

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 17, 2014

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB14-051 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. In Colorado Revised Statutes, 19-5-305, **repeal**
4 **and reenact, with amendments**, (1), (1.5), and (2); and **add** (6) as
5 follows:

6 **19-5-305. Access to adoption records - contact with parties to**
7 **adoption - contact preference form and updated medical history**
8 **statement - definitions.** (1) **Confidentiality.** ALL ADOPTION RECORDS
9 ARE CONFIDENTIAL FROM THE GENERAL PUBLIC AND MUST REMAIN
10 CONFIDENTIAL EXCEPT AS DESCRIBED IN SUBSECTIONS (1.5) AND (2) OF
11 THIS SECTION OR UPON DEMONSTRATION OF GOOD CAUSE PURSUANT TO
12 SECTION 19-1-309 OR AS OTHERWISE PROVIDED BY LAW.

13 (1.5) **Contact preference forms and updated medical history**
14 **statements from birth parents.** (a) THE STATE REGISTRAR SHALL
15 PRESCRIBE AND MAKE AVAILABLE TO A BIRTH PARENT NAMED ON AN
16 ORIGINAL BIRTH CERTIFICATE IN THE RECORDS OF THE STATE REGISTRAR
17 A CONTACT PREFERENCE FORM ON WHICH THE BIRTH PARENT MAY
18 INDICATE A PREFERENCE REGARDING CONTACT BY THE ADULT ADOPTEE,
19 AN ADULT DESCENDANT OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE
20 OF THE ADOPTEE OR DESCENDANT. THE PURPOSE OF THE CONTACT
21 PREFERENCE FORM IS TO ALLOW THE BIRTH PARENT THE OPPORTUNITY TO
22 INDICATE A PREFERENCE TO BE CONTACTED DIRECTLY, TO BE CONTACTED
23 THROUGH A THIRD PARTY, OR NOT TO BE CONTACTED BY OTHER PARTIES.

24 (b) THE FORM MUST ALSO INCLUDE SPACE FOR A WRITTEN
25 STATEMENT BY THE BIRTH PARENT, WHICH MAY INCLUDE UPDATED
26 MEDICAL HISTORY ABOUT THE BIRTH PARENT OR OTHER BIOLOGICAL
27 RELATIVES, AN EXPLANATION FOR THE STATED CONTACT PREFERENCE, OR

1 OTHER INFORMATION FOR THE PARTY SEEKING RECORDS. THE MEDICAL
2 HISTORY STATEMENT FORM MUST INDICATE THAT THE BIRTH PARENT IS
3 WAIVING CONFIDENTIALITY OF ANY MEDICAL INFORMATION SUPPLIED IN
4 THE STATEMENT WITH RESPECT TO THE ADOPTEE, AN ADULT DESCENDANT
5 OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE OF SUCH INDIVIDUAL, AND
6 TO THE STATE REGISTRAR OR HIS OR HER DESIGNEES.

7 (c) THE STATE REGISTRAR SHALL MAINTAIN THE CONTACT
8 PREFERENCE FORM AND THE MEDICAL HISTORY STATEMENTS, IF ANY, AND
9 MAKE THEM ACCESSIBLE TO AN INDIVIDUAL WHO IS AN ELIGIBLE PARTY
10 ALLOWED TO RECEIVE ADOPTION RECORDS AS DESCRIBED IN
11 SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION
12 AND WHO SUBMITS A WRITTEN APPLICATION FORM, PROOF OF IDENTITY,
13 AND AN EXPLANATION OF THE INDIVIDUAL'S RELATIONSHIP TO THE
14 ADOPTEE, IF APPLICABLE. THE STATE REGISTRAR IS AUTHORIZED TO
15 VERIFY THE SUBMISSION OF A CONTACT PREFERENCE FORM OR AN
16 UPDATED MEDICAL HISTORY STATEMENT AND TO PROVIDE A COPY OF A
17 CONTACT PREFERENCE FORM TO A CONFIDENTIAL INTERMEDIARY
18 APPOINTED PURSUANT TO SECTION 19-5-304 OR TO A DESIGNATED
19 EMPLOYEE OF A CHILD PLACEMENT AGENCY WHO IS SEARCHING PURSUANT
20 TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS
21 SECTION. THE STATE REGISTRAR SHALL MAINTAIN AND MAKE AVAILABLE
22 TO THE PUBLIC ACCURATE STATISTICS ABOUT THE NUMBER OF CONTACT
23 PREFERENCE FORMS ON FILE WITH THE STATE REGISTRAR AND HOW MANY
24 OF THE FORMS STATE A PREFERENCE FOR CONTACT, NO CONTACT, OR
25 CONTACT THROUGH A THIRD PARTY.

