

The following information is provided by Colorado Legal Services. It is intended as general information only, and is not meant as legal advice for any specific situation. If you need legal advice, consult an attorney.

Child Support Arrearage

("Arrearage" means owing something to another.)

There are many ways child support can be collected from a non-custodial parent. The custodial parent, or the Department of Human Services of this state or another state can try to collect it. In some cases, a court may order you to pay more than you can possibly pay, and in other cases you may be sent to jail, so there are serious consequences for failure to support your children. This information outlines the most common procedures followed and discusses some of your rights.

I. ESTABLISHING THE AMOUNT OF SUPPORT

The amount of child support can be set either by a Court Order, or by the payment of Aid to Families with Dependent Children (AFDC) for your child.

IA. Court Orders

Normally, child support is established in cases for dissolution of marriage (divorce), legal separation, child custody, or paternity. In such cases, the amount of child support is based on the gross income of both parents and the number of children supported by each parent. The Colorado Legislature has enacted a table of child support amounts, based on what they think families of different incomes spend on their children.

There is a computer on the second floor of the Larimer County Courthouse, just east of Courtroom 4, which is programmed to figure out how much child support is due. It asks a series of questions in each case, and then tells you the amount of child support which is provided by the table of child support. (To be able to work on the computer, please contact TINA in the Clerk of the District Court Office, 498-7918)

IB. Paternity Proceedings

If a child's mother says you are the father of the child, and you have not signed an affidavit saying you are the father, you are entitled to have a Court decide if the child is yours. If the Court says you are the father, you will be required to pay child support and to contribute to the expenses of the birth of the child. Furthermore, if the child has been receiving AFDC, you may have to repay the total amount of AFDC paid on behalf of the child, including medical expenses.

Procedure: A paternity case is usually started by a Petition for Paternity. This may be done by the mother of the child, the Department of Social Services, or by you. [Click here](#) for a copy of the Petition for Paternity form. [Click here](#) for a brochure from the Colorado state court website, "Answers to Your Questions about Paternity".

