

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0507.01 Jane Ritter x4342

HOUSE BILL 22-1153

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Public & Behavioral Health & Human Services

Senate Committees

Health & Human Services

SENATE
Amended 3rd Reading
April 1, 2022

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.**

SENATE
Amended 2nd Reading
March 31, 2022

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>.)

HOUSE
3rd Reading Unamended
February 28, 2022

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

HOUSE
Amended 2nd Reading
February 25, 2022

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 - short title - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

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

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

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

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

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

1 THE PERSON IS A PARENT BASED ON CONTRIBUTING GAMETES OR
2 CONSENTING TO THE CONCEPTION OF A CHILD THROUGH ASSISTED
3 REPRODUCTION PURSUANT TO SECTION 19-4-106 AND ATTESTING THAT
4 THE CHILD WAS BORN AS A RESULT OF ASSISTED REPRODUCTION AND
5 ATTESTING THAT NO COMPETING CLAIMS OF PARENTAGE EXIST;

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

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

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

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

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

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

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

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

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

1 (b) UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE
2 SHOWN, FOR PURPOSES OF EVALUATING AND GRANTING A PETITION FOR
3 ADOPTION PURSUANT TO THIS SECTION, THE COURT SHALL NOT REQUIRE:

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

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

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

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

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

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

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

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

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

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

1 PETITIONER'S PARENTAGE IS ALREADY PRESUMED OR LEGALLY
2 RECOGNIZED.

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

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

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

15 (7) THE SHORT TITLE OF THIS SECTION IS "MARLO'S LAW."

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

18 **19-1-103. Definitions.** As used in this title 19 or in the specified
19 **portion of this title 19, unless the context otherwise requires:**

20 **(61) "Donor", as used in section 19-4-106 ARTICLE 4 OF THIS TITLE**
21 **19, means an individual who produces eggs or sperm used for AN assisted**
22 **reproduction REPRODUCTIVE PROCEDURE, whether or not for**
23 **consideration. "Donor" does not include a spouse who provides sperm or**
24 **eggs to be used for assisted reproduction by the other spouse AN**
25 **INTENDED PARENT PURSUANT TO SECTION 19-4-106(1) OR (5) OR SECTION**
26 **19-4.5-109 OR A SPOUSE OR CIVIL UNION PARTNER WHO PROVIDES**
27 **REPRODUCTIVE TISSUE TO BE USED FOR AN ASSISTED REPRODUCTIVE**

1 PROCEDURE BY THE OTHER SPOUSE OR CIVIL UNION PARTNER.

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

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

9 (2) UNLESS THE CONTEXT OTHERWISE REQUIRES, ANY REFERENCE
10 IN THIS TITLE 19 TO "FATHER" INCLUDES A PARENT OF ANY GENDER, ANY
11 REFERENCE TO "MOTHER" INCLUDES A PARENT OF ANY GENDER, AND ANY
12 REFERENCE TO "PATERNITY" IS EQUALLY APPLICABLE TO "PARENTAGE".

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

17 (4) ANY REFERENCE IN THE STATUTES, ADMINISTRATIVE RULES,
18 COURT RULES, GOVERNMENT POLICIES, COMMON LAW, AND ANY OTHER
19 PROVISION OR SOURCE OF LAW IN THIS STATE TO "SPOUSE", "HUSBAND", OR
20 "WIFE", OR TO THE PLURALS OF SUCH TERMS, ARE EQUALLY APPLICABLE TO
21 A CIVIL UNION PARTNER. ANY REFERENCE TO "MARRIAGE", "MARITAL
22 UNION", "MARITAL STATUS", "MARRIED", "UNMARRIED", "WEDLOCK", OR
23 ANY SIMILAR TERM IS EQUALLY APPLICABLE TO THE STATUS OF BEING IN
24 A CIVIL UNION OR NOT IN A CIVIL UNION.

25 **SECTION 4.** In Colorado Revised Statutes, **amend 19-4-105** and
26 19-4-106 as follows:

27 **19-4-105. Presumption of paternity.** (1) A man PERSON is

1 presumed to be the natural father PARENT of a child if:

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

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

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

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

24 (c) After the child's birth, he and the child's natural mother THE
25 PERSON AND THE PARENT WHO GAVE BIRTH TO THE CHILD have married OR
26 ENTERED INTO A CIVIL UNION, or attempted to marry each other by a
27 marriage solemnized in apparent compliance with law OR ENTER INTO A

1 CIVIL UNION IN APPARENT COMPLIANCE WITH LAW, although the attempted
2 marriage OR CIVIL UNION is or could be declared invalid, and:

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

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

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

13 (d) While the child is under the age of majority, he THE PERSON
14 receives the child into his THE PERSON'S home and openly holds out the
15 child as his THE PERSON'S natural child;

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

26 (f) The genetic tests or other tests of inherited characteristics have
27 been administered as provided in PURSUANT TO section 13-25-126,

1 C.R.S., and the results show that the alleged father GENETIC PARENT is not
2 excluded as the probable father GENETIC PARENT and that the probability
3 of his THE PERSON'S GENETIC parentage is ninety-seven percent or higher.
4 THIS SUBSECTION (3)(f) DOES NOT APPLY TO A DONOR AS DEFINED IN
5 SECTION 19-1-103.

