

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 14-0493	Date: July 23, 2014
Prime Sponsor(s): Rep. Saine	Bill Status: Signed into Law
Sen. Tochtrop	Fiscal Analyst: Bill Zepernick (303-866-4777)

SHORT TITLE: BIRTH PARENT ACCESS TO RELINQUISHMENT RECORDS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	<u>\$22,273</u>	<u>\$18,120</u>
Cash Funds	22,273	18,120
State Expenditures	<u>\$20,518</u>	<u>\$13,843</u>
Cash Funds	14,423	9,616
Centrally Appropriated Costs**	6,095	4,227
FTE Position Change	0.3 FTE	0.2 FTE
Appropriation Required: \$14,423 - Department of Public Health and Environment (FY 2014-15)		

* This summary shows changes from current law under the bill for each fiscal year.

** These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

Summary of Legislation

The bill requires custodians to provide certain records to a relinquishing birth parent that relate to the relinquishment of a child on which the parent is named or has signed. These records must be provided at the time of relinquishment or when the document is created. The bill does not apply to cases where parental rights are terminated due to a dependency and neglect action. These documents include:

- the original birth certificate of the child being relinquished;
- the petition to relinquish;
- the final order of relinquishment;
- the affidavit of counseling, excluding any attachments or pre-relinquishment counseling documents;
- the temporary waiver of custody;
- expedited relinquishment documents, if applicable;
- a relinquishment interrogatory from a birth parent;
- the order for publication of relinquishment;
- the notice to terminate the parent-child legal relationship; and
- the medical records of a birth mother related to the pregnancy and birth, which may only be released by the hospital or maternity home that created the records.

Custodians of records include courts, state agencies, licensed child placement agencies, and maternity homes, or the legal agent or representative of such a person or entity. The bill limits the liability of licensed child placement agencies in cases where the birth parent fails to request a document or if a document listed above cannot be produced because it was not required at the time of relinquishment.

If records were not provided at the time of relinquishment or when they were created, a birth parent may submit a written request for the records along with proof of identification. The record custodian must provide access to and copies of the records listed above to the birth parent, as well as any other document signed by or including the name of the birth parent. Records may be released to a birth parent who was a minor at the time of relinquishment when records were signed by a parent, guardian, legal custodian, or legal representative on behalf of the relinquishing parent.

State Revenue

The bill is expected to increase fee revenue to multiple state agencies, as described below.

Department of Public Health and Environment. Fee revenue to the Department of Public Health and Environment (DPHE) is expected to increase by **\$22,273 in FY 2014-15 and \$18,120 in FY 2015-16** and beyond. This revenue for performing records searches and providing copies of birth certificates is deposited into the Vital Statistics Records Cash Fund.

Assumptions. Fee revenue to the DPHE is based on the following assumptions:

- 150 records searches are performed in the first month and 40 per month thereafter, resulting in 590 searches in the first year and 480 searches per year thereafter; and
- the combined search and birth certificate copy fee is \$37.75.

Other agencies. The courts and other state agencies such as the Department of Human Services (DHS) may also receive additional revenue from fees to search for and provide various documents under the bill. Revenue to other agencies is expected to be minimal and has not been estimated.

State Expenditures

The bill increases costs and workload in several state agencies and the courts. These impacts are discussed below.

Department of Public Health and Environment. Costs in the DPHE, paid from the Vital Statistics Records Cash Fund, are expected to increase by **\$20,518 in FY 2014-15 and \$13,843 in FY 2015-16** and beyond. Costs are summarized in Table 1 and the discussion below.

Table 1. Expenditures Under HB 14-1042		
Cost Components	FY 2014-15	FY 2015-16
Personal Services	\$14,423	\$9,616
FTE	0.3 FTE	0.2 FTE
Centrally Appropriated Costs*	6,095	4,227
TOTAL	\$20,518	\$13,843

* Centrally appropriated costs are not included in the bill's appropriation.

Personal services. Based on the assumptions in the State Revenue section above and assuming each records search under the bill requires one hour of staff time, the DPHE requires an additional 0.3 FTE in the first year and 0.2 FTE in future years for records technician staff at an annual salary of \$43,080.

Other agencies. The DHS and the courts may also have additional workload to respond to records requests under the bill. At this time it is assumed that this workload can be accomplished by existing staff and no change in appropriations are required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under HB 14-1042*		
Cost Components	FY 2014-15	FY 2015-16
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$1,354	\$903
Supplemental Employee Retirement Payments	918	745
Indirect Costs	3,823	2,579
TOTAL	\$6,095	\$4,227

*More information is available at: <http://colorado.gov/fiscalnotes>

Local Government Impact

Similar to the state agencies discussed above, counties may also have a revenue and workload impact to respond to requests for records under the bill. For example, county clerks may receive additional requests for birth certificates and county departments of human services may receive inquiries concerning records held by child placement agencies.

Effective Date

The bill was signed into law by the Governor on May 22, 2014, and takes effect August 6, 2014, assuming no referendum petition is filed.

State Appropriations

The bill requires, and includes, an appropriation of \$14,423 from the Vital Statistics Records Cash Fund and 0.3 FTE to the DPHE.

State and Local Government Contacts

Human Services	Judicial	Law
Public Health and Environment	Counties	