

**UPDATED SUMMARY  
SENATE BILL 14-051**

**Second Regular Session - Sixty-ninth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

The bill repeals and reenacts portions of the existing statute on access to adoption records to eliminate different standards of access by members of the adoption triad (consisting of the adoptee, the birth parents, and the adoptive parents) and their descendants based on the law in existence on the date the adoption was finalized. The bill retains the current policy that adoption records are confidential from the general public, unless the requesting party is eligible under the statute to access the records or unless the court finds good cause for release. The bill retains current policy that after a birth parent is deceased or an adult adoptee is deceased, eligible relatives may receive access to the adoption records.

**Contact preference forms.** The bill allows for the continued use of the contact preference form issued by the state registrar of vital statistics (state registrar), which form may be used by a birth parent to indicate whether he or she prefers to be contacted by an adoptee, the descendant of an adoptee, or a representative of either directly, through a third party, or not at all. ~~Effective July 1, 2014, the state registrar shall not distribute a contact preference form that gives a birth parent~~ *January 1, 2016, the option on the contact preference form that allows a birth parent to authorize or not authorize release of the original birth certificate to the adult adoptee, his or her descendants, or certain adoptive family members is eliminated. This option is phased out by January 1, 2016.*

*The bill specifies the procedures to be followed by the state registrar for releasing the original birth certificate during the phase-out of this option on the contact preference form and after the option is eliminated.* Prior to releasing an original birth certificate to an ~~individual eligible to access it~~ *eligible party*, the state registrar ~~or the custodian of records~~ must conduct a search to determine whether a contact preference form *executed prior to January 1, 2016*, was filed with the state registrar. ~~If a contact preference form was executed prior to July 1, 2014, and the birth parent stated a preference not to authorize release of the original birth certificate,~~ *If both birth parents have filed a contact preference form executed prior to January 1, 2016, authorizing the release of the original birth certificate, the state registrar must release the original birth certificate to the eligible party. If there is no contact preference form on file prior to January 1, 2016, from a birth parent named on the original birth certificate, or if a contact preference form executed prior to January 1, 2016, states a preference that the original birth certificate not be released, then the state registrar or other custodian of records may not release the original birth certificate to an adult adoptee or other eligible individual party prior to January 1, 2016, unless the birth parent rescinds or changes the contact preference form, upon mutual consent of 2 or more reunited parties, the birth parent is deceased, or a court orders its release. If* *When one birth parent has authorized the release of the birth certificate and the other birth parent has filed a contact*

*preference form prior to January 1, 2016, not ~~authorized~~ authorizing the release, the state registrar or other custodian of records may only shall issue the original birth certificate to the eligible party with the name of the nonconsenting parent redacted.*

The state registrar shall maintain and make available to the public accurate statistics about the number of contact preference forms on file with the state registrar and how many of the forms state a preference for contact, no contact, or contact through a third party.

*A legislative declaration was added to explain the intent of the General Assembly that access to adoption records should no longer be dependent upon the law in effect on the date of finalization of the adoption and that the purpose of revising the statute is to make access to adoption records to the adoption triad more uniform, to declare that it is the intent of the General Assembly to not abrogate, limit, or change the holding in in re J.N.H., a court of appeals decision that opened up access to records to adult adoptees to the names of his or her birth parents and to court records regarding the adoption, and to declare that the courts should liberally construe the statute in favor of releasing the records.*

**Access to adoption records by adult adoptees, their descendants, or adoptive family members.** The bill retains current policy regarding parties who are eligible to apply for adoption records. A custodian of adoption records must release adoption records (including birth certificates) to an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual. In addition, the custodian of records must provide direct access for inspection and copying of adoption records to a spouse of an adult adoptee, adult descendant of an adoptee, adult sibling or half-sibling of an adult adoptee, adoptive parent or grandparent of an adult adoptee, or the legal representative of any such individual, if the individual requesting access has the notarized written consent of the adult adoptee or if the adult adoptee is deceased.

**Access to original birth certificates by birth parents.** Upon request, the state registrar must provide to a birth parent who relinquished a child for adoption *and whose termination of parental rights was not the result of a dependency and neglect action* a copy of the unaltered original birth certificate that the birth parent signed or was named in.

**Access to death certificates.** The state registrar is authorized to conduct a search of death certificates to determine whether a birth parent or an adoptee is deceased and to provide a copy of any death certificate found to the requesting eligible individual. The state registrar may collect fees for conducting a search and for making copies and shall transmit any fees to the state treasurer who must credit the fees to the vital statistics records cash fund.

The legal custodian shall not release records unless the individual requesting access is eligible to access the records and provides proof of personal identification. The legal custodian may charge reasonable fees for copying records.

The bill retains the existing policy that allows identifying information in *adoption* records of child placement agencies to remain confidential based on prior written statements of birth parents on file with the child placement agency or the court; *except that the adoption*

*records in possession of a child placement agency may be open for inspection and copying with respect to identifying information if a birth parent provides a consent form to the child placement agency consenting to the release of the identifying information. This provision applies only to adoption records in the possession of child placement agencies and does not apply to adoption records in the possession of the court or any other agency, entity, or person.*

Subject to the provisions of this bill, any party may seek direct contact with another party or use the services of a confidential intermediary, a licensed child placement agency that agrees to conduct a search, or the voluntary mutual consent registry operated by the state registrar.

*The definition of "custodian of records" for purposes of access to adoption records by eligible parties, as provided in this bill, includes records in the custody of a court, a state agency, or the legal representative of the court or a state agency. The definition specifically excludes licensed child placement agencies.*

The bill makes conforming amendments.

*The bill appropriates \$34,120 and 0.6 FTE to the department of public health and environment for implementation of the bill.*

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Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.  
Prepared by the Office of Legislative Legal Services.