

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

INTRODUCED

LLS NO. 11-0753.01 Debbie Haskins

SENATE BILL 11-172

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A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION OF CIVIL UNIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A legislative declaration sets forth the intent of the general assembly in enacting the bill.

The bill creates the "Colorado Civil Union Act" (Act) to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. Parties wanting to enter into a civil union shall apply to a county clerk and recorder for a civil union license. Certain persons may certify a civil union and may file the civil union certificate with the county clerk and

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.*

recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation or tribe is not required to certify a civil union in violation of his or her right to free exercise of religion. The criteria for a valid civil union are set forth in the bill.

The executive director of the department of public health and environment and the state registrar of vital statistics shall issue forms necessary to implement the Act. Each county clerk and recorder shall submit records of registered civil unions to the office of vital statistics. A county clerk and recorder shall collect a fee for a civil union license, which fee shall be credited to the vital statistics records cash fund. The state registrar of vital statistics is authorized to set and collect an additional fee for verification of civil unions, which fee shall be credited to the vital statistics records cash fund. A county clerk and recorder shall collect a \$20 fee to be credited to the Colorado domestic abuse program fund.

The legal benefits, protections, and responsibilities that are granted under the law to spouses shall apply in like manner to parties to a civil union, including the following:

- ! Responsibility for financial support of a party to a civil union;
- ! Rights and abilities concerning transfer of real or personal property to a party in a civil union;
- ! The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- ! The ability to inherit real and personal property from a party in a civil union under the probate code;
- ! Priority for appointment as a conservator, guardian, or personal representative;
- ! Survivor benefits under and inclusion in workers' compensation laws;
- ! The ability to adopt a child of a party to a civil union;
- ! The ability to insure a party to a civil union under group benefit plans for state employees;
- ! The ability to designate a party in a civil union as a beneficiary under the state public employees retirement system;
- ! Survivor benefits under local government firefighter and police pensions;
- ! Protections and coverage under domestic abuse and domestic violence laws;
- ! Rights and protections under victims' compensation laws and victims and witness protection laws;
- ! Protections and responsibilities relating to emergency and

- nonemergency medical care and treatment and hospital visitation;
- ! Rights to visit a party in a civil union in a correctional facility, jail, or private contract prison or in a facility receiving mental health treatment;
- ! The ability to file a complaint about the care or treatment of a party in a civil union in a nursing home;
- ! Rights relating to declarations concerning the administration, withholding, or withdrawing of medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union;
- ! Rights concerning the disposition of the last remains of a party to a civil union;
- ! The right to make decisions regarding anatomical gifts;
- ! Eligibility for family leave benefits;
- ! Eligibility for public assistance benefits;
- ! A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union;
- ! The right to apply for emergency or involuntary commitment of a party to a civil union;
- ! The right to claim a homestead exemption;
- ! The ability to protect exempt property from attachment, execution, or garnishment; and
- ! Dependent coverage under life insurance and health insurance policies.

The same processes that are provided in law for dissolution, legal separation, and declaration of invalidity of a marriage apply to dissolution, legal separation, and declaration of invalidity of a civil union. Any person who enters into a civil union in Colorado consents to the jurisdiction of the courts of Colorado for the purpose of any action relating to a civil union even if one or both parties cease to reside in the state. The courts are authorized to collect docket fees for the dissolution of a civil union, legal separation of a civil union, and declaration of invalidity of a civil union.

The Act shall not be construed to create a marriage between the parties to a civil union, create or recognize a legal status similar to marriage, or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage. Notwithstanding any provision of law to the contrary, nothing in the Act shall be interpreted to require a child placement agency to place a child for adoption with parties to a civil union.

The Act includes a reciprocity and principle of comity section that

states that a relationship between persons of the same sex that does not comply with section 31 of article II of the state constitution that is legally entered into in another jurisdiction shall be deemed in Colorado to be a civil union and that, under principles of comity, a civil union, domestic partnership, or a substantially similar legal relationship that is legally created in another jurisdiction shall be deemed to be a civil union for purposes of Colorado law.

A severability clause is included in the Act.

The executive director of the department of revenue is authorized to appoint a study commission to investigate and report on what changes in the law could be made to ensure equitable tax treatment and to allow parties to a civil union to file a joint state tax return without violating the federal tax laws. Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, nothing in the Act shall be construed to permit the filing of a joint income tax return by the parties to a civil union.

A custodian of records is prohibited from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a civil union license of any person; except that a district court may order the custodian to permit inspection of the license application for a civil union upon a showing of good cause.

A person who has entered into a designated beneficiary agreement under Colorado's designated beneficiary statute is precluded from entering into a civil union with a different person. If both parties to a designated beneficiary agreement are eligible to enter into a valid civil union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes and invalidates the prior designated beneficiary agreement.

The bill makes other conforming amendments.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the public policy of this state, as set forth in section 31 of
4 article II of the state constitution, recognizes only the union of one man
5 and one woman as a marriage. The general assembly declares that the
6 purpose of the "Colorado Civil Union Act", article 15 of title 14,
7 Colorado Revised Statutes, is to provide eligible couples the opportunity
8 to obtain the benefits, protections, and responsibilities afforded by

1 Colorado law to spouses consistent with the principles of equality under
2 law and religious freedom embodied in both the United States
3 constitution and the constitution of this state. The general assembly
4 further finds that the general assembly, in the exercise of its plenary
5 power, has the authority to define other arrangements, such as a civil
6 union between two unmarried persons regardless of their gender, and to
7 set forth in statute any state-level benefits, rights, and protections to
8 which a couple is entitled by virtue of entering into a civil union. The
9 general assembly finds that the "Colorado Civil Union Act" does not alter
10 the public policy of this state, which recognizes only the union of one
11 man and one woman as a marriage. The general assembly also declares
12 that a second purpose in enacting the "Colorado Civil Union Act" is to
13 state that Colorado courts may offer same-sex couples the equal
14 protection of the law and to give full faith and credit to recognize
15 relationships legally created in other jurisdictions that are similar to civil
16 unions created by this Act and that are not otherwise recognized pursuant
17 to Colorado law.

18 **SECTION 2.** Title 14, Colorado Revised Statutes, is amended BY
19 THE ADDITION OF A NEW ARTICLE to read:

20 **ARTICLE 15**

21 **Colorado Civil Union Act**

22 **14-15-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
23 BE CITED AS THE "COLORADO CIVIL UNION ACT".

24 **14-15-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO
27 ELIGIBLE PERSONS PURSUANT TO THIS ARTICLE THAT ENTITLES THEM TO

1 RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE
2 RESPONSIBILITIES OF SPOUSES.

3 (2) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
4 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
5 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS
6 ARTICLE.

7 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
8 AND ENVIRONMENT.

9 (4) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED UNION OF ONE
10 MAN AND ONE WOMAN.

11 (5) "PARTY TO A CIVIL UNION" OR "PARTNER IN A CIVIL UNION"
12 MEANS A PERSON WHO HAS ESTABLISHED A CIVIL UNION PURSUANT TO
13 THIS ARTICLE.