26 (d) (I) AS USED IN THIS SECTION, "ELIGIBLE PARTY" MEANS A
27 PERSON WHO IS ELIGIBLE UNDER SUBPARAGRAPH (I) OF PARAGRAPH (b) OF
28 SUBSECTION (2) OF THIS SECTION TO HAVE ACCESS TO ADOPTION RECORDS.

29 (II) THE OPTION ON THE CONTACT PREFERENCE FORM THAT
30 ALLOWS A BIRTH PARENT TO AUTHORIZE OR NOT AUTHORIZE THE RELEASE
31 OF THE ORIGINAL BIRTH CERTIFICATE TO ELIGIBLE PARTIES EXPIRES ON
32 JANUARY 1, 2016. THE STATE REGISTRAR SHALL REVISE THE CONTACT
33 PREFERENCE FORM TO ELIMINATE THIS OPTION, EFFECTIVE JANUARY 1,
34 2016, AND SHALL NEITHER DISTRIBUTE NOR ACCEPT CONTACT PREFERENCE
35 FORMS ON OR AFTER JANUARY 1, 2016, THAT CONTAIN AN OPTION
36 REGARDING SUCH RELEASE. ON AND AFTER JANUARY 1, 2016, CONTACT
37 PREFERENCE FORMS SHALL ONLY ADDRESS A BIRTH PARENT'S
38 PREFERENCES REGARDING CONTACT AND THE ABILITY TO SUBMIT AN
39 EXPLANATION FOR THE STATED CONTACT PREFERENCE AND TO SUBMIT OR
40 UPDATE MEDICAL HISTORY. A CHILD PLACEMENT AGENCY IS NOT LIABLE
41 TO ANY PERSON FOR THE FAILURE OF A BIRTH PARENT TO SUBMIT A
42 CONTACT PREFERENCE FORM TO THE STATE REGISTRAR. ON AND AFTER

1 JULY 1, 2014, THE STATE REGISTRAR SHALL POST A NOTICE ON THE WEB
2 SITE OF THE OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS
3 STATING THAT THE CONTACT PREFERENCE FORM WILL BE REVISED TO
4 ELIMINATE THE OPTION TO AUTHORIZE OR OBJECT TO THE RELEASE OF THE
5 ORIGINAL BIRTH CERTIFICATE AND THAT BIRTH PARENTS MAY EXERCISE
6 THIS OPTION PRIOR TO JANUARY 1, 2016.

