

1 Amend the Health and Human Services Committee Report, dated March  
2 23, 2022, page 1, strike lines 4 through 26.

3 Page 2, strike lines 1 through 30 and substitute:

4       **""SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**  
5 (61) as follows:

6       **19-1-103. Definitions.** As used in this title 19 or in the specified  
7 portion of this title 19, unless the context otherwise requires:

8       (61) "Donor", as used in ~~section 19-4-106 ARTICLE 4 OF THIS TITLE~~  
9 19, means an individual who produces eggs or sperm used for ~~AN~~ assisted  
10 ~~reproduction~~ REPRODUCTIVE PROCEDURE, whether or not for  
11 consideration. "Donor" does not include ~~a spouse who provides sperm or~~  
12 ~~eggs to be used for assisted reproduction by the other spouse~~ ~~AN~~  
13 INTENDED PARENT PURSUANT TO SECTION 19-4-106(1) OR (5) OR SECTION  
14 19-4.5-109 OR A SPOUSE OR CIVIL UNION PARTNER WHO PROVIDES  
15 REPRODUCTIVE TISSUE TO BE USED FOR AN ASSISTED REPRODUCTIVE  
16 PROCEDURE BY THE OTHER SPOUSE OR CIVIL UNION PARTNER.

17       **SECTION 3.** In Colorado Revised Statutes, **add** 19-4-102.5 as  
18 follows:

19       **19-4-102.5. Terms defined.** (1) ANY REFERENCE IN THE  
20 STATUTES, ADMINISTRATIVE RULES, COURT RULES, GOVERNMENT  
21 POLICIES, COMMON LAW, AND ANY OTHER PROVISION OR SOURCE OF LAW  
22 IN THIS STATE TO AN "ACKNOWLEDGMENT OF PATERNITY" MEANS AN  
23 "ACKNOWLEDGMENT OF PARENTAGE", AS DESCRIBED IN THIS SECTION.

24       (2) UNLESS THE CONTEXT OTHERWISE REQUIRES, ANY REFERENCE  
25 IN THIS TITLE 19 TO "FATHER" INCLUDES A PARENT OF ANY GENDER, ANY  
26 REFERENCE TO "MOTHER" INCLUDES A PARENT OF ANY GENDER, AND ANY  
27 REFERENCE TO "PATERNITY" IS EQUALLY APPLICABLE TO "PARENTAGE".

28       (3) UNLESS THE CONTEXT OTHERWISE REQUIRES, AS USED IN THIS  
29 TITLE 19, "NATURAL PARENT" MEANS A NONADOPTIVE PARENT  
30 ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, WHETHER OR NOT  
31 BIOLOGICALLY RELATED TO THE CHILD.

32       (4) ANY REFERENCE IN THE STATUTES, ADMINISTRATIVE RULES,  
33 COURT RULES, GOVERNMENT POLICIES, COMMON LAW, AND ANY OTHER  
34 PROVISION OR SOURCE OF LAW IN THIS STATE TO "SPOUSE", "HUSBAND", OR  
35 "WIFE", OR TO THE PLURALS OF SUCH TERMS, ARE EQUALLY APPLICABLE TO  
36 A CIVIL UNION PARTNER. ANY REFERENCE TO "MARRIAGE", "MARITAL  
37 UNION", "MARITAL STATUS", "MARRIED", "UNMARRIED", "WEDLOCK", OR  
38 ANY SIMILAR TERM IS EQUALLY APPLICABLE TO THE STATUS OF BEING IN  
39 A CIVIL UNION OR NOT IN A CIVIL UNION.

