

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0036.02 Debbie Haskins x2045

SENATE BILL 12-002

SENATE SPONSORSHIP

Steadman, Guzman

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION OF CIVIL UNIONS.

Bill Summary

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

The bill creates the "Colorado Civil Union Act" (Act) to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. Parties wanting to enter into a civil union apply to a county clerk and recorder for a civil union license. Certain persons may certify a civil union. After the civil union is certified, the officiant files the civil union certificate with the county clerk and recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation

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

or tribe is not required to certify a civil union in violation of his or her right to free exercise of religion. The criteria for a valid civil union are set forth in the bill.

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

The legal benefits, protections, and responsibilities that are granted 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 in a civil union;
- ! The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- ! Prohibitions against discrimination based upon spousal status;
- ! The ability to inherit real and personal property from a party in a civil union under the probate code;
- ! Priority for appointment as a conservator, guardian, or personal representative;
- ! Survivor benefits under and inclusion in workers' compensation laws;
- ! The ability to adopt a child of a party to a civil union;
- ! The ability to insure a party to a civil union under group benefit plans for state employees;
- ! The ability to designate a party in a civil union as a beneficiary under the state public employees retirement system;
- ! Survivor benefits under local government firefighter and police pensions;
- ! Protections and coverage under domestic abuse and domestic violence laws;
- ! Rights and protections under victims' compensation laws and victims and witness protection laws;
- ! 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 the administration, withholding, or withdrawing of medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union;
- ! Rights concerning the disposition of the last remains of a party to a civil union;
- ! The right to make decisions regarding anatomical gifts;
- ! Eligibility for family leave benefits;
- ! Eligibility for public assistance benefits;
- ! A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union;
- ! The right to apply for emergency or involuntary commitment of a party to a civil union;
- ! The right to claim a homestead exemption;
- ! The ability to protect exempt property from attachment, execution, or garnishment;
- ! Dependent coverage under life insurance; and
- ! Dependent coverage under health insurance policies; except that this provision is effective for plans issued, delivered, or renewed on or after January 1, 2013.

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.

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.

Notwithstanding any provision of law to the contrary, the Act shall not be interpreted to require a child placement agency to place a child for adoption with parties to a civil union.

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

A severability clause is included in the Act.

The executive director of the department of revenue is authorized to appoint a study commission to investigate and report on what changes in the law could be made to ensure equitable tax treatment and to allow parties to a civil union to file a joint state tax return without violating the federal tax laws. Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, 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 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 October 1, 2012; except that the provision relating to the inclusion of a partner in a civil union as a dependent on a health insurance policy takes effect January 1, 2013.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the public policy of this state, as set forth in section 31 of
4 article II of the state constitution, recognizes only the union of one man

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

22 **SECTION 2.** In Colorado Revised Statutes, **add** article 15 to title
23 14 as follows:

24 **ARTICLE 15**

25 **Colorado Civil Union Act**

26 **14-15-101. Short title.** THIS ARTICLE IS KNOWN AS THE
27 "COLORADO CIVIL UNION ACT".

1 **14-15-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

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

7 (2) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
8 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
9 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS
10 ARTICLE.

11 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
12 AND ENVIRONMENT.

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

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

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

21 (7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
22 STATISTICS IN THE DEPARTMENT.

23 **14-15-103. Requisites of a valid civil union.** (1) TO ESTABLISH
24 A CIVIL UNION IN COLORADO, THE TWO PARTIES TO THE CIVIL UNION SHALL
25 SATISFY ALL OF THE FOLLOWING CRITERIA:

26 (a) BOTH PARTIES ARE ADULTS, REGARDLESS OF THE GENDER OF
27 EITHER PARTY;

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

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

3 **14-15-104. Individual shall not enter into a civil union with a**
4 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH
5 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER,
6 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

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

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

12 **14-15-105. Restrictions as to minors and wards.** (1) A COUNTY
13 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER
14 PARTY TO THE INTENDED CIVIL UNION IS:

15 (a) UNDER EIGHTEEN YEARS OF AGE; OR

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

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

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

27 (2) A PARTY TO A CIVIL UNION IS INCLUDED IN ANY DEFINITION OR

1 USE OF THE TERMS "DEPENDENT", "FAMILY", "IMMEDIATE FAMILY", "NEXT
2 OF KIN", AND ANY OTHER TERM THAT DENOTES THE FAMILIAL OR SPOUSAL
3 RELATIONSHIP, AS THOSE TERMS ARE USED THROUGHOUT THE COLORADO
4 REVISED STATUTES.

