

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0592.02 Debbie Haskins

**HOUSE BILL 09-1286**

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**HOUSE SPONSORSHIP**

**Levy and McGihon,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL AND REENACTMENT OF THE "UNIFORM**  
102 **PARENTAGE ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Colorado Commission on Uniform State Laws.** Repeals and reenacts the "Uniform Parentage Act", which is contained in the "Colorado Children's Code", to update the statutes on establishing legal parentage of children to reflect modern technologies used for conception and for genetic testing, as recommended by the national conference of commissioners on uniform state laws.

Defines how a mother-child relationship and a father-child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

relationship are established.

Specifies that a knowing and voluntary acknowledgment of paternity is the equivalent of a judgment of paternity for enforcement purposes. Requires a court to give full faith and credit to an acknowledgment of paternity from another state. States that such an acknowledgment is effective so long as there is not another presumed, acknowledged, or adjudicated father. Allows for rescission of acknowledgment of paternity if a proceeding is filed within 2 years of the acknowledgement. Allows for a counterpart denial of paternity by a presumed father that has the effect of a judgment of nonpaternity if another man has acknowledged paternity or is adjudicated to be the natural father. Also allows for the filing of a denial of paternity, which may be rescinded or challenged.

Establishes a separate procedure for genetic testing allowing a court to order testing without a paternity action. Makes a reasonable probability of sexual contact between the putative father and the mother a sufficient basis to initiate a proceeding for genetic testing. Allows a putative father to initiate the proceeding to obtain the tests to prove that he is not the genetic father. Sets forth standards for genetic testing. Makes the standard for presumption of paternity for genetic testing of a presumed father 99% probability of paternity based on appropriate calculations of the "combined paternity index". Provides that the presumption is rebuttable by further genetic evidence that excludes the putative father or that identifies another man as the genetic father.

Authorizes a court to compel genetic testing of a man's blood relatives if he is not available for testing. Makes the standard for genetic testing for blood relatives 97% or higher. Authorizes a child support-enforcement agency to order genetic testing. Allocates costs for genetic testing. Protects the confidentiality of the genetic-testing results.

In a paternity proceeding, rebuttal of a presumption of paternity, acknowledged paternity, or prior adjudicated paternity, requires genetic information that, within the accepted probabilities, excludes the presumed father from paternity or establishes another man as the father of the child.

States that jurisdiction to bring an action is governed by the "Uniform Interstate Family Support Act". States that if there is no presumed, acknowledged, or adjudicated father, an action to determine paternity may be brought at any time. If there is a presumed father, establishes a statute of limitations for initiating a paternity action of 2 years following the birth of the child. Allows an action to disprove the presumed father's paternity to be brought at any time if the presumed father and mother did not cohabit or have sexual intercourse during the time of conception and the presumed father did not treat the child as his own. Authorizes a court to deny a motion for genetic testing.

Allows a refusal to submit to genetic testing to ripen into an adjudication of paternity for the putative father who refuses. Specifies

that only genetic evidence overcomes a presumption of paternity. States that no child (as a party) is bound by an adjudication of paternity unless the adjudication of paternity was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown.

Provides for determining paternity when there is assisted reproduction. States that if a couple consents to any sort of assisted reproduction and the woman gives birth to the resulting child, they are the legal parents of the child. Specifies that the donor of either sperm or eggs used in an assisted reproduction may not be a legal parent under any circumstances.

States that a gestational agreement may be entered into between a woman and the intended parents obligating that woman to carry a child for the intended parents when the conception is accomplished with assisted reproduction. Specifies that the woman who carries the child to birth pursuant to a gestational agreement is not the legal mother of that child. Provides that, if the woman who carries the child to birth is married, her husband has no parental rights or obligation with respect to the child and that only the intended parents are the legal parents of the child.

Specifies that a gestational agreement must be validated by a court before it is enforceable. Directs the court to verify the birth mother's qualifications to carry the child and the intended parents' qualifications to be parents. Permits the birth mother to be compensated. Allows any party to the agreement to terminate the agreement under certain conditions.

Makes conforming amendments. Makes the act effective July 1, 2010.

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

2 **SECTION 1.** Article 4 of title 19, Colorado Revised Statutes, is  
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **ARTICLE 4**  
5 **Uniform Parentage Act**  
6 **PART 1**  
7 **GENERAL PROVISIONS**

8 **19-4-101. Short title.** THIS ARTICLE MAY BE CITED AS THE  
9 "UNIFORM PARENTAGE ACT".

1           **19-4-102. Definitions.** IN THIS ARTICLE:

2           (1) "ACKNOWLEDGED FATHER" MEANS A MAN WHO HAS  
3 ESTABLISHED A FATHER-CHILD RELATIONSHIP UNDER PART 3 OF THIS  
4 ARTICLE.

5           (2) "ADJUDICATED FATHER" MEANS A MAN WHO HAS BEEN  
6 ADJUDICATED BY A COURT OF COMPETENT JURISDICTION TO BE THE  
7 FATHER OF A CHILD.

8           (3) "ALLEGED FATHER" MEANS A MAN WHO ALLEGES HIMSELF TO  
9 BE, OR IS ALLEGED TO BE, THE GENETIC FATHER OR A POSSIBLE GENETIC  
10 FATHER OF A CHILD, BUT WHOSE PATERNITY HAS NOT BEEN DETERMINED.

11 THE TERM DOES NOT INCLUDE:

12           (a) A PRESUMED FATHER;

13           (b) A MAN WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED OR  
14 DECLARED NOT TO EXIST; OR

15           (c) A MALE SPERM DONOR.

16           (4) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING  
17 PREGNANCY OTHER THAN SEXUAL INTERCOURSE. THE TERM INCLUDES:

18           (a) INTRAUTERINE INSEMINATION;

19           (b) DONATION OF EGGS;

20           (c) DONATION OF EMBRYOS;

21           (d) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

22           (e) INTRACYTOPLASMIC SPERM INJECTION.

23           (5) "CHILD" MEANS AN INDIVIDUAL OF ANY AGE WHOSE  
24 PARENTAGE MAY BE DETERMINED UNDER THIS ARTICLE.

25           (6) "COMMENCE" MEANS TO FILE THE INITIAL PLEADING SEEKING  
26 AN ADJUDICATION OF PARENTAGE IN THE JUVENILE COURT, AS DEFINED IN  
27 SECTION 19-1-103 (70), OF THIS STATE.

1 (7) "DETERMINATION OF PARENTAGE" MEANS THE ESTABLISHMENT  
2 OF THE PARENT-CHILD RELATIONSHIP BY THE SIGNING OF A VALID  
3 ACKNOWLEDGMENT OF PATERNITY UNDER PART 3 OF THIS ARTICLE OR  
4 ADJUDICATION BY THE COURT.

5 (8) "DONOR" MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR  
6 SPERM USED FOR ASSISTED REPRODUCTION, WHETHER OR NOT FOR  
7 CONSIDERATION. THE TERM DOES NOT INCLUDE:

8 (a) A HUSBAND WHO PROVIDES SPERM, OR A WIFE WHO PROVIDES  
9 EGGS, TO BE USED FOR ASSISTED REPRODUCTION BY THE WIFE;

10 (b) A WOMAN WHO GIVES BIRTH TO A CHILD BY MEANS OF  
11 ASSISTED REPRODUCTION, EXCEPT AS OTHERWISE PROVIDED IN PART 8 OF  
12 THIS ARTICLE; OR

13 (c) A PARENT UNDER PART 7 OF THIS ARTICLE OR AN INTENDED  
14 PARENT UNDER PART 8 OF THIS ARTICLE.

15 (9) "ETHNIC OR RACIAL GROUP" MEANS, FOR PURPOSES OF GENETIC  
16 TESTING, A RECOGNIZED GROUP THAT AN INDIVIDUAL IDENTIFIES AS ALL  
17 OR PART OF THE INDIVIDUAL'S ANCESTRY OR THAT IS SO IDENTIFIED BY  
18 OTHER INFORMATION.

19 (10) "GENETIC TESTING" MEANS AN ANALYSIS OF GENETIC  
20 MARKERS TO EXCLUDE OR IDENTIFY A MAN AS THE FATHER OR A WOMAN  
21 AS THE MOTHER OF A CHILD. THE TERM INCLUDES AN ANALYSIS OF ONE OR  
22 A COMBINATION OF THE FOLLOWING:

23 (a) DEOXYRIBONUCLEIC ACID; AND

24 (b) BLOOD-GROUP ANTIGENS, RED-CELL ANTIGENS,  
25 HUMAN-LEUKOCYTE ANTIGENS, SERUM ENZYMES, SERUM PROTEINS, OR  
26 RED-CELL ENZYMES.

27 (11) "GESTATIONAL MOTHER" MEANS AN ADULT WOMAN WHO

1 GIVES BIRTH TO A CHILD UNDER A GESTATIONAL AGREEMENT.

2 (12) "MAN" MEANS A MALE INDIVIDUAL OF ANY AGE.

3 (13) "PARENT" MEANS AN INDIVIDUAL WHO HAS ESTABLISHED A  
4 PARENT-CHILD RELATIONSHIP UNDER SECTION 19-4-201.

5 (14) "PARENT-CHILD RELATIONSHIP" MEANS THE LEGAL  
6 RELATIONSHIP BETWEEN A CHILD AND A PARENT OF THE CHILD. THE TERM  
7 INCLUDES THE MOTHER-CHILD RELATIONSHIP AND THE FATHER-CHILD  
8 RELATIONSHIP.

9 (15) "PATERNITY INDEX" MEANS THE LIKELIHOOD OF PATERNITY  
10 CALCULATED BY COMPUTING THE RATIO BETWEEN:

11 (a) THE LIKELIHOOD THAT THE TESTED MAN IS THE FATHER, BASED  
12 ON THE GENETIC MARKERS OF THE TESTED MAN, MOTHER, AND CHILD,  
13 CONDITIONED ON THE HYPOTHESIS THAT THE TESTED MAN IS THE FATHER  
14 OF THE CHILD; AND

15 (b) THE LIKELIHOOD THAT THE TESTED MAN IS NOT THE FATHER,  
16 BASED ON THE GENETIC MARKERS OF THE TESTED MAN, MOTHER, AND  
17 CHILD, CONDITIONED ON THE HYPOTHESIS THAT THE TESTED MAN IS NOT  
18 THE FATHER OF THE CHILD AND THAT THE FATHER IS OF THE SAME ETHNIC  
19 OR RACIAL GROUP AS THE TESTED MAN.

20 (16) "PRESUMED FATHER" MEANS A MAN WHO, BY OPERATION OF  
21 LAW UNDER SECTION 19-4-204, IS RECOGNIZED AS THE FATHER OF A CHILD  
22 UNTIL THAT STATUS IS REBUTTED OR CONFIRMED IN A JUDICIAL  
23 PROCEEDING.

24 (17) "PROBABILITY OF PATERNITY" MEANS THE MEASURE, FOR THE  
25 ETHNIC OR RACIAL GROUP TO WHICH THE ALLEGED FATHER BELONGS, OF  
26 THE PROBABILITY THAT THE MAN IN QUESTION IS THE FATHER OF THE  
27 CHILD, COMPARED WITH A RANDOM, UNRELATED MAN OF THE SAME

1 ETHNIC OR RACIAL GROUP, EXPRESSED AS A PERCENTAGE INCORPORATING  
2 THE PATERNITY INDEX AND A PRIOR PROBABILITY.

3 (18) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
4 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
5 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

6 (19) "SIGNATORY" MEANS AN INDIVIDUAL WHO AUTHENTICATES  
7 A RECORD AND IS BOUND BY ITS TERMS.

8 (20) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
9 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
10 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
11 JURISDICTION OF THE UNITED STATES.

12 (21) "SUPPORT-ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL  
13 OR AGENCY AUTHORIZED TO SEEK:

14 (a) ENFORCEMENT OF CHILD-SUPPORT ORDERS OR LAWS RELATING  
15 TO THE DUTY OF CHILD SUPPORT;

16 (b) ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT;

17 (c) DETERMINATION OF PARENTAGE; OR

18 (d) LOCATION OF CHILD-SUPPORT OBLIGORS AND THEIR INCOME  
19 AND ASSETS.

20 **19-4-103. Scope of article - choice of law.** (1) THIS ARTICLE  
21 APPLIES TO DETERMINATION OF PARENTAGE IN THIS STATE.

22 (2) THE COURT SHALL APPLY THE LAW OF THIS STATE TO  
23 ADJUDICATE THE PARENT-CHILD RELATIONSHIP. THE APPLICABLE LAW  
24 DOES NOT DEPEND ON:

25 (a) THE PLACE OF BIRTH OF THE CHILD; OR

26 (b) THE PAST OR PRESENT RESIDENCES OF THE CHILD.

27 (3) THIS ARTICLE DOES NOT CREATE, ENLARGE, OR DIMINISH

1 PARENTAL RIGHTS OR DUTIES UNDER OTHER LAWS OF THIS STATE.

2 **19-4-104. Court of this state.** THE COURT AUTHORIZED TO  
3 ADJUDICATE PARENTAGE UNDER THIS ARTICLE IS THE JUVENILE COURT, AS  
4 DEFINED IN SECTION 19-1-103 (70).

5 **19-4-105. Protection of participants.** PROCEEDINGS UNDER THIS  
6 ARTICLE ARE SUBJECT TO OTHER LAWS OF THIS STATE GOVERNING THE  
7 HEALTH, SAFETY, PRIVACY, AND LIBERTY OF A CHILD OR OTHER  
8 INDIVIDUAL WHO COULD BE JEOPARDIZED BY DISCLOSURE OF IDENTIFYING  
9 INFORMATION, INCLUDING ADDRESS, TELEPHONE NUMBER, PLACE OF  
10 EMPLOYMENT, SOCIAL SECURITY NUMBER, AND THE CHILD'S DAY-CARE  
11 FACILITY AND SCHOOL.

12 **19-4-106. Determination of maternity.** PROVISIONS OF THIS  
13 ARTICLE RELATING TO DETERMINATION OF PATERNITY APPLY TO  
14 DETERMINATIONS OF MATERNITY.

15 PART 2

16 PARENT-CHILD RELATIONSHIP

17 **19-4-201. Establishment of parent-child relationship.** (1) THE  
18 MOTHER-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN A WOMAN AND  
19 A CHILD BY:

20 (a) THE WOMAN'S HAVING GIVEN BIRTH TO THE CHILD, EXCEPT AS  
21 OTHERWISE PROVIDED IN PART 8 OF THIS ARTICLE;

22 (b) AN ADJUDICATION OF THE WOMAN'S MATERNITY;

23 (c) ADOPTION OF THE CHILD BY THE WOMAN; OR

24 (d) AN ADJUDICATION CONFIRMING THE WOMAN AS A PARENT OF  
25 A CHILD BORN TO A GESTATIONAL MOTHER IF THE AGREEMENT WAS  
26 VALIDATED UNDER PART 8 OF THIS ARTICLE OR IS ENFORCEABLE UNDER  
27 OTHER LAW.

1           (2) THE FATHER-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN  
2 A MAN AND A CHILD BY:

3           (a) AN UNREBUTTED PRESUMPTION OF THE MAN'S PATERNITY OF  
4 THE CHILD UNDER SECTION 19-4-204;

5           (b) AN EFFECTIVE ACKNOWLEDGMENT OF PATERNITY BY THE MAN  
6 UNDER PART 3 OF THIS ARTICLE, UNLESS THE ACKNOWLEDGMENT HAS  
7 BEEN RESCINDED OR SUCCESSFULLY CHALLENGED;

8           (c) AN ADJUDICATION OF THE MAN'S PATERNITY;

9           (d) ADOPTION OF THE CHILD BY THE MAN;

10          (e) THE MAN'S HAVING CONSENTED TO ASSISTED REPRODUCTION  
11 BY A WOMAN UNDER PART 7 OF THIS ARTICLE WHICH RESULTED IN THE  
12 BIRTH OF THE CHILD; OR

13          (f) AN ADJUDICATION CONFIRMING THE MAN AS A PARENT OF A  
14 CHILD BORN TO A GESTATIONAL MOTHER IF THE AGREEMENT WAS  
15 VALIDATED UNDER PART 8 OF THIS ARTICLE OR IS ENFORCEABLE UNDER  
16 OTHER LAW.

17           **19-4-202. No discrimination based on marital status.** A CHILD  
18 BORN TO PARENTS WHO ARE NOT MARRIED TO EACH OTHER HAS THE SAME  
19 RIGHTS UNDER THE LAW AS A CHILD BORN TO PARENTS WHO ARE MARRIED  
20 TO EACH OTHER.

21           **19-4-203. Consequences of establishment of parentage.**  
22 UNLESS PARENTAL RIGHTS ARE TERMINATED, A PARENT-CHILD  
23 RELATIONSHIP ESTABLISHED UNDER THIS ARTICLE APPLIES FOR ALL  
24 PURPOSES, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY OTHER  
25 LAWS OF THIS STATE.

