



CHILD SUPPORT ENFORCEMENT

by Amanda King

Child support is a required payment made by a parent for the financial benefit of a child after a divorce or other dissolution of a relationship. This issue brief summarizes how child support orders are issued, details elements of child support enforcement units and various child support enforcement mechanisms, outlines the Colorado Child Support Collection Consumer Protection Act, and provides information on cases that involve noncustodial parents who live outside Colorado.

Child Support Orders

Child support orders can be issued either by a court or through an administrative process in accordance with Title IV-D of the federal Social Security Act. In most situations, federal law requires that child support be withheld from the noncustodial parent's income regardless of whether support payments are in arrears. To ensure accurate, legal records of all child support payments, the Division of Child Support Services in the Department of Human Services maintains the Family Support Registry, which receives, processes, distributes, and maintains a record of payment of child support. Additionally, local courts are responsible for certain child support issues, such as modifications to child support amounts and custody changes.

Child Support Enforcement Units

County child support enforcement units assist parents in locating noncustodial parents, establishing paternity, seeking child support or medical support orders, and enforcing child support or medical support orders. If a noncustodial parent is not paying child support, the custodial party may file an income withholding

order with the noncustodial parent's employer without a court order. The custodial party may contact his or her local child support enforcement unit to request an application, or the custodial party may apply online at:

www.childsupport.state.co.us

There is a one-time \$20 application fee. Once the application is filed, the county child support enforcement units will start enforcing the order as appropriate, depending on the available information about the noncustodial parent and his or her employment and assets.

Additionally, under the federal Deficit Reduction Act of 2005, an annual \$25 processing fee is deducted from the amount received by the custodial parent for child support payments in certain cases.

Child Support Enforcement Mechanisms

In those cases in which a noncustodial parent's wages are not immediately withheld, federal law requires a wage withholding to activate if the noncustodial parent is one month or more behind in child support payments. Additionally, county child support enforcement units can employ the following enforcement remedies when a noncustodial parent becomes delinquent in his or her child support payments:

- driver's license suspension;
- professional, occupational, and recreational license suspension;
- passport denial, revocation, or limitation;
- credit reporting;
- unemployment compensation benefits intercept;
- workers' compensation benefits intercept;
- state vendor payment intercept;

- federal and state tax return intercept; or
- gaming and lottery intercept.

The following judicial actions can also be employed when a noncustodial parent fails to pay child support:

- judgments for past due child support;
- liens against personal property, real property, or motor vehicles;
- filing for contempt of court, which can result in the person being fined or jailed;
- attaching assets using Rule 69 of the Colorado Rules of Civil Procedure when the person obligated to pay child support does not have a verifiable income source or real property against which a lien could be placed;
- continuing garnishments that can take up to 65 percent of the person's disposable earnings; or
- a one-time garnishment executed on non-income, personal property such as bank accounts.

Further information about child support enforcement procedures can be found in the Colorado Child Support Enforcement Procedures Act, the Colorado Child Support Enforcement Act, and the Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support.¹ Also, A Parent's Guide to Child Support issued by the Division of Child Support Enforcement in the Department of Human Services may be a helpful resource.

Colorado Child Support Collection Consumer Protection Act

A custodial party may contract with a private collection agency at any time, for a fee, which usually includes a certain percentage of the support paid. The Colorado Child Support Collection Consumer Protection Act outlines the practices for private collection agencies that contract with parents for the collection of child support and states that private child support collectors are subject to the Colorado Fair Debt Collection Practices Act.² The Colorado Child

¹Article 14 of Title 14, C.R.S., Article 13 of Title 26, C.R.S., and Article 13.5 of Title 26, C.R.S.

²Article 14.1 of Title 12, C.R.S., and Article 14 of Title 12, C.R.S.

Support Collection Consumer Protection Act outlines the prohibited practices for private child support collectors, when fees can be charged to someone who is owed child support, the requirements for private child support enforcement service contracts, the accounting requirements for collections, and the administrative enforcement of the act.

Cases That Involve Noncustodial Parents Who Live Outside Colorado

Interstate cases. All states are governed by the same federal regulations for child support programs, so enforcement should be the same from state to state. However, child support orders that are sent from state to state can be more difficult to enforce. When a child support case involves a noncustodial parent who lives outside of Colorado, the county child support enforcement unit will work with the other state's child support enforcement agencies. According to the Colorado Division of Child Support Services, it can take an average of 90 days to get a case open in another state. Many factors can influence how long it takes to begin receiving money, such as whether or not a child support order already exists and how quickly the other state can serve the party obligated to pay support with the paperwork.

Noncustodial parents who move to another state to avoid child support obligations can be prosecuted under federal law. The punishment for this offense can include both a fine and imprisonment.

International cases. The federal Office of Child Support Enforcement within the U.S. Department of Health and Human Services assists states and countries with child support cases when family members live in different countries. Other countries will enforce child support orders if reciprocity exists with them. According to the federal Office of Child Support Enforcement, the U.S. government has arrangements with 26 foreign countries and provinces to provide child support services. The office also states that custodial parties should work with his or her county child support enforcement unit in cases that involve a noncustodial parent who lives outside the United States. Additional information about the federal Office of Child Support Enforcement can be found at:

www.acf.hhs.gov/programs/css.