telephone numbers:

Arapahoe County: (303) 649-6275
Aspen, Glenwood Springs, Meeker, and Rifle: (970) 947-3855

Breckenridge and Georgetown:
(970) 389-5333 or 926-8666

Canon City, Salida, and Fairplay:
(719) 269-0111

Colorado Springs: (719) 448-7777

Cortez: (970) 565-8699 or
(970) 565-3722 x128

Delta, Gunnison, and Montrose:
(970) 252-4308

Denver Metro: (303) 837-3672

Durango: (970) 247-0483 or 565-8699

Ft. Collins: (970) 219-5380

Ft. Morgan and Sterling:
(970) 542-9656

Grand Junction: (970) 874-7779

Greeley: (970) 351-7300 x4381

Pueblo: (719) 583-7046 or 583-7779

Steamboat Springs, Hot Sulphur Springs and Craig: (303) 722-5012
or (970) 879-7637 x5

Trinidad: (719) 846-1188

Walsenburg: (719) 738-1848

You can reach the director of the Office of Dispute Resolution in Denver at (303) 837-3667.

This booklet is designed to provide basic information on child support enforcement. The following resources can provide information on a variety of related topics.

Fatherhood Programs

Parent Opportunity Program

30 East Pikes Peak Avenue,
Suite 203
Colorado Springs, CO 80903
(719) 457-6335
Fax: (719) 457-6340
www.elpaso-pop.com

...offers a multitude of services including employment assistance and mediation for parenting time.

Larimer County Parenthood Program

1501 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6427

...serves as a community resource for fathers and families.

Mesa County Parental Responsibility Employment Program (PREP)

51029¹/₂ Road
Grand Junction, CO 81504
(970) 248-2780

...provides employment opportunities for fathers owing child support.

New Fathers Boot Camp

St. Joseph Hospital
1835 Franklin Street
Denver, CO 80218
(303) 866-8280
www.newdads.com

...provides hands-on training for new fathers.

John Inmann Work and Family Center

877 Federal Blvd.
Denver, CO 80204
(303) 825-1115

...provides services to ex-offender fathers.

Legal Assistance

Colorado Bar Association

1900 Grant Street
Denver, CO
(303) 860-1112

Colorado Rural Legal Services

417 State Avenue
Alamosa, CO
(719) 589-4993

1474 Main Street
Durango, CO
(970) 247-0266

424 Pine Street
Fort Collins, CO
(970) 493-2891

209 State Street
Fort Morgan, CO

101 South Third
Grand Junction, CO
(970) 243-7940

800 8th Ave., Suite 202
Greeley, CO
(970) 353-7554

12th & Grand
Montrose, CO
(970) 249-9658

Legal Aid Society of Metropolitan Denver

1905 Sherman Street, #400
Denver, CO
(303) 837-1313

Metro Lawyer Referral Service

899 Logan Street
Denver, CO 80203
(303) 831-8000

Pikes Peak/Arkansas River Legal Aid

617 South Nevada Avenue
Colorado Springs, CO
(719) 471-0380

409 North Main, Suite 209
Pueblo, CO
(719) 545-6686

On the Internet

Colorado Division of Child Support Enforcement

www.childsupport.state.co.us

...features separate areas for custodial and non-custodial parents, as well as for employers.

U.S. Office of Child Support Enforcement

www.acf.dhhs.gov/ACFPrograms/CSE/index.html

...provides general information about a wide range of subjects related to child support. Probably its most helpful feature is a list of links to other web sites, including those of many state child support enforcement programs.

Parenting Tips

www.beafanofyourkid.org

...Be a Fan of Your Kid provides dads and father figures with tips, suggestions and resources on positive fathering and how to be better role models for their kids.

Family Strengthening

www.coloradostrengtheningfamilies.org

...get involved in your community to assure families are strong and functioning.



Glossary

Administrative Process: the child support enforcement unit's method of handling child support cases outside of the court system.

Affidavit: a written statement made under oath.

Colorado Revised Statutes (C.R.S): the compilation of Colorado's laws.

Contempt of Court: failure to show respect for an order of a court.

Continuance: the postponement of a scheduled court hearing.

Decision-Making Responsibility: formerly known as custody, this is a mediated written plan on behalf of the children.

Default: when an order is entered against a party when that party fails to respond to legal papers or appear at a court or administrative hearing.

Dissolution of Marriage: The term Colorado law uses to describe a divorce.

Emancipation: when a child no longer is legally under the control or supervision of his or her parents, and the parents bear no legal responsibility for financial support.

Establishment: the entry of an initial order for child support.

Family Support Registry: the central payment-processing center for child support payments in the state of Colorado.

Garnishment: a notice ordering a third party, such as an employer, to forward money to satisfy a child support obligation.

Guidelines: the child support guidelines are the formula used to calculate the appropriate amount of child support for both parents.

Income Assignment: an enforcement tool used by the child support enforcement unit to intercept money directly from third parties, such as employers, who owe money to or hold the assets of the obligor.

IV-D: the term given to the child support program located in the law in Title IV-D of the federal Social Security Act.

Lien: a party's claim on someone else's real or personal property as payment for a debt.

Modification: the change in an existing child support order often occurring because of changed financial or living arrangements.

Negotiation Conference: the initial meeting in the administrative process between a parent and personnel from the child support enforcement unit to reach a legally enforceable agreement on issues in a child support case.

Obligee: a party receiving child support payments.

Obligor: a party ordered to make child support payments.

Parenting Time: formerly known as visitation, this is the time parents spend with their children. It is *not* a part of the overall responsibility of the child support enforcement unit.

Paternity: an order establishing a legal father and child relationship.

Pro se: when a person chooses to act as his or her own attorney in a legal action.

UIFSA: the Uniform Interstate Family Support Act, the law that governs the establishment, enforcement, and modification of child support in interstate cases, when one parent and the children live in a different state than the other parent.



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