SENATE BILL 13-011

A BILL FOR AN ACT
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...
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 **Fund**.
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
union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes and invalidates the prior designated beneficiary agreement.

The bill makes other conforming amendments.

The bill takes effect May 1, 2013; except that the provisions relating to the inclusion of a partner in a civil union as a dependent on a health or life insurance policy and the provisions relating to insurance policies concerning the ownership of property take effect January 1, 2014.

---

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

**SECTION 1.** In Colorado Revised Statutes, add article 15 to title 14 as follows:

**ARTICLE 15**

*Colorado Civil Union Act*

**14-15-101. Short title.** This article is known as the "COLORADO CIVIL UNION ACT".

**14-15-102. Legislative declaration.** The General Assembly declares that the public policy of this State, as set forth in section 31 of Article II of the State Constitution, recognizes only the union of one man and one woman as a marriage. The General Assembly declares that the purpose of this article is to provide eligible couples the opportunity to obtain the benefits, protections, and responsibilities afforded by Colorado law to spouses consistent with the principles of equality under law and religious freedom embodied in both the United States Constitution and the constitution of this State. The General Assembly declares that a second purpose of the act is to protect individuals who are or may become partners in a civil union against discrimination in employment, housing, and in places of public accommodation. The General Assembly further finds that
THE GENERAL ASSEMBLY, IN THE EXERCISE OF ITS PLENARY POWER, HAS
THE AUTHORITY TO DEFINE OTHER ARRANGEMENTS, SUCH AS A CIVIL
UNION BETWEEN TWO UNMARRIED PERSONS REGARDLESS OF THEIR
GENDER, AND TO SET FORTH IN STATUTE ANY STATE-LEVEL BENEFITS,
RIGHTS, AND PROTECTIONS TO WHICH A COUPLE IS ENTITLED BY VIRTUE OF
ENTERING INTO A CIVIL UNION. THE GENERAL ASSEMBLY FINDS THAT THE
"COLORADO CIVIL UNION ACT" DOES NOT ALTER THE PUBLIC POLICY OF
THIS STATE, WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE
WOMAN AS A MARRIAGE. THE GENERAL ASSEMBLY ALSO DECLARES THAT
A THIRD PURPOSE IN ENACTING THE "COLORADO CIVIL UNION ACT" IS TO
STATE THAT COLORADO COURTS MAY OFFER SAME-SEX COUPLES THE
EQUAL PROTECTION OF THE LAW AND TO GIVE FULL FAITH AND CREDIT TO
RECOGNIZE RELATIONSHIPS LEGALLY CREATED IN OTHER JURISDICTIONS
THAT ARE SIMILAR TO CIVIL UNIONS CREATED BY THIS ARTICLE AND THAT
ARE NOT OTHERWISE RECOGNIZED PURSUANT TO COLORADO LAW.

14-15-103. Definitions. As used in this article, unless the
context otherwise requires:

(1) "Civil union" means a relationship established by two
eligible persons pursuant to this article that entitles them to
receive the benefits and protections and be subject to the
responsibilities of spouses.

(2) "Civil union certificate" means a document that
certifies that the persons named in the certificate have
established a civil union in this state in compliance with this
article.

(3) "Department" means the department of public health
and environment.
(4) "Marriage" means the legally recognized union of one man and one woman.

(5) "Partner in a civil union" or "party to a civil union" means a person who has established a civil union pursuant to this article.

(6) "Spouses" means two persons who are married pursuant to the provisions of the "Uniform Marriage Act", part 1 of article 2 of this title.

(7) "State registrar" means the state registrar of vital statistics in the department.

14-15-104. Requisites of a valid civil union. (1) To establish a civil union in Colorado, the two parties to the civil union shall satisfy all of the following criteria:

(a) Both parties are adults, regardless of the gender of either party;

(b) Neither party is a party to another civil union;

(c) Neither party is married to another person.

14-15-105. Individual shall not enter into a civil union with a relative. (1) An individual shall not enter into a civil union with an ancestor or a descendant or with a brother or a sister, whether the relationship is by the half or the whole blood.

(2) An individual shall not enter into a civil union with an uncle or aunt or with a niece or nephew, whether the relationship is by the half or the whole blood.

(3) A civil union between persons prohibited from entering into a civil union by subsection (1) or (2) of this section is void.