7 (III) PRIOR TO ALLOWING ACCESS TO AND PROVIDING A COPY OF
8 AN ORIGINAL BIRTH CERTIFICATE TO AN ELIGIBLE PARTY, THE STATE
9 REGISTRAR MUST PERFORM A DILIGENT SEARCH FOR A CONTACT
10 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, TO ASCERTAIN
11 IF EITHER BIRTH PARENT HAD STATED A PREFERENCE AUTHORIZING OR NOT
12 AUTHORIZING THE RELEASE OF THE ORIGINAL BIRTH CERTIFICATE TO
13 ELIGIBLE PARTIES. IF BOTH BIRTH PARENTS HAVE FILED A CONTACT
14 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, STATING A
15 PREFERENCE TO AUTHORIZE THE RELEASE OF THE ORIGINAL BIRTH
16 CERTIFICATE, THEN THE STATE REGISTRAR MUST RELEASE THE ORIGINAL
17 BIRTH CERTIFICATE TO THE ELIGIBLE PARTY. IF THERE IS NO CONTACT
18 PREFERENCE FORM ON FILE PRIOR TO JANUARY 1, 2016, FROM A BIRTH
19 PARENT NAMED ON THE ORIGINAL BIRTH CERTIFICATE, OR IF A CONTACT
20 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, IS ON FILE THAT
21 STATES A PREFERENCE THAT THE ORIGINAL BIRTH CERTIFICATE NOT BE
22 RELEASED, THEN THE STATE REGISTRAR MAY NOT RELEASE THE ORIGINAL
23 BIRTH CERTIFICATE TO THE ELIGIBLE PARTY PRIOR TO JANUARY 1, 2016,
24 UNLESS THE BIRTH PARENT RESCINDS THE CONTACT PREFERENCE FORM,
25 UPON MUTUAL CONSENT OF TWO OR MORE REUNITED PARTIES, THE BIRTH
26 PARENT IS DECEASED, OR THE ELIGIBLE PARTY OBTAINS A COURT ORDER
27 PURSUANT TO SECTION 19-1-309. WHEN ONE BIRTH PARENT HAS
28 AUTHORIZED THE RELEASE OF THE BIRTH CERTIFICATE AND THE OTHER
29 BIRTH PARENT HAS FILED A CONTACT PREFERENCE FORM PRIOR TO
30 JANUARY 1, 2016, NOT AUTHORIZING RELEASE, THE STATE REGISTRAR
31 SHALL ISSUE THE ORIGINAL BIRTH CERTIFICATE TO THE ELIGIBLE PARTY
32 WITH THE NAME OF THE NONCONSENTING PARENT REDACTED.

33 (2) **Legislative declaration - access to adoption records.**
34 (a) THE GENERAL ASSEMBLY TAKES NOTE THAT THE LAW IN COLORADO
35 REGARDING ACCESS TO ADOPTION RECORDS HAS TREATED PERSONS
36 DIFFERENTLY DEPENDING UPON THE LAW IN EFFECT UPON THE DATE OF
37 THE ADOPTION OF THE ADOPTEE AND THAT THE STATUTORY SCHEME HAS
38 BEEN CONFUSING, COMPLICATED, AND AMBIGUOUS. BY REPEALING AND
39 REENACTING PROVISIONS OF THIS SECTION TO REMOVE THOSE VARYING
40 TIME PERIODS AND VARYING LEVELS OF ACCESS OR NONACCESS TO
41 ADOPTION RECORDS BY AN ADULT ADOPTEE OR BY A BIRTH PARENT, IT IS
42 THE INTENT OF THE GENERAL ASSEMBLY THAT ACCESS TO ADOPTION

1 RECORDS NO LONGER BE DEPENDENT UPON THE LAW IN EFFECT ON THE
2 DATE OF THE FINALIZATION OF ADOPTION. THE GENERAL ASSEMBLY
3 DECLARES THAT THE PURPOSE OF THE REVISION OF THIS SUBSECTION (2)
4 IS TO MAKE THE ACCESS TO ADOPTION RECORDS BY MEMBERS OF THE
5 ADOPTION TRIAD MORE UNIFORM AS OUTLINED IN THIS SUBSECTION (2).
6 THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS THE INTENT OF
7 THE GENERAL ASSEMBLY TO NOT ABROGATE, LIMIT, OR CHANGE THE
8 HOLDING IN OR AFFECT ANY RIGHTS CREATED UNDER *IN RE J.N.H.*, 209 P.3d
9 1221 (COLO. APP. 2009) WITH RESPECT TO ACCESS BY AN ADULT ADOPTEE
10 TO THE NAMES OF HIS OR HER BIRTH PARENTS AND TO ALL COURT RECORDS
11 AND PAPERS REGARDING THE ADOPTION OF THE ADULT ADOPTEE. THE
12 GENERAL ASSEMBLY FURTHER DECLARES THAT IN CONSTRUING THIS
13 SECTION, THE COURTS SHOULD LIBERALLY CONSTRUE THIS SECTION IN
14 FAVOR OF RELEASING THE RECORDS.