14 (6) "SPOUSES" MEANS TWO PERSONS MARRIED PURSUANT TO THE
15 PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF
16 THIS TITLE.

17 (7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
18 STATISTICS IN THE DEPARTMENT.

19 **14-15-103. Requisites of a valid civil union.** (1) TO ESTABLISH
20 A CIVIL UNION IN COLORADO, THE TWO PARTIES TO THE CIVIL UNION SHALL
21 SATISFY ALL OF THE FOLLOWING CRITERIA:

22 (a) BOTH PARTIES SHALL BE ADULTS, REGARDLESS OF THE GENDER
23 OF EITHER PARTY;

24 (b) NEITHER PARTY SHALL BE A PARTY TO ANOTHER CIVIL UNION;

25 (c) NEITHER PARTY SHALL BE MARRIED TO ANOTHER PERSON.

26 **14-15-104. Individual shall not enter into a civil union with a**
27 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH

1 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER,
2 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

3 (2) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH AN
4 UNCLE OR AUNT OR WITH A NIECE OR NEPHEW, WHETHER THE
5 RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

6 (3) A CIVIL UNION BETWEEN PERSONS PROHIBITED FROM ENTERING
7 INTO A CIVIL UNION BY SUBSECTION (1) OR (2) OF THIS SECTION IS VOID.

8 **14-15-105. Restrictions as to minors and wards.** (1) A COUNTY
9 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER
10 PARTY TO THE INTENDED CIVIL UNION IS:

11 (a) UNDER EIGHTEEN YEARS OF AGE; OR

12 (b) EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
13 GUARDIANSHIP, UNLESS THE PARTY UNDER GUARDIANSHIP HAS THE
14 WRITTEN CONSENT OF HIS OR HER GUARDIAN.

15 (2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL MAKE
16 THE CIVIL UNION VOIDABLE.

17 **14-15-106. Benefits, protections, and responsibilities of parties**
18 **to a civil union.** (1) A PARTY TO A CIVIL UNION SHALL HAVE THE
19 BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW AS ARE
20 GRANTED TO SPOUSES, WHETHER THOSE BENEFITS, PROTECTIONS, AND
21 RESPONSIBILITIES DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT
22 RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW.

23 (2) A PARTY TO A CIVIL UNION SHALL BE INCLUDED IN ANY
24 DEFINITION OR USE OF THE TERMS "DEPENDENT", "FAMILY", "IMMEDIATE
25 FAMILY", "NEXT OF KIN", "SPOUSE", AND ANY OTHER TERM THAT DENOTES
26 THE FAMILIAL OR SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED
27 THROUGHOUT THE COLORADO REVISED STATUTES.

1 (3) PARTIES TO A CIVIL UNION SHALL BE RESPONSIBLE FOR THE
2 FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER PRESCRIBED UNDER
3 LAW FOR SPOUSES.

4 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT
5 LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION,
6 DISSOLUTION, CHILD CUSTODY, ALLOCATION OF PARENTAL
7 RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION,
8 AND MAINTENANCE, SHALL APPLY TO CIVIL UNIONS.

9 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF
10 SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY
11 IN LIKE MANNER TO PARTIES TO A CIVIL UNION:

12 (a) LAWS RELATING TO TITLE, TENURE, DESCENT AND
13 DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP,
14 OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER,
15 INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING
16 ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY AS JOINT TENANTS
17 WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

18 (b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL
19 STATUS, INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL
20 DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR
21 ACTIONS UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON
22 SPOUSAL STATUS;

23 (c) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE
24 TRANSFERS AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR,
25 GUARDIAN, OR PERSONAL REPRESENTATIVE;

26 (d) WORKERS' COMPENSATION BENEFITS;

27 (e) ADOPTION LAW AND PROCEDURE;

1 (f) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
2 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;

3 (g) THE RIGHT TO DESIGNATE A PARTY TO A CIVIL UNION AS A
4 BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;

5 (h) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER
6 AND POLICE PENSIONS;

7 (i) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
8 TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION
9 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND
10 PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.;

11 (j) RIGHTS TO APPLY FOR COMPENSATION AS A RELATIVE OF A
12 VICTIM UNDER THE "COLORADO CRIME VICTIM COMPENSATION ACT",
13 PURSUANT TO PART 1 OF ARTICLE 4.1 OF TITLE 24, C.R.S., RIGHTS TO
14 RECEIVE RESTITUTION UNDER PART 2 OF ARTICLE 4.1 OF TITLE 24, C.R.S.,
15 AND THE RIGHT TO BE INFORMED OF CRITICAL STAGES OF THE CRIMINAL
16 JUSTICE PROCESS AND TO BE ACCORDED THE RIGHTS AND PROTECTIONS OF
17 VICTIMS OF AND WITNESSES TO CRIMES UNDER PARTS 2 AND 3 OF ARTICLE
18 4.1 OF TITLE 24, C.R.S.;

19 (k) LAWS RELATING TO EMERGENCY AND NONEMERGENCY
20 MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND
21 NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME PATIENTS
22 DESCRIBED IN SECTION 25-1-120, C.R.S.;

23 (l) LAWS OR RULES REGARDING THE RIGHT TO VISIT A PARTNER
24 WHO IS IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102
25 (1.7), C.R.S., A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S.,
26 OR A PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102 (7.3),
27 C.R.S., OR WHO IS RECEIVING TREATMENT IN A PUBLIC HOSPITAL OR A

1 LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH
2 CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT
3 PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

4 (m) LAWS RELATING TO:

5 (I) DECLARATIONS CONCERNING THE ADMINISTRATION,
6 WITHHOLDING, OR WITHDRAWING OF MEDICAL TREATMENT, WHICH
7 DECLARATIONS ARE MADE PURSUANT TO THE PROVISIONS OF THE
8 "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE
9 15, C.R.S.;

10 (II) PROXY DECISION-MAKERS FOR MEDICAL TREATMENT AND
11 SURROGATE DECISION-MAKERS FOR HEALTH CARE BENEFIT DECISIONS, AS
12 DESCRIBED IN ARTICLE 18.5 OF TITLE 15, C.R.S.;

13 (III) DIRECTIVES RELATING TO CARDIOPULMONARY
14 RESUSCITATION, AS DESCRIBED IN ARTICLE 18.6 OF TITLE 15, C.R.S.; AND

15 (IV) DIRECTIVES CONCERNING MEDICAL ORDERS FOR SCOPE OF
16 TREATMENT FORMS, AS DESCRIBED IN ARTICLE 18.7 OF TITLE 15, C.R.S.;

17 (n) RIGHTS CONCERNING DIRECTION OF THE DISPOSITION OF THE
18 LAST REMAINS OF A DECEASED PARTY TO A CIVIL UNION PURSUANT TO
19 ARTICLE 19 OF TITLE 15, C.R.S.;

20 (o) LAWS RELATING TO MAKING, REVOKING, AND OBJECTING TO
21 ANATOMICAL GIFTS BY OTHERS PURSUANT TO THE "REVISED UNIFORM
22 ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S.;

23 (p) FAMILY LEAVE BENEFITS;

24 (q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

25 (r) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY
26 AND EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

27 (s) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY

1 COMMITMENT OF A PARTY TO A CIVIL UNION;

2 (t) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT TO
3 PART 2 OF ARTICLE 41 OF TITLE 38, C.R.S.;

4 (u) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM
5 ATTACHMENT, EXECUTION, OR GARNISHMENT; AND

6 (v) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE
7 COVERAGE, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION
8 AS A DEPENDENT.

