

# INSTRUCTIONS FOR COMPLETING AN INCOME ASSIGNMENT BASED ON CHILD SUPPORT AND/OR MAINTENANCE ORDERS

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

## GENERAL INFORMATION

- ◆ If you have a child support and/or maintenance (spousal/partner support) order, please determine the date of the order and complete the appropriate forms as identified in Options 1, 2, 3, or 4.
- ◆ Complete only the necessary forms required based on the date of your original child support and/or maintenance order or your modification order. Filing information is identified below for each form.
- ◆ For information and instructions regarding the federal Office of Management and Budget approved Income Withholding for Support, go to <https://www.acf.hhs.gov/css/resource/income-withholding-for-support-form>
- ◆ For additional information, regarding Colorado-specific requirements, please review Colorado Revised Statute §14-14-111.5. <http://www.lexisnexis.com/hottopics/colorado/>
- ◆ For information on the employer's responsibility regarding income withholding, please review this link <https://childsupport.state.co.us/siteuser/do/vfs/Frag?file=/cm:incomeWithholdingIns.jsp&pageID=employer>
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: [http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Petitioner:        | The person identified in the original Petition filed with the Court.         |
| <input checked="" type="checkbox"/> Co-Petitioner:     | The person identified in the original Petition filed with the Court.         |
| <input checked="" type="checkbox"/> Respondent:        | The person identified in the original Petition filed with the Court.         |
| <input checked="" type="checkbox"/> Income Assignment: | Standardized process for the collection of child support and/or maintenance. |
| <input checked="" type="checkbox"/> May:               | In legal terms, "may" is defined as "optional" or "can".                     |
| <input checked="" type="checkbox"/> Shall:             | In legal terms, "shall" is defined as "required".                            |

If you do not understand this information, please contact an attorney. You may also contact the Family Court Facilitator at your local courthouse, if one is available in your Judicial District.

## FEES

There is no filing fee. Other fees that a party to the case may encounter are as follows:

- |  |  |
|--|--|
| <input type="checkbox"/> Service Fees                                | Varies (not payable through or to the Court) |
| <input type="checkbox"/> Certification Fee                           | \$ 20.00                                     |
| <input type="checkbox"/> Copies of Documents (Documents on File)     | \$ .75 per page or \$1.50 if double-sided    |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$ .25 per page or \$.50 if double-sided     |

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Forms" tab. The packet/forms are available in PDF and WORD by selecting **Divorce, Family Matters, Civil Unions – "Divorce" or "Civil Union" – Completing an Income Assignment**. You will need various forms based on the time-period for which Child Support and/or Maintenance (spousal/partner support) was ordered.

Please read these instructions first to determine the specific forms you will need to complete. When completing the forms, you must identify yourself as the Petitioner or Co-Petitioner/Respondent depending on which "title/role" you had in the original case. It is important to remember that your "title/role" in the case does not change based

on who files the forms. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

**FORMS FOR OPTION 1: Child Support and/or Maintenance (Spousal/Partner Support) Order entered before July 10, 1987.**

- Notice to Withhold Income for Support
- JDF 1805 Notice of Pending Income Assignment
- JDF 1806 Advance Notice of Activation of an Income Assignment
- JDF 1807 Affidavit of Arrears (if Obligor owes past-due support)
- JDF 1808 Objection to the Activation of an Income Assignment
- JDF 1809 Notice of Employer to Deduct for Health/Dental Insurance (if Obligor is ordered to pay premium)

**FORMS FOR OPTION 2: Child Support and/or Maintenance (Spousal/Partner Support) Order entered from July 10, 1987 through December 31, 1993.**

- Notice to Withhold Income for Support
- JDF 1806 Advance Notice of Activation of an Income Assignment
- JDF 1807 Affidavit of Arrears (if Obligor owes past-due support)
- JDF 1808 Objection to the Activation of an Income Assignment
- JDF 1809 Notice of Employer to Deduct for Health/Dental Insurance (if Obligor is ordered to pay premium)

**FORMS FOR OPTION 3: Child Support and/or Maintenance (Spousal/Partner Support) Order entered on or after January 1, 1994 and before June 30, 1996.**

- Notice to Withhold Income for Support
- JDF 1807 Affidavit of Arrears (if Obligor owes past-due support)
- JDF 1809 Notice of Employer to Deduct for Health/Dental Insurance (if Obligor is ordered to pay premium)

**FORMS FOR OPTION 4: Child Support and/or Maintenance (Spousal/Partner Support) Order entered on or after July 1, 1996.**

- Notice to Withhold Income for Support
- JDF 1805 Notice of Pending Income Assignment
- JDF 1809 Notice of Employer to Deduct for Health/Dental Insurance (if Obligor is ordered to pay premium)

## GENERAL FORM INFORMATION

### NOTICE TO WITHHOLD INCOME FOR SUPPORT

- See [Incoming Withholding for Support](#) form for the Federal Office of Management and Budget approved form and Colorado Revised Statutes § 14-14-111.5 for Colorado specific requirements.
- [https://www.acf.hhs.gov/sites/default/files/ocse/omb\\_0970\\_0154.pdf](https://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154.pdf) Mail the original of this form to the employer by first class mail along with a certified copy of the Support Order.
- A copy must be filed with the Court.

### JDF 1805 NOTICE OF PENDING INCOME ASSIGNMENT

- Mail this original form by certified mail to the last-known address of the obligor or you must personally serve this original form on the Obligor before an income assignment can be activated.

**If you select Personal Service:**

- Select the Sheriff's Department, a private process server, or someone you know who is 18 years or older, who is not a party to the case, and who knows the rules of service to serve the other party.
- Provide the process server with the Notice. The process server will need to return a completed return of service to the Court for filing, or return it to you to bring and file with the Court.
- A copy of the Notice must be filed with the Court.

**JDF 1806          ADVANCE NOTICE OF ACTIVATION OF AN INCOME ASSIGNMENT**

If the Obligor has failed to make a payment in full on the date the payment was due, you must:

- File the original of this form with the Court.
- Mail a copy to the Obligor's last-known address by first class mail.

**JDF 1807          AFFIDAVIT OF ARREARS**

If the Obligor has failed to make a payment in full on the date the payment was due, you must:

- File the original of this form with the Court.
- Mail a copy to the Obligor's last- known address by first-class mail.

**JDF 1808          OBJECTION TO THE ACTIVATION OF AN INCOME ASSIGNMENT**

- Fill out the caption only on this form (the case number and party information).
- Mail the form to the Obligor's last-known address.

**JDF 1809          NOTICE TO EMPLOYER TO DEDUCT FOR HEALTH/DENTAL INSURANCE**

If you have a child support order requiring the other parent to pay health/dental insurance, you must:

- Mail the original of this form by first-class mail to the employer.
- File a copy with the Court.