



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4552/1
EHS:emw

2021 ASSEMBLY BILL 577

September 22, 2021 - Introduced by Representatives STEFFEN, HORLACHER, MURSAU, ROZAR, CABRERA and SINICKI, cosponsored by Senators COWLES, FELZKOWSKI, WANGGAARD, L. TAYLOR and JACQUE. Referred to Committee on Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 48.433 (4), 48.433 (5) (intro.), 48.433 (6) (a), 48.433 (7) (a)
2 (intro.), 48.433 (8) (a) and 48.433 (8) (b); and **to create** 48.433 (8g) of the
3 statutes; **relating to:** access to a deceased adoptee's original birth certificate
4 and information about birth parents by an adult child of the adoptee.

Analysis by the Legislative Reference Bureau

This bill provides an avenue for the adult offspring of a person whose birth parents' parental rights have been terminated to access the offspring's parent's original birth certificate and information about the birth parents.

Under current law, the Department of Children and Families administers an adoption search program under which a person 18 years of age or over whose birth parent's rights have been terminated in this state may request DCF to provide the person with his or her original birth certificate and any information that is available to DCF regarding the identity and location of the person's birth parents. With certain exceptions, DCF may disclose the requested information only if DCF has on file an unrevoked affidavit from each known birth parent authorizing DCF to disclose that information. However, if a birth parent who has not filed an affidavit is known to be deceased, DCF must inform the requester that the birth parent is deceased, provide the requester with the identity of the deceased birth parent, and, if both birth parents are deceased, provide the requester with his or her original birth certificate.

Under the bill, the adult child of a person whose birth parents' parental rights have been terminated in this state (offspring) may request DCF to provide the offspring with the original birth certificate of the offspring's parent and any

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information that is available to DCF regarding the identity of the birth parents of the offspring's parent. If the offspring's parent and both birth parents of the offspring's parent are deceased, regardless of whether either birth parent has filed an affidavit, DCF must disclose the requested information. If any of those individuals are still living, DCF may not disclose the requested information.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.433 (4) of the statutes is amended to read:

2 48.433 (4) Before acting on the a request under sub. (3), the department, or
3 agency contracted with under sub. (11), shall require the requester to provide
4 adequate identification.

5 **SECTION 2.** 48.433 (5) (intro.) of the statutes is amended to read:

6 48.433 (5) (intro.) The department, or agency contracted with under sub. (11),
7 shall disclose the requested information under sub. (3) in either of the following
8 circumstances:

9 **SECTION 3.** 48.433 (6) (a) of the statutes is amended to read:

10 48.433 (6) (a) If the department, or agency contracted with under sub. (11), does
11 not have on file an affidavit from each known birth parent, it shall, within 3 months
12 after the date of the original request under sub. (3), undertake a diligent search for
13 each birth parent who has not filed an affidavit. The search shall be completed
14 within 6 months after the date of the request, unless the search falls within one of
15 the exceptions established by the department by rule. If any information has been
16 provided under sub. (5), the department or agency is not required to conduct a search.

17 **SECTION 4.** 48.433 (7) (a) (intro.) of the statutes is amended to read:

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1 48.433 (7) (a) (intro.) The department or agency conducting the search under
2 sub. (6) shall, upon locating a birth parent, make at least one verbal contact and
3 notify him or her of the following:

4 **SECTION 5.** 48.433 (8) (a) of the statutes is amended to read:

5 48.433 (8) (a) If a birth parent of a requester under sub. (3) is known to be
6 deceased, the department, or agency contracted with under sub. (11), shall so inform
7 the requester. The department or agency shall provide the requester with the
8 identity of the deceased parent. If both birth parents are known to be deceased, the
9 department or agency shall provide the requester with his or her original birth
10 certificate. If only one birth parent is known to be deceased, the department or
11 agency shall provide the requester with his or her original birth certificate and any
12 available information it has on file regarding the identity and location of the other
13 birth parent if the other birth parent has filed an unrevoked affidavit under sub. (2).

14 **SECTION 6.** 48.433 (8) (b) of the statutes is amended to read:

15 48.433 (8) (b) If a birth parent of a requester under sub. (3) is known to be dead,
16 the department, or agency contracted with under sub. (11), in addition to the
17 information provided under par. (a), shall provide the requester with any
18 nonidentifying social history information about the deceased parent on file with the
19 department or agency.

20 **SECTION 7.** 48.433 (8g) of the statutes is created to read:

21 48.433 (8g) (a) In this subsection, “offspring” means an adult who is the child
22 of a person whose birth parents’ parental rights have been terminated in this state
23 or who has been adopted in this state with the consent of his or her birth parent or
24 parents before February 1, 1982.