9 (6) THE RESPONSIBILITIES AND RIGHTS OF PARTIES TO A CIVIL
10 UNION WITH RESPECT TO THE BIOLOGICAL CHILD OF ONE OF THE PARTIES,
11 WHICH CHILD IS CONCEIVED DURING THE TERM OF THE CIVIL UNION, SHALL
12 BE DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE
13 PROVISIONS OF SECTION 19-4-105, C.R.S. A PARTY TO A CIVIL UNION HAS
14 THE RIGHT TO ADOPT THROUGH THE SAME PROCESS OUTLINED FOR A
15 STEPPARENT ADOPTION IN ACCORDANCE WITH SECTION 19-5-203, C.R.S.,
16 IF THE CHILD OF THE OTHER PARTY TO THE CIVIL UNION IS OTHERWISE
17 AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1) (d), C.R.S.

18 **14-15-107. Modification of civil union terms.** PARTIES TO A
19 CIVIL UNION MAY CREATE AGREEMENTS MODIFYING THE TERMS,
20 CONDITIONS, OR EFFECTS OF A CIVIL UNION IN THE MANNER SPECIFIED IN
21 PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR
22 UNDERSTANDINGS WITH RESPECT TO THEIR CIVIL UNION.

23 **14-15-108. Dissolution, legal separation, and declaration of**
24 **invalidity of civil unions - jurisdiction - venue.** (1) ANY PERSON WHO
25 ENTERS INTO A CIVIL UNION IN COLORADO CONSENTS TO THE JURISDICTION
26 OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION
27 RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE TO

1 RESIDE IN THIS STATE.

2 (2) THE DISTRICT COURT HAS JURISDICTION OVER ALL
3 PROCEEDINGS RELATING TO THE DISSOLUTION OF A CIVIL UNION, LEGAL
4 SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF INVALIDITY OF A
5 CIVIL UNION. SUCH PROCEEDINGS SHALL FOLLOW THE PROCEDURES
6 SPECIFIED IN ARTICLE 10 OF THIS TITLE, INCLUDING THE SAME DOMICILE
7 REQUIREMENTS FOR A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION
8 OF INVALIDITY.

9 (3) A PROCEEDING RELATING TO THE DISSOLUTION OF A CIVIL
10 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF A
11 CIVIL UNION SHALL BE HELD IN THE COUNTY WHERE THE PETITIONER OR
12 RESPONDENT RESIDES OR WHERE THE PARTIES' CIVIL UNION CERTIFICATE
13 WAS ISSUED; EXCEPT THAT PROCESS MAY BE DIRECTED TO ANY COUNTY IN
14 THE STATE. OBJECTION TO VENUE IS WAIVED IF NOT MADE WITHIN SUCH
15 TIME AS THE RESPONDENT'S RESPONSE IS DUE.

16 **14-15-109. Civil union license and certificate.** (1) THE
17 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM
18 FOR AN APPLICATION FOR A CIVIL UNION LICENSE, WHICH SHALL INCLUDE
19 AT A MINIMUM THE FOLLOWING INFORMATION:

20 (a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE
21 AND PLACE OF BIRTH OF EACH PARTY TO THE PROPOSED CIVIL UNION. FOR
22 SUCH PURPOSE, PROOF OF DATE OF BIRTH MAY BE BY A BIRTH CERTIFICATE,
23 A DRIVER'S LICENSE, OR OTHER COMPARABLE EVIDENCE.

24 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR HAS
25 PREVIOUSLY BEEN A PARTY TO A CIVIL UNION, THE NAME OF THE SPOUSE
26 OR THE NAME OF THE OTHER PARTY AND THE DATE, PLACE, AND COURT IN
27 WHICH THE MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED

1 INVALID OR THE DATE AND PLACE OF DEATH OF THE DECEASED SPOUSE OR
2 THE DECEASED PARTY TO A CIVIL UNION;

3 (c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH
4 PARTY;

5 (d) WHETHER THE PARTIES ARE RELATED TO EACH OTHER AND, IF
6 SO, THEIR RELATIONSHIP.

7 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
8 PRESCRIBE THE FORMS FOR THE CIVIL UNION LICENSE AND THE CIVIL UNION
9 CERTIFICATE. THE DEPARTMENT SHALL PROVIDE THE FORMS TO THE
10 COUNTY CLERKS AND RECORDERS IN THE STATE.

11 **14-15-110. Issuance of a civil union license - certification - fee.**

12 (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL
13 UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE
14 COUNTY CLERK AND RECORDER AND PAYS TO THE CLERK AND RECORDER
15 THE CIVIL UNION LICENSE FEE AND OTHER FEES DESCRIBED IN SUBSECTION
16 (2) OF THIS SECTION, AND THE COUNTY CLERK AND RECORDER
17 DETERMINES THAT THE PARTIES MEET THE CRITERIA SPECIFIED IN
18 SECTIONS 14-15-103, 14-15-104, AND 14-15-105, THE COUNTY CLERK AND
19 RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION
20 CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL
21 SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS
22 STATED.

23 (2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN
24 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,
25 C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE
26 ADDITIONAL AMOUNT TO THE STATE TREASURER WHO SHALL CREDIT IT TO
27 THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION

1 25-2-121, C.R.S. IN ADDITION, THE COUNTY CLERK AND RECORDER SHALL
2 COLLECT A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY
3 CLERK AND RECORDER TO THE STATE TREASURER WHO SHALL CREDIT THE
4 SAME TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN
5 SECTION 39-22-802 (1), C.R.S.

6 **14-15-111. When civil union licenses issued - validity.** CIVIL
7 UNION LICENSES SHALL BE ISSUED BY THE COUNTY CLERK AND RECORDER
8 ONLY DURING THE HOURS THAT THE OFFICE OF THE COUNTY CLERK AND
9 RECORDER IS OPEN AS PRESCRIBED BY LAW AND AT NO OTHER TIME, AND
10 SUCH LICENSES SHALL SHOW THE EXACT DATE AND HOUR OF THEIR ISSUE.
11 A CIVIL UNION LICENSE SHALL NOT BE VALID FOR USE OUTSIDE THE STATE
12 OF COLORADO. WITHIN THE STATE, A CIVIL UNION LICENSE SHALL NOT BE
13 VALID FOR MORE THAN THIRTY DAYS AFTER THE DATE OF ISSUE. IF A CIVIL
14 UNION LICENSE IS NOT USED WITHIN THIRTY DAYS, IT SHALL BE VOID AND
15 SHALL BE RETURNED TO THE COUNTY CLERK AND RECORDER THAT ISSUED
16 THE LICENSE FOR CANCELLATION.

