

CHAPTER 283

**CHILDREN AND DOMESTIC MATTERS**

**HOUSE BILL 99-1188**

BY REPRESENTATIVES Coleman, Chavez, Gagliardi, Gordon, Hefley, Kaufman, Keller, Lawrence, Mace, Miller, Morrison, Ragsdale, Scott, Stengel, Tapia, Tochtrop, Veiga, Vigil, S. Williams, Windels, and Zimmerman;  
also SENATORS Linkhart, Andrews, Blickensderfer, Evans, Hernandez, Pascoe, Perlmutter, Powers, Rupert, Tanner, and Wham.

**AN ACT**

CONCERNING PROCEDURES RELATED TO ADOPTION.

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

**SECTION 1.** 19-1-103 (28), Colorado Revised Statutes, is amended, and the said 19-1-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**19-1-103. Definitions.** 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, MEANS THE FOLLOWING DOCUMENTS AND INFORMATION:

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

(II) THE FINAL DECREE OF ADOPTION;

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

(IV) THE FINAL ORDER OF RELINQUISHMENT; AND

(V) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

(b) "ADOPTION RECORD" SHALL NOT INCLUDE PRE-RELINQUISHMENT COUNSELING RECORDS, WHICH RECORDS SHALL REMAIN CONFIDENTIAL.

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

(28) "Consent", as used in part 3 of article 5 of this title, means voluntary, informed, written consent. WHEN USED IN THE CONTEXT OF CONFIDENTIAL INTERMEDIARIES, "consent" always shall be preceded by an explanation that consent permits the confidential intermediary to arrange a personal contact among biological relatives. "CONSENT" MAY ALSO MEAN THE AGREEMENT FOR CONTACT OR DISCLOSURE OF RECORDS BY ANY OF THE PARTIES IDENTIFIED IN SECTION 19-5-304 (2) AS A RESULT OF AN INQUIRY BY A CONFIDENTIAL INTERMEDIARY PURSUANT TO SECTION 19-5-304.

(28.5) "CONSENT FORM", AS USED IN SECTION 19-5-305 (3), MEANS A VERIFIED WRITTEN STATEMENT SIGNED BY AN ADULT ADOPTEE OR AN ADULT ADOPTEE'S BIRTH PARENT OR AN ADULT ADOPTIVE PARENT THAT HAS BEEN NOTARIZED AND THAT AUTHORIZES THE RELEASE OF ADOPTION RECORDS OR IDENTIFYING INFORMATION, TO THE EXTENT AVAILABLE, BY A LICENSED CHILD PLACEMENT AGENCY.

(63.5) "IDENTIFYING INFORMATION", AS USED IN SECTION 19-5-305 (3), MEANS COPIES OF ANY ADOPTION RECORDS, AS THAT TERM IS DEFINED IN SUBSECTION (6.5) OF THIS SECTION, THAT ARE IN THE POSSESSION OF THE CHILD PLACEMENT AGENCY. "IDENTIFYING INFORMATION" ALSO INCLUDES 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 CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER OF THE ADULT ADOPTEE, AND THE CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH BIRTH PARENT TO THE EXTENT SUCH INFORMATION IS AVAILABLE TO THE CHILD PLACEMENT AGENCY.

(85.5) (a) "POST-ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE, MEANS INFORMATION CONTAINED IN THE FILES SUBSEQUENT TO THE COMPLETION OF AN ADOPTION PROCEEDING.

(b) THE POST-ADOPTION RECORD MAY CONTAIN INFORMATION CONCERNING, BUT NOT LIMITED TO:

- (I) THE WRITTEN INQUIRIES FROM PERSONS REQUESTING ACCESS TO RECORDS;
- (II) THE SEARCH EFFORTS OF THE CONFIDENTIAL INTERMEDIARY;
- (III) THE RESPONSE, IF ANY, TO THOSE SEARCH EFFORTS BY THE PERSONS SOUGHT;
- (IV) ANY UPDATED MEDICAL INFORMATION GATHERED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE; AND
- (V) ANY PERSONAL IDENTIFYING INFORMATION CONCERNING ANY PERSONS SUBJECT TO THE PROVISIONS OF PART 3 OF ARTICLE 5 OF THIS TITLE.