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

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

13 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF
14 SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, APPLY IN LIKE
15 MANNER TO PARTIES TO A CIVIL UNION:

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

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

27 (c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL

1 STATUS;

2 (d) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE
3 TRANSFERS AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR,
4 GUARDIAN, OR PERSONAL REPRESENTATIVE;

5 (e) WORKERS' COMPENSATION BENEFITS;

6 (f) ADOPTION LAW AND PROCEDURE;

7 (g) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
8 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;

9 (h) THE RIGHT TO DESIGNATE A PARTY TO A CIVIL UNION AS A
10 BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;

11 (i) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER
12 AND POLICE PENSIONS;

13 (j) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
14 TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION
15 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND
16 PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.;

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

25 (l) LAWS, POLICIES, OR PROCEDURES RELATING TO EMERGENCY
26 AND NONEMERGENCY MEDICAL CARE AND TREATMENT AND HOSPITAL
27 VISITATION AND NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME

1 PATIENTS DESCRIBED IN SECTION 25-1-120, C.R.S.;

2 (m) LAWS OR RULES REGARDING THE RIGHT TO VISIT A PARTNER
3 WHO IS IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102
4 (1.7), C.R.S., A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S.,
5 OR A PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102 (7.3),
6 C.R.S., OR WHO IS RECEIVING TREATMENT IN A PUBLIC HOSPITAL OR A
7 LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH
8 CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT
9 PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

10 (n) LAWS RELATING TO:

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

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

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

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

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

26 (p) LAWS RELATING TO MAKING, REVOKING, AND OBJECTING TO
27 ANATOMICAL GIFTS BY OTHERS PURSUANT TO THE "REVISED UNIFORM

1 ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S.;

2 (q) FAMILY LEAVE BENEFITS;

3 (r) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

4 (s) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY

5 ANDEVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

6 (t) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY

7 COMMITMENT OF A PARTY TO A CIVIL UNION;

8 (u) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT

9 TO PART 2 OF ARTICLE 41 OF TITLE 38, C.R.S.;

10 (v) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM

11 ATTACHMENT, EXECUTION, OR GARNISHMENT;

12 (w) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE

13 ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT; AND

14 (x) (I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE

15 PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A

16 DEPENDENT.

17 (II) THIS PARAGRAPH (x) IS EFFECTIVE FOR PLANS ISSUED,

18 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2013.

19 (6) THE RESPONSIBILITIES AND RIGHTS OF PARTIES TO A CIVIL

20 UNION WITH RESPECT TO THE BIOLOGICAL CHILD OF ONE OF THE PARTIES,

21 WHICH CHILD IS CONCEIVED DURING THE TERM OF THE CIVIL UNION, ARE

22 DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE

23 PROVISIONS OF SECTION 19-4-105, C.R.S. A PARTY TO A CIVIL UNION HAS

24 THE RIGHT TO ADOPT THROUGH THE SAME PROCESS OUTLINED FOR A

25 STEPPARENT ADOPTION IN ACCORDANCE WITH SECTION 19-5-203, C.R.S.,

26 IF THE CHILD OF THE OTHER PARTY TO THE CIVIL UNION IS OTHERWISE

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

1 **14-15-107. Modification of civil union terms.** PARTIES TO A
2 CIVIL UNION MAY CREATE AGREEMENTS MODIFYING THE TERMS,
3 CONDITIONS, OR EFFECTS OF A CIVIL UNION IN THE MANNER SPECIFIED IN
4 PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR
5 UNDERSTANDINGS WITH RESPECT TO THEIR CIVIL UNION; EXCEPT THAT THE
6 AGREEMENT MAY NOT CONFLICT WITH ANY PROVISIONS OF THIS ARTICLE.

