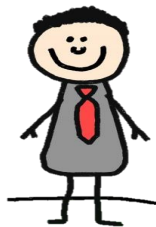


Manual Enforcement

Tracy Rumans
Policy and Evaluation Team Lead
Colorado Child Support Services

Manual Enforcement



Agenda

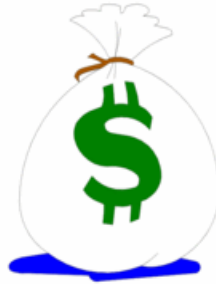


- * Locating assets
- * Entering your judgment
- * Manual enforcement remedies—which should you use?

Manual Enforcement

Steps in Manual Enforcement:

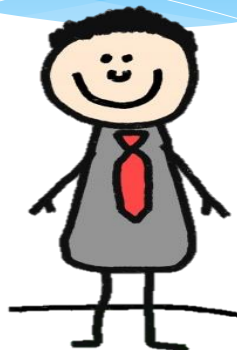
- * Manually Locating an Asset
- * Issuing a Judgment
- * Taking the Enforcement Action
 - * Liens
 - * Garnishments
 - * Rule 69



Manual Enforcement

Manually Locating an Asset:

- * Information from other party
- * Send out requests for information
 - * Skip trace letter
- * Locate screen data matches
 - * FIM to find personal injury or worker's comp claims



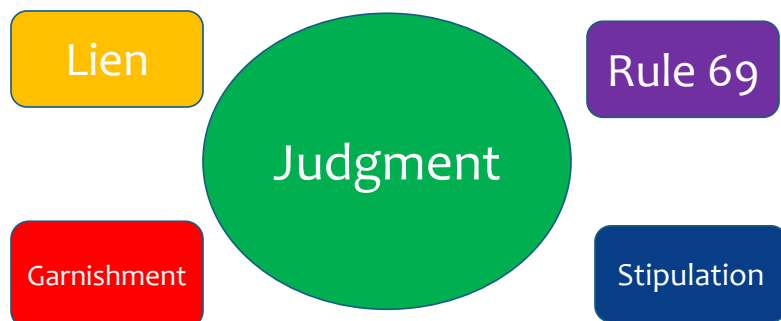
Manual Enforcement

Skip Trace letters



- * Credit Bureau Inquiry (CSE305)
- * Higher Education (CSE307)
- * Bank Letter (CSE 308)

Manual Enforcement



Manual Enforcement

Judgments

- * Court's determination of the rights and obligations of a party in a legal case
- * Types of judgments
 - * Administrative
 - * Entered by operation of law
 - * Judicial
 - * Judgment entered in court of a legal action

Manual Enforcement

Administrative Judgments

- * Occurs by operation of law without action or ruling from the court
- * Payment becomes a final money judgment when it is due and not paid
 - * C.R.S. § 14-10-122(c)
- * Entitled to full faith and credit and may be enforced in any court this state or any other state

Manual Enforcement

Judicial judgments

- * Court enters an order for a judgment
- * Can occur at any time during case
 - * Initial order for retroactive support
 - * Arrears determination
 - * Stipulation of parties
- * APA orders with judgment for debt or retroactive support



Manual Enforcement

Verified Entry of Judgment (VEJ)

- * In order to enforce a support judgment, file a verified entry of support judgment
 - * C.R.S. § 14-10-122(c)
- * Consolidates all missed payments into a single judgment
- * May be used to revive a judgment
- * Tool to record the judgment amount
- * CSE516, Procedure 9.3

Manual Enforcement

Verified Entry of Judgment (VEJ)

- * Protects the arrears for 20 years
 - * 20 year statute of limitation for support judgment
- * Reminders
 - * Calendar review 1 year before expiration
 - * Alert 90 days before expiration
 - * M455 report: Judgments expiring in one year
- * Opportunity for negotiation on arrears



Manual Enforcement

Liens

- * Legal interest that a creditor has in debtor's property
- * Prevents the sale or transfer of property
- * Does not force sale
- * Collects from equity in property
- * Remains in place for years until attempted transfer

Manual Enforcement

Liens

- * Real Property lien
 - * Most useful lien to use
 - * Don't need to know specific address of property
 - * File with clerk and recorder in county
- * Automobile
- * Personal Property (over \$5k)



Manual Enforcement

Liens

- * CSE530
 - * Notice of lien
 - * Clerk and recorder letter
- * File with clerk and recorder in county
- * Must issue release of lien once satisfied or case closed (CSE525)

Manual Enforcement

Liens

- * How to use this tool—choices available to county
 - * Require full payment up front
 - * Negotiate lump sum payment of less than full amount due to be paid up front
 - * Agree to receive payment as part of closing

Manual Enforcement

Garnishments

- * Writ of Garnishment with Notice of Exemption and Pending Levy
- * Writ of Continuing Garnishment
- * Writ of Garnishment for Employers

Manual Enforcement

Garnishment

- * Writ of Garnishment with Notice of Exemption and Pending Levy (CSE503)
 - * Use for insurance settlement payouts
 - * Procedure involves filing with court, serving holder of funds and obligor
 - * File lien with Secretary of State online

Manual Enforcement

Rule 69

- * Tool to discover information about obligor
- * Use for non-traditional earners
 - * Self-employed
 - * Paid under the table
 - * Arrears only cases



Manual Enforcement

Rule 69

- * Requires personal service on obligor
- * Warrant issued for non-appearance
- * Obligor required to provide information about financial situation
 - * Subpoena requires financial documents
 - * Obligor can be sworn in for testimony re assets

Manual Enforcement

More remedies...



- * Fraudulent transfer of assets
 - * Posting of bond
- * IRS full collection services

Meet Joe Buttons!



- * Joe owns a construction company
- * He has a rental property and owns his current residence at 123 Maple St
- * Joe has not made a child support payment since January 2016
- * A FIDM action was done against Joe in March 2016 and a payment of \$5200 was received
- * When Joe was contacted last week, he told his case manager he did not have any income and he could not pay?

What's up with Joe???

Meet Nancy Nofunds!

- * She is a sole-proprietor of an ice cream shop in Maine
- * She has not made a child support payment since May 2015 because it is cold in Maine and ice cream is not selling
- * The case manager is considering an interstate case but called Nancy first and learned
 - * Nancy is going to sell her house in August 2016
 - * She is moving to California to open a new ice cream shop
 - * She just got divorced and was awarded half of her ex-husband's pension

What do you know, Nancy??



Meet Janice Jackson!



- * Janice was in a car accident in December 2015
- * Janice has State Farm insurance (she called Jake!)
- * She has a beautiful family that has been financially hurting since the accident
- * Janice has not made a payment since November 2015

What's happening, Janice!

Introducing Danny Dinero!

- * Danny is a full time student
- * He owns a home in Cherry Creek
- * He also owns a time-share in Vail
- * Danny's children, Sadie and Penny are both adults. He bought them cars last year, a Lexus and BMW respectively (according to the CP)
- * No locate hits have been received on Danny since January 2015
- * He is receiving a VA benefit for his time in the service

Danny.....How you doing?