15 (b) SUBJECT TO THE PROVISIONS OF SUBSECTION (4) OF THIS
16 SECTION AND IN ADDITION TO INFORMATION EXCHANGED IN A DESIGNATED
17 ADOPTION OR INSPECTION AUTHORIZED BY A COURT UPON GOOD CAUSE
18 SHOWN PURSUANT TO SECTION 19-1-309, ACCESS TO ADOPTION RECORDS
19 BY CERTAIN PARTIES IS GOVERNED BY THE FOLLOWING PROVISIONS:

20 (I) **Adult adoptees, their descendants, and adoptive family**
21 **members.** UPON REQUEST, THE CUSTODIAN OF RECORDS SHALL PROVIDE
22 DIRECT ACCESS TO ALL ADOPTION RECORDS, AS DEFINED IN SECTION
23 19-1-103 (6.5), FOR INSPECTION AND COPYING BY AN ADULT ADOPTEE, AN
24 ADOPTIVE PARENT OF A MINOR ADOPTEE, A CUSTODIAL GRANDPARENT OF
25 A MINOR ADOPTEE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH
26 INDIVIDUAL. IN ADDITION, THE CUSTODIAN OF RECORDS SHALL PROVIDE
27 DIRECT ACCESS TO ADOPTION RECORDS FOR INSPECTION AND COPYING BY
28 A SPOUSE OF AN ADULT ADOPTEE, AN ADULT DESCENDANT OF AN ADOPTEE,
29 AN ADULT SIBLING OR HALF-SIBLING OF AN ADULT ADOPTEE, AN ADOPTIVE
30 PARENT OR GRANDPARENT OF AN ADULT ADOPTEE, OR THE LEGAL
31 REPRESENTATIVE OF ANY SUCH INDIVIDUAL, IF THE INDIVIDUAL
32 REQUESTING ACCESS HAS THE NOTARIZED WRITTEN CONSENT OF THE
33 ADULT ADOPTEE OR IF THE ADULT ADOPTEE IS DECEASED.

34 (II) **Access by a birth parent to the original birth certificate.**
35 A BIRTH PARENT WHO RELINQUISHED A CHILD FOR ADOPTION, WHOSE
36 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP WAS NOT THE
37 RESULT OF A DEPENDENCY AND NEGLECT ACTION, AND WHO SIGNED OR IS
38 NAMED ON THE ORIGINAL BIRTH CERTIFICATE MAY APPLY TO THE STATE
39 REGISTRAR FOR AND OBTAIN A NONCERTIFIED COPY OF THE UNALTERED
40 ORIGINAL BIRTH CERTIFICATE OF THE CHILD HE OR SHE RELINQUISHED IF
41 THE CHILD WAS BORN IN THIS STATE, OR IF THE CHILD'S ADOPTION WAS
42 FINALIZED IN THIS STATE, OR BOTH.

