

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0664.03 Debbie Haskins x2045

SENATE BILL 14-051

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Saine,

Senate Committees

Judiciary
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO RECORDS RELATING TO THE ADOPTION OF**
102 **CHILDREN, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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>.)

The bill repeals and reenacts portions of the existing statute on access to adoption records to eliminate different standards of access by members of the adoption triad (consisting of the adoptee, the birth parents, and the adoptive parents) and their descendants based on the law

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.

SENATE
3rd Reading Unamended
March 13, 2014

SENATE
Amended 2nd Reading
March 12, 2014

in existence on the date the adoption was finalized. The bill retains the current policy that adoption records are confidential from the general public, unless the requesting party is eligible under the statute to access the records or unless the court finds good cause for release. The bill retains current policy that after a birth parent is deceased or an adult adoptee is deceased, eligible relatives may receive access to the adoption records.

Contact preference forms. The bill allows for the continued use of the contact preference form issued by the state registrar of vital statistics (state registrar), which form may be used by a birth parent to indicate whether he or she prefers to be contacted by an adoptee, the descendant of an adoptee, or a representative of either directly, through a third party, or not at all. Effective July 1, 2014, the state registrar shall not distribute a contact preference form that gives a birth parent the option to authorize or not authorize release of the original birth certificate to the adult adoptee, his or her descendants, or certain adoptive family members. Prior to releasing an original birth certificate to an individual eligible to access it, the state registrar or the custodian of records must conduct a search to determine whether a contact preference form was filed with the state registrar. If a contact preference form was executed prior to July 1, 2014, and the birth parent stated a preference not to authorize release of the original birth certificate, then the state registrar or other custodian of records may not release the original birth certificate to an adult adoptee or other eligible individual unless the birth parent rescinds or changes the contact preference form, upon mutual consent of 2 or more reunited parties, the birth parent is deceased, or a court orders its release. If one birth parent has authorized the release of the birth certificate and the other birth parent has not authorized the release, the state registrar or other custodian of records may only issue the original birth certificate with the name of the nonconsenting parent redacted.

The state registrar shall maintain and make available to the public accurate statistics about the number of contact preference forms on file with the state registrar and how many of the forms state a preference for contact, no contact, or contact through a third party.

Access to adoption records by adult adoptees, their descendants, or adoptive family members. The bill retains current policy regarding parties who are eligible to apply for adoption records. A custodian of adoption records must release adoption records (including birth certificates) to an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual. In addition, the custodian of records must provide direct access for inspection and copying of adoption records to a spouse of an adult adoptee, adult descendant of an adoptee, adult sibling or half-sibling of an adult adoptee, adoptive parent or grandparent of an adult adoptee, or the legal representative of any such individual, if

the individual requesting access has the notarized written consent of the adult adoptee or if the adult adoptee is deceased.

Access to original birth certificates by birth parents. Upon request, the state registrar must provide to a birth parent who relinquished a child for adoption a copy of the unaltered original birth certificate that the birth parent signed or was named in.

Access to death certificates. The state registrar is authorized to conduct a search of death certificates to determine whether a birth parent or an adoptee is deceased and to provide a copy of any death certificate found to the requesting eligible individual. The state registrar may collect fees for conducting a search and for making copies and shall transmit any fees to the state treasurer who must credit the fees to the vital statistics records cash fund.

The legal custodian shall not release records unless the individual requesting access is eligible to access the records and provides proof of personal identification. The legal custodian may charge reasonable fees for copying records.

The bill retains the existing policy that allows identifying information in records of child placement agencies to remain confidential based on prior written statements of birth parents on file with the child placement agency or the court.

Subject to the provisions of this bill, any party may seek direct contact with another party or use the services of a confidential intermediary, a licensed child placement agency that agrees to conduct a search, or the voluntary mutual consent registry operated by the state registrar.

