

CHAPTER 59

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 09-079

BY SENATOR(S) Newell, Boyd, Bacon, Carroll M., Foster, Groff, Hodge, King K., Lundberg, Morse, Sandoval, Schultheis, Shaffer B., Spence, Tochtrop, White, Williams;
 also REPRESENTATIVE(S) Acree and Kefalas, Primavera, Casso, Fischer, Gerou, Green, Kerr J., Labuda, McGihon, Merrifield, Murray, Nikkel, Ryden, Schafer S., Solano, Stephens, Summers, Todd.

AN ACT

CONCERNING IMPROVING THE WELL-BEING OF CHILDREN IN THE FOSTER CARE SYSTEM BY IMPROVING THE ABILITY OF BIRTH SIBLINGS TO MAINTAIN LONG-TERM CONNECTIONS.

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

SECTION 1. The introductory portions to 19-5-304 (1) (b) and (1) (b) (I), Colorado Revised Statutes, are amended, and the said 19-5-304 (1) (b) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

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

(I) Authorized to inspect confidential relinquishment and adoption records, ~~and~~ post-adoption records, ~~upon~~ AND DEPENDENCY AND NEGLECT RECORDS, INCLUDING BUT NOT LIMITED TO COURT FILES, WITHIN FORTY-FIVE DAYS AFTER A motion to the court IS FILED by the following persons:

(G) A FORMER FOSTER CHILD WHO MAY OR MAY NOT HAVE BEEN ADOPTED, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, AND WHO IS SEARCHING FOR A BIRTH SIBLING WHO IS ALSO EIGHTEEN YEARS OF AGE OR OLDER, WHO MAY OR MAY NOT HAVE BEEN ADOPTED, AND WHO MAY OR MAY NOT HAVE BEEN IN THE FOSTER CARE SYSTEM;

SECTION 2. 25-2-113.5 (1) and (6), Colorado Revised Statutes, are amended, and the said 25-2-113.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

25-2-113.5. Limited access to information upon consent of all parties - voluntary adoption registry. (1) Adoption is based upon the legal termination of parental rights and responsibilities of birth parents and the creation of the legal relationship of parent and child between an adoptee and his OR HER adoptive parents. Under current laws and the social premises underlying adoption, the general assembly has been charged with the duty to preserve the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees, and the adoptive parents. The general assembly recognizes, however, that some adults who were adopted as children, THEIR SIBLINGS WHO MAY OR MAY NOT HAVE BEEN ADOPTED, and some birth parents whose children were surrendered for adoption have a strong desire to obtain information about each other. The purpose of this section is to set up a voluntary adoption registry where qualified persons may register their willingness to the release of information to each other and to provide for the disclosure of such information.

(5.5) THE REGISTRAR SHALL MAINTAIN A CONFIDENTIAL LIST OF FORMER FOSTER CHILDREN WHO MAY OR MAY NOT HAVE BEEN ADOPTED, WHO ARE EIGHTEEN YEARS OF AGE OR OLDER, WHO HAVE PRESENTED A CONSENT REGARDING THE RELEASE OF IDENTIFYING INFORMATION ABOUT THEMSELVES AND WHO ARE SEARCHING FOR A SIBLING WHO IS ALSO EIGHTEEN YEARS OF AGE OR OLDER, WHO MAY OR MAY NOT HAVE BEEN ADOPTED, AND WHO MAY OR MAY NOT HAVE BEEN IN THE FOSTER CARE SYSTEM. ANY CONSENT BY SUCH SIBLING SHALL BE ACCOMPANIED BY THE SIBLING'S DESIRED METHOD OF NOTIFICATION IN THE EVENT THAT A MATCH OCCURS. HOWEVER, THE STATE SHALL NOT INCUR COSTS OF NOTIFICATION IN EXCESS OF THAT PART OF THE FEE CHARGED TO THE APPLICANT FOR THE PURPOSE OF NOTIFICATION. A SIBLING MAY REVISE HIS OR HER CONSENT WITH RESPECT TO CHANGE OF ADDRESS OR METHOD OF NOTIFICATION. ANY NAME AND ACCOMPANYING INFORMATION SHALL BE REMOVED FROM THE LIST UPON THE VERIFIED WRITTEN REQUEST OF THE LISTED SIBLING. THE REGISTRAR SHALL MAINTAIN A CLOSED RECORD OF THE LIST AND ACCOMPANYING INFORMATION EXCEPT AS PROVIDED FOR PURSUANT TO THIS SECTION.

(6) The registrar shall regularly review the lists provided for in subsections (3), (4), ~~and~~ (5), AND (5.5) of this section and any other nonsealed administrative files or records within his OR HER office to determine if there is a match. If it appears that a match has occurred, then and only then is the registrar authorized to proceed to confirm the match through recourse to sealed documents on file in the office of the registrar. When a match is confirmed, the registrar shall notify each party, by his OR HER designated method only, prior to an exchange of identifying information. Nothing in this section shall be construed to allow any state or local governmental department, agency, or institution, or any employee thereof, to solicit any consent for the release of identifying information.

SECTION 3. 25-2-113.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-2-113.5. Limited access to information upon consent of all parties - voluntary adoption registry. (2) As used in this section, unless the context otherwise requires:

(g.5) "SIBLING" SHALL HAVE THE SAME MEANING AS "BIOLOGICAL SIBLING",

SECTION 19-1-103 (14), C.R.S.

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 25, 2009