1 (III) (A) **Access to death certificates of deceased parties.** UPON
2 REQUEST OF AN ELIGIBLE PARTY OR A BIRTH PARENT AS DESCRIBED IN
3 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE STATE REGISTRAR SHALL
4 CONDUCT A SEARCH OF DEATH CERTIFICATES TO DETERMINE WHETHER AN
5 ADOPTEE OR A BIRTH PARENT IS DECEASED. IF THE STATE REGISTRAR FINDS
6 A DEATH CERTIFICATE FOR THE ADULT ADOPTEE OR THE BIRTH PARENT,
7 THEN THE STATE REGISTRAR SHALL PROVIDE A COPY TO THE ELIGIBLE
8 PARTY. THE STATE REGISTRAR MAY COLLECT A FEE FOR CONDUCTING A
9 SEARCH AND FOR MAKING A COPY OF THE DEATH CERTIFICATE.

10 (B) **Access to records pertaining to a deceased party.** IF AN
11 ELIGIBLE PARTY OR A BIRTH PARENT AS DESCRIBED IN SUBPARAGRAPH (II)
12 OF THIS PARAGRAPH (b) APPLIES TO A CUSTODIAN OF RECORDS FOR ACCESS
13 TO RECORDS ABOUT AN ADULT ADOPTEE OR A BIRTH PARENT AND THE
14 CUSTODIAN OF RECORDS DETERMINES THAT THE PERSON WHOSE RECORDS
15 ARE BEING SOUGHT IS DECEASED OR CAN REASONABLY BE PRESUMED TO
16 BE DECEASED BASED ON THE KNOWN OR ESTIMATED DATE OF BIRTH OF THE
17 SOUGHT PARTY, THE CUSTODIAN OF RECORDS SHALL PROVIDE DIRECT
18 ACCESS TO THE RECORDS FOR INSPECTION AND COPYING BY THE ELIGIBLE
19 PARTY.

20 (IV) **Proof of identification and fees.** PRIOR TO RELEASING ANY
21 RECORDS TO ANY ELIGIBLE PARTY ALLOWED TO RECEIVE RECORDS
22 PURSUANT TO THIS SUBSECTION (2), THE CUSTODIAN OF RECORDS MUST
23 REQUIRE THE ELIGIBLE PARTY REQUESTING ACCESS TO PROVIDE PROOF OF
24 IDENTIFICATION. THE CUSTODIAN OF RECORDS MAY CHARGE REASONABLE
25 FEES FOR PROVIDING COPIES OF RECORDS. THE STATE REGISTRAR SHALL
26 TRANSMIT ALL MONEYS COLLECTED PURSUANT TO SUBPARAGRAPH (III) OF
27 THIS PARAGRAPH (b) AND THIS SUBPARAGRAPH (IV) TO THE STATE
28 TREASURER, WHO SHALL CREDIT THE SAME TO THE VITAL STATISTICS
29 RECORDS CASH FUND CREATED IN SECTION 25-2-121, C.R.S.

30 (V) **Release of records by child placement agencies and prior**
31 **written statements of birth parents.** NOTWITHSTANDING THE
32 PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE ADOPTION
33 RECORDS, AS DEFINED IN SECTION 19-1-103 (6.5) (a), IN THE POSSESSION
34 OF A CHILD PLACEMENT AGENCY MAY NOT BE OPEN FOR INSPECTION OR
35 MADE AVAILABLE FOR COPYING WITH RESPECT TO ANY IDENTIFYING
36 INFORMATION CONCERNING A BIRTH PARENT IF THE BIRTH PARENT HAS
37 PREVIOUSLY PROVIDED THE COURT AND THE CHILD PLACEMENT AGENCY,
38 IF APPLICABLE, WITH A SIGNED AND NOTARIZED WRITTEN STATEMENT,
39 WITHIN THREE YEARS AFTER THE FINAL ORDER OF RELINQUISHMENT OR
40 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP, SPECIFYING
41 THAT SUCH PARENT WISHES THE IDENTIFYING INFORMATION CONCERNING
42 THAT PARENT TO REMAIN CONFIDENTIAL; EXCEPT THAT THE ADOPTION

