



2019 Family Law Legislative Update

Marie Avery Moses, Esq.
Lass Moses Ramp & Cooper, LLC

HB 1042—EXTENDING COURT JURISDICTION FOR VULNERABLE YOUTH

- Extends court jurisdiction to enter “custody” orders for individuals under age of 21 years old if necessary for **Special Immigrant Juvenile Status**

HB 1104—THE RIGHT TO RESPONDENT PARENTS' COUNSEL

- Parent who petitions to reinstate the rights of a parent-child relationship is entitled to appointed counsel

HB 1142— “SAFE FAMILIES”

- Permits a parent to use the assistance of a nonprofit organization to identify an appropriate and safe approved temporary caregiver to whom the parent can choose to **delegate temporary care responsibility** of a minor through a power of attorney valid for up to 6-12 months.

HB 1177—EXTREME RISK PROTECTION ORDERS

- The court shall issue a temporary extreme risk protection order if it finds by a preponderance of the evidence that Respondent poses a **significant risk of causing personal injury to self or others in the near future** by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. **14 days/364 days**

HB 1189—WAGE GARNISHMENT REFORM

- **Reduces** the amount subject to garnishment from 25% to 20%;
- Also allows further reductions based on the needs of individual or his/her family.

HB 1282—ADMINISTRATION OF CASA PROGRAM.

- Creates a Colorado CASA non-profit to develop CASA programs in each judicial district to insure adequate training and funding

HB 1316—MODERNIZING MARRIAGE LAWS RELATED TO MINORS

- Must be 18 to get marriage license.
- Parents can no longer consent to underage marriages.
- 16 & 17 year olds can get married, but only with **court approval** after review of GAL report

SB 71—EXPANDING THE ADMISSION OF CHILD HEARSAY

- Any criminal, delinquency, or civil proceeding in which the child (a person under 13 years of age) is alleged to have been a victim; or
- Any criminal, delinquency, or civil proceeding in which the child describes all or part of an offense of unlawful sexual behavior.

HB 1215—CHILD SUPPORT

- Effective **July 1, 2019**; **except** that §14-10-115(3)(c.5) (mandatory school fees), (6)(b), (7)(a)(II)(B), (7)(a)(II)(C), (7)(a)(II)(D), (7)(b) (low income adjustments), (8)(g) (averaging of overnights), (11)(a), (11)(a)(I) (mandatory school fees), and (11)(c) (required application for disability benefits), takes effect **July 1, 2020**.

HB 1215—CHILD SUPPORT

- Adding a definition for "**mandatory school fees**" and requiring that such school fees shall be allocated between parents in proportion to income

HB 1215—CHILD SUPPORT

- Adding required **federal factors** that a court or delegate child support enforcement unit must consider when determining potential income of a parent who is **voluntarily unemployed or underemployed**

HB 1215—CHILD SUPPORT

- PARENT'S ASSETS; RESIDENCE; EMPLOYMENT AND EARNINGS HISTORY; JOB SKILLS; EDUCATIONAL ATTAINMENT; LITERACY; AGE; HEALTH; CRIMINAL RECORD; OTHER EMPLOYMENT BARRIERS; RECORD OF SEEKING WORK; LOCAL JOB MARKET; AVAILABILITY OF EMPLOYERS HIRING IN THE COMMUNITY, WITHOUT CHANGING EXISTING LAW REGARDING THE BURDEN OF PROOF; PREVAILING EARNINGS LEVEL IN LOCAL COMMUNITY; & OTHER RELEVANT BACKGROUND FACTORS.

HB 1215—CHILD SUPPORT

- Reducing from **30 months to 24 months** the length of time after birth that a custodial parent has before income is imputed;
- Changing how income is imputed for a parent sentenced to **incarceration** for 180 days or more

HB 1215—CHILD SUPPORT

- Changing provisions relating to imputing income to parent who is attending postsecondary education to require either **full-time enrollment** or **part-time school attendance combined with part-time employment**;

HB 1215—CHILD SUPPORT

- Huge reductions in basic child support obligations for **low income** parents:
 - \$650 per month or less = \$10 (total);
 - Increases self-support reserve to \$1,500/mo.
 - Reductions in basic support where combined income is less than \$3,450/mo.

HB 1215—CHILD SUPPORT

- Noncustodial parent must **notify** the custodial parent if a child is eligible for dependent benefits based on the noncustodial parent's retirement or disability and establishing time frames for custodial parent to **apply** for dependent benefits;

HB 1215—CHILD SUPPORT

- Colorado child support commission is required to consider **guidelines every 4 years**;
- Requiring a **verified copy of a support judgment** to be provided to all parties upon filing with the court

HB 1215—CHILD SUPPORT

- State child enforcement agency may issue notice of **administrative lien and levy** to any financial institution holding an obligor parent's account for an obligor who is past due on child support



2019 Family Law Legislative Update

Marie Avery Moses, Esq.
Lass Moses Ramp & Cooper, LLC