

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

ENGROSSED

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

LLS NO. 13-0088.01 Debbie Haskins x2045

SENATE BILL 13-011

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Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION OF CIVIL UNIONS, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.

SENATE
Amended 2nd Reading
February 8, 2013

certificate with the county clerk and 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 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

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

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

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

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

27 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH

1 AND ENVIRONMENT.

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

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

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

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

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

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

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

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

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

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

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

1 **14-15-106. Restrictions as to minors and wards.** (1) A COUNTY
2 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER
3 PARTY TO THE INTENDED CIVIL UNION IS:

4 (a) UNDER EIGHTEEN YEARS OF AGE; OR

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

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

10 **14-15-107. Rights, benefits, protections, duties, obligations,**
11 **responsibilities, and other incidents of parties to a civil union.** (1) A

12 PARTY TO A CIVIL UNION HAS THE RIGHTS, BENEFITS, PROTECTIONS,
13 DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER
14 LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, WHETHER THOSE
15 RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES,
16 AND OTHER INCIDENTS DERIVE FROM STATUTE, ADMINISTRATIVE OR
17 COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF LAW.

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

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

26 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT
27 LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION,

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

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

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

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

16 (c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL
17 STATUS, INCLUDING BUT NOT LIMITED TO THE PROVISIONS OF PARTS 3 TO
18 7 OF ARTICLE 34 OF TITLE 24, C.R.S.;

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

24 (e) WORKERS' COMPENSATION BENEFITS;

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

- 1 (g) ADOPTION LAW AND PROCEDURE;
- 2 (h) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
3 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;
- 4 (i) THE RIGHT TO DESIGNATE A PARTY TO A CIVIL UNION AS A
5 BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
- 6 (j) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER
7 AND POLICE PENSIONS;
- 8 (k) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
9 TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION
10 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND
11 PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.;
- 12 (l) RIGHTS TO APPLY FOR COMPENSATION AS A RELATIVE OF A
13 VICTIM UNDER THE "COLORADO CRIME VICTIM COMPENSATION ACT",
14 PURSUANT TO PART 1 OF ARTICLE 4.1 OF TITLE 24, C.R.S., RIGHTS TO
15 RECEIVE RESTITUTION UNDER PART 2 OF ARTICLE 4.1 OF TITLE 24, C.R.S.,
16 AND THE RIGHT TO BE INFORMED OF CRITICAL STAGES OF THE CRIMINAL
17 JUSTICE PROCESS AND TO BE ACCORDED THE RIGHTS AND PROTECTIONS OF
18 VICTIMS OF AND WITNESSES TO CRIMES UNDER PARTS 2 AND 3 OF ARTICLE
19 4.1 OF TITLE 24, C.R.S.;
- 20 (m) LAWS, POLICIES, OR PROCEDURES RELATING TO EMERGENCY
21 AND NONEMERGENCY MEDICAL CARE AND TREATMENT AND HOSPITAL
22 VISITATION AND NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME
23 PATIENTS DESCRIBED IN SECTION 25-1-120, C.R.S.;
- 24 (n) LAWS OR RULES REGARDING THE RIGHT TO VISIT A PARTNER
25 WHO IS IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102
26 (1.7), C.R.S., A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S.,
27 OR A PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102 (7.3),

1 C.R.S., OR WHO IS RECEIVING TREATMENT IN A PUBLIC HOSPITAL OR A
2 LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH
3 CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT
4 PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

5 (o) LAWS RELATING TO:

6 (I) DECLARATIONS CONCERNING THE ADMINISTRATION,
7 WITHHOLDING, OR WITHDRAWING OF MEDICAL TREATMENT, WHICH
8 DECLARATIONS ARE MADE PURSUANT TO THE PROVISIONS OF THE
9 "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE
10 15, C.R.S.;

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

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

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

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

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

24 (r) FAMILY LEAVE BENEFITS;

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

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

1 (u) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY
2 COMMITMENT OF A PARTY TO A CIVIL UNION;