1 RECORDS IN THE POSSESSION OF A CHILD PLACEMENT AGENCY MAY BE
2 OPEN FOR INSPECTION AND MADE AVAILABLE FOR COPYING WITH RESPECT
3 TO IDENTIFYING INFORMATION CONCERNING A BIRTH PARENT IF A BIRTH
4 PARENT PROVIDES A CONSENT FORM, AS DEFINED IN SECTION 19-1-103
5 (28.5), TO THE CHILD PLACEMENT AGENCY CONSENTING TO THE RELEASE
6 OF IDENTIFYING INFORMATION AND THE RELEASE OF IDENTIFYING
7 INFORMATION IS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (3) OF
8 THIS SECTION. A WRITTEN STATEMENT SPECIFYING THAT A BIRTH PARENT
9 WISHES THE IDENTIFYING INFORMATION CONCERNING THAT PARENT ON
10 FILE WITH A CHILD PLACEMENT AGENCY TO REMAIN CONFIDENTIAL MUST
11 REMAIN IN THE COURT'S AND THE CHILD PLACEMENT AGENCY'S
12 RELINQUISHMENT OR TERMINATION FILE UNLESS LATER WITHDRAWN BY
13 THE PARENT OR SUPERCEDED BY A CONSENT FORM. A CHILD PLACEMENT
14 AGENCY IS NOT LIABLE TO ANY INDIVIDUAL FOR THE FAILURE OF A BIRTH
15 PARENT TO SUBMIT SUCH A WRITTEN STATEMENT TO THE COURT. IN
16 ADDITION TO SUCH A STATEMENT, THE BIRTH PARENT MAY ALSO SUBMIT
17 TO THE COURT AND TO THE CHILD PLACEMENT AGENCY A LETTER OF
18 EXPLANATION THAT THE COURT AND THE CHILD PLACEMENT AGENCY
19 MUST RELEASE TO THE ADOPTEE AT THE TIME THAT THE ADOPTEE MAKES
20 A REQUEST FOR INSPECTION OF THE ADOPTION RECORDS. THIS
21 SUBPARAGRAPH (V) APPLIES ONLY TO ADOPTION RECORDS IN THE
22 POSSESSION OF CHILD PLACEMENT AGENCIES AND DOES NOT APPLY TO
23 ADOPTION RECORDS IN THE POSSESSION OF THE COURT OR ANY OTHER
24 AGENCY, ENTITY, OR PERSON.

25 (6) **Contact between the parties.** SUBJECT TO THE PROVISIONS OF
26 SUBSECTION (2) OF THIS SECTION, ANY PARTY MAY SEEK TO MAKE DIRECT
27 CONTACT WITH ANOTHER PARTY OR TO USE THE SERVICES OF A
28 CONFIDENTIAL INTERMEDIARY AS PROVIDED IN SECTION 19-5-304, A
29 LICENSED CHILD PLACEMENT AGENCY AS PROVIDED IN SUBSECTION (3) OF
30 THIS SECTION, OR THE VOLUNTARY ADOPTION REGISTRY MAINTAINED BY
31 THE STATE REGISTRAR AS PROVIDED IN SECTION 25-2-113.5, C.R.S.

32 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
33 (28.7); and **add** (35.3) as follows:

34 **19-1-103. Definitions - repeal.** As used in this title or in the
35 specified portion of this title, unless the context otherwise requires:

36 (28.7) (a) "Contact preference form" means a written statement
37 signed by a birth parent indicating whether the birth parent prefers future
38 contact with an adult adoptee, an adult descendant of the adoptee, or a
39 legal representative of the adoptee or the descendant and, if contact is
40 preferred, whether the contact should be through a confidential
41 intermediary or a designated employee of a child placement agency.

1 (b) (I) A contact preference form includes an option for a birth
2 parent to authorize the release of an original birth certificate.

3 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,
4 2016.

