

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

**REVISED**

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

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.**

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**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.

SENATE  
Amended 2nd Reading  
March 31, 2022

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.

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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, 19-1-103, **amend**  
15 **(61)** as follows:

16 **19-1-103. Definitions.** As used in this title 19 or in the specified  
17 **portion of this title 19, unless the context otherwise requires:**

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

27 **SECTION 3.** In Colorado Revised Statutes, **add** 19-4-102.5 as

1 follows:

2 **19-4-102.5. Terms defined.** (1) ANY REFERENCE IN THE  
3 STATUTES, ADMINISTRATIVE RULES, COURT RULES, GOVERNMENT  
4 POLICIES, COMMON LAW, AND ANY OTHER PROVISION OR SOURCE OF LAW  
5 IN THIS STATE TO AN "ACKNOWLEDGMENT OF PATERNITY" MEANS AN  
6 "ACKNOWLEDGMENT OF PARENTAGE", AS DESCRIBED IN THIS SECTION.

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

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

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

23 **SECTION 4.** In Colorado Revised Statutes, **amend 19-4-105 and**  
24 **19-4-106 as follows:**

25 **19-4-105. Presumption of paternity.** (1) **A man** PERSON is  
26 presumed to be the natural ~~father~~ PARENT of a child if:

27 (a) ~~He and the child's natural mother~~ THE PERSON AND THE

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

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

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

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

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

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

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

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

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

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

24           (f) The genetic tests or other tests of inherited characteristics have  
25           been administered as provided in PURSUANT TO section 13-25-126,  
26           C.R.S., and the results show that the alleged father GENETIC PARENT is not  
27           excluded as the probable father GENETIC PARENT and that the probability



1 of his THE PERSON'S GENETIC parentage is ninety-seven percent or higher.  
2 THIS SUBSECTION (3)(f) DOES NOT APPLY TO A DONOR AS DEFINED IN  
3 SECTION 19-1-103.

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

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

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

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

27 (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

1 THE FILING OF THE DOCUMENT WITH THE STATE REGISTRAR OF VITAL  
2 STATISTICS AND MAY BE RESCINDED ON THE EARLIER OF:

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

4 (II) On the date of any administrative or judicial proceeding  
5 pursuant to this article or any administrative or judicial proceeding  
6 concerning the support of a child to which the signatory is a party.

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

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

27 19-4-106. Assisted reproductive procedures. (1) If, under the

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

1 SURROGACY AGREEMENT PURSUANT TO ARTICLE 4.5 OF THIS TITLE 19.  
2 (2) A donor is not a parent of a child conceived by means of AN  
3 assisted reproduction REPRODUCTIVE PROCEDURE, except as provided in  
4 subsection (3) of this section.  
5 (3) If a husband provides sperm for, or consents to, assisted  
6 reproduction by his wife as provided in subsection (1) of this section, he  
7 is the father of the resulting child.  
8 (4) The requirement for consent set forth in subsection (1) of this  
9 section does not apply to the donation of eggs by a married woman for  
10 assisted reproduction by another woman or to the donation of sperm by  
11 a married man for assisted reproduction by a woman who is not his wife.  
12 (5) Failure of the husband INTENDED PARENT to sign a consent  
13 required by subsection (1) of this section before or after the birth of the  
14 child does not preclude a finding that the husband is the father of a child  
15 born to his wife pursuant to section 19-4-105 (2)(a) INTENDED PARENT IS  
16 THE PARENT IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
17 THAT, PRIOR TO THE CONCEPTION OF THE CHILD, THE PARENT WHO GIVES  
18 GAVE BIRTH AND THE INTENDED PARENT HAD AN ORAL AGREEMENT THAT  
19 BOTH WOULD BE PARENTS OF THE CHILD AND THAT THE CHILD WAS  
20 CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE.  
21 (6) If there is no signed consent form, the nonexistence of the  
22 father-child relationship shall be determined pursuant to section 19-4-107  
23 (1)(b).  
24 (6.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
25 CONTRARY, GENETIC TESTS MAY NOT BE ORDERED AND ARE NOT  
26 ADMISSIBLE TO ESTABLISH A DONOR AS A PARENT, TO CHALLENGE THE  
27 RECOGNITION OF AN INTENDED PARENT WHO CONSENTED TO THE ASSISTED

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

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

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

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

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

27 (10) For purposes of this section, "donor" is defined in section

1 19-1-103.

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

4 14-5-316. Special rules of evidence and procedure. (j) A  
5 voluntary acknowledgment of paternity PARENTAGE, certified as a true  
6 copy, is admissible to establish parentage of the child.

7 SECTION 6. In Colorado Revised Statutes, 25-2-112, amend  
8 (3.5) as follows:

9 25-2-112. Certificates of birth - filing - establishment of  
10 paternity - notice to collegeinvest. (3.5) Upon the birth of a child to an  
11 unmarried woman PERSON in an institution, the person in charge of the  
12 institution or that person's designated representative shall provide an  
13 opportunity for the child's mother and natural father PERSON WHO GAVE  
14 BIRTH AND THE PERSON SEEKING TO ACKNOWLEDGE PARENTAGE  
15 PURSUANT TO SECTION 19-4-105 to complete a written acknowledgment  
16 of paternity PARENTAGE on the form prescribed and furnished by the state  
17 registrar.

18 SECTION 7. 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 8. 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.