26           **19-4-204. Presumption of paternity.** (1) A MAN IS PRESUMED  
27 TO BE THE FATHER OF A CHILD IF:

1 (a) HE AND THE MOTHER OF THE CHILD ARE MARRIED TO EACH  
2 OTHER AND THE CHILD IS BORN DURING THE MARRIAGE;

3 (b) HE AND THE MOTHER OF THE CHILD WERE MARRIED TO EACH  
4 OTHER AND THE CHILD IS BORN WITHIN THREE HUNDRED DAYS AFTER THE  
5 MARRIAGE IS TERMINATED BY DEATH, ANNULMENT, DECLARATION OF  
6 INVALIDITY OF MARRIAGE, DISSOLUTION OF MARRIAGE OR DIVORCE, OR  
7 AFTER A DECREE OF LEGAL SEPARATION IS ENTERED BY A COURT;

8 (c) BEFORE THE BIRTH OF THE CHILD, HE AND THE MOTHER OF THE  
9 CHILD HAVE MARRIED EACH OTHER IN APPARENT COMPLIANCE WITH LAW,  
10 EVEN IF THE ATTEMPTED MARRIAGE IS OR COULD BE DECLARED INVALID,  
11 AND THE CHILD IS BORN DURING THE INVALID MARRIAGE OR WITHIN THREE  
12 HUNDRED DAYS AFTER ITS TERMINATION BY DEATH, ANNULMENT,  
13 DECLARATION OF INVALIDITY OF MARRIAGE, DISSOLUTION OF MARRIAGE  
14 OR DIVORCE, OR AFTER A DECREE OF LEGAL SEPARATION;

15 (d) AFTER THE BIRTH OF THE CHILD, HE AND THE MOTHER OF THE  
16 CHILD MARRIED EACH OTHER IN APPARENT COMPLIANCE WITH LAW,  
17 WHETHER OR NOT THE MARRIAGE IS OR COULD BE DECLARED INVALID, AND  
18 HE VOLUNTARILY ASSERTED HIS PATERNITY OF THE CHILD AND:

19 (I) THE ASSERTION IS IN A RECORD FILED WITH THE COURT OR  
20 REGISTRAR OF VITAL STATISTICS; OR

21 (II) WITH HIS CONSENT, HE IS NAMED AS THE CHILD'S FATHER ON  
22 THE CHILD'S BIRTH CERTIFICATE; OR

23 (III) HE IS OBLIGATED TO SUPPORT THE CHILD UNDER A WRITTEN  
24 VOLUNTARY PROMISE OR BY COURT ORDER OR BY AN ADMINISTRATIVE  
25 ORDER ISSUED PURSUANT TO SECTION 26-13.5-110, C.R.S.; OR

26 (e) FOR THE FIRST TWO YEARS OF THE CHILD'S LIFE, HE RESIDED IN  
27 THE SAME HOUSEHOLD WITH THE CHILD AND OPENLY HELD OUT THE CHILD

1 AS HIS OWN.

2 (2) A PRESUMPTION OF PATERNITY ESTABLISHED UNDER THIS  
3 SECTION MAY BE REBUTTED ONLY BY AN ADJUDICATION UNDER PART 6 OF  
4 THIS ARTICLE.

5 PART 3

6 VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

7 **19-4-301. Acknowledgment of paternity.** THE MOTHER OF A  
8 CHILD AND A MAN CLAIMING TO BE THE GENETIC FATHER OF THE CHILD  
9 MAY SIGN AN ACKNOWLEDGMENT OF PATERNITY WITH INTENT TO  
10 ESTABLISH THE MAN'S PATERNITY.

11 **19-4-302. Execution of acknowledgment of paternity.** (1) AN  
12 ACKNOWLEDGMENT OF PATERNITY SHALL:

13 (a) BE IN A RECORD;

14 (b) BE SIGNED, OR OTHERWISE AUTHENTICATED, UNDER PENALTY  
15 OF PERJURY, BY THE MOTHER AND BY THE MAN SEEKING TO ESTABLISH HIS  
16 PATERNITY;

17 (c) STATE THAT THE CHILD WHOSE PATERNITY IS BEING  
18 ACKNOWLEDGED:

19 (I) DOES NOT HAVE A PRESUMED FATHER, OR HAS A PRESUMED  
20 FATHER WHOSE FULL NAME IS STATED; AND

21 (II) DOES NOT HAVE ANOTHER ACKNOWLEDGED OR ADJUDICATED  
22 FATHER;

23 (d) STATE WHETHER THERE HAS BEEN GENETIC TESTING AND, IF SO,  
24 THAT THE ACKNOWLEDGING MAN'S CLAIM OF PATERNITY IS CONSISTENT  
25 WITH THE RESULTS OF THE TESTING; AND

26 (e) STATE THAT THE SIGNATORIES UNDERSTAND THAT THE  
27 ACKNOWLEDGMENT IS THE EQUIVALENT OF A JUDICIAL ADJUDICATION OF

1 PATERNITY OF THE CHILD AND THAT A CHALLENGE TO THE  
2 ACKNOWLEDGMENT IS PERMITTED ONLY UNDER LIMITED CIRCUMSTANCES  
3 AND IS BARRED AFTER TWO YEARS.

4 (2) AN ACKNOWLEDGMENT OF PATERNITY IS VOID IF IT:

5 (a) STATES THAT ANOTHER MAN IS A PRESUMED FATHER, UNLESS  
6 A DENIAL OF PATERNITY SIGNED OR OTHERWISE AUTHENTICATED BY THE  
7 PRESUMED FATHER IS FILED WITH THE REGISTRAR OF VITAL STATISTICS;

8 (b) STATES THAT ANOTHER MAN IS AN ACKNOWLEDGED OR  
9 ADJUDICATED FATHER; OR

10 (c) FALSELY DENIES THE EXISTENCE OF A PRESUMED,  
11 ACKNOWLEDGED, OR ADJUDICATED FATHER OF THE CHILD.

12 (3) A PRESUMED FATHER MAY SIGN OR OTHERWISE AUTHENTICATE  
13 AN ACKNOWLEDGMENT OF PATERNITY.

14 **19-4-303. Denial of paternity.** (1) A PRESUMED FATHER MAY  
15 SIGN A DENIAL OF HIS PATERNITY. THE DENIAL IS VALID ONLY IF:

16 (a) AN ACKNOWLEDGMENT OF PATERNITY SIGNED, OR OTHERWISE  
17 AUTHENTICATED, BY ANOTHER MAN IS FILED PURSUANT TO SECTION  
18 19-4-305;

19 (b) THE DENIAL IS IN A RECORD, AND IS SIGNED, OR OTHERWISE  
20 AUTHENTICATED, UNDER PENALTY OF PERJURY; AND

21 (c) THE PRESUMED FATHER HAS NOT PREVIOUSLY:

22 (I) ACKNOWLEDGED HIS PATERNITY, UNLESS THE PREVIOUS  
23 ACKNOWLEDGMENT HAS BEEN RESCINDED PURSUANT TO SECTION  
24 19-4-307 OR SUCCESSFULLY CHALLENGED PURSUANT TO SECTION  
25 19-4-308; OR

26 (II) BEEN ADJUDICATED TO BE THE FATHER OF THE CHILD.

27 **19-4-304. Rules for acknowledgment and denial of paternity.**

1 (1) AN ACKNOWLEDGMENT OF PATERNITY AND A DENIAL OF PATERNITY  
2 MAY BE CONTAINED IN A SINGLE DOCUMENT OR MAY BE SIGNED IN  
3 COUNTERPARTS, AND MAY BE FILED SEPARATELY OR SIMULTANEOUSLY.  
4 IF THE ACKNOWLEDGMENT AND DENIAL ARE BOTH NECESSARY, NEITHER  
5 IS VALID UNTIL BOTH ARE FILED.

6 (2) AN ACKNOWLEDGMENT OF PATERNITY OR A DENIAL OF  
7 PATERNITY MAY BE SIGNED BEFORE THE BIRTH OF THE CHILD.

8 (3) SUBJECT TO SUBSECTION (1) OF THIS SECTION, AN  
9 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY TAKES  
10 EFFECT ON THE BIRTH OF THE CHILD OR THE FILING OF THE DOCUMENT  
11 WITH THE REGISTRAR OF VITAL STATISTICS, WHICHEVER OCCURS LATER.

12 (4) AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF  
13 PATERNITY SIGNED BY A MINOR IS VALID IF IT IS OTHERWISE IN  
14 COMPLIANCE WITH THIS PART 3.

15 **19-4-305. Effect of acknowledgment or denial of paternity.**

16 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4-307 AND  
17 19-4-308, A VALID ACKNOWLEDGMENT OF PATERNITY FILED WITH THE  
18 REGISTRAR OF VITAL STATISTICS IS EQUIVALENT TO AN ADJUDICATION OF  
19 PATERNITY OF A CHILD AND CONFERS UPON THE ACKNOWLEDGED FATHER  
20 ALL OF THE RIGHTS AND DUTIES OF A PARENT.

21 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 19-4-307 AND  
22 19-4-308, A VALID DENIAL OF PATERNITY BY A PRESUMED FATHER FILED  
23 WITH THE REGISTRAR OF VITAL STATISTICS IN CONJUNCTION WITH A VALID  
24 ACKNOWLEDGMENT OF PATERNITY IS EQUIVALENT TO AN ADJUDICATION  
25 OF THE NONPATERNITY OF THE PRESUMED FATHER AND DISCHARGES THE  
26 PRESUMED FATHER FROM ALL RIGHTS AND DUTIES OF A PARENT.

27 **19-4-306. Fees.** THE REGISTRAR OF VITAL STATISTICS SHALL

1 CHARGE A FEE SET PURSUANT TO SECTION 25-2-117 (2) (c), C.R.S., FOR  
2 ISSUING A CORRECTED BIRTH CERTIFICATE IF A PERSON FILES AN  
3 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY MORE THAN  
4 TEN DAYS AFTER THE BIRTH OF THE CHILD.

5 **19-4-307. Proceeding for rescission.** (1) A SIGNATORY MAY  
6 RESCIND AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY  
7 BY COMMENCING A PROCEEDING TO RESCIND BEFORE THE EARLIER OF:

8 (a) SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE  
9 ACKNOWLEDGMENT OR DENIAL, AS PROVIDED IN SECTION 19-4-304; OR

10 (b) THE DATE OF THE FIRST HEARING, IN A PROCEEDING TO WHICH  
11 THE SIGNATORY IS A PARTY, BEFORE A COURT TO ADJUDICATE AN ISSUE  
12 RELATING TO THE CHILD, INCLUDING A PROCEEDING THAT ESTABLISHES  
13 SUPPORT.

14 **19-4-308. Challenge after expiration of period for rescission.**

15 (1) AFTER THE PERIOD FOR RESCISSION UNDER SECTION 19-4-307 HAS  
16 EXPIRED, A SIGNATORY OF AN ACKNOWLEDGMENT OF PATERNITY OR  
17 DENIAL OF PATERNITY MAY COMMENCE A PROCEEDING TO CHALLENGE THE  
18 ACKNOWLEDGMENT OR DENIAL ONLY:

19 (a) ON THE BASIS OF FRAUD, DURESS, OR MATERIAL MISTAKE OF  
20 FACT; AND

21 (b) WITHIN TWO YEARS AFTER THE ACKNOWLEDGMENT OR DENIAL  
22 IS FILED WITH THE REGISTRAR OF VITAL STATISTICS.

23 (2) A PARTY CHALLENGING AN ACKNOWLEDGMENT OF PATERNITY  
24 OR DENIAL OF PATERNITY HAS THE BURDEN OF PROOF BY CLEAR AND  
25 CONVINCING EVIDENCE.

26 **19-4-309. Procedure for rescission or challenge.** (1) EVERY  
27 SIGNATORY TO AN ACKNOWLEDGMENT OF PATERNITY AND ANY RELATED

1 DENIAL OF PATERNITY SHALL BE MADE A PARTY TO A PROCEEDING TO  
2 RESCIND OR CHALLENGE THE ACKNOWLEDGMENT OR DENIAL.

3 (2) FOR THE PURPOSE OF RESCISSION OF, OR CHALLENGE TO, AN  
4 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY, A  
5 SIGNATORY SUBMITS TO PERSONAL JURISDICTION OF THIS STATE BY  
6 SIGNING THE ACKNOWLEDGMENT OR DENIAL, EFFECTIVE UPON THE FILING  
7 OF THE DOCUMENT WITH THE REGISTRAR OF VITAL STATISTICS.

8 (3) EXCEPT FOR GOOD CAUSE SHOWN, DURING THE PENDENCY OF  
9 A PROCEEDING TO RESCIND OR CHALLENGE AN ACKNOWLEDGMENT OF  
10 PATERNITY OR DENIAL OF PATERNITY, THE COURT MAY NOT SUSPEND THE  
11 LEGAL RESPONSIBILITIES OF A SIGNATORY ARISING FROM THE  
12 ACKNOWLEDGMENT, INCLUDING THE DUTY TO PAY CHILD SUPPORT.

13 (4) A PROCEEDING TO RESCIND OR TO CHALLENGE AN  
14 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY SHALL BE  
15 CONDUCTED IN THE SAME MANNER AS A PROCEEDING TO ADJUDICATE  
16 PARENTAGE UNDER PART 6 OF THIS ARTICLE.

17 (5) AT THE CONCLUSION OF A PROCEEDING TO RESCIND OR  
18 CHALLENGE AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF  
19 PATERNITY, THE COURT SHALL ORDER THE REGISTRAR OF VITAL  
20 STATISTICS TO AMEND THE BIRTH RECORD OF THE CHILD, IF APPROPRIATE.

21 **19-4-310. Ratification barred.** A COURT OR ADMINISTRATIVE  
22 AGENCY CONDUCTING A JUDICIAL OR ADMINISTRATIVE PROCEEDING IS NOT  
23 REQUIRED OR PERMITTED TO RATIFY AN UNCHALLENGED  
24 ACKNOWLEDGMENT OF PATERNITY.

25 **19-4-311. Full faith and credit.** A COURT OF THIS STATE SHALL  
26 GIVE FULL FAITH AND CREDIT TO AN ACKNOWLEDGMENT OF PATERNITY OR  
27 DENIAL OF PATERNITY EFFECTIVE IN ANOTHER STATE IF THE

1 ACKNOWLEDGMENT OR DENIAL HAS BEEN SIGNED AND IS OTHERWISE IN  
2 COMPLIANCE WITH THE LAW OF THE OTHER STATE.

3 **19-4-312. Forms for acknowledgment and denial of paternity.**

4 (1) TO FACILITATE COMPLIANCE WITH THIS ARTICLE, THE REGISTRAR OF  
5 VITAL STATISTICS SHALL PRESCRIBE FORMS FOR THE ACKNOWLEDGMENT  
6 OF PATERNITY AND THE DENIAL OF PATERNITY IN ACCORDANCE WITH  
7 SECTION 25-2-112, C.R.S.

8 (2) A VALID ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF  
9 PATERNITY IS NOT AFFECTED BY A LATER MODIFICATION OF THE  
10 PRESCRIBED FORM.

11 **19-4-313. Release of information.** THE STATE REGISTRAR OF  
12 VITAL STATISTICS MAY RELEASE INFORMATION RELATING TO THE  
13 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY TO A  
14 SIGNATORY OF THE ACKNOWLEDGMENT OR DENIAL AND TO COURTS AND  
15 TO DELEGATE CHILD SUPPORT ENFORCEMENT UNITS, AS DEFINED IN  
16 SECTION 26-13-102.5, C.R.S., OR TO OTHER STATE OR FEDERAL CHILD  
17 SUPPORT-ENFORCEMENT AGENCIES.

18 PART 4

19 (Reserved)

20 PART 5

21 GENETIC TESTING

22 **19-4-501. Scope of part.** (1) THIS PART 5 GOVERNS GENETIC  
23 TESTING OF AN INDIVIDUAL TO DETERMINE PARENTAGE, WHETHER THE  
24 INDIVIDUAL:

25 (a) VOLUNTARILY SUBMITS TO TESTING; OR

26 (b) IS TESTED PURSUANT TO AN ORDER OF THE COURT OR A  
27 DELEGATE CHILD SUPPORT-ENFORCEMENT UNIT.

1           **19-4-502. Order for testing.** (1) EXCEPT AS OTHERWISE  
2 PROVIDED IN THIS PART 5 AND PART 6 OF THIS ARTICLE, THE COURT SHALL  
3 ORDER THE CHILD AND OTHER DESIGNATED INDIVIDUALS TO SUBMIT TO  
4 GENETIC TESTING IF THE REQUEST FOR TESTING IS SUPPORTED BY THE  
5 SWORN STATEMENT OF A PARTY TO THE PROCEEDING:

6           (a) ALLEGING PATERNITY AND STATING FACTS ESTABLISHING A  
7 REASONABLE PROBABILITY OF THE REQUISITE SEXUAL CONTACT BETWEEN  
8 THE INDIVIDUALS; OR

9           (b) DENYING PATERNITY AND STATING FACTS ESTABLISHING A  
10 POSSIBILITY THAT SEXUAL CONTACT BETWEEN THE INDIVIDUALS, IF ANY,  
11 DID NOT RESULT IN THE CONCEPTION OF THE CHILD.

12           (2) A DELEGATE CHILD SUPPORT-ENFORCEMENT UNIT MAY ALSO  
13 ORDER THE CHILD AND OTHER DESIGNATED INDIVIDUALS TO SUBMIT TO  
14 GENETIC TESTING.

15           (3) IF A REQUEST FOR GENETIC TESTING OF A CHILD IS MADE  
16 BEFORE BIRTH, THE COURT OR DELEGATE CHILD SUPPORT-ENFORCEMENT  
17 UNIT MAY NOT ORDER IN-UTERO TESTING.

18           (4) IF TWO OR MORE MEN ARE SUBJECT TO COURT-ORDERED  
19 GENETIC TESTING, THE TESTING MAY BE ORDERED CONCURRENTLY OR  
20 SEQUENTIALLY.