5 (35.3) (a) "CUSTODIAN OF RECORDS", AS USED IN SECTION
6 19-5-305 (1.5) AND (2), MEANS ANY OF THE FOLLOWING INDIVIDUALS OR
7 ENTITIES THAT HAVE CUSTODY OF RECORDS RELATING TO THE
8 RELINQUISHMENT OR ADOPTION OF A CHILD:

9 (I) A COURT;

10 (II) A STATE AGENCY; OR

11 (III) THE LEGAL AGENT OR REPRESENTATIVE OF ANY ENTITY
12 DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a).

13 (b) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-305 (1.5)
14 AND (2), DOES NOT INCLUDE A LICENSED CHILD PLACEMENT AGENCY.

15 **SECTION 3.** In Colorado Revised Statutes, 19-5-103, **amend** (2)
16 (g) as follows:

17 **19-5-103. Relinquishment procedure - petition - hearings.**

18 (2) The counseling specified in paragraph (a) of subsection (1) of this
19 section and provided by the department or the child placement agency
20 shall include, but not be limited to, the following:

21 (g) The confidentiality of all information, except for
22 nonidentifying information as defined in section 19-1-103 (80) that may
23 be accessed as provided in part 4 of this article, obtained by the
24 department and the child placement agency in the course of
25 relinquishment counseling unless the parent provides written permission
26 or a release of information is ordered by a court of competent jurisdiction
27 and except for a copy of an original birth certificate that may be obtained
28 by an adult adoptee, adult descendant of an adoptee, or a legal
29 representative of the adoptee or descendant as authorized by section
30 19-5-305. The counseling shall also include notice that a birth parent has
31 the opportunity to file a written statement specifying that the birth parent's
32 information remain confidential, an explanation of the rights and
33 responsibilities of birth parents who disagree about consent as set forth
34 in section 19-5-305, ~~(2)~~; and notice that a birth parent has the opportunity
35 to sign and submit a contact preference form and updated medical history
36 statements to the state registrar as set forth in section 19-5-305 (1.5).

37 **SECTION 4.** In Colorado Revised Statutes, **amend** 19-5-301 (1)
38 as follows:

39 **19-5-301. Legislative declaration.** (1) The general assembly
40 hereby finds and declares that adult adoptees, adoptive parents, biological
41 parents, and biological siblings should have a ~~qualified~~ right of access to

1 any CERTAIN records regarding their or their child's adoption or the
2 adoption of their offspring or siblings AS OUTLINED IN SECTION 19-5-305
3 and that such a ~~qualified~~ right must coexist with the right of such parties
4 to privacy and confidentiality. The general assembly also finds that an
5 adult adoptee, his biological or adoptive parent, or his biological sibling
6 may desire to obtain information about each other at different points in
7 time. Furthermore, the general assembly finds that confidentiality FROM
8 THE GENERAL PUBLIC is essential to the adoption process and that any
9 procedure to access information which relates to an adoption TO SEARCH
10 FOR UNKNOWN RELATIVES THROUGH A CONFIDENTIAL INTERMEDIARY OR
11 A LICENSED CHILD PLACEMENT AGENCY must be designed to maintain
12 confidentiality and to respect the wishes of all involved parties.

13 **SECTION 5.** In Colorado Revised Statutes, 19-5-304, **repeal** (2)
14 (b) (III) as follows:

15 **19-5-304. Confidential intermediaries - confidential**
16 **intermediary services.** (2) (b) The court-appointed confidential
17 intermediary shall make a diligent search of the adoption records and
18 post-adoption records in an effort to find the sought-after relative. If the
19 confidential intermediary successfully locates the relative sought, the
20 confidential intermediary shall provide that relative with the opportunity
21 to:

22 ~~(III) Consent to or refuse to authorize disclosure of the adoption~~
23 ~~records to the person seeking such access.~~

24 **SECTION 6. Effective date - applicability.** This act takes effect
25 July 1, 2014, and applies to requests for access to adoption records on or
26 after said date.

27 **SECTION 7. Safety clause.** The general assembly hereby finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, and safety."

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