

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

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| Drafting Number: LLS 14-0493 | Date: January 15, 2014 |
| Prime Sponsor(s): Rep. Saine Sen. Tochtrop | Bill Status: House Public Health Care and Human Services |
| | Fiscal Analyst: Bill Zepernick (303-866-4777) |

SHORT TITLE: BIRTH PARENT ACCESS TO RELINQUISHMENT RECORDS

| Fiscal Impact Summary* | FY 2014-2015 | FY 2015-2016 |
|--|------------------------|------------------------|
| State Revenue | <u>\$22,273</u> | <u>\$18,120</u> |
| Cash Funds | 22,273 | 18,120 |
| State Expenditures | <u>\$20,518</u> | <u>\$13,843</u> |
| Cash Funds | 14,423 | 9,616 |
| Centrally Appropriated Costs** | 6,095 | 4,227 |
| FTE Position Change | 0.3 FTE | 0.2 FTE |
| Appropriation Required: \$14,423 - 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 requires custodians of records to provide certain records relating to the relinquishment of a child at the time of relinquishment or when the document is created. These documents include:

- the original birth certificate of the child being relinquished;
- the petition to relinquish;
- the final order of relinquishment and any other relinquishment documents;
- the affidavit of counseling;
- the temporary waiver of custody; and
- expedited relinquishment documents, if applicable.

Custodians of records include courts, state agencies, county departments, attorneys, licensed child placement agencies, and maternity homes, or the legal agent or representative of such a person or entity.

If records were not provided at the time of relinquishment or when they were created, a birth parent may submit a written request for the records along with proof of identification. The record custodian must provide access to and copies of the records listed above to the birth parent, as well as any other document signed by or including the name of the birth parent. The process in the bill does not apply for cases where parental rights were terminated as part of a dependency or neglect action.

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 **\$22,273 in FY 2014-15 and \$18,120 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:

- 150 records searches are performed in the first month and 40 per month thereafter, resulting in 590 searches in the first year and 480 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 **\$20,518 in FY 2014-15 and \$13,843 in FY 2015-16** and beyond. Costs are summarized in Table 1 and the discussion below.

| Table 1. Expenditures Under HB 14-1042 | | |
|---|-------------------|-------------------|
| Cost Components | FY 2014-15 | FY 2015-16 |
| Personal Services | \$14,423 | \$9,616 |
| FTE | 0.3 FTE | 0.2 FTE |
| Centrally Appropriated Costs* | 6,095 | 4,227 |
| TOTAL | \$20,518 | \$13,843 |

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

Personal services. 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 0.3 FTE in the first year and 0.2 FTE in future years for records technician staff at an annual salary of \$43,080.

Other agencies. The DHS and the courts 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 change 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 HB 14-1042* | | |
|--|-------------------|-------------------|
| Cost Components | FY 2014-15 | FY 2015-16 |
| Employee Insurance (Health, Life, Dental, and Short-term Disability) | \$1,354 | \$903 |
| Supplemental Employee Retirement Payments | 918 | 745 |
| Indirect Costs | 3,823 | 2,579 |
| TOTAL | \$6,095 | \$4,227 |

*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 requests for records 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 August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State Appropriations

The bill requires an appropriation of \$14,423 from the Vital Records Statistics Cash Fund and 0.3 FTE to the DPHE.

State and Local Government Contacts

Human Services
Public Health and Environment

Judicial
Counties

Law