The bill makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1. In Colorado Revised Statutes, 19-5-305, repeal and**
3 **reenact, with amendments, (1), (1.5), and (2); and add (6) as follows:**
4 **19-5-305. Access to adoption records - contact with parties to**
5 **adoption - contact preference form and updated medical history**
6 **statement - definitions. (1) Confidentiality. ALL ADOPTION RECORDS**
7 **ARE CONFIDENTIAL FROM THE GENERAL PUBLIC AND MUST REMAIN**
8 **CONFIDENTIAL EXCEPT AS DESCRIBED IN SUBSECTIONS (1.5) AND (2) OF**
9 **THIS SECTION OR UPON DEMONSTRATION OF GOOD CAUSE PURSUANT TO**
10 **SECTION 19-1-309 OR AS OTHERWISE PROVIDED BY LAW.**

1 **(1.5) Contact preference forms and updated medical history**
2 **statements from birth parents.** (a) THE STATE REGISTRAR SHALL
3 PRESCRIBE AND MAKE AVAILABLE TO A BIRTH PARENT NAMED ON AN
4 ORIGINAL BIRTH CERTIFICATE IN THE RECORDS OF THE STATE REGISTRAR
5 A CONTACT PREFERENCE FORM ON WHICH THE BIRTH PARENT MAY
6 INDICATE A PREFERENCE REGARDING CONTACT BY THE ADULT ADOPTEE,
7 AN ADULT DESCENDANT OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE
8 OF THE ADOPTEE OR DESCENDANT. THE PURPOSE OF THE CONTACT
9 PREFERENCE FORM IS TO ALLOW THE BIRTH PARENT THE OPPORTUNITY TO
10 INDICATE A PREFERENCE TO BE CONTACTED DIRECTLY, TO BE CONTACTED
11 THROUGH A THIRD PARTY, OR NOT TO BE CONTACTED BY OTHER PARTIES.

12 (b) THE FORM MUST ALSO INCLUDE SPACE FOR A WRITTEN
13 STATEMENT BY THE BIRTH PARENT, WHICH MAY INCLUDE UPDATED
14 MEDICAL HISTORY ABOUT THE BIRTH PARENT OR OTHER BIOLOGICAL
15 RELATIVES, AN EXPLANATION FOR THE STATED CONTACT PREFERENCE, OR
16 OTHER INFORMATION FOR THE PARTY SEEKING RECORDS. THE MEDICAL
17 HISTORY STATEMENT FORM MUST INDICATE THAT THE BIRTH PARENT IS
18 WAIVING CONFIDENTIALITY OF ANY MEDICAL INFORMATION SUPPLIED IN
19 THE STATEMENT WITH RESPECT TO THE ADOPTEE, AN ADULT DESCENDANT
20 OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE OF SUCH INDIVIDUAL, AND
21 TO THE STATE REGISTRAR OR HIS OR HER DESIGNEES.

22 (c) THE STATE REGISTRAR SHALL MAINTAIN THE CONTACT
23 PREFERENCE FORM AND THE MEDICAL HISTORY STATEMENTS, IF ANY, AND
24 MAKE THEM ACCESSIBLE TO AN INDIVIDUAL WHO IS AN ELIGIBLE PARTY
25 ALLOWED TO RECEIVE ADOPTION RECORDS AS DESCRIBED IN
26 SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION
27 AND WHO SUBMITS A WRITTEN APPLICATION FORM, PROOF OF IDENTITY,

1 AND AN EXPLANATION OF THE INDIVIDUAL'S RELATIONSHIP TO THE
2 ADOPTEE, IF APPLICABLE. THE STATE REGISTRAR IS AUTHORIZED TO
3 VERIFY THE SUBMISSION OF A CONTACT PREFERENCE FORM OR AN
4 UPDATED MEDICAL HISTORY STATEMENT AND TO PROVIDE A COPY OF A
5 CONTACT PREFERENCE FORM TO A CONFIDENTIAL INTERMEDIARY
6 APPOINTED PURSUANT TO SECTION 19-5-304 OR TO A DESIGNATED
7 EMPLOYEE OF A CHILD PLACEMENT AGENCY WHO IS SEARCHING PURSUANT
8 TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS
9 SECTION. THE STATE REGISTRAR SHALL MAINTAIN AND MAKE AVAILABLE
10 TO THE PUBLIC ACCURATE STATISTICS ABOUT THE NUMBER OF CONTACT
11 PREFERENCE FORMS ON FILE WITH THE STATE REGISTRAR AND HOW MANY
12 OF THE FORMS STATE A PREFERENCE FOR CONTACT, NO CONTACT, OR
13 CONTACT THROUGH A THIRD PARTY.

