

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

INTRODUCED

LLS NO. 13-0088.01 Debbie Haskins x2045

SENATE BILL 13-011

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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>.)

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 apply to a county clerk and recorder for a civil union license. Certain persons may certify a civil union. After the civil union is certified, the officiant files the civil union certificate with the county clerk and recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation

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.

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 submits records of registered civil unions to the office of vital statistics. A county clerk and recorder collects a fee for a civil union license, which fee is 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 is credited to the vital statistics records cash fund. A county clerk and recorder collects a \$20 fee to be credited to the Colorado domestic abuse program fund.

The rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law that are granted or imposed under the law to spouses 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 to 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;
- ! Prohibitions against discrimination based upon spousal status;
- ! The probate laws relating to estates, wills, trusts, and intestate succession, including the ability to inherit real and personal property from a party in a civil union under the probate code;
- ! The probate laws relating to guardianship and conservators, including priority for appointment as a conservator, guardian, or personal representative;
- ! Survivor benefits under and inclusion in workers' compensation laws;
- ! The right of a partner in a civil union to be treated as a family member or as a spouse under the "Colorado Employment Security Act" for purposes of unemployment benefits;
- ! 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 to 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;
- ! Laws, policies, or procedures 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 providing 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 administering, withholding, or withdrawing 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;
- ! Dependent coverage under life insurance for plans issued, delivered, or renewed on or after January 1, 2014;
- ! Dependent coverage under health insurance policies for plans issued, delivered, or renewed on or after January 1, 2014; and
- ! Other insurance policies that provide coverage relating to joint ownership of property for plans issued, delivered, or renewed on or after January 1, 2014.

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 directed to follow the laws of Colorado in a matter filed in Colorado that is seeking a dissolution, legal separation, or invalidity of a civil union that was entered into in another 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.

Parties to a civil union may create agreements modifying the terms and conditions of a civil union in the manner specified in the law for creating marital agreements. The Act states that this Act does not invalidate or affect an otherwise valid domestic partnership agreement or civil contract between 2 individuals who are not married to each other if the agreement or contract was made prior to the effective date of this Act or, if made after the effective date of this Act, the agreement or contract is not made in contemplation of entering into a civil union.

The Act shall not be construed to create a marriage between the parties to a civil union or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage.

The Act includes a reciprocity and principle of comity section that states that a relationship between 2 persons that does not comply with section 31 of article II of the state constitution and that is legally entered into in another jurisdiction is deemed in Colorado to be a civil union and that, under principles of comity, a civil union or domestic partnership or a substantially similar legal relationship between 2 persons that is legally created in another jurisdiction is deemed to be a civil union for purposes of Colorado law.

The Act includes a severability clause.

Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, the Act shall not 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 record of an application for a civil union license is available for public inspection 50 years after the date that the record was created.

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

1 THE GENERAL ASSEMBLY, IN THE EXERCISE OF ITS PLENARY POWER, HAS
2 THE AUTHORITY TO DEFINE OTHER ARRANGEMENTS, SUCH AS A CIVIL
3 UNION BETWEEN TWO UNMARRIED PERSONS REGARDLESS OF THEIR
4 GENDER, AND TO SET FORTH IN STATUTE ANY STATE-LEVEL BENEFITS,
5 RIGHTS, AND PROTECTIONS TO WHICH A COUPLE IS ENTITLED BY VIRTUE OF
6 ENTERING INTO A CIVIL UNION. THE GENERAL ASSEMBLY FINDS THAT THE
7 "COLORADO CIVIL UNION ACT" DOES NOT ALTER THE PUBLIC POLICY OF
8 THIS STATE, WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE
9 WOMAN AS A MARRIAGE. THE GENERAL ASSEMBLY ALSO DECLARES THAT
10 A THIRD PURPOSE IN ENACTING THE "COLORADO CIVIL UNION ACT" IS TO
11 STATE THAT COLORADO COURTS MAY OFFER SAME-SEX COUPLES THE
12 EQUAL PROTECTION OF THE LAW AND TO GIVE FULL FAITH AND CREDIT TO
13 RECOGNIZE RELATIONSHIPS LEGALLY CREATED IN OTHER JURISDICTIONS
14 THAT ARE SIMILAR TO CIVIL UNIONS CREATED BY THIS ARTICLE AND THAT
15 ARE NOT OTHERWISE RECOGNIZED PURSUANT TO COLORADO LAW.

16 **14-15-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO
19 ELIGIBLE PERSONS PURSUANT TO THIS ARTICLE THAT ENTITLES THEM TO
20 RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE
21 RESPONSIBILITIES OF SPOUSES.

22 (2) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
23 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
24 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS
25 ARTICLE.

26 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT.

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

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

6 (6) "SPOUSES" MEANS TWO PERSONS WHO ARE MARRIED PURSUANT
7 TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF
8 ARTICLE 2 OF THIS TITLE.

9 (7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
10 STATISTICS IN THE DEPARTMENT.

11 **14-15-104. Requisites of a valid civil union.** (1) TO ESTABLISH
12 A CIVIL UNION IN COLORADO, THE TWO PARTIES TO THE CIVIL UNION SHALL
13 SATISFY ALL OF THE FOLLOWING CRITERIA:

14 (a) BOTH PARTIES ARE ADULTS, REGARDLESS OF THE GENDER OF
15 EITHER PARTY;

16 (b) NEITHER PARTY IS A PARTY TO ANOTHER CIVIL UNION;

17 (c) NEITHER PARTY IS MARRIED TO ANOTHER PERSON.

18 **14-15-105. Individual shall not enter into a civil union with a**
19 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH
20 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER,
21 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

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

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

27 **14-15-106. Restrictions as to minors and wards.** (1) A COUNTY

1 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER
2 PARTY TO THE INTENDED CIVIL UNION IS:

3 (a) UNDER EIGHTEEN YEARS OF AGE; OR

4 (b) EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
5 GUARDIANSHIP, UNLESS THE PARTY UNDER GUARDIANSHIP HAS THE
6 WRITTEN CONSENT OF HIS OR HER GUARDIAN.

7 (2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION MAKES THE
8 CIVIL UNION VOID.