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

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

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

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

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

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

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

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

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

1 AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1)(d), C.R.S.

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

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

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

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

27 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR HAS

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

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

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

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

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

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

26 (2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN
27 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,

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

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

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

27 (2) WITHIN SIXTY-THREE DAYS AFTER THE DATE ON WHICH THE

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

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

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

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

1 **14-15-114. Evidence of civil union.** A COPY OF THE CIVIL UNION
2 CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A
3 RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR IS
4 PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

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

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

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

27 **14-15-116. Reciprocity - principle of comity.** (1) A

1 RELATIONSHIP BETWEEN TWO PERSONS THAT DOES NOT COMPLY WITH
2 SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION BUT THAT WAS
3 LEGALLY ENTERED INTO IN ANOTHER JURISDICTION IS DEEMED IN
4 COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS ARTICLE.

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

10 **14-15-117. Application of article to joint tax returns -**

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

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

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

1 **14-15-119. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
2 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD
3 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
4 APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
5 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
6 THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

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

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

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

20 **SECTION 3.** In Colorado Revised Statutes, **add** 25-2-106.5 and
21 25-2-107.5 as follows:

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

1 FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, THE COUNTY CLERK
2 AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL
3 UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE
4 PRECEDING PERIOD. THE COUNTY CLERK AND RECORDER MAY ISSUE
5 CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

6 **25-2-107.5. Reports of dissolution of civil unions, legal**
7 **separation of civil unions, or declarations of invalidity of civil unions**

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

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

1 TO THE VITAL STATISTICS RECORDS CASH FUND CREATED IN SECTION
2 25-2-121.

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

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

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

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

11 (f) THE VERIFICATION OF A CIVIL UNION OR DISSOLUTION OF A
12 CIVIL UNION.

13 **SECTION 5.** In Colorado Revised Statutes, 2-4-401, **add** (1.3),
14 (1.4), (3.7), and (7.5) as follows:

15 **2-4-401. Definitions.** The following definitions apply to every
16 statute, unless the context otherwise requires:

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

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

25 (3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS
26 RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

27 (7.5) "PARTNER IN A CIVIL UNION" OR "PARTY TO A CIVIL UNION"

1 MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE
2 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

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

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

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

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

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

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

27 (B) The worker provides the division with an active or recently

1 issued protective order or other order documenting the domestic violence
2 or a police record documenting recent domestic violence; or

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

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

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

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

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

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

1 (6), or active duty pursuant to title 10 or 32 of the United States Code.

2 (t) (I) Quitting a job to relocate to a new place of residence, either
3 within or outside Colorado, from which it is impractical to commute to
4 the place of employment because the individual's spouse OR PARTNER IN
5 A CIVIL UNION, who was stationed in Colorado, is killed in combat. Upon
6 arrival at the new place of residence, the individual shall be available, in
7 all respects, for suitable work. The individual's spouse OR PARTNER IN A
8 CIVIL UNION shall have been a member of the United States armed forces
9 who was on active duty as defined in 10 U.S.C. sec. 101 (d) (1), active
10 guard and reserve duty as defined in 10 U.S.C. sec. 101 (d) (6), or active
11 duty pursuant to title 10 or 32 of the United States Code.

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

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

26 (A) The worker informed his or her employer, if the employer has
27 posted or given actual advance notice of the requirement to so inform the

1 employer, of the condition of the worker's immediate family member; and

2 (B) The worker provides the division, when requested, a
3 competent statement verifying the condition of the worker's immediate
4 family member.

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

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

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

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

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

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

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

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

27 (C) "Immediate family member" means the worker's spouse,

1 PARTNER IN A CIVIL UNION, parent, or minor child under eighteen years of
2 age.

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

5 **10-16-102. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION,
8 an unmarried child under nineteen years of age, an unmarried child who
9 is a full-time student under twenty-four years of age and who is
10 financially dependent upon the parent, and an unmarried child of any age
11 who is medically certified as disabled and dependent upon the parent.
12 "Dependent" shall include a designated beneficiary, as defined in section
13 15-22-103 (1), C.R.S., if an employer elects to cover a designated
14 beneficiary as a dependent.

