

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0507.01 Jane Ritter x4342

HOUSE BILL 22-1153

HOUSE SPONSORSHIP

Tipper and Esgar,

SENATE SPONSORSHIP

Bridges and Moreno,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AFFIRMING PARENTAGE BY ADOPTION FOR A PERSON
102 WHO DID NOT GIVE BIRTH WHEN THE CHILD IS CONCEIVED AS A
103 RESULT OF ASSISTED REPRODUCTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Whenever a child is conceived as a result of assisted reproduction and the person who did not give birth is a parent or a presumed parent, the bill allows the parents to complete an adoption of the child to affirm parentage in accordance. In such an instance, both parents must join the adoption petition as petitioners. The bill details what must be included on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the form for adoption as well as jurisdictional requirements and options.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-5-203.5 as
3 follows:

4 **19-5-203.5. Confirmatory adoption - definitions.** (1) AS USED
5 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "COURT" MEANS A DISTRICT OR JUVENILE COURT THAT HAS
7 JURISDICTION OVER THE ADOPTION.

8 (b) "PETITIONER" MEANS THE PERSON OR PERSONS FILING A
9 PETITION FOR ADOPTION IN ACCORDANCE WITH THIS SECTION.

10 (2) (a) WHENEVER A CHILD IS CONCEIVED AS A RESULT OF
11 ASSISTED REPRODUCTION AND THE PERSON WHO DID NOT GIVE BIRTH IS A
12 PARENT OR A PRESUMED PARENT PURSUANT TO SECTION 19-4-105 OR
13 19-4-106, OR WHEN MARRIED PARENTS ENGAGING IN SURROGACY IN
14 ANOTHER STATE THAT RESULTS IN A COURT ORDER ESTABLISHING ONLY
15 ONE SPOUSE AS THE PARENT, THE PARENTS MAY COMPLETE AN ADOPTION
16 OF THE CHILD TO AFFIRM PARENTAGE IN ACCORDANCE WITH THIS SECTION.
17 BOTH PARENTS MUST JOIN THE PETITION AS PETITIONERS.

18 (b) A COMPLETE PETITION FOR ADOPTION MUST INCLUDE THE
19 FOLLOWING DOCUMENTS:

20 (I) A COPY OF THE PETITIONERS' MARRIAGE OR CIVIL UNION
21 CERTIFICATE IF THE PARENTS WERE MARRIED OR IN A CIVIL UNION AT THE
22 TIME OF BIRTH, IF APPLICABLE, AND DECLARATIONS BY THE PARENT WHO
23 DID NOT GIVE BIRTH EXPLAINING THE CIRCUMSTANCES OF BIRTH AND THAT
24 THE PERSON IS A PARENT BASED ON CONTRIBUTING GAMETES OR
25 CONSENTING TO THE CONCEPTION OF A CHILD THROUGH ASSISTED

1 REPRODUCTION PURSUANT TO SECTION 19-4-106 AND ATTESTING THAT
2 THE CHILD WAS BORN AS A RESULT OF ASSISTED REPRODUCTION AND
3 ATTESTING THAT NO COMPETING CLAIMS OF PARENTAGE EXIST;

4 (II) A COPY OF THE CHILD'S BIRTH CERTIFICATE;

5 (III) IF THE CHILD HAS ATTAINED THE AGE OF TWELVE YEARS OF
6 AGE, THE CONSENT OF THE CHILD; AND

7 (IV) A SWORN STATEMENT BY EACH PETITIONER ACKNOWLEDGING
8 PARENTAGE.

9 (c) A COMPLETE PETITION FOR ADOPTION, AS DESCRIBED IN
10 SUBSECTION (2)(b) OF THIS SECTION, SERVES AS THE PETITIONERS'
11 WRITTEN CONSENT TO ADOPTION.

12 (d) IF THE CHILD IS CONCEIVED USING SPERM, AN EGG, OR AN
13 EMBRYO FROM A DONOR, THE COURT SHALL NOT REQUIRE NOTICE OF THE
14 ADOPTION TO THE DONOR OR CONSENT TO THE ADOPTION BY THE DONOR.