9 **14-15-107. Rights, benefits, protections, duties, obligations,**
10 **responsibilities, and other incidents of parties to a civil union.** (1) A
11 PARTY TO A CIVIL UNION HAS THE RIGHTS, BENEFITS, PROTECTIONS,
12 DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER
13 LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, WHETHER THOSE
14 RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES,
15 AND OTHER INCIDENTS DERIVE FROM STATUTE, ADMINISTRATIVE OR
16 COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF LAW.

17 (2) A PARTY TO A CIVIL UNION IS INCLUDED IN ANY DEFINITION OR
18 USE OF THE TERMS "DEPENDENT", "FAMILY", "HEIR", "IMMEDIATE
19 FAMILY", "NEXT OF KIN", "SPOUSE", AND ANY OTHER TERM THAT DENOTES
20 THE FAMILIAL OR SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED
21 THROUGHOUT THE COLORADO REVISED STATUTES.

22 (3) PARTIES TO A CIVIL UNION ARE RESPONSIBLE FOR THE
23 FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER PRESCRIBED UNDER
24 LAW FOR SPOUSES.

25 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT
26 LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION,
27 DISSOLUTION, CHILD CUSTODY, ALLOCATION OF PARENTAL

1 RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION,
2 MAINTENANCE, AND AWARD OF ATTORNEY FEES, APPLIES TO CIVIL UNIONS.

3 (5) RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS,
4 RESPONSIBILITIES, AND OTHER INCIDENTS UNDER LAW AS ARE GRANTED TO
5 OR IMPOSED UPON SPOUSES, THAT APPLY IN LIKE MANNER TO PARTIES TO
6 A CIVIL UNION UNDER THIS SECTION, INCLUDE BUT ARE NOT LIMITED TO:

7 (a) LAWS RELATING TO TITLE, SURVIVORSHIP, OR OTHER INCIDENTS
8 OF OR PRESUMPTIONS WITH RESPECT TO THE ACQUISITION, OWNERSHIP, OR
9 TRANSFER, INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY;

10 (b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL
11 STATUS, INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL
12 DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR
13 ACTIONS UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON
14 SPOUSAL STATUS;

15 (c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL
16 STATUS, INCLUDING BUT NOT LIMITED TO THE PROVISIONS OF PARTS 3 TO
17 7 OF ARTICLE 34 OF TITLE 24, C.R.S.;

18 (d) TITLE 15, C.R.S., INCLUDING BUT NOT LIMITED TO MATTERS
19 CONCERNING DECEDENTS' ESTATES, WILLS, TRUSTS, INTESTATE
20 SUCCESSION, NONPROBATE TRANSFERS, WARDS, PROTECTED PERSONS, AND
21 PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR
22 PERSONAL REPRESENTATIVE;

23 (e) WORKERS' COMPENSATION BENEFITS;

24 (f) THE RIGHT OF A PARTNER IN A CIVIL UNION TO BE TREATED AS
25 A FAMILY MEMBER OR AS A SPOUSE UNDER THE "COLORADO EMPLOYMENT
26 SECURITY ACT" FOR PURPOSES OF UNEMPLOYMENT BENEFITS;

27 (g) ADOPTION LAW AND PROCEDURE;

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

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

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

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

23 (n) 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 (o) 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 (p) 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 (q) 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 (r) FAMILY LEAVE BENEFITS;

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

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

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

1 COMMITMENT OF A PARTY TO A CIVIL UNION;

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

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

6 (x) (I) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE
7 ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT;

8 (II) THIS PARAGRAPH (x) IS EFFECTIVE FOR PLANS ISSUED,
9 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

10 (y) (I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE
11 PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A
12 DEPENDENT.

13 (II) THIS PARAGRAPH (y) IS EFFECTIVE FOR PLANS ISSUED,
14 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

15 (z) (I) OTHER INSURANCE POLICIES THAT PROVIDE COVERAGE
16 RELATING TO JOINT OWNERSHIP OF PROPERTY.

17 (II) THIS PARAGRAPH (z) IS EFFECTIVE FOR PLANS ISSUED,
18 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

19 (6) THE RESPONSIBILITIES AND RIGHTS OF PARTIES TO A CIVIL
20 UNION WITH RESPECT TO THE BIOLOGICAL CHILD OF ONE OF THE PARTIES,
21 WHICH CHILD IS CONCEIVED DURING THE TERM OF THE CIVIL UNION, ARE
22 DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE
23 PROVISIONS OF SECTION 19-4-105, C.R.S. A PARTY TO A CIVIL UNION HAS
24 THE RIGHT TO ADOPT THROUGH THE SAME PROCESS OUTLINED FOR A
25 STEPPARENT ADOPTION IN ACCORDANCE WITH SECTION 19-5-203, C.R.S.,
26 IF THE CHILD OF THE OTHER PARTY TO THE CIVIL UNION IS OTHERWISE
27 AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1)(d), C.R.S.

1 **14-15-108. Modification of civil union terms through an**
2 **agreement.** (1) PARTIES TO A CIVIL UNION MAY CREATE AGREEMENTS
3 MODIFYING THE TERMS, CONDITIONS, OR EFFECTS OF A CIVIL UNION IN THE
4 MANNER SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE.

5 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
6 THIS SECTION, THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF
7 PART 3 OF ARTICLE 2 OF THIS TITLE DO NOT INVALIDATE OR AFFECT AN
8 OTHERWISE VALID DOMESTIC PARTNERSHIP AGREEMENT OR CIVIL
9 CONTRACT BETWEEN TWO INDIVIDUALS WHO ARE NOT MARRIED TO EACH
10 OTHER IN WHICH THE INDIVIDUALS SET FORTH AN AGREEMENT ABOUT THE
11 RIGHTS AND RESPONSIBILITIES REGARDING MATTERS SIMILAR TO THOSE
12 THAT MAY BE ADDRESSED BY A CONTRACT UNDER PART 3 OF ARTICLE 2 OF
13 THIS TITLE IF THE AGREEMENT OR CONTRACT WAS MADE PRIOR TO THE
14 EFFECTIVE DATE OF THIS ARTICLE OR, IF MADE ON OR AFTER THE
15 EFFECTIVE DATE OF THIS ARTICLE, THE AGREEMENT OR CONTRACT IS NOT
16 MADE IN CONTEMPLATION OF ENTERING INTO A CIVIL UNION UNDER THIS
17 ARTICLE.