7 **14-15-108. Dissolution, legal separation, and declaration of**
8 **invalidity of civil unions - jurisdiction - venue.** (1) ANY PERSON WHO
9 ENTERS INTO A CIVIL UNION IN COLORADO CONSENTS TO THE JURISDICTION
10 OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION
11 RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE TO
12 RESIDE IN THIS STATE.

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

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

1 IS DUE.

2 **14-15-109. Civil union license and certificate.** (1) THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM
4 FOR AN APPLICATION FOR A CIVIL UNION LICENSE, CONSISTING OF, AT A
5 MINIMUM, THE FOLLOWING INFORMATION:

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

10 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR HAS
11 PREVIOUSLY BEEN A PARTY TO A CIVIL UNION, THE NAME OF THE SPOUSE
12 OR THE NAME OF THE OTHER PARTY AND THE DATE, PLACE, AND COURT IN
13 WHICH THE MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED
14 INVALID OR THE DATE AND PLACE OF DEATH OF THE DECEASED SPOUSE OR
15 THE DECEASED PARTY TO A CIVIL UNION;

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

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

20 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
21 PRESCRIBE THE FORMS FOR THE CIVIL UNION LICENSE AND THE CIVIL UNION
22 CERTIFICATE. THE DEPARTMENT SHALL PROVIDE THE FORMS TO THE
23 COUNTY CLERKS AND RECORDERS IN THE STATE.

24 **14-15-110. Issuance of a civil union license - certification - fee.**

25 (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL
26 UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE
27 COUNTY CLERK AND RECORDER AND PAYS TO THE CLERK AND RECORDER

1 THE CIVIL UNION LICENSE FEE AND OTHER FEES DESCRIBED IN SUBSECTION
2 (2) OF THIS SECTION, AND THE COUNTY CLERK AND RECORDER
3 DETERMINES THAT THE PARTIES MEET THE CRITERIA SPECIFIED IN
4 SECTIONS 14-15-103, 14-15-104, AND 14-15-105, THE COUNTY CLERK AND
5 RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION
6 CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL
7 SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS
8 STATED.

9 (2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN
10 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,
11 C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE
12 ADDITIONAL AMOUNT TO THE STATE TREASURER WHO SHALL CREDIT IT TO
13 THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION
14 25-2-121, C.R.S. IN ADDITION, THE COUNTY CLERK AND RECORDER SHALL
15 COLLECT A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY
16 CLERK AND RECORDER TO THE STATE TREASURER WHO SHALL CREDIT THE
17 SAME TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN
18 SECTION 39-22-802 (1), C.R.S.

19 **14-15-111. When civil union licenses issued - validity.** THE
20 COUNTY CLERK AND RECORDER SHALL ISSUE A CIVIL UNION LICENSE ONLY
21 DURING THE HOURS THAT THE OFFICE OF THE COUNTY CLERK AND
22 RECORDER IS OPEN AS PRESCRIBED BY LAW AND AT NO OTHER TIME AND
23 SHALL SHOW THE EXACT DATE AND HOUR OF THE LICENSE'S ISSUE. A CIVIL
24 UNION LICENSE IS NOT VALID FOR USE OUTSIDE THE STATE OF COLORADO.
25 WITHIN THE STATE, A CIVIL UNION LICENSE IS NOT VALID FOR MORE THAN
26 THIRTY DAYS AFTER THE DATE OF ISSUE. IF A CIVIL UNION LICENSE IS NOT
27 USED WITHIN THIRTY DAYS, IT IS VOID AND ONE OF THE PARTIES SHALL

1 RETURN THE CIVIL UNION LICENSE TO THE COUNTY CLERK AND RECORDER
2 THAT ISSUED THE LICENSE FOR CANCELLATION.

3 **14-15-112. Persons authorized to certify civil unions -**
4 **registration - fee.** (1) A CIVIL UNION MAY BE CERTIFIED BY A JUDGE OF
5 A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT
6 MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE
7 CIVIL UNION, OR IN ACCORDANCE WITH ANY MODE OF RECOGNITION OF A
8 CIVIL UNION BY ANY RELIGIOUS DENOMINATION OR INDIAN NATION OR
9 TRIBE.