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

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

25 (a.5) ON AND AFTER OCTOBER 1, 2013, BY THE PETITIONER IN A
26 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
27 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY

1 THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT
2 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED
3 THIRTY DOLLARS;

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

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

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

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

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

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

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 EXCEPT THAT THIS EXCEPTION DOES NOT APPLY TO A CIVIL ACTION OR
9 PROCEEDING BY ONE AGAINST THE OTHER, A CRIMINAL ACTION OR
10 PROCEEDING FOR A CRIME COMMITTED BY ONE AGAINST THE OTHER, OR A
11 CRIMINAL ACTION OR PROCEEDING AGAINST ONE OR BOTH PARTNERS WHEN
12 THE ALLEGED OFFENSE OCCURRED PRIOR TO THE DATE OF THE PARTIES'
13 CERTIFICATION OF THE CIVIL UNION. HOWEVER, THIS EXCEPTION SHALL
14 NOT ATTACH IF THE OTHERWISE PRIVILEGED INFORMATION IS
15 COMMUNICATED AFTER THE 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 A
8 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 (C) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
19 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
20 OF ARTICLE 15 OF TITLE 14, C.R.S.

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

23 **14-2-307.5. Applicability of article and case law to agreements**
24 **relating to civil unions.** PROSPECTIVE PARTIES TO A CIVIL UNION AND
25 PRESENT PARTIES TO A CIVIL UNION MAY CONTRACT TO MAKE AN
26 AGREEMENT RELATING TO THE CIVIL UNION THAT INCLUDES ANY OF THE
27 RIGHTS AND OBLIGATIONS THAT MAY BE INCLUDED IN A MARITAL

1 AGREEMENT PURSUANT TO SECTION 14-2-304, BUT ONLY IF THE
2 AGREEMENT IS SIGNED BY BOTH PARTIES PRIOR TO THE FILING OF AN
3 ACTION FOR LEGAL SEPARATION OF THE CIVIL UNION, DISSOLUTION OF THE
4 CIVIL UNION, OR FOR DECLARATION OF INVALIDITY OF THE CIVIL UNION.
5 THE PROVISIONS OF THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS
6 ARTICLE APPLY TO ANY AGREEMENT MADE BY PROSPECTIVE PARTIES TO A
7 CIVIL UNION OR BETWEEN PRESENT PARTIES TO A CIVIL UNION.

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

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

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

1 (4.5) Notwithstanding any other provision of this section, the state
2 court administrator shall apply the moneys generated from fees collected
3 pursuant to section 13-32-101 ~~(1)(a) and (1)(b)~~ (1) (a), (1) (a.5), (1) (b),
4 AND (1) (b.5), C.R.S., and transferred pursuant to section 13-32-101 (5)
5 (a) (X) and (5) (b) (II), C.R.S., to grants to qualifying organizations that
6 provide services described in subsection (2) of this section for or on
7 behalf of indigent persons or their families ~~who~~ WHICH PERSONS are
8 married, separated, or divorced OR PARTIES TO A CIVIL UNION OR AN
9 INVALIDATED, LEGALLY SEPARATED, OR DISSOLVED CIVIL UNION.

10 **SECTION 13.** In Colorado Revised Statutes, 14-10-105, **add**
11 (2.5) as follows:

12 **14-10-105. Application of Colorado rules of civil procedure.**

13 (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL
14 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL BE
15 ENTITLED "IN RE THE CIVIL UNION OF AND".

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

18 **14-10-106.5. Dissolution of civil unions - legal separation -**

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

1 THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO
2 THE DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY
3 OF A CIVIL UNION.

