

SB079_L.001

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee_____
DateCommittee on Health and Human Services.

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

SB09-079 be amended as follows:

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

3 "SECTION 1. The introductory portions to 19-5-304 (1) (b) and
4 (1) (b) (I), Colorado Revised Statutes, are amended, and the said 19-5-304
5 (1) (b) (I) is further amended BY THE ADDITION OF A NEW
6 SUB-SUBPARAGRAPH, to read:

7 **19-5-304. Confidential intermediaries - confidential**
8 **intermediary services.** (1) (b) Once a person is included on ~~such~~ THE
9 list OF CONFIDENTIAL INTERMEDIARIES, he or she shall be:

10 (I) Authorized to inspect confidential relinquishment and adoption
11 records, ~~and post-adoption records, upon~~ AND DEPENDENCY AND NEGLECT
12 RECORDS, INCLUDING BUT NOT LIMITED TO COURT FILES, WITHIN
13 FORTY-FIVE DAYS AFTER A motion to the court IS FILED by the following
14 persons:

15 (G) A FORMER FOSTER CHILD WHO MAY OR MAY NOT HAVE BEEN
16 ADOPTED, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, AND WHO IS
17 SEARCHING FOR A BIRTH SIBLING WHO IS ALSO EIGHTEEN YEARS OF AGE OR
18 OLDER, WHO MAY OR MAY NOT HAVE BEEN ADOPTED, AND WHO MAY OR
19 MAY NOT HAVE BEEN IN THE FOSTER CARE SYSTEM;

20 **SECTION 2.** 25-2-113.5 (1) and (6), Colorado Revised Statutes,
21 are amended, and the said 25-2-113.5 is further amended BY THE



1 ADDITION OF A NEW SUBSECTION, to read:

2 **25-2-113.5. Limited access to information upon consent of all**
3 **parties - voluntary adoption registry.** (1) Adoption is based upon the
4 legal termination of parental rights and responsibilities of birth parents
5 and the creation of the legal relationship of parent and child between an
6 adoptee and his OR HER adoptive parents. Under current laws and the
7 social premises underlying adoption, the general assembly has been
8 charged with the duty to preserve the right to privacy and confidentiality
9 of birth parents whose children were adopted, the adoptees, and the
10 adoptive parents. The general assembly recognizes, however, that some
11 adults who were adopted as children, THEIR SIBLINGS WHO MAY OR MAY
12 NOT HAVE BEEN ADOPTED, and some birth parents whose children were
13 surrendered for adoption have a strong desire to obtain information about
14 each other. The purpose of this section is to set up a voluntary adoption
15 registry where qualified persons may register their willingness to the
16 release of information to each other and to provide for the disclosure of
17 such information.

18 (5.5) THE REGISTRAR SHALL MAINTAIN A CONFIDENTIAL LIST OF
19 FORMER FOSTER CHILDREN WHO MAY OR MAY NOT HAVE BEEN ADOPTED,
20 WHO ARE EIGHTEEN YEARS OF AGE OR OLDER, WHO HAVE PRESENTED A
21 CONSENT REGARDING THE RELEASE OF IDENTIFYING INFORMATION ABOUT
22 THEMSELVES AND WHO ARE SEARCHING FOR A SIBLING WHO IS ALSO
23 EIGHTEEN YEARS OF AGE OR OLDER, WHO MAY OR MAY NOT HAVE BEEN
24 ADOPTED, AND WHO MAY OR MAY NOT HAVE BEEN IN THE FOSTER CARE
25 SYSTEM. ANY CONSENT BY SUCH SIBLING SHALL BE ACCOMPANIED BY THE
26 SIBLING'S DESIRED METHOD OF NOTIFICATION IN THE EVENT THAT A MATCH
27 OCCURS. HOWEVER, THE STATE SHALL NOT INCUR COSTS OF NOTIFICATION
28 IN EXCESS OF THAT PART OF THE FEE CHARGED TO THE APPLICANT FOR THE
29 PURPOSE OF NOTIFICATION. A SIBLING MAY REVISE HIS OR HER CONSENT
30 WITH RESPECT TO CHANGE OF ADDRESS OR METHOD OF NOTIFICATION.
31 ANY NAME AND ACCOMPANYING INFORMATION SHALL BE REMOVED FROM
32 THE LIST UPON THE VERIFIED WRITTEN REQUEST OF THE LISTED SIBLING.
33 THE REGISTRAR SHALL MAINTAIN A CLOSED RECORD OF THE LIST AND
34 ACCOMPANYING INFORMATION EXCEPT AS PROVIDED FOR PURSUANT TO
35 THIS SECTION.

36 (6) The registrar shall regularly review the lists provided for in
37 subsections (3), (4), and (5), AND (5.5) of this section and any other
38 nonsealed administrative files or records within his OR HER office to



1 determine if there is a match. If it appears that a match has occurred, then
2 and only then is the registrar authorized to proceed to confirm the match
3 through recourse to sealed documents on file in the office of the registrar.
4 When a match is confirmed, the registrar shall notify each party, by his OR
5 HER designated method only, prior to an exchange of identifying
6 information. Nothing in this section shall be construed to allow any state
7 or local governmental department, agency, or institution, or any employee
8 thereof, to solicit any consent for the release of identifying information.

9 **SECTION 3.** 25-2-113.5 (2), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 (2) As used in this section, unless the context otherwise requires:

12 (g.5) "SIBLING" SHALL HAVE THE SAME MEANING AS "BIOLOGICAL
13 SIBLING", SECTION 19-1-103 (14), C.R.S.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety."

** ** ** ** **