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

17 (II) THE OPTION ON THE CONTACT PREFERENCE FORM THAT
18 ALLOWS A BIRTH PARENT TO AUTHORIZE OR NOT AUTHORIZE THE RELEASE
19 OF THE ORIGINAL BIRTH CERTIFICATE TO ELIGIBLE PARTIES EXPIRES ON
20 JANUARY 1, 2016. THE STATE REGISTRAR SHALL REVISE THE CONTACT
21 PREFERENCE FORM TO ELIMINATE THIS OPTION, EFFECTIVE JANUARY 1,
22 2016, AND SHALL NEITHER DISTRIBUTE NOR ACCEPT CONTACT PREFERENCE
23 FORMS ON OR AFTER JANUARY 1, 2016, THAT CONTAIN AN OPTION
24 REGARDING SUCH RELEASE. ON AND AFTER JANUARY 1, 2016, CONTACT
25 PREFERENCE FORMS SHALL ONLY ADDRESS A BIRTH PARENT'S
26 PREFERENCES REGARDING CONTACT AND THE ABILITY TO SUBMIT AN
27 EXPLANATION FOR THE STATED CONTACT PREFERENCE AND TO SUBMIT OR

1 UPDATE MEDICAL HISTORY. A CHILD PLACEMENT AGENCY IS NOT LIABLE
2 TO ANY PERSON FOR THE FAILURE OF A BIRTH PARENT TO SUBMIT A
3 CONTACT PREFERENCE FORM TO THE STATE REGISTRAR. ON AND AFTER
4 JULY 1, 2014, THE STATE REGISTRAR SHALL POST A NOTICE ON THE WEB
5 SITE OF THE OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS
6 STATING THAT THE CONTACT PREFERENCE FORM WILL BE REVISED TO
7 ELIMINATE THE OPTION TO AUTHORIZE OR OBJECT TO THE RELEASE OF THE
8 ORIGINAL BIRTH CERTIFICATE AND THAT BIRTH PARENTS MAY EXERCISE
9 THIS OPTION PRIOR TO JANUARY 1, 2016.

10 (III) PRIOR TO ALLOWING ACCESS TO AND PROVIDING A COPY OF
11 AN ORIGINAL BIRTH CERTIFICATE TO AN ELIGIBLE PARTY, THE STATE
12 REGISTRAR MUST PERFORM A DILIGENT SEARCH FOR A CONTACT
13 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, TO ASCERTAIN
14 IF EITHER BIRTH PARENT HAD STATED A PREFERENCE AUTHORIZING OR NOT
15 AUTHORIZING THE RELEASE OF THE ORIGINAL BIRTH CERTIFICATE TO
16 ELIGIBLE PARTIES. IF BOTH BIRTH PARENTS HAVE FILED A CONTACT
17 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, STATING A
18 PREFERENCE TO AUTHORIZE THE RELEASE OF THE ORIGINAL BIRTH
19 CERTIFICATE, THEN THE STATE REGISTRAR MUST RELEASE THE ORIGINAL
20 BIRTH CERTIFICATE TO THE ELIGIBLE PARTY. IF THERE IS NO CONTACT
21 PREFERENCE FORM ON FILE PRIOR TO JANUARY 1, 2016, FROM A BIRTH
22 PARENT NAMED ON THE ORIGINAL BIRTH CERTIFICATE, OR IF A CONTACT
23 PREFERENCE FORM EXECUTED PRIOR TO JANUARY 1, 2016, IS ON FILE THAT
24 STATES A PREFERENCE THAT THE ORIGINAL BIRTH CERTIFICATE NOT BE
25 RELEASED, THEN THE STATE REGISTRAR MAY NOT RELEASE THE ORIGINAL
26 BIRTH CERTIFICATE TO THE ELIGIBLE PARTY PRIOR TO JANUARY 1, 2016,
27 UNLESS THE BIRTH PARENT RESCINDS THE CONTACT PREFERENCE FORM,