21           **19-4-503. Requirements for genetic testing.** (1) GENETIC  
22 TESTING SHALL BE OF A TYPE REASONABLY RELIED UPON BY EXPERTS IN  
23 THE FIELD OF GENETIC TESTING AND PERFORMED IN A TESTING  
24 LABORATORY ACCREDITED BY:

25           (a) THE AMERICAN ASSOCIATION OF BLOOD BANKS, OR A  
26 SUCCESSOR TO ITS FUNCTIONS;

27           (b) THE AMERICAN SOCIETY FOR HISTOCOMPATIBILITY AND

1 IMMUNOGENETICS, OR A SUCCESSOR TO ITS FUNCTIONS; OR

2 (c) AN ACCREDITING BODY DESIGNATED BY THE FEDERAL  
3 SECRETARY OF HEALTH AND HUMAN SERVICES.

4 (2) A SPECIMEN USED IN GENETIC TESTING MAY CONSIST OF ONE OR  
5 MORE SAMPLES, OR A COMBINATION OF SAMPLES, OF BLOOD, BUCCAL  
6 CELLS, BONE, HAIR, OR OTHER BODY TISSUE OR FLUID. THE SPECIMEN  
7 USED IN THE TESTING NEED NOT BE OF THE SAME KIND FOR EACH  
8 INDIVIDUAL UNDERGOING GENETIC TESTING.

9 (3) BASED ON THE ETHNIC OR RACIAL GROUP OF AN INDIVIDUAL,  
10 THE TESTING LABORATORY SHALL DETERMINE THE DATABASES FROM  
11 WHICH TO SELECT FREQUENCIES FOR USE IN CALCULATION OF THE  
12 PROBABILITY OF PATERNITY. IF THERE IS DISAGREEMENT AS TO THE  
13 TESTING LABORATORY'S CHOICE, THE FOLLOWING RULES APPLY:

14 (a) THE INDIVIDUAL OBJECTING MAY REQUIRE THE TESTING  
15 LABORATORY, WITHIN THIRTY DAYS AFTER RECEIPT OF THE REPORT OF THE  
16 TEST, TO RECALCULATE THE PROBABILITY OF PATERNITY USING AN ETHNIC  
17 OR RACIAL GROUP DIFFERENT FROM THAT USED BY THE LABORATORY.

18 (b) THE INDIVIDUAL OBJECTING TO THE TESTING LABORATORY'S  
19 INITIAL CHOICE SHALL:

20 (I) IF THE FREQUENCIES ARE NOT AVAILABLE TO THE TESTING  
21 LABORATORY FOR THE ETHNIC OR RACIAL GROUP REQUESTED, PROVIDE  
22 THE REQUESTED FREQUENCIES COMPILED IN A MANNER RECOGNIZED BY  
23 ACCREDITING BODIES; OR

24 (II) ENGAGE ANOTHER TESTING LABORATORY TO PERFORM THE  
25 CALCULATIONS.

26 (c) THE TESTING LABORATORY MAY USE ITS OWN STATISTICAL  
27 ESTIMATE IF THERE IS A QUESTION REGARDING WHICH ETHNIC OR RACIAL

1 GROUP IS APPROPRIATE. IF AVAILABLE, THE TESTING LABORATORY SHALL  
2 CALCULATE THE FREQUENCIES USING STATISTICS FOR ANY OTHER ETHNIC  
3 OR RACIAL GROUP REQUESTED.

4 (4) IF, AFTER RECALCULATION USING A DIFFERENT ETHNIC OR  
5 RACIAL GROUP, GENETIC TESTING DOES NOT REBUTTABLY IDENTIFY A MAN  
6 AS THE FATHER OF A CHILD UNDER SECTION 19-4-505, AN INDIVIDUAL WHO  
7 HAS BEEN TESTED MAY BE REQUIRED TO SUBMIT TO ADDITIONAL GENETIC  
8 TESTING.

9 **19-4-504. Report of genetic testing.** (1) A REPORT OF GENETIC  
10 TESTING SHALL BE IN A RECORD AND SIGNED UNDER PENALTY OF PERJURY  
11 BY A DESIGNEE OF THE TESTING LABORATORY. A REPORT MADE UNDER  
12 THE REQUIREMENTS OF THIS PART 5 IS SELF-AUTHENTICATING.

13 (2) DOCUMENTATION FROM THE TESTING LABORATORY OF THE  
14 FOLLOWING INFORMATION IS SUFFICIENT TO ESTABLISH A RELIABLE CHAIN  
15 OF CUSTODY THAT ALLOWS THE RESULTS OF GENETIC TESTING TO BE  
16 ADMISSIBLE WITHOUT TESTIMONY:

17 (a) THE NAMES AND PHOTOGRAPHS OF THE INDIVIDUALS WHOSE  
18 SPECIMENS HAVE BEEN TAKEN;

19 (b) THE NAMES OF THE INDIVIDUALS WHO COLLECTED THE  
20 SPECIMENS;

21 (c) THE PLACES AND DATES THE SPECIMENS WERE COLLECTED;

22 (d) THE NAMES OF THE INDIVIDUALS WHO RECEIVED THE  
23 SPECIMENS IN THE TESTING LABORATORY; AND

24 (e) THE DATES THE SPECIMENS WERE RECEIVED.

25 **19-4-505. Genetic testing results - rebuttal.** (1) UNDER THIS  
26 PART 5, A MAN IS REBUTTABLY IDENTIFIED AS THE FATHER OF A CHILD IF  
27 THE GENETIC TESTING COMPLIES WITH THIS PART 5 AND THE RESULTS

1 DISCLOSE THAT:

2 (a) THE MAN HAS AT LEAST A NINETY-NINE PERCENT PROBABILITY  
3 OF PATERNITY, USING A PRIOR PROBABILITY OF 0.50, AS CALCULATED BY  
4 USING THE COMBINED PATERNITY INDEX OBTAINED IN THE TESTING; AND

5 (b) A COMBINED PATERNITY INDEX OF AT LEAST ONE HUNDRED TO  
6 ONE.

7 (2) A MAN IDENTIFIED UNDER SUBSECTION (1) OF THIS SECTION AS  
8 THE FATHER OF THE CHILD MAY REBUT THE GENETIC TESTING RESULTS  
9 ONLY BY OTHER GENETIC TESTING SATISFYING THE REQUIREMENTS OF THIS  
10 PART 5 WHICH:

11 (a) EXCLUDES THE MAN AS A GENETIC FATHER OF THE CHILD; OR

12 (b) IDENTIFIES ANOTHER MAN AS THE POSSIBLE FATHER OF THE  
13 CHILD.

14 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-4-510, IF  
15 MORE THAN ONE MAN IS IDENTIFIED BY GENETIC TESTING AS THE POSSIBLE  
16 FATHER OF THE CHILD, THE COURT SHALL ORDER THEM TO SUBMIT TO  
17 FURTHER GENETIC TESTING TO IDENTIFY THE GENETIC FATHER.

18 **19-4-506. Costs of genetic testing.** (1) SUBJECT TO ASSESSMENT  
19 OF COSTS UNDER PART 6 OF THIS ARTICLE, THE COST OF INITIAL GENETIC  
20 TESTING SHALL BE ADVANCED:

21 (a) BY A CHILD SUPPORT-ENFORCEMENT AGENCY IN A PROCEEDING  
22 IN WHICH THE CHILD SUPPORT-ENFORCEMENT AGENCY IS PROVIDING  
23 SERVICES;

24 (b) BY THE INDIVIDUAL WHO MADE THE REQUEST;

25 (c) AS AGREED BY THE PARTIES; OR

26 (d) AS ORDERED BY THE COURT.

27 (2) IN CASES IN WHICH THE COST IS ADVANCED BY THE CHILD

1 SUPPORT-ENFORCEMENT AGENCY, THE AGENCY MAY SEEK  
2 REIMBURSEMENT FROM A MAN WHO IS REBUTTABLY IDENTIFIED AS THE  
3 FATHER.

4 **19-4-507. Additional genetic testing.** THE COURT OR THE  
5 DELEGATE CHILD SUPPORT-ENFORCEMENT UNIT SHALL ORDER ADDITIONAL  
6 GENETIC TESTING UPON THE REQUEST OF A PARTY WHO CONTESTS THE  
7 RESULT OF THE ORIGINAL TESTING. IF THE PREVIOUS GENETIC TESTING  
8 IDENTIFIED A MAN AS THE FATHER OF THE CHILD UNDER SECTION  
9 19-4-505, THE COURT OR DELEGATE CHILD SUPPORT-ENFORCEMENT UNIT  
10 MAY NOT ORDER ADDITIONAL TESTING UNLESS THE PARTY PROVIDES  
11 ADVANCE PAYMENT FOR THE TESTING.

12 **19-4-508. Genetic testing when specimens not available.**

13 (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, IF A GENETIC-TESTING  
14 SPECIMEN IS NOT AVAILABLE FROM A MAN WHO MAY BE THE FATHER OF A  
15 CHILD, FOR GOOD CAUSE AND UNDER CIRCUMSTANCES THE COURT  
16 CONSIDERS TO BE JUST, THE COURT MAY ORDER THE FOLLOWING  
17 INDIVIDUALS TO SUBMIT SPECIMENS FOR GENETIC TESTING:

- 18 (a) THE PARENTS OF THE MAN;
- 19 (b) BROTHERS AND SISTERS OF THE MAN;
- 20 (c) OTHER CHILDREN OF THE MAN AND THEIR MOTHERS; AND
- 21 (d) OTHER RELATIVES OF THE MAN NECESSARY TO COMPLETE  
22 GENETIC TESTING.

23 (2) ISSUANCE OF AN ORDER UNDER THIS SECTION REQUIRES A  
24 FINDING THAT A NEED FOR GENETIC TESTING OUTWEIGHS THE LEGITIMATE  
25 INTERESTS OF THE INDIVIDUAL SOUGHT TO BE TESTED.

26 (3) THE PERCENTAGE OF PROBABILITY OF PATERNITY FOR TESTING  
27 OF INDIVIDUALS DESCRIBED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (1)

1 OF THIS SECTION SHALL BE NINETY-SEVEN PERCENT OR HIGHER.

2 **19-4-509. Deceased individual.** FOR GOOD CAUSE SHOWN, THE  
3 COURT MAY ORDER GENETIC TESTING OF A DECEASED INDIVIDUAL.

4 **19-4-510. Identical brothers.** (1) THE COURT MAY ORDER  
5 GENETIC TESTING OF A BROTHER OF A MAN IDENTIFIED AS THE FATHER OF  
6 A CHILD IF THE MAN IS COMMONLY BELIEVED TO HAVE AN IDENTICAL  
7 BROTHER AND EVIDENCE SUGGESTS THAT THE BROTHER MAY BE THE  
8 GENETIC FATHER OF THE CHILD.

9 (2) IF EACH BROTHER SATISFIES THE REQUIREMENTS AS THE  
10 IDENTIFIED FATHER OF THE CHILD UNDER SECTION 19-4-505 WITHOUT  
11 CONSIDERATION OF ANOTHER IDENTICAL BROTHER BEING IDENTIFIED AS  
12 THE FATHER OF THE CHILD, THE COURT MAY RELY ON NONGENETIC  
13 EVIDENCE TO ADJUDICATE WHICH BROTHER IS THE FATHER OF THE CHILD.

14 **19-4-511. Confidentiality of genetic testing.** (1) SPECIMENS  
15 AND REPORTS ARE CONFIDENTIAL.

16 (2) AN INDIVIDUAL WHO INTENTIONALLY RELEASES A REPORT OR  
17 AN IDENTIFIABLE SPECIMEN OF ANOTHER INDIVIDUAL FOR ANY PURPOSE  
18 OTHER THAN THAT RELEVANT TO THE PROCEEDING REGARDING  
19 PARENTAGE WITHOUT A COURT ORDER OR THE WRITTEN PERMISSION OF  
20 THE INDIVIDUAL WHO FURNISHED THE SPECIMEN COMMITS A CLASS 1  
21 MISDEMEANOR, AND UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED  
22 IN SECTION 18-1.3-501 (1), C.R.S.

23 PART 6

24 PROCEEDING TO ADJUDICATE PARENTAGE

25 PART A. NATURE OF PROCEEDING

26 **19-4-601. Proceeding authorized - required notice of prior**  
27 **civil protection orders to prevent domestic abuse - determination of**

1 **parent-child relationship.** (1) A CIVIL PROCEEDING MAY BE  
2 MAINTAINED TO ADJUDICATE THE PARENTAGE OF A CHILD. THE  
3 PROCEEDING IS GOVERNED BY THE COLORADO RULES OF CIVIL PROCEDURE  
4 OR AS OTHERWISE PROVIDED IN SECTION 26-13.5-104, C.R.S.

5 (2) UPON COMMENCEMENT OF A PROCEEDING UNDER THIS PART 6  
6 BY ONE OF THE PARTIES, THE OTHER PARTIES SHALL BE SERVED AS  
7 PROVIDED BY THE COLORADO RULES OF CIVIL PROCEDURE OR AS  
8 OTHERWISE PROVIDED IN SECTION 26-13.5-104, C.R.S.

9 (3) A SUMMONS ISSUED UPON COMMENCEMENT OF A PROCEEDING  
10 UNDER THIS PART 6 SHALL CONTAIN THE FOLLOWING ADVISEMENTS:

11 (a) THAT A REQUEST FOR GENETIC TESTS SHALL NOT PREJUDICE  
12 THE REQUESTING PARTY IN MATTERS CONCERNING ALLOCATION OF  
13 PARENTAL RESPONSIBILITIES PURSUANT TO SECTION 14-10-124 (1.5),  
14 C.R.S.; AND

15 (b) THAT, IF GENETIC TESTS ARE NOT OBTAINED PRIOR TO A LEGAL  
16 ESTABLISHMENT OF PATERNITY AND SUBMITTED INTO EVIDENCE PRIOR TO  
17 THE ENTRY OF THE FINAL ORDER ESTABLISHING PATERNITY, THE GENETIC  
18 TESTS MAY NOT BE ALLOWED INTO EVIDENCE AT A LATER DATE.

19 (4) IF A PETITION IS FILED BY AN ALLEGED FATHER PURSUANT TO  
20 THE REQUIREMENTS OF SECTION 19-5-103.7, THE LICENSED CHILD  
21 PLACEMENT AGENCY INVOLVED SHALL RECEIVE NOTICE OF THE ACTION IN  
22 THE SAME MANNER AS A PARTY TO THE ACTION.

23 (5) WHEN FILING A PROCEEDING UNDER THIS ARTICLE, THE FILING  
24 PARTY SHALL HAVE A DUTY TO DISCLOSE TO THE COURT THE EXISTENCE  
25 OF ANY PRIOR TEMPORARY OR PERMANENT CIVIL PROTECTION ORDERS TO  
26 PREVENT DOMESTIC ABUSE ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13,  
27 C.R.S., AND ANY EMERGENCY PROTECTION ORDERS ISSUED PURSUANT TO

1 SECTION 13-14-103, C.R.S., ENTERED AGAINST EITHER PARTY BY ANY  
2 COURT WITHIN NINETY DAYS PRIOR TO THE FILING OF THE PROCEEDING TO  
3 DETERMINE THE PARENT-CHILD RELATIONSHIP. THE DISCLOSURE  
4 REQUIRED PURSUANT TO THIS SECTION SHALL ADDRESS THE SUBJECT  
5 MATTER OF ANY PREVIOUS PROTECTION ORDERS, INCLUDING THE CASE  
6 NUMBER AND JURISDICTION ISSUING SUCH ORDERS.

7 **19-4-602. Standing to maintain proceeding.** (1) SUBJECT TO  
8 PART 3 OF THIS ARTICLE AND SECTIONS 19-4-607 AND 19-4-609, A  
9 PROCEEDING TO ADJUDICATE PARENTAGE MAY BE MAINTAINED BY:

- 10 (a) THE CHILD;
- 11 (b) THE MOTHER OF THE CHILD;
- 12 (c) A MAN WHOSE PATERNITY OF THE CHILD IS TO BE  
13 ADJUDICATED;
- 14 (d) THE CHILD SUPPORT-ENFORCEMENT AGENCY OR OTHER  
15 GOVERNMENTAL AGENCY AUTHORIZED BY OTHER LAW;
- 16 (e) AN AUTHORIZED ADOPTION AGENCY OR LICENSED CHILD  
17 PLACEMENT AGENCY;
- 18 (f) A REPRESENTATIVE AUTHORIZED BY LAW TO ACT FOR AN  
19 INDIVIDUAL WHO WOULD OTHERWISE BE ENTITLED TO MAINTAIN A  
20 PROCEEDING BUT WHO IS DECEASED, INCAPACITATED, OR A MINOR; OR  
21 (g) AN INTENDED PARENT UNDER PART 8 OF THIS ARTICLE.

22 **19-4-603. Parties to proceeding.** (1) THE FOLLOWING  
23 INDIVIDUALS SHALL BE JOINED AS PARTIES IN A PROCEEDING TO  
24 ADJUDICATE PARENTAGE:

- 25 (a) THE MOTHER OF THE CHILD; AND
- 26 (b) A MAN WHOSE PATERNITY OF THE CHILD IS TO BE  
27 ADJUDICATED.