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

(a) UNDER EIGHTEEN YEARS OF AGE; OR

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

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

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

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

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

(4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT
LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION,
DISSOLUTION, CHILD CUSTODY, ALLOCATION OF PARENTAL
RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION,
MAINTENANCE, AND AWARD OF ATTORNEY FEES, APPLIES TO CIVIL UNIONS.

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

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

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

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

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

(e) WORKERS' COMPENSATION BENEFITS;

(f) 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;

(g) ADOPTION LAW AND PROCEDURE;
(h) Group benefit plans for state employees pursuant to
part 6 of article 50 of title 24, C.R.S.;

(i) The right to designate a party to a civil union as a
beneficiary under the state public employees' retirement system;

(j) Survivor benefits under local government firefighter
and police pensions;

(k) Domestic abuse programs pursuant to article 7.5 of
title 26, C.R.S., emergency protection orders pursuant to section
13-14-103, C.R.S., and the right to receive the protections and
programs specified in part 8 of article 6 of title 18, C.R.S.;

(l) Rights to apply for compensation as a relative of a
victim under the "Colorado Crime Victim Compensation Act",
pursuant to part 1 of article 4.1 of title 24, C.R.S., rights to
receive restitution under part 2 of article 4.1 of title 24, C.R.S.,
and the right to be informed of critical stages of the criminal
justice process and to be accorded the rights and protections of
victims of and witnesses to crimes under parts 2 and 3 of article
4.1 of title 24, C.R.S.;

(m) Laws, policies, or procedures relating to emergency
and nonemergency medical care and treatment and hospital
visitation and notification, including the rights of nursing home
patients described in section 25-1-120, C.R.S.;

(n) Laws or rules regarding the right to visit a partner
who is in a correctional facility, as defined in section 17-1-102
(1.7), C.R.S., a local jail, as defined in section 17-1-102 (7), C.R.S.,
or a private contract prison, as defined in section 17-1-102 (7.3),
C.R.S., or who is receiving treatment in a public hospital or a
LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH
CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT
PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

(o) LAWS RELATING TO:

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

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

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

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

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

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

(r) FAMILY LEAVE BENEFITS;

(s) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

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

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

(v) The homestead rights of a spouse pursuant to part 2 of article 41 of title 38, C.R.S.;

(w) The ability to protect exempt property from attachment, execution, or garnishment;

(x) (I) Insurance policies for life insurance, including the ability to cover a party to a civil union as a dependent;

(II) This paragraph (x) is effective for plans issued, delivered, or renewed on or after January 1, 2014.

(y) (I) Insurance coverage provided by a health coverage plan, including the ability to cover a party to a civil union as a dependent.

(II) This paragraph (y) is effective for plans issued, delivered, or renewed on or after January 1, 2014.

(z) (I) Other insurance policies that provide coverage relating to joint ownership of property.

(II) This paragraph (z) is effective for plans issued, delivered, or renewed on or after January 1, 2014.

(6) The responsibilities and rights of parties to a civil union with respect to the biological child of one of the parties, which child is conceived during the term of the civil union, are determined as if the parties were spouses subject to the provisions of section 19-4-105, C.R.S. A party to a civil union has the right to adopt through the same process outlined for a stepparent adoption in accordance with section 19-5-203, C.R.S., if the child of the other party to the civil union is otherwise available for adoption pursuant to section 19-5-203 (1)(d), C.R.S.
14-15-108. Modification of civil union terms through an agreement. (1) Parties to a civil union may create agreements modifying the terms, conditions, or effects of a civil union in the manner specified in part 3 of article 2 of this title.

(2) Notwithstanding the provisions of subsection (1) of this section, the provisions of this article and the provisions of part 3 of article 2 of this title do not invalidate or affect an otherwise valid domestic partnership agreement or civil contract between two individuals who are not married to each other in which the individuals set forth an agreement about the rights and responsibilities regarding matters similar to those that may be addressed by a contract under part 3 of article 2 of this title if the agreement or contract was made prior to the effective date of this article or, if made on or after the effective date of this article, the agreement or contract is not made in contemplation of entering into a civil union under this article.

14-15-109. Civil union license and certificate. (1) The executive director of the department shall prescribe the form for an application for a civil union license, consisting of, at a minimum, the following information:

(a) Name, sex, address, social security number, and date and place of birth of each party to the proposed civil union. For such purpose, proof of date of birth may be obtained from a birth certificate, a driver's license, or other comparable evidence.