10 (2) WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE CIVIL
11 UNION IS CERTIFIED, EITHER THE PERSON CERTIFYING THE CIVIL UNION OR,
12 IF NO INDIVIDUAL ACTING ALONE CERTIFIES THE CIVIL UNION, A PARTY TO
13 THE CIVIL UNION SHALL COMPLETE THE CIVIL UNION CERTIFICATE AND
14 RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE
15 THAT ISSUED THE LICENSE. A PERSON WHO FAILS TO RETURN THE CIVIL
16 UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED
17 BY THIS SECTION SHALL PAY TO THE COUNTY CLERK AND RECORDER A
18 LATE FEE IN AN AMOUNT NOT LESS THAN TWENTY DOLLARS. THE COUNTY
19 CLERK AND RECORDER MAY ASSESS AN ADDITIONAL FIVE-DOLLAR LATE
20 FEE FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE RETURN
21 REQUIREMENTS OF THIS SUBSECTION (2), UP TO A MAXIMUM OF FIFTY
22 DOLLARS. FOR PURPOSES OF DETERMINING WHETHER TO ASSESS A LATE
23 FEE PURSUANT TO THIS SUBSECTION (2), THE DATE OF RETURN IS DEEMED
24 TO BE THE DATE OF POSTMARK.

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

27 (4) A PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF A RELIGIOUS

1 INSTITUTION OR DENOMINATION OR AN INDIAN NATION OR TRIBE SHALL
2 NOT BE REQUIRED TO CERTIFY A CIVIL UNION IN VIOLATION OF HIS OR HER
3 RIGHT TO THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST
4 AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF
5 ARTICLE II OF THE STATE CONSTITUTION.

6 **14-15-113. Civil union license required for certification.**
7 PERSONS AUTHORIZED BY SECTION 14-15-112 TO CERTIFY CIVIL UNIONS
8 SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE
9 CERTIFYING THE CIVIL UNION.

10 **14-15-114. Evidence of civil union.** A COPY OF THE CIVIL UNION
11 CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A
12 RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR IS
13 PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

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

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

24 **14-15-116. Tax equity - joint tax returns - commission - report**
25 **- construction of article relating to tax returns - repeal.** (1) (a) THE
26 GENERAL ASSEMBLY FINDS THAT CURRENT FEDERAL LAW PROHIBITS THE
27 FILING OF A JOINT INCOME TAX RETURN BY PARTIES WHO ARE NOT

1 CONSIDERED LEGALLY MARRIED UNDER FEDERAL LAW. SINCE COLORADO
2 INCOME TAX FILINGS ARE TIED TO THE FEDERAL INCOME TAX FORM BY
3 REQUIRING TAXPAYERS TO PAY A PERCENTAGE OF THEIR FEDERAL
4 ADJUSTED GROSS INCOME AS THEIR STATE INCOME TAXES, THIS PREVENTS
5 THE FILING BY THE PARTIES TO A CIVIL UNION OF A JOINT STATE INCOME
6 TAX RETURN. THE GENERAL ASSEMBLY FINDS THAT IT WOULD ASSIST
7 POLICYMAKERS TO STUDY THE CONSEQUENCES OF AND DIFFICULTIES
8 ENCOUNTERED BY PARTIES TO CIVIL UNIONS FROM NOT BEING ABLE TO FILE
9 JOINT TAX RETURNS, WHETHER IT IS BENEFICIAL OR ADVANTAGEOUS TO
10 PARTIES TO FILE JOINT TAX RETURNS INSTEAD OF SEPARATE RETURNS, THE
11 POTENTIAL BENEFITS TO THE DEPARTMENT OF REVENUE OF HAVING
12 PARTIES TO A CIVIL UNION FILE JOINT TAX RETURNS, AND HOW THE STATE
13 STATUTES COULD BE CHANGED TO PERMIT THE PARTIES TO A CIVIL UNION
14 TO FILE A JOINT STATE INCOME TAX RETURN.