**SECTION 2.** 19-1-309, Colorado Revised Statutes, is amended to read:

**19-1-309. Relinquishments and adoption information.** Except as provided in parts 3 and 4 of article 5 of this title and section 19-1-303, 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 OR AS OTHERWISE AUTHORIZED PURSUANT TO ARTICLE 5 OF THIS TITLE. The court shall act to preserve the anonymity

of the biological parents, the adoptive parents, and the child ~~except to the extent disclosure is made~~ FROM THE GENERAL PUBLIC, EXCEPT AS ORDERED BY THE COURT FOR GOOD CAUSE SHOWN PURSUANT TO THIS SECTION OR EXCEPT AS AUTHORIZED pursuant to a designated adoption or pursuant to section 19-5-104 (2) or part 3 or 4 of ~~article 4~~ ARTICLE 5 of this title. A separate docket shall be maintained for relinquishment proceedings and for adoption proceedings.

**SECTION 3.** 19-5-304 (1) (b), (2), (3), and (4) (c), Colorado Revised Statutes, are amended, and the said 19-5-304 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-5-304. Confidential intermediaries - confidential intermediary services.**  
(1) (b) Once a person is included on such list, he or she shall be:

(I) Authorized to inspect confidential relinquishment and adoption records AND POST-ADOPTION RECORDS upon motion to the court by an adult adoptee, adoptive parent OR GRANDPARENT, biological parent OR GRANDPARENT, ADULT biological sibling or half-sibling OF AN ADULT ADOPTEE, ADULT DESCENDANT OF THE ADOPTEE OR THE ADOPTIVE PARENT, LEGAL GUARDIAN OF AN ADOPTEE, SPOUSE OF AN ADOPTEE, ADULT STEPCHILD OF AN ADOPTEE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL;

(II) Available, subject to time constraints, for appointment by the court to act as a confidential intermediary for an adult adoptee, adoptive parent OR GRANDPARENT, biological parent OR GRANDPARENT, ADULT biological sibling or half-sibling OF AN ADULT ADOPTEE, ADULT DESCENDANT OF THE ADOPTEE OR THE ADOPTIVE PARENT, LEGAL GUARDIAN OF AN ADOPTEE, SPOUSE OF AN ADOPTEE, ADULT STEPCHILD OF AN ADOPTEE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL.

(2) Any adult adoptee, adoptive parent OR GRANDPARENT, biological parent OR GRANDPARENT, ADULT biological sibling or half-sibling ~~who is~~ OF AN ADULT ADOPTEE, ADULT DESCENDANT OF THE ADOPTEE OR THE ADOPTIVE PARENT, LEGAL GUARDIAN OF AN ADOPTEE, SPOUSE OF AN ADOPTEE, OR ADULT STEPCHILD OF AN ADOPTEE, ANY OF WHOM ARE eighteen years of age or older, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL may file a motion, with supporting affidavit, in the court where the adoption took place, to appoint one or more confidential intermediaries for the purpose of determining the whereabouts of ~~his or her~~ SUCH INDIVIDUAL'S unknown relative or relatives; except that no one shall seek to determine the whereabouts of a relative who is younger than eighteen years of age. The court may rule on said motion and affidavit without hearing and may appoint a trained confidential intermediary.

(2.5) FOR PURPOSES OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AND SUBSECTION (2) OF THIS SECTION, "LEGAL GUARDIAN" SHALL NOT INCLUDE A GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL ENTITY.

(3) Any information obtained by the confidential intermediary during the course of his OR HER investigation shall be kept strictly confidential and shall be utilized only for the purpose of arranging a contact between the individual who initiated the search and the sought-after biological relative OR FOR THE PURPOSE OF OBTAINING

CONSENT FOR THE RELEASE OF ADOPTION RECORDS.

