

# **Colorado Legal Services**



Legal help for low-income Coloradans seeking assistance with civil legal needs

[www.coloradolegalservices.org](http://www.coloradolegalservices.org)

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## **Frequently Asked Questions about Child Support in Colorado**

### **How is a Child Support Order set up?**

Child Support will be set up in any dissolution of marriage (divorce), legal separation, annulment, paternity, or parental responsibilities (custody) case. It can also be set up in a separate child support case.

### **How is child support determined in Colorado?**

Courts follow a formula that was decided upon by the state legislature to determine child support. This formula generally combines the gross incomes of both parents, sets a basic child support obligation based on combined parental incomes, and divides the child support obligation between the parents based on their shared total parental income.

If a parent is not employed at all or only part-time, courts can "impute" income to that parent, which means the court can determine what a parent could potentially earn if s/he were employed full-time. Courts cannot, however, determine a potential income for disabled adults, parents who are full-time students working towards a certificate or degree, or parents caring for a young child less than 30 months.

Various factors taken into account in determining child support include, but are not limited to:

- Parenting time the child(ren) have with each parent
- Whether a parent is currently paying child support for another child, and whether s/he is paying alimony/maintenance to the other parent or a previous spouse
- Whether parents have other children in their home
- How much a parent is paying for health insurance for the child(ren), and how much a parent is paying for work-related and/or education-related childcare

### **How long will I have to pay child support?**

Child Support will generally continue until a child reaches the age of 19, unless the child is disabled or has not graduated from high school. If you disagree with the amount you have to pay or are being paid, see [Asking the Court to Modify Child Support](#) on this site.

### **My child support needs to be modified (changed). How do I do this?**

Child Support orders can be modified **if parental incomes have increased or decreased enough to result in at least a 10% change in the amount of the original child support order**, OR **if a parent is requesting that health insurance be added to the child support order.**

Common reasons for such a change in circumstance include:

- The child is now living with the other parent
- Either parent's income has changed significantly and not temporarily; or there is no longer a day care cost for the child

**IMPORTANT NOTE!** Added expenses (new car, house, etc.) **DO NOT** qualify for a modification

**First**, to ask the court to change the child support in your case, you must file a Motion to Modify Child Support - [click here](#) for instructions and copies of the forms (scroll to JDF 1403I for instructions and to JDF 1403 for the form). The information in the caption (top of the form) - the name of the court and parties, case number, etc. - should be the same as the information on the caption for your divorce or custody case.

In the main section of the motion, state why you believe it is necessary for the child support to be modified (for example if your income has gone up or down). At the end of your motion, request that the child support be modified as of the date of filing the motion. If you do that, and you are successful with your request, the modification will take effect sooner.

There is a fee for filing a Motion to Modify, but if you are low-income, you can complete paperwork to request the fee be waived by the court. [Click here](#) and scroll down to JDF 205 and fee waiver information.

**Second**, you must mail a copy of the motion to the other parent or to their attorney if they are represented. On the motion you will complete the "Certificate of Mailing" that confirms you've sent it. It is proper to mail the motion to the other parent **before** you take it to the courthouse so it accurately shows that the other party was already mailed a copy.

The court may send any orders they issue directly to the other party. However, if the court does not provide a copy directly to the other party, it is your responsibility to make sure they receive it.

**Third**, you'll receive direction from the court about the next step. For example, some counties will set status conferences and some will require mediation. Make sure the court has a good address for you and check your mail regularly.

**Fourth**, if you have a hearing, you will be told what paperwork to complete prior to the hearing. Some counties may have you bring this paperwork to the hearing; others will require that it be

filed in advance. You will likely need to complete a Sworn Financial Statement, [click here](#) and scroll to JDF 1111, and you must prepare a Child Support Worksheet, [click here](#).

For more in depth instructions on how to modify child support provided by the Colorado Judicial branch [click here](#) and scroll to JDF 1403I.

### **What is the Child Support Enforcement (CSE) unit? Can they help me?**

CSE Units exist for every Colorado county through the Department of Social Services. They help parents establish a child support order, collect child support that has already been ordered, or modify an existing order. They will also assist you in establishing paternity if necessary.

Support from CSE is available to everyone, not only for those families receiving public assistance such as Temporary Aid to Needy Families (TANF) or AND.

For more information on CSE Services, [click here](#) to go to their website.

### **I need to file for divorce or custody. Will the Child Support Enforcement (CSE) unit handle this for me?**

No. The CSE Unit only handles matters related to establishing and enforcing child support orders. If you need to file for divorce or custody, you will either have to do it yourself or hire an attorney. [Click here](#) for information about filing for divorce in Colorado from this site, and [click here](#) for some information about how to file for custody in Colorado from the Colorado Judicial branch site.

### **How can I collect child support owed to me?**

Contact your local Child Support Enforcement unit and request help collecting your child support. There is a small fee if you are not a TANF recipient.

[Click here](#) to learn more about the Colorado Child Support Enforcement Unit.

There are several different ways that CSE can enforce child support owed to you through the legal system, including the following:

- Garnishing wages or other sources of income
- Seizure of property or placing liens on property
- Tax Intercept: The Colorado Department of Revenue and the IRS can take past-due child support from the absent parent's tax refund
- Taking lottery wins
- Contempt Citation: a contempt proceeding may be started by filing a Verified Motion and Affidavit for Citation for Contempt of Court which would order the absent parent to pay support or to show up to court and explain why he or she has failed to pay support as ordered. Because there is a possibility of a criminal charge and incarceration, the absent parent may have the right to legal representation. [Here is more information about Contempt Citations.](#)

- Suspension of Driver's License or Professional/Occupational Licenses
- Reporting the debt to a credit reporting agency

### **I'm being sued for child support and I don't think the child is mine. What can I do?**

Colorado Legal Services has put together an informative page explaining paternity issues - [click here](#).

### **What happens if the other parent lives out of state?**

The court action to collect child support will be heard in the state in which the non-custodial parent lives. Contact your local Child Support Enforcement Unit because they can work with the Child Support Enforcement Unit in the state where the non-custodial parent is located to obtain a child support order for you.

### **What if the absent parent is not living in the United States? Would I still be able to collect child support?**

The U.S. Department of State has put together a website that lists all the countries that the U.S. federal government and individual state governments have child support enforcement agreements with, as well as what to do if there is no federal or state reciprocal arrangement on child support enforcement. [Click here](#) to view the site.

### **I'm a victim of domestic violence. Do I have to reveal my location to collect child support?**

While normally this information would have to be disclosed, parents who are victims of abuse from the absent parent can request that their information be kept confidential and not be revealed to the other parent.

### **The absent parent who owes child support is in the military. Does that affect how I will collect the child support s/he has not paid?**

The Defense Finance and Accounting Service has put together a website that has information about garnishing the pay of active, reserve, and retired members of the military and the pay of civilian employees of the Federal government for payment of child and/or spousal support. [Click here](#) to view the site.

It also provides you information to learn more about the Uniformed Services Former Spouses' Protection Act. [Click here](#) to view the information.

### **Interrogatories and Request for Production of Documents (forms)**

These forms are to be used in the Discovery Process to gather evidence when you do not know the income of the other parent when you are modifying child support orders. (You will need Acrobat Reader to open these forms. Download Acrobat Reader [here](#).)

Was this resource helpful? [Click here](#) and let us know - thanks.

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