1                   **SECTION 4.** In Colorado Revised Statutes, **amend** 19-4-105 and  
2 19-4-106 as follows:

3                   **19-4-105. Presumption of paternity.** (1) A ~~man~~ PERSON is  
4 presumed to be the natural ~~father~~ PARENT of a child if:

5                   (a) ~~He and the child's natural mother~~ THE PERSON AND THE  
6 PARENT WHO GAVE BIRTH TO THE CHILD are or have been married to each  
7 other OR ARE IN A CIVIL UNION PURSUANT TO ARTICLE 15 OF TITLE 14, and  
8 the child is born during the marriage OR CIVIL UNION, within three  
9 hundred days after the marriage OR CIVIL UNION is terminated by death,  
10 annulment, declaration of invalidity of marriage OR CIVIL UNION,  
11 dissolution of marriage OR CIVIL UNION, or divorce, or after a decree of  
12 legal separation is entered by a court;

13                   (b) Before the child's birth, ~~he and the child's natural mother~~ THE  
14 PERSON AND THE PARENT WHO GAVE BIRTH TO THE CHILD have attempted  
15 to marry each other by a marriage solemnized in apparent compliance  
16 with law OR ATTEMPTED TO ENTER INTO A CIVIL UNION IN APPARENT  
17 COMPLIANCE WITH LAW, although the attempted marriage OR CIVIL UNION  
18 is or could be declared invalid, and:

19                   (I) If the attempted marriage OR CIVIL UNION could be declared  
20 invalid only by a court, the child is born during the attempted marriage OR  
21 CIVIL UNION or within three hundred days after its termination by death,  
22 annulment, declaration of invalidity of marriage OR CIVIL UNION,  
23 dissolution of marriage OR CIVIL UNION, or divorce; or

24                   (II) If the attempted marriage OR CIVIL UNION is invalid without  
25 a court order, the child is born within three hundred days after the  
26 termination of cohabitation;

27                   (c) After the child's birth, ~~he and the child's natural mother~~ THE  
28 PERSON AND THE PARENT WHO GAVE BIRTH TO THE CHILD have married OR  
29 ENTERED INTO A CIVIL UNION, or attempted to marry each other by a  
30 marriage solemnized in apparent compliance with law OR ENTER INTO A  
31 CIVIL UNION IN APPARENT COMPLIANCE WITH LAW, although the attempted  
32 marriage OR CIVIL UNION is or could be declared invalid, and:

33                   (I) ~~He has acknowledged his paternity~~ THE PERSON HAS ASSERTED  
34 PARENTAGE of the child in writing filed with the court or registrar of vital  
35 statistics, if such acknowledgment has not previously become a legal  
36 finding pursuant to paragraph (b) of subsection (2) SUBSECTION (2)(a.5)  
37 of this section;

38                   (II) With ~~his consent, he~~ THE PERSON'S CONSENT, THE PERSON is  
39 named as the child's ~~father~~ PARENT on the child's birth certificate; or

40                   (III) ~~He~~ THE PERSON is obligated to support the child under a  
41 written voluntary promise or by court order or by an administrative order  
42 issued pursuant to section 26-13.5-110; ~~C.R.S.~~

43                   (d) While the child is under the age of majority, ~~he~~ THE PERSON

1 receives the child into ~~his~~ THE PERSON'S home and openly holds out the  
2 child as ~~his~~ THE PERSON'S natural child;

3 (e) ~~He acknowledges his paternity of the child in a writing filed~~  
4 ~~with the court or registrar of vital statistics, which shall promptly inform~~  
5 ~~the mother of the filing of the acknowledgment, and she does not dispute~~  
6 ~~the acknowledgment within a reasonable time after being informed~~  
7 ~~thereof, in a writing filed with the court or registrar of vital statistics, if~~  
8 ~~such acknowledgment has not previously become a legal finding pursuant~~  
9 ~~to paragraph (b) of subsection (2) of this section. If another man is~~  
10 ~~presumed under this section to be the child's father, acknowledgment may~~  
11 ~~be effected only with the written consent of the presumed father or after~~  
12 ~~the presumption has been rebutted.~~

13 (f) The genetic tests or other tests of inherited characteristics have  
14 been administered ~~as provided in~~ PURSUANT TO section 13-25-126,  
15 C.R.S., and the results show that the alleged ~~father~~ GENETIC PARENT is not  
16 excluded as the probable ~~father~~ GENETIC PARENT and that the probability  
17 of ~~his~~ THE PERSON'S GENETIC parentage is ninety-seven percent or higher.  
18 THIS SUBSECTION (3)(f) DOES NOT APPLY TO A DONOR AS DEFINED IN  
19 SECTION 19-1-103.

