

**UPDATED SUMMARY
HOUSE BILL 14-1042**

Second Regular Session - Sixty-ninth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

*This bill applies to access by birth parents to relinquishment records in cases where a parent consents to the relinquishment of a child and where the subsequent termination of the parent-child legal relationship is not the result of a dependency and neglect action. This bill requires that a custodian of records relating to the relinquishment of a child provide ~~the following records~~ to the child's *relinquishing* birth parent ~~at the time of relinquishment or at the time the document is created~~ to whom the document pertains a copy of the relinquishment records, in the possession of the custodian, that are signed by the relinquishing birth parent or by a parent, guardian, custodian, or legal guardian on behalf of the birth parent and any of the following records in which the relinquishing birth parent is named:*

- ! The original birth certificate;*
- ! The petition to relinquish;*
- ! The final order of relinquishment ~~or other relinquishment documents~~;*
- ! The affidavit of counseling, ~~excluding any attachments and excluding any notes or prerelinquishment counseling documents~~;*
- ! The temporary waiver of custody; ~~and~~*
- ! The expedited relinquishment documents, if applicable;*
- ! A relinquishment interrogatory from a birth parent;*
- ! The order for publication of relinquishment;*
- ! The notice to terminate the parent-child legal relationship; and*
- ! The medical records of a birth mother related to the pregnancy and birth, which records may only be released by the hospital or maternity home that created the record.*

The custodian of records shall provide these relinquishment records to the relinquishing birth parent at the time of relinquishment of the child or at the time the document is created.

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.~~ *Nothing in this statute prevents the release of relinquishment records to a birth parent who was a minor at the time of relinquishment where the record was signed by a parent, guardian, legal custodian, or legal representative on behalf of the relinquishing birth parent.*

A custodian of records, for purposes of this bill, includes a court, state agency,

licensed child placement agency, maternity home, or the legal representative thereof.

A licensed child placement agency is not liable to any person for the failure of a birth parent to request copies of the relinquishment records at the time of relinquishment or at a later date. A licensed child placement agency or succeeding custodian of records is not liable to any person for failure to produce a copy of a record that did not exist pursuant to the statutes or rules at the time of the relinquishment.

The bill appropriates \$14,423 out of the vital statistics records cash fund and 0.3 FTE to the department of public health and environment for fiscal year 2014-15.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.