



Child Support Handbook

19th Judicial District

The following is for informational purposes only and does 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.

Definitions

- **Inadmissible**- (especially of evidence in court) not accepted as valid.
- **Hearsay**- the report of another person's words by a witness, usually disallowed as evidence in a court of law.
- **Obligor**- person who pays the child support.
- **Obligee**- person who receives the child support (typically custodian/guardian).
- **Subpoena**- a writ ordering a person to attend a court hearing.
- **Subpoena Duces Tecum**- a writ ordering a person to attend a court hearing and bring with them certain specific documentation.
- **Exhibit**- a document or other object produced in court as evidence.

Preparation for Trial



- The court will expect everyone to be ready for trial on the trial date.
- You should have your witnesses and evidence/exhibits at court to prove your case.
- Read **all** papers that you have received from the Court, Department of Human Services, Child Support Enforcement Services, and the other parties in the case.

Exhibits



- Exhibits are your evidence:
 - Photos, Sworn Financial Statement, Videos & Audio Recordings, Texts, Pay Stubs, etc.
- Make sure all evidence is in hard copy (printed paper): not on your cell phone! Each party and the Court must be given a copy.
- Videos must be on DVD/flash drives in a video format- If you have a question about this, contact the Court Information Center.
- All Evidence/Exhibits must be authenticated and admissible- see Colorado Legal Services (CLS) video for more information:
 - <https://www.youtube.com/watch?v=ckXSClh3tQc&feature=youtu.be>
 - Parties may object to the evidence/exhibits: example hearsay
- Must bring three (3) copies of all exhibits.
- Label your exhibits: mark with letters (A, B, C...) and the case number.

- Exhibit stickers are available in the Court Information Center.
- Not every piece of paper needs to be marked. Example: A bank statement may be stapled together and marked as one exhibit.
- See CLS video for more information on specific evidence in Family Cases:
 - <https://www.youtube.com/watch?v=PGsKQaeWrQ4>

Witnesses



- Bring your witnesses with you on the day of the trial.
- A subpoena is not required, but one can be issued by the Clerk’s Office if a witness won’t appear freely (JDF 80).
- If you call a witness, you must be prepared to ask them questions.
- Statements made by other people may be hearsay, see CLS video for more information:
 - <https://www.youtube.com/watch?v=rWWRF5seuAQ&feature=youtu.be>
- If you need your witness to appear by phone, you must file a motion (JDF 76) with the court. Magistrate may grant or deny your motion.
- Lay Witness- witness not testifying as an expert. Their opinion is based on what they saw, heard, felt and not based on scientific, technical, or other specialized knowledge.
- Expert Witness- witness testifying as an expert. Their opinion is based on scientific, technical, or other specialized knowledge.
- Character Evidence- evidence of a person’s character or past behaviors. May be inadmissible.
- Letters or reports from a therapist will not automatically be admissible in court because it is considered hearsay. You will need to call the therapist as a witness in court to have him/her testify about the report.

Trial: Dos and Don’ts

- Everything you need to know for trial you learned in school:
 - Be on time.
 - WAIT YOUR TURN – DO NOT INTERRUPT.
- After you have prepared your argument, organized your exhibits, and selected your witnesses:
 - PRACTICE your presentation and OBSERVE a trial (the Clerk’s Office can provide dates of trials).
- Do Not Bring: children, cell phones, food & drink, weapons, or illegal substances into court.
- Do Bring: pen and paper, three (3) copies of all exhibits, and witness questions.
- When talking to the Magistrate:
 - Begin with “Your Honor”.
 - Do not be afraid to ask questions! This may be your only chance, so use it.

How does a Trial Work?



- The Magistrate will explain the child support worksheet and statutes (laws) and will then swear in the Obligor for testimony.
- The attorney for the Department of Human Services goes first:
 - The attorney will ask questions and introduce any evidence, such as the Child Support Worksheet.
- After the Department of Human Services is finished, it is the Obligor's turn.
 - The Obligor may call their witnesses to ask questions and introduce evidence (exhibits).
 - The Obligor must prove why the amount should be lower than the amount calculated by the Child Support Worksheet.
 - Payments on a new car or house may not be valid reasons.
 - You must have legal reasons. If you don't know what those legal reasons are, talk to an attorney. The Court Information Center hosts free legal clinics once a month.
- Lastly, the Obligee will be sworn in if he/she would like to represent any testimony or evidence.
- After the Court has heard all the evidence, the Court will make a ruling or decision.

Interpreters



- If needed, the Court will provide interpreters at your trial.
- It is *your* responsibility to notify the court in advance if you, or any of your witnesses, will require the assistance of an interpreter. A **Notice to the Court of the Need for a Court Interpreter** must be filed. Please contact the Clerk's Office or the Court Information Center to obtain a copy of the form.

Post-Trial

- If a **default judgment** has been entered against you (for not showing up to trial):
 - You have 30 days to file a motion to set aside the default judgment (JDF 78).
- If you want to **appeal** the court's decision: You must do so in writing within 21 days.

Allocation of Parental Responsibilities

- Division 2 cannot enter parenting time or visitation orders.
- If you want parenting time or visitation orders, you must file an Allocation of Parental Responsibilities case. Visit www.courts.state.co.us for more information or contact the Court Information Center.