(b) If either party has previously been married or has previously been a party to a civil union, the name of the spouse
OR THE NAME OF THE OTHER PARTY AND THE DATE, PLACE, AND COURT IN WHICH THE MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED INVALID OR THE DATE AND PLACE OF DEATH OF THE DECEASED SPOUSE OR THE DECEASED PARTY TO A CIVIL UNION;

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

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


(2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121, C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE
ADDITIONAL AMOUNT TO THE STATE TREASURER WHO SHALL CREDIT IT TO THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION 25-2-121, C.R.S. IN ADDITION, THE COUNTY CLERK AND RECORDER SHALL COLLECT A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY CLERK AND RECORDER TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S.

14-15-111. When civil union licenses issued - validity. The county clerk and recorder shall issue a civil union license only during the hours that the office of the county clerk and recorder is open as prescribed by law and at no other time and shall show the exact date and hour of the license's issue. A civil union license is not valid for use outside the state of Colorado. Within the state, a civil union license is not valid for more than thirty days after the date of issue. If a civil union license is not used within thirty days, it is void and one of the parties shall return the civil union license to the county clerk and recorder that issued the license for cancellation.

14-15-112. Persons authorized to certify civil unions - registration - fee. (1) A civil union may be certified by a judge of a court, by a district court magistrate, by a county court magistrate, by a retired judge of a court, by the parties to the civil union, or in accordance with any mode of recognition of a civil union by any religious denomination or Indian nation or tribe.

(2) Within sixty days after the date on which the civil union is certified, either the person certifying the civil union or,
IF NO INDIVIDUAL ACTING ALONE CERTIFIES THE CIVIL UNION, A PARTY TO
THE CIVIL UNION SHALL COMPLETE THE CIVIL UNION CERTIFICATE AND
RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE
THAT ISSUED THE LICENSE. A PERSON WHO FAILS TO RETURN THE CIVIL
UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED
BY THIS SECTION SHALL PAY TO THE COUNTY CLERK AND RECORDER A
LATE FEE IN AN AMOUNT NOT LESS THAN TWENTY DOLLARS. THE COUNTY
CLERK AND RECORDER MAY ASSESS AN ADDITIONAL FIVE-DOLLAR LATE
FEE FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE RETURN
REQUIREMENTS OF THIS SUBSECTION (2), UP TO A MAXIMUM OF FIFTY
DOLLARS. FOR PURPOSES OF DETERMINING WHETHER TO ASSESS A LATE
FEE PURSUANT TO THIS SUBSECTION (2), THE DATE OF RETURN IS DEEMED
TO BE THE DATE OF POSTMARK.

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

(4) 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 THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST
AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF
ARTICLE II OF THE STATE CONSTITUTION.

PERSONS AUTHORIZED BY SECTION 14-15-112 TO CERTIFY CIVIL UNIONS
SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE
CERTIFYING THE CIVIL UNION.

CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A
RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR IS
PRESumptive evidence of the civil union in all courts.

14-15-115. Dissolution, legal separation, and declaration of
invalidity of civil unions - jurisdiction - venue. (1) 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 this state.

(2) The district court has jurisdiction over all
proceedings relating to the dissolution of a civil union, legal
separation of a civil union, or the declaration of invalidity of a
civil union, regardless of the jurisdiction where the civil union
was entered into. The court shall follow the procedures
specified in article 10 of this title, including the same domicile
requirements for a dissolution, legal separation, or declaration
of invalidity for such proceedings.

(3) A proceeding relating to the dissolution of a civil
union, legal separation of a civil union, or the declaration of
invalidity of a civil union may be held in the county where the
petitioner or respondent resides or where the parties' civil union
certificate was issued; except that process may be directed to
any county in the state. A respondent's objection to venue is
waived if not made within such time as the respondent's response
is due.

14-15-116. Reciprocity - principle of comity. (1) A
relationship between two persons that does not comply with
section 31 of article II of the state constitution but that was
LEGALLY ENTERED INTO IN ANOTHER JURISDICTION IS DEEMED IN COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS ARTICLE.

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

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

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

14-15-118. Construction. The provisions of this article shall not be construed to create a marriage between the parties to a civil union or alter the public policy of this state, which recognizes only the union of one man and one woman as a marriage.

14-15-119. Severability. If any provision of this article or the application thereof to any person or circumstance is held
INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

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

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

(2) The state registrar shall prescribe, furnish, and distribute such forms as are required by this article with respect to civil union certificates, as defined in section 14-15-103 (2), C.R.S.

