

CHAPTER 178

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 93-96

BY SENATORS Ruddick, Casey, Peterson, R. Powers, and Wells;
also REPRESENTATIVES Faatz, T. Hernandez, June, and Rupert.

AN ACT

CONCERNING SERVICES FOR PERSONS INVOLVED IN ADOPTION.

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

SECTION 1. Article 5 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 4

ACCESS TO NON-IDENTIFYING ADOPTION INFORMATION

19-5-401. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADOPTIVE PARENT" MEANS AN ADULT WHO HAS BECOME A PARENT OF A MINOR THROUGH THE LEGAL PROCESS OF ADOPTION.

(2) "ADULT ADOPTEE" MEANS AN INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL DECREE OF ADOPTION ENTERED BY A COURT.

(3) "BIRTH PARENTS" MEANS GENETIC, BIOLOGICAL, OR NATURAL PARENTS WHOSE RIGHTS WERE VOLUNTARILY OR INVOLUNTARILY TERMINATED BY A COURT OR OTHERWISE. "BIRTH PARENTS" INCLUDES A MAN WHO IS THE PARENT OF A CHILD AS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM PARENTAGE ACT", ARTICLE 4 OF THIS TITLE, PRIOR TO THE TERMINATION OF PARENTAL RIGHTS.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL SERVICES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) "NON-IDENTIFYING INFORMATION" MEANS INFORMATION WHICH DOES NOT DISCLOSE THE NAME, ADDRESS, PLACE OF EMPLOYMENT, OR ANY OTHER MATERIAL INFORMATION WHICH WOULD LEAD TO THE IDENTIFICATION OF THE BIRTH PARENTS AND WHICH INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (a) THE PHYSICAL DESCRIPTION OF THE BIRTH PARENTS;
- (b) THE EDUCATIONAL BACKGROUND OF THE BIRTH PARENTS;
- (c) THE OCCUPATION OF THE BIRTH PARENTS;
- (d) GENETIC INFORMATION ABOUT THE BIRTH FAMILY;
- (e) MEDICAL INFORMATION ABOUT THE ADULT ADOPTEE'S BIRTH;
- (f) SOCIAL INFORMATION ABOUT THE BIRTH PARENTS;
- (g) THE PLACEMENT HISTORY OF THE ADOPTEE.

19-5-402. Access to non-identifying information. ANY ADULT ADOPTEE OR ANY ADOPTIVE PARENT MAY REQUEST NON-IDENTIFYING INFORMATION ABOUT THE ADOPTEE OR THE BIRTH PARENTS OF THE ADOPTEE FROM THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE DIRECTLY TO THE INQUIRING ADULT ADOPTEE OR ADOPTIVE PARENT OR TO THE QUALIFIED AGENCY SELECTED PURSUANT TO SECTION 19-5-403 THE NON-IDENTIFYING INFORMATION WHICH IS AVAILABLE TO THE DEPARTMENT. THE DEPARTMENT SHALL ADOPT RULES GOVERNING THE DISCLOSURE OF NON-IDENTIFYING INFORMATION.

19-5-403. Authority for department to select agencies. THE DEPARTMENT IS AUTHORIZED TO SELECT PRIVATE, LICENSED CHILD PLACEMENT AGENCIES AUTHORIZED TO HANDLE ADOPTIONS FOR THE DISCLOSURE OF NON-IDENTIFYING INFORMATION PURSUANT TO THIS PART 4. THE DEPARTMENT SHALL, BY RULE, ESTABLISH QUALIFYING CRITERIA BY WHICH THE LICENSED CHILD PLACEMENT AGENCIES AUTHORIZED TO HANDLE ADOPTIONS SHALL BE SELECTED, WHICH CRITERIA SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A REQUIREMENT THAT THE AGENCIES MAINTAIN ALL INFORMATION WHICH IDENTIFIES MEMBERS OF THE BIRTH FAMILY STRICTLY CONFIDENTIAL.

SECTION 2. 19-1-122, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-122. Confidentiality of records - relinquishments and adoptions. Except as provided in ~~part~~ PARTS 3 AND 4 of article 5 of this title, all records and proceedings in relinquishment or adoption shall be confidential and open to inspection only upon order of the court for good cause shown. The court shall act to preserve the anonymity of the natural parents, the adoptive parents, and the child, except to the extent disclosure is made pursuant to a designated adoption or pursuant to section 19-5-104 (2) or part 3 OR 4 of article 5 of this title. A separate docket shall be maintained for relinquishment proceedings and for adoption proceedings.

SECTION 3. 19-5-303 (4), Colorado Revised Statutes, 1986 Repl. Vol., as

amended, is amended to read:

19-5-303. Commission created - duties. (4) The commission shall be voluntary ~~and no state funds shall be expended on its operation~~ AND SHALL NOT RECEIVE PER DIEM PAYMENTS.

SECTION 4. Effective date. This act shall take effect July 1, 1993.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993