

Child Support Worksheets and Working with County Child Support

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How Do These Cases Start

- Divorce (District Court)
- Paternity and Child Support (Juvenile Court)
- Dependency and Neglect (Juvenile Court)

Parentage and Why Does It Matter?

- Only legal parents are required to pay support C.R.S. 14-10-115(2)
- The Court determines a child's legal parents C.R.S. 19-4-104
- Our court will determine paternity/maternity if needed by following the Uniform Parentage Act (C.R.S. 19-4-101 et seq.)
- There is a duty to notice all presumed and alleged parents (In re the Support of E.K., J.K, and P.K., 2013COA99)
 - Without proper notice to all presumed and alleged parents, the court lacks subject matter jurisdiction
- If paternity is contested in Denver, our court will determine if a GAL is needed and will follow requirements of C.R.S. 19-4-105(2)(a) to determine who should be legal parents. Clear and convincing standard.

Child Support Guideline Worksheet (GWS)

ABOVE THE LINE.....C.R.S 14-10-115 has all the law!

Start with Gross Income

- What is gross income? And what most affects income.....
- Is the child under 30 months?
- Imputing income
- How does the Court feel about full time students who do not work?
- Is a parent receiving TANF (Temporary Aid for Needy Families) or other means tested benefits?
- Incarcerated parents
- Overtime income vs second job
- Self employment

Other GWS entries that affect parent's incomes....

- Child support paid to others
 - Court ordered or not
- Support for non-joint children
- Maintenance
- Number of children on the GWS
- Overnights (deviations)



Other children of the parents?

- Parents get credit for other children they have a legal responsibility to support (biological or adopted living in their home)
- The rule about afterborn children is gone!
 - C.R.S. 14-10-115(6) This is an adjustment to gross income



Below the line.....

○ Once you have determined all the items above the line, the legislative formula determines the percentages and the amount that is to be divided between the parents for child support. These amounts are found in the child support table in CRS 14-10-115(7).

○ The items below the line are, mathematically, simply divided by the percentages determined above, thus they can impact the bottom line amount much more

Other Expenses

- Child care costs can be added with or without the tax impact depending on your worksheet. Actual costs are added to the worksheet and child support is not “imputed” . *In Re Mackey* 940 P.2d 1112 (Colo. App 1997) (work related or education related)
- Health insurance-child’s portion only
- Extraordinary medical
- Extraordinary other expenses (reasonable and necessary standard such as private school, transportation)
- Items that might reduce need of the child (example: income of the child, SSI received by the child or SSDI derivative received by the “custodial parent” on behalf of their own disability)

Deviation.....

- It's not just overnights anymore....the Court has discretion to deviate if a parent exercises considerable day time parenting time
- C.R.S. 14-10-115(8)(e) this could be a deviation and must be accompanied by findings "specifying the reasons"
- Deviations are also possible for "medical expenses, extraordinary costs associated with parenting time, gross disparity in income between the parents or overtime not considered in gross income"

Other Common Support Issues

- Retroactive support in juvenile court C.R.S. 19-4-116 (including birth related costs)
- Birth related costs NOT available in a divorce retroactive request
- Medical Support C.R.S. 14-10-115(10)
- Dependency Exemptions C.R.S. 14-10-115(13)



WORKING WITH CHILD SUPPORT SERVICES

Every county has Child Support Services either contracted or county run

Why Child Support Services?

- Human Services Code, C.R.S. 26-13 (Child Support Enforcement Act and 13.5 (Administrative Procedure for Child Support and Enforcement)
- Parent may be accessing county benefits such as Child Care Assistance (CCAP) or TANF (Temporary Aid to Needy Families or Colorado Works)
 - These cases are called referrals as parents are required to cooperate with CSS to receive the benefits. This is based on Title IV-D of the Social Security Act, thus IV-D Attorney title
 - Private cases
 - Any parent can apply for child support enforcement
 - Why would they do that? One time \$20 fee and child support has administrative remedies as well as a pretty well oiled machine to implement enforcement and collection

How to work with CSS

- Technicians (who are they?)

 - Who to call?

- Attorneys

 - Who represents who?

 - Child support attorneys represent their county not either parent

 - They often have income information or have gathered information to assist the court in determining a child support order

Administrative Remedies

- Driver's license suspension
- Professional license suspension
- Recreational license suspension
- Passport Denial
- Lottery winning intercept
- Federal and state tax intercept
- Garnishments, liens, and credit reporting

Resources

- www.courts.state.co.us (for Colorado forms and access to child support calculator)
- www.childsupport.state.co.us (Colorado Child Support Services)
- (720) 944-4347 (4DHS) Number to reach Department of Human Services-connects you to all services
- DHS is offering legal clinic called Family Law Open Forum one Tuesday per month at 1200 Federal, Denver, ROOM 1018 (room subject to be changed)
- C.R.S. on Family and Juvenile Law, Selected Statutes and Rules, Annotated 2018 by Continuing Legal Education in Colorado INC.
- Kelly Keane (720) 944-2409

QUESTIONS