

2013 DRAFTING REQUEST

Bill

Received: **8/19/2013** Received By: **tdodge**
Wanted: **As time permits** Same as LRB: **-0172**
For: **Robert Jauch (608) 266-3510** By/Representing: **Lisa Lundquist**
May Contact: Drafter: **tdodge**
Subject: **Health - vital statistics** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Jauch@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Reverting to an original birth certificate after adoption

Instructions:

Redraft of 2011 AB 12 (11-0672/1) as amended by AA1 (11a2151) and AA2 (11a2199)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	tdodge 8/19/2013	jdyer 8/19/2013	rschlue 8/19/2013	_____	sbasford 8/19/2013	sbasford 8/19/2013	State S&L

FE Sent For:

<END>

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Intro.

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<END>

Dodge, Tamara

From: Lundquist, Lisa
Sent: Thursday, August 15, 2013 3:52 PM
To: Dodge, Tamara
Subject: Senate companion request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamara,

I know it a little late in the process but could we get a senate companion drafted for AB17 relating to: the restoration of information from an original birth certificate after adoption.

Please call me with any questions or concerns.

Thank you!

Lisa
Office of Senator Jauch
266-3510



State of Wisconsin
2013 - 2014 LEGISLATURE



2953/1

LRB-0172/1

TJD:sac:ph

keep

Companion redraft
make run

In 8/19/13 soon

2013 ASSEMBLY BILL 17

Companion -
no changes

February 15, 2013 - Introduced by Representatives T. LARSON, MILROY, KESTELL, BERNIER, BEWLEY, HEBB, KAHL, KNUDSON, LEMAHIEU, OHNSTAD, THIESFELDT, ZEPNICK and A. OTT, cosponsored by Senators JAUCH, MILLER and TAYLOR. Referred to Committee on Children and Families.

4

Regen

- 1 AN ACT to renumber 48.94; to amend 69.15 (2) (a) (intro.); and to create 48.94
- 2 (2) and 69.15 (2) (d) of the statutes; relating to: the restoration of information
- 3 from an original birth certificate after adoption.

Analysis by the Legislative Reference Bureau

Under current law, at the time a person is adopted the state registrar must prepare a new birth certificate for the adoptee unless the adoptive parents or the person being adopted objects. The new birth certificate must contain, among other information, the names and personal information of the adoptive parents, unless the court's order of adoption indicates otherwise. When a new certificate is issued, the original certificate is impounded and may be accessed only by court order, with permission of the birth parents, or for processing purposes of the state registrar.

This bill allows an adult who has been adopted to petition the court to order the state registrar to prepare a new birth certificate based on information on the person's original birth certificate if the person did not have the opportunity, at the time of the adoption, to request that a new birth certificate not be prepared; the person knows the identity of each birth parent who is named on his or her original birth certificate; and each birth parent who is alive and who is named on the person's original birth certificate does not object to the restoration of the information on the person's original birth certificate. Under the bill, if the court finds that all of those circumstances apply, the court must grant the petition. The state registrar must issue a new birth certificate that uses all of the information from the original birth certificate, if ordered by the court.

ASSEMBLY BILL 17

A new birth certificate issued under the bill does not affect the legal relationship between the adoptive parents and the adoptee and does not restore any legal rights or legal relationship that terminated at the time of adoption.

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.** 48.94 of the statutes is renumbered 48.94 (1).

2 **SECTION 2.** 48.94 (2) of the statutes is created to read:

3 48.94 (2) If the court issues an order under s. 69.15 (2) (d) to restore the
4 information from an adoptee's original birth certificate, the state registrar shall
5 issue a new birth certificate containing the information from the adoptee's original
6 birth certificate. The restoration of any birth parent's name on the adoptee's birth
7 certificate does not do any of the following:

8 (a) Affect the legal relationship of parent and adoptee that was created by the
9 order of adoption.

10 (b) Restore any legal rights or any legal relationship that terminated upon the
11 order of adoption.

12 **SECTION 3.** 69.15 (2) (a) (intro.) of the statutes is amended to read:

13 69.15 (2) (a) (intro.) Except as provided under par. (b), if the state registrar
14 receives an order under sub. (1) which provides for an adoption, the state registrar
15 shall prepare, under sub. (6), a new certificate for the subject of the adoption unless
16 the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that
17 no new certificate be prepared. If the order is from a court in this state, the order
18 shall include a certified copy of the original birth certificate registered for the subject
19 of the adoption. The new certificate shall show:

Basford, Sarah

From: Buhrandt, Jeff
Sent: Monday, August 19, 2013 12:22 PM
To: LRB.Legal
Subject: Draft Review: LRB -2953/1 Topic: Reverting to an original birth certificate after adoption

Please Jacket LRB -2953/1 for the SENATE.