15 (3) (a) THE PETITIONERS MAY FILE IN AND JURISDICTION IS
16 APPROPRIATE IN ANY OF THE FOLLOWING:

17 (I) THE COUNTY WHERE THE CHILD AT ISSUE IS CONCEIVED, BORN,
18 OR IS EXPECTED TO BE BORN;

19 (II) THE COUNTY OF RESIDENCE OF ONE OR BOTH OF THE
20 PETITIONERS; OR

21 (III) A COLORADO COUNTY CHOSEN BY THE PETITIONERS SO LONG
22 AS THE CHILD WAS CONCEIVED, BORN, OR IS EXPECTED TO BE BORN IN
23 COLORADO. THE PETITIONERS ARE NOT REQUIRED TO BE RESIDENTS OF
24 COLORADO FOR JURISDICTION TO BE APPROPRIATE SO LONG AS THE CHILD
25 WAS CONCEIVED, BORN, OR IS EXPECTED TO BE BORN IN COLORADO.

26 (b) UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE
27 SHOWN, FOR PURPOSES OF EVALUATING AND GRANTING A PETITION FOR

1 ADOPTION PURSUANT TO THIS SECTION, THE COURT SHALL NOT REQUIRE:

2 (I) AN IN-PERSON HEARING OR APPEARANCE;

3 (II) A HOME STUDY BY, NOTICE TO, OR APPROVAL OF THE STATE
4 DEPARTMENT OF HUMAN SERVICES OR A LICENSED CHILD PLACEMENT
5 AGENCY AS DEFINED IN SECTION 19-1-103;

6 (III) FINGERPRINTING OR A CRIMINAL OFFENDER RECORD
7 INFORMATION SEARCH;

8 (IV) VERIFICATION THAT THE CHILD IS NOT REGISTERED WITH THE
9 FEDERAL REGISTER FOR MISSING CHILDREN OR THE CENTRAL REGISTER; OR

10 (V) A MINIMUM RESIDENCY PERIOD IN THE HOME OF THE
11 PETITIONER.

12 (4) (a) THE COURT SHALL GRANT THE ADOPTION AND ISSUE A
13 DECREE OF ADOPTION WITHIN THIRTY DAYS AFTER FINDING:

14 (I) THE PETITIONER FILED A COMPLETE PETITION FOR ADOPTION
15 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION; AND

16 (II) (A) FOR PARENTS WHO ARE SPOUSES OR CIVIL UNION
17 PARTNERS, THE PETITIONERS WERE MARRIED OR IN A CIVIL UNION AT THE
18 TIME OF THE CHILD'S CONCEPTION OR BIRTH; OR

19 (B) FOR PRESUMED PARENTS, OR ANY OTHER PERSON WITH A
20 CLAIM TO PARENTAGE OF THE CHILD WHO IS REQUIRED TO PROVIDE NOTICE
21 OF, OR CONSENT TO, THE ADOPTION, THE PERSON HAS RECEIVED NOTICE
22 AND PROVIDED CONSENT TO THE ADOPTION.

23 (b) A PETITION TO ADOPT, PURSUANT TO THIS SECTION, WHEN A
24 PETITIONER'S PARENTAGE IS PRESUMED OR LEGALLY RECOGNIZED UNDER
25 COLORADO LAW, MUST NOT BE DENIED SOLELY ON THE BASIS THAT THE
26 PETITIONER'S PARENTAGE IS ALREADY PRESUMED OR LEGALLY
27 RECOGNIZED.

1 (5) AFTER THE DECREE OF ADOPTION IS ISSUED REGARDING A
2 CHILD BORN TO ONE OR MORE PARENTS, REGARDLESS OF MARITAL STATUS,
3 EACH PARENT IS CONSIDERED AN EQUAL PARENT WITH EQUAL PARENTING
4 RIGHTS AND RESPONSIBILITIES.

5 (6) THE DECREE OF ADOPTION MUST INCLUDE FINDINGS THAT THE
6 PARENT WHO GAVE BIRTH AND THE PARENT WHO ADOPTED THE CHILD ARE
7 THE PARENTS OF THE CHILD.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2022 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.