17 **14-15-112. Persons authorized to certify civil unions -**
18 **registration - fee.** (1) A CIVIL UNION MAY BE CERTIFIED BY A JUDGE OF
19 A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT
20 MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE
21 CIVIL UNION, OR IN ACCORDANCE WITH ANY MODE OF RECOGNITION OF A
22 CIVIL UNION BY ANY RELIGIOUS DENOMINATION OR INDIAN NATION OR
23 TRIBE.

24 (2) WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE CIVIL
25 UNION IS CERTIFIED, EITHER THE PERSON CERTIFYING THE CIVIL UNION OR,
26 IF NO INDIVIDUAL ACTING ALONE CERTIFIES THE CIVIL UNION, A PARTY TO
27 THE CIVIL UNION SHALL COMPLETE THE CIVIL UNION CERTIFICATE AND

1 RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE
2 THAT ISSUED THE LICENSE. A PERSON WHO FAILS TO RETURN THE CIVIL
3 UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED
4 BY THIS SECTION SHALL PAY TO THE COUNTY CLERK AND RECORDER A
5 LATE FEE IN AN AMOUNT NOT LESS THAN TWENTY DOLLARS. THE COUNTY
6 CLERK AND RECORDER MAY ASSESS AN ADDITIONAL FIVE-DOLLAR LATE
7 FEE FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE RETURN
8 REQUIREMENTS OF THIS SUBSECTION (2), UP TO A MAXIMUM OF FIFTY
9 DOLLARS. FOR PURPOSES OF DETERMINING WHETHER TO ASSESS A LATE
10 FEE PURSUANT TO THIS SUBSECTION (2), THE DATE OF RETURN SHALL BE
11 DEEMED TO BE THE DATE OF POSTMARK.

12 (3) UPON RECEIVING THE CIVIL UNION CERTIFICATE, THE COUNTY
13 CLERK AND RECORDER SHALL REGISTER THE CIVIL UNION.

14 (4) A PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF A RELIGIOUS
15 INSTITUTION OR DENOMINATION OR AN INDIAN NATION OR TRIBE SHALL
16 NOT BE REQUIRED TO CERTIFY A CIVIL UNION IN VIOLATION OF HIS OR HER
17 RIGHT TO THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST
18 AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF
19 ARTICLE II OF THE STATE CONSTITUTION.

20 **14-15-113. Civil union license required for certification.**
21 PERSONS AUTHORIZED BY SECTION 14-15-112 TO CERTIFY CIVIL UNIONS
22 SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE
23 CERTIFYING THE CIVIL UNION.

24 **14-15-114. Evidence of civil union.** A COPY OF THE CIVIL UNION
25 CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A
26 RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR SHALL
27 BE PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

1 **14-15-115. Reciprocity - principle of comity.** (1) A
2 RELATIONSHIP BETWEEN PERSONS OF THE SAME SEX THAT DOES NOT
3 COMPLY WITH SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION BUT
4 THAT WAS LEGALLY ENTERED INTO IN ANOTHER JURISDICTION SHALL BE
5 DEEMED IN COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS
6 ARTICLE.

7 (2) UNDER PRINCIPLES OF COMITY, A CIVIL UNION, DOMESTIC
8 PARTNERSHIP, OR SUBSTANTIALLY SIMILAR LEGAL RELATIONSHIP THAT IS
9 LEGALLY CREATED IN ANOTHER JURISDICTION SHALL BE DEEMED TO BE A
10 CIVIL UNION FOR PURPOSES OF COLORADO LAW AS SET FORTH IN THIS
11 ARTICLE.

12 **14-15-116. Tax equity - joint tax returns - commission -**
13 **report.** (1) THE GENERAL ASSEMBLY FINDS THAT CURRENT FEDERAL LAW
14 PROHIBITS THE FILING OF A JOINT INCOME TAX RETURN BY PARTIES WHO
15 ARE NOT LEGALLY MARRIED. SINCE COLORADO INCOME TAX FILINGS ARE
16 TIED TO THE FEDERAL INCOME TAX FORM BY REQUIRING TAXPAYERS TO
17 PAY A PERCENTAGE OF THEIR FEDERAL ADJUSTED GROSS INCOME AS THEIR
18 STATE INCOME TAXES, THIS PREVENTS THE FILING BY THE PARTIES TO A
19 CIVIL UNION OF A JOINT STATE INCOME TAX RETURN. THE GENERAL
20 ASSEMBLY FINDS THAT IT WOULD BE BENEFICIAL TO THE PARTIES TO CIVIL
21 UNIONS FOR THE STATE TO STUDY THE CONSEQUENCES OF AND
22 DIFFICULTIES ENCOUNTERED BY PARTIES TO CIVIL UNIONS BY NOT BEING
23 ABLE TO FILE JOINT TAX RETURNS, WHETHER IT IS BENEFICIAL OR
24 ADVANTAGEOUS TO PARTIES TO FILE JOINT TAX RETURNS INSTEAD OF
25 SEPARATE RETURNS, THE POTENTIAL BENEFITS TO THE DEPARTMENT OF
26 REVENUE OF HAVING PARTIES TO A CIVIL UNION FILE JOINT TAX RETURNS,
27 AND HOW THE STATE STATUTES COULD BE CHANGED TO PERMIT THE

1 PARTIES TO A CIVIL UNION TO FILE A JOINT STATE INCOME TAX RETURN.

2 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
3 IS AUTHORIZED TO CREATE A STUDY COMMISSION TO INVESTIGATE AND
4 CONSIDER WHAT CHANGES IN THE STATE STATUTES COULD BE MADE TO
5 ENSURE EQUITABLE TAX TREATMENT FOR PARTIES TO A CIVIL UNION AND
6 TO ALLOW PARTIES TO A CIVIL UNION TO FILE A JOINT STATE INCOME TAX
7 RETURN WITHOUT VIOLATING THE FEDERAL TAX LAWS. IF A STUDY
8 COMMISSION IS CREATED, THE COMMISSION SHALL CONSIST OF TAX
9 ACCOUNTANTS AND STAFF OF THE DEPARTMENT OF REVENUE APPOINTED
10 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE AND THE
11 CHAIRS OR THEIR DESIGNEES OF THE FINANCE COMMITTEES OF THE HOUSE
12 OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
13 IF APPOINTED, THE COMMISSION SHALL PREPARE A REPORT OF ITS FINDINGS
14 AND RECOMMENDATIONS AND SUBMIT THE REPORT TO THE EXECUTIVE
15 DIRECTOR AND THE FINANCE COMMITTEES OF THE HOUSE OF
16 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON
17 OR BEFORE JANUARY 1, 2012.

18 (3) UNTIL A STATUTORY CHANGE IS ENACTED TO AUTHORIZE THE
19 FILING OF A JOINT STATE INCOME TAX RETURN BY PARTIES TO A CIVIL
20 UNION, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PERMIT THE
21 FILING OF A JOINT STATE INCOME TAX RETURN BY THE PARTIES TO A CIVIL
22 UNION.