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

25-2-106.5. Reports of civil unions. Each county clerk and recorder shall prepare a report containing such information and using the form as may be prescribed and furnished by the state registrar with respect to every duly executed civil union certificate registered in accordance with section 14-15-112, C.R.S. On or before the tenth day of each month, or more frequently if requested by the state registrar, the county clerk and recorder shall forward to the state registrar all civil
UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE PRECEDING PERIOD. THE COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

25-2-107.5. Reports of dissolution of civil unions, legal separation of civil unions, or declarations of invalidity of civil unions - fee. (1) The clerk of each court shall prepare a report containing such information and using such form as may be prescribed and furnished by the state registrar with respect to every decree entered by the court for the dissolution of a civil union, legal separation of a civil union, or declaration of invalidity of a civil union, and every decree amending or nullifying such a decree. On or before the tenth day of each month, or more frequently if so requested by the state registrar, the clerk shall forward to the state registrar the reports for all such decrees entered during the preceding period.

(2) In order to defray the costs of maintenance of vital statistics records, the clerk of the court shall assess a fee of three dollars upon each action filed for a dissolution of a civil union, legal separation of a civil union, or declaration of invalidity of a civil union that is filed in the office of each clerk of a court of record in this state on or after the effective date of this section. The clerk shall keep any fees so collected in a separate fund, and each month the clerk shall transmit those fees collected to the state treasurer, who shall credit the same to the vital statistics records cash fund created in section 25-2-121.
SECTION 4. In Colorado Revised Statutes, 25-2-117, amend (2) (d) and (2) (e); and add (2) (f) as follows:

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

(d) The verification of marriage or divorce; and

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

(f) The verification of a civil union or dissolution of a civil union.

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

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

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

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

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

(7.5) "PARTNER IN A CIVIL UNION" OR "PARTY TO A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.
SECTION 6. In Colorado Revised Statutes, 8-73-108, amend (4) (b) (I), (4) (r), (4) (s) (I), (4) (t) (I), (4) (u) (I), and (4) (v) as follows:

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

   (b) (I) The health of the worker is such that the worker is separated from his or her employment and must refrain from working for a period of time that exceeds the greater of the employer's medical leave of absence policy or the provisions of the federal "Family and Medical Leave Act of 1993", if applicable, or the worker's health is such that the worker must seek a new occupation, or the health of the worker or the worker's spouse, PARTNER IN A CIVIL UNION, or dependent child is such that the worker must leave the vicinity of the worker's employment; except that, if the health of the worker or the worker's spouse, PARTNER IN A CIVIL UNION, or dependent child has caused the separation from work, the worker, in order to be entitled to a full award, must have complied with the following requirements: Informed the worker's employer in writing, if the employer has posted or given actual advance notice of this writing requirement, of the condition of the worker's health or the health of the worker's spouse, PARTNER IN A CIVIL UNION, or dependent child prior to separation from employment and allowed the employer the opportunity to make reasonable accommodations for the
worker's condition; substantiated the cause by a competent written medical statement issued by a licensed practicing physician prior to the date of separation from employment when so requested by the employer prior to the date of separation from employment or within a reasonable period thereafter; submitted himself or herself or the worker's spouse, PARTNER IN A CIVIL UNION, or dependent child to an examination by a licensed practicing physician selected and paid by the interested employer when so requested by the employer prior to the date of separation from employment or within a reasonable period thereafter; or provided the division, when so requested, with a written medical statement issued by a licensed practicing physician. For purposes of providing the medical statement or submitting to an examination for an employer, "a reasonable period thereafter" shall include the time before adjudication by either a deputy or referee of the division. An award of benefits pursuant to this subparagraph (I) shall include benefits to a worker who, either voluntarily or involuntarily, is separated from employment because of pregnancy and who otherwise satisfies the requirements of this subparagraph (I).

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

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

(B) The worker provides the division with an active or recently issued protective order or other order documenting the domestic violence or a police record documenting recent domestic violence; or
(C) The worker provides the division with a statement substantiating recent domestic violence from a qualified professional from whom the worker has sought assistance for the domestic violence, such as a counselor, shelter worker, member of the clergy, attorney, or health worker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) "Immediate family member" means the worker's spouse, PARTNER IN A CIVIL UNION, parent, or minor child under eighteen years of age.
SECTION 7. In Colorado Revised Statutes, 10-16-102, amend (14) as follows:

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

(14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION, an unmarried child under nineteen years of age, an unmarried child who is a full-time student under twenty-four years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.