20 (2)(a) A presumption ~~under this section~~ OF PARENTAGE PURSUANT  
21 TO SUBSECTION (1) OF THIS SECTION may be rebutted in an appropriate  
22 action only by clear and convincing evidence. If two or more  
23 CONFLICTING presumptions arise, ~~which conflict with each other~~; the  
24 presumption ~~which~~ THAT, on the facts, is founded on the weightier  
25 considerations of policy and logic controls. The presumption is rebutted  
26 by a court decree establishing ~~paternity~~ PARENTAGE of the child by  
27 another ~~man~~ PERSON OTHER THAN THE PARENT WHO GAVE BIRTH. In  
28 determining which of two or more conflicting presumptions ~~should~~  
29 ~~control~~ CONTROLS, based upon the weightier considerations of policy and  
30 logic, the judge or magistrate shall consider all pertinent factors,  
31 including but not limited to the following:

32 (I) The length of time between the proceeding to determine  
33 parentage and the time that the presumed ~~father~~ PARENT was placed on  
34 notice that ~~he~~ THE PRESUMED PARENT might not be the genetic ~~father~~  
35 PARENT, UNLESS THE CHILD WAS CONCEIVED THROUGH AN ASSISTED  
36 REPRODUCTIVE PROCEDURE;

37 (II) The length of time during which the presumed ~~father~~ PARENT  
38 has assumed the role of ~~father of the child~~ THE CHILD'S PARENT;

39 (III) The facts surrounding the presumed ~~father's~~ PARENT'S  
40 discovery of ~~his possible nonpaternity~~ THE POSSIBILITY THAT THE  
41 PRESUMED PARENT WAS NOT A GENETIC PARENT, UNLESS THE CHILD WAS  
42 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE;

43 (IV) The nature of the ~~father-child~~ EXISTING PARENT-CHILD

1 relationship;

2 (V) The CHILD's age; ~~of the child;~~

3 (VI) The CHILD's relationship ~~of the child~~ to any presumed father

4 ~~or fathers~~; TO ANY PRESUMED PARENT OR PARENTS;

5 (VII) The extent to which the passage of time reduces the chances

6 of establishing ~~the paternity of another man~~ ANOTHER PERSON'S

7 PARENTAGE and a child support obligation in favor of the child; and

8 (VIII) Any other factors that may affect the equities arising from

9 the disruption of the ~~father-child~~ PARENT-CHILD relationship between the

10 child and the presumed ~~father or fathers~~ PARENT OR PARENTS or the

11 chance of other harm to the child.

12 (a.5) (I) A PERSON AND THE PARENT WHO GAVE BIRTH TO THE

13 CHILD MAY SIGN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE TO

14 ESTABLISH THE PARENTAGE OF THE CHILD. A VOLUNTARY

15 ACKNOWLEDGMENT OF PARENTAGE MAY BE SIGNED BY A PARENT WHO

16 GAVE BIRTH TO THE CHILD AND EITHER:

17 (A) ANOTHER PERSON WHO IS OR BELIEVES THEMSELVES TO BE A

18 GENETIC PARENT; OR

19 (B) ANOTHER PERSON WHO IS AN INTENDED PARENT OF A CHILD

20 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE.