1           **19-4-604. Personal jurisdiction.** (1) AN INDIVIDUAL MAY NOT  
2 BE ADJUDICATED TO BE A PARENT UNLESS THE COURT HAS PERSONAL  
3 JURISDICTION OVER THE INDIVIDUAL. WITHOUT LIMITING THE  
4 JURISDICTION OF ANY OTHER COURT, THE JUVENILE COURT HAS  
5 JURISDICTION OF AN ACTION BROUGHT UNDER THIS ARTICLE. A DELEGATE  
6 CHILD SUPPORT ENFORCEMENT UNIT ALSO HAS JURISDICTION TO ESTABLISH  
7 PATERNITY IN NONCONTESTED PATERNITIES IN ACCORDANCE WITH THE  
8 PROCEDURES SPECIFIED IN ARTICLE 13.5 OF TITLE 26, C.R.S.

9           (2) A COURT OF THIS STATE HAVING JURISDICTION TO ADJUDICATE  
10 PARENTAGE MAY EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT  
11 INDIVIDUAL, OR THE GUARDIAN OR CONSERVATOR OF THE INDIVIDUAL, IF  
12 THE CONDITIONS PRESCRIBED IN SECTION 14-5-201, C.R.S., OF THE  
13 "UNIFORM INTERSTATE FAMILY SUPPORT ACT" ARE FULFILLED.

14           (3) LACK OF JURISDICTION OVER ONE INDIVIDUAL DOES NOT  
15 PRECLUDE THE COURT FROM MAKING AN ADJUDICATION OF PARENTAGE  
16 BINDING ON ANOTHER INDIVIDUAL OVER WHOM THE COURT HAS PERSONAL  
17 JURISDICTION.

18           **19-4-605. Venue.** (1) VENUE FOR A PROCEEDING TO ADJUDICATE  
19 PARENTAGE IS IN THE COUNTY OF THIS STATE IN WHICH:

- 20           (a) THE CHILD RESIDES OR IS FOUND;
- 21           (b) THE RESPONDENT RESIDES OR IS FOUND IF THE CHILD DOES NOT  
22 RESIDE IN THIS STATE;
- 23           (c) PUBLIC ASSISTANCE WAS OR IS BEING PAID ON BEHALF OF THE  
24 CHILD; OR
- 25           (d) A PROCEEDING FOR PROBATE OR ADMINISTRATION OF THE  
26 PRESUMED OR ALLEGED FATHER'S ESTATE HAS BEEN COMMENCED.

27           **19-4-606. No limitation - child having no presumed,**

1 **acknowledged, or adjudicated father.** (1) A PROCEEDING TO  
2 ADJUDICATE THE PARENTAGE OF A CHILD HAVING NO PRESUMED,  
3 ACKNOWLEDGED, OR ADJUDICATED FATHER MAY BE COMMENCED AT ANY  
4 TIME, EVEN AFTER:

5 (a) THE CHILD BECOMES AN ADULT, BUT ONLY IF THE CHILD  
6 INITIATES THE PROCEEDING; OR

7 (b) AN EARLIER PROCEEDING TO ADJUDICATE PATERNITY HAS BEEN  
8 DISMISSED BASED ON THE APPLICATION OF A STATUTE OF LIMITATION THEN  
9 IN EFFECT.

10 **19-4-607. Limitation - child having presumed father.**

11 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
12 A PROCEEDING BROUGHT BY A PRESUMED FATHER, THE MOTHER, OR  
13 ANOTHER INDIVIDUAL TO ADJUDICATE THE PARENTAGE OF A CHILD  
14 HAVING A PRESUMED FATHER SHALL BE COMMENCED NOT LATER THAN  
15 TWO YEARS AFTER THE BIRTH OF THE CHILD.

16 (2) A PROCEEDING SEEKING TO DISPROVE THE FATHER-CHILD  
17 RELATIONSHIP BETWEEN A CHILD AND THE CHILD'S PRESUMED FATHER  
18 MAY BE MAINTAINED AT ANY TIME IF THE COURT DETERMINES THAT:

19 (a) THE PRESUMED FATHER AND THE MOTHER OF THE CHILD  
20 NEITHER COHABITED NOR ENGAGED IN SEXUAL INTERCOURSE WITH EACH  
21 OTHER DURING THE PROBABLE TIME OF CONCEPTION; AND

22 (b) THE PRESUMED FATHER NEVER OPENLY HELD OUT THE CHILD  
23 AS HIS OWN.

24 **19-4-608. Authority to deny motion for genetic testing.** (1) IN  
25 A PROCEEDING TO ADJUDICATE THE PARENTAGE OF A CHILD HAVING A  
26 PRESUMED FATHER OR TO CHALLENGE THE PATERNITY OF A CHILD HAVING  
27 AN ACKNOWLEDGED FATHER, THE COURT MAY DENY A MOTION SEEKING

1 AN ORDER FOR GENETIC TESTING OF THE MOTHER, THE CHILD, AND THE  
2 PRESUMED OR ACKNOWLEDGED FATHER IF THE COURT DETERMINES THAT:

3 (a) THE CONDUCT OF THE MOTHER OR THE PRESUMED OR  
4 ACKNOWLEDGED FATHER ESTOPS THAT PARTY FROM DENYING  
5 PARENTAGE; AND

6 (b) IT WOULD BE INEQUITABLE TO DISPROVE THE FATHER-CHILD  
7 RELATIONSHIP BETWEEN THE CHILD AND THE PRESUMED OR  
8 ACKNOWLEDGED FATHER.

9 (2) IN DETERMINING WHETHER TO DENY A MOTION SEEKING AN  
10 ORDER FOR GENETIC TESTING UNDER THIS SECTION, THE COURT SHALL  
11 CONSIDER THE BEST INTERESTS OF THE CHILD, INCLUDING THE FOLLOWING  
12 FACTORS:

13 (a) THE LENGTH OF TIME BETWEEN THE PROCEEDING TO  
14 ADJUDICATE PARENTAGE AND THE TIME THAT THE PRESUMED OR  
15 ACKNOWLEDGED FATHER WAS PLACED ON NOTICE THAT HE MIGHT NOT BE  
16 THE GENETIC FATHER;

17 (b) THE LENGTH OF TIME DURING WHICH THE PRESUMED OR  
18 ACKNOWLEDGED FATHER HAS ASSUMED THE ROLE OF FATHER OF THE  
19 CHILD;

20 (c) THE FACTS SURROUNDING THE PRESUMED OR ACKNOWLEDGED  
21 FATHER'S DISCOVERY OF HIS POSSIBLE NONPATERNITY;

22 (d) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND  
23 THE PRESUMED OR ACKNOWLEDGED FATHER;

24 (e) THE AGE OF THE CHILD;

25 (f) THE HARM THAT MAY RESULT TO THE CHILD IF PRESUMED OR  
26 ACKNOWLEDGED PATERNITY IS SUCCESSFULLY DISPROVED;

27 (g) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND

1 ANY ALLEGED FATHER;

2 (h) THE EXTENT TO WHICH THE PASSAGE OF TIME REDUCES THE  
3 CHANCES OF ESTABLISHING THE PATERNITY OF ANOTHER MAN AND A  
4 CHILD-SUPPORT OBLIGATION IN FAVOR OF THE CHILD; AND

5 (i) OTHER FACTORS THAT MAY AFFECT THE EQUITIES ARISING  
6 FROM THE DISRUPTION OF THE FATHER-CHILD RELATIONSHIP BETWEEN THE  
7 CHILD AND THE PRESUMED OR ACKNOWLEDGED FATHER OR THE CHANCE  
8 OF OTHER HARM TO THE CHILD.

9 (3) IN A PROCEEDING INVOLVING THE APPLICATION OF THIS  
10 SECTION, A MINOR OR INCAPACITATED CHILD SHALL BE REPRESENTED BY  
11 A GUARDIAN AD LITEM.

12 (4) DENIAL OF A MOTION SEEKING AN ORDER FOR GENETIC TESTING  
13 SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.

14 (5) IF THE COURT DENIES A MOTION SEEKING AN ORDER FOR  
15 GENETIC TESTING, IT SHALL ISSUE AN ORDER ADJUDICATING THE  
16 PRESUMED OR ACKNOWLEDGED FATHER TO BE THE FATHER OF THE CHILD.

17 **19-4-609. Limitation - child having acknowledged or**  
18 **adjudicated father.** (1) IF A CHILD HAS AN ACKNOWLEDGED FATHER, A  
19 SIGNATORY TO THE ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF  
20 PATERNITY MAY COMMENCE A PROCEEDING SEEKING TO RESCIND THE  
21 ACKNOWLEDGEMENT OR DENIAL OR CHALLENGE THE PATERNITY OF THE  
22 CHILD ONLY WITHIN THE TIME ALLOWED UNDER SECTION 19-4-307 OR  
23 19-4-308.

24 (2) IF A CHILD HAS AN ACKNOWLEDGED FATHER OR AN  
25 ADJUDICATED FATHER, AN INDIVIDUAL, OTHER THAN THE CHILD, WHO IS  
26 NEITHER A SIGNATORY TO THE ACKNOWLEDGMENT OF PATERNITY NOR A  
27 PARTY TO THE ADJUDICATION AND WHO SEEKS AN ADJUDICATION OF

1 PATERNITY OF THE CHILD SHALL COMMENCE A PROCEEDING NOT LATER  
2 THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE ACKNOWLEDGMENT  
3 OR ADJUDICATION.

4 (3) A PROCEEDING UNDER THIS SECTION IS SUBJECT TO THE  
5 APPLICATION OF THE PRINCIPLES OF ESTOPPEL ESTABLISHED IN SECTION  
6 19-4-608.

7 **19-4-610. Joinder of proceedings.** (1) EXCEPT AS OTHERWISE  
8 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PROCEEDING TO  
9 ADJUDICATE PARENTAGE MAY BE JOINED WITH A PROCEEDING FOR  
10 ADOPTION, TERMINATION OF PARENTAL RIGHTS, DETERMINATION OF  
11 CUSTODY OR PARENTAL RESPONSIBILITIES CONCERNING DECISION-MAKING  
12 RESPONSIBILITIES, DETERMINATION OF PARENTAL RESPONSIBILITIES  
13 CONCERNING PARENTING TIME OR VISITATION, CHILD SUPPORT, DIVORCE  
14 OR DISSOLUTION OF MARRIAGE, ANNULMENT, DECLARATION OF  
15 INVALIDITY OF MARRIAGE, LEGAL SEPARATION OR SEPARATE  
16 MAINTENANCE, PROBATE OR ADMINISTRATION OF AN ESTATE, OR OTHER  
17 APPROPRIATE PROCEEDING.

18 (2) A RESPONDENT MAY NOT JOIN A PROCEEDING DESCRIBED IN  
19 SUBSECTION (1) OF THIS SECTION WITH A PROCEEDING TO ADJUDICATE  
20 PARENTAGE BROUGHT UNDER THE "UNIFORM INTERSTATE FAMILY  
21 SUPPORT ACT", ARTICLE 5 OF TITLE 14, C.R.S.

22 **19-4-611. Proceeding before birth.** (1) A PROCEEDING TO  
23 DETERMINE PARENTAGE MAY BE COMMENCED BEFORE THE BIRTH OF THE  
24 CHILD, BUT MAY NOT BE CONCLUDED UNTIL AFTER THE BIRTH OF THE  
25 CHILD. THE FOLLOWING ACTIONS MAY BE TAKEN BEFORE THE BIRTH OF  
26 THE CHILD:

27 (a) SERVICE OF PROCESS;

1 (b) DISCOVERY; AND

2 (c) EXCEPT AS PROHIBITED BY SECTION 19-4-502, COLLECTION OF  
3 SPECIMENS FOR GENETIC TESTING.

4 **19-4-612. Child as party - representation.** (1) A MINOR CHILD  
5 IS A PERMISSIBLE PARTY, BUT IS NOT A NECESSARY PARTY TO A  
6 PROCEEDING UNDER THIS PART 6.

7 (2) THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO  
8 REPRESENT A MINOR OR INCAPACITATED CHILD IF THE CHILD IS A PARTY OR  
9 THE COURT FINDS THAT THE INTERESTS OF THE CHILD ARE NOT  
10 ADEQUATELY REPRESENTED.

11 **[19-4-613 to 19-4-620] Reserved**

12 PART B. SPECIAL RULES FOR PROCEEDING  
13 TO ADJUDICATE PARENTAGE

14 **19-4-621. Admissibility of results of genetic testing - expenses.**

15 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION,  
16 A RECORD OF A GENETIC-TESTING EXPERT IS ADMISSIBLE AS EVIDENCE OF  
17 THE TRUTH OF THE FACTS ASSERTED IN THE REPORT UNLESS A PARTY  
18 OBJECTS TO ITS ADMISSION WITHIN FOURTEEN DAYS AFTER ITS RECEIPT BY  
19 THE OBJECTING PARTY AND CITES SPECIFIC GROUNDS FOR EXCLUSION. THE  
20 ADMISSIBILITY OF THE REPORT IS NOT AFFECTED BY WHETHER THE  
21 TESTING WAS PERFORMED:

22 (a) VOLUNTARILY OR PURSUANT TO AN ORDER OF THE COURT OR  
23 A DELEGATE CHILD SUPPORT-ENFORCEMENT UNIT; OR

24 (b) BEFORE OR AFTER THE COMMENCEMENT OF THE PROCEEDING.

25 (2) A PARTY OBJECTING TO THE RESULTS OF GENETIC TESTING MAY  
26 CALL ONE OR MORE GENETIC-TESTING EXPERTS TO TESTIFY IN PERSON OR  
27 BY TELEPHONE, VIDEO CONFERENCE, DEPOSITION, OR ANOTHER METHOD

1 APPROVED BY THE COURT. UNLESS OTHERWISE ORDERED BY THE COURT,  
2 THE PARTY OFFERING THE TESTIMONY BEARS THE EXPENSE FOR THE  
3 EXPERT TESTIFYING.

4 (3) IF A CHILD HAS A PRESUMED, ACKNOWLEDGED, OR  
5 ADJUDICATED FATHER, THE RESULTS OF GENETIC TESTING ARE  
6 INADMISSIBLE TO ADJUDICATE PARENTAGE UNLESS PERFORMED:

7 (a) WITH THE CONSENT OF BOTH THE MOTHER AND THE PRESUMED,  
8 ACKNOWLEDGED, OR ADJUDICATED FATHER; OR

9 (b) PURSUANT TO AN ORDER OF THE COURT UNDER SECTION  
10 19-4-502.

11 (4) COPIES OF BILLS FOR GENETIC TESTING AND FOR PRENATAL  
12 AND POSTNATAL HEALTH CARE FOR THE MOTHER AND CHILD WHICH ARE  
13 FURNISHED TO THE ADVERSE PARTY NOT LESS THAN TEN DAYS BEFORE THE  
14 DATE OF A HEARING ARE ADMISSIBLE TO ESTABLISH:

15 (a) THE AMOUNT OF THE CHARGES BILLED; AND

16 (b) THAT THE CHARGES WERE REASONABLE, NECESSARY, AND  
17 CUSTOMARY.

18 **19-4-622. Consequences of declining genetic testing.** (1) AN  
19 ORDER FOR GENETIC TESTING IS ENFORCEABLE BY CONTEMPT.

20 (2) IF AN INDIVIDUAL WHOSE PATERNITY IS BEING DETERMINED  
21 DECLINES TO SUBMIT TO GENETIC TESTING ORDERED BY THE COURT, THE  
22 COURT FOR THAT REASON MAY ADJUDICATE PARENTAGE CONTRARY TO  
23 THE POSITION OF THAT INDIVIDUAL.

24 (3) GENETIC TESTING OF THE MOTHER OF A CHILD IS NOT A  
25 CONDITION PRECEDENT TO TESTING THE CHILD AND A MAN WHOSE  
26 PATERNITY IS BEING DETERMINED. IF THE MOTHER IS UNAVAILABLE OR  
27 DECLINES TO SUBMIT TO GENETIC TESTING, THE COURT MAY ORDER THE

1 TESTING OF THE CHILD AND EVERY MAN WHOSE PATERNITY IS BEING  
2 ADJUDICATED.

3 **19-4-623. Admission of paternity authorized.** (1) A  
4 RESPONDENT IN A PROCEEDING TO ADJUDICATE PARENTAGE MAY ADMIT  
5 TO THE PATERNITY OF A CHILD BY FILING A PLEADING TO THAT EFFECT OR  
6 BY ADMITTING PATERNITY UNDER PENALTY OF PERJURY WHEN MAKING AN  
7 APPEARANCE OR DURING A HEARING.

8 (2) IF THE COURT FINDS THAT THE ADMISSION OF PATERNITY  
9 SATISFIES THE REQUIREMENTS OF THIS SECTION AND FINDS THAT THERE IS  
10 NO REASON TO QUESTION THE ADMISSION, THE COURT SHALL ISSUE AN  
11 ORDER ADJUDICATING THE CHILD TO BE THE CHILD OF THE MAN  
12 ADMITTING PATERNITY.

13 **19-4-624. Temporary order - temporary protection orders.**

14 (1) IN A PROCEEDING UNDER THIS PART 6, THE COURT SHALL ISSUE A  
15 TEMPORARY ORDER FOR SUPPORT OF A CHILD IF THE ORDER IS  
16 APPROPRIATE AND THE INDIVIDUAL ORDERED TO PAY SUPPORT IS:

- 17 (a) A PRESUMED FATHER OF THE CHILD;
- 18 (b) PETITIONING TO HAVE HIS PATERNITY ADJUDICATED;
- 19 (c) IDENTIFIED AS THE FATHER THROUGH GENETIC TESTING UNDER  
20 SECTION 19-4-505;
- 21 (d) AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO  
22 GENETIC TESTING;
- 23 (e) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE  
24 FATHER OF THE CHILD; OR
- 25 (f) THE MOTHER OF THE CHILD.