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

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

26 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR HAS
27 PREVIOUSLY BEEN A PARTY TO A CIVIL UNION, THE NAME OF THE SPOUSE

1 OR THE NAME OF THE OTHER PARTY AND THE DATE, PLACE, AND COURT IN
2 WHICH THE MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED
3 INVALID OR THE DATE AND PLACE OF DEATH OF THE DECEASED SPOUSE OR
4 THE DECEASED PARTY TO A CIVIL UNION;

5 (c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH
6 PARTY; AND

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

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

13 **14-15-110. Issuance of a civil union license - certification - fee.**

14 (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL
15 UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE
16 COUNTY CLERK AND RECORDER AND PAYS TO THE CLERK AND RECORDER
17 THE CIVIL UNION LICENSE FEE AND OTHER FEES DESCRIBED IN SUBSECTION
18 (2) OF THIS SECTION, AND THE COUNTY CLERK AND RECORDER
19 DETERMINES THAT THE PARTIES MEET THE CRITERIA SPECIFIED IN
20 SECTIONS 14-15-104, 14-15-105, AND 14-15-106, THE COUNTY CLERK AND
21 RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION
22 CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL
23 SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS
24 STATED.

25 (2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN
26 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,
27 C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE

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

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

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

26 (2) WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE CIVIL
27 UNION IS CERTIFIED, EITHER THE PERSON CERTIFYING THE CIVIL UNION OR,

1 IF NO INDIVIDUAL ACTING ALONE CERTIFIES THE CIVIL UNION, A PARTY TO
2 THE CIVIL UNION SHALL COMPLETE THE CIVIL UNION CERTIFICATE AND
3 RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE
4 THAT ISSUED THE LICENSE. A PERSON WHO FAILS TO RETURN THE CIVIL
5 UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED
6 BY THIS SECTION SHALL PAY TO THE COUNTY CLERK AND RECORDER A
7 LATE FEE IN AN AMOUNT NOT LESS THAN TWENTY DOLLARS. THE COUNTY
8 CLERK AND RECORDER MAY ASSESS AN ADDITIONAL FIVE-DOLLAR LATE
9 FEE FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE RETURN
10 REQUIREMENTS OF THIS SUBSECTION (2), UP TO A MAXIMUM OF FIFTY
11 DOLLARS. FOR PURPOSES OF DETERMINING WHETHER TO ASSESS A LATE
12 FEE PURSUANT TO THIS SUBSECTION (2), THE DATE OF RETURN IS DEEMED
13 TO BE THE DATE OF POSTMARK.

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

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

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

26 **14-15-114. Evidence of civil union.** A COPY OF THE CIVIL UNION
27 CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A

1 RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR IS
2 PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

3 **14-15-115. Dissolution, legal separation, and declaration of**
4 **invalidity of civil unions - jurisdiction - venue.** (1) ANY PERSON WHO
5 ENTERS INTO A CIVIL UNION IN COLORADO CONSENTS TO THE JURISDICTION
6 OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION
7 RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE TO
8 RESIDE IN THIS STATE.

9 (2) THE DISTRICT COURT HAS JURISDICTION OVER ALL
10 PROCEEDINGS RELATING TO THE DISSOLUTION OF A CIVIL UNION, LEGAL
11 SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF INVALIDITY OF A
12 CIVIL UNION, REGARDLESS OF THE JURISDICTION WHERE THE CIVIL UNION
13 WAS ENTERED INTO. THE COURT SHALL FOLLOW THE PROCEDURES
14 SPECIFIED IN ARTICLE 10 OF THIS TITLE, INCLUDING THE SAME DOMICILE
15 REQUIREMENTS FOR A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION
16 OF INVALIDITY FOR SUCH PROCEEDINGS.

17 (3) A PROCEEDING RELATING TO THE DISSOLUTION OF A CIVIL
18 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF
19 INVALIDITY OF A CIVIL UNION MAY BE HELD IN THE COUNTY WHERE THE
20 PETITIONER OR RESPONDENT RESIDES OR WHERE THE PARTIES' CIVIL UNION
21 CERTIFICATE WAS ISSUED; EXCEPT THAT PROCESS MAY BE DIRECTED TO
22 ANY COUNTY IN THE STATE. A RESPONDENT'S OBJECTION TO VENUE IS
23 WAIVED IF NOT MADE WITHIN SUCH TIME AS THE RESPONDENT'S RESPONSE
24 IS DUE.

25 **14-15-116. Reciprocity - principle of comity.** (1) A
26 RELATIONSHIP BETWEEN TWO PERSONS THAT DOES NOT COMPLY WITH
27 SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION BUT THAT WAS

1 LEGALLY ENTERED INTO IN ANOTHER JURISDICTION IS DEEMED IN
2 COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS ARTICLE.

3 (2) UNDER PRINCIPLES OF COMITY, A CIVIL UNION, DOMESTIC
4 PARTNERSHIP, OR SUBSTANTIALLY SIMILAR LEGAL RELATIONSHIP BETWEEN
5 TWO PERSONS THAT IS LEGALLY CREATED IN ANOTHER JURISDICTION
6 SHALL BE DEEMED TO BE A CIVIL UNION FOR PURPOSES OF COLORADO LAW
7 AS SET FORTH IN THIS ARTICLE.

8 **14-15-117. Application of article to joint tax returns -**
9 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT
10 CURRENT FEDERAL LAW PROHIBITS THE FILING OF A JOINT INCOME TAX
11 RETURN BY PARTIES WHO ARE NOT CONSIDERED LEGALLY MARRIED UNDER
12 FEDERAL LAW. SINCE COLORADO INCOME TAX FILINGS ARE TIED TO THE
13 FEDERAL INCOME TAX FORM BY REQUIRING TAXPAYERS TO PAY A
14 PERCENTAGE OF THEIR FEDERAL TAXABLE INCOME AS THEIR STATE
15 INCOME TAXES, THIS PREVENTS THE FILING BY THE PARTIES TO A CIVIL
16 UNION OF A JOINT STATE INCOME TAX RETURN.

17 (2) UNTIL A STATUTORY CHANGE IS ENACTED TO AUTHORIZE THE
18 FILING OF A JOINT STATE INCOME TAX RETURN BY PARTIES TO A CIVIL
19 UNION, THIS ARTICLE SHALL NOT BE CONSTRUED TO PERMIT THE FILING OF
20 A JOINT STATE INCOME TAX RETURN BY THE PARTIES TO A CIVIL UNION.