"Dependent" shall include a designated beneficiary, as defined in section 15-22-103 (1), C.R.S., if an employer elects to cover a designated beneficiary as a dependent.

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

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

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

(5) (a) introductory portion, (5) (a) (VII), and (5) (b) introductory portion
as follows:

13-32-101. Docket fees in civil actions - judicial stabilization

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

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

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

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

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

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

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

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

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

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

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

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

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

14-2-307.5. Applicability of article and case law to agreements relating to civil unions. PROSPECTIVE PARTIES TO A CIVIL UNION AND PRESENT PARTIES TO A CIVIL UNION MAY CONTRACT TO MAKE AN AGREEMENT RELATING TO THE CIVIL UNION THAT INCLUDES ANY OF THE RIGHTS AND OBLIGATIONS THAT MAY BE INCLUDED IN A MARITAL AGREEMENT PURSUANT TO SECTION 14-2-304, BUT ONLY IF THE AGREEMENT IS SIGNED BY BOTH PARTIES PRIOR TO THE FILING OF AN
SECTION 12. In Colorado Revised Statutes, 14-4-107, amend (2) (a) and (4.5) as follows:

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

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

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

SECTION 13. In Colorado Revised Statutes, 14-10-105, add

(2.5) as follows:

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

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

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

14-10-106.5. Dissolution of civil unions - legal separation -
jurisdiction - applicability of article and case law. (1) ANY PERSON
WHO ENTERS INTO A CIVIL UNION IN COLORADO PURSUANT TO ARTICLE 15
OF THIS TITLE 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 THIS STATE. IN A
MATTER SEEKING A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION
OF INVALIDITY OF A CIVIL UNION, THE COURT SHALL FOLLOW THE
PROCEDURES THAT ARE SET FORTH IN THIS ARTICLE FOR DISSOLUTION,
LEGAL SEPARATION, OR DECLARATION OF INVALIDITY. THE PROVISIONS OF
THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO
THE DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY

-32- SB13-011
OF A CIVIL UNION.

(2) THE COURT SHALL 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 JURISDICTION.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Other devisees of the decedent;
(d) The surviving spouse of the decedent;
(d.5) The surviving party to a civil union entered into in accordance with Article 15 of Title 14, C.R.S.;
(e) Other heirs of the decedent;
(f) Forty-five days after the death of the decedent, any creditor.

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

(2) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:
   (b) (I) The name and address of the respondent's:
      (A) Spouse or partner in a civil union or, if the respondent has none, an adult with whom the respondent has resided for more than six months within one year before the filing of the petition; and
      (II) If the respondent has neither spouse, partner in a civil union, adult child, nor parent, at least one of the adults nearest in kinship to the respondent who can be found with reasonable efforts;

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

15-14-310. Who may be guardian - priorities - prohibition of dual roles. (1) Subject to subsection (4) of this section, the court in appointing a guardian shall consider persons otherwise qualified in the following order of priority:
   (a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in this state or elsewhere;
(b) A person nominated as guardian by the respondent, including the respondent's specific nomination of a guardian made in a durable power of attorney or given priority to be a guardian in a designated beneficiary agreement made pursuant to article 22 of this title;

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

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

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

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

(f) An adult child of the respondent;

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

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

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

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

(a) A conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;
(b) A person nominated as conservator by the respondent, including the respondent's specific nomination of a conservator made in a durable power of attorney or given priority to be a conservator in a designated beneficiary agreement made pursuant to article 22 of this title, if the respondent has attained twelve years of age;

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

d) The spouse of the respondent;

d.5) The partner in a civil union of the respondent;

e) An adult child of the respondent;

f) A parent of the respondent; and

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

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

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

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

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

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

(k) A marriage license; OR

(l) A CIVIL UNION CERTIFICATE.

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

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

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

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

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

(III) Neither party is married to another person;

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

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

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

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

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

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

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

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

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

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

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

(5) "Dependent" means:

c.5) AN EMPLOYEE’S PARTNER IN A CIVIL UNION WHO HAS
SUBMITTED DOCUMENTATION DEMONSTRATING THE CREATION OF A CIVIL
UNION WITH THE EMPLOYEE;

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

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

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

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

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

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

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

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

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