23 **14-15-117. Construction.** (1) THE PROVISIONS OF THIS ARTICLE
24 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
25 TO A CIVIL UNION, CREATE OR RECOGNIZE A LEGAL STATUS SIMILAR TO
26 THAT OF MARRIAGE AS DEFINED IN SECTIONS 14-2-101 TO 14-2-104, OR
27 ALTER THE PUBLIC POLICY OF THIS STATE, WHICH RECOGNIZES ONLY THE

1 UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE.

2 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
3 CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE
4 A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A
5 COUPLE THAT HAS ENTERED INTO A CIVIL UNION PURSUANT TO THIS
6 ARTICLE.

7 **14-15-118. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
8 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD
9 INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR
10 APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
11 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
12 THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

13 **SECTION 3.** 25-2-105, Colorado Revised Statutes, is amended
14 to read:

15 **25-2-105. Vital statistics, reports, and certificates - forms and**
16 **information to be included.** (1) The state registrar shall prescribe,
17 furnish, and distribute such forms as are required by this article and shall
18 furnish and distribute such rules ~~and regulations~~ as are promulgated
19 pursuant to section 25-2-103. The state registrar may also prescribe such
20 other means for transmission of data as will accomplish the purpose of
21 complete and accurate reporting and registration.

22 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND
23 DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH
24 RESPECT TO CIVIL UNION CERTIFICATES, AS DEFINED IN SECTION 14-15-102
25 (2), C.R.S.

26 **SECTION 4.** Article 2 of title 25, Colorado Revised Statutes, is
27 amended BY THE ADDITION OF THE FOLLOWING NEW

1 SECTIONS to read:

2 **25-2-106.5. Reports of civil unions.** EACH COUNTY CLERK AND
3 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION
4 AND USING THE FORM AS PRESCRIBED AND FURNISHED BY THE STATE
5 REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED CIVIL UNION
6 CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-112,
7 C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE
8 FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, A COUNTY CLERK
9 AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL
10 UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE
11 PRECEDING PERIOD. A COUNTY CLERK AND RECORDER MAY ISSUE
12 CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

13 **25-2-107.5. Reports of dissolution of civil unions, legal**
14 **separation of civil unions, or declarations of invalidity of civil unions**
15 **- fee.** (1) THE CLERK OF EACH COURT SHALL PREPARE A REPORT
16 CONTAINING SUCH INFORMATION AND USING SUCH FORM AS MAY BE
17 PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO
18 EVERY DECREE ENTERED BY THE COURT FOR THE DISSOLUTION OF A CIVIL
19 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
20 INVALIDITY OF A CIVIL UNION, AND EVERY DECREE AMENDING OR
21 NULLIFYING SUCH A DECREE. ON OR BEFORE THE TENTH DAY OF EACH
22 MONTH, OR MORE FREQUENTLY IF SO REQUESTED BY THE STATE
23 REGISTRAR, THE CLERK SHALL FORWARD TO THE STATE REGISTRAR THE
24 REPORTS FOR ALL SUCH DECREES ENTERED DURING THE PRECEDING
25 PERIOD.

26 (2) IN ORDER TO DEFRAY THE MAINTENANCE OF VITAL STATISTICS
27 RECORDS, THE CLERK OF THE COURT SHALL ASSESS A FEE OF THREE

1 DOLLARS UPON EACH ACTION WITH RESPECT TO DISSOLUTION OF A CIVIL
2 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
3 INVALIDITY OF A CIVIL UNION THAT IS FILED IN THE OFFICE OF EACH CLERK
4 OF A COURT OF RECORD IN THIS STATE ON OR AFTER THE EFFECTIVE DATE
5 OF THIS SECTION. THE FEE SHALL BE PAID AT THE TIME OF THE FILING OF
6 THE ACTION. THE CLERK SHALL KEEP ANY FEES SO COLLECTED IN A
7 SEPARATE FUND AND EACH MONTH THE CLERK SHALL TRANSMIT THOSE
8 FEES COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
9 TO THE VITAL STATISTICS RECORDS CASH FUND CREATED IN SECTION
10 25-2-121.

11 **SECTION 5.** 25-2-117 (2) (d) and (2) (e), Colorado Revised
12 Statutes, are amended, and the said 25-2-117 (2) is further amended BY
13 THE ADDITION OF A NEW PARAGRAPH, to read:

14 **25-2-117. Certified copies furnished - fee.** (2) An applicant
15 shall pay fees established pursuant to section 25-2-121 for each of the
16 following services:

17 (d) The verification of marriage or divorce; ~~and~~

18 (e) The reproduction of various vital statistics, publications,
19 reports, and data services; AND

20 (f) THE VERIFICATION OF A CIVIL UNION OR DISSOLUTION OF A
21 CIVIL UNION.

22 **SECTION 6.** 2-4-401, Colorado Revised Statutes, is amended BY
23 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
24 read:

25 **2-4-401. Definitions.** The following definitions apply to every
26 statute, unless the context otherwise requires:

27 (1.3) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO

1 ELIGIBLE PERSONS PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF
2 TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND
3 PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

4 (1.4) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
5 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
6 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THE
7 PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

8 (3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS
9 RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

10 (7.5) "PARTY TO A CIVIL UNION" OR "PARTNER IN A CIVIL UNION"
11 MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE
12 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

13 **SECTION 7.** 13-32-101 (1), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF THE FOLLOWING NEW
15 PARAGRAPHS to read:

16 **13-32-101. Docket fees in civil actions - judicial stabilization**
17 **cash fund - support registry fund created - repeal.** (1) At the time of
18 first appearance in all civil actions and special proceedings in all courts
19 of record, except in the supreme court and the court of appeals, and
20 except in the probate proceedings in the district court or probate court of
21 the city and county of Denver, and except as provided in subsection (3)
22 of this section and in sections 13-32-103 and 13-32-104, there shall be
23 paid in advance the total docket fees, as follows:

24 (a.5) ON AND AFTER SEPTEMBER 1, 2011, BY THE PETITIONER IN A
25 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
26 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
27 THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT

1 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED
2 THIRTY DOLLARS;

3 (b.5) ON AND AFTER SEPTEMBER 1, 2011, BY THE RESPONDENT IN
4 A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
5 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
6 THE RESPONDENT TO AN ACTION FOR A DECLARATORY JUDGMENT
7 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF ONE HUNDRED
8 SIXTEEN DOLLARS;

9 **SECTION 8.** The introductory portion to 13-32-101 (5) (a),
10 13-32-101 (5) (a) (VII), and the introductory portion to 13-32-101 (5) (b),
11 Colorado Revised Statutes, are amended to read:

12 **13-32-101. Docket fees in civil actions - judicial stabilization**
13 **cash fund - support registry fund created - repeal.** (5) (a) Each fee
14 collected pursuant to paragraph (a) OR (a.5) of subsection (1) of this
15 section shall be transmitted to the state treasurer and divided as follows:

16 (VII) PURSUANT TO SECTION 25-2-107 (2) OR 25-2-107.5, C.R.S.,
17 three dollars shall be deposited in the vital statistics records cash fund
18 created in section 25-2-121, C.R.S.;