15 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
16 MAY CREATE A STUDY COMMISSION TO INVESTIGATE AND CONSIDER WHAT
17 CHANGES IN THE STATE STATUTES COULD BE MADE TO ENSURE EQUITABLE
18 TAX TREATMENT FOR PARTIES TO A CIVIL UNION AND TO ALLOW PARTIES
19 TO A CIVIL UNION TO FILE A JOINT STATE INCOME TAX RETURN WITHOUT
20 VIOLATING THE FEDERAL TAX LAWS. IF A STUDY COMMISSION IS CREATED,
21 THE COMMISSION SHALL CONSIST, AT A MINIMUM, OF TAX ACCOUNTANTS
22 AND STAFF OF THE DEPARTMENT OF REVENUE APPOINTED BY THE
23 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE AND THE CHAIRS
24 OR THEIR DESIGNEES OF THE FINANCE COMMITTEES OF THE HOUSE OF
25 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. IF
26 APPOINTED, THE COMMISSION SHALL PREPARE A REPORT OF ITS FINDINGS
27 AND RECOMMENDATIONS AND SUBMIT THE REPORT TO THE EXECUTIVE

1 DIRECTOR AND THE FINANCE COMMITTEES OF THE HOUSE OF
2 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON
3 OR BEFORE JANUARY 1, 2013.

4 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2013.

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

9 **14-15-117. Construction.** (1) THE PROVISIONS OF THIS ARTICLE
10 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
11 TO A CIVIL UNION OR ALTER THE PUBLIC POLICY OF THIS STATE, WHICH
12 RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A
13 MARRIAGE.

14 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
15 CONTRARY, THIS ARTICLE SHALL NOT BE INTERPRETED TO REQUIRE A
16 CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A
17 COUPLE THAT HAS ENTERED INTO A CIVIL UNION PURSUANT TO THIS
18 ARTICLE.

19 **14-15-118. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
20 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD
21 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
22 APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
23 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
24 THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

25 **SECTION 3.** In Colorado Revised Statutes, **amend** 25-2-105 as
26 follows:

27 **25-2-105. Vital statistics, reports, and certificates - forms and**

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

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

11 **SECTION 4.** In Colorado Revised Statutes, **add** 25-2-106.5 and
12 25-2-107.5 as follows:

13 **25-2-106.5. Reports of civil unions.** EACH COUNTY CLERK AND
14 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION
15 AND USING THE FORM AS PRESCRIBED AND FURNISHED BY THE STATE
16 REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED CIVIL UNION
17 CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-112,
18 C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE
19 FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, A COUNTY CLERK
20 AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL
21 UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE
22 PRECEDING PERIOD. A COUNTY CLERK AND RECORDER MAY ISSUE
23 CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

24 **25-2-107.5. Reports of dissolution of civil unions, legal**
25 **separation of civil unions, or declarations of invalidity of civil unions**
26 **- fee.** (1) THE CLERK OF EACH COURT SHALL PREPARE A REPORT
27 CONTAINING SUCH INFORMATION AND USING SUCH FORM AS MAY BE

1 PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO
2 EVERY DECREE ENTERED BY THE COURT FOR THE DISSOLUTION OF A CIVIL
3 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
4 INVALIDITY OF A CIVIL UNION, AND EVERY DECREE AMENDING OR
5 NULLIFYING SUCH A DECREE. ON OR BEFORE THE TENTH DAY OF EACH
6 MONTH, OR MORE FREQUENTLY IF SO REQUESTED BY THE STATE
7 REGISTRAR, THE CLERK SHALL FORWARD TO THE STATE REGISTRAR THE
8 REPORTS FOR ALL SUCH DECREES ENTERED DURING THE PRECEDING
9 PERIOD.