21 **14-15-118. Construction.** THE PROVISIONS OF THIS ARTICLE
22 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
23 TO A CIVIL UNION OR ALTER THE PUBLIC POLICY OF THIS STATE, WHICH
24 RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A
25 MARRIAGE.

26 **14-15-119. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
27 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD

1 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
2 APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
3 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
4 THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

5 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-2-105 as
6 follows:

7 **25-2-105. Vital statistics, reports, and certificates - forms and**
8 **information to be included.** (1) The state registrar shall prescribe,
9 furnish, and distribute such forms as are required by this article and shall
10 furnish and distribute such rules ~~and regulations~~ as are promulgated
11 pursuant to section 25-2-103. The state registrar may also prescribe such
12 other means for transmission of data as will accomplish the purpose of
13 complete and accurate reporting and registration.

14 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND
15 DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH
16 RESPECT TO CIVIL UNION CERTIFICATES, AS DEFINED IN SECTION 14-15-103
17 (2), C.R.S.

18 **SECTION 3.** In Colorado Revised Statutes, **add** 25-2-106.5 and
19 25-2-107.5 as follows:

20 **25-2-106.5. Reports of civil unions.** EACH COUNTY CLERK AND
21 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION
22 AND USING THE FORM AS MAY BE PRESCRIBED AND FURNISHED BY THE
23 STATE REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED CIVIL UNION
24 CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-112,
25 C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE
26 FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, THE COUNTY CLERK
27 AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL

1 UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE
2 PRECEDING PERIOD. THE COUNTY CLERK AND RECORDER MAY ISSUE
3 CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

4 **25-2-107.5. Reports of dissolution of civil unions, legal**
5 **separation of civil unions, or declarations of invalidity of civil unions**

6 - fee. (1) THE CLERK OF EACH COURT SHALL PREPARE A REPORT
7 CONTAINING SUCH INFORMATION AND USING SUCH FORM AS MAY BE
8 PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO
9 EVERY DECREE ENTERED BY THE COURT FOR THE DISSOLUTION OF A CIVIL
10 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
11 INVALIDITY OF A CIVIL UNION, AND EVERY DECREE AMENDING OR
12 NULLIFYING SUCH A DECREE. ON OR BEFORE THE TENTH DAY OF EACH
13 MONTH, OR MORE FREQUENTLY IF SO REQUESTED BY THE STATE
14 REGISTRAR, THE CLERK SHALL FORWARD TO THE STATE REGISTRAR THE
15 REPORTS FOR ALL SUCH DECREES ENTERED DURING THE PRECEDING
16 PERIOD.

17 (2) IN ORDER TO DEFRAY THE COSTS OF MAINTENANCE OF VITAL
18 STATISTICS RECORDS, THE CLERK OF THE COURT SHALL ASSESS A FEE OF
19 THREE DOLLARS UPON EACH ACTION FILED FOR A DISSOLUTION OF A CIVIL
20 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
21 INVALIDITY OF A CIVIL UNION THAT IS FILED IN THE OFFICE OF EACH CLERK
22 OF A COURT OF RECORD IN THIS STATE ON OR AFTER THE EFFECTIVE DATE
23 OF THIS SECTION. THE CLERK SHALL KEEP ANY FEES SO COLLECTED IN A
24 SEPARATE FUND, AND EACH MONTH THE CLERK SHALL TRANSMIT THOSE
25 FEES COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
26 TO THE VITAL STATISTICS RECORDS CASH FUND CREATED IN SECTION
27 25-2-121.

1 **SECTION 4.** In Colorado Revised Statutes, 25-2-117, **amend** (2)
2 (d) and (2) (e); and **add** (2) (f) as follows:

3 **25-2-117. Certified copies furnished - fee.** (2) An applicant
4 shall pay fees established pursuant to section 25-2-121 for each of the
5 following services:

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

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

9 (f) THE VERIFICATION OF A CIVIL UNION OR DISSOLUTION OF A
10 CIVIL UNION.

11 **SECTION 5.** In Colorado Revised Statutes, 2-4-401, **add** (1.3),
12 (1.4), (3.7), and (7.5) as follows:

13 **2-4-401. Definitions.** The following definitions apply to every
14 statute, unless the context otherwise requires:

15 (1.3) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO
16 ELIGIBLE PERSONS PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF
17 TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND
18 PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

19 (1.4) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
20 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
21 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THE
22 PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

23 (3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS
24 RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

25 (7.5) "PARTNER IN A CIVIL UNION" OR "PARTY TO A CIVIL UNION"
26 MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE
27 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

1 **SECTION 6.** In Colorado Revised Statutes, 8-73-108, **amend** (4)
2 (b) (I), (4) (r), (4) (s) (I), (4) (t) (I), (4) (u) (I), and (4) (v) as follows:

3 **8-73-108. Benefit awards - repeal. (4) Full award.** An
4 individual separated from a job shall be given a full award of benefits if
5 any of the following reasons and pertinent conditions related thereto are
6 determined by the division to have existed. The determination of whether
7 or not the separation from employment shall result in a full award of
8 benefits shall be the responsibility of the division. The following reasons
9 shall be considered, along with any other factors that may be pertinent to
10 such determination:

11 (b) (I) The health of the worker is such that the worker is
12 separated from his or her employment and must refrain from working for
13 a period of time that exceeds the greater of the employer's medical leave
14 of absence policy or the provisions of the federal "Family and Medical
15 Leave Act of 1993", if applicable, or the worker's health is such that the
16 worker must seek a new occupation, or the health of the worker or the
17 worker's spouse, PARTNER IN A CIVIL UNION, or dependent child is such
18 that the worker must leave the vicinity of the worker's employment;
19 except that, if the health of the worker or the worker's spouse, PARTNER
20 IN A CIVIL UNION, or dependent child has caused the separation from
21 work, the worker, in order to be entitled to a full award, must have
22 complied with the following requirements: Informed the worker's
23 employer in writing, if the employer has posted or given actual advance
24 notice of this writing requirement, of the condition of the worker's health
25 or the health of the worker's spouse, PARTNER IN A CIVIL UNION, or
26 dependent child prior to separation from employment and allowed the
27 employer the opportunity to make reasonable accommodations for the

