

# Rule 69

## 2017 CFSC Conference

What is it?

How is it used in child support?

# What is a Rule 69?

Rule 69, C.R.C.P. provides for Execution and Proceedings Subsequent to Judgment. The Rule allows a creditor to either serve written interrogatories on the judgment debtor, who must be personally served under Rule 45, CR.C.P., or serve a subpoena on the judgment debtor to appear in Court to answer questions concerning property or assets.

# Why use a Rule 69?

Use this post-judgment remedy if the obligor does not have a verifiable source of income or real property against which to place a lien but you believe the parent has assets

# Good remedy for the self-employed





✓ Step 1:

Schedule a time and day to conduct the Rule 69 Hearing.

Generate through Document Generation the CSE 836(A-D) Subpoena to Produce packet.

After the CSE signs the CSE 836 (A-D) packet, file an original with the court. Request a date-stamped copy be returned to you.

✓ Step 2:



Original packet to file with court- with return of service, copy to file, and copy to process server to serve the ncp.

The obligor must be served 21 days prior to the hearing date



## ✓ Step 3:

If the obligor appears at court, conduct the hearing.

If the obligor fails to appear after being properly served, request that the court issue a bench warrant for failure to appear.

If the obligor is not properly served, vacate the hearing.

# The Rule69 Hearing

At the Rule 69 hearing:

1. Court places ncp under oath
2. Child Support Attorney or Legal Technician meets with ncp in a court conference room
3. Ncp is asked the Rule 69 questions
4. Ncp's answers are documented at the time of conference.
5. Court is informed if ncp cooperated and completed hearing or request a continuance.



Determine what action is appropriate based on the obligor's current situation:

Employment search assistance

Modification

Payment plan

Address barriers-housing, food, etc.

Lien- Real or Property

Contempt

# Any ???

Contact me if you have any future questions:

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## Thank you!