

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0493.01 Debbie Haskins x2045

HOUSE BILL 14-1042

HOUSE SPONSORSHIP

Saine, McCann

SENATE SPONSORSHIP

Tochtrop,

House Committees

Public Health Care & Human Services
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS BY BIRTH PARENTS TO RECORDS RELATING TO**
102 **THE RELINQUISHMENT OF PARENTAL RIGHTS.**

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>.)

This bill requires that a custodian of records relating to the relinquishment of a child provide the following records to the child's birth parent at the time of relinquishment or at the time the document is created:

! The original birth certificate;

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.*

- ! The petition to relinquish;
- ! The final order of relinquishment or other relinquishment documents;
- ! The affidavit of counseling;
- ! The temporary waiver of custody; and
- ! The expedited relinquishment documents, if applicable.

If relinquishment records were not provided to a birth parent at the time of the relinquishment of the child or at the time the document was created and the subsequent termination of the parent-child legal relationship was not the result of a dependency and neglect action, then upon written request of the birth parent and proof of identification, the custodian of the records shall provide access to and copies of such records to the birth parent, including all documents that the birth parent signed or on which the birth parent is named.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **add** (35.5)
 3 as follows:

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

6 (35.5) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-109,
 7 MEANS A PERSON OR ENTITY THAT HAS CUSTODY OF RECORDS RELATING
 8 TO THE RELINQUISHMENT OF A CHILD, INCLUDING A COURT, STATE
 9 AGENCY, COUNTY DEPARTMENT, ATTORNEY, LICENSED CHILD PLACEMENT
 10 AGENCY, MATERNITY HOME, OR THE LEGAL AGENT OR REPRESENTATIVE OF
 11 ANY SUCH PERSON OR ENTITY.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 19-5-109 as
 13 follows:

14 **19-5-109. Birth parent access to records related to**
 15 **relinquishment of parental rights.** (1) IN THOSE CASES IN WHICH A
 16 PARENT CONSENTS TO THE RELINQUISHMENT OF HIS OR HER CHILD AND
 17 THE SUBSEQUENT TERMINATION OF THE PARENT-CHILD LEGAL

1 RELATIONSHIP IS NOT THE RESULT OF A DEPENDENCY AND NEGLECT
2 ACTION, THE CUSTODIAN OF RECORDS SHALL PROVIDE A COPY OF THE
3 FOLLOWING RECORDS TO THE RELINQUISHING BIRTH PARENT AT THE TIME
4 OF RELINQUISHMENT OF THE CHILD OR AT THE TIME THE DOCUMENT WAS
5 CREATED, INCLUDING:

6 (a) THE ORIGINAL BIRTH CERTIFICATE OF THE CHILD WHO IS BEING
7 RELINQUISHED;

8 (b) THE PETITION TO RELINQUISH;

9 (c) THE FINAL ORDER OF RELINQUISHMENT AND ANY OTHER
10 RELINQUISHMENT DOCUMENTS;

11 (d) THE AFFIDAVIT OF COUNSELING;

12 (e) THE TEMPORARY WAIVER OF CUSTODY; AND

13 (f) EXPEDITED RELINQUISHMENT DOCUMENTS, IF APPLICABLE.

14 (2) IF THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS
15 SECTION WERE NOT PROVIDED TO A BIRTH PARENT AT THE TIME OF THE
16 RELINQUISHMENT OF THE CHILD OR AT THE TIME THE DOCUMENT WAS
17 CREATED AND IF THE SUBSEQUENT TERMINATION OF THE PARENT-CHILD
18 LEGAL RELATIONSHIP WAS NOT THE RESULT OF A DEPENDENCY OR
19 NEGLECT ACTION, THEN UPON WRITTEN REQUEST AND PROOF OF
20 IDENTIFICATION OF THE BIRTH PARENT, THE CUSTODIAN OF RECORDS
21 SHALL PROVIDE ACCESS TO AND COPIES OF THE RECORDS DESCRIBED IN
22 SUBSECTION (1) OF THIS SECTION TO THE BIRTH PARENT, INCLUDING ANY
23 DOCUMENT THAT THE BIRTH PARENT SIGNED OR ON WHICH THE BIRTH
24 PARENT IS NAMED.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2014 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.