(4) (c) If consent for personal communication is not obtained from both parties, all relinquishment and adoption records and any information obtained by any confidential intermediary during the course of his OR HER investigation shall be returned to the court and shall remain confidential.

**SECTION 4.** Part 3 of article 5 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**19-5-305. Access to adoption records - contact. (1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS THAT ON MAY 20, 1949, THE GENERAL ASSEMBLY AMENDED COLORADO LAW TO PROVIDE THAT ALL ADOPTION RECORDS IN EXISTENCE ON THAT DATE AND THOSE RECORDS THAT CAME INTO EXISTENCE AFTER THAT DATE WERE TO BE SEALED AND THEREBY MAINTAINED CONFIDENTIAL FROM THE PUBLIC. THEREAFTER, IN 1967, THE GENERAL ASSEMBLY ACTED TO PRESERVE THE ANONYMITY OF THE BIRTH PARENTS, THE CHILD, AND THE ADOPTIVE PARENTS IN ADOPTION ACTIONS. HOWEVER, AS A RESULT OF THESE CHANGES, MANY ADOPTEES HAVE BEEN UNABLE TO MAKE INFORMED MEDICAL DECISIONS, DETERMINE GENETIC CONSEQUENCES OF CERTAIN MEDICAL AND REPRODUCTIVE DECISIONS, AND ENJOY THE BENEFITS RELATING TO KNOWLEDGE ABOUT ONE'S FAMILY HISTORY. ACCORDINGLY, THE GENERAL ASSEMBLY HEREBY DETERMINES THAT IT IS APPROPRIATE TO ALLOW ACCESS TO CERTAIN ADOPTION INFORMATION BY THE PARTIES TO THE ADOPTION PROCEEDING AND THE ADOPTEE, BUT NOT BY THE PUBLIC AT LARGE.

**(2) Determination of accessibility of records and contact.** SUBJECT TO THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION, THE ACCESSIBILITY OF ADOPTION RECORDS, IN ADDITION TO INSPECTION AUTHORIZED BY A COURT UPON GOOD CAUSE SHOWN PURSUANT TO SECTION 19-1-309, AND THE ABILITY OF A PARTY TO THE ADOPTION PROCEEDING OR THE ADOPTEE TO CONTACT THE ADOPTEE OR ANOTHER PARTY SHALL BE GOVERNED BY THE FOLLOWING PROVISIONS BASED UPON THE DATE ON WHICH THE ADOPTION WAS FINALIZED:

**(a) Adoptions finalized prior to September 1, 1999. (I) (A)** EXCEPT TO THE EXTENT DISCLOSURE IS MADE IN DESIGNATED ADOPTIONS, ALL ADOPTION RECORDS RELATING TO ADOPTIONS FINALIZED PRIOR TO SEPTEMBER 1, 1999, SHALL REMAIN CONFIDENTIAL, AND THE NAMES OF THE PARTIES THERETO AND THE NAME OF THE ADOPTEE SHALL REMAIN ANONYMOUS IF THE ADOPTION WAS FINALIZED ON OR AFTER JULY 1, 1967. SUCH RECORDS SHALL BE ACCESSIBLE BY AN ADULT ADOPTEE, AN ADOPTEE'S BIOLOGICAL PARENT OR GRANDPARENT, AN ADOPTEE'S ADOPTIVE PARENT OR GRANDPARENT, AN ADULT BIOLOGICAL SIBLING OR HALF-SIBLING OF AN ADULT ADOPTEE, AN ADULT DESCENDANT OF THE ADOPTEE OR THE ADOPTIVE PARENT, AN ADOPTEE'S LEGAL GUARDIAN, AN ADOPTEE'S SPOUSE, AN ADULT STEPCHILD OF THE ADOPTEE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL THROUGH THE APPOINTMENT OF A CONFIDENTIAL INTERMEDIARY PURSUANT TO SECTION 19-5-304 WHO SUCCESSFULLY OBTAINS CONSENT FROM THE PERSON SOUGHT TO RELEASE SUCH ADOPTION RECORDS OR BY MUTUAL CONSENT OF THE PARTIES UPON PROOF OF IDENTIFICATION.