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

21 **SECTION 5.** In Colorado Revised Statutes, 25-2-117, **amend** (2)
22 (d) and (2) (e); and **add** (2) (f) as follows:

23 **25-2-117. Certified copies furnished - fee.** (2) An applicant
24 shall pay fees established pursuant to section 25-2-121 for each of the
25 following services:

- 26 (d) The verification of marriage or divorce; ~~and~~
27 (e) The reproduction of various vital statistics, publications,

1 reports, and data services; AND

2 (f) THE VERIFICATION OF A CIVIL UNION OR DISSOLUTION OF A
3 CIVIL UNION.

4 **SECTION 6.** In Colorado Revised Statutes, 2-4-101, **add** (1.3),
5 (1.4), (3.7), and (7.5), as follows:

6 **2-4-401. Definitions.** The following definitions apply to every
7 statute, unless the context otherwise requires:

8 (1.3) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO
9 ELIGIBLE PERSONS PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF
10 TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND
11 PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

12 (1.4) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
13 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
14 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THE
15 PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

16 (3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS
17 RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

18 (7.5) "PARTY TO A CIVIL UNION" OR "PARTNER IN A CIVIL UNION"
19 MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE
20 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

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

23 **10-16-102. Definitions.** As used in this article, unless the context
24 otherwise requires:

25 (14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION,
26 an unmarried child under nineteen years of age, an unmarried child who
27 is a full-time student under twenty-four years of age and who is

1 financially dependent upon the parent, and an unmarried child of any age
2 who is medically certified as disabled and dependent upon the parent.
3 "Dependent" shall include a designated beneficiary, as defined in section
4 15-22-103 (1), C.R.S., if an employer elects to cover a designated
5 beneficiary as a dependent.

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

8 **13-32-101. Docket fees in civil actions - judicial stabilization**
9 **cash fund - support registry fund created.** (1) At the time of first
10 appearance in all civil actions and special proceedings in all courts of
11 record, except in the supreme court and the court of appeals, and except
12 in the probate proceedings in the district court or probate court of the city
13 and county of Denver, and except as provided in subsection (3) of this
14 section and in sections 13-32-103 and 13-32-104, there shall be paid in
15 advance the total docket fees, as follows:

16 (a.5) ON AND AFTER OCTOBER 1, 2012, BY THE PETITIONER IN A
17 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
18 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
19 THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT
20 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED
21 THIRTY DOLLARS;

22 (b.5) ON AND AFTER OCTOBER 1, 2012, BY THE RESPONDENT IN A
23 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
24 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
25 THE RESPONDENT TO AN ACTION FOR A DECLARATORY JUDGMENT
26 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF ONE HUNDRED
27 SIXTEEN DOLLARS;

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

4 **13-32-101. Docket fees in civil actions - judicial stabilization**
5 **cash fund - support registry fund created.** (5) (a) Each fee collected
6 pursuant to paragraph (a) OR (a.5) of subsection (1) of this section shall
7 be transmitted to the state treasurer and divided as follows:

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

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

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

16 **13-90-107. Who may not testify without consent.** (1) There are
17 particular relations in which it is the policy of the law to encourage
18 confidence and to preserve it inviolate; therefore, a person shall not be
19 examined as a witness in the following cases:

