

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 14-0493.01 Debbie Haskins x2045

**HOUSE BILL 14-1042**

**HOUSE SPONSORSHIP**

**Saine, McCann**

**SENATE SPONSORSHIP**

**Tochtrop,**

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**House Committees**

Public Health Care & Human Services  
Finance  
Appropriations

**Senate Committees**

Judiciary  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING ACCESS BY BIRTH PARENTS TO RECORDS RELATING TO**  
102 **THE RELINQUISHMENT OF PARENTAL RIGHTS, AND, IN**  
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

This bill requires that a custodian of records relating to the relinquishment of a child provide the following records to the child's birth parent at the time of relinquishment or at the time the document is created:

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  
April 21, 2014

SENATE  
Amended 2nd Reading  
April 17, 2014

HOUSE  
3rd Reading Unamended  
March 7, 2014

HOUSE  
Amended 2nd Reading  
March 5, 2014

- ! The original birth certificate;
- ! The petition to relinquish;
- ! The final order of relinquishment or other relinquishment documents;
- ! The affidavit of counseling;
- ! The temporary waiver of custody; and
- ! The expedited relinquishment documents, if applicable.

If relinquishment records were not provided to a birth parent at the time of the relinquishment of the child or at the time the document was created and the subsequent termination of the parent-child legal relationship was not the result of a dependency and neglect action, then upon written request of the birth parent and proof of identification, the custodian of the records shall provide access to and copies of such records to the birth parent, including all documents that the birth parent signed or on which the birth parent is named.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **add** (35.5)  
 3 as follows:

4           **19-1-103. Definitions.** As used in this title or in the specified  
 5 portion of this title, unless the context otherwise requires:

6           (35.5) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-109,  
 7 MEANS AN ENTITY THAT HAS CUSTODY OF RECORDS RELATING TO THE  
 8 RELINQUISHMENT OF A CHILD, INCLUDING A COURT, STATE AGENCY, █  
 9 LICENSED CHILD PLACEMENT AGENCY, MATERNITY HOME, OR THE LEGAL  
 10 AGENT OR REPRESENTATIVE OF ANY SUCH \_\_\_ ENTITY.

11           **SECTION 2.** In Colorado Revised Statutes, **add** 19-5-109 as  
 12 follows:

13           **19-5-109. Birth parent access to records related to**  
 14 **relinquishment of parental rights.** (1) (a) IN THOSE CASES IN WHICH A  
 15 PARENT CONSENTS TO THE RELINQUISHMENT OF HIS OR HER CHILD AND  
 16 THE SUBSEQUENT TERMINATION OF THE PARENT-CHILD LEGAL  
 17 RELATIONSHIP IS NOT THE RESULT OF A DEPENDENCY AND NEGLECT

1 ACTION, THE CUSTODIAN OF RECORDS SHALL PROVIDE TO THE  
2 RELINQUISHING BIRTH PARENT TO WHOM THE DOCUMENT PERTAINS A COPY  
3 OF THE RELINQUISHMENT RECORDS, IN THE POSSESSION OF THE CUSTODIAN  
4 OF RECORDS, THAT ARE SIGNED BY THE RELINQUISHING BIRTH PARENT OR  
5 BY A PARENT, GUARDIAN, CUSTODIAN, OR LEGAL REPRESENTATIVE ON  
6 BEHALF OF THE RELINQUISHING BIRTH PARENT AND ANY OF THE  
7 FOLLOWING RECORDS LISTED IN THIS PARAGRAPH (a) IN WHICH THE  
8 RELINQUISHING BIRTH PARENT IS NAMED, INCLUDING:

9 (I) THE ORIGINAL BIRTH CERTIFICATE OF THE CHILD WHO IS BEING  
10 RELINQUISHED;

11 (II) THE PETITION TO RELINQUISH;

12 (III) THE FINAL ORDER OF RELINQUISHMENT;

13 (IV) THE AFFIDAVIT OF COUNSELING, EXCLUDING ANY  
14 ATTACHMENTS AND EXCLUDING ANY NOTES OR PRERELINQUISHMENT  
15 COUNSELING DOCUMENTS;