19 (b) Each fee collected pursuant to paragraph (b) OR (b.5) of
20 subsection (1) of this section shall be transmitted to the state treasurer and
21 divided as follows:

22 **SECTION 9.** 13-90-107 (1) (I) (II) (D) and (1) (I) (III), Colorado
23 Revised Statutes, are amended, and the said 13-90-107 (1) is further
24 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25 **13-90-107. Who may not testify without consent.** (1) There are
26 particular relations in which it is the policy of the law to encourage
27 confidence and to preserve it inviolate; therefore, a person shall not be

1 examined as a witness in the following cases:

2 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13-310
3 (5), C.R.S., A PARTNER IN A CIVIL UNION SHALL NOT BE EXAMINED FOR OR
4 AGAINST THE OTHER PARTNER IN THE CIVIL UNION WITHOUT THE OTHER
5 PARTNER'S CONSENT, NOR DURING THE CIVIL UNION OR AFTERWARD SHALL
6 EITHER BE EXAMINED WITHOUT THE CONSENT OF THE OTHER AS TO ANY
7 COMMUNICATIONS MADE BY ONE TO THE OTHER DURING THE CIVIL UNION;
8 BUT THIS EXCEPTION DOES NOT APPLY TO A CIVIL ACTION OR PROCEEDING
9 BY ONE AGAINST THE OTHER, A CRIMINAL ACTION OR PROCEEDING FOR A
10 CRIME COMMITTED BY ONE AGAINST THE OTHER, OR A CRIMINAL ACTION
11 OR PROCEEDING AGAINST ONE OR BOTH PARTNERS WHEN THE ALLEGED
12 OFFENSE OCCURRED PRIOR TO THE DATE OF THE PARTIES' CERTIFICATION
13 OF THE CIVIL UNION. HOWEVER, THIS EXCEPTION SHALL NOT ATTACH IF
14 THE OTHERWISE PRIVILEGED INFORMATION IS COMMUNICATED AFTER THE
15 CERTIFICATION OF THE CIVIL UNION.

16 (II) THE PRIVILEGE DESCRIBED IN THIS PARAGRAPH (a.5) DOES NOT
17 APPLY TO CLASS 1, 2, OR 3 FELONIES AS DESCRIBED IN SECTION 18-1.3-401
18 (1) (a) (IV) AND (1) (a) (V), C.R.S. IN THIS INSTANCE, DURING THE CIVIL
19 UNION OR AFTERWARD, A PARTNER IN A CIVIL UNION SHALL NOT BE
20 EXAMINED FOR OR AGAINST THE OTHER PARTNER IN THE CIVIL UNION AS
21 TO ANY COMMUNICATIONS INTENDED TO BE MADE IN CONFIDENCE AND
22 MADE BY ONE TO THE OTHER DURING THE CIVIL UNION WITHOUT THE
23 OTHER PARTNER'S CONSENT.

24 (III) COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION ARE
25 NOT PRIVILEGED PURSUANT TO THIS PARAGRAPH (a.5) IF SUCH
26 COMMUNICATIONS ARE MADE FOR THE PURPOSE OF AIDING THE
27 COMMISSION OF A FUTURE CRIME OR OF A PRESENT CONTINUING CRIME.

1 (IV) THE BURDEN OF PROVING THE EXISTENCE OF A CIVIL UNION
2 FOR THE PURPOSES OF THIS PARAGRAPH (a.5) SHALL BE ON THE PARTY
3 ASSERTING THE CLAIM.

4 (V) NOTICE OF THE ASSERTION OF THE PRIVILEGE DESCRIBED IN
5 THIS PARAGRAPH (a.5) SHALL BE GIVEN AS SOON AS PRACTICABLE BUT NOT
6 LESS THAN TEN DAYS PRIOR TO ASSERTION AT ANY HEARING.

7 (VI) FOR THE PURPOSES OF THIS PARAGRAPH (a.5), "PARTNER IN
8 A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION
9 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
10 TITLE 14, C.R.S.

11 (I) (II) This exception does not apply to:

12 (D) Any criminal action or proceeding in which a minor's parent
13 is charged with a crime committed against the communicating minor
14 child, the parent's spouse, THE PARENT'S PARTNER IN A CIVIL UNION, or a
15 minor child of either the parent or the parent's spouse OR THE PARENT'S
16 PARTNER IN A CIVIL UNION;

17 (III) For purposes of this paragraph (I):

18 (A) "Minor child" means any person under the age of eighteen
19 years.

20 (B) "Parent" includes the legal guardian or legal custodian of a
21 minor child as well as adoptive parents.

22 (C) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
23 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
24 OF ARTICLE 15 OF TITLE 14, C.R.S.

25 **SECTION 10.** 14-4-107 (2) (a) and (4.5), Colorado Revised
26 Statutes, are amended to read:

27 **14-4-107. Family violence justice fund - creation - grants from**

1 **fund.** (2) Grants from the fund shall be used to fund qualifying
2 organizations to provide legal advice, representation, and advocacy for
3 and on behalf of indigent clients who are victims of family violence.
4 Moneys from the fund may be provided for services that include, but are
5 not limited to:

6 (a) The provision of direct legal representation to victims of
7 family violence in resolving their civil legal matters and removing
8 impediments to the elimination of family violence. Such representation
9 may include, but need not be limited to, representation in any protection
10 order proceeding; action for dissolution of marriage, legal separation, or
11 declaration of invalidity of marriage; ACTION FOR DISSOLUTION OF A CIVIL
12 UNION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL
13 UNION; paternity action; child custody action; proceeding to establish or
14 enforce child support; administrative hearings; or any other judicial
15 actions in which family violence is an issue or in which legal
16 representation is necessary to protect the interests of a victim of family
17 violence.

18 (4.5) Notwithstanding any other provision of this section, the state
19 court administrator shall apply the moneys generated from fees collected
20 pursuant to section 13-32-101 ~~(1)(a) and (1)(b)~~ (1) (a), (1) (a.5), (1) (b),
21 AND (1) (b.5), C.R.S., AND TRANSFERRED PURSUANT TO SECTION
22 13-32-101 (5) (a) (X) AND (5) (b) (II), C.R.S., to grants to qualifying
23 organizations that provide services described in subsection (2) of this
24 section for or on behalf of indigent persons or their families who are
25 married, separated, or divorced, OR INDIGENT PARTIES TO A CIVIL UNION
26 OR AN INVALID, SEPARATED, OR DISSOLVED CIVIL UNION OR TO THEIR
27 FAMILIES.

1 **SECTION 11.** 14-10-105, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **14-10-105. Application of Colorado rules of civil procedure.**
4 (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL
5 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL
6 BE ENTITLED "IN RE THE CIVIL UNION OF AND".

7 **SECTION 12.** Article 10 of title 14, Colorado Revised Statutes,
8 is amended BY THE ADDITION OF A NEW SECTION to read:

9 **14-10-106.5. Dissolution of civil unions - legal separation -**
10 **jurisdiction.** ANY PERSON WHO ENTERS INTO A CIVIL UNION IN
11 COLORADO PURSUANT TO ARTICLE 15 OF THIS TITLE CONSENTS TO THE
12 JURISDICTION OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY
13 ACTION RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE
14 TO RESIDE IN THIS STATE. IN A MATTER SEEKING A DISSOLUTION, LEGAL
15 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, THE
16 COURT SHALL FOLLOW THE PROCEDURES THAT ARE SET FORTH IN THIS
17 ARTICLE FOR DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF
18 INVALIDITY.