1 UPON MUTUAL CONSENT OF TWO OR MORE REUNITED PARTIES, THE BIRTH
2 PARENT IS DECEASED, OR THE ELIGIBLE PARTY OBTAINS A COURT ORDER
3 PURSUANT TO SECTION 19-1-309. WHEN ONE BIRTH PARENT HAS
4 AUTHORIZED THE RELEASE OF THE BIRTH CERTIFICATE AND THE OTHER
5 BIRTH PARENT HAS FILED A CONTACT PREFERENCE FORM PRIOR TO
6 JANUARY 1, 2016, NOT AUTHORIZING RELEASE, THE STATE REGISTRAR
7 SHALL ISSUE THE ORIGINAL BIRTH CERTIFICATE TO THE ELIGIBLE PARTY
8 WITH THE NAME OF THE NONCONSENTING PARENT REDACTED.

9 **(2) Legislative declaration - access to adoption records.**

10 (a) THE GENERAL ASSEMBLY TAKES NOTE THAT THE LAW IN COLORADO
11 REGARDING ACCESS TO ADOPTION RECORDS HAS TREATED PERSONS
12 DIFFERENTLY DEPENDING UPON THE LAW IN EFFECT UPON THE DATE OF
13 THE ADOPTION OF THE ADOPTEE AND THAT THE STATUTORY SCHEME HAS
14 BEEN CONFUSING, COMPLICATED, AND AMBIGUOUS. BY REPEALING AND
15 REENACTING PROVISIONS OF THIS SECTION TO REMOVE THOSE VARYING
16 TIME PERIODS AND VARYING LEVELS OF ACCESS OR NONACCESS TO
17 ADOPTION RECORDS BY AN ADULT ADOPTEE OR BY A BIRTH PARENT, IT IS
18 THE INTENT OF THE GENERAL ASSEMBLY THAT ACCESS TO ADOPTION
19 RECORDS NO LONGER BE DEPENDENT UPON THE LAW IN EFFECT ON THE
20 DATE OF THE FINALIZATION OF ADOPTION. THE GENERAL ASSEMBLY
21 DECLARES THAT THE PURPOSE OF THE REVISION OF THIS SUBSECTION (2)
22 IS TO MAKE THE ACCESS TO ADOPTION RECORDS BY MEMBERS OF THE
23 ADOPTION TRIAD MORE UNIFORM AS OUTLINED IN THIS SUBSECTION (2).
24 THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS THE INTENT OF
25 THE GENERAL ASSEMBLY TO NOT ABROGATE, LIMIT, OR CHANGE THE
26 HOLDING IN OR AFFECT ANY RIGHTS CREATED UNDER *IN RE J.N.H.*, 209 P.3d
27 1221 (COLO. APP. 2009) WITH RESPECT TO ACCESS BY AN ADULT ADOPTEE

1 TO THE NAMES OF HIS OR HER BIRTH PARENTS AND TO ALL COURT RECORDS
2 AND PAPERS REGARDING THE ADOPTION OF THE ADULT ADOPTEE. THE
3 GENERAL ASSEMBLY FURTHER DECLARES THAT IN CONSTRUING THIS
4 SECTION, THE COURTS SHOULD LIBERALLY CONSTRUE THIS SECTION IN
5 FAVOR OF RELEASING THE RECORDS.

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

11 (I) **Adult adoptees, their descendants, and adoptive family**
12 **members.** UPON REQUEST, THE CUSTODIAN OF RECORDS SHALL PROVIDE
13 DIRECT ACCESS TO ALL ADOPTION RECORDS, AS DEFINED IN SECTION
14 19-1-103 (6.5), FOR INSPECTION AND COPYING BY AN ADULT ADOPTEE, AN
15 ADOPTIVE PARENT OF A MINOR ADOPTEE, A CUSTODIAL GRANDPARENT OF
16 A MINOR ADOPTEE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH
17 INDIVIDUAL. IN ADDITION, THE CUSTODIAN OF RECORDS SHALL PROVIDE
18 DIRECT ACCESS TO ADOPTION RECORDS FOR INSPECTION AND COPYING BY
19 A SPOUSE OF AN ADULT ADOPTEE, AN ADULT DESCENDANT OF AN ADOPTEE,
20 AN ADULT SIBLING OR HALF-SIBLING OF AN ADULT ADOPTEE, AN ADOPTIVE
21 PARENT OR GRANDPARENT OF AN ADULT ADOPTEE, OR THE LEGAL
22 REPRESENTATIVE OF ANY SUCH INDIVIDUAL, IF THE INDIVIDUAL
23 REQUESTING ACCESS HAS THE NOTARIZED WRITTEN CONSENT OF THE
24 ADULT ADOPTEE OR IF THE ADULT ADOPTEE IS DECEASED.