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

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

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

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

25 (2) Notwithstanding the amount specified for the fee in subsection
26 (1) OR (1.5) of this section, the chief justice of the supreme court by rule
27 or as otherwise provided by law may reduce the amount of the fee if

1 necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the
2 uncommitted reserves of the fund to which all or any portion of the fee is
3 credited. After the uncommitted reserves of the fund are sufficiently
4 reduced, the chief justice by rule or as otherwise provided by law may
5 increase the amount of the fee as provided in section 24-75-402 (4),
6 C.R.S.

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

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

14 **SECTION 17.** In Colorado Revised Statutes, 15-10-102, **add** (3)
15 as follows:

16 **15-10-102. Purposes - rule of construction.** (3) UNDER THIS
17 CODE, THE RIGHTS OF PARTNERS IN A CIVIL UNION CREATED PURSUANT TO
18 THE "COLORADO CIVIL UNION ACT", ARTICLE 15 OF TITLE 14, C.R.S., ARE
19 THE SAME RIGHTS AS THOSE EXTENDED TO SPOUSES WHO ARE MARRIED
20 PURSUANT TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART
21 1 OF ARTICLE 2 OF TITLE 14, C.R.S.

22 **SECTION 18.** In Colorado Revised Statutes, 15-12-203, **amend**
23 (1) as follows:

24 **15-12-203. Priority among persons seeking appointment as**
25 **personal representative.** (1) Whether the proceedings are formal or
26 informal, persons who are not disqualified have priority for appointment
27 in the following order:

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

3 (b) The surviving spouse of the decedent who is a devisee of the
4 decedent;

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

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

10 (c) Other devisees of the decedent;

11 (d) The surviving spouse of the decedent;

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

14 (e) Other heirs of the decedent;

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

16 **SECTION 19.** In Colorado Revised Statutes, 15-14-304, **amend**

17 (2) (b) (I) (A) and (2) (b) (II) as follows:

18 **15-14-304. Judicial appointment of guardian - petition.**

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

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

24 (A) Spouse OR PARTNER IN A CIVIL UNION or, if the respondent has
25 none, an adult with whom the respondent has resided for more than six
26 months within one year before the filing of the petition; and

27 (II) If the respondent has neither spouse, PARTNER IN A CIVIL

1 UNION, adult child, nor parent, at least one of the adults nearest in kinship
2 to the respondent who can be found with reasonable efforts;

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

5 **15-14-310. Who may be guardian - priorities - prohibition of**
6 **dual roles.** (1) Subject to subsection (4) of this section, the court in
7 appointing a guardian shall consider persons otherwise qualified in the
8 following order of priority:

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

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

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

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

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

21 (e.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT OR A
22 PERSON NOMINATED BY WILL OR OTHER SIGNED WRITING OF A DECEASED
23 PARTNER IN A CIVIL UNION;

24 (f) An adult child of the respondent;

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

27 (h) An adult with whom the respondent has resided for more than

1 six months immediately before the filing of the petition.

2 **SECTION 21.** In Colorado Revised Statutes, 15-14-413, **amend**
3 (1) and (3) as follows:

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

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

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

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

18 (d) The spouse of the respondent;

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

20 (e) An adult child of the respondent;

21 (f) A parent of the respondent; and

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

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

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

3 **15-22-103. Definitions.** As used in this article, unless the context
4 otherwise requires:

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

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

15 (k) A marriage license; OR

16 (l) A CIVIL UNION CERTIFICATE.

17 **SECTION 23.** In Colorado Revised Statutes, 15-22-104, **amend**
18 (1) (a) as follows:

19 **15-22-104. Requirements for a valid designated beneficiary**
20 **agreement.** (1) A designated beneficiary agreement shall be legally
21 recognized if:

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

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

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

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

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

1 (IV) Neither party is a party to another designated beneficiary
2 agreement; and

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

5 **SECTION 24.** In Colorado Revised Statutes, 19-5-202, **add** (4)
6 and (5) as follows:

7 **19-5-202. Who may adopt.** (4) A PERSON HAVING A LIVING
8 PARTNER IN A CIVIL UNION FROM WHOM THE PERSON IS NOT LEGALLY
9 SEPARATED SHALL PETITION JOINTLY WITH THE PARTNER, UNLESS THE
10 PARTNER IS THE NATURAL PARENT OF THE CHILD TO BE ADOPTED OR HAS
11 PREVIOUSLY ADOPTED THE CHILD.

