



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 12**

**Assembly  
Amendments 1 and 2**

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2011 Assembly Bill 12 permits a person who has been adopted to petition a court to order that a birth certificate be prepared that contains the information from the person's original birth certificate.

### *Current Law*

Under current law, when 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. In general, the new birth certificate contains the names of the adoptive parents. The original birth 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.

### *Assembly Bill 12*

The bill provides that a court must order the State Registrar to prepare for the subject of a birth certificate a new birth certificate based on the information on the subject's original birth certificate if all of the following circumstances apply:

- The subject of the birth certificate petitions the court for a new birth certificate.
- The subject is an adult who was the subject of an adoption.
- The subject did not have an opportunity at the time of the adoption to request that no new birth certificate be prepared.
- Any adoptive parent who is alive and who is named on the subject's birth certificate does not object to the removal of his or her name from the subject's birth certificate.

- Any birth parent who is alive and who is named on the subject's original birth certificate does not object to the restoration of the information on the subject's original birth certificate.

If the court issues an order for preparation of a new birth certificate, the restoration of any birth parent's name on the birth certificate does not alter the legal relationship of parent and adoptee that was created by the order of adoption or restore any legal rights or any legal relationship that terminated upon the order of adoption.

### **Assembly Amendment 1**

Assembly Amendment 1 provides that a court must find that the subject of a birth certificate knows the identity of each birth parent who is named on his or her original birth certificate before the court may order the preparation of a new birth certificate.

### **Assembly Amendment 2**

Assembly Amendment 2 removes the requirement for ordering a new birth certificate that any adoptive parent who is alive and who is named on the subject's birth certificate does not object to the removal of his or her name from the subject's birth certificate.

### **Legislative History**

Representatives Kestell and Milroy offered Assembly Amendments 1 and 2. On February 8, 2012, the Assembly Committee on Children and Families voted unanimously to recommend adoption of Assembly Amendments 1 and 2 and passage of Assembly Bill 12, as amended.

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