26 (2) A TEMPORARY ORDER MAY INCLUDE PROVISIONS FOR THE  
27 DETERMINATION OF PARENTAL RIGHTS AS PROVIDED BY OTHER LAWS OF

1 THIS STATE.

2 (3) UPON THE FILING OF A PETITION UNDER THIS ARTICLE, ANY  
3 PARTY MAY SEEK THE ISSUANCE OF A TEMPORARY PROTECTION ORDER OR  
4 INJUNCTION UNDER THE CRITERIA SET FORTH IN SECTION 14-10-108,  
5 C.R.S. ANY PARTY MAY FURTHER SEEK TEMPORARY ORDERS AS TO THE  
6 ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING ALLOCATION OF  
7 DECISION-MAKING RESPONSIBILITY AND PARENTING TIME, AND SUPPORT  
8 ONCE AN ORDER DETERMINING THE EXISTENCE OF THE PARENT-CHILD  
9 RELATIONSHIP HAS BEEN ENTERED BY THE COURT. THE FILING OF A  
10 MOTION FOR TEMPORARY ORDERS SHALL NOT PREVENT A PARTY OR PUBLIC  
11 AGENCY FROM SEEKING OTHER RELIEF AS MAY BE PROVIDED BY THIS  
12 ARTICLE. ISSUES OF TEMPORARY ORDERS CONCERNING THE ALLOCATION  
13 OF PARENTAL RESPONSIBILITIES, INCLUDING DECISION-MAKING  
14 RESPONSIBILITY AND PARENTING TIME, AND ISSUES OF SUPPORT SHALL BE  
15 DETERMINED IN ACCORDANCE WITH THE CRITERIA SET FORTH IN THE  
16 "UNIFORM DISSOLUTION OF MARRIAGE ACT", ARTICLE 10 OF TITLE 14,  
17 C.R.S. ANY TEMPORARY PROTECTION ORDER ISSUED PURSUANT TO THIS  
18 SUBSECTION (3) SHALL BE ON A STANDARDIZED FORM PRESCRIBED BY THE  
19 JUDICIAL DEPARTMENT, AND A COPY SHALL BE PROVIDED TO THE  
20 PROTECTED PERSON.

21 (4) AT THE TIME A PROTECTION ORDER IS REQUESTED PURSUANT  
22 TO THIS SECTION, THE COURT SHALL INQUIRE ABOUT, AND THE  
23 REQUESTING PARTY AND SUCH PARTY'S ATTORNEY SHALL HAVE AN  
24 INDEPENDENT DUTY TO DISCLOSE, KNOWLEDGE THAT SUCH PARTY AND  
25 SUCH PARTY'S ATTORNEY MAY HAVE CONCERNING THE EXISTENCE OF ANY  
26 PRIOR PROTECTION ORDERS OF ANY COURT, ADDRESSING IN WHOLE OR IN  
27 PART THE SUBJECT MATTER OF THE REQUESTED PROTECTION ORDER.

1 (5) THE DUTIES OF PEACE OFFICERS ENFORCING ORDERS ISSUED  
2 PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SECTION  
3 18-6-803.5, C.R.S., AND ANY RULES ADOPTED BY THE COLORADO  
4 SUPREME COURT PURSUANT TO SAID SECTION.

5 **[19-4-625 to 19-4-630] Reserved**

6 PART C. HEARINGS AND ADJUDICATIONS

7 **19-4-631. Rules for adjudication of paternity.** (1) THE COURT  
8 SHALL APPLY THE FOLLOWING RULES TO ADJUDICATE THE PATERNITY OF  
9 A CHILD:

10 (a) THE PATERNITY OF A CHILD HAVING A PRESUMED,  
11 ACKNOWLEDGED, OR ADJUDICATED FATHER MAY BE DISPROVED ONLY BY  
12 ADMISSIBLE RESULTS OF GENETIC TESTING EXCLUDING THAT MAN AS THE  
13 FATHER OF THE CHILD OR IDENTIFYING ANOTHER MAN AS THE FATHER OF  
14 THE CHILD.

15 (b) UNLESS THE RESULTS OF GENETIC TESTING ARE ADMITTED TO  
16 REBUT OTHER RESULTS OF GENETIC TESTING, A MAN IDENTIFIED AS THE  
17 FATHER OF A CHILD UNDER SECTION 19-4-505 SHALL BE ADJUDICATED THE  
18 FATHER OF THE CHILD.

19 (c) IF THE COURT FINDS THAT GENETIC TESTING UNDER SECTION  
20 19-4-505 NEITHER IDENTIFIES NOR EXCLUDES A MAN AS THE FATHER OF A  
21 CHILD, THE COURT MAY NOT DISMISS THE PROCEEDING. IN THAT EVENT,  
22 THE RESULTS OF GENETIC TESTING, AND OTHER EVIDENCE, ARE  
23 ADMISSIBLE TO ADJUDICATE THE ISSUE OF PATERNITY.

24 (d) UNLESS THE RESULTS OF GENETIC TESTING ARE ADMITTED TO  
25 REBUT OTHER RESULTS OF GENETIC TESTING, A MAN EXCLUDED AS THE  
26 FATHER OF A CHILD BY GENETIC TESTING SHALL BE ADJUDICATED NOT TO  
27 BE THE FATHER OF THE CHILD.

1           **19-4-632. Jury prohibited.** THE COURT, WITHOUT A JURY, SHALL  
2 ADJUDICATE PATERNITY OF A CHILD.

3           **19-4-633. Hearings - inspection of records.** (1) ON REQUEST OF  
4 A PARTY AND FOR GOOD CAUSE SHOWN, THE COURT MAY CLOSE A  
5 PROCEEDING UNDER THIS PART 6.

6           (2) A FINAL ORDER IN A PROCEEDING UNDER THIS PART 6 IS  
7 AVAILABLE FOR PUBLIC INSPECTION. OTHER PAPERS AND RECORDS ARE  
8 AVAILABLE ONLY WITH THE CONSENT OF THE PARTIES OR ON ORDER OF  
9 THE COURT FOR GOOD CAUSE.

10           **19-4-634. Order on default.** (1) THE COURT SHALL ISSUE AN  
11 ORDER ADJUDICATING THE PATERNITY OF A MAN WHO:

12           (a) AFTER SERVICE OF PROCESS, IS FOUND TO BE IN DEFAULT,  
13 PURSUANT TO RULE 55 OF THE COLORADO RULES OF CIVIL PROCEDURE;  
14 AND

15           (b) IS FOUND BY THE COURT TO BE THE FATHER OF A CHILD.

16           **19-4-635. Dismissal for want of prosecution.** THE COURT MAY  
17 ISSUE AN ORDER DISMISSING A PROCEEDING COMMENCED UNDER THIS  
18 ARTICLE FOR WANT OF PROSECUTION ONLY WITHOUT PREJUDICE. AN  
19 ORDER OF DISMISSAL FOR WANT OF PROSECUTION PURPORTEDLY WITH  
20 PREJUDICE IS VOID AND HAS ONLY THE EFFECT OF A DISMISSAL WITHOUT  
21 PREJUDICE.

22           **19-4-636. Order adjudicating parentage - other related orders.**

23           (1) THE COURT SHALL ISSUE AN ORDER ADJUDICATING WHETHER A MAN  
24 ALLEGED OR CLAIMING TO BE THE FATHER IS THE PARENT OF THE CHILD.

25           (2) AN ORDER ADJUDICATING PARENTAGE SHALL IDENTIFY THE  
26 CHILD BY NAME AND DATE OF BIRTH.

27           (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS

1 SECTION, THE COURT MAY ASSESS FILING FEES, REASONABLE ATTORNEY  
2 FEES, FEES FOR GENETIC TESTING, OTHER COSTS, AND NECESSARY TRAVEL  
3 AND OTHER REASONABLE EXPENSES INCURRED IN A PROCEEDING UNDER  
4 THIS PART 6. THE COURT MAY AWARD ATTORNEY FEES, WHICH MAY BE  
5 PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN THE  
6 ATTORNEY'S OWN NAME.

7 (4) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES  
8 AGAINST THE CHILD SUPPORT-ENFORCEMENT AGENCY OF THIS STATE OR  
9 ANOTHER STATE, EXCEPT AS PROVIDED BY OTHER LAW.

10 (5) ON REQUEST OF A PARTY AND FOR GOOD CAUSE SHOWN, THE  
11 COURT MAY ORDER THAT THE NAME OF THE CHILD BE CHANGED.

12 (6) IF THE ORDER OF THE COURT IS AT VARIANCE WITH THE CHILD'S  
13 BIRTH CERTIFICATE, THE COURT SHALL ORDER THE REGISTRAR OF VITAL  
14 STATISTICS TO ISSUE AN AMENDED BIRTH CERTIFICATE PURSUANT TO  
15 SECTION 25-2-113, C.R.S.

16 (7) THE ORDER MAY CONTAIN ANY OTHER PROVISION DIRECTED  
17 AGAINST THE APPROPRIATE PARTY TO THE PROCEEDING CONCERNING THE  
18 DUTY OF SUPPORT, THE RECOVERY OF CHILD SUPPORT DEBT PURSUANT TO  
19 SECTION 14-14-104, C.R.S., THE ALLOCATION OF PARENTAL  
20 RESPONSIBILITIES WITH RESPECT TO THE CHILD, INCLUDING  
21 DECISION-MAKING RESPONSIBILITIES AND PARENTING TIME, GUARDIANSHIP  
22 OF THE CHILD, THE FURNISHING OF BOND OR OTHER SECURITY FOR THE  
23 PAYMENT OF THE JUDGMENT, OR ANY OTHER MATTER THAT IS IN THE BEST  
24 INTERESTS OF THE CHILD.

25 (8) SUPPORT ORDERS SHALL BE FOR PERIODIC PAYMENTS WHICH  
26 MAY VARY IN AMOUNT; EXCEPT THAT, IF IT IS IN THE BEST INTERESTS OF  
27 THE CHILD, A LUMP-SUM PAYMENT OR THE PURCHASE OF AN ANNUITY MAY

1 BE ORDERED IN LIEU OF PERIODIC PAYMENTS OF SUPPORT. THE COURT OR  
2 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ENTER AN ORDER  
3 DIRECTING THE FATHER TO PAY FOR SUPPORT OF THE CHILD, IN AN  
4 AMOUNT AS MAY BE DETERMINED BY THE COURT OR DELEGATE CHILD  
5 SUPPORT ENFORCEMENT UNIT TO BE REASONABLE UNDER THE  
6 CIRCUMSTANCES, FOR THE PERIOD OF TIME PRIOR TO THE ENTRY OF THE  
7 ORDER ESTABLISHING PATERNITY. THE COURT MAY LIMIT THE FATHER'S  
8 LIABILITY FOR PAST SUPPORT OF THE CHILD TO THE PROPORTION OF THE  
9 EXPENSES ALREADY INCURRED THAT THE COURT DEEMS JUST.

10 (9) THE ORDER MAY INCLUDE A PROVISION REQUIRING THAT THE  
11 RESPONDENT INITIATE INCLUSION OF THE CHILD UNDER A MEDICAL  
12 INSURANCE POLICY CURRENTLY IN EFFECT FOR THE BENEFIT OF THE  
13 RESPONDENT, PURCHASE MEDICAL INSURANCE FOR THE CHILD, OR IN SOME  
14 OTHER MANNER PROVIDE FOR THE CURRENT AND FUTURE MEDICAL NEEDS  
15 OF THE CHILD. THE COURT MAY DETERMINE WHO SHALL BE RESPONSIBLE  
16 FOR PAYING REQUIRED MEDICAL INSURANCE DEDUCTIBLES AND  
17 COPAYMENTS FOR THE CHILD. IF THE JUDGMENT OR ORDER DOES NOT  
18 INCLUDE A PROVISION REGARDING MEDICAL SUPPORT SUCH AS INSURANCE  
19 COVERAGE, PAYMENT FOR MEDICAL INSURANCE DEDUCTIBLES AND  
20 COPAYMENTS, OR UNREIMBURSED MEDICAL EXPENSES, THAT FACT MAY BE  
21 GROUNDS FOR A MODIFICATION OF THE ORDER UNDER SECTION 14-10-122,  
22 C.R.S.

23 (10) IN DETERMINING THE AMOUNT TO BE PAID BY A PARENT FOR  
24 SUPPORT OF THE CHILD AND THE PERIOD DURING WHICH THE DUTY OF  
25 SUPPORT IS OWED, A COURT ESTABLISHING A SUPPORT ORDER SHALL  
26 CONSIDER ALL RELEVANT FACTS, INCLUDING BUT NOT LIMITED TO:

27 (a) THE NEEDS OF THE CHILD;

- 1           (b) THE STANDARD OF LIVING AND CIRCUMSTANCES OF THE
- 2 PARENTS;
- 3           (c) THE RELATIVE FINANCIAL MEANS OF THE PARENTS;
- 4           (d) THE EARNING ABILITY OF THE PARENTS;
- 5           (e) THE AGE OF THE CHILD;
- 6           (f) THE FINANCIAL RESOURCES AND THE EARNING ABILITY OF THE
- 7 CHILD;
- 8           (g) THE RESPONSIBILITY OF THE PARENTS FOR THE SUPPORT OF
- 9 OTHERS;
- 10          (h) THE VALUE OF SERVICES CONTRIBUTED BY THE PARENT WITH
- 11 WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME;
- 12          (i) THE STANDARD OF LIVING THE CHILD WOULD HAVE ENJOYED
- 13 HAD THE PARENTS BEEN MARRIED; AND
- 14          (j) THE CHILD SUPPORT GUIDELINES, AS SET FORTH IN SECTION
- 15 14-10-115, C.R.S.

16           (11) EXCEPT AS PROVIDED IN SUBSECTION (12) OF THIS SECTION,  
17 ANY ORDER OF SUPPORT ENTERED PURSUANT TO SUBSECTIONS (7) TO (9)  
18 OF THIS SECTION SHALL CONTINUE UNTIL THE CHILD IS NINETEEN YEARS OF  
19 AGE, UNLESS THE SUPPORT ORDER IS TERMINATED SOONER BY COURT  
20 ORDER.

21           (12) THE COURT MAY ORDER SUPPORT TO BE CONTINUED AFTER  
22 THE CHILD IS NINETEEN YEARS OF AGE IF THE CHILD IS UNABLE TO CARE  
23 FOR HIMSELF OR HERSELF BY REASON OF MENTAL OR PHYSICAL DISABILITY  
24 OR OTHER REASON JUSTIFIABLE IN THE OPINION OF THE COURT.

25           (13) ALL CHILD SUPPORT ORDERS ENTERED PURSUANT TO THIS  
26 ARTICLE SHALL INCLUDE THE NAMES AND DATES OF BIRTH OF THE PARTIES  
27 AND OF THE CHILDREN WHO ARE THE SUBJECT OF THE ORDER AND THE

1 PARTIES' RESIDENTIAL AND MAILING ADDRESSES. THE SOCIAL SECURITY  
2 NUMBERS OF THE PARTIES AND CHILDREN SHALL BE COLLECTED PURSUANT  
3 TO SECTIONS 14-14-113 AND 26-13-127, C.R.S.

4 **19-4-637. Binding effect of determination of parentage.**

5 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
6 A DETERMINATION OF PARENTAGE IS BINDING ON:

7 (a) ALL SIGNATORIES TO AN ACKNOWLEDGEMENT OR DENIAL OF  
8 PATERNITY AS PROVIDED IN PART 3 OF THIS ARTICLE; AND

9 (b) ALL PARTIES TO AN ADJUDICATION BY A COURT ACTING UNDER  
10 CIRCUMSTANCES THAT SATISFY THE JURISDICTIONAL REQUIREMENTS OF  
11 SECTION 14-5-201, C.R.S., OF THE "UNIFORM INTERSTATE FAMILY  
12 SUPPORT ACT".

13 (2) A CHILD IS NOT BOUND BY A DETERMINATION OF PARENTAGE  
14 UNDER THIS ARTICLE UNLESS:

15 (a) THE DETERMINATION WAS BASED ON AN UNRESCINDED  
16 ACKNOWLEDGMENT OF PATERNITY AND THE ACKNOWLEDGEMENT IS  
17 CONSISTENT WITH THE RESULTS OF GENETIC TESTING;

18 (b) THE ADJUDICATION OF PARENTAGE WAS BASED ON A FINDING  
19 CONSISTENT WITH THE RESULTS OF GENETIC TESTING AND THE  
20 CONSISTENCY IS DECLARED IN THE DETERMINATION OR IS OTHERWISE  
21 SHOWN; OR

22 (c) THE CHILD WAS A PARTY OR WAS REPRESENTED IN THE  
23 PROCEEDING DETERMINING PARENTAGE BY A GUARDIAN AD LITEM.