6 (2)(a) A presumption under this section OF PARENTAGE PURSUANT
7 TO SUBSECTION (1) OF THIS SECTION may be rebutted in an appropriate
8 action only by clear and convincing evidence. If two or more
9 CONFLICTING presumptions arise, ~~which conflict with each other,~~ the
10 presumption ~~which~~ THAT, on the facts, is founded on the weightier
11 considerations of policy and logic controls. The presumption is rebutted
12 by a court decree establishing paternity PARENTAGE of the child by
13 another man PERSON OTHER THAN THE PARENT WHO GAVE BIRTH. In
14 determining which of two or more conflicting presumptions should
15 control CONTROLS, based upon the weightier considerations of policy and
16 logic, the judge or magistrate shall consider all pertinent factors,
17 including but not limited to the following:

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

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

25 (III) The facts surrounding the presumed father's PARENT'S
26 discovery of his possible nonpaternity THE POSSIBILITY THAT THE
27 PRESUMED PARENT WAS NOT A GENETIC PARENT, UNLESS THE CHILD WAS

1 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE;
2 (IV) The nature of the ~~father-child~~ EXISTING PARENT-CHILD
3 relationship;
4 (V) The CHILD'S age; ~~of the child;~~
5 (VI) The CHILD'S relationship ~~of the child to any presumed father~~
6 ~~or fathers;~~ TO ANY PRESUMED PARENT OR PARENTS;
7 (VII) The extent to which the passage of time reduces the chances
8 of establishing ~~the paternity of another man~~ ANOTHER PERSON'S
9 PARENTAGE and a child support obligation in favor of the child; and
10 (VIII) Any other factors that may affect the equities arising from
11 the disruption of the ~~father-child~~ PARENT-CHILD relationship between the
12 child and the ~~presumed father or fathers~~ PARENT OR PARENTS or the
13 chance of other harm to the child.
14 (a.5) (I) A PERSON AND THE PARENT WHO GAVE BIRTH TO THE
15 CHILD MAY SIGN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE TO
16 ESTABLISH THE PARENTAGE OF THE CHILD. A VOLUNTARY
17 ACKNOWLEDGMENT OF PARENTAGE MAY BE SIGNED BY A PARENT WHO
18 GAVE BIRTH TO THE CHILD AND EITHER:
19 (A) ANOTHER PERSON WHO IS OR BELIEVES THEMSELVES TO BE A
20 GENETIC PARENT; OR
21 (B) ANOTHER PERSON WHO IS AN INTENDED PARENT OF A CHILD
22 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE.
23 (II) A MARRIED PERSON OR PERSON IN A CIVIL UNION WHO GIVES
24 BIRTH TO A CHILD MAY ONLY SIGN A VOLUNTARY ACKNOWLEDGMENT OF
25 PARENTAGE WITH A PERSON WHO IS NOT THE MARRIED PERSON'S SPOUSE
26 OR CIVIL UNION PARTNER IF THE SPOUSE OR CIVIL UNION PARTNER SIGNS
27 A DENIAL OF PARENTAGE.

1 (b) A duly executed voluntary acknowledgment of paternity shall
2 be considered a legal finding of paternity PARENTAGE TAKES EFFECT UPON
3 THE FILING OF THE DOCUMENT WITH THE STATE REGISTRAR OF VITAL
4 STATISTICS AND MAY BE RESCINDED on the earlier of:

- 5 (I) Sixty days after execution of such acknowledgment; or
6 (II) On the date of any administrative or judicial proceeding
7 pursuant to this article or any administrative or judicial proceeding
8 concerning the support of a child to which the signatory is a party.