1 worker's condition; substantiated the cause by a competent written
2 medical statement issued by a licensed practicing physician prior to the
3 date of separation from employment when so requested by the employer
4 prior to the date of separation from employment or within a reasonable
5 period thereafter; submitted himself or herself or the worker's spouse,
6 PARTNER IN A CIVIL UNION, or dependent child to an examination by a
7 licensed practicing physician selected and paid by the interested employer
8 when so requested by the employer prior to the date of separation from
9 employment or within a reasonable period thereafter; or provided the
10 division, when so requested, with a written medical statement issued by
11 a licensed practicing physician. For purposes of providing the medical
12 statement or submitting to an examination for an employer, "a reasonable
13 period thereafter" shall include the time before adjudication by either a
14 deputy or referee of the division. An award of benefits pursuant to this
15 subparagraph (I) shall include benefits to a worker who, either voluntarily
16 or involuntarily, is separated from employment because of pregnancy and
17 who otherwise satisfies the requirements of this subparagraph (I).

18 (r) (I) Separating from a job because of domestic violence may be
19 reason for a determination for a full award if:

20 (A) The worker reasonably believes that his or her continued
21 employment would jeopardize the safety of the worker or any member of
22 the worker's immediate family and provides the division with
23 substantiating documentation as described in sub-subparagraph (B) or (C)
24 of this subparagraph (I); or

25 (B) The worker provides the division with an active or recently
26 issued protective order or other order documenting the domestic violence
27 or a police record documenting recent domestic violence; or

1 (C) The worker provides the division with a statement
2 substantiating recent domestic violence from a qualified professional
3 from whom the worker has sought assistance for the domestic violence,
4 such as a counselor, shelter worker, member of the clergy, attorney, or
5 health worker.

6 (II) If the worker does not meet the provisions of subparagraph (I)
7 of this paragraph (r), the worker shall be held to have voluntarily
8 terminated employment for the purposes of determining benefits pursuant
9 to subparagraph (XXII) of paragraph (e) of subsection (5) of this section.

10 (III) Any benefits awarded to the claimant under the provisions of
11 this paragraph (r) normally chargeable to the employer shall be charged
12 to the fund.

13 (IV) The director of the division shall adopt rules as necessary to
14 implement and administer this paragraph (r).

15 (V) As used in this paragraph (r), "immediate family" means the
16 worker's spouse, PARTNER IN A CIVIL UNION, parent, or minor child under
17 eighteen years of age.

18 (s) (I) Quitting a job to relocate as a result of the transfer of the
19 individual's spouse OR PARTNER IN A CIVIL UNION to a new place of
20 residence, either within or outside Colorado, from which it is impractical
21 to commute to the place of employment, and upon arrival at the new place
22 of residence, the individual is in all respects available for suitable work.
23 The spouse OR PARTNER IN A CIVIL UNION shall be a member of the United
24 States armed forces who is on active duty as defined in 10 U.S.C. sec. 101
25 (d) (1), active guard and reserve duty as defined in 10 U.S.C. sec. 101 (d)
26 (6), or active duty pursuant to title 10 or 32 of the United States Code.

27 (t) (I) Quitting a job to relocate to a new place of residence, either

1 within or outside Colorado, from which it is impractical to commute to
2 the place of employment because the individual's spouse OR PARTNER IN
3 A CIVIL UNION, who was stationed in Colorado, is killed in combat. Upon
4 arrival at the new place of residence, the individual shall be available, in
5 all respects, for suitable work. The individual's spouse OR PARTNER IN A
6 CIVIL UNION shall have been a member of the United States armed forces
7 who was on active duty as defined in 10 U.S.C. sec. 101 (d) (1), active
8 guard and reserve duty as defined in 10 U.S.C. sec. 101 (d) (6), or active
9 duty pursuant to title 10 or 32 of the United States Code.

10 (u) (I) Separating from a job due to a change in location of the
11 employment of the worker's spouse OR PARTNER IN A CIVIL UNION that
12 necessitates a new place of residence for the worker, either within or
13 outside Colorado, from which it is impractical to commute to the worker's
14 place of employment, and upon arrival at the new place of residence, the
15 individual is in all respects available for suitable work. The director of the
16 division shall adopt rules as necessary to implement and administer this
17 paragraph (u).

18 (v) (I) Separating from a job because a member of the worker's
19 immediate family is suffering from an illness that requires the worker to
20 care for the immediate family member for a period that exceeds the
21 greater of the employer's medical leave of absence policy or the
22 provisions of the federal "Family and Medical Leave Act of 1993" if the
23 worker meets the following requirements:

24 (A) The worker informed his or her employer, if the employer has
25 posted or given actual advance notice of the requirement to so inform the
26 employer, of the condition of the worker's immediate family member; and

27 (B) The worker provides the division, when requested, a

1 competent statement verifying the condition of the worker's immediate
2 family member.

3 (II) Separating from a job because a member of the worker's
4 immediate family is suffering from a disability that requires the worker
5 to care for the immediate family member for a period that exceeds the
6 greater of the employer's medical leave of absence policy or the
7 provisions of the federal "Family and Medical Leave Act of 1993" if the
8 worker meets the following requirements:

9 (A) The worker informed his or her employer, if the employer has
10 posted or given actual advance notice of the requirement to so inform the
11 employer, of the condition of the worker's immediate family member; and

12 (B) The worker provides the division, when requested, a
13 competent statement verifying the condition of the worker's immediate
14 family member.

15 (III) The director of the division shall adopt rules as necessary to
16 implement and administer this paragraph (v).

17 (IV) Any benefits awarded to the claimant under this paragraph
18 (v) normally chargeable to the employer shall be charged to the fund, and
19 any such benefits shall not affect an employer's premium.

20 (V) As used in this paragraph (v):

21 (A) "Disability" means all types of verified disability, including,
22 without limitation, mental and physical disabilities; permanent and
23 temporary disabilities; and partial and total disabilities.

24 (B) "Illness" means verified poor health or sickness.

25 (C) "Immediate family member" means the worker's spouse,
26 PARTNER IN A CIVIL UNION, parent, or minor child under eighteen years of
27 age.

