

# Calculating Child Support Debt Desk Aid

## **Statutes:**

14-14-104, C.R.S., Recovery of Child Support Debt

14-10-115, C.R.S., Child Support Guidelines

## **Volume 6:**

Section 6.700.38

## **Child Support Debt:**

Child Support Debt (Debt) is an obligation that becomes due whenever public assistance (PA) is paid by a county department of social services for or on behalf of a child. The PA can be in the form of Temporary Assistance for Needy Children (TANF) or IV-E maintenance payments or non-IV-E foster care placement costs.

**County Policy (Option) on Establishing Debt:** A county Child Support Enforcement Unit (CSEU) has the option to establish or not establish debt based on their county's policy. Contact your supervisor to determine your county's policy.

## **Compromise (forgiveness or reduction) of Debt:**

A county CSEU may only compromise debt due to their specific county unless it obtains written consent from a county or state that is also owed debt to compromise the amount due that county or state.

## **Calculation of Debt:**

Debt is calculated in one of two ways depending on whether a child support order already exists for the child receiving PA.

**Child Support Order Exists:** If a child support order exists for the child, debt is equal to the amount of arrears, if any, on that order, but shall not exceed the total amount of PA paid. If there are no arrears, then the debt judgment will be zero.

**No Existing Child Support Order:** If no child support order exists for the child, debt is equal to the monthly support obligation (MSO) times the number of months of PA, but not to exceed the amount of PA.

## **Volume 6 “Factors” that may be considered in Calculating Debt:**

Volume 6.700.38D lists several factors that a county CSEU may consider in calculating debt, including:

1. An increase in the parent's income since the date of child's birth that may result in the current monthly child support order being higher than it would have been at the time of the child's birth.
2. The length of time that a custodial party waited before requesting the services for the establishment of retroactive support, including whether the noncustodial parent knew or should have known about the existence of the children.
3. Special circumstances that may have inhibited the custodial party from requesting assistance from Child Support Enforcement at an earlier date.

# Calculating Child Support Debt Desk Aid

4. Direct cash or in-kind support provided by the noncustodial parent to custodial party for the children for periods prior to the entry of the support order.
5. Any circumstances beyond the control of the noncustodial parent which might have lengthened the time periods for which child support debt or retroactive support are being established including, but not limited to, non-cooperation by the custodial party.

## Calculation of Debt Involving Multiple Obligor:

If a custodial party receives PA for children that have different fathers, a debt judgment will be established against each noncustodial parent in each separate case. **The CP's portion of debt is not to be segregated (deducted) from total PA and shall be included in any judgment for debt.** The same formulas described above will be used in each case, and the PA is not divided between the NCPs; total Unreimbursed Public Assistance (UPA) may be established in each case.

### Example:

The CP has received TANF over the last 3 months in the total amount of \$5,000 for three children, each with a different father, and no child support orders exist. An MSO order and debt judgment will be established against each NCP. The debt in each case is calculated by multiplying the MSO times (x) the number of months (3) that the child has received TANF. If the MSO in the first case is \$1,000, the debt judgment will be \$3,000 (3 x \$1000). If the MSO in the second case is also \$1,000, the debt judgment will also be \$3,000 (3 x \$1000). If the MSO in the third case is \$200, the debt judgment will be \$600 (3 x \$200). All judgments will be enforced, however, the county may only be reimbursed a total of \$5,000 (the UPA). This method will also be used in caretaker cases.

## Calculation of Debt in Add A Child cases:

A debt judgment may be established in an Add A Child case for PA paid on behalf of the subsequent child(ren). There is no set formula by statute or rule on calculating the debt in such cases. The best practice is to calculate the MSO for all children (children on the existing case and the subsequent child(ren)) and then, from that amount, subtract (-) the existing MSO. Then multiply (x) the result of that figure by the number of months the subsequent child(ren) has been on PA (for example: \$500 (MSO for all children) minus (-) \$200 (MSO on existing order) equals = \$300 (MSO for subsequent children). Then multiply (x) the result of that figure by the number of months the subsequent children have received PA (\$200 x 3 months PA has been paid = \$600) = UPA debt judgment. That amount will be the debt judgment amount on the Add A Child order, but it cannot exceed the amount of PA for the subsequent child.