20 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13-310
21 (5), C.R.S., A PARTNER IN A CIVIL UNION SHALL NOT BE EXAMINED FOR OR
22 AGAINST THE OTHER PARTNER IN THE CIVIL UNION WITHOUT THE OTHER
23 PARTNER'S CONSENT, NOR DURING THE CIVIL UNION OR AFTERWARD SHALL
24 EITHER BE EXAMINED WITHOUT THE CONSENT OF THE OTHER AS TO ANY
25 COMMUNICATIONS MADE BY ONE TO THE OTHER DURING THE CIVIL UNION;
26 EXCEPT THAT THIS EXCEPTION DOES NOT APPLY TO A CIVIL ACTION OR
27 PROCEEDING BY ONE AGAINST THE OTHER, A CRIMINAL ACTION OR

1 PROCEEDING FOR A CRIME COMMITTED BY ONE AGAINST THE OTHER, OR A
2 CRIMINAL ACTION OR PROCEEDING AGAINST ONE OR BOTH PARTNERS WHEN
3 THE ALLEGED OFFENSE OCCURRED PRIOR TO THE DATE OF THE PARTIES'
4 CERTIFICATION OF THE CIVIL UNION. HOWEVER, THIS EXCEPTION SHALL
5 NOT ATTACH IF THE OTHERWISE PRIVILEGED INFORMATION IS
6 COMMUNICATED AFTER THE CERTIFICATION OF THE CIVIL UNION.

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

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

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

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

25 (VI) FOR THE PURPOSES OF THIS PARAGRAPH (a.5), "PARTNER IN
26 A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION
27 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF

1 TITLE 14, C.R.S.

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

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

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

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

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

14 **14-2-307.5. Applicability of article and case law to agreements**
15 **relating to civil unions.** PROSPECTIVE PARTIES TO A CIVIL UNION AND
16 PRESENT PARTIES IN A CIVIL UNION MAY CONTRACT TO MAKE AN
17 AGREEMENT RELATING TO THE CIVIL UNION THAT INCLUDES ANY OF THE
18 RIGHTS AND OBLIGATIONS THAT MAY BE INCLUDED IN A MARITAL
19 AGREEMENT PURSUANT TO SECTION 14-2-304, BUT ONLY IF THE
20 AGREEMENT IS SIGNED BY BOTH PARTIES PRIOR TO THE FILING OF AN
21 ACTION FOR DISSOLUTION OF THE CIVIL UNION OR FOR LEGAL SEPARATION.
22 THE PROVISIONS OF THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS
23 ARTICLE APPLY TO ANY AGREEMENT MADE BY PROSPECTIVE PARTNERS TO
24 A CIVIL UNION OR BETWEEN PRESENT PARTNERS TO A CIVIL UNION.

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

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

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

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

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

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

1 (2.5) as follows:

2 **14-10-105. Application of Colorado rules of civil procedure.**

3 (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL
4 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL BE
5 ENTITLED "IN RE THE CIVIL UNION OF AND".

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

8 **14-10-106.5. Dissolution of civil unions - legal separation -**

9 **jurisdiction - applicability of article and case law.** (1) ANY PERSON

10 WHO ENTERS INTO A CIVIL UNION IN COLORADO PURSUANT TO ARTICLE 15
11 OF THIS TITLE CONSENTS TO THE JURISDICTION OF THE COURTS OF
12 COLORADO FOR THE PURPOSE OF ANY ACTION RELATING TO A CIVIL UNION
13 EVEN IF ONE OR BOTH PARTIES CEASE TO RESIDE IN THIS STATE. IN A
14 MATTER SEEKING A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION
15 OF INVALIDITY OF A CIVIL UNION, THE COURT SHALL FOLLOW THE
16 PROCEDURES THAT ARE SET FORTH IN THIS ARTICLE FOR DISSOLUTION,
17 LEGAL SEPARATION, OR DECLARATION OF INVALIDITY. THE PROVISIONS OF
18 THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO
19 THE DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY
20 OF A CIVIL UNION.

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

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

27 **14-10-120.5. Petition - fee - assessment - displaced**

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

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

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

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

26 **14-13-310. Hearing and order.** (5) A PRIVILEGE AGAINST
27 DISCLOSURE OF COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION

1 AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF PARTNERS
2 IN A CIVIL UNION OR PARENT AND CHILD MAY NOT BE INVOKED IN A
3 PROCEEDING UNDER THIS PART 3.