25 (II) **Access by a birth parent to the original birth certificate.**
26 A BIRTH PARENT WHO RELINQUISHED A CHILD FOR ADOPTION, WHOSE
27 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP WAS NOT THE

1 RESULT OF A DEPENDENCY AND NEGLECT ACTION, AND WHO SIGNED OR IS
2 NAMED ON THE ORIGINAL BIRTH CERTIFICATE MAY APPLY TO THE STATE
3 REGISTRAR FOR AND OBTAIN A NONCERTIFIED COPY OF THE UNALTERED
4 ORIGINAL BIRTH CERTIFICATE OF THE CHILD HE OR SHE RELINQUISHED IF
5 THE CHILD WAS BORN IN THIS STATE, OR IF THE CHILD'S ADOPTION WAS
6 FINALIZED IN THIS STATE, OR BOTH.

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

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

26 **(IV) Proof of identification and fees.** PRIOR TO RELEASING ANY
27 RECORDS TO ANY ELIGIBLE PARTY ALLOWED TO RECEIVE RECORDS

1 PURSUANT TO THIS SUBSECTION (2), THE CUSTODIAN OF RECORDS MUST
2 REQUIRE THE ELIGIBLE PARTY REQUESTING ACCESS TO PROVIDE PROOF OF
3 IDENTIFICATION. THE CUSTODIAN OF RECORDS MAY CHARGE REASONABLE
4 FEES FOR PROVIDING COPIES OF RECORDS. THE STATE REGISTRAR SHALL
5 TRANSMIT ALL MONEYS COLLECTED PURSUANT TO SUBPARAGRAPH (III) OF
6 THIS PARAGRAPH (b) AND THIS SUBPARAGRAPH (IV) TO THE STATE
7 TREASURER, WHO SHALL CREDIT THE SAME TO THE VITAL STATISTICS
8 RECORDS CASH FUND CREATED IN SECTION 25-2-121, C.R.S.

9 **(V) Release of records by child placement agencies and prior**
10 **written statements of birth parents.** NOTWITHSTANDING THE
11 PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE ADOPTION
12 RECORDS, AS DEFINED IN SECTION 19-1-103 (6.5) (a), IN THE POSSESSION
13 OF A CHILD PLACEMENT AGENCY MAY NOT BE OPEN FOR INSPECTION OR
14 MADE AVAILABLE FOR COPYING WITH RESPECT TO ANY IDENTIFYING
15 INFORMATION CONCERNING A BIRTH PARENT IF THE BIRTH PARENT HAS
16 PREVIOUSLY PROVIDED THE COURT AND THE CHILD PLACEMENT AGENCY,
17 IF APPLICABLE, WITH A SIGNED AND NOTARIZED WRITTEN STATEMENT,
18 WITHIN THREE YEARS AFTER THE FINAL ORDER OF RELINQUISHMENT OR
19 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP, SPECIFYING
20 THAT SUCH PARENT WISHES THE IDENTIFYING INFORMATION CONCERNING
21 THAT PARENT TO REMAIN CONFIDENTIAL; EXCEPT THAT THE ADOPTION
22 RECORDS IN THE POSSESSION OF A CHILD PLACEMENT AGENCY MAY BE
23 OPEN FOR INSPECTION AND MADE AVAILABLE FOR COPYING WITH RESPECT
24 TO IDENTIFYING INFORMATION CONCERNING A BIRTH PARENT IF A BIRTH
25 PARENT PROVIDES A CONSENT FORM, AS DEFINED IN SECTION 19-1-103
26 (28.5), TO THE CHILD PLACEMENT AGENCY CONSENTING TO THE RELEASE
27 OF IDENTIFYING INFORMATION AND THE RELEASE OF IDENTIFYING

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

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

26 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
27 (28.7); and **add** (35.3) as follows:

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

3 (28.7) (a) "Contact preference form" means a written statement
4 signed by a birth parent indicating whether the birth parent prefers future
5 contact with an adult adoptee, an adult descendant of the adoptee, or a
6 legal representative of the adoptee or the descendant and, if contact is
7 preferred, whether the contact should be through a confidential
8 intermediary or a designated employee of a child placement agency.

