

Colorado Revised Statutes - Title 14: Domestic Matters - Article 2: Marriage and Rights of Married Women - Part 1: Uniform Marriage Act § 14-2-109

(1) A marriage may be solemnized by a judge of a court, by a court magistrate, by a retired judge of a court, by a public official whose powers include solemnization of marriages, by the parties to the marriage, or in accordance with any mode of solemnization recognized by any religious denomination or Indian nation or tribe. Either the person solemnizing the marriage or, if no individual acting alone solemnized the marriage, a party to the marriage shall complete the marriage certificate form and forward it to the county clerk and recorder within sixty days after the solemnization. Any person who fails to forward the marriage certificate to the county clerk and recorder as required by this section shall be required to pay a late fee in an amount of not less than twenty dollars. An additional five-dollar late fee may be assessed for each additional day of failure to comply with the forwarding requirements of this subsection (1) up to a maximum of fifty dollars. For purposes of determining whether a late fee shall be assessed pursuant to this subsection (1), the date of forwarding shall be deemed to be the date of postmark. (2) If a party to a marriage is unable to be present at the solemnization, such party may authorize in writing a third person to act as such party's proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, such person may solemnize the marriage by proxy. If such person is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy. (3) Upon receipt of the marriage certificate, the county clerk and recorder shall register the marriage.

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This part 1 shall be known and may be cited as the "Uniform Marriage Act".

Colorado Revised Statutes - Title 14: Domestic Matters - Article 2: Marriage and Rights of Married Women - Part 1: Uniform Marriage Act § 14-2-102

(1) This part 1 shall be liberally construed and applied to promote its underlying purposes. (2) Its underlying purposes are: (a) To strengthen and preserve the integrity of marriage and to safeguard meaningful family relationships; (b) To provide adequate procedures for the solemnization and registration of marriage.

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This part 1 shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this part 1 among those states which enact it.

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(1) Except as otherwise provided in subsection (3) of this section, a marriage is valid in this state if: (a) It is licensed, solemnized, and registered as provided in this part 1; and (b) It is only between one man and one woman. (2) Notwithstanding the provisions of section 14-2-112, any marriage contracted within or

outside this state that does not satisfy paragraph (b) of subsection (1) of this section shall not be recognized as valid in this state. (3) Nothing in this section shall be deemed to repeal or render invalid any otherwise valid common law marriage between one man and one woman: (a) Entered into prior to September 1, 2006; or (b) Entered into on or after September 1, 2006, that complies with section 14-2-109.5.

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(1) The executive director of the department of public health and environment shall prescribe the form for an application for a marriage license, which shall include the following information: (a) Name, sex, address, social security number, date and place of birth of each party to the proposed marriage; and for such purpose proof of date of birth may be by a birth certificate, a driver's license, or other comparable evidence; (b) If either party has previously been married, such party's married name and the date, place, and court in which the marriage was dissolved or declared invalid or the date and place of death of the former spouse; (c) Name and address of the parents or guardian of each party; (d) Whether the parties are related to each other and, if so, their relationship, or, if the parties are currently married to each other, a statement to that effect. (2) The executive director of the department of public health and environment shall prescribe the forms for the marriage license, the marriage certificate, and the consent to marriage.

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(1) (a) When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the county clerk and recorder and has paid the marriage license fee of seven dollars, a fee of twenty dollars to be transmitted by the county clerk and recorder to the state treasurer and credited by the treasurer to the Colorado domestic abuse program fund created in section 39-22-802 (1), C.R.S., and an additional amount established pursuant to section 25-2-121, C.R.S., such amount to be credited to the vital statistics records cash fund pursuant to section 25-2-121, C.R.S., the county clerk shall issue a license to marry and a marriage certificate form upon being furnished: (I) Satisfactory proof that each party to the marriage will have attained the age of eighteen years at the time the marriage license becomes effective; or, if over the age of sixteen years but has not attained the age of eighteen years, has the consent of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living or judicial approval, as provided in section 14-2-108; or, if under the age of sixteen years, has both the consent to the marriage of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living and judicial approval, as provided in section 14-2-108; and (II) Satisfactory proof that the marriage is not prohibited, as provided in section 14-2-110. (III) Repealed. (b) Violation of paragraph (a) (I) of this subsection (1) shall make the marriage voidable. (c) (Deleted by amendment, L. 2000, p. 1571, § 8, effective July 1, 2000.) (2) Repealed.

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Licenses to marry shall be issued by the county clerk and recorder 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 such licenses shall show the exact date and hour of their issue. A license shall not be valid for use outside the state of Colorado. Within the state, such licenses shall not be valid for more than thirty days after the date of issue. If any license to marry is not used within thirty days, it shall be void and shall be returned to the county clerk and recorder for cancellation.

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(1) The juvenile court, as defined in section 19-1-103 (17), C.R.S., after a reasonable effort has been made to notify the parents or guardian of each underage party, may order the county clerk and recorder to issue a marriage license and a marriage certificate form: (a) To a party aged sixteen or seventeen years who has no parent or guardian, or who has no parent capable of consenting to his marriage, or whose parent or guardian has not consented to his marriage; or (b) To a party under the age of sixteen years who has the consent to his or her marriage of both parents, if capable of giving consent, or his or her guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living. (2) A license shall be ordered to be issued under subsection (1) of this section only if the court finds that the underage party is capable of assuming the responsibilities of marriage and the marriage would serve his best interests. Pregnancy alone does not establish that the best interests of the party would be served. (3) The district court or the juvenile court, as the case may be, shall authorize performance of a marriage by proxy upon the showing required by the provisions on solemnization, being section 14-2-109.

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(1) A common law marriage entered into on or after September 1, 2006, shall not be recognized as a valid marriage in this state unless, at the time the common law marriage is entered into: (a) Each party is eighteen years of age or older; and (b) The marriage is not prohibited, as provided in section 14-2-110. (2) Notwithstanding the provisions of section 14-2-112, a common law marriage contracted within or outside this state on or after September 1, 2006, that does not satisfy the requirements specified in subsection (1) of this section shall not be recognized as valid in this state.

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(1) The following marriages are prohibited: (a) A marriage entered into prior to the dissolution of an earlier marriage of one of the parties, except a currently valid marriage between the parties; (b) A marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood; (c) A marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures. (2) Children born of a prohibited marriage are legitimate.

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Any person who has cohabited with another to whom he is not legally married in the good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminates his status and prevents acquisition of further rights. Children born of putative spouses are legitimate. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintenance following termination of his status, whether or not the marriage is prohibited under section 14-2-110, declared invalid, or otherwise terminated by court action. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spouses, but the court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and in the interests of justice.

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All marriages contracted within this state prior to January 1, 1974, or outside this state that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties are valid in this state.

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Except as provided in section 14-2-109 (1), any person who knowingly violates any provision of this part 1 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.