**(B)** FOR PURPOSES OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), "LEGAL GUARDIAN" SHALL NOT INCLUDE A GOVERNMENTAL ENTITY OF ANY FOREIGN

COUNTRY FROM WHICH A CHILD HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL ENTITY.

(II) THE COURT-APPOINTED CONFIDENTIAL INTERMEDIARY SHALL MAKE A DILIGENT SEARCH OF THE ADOPTION RECORDS AND POST-ADOPTION RECORDS IN AN EFFORT TO FIND THE SOUGHT-AFTER PERSON. IF THE CONFIDENTIAL INTERMEDIARY SUCCESSFULLY LOCATES THE PERSON SOUGHT, THE CONFIDENTIAL INTERMEDIARY SHALL PROVIDE THAT PERSON WITH THE OPPORTUNITY TO:

(A) CONSENT TO OR TO REFUSE TO ALLOW CONTACT BY THE PERSON SEEKING CONTACT; AND

(B) CONSENT TO OR REFUSE TO ALLOW DISCLOSURE OF THE ADOPTION RECORDS TO THE PERSON SEEKING SUCH ACCESS.

**(b) Adoptions finalized on or after September 1, 1999.** (I) (A) ALL ADOPTION RECORDS, AS THAT TERM IS DEFINED IN SECTION 19-1-103 (6.5), RELATING TO ADOPTIONS FINALIZED ON OR AFTER SEPTEMBER 1, 1999, SHALL BE OPEN TO INSPECTION AND AVAILABLE FOR COPYING BY AN ADULT ADOPTEE, AN ADULT ADOPTIVE PARENT, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL. IN ADDITION, ALL THOSE RECORDS DESCRIBED IN SECTION 19-1-103 (6.5) (a) (I), (II), (IV), AND (V) RELATING TO ADOPTIONS FINALIZED ON OR AFTER SEPTEMBER 1, 1999, SHALL BE OPEN TO INSPECTION AND AVAILABLE FOR COPYING BY AN ADULT ADOPTEE'S ADOPTIVE GRANDPARENT, AN ADULT DESCENDANT OF AN ADULT ADOPTEE OR THE ADOPTIVE PARENT, AN ADOPTEE'S LEGAL GUARDIAN, AN ADOPTEE'S SPOUSE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL. NO OTHER PERSON OR ENTITY SHALL HAVE ACCESS TO SUCH RECORDS EXCEPT AS OTHERWISE PROVIDED BY LAW.

(B) FOR PURPOSES OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), "LEGAL GUARDIAN" SHALL NOT INCLUDE A GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL ENTITY.

(C) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE ADOPTION RECORDS SHALL NOT BE OPEN FOR INSPECTION OR AVAILABLE FOR COPYING WITH RESPECT TO ANY IDENTIFYING INFORMATION CONCERNING A BIRTH PARENT IF SUCH BIRTH PARENT HAS PREVIOUSLY PROVIDED THE COURT WITH A SIGNED AND NOTARIZED WRITTEN STATEMENT WITHIN THREE YEARS AFTER THE FINAL ORDER OF RELINQUISHMENT OR TERMINATION SPECIFYING THAT SUCH PARENT WISHES THE IDENTIFYING INFORMATION CONCERNING THAT PARENT TO REMAIN CONFIDENTIAL. THE WRITTEN STATEMENT SHALL REMAIN IN THE COURT'S RELINQUISHMENT OR TERMINATION FILE UNLESS LATER WITHDRAWN BY THE PARENT. THE BIRTH PARENT SUBMITTING SUCH A WRITTEN STATEMENT MAY ALSO SUBMIT TO THE COURT A LETTER OF EXPLANATION THAT SHALL BE RELEASED TO THE ADOPTEE AT THE TIME THAT THE ADOPTEE MAKES A REQUEST FOR INSPECTION OF THE ADOPTION RECORDS.