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

17 **SECTION 25.** In Colorado Revised Statutes, 15-22-111, amend
18 (3) as follows:

19 **15-22-111. Revocation of a designated beneficiary agreement.**

20 (3) A designated beneficiary agreement shall be deemed revoked upon
21 the marriage OR THE CIVIL UNION of either party. In the case of a common
22 law marriage, a designated beneficiary agreement shall be deemed
23 revoked as of the date the court determines that a valid common law
24 marriage exists.

25 **SECTION 26.** In Colorado Revised Statutes, 24-34-301, **add**
26 (4.5) as follows:

27 **24-34-301. Definitions.** As used in parts 3 to 7 of this article,

1 unless the context otherwise requires:

2 (4.5) "MARITAL STATUS" MEANS A RELATIONSHIP OR A SPOUSAL
3 STATUS OF A PERSON, INCLUDING BUT NOT LIMITED TO BEING SINGLE,
4 COHABITATING, ENGAGED, WIDOWED, MARRIED, IN A CIVIL UNION, OR
5 LEGALLY SEPARATED, OR A RELATIONSHIP OR A SPOUSAL STATUS OF A
6 PERSON WHO HAS HAD OR IS IN THE PROCESS OF HAVING A MARRIAGE OR
7 CIVIL UNION DISSOLVED OR DECLARED INVALID.

8 **SECTION 27.** In Colorado Revised Statutes, 24-50-603, **add** (5)
9 (c.5) as follows:

10 **24-50-603. Definitions.** As used in this part 6, unless the context
11 otherwise requires:

12 (5) "Dependent" means:

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

16 **SECTION 28.** In Colorado Revised Statutes, 24-72-204, **amend**
17 (3) (a) (XIX) (A) and (3) (a) (XIX) (B) as follows:

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-SUBPARAGRAPHS (B) AND (C) OF THIS SUBPARAGRAPH (XIX),

1 APPLICATIONS FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO
2 SECTION 14-15-110, C.R.S. A person in interest under this subparagraph
3 (XIX) includes an immediate family member of either party to the
4 marriage application. As used in this subparagraph (XIX), "immediate
5 family member" means a person who is related by blood, marriage, or
6 adoption. Nothing in this subparagraph (XIX) shall be construed to
7 prohibit the inspection of marriage licenses or marriage certificates OR OF
8 CIVIL UNION CERTIFICATES or to otherwise change the status of those
9 licenses or certificates as public records.

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

15 **SECTION 29.** In Colorado Revised Statutes, 26-7.5-105, **amend**
16 (1) (b) as follows:

17 **26-7.5-105. Funding of domestic abuse programs.**

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

26 **SECTION 30. Appropriation.** In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the vital

1 statistics records cash fund created in section 25-2-121 (2) (b) (I),
2 Colorado Revised Statutes, not otherwise appropriated, to the department
3 of public health and environment, for the fiscal year beginning July 1,
4 2012, the sum of \$6,976 and 0.1 FTE, or so much thereof as may be
5 necessary, for allocation to the health statistics and vital records
6 subdivision for personal and operating expenses related to the
7 implementation of this act.

8 **SECTION 31. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the vital
10 statistics records cash fund created in section 25-2-121 (2) (b) (I),
11 Colorado Revised Statutes, not otherwise appropriated, to the department
12 of public health and environment, for the fiscal year beginning July 1,
13 2013, the sum of \$4,021 and 0.1 FTE, or so much thereof as may be
14 necessary, for allocation to the health statistics and vital records
15 subdivision for personal and operating expenses related to the
16 implementation of this act.

17 **SECTION 32. Effective date.** This act takes effect May 1, 2013;
18 except that section 7 of this act takes effect January 1, 2014.

19 **SECTION 33. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.