

**CONCERNING PROCEEDINGS PERTAINING TO CHILD SUPPORT OBLIGATIONS, AND, IN CONNECTION THEREWITH,  
REQUIRING SPECIFIED ADVISEMENTS AND AUTHORIZING THE ALLOCATION OF PARENTAL RESPONSIBILITIES AT  
SUCH PROCEEDINGS**

**SB 05-181**

*Sponsors: Senator Steve Johnson and Representative Cheri Jahn*

SECTION	NEW LANGUAGE	CURRENT LANGUAGE	REASON FOR CHANGE
<p><b>Requests for genetic testing</b></p> <p><b>SECTIONS:</b></p> <p><b>1:</b> §14-10-107 (2) (h), C.R.S.</p> <p><b>2:</b> §14-10-124(3.5), C.R.S.</p> <p><b>3:</b> §19-4-105.5 (3), C.R.S.</p> <p><b>5:</b> §19-4-111(1), C.R.S.</p> <p><b>6:</b> §19-6-101 (6), C.R.S.</p>	<p>Adds written and verbal advisements that: a request for genetic testing will not prejudice the requesting party in a request for allocation of parental responsibilities; and, that genetic testing must be requested prior to the entry of a final order establishing legal paternity. These advisements are provided as follows;</p> <ul style="list-style-type: none"> <li>◦ In writing in the petition for dissolution of marriage or legal separation.</li> <li>◦ Adds a new paragraph to the “Best Interests” of the child statute stating that a request for genetic testing will not prejudice the requesting party in the allocation of parental responsibilities.</li> <li>◦ In writing in the summons for a paternity action.</li> <li>◦ Verbally during pre-trial hearings in paternity actions.</li> <li>◦ In writing in the petition for actions to establish child support.</li> </ul>	<p>The procedures for genetic testing to determine paternity are found in §13-25-126, C.R.S. Timeframes for bringing actions to determine the existence or non-existence of the father-child relationship are found in 19-4-107, C.R.S. and in case law, particularly People in Interest of R.T.L., 780 P.2<sup>nd</sup> 508 (Colo 1989).</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>	<p>To give additional notice to alleged or presumed fathers regarding their rights to dispute paternity and request genetic testing and the time limitations on that right.</p> <p>This change will ensure that all parties, regardless of the level of legal counsel involvement, are aware of the need to request genetic tests in a timely manner. This should reduce post-decree challenges to paternity in the future.</p> <p>Do not want a request for genetic test to prejudice the court’s determination when allocating parental responsibilities.</p> <p>Require that notice of the right to genetic testing be given when a determination of paternity may result. See Section #1</p> <p>Require that notice of the right to genetic testing be given when a determination of paternity may result. See Section #1</p> <p>Require that notice of the right to genetic testing be given when a determination of paternity may result. See Section #1</p>

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<p><b>8:</b> §19-6-104 (1.5), C.R.S., and</p> <p><b>10:</b> §26-13.5-103 (1) (a.5), C.R.S.</p>	<ul style="list-style-type: none"> <li>◦ Verbally in hearings held in actions to establish child support.</li> <li>◦ In writing in the notice of financial responsibility for the establishment of paternity or child support</li> </ul>	<p>. None</p> <p>. None</p>	<p>Require that notice of the right to genetic testing be given when a determination of paternity may result. See Section #1</p> <p>Require that notice of the right to genetic testing be given when a determination of paternity may result. See Section #1</p>
<p><b>Personal jurisdiction over non-resident in paternity and support actions</b></p> <p><b>SECTIONS:</b></p> <p><b>4.</b> §19-4-109(2), C.R.S. , and</p> <p><b>7.</b> §19-6-103(2), C.R.S.</p>	<p>Fixes improper references to court rules and clarifies how personal jurisdiction is obtained over non-residents.</p>	<p>Refers to non-existent Court Rule (4f). Conflicts with the Uniform Interstate Family Support Act (UIFSA) regarding how personal jurisdiction over a non-resident is obtained.</p>	<p>To fix improper statutory reference and to make two areas of law consistent regarding how personal jurisdiction is obtained over non-residents.</p>
<p><b>Judicial authority to enter orders allocating parental responsibility in child support proceedings</b></p> <p><b>SECTION:</b></p> <p><b>9.</b> §19-6-104 (3.5), C.R.S.</p>	<p>Allows courts to enter parenting time and decision-making orders in a child support action if requested by a parent.</p>	<p>Currently in a child support action involving unmarried parents brought under Article 6 of Title 19, the “Support Proceedings Act”, some courts question their authority to issue an order regarding decision making or parenting time if requested by a parent. Therefore, the parties must file a separate action to address parenting time and decision making issues.</p>	<p>This change makes it clear that courts may order allocation of parental responsibilities, if requested, in a child support proceeding. Courts already have this authority in dissolution of marriage (14-10-123, C.R.S.) and paternity proceedings (19-4-116, C.R.S.). This change will remove an obstacle for parents and will save court time.</p> <p>Research has connected regular child support payments to the parents’ active involvement in their child(ren)’s lives. The additional time and expense of filing a separate action for parenting time and decision-making discourages parents from becoming involved in their children’s lives.</p>
<p><b>SECTION 11.</b> Effective dates</p>	<p>Sections 1, 2, 3, 5, 6, 8 and 10- effective date January 1, 2006;</p>		<p>To provide time for Judicial Department to implement changes to forms and provide training to the courts.</p>

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	<p>Sections 4, 7, 11 and 12 – effective upon passage;</p> <p>Section 9– effective July 1, 2005 for all actions filed on or after this date.</p>		