(II) FOR ADOPTIONS FINALIZED ON OR AFTER SEPTEMBER 1, 1999, CONTACT BY AN ADULT ADOPTEE, AN ADULT ADOPTIVE PARENT, OR AN ADULT DESCENDANT OF THE ADOPTEE OR THE ADOPTIVE PARENT WITH A BIRTH PARENT OR BIOLOGICAL RELATIVE

MAY BE ATTEMPTED AT ANY TIME DIRECTLY OR THROUGH ANOTHER PERSON OR AGENCY INCLUDING, BUT NOT LIMITED TO, A CONFIDENTIAL INTERMEDIARY APPOINTED PURSUANT TO SECTION 19-5-304; EXCEPT THAT CONTACT WITH A BIRTH PARENT WHO HAS PREVIOUSLY PROVIDED A WRITTEN STATEMENT TO THE COURT AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) MAY BE ATTEMPTED THROUGH A CONFIDENTIAL INTERMEDIARY APPOINTED PURSUANT TO SECTION 19-5-304.

(III) FOR ADOPTIONS FINALIZED ON OR AFTER SEPTEMBER 1, 1999, A BIRTH PARENT SHALL HAVE ACCESS TO ADOPTION RECORDS AND CONTACT WITH THE ADOPTEE OR THE ADOPTIVE FAMILY AS OTHERWISE PROVIDED BY LAW.

(c) (I) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2), IF IT IS DETERMINED THAT THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IS DECEASED, THEN THE PERSON SEEKING THE INFORMATION, WHETHER HE OR SHE IS THE ADULT ADOPTEE, THE ADULT ADOPTIVE PARENT, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL, SHALL BE ALLOWED ACCESS TO THE ADOPTION RECORDS. IN ADDITION, AN ADULT ADOPTEE'S ADOPTIVE GRANDPARENT, AN ADULT DESCENDANT OF AN ADULT ADOPTEE OR THE ADOPTIVE PARENT, AN ADOPTEE'S LEGAL GUARDIAN, AN ADOPTEE'S SPOUSE, OR THE LEGAL REPRESENTATIVE OF ANY SUCH INDIVIDUAL SHALL BE ALLOWED ACCESS TO THOSE RECORDS DESCRIBED IN SECTION 19-1-103 (6.5) (a) (I), (II), (IV), AND (V).

(II) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), "LEGAL GUARDIAN" SHALL NOT INCLUDE A GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL ENTITY.

**(3) Access to identifying information through child placement agencies.**

(a) UPON PROOF OF IDENTITY OF THE PERSON SUBMITTING THE CONSENT FORM, A LICENSED CHILD PLACEMENT AGENCY SHALL ACCEPT A CONSENT FORM, AS THAT TERM IS DEFINED IN SECTION 19-1-103 (28.5), FROM AN ADULT ADOPTEE OR FROM EITHER ADULT ADOPTEE'S BIRTH PARENT OR FROM AN ADULT ADOPTIVE PARENT AUTHORIZING THE RELEASE OF IDENTIFYING INFORMATION, AS THAT TERM IS DEFINED IN SECTION 19-1-103 (63.5), CONCERNING THE PERSON SUBMITTING THE CONSENT FORM, TO THE EXTENT SUCH INFORMATION IS AVAILABLE TO THE CHILD PLACEMENT AGENCY.

(b) (I) UPON INQUIRY BY AN ADULT ADOPTEE OR AN ADULT ADOPTEE'S BIRTH PARENT OR AN ADULT ADOPTIVE PARENT SEEKING INFORMATION ABOUT ANOTHER PARTY FROM A LICENSED CHILD PLACEMENT AGENCY, THE CHILD PLACEMENT AGENCY SHALL BE AUTHORIZED TO RELEASE IDENTIFYING INFORMATION TO THE INQUIRING PERSON, UPON PROOF OF IDENTITY BY THE INQUIRING PERSON, IF THE LICENSED CHILD PLACEMENT AGENCY IS IN POSSESSION OF A CONSENT FORM FROM THE PARTY ABOUT WHOM INFORMATION IS SOUGHT AUTHORIZING SUCH RELEASE.