19 **SECTION 13.** 14-10-120.5, Colorado Revised Statutes, is
20 amended to read:

21 **14-10-120.5. Petition - fee - assessment - displaced**
22 **homemakers fund.** (1) There shall be assessed against a nonindigent
23 petitioner a fee of five dollars for each filing of a petition for dissolution
24 of marriage, declaration of invalidity of marriage, legal separation, or
25 declaratory judgment concerning the status of marriage. All such fees
26 collected shall be transmitted to the state treasurer for deposit in the
27 displaced homemakers fund created pursuant to section 8-15.5-108,

1 C.R.S.

2 (1.5) THERE SHALL BE ASSESSED AGAINST A NONINDIGENT
3 PETITIONER A FEE OF FIVE DOLLARS FOR EACH FILING OF A PETITION FOR
4 DISSOLUTION OF A CIVIL UNION, DECLARATION OF INVALIDITY OF A CIVIL
5 UNION, LEGAL SEPARATION, OR DECLARATORY JUDGMENT CONCERNING
6 THE STATUS OF A CIVIL UNION. ALL SUCH FEES COLLECTED SHALL BE
7 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE DISPLACED
8 HOMEMAKERS FUND CREATED PURSUANT TO SECTION 8-15.5-108, C.R.S.

9 (2) Notwithstanding the amount specified for the fee in
10 subsection (1) OR (1.5) of this section, the chief justice of the supreme
11 court by rule or as otherwise provided by law may reduce the amount of
12 the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce
13 the uncommitted reserves of the fund to which all or any portion of the
14 fee is credited. After the uncommitted reserves of the fund are
15 sufficiently reduced, the chief justice by rule or as otherwise provided by
16 law may increase the amount of the fee as provided in section 24-75-402
17 (4), C.R.S.

18 **SECTION 14.** 14-13-310, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SUBSECTION to read:

20 **14-13-310. Hearing and order.** (5) A PRIVILEGE AGAINST
21 DISCLOSURE OF COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION
22 AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF PARTNERS
23 IN A CIVIL UNION OR PARENT AND CHILD MAY NOT BE INVOKED IN A
24 PROCEEDING UNDER THIS PART 3.

25 **SECTION 15.** 15-12-203 (1), Colorado Revised Statutes, is
26 amended to read:

27 **15-12-203. Priority among persons seeking appointment as**

1 **personal representative.** (1) Whether the proceedings are formal or
2 informal, persons who are not disqualified have priority for appointment
3 in the following order:

4 (a) The person with priority as determined by a probated will
5 including a person nominated by a power conferred in a will;

6 (b) The surviving spouse of the decedent who is a devisee of the
7 decedent;

8 (b.3) THE SURVIVING PARTY TO A CIVIL UNION ENTERED INTO IN
9 ACCORDANCE WITH ARTICLE 15 OF TITLE 14, C.R.S., WHO IS A DEVISEE OF
10 THE DECEDENT;

11 (b.5) A person given priority to be a personal representative in a
12 designated beneficiary agreement made pursuant to article 22 of this title;

13 (c) Other devisees of the decedent;

14 (d) The surviving spouse of the decedent;

15 (d.5) THE SURVIVING PARTY TO A CIVIL UNION ENTERED INTO IN
16 ACCORDANCE WITH ARTICLE 15 OF TITLE 14, C.R.S.;

17 (e) Other heirs of the decedent;

18 (f) Forty-five days after the death of the decedent, any creditor.

19 **SECTION 16.** 15-14-304 (2) (b), Colorado Revised Statutes, is
20 amended to read:

21 **15-14-304. Judicial appointment of guardian - petition.**

22 (2) The petition must set forth the petitioner's name, residence, current
23 address if different, relationship to the respondent, and interest in the
24 appointment and, to the extent known, state or contain the following with
25 respect to the respondent and the relief requested:

26 (b) (I) The name and address of the respondent's:

27 (A) Spouse, PARTNER IN A CIVIL UNION, or if the respondent has

1 none, an adult with whom the respondent has resided for more than six
2 months within one year before the filing of the petition; and

3 (B) Adult children and parents; or

4 (II) If the respondent has neither spouse, PARTNER IN A CIVIL
5 UNION, adult child, nor parent, at least one of the adults nearest in kinship
6 to the respondent who can be found with reasonable efforts;

7 **SECTION 17.** 15-14-310 (1), Colorado Revised Statutes, is
8 amended to read:

9 **15-14-310. Who may be guardian - priorities - prohibition of**
10 **dual roles.** (1) Subject to subsection (4) of this section, the court in
11 appointing a guardian shall consider persons otherwise qualified in the
12 following order of priority:

13 (a) A guardian, other than a temporary or emergency guardian,
14 currently acting for the respondent in this state or elsewhere;

15 (b) A person nominated as guardian by the respondent, including
16 the respondent's specific nomination of a guardian made in a durable
17 power of attorney or given priority to be a guardian in a designated
18 beneficiary agreement made pursuant to article 22 of this title;

19 (c) An agent appointed by the respondent under a medical durable
20 power of attorney pursuant to section 15-14-506;

21 (d) An agent appointed by the respondent under a general durable
22 power of attorney;

23 (e) The spouse of the respondent or a person nominated by will
24 or other signed writing of a deceased spouse;

25 (e.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT OR A
26 PERSON NOMINATED BY WILL OR OTHER SIGNED WRITING OF A DECEASED
27 PARTNER IN A CIVIL UNION;

- 1 (f) An adult child of the respondent;
- 2 (g) A parent of the respondent or an individual nominated by will
- 3 or other signed writing of a deceased parent; and
- 4 (h) An adult with whom the respondent has resided for more than
- 5 six months immediately before the filing of the petition.

6 **SECTION 18.** 15-14-413 (1) and (3), Colorado Revised Statutes,
7 are amended to read:

8 **15-14-413. Who may be conservator - priorities - prohibition**
9 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this
10 section, the court, in appointing a conservator, shall consider persons
11 otherwise qualified in the following order of priority:

- 12 (a) A conservator, guardian of the estate, or other like fiduciary
- 13 appointed or recognized by an appropriate court of any other jurisdiction
- 14 in which the protected person resides;
- 15 (b) A person nominated as conservator by the respondent,
- 16 including the respondent's specific nomination of a conservator made in
- 17 a durable power of attorney or given priority to be a conservator in a
- 18 designated beneficiary agreement made pursuant to article 22 of this title,
- 19 if the respondent has attained twelve years of age;
- 20 (c) An agent appointed by the respondent to manage the
- 21 respondent's property under a durable power of attorney;
- 22 (d) The spouse of the respondent;
- 23 (d.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT;
- 24 (e) An adult child of the respondent;
- 25 (f) A parent of the respondent; and
- 26 (g) An adult with whom the respondent has resided for more than
- 27 six months immediately before the filing of the petition.