24 (3) IN A PROCEEDING TO DISSOLVE A MARRIAGE, THE COURT IS  
25 DEEMED TO HAVE MADE AN ADJUDICATION OF THE PARENTAGE OF A CHILD  
26 IF THE COURT ACTS UNDER CIRCUMSTANCES THAT SATISFY THE  
27 JURISDICTIONAL REQUIREMENTS OF SECTION 14-5-201, C.R.S., OF THE

1 "UNIFORM INTERSTATE FAMILY SUPPORT ACT", AND THE FINAL ORDER:

2 (a) EXPRESSLY IDENTIFIES A CHILD AS A "CHILD OF THE  
3 MARRIAGE", "ISSUE OF THE MARRIAGE", OR SIMILAR WORDS INDICATING  
4 THAT THE HUSBAND IS THE FATHER OF THE CHILD; OR

5 (b) PROVIDES FOR SUPPORT OF THE CHILD BY THE HUSBAND  
6 UNLESS PATERNITY IS SPECIFICALLY DISCLAIMED IN THE ORDER.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
8 SECTION, A DETERMINATION OF PARENTAGE MAY BE A DEFENSE IN A  
9 SUBSEQUENT PROCEEDING SEEKING TO ADJUDICATE PARENTAGE BY AN  
10 INDIVIDUAL WHO WAS NOT A PARTY TO THE EARLIER PROCEEDING.

11 (5) A PARTY TO AN ADJUDICATION OF PATERNITY MAY CHALLENGE  
12 THE ADJUDICATION ONLY UNDER LAWS OF THIS STATE RELATING TO  
13 APPEAL, VACATION OF JUDGMENTS, OR OTHER JUDICIAL REVIEW.

14 **19-4-638. Enforcement of order - modification of order.** (1) IF  
15 EXISTENCE OF THE PARENT-CHILD RELATIONSHIP IS DECLARED, OR  
16 PATERNITY OR A DUTY OF SUPPORT HAS BEEN ACKNOWLEDGED OR  
17 ADJUDICATED UNDER THIS ARTICLE OR UNDER PRIOR LAW, THE  
18 OBLIGATION OF THE FATHER MAY BE ENFORCED IN THE SAME OR OTHER  
19 PROCEEDINGS BY THE MOTHER, THE CHILD, OR THE PUBLIC AUTHORITY  
20 THAT HAS FURNISHED OR MAY FURNISH THE REASONABLE EXPENSES OF  
21 PREGNANCY, CONFINEMENT, EDUCATION, SUPPORT, OR FUNERAL, OR BY  
22 ANY OTHER PERSON, INCLUDING A PRIVATE AGENCY ON BEHALF OF ONE OF  
23 THESE PARTIES, TO THE EXTENT THE OTHER PERSON HAS FURNISHED OR IS  
24 FURNISHING THESE EXPENSES.

25 (2) THE COURT MAY ORDER SUPPORT PAYMENTS TO BE MADE TO  
26 THE OBLIGEE, THE CLERK OF THE COURT, IN THOSE CASES IN WHICH THE  
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES HAS

1 NOTIFIED THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION  
2 26-13-114 (5), C.R.S., THAT THE JUDICIAL DISTRICT IN WHICH THE COURT  
3 IS SITUATED IS READY TO PARTICIPATE IN THE FAMILY SUPPORT REGISTRY,  
4 THROUGH THE FAMILY SUPPORT REGISTRY, OR A PERSON, CORPORATION,  
5 OR AGENCY DESIGNATED TO ADMINISTER THEM FOR THE BENEFIT OF THE  
6 CHILD UNDER THE SUPERVISION OF THE COURT. THE COURT MAY NOT  
7 ORDER PAYMENTS TO BE MADE TO THE CLERK OF THE COURT ONCE  
8 PAYMENTS MAY BE MADE THROUGH THE FAMILY SUPPORT REGISTRY.

9 (3) WILLFUL FAILURE TO OBEY THE ORDER OF THE COURT IS A  
10 CIVIL CONTEMPT OF THE COURT. ALL REMEDIES FOR THE ENFORCEMENT  
11 OF JUDGMENTS APPLY.

12 (4) IN ENTERING ANY ORDER FOR SUPPORT PURSUANT TO THIS  
13 PART 6, THE COURT SHALL TAKE INTO CONSIDERATION THE CAPABILITY OF  
14 BOTH PARENTS TO PROVIDE SUPPORT.

## 15 PART 7

### 16 CHILD OF ASSISTED REPRODUCTION

17 **19-4-701. Scope of part.** THIS PART 7 DOES NOT APPLY TO THE  
18 BIRTH OF A CHILD CONCEIVED BY MEANS OF SEXUAL INTERCOURSE, OR AS  
19 THE RESULT OF A GESTATIONAL AGREEMENT AS PROVIDED IN PART 8 OF  
20 THIS ARTICLE.

21 **19-4-702. Parental status of donor.** A DONOR IS NOT A PARENT  
22 OF A CHILD CONCEIVED BY MEANS OF ASSISTED REPRODUCTION.

23 **19-4-703. Paternity of child of assisted reproduction.** A MAN  
24 WHO PROVIDES SPERM FOR, OR CONSENTS TO, ASSISTED REPRODUCTION BY  
25 A WOMAN AS PROVIDED IN SECTION 19-4-704 WITH THE INTENT TO BE THE  
26 PARENT OF HER CHILD, IS A PARENT OF THE RESULTING CHILD.

27 **19-4-704. Consent to assisted reproduction.** (1) CONSENT BY

1 A WOMAN AND A MAN WHO INTEND TO BE PARENTS OF A CHILD BORN TO  
2 THE WOMAN BY ASSISTED REPRODUCTION SHALL BE IN A RECORD SIGNED  
3 BY THE WOMAN AND THE MAN. THIS REQUIREMENT DOES NOT APPLY TO  
4 A DONOR.

5 (2) FAILURE OF A MAN TO SIGN A CONSENT REQUIRED BY  
6 SUBSECTION (1) OF THIS SECTION, BEFORE OR AFTER THE BIRTH OF THE  
7 CHILD, DOES NOT PRECLUDE A FINDING OF PATERNITY IF THE WOMAN AND  
8 THE MAN, DURING THE FIRST TWO YEARS OF THE CHILD'S LIFE, RESIDED  
9 TOGETHER IN THE SAME HOUSEHOLD WITH THE CHILD AND OPENLY HELD  
10 OUT THE CHILD AS THEIR OWN.

11 **19-4-705. Limitation on husband's dispute of paternity.**

12 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
13 THE HUSBAND OF A WOMAN WHO GIVES BIRTH TO A CHILD BY MEANS OF  
14 ASSISTED REPRODUCTION MAY NOT CHALLENGE HIS PATERNITY OF THE  
15 CHILD UNLESS:

16 (a) WITHIN TWO YEARS AFTER LEARNING OF THE BIRTH OF THE  
17 CHILD, HE COMMENCES A PROCEEDING TO ADJUDICATE HIS PATERNITY;  
18 AND

19 (b) THE COURT FINDS THAT HE DID NOT CONSENT TO THE ASSISTED  
20 REPRODUCTION, BEFORE OR AFTER THE BIRTH OF THE CHILD.

21 (2) A PROCEEDING TO ADJUDICATE PATERNITY MAY BE  
22 MAINTAINED AT ANY TIME IF THE COURT DETERMINES THAT:

23 (a) THE HUSBAND DID NOT PROVIDE SPERM FOR, OR BEFORE OR  
24 AFTER THE BIRTH OF THE CHILD CONSENT TO, ASSISTED REPRODUCTION BY  
25 HIS WIFE;

26 (b) THE HUSBAND AND THE MOTHER OF THE CHILD HAVE NOT  
27 COHABITED SINCE THE PROBABLE TIME OF ASSISTED REPRODUCTION; AND

1 (c) THE HUSBAND NEVER OPENLY HELD OUT THE CHILD AS HIS  
2 OWN.

3 (3) THE LIMITATION PROVIDED IN THIS SECTION APPLIES TO A  
4 MARRIAGE DECLARED INVALID AFTER ASSISTED REPRODUCTION.

5 **19-4-706. Effect of dissolution of marriage or withdrawal of**  
6 **consent.** (1) IF A MARRIAGE IS DISSOLVED BEFORE PLACEMENT OF EGGS,  
7 SPERM, OR EMBRYOS, THE FORMER SPOUSE IS NOT A PARENT OF THE  
8 RESULTING CHILD UNLESS THE FORMER SPOUSE CONSENTED IN A RECORD  
9 THAT IF ASSISTED REPRODUCTION WERE TO OCCUR AFTER A DIVORCE OR  
10 DISSOLUTION OF MARRIAGE, THE FORMER SPOUSE WOULD BE A PARENT OF  
11 THE CHILD.

12 (2) THE CONSENT OF A WOMAN OR A MAN TO ASSISTED  
13 REPRODUCTION MAY BE WITHDRAWN BY THAT INDIVIDUAL IN A RECORD  
14 AT ANY TIME BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS. AN  
15 INDIVIDUAL WHO WITHDRAWS CONSENT UNDER THIS SECTION IS NOT A  
16 PARENT OF THE RESULTING CHILD.

17 **19-4-707. Parental status of deceased individual.** IF AN  
18 INDIVIDUAL WHO CONSENTED IN A RECORD TO BE A PARENT BY ASSISTED  
19 REPRODUCTION DIES BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS,  
20 THE DECEASED INDIVIDUAL IS NOT A PARENT OF THE RESULTING CHILD  
21 UNLESS THE DECEASED SPOUSE CONSENTED IN A RECORD THAT IF ASSISTED  
22 REPRODUCTION WERE TO OCCUR AFTER DEATH, THE DECEASED INDIVIDUAL  
23 WOULD BE A PARENT OF THE CHILD.

24 PART 8

25 GESTATIONAL AGREEMENT

26 **19-4-801. Gestational agreement authorized.** (1) A  
27 PROSPECTIVE GESTATIONAL MOTHER, HER HUSBAND IF SHE IS MARRIED, A

1 DONOR OR THE DONORS, AND THE INTENDED PARENTS MAY ENTER INTO A  
2 WRITTEN AGREEMENT PROVIDING THAT:

3 (a) THE PROSPECTIVE GESTATIONAL MOTHER AGREES TO  
4 PREGNANCY BY MEANS OF ASSISTED REPRODUCTION;

5 (b) THE PROSPECTIVE GESTATIONAL MOTHER, HER HUSBAND IF SHE  
6 IS MARRIED, AND THE DONORS RELINQUISH ALL RIGHTS AND DUTIES AS THE  
7 PARENTS OF A CHILD CONCEIVED THROUGH ASSISTED REPRODUCTION; AND

8 (c) THE INTENDED PARENTS BECOME THE PARENTS OF THE CHILD.

9 (2) THE INTENDED PARENTS SHALL BOTH BE PARTIES TO THE  
10 GESTATIONAL AGREEMENT.

11 (3) A GESTATIONAL AGREEMENT IS ENFORCEABLE ONLY IF  
12 VALIDATED AS PROVIDED IN SECTION 19-4-803.

13 (4) A GESTATIONAL AGREEMENT DOES NOT APPLY TO THE BIRTH  
14 OF A CHILD CONCEIVED BY MEANS OF SEXUAL INTERCOURSE.

15 (5) A GESTATIONAL AGREEMENT MAY PROVIDE FOR PAYMENT OF  
16 CONSIDERATION.

17 (6) A GESTATIONAL AGREEMENT MAY NOT LIMIT THE RIGHT OF THE  
18 GESTATIONAL MOTHER TO MAKE DECISIONS TO SAFEGUARD HER HEALTH  
19 OR THAT OF THE EMBRYOS OR FETUSES.

20 **19-4-802. Requirements of petition.** (1) THE INTENDED  
21 PARENTS AND THE PROSPECTIVE GESTATIONAL MOTHER MAY COMMENCE  
22 A PROCEEDING IN THE JUVENILE COURT TO VALIDATE A GESTATIONAL  
23 AGREEMENT.

24 (2) A PROCEEDING TO VALIDATE A GESTATIONAL AGREEMENT MAY  
25 NOT BE MAINTAINED UNLESS:

26 (a) THE GESTATIONAL MOTHER OR THE INTENDED PARENTS HAVE  
27 BEEN RESIDENTS OF THIS STATE FOR AT LEAST NINETY DAYS;

1 (b) THE PROSPECTIVE GESTATIONAL MOTHER'S HUSBAND, IF SHE IS  
2 MARRIED, IS JOINED IN THE PROCEEDING; AND

3 (c) A COPY OF THE GESTATIONAL AGREEMENT IS ATTACHED TO THE  
4 PETITION.

5 **19-4-803. Hearing to validate gestational agreement.** (1) IF  
6 THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION ARE SATISFIED,  
7 A COURT MAY ISSUE AN ORDER VALIDATING THE GESTATIONAL  
8 AGREEMENT AND DECLARING THAT THE INTENDED PARENTS WILL BE THE  
9 PARENTS OF A CHILD BORN DURING THE TERM OF THE AGREEMENT.

10 (2) THE COURT MAY ISSUE AN ORDER UNDER SUBSECTION (1) OF  
11 THIS SECTION ONLY ON A FINDING THAT:

12 (a) THE RESIDENCE REQUIREMENTS OF SECTION 19-4-802 HAVE  
13 BEEN SATISFIED AND THE PARTIES HAVE SUBMITTED TO THE JURISDICTION  
14 OF THE COURT UNDER THE JURISDICTIONAL STANDARDS OF THIS ARTICLE;

15 (b) UNLESS WAIVED BY THE COURT, THE APPLICABLE COUNTY  
16 DEPARTMENT OF SOCIAL SERVICES OR A LICENSED CHILD PLACEMENT  
17 AGENCY HAS MADE A HOME STUDY OF THE INTENDED PARENTS AND THE  
18 INTENDED PARENTS MEET THE STANDARDS OF SUITABILITY APPLICABLE TO  
19 ADOPTIVE PARENTS;

20 (c) ALL PARTIES HAVE VOLUNTARILY ENTERED INTO THE  
21 AGREEMENT AND UNDERSTAND ITS TERMS;

22 (d) ADEQUATE PROVISION HAS BEEN MADE FOR ALL REASONABLE  
23 HEALTH CARE EXPENSES ASSOCIATED WITH THE GESTATIONAL AGREEMENT  
24 UNTIL THE BIRTH OF THE CHILD, INCLUDING RESPONSIBILITY FOR THOSE  
25 EXPENSES IF THE AGREEMENT IS TERMINATED; AND

26 (e) THE CONSIDERATION, IF ANY, PAID TO THE PROSPECTIVE  
27 GESTATIONAL MOTHER IS REASONABLE.

1           **19-4-804. Inspection of records.** THE PROCEEDINGS, RECORDS,  
2           AND IDENTITIES OF THE INDIVIDUAL PARTIES TO A GESTATIONAL  
3           AGREEMENT UNDER THIS PART 8 ARE SUBJECT TO INSPECTION UNDER THE  
4           STANDARDS OF CONFIDENTIALITY APPLICABLE TO ADOPTIONS AS  
5           PROVIDED UNDER OTHER LAWS OF THIS STATE.

6           **19-4-805. Exclusive - continuing jurisdiction.** SUBJECT TO THE  
7           JURISDICTIONAL STANDARDS OF SECTION 14-13-201 OF THE "UNIFORM  
8           CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT", THE COURT  
9           CONDUCTING A PROCEEDING UNDER THIS PART 8 HAS EXCLUSIVE,  
10          CONTINUING JURISDICTION OF ALL MATTERS ARISING OUT OF THE  
11          GESTATIONAL AGREEMENT UNTIL A CHILD BORN TO THE GESTATIONAL  
12          MOTHER DURING THE PERIOD GOVERNED BY THE AGREEMENT ATTAINS THE  
13          AGE OF ONE HUNDRED EIGHTY DAYS.

14          **19-4-806. Termination of gestational agreement.** (1) AFTER  
15          ISSUANCE OF AN ORDER UNDER THIS PART 8, BUT BEFORE THE  
16          PROSPECTIVE GESTATIONAL MOTHER BECOMES PREGNANT BY MEANS OF  
17          ASSISTED REPRODUCTION, THE PROSPECTIVE GESTATIONAL MOTHER, HER  
18          HUSBAND, OR EITHER OF THE INTENDED PARENTS MAY TERMINATE THE  
19          GESTATIONAL AGREEMENT BY GIVING WRITTEN NOTICE OF TERMINATION  
20          TO ALL OTHER PARTIES.

21                 (2) THE COURT FOR GOOD CAUSE SHOWN MAY TERMINATE THE  
22          GESTATIONAL AGREEMENT.

23                 (3) AN INDIVIDUAL WHO TERMINATES A GESTATIONAL AGREEMENT  
24          SHALL FILE NOTICE OF THE TERMINATION WITH THE COURT. ON RECEIPT  
25          OF THE NOTICE, THE COURT SHALL VACATE THE ORDER ISSUED UNDER THIS  
26          PART 8. AN INDIVIDUAL WHO DOES NOT NOTIFY THE COURT OF THE  
27          TERMINATION OF THE AGREEMENT IS SUBJECT TO APPROPRIATE

1 SANCTIONS.

2 (4) NEITHER A PROSPECTIVE GESTATIONAL MOTHER NOR HER  
3 HUSBAND, IF ANY, IS LIABLE TO THE INTENDED PARENTS FOR TERMINATING  
4 A GESTATIONAL AGREEMENT PURSUANT TO THIS SECTION.

5 **19-4-807. Parentage under validated gestational agreement.**

6 (1) UPON BIRTH OF A CHILD TO A GESTATIONAL MOTHER, THE INTENDED  
7 PARENTS SHALL FILE NOTICE WITH THE COURT THAT A CHILD HAS BEEN  
8 BORN TO THE GESTATIONAL MOTHER WITHIN THREE HUNDRED DAYS AFTER  
9 ASSISTED REPRODUCTION. THEREUPON, THE COURT SHALL ISSUE AN  
10 ORDER:

11 (a) CONFIRMING THAT THE INTENDED PARENTS ARE THE PARENTS  
12 OF THE CHILD;

13 (b) IF NECESSARY, ORDERING THAT THE CHILD BE SURRENDERED  
14 TO THE INTENDED PARENTS; AND

15 (c) DIRECTING THE REGISTRAR OF VITAL STATISTICS TO ISSUE A  
16 BIRTH CERTIFICATE NAMING THE INTENDED PARENTS AS PARENTS OF THE  
17 CHILD.