1 **SECTION 7.** In Colorado Revised Statutes, 10-16-102, **amend**
2 (14) as follows:

3 **10-16-102. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION,
6 an unmarried child under nineteen years of age, an unmarried child who
7 is a full-time student under twenty-four years of age and who is
8 financially dependent upon the parent, and an unmarried child of any age
9 who is medically certified as disabled and dependent upon the parent.
10 "Dependent" shall include a designated beneficiary, as defined in section
11 15-22-103 (1), C.R.S., if an employer elects to cover a designated
12 beneficiary as a dependent.

13 **SECTION 8.** In Colorado Revised Statutes, 13-32-101, **add** (1)
14 (a.5) and (1) (b.5) as follows:

15 **13-32-101. Docket fees in civil actions - judicial stabilization**
16 **cash fund - support registry fund created.** (1) At the time of first
17 appearance in all civil actions and special proceedings in all courts of
18 record, except in the supreme court and the court of appeals, and except
19 in the probate proceedings in the district court or probate court of the city
20 and county of Denver, and except as provided in subsection (3) of this
21 section and in sections 13-32-103 and 13-32-104, there shall be paid in
22 advance the total docket fees, as follows:

23 (a.5) ON AND AFTER OCTOBER 1, 2013, BY THE PETITIONER IN A
24 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
25 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
26 THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT
27 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED

1 THIRTY DOLLARS;

2 (b.5) ON AND AFTER OCTOBER 1, 2013, BY THE RESPONDENT IN A
3 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
4 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
5 THE RESPONDENT TO AN ACTION FOR A DECLARATORY JUDGMENT
6 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF ONE HUNDRED
7 SIXTEEN DOLLARS;

8 **SECTION 9.** In Colorado Revised Statutes, 13-32-101, **amend**
9 (5) (a) introductory portion, (5) (a) (VII), and (5) (b) introductory portion
10 as follows:

11 **13-32-101. Docket fees in civil actions - judicial stabilization**
12 **cash fund - support registry fund created.** (5) (a) Each fee collected
13 pursuant to paragraph (a) OR (a.5) of subsection (1) of this section shall
14 be transmitted to the state treasurer and divided as follows:

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

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

21 **SECTION 10.** In Colorado Revised Statutes, 13-90-107, **amend**
22 (1) (l) (II) (D); and **add** (1) (a.5) and (1) (l) (III) (C) as follows:

23 **13-90-107. Who may not testify without consent.** (1) There are
24 particular relations in which it is the policy of the law to encourage
25 confidence and to preserve it inviolate; therefore, a person shall not be
26 examined as a witness in the following cases:

27 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13-310

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

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

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

26 (IV) THE BURDEN OF PROVING THE EXISTENCE OF A CIVIL UNION
27 FOR THE PURPOSES OF THIS PARAGRAPH (a.5) SHALL BE ON THE PARTY

1 ASSERTING THE CLAIM.

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

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

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

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

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

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

19 **SECTION 11.** In Colorado Revised Statutes, **add** 14-2-307.5 as
20 follows:

21 **14-2-307.5. Applicability of article and case law to agreements**
22 **relating to civil unions.** PROSPECTIVE PARTIES TO A CIVIL UNION AND
23 PRESENT PARTIES TO A CIVIL UNION MAY CONTRACT TO MAKE AN
24 AGREEMENT RELATING TO THE CIVIL UNION THAT INCLUDES ANY OF THE
25 RIGHTS AND OBLIGATIONS THAT MAY BE INCLUDED IN A MARITAL
26 AGREEMENT PURSUANT TO SECTION 14-2-304, BUT ONLY IF THE
27 AGREEMENT IS SIGNED BY BOTH PARTIES PRIOR TO THE FILING OF AN

1 ACTION FOR LEGAL SEPARATION OF THE CIVIL UNION, DISSOLUTION OF THE
2 CIVIL UNION, OR FOR DECLARATION OF INVALIDITY OF THE CIVIL UNION.
3 THE PROVISIONS OF THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS
4 ARTICLE APPLY TO ANY AGREEMENT MADE BY PROSPECTIVE PARTIES TO A
5 CIVIL UNION OR BETWEEN PRESENT PARTIES TO A CIVIL UNION.

6 **SECTION 12.** In Colorado Revised Statutes, 14-4-107, **amend**
7 (2) (a) and (4.5) as follows:

8 **14-4-107. Family violence justice fund - creation - grants from**
9 **fund.** (2) Grants from the fund shall be used to fund qualifying
10 organizations to provide legal advice, representation, and advocacy for
11 and on behalf of indigent clients who are victims of family violence.
12 Moneys from the fund may be provided for services that include, but are
13 not limited to:

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

26 (4.5) Notwithstanding any other provision of this section, the state
27 court administrator shall apply the moneys generated from fees collected

1 pursuant to section 13-32-101 ~~(1)(a) and (1)(b)~~ (1) (a), (1) (a.5), (1) (b),
2 AND (1) (b.5), C.R.S., and transferred pursuant to section 13-32-101 (5)
3 (a) (X) and (5) (b) (II), C.R.S., to grants to qualifying organizations that
4 provide services described in subsection (2) of this section for or on
5 behalf of indigent persons or their families ~~who~~ WHICH PERSONS are
6 married, separated, or divorced OR PARTIES TO A CIVIL UNION OR AN
7 INVALIDATED, LEGALLY SEPARATED, OR DISSOLVED CIVIL UNION.

8 **SECTION 13.** In Colorado Revised Statutes, 14-10-105, **add**
9 (2.5) as follows:

10 **14-10-105. Application of Colorado rules of civil procedure.**
11 (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL
12 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL BE
13 ENTITLED "IN RE THE CIVIL UNION OF AND".