1 (3) A person having priority under paragraph ~~(a), (d), (e), or (f)~~
2 (a), (d), (d.5), (e), OR (f) of subsection (1) of this section may designate
3 in writing a substitute to serve instead and thereby transfer the priority to
4 the substitute.

5 **SECTION 19.** 15-22-103 (3) (j) and (3) (k), Colorado Revised
6 Statutes, are amended, and the said 15-22-103 (3) is further amended BY
7 THE ADDITION OF A NEW PARAGRAPH, to read:

8 **15-22-103. Definitions.** As used in this article, unless the context
9 otherwise requires:

10 (3) "Superseding legal document" means a legal document,
11 regardless of the date of execution, that is valid and enforceable and
12 conflicts with all or a portion of a designated beneficiary agreement and,
13 therefore, causes the designated beneficiary agreement in whole or in part
14 to be replaced or set aside. To the extent there is a conflict between a
15 superseding legal document and a designated beneficiary agreement, the
16 superseding legal document controls. A superseding legal document may
17 include, but need not be limited to, any of the following:

18 (j) A declaration as to disposition of last remains executed
19 pursuant to article 19 of this title; ~~or~~

20 (k) A marriage license; OR

21 (l) A CIVIL UNION CERTIFICATE.

22 **SECTION 20.** 15-22-104 (1) (a), Colorado Revised Statutes, is
23 amended to read:

24 **15-22-104. Requirements for a valid designated beneficiary**
25 **agreement.** (1) A designated beneficiary agreement shall be legally
26 recognized if:

27 (a) The parties to the designated beneficiary agreement satisfy all

1 of the following criteria:

2 (I) Both are at least eighteen years of age;

3 (II) Both are competent to enter into a contract;

4 (III) Neither party is married to another person;

5 (III.5) NEITHER PARTY IS A PARTY TO A CIVIL UNION;

6 (IV) Neither party is a party to another designated beneficiary
7 agreement; and

8 (V) Both parties enter into the designated beneficiary agreement
9 without force, fraud, or duress; and

10 **SECTION 21.** 19-3.5-106 (1) (a), Colorado Revised Statutes, is
11 amended to read:

12 **19-3.5-106. Colorado children's trust fund - creation - source**
13 **of funds.** (1) There is hereby created in the state treasury the Colorado
14 children's trust fund, which shall be administered by the board and which
15 shall consist of:

16 (a) All moneys which shall be transferred thereto in accordance
17 with section 13-32-101 ~~(1)(a)~~ (5) (a) (I), C.R.S.; and

18 **SECTION 22.** 19-5-202, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **19-5-202. Who may adopt.** (4) A PERSON WHO IS A PARTNER IN
21 A CIVIL UNION MAY ADOPT A CHILD OF THE OTHER PARTNER THROUGH THE
22 SAME PROCESS OUTLINED IN SECTION 19-5-203 FOR A STEPPARENT
23 ADOPTION. A PERSON HAVING A LIVING PARTNER IN A CIVIL UNION FROM
24 WHOM THE PERSON IS NOT LEGALLY SEPARATED SHALL PETITION JOINTLY
25 WITH THE PARTNER, UNLESS THE PARTNER IS THE NATURAL PARENT OF THE
26 CHILD TO BE ADOPTED OR HAS PREVIOUSLY ADOPTED THE CHILD.

27 **SECTION 23.** 24-1.9-104 (1), Colorado Revised Statutes, is

1 amended to read:

2 **24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

3 (1) On July 1, 2005, there shall be created in the state treasury the
4 performance-based collaborative management incentive cash fund, which
5 shall be referred to in this section as the "fund". The moneys in the fund
6 shall be subject to annual appropriation by the general assembly to the
7 department of human services for state fiscal year 2005-06 and each fiscal
8 year thereafter. On July 1, 2006, the state treasurer shall transfer the
9 moneys in the performance incentive cash fund created pursuant to
10 section 26-5-105.5 (3.2) (a), C.R.S., to the fund. In addition, on July 1,
11 2006, the state treasurer shall transfer the moneys remaining in the family
12 stabilization services fund created pursuant to section 19-1-125, C.R.S.,
13 to the fund. The fund shall also consist of moneys received from docket
14 fees in civil actions AND TRANSFERRED as specified in section 13-32-101
15 ~~(1)~~(a) (5) (a) (II), C.R.S.

16 **SECTION 24.** 24-72-204 (3) (a) (XIX), Colorado Revised
17 Statutes, is amended to read:

18 **24-72-204. Allowance or denial of inspection - grounds -**
19 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
20 right of inspection of the following records, unless otherwise provided by
21 law; except that any of the following records, other than letters of
22 reference concerning employment, licensing, or issuance of permits, shall
23 be available to the person in interest under this subsection (3):

24 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C)
25 of this subparagraph (XIX), applications for a marriage license submitted
26 pursuant to section 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN
27 SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS

1 FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-109,
2 C.R.S. A person in interest under this subparagraph (XIX) includes an
3 immediate family member of either party to the marriage application OR
4 TO THE CIVIL UNION APPLICATION. As used in this subparagraph (XIX),
5 "immediate family member" means a person who is related by blood,
6 marriage, CIVIL UNION, or adoption. Nothing in this subparagraph (XIX)
7 shall be construed to prohibit the inspection of marriage licenses or
8 marriage certificates OR OF CIVIL UNION LICENSES OR CIVIL UNION
9 CERTIFICATES or to otherwise change the status of those licenses or
10 certificates as public records.

11 (B) Any record of an application for a marriage license submitted
12 pursuant to section 14-2-106, C.R.S., shall be made available for public
13 inspection fifty years after the date that record was created.

14 (C) Upon application by any person to the district court in the
15 district wherein a record of an application for a marriage license OR FOR
16 A CIVIL UNION LICENSE is found, the district court may, in its discretion
17 and upon good cause shown, order the custodian to permit the inspection
18 of such record.

19 **SECTION 25.** 26-7.5-105 (1) (b), Colorado Revised Statutes, is
20 amended to read:

21 **26-7.5-105. Funding of domestic abuse programs.**

22 (1) (b) Moneys generated from fees collected pursuant to sections
23 ~~13-32-101 (1) (a) and (1) (b) and 14-2-106 (1) (a)~~, C.R.S. 14-2-106 (1) (a)
24 AND 14-15-110, C.R.S., OR TRANSFERRED PURSUANT TO SECTION
25 13-21-101 (5) (a) (X) OR (5) (b) (II), C.R.S., shall be used to reimburse
26 domestic abuse programs that provide services as provided in section
27 26-7.5-103 to married, separated, or divorced persons or their families OR

1 TO PARTIES IN A CIVIL UNION OR AN INVALID, SEPARATED, OR DISSOLVED
2 CIVIL UNION AND TO THEIR FAMILIES.

3 **SECTION 26. Effective date - applicability.** This act shall take
4 effect September 1, 2011, and shall apply to civil unions entered into on
5 or after the effective date of this act.

6 **SECTION 27. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.