

CHAPTER 210

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1153

BY REPRESENTATIVE(S) Tipper and Esgar, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett, Hooton;
 also SENATOR(S) Bridges and Moreno, Buckner, Coleman, Coram, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Lee, Pettersen, Rodriguez, Story, Winter, Zenzinger, Fenberg.

AN ACT

CONCERNING AFFIRMING PARENTAGE BY ADOPTION FOR A PERSON WHO DID NOT GIVE BIRTH WHEN THE CHILD IS CONCEIVED AS A RESULT OF ASSISTED REPRODUCTION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 19-5-203.5 as follows:

19-5-203.5. Confirmatory adoption - short title - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(I) A COPY OF THE PETITIONERS' MARRIAGE OR CIVIL UNION CERTIFICATE IF THE PARENTS WERE MARRIED OR IN A CIVIL UNION AT THE TIME OF BIRTH, IF APPLICABLE, AND DECLARATIONS BY THE PARENT WHO DID NOT GIVE BIRTH EXPLAINING THE CIRCUMSTANCES OF BIRTH AND THAT THE PERSON IS A PARENT BASED ON CONTRIBUTING GAMETES OR CONSENTING TO THE CONCEPTION OF A CHILD THROUGH ASSISTED REPRODUCTION PURSUANT TO SECTION 19-4-106 AND ATTESTING THAT THE CHILD WAS BORN AS A RESULT OF ASSISTED REPRODUCTION AND ATTESTING THAT NO COMPETING CLAIMS OF PARENTAGE EXIST;

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

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

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

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

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

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

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

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

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

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

(I) AN IN-PERSON HEARING OR APPEARANCE;

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

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

(IV) VERIFICATION THAT THE CHILD IS NOT REGISTERED WITH THE FEDERAL

REGISTER FOR MISSING CHILDREN OR THE CENTRAL REGISTER; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

REPRODUCTIVE TISSUE TO BE USED FOR AN ASSISTED REPRODUCTIVE PROCEDURE BY THE OTHER SPOUSE OR CIVIL UNION PARTNER.

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

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

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

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

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

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

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

(a) ~~He and the child's natural mother~~ THE PERSON AND THE PARENT WHO GAVE BIRTH TO THE CHILD ~~are or have been married to each other~~ OR ARE IN A CIVIL UNION PURSUANT TO ARTICLE 15 OF TITLE 14, ~~and the child is born during the marriage~~ OR CIVIL UNION, ~~within three hundred days after the marriage~~ OR CIVIL UNION IS TERMINATED BY DEATH, ANNULMENT, DECLARATION OF INVALIDITY OF MARRIAGE OR CIVIL UNION, DISSOLUTION OF MARRIAGE OR CIVIL UNION, OR DIVORCE, OR AFTER A DECREE OF LEGAL SEPARATION IS ENTERED BY A COURT;

(b) Before the child's birth, ~~he and the child's natural mother~~ THE PERSON AND THE PARENT WHO GAVE BIRTH TO THE CHILD ~~have attempted to marry each other by a marriage solemnized in apparent compliance with law~~ OR ATTEMPTED TO ENTER INTO A CIVIL UNION IN APPARENT COMPLIANCE WITH LAW, ~~although the attempted marriage~~ OR CIVIL UNION IS OR COULD BE DECLARED INVALID, AND:

(I) If the attempted marriage OR CIVIL UNION could be declared invalid only by a court, the child is born during the attempted marriage OR CIVIL UNION or within three hundred days after its termination by death, annulment, declaration of

invalidity of marriage OR CIVIL UNION, dissolution of marriage OR CIVIL UNION, or divorce; or

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

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

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

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

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

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

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

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

(2) (a) A presumption ~~under this section~~ OF PARENTAGE PURSUANT TO SUBSECTION (1) OF THIS SECTION may be rebutted in an appropriate action only by clear and convincing evidence. If two or more CONFLICTING presumptions arise, ~~which conflict with each other,~~ the presumption ~~which~~ THAT, on the facts, is founded on the weightier considerations of policy and logic controls. The

presumption is rebutted by a court decree establishing ~~paternity~~ PARENTAGE of the child by another ~~man~~ PERSON OTHER THAN THE PARENT WHO GAVE BIRTH. In determining which of two or more conflicting presumptions ~~should control~~ CONTROLS, based upon the weightier considerations of policy and logic, the judge or magistrate shall consider all pertinent factors, including but not limited to the following:

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

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

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

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

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

(VI) The CHILD'S relationship ~~of the child to any presumed father or fathers~~; TO ANY PRESUMED PARENT OR PARENTS;

(VII) The extent to which the passage of time reduces the chances of establishing ~~the paternity of another man~~ ANOTHER PERSON'S PARENTAGE and a child support obligation in favor of the child; and

(VIII) Any other factors that may affect the equities arising from the disruption of the ~~father-child~~ PARENT-CHILD relationship between the child and the presumed ~~father or fathers~~ PARENT OR PARENTS or the chance of other harm to the child.

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

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

(B) ANOTHER PERSON WHO IS AN INTENDED PARENT OF A CHILD CONCEIVED THROUGH AN ASSISTED REPRODUCTIVE PROCEDURE.

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

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

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

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

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

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

SECTION 5. In Colorado Revised Statutes, **amend** 19-4-106 as follows:

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.

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

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

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

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

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

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

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

(b) The consent of a former spouse OR CIVIL UNION PARTNER to assisted reproduction may be withdrawn by that individual in a record GIVEN TO THE PARENT

WHO AGREED TO GIVE BIRTH TO A CHILD CONCEIVED BY AN ASSISTED REPRODUCTIVE PROCEDURE at any time before placement of eggs, sperm, or embryos.

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

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

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

SECTION 6. In Colorado Revised Statutes, 14-5-316, **amend** (j) as follows:

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

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

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

SECTION 8. In Colorado Revised Statutes, 25-2-112.7, **amend** (1)(a) as follows:

25-2-112.7. Crime of misrepresentation of material information in the preparation of a birth certificate - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Birth parent" means a ~~natural parent, by birth,~~ of PARENT WHO GAVE BIRTH TO a child born in this state. "Birth parent" also includes a ~~presumed father or putative father in accordance with the presumptions for determination of paternity as set forth in section~~ PERSON PRESUMED TO BE A PARENT OR AN ALLEGED GENETIC PARENT IN ACCORDANCE WITH SECTIONS 19-4-105 AND 25-2-112 (3) or a ~~putative father who is not married to the mother who signs a voluntary acknowledgment of paternity~~ PARENT WHO SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE OR IS RECOGNIZED PURSUANT TO SECTION 19-4-106.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or

part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 23, 2022