14 **SECTION 14.** In Colorado Revised Statutes, **add** 14-10-106.5 as
15 follows:

16 **14-10-106.5. Dissolution of civil unions - legal separation -**
17 **jurisdiction - applicability of article and case law.** (1) ANY PERSON
18 WHO ENTERS INTO A CIVIL UNION IN COLORADO PURSUANT TO ARTICLE 15
19 OF THIS TITLE CONSENTS TO THE JURISDICTION OF THE COURTS OF
20 COLORADO FOR THE PURPOSE OF ANY ACTION RELATING TO A CIVIL UNION
21 EVEN IF ONE OR BOTH PARTIES CEASE TO RESIDE IN THIS STATE. IN A
22 MATTER SEEKING A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION
23 OF INVALIDITY OF A CIVIL UNION, THE COURT SHALL FOLLOW THE
24 PROCEDURES THAT ARE SET FORTH IN THIS ARTICLE FOR DISSOLUTION,
25 LEGAL SEPARATION, OR DECLARATION OF INVALIDITY. THE PROVISIONS OF
26 THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO
27 THE DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY

1 OF A CIVIL UNION.

2 (2) THE COURT SHALL FOLLOW THE LAWS OF COLORADO IN A
3 MATTER FILED IN COLORADO THAT IS SEEKING A DISSOLUTION, LEGAL
4 SEPARATION, OR INVALIDITY OF A CIVIL UNION THAT WAS ENTERED INTO
5 IN ANOTHER JURISDICTION.

6 **SECTION 15.** In Colorado Revised Statutes, **amend** 14-10-120.5
7 as follows:

8 **14-10-120.5. Petition - fee - assessment - displaced**
9 **homemakers fund.** (1) There shall be assessed against a nonindigent
10 petitioner a fee of five dollars for each filing of a petition for dissolution
11 of marriage, declaration of invalidity of marriage, legal separation, or
12 declaratory judgment concerning the status of marriage. All such fees
13 collected shall be transmitted to the state treasurer for deposit in the
14 displaced homemakers fund created pursuant to section 8-15.5-108,
15 C.R.S.

16 (1.5) THERE SHALL BE ASSESSED AGAINST A NONINDIGENT
17 PETITIONER A FEE OF FIVE DOLLARS FOR EACH FILING OF A PETITION FOR
18 DISSOLUTION OF A CIVIL UNION, DECLARATION OF INVALIDITY OF A CIVIL
19 UNION, LEGAL SEPARATION, OR DECLARATORY JUDGMENT CONCERNING
20 THE STATUS OF A CIVIL UNION. ALL SUCH FEES COLLECTED SHALL BE
21 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE DISPLACED
22 HOMEMAKERS FUND CREATED PURSUANT TO SECTION 8-15.5-108, C.R.S.

23 (2) Notwithstanding the amount specified for the fee in subsection
24 (1) OR (1.5) of this section, the chief justice of the supreme court by rule
25 or as otherwise provided by law may reduce the amount of the fee if
26 necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the
27 uncommitted reserves of the fund to which all or any portion of the fee is

1 credited. After the uncommitted reserves of the fund are sufficiently
2 reduced, the chief justice by rule or as otherwise provided by law may
3 increase the amount of the fee as provided in section 24-75-402 (4),
4 C.R.S.

5 **SECTION 16.** In Colorado Revised Statutes, 14-13-310, **add** (5)
6 as follows:

7 **14-13-310. Hearing and order.** (5) A PRIVILEGE AGAINST
8 DISCLOSURE OF COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION
9 AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF PARTNERS
10 IN A CIVIL UNION OR PARENT AND CHILD MAY NOT BE INVOKED IN A
11 PROCEEDING UNDER THIS PART 3.

12 **SECTION 17.** In Colorado Revised Statutes, 15-12-203, **amend**
13 (1) as follows:

14 **15-12-203. Priority among persons seeking appointment as**
15 **personal representative.** (1) Whether the proceedings are formal or
16 informal, persons who are not disqualified have priority for appointment
17 in the following order:

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

20 (b) The surviving spouse of the decedent who is a devisee of the
21 decedent;

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

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

27 (c) Other devisees of the decedent;

- 1 (d) The surviving spouse of the decedent;
- 2 (d.5) THE SURVIVING PARTY TO A CIVIL UNION ENTERED INTO IN
- 3 ACCORDANCE WITH ARTICLE 15 OF TITLE 14, C.R.S.;
- 4 (e) Other heirs of the decedent;
- 5 (f) Forty-five days after the death of the decedent, any creditor.

6 **SECTION 18.** In Colorado Revised Statutes, 15-14-304, **amend**
7 (2) (b) (I) (A) and (2) (b) (II) as follows:

8 **15-14-304. Judicial appointment of guardian - petition.**

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

- 13 (b) (I) The name and address of the respondent's:
 - 14 (A) Spouse OR PARTNER IN A CIVIL UNION or, if the respondent has
 - 15 none, an adult with whom the respondent has resided for more than six
 - 16 months within one year before the filing of the petition; and
- 17 (II) If the respondent has neither spouse, PARTNER IN A CIVIL
- 18 UNION, adult child, nor parent, at least one of the adults nearest in kinship
- 19 to the respondent who can be found with reasonable efforts;

20 **SECTION 19.** In Colorado Revised Statutes, 15-14-310, **amend**
21 (1) as follows:

22 **15-14-310. Who may be guardian - priorities - prohibition of**

23 **dual roles.** (1) Subject to subsection (4) of this section, the court in
24 appointing a guardian shall consider persons otherwise qualified in the
25 following order of priority:

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

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

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

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

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

11 (e.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT OR A
12 PERSON NOMINATED BY WILL OR OTHER SIGNED WRITING OF A DECEASED
13 PARTNER IN A CIVIL UNION;

14 (f) An adult child of the respondent;

15 (g) A parent of the respondent or an individual nominated by will
16 or other signed writing of a deceased parent; and

17 (h) An adult with whom the respondent has resided for more than
18 six months immediately before the filing of the petition.

19 **SECTION 20.** In Colorado Revised Statutes, 15-14-413, **amend**
20 (1) and (3) as follows:

21 **15-14-413. Who may be conservator - priorities - prohibition**
22 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this
23 section, the court, in appointing a conservator, shall consider persons
24 otherwise qualified in the following order of priority:

25 (a) A conservator, guardian of the estate, or other like fiduciary
26 appointed or recognized by an appropriate court of any other jurisdiction
27 in which the protected person resides;

1 (b) A person nominated as conservator by the respondent,
2 including the respondent's specific nomination of a conservator made in
3 a durable power of attorney or given priority to be a conservator in a
4 designated beneficiary agreement made pursuant to article 22 of this title,
5 if the respondent has attained twelve years of age;

6 (c) An agent appointed by the respondent to manage the
7 respondent's property under a durable power of attorney;

8 (d) The spouse of the respondent;

9 (d.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT;

10 (e) An adult child of the respondent;

11 (f) A parent of the respondent; and

12 (g) An adult with whom the respondent has resided for more than
13 six months immediately before the filing of the petition.