(II) IN THOSE CIRCUMSTANCES IN WHICH A CHILD PLACEMENT AGENCY HAS RELEASED IDENTIFYING INFORMATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE CHILD PLACEMENT AGENCY MAY ATTEMPT TO LOCATE THE PERSON WHO HAD ORIGINALLY SUBMITTED THE CONSENT FORM AND, UPON LOCATING SUCH PERSON, ADVISE HIM OR HER OF THE RELEASE. IF THE INQUIRING PERSON ALSO

SUBMITTED A CONSENT FORM AUTHORIZING THE RELEASE OF IDENTIFYING INFORMATION ABOUT HIM OR HER, THE CHILD PLACEMENT AGENCY MAY PROVIDE SUCH IDENTIFYING INFORMATION TO THE PERSON LOCATED.

(c) A LICENSED CHILD PLACEMENT AGENCY THAT ACCEPTS A CONSENT FORM MAY CHARGE A REASONABLE FEE TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE SERVICES PROVIDED PURSUANT TO THIS SUBSECTION (3), IF A WRITTEN FEE AGREEMENT HAS BEEN SIGNED BY THE AGENCY AND THE PARTY SUBMITTING THE CONSENT FORM PRIOR TO THE PROVISION OF ANY SERVICE. THE LICENSED CHILD PLACEMENT AGENCY SHALL BE REQUIRED TO PROVIDE A LIST OF NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ORGANIZATIONS PERFORMING SIMILAR SERVICES PRIOR TO SIGNING ANY FEE AGREEMENT WITH ANY PARTY SUBMITTING A CONSENT FORM. INFORMATION IN THE POST-ADOPTION RECORD IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT OF HUMAN SERVICES, A LICENSED CHILD PLACEMENT AGENCY, OR A COURT EXCEPT AS SPECIFICALLY PERMITTED IN THIS PART 3, OR AS MAY BE DEEMED NECESSARY BY THE DEPARTMENT OF HUMAN SERVICES IN PERFORMING ITS DUTIES UNDER THIS PART 3.

(d) THE RELEASE OF ANY INFORMATION BY A LICENSED CHILD PLACEMENT AGENCY PURSUANT TO THIS SUBSECTION (3) SHALL BE SUBJECT TO THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION.

(4) **Access to information and contact concerning sibling groups.** NOTWITHSTANDING THE PROVISIONS SET FORTH IN SUBSECTIONS (2) AND (3) OF THIS SECTION AUTHORIZING ACCESS TO ADOPTION RECORDS AND CONTACT WITH AN ADOPTEE, IN THOSE CIRCUMSTANCES IN WHICH ONE FAMILY HAS ADOPTED TWO OR MORE SIBLINGS, ACCESS TO THE ADOPTION RECORDS CONCERNING AN ADOPTEE AND CONTACT WITH AN ADOPTEE SHALL NOT OCCUR UNTIL ALL OF THE SIBLINGS ADOPTED BY THE FAMILY HAVE ATTAINED EIGHTEEN YEARS OF AGE.

(5) **Adult adoptee's restriction on access to records.** NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, AN ADULT ADOPTEE MAY, AT ANY TIME, PROVIDE THE COURT THAT FINALIZED THE ADOPTION WITH A SIGNED AND NOTARIZED WRITTEN STATEMENT SPECIFYING THAT SUCH ADULT ADOPTEE WISHES TO MAINTAIN THE IDENTIFYING INFORMATION CONCERNING THAT ADOPTEE CONFIDENTIAL. THE WRITTEN STATEMENT SHALL REMAIN IN THE COURT'S ADOPTION FILE UNLESS LATER WITHDRAWN BY THE ADOPTEE. NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO AFFECT ACCESS TO RECORDS THROUGH THE CONFIDENTIAL INTERMEDIARY PROCESS.

