

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0507.01 Jane Ritter x4342

HOUSE BILL 22-1153

HOUSE SPONSORSHIP

Tipper and Esgar,

SENATE SPONSORSHIP

Bridges and Moreno,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

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.**

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.

HOUSE
Amended 2nd Reading
February 25, 2022

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 - 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 AND THE PARENT WHO ADOPTED THE CHILD ARE
13 THE PARENTS OF THE CHILD.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.