

CHAPTER 59

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 15-1106

BY REPRESENTATIVE(S) Saine, Brown, Ginal, Humphrey, Lebsack, Neville P., Pettersen, Priola, Ransom, Singer, Tate, Wilson;
also SENATOR(S) Sonnenberg, Lundberg, Marble, Neville T., Newell, Woods.

AN ACT**CONCERNING THE CLARIFICATION OF ACCESS BY ELIGIBLE PERSONS TO UNREDACTED ADOPTION RECORDS THAT CONTAIN IDENTIFYING INFORMATION.**

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

SECTION 1. In Colorado Revised Statutes, 19-1-103, **amend** (6.5) (a) introductory portion and (6.5) (b); and **add** (6.5) (a.5) as follows:

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

(6.5) (a) "Adoption record", as used in part 3 of article 5 of this title, WITH THE EXCEPTION OF SECTION 19-5-305 (2) (b) (I) TO (IV), means the following documents and information:

(a.5) "ADOPTION RECORD", AS USED IN SECTION 19-5-305 (2) (b) (I) TO (IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION, WITHOUT REDACTION:

(I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED BIRTH CERTIFICATE;

(II) THE FINAL DECREE OF ADOPTION;

(III) ANY IDENTIFYING INFORMATION, SUCH AS THE NAME OF THE ADOPTEE BEFORE PLACEMENT IN ADOPTION, THE NAME AND ADDRESS OF EACH BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS, THE NAME, ADDRESS, AND CONTACT INFORMATION OF THE ADULT ADOPTEE, AND THE CURRENT NAME, ADDRESS, AND CONTACT INFORMATION OF EACH BIRTH PARENT, IF KNOWN, OR OTHER INFORMATION

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

THAT MIGHT PERSONALLY IDENTIFY A BIRTH PARENT;

(IV) ANY NONIDENTIFYING INFORMATION, AS DEFINED IN SECTION 19-1-103(80);

(V) THE FINAL ORDER OF RELINQUISHMENT; AND

(VI) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

(b) "Adoption record", AS USED IN EITHER PARAGRAPH (a) OR PARAGRAPH (a.5) OF THIS SUBSECTION (6.5), shall not include pre-relinquishment counseling records, which records shall remain confidential.

SECTION 2. In Colorado Revised Statutes, 19-5-305, **amend** (2) (b) (I) as follows:

19-5-305. Access to adoption records - contact with parties to adoption - contact preference form and updated medical history statement - definitions.

(2) **Legislative declaration - access to adoption records.** (b) Subject to the provisions of subsection (4) of this section and in addition to information exchanged in a designated adoption or inspection authorized by a court upon good cause shown pursuant to section 19-1-309, access to adoption records by certain parties is governed by the following provisions:

(I) **Adult adoptees, their descendants, and adoptive family members.** Upon request, the custodian of records shall provide direct access, WITHOUT REDACTION, to all adoption records, as defined in ~~section 19-1-103(6.5)~~ SECTION 19-1-103 (6.5) (a.5), for inspection and copying by 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 shall provide direct access to adoption records for inspection and copying by a spouse of an adult adoptee, an adult descendant of an adoptee, an adult sibling or half-sibling of an adult adoptee, an 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.

SECTION 3. Effective date - applicability. This act takes effect upon passage and applies to all requests and applications for access to adoption records filed on or after said date.

SECTION 4. 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: March 30, 2015