18 (2) IF THE PARENTAGE OF A CHILD BORN TO A GESTATIONAL  
19 MOTHER IS ALLEGED NOT TO BE THE RESULT OF ASSISTED REPRODUCTION,  
20 THE COURT SHALL ORDER GENETIC TESTING TO DETERMINE THE  
21 PARENTAGE OF THE CHILD.

22 (3) IF THE INTENDED PARENTS FAIL TO FILE THE NOTICE REQUIRED  
23 UNDER SUBSECTION (1) OF THIS SECTION, THE GESTATIONAL MOTHER OR  
24 THE APPROPRIATE STATE AGENCY MAY FILE NOTICE WITH THE COURT THAT  
25 A CHILD HAS BEEN BORN TO THE GESTATIONAL MOTHER WITHIN THREE  
26 HUNDRED DAYS AFTER ASSISTED REPRODUCTION. UPON PROOF OF A COURT  
27 ORDER ISSUED PURSUANT TO SECTION 19-4-803 VALIDATING THE

1 GESTATIONAL AGREEMENT, THE COURT SHALL ORDER THAT THE INTENDED  
2 PARENTS ARE THE PARENTS OF THE CHILD AND ARE FINANCIALLY  
3 RESPONSIBLE FOR THE CHILD.

4 **19-4-808. Gestational agreement - effect of subsequent**  
5 **marriage.** AFTER THE ISSUANCE OF AN ORDER UNDER THIS PART 8,  
6 SUBSEQUENT MARRIAGE OF THE GESTATIONAL MOTHER DOES NOT AFFECT  
7 THE VALIDITY OF A GESTATIONAL AGREEMENT, HER HUSBAND'S CONSENT  
8 TO THE AGREEMENT IS NOT REQUIRED, AND HER HUSBAND IS NOT A  
9 PRESUMED FATHER OF THE RESULTING CHILD.

10 **19-4-809. Effect of nonvalidated gestational agreement.** (1) A  
11 GESTATIONAL AGREEMENT, WHETHER IN A RECORD OR NOT, THAT IS NOT  
12 JUDICIALLY VALIDATED IS NOT ENFORCEABLE.

13 (2) IF A BIRTH RESULTS UNDER A GESTATIONAL AGREEMENT THAT  
14 IS NOT JUDICIALLY VALIDATED AS PROVIDED IN THIS PART 8, THE  
15 PARENT-CHILD RELATIONSHIP IS DETERMINED AS PROVIDED IN PART 2 OF  
16 THIS ARTICLE.

17 (3) INDIVIDUALS WHO ARE PARTIES TO A NONVALIDATED  
18 GESTATIONAL AGREEMENT AS INTENDED PARENTS MAY BE HELD LIABLE  
19 FOR SUPPORT OF THE RESULTING CHILD, EVEN IF THE AGREEMENT IS  
20 OTHERWISE UNENFORCEABLE. THE LIABILITY UNDER THIS SUBSECTION (3)  
21 INCLUDES ASSESSING ALL EXPENSES AND FEES AS PROVIDED IN SECTION  
22 19-4-636.

## 23 PART 9

### 24 MISCELLANEOUS PROVISIONS

25 **19-4-901. Uniformity of application and construction.** IN  
26 APPLYING AND CONSTRUING THIS ARTICLE, CONSIDERATION SHALL BE  
27 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT

1 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

2 **19-4-902. Severability clause.** IF ANY PROVISION OF THIS  
3 ARTICLE OR ITS APPLICATION TO AN INDIVIDUAL OR CIRCUMSTANCE IS  
4 HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
5 APPLICATIONS OF THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT  
6 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
7 PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

8 **[19-4-903 and 19-4-904] Reserved**

9 **19-4-905. Transitional provision.** A PROCEEDING TO  
10 ADJUDICATE PARENTAGE WHICH WAS COMMENCED BEFORE THE EFFECTIVE  
11 DATE OF THIS ARTICLE IS GOVERNED BY THE LAW IN EFFECT AT THE TIME  
12 THE PROCEEDING WAS COMMENCED.

13 **SECTION 2.** 10-3-1104.7 (6), Colorado Revised Statutes, is  
14 amended to read:

15 **10-3-1104.7. Genetic testing - legislative declaration -**  
16 **definitions - limitations on disclosure of information - liability.**

17 (6) This section does not limit the authority of a court or any party to a  
18 parentage proceeding to use information obtained from genetic testing for  
19 purposes of determining parentage pursuant to ~~section 13-25-126~~ PART 5  
20 OF ARTICLE 4 OF TITLE 19, C.R.S.

21 **SECTION 3.** 13-8-103, Colorado Revised Statutes, is amended  
22 to read:

23 **13-8-103. Jurisdiction.** The jurisdiction of the juvenile court of  
24 the city and county of Denver is as set forth in sections 19-1-104,  
25 19-2-104, ~~and 19-4-109~~, 19-4-104, AND 19-4-605, C.R.S., for juvenile  
26 courts, as defined in section 19-1-103 (70), C.R.S.

27 **SECTION 4.** 13-8-119, Colorado Revised Statutes, is amended

1 to read:

2 **13-8-119. Venue.** Venue in the juvenile court shall be as  
3 provided in sections 19-2-105, 19-3-201, ~~19-4-109~~, 19-4-605, 19-5-102,  
4 19-5-204, and 19-6-102, C.R.S.

5 **SECTION 5.** 13-14-101 (2.4) (a) (I), Colorado Revised Statutes,  
6 is amended to read:

7 **13-14-101. Definitions.** For purposes of this article, unless the  
8 context otherwise requires:

9 (2.4) (a) "Protection order" means any order that prohibits the  
10 restrained person from contacting, harassing, injuring, intimidating,  
11 molesting, threatening, or touching any protected person, or from entering  
12 or remaining on premises, or from coming within a specified distance of  
13 a protected person or premises or any other provision to protect the  
14 protected person from imminent danger to life or health that is issued by  
15 a court of this state or a municipal court and that is issued pursuant to:

16 (I) This article, section 18-1-1001, C.R.S., section 19-2-707,  
17 C.R.S., ~~section 19-4-111~~ SECTION 19-4-624, C.R.S., or rule 365 of the  
18 Colorado rules of county court civil procedure;

19 **SECTION 6. Repeal.** 13-25-126, Colorado Revised Statutes, is  
20 repealed as follows:

21 **13-25-126. Genetic tests to determine parentage.** ~~(1)(a) In any~~  
22 ~~action, suit, or proceeding in which the parentage of a child is at issue,~~  
23 ~~including but not limited to actions or proceedings pursuant to section~~  
24 ~~14-10-122 (6) or 19-4-107.3, C.R.S., upon motion of the court or any of~~  
25 ~~the interested parties, the court shall order the alleged mother, the child~~  
26 ~~or children, and the alleged father to submit to genetic testing and other~~  
27 ~~appropriate testing of inherited characteristics, including but not limited~~

1 to blood and tissue type, for the purpose of determining probability of  
2 parentage. If a party refuses to submit to these tests, the court may  
3 resolve the question of parentage against the party to enforce its order if  
4 the rights of others and the interests of justice so require.

5 (b) The tests shall be conducted by a laboratory approved by an  
6 accreditation body designated by the secretary of the federal department  
7 of health and human services, utilizing any genetic test of a type generally  
8 acknowledged as reliable by such accreditation body. Costs of any such  
9 expert witness for the first test administered shall be fixed at a reasonable  
10 amount and shall be paid as the court orders. If the results of the tests or  
11 the expert analysis of inherited characteristics are disputed by any party,  
12 the court shall order that an additional test be made by the same or  
13 another laboratory at the expense of the party disputing the test results or  
14 analysis.

15 (c) Documentation from the testing laboratory of the following  
16 information is sufficient to establish a reliable chain of custody that  
17 makes the results of genetic testing admissible without testimony:

18 (I) The names and photographs of the individuals from whom  
19 specimens have been taken;

20 (II) The names of the individuals who collected the specimens;

21 (III) The places at which and dates on which the specimens were  
22 collected;

23 (IV) The names of the individuals who received the specimens in  
24 the testing laboratory; and

25 (V) The dates the specimens were received.

26 (d) A specimen used in genetic testing may consist of one or more  
27 samples or a combination of samples, of blood, buccal cells, bone, hair,

1 or other body tissue or fluid. The specimen used in the testing need not  
2 be of the same kind for each individual undergoing genetic testing.

3 (e) ~~Specimens and reports are confidential. An individual who~~  
4 ~~intentionally releases an identifiable specimen of another individual for~~  
5 ~~any purpose other than that relevant to the proceeding regarding~~  
6 ~~parentage without a court order or the written permission of the individual~~  
7 ~~who furnished the specimen commits a class 1 misdemeanor and, upon~~  
8 ~~conviction, shall be punished as provided in section 18-1.3-501 (1);~~  
9 ~~C.R.S.~~

10 (f) ~~A report of genetic testing shall be in a record, defined in~~  
11 ~~section 19-1-103 (91.5), C.R.S., and signed under penalty of perjury by~~  
12 ~~a designee of the testing laboratory. A report made pursuant to the~~  
13 ~~requirements of this article is self-authenticating.~~

14 (g) ~~Under this section, a man is presumed to be the father of a~~  
15 ~~child if the genetic testing complies with the requirements of this section~~  
16 ~~and the results disclose that the man is not excluded and that the man has~~  
17 ~~at least a ninety-seven percent probability of paternity.~~

18 (h) ~~A man presumed to be the father of the child pursuant to~~  
19 ~~paragraph (g) of this subsection (1) may rebut the genetic testing results~~  
20 ~~only by other genetic testing that satisfies the requirements of this section~~  
21 ~~and that:~~

22 (I) ~~Excludes the man as the genetic father of the child; or~~

23 (H) ~~Identifies another man as the father of the child.~~

24 (i) ~~The presumption of legitimacy of a child born during wedlock~~  
25 ~~may be overcome, as provided in section 19-4-105 (2) (a), C.R.S., if the~~  
26 ~~court finds that the conclusion of the experts conducting the tests, as~~  
27 ~~disclosed by the evidence based upon the tests, shows that the husband or~~

1 wife is not the parent of the child.

2 ~~(2) Any objection to genetic testing results shall be made in~~  
3 ~~writing not less than fifteen days before the first scheduled hearing at~~  
4 ~~which the results may be introduced into evidence or fifteen days after~~  
5 ~~motion for summary judgment is served on such person; except that a~~  
6 ~~person shall object to the genetic testing results not less than twenty-four~~  
7 ~~hours prior to the first scheduled hearing if such person did not receive~~  
8 ~~the results fifteen or more days before such hearing. The test results shall~~  
9 ~~be admissible as evidence of paternity in an action filed pursuant to article~~  
10 ~~10 of title 14, C.R.S., article 4 of title 19, C.R.S., or article 13.5 of title~~  
11 ~~26, C.R.S., without the need for foundation testimony or other proof of~~  
12 ~~authenticity or accuracy.~~

13 ~~(3) For good cause shown, the court may order genetic testing of~~  
14 ~~a deceased individual.~~

15 ~~(4) The court may order genetic testing of a brother of a man~~  
16 ~~presumed to be the father of a child if the man is commonly believed to~~  
17 ~~have an identical brother and evidence suggests that the brother may be~~  
18 ~~the genetic father of the child. If genetic testing excludes none of the~~  
19 ~~brothers as the genetic father, and each brother satisfies the requirements~~  
20 ~~as the presumed father of the child under section 19-4-105, C.R.S.,~~  
21 ~~without consideration of another identical brother being presumed to be~~  
22 ~~the father of the child, the court may rely on nongenetic evidence to~~  
23 ~~adjudicate which brother is the father of the child.~~

24 **SECTION 7.** 13-25-131 (2) (b), Colorado Revised Statutes, is  
25 amended to read:

26 **13-25-131. Civil actions - sexual assault - certain evidence**  
27 **presumed irrelevant.** (2) Subsection (1) of this section notwithstanding,

1 in any of the civil actions described in such subsection (1), evidence of  
2 the following shall be presumed to be relevant:

3 (b) Evidence of specific instances of sexual activity showing the  
4 source or origin of semen, pregnancy, disease, or any similar evidence of  
5 sexual intercourse, including, but not limited to, genetic testing pursuant  
6 to ~~section 13-25-126~~ PART 5 OF ARTICLE 4 OF TITLE 19, C.R.S., offered for  
7 the purpose of showing that the act or acts alleged were or were not  
8 committed by the defendant in such civil action.

9 **SECTION 8. Repeal.** 13-32-101 (8), Colorado Revised Statutes,  
10 is repealed as follows:

11 **13-32-101. Docket fees in civil actions - judicial stabilization**  
12 **cash fund - support registry fund created - repeal.** (8) ~~At the time of~~  
13 ~~filing a motion pursuant to section 19-4-107.3 or 14-10-122 (6), C.R.S.,~~  
14 ~~seeking to set aside a final or permanent order concerning parentage~~  
15 ~~based upon DNA evidence establishing the exclusion of the petitioner as~~  
16 ~~the biological father of a child, or to terminate an order requiring the~~  
17 ~~petitioner to pay child support for that child, the petitioner shall pay a fee~~  
18 ~~of seventy dollars. The fee collected pursuant to this subsection (8) shall~~  
19 ~~be transmitted to the state treasurer for deposit in the judicial stabilization~~  
20 ~~cash fund created in subsection (6) of this section.~~

21 **SECTION 9.** 14-5-401 (b) (6), Colorado Revised Statutes, is  
22 amended to read:

23 **14-5-401. Petition to establish support order.** (b) The tribunal  
24 may issue a temporary child support order if the tribunal determines that  
25 such an order is appropriate and the individual ordered to pay is:

26 (6) An acknowledged father as provided by ~~section 19-4-105 (1)~~  
27 (e) SECTION 19-4-302, C.R.S.

1           **SECTION 10. Repeal.** 14-10-122 (6), Colorado Revised  
2 Statutes, is repealed as follows:

3           **14-10-122. Modification and termination of provisions for**  
4 **maintenance, support, and property disposition - automatic lien -**  
5 **repeal.** (6) (a) ~~Notwithstanding any other provisions of this article,~~  
6 ~~within the time frames set forth in paragraph (c) of this subsection (6), the~~  
7 ~~individual named as the father in the order may file a motion to modify~~  
8 ~~or terminate an order for child support entered pursuant to this article if~~  
9 ~~genetic test results based on DNA testing, administered in accordance~~  
10 ~~with section 13-25-126, C.R.S., establish the exclusion of the individual~~  
11 ~~named as the father in the order as the biological parent of the child for~~  
12 ~~whose benefit the child support order was entered.~~

13           ~~(b) If the court finds pursuant to paragraph (a) of this subsection~~  
14 ~~(6) that the individual named as the father in the order is not the~~  
15 ~~biological parent of the child for whose benefit the child support order~~  
16 ~~was entered and that it is just and proper under the circumstances and in~~  
17 ~~the best interests of the child, the court shall modify the provisions of the~~  
18 ~~order for support with respect to that child by terminating the child~~  
19 ~~support obligation as to installments accruing subsequent to the filing of~~  
20 ~~the motion for modification or termination, and the court may vacate or~~  
21 ~~deem as satisfied, in whole or in part, unpaid child support obligations~~  
22 ~~arising from or based upon the order determining parentage. The court~~  
23 ~~shall not order restitution from the state for any sums paid to or collected~~  
24 ~~by the state for the benefit of the child.~~

25           ~~(c) (I) A motion to modify or terminate an order for child support~~  
26 ~~pursuant to this subsection (6) must be filed within two years from the~~  
27 ~~date of the entry of the initial order establishing the child support~~

1 obligation.