21 (II) A MARRIED PERSON OR PERSON IN A CIVIL UNION WHO GIVES

22 BIRTH TO A CHILD MAY ONLY SIGN A VOLUNTARY ACKNOWLEDGMENT OF

23 PARENTAGE WITH A PERSON WHO IS NOT THE MARRIED PERSON'S SPOUSE

24 OR CIVIL UNION PARTNER IF THE SPOUSE OR CIVIL UNION PARTNER SIGNS

25 A DENIAL OF PARENTAGE.

26 (b) A duly executed voluntary acknowledgment of ~~paternity shall~~

27 ~~be considered a legal finding of paternity~~ PARENTAGE TAKES EFFECT UPON

28 THE FILING OF THE DOCUMENT WITH THE STATE REGISTRAR OF VITAL

29 STATISTICS AND MAY BE RESCINDED on the earlier of:

30 (I) Sixty days after execution of such acknowledgment; or

31 (II) On the date of any administrative or judicial proceeding

32 pursuant to this article or any administrative or judicial proceeding

33 concerning the support of a child to which the signatory is a party.

34 (c) ~~Except as otherwise provided in section 19-4-107.3, a legal~~

35 ~~finding of paternity~~ AN ACKNOWLEDGMENT OF PARENTAGE may be

36 challenged in court only on the basis of fraud, duress, or mistake of

37 material fact, with the burden of proof upon the challenger. Any legal

38 responsibilities resulting from signing an acknowledgment of ~~paternity~~

39 PARENTAGE, including child support obligations, ~~shall continue~~ CONTINUE

40 during any challenge to the finding of ~~paternity~~ PARENTAGE, except for

41 good cause shown.

42 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)(b) AND

43 (2)(c) OF THIS SECTION, A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

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

11 **19-4-106. Assisted reproductive procedures.** (1) ~~If, under the~~ supervision of a licensed physician or advanced practice nurse and with the consent of her husband, a wife consents to assisted reproduction with sperm donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. If, under the supervision of a licensed physician or advanced practice nurse and with the consent of her husband, a wife consents to assisted reproduction with an egg donated by another woman, to conceive a child for herself, not as a surrogate, the wife is treated in law as if she were the natural mother of a child thereby conceived. Both the husband's and the wife's consent must be in writing and signed by each of them. The physician or advanced practice nurse shall certify their signatures and the date of the assisted reproduction and shall file the consents with the department of public health and environment, where they shall be kept confidential and in a sealed file; however, the physician's failure to do so does not affect the father and child relationship or the mother and child relationship. All papers and records pertaining to the assisted reproduction, whether part of the permanent record of a court or of a file held by the supervising physician or advanced practice nurse or elsewhere, are subject to inspection only upon an order of the court for good cause shown. If, WITH THE CONSENT OF ANOTHER INTENDED PARENT, AN INTENDED PARENT CONSENTS TO BECOME PREGNANT THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE, THE INTENDED PARENT WHO DOES NOT GIVE BIRTH IS TREATED IN LAW AS THE NATURAL PARENT OF THE CHILD CONCEIVED. THE CONSENT OF BOTH THE INTENDED PARENT WHO WILL GIVE BIRTH AND THE OTHER INTENDED PARENT MUST BE IN WRITING AND SIGNED BY EACH SUCH PARTY, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THIS SUBSECTION (1) DOES NOT APPLY TO A CHILD CONCEIVED PURSUANT TO A SURROGACY AGREEMENT PURSUANT TO ARTICLE 4.5 OF THIS TITLE 19.

40 (2) A donor is not a parent of a child conceived by means of AN  
41 assisted reproduction REPRODUCTIVE PROCEDURE, except as provided in  
42 subsection (3) of this section.

43 (3) ~~If a husband provides sperm for, or consents to, assisted~~

1 reproduction by his wife as provided in subsection (1) of this section, he  
2 is the father of the resulting child.

3 (4) The requirement for consent set forth in subsection (1) of this  
4 section does not apply to the donation of eggs by a married woman for  
5 assisted reproduction by another woman or to the donation of sperm by  
6 a married man for assisted reproduction by a woman who is not his wife.