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

11 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,
12 2016.

13 (35.3) (a) "CUSTODIAN OF RECORDS", AS USED IN SECTION
14 19-5-305 (1.5) AND (2), MEANS ANY OF THE FOLLOWING INDIVIDUALS OR
15 ENTITIES THAT HAVE CUSTODY OF RECORDS RELATING TO THE
16 RELINQUISHMENT OR ADOPTION OF A CHILD:

- 17 (I) A COURT;
- 18 (II) A STATE AGENCY; OR
- 19 (III) THE LEGAL AGENT OR REPRESENTATIVE OF ANY ENTITY
20 DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a).

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

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

25 **19-5-103. Relinquishment procedure - petition - hearings.**
26 (2) The counseling specified in paragraph (a) of subsection (1) of this
27 section and provided by the department or the child placement agency

1 shall include, but not be limited to, the following:

2 (g) The confidentiality of all information, except for
3 nonidentifying information as defined in section 19-1-103 (80) that may
4 be accessed as provided in part 4 of this article, obtained by the
5 department and the child placement agency in the course of
6 relinquishment counseling unless the parent provides written permission
7 or a release of information is ordered by a court of competent jurisdiction
8 and except for a copy of an original birth certificate that may be obtained
9 by an adult adoptee, adult descendant of an adoptee, or a legal
10 representative of the adoptee or descendant as authorized by section
11 19-5-305. The counseling shall also include notice that a birth parent has
12 the opportunity to file a written statement specifying that the birth parent's
13 information remain confidential, an explanation of the rights and
14 responsibilities of birth parents who disagree about consent as set forth
15 in section 19-5-305, (2), and notice that a birth parent has the opportunity
16 to sign and submit a contact preference form and updated medical history
17 statements to the state registrar as set forth in section 19-5-305 (1.5).

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

20 **19-5-301. Legislative declaration.** (1) The general assembly
21 hereby finds and declares that adult adoptees, adoptive parents, biological
22 parents, and biological siblings should have a **qualified** right of access to
23 **any** CERTAIN records regarding their or their child's adoption or the
24 adoption of their offspring or siblings AS OUTLINED IN SECTION 19-5-305
25 and that such a **qualified** right must coexist with the right of such parties
26 to privacy and confidentiality. The general assembly also finds that an
27 adult adoptee, his biological or adoptive parent, or his biological sibling

1 may desire to obtain information about each other at different points in
2 time. Furthermore, the general assembly finds that confidentiality FROM
3 THE GENERAL PUBLIC is essential to the adoption process and that any
4 procedure to access information which relates to an adoption TO SEARCH
5 FOR UNKNOWN RELATIVES THROUGH A CONFIDENTIAL INTERMEDIARY OR
6 A LICENSED CHILD PLACEMENT AGENCY must be designed to maintain
7 confidentiality and to respect the wishes of all involved parties.

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

10 **19-5-304. Confidential intermediaries - confidential**
11 **intermediary services.** (2) (b) The court-appointed confidential
12 intermediary shall make a diligent search of the adoption records and
13 post-adoption records in an effort to find the sought-after relative. If the
14 confidential intermediary successfully locates the relative sought, the
15 confidential intermediary shall provide that relative with the opportunity
16 to:

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

19 **SECTION 6. Appropriation.** In addition to any other
20 appropriation, there is hereby appropriated, out of any moneys in the vital
21 statistics records cash fund created in section 25-2-121 (2) (b) (I),
22 Colorado Revised Statutes, not otherwise appropriated, to the department
23 of public health and environment, for the fiscal year beginning July 1,
24 2014, the sum of \$34,120 and 0.6 FTE, or so much thereof as may be
25 necessary, to be allocated to health statistics and vital records for the
26 implementation of this act as follows:

27 personal services \$28,847 and 0.6 FTE

