

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0664	Date: January 22, 2014
Prime Sponsor(s): Sen. Tochtrop Rep. Saine	Bill Status: Senate Judiciary
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SHORT TITLE: ACCESS TO ADOPTION RECORDS & BIRTH CERTIFICATES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	<u>\$50,963</u>	<u>\$45,300</u>
Cash Funds	50,963	45,300
State Expenditures	<u>\$47,726</u>	<u>\$42,232</u>
Cash Funds	34,120	29,417
Centrally Appropriated Costs**	13,606	12,815
FTE Position Change	0.6 FTE	0.6 FTE
Appropriation Required: \$34,120 - 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 eliminates different standards of access to adoption records for adoptees, birth parents, and adoptive parents, as well as their descendants, based on the law in existence on the date the adoption was finalized. Generally, the bill retains current policy that adoption records are confidential from the general public, unless the requesting party is eligible under statute to access the records or the court finds good cause for their release. Current policy is also retained that allows eligible relatives of a deceased birth parent or a deceased adult adoptee to access adoption records concerning that person.

The bill allows for the continued use of the contact preference form by birth parents, but requires the Department of Public Health and Environment (DPHE) to update the form by July 1, 2014, to:

- allow the birth parent to state his or her preference to be contacted, to not be contacted, or to be contacted through a third party;
- remove the section for a birth parent to authorize or not authorize the release of the birth certificate; and
- provide space for a written statement by the birth parent to include medical history information, an explanation of the stated contact preference, and any other information for the person seeking records.

The DPHE is required to conduct a diligent search for the contact preference form and the bill states the procedures to be followed based on the contact preference form, including the form in effect prior to July 1, 2014. The bill specifies that a birth certificate is not to be released if the

birth parent had previously provided a contact preference form stating that release of the birth certificate was not authorized. In the event one parent authorized the release of the birth certificate and the other did not, the birth certificate must be released with the non-consenting parent's name redacted. The DPHE is required to maintain and publish statistics on the contact preference forms.

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 **\$50,963 in FY 2014-15 and \$45,300 in FY 2015-16** and beyond. This revenue for performing records searches and providing copies of birth certificates is deposited into the Vital Records Statistics Cash Fund.

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

- 250 records searches are performed in the first month and 100 per month thereafter, resulting in 1,350 searches in the first year and 1,200 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 Records Statistics Cash Fund, are expected to increase by **\$47,726 in FY 2014-15 and \$42,232 in FY 2015-16** and beyond. Costs are summarized in Table 1 and the discussion below.

Cost Components	FY 2014-15	FY 2015-16
Personal Services	\$28,847	\$28,847
FTE	0.6 FTE	0.6 FTE
Operating Expenses and Capital Outlay Costs	5,273	570
Centrally Appropriated Costs*	13,606	12,815
TOTAL	\$47,726	\$42,232

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

Vital records searches. 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 0.6 FTE per year beginning in FY 2014-15 for records technician staff at an annual salary of \$43,080. This results in personal services costs of \$28,847 per year. Operating expenses are \$570 per year for these staff, and first-year capital costs (furniture, computer, software) are \$4,703.

Other agencies. The DHS and the courts in the Judicial Department 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 changes 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 SB 14-051*		
Cost Components	FY 2014-15	FY 2015-16
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$2,710	\$2,710
Supplemental Employee Retirement Payments	2,003	2,236
Indirect Costs	8,893	7,869
TOTAL	\$13,606	\$12,815

*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 records requests 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 the county departments or by child placement agencies.

Effective Date

The bill takes effect July 1, 2014, and applies to requests for records occurring on or after this date.

State Appropriations

The bill requires an appropriation of \$34,120 from the Vital Records Statistics Cash Fund and 0.6 FTE to the DPHE.

State and Local Government Contacts

Human Services
Public Health and Environment

Judicial
Counties

Law