**19-5-306. Public information campaign.** THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR SUCH EXECUTIVE DIRECTORS' DESIGNEES, SHALL WORK TOGETHER TO DESIGN AND IMPLEMENT EFFORTS WITHIN EXISTING APPROPRIATIONS TO ASSIST IN INFORMING THE PUBLIC ABOUT THE EXISTENCE AND AVAILABILITY OF THE CONFIDENTIAL INTERMEDIARY PROCESS ESTABLISHED IN THIS PART 3 AND THE VOLUNTARY ADOPTION REGISTRY ESTABLISHED PURSUANT TO SECTION 25-2-113.5, C.R.S., AND TO INFORM THE PUBLIC ABOUT THE CHANGE IN THE AVAILABILITY OF ADOPTION RECORDS AND OTHER RECORDS RELATED TO THE ADOPTION PROCESS AS SET FORTH IN SECTION 19-5-305. SUCH EFFORTS SHALL BE IMPLEMENTED WITHIN EXISTING APPROPRIATIONS ON OR BEFORE SEPTEMBER 1, 1999, BY DISSEMINATING

INFORMATION TO THE PUBLIC THROUGH CHILD PLACEMENT AGENCIES AND THROUGH THE USE OF PUBLIC SERVICE ANNOUNCEMENTS AND SUCH OTHER ADDITIONAL MEANS OF COMMUNICATION AS THE EXECUTIVE DIRECTORS OR THEIR DESIGNEES DETERMINE APPROPRIATE.

**SECTION 5.** 25-2-113 (1) (b), (3), and (6), Colorado Revised Statutes, are amended to read:

**25-2-113. New certificates of birth following adoption - legitimation - parentage determination.** (1) (b) A new certificate of birth shall be prepared by the state registrar as to any adopted person born in a foreign country and a resident of this state whenever ~~he~~ THE STATE REGISTRAR receives with respect to such person a certified copy of the final decree of adoption as required by section 19-5-212, C.R.S., and section 25-2-107 and findings of fact as required by this section. In proceedings for the adoption of a person who was born in a foreign country, the juvenile court having jurisdiction of adoptions, upon evidence from reliable sources, shall make findings of fact as to the date and place of birth and parentage of such person. The state registrar shall prepare a new birth certificate in the new name of the adopted person and shall seal the certified copy of the findings of the court and the certified copy of the final decree of adoption WHICH SHALL BE KEPT CONFIDENTIAL EXCEPT AS OTHERWISE PROVIDED IN PART 3 OF ARTICLE 5 OF TITLE 19, C.R.S. The birth certificate shall be labeled as a certificate of foreign birth and shall show specifically the true or probable country of birth and that the certificate is not evidence of United States citizenship. If the child was born in a foreign country but was a citizen of the United States at the time of birth, the state registrar shall not prepare a certificate of foreign birth but instead shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for their child through the United States department of state. Any copy of a certificate of foreign birth issued shall indicate this policy, show the actual place of birth, and indicate the fact that the certificate is not proof of United States citizenship for the adopted child. A new certificate of birth in the new name of the adopted person prepared by the state registrar pursuant to this section is hereby legalized and made valid.

(3) Thereafter, the original certificate and evidence concerning adoption, legitimacy, or parentage shall be sealed and not be subject to inspection except as provided in section 25-2-113.5 OR IN PART 3 OF ARTICLE 5 OF TITLE 19, C.R.S., by regulation, or upon order of a court of competent jurisdiction after the court has satisfied itself that the interests of the child or the child's descendants or the parents will best be served by opening said seal. The information obtained from opening said seal may be withheld from public view or from being presented as evidence at the discretion of the judge.

(6) When a new certificate of birth is established by the state registrar, all copies of the original certificate of birth in the custody of any other custodian of vital records in this state shall be sealed from inspection, EXCEPT AS OTHERWISE PROVIDED IN PART 3 OF ARTICLE 5 OF TITLE 19, C.R.S., or forwarded to the state registrar, as ~~he~~ THE STATE REGISTRAR shall direct.

**SECTION 6. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 7. Effective date.** This act shall take effect July 1, 1999.

**SECTION 8. 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: June 2, 1999