Need more help or have questions?



The Court Information Center helps self-represented parties in their case

Hours & Location:

Mon, Tues, Thur, & Fri from 8:00 a.m. - 4:30 p.m.
 915 10th Street, Centennial-Plaza South Building, 1st Floor
 Greeley, Colorado 80631

Phone, Email, & Website:

(970) 475-2410 or 19SelfHelp@judicial.state.co.us

https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=19&Page_ID=419

Example: Child Support Worksheet

WORKSHEET A - CHILD SUPPORT OBLIGATION: SOLE PHYSICAL CARE			
Children	Date of Birth	Children	Date
Jill	09/09/2009		
Check box of parent with 273 or more overnights per year * <input checked="" type="checkbox"/> Joan <input type="checkbox"/> Joe			
1. Monthly Gross Income	\$ 1,768.00	\$ 2,500.00	
a. Plus maintenance (spousal/partner support) received	+ 0.00	+ 0.00	
b. Minus maintenance paid	- 0.00	- 0.00	
c. Minus ordered child support payments for other children pursuant to 14-10-115(6)(a), C.R.S.	- 0.00	- 700.00	
d. Minus legal responsibility for children not of this marriage/civil union/relationship pursuant to 14-10-115(6)(a)(II) and (III), C.R.S.	- 0.00	- 338.25	
e. Minus ordered post-secondary education contributions **	- 0.00	- 0.00	
2. Monthly Adjusted Gross Income (If either the paying parent's or combined income is less than \$1,100.00, enter \$50.00 for one child; \$70.00 for two children; \$90.00 for three children; \$110.00 for four children; \$130.00 for five children; and \$150.00 per month for six or more children on line 11 for paying parent.)	\$ 1,768.00	\$ 1,461.75	\$ 3,229.75
3. Percentage Share of Income (Each parent's income from line 2 divided by Combined Income)	54.74%	45.26%	
4. a. Basic Combined Obligation (Apply line 2 Combined column to Child Support Schedule)			\$ 568.76
b. Each parent's share of basic support obligation (Each parent's percentage from line 3 times combined obligation in 4a)	\$ 311.34	\$ 257.42	
5. Low Income Adjustment (If paying parent's income in line 2 is less than \$1,900.00, see Low-income Worksheet on page 2)	\$	\$ 412.00	
6. Adjustments (Expenses paid directly by each parent)			
a. Work-related Child Care Costs - Actual costs minus Federal Tax Credit pursuant to 14-10-115(9), C.R.S.	\$ 422.00	\$ 0.00	
b. Education-related Child Care Costs pursuant to 14-10-115(9), C.R.S.	\$ 0.00	\$ 0.00	
c. Health Insurance premium costs - Children's portion only pursuant to 14-10-115(10), C.R.S. (See page 3 for calculation worksheet)	\$ 0.00	\$ 250.00	
d. Extraordinary Medical Expenses - Uninsured only pursuant to 14-10-115(10), C.R.S.	\$ 0.00	\$ 0.00	
e. Extraordinary Expenses - Agreed to by parents or by order of the court pursuant to 14-10-115(11)(a), C.R.S.	\$ 0.00	\$ 0.00	
f. Minus Extraordinary Adjustments pursuant to 14-10-115(11)(b), C.R.S.	\$ 0.00	\$ 0.00	
7. Total Adjustments (For each column, add 6a, 6b, 6c, 6d and 6e. Subtract line 6f and add two totals for combined column amount)	\$ 422.00	\$ 250.00	\$ 672.00
8. Each Parent's Fair Share of Adjustments (Line 7 Combined column times line 3 for each parent)	\$ 367.85	\$ 304.15	\$ 1,240.76
9. Each Parent's Share of Total Child Support Obligation (Add lines 4b (or line 5 if less) and line 8 for each parent)	\$ 679.19	\$ 561.57	
10. Paying Parent's Adjustment (Enter line 7 for parent with less parenting time only)	\$	\$ 250.00	
11. Recommended Child Support Order (Subtract line 10 from line 9 for paying parent only. Leave receiving parent column blank)	\$ 0.00	\$ 311.57	
Comments:			
* The children reside with one parent for 273 or more overnights per year. If this is not the case, use Worksheet B.			
** This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to 14-10-115(15)(c), C.R.S.			
Prepared by:			Date:
Signature: _____		Print Name: _____	08/13/2018

If the child spends over 92 overnights per year with Joe, an adjustment may be warranted.

This is gross income, NOT take-home pay.

Joe is getting credit for a Child Support Order of \$700 for a child from a previous relationship.

Joe is getting credit for a child that lives with him and his new wife.

Joan is getting credit for paying for day care while she goes to work.

Joe is getting credit for paying for health insurance for the child.

The worksheet calculates child support at **\$311.57**.

Low-Income Adjustment Worksheet

If the parents' combined monthly adjusted gross income is \$1,100.00 or more, and the monthly adjusted gross income of the parent with fewer overnights per year is less than \$1,900.00, use this calculation worksheet to determine the adjustment allowed for that parent.