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

6 **15-12-203. Priority among persons seeking appointment as**
7 **personal representative.** (1) Whether the proceedings are formal or
8 informal, persons who are not disqualified have priority for appointment
9 in the following order:

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

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

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

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

19 (c) Other devisees of the decedent;

20 (d) The surviving spouse of the decedent;

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

23 (e) Other heirs of the decedent;

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

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

27 **15-14-304. Judicial appointment of guardian - petition.**

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

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

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

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

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

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

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

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

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

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

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

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

6 (f) An adult child of the respondent;

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

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

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

13 **15-14-413. Who may be conservator - priorities - prohibition**
14 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this
15 section, the court, in appointing a conservator, shall consider persons
16 otherwise qualified in the following order of priority:

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

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

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

27 (d) The spouse of the respondent;

- 1 (d.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT;
- 2 (e) An adult child of the respondent;
- 3 (f) A parent of the respondent; and
- 4 (g) An adult with whom the respondent has resided for more than
- 5 six months immediately before the filing of the petition.

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

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

12 **15-22-103. Definitions.** As used in this article, unless the context
13 otherwise requires:

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

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

24 (k) A marriage license; OR

25 (l) A CIVIL UNION CERTIFICATE.

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

1 **15-22-104. Requirements for a valid designated beneficiary**

2 **agreement.** (1) A designated beneficiary agreement shall be legally
3 recognized if:

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

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

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

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

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

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

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

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

16 **19-5-202. Who may adopt.** (4) A PERSON HAVING A LIVING
17 PARTNER IN A CIVIL UNION FROM WHOM THE PERSON IS NOT LEGALLY
18 SEPARATED SHALL PETITION JOINTLY WITH THE PARTNER, UNLESS THE
19 PARTNER IS THE NATURAL PARENT OF THE CHILD TO BE ADOPTED OR HAS
20 PREVIOUSLY ADOPTED THE CHILD.

21 (5) A PERSON WHO IS A PARTNER IN A CIVIL UNION MAY ADOPT A
22 CHILD OF THE OTHER PARTNER THROUGH THE SAME PROCESS OUTLINED IN
23 SECTION 19-5-203 FOR A STEPPARENT ADOPTION.

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

26 **24-50-603. Definitions.** As used in this part 6, unless the context
27 otherwise requires:

1 (5) "Dependent" means:

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

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

7 **24-72-204. Allowance or denial of inspection - grounds -**
8 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
9 right of inspection of the following records, unless otherwise provided by
10 law; except that any of the following records, other than letters of
11 reference concerning employment, licensing, or issuance of permits, shall
12 be available to the person in interest under this subsection (3):

13 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C)
14 of this subparagraph (XIX), applications for a marriage license submitted
15 pursuant to section 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN
16 SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS
17 FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-109,
18 C.R.S. A person in interest under this subparagraph (XIX) includes an
19 immediate family member of either party to the marriage application OR
20 TO THE CIVIL UNION APPLICATION. As used in this subparagraph (XIX),
21 "immediate family member" means a person who is related by blood,
22 marriage, CIVIL UNION, or adoption. Nothing in this subparagraph (XIX)
23 shall be construed to prohibit the inspection of marriage licenses or
24 marriage certificates OR OF CIVIL UNION LICENSES OR CIVIL UNION
25 CERTIFICATES or to otherwise change the status of those licenses or
26 certificates as public records.

27 **SECTION 26.** In Colorado Revised Statutes, 26-7.5-105, **amend**

1 (1) (b) as follows:

2 **26-7.5-105. Funding of domestic abuse programs.**

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

11 **SECTION 27. Effective date - applicability.** (1) This act takes
12 effect October 1, 2012; except that section 7 of this act takes effect
13 January 1, 2013.

14 (2) This act applies to civil unions entered into on or after October
15 1, 2012.

16 **SECTION 28. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.