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

18 **SECTION 21.** In Colorado Revised Statutes, 15-22-103, **amend**
19 (3) (j) and (3) (k); and **add** (3) (l) as follows:

20 **15-22-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (3) "Superseding legal document" means a legal document,
23 regardless of the date of execution, that is valid and enforceable and
24 conflicts with all or a portion of a designated beneficiary agreement and,
25 therefore, causes the designated beneficiary agreement in whole or in part
26 to be replaced or set aside. To the extent there is a conflict between a
27 superseding legal document and a designated beneficiary agreement, the

1 superseding legal document controls. A superseding legal document may
2 include, but need not be limited to, any of the following:

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

5 (k) A marriage license; OR

6 (l) A CIVIL UNION CERTIFICATE.

7 **SECTION 22.** In Colorado Revised Statutes, 15-22-104, **amend**
8 (1) (a) as follows:

9 **15-22-104. Requirements for a valid designated beneficiary**
10 **agreement.** (1) A designated beneficiary agreement shall be legally
11 recognized if:

12 (a) The parties to the designated beneficiary agreement satisfy all
13 of the following criteria:

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

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

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

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

18 (IV) Neither party is a party to another designated beneficiary
19 agreement; and

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

22 **SECTION 23.** In Colorado Revised Statutes, 19-5-202, **add** (4)
23 and (5) as follows:

24 **19-5-202. Who may adopt.** (4) A PERSON HAVING A LIVING
25 PARTNER IN A CIVIL UNION FROM WHOM THE PERSON IS NOT LEGALLY
26 SEPARATED SHALL PETITION JOINTLY WITH THE PARTNER, UNLESS THE
27 PARTNER IS THE NATURAL PARENT OF THE CHILD TO BE ADOPTED OR HAS

1 PREVIOUSLY ADOPTED THE CHILD.

2 (5) A PERSON WHO IS A PARTNER IN A CIVIL UNION MAY ADOPT A
3 CHILD OF THE OTHER PARTNER THROUGH THE SAME PROCESS OUTLINED IN
4 SECTION 19-5-203 FOR A STEPPARENT ADOPTION AND SHALL BE
5 CONSIDERED A STEPPARENT FOR THE PURPOSE OF DETERMINING WHETHER
6 A CHILD IS AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1).

7 **SECTION 24.** In Colorado Revised Statutes, 24-34-301, **add**
8 (4.5) as follows:

9 **24-34-301. Definitions.** As used in parts 3 to 7 of this article,
10 unless the context otherwise requires:

11 (4.5) "MARITAL STATUS" MEANS A RELATIONSHIP OR A SPOUSAL
12 STATUS OF A PERSON, INCLUDING BUT NOT LIMITED TO BEING SINGLE,
13 COHABITATING, ENGAGED, WIDOWED, MARRIED, IN A CIVIL UNION, OR
14 LEGALLY SEPARATED, OR A RELATIONSHIP OR A SPOUSAL STATUS OF A
15 PERSON WHO HAS HAD OR IS IN THE PROCESS OF HAVING A MARRIAGE OR
16 CIVIL UNION DISSOLVED OR DECLARED INVALID.

17 **SECTION 25.** In Colorado Revised Statutes, 24-50-603, **add** (5)
18 (c.5) as follows:

19 **24-50-603. Definitions.** As used in this part 6, unless the context
20 otherwise requires:

21 (5) "Dependent" means:

22 (c.5) AN EMPLOYEE'S PARTNER IN A CIVIL UNION WHO HAS
23 SUBMITTED DOCUMENTATION DEMONSTRATING THE CREATION OF A CIVIL
24 UNION WITH THE EMPLOYEE;

25 **SECTION 26.** In Colorado Revised Statutes, 24-72-204, **amend**
26 (3) (a) (XIX) (A) and (3) (a) (XIX) (B) as follows:

27 **24-72-204. Allowance or denial of inspection - grounds -**

1 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
2 right of inspection of the following records, unless otherwise provided by
3 law; except that any of the following records, other than letters of
4 reference concerning employment, licensing, or issuance of permits, shall
5 be available to the person in interest under this subsection (3):

6 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C)
7 of this subparagraph (XIX), applications for a marriage license submitted
8 pursuant to section 14-2-106, C.R.S., AND, EXCEPT AS PROVIDED IN
9 SUB-SUBPARAGRAPHS (B) AND (C) OF THIS SUBPARAGRAPH (XIX),
10 APPLICATIONS FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO
11 SECTION 14-15-110, C.R.S. A person in interest under this subparagraph
12 (XIX) includes an immediate family member of either party to the
13 marriage application. As used in this subparagraph (XIX), "immediate
14 family member" means a person who is related by blood, marriage, or
15 adoption. Nothing in this subparagraph (XIX) shall be construed to
16 prohibit the inspection of marriage licenses or marriage certificates OR OF
17 CIVIL UNION CERTIFICATES or to otherwise change the status of those
18 licenses or certificates as public records.

19 (B) Any record of an application for a marriage license submitted
20 pursuant to section 14-2-106, C.R.S., AND ANY RECORD OF AN
21 APPLICATION FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO
22 SECTION 14-15-110, C.R.S., shall be made available for public inspection
23 fifty years after the date that record was created.

24 **SECTION 27.** In Colorado Revised Statutes, 26-7.5-105, **amend**
25 (1) (b) as follows:

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

27 (1) (b) Moneys generated from fees collected pursuant to ~~section~~

1 SECTIONS 14-2-106 (1) (a) AND 14-15-110, C.R.S., or transferred pursuant
2 to section 13-21-101 (5) (a) (X) or (5) (b) (II), C.R.S., shall be used to
3 reimburse domestic abuse programs that provide services as provided in
4 section 26-7.5-103 to PERSONS OR THEIR FAMILIES, WHICH PERSONS ARE
5 married, separated, or divorced ~~persons or their families~~ OR PARTIES TO
6 A CIVIL UNION OR AN INVALIDATED, LEGALLY SEPARATED, OR DISSOLVED
7 CIVIL UNION.

8 **SECTION 28. Effective date.** This act takes effect May 1, 2013;
9 except that section 7 of this act takes effect January 1, 2014.

10 **SECTION 29. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.