7 (5) Failure of the ~~husband~~ INTENDED PARENT to sign a consent  
8 required by subsection (1) of this section before or after the birth of the  
9 child does not preclude a finding that the ~~husband is the father of a child~~  
10 ~~born to his wife pursuant to section 19-4-105 (2)(a)~~ INTENDED PARENT IS  
11 THE PARENT IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
12 THAT, PRIOR TO THE CONCEPTION OF THE CHILD, THE PARENT WHO ~~GIVES~~  
13 GAVE BIRTH AND THE INTENDED PARENT HAD AN ORAL AGREEMENT THAT  
14 BOTH WOULD BE PARENTS OF THE CHILD AND THAT THE CHILD WAS  
15 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE.

16 (6) If ~~there is no signed consent form, the nonexistence of the~~  
17 ~~father-child relationship shall be determined pursuant to section 19-4-107~~  
18 (1)(b).

19 (6.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
20 CONTRARY, GENETIC TESTS MAY NOT BE ORDERED AND ARE NOT  
21 ADMISSIBLE TO ESTABLISH A DONOR AS A PARENT, TO CHALLENGE THE  
22 RECOGNITION OF AN INTENDED PARENT WHO CONSENTED TO THE ASSISTED  
23 REPRODUCTIVE PROCEDURE AS A PARENT, OR TO CHALLENGE A  
24 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH  
25 SECTION 19-4-105 WHERE THE CHILD WAS CONCEIVED THROUGH AN  
26 ASSISTED REPRODUCTIVE PROCEDURE, EXCEPT TO RESOLVE A DISPUTE  
27 REGARDING WHETHER THE CHILD WAS CONCEIVED THROUGH AN ASSISTED  
28 REPRODUCTIVE PROCEDURE.

29 (7) (a) If a marriage OR CIVIL UNION is dissolved before placement  
30 of eggs, sperm, or embryos, the former spouse OR CIVIL UNION PARTNER  
31 is not a parent of the resulting child unless the former spouse OR CIVIL  
32 UNION PARTNER consented in a record that if ~~assisted reproduction~~ THE  
33 ASSISTED REPRODUCTIVE PROCEDURE were to occur after a dissolution of  
34 marriage OR CIVIL UNION, the former spouse OR CIVIL UNION PARTNER  
35 would be a parent of the child.

36 (b) The consent of a former spouse OR CIVIL UNION PARTNER to  
37 assisted reproduction may be withdrawn by that individual in a record  
38 GIVEN TO THE PARENT WHO AGREED TO GIVE BIRTH TO A CHILD  
39 CONCEIVED BY AN ASSISTED REPRODUCTIVE PROCEDURE at any time  
40 before placement of eggs, sperm, or embryos.

41 (8) If a spouse OR CIVIL UNION PARTNER dies before placement of  
42 eggs, sperm, or embryos, the deceased spouse OR CIVIL UNION PARTNER  
43 is not a parent of the resulting child unless the deceased spouse OR CIVIL

1 UNION PARTNER consented in a record that if assisted reproduction were  
2 to occur after death, the deceased spouse OR CIVIL UNION PARTNER would  
3 be a parent of the child.

4 (9) This section does not apply to the birth of a child conceived by  
5 means of sexual intercourse.

6 (10) For purposes of this section, "donor" is defined in section  
7 19-1-103.".

8 Rerumber succeeding sections accordingly.".

9 Page 2 of the report, after line 35 insert:

10 **"SECTION 6.** In Colorado Revised Statutes, 25-2-112, **amend**  
11 (3.5) as follows:

12 **25-2-112. Certificates of birth - filing - establishment of**  
13 **paternity - notice to collegeinvest.** (3.5) Upon the birth of a child to an  
14 unmarried ~~woman~~ PERSON in an institution, the person in charge of the  
15 institution or that person's designated representative shall provide an  
16 opportunity for the ~~child's mother and natural father~~ PERSON WHO GAVE  
17 BIRTH AND THE PERSON SEEKING TO ACKNOWLEDGE PARENTAGE  
18 PURSUANT TO SECTION 19-4-105 to complete a written acknowledgment  
19 of ~~paternity~~ PARENTAGE on the form prescribed and furnished by the state  
20 registrar.

21 Rerumber succeeding sections accordingly.".

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