

SENATE COMMITTEE OF REFERENCE REPORT

March 23, 2022

Chair of Committee

Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB22-1153 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 5, line 12, strike "BIRTH" and substitute
2 "BIRTH, OR THE ADJUDICATED PARENT,".

3 Page 5, after line 13 insert:

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

7 **19-4-105. Presumption of parentage.** (1) A ~~man~~ PERSON is
8 presumed to be the natural ~~father~~ PARENT of a child if:

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

19 (2) (a.5) (I) A PERSON AND THE PARENT WHO GAVE BIRTH TO THE
20 CHILD MAY SIGN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE TO
21 ESTABLISH THE PARENTAGE OF THE CHILD. A VOLUNTARY
22 ACKNOWLEDGMENT OF PARENTAGE MAY BE SIGNED BY A PARENT WHO
23 GAVE BIRTH TO THE CHILD AND EITHER:

24 (A) ANOTHER PERSON WHO IS OR BELIEVES THEMSELVES TO BE A
25 GENETIC PARENT; OR

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

1 CONCEIVED THROUGH ASSISTED REPRODUCTION.

2 (II) A MARRIED PERSON OR PERSON IN A CIVIL UNION WHO GIVES
3 BIRTH TO A CHILD MAY ONLY SIGN A VOLUNTARY ACKNOWLEDGMENT OF
4 PARENTAGE WITH A PERSON WHO IS NOT THE MARRIED PERSON'S SPOUSE
5 OR CIVIL UNION PARTNER IF THE SPOUSE OR CIVIL UNION PARTNER SIGNS
6 A DENIAL OF PARENTAGE.

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

11 (c) ~~Except as otherwise provided in section 19-4-107.3, a legal~~
12 ~~finding of paternity~~ A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE
13 may be challenged in court only on the basis of fraud, duress, or mistake
14 of material fact, with the burden of proof upon the challenger. Any legal
15 responsibilities resulting from signing ~~an~~ A VOLUNTARY acknowledgment
16 of ~~paternity~~ PARENTAGE, including child support obligations, ~~shall~~
17 continue during any challenge to the finding of ~~paternity~~ PARENTAGE,
18 except for good cause shown.

19 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)(b) AND
20 (2)(c) OF THIS SECTION, A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE
21 THAT COMPLIES WITH THIS SECTION AND SECTION 25-2-112, AND IS FILED
22 WITH THE STATE REGISTRAR OF VITAL STATISTICS, IS EQUIVALENT TO AN
23 ADJUDICATION OF PARENTAGE OF THE CHILD AND CONFERS ON THE
24 ACKNOWLEDGED PARENT ALL RIGHTS AND DUTIES OF A PARENT. THE
25 COURT SHALL GIVE FULL FAITH AND CREDIT TO A VOLUNTARY
26 ACKNOWLEDGMENT OF PARENTAGE THAT IS EFFECTIVE IN ANOTHER STATE,
27 INCLUDING A FEDERALLY RECOGNIZED INDIAN TRIBE, IF THE
28 ACKNOWLEDGMENT WAS IN A SIGNED RECORD AND OTHERWISE COMPLIES
29 WITH THE LAWS OF THE OTHER STATE OR FEDERALLY RECOGNIZED INDIAN
30 TRIBE.

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

33 **14-5-316. Special rules of evidence and procedure.** (j) A
34 voluntary acknowledgment of ~~paternity~~ PARENTAGE, certified as a true
35 copy, is admissible to establish parentage of the child.

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

38 **25-2-112.7. Crime of misrepresentation of material**
39 **information in the preparation of a birth certificate - definitions.**

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

41 (a) "Birth parent" means a ~~natural parent, by birth,~~ of PARENT WHO
42 GAVE BIRTH TO a child born in this state. "Birth parent" also includes a
43 ~~presumed father or putative father in accordance with the presumptions~~

1 ~~for determination of paternity as set forth in section~~ PERSON PRESUMED TO
2 BE A PARENT OR AN ALLEGED GENETIC PARENT IN ACCORDANCE WITH
3 SECTIONS 19-4-105 AND 25-2-112 (3) or a ~~putative father who is not~~
4 ~~married to the mother who signs a voluntary acknowledgment of paternity~~
5 PARENT WHO SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE OR
6 IS RECOGNIZED PURSUANT TO SECTION 19-4-106.".

7 Renumber succeeding section accordingly.

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