16 (V) THE TEMPORARY WAIVER OF CUSTODY;

17 (VI) EXPEDITED RELINQUISHMENT DOCUMENTS, IF APPLICABLE;

18 (VII) A RELINQUISHMENT INTERROGATORY FROM A BIRTH PARENT;

19 (VIII) THE ORDER FOR PUBLICATION OF RELINQUISHMENT;

20 (IX) THE NOTICE TO TERMINATE THE PARENT-CHILD LEGAL  
21 RELATIONSHIP; AND

22 (X) THE MEDICAL RECORDS OF A BIRTH MOTHER RELATED TO THE  
23 PREGNANCY AND BIRTH, WHICH RECORDS MAY ONLY BE RELEASED BY THE  
24 HEALTH CARE PROVIDER, HOSPITAL, OR MATERNITY HOME THAT CREATED  
25 THE RECORD.

26 (b) THE CUSTODIAN OF RECORDS SHALL PROVIDE THE RECORDS  
27 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE

1 RELINQUISHING BIRTH PARENT AT THE TIME OF RELINQUISHMENT OF THE  
2 CHILD OR AT THE TIME THE DOCUMENT IS CREATED.

3 (2) IF THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS  
4 SECTION WERE NOT PROVIDED TO A BIRTH PARENT AT THE TIME OF THE  
5 RELINQUISHMENT OF THE CHILD OR AT THE TIME THE DOCUMENT WAS  
6 CREATED AND IF THE SUBSEQUENT TERMINATION OF THE PARENT-CHILD  
7 LEGAL RELATIONSHIP WAS NOT THE RESULT OF A DEPENDENCY OR  
8 NEGLECT ACTION, THEN UPON WRITTEN REQUEST AND PROOF OF  
9 IDENTIFICATION OF THE BIRTH PARENT, THE CUSTODIAN OF RECORDS  
10 SHALL PROVIDE ACCESS TO AND COPIES OF THE RECORDS DESCRIBED IN  
11 SUBSECTION (1) OF THIS SECTION TO THE BIRTH PARENT. NOTHING IN THIS  
12 SECTION PREVENTS THE RELEASE OF THE RECORDS DESCRIBED IN  
13 SUBSECTION (1) OF THIS SECTION TO A BIRTH PARENT WHO WAS A MINOR  
14 AT THE TIME OF THE RELINQUISHMENT OF A CHILD IN CIRCUMSTANCES  
15 WHERE THE RECORD WAS SIGNED BY A PARENT, GUARDIAN, LEGAL  
16 CUSTODIAN, OR LEGAL REPRESENTATIVE ON BEHALF OF THE  
17 RELINQUISHING BIRTH PARENT.

18 (3) A LICENSED CHILD PLACEMENT AGENCY IS NOT LIABLE TO ANY  
19 PERSON FOR THE FAILURE OF A BIRTH PARENT TO REQUEST COPIES OF THE  
20 RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION PURSUANT TO  
21 THE PROVISIONS OF SUBSECTION (1) OR SUBSECTION (2) OF THIS SECTION.  
22 A LICENSED CHILD PLACEMENT AGENCY OR SUCCEEDING CUSTODIAN OF  
23 RECORDS IS NOT LIABLE TO ANY PERSON FOR FAILURE TO PRODUCE A COPY  
24 OF A RECORD THAT DID NOT EXIST PURSUANT TO THE PROVISIONS OF THE  
25 COLORADO REVISED STATUTES OR RULES AT THE TIME OF THE  
26 RELINQUISHMENT OF THE CHILD.

27 **SECTION 3. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the vital  
2 statistics records cash fund created in section 25-2-121 (2) (b) (I),  
3 Colorado Revised Statutes, not otherwise appropriated, to the department  
4 of public health and environment, for the fiscal year beginning July 1,  
5 2014, the sum of \$14,423 and 0.3 FTE, or so much thereof as may be  
6 necessary, for allocation to health statistics and vital records for personal  
7 services related to the implementation of this act.

8           **SECTION 4. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2014 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.