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1. Hopp v. Patterman, 757 P.2d 164

Client/Matter: Ashley Zimmerman



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Hopp v. Patterman

Court of Appeals of Colorado, Division One
April 28, 1988, Filed
No. 87CA0788

Reporter: 757 P.2d 164; 1988 Colo. App. LEXIS 90; 12 BTR 651

Vickie Sue HOPP, Plaintiff-Appellee, v. Patricia PATTERMAN, Clerk of the District Court for the Twentieth Judicial District, Defendant-Appellant

Subsequent History: Rehearing Denied May 26, 1988.

Prior History: [**1] Appeal from the District Court of Boulder County, Honorable Ralph H. Coyte, Judge.

Disposition: Judgment Affirmed.

Core Terms

stepmother, stepchildren, joinder, multiple claims, siblings, adoption proceeding, separate petition, confidentiality, preserving confidentiality, district court, third party, trial court, disclosure, deceased, singular, parties, rule of statutory construction, statutory requirements, judicial district, refuse to accept, summary judgment, adoptive parent, natural mother, natural parent, no purpose, proceedings, anonymity, mandating, includes, plural

Case Summary

Procedural Posture

Appellant district court clerk challenged an order from the District Court, Twentieth Judicial District (Colorado), which granted summary judgment in favor of appellee stepmother and permitted the stepmother to file a single petition and pay a single fee in her proceeding to adopt her stepchildren.

Overview

The stepmother filed a petition and paid one docket fee when she filed a petition to adopt her four stepchildren. The children had the same father and the same mother, who was deceased. The clerk refused to accept the petition and advised the stepmother that a separate petition and docket fee was required for each child. The stepmother sought an order mandating the clerk to accept the single petition and fee, which the trial court granted. The clerk appealed, contending that in termination and adoption proceedings she was statutorily required to maintain the

anonymity of the natural parents, children, and adoptive parents and this meant preserving the confidentiality of such proceedings even between siblings. The court disagreed, holding that nothing prohibited joinder and that joinder of multiple claims and parties was expressly permitted by [Colo. R. Civ. P. 18\(a\), 20\(a\)](#). The statutory confidentiality purpose was to protect adoption proceedings from disclosure to third parties. However, it served no purpose to preserve confidentiality among the siblings or parents where the natural mother was deceased and the stepmother was adopting all the children.

Outcome

The court affirmed the order of the trial court, which had permitted the stepmother to file a single petition in her proceeding to adopt her stepchildren.

LexisNexis® Headnotes

Family Law > Adoption > Adoption Procedures > General Overview
Governments > Courts > Clerks of Court

HN1 See [Colo. Rev. Stat. § 19-4-104\(2\)](#) (1986).

Civil Procedure > Pleading & Practice > Joinder of Claims & Remedies > General Overview

Civil Procedure > Pleading & Practice > Joinder of Claims & Remedies > Joinder of Claims

Family Law > Adoption > Adoption Procedures > General Overview

HN2 Neither the Colorado Children's Code, [Colo. Rev. Stat. § 19-1-101 et seq.](#) (1986), nor the Colorado Rules of Juvenile Procedure prohibit joinder of multiple claims.

Civil Procedure > Parties > Joinder of Parties > General Overview

Civil Procedure > Pleading & Practice > Joinder of Claims & Remedies > General Overview

Civil Procedure > Pleading & Practice > Joinder of Claims & Remedies > Joinder of Claims

HN3 The joinder of multiple claims and parties is expressly permitted by [Colo. R. Civ. P. 18\(a\), 20\(a\)](#).

Governments > Legislation > Interpretation

HN4 A rule of statutory construction is that the singular includes the plural.

Counsel: Hopp, Carlson & Beckmann, P.C., Walter J. Hopp, Longmont, Colorado, Attorneys for Plaintiff-Appellee.

Duane Woodard, Attorney General, Charles B. Howe, Chief Deputy Attorney General Richard H. Forman, Solicitor General, Neil Tillquist, Assistant Attorney General, Denver, Colorado, Attorneys for Defendant-Appellant.

Judges: Judge Plank, Pierce and Tursi, JJ., concur.

Opinion by: PLANK

Opinion

[*165] Patricia Patterman, clerk of the district court for the twentieth judicial district, appeals the summary judgment entered in favor of Vickie Sue Hopp, on Hopp's [C.R.C.P. 106\(a\)\(2\)](#) complaint. We affirm.

In December 1986, Hopp filed a single petition with one docket fee for the adoption of her four stepchildren. The children all have the same father, the same mother, now deceased, and the same adopting stepmother. The clerk refused to accept the single petition naming the four stepchildren and advised Hopp that a separate petition and docket fee was required for each child.

Hopp sought an order mandating the clerk to accept a single petition for the adoption of her four stepchildren. The trial court permitted **[**2]** Hopp to file a single petition and docket fee for the adoption of the stepchildren.

[Section 19-4-104\(2\), C.R.S.](#) (1986 Repl. Vol. 8B) provides that: **HN1** "In all matters relating to the relinquishment and adoption of children, the court shall act to preserve the anonymity of the natural parents, child, and adoptive parents." The clerk argues that this statutory requirement means that the court clerk has a duty to preserve the confidentiality of such proceedings even between siblings. We decline to adopt this interpretation of the statute.

HN2 Neither the Colorado Children's Code, [§ 19-1-101, et seq., C.R.S.](#) (1986 Repl. Vol. 8B), nor the Colorado Rules of Juvenile Procedure prohibit joinder of multiple claims. Moreover, **HN3** the joinder of multiple claims and parties is expressly permitted by [C.R.C.P. 18\(a\)](#) and [C.R.C.P. 20\(a\)](#).

The statute is intended to, and does, adequately protect the confidentiality of adoption proceedings against disclosure to third parties. However, it serves no purpose to preserve confidentiality among the siblings or the parents here where the natural mother is dead and the stepparent is adopting all the children.

Furthermore, in light of **HN4** the rule of statutory construction **[**3]** that the singular includes the plural, we are not persuaded that a separate petition is required for each child merely because the statute generally refers to an adopted child in the singular. See [§ 2-4-102, C.R.S.](#) (1980 Repl. Vol. 1B).

Judgment affirmed.

JUDGE PIERCE and JUDGE TURSI concur.