

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 15-0185.03 Debbie Haskins x2045

HOUSE BILL 15-1106

HOUSE SPONSORSHIP

Saine,

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION OF ACCESS BY ELIGIBLE PERSONS TO**
102 **UNREDACTED ADOPTION RECORDS THAT CONTAIN IDENTIFYING**
103 **INFORMATION.**

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/bills summaries>.)

In 2014, the general assembly enacted S.B. 14-051 to provide access by eligible persons to adoption records held by custodians of records, including courts and state agencies. Some courts and state agencies have interpreted the law to require redaction or removal of identifying information from adoption records prior to releasing the

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.

HOUSE
2nd Reading Unamended
February 13, 2015

adoption records pursuant to the access provisions enacted in S.B.14-051. To clarify the law about whether identifying information in an adoption record must be redacted prior to releasing adoption records to eligible persons, the bill creates a separate definition of "adoption record" that applies to the access provisions enacted in S.B. 14-051.

The bill clarifies that a court or state agency is required to release the adoption records to eligible persons who are authorized in statute to have direct access to the adoption records, without redaction, including any identifying information and nonidentifying information.

The bill takes effect upon passage and applies to all requests and applications for access to adoption records filed on or after said date.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (6.5) (a) introductory portion and (6.5) (b); and **add** (6.5) (a.5) as follows:

4 **19-1-103. Definitions - repeal.** As used in this title or in the
5 specified portion of this title, unless the context otherwise requires:

6 (6.5) (a) "Adoption record", as used in part 3 of article 5 of this
7 title, WITH THE EXCEPTION OF SECTION 19-5-305 (2) (b) (I) TO (IV), means
8 the following documents and information:

9 (a.5) "ADOPTION RECORD", AS USED IN SECTION 19-5-305 (2) (b)
10 (I) TO (IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION,
11 WITHOUT REDACTION:

12 (I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED
13 BIRTH CERTIFICATE;

14 (II) THE FINAL DECREE OF ADOPTION;

15 (III) ANY IDENTIFYING INFORMATION, SUCH AS THE NAME OF THE
16 ADOPTEE BEFORE PLACEMENT IN ADOPTION, THE NAME AND ADDRESS OF
17 EACH BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS, THE NAME,
18 ADDRESS, AND CONTACT INFORMATION OF THE ADULT ADOPTEE, AND THE
19 CURRENT NAME, ADDRESS, AND CONTACT INFORMATION OF EACH BIRTH

1 PARENT, IF KNOWN, OR OTHER INFORMATION THAT MIGHT PERSONALLY
2 IDENTIFY A BIRTH PARENT;

3 (IV) ANY NONIDENTIFYING INFORMATION, AS DEFINED IN SECTION
4 19-1-103 (80);

5 (V) THE FINAL ORDER OF RELINQUISHMENT; AND

6 (VI) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

7 (b) "Adoption record", AS USED IN EITHER PARAGRAPH (a) OR
8 PARAGRAPH (a.5) OF THIS SUBSECTION (6.5), shall not include
9 pre-relinquishment counseling records, which records shall remain
10 confidential.

11 **SECTION 2.** In Colorado Revised Statutes, 19-5-305, **amend** (2)
12 (b) (I) as follows:

13 **19-5-305. Access to adoption records - contact with parties to**
14 **adoption - contact preference form and updated medical history**
15 **statement - definitions. (2) Legislative declaration - access to**
16 **adoption records.** (b) Subject to the provisions of subsection (4) of this
17 section and in addition to information exchanged in a designated adoption
18 or inspection authorized by a court upon good cause shown pursuant to
19 section 19-1-309, access to adoption records by certain parties is
20 governed by the following provisions:

21 (I) **Adult adoptees, their descendants, and adoptive family**
22 **members.** Upon request, the custodian of records shall provide direct
23 access, WITHOUT REDACTION, to all adoption records, as defined in
24 ~~section 19-1-103 (6.5)~~ SECTION 19-1-103 (6.5) (a.5), for inspection and
25 copying by an adult adoptee, an adoptive parent of a minor adoptee, a
26 custodial grandparent of a minor adoptee, or the legal representative of
27 any such individual. In addition, the custodian of records shall provide

1 direct access to adoption records for inspection and copying by a spouse
2 of an adult adoptee, an adult descendant of an adoptee, an adult sibling or
3 half-sibling of an adult adoptee, an adoptive parent or grandparent of an
4 adult adoptee, or the legal representative of any such individual, if the
5 individual requesting access has the notarized written consent of the adult
6 adoptee or if the adult adoptee is deceased.

7 **SECTION 3. Effective date - applicability.** This act takes effect
8 upon passage and applies to all requests and applications for access to
9 adoption records filed on or after said date.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.