

DEPARTMENT OF LAW

Collection Agency Board

RULES OF THE ADMINISTRATOR, COLLECTION AGENCY BOARD FOR PRIVATE CHILD SUPPORT COLLECTORS

4 CCR 903-2

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Rule 1 Scope of Rules

These rules apply to private child support collectors as defined in section 5-17-102(9)(a), C.R.S. of the Colorado Child Support Collection Consumer Protection Act and supplement the rules adopted by the Administrator, Colorado Collection Agency Board, implementing the Colorado Fair Debt Collection Practices Act.

Rule 2 Notice of Obligees' Rights

- (a) The notice required by section 5-17-106(2), C.R.S. must be conspicuous, in bold type face at least as large as the type size used for other contract terms, included in or attached to the private child support enforcement contract prior to the space for the obligee's signature agreeing to the contract terms, and read as follows:

Child support collection services are offered at low or no cost through government child support collection services in every county in Colorado and in every state. A state agency may provide services that we cannot provide, such as driver's license suspension and tax refund intercepts.

We cannot require a government child support collection service to send payments to any person but you.

We will not provide legal advice or act as your attorney. If we hire an attorney to assist in collections, you will not have to pay any additional fees.

You have the right to receive a monthly accounting of payments collected, the fees we have charged, and the amount still due.

You have certain rights to cancel this contract. See the contract for cancellation terms and the "Notice of Cancellation" provided with this contract.

You have the right to sue us if we violate the law. You also have the right to file a complaint with the Administrator of the Collection Agency Board in the Colorado Attorney General's Office. For more information about private child support collection or to file a complaint visit <http://www.ago.state.co.us/CADC/CADCmain.cfm>.

You may have this contract reviewed by an attorney of your choice before you sign it.

- (b) If the Web site address listed in subsection (a) above becomes outdated, private child support collectors must print in their notice the current Web site address.

- (c) A private child support collector may substitute its name for the words “we” and “us” in the notice described above in subsection (a).

Rule 3 Accounting

- (a) In addition to the information required by section 5-17-107(1), C.R.S., a private child support collector’s monthly accounting to the obligee must include:
1. The specific dollar amount to be collected according to the contract;
 2. The date and amount of any child support collected by the private child support collector in the prior month, which amount collected shall be listed as both a gross amount and also itemized and described as principal, interest, and other fees as applicable and if allowed by law;
 3. The amount due to the obligee from the prior month’s collections, the amount actually paid to the obligee from the prior month’s collections, and the date of payment;
 4. The amount retained by the private child support collector pursuant to the contract with a description of how that amount was calculated, such as by providing the specific percentage amount or dollar amount contracted for; and,
 5. A running total since the inception of the contract of the amount collected by the private child support collector, the amount it has paid to the obligee, and the remaining balance.
- (b) Unless a shorter timeframe is required by applicable state or federal law, a private child support collector shall deliver to the obligee any payment due under the contract and the monthly accounting no later than by the tenth day of the month following receipt of the payment. The accounting shall be provided monthly, whether or not the private child support collector has collected any payments in the prior month.

STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE

The basis, specific statutory authority, and purpose of these rules are to implement section 5-17-113, C.R.S. That section requires the Administrator of the Collection Agency Board (and of the Uniform Consumer Credit Code in the Colorado Attorney General’s Office) to adopt rules under the Colorado Child Support Collection Consumer Protection Act (Act) on notices to obligees and accounting. The Act was passed as House Bill 06-1066, took effect July 1, 2006, and is codified at section 5-17-101 et seq., in the Colorado Revised Statutes. The Act applies to private child support collectors.

Editor’s Notes

History