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

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

1 TRIBE.

2 19-4-106. Assisted reproductive procedures. (1) If, under the
3 supervision of a licensed physician or advanced practice nurse and with
4 the consent of her husband, a wife consents to assisted reproduction with
5 sperm donated by a man not her husband, the husband is treated in law as
6 if he were the natural father of a child thereby conceived. If, under the
7 supervision of a licensed physician or advanced practice nurse and with
8 the consent of her husband, a wife consents to assisted reproduction with
9 an egg donated by another woman, to conceive a child for herself, not as
10 a surrogate, the wife is treated in law as if she were the natural mother of
11 a child thereby conceived. Both the husband's and the wife's consent must
12 be in writing and signed by each of them. The physician or advanced
13 practice nurse shall certify their signatures and the date of the assisted
14 reproduction and shall file the consents with the department of public
15 health and environment, where they shall be kept confidential and in a
16 sealed file; however, the physician's failure to do so does not affect the
17 father and child relationship or the mother and child relationship. All
18 papers and records pertaining to the assisted reproduction, whether part
19 of the permanent record of a court or of a file held by the supervising
20 physician or advanced practice nurse or elsewhere, are subject to
21 inspection only upon an order of the court for good cause shown. IF, WITH
22 THE CONSENT OF ANOTHER INTENDED PARENT, AN INTENDED PARENT
23 CONSENTS TO BECOME PREGNANT THROUGH AN ASSISTED REPRODUCTIVE
24 PROCEDURE, THE INTENDED PARENT WHO DOES NOT GIVE BIRTH IS
25 TREATED IN LAW AS THE NATURAL PARENT OF THE CHILD CONCEIVED. THE
26 CONSENT OF BOTH THE INTENDED PARENT WHO WILL GIVE BIRTH AND THE
27 OTHER INTENDED PARENT MUST BE IN WRITING AND SIGNED BY EACH SUCH

1 PARTY, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION. THIS
2 SUBSECTION (1) DOES NOT APPLY TO A CHILD CONCEIVED PURSUANT TO A
3 SURROGACY AGREEMENT PURSUANT TO ARTICLE 4.5 OF THIS TITLE 19.

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

7 (3) If a husband provides sperm for, or consents to, assisted
8 reproduction by his wife as provided in subsection (1) of this section, he
9 is the father of the resulting child.

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

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

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

26 (6.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
27 CONTRARY, GENETIC TESTS MAY NOT BE ORDERED AND ARE NOT

1 ADMISSIBLE TO ESTABLISH A DONOR AS A PARENT, TO CHALLENGE THE
2 RECOGNITION OF AN INTENDED PARENT WHO CONSENTED TO THE ASSISTED
3 REPRODUCTIVE PROCEDURE AS A PARENT, OR TO CHALLENGE A
4 VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE THAT COMPLIES WITH
5 SECTION 19-4-105 WHERE THE CHILD WAS CONCEIVED THROUGH AN
6 ASSISTED REPRODUCTIVE PROCEDURE, EXCEPT TO RESOLVE A DISPUTE
7 REGARDING WHETHER THE CHILD WAS CONCEIVED THROUGH AN ASSISTED
8 REPRODUCTIVE PROCEDURE.

9 (7) (a) If a marriage OR CIVIL UNION is dissolved before placement
10 of eggs, sperm, or embryos, the former spouse OR CIVIL UNION PARTNER
11 is not a parent of the resulting child unless the former spouse OR CIVIL
12 UNION PARTNER consented in a record that if ~~assisted reproduction~~ THE
13 ASSISTED REPRODUCTIVE PROCEDURE were to occur after a dissolution of
14 marriage OR CIVIL UNION, the former spouse OR CIVIL UNION PARTNER
15 would be a parent of the child.

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

21 (8) If a spouse OR CIVIL UNION PARTNER dies before placement of
22 eggs, sperm, or embryos, the deceased spouse OR CIVIL UNION PARTNER
23 is not a parent of the resulting child unless the deceased spouse OR CIVIL
24 UNION PARTNER consented in a record that if assisted reproduction were
25 to occur after death, the deceased spouse OR CIVIL UNION PARTNER would
26 be a parent of the child.

27 (9) This section does not apply to the birth of a child conceived by

1 means of sexual intercourse.

2 (10) For purposes of this section, "donor" is defined in section
3 19-1-103.

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

6 14-5-316. Special rules of evidence and procedure. (j) A
7 voluntary acknowledgment of ~~paternity~~ PARENTAGE, certified as a true
8 copy, is admissible to establish parentage of the child.

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

11 25-2-112. Certificates of birth - filing - establishment of
12 paternity - notice to collegeinvest. (3.5) Upon the birth of a child to an
13 unmarried ~~woman~~ PERSON in an institution, the person in charge of the
14 institution or that person's designated representative shall provide an
15 opportunity for the ~~child's mother and natural father~~ PERSON WHO GAVE
16 BIRTH AND THE PERSON SEEKING TO ACKNOWLEDGE PARENTAGE
17 PURSUANT TO SECTION 19-4-105 to complete a written acknowledgment
18 of ~~paternity~~ PARENTAGE on the form prescribed and furnished by the state
19 registrar.

20 SECTION 7. In Colorado Revised Statutes, 25-2-112.7, amend
21 (1)(a) as follows:

22 25-2-112.7. Crime of misrepresentation of material
23 information in the preparation of a birth certificate - definitions.

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

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