



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 134
[2015 Senate Bill 386]

**Adoption Records Search
Program**

Under current law, the Department of Children and Families (DCF) administers an adoption records search program, allowing a person whose birth parent's parental rights have been terminated to obtain information regarding the identity and location of the birth parent, in certain cases. 2015 Wisconsin Act 134 (the Act) modifies the adoption records search program in several ways.

INFORMATION REGARDING DECEASED BIRTH PARENT

The Act modifies the adoption records search program as it affects information of a birth parent who is known to be deceased. If a person requests information regarding the identity of his or her birth parent who is deceased, the Act requires DCF to provide the information to the requestor. If both birth parents are known to be deceased, or if one is known to be deceased and the other has filed an affidavit authorizing the disclosure, DCF also must provide the requestor with his or her original birth certificate. These provisions depart from prior law, which had prohibited DCF from identifying a deceased birth parent without a court order.

PHYSICIAN STATEMENT

Under the adoption records search program, a birth parent whose parental rights have been terminated may file with DCF any relevant medical or genetic information about the birth parent or his or her child. Upon the request of the child, or certain other individuals specified in the Act, DCF must disclose the medical or genetic information to the requestor. If DCF does not have that information on file, the requestor may request that DCF conduct a search for the birth parents to obtain any relevant medical or genetic information. The Act modifies the procedure for making the search request, including eliminating a requirement that the search request be accompanied by a statement from a physician certifying that the child has a medical need for the information.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

INFORMATION REGARDING BIRTH CHILD

The Act creates a new procedure under the adoption records search program, allowing a birth parent to obtain information regarding the identity and location of his or her child, in certain cases. Under the Act, an adult person may file an affidavit authorizing DCF to provide information about his or her identity and location to a birth parent whose parental rights have been terminated. If DCF has the affidavit on file, and if a birth parent requests information about the identity and location of the child, DCF is required to disclose the information to the birth parent. For this purpose, the Act defines “birth parent” to include any person who may be the child’s biological parent and whose parental rights have been terminated. Also, the Act prohibits DCF from disclosing any information that would reveal the identity or location of a birth parent other than the birth parent requesting the information.

Effective date: February 6, 2016

Prepared by: Brian Larson, Staff Attorney

May 13, 2016

BL:mcm;ksm