

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0588.01 Brita Darling x2241

HOUSE BILL 20-1272

HOUSE SPONSORSHIP

Humphrey, Baisley, Sandridge, Williams D.

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROMOTING THE FORMATION OF THE NATURAL FAMILY
102 STRUCTURE, AND, IN CONNECTION THEREWITH, ENFORCING
103 STATE LAW THAT MARRIAGE IS BETWEEN ONE MAN AND ONE
104 WOMAN AND RESTRICTING ADOPTION OF CHILDREN BY SPOUSES
105 IN A MARRIAGE AND PARTNERS IN A CIVIL UNION TO THOSE
106 MARRIAGES AND CIVIL UNIONS THAT CONSIST OF ONE MAN AND
107 ONE WOMAN.

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://leg.colorado.gov>.)

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

The bill permits a clerk to issue a license to marry and a marriage certificate only upon satisfactory proof that the marriage will be between one man and one woman, regardless of judicial decisions to the contrary.

The bill authorizes a court, county department, or licensed child placement agency to approve an adoptive placement of a child only with prospective parents whose marriage consists of one man and one woman, or whose civil union, if it were considered a marriage, is only between one man and one woman, regardless of any judicial decisions to the contrary, and to allow stepparent adoptions only to a parent who is in a marriage or civil union that is between one man and one woman.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Colorado Natural Marriage and Adoption Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that:

6 (a) Defining marriage is the duty and right of each state, not of the
7 federal government and federal courts;

8 (b) Centuries of history, tradition, and morality support the fact
9 that natural marriage is between one man and one woman;

10 (c) Rigorous studies completed since the United States Supreme
11 Court's decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), indicate
12 that children raised by parents in a same-sex relationship face greater
13 emotional and developmental difficulties, as well as other difficulties,
14 including a higher prevalence of abuse, than children raised by mothers
15 and fathers, and particularly by their biological parents;

16 (d) No family is perfect, but children are more likely to thrive
17 when raised by their married biological mother and father; and

18 (e) The United State Supreme Court should refrain from imposing
19 a redefinition of marriage on the entire country and states should remain

1 free to formulate laws regarding marriage, divorce, adoption, and related
2 matters as they seek to determine what serves the best interests of
3 children who may be in unfortunate circumstances.

4 (2) Therefore, the general assembly declares that existing
5 Colorado law defining valid marriage as between one man and one
6 woman should be enforced as written and determined by the people of the
7 state and should be allowed to recognize that placement of children in
8 natural families is in the best interests of Colorado's children.

9 **SECTION 3.** In Colorado Revised Statutes, 14-2-106, **amend**
10 (1)(a)(I) and (1)(a)(II); and **add** (1)(a)(III) as follows:

11 **14-2-106. License to marry.** (1) (a) When a marriage license
12 application has been completed and signed by both parties to a
13 prospective marriage and at least one party has appeared before the
14 county clerk and recorder and has paid the marriage license fee of seven
15 dollars, a fee of twenty dollars to be transmitted by the county clerk and
16 recorder to the state treasurer and credited by the treasurer to the
17 Colorado domestic abuse program fund created in section 39-22-802 (1),
18 and an additional amount established pursuant to section 25-2-121, such
19 amount to be credited to the vital statistics records cash fund pursuant to
20 section 25-2-121, the county clerk shall issue a license to marry and a
21 marriage certificate form upon being furnished:

22 (I) Satisfactory proof that each party to the marriage will have
23 attained the age of eighteen years at the time the marriage license
24 becomes effective; or, if over the age of sixteen years but has not attained
25 the age of eighteen years, has judicial approval, as provided in section
26 14-2-108; and

27 (II) Satisfactory proof that the marriage is not prohibited, as

1 provided in section 14-2-110; AND

2 (III) NOTWITHSTANDING ANY JUDICIAL DECISIONS TO THE
3 CONTRARY, SATISFACTORY PROOF THAT THE MARRIAGE WILL BE IN
4 CONFORMITY WITH SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION
5 AND SECTION 14-2-104 (1)(b).

6 **SECTION 4.** In Colorado Revised Statutes, 19-5-206, **add** (1.5)
7 as follows:

8 **19-5-206. Placement for purposes of adoption.**

9 (1.5) NOTWITHSTANDING ANY JUDICIAL DECISIONS TO THE CONTRARY, A
10 COURT, COUNTY DEPARTMENT, OR LICENSED CHILD PLACEMENT AGENCY
11 SHALL ONLY APPROVE AN ADOPTIVE PLACEMENT OF A CHILD WITH
12 SPOUSES WHOSE MARRIAGE IS IN CONFORMITY WITH SECTION 31 OF
13 ARTICLE II OF THE STATE CONSTITUTION AND SECTION 14-2-104 (1)(b).

14 **SECTION 5.** In Colorado Revised Statutes, 19-5-202, **amend** (3),
15 (4), and (5) as follows:

16 **19-5-202. Who may adopt.** (3) A person having a living spouse
17 from whom ~~he~~ THE PERSON is not legally separated shall petition jointly
18 with such spouse, unless such spouse is the natural parent of the child to
19 be adopted or has previously adopted the child. NOTWITHSTANDING ANY
20 JUDICIAL DECISIONS TO THE CONTRARY, ONLY A SPOUSE WHOSE MARRIAGE
21 IS IN CONFORMITY WITH SECTION 31 OF ARTICLE II OF THE STATE
22 CONSTITUTION AND SECTION 14-2-104 (1)(b) MAY PETITION THE COURT
23 FOR A DECREE OF ADOPTION.

24 (4) A person having a living partner in a civil union from whom
25 the person is not legally separated shall petition jointly with the partner,
26 unless the partner is the natural parent of the child to be adopted or has
27 previously adopted the child. NOTWITHSTANDING ANY JUDICIAL

1 DECISIONS TO THE CONTRARY, ONLY A PARTNER IN A CIVIL UNION WHOSE
2 UNION, IF IT WERE A MARRIAGE, WOULD BE IN CONFORMITY WITH SECTION
3 31 OF ARTICLE II OF THE STATE CONSTITUTION AND SECTION 14-2-104
4 (1)(b), MAY PETITION THE COURT FOR A DECREE OF ADOPTION.

5 (5) A person who is a partner in a civil union may adopt a child
6 of the other partner through the same process outlined in section 19-5-203
7 for a stepparent adoption and shall be considered a stepparent for the
8 purpose of determining whether a child is available for adoption pursuant
9 to section 19-5-203 (1). NOTWITHSTANDING ANY JUDICIAL DECISIONS TO
10 THE CONTRARY, ONLY A PARTNER IN A CIVIL UNION WHOSE UNION, IF IT
11 WERE A MARRIAGE, WOULD BE IN CONFORMITY WITH SECTION 31 OF
12 ARTICLE II OF THE STATE CONSTITUTION AND SECTION 14-2-104 (1)(b)
13 MAY PETITION THE COURT FOR A DECREE OF ADOPTION.

14 **SECTION 6. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.