

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0507.01 Jane Ritter x4342

HOUSE BILL 22-1153

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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.*

HOUSE
3rd Reading Unamended
February 28, 2022

HOUSE
Amended 2nd Reading
February 25, 2022

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 19-4-106, OR A
13 CHILD HAS A PRESUMED PARENT PURSUANT TO SECTION 19-4-105, OR
14 WHEN MARRIED PARENTS ENGAGING IN SURROGACY IN ANOTHER STATE
15 THAT RESULTS IN A COURT ORDER ESTABLISHING ONLY ONE SPOUSE AS THE
16 PARENT, THE PARENTS MAY COMPLETE AN ADOPTION OF THE CHILD TO
17 AFFIRM PARENTAGE IN ACCORDANCE WITH THIS SECTION. BOTH PARENTS
18 MUST JOIN THE PETITION AS PETITIONERS.

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

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

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

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

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

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

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

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

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

18 (I) THE COUNTY WHERE THE CHILD AT ISSUE IS CONCEIVED OR
19 BORN;

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

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

27 (b) UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE

1 SHOWN, FOR PURPOSES OF EVALUATING AND GRANTING A PETITION FOR
2 ADOPTION PURSUANT TO THIS SECTION, THE COURT SHALL NOT REQUIRE:

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

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

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

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

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

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

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

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

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

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

1 RECOGNIZED.

2 (c) WHEN PARENTAGE IS PRESUMED OR LEGALLY RECOGNIZED
3 PURSUANT TO COLORADO LAW, FAILURE TO PETITION FOR ADOPTION
4 PURSUANT TO THIS SECTION MAY NOT BE CONSIDERED AS EVIDENCE WHEN
5 TWO OR MORE PRESUMPTIONS CONFLICT PURSUANT TO SECTION 19-4-105
6 (2)(a), NOR IN DETERMINING THE BEST INTEREST OF THE CHILD.

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

11 (6) THE DECREE OF ADOPTION MUST INCLUDE FINDINGS THAT THE
12 PARENT WHO GAVE BIRTH, OR THE ADJUDICATED PARENT, AND THE
13 PARENT WHO ADOPTED THE CHILD ARE THE PARENTS OF THE CHILD.

14 **SECTION 2.** In Colorado Revised Statutes, 19-4-105, **amend** (1)
15 **introductory portion, (2)(b) introductory portion, and (2)(c); repeal** (1)(e);
16 **and add** (2)(a.5) and (2)(d) as follows:

17 **19-4-105. Presumption of parentage.** (1) A ~~man~~ PERSON is
18 presumed to be the natural father PARENT of a child if:

19 (e) He acknowledges his paternity of the child in a writing filed
20 with the court or registrar of vital statistics, which shall promptly inform
21 the mother of the filing of the acknowledgment, and she does not dispute
22 the acknowledgment within a reasonable time after being informed
23 thereof, in a writing filed with the court or registrar of vital statistics, if
24 such acknowledgment has not previously become a legal finding pursuant
25 to paragraph (b) of subsection (2) of this section. If another man is
26 presumed under this section to be the child's father, acknowledgment may
27 be effected only with the written consent of the presumed father or after

1 the presumption has been rebutted.

2 (2) (a.5) (I) A PERSON AND THE PARENT WHO GAVE BIRTH TO THE
3 CHILD MAY SIGN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE TO
4 ESTABLISH THE PARENTAGE OF THE CHILD. A VOLUNTARY
5 ACKNOWLEDGMENT OF PARENTAGE MAY BE SIGNED BY A PARENT WHO
6 GAVE BIRTH TO THE CHILD AND EITHER:

7 (A) ANOTHER PERSON WHO IS OR BELIEVES THEMSELVES TO BE A
8 GENETIC PARENT; OR

9 (B) ANOTHER PERSON WHO IS AN INTENDED PARENT OF A CHILD
10 CONCEIVED THROUGH ASSISTED REPRODUCTION.

11 (II) A MARRIED PERSON OR PERSON IN A CIVIL UNION WHO GIVES
12 BIRTH TO A CHILD MAY ONLY SIGN A VOLUNTARY ACKNOWLEDGMENT OF
13 PARENTAGE WITH A PERSON WHO IS NOT THE MARRIED PERSON'S SPOUSE
14 OR CIVIL UNION PARTNER IF THE SPOUSE OR CIVIL UNION PARTNER SIGNS
15 A DENIAL OF PARENTAGE.

16 (b) A duly executed voluntary acknowledgment of paternity shall
17 be considered a legal finding of paternity PARENTAGE TAKES EFFECT ON
18 THE FILING OF THE DOCUMENT WITH THE STATE REGISTRAR OF VITAL
19 STATISTICS AND MAY BE RESCINDED on the earlier of:

20 (c) Except as otherwise provided in section 19-4-107.3, a legal
21 finding of paternity A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE
22 may be challenged in court only on the basis of fraud, duress, or mistake
23 of material fact, with the burden of proof upon the challenger. Any legal
24 responsibilities resulting from signing an A VOLUNTARY acknowledgment
25 of paternity PARENTAGE, including child support obligations, shall
26 continue during any challenge to the finding of paternity PARENTAGE,
27 except for good cause shown.

1 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)(b) AND
2 (2)(c) OF THIS SECTION, A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE
3 THAT COMPLIES WITH THIS SECTION AND SECTION 25-2-112, AND IS FILED
4 WITH THE STATE REGISTRAR OF VITAL STATISTICS, IS EQUIVALENT TO AN
5 ADJUDICATION OF PARENTAGE OF THE CHILD AND CONFERS ON THE
6 ACKNOWLEDGED PARENT ALL RIGHTS AND DUTIES OF A PARENT. THE
7 COURT SHALL GIVE FULL FAITH AND CREDIT TO A VOLUNTARY
8 ACKNOWLEDGMENT OF PARENTAGE THAT IS EFFECTIVE IN ANOTHER STATE,
9 INCLUDING A FEDERALLY RECOGNIZED INDIAN TRIBE, IF THE
10 ACKNOWLEDGMENT WAS IN A SIGNED RECORD AND OTHERWISE COMPLIES
11 WITH THE LAWS OF THE OTHER STATE OR FEDERALLY RECOGNIZED INDIAN
12 TRIBE.

13 **SECTION 3.** In Colorado Revised Statutes, 14-5-316, **amend (j)**
14 as follows:

15 **14-5-316. Special rules of evidence and procedure. (j) A**
16 voluntary acknowledgment of ~~paternity~~ PARENTAGE, certified as a true
17 copy, is admissible to establish parentage of the child.

18 **SECTION 4.** In Colorado Revised Statutes, 25-2-112.7, **amend**
19 (1)(a) as follows:

20 **25-2-112.7. Crime of misrepresentation of material**
21 **information in the preparation of a birth certificate - definitions.**

22 (1) As used in this section, unless the context otherwise requires:

23 (a) "Birth parent" means a ~~natural parent, by birth,~~ of PARENT WHO
24 GAVE BIRTH TO a child born in this state. "Birth parent" also includes a
25 ~~presumed father or putative father in accordance with the presumptions~~
26 ~~for determination of paternity as set forth in section~~ PERSON PRESUMED TO
27 BE A PARENT OR AN ALLEGED GENETIC PARENT IN ACCORDANCE WITH

1 SECTIONS 19-4-105 AND 25-2-112 (3) or a putative father who is not
2 married to the mother who signs a voluntary acknowledgment of paternity
3 PARENT WHO SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE OR
4 IS RECOGNIZED PURSUANT TO SECTION 19-4-106.

5 **SECTION 5. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.