2 ~~(H) (A) For orders entered before August 15, 2008, a motion to~~  
3 ~~modify or terminate an order establishing child support pursuant to this~~  
4 ~~subsection (6) must be filed on or before August 15, 2010.~~

5 ~~(B) This subparagraph (H) is repealed effective July 1, 2011.~~

6 ~~(d) Notwithstanding the provisions of paragraphs (a) and (b) of~~  
7 ~~this subsection (6), a court order for child support shall not be modified~~  
8 ~~or terminated pursuant to this subsection (6) if:~~

9 ~~(I) The child support obligor acknowledged paternity pursuant to~~  
10 ~~section 19-4-105 (1) (c) or (1) (e), C.R.S., knowing that he was not the~~  
11 ~~father of the child;~~

12 ~~(H) The child was adopted by the child support obligor; or~~

13 ~~(HH) The child was conceived by means of assisted reproduction.~~

14 ~~(e) A motion filed pursuant to this section may be brought by the~~  
15 ~~individual named as the father in the order and shall be served in the~~  
16 ~~manner set forth in the Colorado rules of civil procedure upon all other~~  
17 ~~parties. The court shall not modify or set aside a final order determining~~  
18 ~~parentage pursuant to this section without a hearing.~~

19 ~~(f) For purposes of this subsection (6), "DNA" means~~  
20 ~~deoxyribonucleic acid.~~

21 **SECTION 11.** 18-6-803.5 (1.5) (a.5) (I) (A), Colorado Revised  
22 Statutes, is amended to read:

23 **18-6-803.5. Crime of violation of a protection order - penalty**  
24 **- peace officers' duties.** (1.5) As used in this section:

25 (a.5) (I) "Protection order" means any order that prohibits the  
26 restrained person from contacting, harassing, injuring, intimidating,  
27 molesting, threatening, or touching any protected person or protected

1 animal, or from entering or remaining on premises, or from coming  
2 within a specified distance of a protected person or protected animal or  
3 premises or any other provision to protect the protected person or  
4 protected animal from imminent danger to life or health, that is issued by  
5 a court of this state or a municipal court, and that is issued pursuant to:

6 (A) Article 14 of title 13, C.R.S., section 18-1-1001, section  
7 19-2-707, C.R.S., ~~section 19-4-111~~ SECTION 19-4-624, C.R.S., or rule 365  
8 of the Colorado rules of county court civil procedure;

9 **SECTION 12.** 18-6-803.7 (1) (b.5) (I) (A), Colorado Revised  
10 Statutes, is amended to read:

11 **18-6-803.7. Central registry of protection orders - creation.**

12 (1) As used in this section:

13 (b.5) (I) "Protection order" means any order that prohibits the  
14 restrained person from contacting, harassing, injuring, intimidating,  
15 molesting, threatening, or touching any protected person, or from entering  
16 or remaining on premises, or from coming within a specified distance of  
17 a protected person or premises, that is issued by a court of this state or an  
18 authorized municipal court, and that is issued pursuant to:

19 (A) Article 14 of title 13, C.R.S., section 18-1-1001, section  
20 19-2-707, C.R.S., ~~section 19-4-111~~ SECTION 19-4-624, C.R.S., or rule 365  
21 of the Colorado rules of county court civil procedure;

22 **SECTION 13. Repeal.** 19-1-103 (44.5), Colorado Revised  
23 Statutes, is repealed as follows:

24 **19-1-103. Definitions.** As used in this title or in the specified  
25 portion of this title, unless the context otherwise requires:

26 (44.5) "~~Donor~~", ~~as used in section 19-4-106, means an individual~~  
27 ~~who produces eggs or sperm used for assisted reproduction, whether or~~

1 not for consideration. "Donor" does not include a husband who provides  
2 sperm, or a wife who provides eggs, to be used for assisted reproduction  
3 by the wife.

4 **SECTION 14.** 19-1-103 (18), (82) (a), and (91.5), Colorado  
5 Revised Statutes, are amended to read:

6 **19-1-103. Definitions.** As used in this title or in the specified  
7 portion of this title, unless the context otherwise requires:

8 (18) (a) "Child" means a person under eighteen years of age.

9 (b) "CHILD", FOR PURPOSES OF ARTICLE 4 OF THIS TITLE, HAS THE  
10 SAME MEANING AS SET FORTH IN SECTION 19-4-102 (5).

11 (82) (a) "Parent" means ~~either a natural parent of a child, as may~~  
12 ~~be established pursuant to article 4 of this title, or a parent by adoption~~ AN  
13 INDIVIDUAL WHO HAS A PARENT-CHILD RELATIONSHIP UNDER SECTION  
14 19-4-201.

15 (91.5) "Record", as used in ~~section 19-4-106~~, SECTION 19-4-704,  
16 means information that is inscribed on a tangible medium or that is stored  
17 in an electronic or other medium and is retrievable in perceivable form.

18 **SECTION 15.** 19-5-103.7 (1), (4) (a) (V) (B), (4) (b) (III), (5), (7)  
19 (d), (8) (a) (VI), and (8) (b), Colorado Revised Statutes, are amended to  
20 read:

21 **19-5-103.7. Anticipated expedited relinquishment - children**  
22 **under one year of age - notice to other or possible parent -**  
23 **administrative procedures.** (1) Notwithstanding any provision of  
24 section 19-5-103 to the contrary, a licensed child placement agency  
25 assisting a parent who plans to relinquish a child through an expedited  
26 relinquishment pursuant to section 19-5-103.5, may provide notice of the  
27 anticipated expedited relinquishment on behalf of the relinquishing parent

1 to any other birth parent or possible birth parent identified pursuant to  
2 section 19-5-105 (2) who is not a presumed parent pursuant to ~~section~~  
3 ~~19-4-105 (1)~~ SECTION 19-4-204.

4 (4) (a) Notice of the anticipated expedited relinquishment given  
5 pursuant to this section shall include the name, mailing address, and  
6 physical address of the licensed child placement agency providing the  
7 notice and shall inform the other birth parent or possible birth parent of  
8 the following:

9 (V) That failure to declare an intent to contest the termination of  
10 parental rights may likely result in a termination of the person's parental  
11 rights to the child, and that, to declare an intent to contest the termination  
12 of the parent-child legal relationship, the other birth parent or possible  
13 birth parent shall:

14 (B) No later than twenty days after the date of notice pursuant to  
15 paragraph (b) of subsection (3) of this section or before a relinquishment  
16 petition is filed with the court, whichever occurs later, file a claim of  
17 paternity pursuant to article 4 of this title and notify the licensed child  
18 placement agency pursuant to ~~section 19-4-105.5 (4)~~ SECTION 19-4-601  
19 (4);

20 (b) (III) In addition to the requirements of subparagraphs (I) and  
21 (II) of this paragraph (b), the reply form sent or delivered pursuant to this  
22 paragraph (b), or otherwise available at the licensed child placement  
23 agency pursuant to paragraph (b) of subsection (7) of this section, shall  
24 include a statement of acknowledgment by the other birth parent or  
25 possible birth parent that there is a requirement to file a claim of paternity  
26 and to notify the licensed child placement agency pursuant to ~~section~~  
27 ~~19-4-105.5 (4)~~ SECTION 19-4-601 (4) no later than twenty days after the

1 date of notice or before a relinquishment petition is filed with the court,  
2 whichever occurs later.

3 (5) To properly reply and declare an intent to contest the  
4 termination of the parent-child legal relationship pursuant to this section,  
5 the other birth parent or possible birth parent shall, no later than twenty  
6 days after receiving notice pursuant to subsection (3) of this section or  
7 before a relinquishment petition is filed with the court, whichever occurs  
8 later:

9 (a) Return a reply form to the licensed child placement agency by  
10 certified mail, return receipt requested, or, for other birth parents or  
11 possible birth parents who receive notice by publication or who otherwise  
12 decide not to return the reply form by certified mail, personally appear at  
13 the licensed child placement agency to declare an intent to contest the  
14 termination of parental rights in the anticipated proceedings; and

15 (b) File a claim of paternity pursuant to article 4 of this title and  
16 notify the licensed child placement agency pursuant to ~~section 19-4-105.5~~  
17 ~~(4)~~ SECTION 19-4-601 (4).

18 (7) (d) Notwithstanding any provision of this section to the  
19 contrary, if the other birth parent or possible birth parent files a claim of  
20 paternity pursuant to article 4 of this title and provides notice to the  
21 licensed child placement agency pursuant to ~~section 19-4-105.5~~ SECTION  
22 19-4-601, then such claim and notice shall be deemed to satisfy the  
23 requirements of subsection (5) of this section, so long as the claim of  
24 paternity is filed and notice is provided to the licensed child placement  
25 agency no later than twenty days after receiving notice pursuant to  
26 subsection (3) of this section or before a relinquishment petition is filed  
27 with the court.

1 (8) A licensed child placement agency that provides notice of the  
2 anticipated expedited relinquishment on behalf of the relinquishing parent  
3 to the other birth parent or possible birth parent pursuant to the provisions  
4 of this section shall have the duty to file with the court the following  
5 information at the time it files the petition for relinquishment:

6 (a) An affidavit of administrative notice with respect to the other  
7 birth parent or possible birth parent who has received notice pursuant to  
8 subsection (3) of this section, including the following information, if  
9 available:

10 (VI) A statement indicating whether an action relating to the  
11 ~~parent and child~~ PARENT-CHILD legal relationship was filed;

12 (b) In addition to the affidavit of administrative notice filed with  
13 the court pursuant to paragraph (a) of this subsection (8), the licensed  
14 child placement agency shall file all available evidence supporting the  
15 affidavit, including but not limited to signed return receipts, completed  
16 reply forms, affidavits of service of process, evidence of publication,  
17 evidence of the filing of an action relating to the ~~parent and child~~  
18 PARENT-CHILD legal relationship, and any other records of pertinent  
19 communication with the possible birth parent or other birth parent.

20 **SECTION 16.** 19-5-105 (1), Colorado Revised Statutes, is  
21 amended to read:

22 **19-5-105. Proceeding to terminate parent-child legal**  
23 **relationship.** (1) If one parent relinquishes or proposes to relinquish or  
24 consents to the adoption of a child, the agency or person having custody  
25 of the child shall file a petition in the juvenile court to terminate the  
26 parent-child legal relationship of the other parent, unless the other parent's  
27 relationship to the child has been previously terminated or determined by

1 a court not to exist. This section applies whether or not the other parent  
2 is a presumed parent pursuant to ~~section 19-4-105 (1)~~ SECTION 19-4-204.

3 **SECTION 17.** 19-6-101.5 (1) and (5), Colorado Revised Statutes,  
4 are amended to read:

5 **19-6-101.5. Amendments of proceedings - adding children.**

6 (1) In any existing case commenced under this article, if it is alleged that  
7 another child has been conceived of the parents named in the existing  
8 case, that child shall be added to the existing case if at least one of the  
9 presumptions of paternity specified in ~~section 19-4-105~~ SECTION 19-4-204  
10 applies for the purpose of establishing paternity and child support. The  
11 caption shall be amended to include the added child.

12 (5) Notwithstanding the provisions of subsection (1) of this  
13 section, in any case where there exists more than one alleged or presumed  
14 father for a child pursuant to ~~section 19-4-105~~ SECTION 19-4-204, a new  
15 case shall be commenced for that child to determine the child's paternity,  
16 establish child support, and address any other related issues. If it is  
17 determined that the child is the child of parents named in an existing case,  
18 the cases shall be consolidated into the initial action pursuant to rule 42  
19 of the Colorado rules of civil procedure.

20 **SECTION 18.** 19-6-104 (1), Colorado Revised Statutes, is  
21 amended to read:

22 **19-6-104. Hearing - orders.** (1) If the court or delegate child  
23 support enforcement unit finds that the respondent has an obligation to  
24 support the child or children mentioned in the petition or notice, the court  
25 or delegate child support enforcement unit may enter an order directing  
26 the respondent to pay such sums for support as may be reasonable under  
27 the circumstances, taking into consideration the factors found in ~~section~~

1 ~~19-4-116 (6)~~ SECTION 19-4-636. The court or delegate child support  
2 enforcement unit may also enter an order directing the appropriate party  
3 to pay for support of the child, in an amount as may be determined by the  
4 court or delegate child support enforcement unit to be reasonable under  
5 the circumstances, for a time period which occurred prior to the entry of  
6 the support order established under this article.

7           **SECTION 19.** 26-13-121 (8), Colorado Revised Statutes, is  
8 amended to read:

9           **26-13-121. Review and modification of child support orders.**

10 (8) Nothing in this section shall be construed to limit any party's right to  
11 seek modification of a child support order pursuant to article 5 of title 14,  
12 section 14-10-122, ~~section 19-4-119~~, or section 19-6-104 (4), C.R.S.

13           **SECTION 20.** 26-13-127 (2.5), Colorado Revised Statutes, is  
14 amended to read:

15           **26-13-127. State case registry.** (2.5) Notwithstanding the  
16 provisions of subsection (2) of this section, the parties shall provide the  
17 judicial department with the social security number of each party and  
18 each child who is the subject of a child support order. The judicial  
19 department shall collect and electronically transfer the social security  
20 numbers to the state department, or its agent, on a weekly basis or more  
21 frequently, as per mutual agreement. Nothing in this subsection (2.5)  
22 shall require that a person's social security number appear on the face of  
23 any court order entered pursuant to section 14-10-115, 14-14-104, ~~or~~  
24 ~~19-4-116, C.R.S.~~, or section 26-13-114 or 26-13.5-105.

25           **SECTION 21.** 26-13.5-103 (1) (b.5) (III), Colorado Revised  
26 Statutes, is amended to read:

27           **26-13.5-103. Notice of financial responsibility issued -**

1 **contents.** (1) (b.5) That, if the notice is issued for the purpose of  
2 establishing the paternity of and financial responsibility for a child, the  
3 delegate child support enforcement unit shall issue an order of default  
4 establishing paternity and setting forth the amount of the obligor's duty of  
5 support, if:

6 (III) The results of the genetic test indicate a ~~ninety-seven~~  
7 NINETY-NINE percent or greater probability that the alleged father is the  
8 father of the child AND A COMBINED PATERNITY INDEX OF AT LEAST ONE  
9 HUNDRED TO ONE THAT THE ALLEGED FATHER IS THE FATHER OF THE  
10 CHILD, and the obligor fails to appear for the negotiation conference as  
11 scheduled in the notice and fails to reschedule a negotiation conference  
12 prior to the date and time stated in the notice;

13 **SECTION 22.** 26-13.5-103.5 (1) and (4), Colorado Revised  
14 Statutes, are amended to read:

15 **26-13.5-103.5. Notice of financial responsibility amended -**  
16 **adding children.** (1) In any existing case commenced under this article,  
17 if it is alleged that another child has been conceived of the parents named  
18 in the existing case and at least one of the presumptions of paternity  
19 specified in ~~section 19-4-105~~ SECTION 19-4-204, C.R.S., applies, the  
20 delegate child support enforcement unit shall issue an amended notice of  
21 financial responsibility to add the child to the case.

22 (4) Notwithstanding the provisions of subsection (1) of this  
23 section, in any case where there exists more than one alleged or presumed  
24 father for a child pursuant to ~~section 19-4-105~~, SECTION 19-4-204, C.R.S.,  
25 a new case shall be commenced for that child to determine the child's  
26 paternity, establish child support, and address any other related issues. If  
27 it is determined that the child is the child of parents named in an existing

1 case, the cases shall be consolidated pursuant to rule 42 of the Colorado  
2 rules of civil procedure.

3 **SECTION 23.** 26-13.5-105 (3) (b), (3) (c), and (5), Colorado  
4 Revised Statutes, are amended to read:

5 **26-13.5-105. Negotiation conference - issuance of order of**  
6 **financial responsibility - filing of order with district court.** (3) (b) If  
7 no stipulation is agreed upon at the continued negotiation conference and  
8 the evidence relating to paternity does not meet the requirements set forth  
9 in ~~section 13-25-126 (1) (g)~~ SECTION 19-4-505 (1), C.R.S., the delegate  
10 child support enforcement unit may dismiss the action or take such other  
11 appropriate action as allowed by law.

12 (c) If no stipulation is agreed upon at the negotiation conference  
13 and paternity is not an issue, or, if paternity is an issue and the evidence  
14 relating to paternity meets the requirements set forth in ~~section 13-25-126~~  
15 ~~(1) (g)~~ SECTION 19-4-505 (1), C.R.S., the delegate child support  
16 enforcement unit shall issue temporary orders establishing current child  
17 support, arrears, foster care maintenance, medical support, and reasonable  
18 support for a time period prior to the entry of the order for support and  
19 shall file the notice of financial responsibility and proof of service with  
20 the clerk of the district court in the county in which the notice of financial  
21 responsibility was issued and shall request the court to set a hearing for  
22 the matter.

23 (5) If the court or delegate child support enforcement unit finds  
24 that the respondent has an obligation to support the child or children  
25 mentioned in the petition or notice, the court or delegate child support  
26 enforcement unit may enter an order directing the respondent to pay such  
27 sums for support as may be reasonable under the circumstances, taking

1 into consideration the factors found in ~~section 19-4-116 (6)~~ SECTION  
2 19-4-636 (10), C.R.S. The court or delegate child support enforcement  
3 unit may also enter an order directing the appropriate party to pay for  
4 support of the child, in an amount as may be determined by the court or  
5 delegate child support enforcement unit to be reasonable under the  
6 circumstances, for a time period which occurred prior to the entry of the  
7 support order established pursuant to section 19-6-104, C.R.S.

8 **SECTION 24.** 26-13.5-110 (3), Colorado Revised Statutes, is  
9 amended to read:

10 **26-13.5-110. Paternity - establishment - filing of order with**  
11 **court.** (3) If the order establishing paternity is at variance with the  
12 child's birth certificate, the delegate child support enforcement unit shall  
13 order that a new birth certificate be issued under ~~section 19-4-124,~~  
14 SECTIONS 19-4-636 (6) AND 25-2-113, C.R.S.

15 **SECTION 25. Act subject to petition - effective date -**  
16 **applicability.** (1) This act shall take effect July 1, 2010.

17 (2) However, if a referendum petition is filed against this act or  
18 an item, section, or part of this act during the ninety-day period after final  
19 adjournment of the general assembly that is allowed for submitting a  
20 referendum petition pursuant to article V, section 1 (3) of the state  
21 constitution, then the act, item, section, or part, shall not take effect unless  
22 approved by the people at a biennial regular general election and shall  
23 take effect on the date specified in subsection (1) or on the date of the  
24 official declaration of the vote thereon by proclamation of the governor,  
25 whichever is later.

26 (3) The provisions of this act shall apply to:

27 (a) Gestational agreements entered into on or after the applicable

1 effective date of this act;

2 (b) Civil actions related to parent-child relationships initiated on  
3 or after the applicable effective date of this act; and

4 (c) Offenses committed on or after the applicable effective date  
5 of this act.